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DEPARTMENT OF
WATER RESOURCES

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

JAN - 9 2009

By

Clerk

Deputy Clerk

**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 Nos. 67-00079L
)
)
)
)
)
)
)

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/OBJECTOR

Joseph M. DeFreitas

CLAIMANT

Robin R. DeFreitas

Joseph M. DeFreitas

12-9-08

Joseph M. DeFreitas

Date

Claimant/Objector/*Pro Se*

STANDARD FORM 5 - 67-00079L

Robin R. DeFreitas

12/9/08

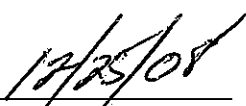
Robin R. DeFreitas

Date

Claimant/*Pro Se*

OBJECTOR

Nancy E. Hawkins

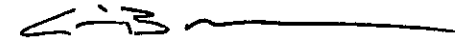
 

Nancy E. Hawkins Date
Objector/*Pro Se*

IDWR Concurrence:

 1/2/2009

~~Craig Saxton~~ Monica Van Bussum Date
IDWR Agent

 1/5/09

Chris M. Bromley Date
Deputy Attorney General

CERTIFICATE OF MAILING

I certify that on 1/6, 200⁹, 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:

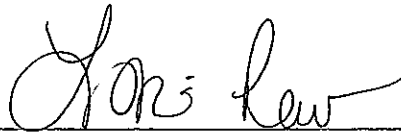
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to:

Nancy E. Hawkins
P.O. Box 624
Pine Valley, CA 92062

Joseph or Robin DeFreitas
3050 Fruitvale – Glendale Rd.
Fruitvale, ID 83612

IDWR Repository
P.O. Box 83720
Boise, ID 83720-0098



Signature of person or attorney mailing the form

New Ditch Rights

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JAN 02 2009

11/27/2008
DEPARTMENT OF
WATER RESOURCES

IDAHO DEPARTMENT OF WATER RESOURCES

RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RECEIVED

DEC 15 2008

DEPARTMENT OF
WATER RESOURCES

RIGHT NUMBER: 67-79L

NAME AND ADDRESS: JOSEPH M DE FREITAS
3050 FRUITVALE GLENDALE RD
FRUITVALE ID 83612

ROBIN R DE FREITAS
3050 FRUITVALE GLENDALE RD
FRUITVALE ID 83612

SOURCE: WEISER RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.044 0.04 CFS

This right shall provide no more than 0.0125 cfs per acre in accordance with the Muir v. Allison decree.

This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for irrigation of the lands above.

PRIORITY DATE: 06/01/1890

POINT OF DIVERSION:

T17N R01W S1 NESESW NWSE Within ADAMS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.044 0.04 CFS

PLACE OF USE: IRRIGATION in ADAMS County

T17N R01W S02	NESW	0.70 0.50	T17N R01W S02	SESW	2.80 2.10
T17N R01W S02	SWSE	0.80			

~~3.5~~ 3.4 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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

[Handwritten signatures and initials]
J.M.D. J.D.
MVB CB