



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

December 9, 2010

Michael P. Lawrence
601 West Bannock Street
P.O. Box 2720
Boise, ID 83701-2720

RE: SRBA Subcase Nos. 63-9258 & 63-31487 (Rasgorshek)

Dear Mike:

I am enclosing a Standard Form 5 ("SF5") for each of the above-referenced subcases. Please review the documents, and if they are acceptable, please sign on the indicated signature lines and initial the recommendations. Please return the original SF5s to me after signature, and I will obtain the remaining signatures and file them with the SRBA Court.

If you should have any questions or comments, please don't hesitate to contact me at 287-4815.

Sincerely,

A handwritten signature in blue ink that reads "Ray Williams".

Ray Williams
Paralegal

Enclosures

**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. 63-9258
	)	
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, which reflects no changes to the original Director's Report. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT(s)/OBJECTOR(s):

Marilyn Rasgorshek
Paul A. Rasgorshek

Michael P. Lawrence Date
Attorney for Claimant(s)/Objector(s)

IDWR Concurrence:

Jan Shurte Date
Water Rights Supervisor

 12/8/10

Andrea L. Courtney Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 63-9258

NAME AND ADDRESS: MARILYN RASGORSHEK
12770 W ROOSEVELT AVE
NAMPA ID 83686PAUL A RASGORSHEK
12770 W ROOSEVELT AVE
NAMPA ID 83686*A. K.*

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.180 CFS
7.200 AFY

PRIORITY DATE: 06/27/1979

POINT OF DIVERSION:

T02N R03W S35 NENESW Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	1/01 12/31	0.180 CFS 7.20 AFY
Domestic use is for 6 homes and 500 range cattle.		

PLACE OF USE: DOMESTIC in CANYON County

T02N R03W S34	SWNE	T02N R03W S34	NWSE
T02N R03W S35	SWNW	T02N R03W S35	NESW
T02N R03W S35	NWSW		

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 - License

PARCEL NOS. 014R30256-000-0, 014R30248-000-0, 014R30255-000-0

CERTIFICATE OF MAILING

I certify that on _____, 2010, 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:

MARILYN RASGORSHEK
PAUL & MARILYN RASGORSHEK
PAUL A. RASGORSHEK

Represented by:
MICHAEL P. LAWRENCE
601 W. BANNOCK ST.
P.O. BOX 2720
BOISE, ID 83701-2720

DIRECTOR OF IDWR
P.O. BOX 83720
BOISE, ID 83720-0098

Signature of person or attorney mailing the form

**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. 63-31487
	)	<i>Previously Disallowed</i>
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)/OBJECTOR(s):

Marilyn Rasgorshek
Paul A. Rasgorshek

Michael P. Lawrence Date
Attorney for Claimant(s)/Objector(s)

IDWR Concurrence:

Jan Shurte Date
Water Rights Supervisor

Andrea L. Courtney 12/8/10
Andrea L. Courtney Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 63-31487

NAME AND ADDRESS: PAUL A RASGORSHEK
12770 W ROOSEVELT AVE
NAMPA ID 83686MARILYN RASGORSHEK
12770 W ROOSEVELT AVE
NAMPA ID 83686

AH

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.040 CFS

The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 08/01/1979

POINT OF DIVERSION:

T02N R03W S35 NENESW Within CANYON CountyT02N R03W S35 NENWSW Within CANYON CountyPURPOSE AND
PERIOD OF USE:PURPOSE OF USEPERIOD OF USEQUANTITYSTOCKWATER01/01 12/310.040 CFSPLACE OF USE: STOCKWATER in CANYON CountyT02N R03W S34 NENET02N R03W S35 NWNWT02N R03W S35 SWNW

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.~~No beneficial use found.~~~~CHANGE IN OWNERSHIP LG-7-13-2006 REVIEWED BY SE~~The quantity of water decreed for this water right is not a determination of historical beneficial use.EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial UseStockwater use is for 500 head cattle.

~~No beneficial use found: This is included for a claim based on beneficial use that is proposed to be disallowed because beneficial use of water was not confirmed by IDWRs field examination or by other evidence submitted by the claimant. THIS CLAIM IS TO RECOGNIZE THAT 1000 HEAD OF DAIRY REPLACEMENT STOCK HAVE BEEN WATERED IN ADDITION TO THOSE INCLUDED UNDER 63-9258 SINCE AUGUST OF 1979.~~

Am

CERTIFICATE OF MAILING

I certify that on _____, 2010, 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:

MARILYN RASGORSHEK
PAUL & MARILYN RASGORSHEK
PAUL A. RASGORSHEK

Represented by:
MICHAEL P. LAWRENCE
601 W. BANNOCK ST.
P.O. BOX 2720
BOISE, ID 83701-2720

DIRECTOR OF IDWR
P.O. BOX 83720
BOISE, ID 83720-0098

Signature of person or attorney mailing the form