

After KELLY CHRISTENSEN  
will mail also

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

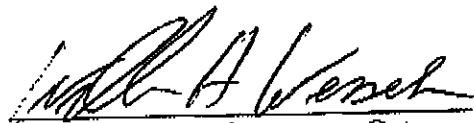
|                |   |                          |
|----------------|---|--------------------------|
| In Re SRBA     | ) | Subcase No. 63-4529A     |
|                | ) |                          |
| Case No. 39576 | ) |                          |
|                | ) | STANDARD FORM 5          |
|                | ) |                          |
|                | ) | STIPULATED ELEMENTS OF A |
|                | ) | WATER RIGHT              |
|                | ) | (Previously Disallowed)  |

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.

CLAIMANT/OBJECTOR:

  
 William H. Wessels      Date 9/2/08

IDWR Concurrence:

|                             |                |                           |                |
|-----------------------------|----------------|---------------------------|----------------|
| <u>Kelly K. Christensen</u> | <u>8-29-08</u> | <u>Andrea L. Courtney</u> | <u>9/10/08</u> |
| Kelly K. Christensen        | Date           | Andrea L. Courtney        | Date           |
| Senior Water Resource Agent |                | Deputy Attorney General   |                |
|                             |                | Attorney for IDWR         |                |

08/28/2008

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

RIGHT NUMBER: 63-4529A

NAME AND ADDRESS: WILLIAM H NESSELS  
18501 HWY 20-26  
CALDWELL ID 83607

SOURCE: UNNAMED DRAIN

TRIBUTARY: BOISE RIVER

QUANTITY: 0.060 CFS

PRIORITY DATE: 10/04/1932

POINT OF  
DIVERSION:

T04N R03W S7 NWNW Lot 5 Within CANYON County

PURPOSE AND  
PERIOD OF USE:

|               | <u>PURPOSE OF USE</u>              | <u>PERIOD OF USE</u>           | <u>QUANTITY</u> |
|---------------|------------------------------------|--------------------------------|-----------------|
|               | IRRIGATION                         | 03/15 11/15                    | 0.060 CFS       |
| PLACE OF USE: | <u>IRRIGATION in CANYON County</u> |                                |                 |
|               | T04N R04W S01 SESW 0.30            | T04N R04W S01 Lot 1 SESEW 1.70 |                 |

2 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

## CERTIFICATE OF MAILING

I certify that on September 3, 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:

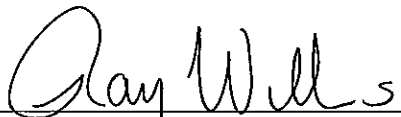
1. Original to:

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

2. Copies to:

WILLIAM H. WESSELS  
18501 HWY 20-26  
CALDWELL, ID 83607

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

  
\_\_\_\_\_  
Signature of person or attorney mailing form