

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

RECEIVED 90-6-2-63C
JAN 12 2009
DEPARTMENT OF
WATER RESOURCES
Orig: Dave J
cc: Dave G

2009 JAN -2 AM 11:02

**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. 63-02711
	)	
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.

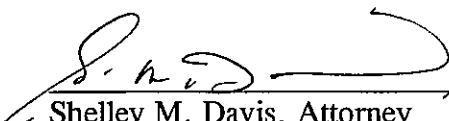
The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions 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

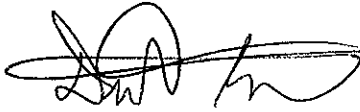

David Vastine Date


Shelley M. Davis, Attorney Date



RESPONDENT

United States on behalf of
Bureau of Reclamation



11/6/09

David Gehlert

Date

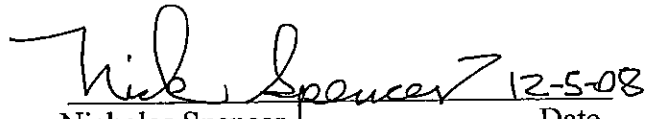
Attorney, U.S. Department of Justice
Environment and Natural Resources Division

IDWR Concurrence:



IDWR Agent

Date



Nicholas Spencer

Date

Deputy Attorney General

09/10/2008

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

RIGHT NUMBER: 63-2711

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

SOURCE: PANCHERI DRAIN

TRIBUTARY: SNAKE RIVER

QUANTITY: 3.790 CFS

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: 07/29/1948

POINT OF
DIVERSION:

T01S R02W S24 SESW Within CANYON County
T01S R02W S24 SESW Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	3.790 CFS

PLACE OF USE: IRRIGATION in CANYON County

T01S R02W S23	SWSW	25.00	T01S R02W S23	SESW	30.00
T01S R02W S25	NWNW	7.00	T01S R02W S25	SWNW	34.00
T01S R02W S25	SENW	2.00	T01S R02W S25	NESW	8.00
T01S R02W S25	NWSW	12.00	T01S R02W S26	NENE	20.00
T01S R02W S26	NWNE	24.00	T01S R02W S26	SWNE	12.00
T01S R02W S26	SENE	36.00	T01S R02W S26	NENW	26.00
T01S R02W S26	NWNW	2.00	T01S R02W S26	NESE	6.00

244 ACRES TOTAL

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 Code.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

Right decreed in Evans vs. Pancheri 08/10/1978, decree 63 U.

Handwritten signatures and initials:
JMD
AM
NBS
Dw

Right includes accomplished change in place of use pursuant to Section
42-1425, Idaho Code.

A handwritten signature or set of initials, possibly "DM", enclosed within an oval shape.

CERTIFICATE OF MAILING

I certify that on JAN 6⁹, 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:

BOISE KUNA IRRIGATION DIST

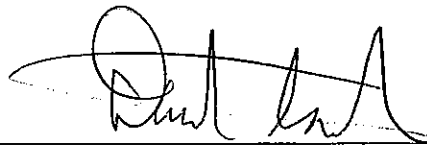
Represented by:
SHELLEY M DAVIS
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139

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