

RECEIVED

APR 15 2002

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: 31-11768
(FORMERLY 31-308)

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. 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; and 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.

To resolve the objection, water right 31-308 was split into two water rights and renumbered as 31-11768 and 31-11769. The parties and IDWR agree and stipulate that water right 31-11768 should be described per the attached. The parties and IDWR further agree that this SF5 will resolve the objection filed by the BLM in subcase 31-308 and have indicated their concurrence by signing below and initialing the attached pages.

CLAIMANT:

Kent Foster
Kent Foster
Attorney for Sheridan Golden Eagle

4/2/2002
Date

OBJECTOR:

Larry Brown
Larry Brown
Attorney for DOI/BLM

4/10/02
Date

IDWR CONCURRENCE:

Ernie Carlsen
Ernie Carlsen
Adjudication Supervisor, IDWR

April 2, 2002
Date

Candice M. McHugh
Candice M. McHugh (As to Form)
Attorney for IDWR

4/5/02
Date

SCANNED

03/29/2002

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

2002 APR 11 PM 1:09

RIGHT NUMBER: 31-11768
NAME AND ADDRESS: SHERIDAN COLEEN EAGLE
BOX 510
HEXBURG ID 83440DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED 28SOURCE: DRY CREEK
QUANTITY: 2.80 CFS
PRIORITY DATE: 06/21/1902
POINT OF DIVERSION:

TRIBUTARY: BEAVER CREEK

Fwp

T12N R39E S9 S09WNE Within CLARK County
T12N R39E S9 S09WSE Within CLARK County
T12N R39E S10 S09WSE Within CLARK CountyPURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
STOCKWATER	05/01 10/31	0.030 CFS
IRRIGATION	05/01 10/31	2.800 CFS

PLACE OF USE: STOCKWATER Within CLARK County

T12N R39E S09	NENE	T12N R39E S09	SWNE
T12N R39E S09	SENE	T12N R39E S09	NENW
T12N R39E S09	NWNW	T12N R39E S09	SWNW
T12N R39E S09	NESE	T12N R39E S09	NWSE
T12N R39E S09	SESW	T12N R39E S09	SESW
T12N R39E S09	NWSE	T12N R39E S09	NWSE
T12N R39E S09	SESE	T12N R39E S10	SWNW
T12N R39E S10	NESE	T12N R39E S10	NWSE
T12N R39E S10	SESW		

EAC
Eme
L3

IRRIGATION Within CLARK County

T12N R39E S09	NENE	1.0	T12N R39E S09	SWNE	16.0
T12N R39E S09	SENE	27.0	T12N R39E S09	NENW	5.0
T12N R39E S09	NWNW	1.0	T12N R39E S09	SWNW	12.0
T12N R39E S09	NESE	32.0	T12N R39E S09	NWSE	39.0
T12N R39E S09	SESW	5.0	T12N R39E S09	SESW	0.0
T12N R39E S09	NWSE	16.0	T12N R39E S09	NWSE	37.0
T12N R39E S09	SESE	5.0	T12N R39E S10	SWNW	10.0
T12N R39E S10	NESE	11.0	T12N R39E S10	NWSE	20.0
T12N R39E S10	SESW	12.0			

257 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 140 ACRES WITHIN THE PLACE OF
USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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(G), IDAHO CODE.
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL

03/29/2002

IDaho DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

EXPLANATORY MATERIAL: Decrease

STOCKWATER: 300 CATTLE
RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.
RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.
RIGHT NOS. 31-11768, 31-11769, 31-11770 AND 31-11771 ARE DIVERTED
THROUGH POINT OF DIVERSION DESCRIBED ABOVE.
THIS RIGHT IS A SPLIT FROM FORMER RIGHT 31-508

Fwp

JH

CH

Ene

Sm^e

31-11768

2

CERTIFICATE OF MAILING

I certify that on 4/10/07, 2002 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

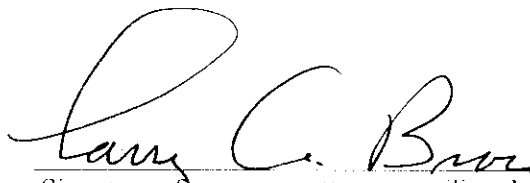
2. Copies to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 83720
Boise, ID 83720-0098

Kent Foster
Attorney for Sheridan Golden Eagle
P.O. Box 50130
Idaho Falls, ID 83405

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

Larry A. Brown
US DOJ
Attorney for BLM
550 W. Fort St. MSC 033
Boise, ID 83724


Signature of person or attorney mailing the form