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DEPARTMENT OF
WATER RESOURCES

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. 47-02118
)
)

) **Standard Form 5**
)
)

Case No. 39576

) **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 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 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:

Thomas Leno

Dorothy Leno

Thomas Leno 11/23/09
Thomas Leno Date

Dorothy Leno
Dorothy Leno Date

OBJECTOR:

United States on behalf of the
Bureau of Land Management

David Neri 11/23/09
~~Larry A. Brown~~ MB Date
Attorney, U.S. Department of Justice
Environment and Natural Resources Div.

IDWR CONCURRENCE:

Steve Clelland 11/23/09
Steve Clelland Date
Senior Water Resource Agent

IDWR CONCURRENCE:

Nicholas B. Spencer 11-23-09
Nicholas B. Spencer Date
Deputy Attorney General
Attorney for IDWR

Amended Director's Report

RIGHT NUMBER: 47-2118

NAME AND ADDRESS: THOMAS LENO
4236 N 1900 E
BUHL ID 83316

DOROTHY LENO
4236 N 1900 E
BUHL ID 83316

SOURCE: MULE CREEK

TRIBUTARY: SHOSHONE CREEK

QUANTITY: 0.400 CFS

This right when combined with all other rights shall provide no more than 0.02 cfs per acre for irrigation of the lands below.

Right Nos. 47-2118 and 47-2048 are limited to a total combined diversion rate of 0.40 cfs.

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 02/07/1925

POINT OF
DIVERSION:

Within TWIN FALLS County

~~T16S R16E S20~~
~~T16S R16E S17~~
~~T16S R16E S17~~
~~T16S R16E S20~~

~~SWNSW~~
~~SESWSW~~
~~SESWSW~~
~~NESWNW~~

Point of Injection
Point of Rediversion

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
STOCKWATER	01/01 12/31	0.020 CFS
IRRIGATION	04/01 10/31	0.400 CFS

PLACE OF USE:

IRRIGATION in TWIN FALLS County
T16S R16E S20 SESW 11.00

T16S R16E S29 NENW 9.00

STOCKWATER same as IRRIGATION

20 ACRES TOTAL

Right Nos. 47-2118 and 47-2048 are limited to the irrigation of a combined total of 20 acres in a single irrigation season.

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

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

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

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

TL

NBS

Sec

PN

CERTIFICATE OF MAILING

I certify that on 11/23, 2009 mailed the original and copies of this form, including all attachments, 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. Copy to:

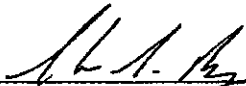
Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, Idaho 83711-4449

IDWR Document Depository
P. O. Box 83720
Boise, Idaho 83720-0098

3. Copies to all parties to the subcase (insert names and addresses):

U.S., Department of Justice
Environment and Natural Resources Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724

Thomas & Dorothy Leno
4236 N 1900 E
Buhl, Idaho 83316



Signature of person or attorney mailing the form