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Department of Water Resources

**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.: 65-18250
)
)
)
)

Case No. 39576

) STANDARD FORM 5

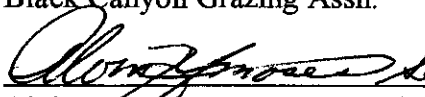
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary 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.

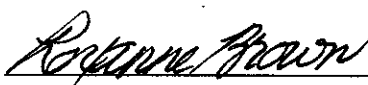
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT:

Black Canyon Grazing Assn.

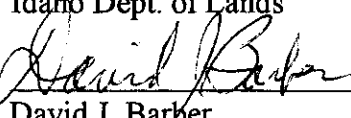
 Dec. 2-05-03
Alvin Moses date

IDWR CONCURRENCE:

 1/16/03
Roxanne Brown date
Sr. Water Resource Agent

OBJECTOR:

Idaho Dept. of Lands

 1/24/2003
David J. Barber date
Deputy Attorney General
State of Idaho

RESPONDENT:
U.S. Forest Service

David L. Negri date
Attorney, U.S. Dept. of Justice

CERTIFICATE OF MAILING

I certify that on February 10, ²⁰⁰³~~2002~~, I delivered the original and copies of this form to the following persons, postage prepaid if required, and addressed as follows:

1. Original to:

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

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

2. Copies to:

IDWR Document Repository
P.O. Box 83720
Boise, ID 83720-0098

☐ overnight mail
☐ regular mail
☒ hand-delivered
☐ facsimile

U.S. Dept. of Justice
Environment & Natural Resource Div.
General Litigation Section
550 W. Fort St., MSC 033
Boise, ID 83724

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

Idaho Dept. of Lands
P.O. Box 83720
Boise, ID 83720-0050

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

Black Canyon Grazing Assn.
C/o Alvin H. Moses
8975 Sweet Ola Hwy
Sweet, ID 83670

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile



Signature of person mailing this document

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

RIGHT NUMBER: 65-18250

NAME AND ADDRESS: BLACK CANYON GRAZING ASSN
C/O ALVIN H MOSES
8975 SWEET OLA HWY
SWEET ID 83670

SOURCE: DRY BUCK CREEK

TRIBUTARY: PAYETTE RIVER

QUANTITY: 0.02 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 01/01/1860

POINT OF DIVERSION:

T08N R02E S1 NENENE End of Stream Flow Within BOISE County

T09N R02E S36 NWNWNW Begin of Stream Flow Within BOISE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

STOCKWATER

01/01 12/31

0.02 CFS

PLACE OF USE: STOCKWATER Within BOISE County

T08N R02E S01

NENE

T08N R02E S01

NWNE

T08N R02E S01

SWNE

T08N R02E S01

SENE

T09N R02E S36

SWNE

T09N R02E S36

NENW

T09N R02E S36

NWNW

T09N R02E S36

SENE

T09N R02E S36

NWSE

T09N R02E S36

SWSE

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.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

STOCKWATER, 600 RANGE CATTLE

THE USE OF WATER WITHIN S36, T09N, R02E IS ON STATE PUBLIC SCHOOL ENDOWMENT
LAND PURSUANT TO STATE LAND LEASE, LEASE NO. G-6088 (GRAZING LEASE).

January 31, 2003

Black Canyon Grazing Assn.
c/o Alvin Moses
8975 Sweet Ola Highway
Sweet, ID 83670

RE: Subcase Nos. 65-18247, 65-18248 & 65-18250

Dear Mr. Moses:

Enclosed please find documents entitled "Standard Form(s) 5 – Stipulated Elements of A Water Right" (commonly referred to as SF 5) which have revised recommendations attached to each. Pursuant to the settlement discussions, IDWR has revised its recommendations and obtained signatures from Mr. Negri and Mr. Barber.

Please review the new recommendations which are attached to the SF 5's. If all the information is correct, please sign and date the first page of the originals and **initial the changes** on the pages entitled "Recommendation of Water Rights Acquired Under State Law". After you have signed and initialed the originals, please forward the SF 5 for 65-18248 to Harvey & Sharon Church for their signatures. The SF 5's for 65-18247 and 65-18250 may be returned to IDWR to my attention. I have enclosed self-addressed envelopes for your convenience.

If you have any questions regarding this process or the enclosed documents, please do not hesitate to call me at: 327-7881 or Garrick Baxter at: 327-7975.

Sincerely,

Becky J. Harvey
Paralegal

/bh
Enclosures

cc: Harvey & Sharon Church