

RECEIVED
JUN 17 2002
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. 61-11887B
	)	
Case No. 39576	)	
	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

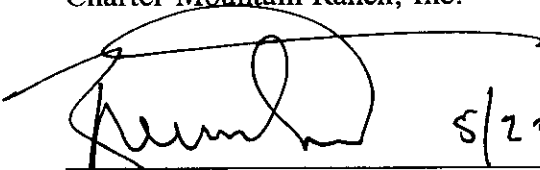
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine 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 right along with right 61-11887A, are split from and constitute the whole right of 61-11887. The original right is now superseded by this right and right 61-11887A.

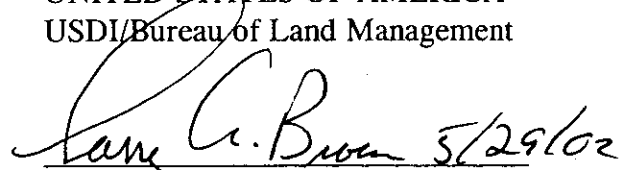
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT/OBJECTOR:
Charter Mountain Ranch, Inc.



Bruce Smith Date
Attorney for Charter Mountain Ranch, Inc.

OBJECTOR:
UNITED STATES OF AMERICA
USDI/Bureau of Land Management



Larry Brown FWP Date
Attorney for the US - Dept of Justice

IDWR Concurrence:

Carter Futch 5-23-02
Agent Date

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

CERTIFICATE OF MAILING

I certify that on May 29, 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

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

2. Copies to:

Clive Strong
Office of the Attorney General
State of Idaho
P.O. Box 83720
Boise, ID 83720-0098

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

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

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

Bruce M. Smith
225 North 9th Street, Suite 420
Boise, ID 83702

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

USDI BLM
US Dept of Justice
Environment & Natural Resources
550 West Fort Street, MSC 033
Boise, ID 83724

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



Signature of person or attorney mailing the form

Amj

05/15/2002

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

RIGHT NUMBER: 61-11887B

NAME AND ADDRESS: UNITED STATES OF AMERICA ACTING THROUGH
USDI BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
1387 S VINNELL WY
BOISE ID 83709-1657

SOURCE: GROUNDWATER

TRIBUTARY:

QUANTITY: 0.050 CFS

RIGHT NOS. 61-2095B, 61-2199B, 61-2209B AND 61-11887B ARE LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 0.19 CFS AND TO A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 64 AF.

PRIORITY DATE: 03/15/1977

THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A PRIORITY
DATE EARLIER THAN APRIL 12, 1994, THAT ARE NOT DECREED AS
ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE. AS BETWEEN
WATER RIGHTS DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426,
IDAHO CODE, THE EARLIER PRIORITY RIGHT IS THE SUPERIOR RIGHT.

POINT OF

DIVERSION:

T04S R09E S10 NESWNE Within ELMORE County

T04S R09E S10 NENWNW Within ELMORE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/15 11/15

0.050 CFS

PLACE OF USE:

IRRIGATION Within ELMORE County

T04S R09E S09 NESW 16.0

16 ACRES TOTAL

RIGHT NOS. 61-2095B, 61-2199B, 61-2209B AND 61-11887B ARE LIMITED
TO THE IRRIGATION OF 16 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A
SINGLE IRRIGATION SEASON.

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

05/15/2002

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

THIS RIGHT IS AN ENLARGEMENT OF RIGHT NOS. 61-02095B, 61-02199B
AND 61-02209B PURSUANT TO SECTION 42-1426, IDAHO CODE.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

THIS RIGHT IS FOR AN ENLARGEMENT OF 4 ACRES WITHIN THE PLACE OF USE
DESCRIBED ABOVE.

RIGHT NOS. 61-2095A, 61-2095B, 61-2199A, 61-2199B, 61-2209A,
61-2209B, 61-11887A AND 61-11887B ARE DIVERTED THROUGH THE POINTS OF
DIVERSION DESCRIBED ABOVE.

*Fwp SM^c ct
JL3*

Hmj