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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 No. 35-13988

) STANDARD FORM 5

) STIPULATED ELEMENTS OF A
) WATER RIGHT

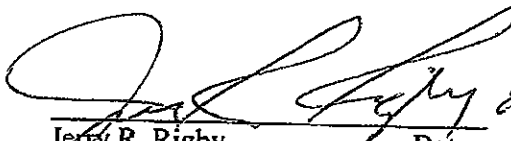
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary 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 which reflects no changes to the Director's Report currently on file with the SRBA Court. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT:

Donnetta Nelson

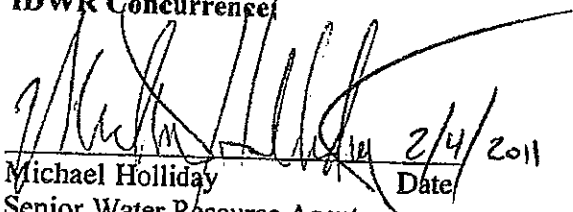

Jerry R. Rigby Date 2-16-11
Attorney for Claimant

INTERESTED PARTIES:

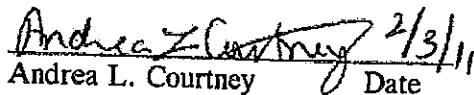
Steven W. Adams
Conan Feld


Randall C. Budge Date 2/11/11
Attorney for Interested Parties

IDWR Concurrence


Michael Holliday
Senior Water Resource Agent

2/4/2011
Date


Andrea L. Courtney
Deputy Attorney General
Attorney for IDWR

Date

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

RIGHT NUMBER: 35-13988
NAME AND ADDRESS: DONNETTA NELSON
757 ASPEN
SHELLEY ID 83274

SOURCE: WASTE WATER

TRIBUTARY: UNNAMED STREAM

QUANTITY: 0.190 CFS

PRIORITY DATE: 04/01/1943

POINT OF
DIVERSION:

T04S R32E S20 NENW Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/01 10/31	0.190 CFS
PLACE OF USE:	<u>IRRIGATION in BINGHAM County</u>		
	T04S R32E S20 NENW 9.30		

9.3 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.

The source of this water right is waste water. The wasting of water may be discontinued at any time.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

The source of this right is waste water originally diverted by Aberdeen Springfield Canal Co.

CERTIFICATE OF MAILING

I certify that on 2-16-, 2011 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:

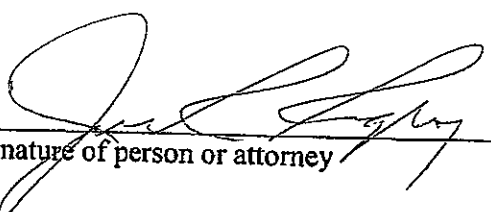
CLERK OF THE DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
253 THIRD AVENUE NORTH
P. O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

2. Copies to:

DONNETTA NELSON
Represented by:
JERRY R. RIGBY
25 N. 2ND. E.
P.O. BOX 250
REXBURG, ID 83440-0250

CONAN FELD
STEVEN W. ADAMS
Represented by:
RANDALL C. BUDGE
201 E. CENTER, STE. A2
P.O. BOX 1391
POCATELLO, ID 83204-1391

DIRECTOR OF IDWR
P.O. BOX 83720
BOISE, ID 83720-0098


Signature of person or attorney