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MAR 25 2008

DEPARTMENT OF
WATER RESOURCES

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

) Subcase No. 73-00050
)
)
)
)
)
)

STANDARD FORM 5

STIPULATED ELEMENTS OF A
WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT:

Merle O'Neal

CLAIMANT:

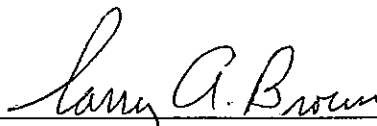
Lynette O'Neal

Merle O'Neal 3/6/08
Merle O'Neal Date
Pro Se

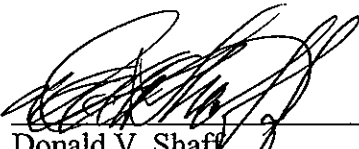
Lynette O'Neal
Lynette O'Neal Date
Pro Se

OBJECTOR

United States of America


Larry Brown, Attorney *Fwp* Date
Bureau of Land Management

IDWR Concurrence:


Donald V. Shaft Date
Adjudication Bureau Chief


Chris Bromley Date
Deputy Attorney General
Attorney for IDWR

02/26/2008

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 73-50

NAME AND ADDRESS: LYNETTE A O NEAL
32 FALLS CREEK LN
MAY ID 83253

MERLE J O NEAL
32 FALLS CREEK LN
MAY ID 83253

SOURCE: FALLS CREEK

TRIBUTARY: PATTERSON CREEK

QUANTITY: 1.600 CFS

The quantity of water under this right shall be measured at a point in T14N,
R22E, S01, SESW.

PRIORITY DATE: 04/01/1887

POINT OF
DIVERSION:

T14N R23E S6 NENENE Lot 6 Within LEMHI County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 10/31	1.600 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T14N R22E S08	NENE	40.00	T14N R22E S08	NWNE	39.00
T14N R22E S08	SWNE	11.00	T14N R22E S08	SENE	36.00
T14N R22E S08	NESE	7.60	~~T14N R22E S09~~	~~SENW~~	~~0.10~~
T14N R22E S09	SWNW	40.00	T14N R22E S09	NESW	40.00
T14N R22E S09	NWSW	36.00	T14N R22E S09	SESW	22.00
T14N R22E S16	NENW	0.10			

~~271.8~~ 271.7 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of
~~271.8~~ 271.7 acres in a single irrigation season. Combined Right Nos.: 73-48,
73-50, 73-52, 73-2150

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

Patterson Creek (also known as Spring Creek) and Falls Creek are independent of each other and appropriations of water from one of said streams in no way affects the appropriations from the other, that neither of said streams is a tributary of the other.

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

CERTIFICATE OF MAILING

I certify that on Mar. 20, 2008, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

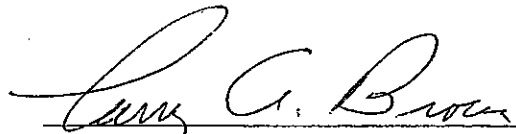
CLERK OF THE DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
253 THIRD AVENUE NORTH
P.O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

UNITED STATES OF AMERICA

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC O33
BOISE, ID 83724

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

LYNETTE A O NEAL
MERLE J O NEAL
32 FALLS CREEK LN
MAY, ID 83253



Signature of person or attorney mailing form