



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

July 7, 2008

David W. Gehlert
Natural Resources Section
Environment & Natural Resource Division
U.S. Department of Justice
1961 Stout Street – 8th Floor
Denver, CO 80294

RE: SRBA Subcase No. 63-32368 (Noe)

Dear David:

I am enclosing a Standard Form 5 ("SF5") for the above-referenced subcase. Please review the document, and if it is acceptable please sign on the indicated signature line and initial the revised recommendation. After signature, please file the original with the SRBA Court and provide copies to the parties.

If you should have any questions or comments, please feel free to contact me at (208) 287-4815.

Sincerely,

A handwritten signature in black ink that reads "Ray Williams".

Ray Williams
Paralegal

Enclosure

**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. 63-32368

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(s):

 7/1/08
Antone Noe Date

 7/1/08
Neva C. Noe Date

STANDARD FORM 5 – 63-32368

OBJECTOR:

Boise-Kuna Irrigation District


Shelley M. Davis
Attorney for Objector

6/23/08
Date

RESPONDENT:

Bureau of Reclamation

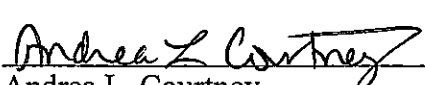
David Gehlert, USDOJ
Attorney for Respondent

Date

IDWR Concurrence:


Michael H. Ciscell
Senior GIS Analyst

6/10/08
Date


Andrea L. Courtney
Deputy Attorney General
Attorney for IDWR

6/10/08
Date

06/07/2008

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

RIGHT NUMBER: 63-32368

NAME AND ADDRESS: NEVA C NOE
8903 FERRY RD
MELBA ID 83641

ANTONE NOE
8903 FERRY RD
MELBA ID 83641

SOURCE: WASTE WATER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.190 CFS

PRIORITY DATE: 12/31/1950

POINT OF
DIVERSION:

T01S R02W S15 NWNW Within CANYON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/01 11/15

0.190 CFS

PLACE OF USE: IRRIGATION in CANYON County

T01S R02W S15 NWNW 9.60

9.6 ACRES TOTAL

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

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.

~~This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.~~ *AKC*
MS

The source of this water right is waste water. The wasting of water may be discontinued at any time.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

This right is a split from former right 63-21456.

CERTIFICATE OF MAILING

I certify that on _____, 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

2. Copies to:

BOISE KUNA IRRIGATION DIST
Represented by:
SHELLEY M. DAVIS
1010 W. JEFFERSON, STE. 102
P.O. BOX 2139
BOISE, ID 83701-2139

USDI BUREAU OF RECLAMATION
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

DIRECTOR OF IDWR
P.O. BOX 83720
BOISE, ID 83720-0098

ANTONE NOE
NEVA C. NOE
8903 FERRY RD.
MELBA, ID 83641

Signature of person or attorney mailing the form