

DEC 15 2008

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

Subcase No. 63-20611

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.

OBJECTOR

Wilder Irrigation District

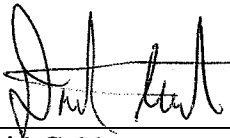
108  11/24/08

Albert P. Barker, Attorney Date

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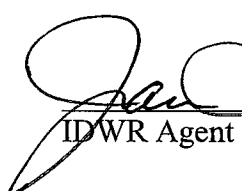
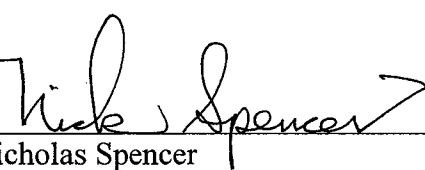
RESPONDENT

United States on behalf of
Bureau of Reclamation

 12/10/08

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

IDWR Concurrence:

 11-20-08  11-24-08

IDWR Agent Date Nicholas Spencer Date
Deputy Attorney General

RD
CD

SF5 Right No. 63-20611

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

RIGHT NUMBER: 63-20611

NAME AND ADDRESS: ROBERT G DEWEY
28313 MIDDLE RD
WILDER ID 83676-5321

CHRISTIE L DEWEY
28313 MIDDLE RD
WILDER ID 83676-5323

SOURCE: UNNAMED DRAIN TRIBUTARY: SNAKE RIVER

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

QUANTITY: 0.400 CFS
90.000 AFY

PRIORITY DATE: 05/20/1945

POINT OF DIVERSION:

T04N R05W S29 NWSE Lot 2 Within CANYON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/01 11/15	0.400 CFS 90.00 AFY

PLACE OF USE: IRRIGATION in CANYON County

T04N R05W S29 Lot 3 NWSE 20.00

20 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 33 acres in a single irrigation season. Combined Right Nos.: 2-2435A and 63-20611

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

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.

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.

SF5 Right No. 63-20611

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~~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.~~

[Handwritten signature]
NBS

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

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

DL

SF5 Right No. 63-20611

RD
CD

CERTIFICATE OF MAILING

I certify that on Dec. 10, 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

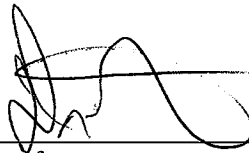
Represented by:
ALBERT P BARKER
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139

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

CHRISTIE L DEWEY
ROBERT G DEWEY
28313 MIDDLE RD
WILDER, ID 83676-5323



Signature of person or attorney mailing the form

RD
CD