

04-29-02.

08:13

FROM-HOLDEN KIDWELL HAHN & CRAPO

208-523-8518

T-205 P.006/010 F-344

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

MAY 13 2002

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

By

Clerk

Deputy Clerk

In Re SRBA

SUBCASE NO: 31-10499

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. 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; and 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:

Ray W. Ragby 4/30/02
Ray Ragby Date
Attorney for Sidney and Jana Ashcraft

OBJECTOR:

Kent Foster
Kent Foster Date
Attorney for Mud Lake Water Users, Inc.

OBJECTOR:

Kent Foster
Kent Foster Date
Attorney for Independent Water Users

IDWR CONCURRENCE:

Eric Carlson 5/9/02
Eric Carlson Date
Water Rights Supervisor, IDWR

Candice M. McHugh 5/9/02
Candice M. McHugh (As to Form) Date
Attorney for IDWR

04-29-02 08:13 FROM-HOLDEN KIDWELL HAHN & CRAPO

208-523-8518

T-205 P.008/010 F-344

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

04/23/2002

MAY 13 2002

By _____

Clerk

Deputy Clerk

IDaho DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAWRIGHT NUMBER: 31-10499
NAME AND ADDRESS: SIDNEY ASECRAFT
2104 E 1800 N
HANGER ID 83425JANA ASECRAFT
2104 E 1800 N
HANGER ID 83425SOURCE: RAYS LAKE
QUANTITY: 5.82 CFS

TRIBUTARY: MOD LAKE

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION
RATE OF 7.42 CFS. COMBINED RIGHT NOS.: 31-4126, 31-10499, 31-10800,
31-11462.

PRIORITY DATE: 09/05/1932

POINT OF DIVERSION:

T07N R36E S30 SWSE Within JEFFERSON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 10/31	5.820 CFS

PLACE OF USE:

IRRIGATION Within JEFFERSON County

T06N R36E S06 Lot 3 NESE	20.0	T06N R36E S06 Lot 4 NESE	29.0
T07N R36E S31	15.0	T07N R36E S31	42.0
T07N R36E S31 Lot 3 NWSE	40.0	T07N R36E S31 Lot 4 NWSE	40.0
T07N R36E S31	42.0		

239 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED
TOTAL OF 371 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.:
31-4126, 31-10499, 31-10800, 31-11462.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE RIGHT HOLDER SHALL USE THE FULL ALLOCATION OF APPURTENANT GROUND WATER RIGHTS IN CONJUNCTION WITH SURFACE WATER DIVERTED UNDER THIS RIGHT AND SHALL ONLY DIVERT SURFACE WATER UNDER THIS RIGHT WHEN WATER FROM THE APPURTENANT GROUND WATER RIGHTS CANNOT BE DELIVERED TO THE RIGHT HOLDER.

IF THE GROUND WATER RIGHT(S) APPURTENANT TO THE PLACE OF USE IS SOLD, TRANSFERRED, LEASED OR USED ON ANY OTHER PLACE OF USE, THIS RIGHT TO DIVERT SURFACE WATER SHALL NOT BE USED WITHOUT AN APPROVED TRANSFER PURSUANT TO SECTION 42-222, IDAHO CODE, OR APPROVAL OF THE DEPARTMENT IF A TRANSFER IS NOT REQUIRED.

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(d), IDAHO CODE.

EXPLANATORY MATERIAL: Decreed

04/23/2002

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

RIGHT NUMBER: 31-10499
NAME AND ADDRESS: SIDNEY ASHCRAFT
2104 E 1800 N
HAMER ID 83425

JANA ASHCRAFT
2104 E 1800 N
HAMER ID 83425

SOURCE: RAYS LAKE TRIBUTARY: MUD LAKE
QUANTITY: 5.82 CFS

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 7.42 CFS. COMBINED RIGHT NOS.: 31-4126, 31-10499, 31-10500, 31-11462.

PRIORITY DATE: 09/05/1912

POINT OF DIVERSION:

T07N R36E S30 SWSWSE Within JEFFERSON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 10/31	5.820 CFS

PLACE OF USE:

IRRIGATION Within JEFFERSON County

T06N R36E S06 Lot 3 NENW	20.0	T06N R36E S06 Lot 4 NWNW	39.0
T07N R36E S31	15.0	T07N R36E S31	NESW 42.0
T07N R36E S31 Lot 3 NWSW	40.0	T07N R36E S31 Lot 4 SWSW	40.0
T07N R36E S31	SESW 42.0		

238 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 371 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 31-4126, 31-10499, 31-10500, 31-11462.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE RIGHT HOLDER SHALL USE THE FULL ALLOTMENT OF APPURTENANT GROUND WATER RIGHTS IN CONJUNCTION WITH SURFACE WATER DIVERTED UNDER THIS RIGHT AND SHALL ONLY DIVERT SURFACE WATER UNDER THIS RIGHT WHEN WATER FROM THE APPURTENANT GROUND WATER RIGHTS CANNOT BE DELIVERED TO THE RIGHT HOLDER.

IF THE GROUND WATER RIGHT(S) APPURTENANT TO THE PLACE OF USE IS SOLD, TRANSFERRED, LEASED OR USED ON ANY OTHER PLACE OF USE, THIS RIGHT TO DIVERT SURFACE WATER SHALL NOT BE USED WITHOUT AN APPROVED TRANSFER PURSUANT TO SECTION 42-222, IDAHO CODE, OR APPROVAL OF THE DEPARTMENT IF A TRANSFER IS NOT REQUIRED.

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: Decreed

04-29-02

08:44

FROM:HOLDEN KIDWELL HAHN & CRAPO

208-523-9518

T-205 P.010/010 F-344

CERTIFICATE OF MAILING

I certify that on May 13, 2002 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:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 83720
Boise, ID 83720-0098

IDWR Document Repository
P.O. Box 83720
Boise, ID 83720-0098

Kent Foster
Attorney for Mud Lake Water Users, Inc.
Attorney for Independent Water Users
P.O. Box 50130
Idaho Falls, ID 83405

Ray Rigby
Attorney for Sidney & Jana Ashcraft
P.O. Box 250
Rexburg, ID 83440-0250

Cathy Howard
Signature of person or attorney mailing the form