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DEPARTMENT OF
WATER RESOURCES

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

FEB - 5 2009

By _____

Clerk

Deputy Clerk

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. 63-04595

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.

CLAIMANTS

Dan J. & Connie R. Erskine

Dan J. Erskine
Connie R. Erskine 1/9/09

Michael C. Creamer
Michael C. Creamer, Attorney

Date

OBJECTOR

Riverside Irrigation District

Albert P. Barker 1-15-09
Albert P. Barker, Attorney

Date

STANDARD FORM 5 - 63-04595

OBJECTORS

Jerrell & Carol Glenn

Michael C. Cramer 12/30/08
Givens Turley LLP

Attorney for Objectors
Jerrell and Carol Glenn

RESPONDENT

United States on behalf of
Bureau of Reclamation

David Gehlert 1/26/09
Date

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

IDWR Concurrence:

Vicky Music 12/11/08
IDWR Agent Date
Vicky Music

Nicholas Spencer 2-3-09
Nicholas Spencer Date
Deputy Attorney General

12/03/2008

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

RIGHT NUMBER: 63-4595

NAME AND ADDRESS: CONNIE R ERSKINE
24788 BOISE RIVER RD
PARMA ID 83660

DAN J ERSKINE
24788 BOISE RIVER RD
PARMA ID 83660

SOURCE: ~~UNNAMED DRAIN~~
UNNAMED STREAM

TRIBUTARY: BOISE RIVER

QUANTITY: 0.520 CFS

PRIORITY DATE: 03/01/1910

POINT OF
DIVERSION:

T05N R05W ~~S36 NESE~~ Within CANYON County
S6 NENE LOT 1

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/01 11/15

0.520 CFS

PLACE OF USE: IRRIGATION in CANYON County

T05N R05W S36 Lot 3 NENW 20.50

20.5 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.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

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

The portion of Right 63-4595 used for conveyance losses is .11 cfs.

NBS
VLM
MCC
CKE
DJE
APB
D

CERTIFICATE OF MAILING

I certify that on 2/4, 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:

RIVERSIDE IRRIGATION DISTRICT

Represented by:
ALBERT P BARKER
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139

R JERRELL & CAROL L GLENN

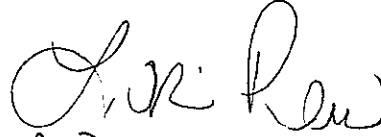
Represented by:
MICHAEL C CREAMER
601 W BANNOCK ST
PO BOX 2720
BOISE, ID 83701-2720

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

CONNIE R ERSKINE
DAN J ERSKINE
24788 BOISE RIVER RD
PARMA, ID 83660



Signature of person or attorney mailing the form