

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. 63-04805
	)	
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.

CLAIMANTS

Randy Joe & Suzann Wagner

Randy Joe Wagner 11-6-2008

Suzann Wagner 11-6-2008

Date

OBJECTOR

Riverside Irrigation District

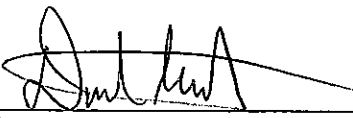
Albert P. Barker 10/2/08

Albert P. Barker, Attorney

Date

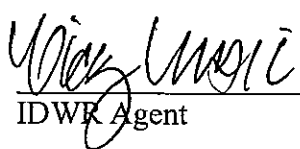
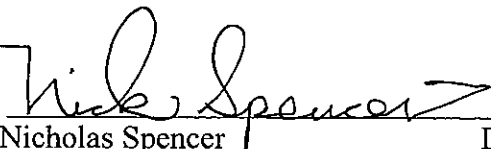
RESPONDENT

United States on behalf of
Bureau of Reclamation

 11/24/08

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

IDWR Concurrence:

 11/13/08  11-18-08

IDWR Agent Date Nicholas Spencer Date
Deputy Attorney General

09/24/2008

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

RIGHT NUMBER: 63-4805

NAME AND ADDRESS: RANDY JOE WAGNER
27818 PIONEER LANE
PARMA ID 83660

SUZANN WAGNER
27818 PIONEER LANE
PARMA ID 83660

SOURCE: SCOTT DRAIN

TRIBUTARY: SOUTH BOISE DRAIN

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

QUANTITY: 0.510 CFS

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

This right when combined with Right No. 63-12180 shall provide no more than .02 cfs per acre.

PRIORITY DATE: 05/01/1939

POINT OF
DIVERSION:

T05N R06W S14 SWNWNE Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.030 CFS
IRRIGATION	03/01 11/15	0.480 CFS

PLACE OF USE: IRRIGATION in CANYON County

T05N R06W S14 NWNE 31.00 T05N R06W S14 Lot 1 NENW 3.00

STOCKWATER in CANYON County

T05N R06W S14 NWNE T05N R06W S14 Lot 1 NENW

34 ACRES TOTAL

This right is limited to the irrigation of 24 acres within the place of use described above in a single irrigation season.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

09/24/2008

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

~~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.~~

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

Stockwater use is for 100 range cattle.

SW
RJW
C/S
DL
VLM

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

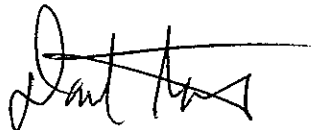
Represented by:
ALBERT P BARKER
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139

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
SUZANN WAGNER
27818 PIONEER LANE
PARMA, ID 83660



Signature of person or attorney mailing the form