

RECEIVED
APR 20 2004
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

SUBCASE NO: 29-188

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.

CLAIMANT:

Jim Andrus 4/8/04
Jim Andrus Date

CLAIMANT:

Kenneth D. Andrus Apr. 8 2004
Kenneth D. Andrus Date

CLAIMANT:

Colleen L. Andrus 4/8/04
Colleen L. Andrus Date

OBJECTOR:

Larry Brown 4/16/04
Larry Brown, USDOJ MB Date
Attorney for BLM

IDWR CONCURRENCE:

Ernie Carlsen 2-11-04
Ernie Carlsen Date
Adjudication Supervisor, Eastern Region

Candice M. McHugh 2-11-04
Candice M. McHugh (As to Form) Date
Attorney for IDWR

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

RIGHT NUMBER: 29-188

NAME AND ADDRESS:

COLLEEN L. ANDRUS
6948 E OLD OREGON TRAIL RD
LAVA HOT SPRINGS ID 83246

JIM ANDRUS
6948 E OLD OREGON TRAIL RD
LAVA HOT SPRINGS ID 83246

KENNETH D ANDRUS
6948 E OLD OREGON TRAIL RD
LAVA HOT SPRINGS ID 83246

SOURCE: Source:
EAST BOB SMITH CREEK

Tributary:
PORTNEUF RIVER

QUANTITY: 0.800 CFS 0.000 APY
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 6.55 CFS. COMBINED RIGHT NOS.: 29-187,
29-188, 29-191, 29-193, 29-11678, 29-11681.
THIS RIGHT WHEN COMBINED WITH RIGHT NO. 29-187, 29-188, 29-191, 29-193,
29-11678, AND 29-11681 SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE.

PRIORITY DATE: 07/01/1902

POINT OF DIVERSION:

T09S R37E S12 NESESW Within BANNOCK County

PURPOSE AND PERIOD OF USE:	Purpose of use	Period of use:	Quantity:
IRRIGATION		4/15 9/15	0.800 CFS

PLACE OF USE: IRRIGATION within BANNOCK County

T09S R37E S12 SWSW 3.2

~~T09S R37E S12 SWSW 3.2~~

T09S R37E S12 SESW 5.5

~~T09S R37E S12 NENE 0.1~~

T09S R37E S13 NWNW 11.0

T09S R37E S13 SWNW 28.0

T09S R37E S13 NWSW 21.0

T09S R37E S13 SWSW 17.0

T09S R37E S14 NENE 0.7

T09S R37E S14 SENE 23.0

T09S R37E S14 NENE 34.0

T09S R37E S14 SESE 34.0

T09S R37E S23 NENE 33.0

Emc KA
Emc do
MB
LAB

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

T098 R37E S23 NWNE 20.0
T098 R37E S23 SENE Lot 1 22.0
T098 R37E S23 NENW 32.0
T098 R37E S23 NWNW 12.0
T098 R37E S24 NWNW 31.0

327.4 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 327.4 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-187, 29-188, 29-191, 29-193, 29-11678, 29-11681.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 40 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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: BASIS OF CLAIM - Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
SECTION 42-1425, IDAHO CODE.

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE: 29-187, 29-188, 29-191, 29-193, 29-11678,
29-11681.

Smc GA
Emc da
Jo AB
LAKS

CERTIFICATE OF MAILING

I certify that on Apr. 16, 2004 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

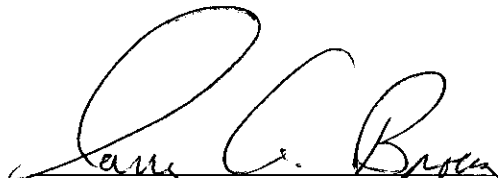
2. Copies to:

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

Larry Brown
US DOJ
Attorney for BLM
550 W. Fort St. MSC 033
Boise, ID 83724

Jim Andrus
Kenneth Andrus
Colleen Andrus
6948 E Old Oregon Trail Rd.
Lava Hot Springs, ID 83246


Signature of person or attorney mailing the form