

COPY

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

RECEIVED

In Re SRBA

AUG 27 2008)

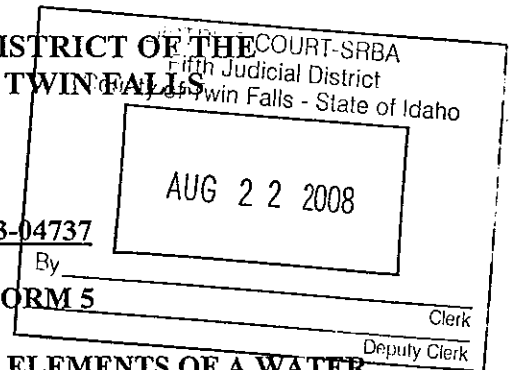
DEPARTMENT OF
WATER RESOURCES)

Case No. 39576)

SUBCASE: 63-04737

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:

Kelly Ray Winslow
P.O. Box 401
21494 Tucker Rd.
Greenleaf, ID 83626

OBJECTOR:

Wider Irrigation District
709 Cleveland Blvd.
Caldwell, ID 83605


Date

6-18-08
Date

Albert P. Barker

6/25/08
Date

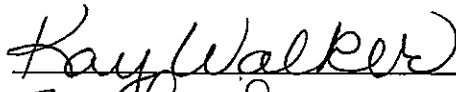
RESPONDENT: Bureau of Reclamation

IDWR CONCURRENCE:


Date

7/24/08

Date


8/13/2008
Date

8-19-08

CERTIFICATE OF MAILING

I certify that on August 21, 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:

WILDER IRRIGATION DISTRICT

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

KELLY RAY WINSLOW

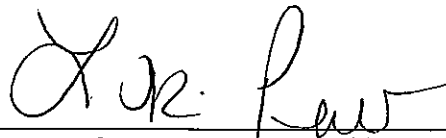
Represented by:
DAVID L WHITNEY
PO BOX 26
CALDWELL, ID 83606-0026

USDI BUREAU OF RECLAMATION

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



Signature of person or attorney mailing the form

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

RIGHT NUMBER: 63-4737

NAME AND ADDRESS: KELLY RAY WINSLOW
PO BOX 401
21494 TUCKER RD
GREENLEAF ID 83626

SOURCE: DIXIE GULCH CREEK

TRIBUTARY: BOISE RIVER

QUANTITY: 0.170 CFS

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

PRIORITY DATE: 01/01/1934 The source of this water right includes waste water. 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.

POINT OF DIVERSION: T04N R04W S16 SWNW Within CANYON County

PURPOSE AND PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.020 CFS
IRRIGATION	03/01 11/15	0.170 CFS

PLACE OF USE: IRRIGATION in CANYON County

T04N R04W S16 SWNW 8.70

STOCKWATER in CANYON County

T04N R04W S16 SWNW

8.7 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.

Parcel No. R3611301000

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.

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 at the field headgate.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Stockwater use is for 100 range cattle.

Kelly Zick 6-18-08