

RECEIVED
MAY 26 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: 29-7680
	)	
	)	
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 indicate their concurrence by their signatures below and by initialing each of the attached pages.

CLAIMANT/OBJECTOR:

David R. Fischel 5-22-04
David R. Fischel Date

CLAIMANT:

Dennis V. Hickman 5-22-04
Dennis V. Hickman Date

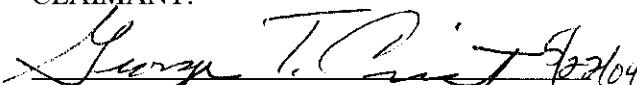
CLAIMANT:

Norene Crist 5-22-04
Norene Crist Date

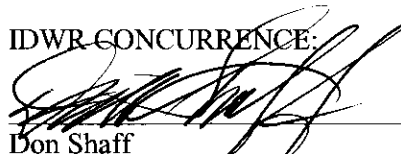
CLAIMANT:

Layne T. Nalder 5-22-04
Layne T. Nalder Date

CLAIMANT:


George T. Crist Date

IDWR CONCURRENCE:


Don Shaff Date
Technical Support Section Manager, IDWR


Candice M. McHugh Date
Attorney for IDWR

05/13/2004

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

RIGHT NUMBER: 29-7680

NAME AND ADDRESS: DAVID R FISCHEL
2446 N MINK CREEK RD
POCATELLO ID 83204

DENNIS V HICKMAN
2364 N APPLE LN
POCATELLO ID 83204

GEORGE T CRIST
2382 APPLE LN
POCATELLO ID 83204

NORENE CRIST
2382 APPLE LN
POCATELLO ID 83204

LAYNE T NALDER
2388 N MINK CREEK RD
POCATELLO ID 83204

APPLE ACRES SUBDIVISION
C/O DAVID R FISCHEL
2446 N MINK CREEK RD
POCATELLO, ID 83204

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: ~~0.130~~ 0.110 CFS
5.90 AFY

USE OF THIS RIGHT WITH RIGHT NO. 29-00276C IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF ~~0.038~~ .042 CFS.

USE OF THIS RIGHT WITH RIGHT NO. 29-10608 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 0.032 CFS.

USE OF THIS RIGHT WITH RIGHT NO. 29-00276E IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 0.028 CFS.

USE OF THIS RIGHT FOR IRRIGATION PURPOSES WITH RIGHTS LISTED
BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.086
CFS. COMBINED RIGHT NOS.: 29-00276C, 29-00267E, 29-07680,
29-10608.

PRIORITY DATE: 12/09/1982

POINT OF
DIVERSION: T07S R35E S20 NWNESE Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
DOMESTIC

PERIOD OF USE
01/01 12/31

QUANTITY
0.100 CFS
2.40 AFY

05/13/2004

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

IRRIGATION 03/15 11/15 0.030 CFS
3.50 AFY

Domestic use is for 4 homes.

PLACE OF USE: IRRIGATION Within BANNOCK County

T07S R35E S20 NESW 1.0

DOMESTIC same as IRRIGATION

1 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 29-00276C IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 1.7 ACRES IN A SINGLE
IRRIGATION SEASON.

USE OF THIS RIGHT WITH RIGHT NO. 29-10608 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 1.2 ACRES IN A SINGLE
IRRIGATION SEASON.

USE OF THIS RIGHT WITH RIGHT NO. 29-00276E IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 1.0 ACRES IN A SINGLE
IRRIGATION SEASON.

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 3.9 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-00276C, 29-00276E,
29-07680, 29-10608.

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 - License

PARCEL NO(S): RRAPA000300, RRAPA000400, RRAPA000500,
RRAPA001100.

Place of use is located within Lots 1; S5 feet lot 2 and Lot 3; lot 2 less
5; lot 9; Apple Acres Subdivision.