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JUN 11 2002

Department of Water Resources
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. 43-04069

Case No. 39576

) 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 the facts, date, expert opinions and law supporting the issuance of a partial decree for the water right.

The parties agree that the Snake River 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.

CLAIMANTS:

Jay L. Black 4/30/02
Jay L. Black Date

Sharon P. Black 5-31-02
Sharon P. Black Date

OBJECTOR:

United States on behalf of the
Bureau of Land Management

Larry A. Brown 5/6/02
Larry A. Brown *CK FWP* Date
Attorney, U.S. Department of Justice
Environment and Natural Resources Div.

IDWR CONCURRENCE:

Roxanne Brown 5/23/02
Roxanne Brown Date

IDWR CONCURRENCE:

Candice M. McHugh 5/23/02
Candice M. McHugh Date
Deputy Attorney General

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

RIGHT NUMBER: 43-4069
NAME AND ADDRESS: SHARON P BLACK
JAY L BLACK
PO BOX 103
ALMO ID 83312

J.L.B.
SPB

SOURCE: TATERS CREEK
QUANTITY: 2.50 CFS

TRIBUTARY: EDWARDS CREEK

Fup

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

PRIORITY DATE: 04/01/1983

POINT OF DIVERSION:

T15S R24E S1 NWSWSW Within CASSIA County
T15S R24E S12 NWNENW Within CASSIA County
T15S R24E S12 NWNENW Within CASSIA County
T15S R24E S12 NWNENW Within CASSIA County
T15S R24E S12 NWNWNW Within CASSIA County

RB
136m^e

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
STOCKWATER	01/01 12/31	0.09 CFS
IRRIGATION	04/01 10/31	2.5 CFS

PLACE OF USE: STOCKWATER Within CASSIA County

T15S R24E S01	SWSW	T15S R24E S01	SESW
T15S R24E S01	SWSE	T15S R24E S12	NENE
T15S R24E S12	NWNE	T15S R24E S12	SWNE
T15S R24E S12	SENE	T15S R24E S12	NENW
T15S R24E S12	NWNW	T15S R24E S12	SWNW
T15S R24E S12	SENW	T15S R25E S06 Lot 7	SWSW
T15S R25E S06	SESW	T15S R25E S07	NENW
T15S R25E S07 Lot 1	NWNW	T15S R25E S07 Lot 2	SWNW
~~T15S R24E S12~~	~~NWSE~~	~~T15S R24E S01~~	~~SESE~~
~~T15S R25E S03~~	~~NWSW~~		

IRRIGATION Within CASSIA County

T15S R24E S01	SWSW	21.0	T15S R24E S01	SESW	12.0
T15S R24E S01	SWSE	24.0	T15S R24E S12	NENE	22.0
T15S R24E S12	NWNE	40.0	T15S R24E S12	SWNE	39.0
T15S R24E S12	SENE	7.7	T15S R24E S12	NENW	41.0
T15S R24E S12	NWNW	38.0	T15S R24E S12	SWNW	40.0
T15S R24E S12	SENW	41.0	T15S R25E S06 Lot 7	SWSW	14.0
T15S R25E S06	SESW	6.5	T15S R25E S07	NENW	2.8
T15S R25E S07 Lot 1	NWNW	19.0	T15S R25E S07 Lot 2	SWNW	30.0

398 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 43-7144 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 398 ACRES IN A SINGLE IRRIGATION SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 160 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(6), IDAHO CODE.
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

FWP

RB

SMC

SAB

J.L.B.

JM

CERTIFICATE OF MAILING

I certify that on June 6, 2002 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. Copy to:

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

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

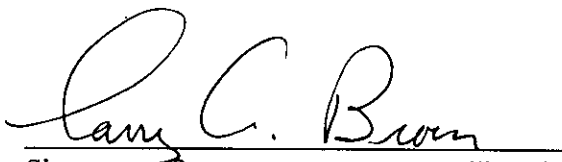
IDWR Document Depository
P. O. Box 83720
Boise, Idaho 83720-0098

