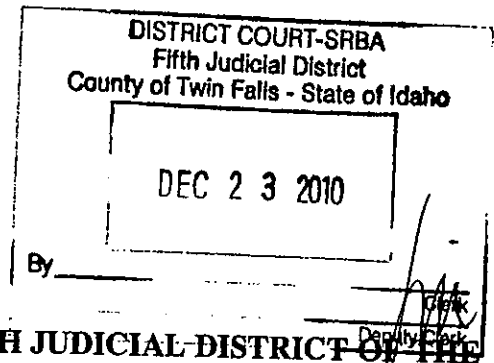




IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

) Subcase No. 63-31487

) *Previously Disallowed*

) **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.

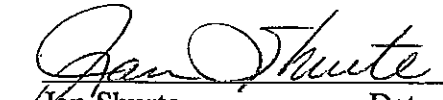
CLAIMANT(s)/OBJECTOR(s):

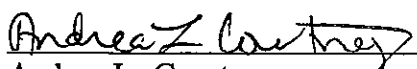
Marilyn Rasgorshek

Paul A. Rasgorshek

 12/13/10
Michael P. Lawrence Date
Attorney for Claimant(s)/Objector(s)

IDWR Concurrence:

 12-16-10
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: 63-31487

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

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:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
<u>STOCKWATER</u>	<u>01/01 12/31</u>	<u>0.040 CFS</u>

PLACE OF USE: STOCKWATER in CANYON County

<u>T02N R03W S34</u>	<u>NENE</u>	<u>T02N R03W S35</u>	<u>NWNW</u>
<u>T02N R03W S35</u>	<u>SWNW</u>		

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 SEThe quantity of water decreed for this water right is not a determination of historical beneficial use.EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use
Stockwater 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 63-9256 SINCE AUGUST OF 1979.~~

JP

MPL

AT

CERTIFICATE OF MAILING

I certify that on December 22, 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