

RECEIVED
JUN 10 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. 61-02209A
	)	
Case No. 39576	)	
	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

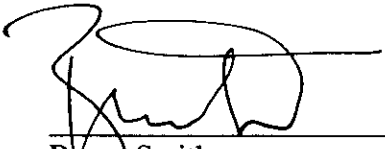
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary 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 61-02209B, are split from and constitute the whole right of 61-02209. The original right is now superseded by this right and right 61-02209B.

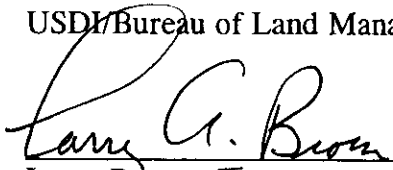
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT/OBJECTOR:
Charter Mountain Ranch, Inc.



Bruce Smith 5/23/02
Attorney for Charter Mountain Ranch, Inc. Date

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



Larry A. Brown 5/29/02
Attorney for the US - Dept of Justice Date



IDWR Concurrence:

Curtis Futcher 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

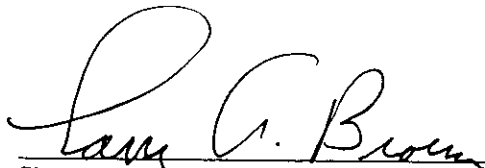
☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

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

38

05/16/2002

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

RIGHT NUMBER: 61-2209A

NAME AND ADDRESS: CHARTER MOUNTAIN RANCH INC
RT 1 BOX 451
GLENN'S FERRY ID 83623

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.410 CFS

FWP

RIGHT NOS. 61-2095A, 61-2199A, 61-2209A AND 61-11887A ARE LIMITED
TO A TOTAL COMBINED DIVERSION RATE OF 9.34 CFS AND TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 3203.6 AF.

RIGHT NOS. 61-2095A, 61-2199A AND 61-2209A ARE LIMITED TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 2392 AF.

PRIORITY DATE: 09/12/1966

SMC

POINT OF
DIVERSION:

T04S R09E S10 NESWNE Within ELMORE County
T04S R09E S10 NENWNW Within ELMORE County

J3

PURPOSE AND
PERIOD OF USE:PURPOSE OF USEPERIOD OF USEQUANTITY

IRRIGATION

04/01 11/01

0.410 CFS

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY
AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED
OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER
BEFORE APRIL 1 AND AFTER NOVEMBER 1 UNDER THIS REMARK IS SUBORDINATE
TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION
USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS
ENTERED FOR THIS RIGHT.

PLACE OF USE:

IRRIGATION Within ELMORE County

T04S R09E S03	NESW	3.7	T04S R09E S03	SESW	21.0
T04S R09E S03	NESE	0.9	T04S R09E S03	NWSE	3.7
T04S R09E S03	SWSE	16.8	T04S R09E S03	SESE	22.0
T04S R09E S08	SESE	2.5	T04S R09E S09	SWNE	22.0
T04S R09E S09	SENE	41.0	T04S R09E S09	SWSW	25.0
T04S R09E S09	SESW	40.0	T04S R09E S09	NESE	38.0
T04S R09E S09	NWSE	40.0	T04S R09E S09	SWSE	41.0
T04S R09E S09	SESE	28.0	T04S R09E S10	NENE	7.4
T04S R09E S10	NWNE	16.0	T04S R09E S10	SWNE	4.6
T04S R09E S10	NENW	11.0	T04S R09E S10	NWNW	3.3
T04S R09E S10	SWNW	29.0	T04S R09E S10	NESW	22.0
T04S R09E S10	SWSW	18.6	T04S R09E S10	SESW	38.0

cf

Bmy

05/16/2002

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

T04S R09E S10	NWSE	28.0	T04S R09E S10	SWSE	11.0
T04S R09E S15	NENW	16.0	T04S R09E S15	NWNW	23.8
T04S R09E S15	SWNW	10.6	T04S R09E S16	NENE	32.0
T04S R09E S16	NWNE	18.0	T04S R09E S16	SWNE	6.9
T04S R09E S16	SENE	28.0	T04S R09E S16	NENW	38.0
T04S R09E S16	NWNW	40.0	T04S R09E S16	SWNW	5.9
T04S R09E S16	SENE	4.8	T04S R09E S16	NESE	2.0
T04S R09E S17	NENE	36.0	T04S R09E S17	NWNE	4.4

800.9 ACRES TOTAL

Fup

RIGHT NOS. 61-2095A, 61-2199A, 61-2209A AND 61-11887A ARE LIMITED TO THE IRRIGATION OF 800.9 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

RIGHT NOS. 61-301A, 61-301B, 61-332, 61-333, 61-334, 61-335, 61-336, 61-337, 61-338, 61-339, 61-340, 61-343, 61-364, 61-2008, 61-2095A, 61-2199A, 61-2209A, 61-10363, 61-11844, 61-11847, 61-11854 AND 61-11887A ARE LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1368 ACRES IN A SINGLE IRRIGATION SEASON.

RIGHT NOS. 61-2199A AND 61-2209A ARE LIMITED TO THE IRRIGATION OF 401 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

RIGHT NOS. 61-2095A, 61-2199A AND 61-2209A ARE LIMITED TO THE IRRIGATION OF 598 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

CF
JE
SM

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

RIGHT NO. 61-11887A IS AN ENLARGEMENT OF RIGHT NOS. 61-2095A, 61-2199A AND 61-2209A PURSUANT TO SECTION 42-1426, IDAHO CODE.

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. 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.

By