

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

2009 JAN -2 AM 11: 03

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DEPARTMENT OF  
WATER RESOURCES

90-6-2-63C

Orig: Dave J

cc: Dave G

**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. 63-28282

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.

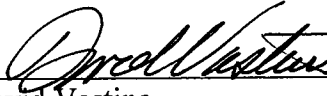
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

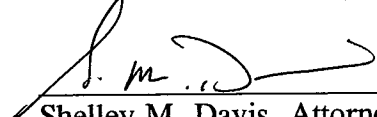
**CLAIMANT**

David Vastine

**OBJECTOR**

Boise Kuna Irrigation District

  
David Vastine 12/1/08 Date

  
Shelley M. Davis, Attorney Sept. 15, 08 Date

STANDARD FORM 5 – 63-28282



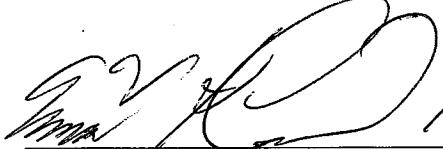
**RESPONDENT**

United States on behalf of  
Bureau of Reclamation

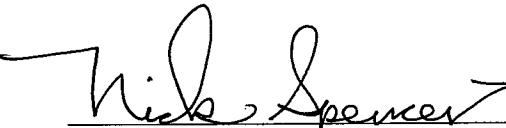
  
\_\_\_\_\_  
David Gehlert  
Attorney, U.S. Department of Justice  
Environment and Natural Resources Division

1/6/09  
Date

**IDWR Concurrence:**

  
\_\_\_\_\_  
IDWR Agent

12/5/08  
Date

  
\_\_\_\_\_  
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: 63-28282

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

SOURCE: SPRING

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.320 CFS  
32.20 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: 11/15/1959

POINT OF  
DIVERSION:

T01S R02W S26 NWNE Within CANYON County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u>   | <u>PERIOD OF USE</u> | <u>QUANTITY</u>         |
|-------------------------|----------------------|-------------------------|
| STOCKWATER STORAGE      | 01/01 12/30          | 3.20 AFY                |
| WILDLIFE STORAGE        | 01/01 12/31          | 32.20 AFY               |
| IRRIGATION              | 03/01 11/15          | 0.320 CFS<br>141.30 AFY |
| STOCKWATER              | 01/01 12/31          | 0.070 CFS<br>3.20 AFY   |
| WILDLIFE                |                      |                         |
| IRRIGATION FROM STORAGE | 03/01 11/15          | 32.20 AFY               |
| IRRIGATION STORAGE      | 01/01 11/15          | 32.20 AFY               |
| DIVERSION TO STORAGE    | 01/01 12/31          | 0.320 CFS               |

PLACE OF USE: IRRIGATION in CANYON County

|               |      |       |               |      |      |
|---------------|------|-------|---------------|------|------|
| T01S R02W S23 | SESW | 4.40  | T01S R02W S26 | NWNE | 9.00 |
| T01S R02W S26 | NENW | 18.00 |               |      |      |

31.4 ACRES TOTAL

IRRIGATION FROM STORAGE in CANYON County

|               |      |       |               |      |      |
|---------------|------|-------|---------------|------|------|
| T01S R02W S23 | SESW | 4.40  | T01S R02W S26 | NWNE | 9.00 |
| T01S R02W S26 | NENW | 18.00 |               |      |      |

STOCKWATER in CANYON County

|               |      |               |      |
|---------------|------|---------------|------|
| T01S R02W S23 | SESW | T01S R02W S26 | NWNE |
| T01S R02W S26 | NENW |               |      |

WILDLIFE in CANYON County

|               |      |
|---------------|------|
| T01S R02W S26 | NWNE |
|---------------|------|

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:

OK  
NBS

To the extent that water from this source is co-mingled with waste water, the wasting of water may be discontinued at any time.

DH  
JMD  
WTC  
NBS

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 241 stock.

Use of this right is combined with water from Boise-Kuna Irrigation District.

## CERTIFICATE OF MAILING

I certify that on JAN. 6, 200<sup>9</sup>~~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

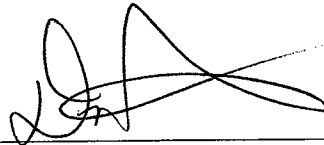
2. Copies to:

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