

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

JAN 27 2011

By _____
Clerk
Deputy Clerk

**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 Nos. 02-2313
	)	
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.

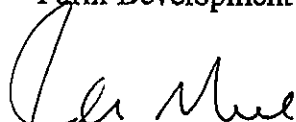
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANTS:

 **ATTORNEY FOR**
Marilyn Rasgorshek
Date 1/17/11

OBJECTOR:

Farm Development Corporation


John Marshall, Attorney
Date 12/7/2010

And PC ATTORNEY FOR
Paul Rasgorshek Date
1/17/11

IDWR Concurrence:

Jan Shurte 10-27-10
Jan Shurte Date
Senior Water Agent

Andrea Z Courtney 12/18/10
Andrea Courtney Date
Deputy Attorney General

CERTIFICATE OF MAILING

I certify that on January 26, ²⁰¹¹2010, 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:

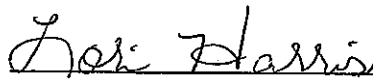
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to:

FARM DEVELOPMENT CORP
Represented by:
JOHN M MARSHALL
601 W BANNOCK ST
PO BOX 2720
BOISE, ID 83701-2720

MARILYN RASGORSHEK
PAUL A RASGORSHEK
Represented by:
MICHAEL P LAWRENCE
PO BOX 2720
BOISE, ID 83701

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



Signature of person or attorney mailing the form

SF5 Right No. 2-2313

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

RIGHT NUMBER: 2-2313

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

MARILYN RASGORSHEK
12770 W ROOSEVELT AVE
NAMPA ID 83686

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 5.880 CFS
1,881.000 AFY

~~The rights listed below are limited to a total combined diversion rate of 87.57 cfs. Combined Right Nos.: 2-68, 2-105, 2-2168, 2-2201, 2-2202, 2-2203, 2-2219C, 2-2219D, 2-2313, 2-10287, 2-10288, 2-10192, and 2-10193.~~

~~Right Nos. 2-2313 and 63-2906 are limited to a total combined diversion rate of 8.36 cfs.~~

PRIORITY DATE: 05/28/1964

POINT OF DIVERSION:

T01N R03W S16 SWNNW Lot 3 Within CANYON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/15 11/15	5.880 CFS 1,881.00 AFY
The use of water for irrigation under this right may begin as early as March 1 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before March 15 and after November 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.		

PLACE OF USE: IRRIGATION in CANYON County

T02N R03W S34	NENE	30.00	T02N R03W S34	NWNE	38.00
T02N R03W S34	SWNE	38.00	T02N R03W S34	SENE	36.00
T02N R03W S34	NENW	38.00	T02N R03W S34	NWNW	38.00

SF5 Right No. 2-2373

SF5 Right No. 2-2313

T02N R03W S34	SWNW	29.00	T02N R03W S34	SEnw	38.00
T02N R03W S34	NWSE	38.00	T02N R03W S34	SWSE	38.00
T02N R03W S35	NWNW	20.00	T02N R03W S35	SWNW	37.00

418 ACRES TOTAL

~~Right Nos. 2-2313 and 63-2906 are limited to the irrigation of a combined total of 418 acres in a single irrigation season.~~

MPL
Jm
AZZ

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

The following rights are also diverted through point of diversion described above: 2-68, 2-105, 2-2168, 2-2201, 2-2202, 2-2203, 2-2219C, 2-2219D, 2-2313, 2-10287, 2-10288, 2-10192, and 2-10193.

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

SF5 Right No. 2-2373