

DEC 15 2009

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

Subcase No. 63-27399

STANDARD FORM 5

STIPULATED ELEMENTS OF A WATER RIGHT

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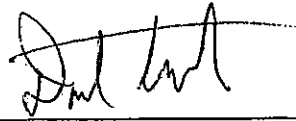
OBJECTOR

Wilder Irrigation District


Albert P. Barker, Attorney
11-13-09
Date

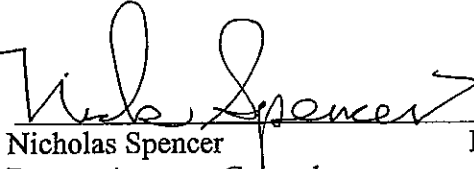
RESPONDENT

United States on behalf of
Bureau of Reclamation


David Gehlert
12/10/09
Date
Attorney, U.S. Department of Justice
Environment and Natural Resources
Division

IDWR Concurrence:


IDWR Agent
11-23-09
Date


Nicholas Spencer
11-25-09
Date
Deputy Attorney General

SF5 Water Right No. 63-27399

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

RIGHT NUMBER: 63-27399

NAME AND ADDRESS: DAVID R SEVERN
N 12411 VISTAWOOD CT
SPOKANE WA 99218

JANICE K SEVERN
N 12411 VISTAWOOD CT
SPOKANE WA 99218

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.

AKB

QUANTITY: 2.930 CFS

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

PRIORITY DATE: 06/24/1932

POINT OF DIVERSION:

T03N R04W S17 SWNESE Within CANYON County

T03N R04W S17 NWSESE Within CANYON County

Jr
Rmr 11/16/05
NBS
DC

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	2.930 CFS

PLACE OF USE: IRRIGATION in CANYON County

T03N R04W S17 Lot 3 SWNE	40.00	T03N R04W S17 Lot 4 SENE	39.00
T03N R04W S17 Lot 4 NESE	31.00	T03N R04W S17 Lot 3 NWSE	22.00
T03N R04W S17 SWSE	0.40	T03N R04W S17 SESE	14.00

146.4 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.~~

SF5 Water Right No. 63-27399

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

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

Bus 11/2/09
DL
CNP3
NBS

SF5 Water Right No. 63-27399

CERTIFICATE OF MAILING

I certify that on DEC. 10, 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:

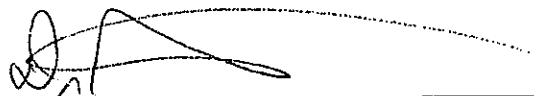
WILDER IRRIGATION DISTRICT
Represented by:
ALBERT P BARKER
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139

DAVID R & JANICE SEVERN
Represented by:
BRUCE M. SMITH
950 W BANNOCK STE 520
BOISE, ID 83702

USDI BUREAU OF RECLAMATION
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

DAVID R SEVERN
JANICE K SEVERN
N 12411 VISTAWOOD CT
SPOKANE, WA 99218

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke, positioned above a solid horizontal line.

Signature of person or attorney mailing the form