

RECEIVED

NOV 28 2008

Department of Water Resources
Adjudication Bureau

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

OBJECTOR

Riverside Irrigation District

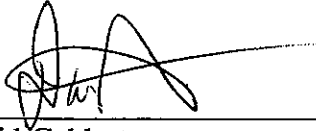
Randy Joe Wagner 11-6-2008
Date

Albert P. Barker 11/2/08
Albert P. Barker, Attorney Date

STANDARD FORM 5 – 63-02904B

RESPONDENT

United States on behalf of
Bureau of Reclamation



11/24/08

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

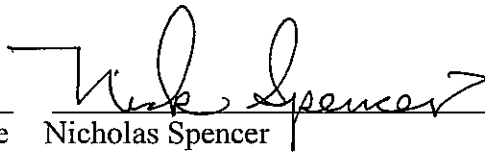
IDWR Concurrence:



11/13/08

IDWR Agent

Date



Nicholas Spencer
Deputy Attorney General

11-18-08

Date

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.

RJW
APB
DL

QUANTITY: 0.600 CFS

PRIORITY DATE: 07/14/1952

POINT OF
DIVERSION:

T05N R06W S14 SWNE Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
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.

VLM
NBS
DL

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.

RJW
APB
DL

~~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.

CERTIFICATE OF MAILING

I certify that on Nov 24, 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

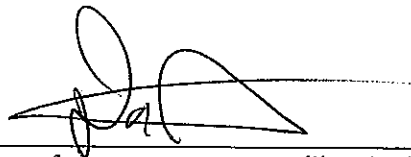
Represented by:
ALBERT P BARKER
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139

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

RANDY JOE WAGNER
27818 PIONEER LANE
PARMA, ID 83660



Signature of person or attorney mailing the form