



U.S. Department of Justice

Environment and Resources Division

Washington, D.C. 20530

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February 7, 1996

Department of Water Resources

Matt Howard, Deputy Attorney General
State of Idaho
Department of Water Resources
Statehouse Mail
Boise, ID 83720-9000

RE: Stipulations Subcase No. 34-02443

Dear Matt:

Enclosed is the SF5 for 34-02443. The original SF5 was a one-liner where the U.S. concurred with the Director's Report recommendation. This amended SF5 has been submitted, which details each element as requested by the Special Master.

Best Regards,

William M. Ferry,
Attorney

Enclosure



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Department of Water Resources

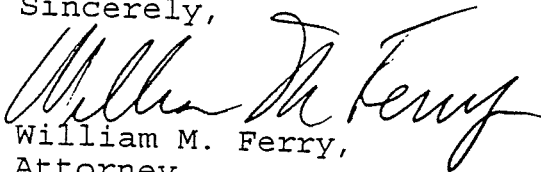
Clerk of the District Court
Snake River Basin Adjudication
253 Third Ave. North
P.O. Box 2707
Twin Falls, ID 83303-2707

RE: SRBA Subcase No. 34-02443

Dear Clerk of the Court:

Please note the enclosed SF5 for Subcase No. 34-02443, submitted to you for filing.

Sincerely,


William M. Ferry,
Attorney

Enclosure

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

) STANDARD FORM 5 , Amended

) SUBCASE NO: 34-02443

) PROPOSED ELEMENTS OF A
) WATER RIGHT
)

This form is used to report the proposed elements of one federal reserved water right or one water right acquired under state law. Submission of this form will not result in the automatic 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; and they have been served with sufficient process, according to the law, and have appeared, prosecuted and defended their positions with regard to this water right dispute.

INSTRUCTIONS FOR USE

A copy of this water right as recommended in the director's report shall be submitted with this form. A statement shall accompany each element of a water right.

Elements where there has been no objection should be listed exactly as they appear in the director's report. The statement as to an uncontested element shall state "as recommended in the director's report."

Contested elements that are the result of an objection filed with the court shall be accompanied by a statement fully describing all facts, documents, expert opinions and law which support the element of the water right (attach additional pages if necessary).

1. The name and address of the claimant is:

Alvin W. Crawford
Sherrie G. Crawford
P.O. Box 218
Darlington, Idaho 83231

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT.

2. The source of water is: Marsh Canyon Creek
Tributary: Antelope Creek

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT.

3. The quantity of water used in cubic feet per second or the quantity of water stored in acre-feet per year is:

1.01 cubic feet per second (cfs)

0.35 cfs of this right is limited to use for conveyance losses in delivery of this right.

The amount of water diverted from Marsh Canyon Creek shall be reduced when necessary to prevent injury to appropriations of water downstream from the point of rediversion.

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT.

4. The priority date is: 06/18/1962

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT.

5. The legal description of point(s) of diversion is; if the claim is for an instream flow, then a legal description of the beginning and ending points of the claimed instream flow:

T.05N., R.25E., Section 07, NESESW

T.05N., R.25E., Section 20, NESENW (I) (R)

Point of injection into and point of rediversion from Marsh Canyon Creek.

Right includes accomplished change in point of diversion pursuant to Idaho Code 42-1418A.25

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT.

6. The purpose of use is: Irrigation

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT.

7. The period of year when the water is to be used is:

May 1 through October 15

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT.

8. The legal description of the place of use or of the reservation is:

T.05N., R.25E., Section 28, NWNW, 12.0 acres

T.05N., R.25E., Section 29, NENE, 11.0 acres

TOTAL: 23.0 acres

This is not an instream flow.

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT.

9. The annual volume of consumptive use is:

57.5 Acre-Feet per Year (AFY)

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT.

10. Other matters necessary to define this water right:

These matters are necessary because:

These matters do not fall within the 9 elements listed above because:

Signature and Address of Parties and their Attorney of Record
(attach additional page if necessary)

I have read this form and know its contents and that the
statements are true to the best of my knowledge and belief.

