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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. 29-02178

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.

CLAIMANT(s):

Donna Rae Vaughn

OBJECTOR(s):

Reed & Doris Hartvigsen Family Trust
Richard N. Hartvigsen

Donna Rae Vaughn

Date

D. Scott Crook

Attorney for Objectors

Date

IDWR Concurrence:

Ernest Carlsen 3 May 2005
Ernest Carlsen Date
IDWR Adjudication Supervisor

Candice McHugh 5/2/05
Candice McHugh Date
Deputy Attorney General
Attorney for IDWR

02/01/2005

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

RIGHT NUMBER: 29-2178
NAME AND ADDRESS: DONNA KAE VAUGHAN
3459 WOODLAND RD
DOWNEY ID 83234
SOURCE: ASPEN CREEK
SPRING
TRIBUTARY: MARSH CREEK
TRIBUTARY: MARSH CREEK
QUANTITY: 0.670 CFS
PRIORITY DATE: 04/13/1914
POINT OF DIVERSION:

T12S R37E S8 NE1/4 Within BANNOCK County
T12S R37E S8 NE1/4 Within BANNOCK County
T12S R37E S8 SE1/4 Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 10/31	0.670 CFS
STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE:

IRRIGATION Within BANNOCK County
T12S R37E S05 NE1/4 6.0 T12S R37E S08 NW1/4 1.0
T12S R37E S08 NE1/4 20.0 T12S R37E S08 SE1/4 21.0
T12S R37E S08 NE1/4 20.0 T12S R37E S08 SE1/4 10.0
STOCKWATER same as IRRIGATION
83 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 80 ACRES IN A SINGLE IRRIGATION
SEASON. COMBINED RIGHT NOS.: 28-00348A, 29-02178

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.

THE OPERATION AND ADMINISTRATION OF THIS WATER RIGHT IS ALSO SUBJECT
TO THE TERMS AND CONDITIONS OF THE FOLLOWING CONTRACTUAL AGREEMENT:
WATER RIGHTS SETTLEMENT AGREEMENT ENTERED INTO ON JANUARY 26, 2005,
BETWEEN KENT JENSEN, ATTORNEY-IN-FACT, ON BEHALF OF IVA LOU JENSEN,
LAURA MAYNARD (A.K.A. LONNA MAYNARD), ATTORNEY-IN-FACT ON BEHALF OF
HELEN JENSEN, GERALDINE E. MCNEE, DONNA KAE VAUGHAN, DAVID B.
HARTVIGSEN, ATTORNEY-IN-FACT ON BEHALF OF THE REED E. HORTS
HARTVIGSEN FAMILY TRUST, AND DAVID B. HARTVIGSEN, ATTORNEY-IN-FACT
ON BEHALF OF RICHARD N. HARTVIGSEN FILED OF RECORD IN THE OFFICE OF
THE BANNOCK COUNTY RECORDER ON JANUARY 31, 2005, AS INSTRUMENT NO.
861. THE PROVISION OF SUCH AGREEMENT TO APPLY FULLY TO THIS WATER
RIGHT NOTWITHSTANDING THE FACT THAT THE WATER RIGHT ELEMENTS IN THE
AGREEMENT MAY DIFFER FROM THOSE SPECIFIED HEREIN.

SMC
SMC
SMC

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

EXPLANATORY MATERIAL: License:

STOCKWATER, 30 CATTLE

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.

DR

SMC

SMC
Dec