



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN
October 10, 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. 63-20773 and 63-21602

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

In Re SRBA

Case No. 39576

Subcase No. 63-21602

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.

CLAIMANTS/RESPONDENTS

Paul D. & Brenda Pearson

Paul D. Pearson 9/23/2008
Date
Brenda Pearson 9/23/2008
Date

OBJECTOR

Wilder Irrigation District

[Signature] 10/2/08
Albert P. Barker, Attorney Date

United States on behalf of
Bureau of Reclamation

IDWR Concurrency:

Jan Thute 10-8-08 Nick Spencer 10-7-08
IDWR Agent Date Nicholas Spencer Date
Deputy Attorney General

CC

CERTIFICATE OF MAILING

I certify that on Sept 24, 2008 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 033
BOISE, ID 83724

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

BRENDA PEARSON
PAUL & BRENDA PEARSON
PAUL D PEARSON
PO BOX 1161
HOMEDALE, ID 83628

STANDARD FORM 5 – 63-21602

Signature of person or attorney mailing the form



SF5 Right No. 63-21602

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

RIGHT NUMBER: 63-21602
NAME AND ADDRESS: PAUL D PEARSON
PO BOX 1161
HOMEDALE ID 83628
BRENDA PEARSON
PO BOX 1161
HOMEDALE ID 83628

SOURCE: KELLEY DRAIN TRIENTARY: SNAKE RIVER

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.

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

QUANTITY: 0.060 CFS

PRIORITY DATE: 03/01/1964

POINT OF DIVERSION:

T03N R05W S11 NW1/4 Lot 1 Within CANYON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/01 11/15	0.060 CFS

PLACE OF USE: IRRIGATION in CANYON County

T03N R05W S11 Lot 1 NW1/4 4.00

4 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

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

This right when combined with all other rights shall not exceed 0.02 cfs per acre.

SF5 Right No. 63-21602

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NBS