

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

JAN 16 2009

By _____ Clerk

Deputy Clerk

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JAN 20 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. 63-3181

Case No. 39576

STANDARD FORM 5

STIPULATED ELEMENTS OF A
WATER RIGHT

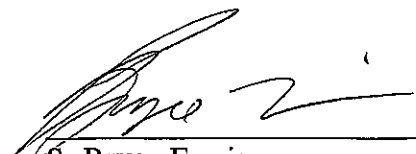
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary 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/OBJECTOR:

Larry Wheaton

 1/13/09
S. Bryce Farris Date
Attorney for Claimant/Objector

STANDARD FORM 5 – Water Right No. 63-3181

IDWR Concurrence:

Sandy Egbert 1-14-09
Sandy Egbert Date
GIS Specialist

Andrea L. Courtney 1/7/09
Andrea L. Courtney Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 63-3181

NAME AND ADDRESS:

LARRY WHEATON
4101 GEKELER
PO BOX 5346
BOISE ID 83705SOURCE: Source:
GROUND WATER

Tributary:

QUANTITY: 1.380 CFS
535.500 AFY

495.400 AFY

PRIORITY DATE: 02/11/1960

POINT OF DIVERSION:

T02N R02W S34 NENW
Within CANYON CountyPURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION	03/01 11/15	1.380 CFS	535.50 AFY
		~~1.220 CFS~~	~~472.50 AFY~~

~~COMMERCIAL~~	~~03/15 11/15~~	~~0.140 CFS~~	~~13.20 AFY~~
~~HEATING~~	~~03/15 11/15~~	~~0.020 CFS~~	~~9.70 AFY~~

PLACE OF USE:

IRRIGATION within CANYON County

T02N R02W S34 NWNE 40.0

T02N R02W S34 NWNE 26.0

T02N R02W S34 NENW 40.0

T02N R02W S34 SENW 39.0

~~HEATING Same as IRRIGATION~~~~COMMERCIAL Same as IRRIGATION~~119 ACRES TOTAL~~105 ACRES TOTAL~~

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

~~This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for irrigation of the lands above.~~
~~The right holder shall accomplish the change authorized by Transfer 4234 within one (1) year of the date of this approval.~~
~~Failure of the right holder to comply with the conditions of Transfer 4234 is cause for the Director to rescind approval of the transfer.~~

CERTIFICATE OF MAILING

I certify that on Jan 15, 2009, 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:

LARRY WHEATON
Represented by:
S. BRYCE FARRIS
455 S. THIRD STREET
P.O. BOX 2773
BOISE, ID 83701-2773

DIRECTOR OF IDWR
P.O. BOX 83720
BOISE, ID 83720-0098

Deserae Kramer
Signature of person or attorney mailing the form