

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: 31-11769
	)	(FORMERLY 31-308)
	)	
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. 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; and 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.

To resolve the objection, water right 31-308 was split into two water rights and renumbered as 31-11768 and 31-11769. The parties and IDWR agree and stipulate that water right 31-11769 should be described per the attached. The parties and IDWR further agree that this SF5 will resolve the objection filed by the BLM in subcase 31-308 and have indicated their concurrence by signing below and initialing the attached pages.

CLAIMANT:

Kent Foster
Kent Foster
Attorney for Sheridan Golden Eagle

4/2/2002
Date

OBJECTOR:

Larry C. Brown
Larry Brown *Fup*
Attorney for DOJ/BLM

4/16/02
Date

IDWR CONCURRENCE:

Ernie Carlsen
Ernie Carlsen
Adjudication Supervisor, IDWR

April 2, 2002
Date

Candice M. McHugh
Candice M. McHugh (As to Form)
Attorney for IDWR

4/5/02
Date

03/29/2002

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

RIGHT NUMBER: 31-11769

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

Fwp

SOURCE: DRY CREEK

TRIBUTARY: BEAVER CREEK

QUANTITY: 0.40 CFS

PRIORITY DATE: 06/21/1902

POINT OF DIVERSION:

T12N R39E S9 SWSWNE Within CLARK County

T12N R39E S9 NWNESE Within CLARK County

T12N R39E S10 NWNESE Within CLARK County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USEPERIOD OF USEQUANTITY

IRRIGATION

05/01 10/31

0.40 CFS

STOCKWATER

05/01 10/31

0.010 CFS

PLACE OF USE:

IRRIGATION Within CLARK County

T12N R39E S09

SENE 31.0

T12N R39E S09

SWSE

5.0

STOCKWATER Within CLARK County

T12N R39E S09

SENE

T12N R39E S09

SWSE

36 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 20 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: Decreed

STOCKWATER: 300 CATTLE

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. 31-11768, 31-11769, 31-11770 AND 31-11771 ARE DIVERTED
THROUGH POINTS OF DIVERSION DESCRIBED ABOVE.

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 31-308.

1.

SF5 31-11769

CERTIFICATE OF MAILING

I certify that on 4/10, 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

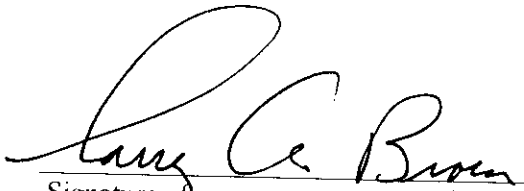
2. Copies to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 83720
Boise, ID 83720-0098

Kent Foster
Attorney for Sheridan Golden Eagle
P.O. Box 50130
Idaho Falls, ID 83405

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

Larry A. Brown
US DOJ
Attorney for BLM
550 W. Fort St. MSC 033
Boise, ID 83724


Signature of person or attorney mailing the form