



U.S. Department of Justice

Environment and Natural Resources Division

DG:DAJ
90-6-2-63C

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RECEIVED

MAR 25 2003

March 24, 2003

Department of Water Resources

via FedEx Mail

Diana R. Delaney, Chief Deputy Clerk
Snake River Basin Adjudication
DISTRICT COURT
253 Third Ave., North
Twin Falls, Idaho 83303-2707

Re: SRBA Case No. 39576
Subcase Nos. 65-2585, 65-3114, 65-3115, 65-3116, 65-22587, 65-22588,
65-22589, and 65-22590 (Separate Streams)

Dear Ms. Delaney:

Enclosed for filing are the following original documents in the above mentioned subcases:

1. **STANDARD FORMS 5 - STIPULATED ELEMENTS OF A WATER RIGHT**

Thank you for your time and attention in this matter.

Sincerely,

David A. Jarvis
Paralegal

Enclosures

**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 Nos.: 65-2585*

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. This settlement only resolves the separate stream objection of the Bureau of Reclamation.

The parties and IDWR agree and stipulate that the elements of this water right should be described as recommended in the director's report with the following additional language added to the "*Other Provisions Necessary for Administration*":

Basin 65 General Provisions No. 3, the Separate Streams General Provision, does not apply to appropriations of water after October 18, 1977.

This water right shall be administered as being from a separate source pursuant to Basin 65 General Provision No. 3. If the holder of this right seeks to change the right pursuant to Idaho Code § 42-222 or successor statute, nothing in this general provision shall preclude any other person or entity from demonstrating that such change in use would cause injury to its water right or from receiving any relief provided by law in the event of injury.

Joe Eld Lyle R. Paul 3/3/03
Claimant Date

Joe Eld Roseberry Irrigation District

Claimant Date

David W. Gehlert 2/27/03
Objector, David W. Gehlert, Atty. Date

U.S. Department of Justice, Environment and Natural Resources Div.

David J. Baker 7/29/02
Deputy Attorney for the State of Idaho Date

Don R. Tuttle 7/26/02
IDWR Concurrence Date

SE Hinkle 7/26/02
Attorney for IDWR Date

CERTIFICATE OF MAILING

I certify that on March 29, 2002, I mailed the original and copies of this form, including all attachments, 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:

Idaho Department of Water Resources
Adjudication Bureau
1301 North Orchard Street
Boise, Idaho 83706

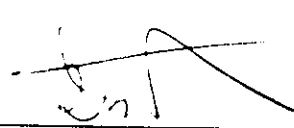
U.S. Department of Justice
Environment and Natural Resources Div.
550 West Fort Street, MSC 033
Boise, Idaho 83724

IDWR Document Depository
P. O. Box 83720
Boise, Idaho 83720-0098

3. Copies to all parties to the subcase (insert names and addresses):

Regional Director, PN Region Code 3100
U.S. Bureau of Reclamation
1150 N. Curtis Road, Suite 100
Boise, ID 83706-1234

Joe Eld Roseberry Irrigation District
2554 E Roseberry
McCall, ID 83638



Signature of person or attorney filing the form

David Barber 7/29/02
Deputy Attorney for the State of Idaho Date

Dee Tuttle 7/26/02
IDWR Concurrence Date

SE Hardin 7/26/02
Attorney for IDWR Date

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I certify that on MARCH 7, 2002, I mailed the original and copies of this form, including all attachments, postage prepaid and addressed as follows:

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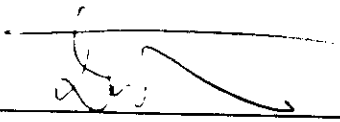
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1150 N. Curtis Road, Suite 100
Boise, ID 83706-1234

Dana L. Hofstetter, Atty (*Roseberry)
608 West Franklin St.
Boise, ID 83702


Signature of person or attorney filing the form

**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 Nos.: 65-3115*

STANDARD FORM 5

**STIPULATED ELEMENTS OF A
WATER RIGHT**

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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. This settlement only resolves the separate stream objection of the Bureau of Reclamation.

The parties and IDWR agree and stipulate that the elements of this water right should be described as recommended in the director's report with the following additional language added to the "*Other Provisions Necessary for Administration*":

Basin 65 General Provisions No. 3, the Separate Streams General Provision, does not apply to appropriations of water after October 18, 1977.

