



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

January 16, 2009

David Whitney, Attorney
Alexanderson Davis Rainey & Whitney
PO Box 26
Caldwell, ID 83605

Re: Subcase Nos. 63-5358 (Jewell Black)

Dear Mr. Whitney

Enclosed please find the original document entitled "Standard Form 5 – Stipulated Elements of a Water Right" (commonly referred to as SF 5) for the above referenced subcase nos. for Basin 63.

Please review the new recommendation which is attached to the original SF 5 document. If all the information is correct, please sign and date the first page of the original and initial the page entitled "Recommendation of Water Rights Acquired Under State Law." After you have signed and initialed the original, **please return the documents to our office in the self addressed stamped envelope** provided for your convenience. Our office will gather the remaining signatures and make sure the documents are subsequently filed with the Court.

If you have any questions regarding this process or the enclosed documents please do not hesitate to call me at 287-4814.

Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in black ink that reads "Renea Ridgeway". The signature is fluid and cursive.

Renea Ridgeway
Paralegal, IDWR

Enclosures

**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. 63-05358
	)	
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/RESPONDENT

David Whitney, Attorney

OBJECTOR

Wilder Irrigation District

On behalf of Jewell Black Date

Albert P. Barker, Attorney Date

United States on behalf of
Bureau of Reclamation

IDWR Concurrency:

STANDARD FORM 5 - 63-05358

CERTIFICATE OF MAILING

I certify that on _____, 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:

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

Jewell Black
c/o David Whitney, Attorney
Alexanderson Davis Rainey & Whitney
P.O. Box 26
Caldwell, ID 83605

Signature of person or attorney mailing the form

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

RIGHT NUMBER: 63-5358

NAME AND ADDRESS: JEWELL BLACK
15133 LON LN
CALDWELL ID 83607

SOURCE: UNNAMED DRAIN

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.160 CFS

This right when combined with all other rights, shall not exceed .02 cfs at the field headgate.

PRIORITY DATE: 06/01/1970

POINT OF DIVERSION:

T03N R04W S16 SWSW Lot 2 Within CANYON County

T03N R04W S16 SWSW Lot 2 Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
COMMERCIAL	05/01 10/01	0.160 CFS
IRRIGATION	03/01 11/15	0.030 CFS

Commercial use is for a feedlot operation.

PLACE OF USE: IRRIGATION in CANYON County

T03N R04W S16 Lot 2 SWSW 0.70 T03N R04W S16 SESW 0.30

COMMERCIAL in CANYON County

T03N R04W S16 Lot 2 SWSW T03N R04W S16 SESW

1 ACRES TOTAL

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.

The source of this water right includes waste water. 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.

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

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