Name & Address of Claimant:

Names: Alvin W. Crawford
Sherrie G. Crawford
Address: P.O. Box 218
Darlington, ID 83231

Alvin W. Crawford 1/20/96
Alvin W. Crawford Date

Sherrie G. Crawford 1/20/96
Sherrie G. Crawford Date

Name & Address of Objector

Name: United States through
Department of Justice
Address: 601 Pennsylvania Ave., NW
City/State/Zip: Washington, D.C. 20004
Attorneys of Record: Daria J. Zane
R. Lee Leininger
William M. Ferry

William M. Ferry 1/10/96
Attorney's Signature Date

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: MAY-27-1992
PAGE: A-1566

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
-----------------	----------------	------------------	----------------	--------------------------	---------------------	----------------

SOURCE: MARSH CANYON CREEK
TRIBUTARY: ANTELOPE CREEK

34-02443

ALVIN W. CRAWFORD
SHERRIE G. CRAWFORD
P.O. BOX 218
DARLINGTON ID 83231

06/18/1962 IRRIGATION 05-01 10-15 1.01 CFS LICENSE

POINT OF DIVERSION:

T05N R25E S07
S20NESESW
NESENW
NESENW (I)
NESENW (R)

PLACE OF USE: IRRIGATION

T05N R25E S28
S29NWNW 12.0
NENE 11.0

23.0 ACRES TOTAL

REMARKS: RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT
TO IDAHO CODE 42-1416A.0.35 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE LOSSES
IN DELIVERY OF THIS RIGHT.POINT OF INJECTION INTO AND POINT OF REDIVERSION FROM MARSH
CANYON CREEK.THE AMOUNT OF WATER DIVERTED FROM MARSH CANYON CREEK SHALL BE
REDUCED WHEN NECESSARY TO PREVENT INJURY TO APPROPRIATORS OF
WATER DOWNSTREAM FROM THE POINT OF REDIVERSION.TOTAL QUANTITY: 1.01 CFS
CONSUMPTIVE USE: 57.5 AFY

INSTRUCTIONS FOR MAILING

You must mail the form, including all attachments, to the Clerk of the SRBA Court and to the parties identified in the Certificate of Mailing. **FAX filings will not be accepted by the SRBA Clerk of the Court.**

You must sign the Certificate of Mailing to show that you followed these steps.

CERTIFICATE OF MAILING

I Certify that on Feb. 7, 1996, 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:

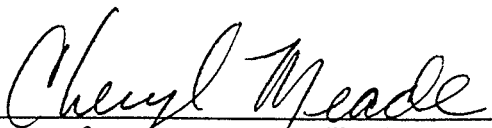
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to (insert name and address):

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho, 83711-4449

U.S. Department of Justice
Environment and Natural Resources Division
550 West Fort Street, MSC 033
Boise, Idaho 83724

Alvin and Sherrie Crawford
P.O. Box 218
Darlington, Idaho 83231



Signature of person or attorney mailing the form

In Re SRBA) Sub-case No. 34-02443
)
Case No. 39576)
) STIPULATION
)
)

This is a stipulation to resolve the objection to the above-captioned water right.

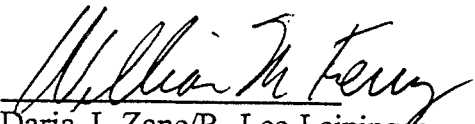
To resolve the dispute over the above-captioned water right, the parties stipulate and agree that:

2. The Standard Form 5 and this stipulation have been reached through good faith negotiations for the purpose of resolving legal disputes, including pending litigation, and all parties agree that no offers and/or compromises made in the course thereof shall be construed as admissions against interest or be used in any legal proceeding, and that this agreement is not and shall not be used as precedent for any other claim to a water right.

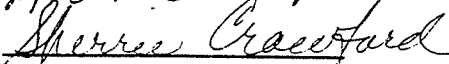
3. All parties agree to bear their own costs and attorney's fees in connection with this matter.

4. The Standard Form 5 and this stipulation were entered into and executed voluntarily by all parties in good faith, and without any fraud, misunderstanding, overreaching, misrepresentation, duress, or undue influence whatsoever.

Dated this 10 day of JANUARY


Daria J. Zane/R. Lee Leininger
William M. Ferry Attorneys
Environment and Natural Res.
Division/US Dept. of Justice

Dated this 20 day of JANUARY



Alvin and Sherrie Crawford