

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: <u>63-26220</u>
	)	
	)	STANDARD FORM 5
	)	
Case No. 39576	)	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:

~~JD Aldecoa & Son Inc.~~ *Aldecoa Heights*
4312 Edgemont St. *Family Ltd. Ptn*
Boise, ID 83706-2304

John G. Nelson, Partner 6-23-08
Date

OBJECTOR:

Wider Irrigation District
709 Cleveland Blvd.
Caldwell, ID 83605

Albert P. Barker 6/24/08
Date

RESPONDENT: Bureau of Reclamation

[Signature] 6/26/08
Date

IDWR CONCURRENCE:

Jan Shurtz 7/24/08
Date
Wick Spencer 7-24-08

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

RIGHT NUMBER: 63-26220

NAME AND ADDRESS: J D ALDECOA & SON INC
12 MESA VISTA DR
BOISE ID 83705

SOURCE: SPRING

QUANTITY: 0.470 CFS

TRIBUTARY: SINKS

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.

Right Nos. 63-26219 and 63-26220 are limited to a total combined diversion rate of .46 cfs.

RWA
OK
NBS

PRIORITY DATE: 04/01/1946

POINT OF DIVERSION: T02N R04W S1 SWNW Within CANYON County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
STOCKWATER	01/01 12/31	0.070 CFS
IRRIGATION	03/01 11/15	0.400 CFS

PLACE OF USE: IRRIGATION in CANYON County

T02N R04W S01	SWNW	5.00	T02N R04W S02	SENE	18.00
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STOCKWATER in CANYON County

T02N R04W S01	SENE		T02N R04W S01	SWNW	
T02N R04W S02	SENE		T02N R04W S02	SWNW	

23 ACRES TOTAL

Right Nos. 63-26219 and 63-26220 are limited to the irrigation of a combined total of 23 acres in a single irrigation season.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Stockwater use is for 300 head.

Use of this right is combined with water from Wilder Irrigation District.

CERTIFICATE OF MAILING

I certify that on September 29, 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, ID 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

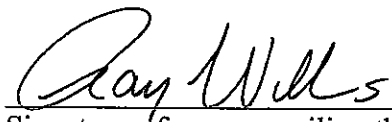
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

DIRECTOR OF IDWR

P.O. BOX 83720
BOISE, ID 83720-0098

J D ALDECOA & SON INC

4312 EDGEMONT ST
BOISE, ID 83706-2304



Signature of person mailing the form