

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

Case No. 39576

Subcase No. 63-04053

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.

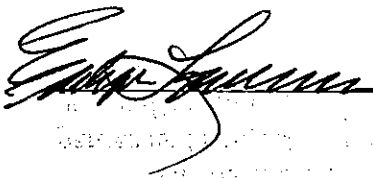
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT

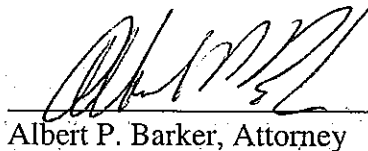
Evelyn Loveless

OBJECTOR

Wilder Irrigation District



10/30/09
Date

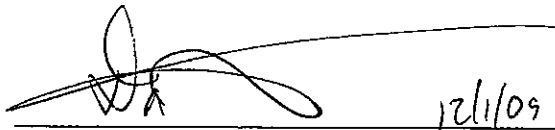

Albert P. Barker, Attorney

11/11/09
Date

STANDARD FORM 5 - 63-04053

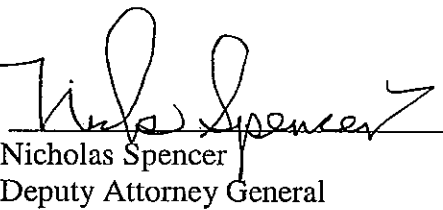
RESPONDENT

United States on behalf of
Bureau of Reclamation


12/1/09

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

IDWR Concurrence:

 11-17-09
IDWR Agent Date
 11-19-09
Nicholas Spencer Date
Deputy Attorney General

SF5 Water Right No. 63-4053

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

RIGHT NUMBER: 63-4053

NAME AND ADDRESS: EVELYN LOVELESS
120 HORIZON DR
BOISE ID 83702

SOURCE: ISHAM DRAIN

TRIBUTARY: SNAKE RIVER

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

QUANTITY: 1.970 CFS

This right when combined with all other rights shall not exceed 0.02 cfs per acre at the field headgate.

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 03/01/1934

POINT OF DIVERSION:

T03N R04W S21 SWNE Lot 3 Within CANYON County

T03N R04W S21 SWNE Lot 3 Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.070 CFS
IRRIGATION	03/01 11/15	1.900 CFS

PLACE OF USE: IRRIGATION in CANYON County

T03N R04W S21	NWNE	1.30	T03N R04W S21 Lot 3 SWNE	25.00
T03N R04W S21 Lot 2	NENW	25.00	T03N R04W S21 Lot 1 NWNW	22.00
T03N R04W S21 Lot 1	SWNW	1.60	T03N R04W S21 Lot 2 SENW	14.00
T03N R04W S21 Lot 4	NESE	0.10	T03N R04W S21 Lot 3 NWSE	6.00

STOCKWATER same as IRRIGATION

95 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.

~~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.~~

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

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

Stockwater use is for 250 range cattle.

SF5 Water Right No. 63-4053

EL
APB
NBS
DL

CERTIFICATE OF MAILING

I certify that on Dec-1, 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

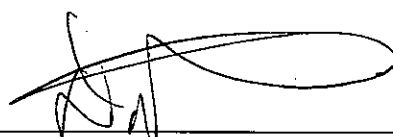
Represented by:
ALBERT P BARKER
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139

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

EVELYN LOVELESS
120 HORIZON DR
BOISE, ID 83702



Signature of person or attorney mailing the form