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DEPARTMENT OF
WATER RESOURCES

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June 1, 2005

Clerk of the District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, Idaho 83303-2707

Re: *MARSH VALLEY DEVELOPMENT*
Subcase Nos. 29-10831 (Casperson)

Dear Clerk:

Enclosed for filing please find Standard Form 5 for filing in the referenced matter. Thank you for your assistance.

Sincerely,

RANDALL C. BUDGE

RCB:rr
Enclosures
cc: Mailing List

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DEPARTMENT OF
WATER RESOURCES

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. 29-10831

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.

CLAIMANT(s):

Brett Casperson

Nathan Casperson

Brett Casperson 4-7-05
Brett Casperson Date

Nathan Casperson 4-7-05
Nathan Casperson Date

by Brett Casperson POA
04

STANDARD FORM 5 -29-10831

OBJECTOR:

Marsh Valley Development, Inc.

Randall C. Budge 5/31/05
Randall C. Budge
Attorney for objector

IDWR Concurrence:

Ernest Carlsen 4/25/2005
Ernest Carlsen
IDWR Adjudication Supervisor

Candice McHugh 4/21/05
Candice McHugh
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 29-10831

NAME AND ADDRESS: BRETT CASPERSON
8893 E MAUGHAN RD
LAVA HOT SPRINGS ID 83246

NATHAN CASPERSON
8789 E MAUGHAN RD
LAVA HOT SPRINGS ID 83246

SOURCE: DEMPSEY CREEK

TRIBUTARY: PORTNEUF RIVER

QUANTITY: 1.200 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 2.4 CFS. COMBINED RIGHT NOS.:
29-10831, 29-10833, 29-13406, AND 29-13407.

PRIORITY DATE: 09/04/1915

POINT OF
DIVERSION: T09S R38E S33 SENWNW Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4/15 9/15	1.200 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County

T09S R38E S30	NWNE	2.7	T09S R38E S30	SWNE	37.0
T09S R38E S30	SENE	33.0	T09S R38E S30	NESE	33.0
T09S R38E S30	NWSE	39.0	T09S R38E S30	SWSE	18.0
T09S R38E S30	SESE	17.0			

179.7 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 179.7 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-10831, 29-10833,
29-13406, 29-13407.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 60.0 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.

USE OF THIS RIGHT IS COMBINED WITH WATER FROM TOPAZ CANAL
SYSTEM.

~~RIGHT NO. 29-13406 IS AN ENLARGEMENT OF THIS RIGHT PURSUANT TO
SECTION 42-1426, IDAHO CODE.~~

THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 29-174 AND 29-176.

CERTIFICATE OF MAILING

I certify that on June 1, 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:

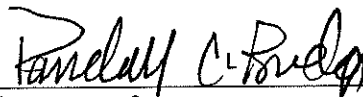
CLERK OF THE DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
253 THIRD AVENUE NORTH
P. O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

2. NATHAN CASPERSON
8789 E MAUGHAN RD
LAVA HOT SPRINGS, ID 83246

BRETT CASPERSON
8893 E MAUGHAN RD
LAVA HOT SPRINGS, ID 83246

MARSH VALLEY DEVELOPMENT INC
Represented by:
RANDALL C BUDGE
PO BOX 1391
201 E CENTER, STE A2
POCATELLO, ID 83204-1391

IDWR REPOSITORY
PO BOX 83720
BOISE, ID 83720-0098



Signature of person or attorney mailing the form

GENERAL POWER OF ATTORNEY

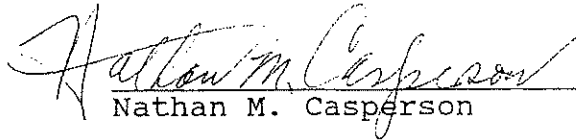
KNOW ALL MEN BY THESE PRESENTS:

That I, Nathan M. Casperson, of Lava Hot Springs, Idaho, have made, constituted and appointed, and by these presents do make, constitute, and appoint Brett H. Casperson, of Lava Hot Springs, Idaho, my true and lawful attorney for and in my name, place and stead, and for my use and benefit as follows:

To ask, demand, sue for, recover, collect, and receive all such sums of money, debts, dues, accounts, legacies, bequests, interests, dividends, annuities, and demands whatsoever, as are now or shall hereafter become due, owing, payable, or belong to me, and have, use, and take all lawful ways and means in my name or otherwise for the recovery thereof, by attachments, arrests, distress or otherwise, and to compromise and agree for the same, and acquittances, or other sufficient discharges for the same, for me and in my name, to make, seal, and deliver; to bargain, contract, agree for, purchase, receive, and take lands, tenements, hereditaments, and accept the seisin and possession of all lands, and all deeds and other assurances in the law therefor, and to lease, let, demise, bargain, sell, remise, release, convey, mortgage, and hypothecate lands, tenements, and hereditaments upon such terms and conditions, and under such covenants as she shall think fit. Also, to bargain and agree for, buy, sell, mortgage, hypothecate, and in any and every way and manner deal in and with goods, wares, and merchandise, choses in action, and other property in possession or in action, and to make, do, and transact all and every kind of business of what nature or kind whatsoever, and also for me and in my name and as my act and deed to sign, seal, execute, deliver, and acknowledge such deeds, leases and assignments of leases, covenants, indentures, agreements, mortgages, hypothecations, bottomries, charterparties, bills of lading, bills, bonds, notes, receipts, evidences of debt, releases, and satisfaction of mortgages, judgments and other debts, and such other instruments in writing of whatever kind and nature as may be necessary or proper in the premises.

Giving and granting upon said attorney full power and authority to do and perform all and every act and thing whatsoever requisite and necessary to be done in and about the above stated premises, as fully to all intents and purposes as I might or could do if personally present with full power of substitution or revocation, and hereby ratifying and confirming all that said attorney (or his substitute or substitutes) shall lawfully do or cause to be done by virtue of these presents.

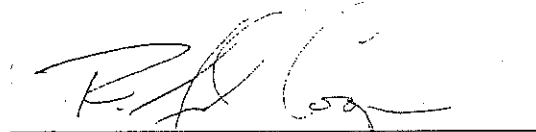
27th IN WITNESS WHEREOF, I have hereunto set my hand and seal the day of November, 1990.


Nathan M. Casperson

STATE OF IDAHO)
County of Bonneville) ss.

On this 27th day of November, 1990, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared Nathan M. Casperson, known to me to be the person whose name is subscribed to the within instrument, and acknowledge to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set me hand and affixed my official seal the day and year in this certificate first above written.


Notary Public for Idaho
Residing at: Idaho Falls
My commission expires: 12/91

(S E A L)