



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN
October 9, 2008

Mr. David Gehlert
Natural Resources Section
Environment and Natural Resource Division
U.S. Department of Justice
1961 Stout Street – 8th Floor
Denver, CO 80294

Re: Subcase Nos. 63-2251, 63-21924, and 63-19875

Dear Mr. Gehlert:

Enclosed please find the original document 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 recommendation which is 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 go ahead and file the documents 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 Re SRBA	)	Subcase No. 63-19875
	)	
Case No. 39576	)	
	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

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.

Don Gibson F-27-08
Shirley Gibson 8/27/08

Albert P. Barker, Attorney Date 10-7-08

United States on behalf of
Bureau of Reclamation

IDWR Concurrency:

Sandy Eyles 10-2-08 Nicholas Spencer 10-8-08
IDWR Agent Date Deputy Attorney General Date

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-19875

NAME AND ADDRESS: DANIEL R GIBBENS
19483 LEWIS LN
CALDWELL ID 83605

SHIRLEY A GIBBENS
19483 LEWIS LN
CALDWELL ID 83605

SOURCE: AUE DRAIN

TRIBUTARY: SNAKE RIVER

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

QUANTITY: 0.360 CFS

PRIORITY DATE: 04/15/1933

POINT OF DIVERSION:

T02N R04W S14 NWNE 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	0.360 CFS

PLACE OF USE: IRRIGATION in CANYON County

T02N R04W S14	NWNE	4.00	T02N R04W S14 Lot 5 NENW	8.50
T02N R04W S14 Lot 5	SENE	5.50		

18 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.

~~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.~~

An easement or right of way agreement providing for access to the drain by its owner and those responsible for maintaining it - and/or for access to the drain by the appropriator to divert water pursuant to this right - must be executed among the appropriator, the owner of the drain, and if appropriate, those responsible for maintaining the drain. Failure to execute such an agreement will constitute grounds for legal action to prevent water from being diverted under this right.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

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

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:

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 O33
BOISE, ID 83724

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

DANIEL R GIBBENS
SHIRLEY A GIBBENS
19483 LEWIS LN
CALDWELL, ID 83605

Signature of person or attorney mailing the form