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DEPARTMENT OF
WATER RESOURCES

Fifth Judicial District
County of Twin Falls - State of Idaho

DEPARTMENT OF
WATER RESOURCES

WATER RESOURCES
WESTERN REGION

APR - 3 2009

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

By

Clerk

Deputy Clerk

In Re SRBA

Subcase No. 63-32838

Case No. 39576

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.

CLAIMANTS

John W. Eicks

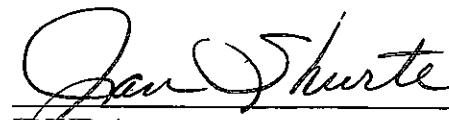
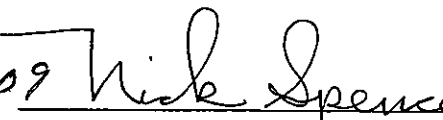
John W. Eicks 2/26/09
Date

Sheila Catozzi

Sheila Catozzi 2/26/09
Date

STANDARD FORM 5 - 63-32838

IDWR Concurrence:

	
<u>3-24-09</u>	<u>3-30-09</u>
IDWR Agent	Nicholas Spencer
Date	Deputy Attorney General
	Date

CERTIFICATE OF MAILING

I certify that on April 2, 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:

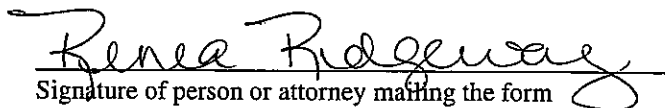
1. Original to:

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:

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

JOHN W EICKS
SHEILA CATOZZI
24550 BOISE RIVER RD
PARMA, ID 83660


Signature of person or attorney mailing the form

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

RIGHT NUMBER: 63-32838

NAME AND ADDRESS: JOHN W EICKS
24550 BOISE RIVER RD
PARMA ID 83660SHEILA CATOZZI
24550 BOISE RIVER RD
PARMA ID 83660

SOURCE: UNNAMED STREAM

TRIBUTARY: BOISE RIVER

The source of this water right includes waste water. 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.

QUANTITY: 0.660 CFS

PRIORITY DATE: 08/15/1910

POINT OF DIVERSION:

T04N R04W S6 NENE Lot 1 Within CANYON County

T05N R05W S36 SENE Lot 1 Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.660 CFS

PLACE OF USE: IRRIGATION in CANYON County

T05N R05W S36 SWNE 33.00

33 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 - License

Right Nos. 63-32837, 63-32839, and 63-32840 is also diverted through points of diversion described above.

This right is a split from former right 63-2139A.

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