



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

April 14, 2005

Clerk of the District Court
Snake River Basin Adjudication
253 3rd Ave. North
P.O. Box 2707
Twin Falls, ID 83303-2707

*RE: Subcase Nos. 29-91B, 29-93B, 29-107B, 29-10327, 29-10329, 29-10330, 29-10331,
29-10332, 29-13231 & 29-13232*

Dear Diana:

Enclosed for filing, please find Standard Form 5's for each of the above-referenced subcases.

Thank you for your assistance.

Very Truly Yours,

A handwritten signature in cursive script, reading "Ray Williams".

Ray Williams
Paralegal

Enclosures

cc: Kenneth D. Andrus
Colleen Andrus
Jim Andrus

**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. 29-00091B
	)	
Case No. 39576	)	
	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT
	)	(Uncontested Overlapping Water
	)	Right to 29-10331 & 29-10332)

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.

CLAIMANT(s)/OBJECTOR(s):

Kenneth D. Andrus

Colleen Lloyd Andrus

Kenneth D. Andrus Mar-17-2005
Kenneth D. Andrus Date

Colleen Lloyd Andrus 4/7/05
Colleen Lloyd Andrus Date

Jim Andrus

Jim Andrus 4-3-05
Jim Andrus Date

IDWR Concurrence:

Ernest Carlsen 4-7-05
Ernest Carlsen Date
IDWR Adjudication Supervisor

Candice McHugh 4/6/05
Candice McHugh Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 29-91B

NAME AND ADDRESS:

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

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

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

SOURCE:

Source:
TOPONCE CREEK

Tributary:

PORTNEUF RIVER

QUANTITY:

0.480 CFS

Use of the rights listed below is limited to a total combined diversion rate of 7.56 cfs.

Combined Right Nos.: 29-10331, 29-107B, 29-10327, 29-13231, 29-13232, 29-10329, 29-91B, 29-10330, 29-93B, and 29-10332.

PRIORITY DATE: 07/01/1909

POINT OF DIVERSION:

~~T06S R38E S34 SENESW~~
~~Within CARIBOU County~~

T06S R38E S34 SENESW Lot 11
Within CARIBOU County

~~T06S R38E S35 NENWSW~~
~~Within CARIBOU County~~

T06S R38E S35 NENWSW Lot 12
Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION

04/15 09/15

0.480 CFS

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 15 AND AFTER SEPTEMBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

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

PLACE OF USE:	IRRIGATION	within CARIBOU County	
			T06S R38E S26 NESW 20.0
	<u>T06S R38E S26 NESW Lot 11 20.0</u>		T06S R38E S26 NWSW 37.0
	<u>T06S R38E S26 NWSW Lot 12 37.0</u>		T06S R38E S26 SWSW 39.0
	<u>T06S R38E S26 SWSW Lot 13 39.0</u>		T06S R38E S35 NENE 40.0
	<u>T06S R38E S35 NENE Lot 1 40.0</u>		T06S R38E S35 NWNE 41.0
	<u>T06S R38E S35 NWNE Lot 2 41.0</u>		T06S R38E S35 NENW 41.0
	<u>T06S R38E S35 NENW Lot 3 41.0</u>		T06S R38E S35 NWNW 40.0
	<u>T06S R38E S35 NWNW Lot 4 40.0</u>		T06S R38E S36 NWNE 40.0
	<u>T06S R38E S36 NWNE Lot 2 39.0</u>		T06S R38E S36 NENW 40.0
	<u>T06S R38E S36 NENW Lot 3 39.0</u>		T06S R38E S36 NWNW 40.0
	<u>T06S R38E S36 NWNW Lot 4 39.0</u>		

375 ACRES TOTAL

378 ACRES TOTAL

Use of the rights listed below is limited to the irrigation of a combined total of 375 acres in a single irrigation season. Combined Right Nos.: 29-10331, 29-107B, 29-10327, 29-13231, 29-13232, 29-10329, 29-91B, 29-10330, 29-93B, and 29-10332.

~~USE OF THE RIGHTS LISTED BELOW ARE LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 50 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-91B, 29-93B, 29-10330, 29-13232, 29-10329 AND 29-10330.~~

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 ALL DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 29-13231, 29-13232, 29-10329, 29-91B, 29-93B, 29-10330, 29-10327, 29-10331 AND 29-107B

CERTIFICATE OF MAILING

I certify that on April 14, 2005, 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:

IDWR REPOSITORY
PO BOX 83720
BOISE, ID 83720-0098

COLLEEN L ANDRUS
JIM ANDRUS
KENNETH D ANDRUS
6948 E OLD OREGON TRAIL RD
LAVA HOT SPRINGS, ID 83246



Signature of person or attorney mailing the form