This water right shall be administered as being from a separate source pursuant to Basin 65 General Provision No. 3. If the holder of this right seeks to change the right pursuant to Idaho Code § 42-222 or successor statute, nothing in this general provision shall preclude any other person or entity from demonstrating that such change in use would cause injury to its water right or from receiving any relief provided by law in the event of injury.

(Signature) 3/14/03
Claimant Date

Dana L. Hofstetter, Atty (*Roseberry)

Claimant Date

(Signature)
Objector, David W. Gehlert, Atty. Date

U.S. Department of Justice, Environment and Natural Resources Div.

David J. Baker 7/29/02
Deputy Attorney for the State of Idaho Date

De T. Tuttle 7/26/02
IDWR Concurrence Date

SE Hanlin 7/26/02
Attorney for IDWR Date

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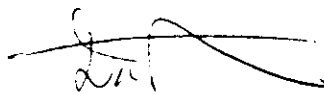
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1150 N. Curtis Road, Suite 100
Boise, ID 83706-1234

Dana L. Hofstetter, Atty (*Roseberry)
608 W. Franklin St.
Boise, ID 83702



Signature of person or attorney filing the form

U.S. Department of Justice, Environment and Natural Resources Div.

Daniel J. Baker 7/29/02
Deputy Attorney for the State of Idaho Date

Dee Tuttle 7/26/02
IDWR Concurrence Date

SE Hanley 7/26/02
Attorney for IDWR Date

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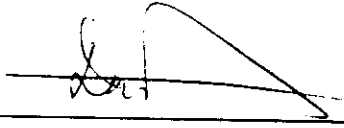
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Boise, ID 83706-1234

Dana L. Hofstetter, Atty (*Roseberry)
608 W. Franklin St.
Donnelly, ID 83702


Signature of person or attorney filing the form

U.S. Department of Justice, Environment and Natural Resources Div.

David Barber 7/29/02 De T... 7/29/02
Deputy Attorney for the State of Idaho Date IDWR Concurrence Date

Sue Hamlin 7/26/02
Attorney for IDWR Date

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U.S. Bureau of Reclamation
1150 N. Curtis Road, Suite 100
Boise, ID 83706-1234

Roseberry Irrigation District c/o Joe Eld
2554 E Roseberry
McCall, ID 83638

[Signature]
Signature of person or attorney filing the form

U.S. Department of Justice, Environment and Natural Resources Div.

David J. Barber 7/29/02 D. Detwiler 7/29/02
Deputy Attorney for the State of Idaho Date IDWR Concurrence Date

Sara Hansen 7/26/02
Attorney for IDWR Date

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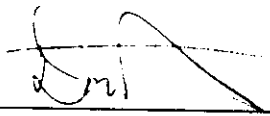
Idaho Department of Water Resources Adjudication Bureau 1301 North Orchard Street Boise, Idaho 83706	U.S. Department of Justice Environment and Natural Resources Div. 550 West Fort Street, MSC 033 Boise, Idaho 83724
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2554 E Roseberry
McCall, ID 83638


Signature of person or attorney filing the form

U.S. Department of Justice, Environment and Natural Resources Div.

David Barber 7/29/02 DeT... 7/29/02
Deputy Attorney for the State of Idaho Date IDWR Concurrence Date
Jim Hansen 7/26/02
Attorney for IDWR Date

CERTIFICATE OF MAILING

I certify that on MARCH 17, 2002, I mailed the original and copies of this form, including all attachments, postage prepaid and addressed as follows:

1. Original to: Clerk of the District Court
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P. O. Box 2707
Twin Falls, Idaho 83303-2707

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1150 N. Curtis Road, Suite 100
Boise, ID 83706-1234

Roseberry Irrigation District c/o Joe Eld
2554 E Roseberry
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[Signature]
Signature of person or attorney filing the form

**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 Nos.: 65-22590*

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) STANDARD FORM 5

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) STIPULATED ELEMENTS OF A
) WATER RIGHT

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Joe Eld 3/3/03
Claimant Date

Roseberry Irrigation District c/o Joe Eld

Claimant

Date

David W. Gehlert 7/24/02
Objector, David W. Gehlert, Atty. Date

U.S. Department of Justice, Environment and Natural Resources Div.

David Barber 7/29/02 Dee Turner 7/29/02
Deputy Attorney for the State of Idaho Date IDWR Concurrence Date
Sam Harris 7/26/02
Attorney for IDWR Date

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[Signature]
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