3. Copies to all parties to the subcase:

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

Jay L Black
PO Box 103
Almo ID 83312

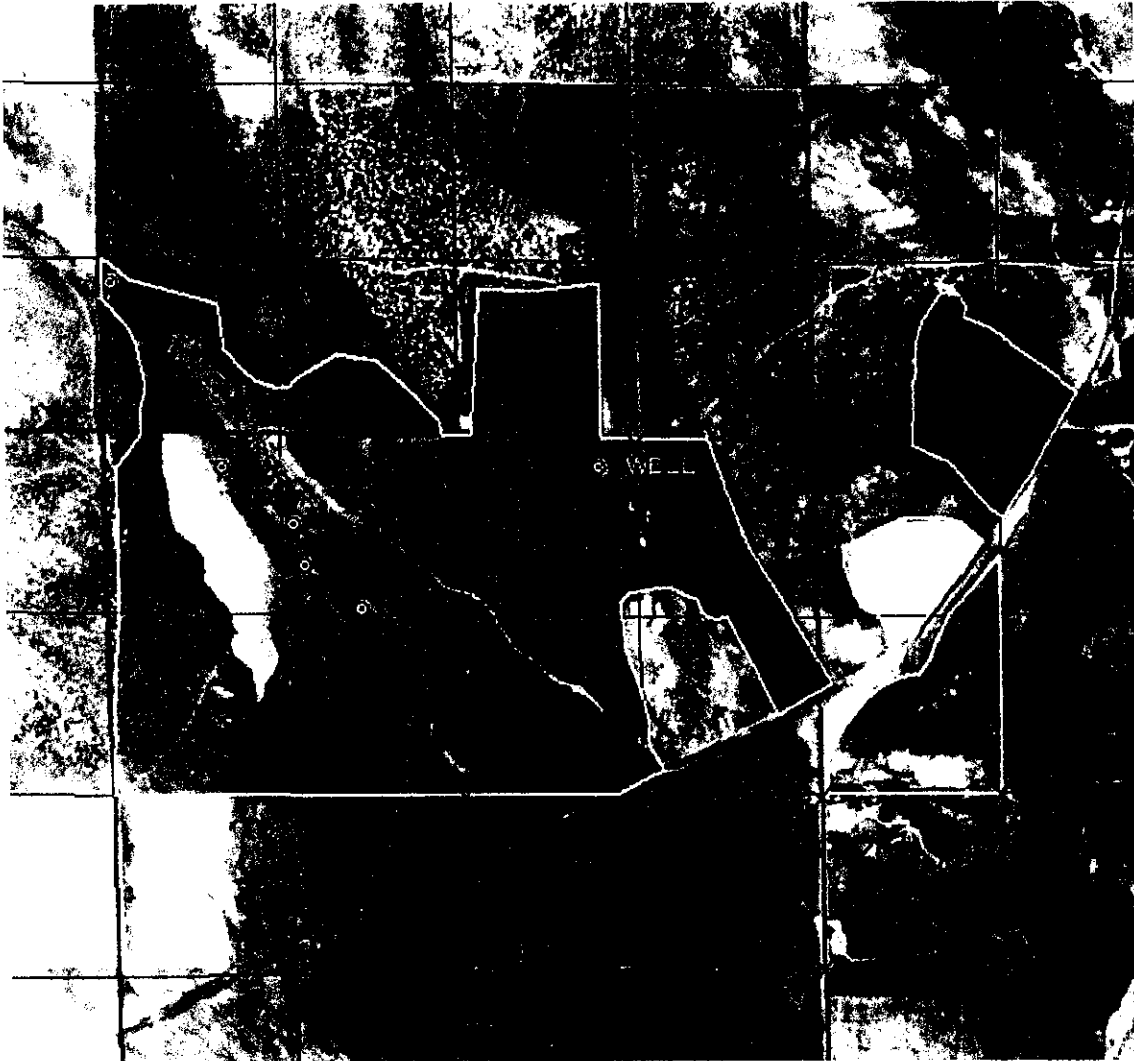
Sharon P Black
PO Box 103
Almo ID 83312


Signature of person or attorney mailing the form

Idaho Department of Water Resources

**RIGHTS: 43-4069
and 43-7144**

**RECOMMENDED PLACE OF USE
TWP 15S, RNG 24E, Sec 1, 12,
TWP 15S, RNG 25E, Sec 6, 7
Data entry on November 8, 2000**



⊙ RECOMMENDED POINT OF DIVERSION

RECOMMENDED PLACE OF USE



SECTION LINES



QUARTER/QUARTER LINES



GIS PLACE OF USE PRESENTATION
1987/1988 NAPP AERIAL PHOTOGRAPHY
DATA ENTRY BY VIKIE HANCOCK

EXTRA POLS:

T15S R24E S01 SESE

T15S R24E S12 NWSE

T15S R25E S07 LOT3(NWSW)

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Section 42-225a, Idaho Code

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. The filing of this claim does not confirm the water right but will serve for information purposes only. It may, however, become the basis for future adjudication of the water right by the Court.

Notice is hereby given that **J. SPENCER BLACK AND JAY L. BLACK**
(Name of Plaintiff)

of Elba, Idaho _____, claims a right to the diversion and beneficial use of _____
(mailing address) _____
the public water of the State of Idaho _____

The extent and nature of said claim is as follows:

- (1) Describe the source of water (name of stream, lake, spring, etc., or ground water) Tater Creek, the entire flow of which is used for irrigation purposes
- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed

Amount	6.4 c.f.s.	Use	Irrigation	Period of Use	From	Feb. 1st	To	Nov. 30th
Amount	.5 c.f.s.	Use	stock water	Period of Use	From	Jan. 1	To	Dec. 31
Amount		Use		Period of Use	From		To	
	(cfs, gpm or 20")		(dom., irri., stock, etc.)					(both dates inclusive)

- (c) Total quantity of water claimed per annum, and/or 6.9 cubic feet per second, or _____ acre feet
per minute _____ gallons per minute

- (4) Priority claimed: (the date water was first applied to beneficial use) March 20th, 1880

A claim is not acceptable on a ground-water source with a priority later than March 28, 1963 or on a surface-water source with a priority later than May 20, 1970. An exception to this rule is that a claim may be filed on domestic use from a ground-water source.

