

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: 63-32320

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. 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 decreed as described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT:

Richard Hellwege
20385 Pear Ln.
Caldwell, ID 83607

Richard H. Hellwege 6-12-2008
Date

CLAIMANT:

Merry Hellwege
20385 Pear Ln.
Caldwell, ID 83607

Merry Hellwege 6-12-2008
Date

OBJECTOR:

Wider Irrigation District
709 Cleveland Blvd.
Caldwell, ID 83605

[Signature] 6/12/08
Albert P. Barker Date

RESPONDENT: Bureau of Reclamation

[Signature] 6/26/08
Date

IDWR CONCURRENCE:

Kay Walker 6/26/08
Date
Wick Spencer 6-26-08

12/14/2006

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

RIGHT NUMBER: 63-32320
NAME AND ADDRESS: RICHARD H HELLWEGE
20385 PEAR LN
CALDWELL ID 83607

MERRY M HELLWEGE
20385 PEAR LN
CALDWELL ID 83607

SOURCE: SPRING

TRIBUTARY: HAMILTON DRAIN

QUANTITY: 0.300 CFS

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

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

PRIORITY DATE: 12/31/1964

POINT OF DIVERSION: T03N R04W S15, SESENE 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	0.190 CFS
STOCKWATER	01/01 12/31	0.010 CFS
WILDLIFE	01/01 12/31	0.300 CFS
DIVERSION TO STORAGE	01/01 12/31	0.300 CFS
IRRIGATION STORAGE	01/01 12/31	5.00 AFY
IRRIGATION FROM STORAGE	03/01 11/15	5.00 AFY
STOCKWATER STORAGE	01/01 12/31	5.00 AFY
WILDLIFE STORAGE	01/01 12/31	5.00 AFY

PLACE OF USE: IRRIGATION in CANYON County
T03N R04W S15 NWSE 9.60
IRRIGATION STORAGE in CANYON County
T03N R04W S15 NWSE
IRRIGATION FROM STORAGE in CANYON County
T03N R04W S15 NWSE 9.60
STOCKWATER in CANYON County
T03N R04W S15 NWSE
STOCKWATER STORAGE in CANYON County
T03N R04W S15 NWSE
WILDLIFE in CANYON County
T03N R04W S15 NWSE
WILDLIFE STORAGE in CANYON County
T03N R04W S15 NWSE

9.6 ACRES TOTAL

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 - Beneficial Use

Stockwater use is for 10 range cattle.
Use of this right is combined with water from Wilder Irrigation District.
This right when combined with all other rights shall not exceed 0.02 cfs per acre.

Handwritten notes:
R.H. 6/12/08
R.H. 6/12/08
R.H. 6/26/08
NBS

CERTIFICATE OF MAILING

I certify that on June 26, 2008, 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

hand delivered

2. Copies to:

WILDER IRRIGATION DISTRICT
Represented by:
ALBERT P BARKER
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139

hand delivered

USDI BUREAU OF RECLAMATION
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC O33
BOISE, ID 83724

hand delivered

MERRY M HELLWEGE
RICHARD H HELLWEGE
20385 PEAR LN
CALDWELL, ID 83607

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



Signature of person or attorney mailing the form