

U.S. DEPT. OF JUSTICE
ENV. & NAT. RES. DIV.
DENVER, CO

2009 JAN -2 AM 11: 02

90-6-2-63C
RECEIVED orig: Dave J
cc: Dave G
JAN 12 2009
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	)	Subcase No. 63-02256
	)	
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.

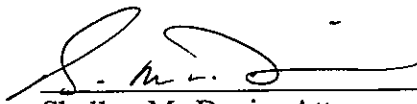
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT
David Vastine

OBJECTOR
Boise Kuna Irrigation District



David Vastine Date



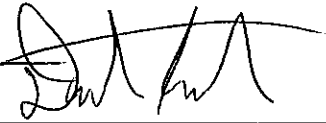
Shelley M. Davis, Attorney Date

STANDARD FORM 5 – 63-02256



RESPONDENT

United States on behalf of
Bureau of Reclamation



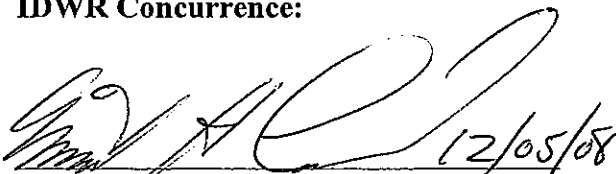
1/6/09

David Gehlert

Date

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

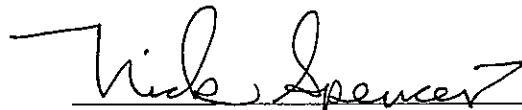
IDWR Concurrence:



IDWR Agent

Date

12/05/08



Nicholas Spencer

Deputy Attorney General

12-5-08

Date



09/10/2008

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

RIGHT NUMBER: 63-2256

NAME AND ADDRESS: DAVID VASTINE
105 FLORADA AVE
PIEDMONT CA 94610

SOURCE: PANCHERI DRAIN TRIBUTARY: SNAKE RIVER
PECKHAM DRAIN TRIBUTARY: PANCHERI DRAIN

QUANTITY: 2.500 CFS
630.60 AFY

Right Nos. 63-2256, 63-2711, 63-2938, 63-3056 and 63-28282 are limited to a total combined diversion rate of 5.08 cfs.

PRIORITY DATE: 02/01/1915

POINT OF
DIVERSION:

T01S R02W S24 SESW NESW Within CANYON County
T01S R02W S25 NWNW Within CANYON County
T01S R02W S25 NWNW Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.030 CFS 0.60 AFY
IRRIGATION	03/15 11/15	2.500 CFS 630.00 AFY

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 or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

Domestic use is for 2 homes.

PLACE OF USE: IRRIGATION in CANYON County

T01S R02W S25	NWNW	7.00	T01S R02W S25	SWNW	34.00
T01S R02W S25	SESW	2.00	T01S R02W S25	NESW	8.00
T01S R02W S25	NWSW	9.00	T01S R02W S26	NENE	20.00
T01S R02W S26	NWNE	24.00	T01S R02W S26	SENE	36.00

140 ACRES TOTAL

DOMESTIC in CANYON County

T01S R02W S25 SWNW

Right Nos. 63-2256, 63-2711, 63-2938, 63-3056 and 63-28282 are limited to the irrigation of a combined total of 254 acres in a single irrigation season.

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

DC
NBS

Code.

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

DH

~~fund~~

NBS

WHE

CERTIFICATE OF MAILING

I certify that on JAN, 6, 200⁹~~8~~, 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:

BOISE KUNA IRRIGATION DIST
Represented by:
SHELLEY M DAVIS
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

DAVID VASTINE
105 FLORADA AVE
PIEDMONT, CA 94611



Signature of person or attorney mailing the form