



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

July 15, 2008

David L. Whitney
P.O. Box 26
Caldwell, ID 83606-0026

RE: SRBA Subcase No. 63-20909 (Stephens)

Dear Mr. Whitney:

I am enclosing an SF5 for the above-referenced subcase. Please review the document, and if it is acceptable, please sign on the indicated signature line, initial the revised recommendation and return the original SF5 to me. I will obtain the remaining signatures and file the document with the SRBA Court..

If you should have any questions or comments, please don't hesitate to contact me at 287-4815.

Sincerely,

A handwritten signature in cursive script that reads "Ray Williams".

Ray Williams
Paralegal

Enclosure

**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. 63-20909
	)	(Previously Disallowed)
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.

CLAIMANTS:

Lakeview Water Co.

By: _____ Date _____
Title:

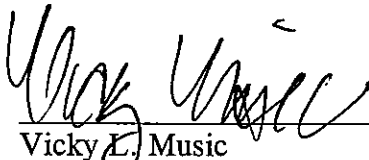
Wayne Eugene Stephens _____ Date _____

OBJECTOR:

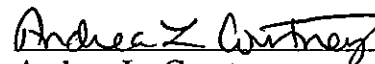
Wayne Stephens

David L. Whitney Date
Attorney for Objector

IDWR Concurrence:

 5/22/08

Vicky L. Music Date
Senior Water Resource Agent

 5/21/08

Andrea L. Courtney Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 63-20909

NAME AND ADDRESS: WAYNE EUGENE STEPHENS
24604 EMMETT RD
CALDWELL ID 83607

LAKEVIEW WATER CO
C/O WAYNE STEPHENS
24604 EMMETT RD
CALDWELL ID 83607

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.230 CFS

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

PRIORITY DATE: 06/01/1965

POINT OF
DIVERSION:

T03N R03W S16 NENE Within CANYON County
T03N R03W S16 NENE Within CANYON County
T03N R03W S16 NENE Within CANYON County

AYC
VLW

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.230 CFS
Domestic use is for internal use for a twelve unit apartment building.		

PLACE OF USE: DOMESTIC in CANYON County

T03N R03W S16 NENE

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

The physical address of the place of use is 15077 Karcher Rd., Caldwell, Idaho.

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

Parcel no. is R2760500000.

The following rights are diverted through point(s) of diversion described above: 63-20900, 63-20901, 63-20902 and 63-20909.

CERTIFICATE OF MAILING

I certify that on _____, 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

2. Copies to:

WAYNE STEPHENS
Represented by:
DAVID L WHITNEY
P.O. BOX 26
CALDWELL, ID 83606-0026

LAKEVIEW WATER CO.
C/O WAYNE STEPHENS
24604 EMMETT RD
CALDWELL, ID 83605

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

WAYNE EUGENE STEPHENS
24604 EMMETT RD.
CALDWELL, ID 83607

Signature of person or attorney mailing the form