

COPY

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

RECEIVED

AUG 29 2008

DEPARTMENT OF
WATER RESOURCES

SUBCASE: 63-05018

STANDARD FORM 5

STIPULATED ELEMENTS OF A WATER
RIGHT

DISTRICT COURT - FIFTH
Fifth Judicial District
County of Twin Falls - State of Idaho

AUG 27 2008

By

Clerk

Deputy Clerk

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:

Terry Cletlin
12241 Chicken Dinner Rd.
Caldwell, ID 83607

Terry Cletlin 6 June 08
Date

CLAIMANT: *Jm*

Jerry Cletlin *McClellin*
12241 Chicken Dinner Rd.
Caldwell, ID 83607

Jerry Cletlin 6/06/08
Date

OBJECTOR:

Wider Irrigation District
709 Cleveland Blvd.
Caldwell, ID 83605

by *Albert P. Barker* *ptb* 6/9/08
Albert P. Barker Date

RESPONDENT: Bureau of Reclamation

[Signature] 6/23/08
Date

IDWR CONCURRENCE:

Kay Walker 8-18-2008
Date
Wick Spencer 6-30-08

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

RIGHT NUMBER: 63-5018

NAME AND ADDRESS: JERRY MC CLELLIN
12241 CHICKEN DINNER RD
CALDWELL ID 83607TERRY L MC CLELLIN
12241 CHICKEN DINNER RD
CALDWELL ID 83607

me Jim DA PTH NBS kw

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

SOURCE: UNNAMED STREAM

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.070 CFS

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

PRIORITY DATE: 06/15/1945

POINT OF DIVERSION: T03N R04W S35 SESE 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	0.060 CFS
STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE: IRRIGATION in CANYON County

T03N R04W S35 SESE 3.00

STOCKWATER in CANYON County

T03N R04W S35 SESE

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

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 20 range cattle.

Jim DA Time PTH NBS kw

CERTIFICATE OF MAILING

I certify that on August 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

2. Copies to:

WILDER IRRIGATION DISTRICT

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

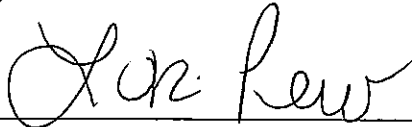
USDI BUREAU OF RECLAMATION

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

JERRY MC CLELLIN
TERRY L MC CLELLIN
12241 CHICKEN DINNER RD
CALDWELL, ID 83607



Signature of person or attorney mailing the form