STATE OF IDAHO

OFFICE OF THE ATTORNEY GENERAL

LAWRENCE G. WASDEN

October 08, 2008

Randy Joe & Suzanne Wagner
27818 Pioneer Lane
Parma, ID 83660

Re: Subcase Nos. 63-02904B and 63-4805

Dear Mr. and Mrs. Wagner:

Enclosed please find the original documents entitled "Standard Form 5 – Stipulated Elements of a Water Right" (commonly referred to as SF 5) for the above referenced subcase nos. for Basin 63.

Please review the new recommendations which are attached to the original SF 5 documents. If all the information is correct, please sign and date the first page of the original and initial the page entitled "Recommendation of Water Rights Acquired Under State Law." After you have signed and initialed the original, **please return the documents to our office in the self addressed stamped envelope** provided for your convenience. Our office will gather the remaining signatures and make sure the documents are subsequently filed with the Court.

If you have any questions regarding this process or the enclosed documents please do not hesitate to call me at 287-4814.

Thank you for your cooperation in this matter.

Sincerely,

Renea Ridgeway

Renea Ridgeway
Paralegal, IDWR

Enclosures

Natural Resources Division - Water Resources Section
P.O. Box 83720 Boise, Idaho 83720-0098
Telephone: (208) 287-4801; Legal FAX: (208) 287-6700

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. 63-02904B**
	)	
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.

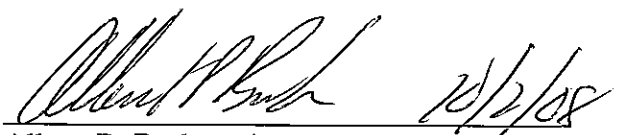
The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions 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.

CLAIMANT
Randy Joe Wagner

_____
Date

OBJECTOR
Riverside Irrigation District



Albert P. Barker, Attorney — Date

RESPONDENT
United States on behalf of
Bureau of Reclamation

David Gehlert Date
Attorney, U.S. Department of Justice
Environment and Natural Resources Division

IDWR Concurrence:

IDWR Agent Date

Nicholas Spencer Date
Deputy Attorney General

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:

   RIVERSIDE 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 O33
   BOISE, ID 83724

   DIRECTOR OF IDWR
   PO BOX 83720
   BOISE, ID 83720-0098

   RANDY JOE WAGNER
   27818 PIONEER LANE
   PARMA, ID 83660

_____
Signature of person or attorney mailing the form

09/24/2008

IDAHO DEPARTMENT OF WATER RESOURCES

RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-2904B

NAME AND ADDRESS: RANDY JOE WAGNER
27818 PIONEER LANE
PARMA ID 83660

SOURCE: SCOTT DRAIN TRIBUTARY: SNAKE RIVER

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

QUANTITY: 0.600 CFS

PRIORITY DATE: 07/14/1952

POINT OF DIVERSION:

T05N R06W S14 SWNE Within CANYON County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/15 11/15	0.600 CFS

The use of water for irrigation under this right may begin as early as March 1, provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE: IRRIGATION in CANYON County

T05N R06W S14	SWNE	27.00	T05N R06W S14 Lot 2	SENW	3.00

30 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. aPB

~~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.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Failure of the right holder to comply with the conditions of transfer 3829 is cause for the Director to rescind approval of the transfer.

The right holder shall accomplish the change authorized by transfer 3829 within one year of the date of this approval.