- (5) A) Point of diversion (give location or point where water is diverted from its source)

SW 1/4 SW 1/4, Sec. 1 Twp. 15 S., Rge. 24 E., B. M. County of Cassia
Additional points of diversion: None

- B) Describe means of diversion of water. (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities, be as specific as possible. Water is diverted by means of a concrete dam and sprinkler system

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

[illegible]

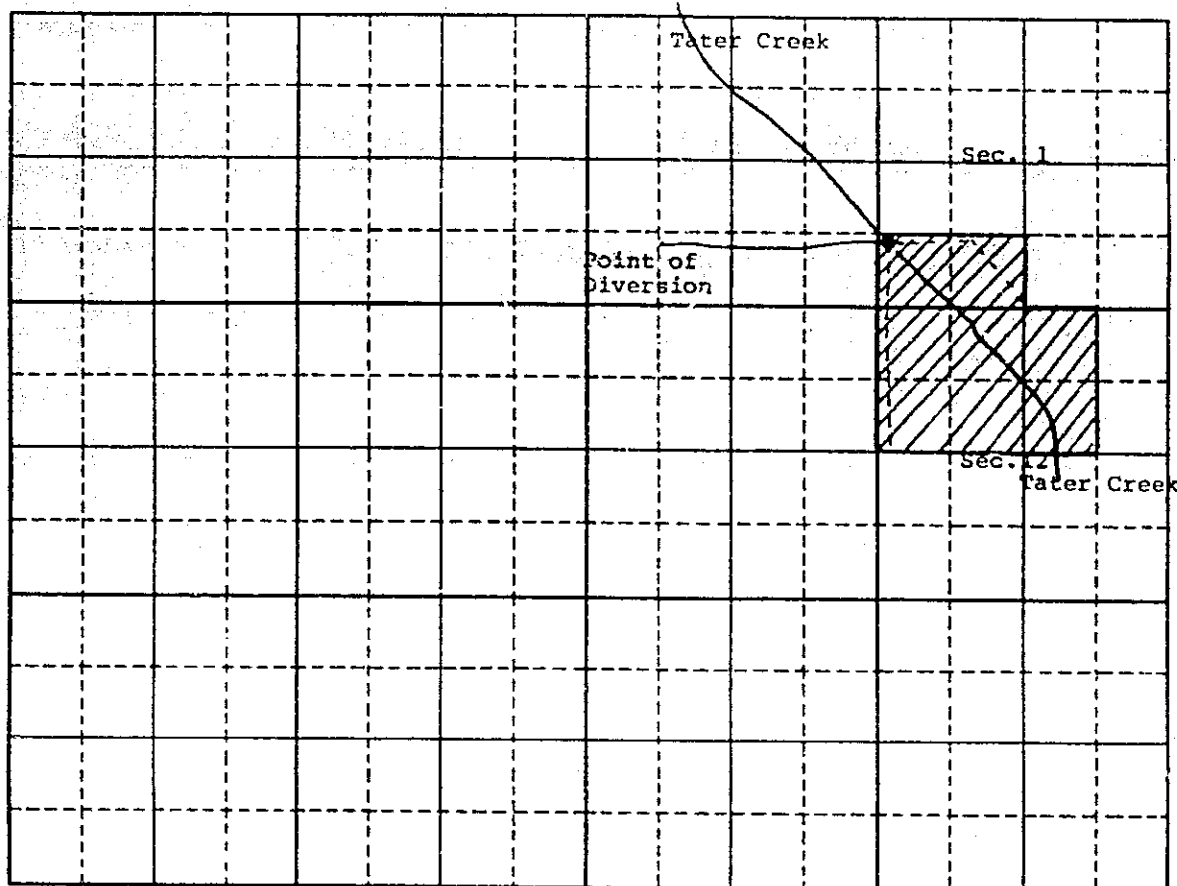
Total No. of acres 320

- B. If the water is used for other than irrigation, fully describe that use, being as specific as possible:

Irrigation water, is also used for ponding and for stock water. Number of livestock varies; average 800 head.

- | | |
|---|----------------|
| 10. If you are drinking water as a member of an organization, list name of organization | Not applicable |
|---|----------------|

- (8) Remarks The irrigated portions of Sections 1 and 12 of Township 15, Range 24 East, Boise Meridian, are cross-hatched. Points of diversion are shown in red ink. Ditches are shown by dotted line. (Township is South, Range is East)



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Cassia) ss.
County of _____)

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

Sworn to before me this 4th day of April, 1927

Opus F. Black
(Claimant)

James S. Berline
Notary Public

Residing at Burley

My commission expires _____

For Department Use Only

Received by AB Date 4/7/27 Exception filed by: _____ Forwarded to: _____ Date: _____
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