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

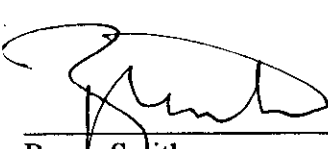
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary 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.

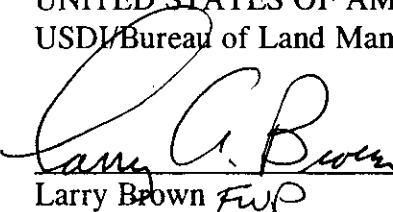
This right along with right 61-02209A, are split from and constitute the whole right of 61-02209. The original right is now superseded by this right and right 61-02209A.

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.

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

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

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

**IDWR Concurrence:**

Cathy Fintz 5-23-02  
Agent Date

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

*mg*

## 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

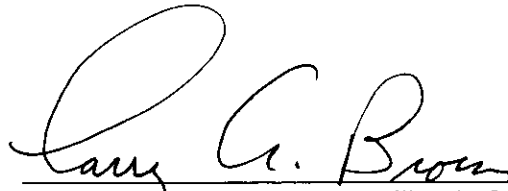
☐ overnight mail  
☒ regular mail  
☐ hand-delivered  
☐ facsimile

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



05/15/2002

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

RIGHT NUMBER: 61-2209B  
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: GROUND WATER TRIBUTARY:

QUANTITY: 0.010 CFS

*Fwp 80M<sup>c</sup> cf*

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.

RIGHT NOS. 61-2095B, 61-2209B AND 61-2199B ARE LIMITED TO A TOTAL  
COMBINED ANNUAL DIVERSION VOLUME OF 48 AF.

*JL*

PRIORITY DATE: 09/12/1966

POINT OF  
DIVERSION: T04S R09E S10 NESWNE Within ELMORE County  
T04S R09E S10 NENWNW Within ELMORE County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 04/01 11/01          | 0.010 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 S09 NESW 16.0

16 ACRES TOTAL

*RM*

05/15/2002

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

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.

RIGHT NOS. 61-2199B AND 61-2209B ARE LIMITED TO THE IRRIGATION OF 8 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

RIGHT NOS. 61-2095B, 61-2209B AND 61-2199B ARE LIMITED TO THE IRRIGATION OF 12 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

*JEB FWP SM<sup>c</sup> CA*

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. 61-11887B IS AN ENLARGEMENT OF RIGHT NOS. 31-2095B, 61-2199B AND 61-2209B 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.