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DEPARTMENT OF
WATER RESOURCES

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. 63-19875
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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

Daniel R. & Shirley A. Gibbens

Dan Gibbens 8-27-08
Shirley Gibbens 8/27/08
Date Date

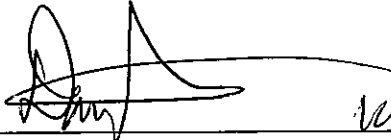
OBJECTOR

Wilder Irrigation District

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

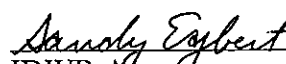
RESPONDENT

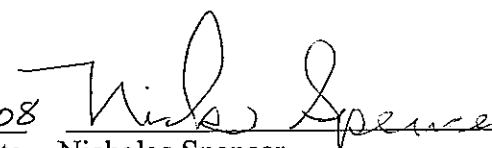
United States on behalf of
Bureau of Reclamation

 10/15/08

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

IDWR Concurrence:

 10-2-08
IDWR Agent Date

 10-8-08
Nicholas Spencer Date
Deputy Attorney General

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 83605SHIRLEY 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:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
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 09.15, 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

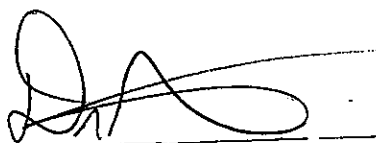
Represented by:
ALBERT P BARKER
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139

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

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



Signature of person or attorney mailing the form