

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

In Re PRBA	)	SUBCASE: 87-12312
	)	STANDARD FORM 5
Case No. 59576	)	
	)	STIPULATED ELEMENTS OF A WATER
	)	RIGHT
	)	
	)	☐ AMENDED NOTICE OF CLAIM /
	)	DIRECTOR'S REPORT

This form is used to report the stipulated elements of one water right acquired under state law. 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 Palouse 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 decreed as described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages. Attached pages should include a copy of the Director's Recommendation, noting where stipulated changes have been made.

CLAIMANT/OBJECTOR:

The Ruth A. Elliott 1992 Revocable Living Trust

 12/13/2023
Candice McHugh, Attorney at Law Date

IDWR Concurrence:

 <u>12/19/23</u> Craig Saxton Date Manager, Water Rights Adjudication Section	 <u>12/18/23</u> Lacey Rammell-O'Brien Date Deputy Attorney General Attorney for IDWR
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CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of December, 2023, I caused to be served a copy of the Standard Form 5 by the following method to:

1. Original to:

Clerk of the District Court
Palouse River Basin Adjudication
253 3rd Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

☐ Overnight Mail
☒ Regular Mail
☐ Hand-delivered
☐ Facsimile

2. Copies to:

IDWR Document Depository
322 East Front Street
PO Box 83720
Boise, ID 83720-0098

☐ Overnight Mail
☐ Regular Mail
☒ Hand-delivered
☐ Facsimile

The Ruth A. Elliott 1992 Revocable Living Trust

Represented by:
Candice McHugh
380 S. 4th Street, Suite 103
Boise, ID 83702

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

State of Idaho
Represented by:
Chief, Energy and Natural Resources Division
Office of the Attorney General
PO Box 83720
Boise, ID 83720-0010

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

United States of America
Represented by:
US Department of Justice
Environment & Natural Resources
550 West Fort Street, MSC 033
Boise, ID 83724

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Signature of person delivering this document



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

RIGHT NUMBER: 87-12312

NAME AND ADDRESS: THE RUTH A. ELLIOTT 1992 REVOCABLE LIVING TRUST
1050 HALL RD
VIOLA ID 83872-9775

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: ~~0.200~~ 0.040 CFS

The quantity of water under this right for domestic use shall not exceed 2,500 gallons per day.

PRIORITY DATE: 12/21/1967

POINT OF DIVERSION: T40N R05W S3 SWNW Lot 5 Within LATAH County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
DOMESTIC	01/01 12/31	0.040 CFS
~~FIRE PROTECTION~~	~~01/01 12/31~~	~~0.200 CFS~~

Domestic use is for various uses in connection with the ~~the~~ farmstead.

PLACE OF USE:

DOMESTIC in LATAH County			
T40N R05W S03 Lot 5	SWNW	T40N R05W S03	SENW
T40N R05W S03	NESW	T40N R05W S03 Lot 6	NWSW
T40N R05W S04	SENE	T40N R05W S04	NESE
~~FIRE PROTECTION in LATAH County~~			
~~T40N R05W S03 Lot 5~~	~~SWNW~~	~~T40N R05W S03~~	~~SENW~~
~~T40N R05W S03~~	~~NESW~~	~~T40N R05W S03 Lot 6~~	~~NWSW~~
~~T40N R05W S04~~	~~SENE~~	~~T40N R05W S04~~	~~NESE~~

JDE

Smc

CLS

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The quantity of water decreed for this water right for domestic use is not a determination of historical beneficial use.

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. Idaho Code § 42-1412(6).

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Parcel No. RP40N05W033723A for Pointe of Diversion.

Parcel Nos. RP40N05W033723A, & RP40N05W034883A & RP40N05W034903A for Place of Use.

Domestic use includes use for fire protection.