

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

SEP - 2 2008

By _____ Clerk

COPY

**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. 75-02123 STANDARD FORM 5 STIPULATED ELEMENTS OF A WATER RIGHT
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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/OBJECTOR

Nancy Linell Bills

Nancy Linell Bills 8/26/08
 Nancy Linell Bills Date
 Pro Se

IDWR Concurrence:

Nathaniel Arave 8/26/08
Nathaniel Arave Date
Senior Water Resource Agent

Garrick L. Baxter 8/29/08
Garrick L. Baxter Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 75-2123

NAME AND ADDRESS: NANCY LINELL BILLS
BOX 137
CARMEN ID 83462

SOURCE: FREEMAN CREEK

TRIBUTARY: CARMEN CREEK

QUANTITY: 6.000 CFS

PRIORITY DATE: 05/25/1954

POINT OF
DIVERSION:

T23N R22E S36 NWSW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	6.000 CFS
<u>The use of water for irrigation under this right may begin as early as February 15 and may continue to as late as November 30, provided other elements of the right are not exceeded. The use of water before April 1 and after October 31 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.</u>		

PLACE OF USE: IRRIGATION in LEMHI County

T22N R22E S17	NESE	1.30	T22N R22E S17	NWSE	19.00
T22N R22E S17	SWSE	9.80	T22N R22E S17	SESE	20.00
T22N R22E S20	NENE	38.00	T22N R22E S20	NWNE	<u>39</u> 37
T22N R22E S20	SWNE	<u>30</u> 27	T22N R22E S20	SENE	30.00
T22N R22E S20 Lot 5 NENW		<u>6.9</u> 3.1	T22N R22E S20 Lot 6 SENW		<u>2.2</u> 1.1
T22N R22E S20 Lot 7 NESW		<u>3.3</u> 2.1	T22N R22E S20 Lot 8 SESW		<u>1.10</u>
T22N R22E S20	NESE	<u>34</u> 33	T22N R22E S20	NWSE	<u>40</u> 39
T22N R22E S20	SWSE	<u>22.5</u> 18			

297.1 ACRES TOTAL

Right Nos. 75-2123 and 75-10630 are limited to the irrigation of a combined total of 297.1 acres in a single irrigation season.

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.

NLA
NLB
93

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Source is also known as East Fork Carmen Creek.

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

NLA
NLB

AB

CERTIFICATE OF MAILING

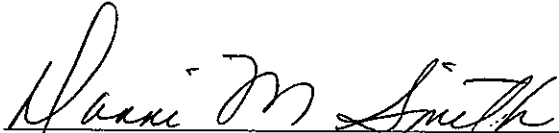
I certify that on Aug 29, 2008, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

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

NANCY LINELL BILLS
BOX 137
CARMEN, ID 83462

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



Signature of person or attorney mailing form