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Department of Water Resources

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
ALAN G. LANCE

July 16, 2002

Special Master Thomas Cushman
SRBA District Court
P.O. Box 2707
Twin Falls, ID 83303-2707

Re: SRBA Subcase No. 57-11560

Dear Special Master Cushman:

Enclosed for filing is an executed SF5 for the above subcase. On May 1, 2002, a hearing was held on the claimant's Motion for Late Objection/ Correct Partial Decree. No written order followed the hearing but in reviewing my notes, I believe the Court wanted IDWR to determine whether the partial decree was in error. The Department and the party agree that there were errors in the partial decree and have corrected those errors on the enclosed SF5.

If there are any questions concerning this matter, please contact me at (208) 327-5404.

Very Truly Yours,

A handwritten signature in cursive script, reading "Candice M. McHugh".

Candice M. McHugh

cc: John Schroeder

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 NO(S): 57-11560
)
)
)
)

STANDARD FORM 5

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.

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: ^{DJS} JLH

John A. Schuder
date
7/30/2002

IDWR CONCURRENCE:

Roxanne Brown 7/16/02
Roxanne Brown date
Sr. Water Resource Agent

As to form:

Candice M. McHugh 7/16/02
Candice M. McHugh date
Deputy Attorney General
State of Idaho

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

RIGHT NUMBER: 57-11560
NAME AND ADDRESS: SEVEN HIGH RANCH INC
HC 79 BOX 44
MELBA ID 83641
SOURCE: REYNOLDS CREEK TRIBUTARY: SNAKE RIVER
QUANTITY: 10.66 CFS
PRIORITY DATE: 09/21/1911
POINT OF DIVERSION:

T03S R04W S12 NESE Within OWYHEE County
T03S R04W S24 SWNE Within OWYHEE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	02/15 07/15	10.66 CFS

PLACE OF USE: IRRIGATION Within OWYHEE County

T02S R04W S25	SESW	8.0	T02S R04W S25	SWSE	30.0
T02S R04W S35	SESW	~~9.0~~ 13.0	T02S R04W S35	NESE	17.0
T02S R04W S35	SWSE	17.0	T02S R04W S35	SESE	28.0
T02S R04W S36	NENW	12.0	T02S R04W S36	NWNW	6.0
T02S R04W S36	SNNW	11.0	T03S R04W S02 Lot 1	NENE	13.0
T03S R04W S02 Lot 2	NWNE	26.0			

~~177~~ 181 ACRES TOTAL

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

THE USE OF WATER UNDER THIS RIGHT BEFORE MARCH 15 IS
SUBORDINATE TO WATER RIGHTS 57-2325 AND 57-7040.

THIS RIGHT SHALL NOT BE DELIVERED IF THE FLOW AT THE UPPER BASIN
TOLLGATE WEIR (T03S, R04W, S24, SESW) IS AT OR LESS THAN 37 CFS,
OR THE FLOW AT THE OUTLET WEIR (T02S, R04W, S12, NESE) IS AT OR
LESS THAN 57 CFS.

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

RIGHT NOS. 57-00253, 57-00268, 57-01064, 57-01065, 57-00254B,
57-00255B, 57-00256, 57-01063, 57-01066, 57-01067 AND 57-00261 ARE
ALSO DIVERTED THROUGH POINTS OF DIVERSION DESCRIBED ABOVE.

CERTIFICATE OF MAILING

I certify that on July 30, 2002, I delivered the original and copies of this form to the following persons, postage prepaid if required, and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707

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

2. Copies to:

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

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

Seven High Ranch Inc.
HC 79, Box 44
Melba, ID 83641

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

John T. Schroeder
P.O. Box 267
Boise, ID 83701

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

LS/

Signature of person mailing this document