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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

Case No. 39576

) Subcase Nos. 02-10222

) (split from 2-7052)

) 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:

Donald Freeberg

Donald Freeberg
March 1, 2010

Date

OBJECTOR:

United States of America

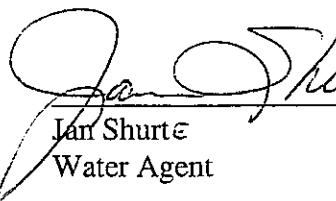
Bureau of Land Management

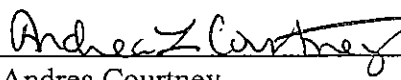
David Negri *4/7/10*

David Negri, Attorney

Date

IDWR Concurrence:

 3-26-10
Jan Shurtz
Water Agent
Date

 3/22/10
Andrea Courtney
Deputy Attorney General
Date

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

RIGHT NUMBER: 2-10222

NAME AND ADDRESS: DONALD A FREEBERG
801 N BRAND BLVD #1010
GLENDALE CA 91203

AK

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 4.510 CFS
1,290.00 AFY

This Right and Right Nos. 57-00177A, 57-00178A, 57-02217A, 57-02221A, 57-07219A, and 57-10469A are limited to a total combined annual diversion volume of 1955.0 AF.

PRIORITY DATE: 12/18/1969

POINT OF
DIVERSION:

T03S R01E S16 SWNW Lot 4 Within OWYHEE County

PURPOSE AND
PERIOD OF USE:

DF
NB
J
DN

PURPOSE OF USEPERIOD OF USEQUANTITY

IRRIGATION

03/15 11/15

4.510 CFS
1,290.00 AFY

The use of water for irrigation under this right may begin as early as March 1, provided other elements of the right are not exceeded. The use of water before March 15 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.

PLACE OF USE: IRRIGATION in OWYHEE County

T03S R01E S07 Lot 5 SWSW	19.00	T03S R01E S18 Lot 1 NWNW	26.00
T03S R01E S18 Lot 2 SWNW	44.00	T03S R01E S18 SENW	23.00
T03S R01E S18 NESW	19.00	T03S R01E S18 SWSE	3.00
T03S R01E S18 SESE	19.00	T03S R01E S19 NENE	13.00
T03S R01E S20 NENE	35.00	T03S R01E S20 NWNE	17.00
T03S R01E S20 SWNE	19.00	T03S R01E S20 SENE	22.00
T03S R01E S20 NENW	14.00	T03S R01E S20 NWNW	22.00
T03S R01E S20 SWNW	37.00	T03S R01E S20 SENW	14.00
T03S R01E S20 NESW	3.00	T03S R01E S20 NESE	7.00
T03S R01E S20 NWSE	20.00	T03S R01W S12 SESE	4.00
T03S R01W S13 NENE	11.00		

391 ACRES TOTAL

This right is limited to the irrigation of 258 acres within the place of use described above in a single irrigation season.

This Right and Right Nos. 57-00177A, 57-00178A, 57-02217A, 57-02221A, 57-07219A, and 57-10469A are limited to the irrigation of a combined total of 391 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

This right is a split from former right 2-7052.

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

CERTIFICATE OF MAILING

I certify that on 4-8, 2010, 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:

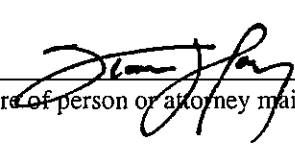
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to:

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

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

DONALD A FREEBERG
801 N BRAND BLVD #1010
GLENDALE, CA 91203



Signature of person or attorney mailing the form