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Department of Water Resources

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.: 43-328
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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.

Paul A. Ward 6/25/02 Beverly Ward 6-25-02
Paul A. Ward Date Beverly Ward Date
Claimant Claimant
Larry A. Brown 7/13/02
Larry A. Brown Date
Attorney for U.S. Dept. of Justice

Larry K. Christensen 6-21-02
IDWR Concurrence Date
Sr Water Resource Agent

Candice Kelley 6/19/02
Approved as to form Date
Attorney for IDWR

06/18/2002

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

RIGHT NUMBER: 43-328

NAME AND ADDRESS: PAUL A WARD
1960 S ELBA/ALMO RD
ELBA ID 83342

BEVERLY WARD
1960 S ELBA/ALMO RD
ELBA ID 83342

SOURCE: CASSIA CREEK
COTTONWOOD CREEK

TRIBUTARY: RAFT RIVER
TRIBUTARY: CLYDE CREEK

QUANTITY: 0.60 CFS

PRIORITY DATE: 12/31/1874

POINT OF DIVERSION:

T13S R24E S25 NESWNW Within CASSIA County

T14S R25E S6 NWSWNE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4/01 10/31	0.600 CFS

PLACE OF USE: IRRIGATION Within CASSIA County

T13S R25E S29	SESW	34.0	T13S R25E S29	SWSE	16.0
T13S R25E S32	NWNE	24.0	T13S R25E S32	SWNE	14.0

88 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED
TOTAL OF 88 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.:
43-00328, 43-00329, 43-00330, AND 43-00331.

PLACE OF USE DOES NOT INCLUDE FEDERAL PUBLIC LANDS

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.

EXPLANATORY MATERIAL: Decreed

THE COMBINED FLOW RATE FOR THE COMBINED RIGHTS LISTED BELOW
INCLUDES 0.72 CFS FOR CONVEYANCE LOSS BETWEEN THE POINTS OF
DIVERSION AND THE FIELD HEADGATES. COMBINED RIGHTS: 43-00328,
43-00329, 43-00330, AND 43-00331.

Water Right 43-328

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CERTIFICATE OF SERVICE

I certify that on July 7, 2002, I caused to be served true and correct copies of this Standard Form 5, to the following persons, in the manner indicated 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, ID 83303-2707

☒ Overnight Mail
☐ Regular Mail
☐ Hand-Delivered
☐ Facsimile

2. Copies to:

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

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Paul A. & Beverly Ward
1960 S. Elba Almo Rd
Elba, ID 83342

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

U.S. Dept. of Justice
Environment & Nat'l Resources Div.
550 W. Fort St. MSC 033
Boise, ID 83724

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Signature of person or attorney mailing the form