



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

October 8, 2008

Richard Vycital
115154 Wildrose Ct.
Boise, ID 83713

Re: Subcase Nos. 63-8654 and 63-2351A

Dear Mr. Vycital:

Enclosed please find the original document entitled "Standard Form 5 – Stipulated Elements of a Water Right" (commonly referred to as SF5) for the above referenced subcase nos. for Basin 63. I am returning this document because the Court requires that your initials are placed on the actual recommendation before it will accept the document for filing. Please initial the document entitled "Idaho Department of Water Resources Recommendation of Water Rights Acquired Under State Law" and then send the document back to my attention in the self addressed stamped envelope provided for your convenience. I will then ensure that the remaining signatures are gathered and that the document is 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,

A handwritten signature in black ink that reads "Renea Ridgeway".

Renea Ridgeway
Paralegal, IDWR

Enclosures

**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. 63-08654
	)	
Case No. 39576	)	
	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
_____	)	WATER RIGHT

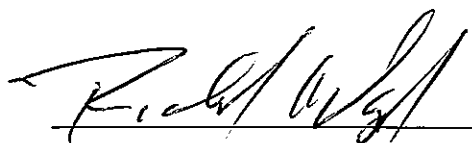
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary 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
Richard K. Vycital

OBJECTOR
Riverside Irrigation District



Date

9/24/08
Date

Albert P. Barker, Attorney

United States on behalf of
Bureau of Reclamation

IDWR Concurrency:

Nicholas Spencer
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 033
BOISE, ID 83724

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

RICHARD K VYCITAL
11515 WILDROSE CT
BOISE, ID 83713

Signature of person or attorney mailing the form

09/16/2008

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

RIGHT NUMBER: 63-8654

NAME AND ADDRESS: RICHARD K VYCITAL
11515 WILDROSE CT
BOISE ID 83713

SOURCE: UNNAMED DRAIN

TRIBUTARY: BOISE RIVER

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

QUANTITY: 1.000 CFS
13.50 AFY

PRIORITY DATE: 04/01/1977

POINT OF
DIVERSION:

T05N R06W S24 NESE Within CANYON County

T05N R06W S24 NESE Within CANYON County

Two points of diversion located in T5N, R6W, S24, NESE.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DIVERSION TO STORAGE	01/01 12/31	1.000 CFS
RECREATION STORAGE	01/01 12/31	13.50 AFY
WILDLIFE STORAGE	01/01 12/31	13.50 AFY

PLACE OF USE: WILDLIFE STORAGE in CANYON County

T05N R06W S24 NESE

RECREATION STORAGE in CANYON County

T05N R06W S24 NESE

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.

~~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

Use of water under this water right will be regulated by the watermaster of State Water District No. 63.

09/16/2008

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

The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.

Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.

This water right is appurtenant to the described place of use.

This right is subject to all prior water rights and may be forfeited by five years of non use.

