



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

October 6, 2008

Mr. Rob Harris
P.O. Box 50130
Idaho Falls, Idaho 83405

Re: Subcase No 21-10887

Dear Mr. Harris:

Enclosed please find a document entitled "Standard Form 5 – Stipulated Elements of A Water Right" (commonly referred to as SF 5) which has the water right recommendation attached.

Please review the recommendation which is attached to the SF 5. If all the information is correct, please sign and date the first page of the original and initial the page entitled "Recommendation of Water Rights Acquired Under State Law." In an effort to save time and resolve this matter before the February 20, 2008 hearing date, please go ahead and file this document with the Court after you have signed and initialed it. A copy of the fully-executed document should be sent to my attention.

If you have any questions regarding the enclosed documents, please do not hesitate to call me at (208) 287-4814.

Sincerely,


Renea Ridgeway
Paralegal

**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. 21-10887
	)	
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 require no changes and should be described as originally recommended.

CLAIMANT/OBJECTOR:

City of Ashton

_____ Robert Harris	_____ Date
Attorney on behalf of Claimant and Objector	

IDWR Concurrence:

Ernest Carlsen
Water Resource Program Manager

Garrick L. Baxter
Deputy Attorney General
Attorney for IDWR

CERTIFICATE OF MAILING

I certify that on _____, 2008, 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:

CITY OF ASHTON
Represented by:
ROBERT HARRIS
1000 RIVERWALK DR, STE 200
PO BOX 50130
IDAHO FALLS, ID 83405

CITY OF ASHTON
PO BOX 689
ASHTON, ID 83420

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

Signature of person or attorney mailing the form

10/03/2006

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

RIGHT NUMBER: 21-10887

NAME AND ADDRESS: CITY OF ASHTON
PO BOX 689
ASHTON ID 83420

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.440 CFS

PRIORITY DATE: 04/30/1948

POINT OF
DIVERSION: T09N R42E S36 NWNE Within FREMONT County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

MUNICIPAL

01/01 12/31

1.440 CFS

PLACE OF USE:

Place of use is within the service area of the City of Ashton municipal water supply system as provided for under Idaho Law.

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 - Beneficial Use