

COPY RECEIVED
MAY 27 2009
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho
MAY 26 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	)	Subcase No. 75-04192A
	)	
Case No. 39576	)	
	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

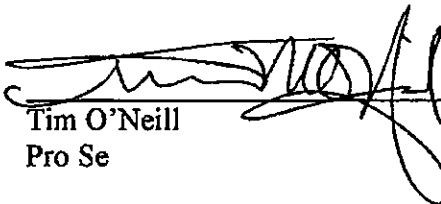
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary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

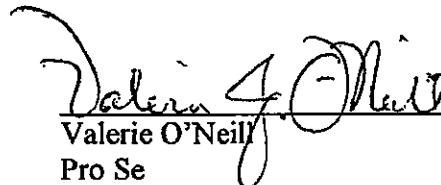
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT/OBJECTOR
Tim O'Neill

CLAIMANT/OBJECTOR
Valerie O'Neill

 5/15/09

Tim O'Neill Date
Pro Se

 5-15-09

Valerie O'Neill Date
Pro Se

IDWR Concurrence:

Monica Van Bussum 5/20/2009
Monica Van Bussum Date
Date
Senior Water Resource Agent

Garrick L. Baxter 5/20/09
Garrick L. Baxter
Deputy Attorney General
Attorney for IDWR

CERTIFICATE OF MAILING

I certify that on 5/22, 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:

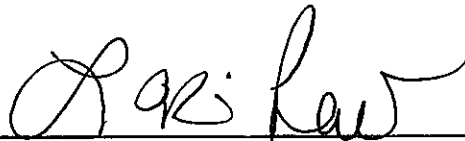
1. Original to:

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

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

TIM O NEILL
TIMOTHY M & VALERIE O NEILL
5844 DUPONT AVE S
MINNEAPOLIS, MN 55419

VALERIE O NEILL
5844 DUPONT AVE S
MINNEAPOLIS, MN 55419



Signature of person or attorney mailing form

05/07/2009

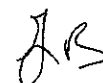
IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 75-4192A
NAME AND ADDRESS: TIM O NEILL
5844 DUPONT AVE S
MINNEAPOLIS MN 55419
VALERIE O NEILL
5844 DUPONT AVE S
MINNEAPOLIS MN 55419



MUB

SOURCE: TOWER CREEK TRIBUTARY: SALMON RIVER
QUANTITY: 0.080 CFS
PRIORITY DATE: 07/10/1911
POINT OF DIVERSION:



T23N R22E S8 SESE 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	0.080 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T23N R22E S08	SWSE	0.20	T23N R22E S17	NWNE	2.90
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3.1 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 - Beneficial Use