

JUL 12 2002

Department of Water Resources
Southern Region

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 <u>43-4241</u>
	)	(Insert Water Right Number)
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 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.

Date: 7/16/02

Robert Wain
Claimant

Steve Ward
Objector

Steve Hancock
IDWR Concurrence

Candice Meyers
Attorney for IDWR

INSTRUCTIONS FOR MAILING

You must mail this form, including all attachments, to the Clerk of the SRBA Court and to the parties identified in the Certificate of Mailing. FAX filings will not be accepted by the SRBA Clerk of the Court.

You must sign the Certificate of Mailing to show that you followed these steps.

CERTIFICATE OF MAILING

I certify that on July 16, 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

3. **Robert & Nancy Ward**

PO Box 1580
Elba ID 83326

4. **Steve Ward**

PO Box 1590
Malta ID 83342

Don Lew

Signature of person or attorney mailing the form

JUL 12 2007

Department of Water Resources
Southern Region

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

RIGHT NUMBER: 43-4241
NAME AND ADDRESS: NANCY WARD
BOX 1580
ELBA ID 83326

ROBERT W WARD
PO BOX 1580
ELBA ID 83326

SOURCE: WASTE WATER
WASTE WATER
TRIBUTARY: ALMO CREEK
TRIBUTARY: EDWARDS CREEK

QUANTITY: 1.00 CFS
PRIORITY DATE: 04/01/1939 05/25/1907

POINT OF DIVERSION:
T15S R24E S24 SWSENE Within CASSIA County
T15S R24E S24 NWNESE Within CASSIA County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 10/31	1.000 CFS

PLACE OF USE: IRRIGATION Within CASSIA County

T15S R24E S24	SENE	7.1	T15S R24E S24	NESE	34.0
T15S R24E S24	SESE	5.0	T15S R25E S19 Lot 3	NWSW	1.5
T15S R25E S19 Lot 4	SWSW	1.9			

49.5 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:
THIS RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF WATER DISTRICT 43D.
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: Beneficial Use
THE SOURCE OF THIS RIGHT IS WASTE WATER ORIGINALLY DIVERTED PURSUANT TO RIGHT NO. 43-381 AND 43-382.
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.
THIS RIGHT IS SUBJECT TO ADMINISTRATION AS PART OF THE NATURAL SOURCE TO WHICH THE WASTE IS TRIBUTARY.