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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

Case No. 39576

SUBCASE NO: 31-289B

(SPLIT INTO 31-11772, 31-11773, 31-11774)

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 31-289B was split into three water rights and renumbered as 31-11772, 31-11773 and 31-11774. Therefore, IDWR recommends that water right 31-289B be disallowed. The parties and IDWR agree and stipulate that water right 31-289B should be disallowed as recommended by IDWR. The parties and IDWR further agree that this SF5 will resolve the objection filed by the BLM in this subcase and have indicated their concurrence by their signatures below.

CLAIMANT:

Ray W. Rigby 5-16-02  
Ray Rigby Date  
Attorney for L&M Cattle Co. Inc.

OBJECTOR:

Larry A. Brown 5/20/02  
Larry Brown Date  
Attorney for BLM

IDWR CONCURRENCE:

Ernie Carlsen May 15, 2002  
Ernie Carlsen Date  
Water Rights Supervisor, IDWR

Candice M. McHugh 4/25/02  
Candice M. McHugh (As to Form) Date  
Attorney for IDWR

## CERTIFICATE OF MAILING

I certify that on May 20, 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

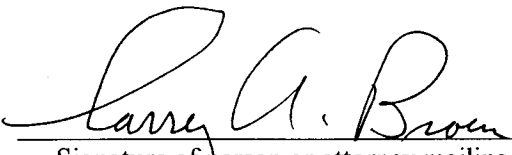
2. Copies to:

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

IDWR Document Repository  
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Boise, ID 83720-0098

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

Ray Rigby  
Attorney for L & M Cattle Co. Inc.  
P.O. Box 250  
Rexburg, ID 83440-0250

  
\_\_\_\_\_  
Signature of person or attorney mailing the form

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: 31-11772     |
|                | ) | (FORMERLY 31-289B)       |
|                | ) |                          |
| 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 31-289B was split into three water rights and renumbered as 31-11772, 31-11773 and 31-11774. The parties and IDWR agree and stipulate that water right 31-11772 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 31-289B and have indicated their concurrence by signing below and initialing the attached pages.

CLAIMANT:

Ray W. Rigby 5-16-02  
Ray Rigby Date  
Attorney for L&M Cattle Co. Inc.

OBJECTOR:

Larry G. Brown 5/20/02  
Larry Brown Date  
Attorney for BLM

IDWR CONCURRENCE:

Ernie Carlsen May 15, 2002  
Ernie Carlsen Date  
Water Rights Supervisor, IDWR

Candice M. McHugh 4/25/02  
Candice M. McHugh (As to Form) Date  
Attorney for IDWR

04/25/2002

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

RIGHT NUMBER: 31-11772

NAME AND ADDRESS: L & M CATTLE CO INC  
440 N 4300 E  
RIGBY ID 83442

SOURCE: PATELZICK CREEK

TRIBUTARY: BEAVER CREEK

QUANTITY: 2.00 CFS

*FWP*

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL  
COMBINED DIVERSION RATE OF 2.00 CFS. COMBINED RIGHT NOS.: 31-11773 AND  
31-11774

*RWR*

PRIORITY DATE: 01/06/1900

POINT OF DIVERSION:

T12N R35E S36 NESESW Within CLARK County

*JAB*

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| STOCKWATER            | 05/01 12/31          | 0.020 CFS       |
| IRRIGATION            | 04/15 10/31          | 2.000 CFS       |

PLACE OF USE: IRRIGATION Within CLARK County

|                          |      |      |                          |      |      |
|--------------------------|------|------|--------------------------|------|------|
| T11N R35E S12            | SWNE | 12.0 | T11N R35E S12            | SENE | 19.0 |
| T11N R35E S12            | SENE | 1.2  | T11N R35E S12            | NESW | 4.0  |
| T11N R35E S12            | NESE | 3.1  | T11N R35E S12            | NWSE | 13.0 |
| T11N R36E S07 Lot 1 NWNW |      | 0.8  | T11N R36E S07 Lot 2 SWNW |      | 20.0 |

STOCKWATER same as IRRIGATION

73.1 ACRES TOTAL

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.

*SMC*  
*EMC*

EXPLANATORY MATERIAL: Decreed

STOCKWATER, 750 RANGE 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.

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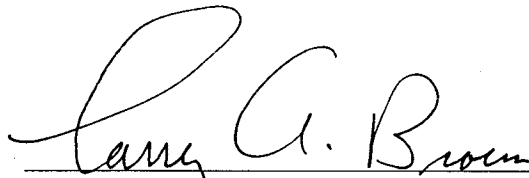
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Larry A. Brown  
US DOJ  
Attorney for BLM  
550 W. Fort St. MSC 033  
Boise, ID 83724

Ray Rigby  
Attorney for L & M Cattle Co. Inc.  
P.O. Box 250  
Rexburg, ID 83440-0250



Signature of person or attorney mailing the form

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: 31-11773  
) (FORMERLY 31-289B)  
)

) STANDARD FORM 5/AMENDED CLAIM  
) FOR DOMESTIC AND STOCKWATER  
)  
)

This form is used to report the stipulated elements of one "domestic and/or stockwater" water right acquired under state law and to amend the Notice of Claim. 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 31-289B was split into three water rights and renumbered as 31-11772, 31-11773 and 31-11774. The parties and IDWR agree and stipulate that water right 31-11773 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 31-289B and have indicated their concurrence by signing below and initialing the attached pages.

CLAIMANT:

Ray W. Rigby 5-16-02  
Ray Rigby Date  
Attorney for L&M Cattle Co. Inc.

OBJECTOR:

Larry A. Brown 5/24/02  
Larry Brown FWP Date  
Attorney for BLM

IDWR CONCURRENCE:

Ernie Carlsen May 15, 2002  
Ernie Carlsen Date  
Water Rights Supervisor, IDWR

Candice M. McHugh 5/8/02  
Candice M. McHugh (As to Form) Date  
Attorney for IDWR

04/25/2002

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

RIGHT NUMBER: 31-11773

NAME AND ADDRESS: L & M CATTLE CO INC  
440 N 4300 E  
RIGBY ID 83442

SOURCE: PATELZICK CREEK

TRIBUTARY: BEAVER CREEK

QUANTITY: 0.08 CFS

*Fwp*

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL  
COMBINED DIVERSION RATE OF 2.00 CFS. COMBINED RIGHT NOS.: 31-11772 AND  
31-11774

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000  
GALLONS PER DAY.

*RwR*

PRIORITY DATE: 04/01/1900

POINT OF DIVERSION:

T12N R35E S13 SESESW Within CLARK County

*LUB*

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| DOMESTIC              | 01/01 12/31          | 0.030 CFS       |
| STOCKWATER            | 05/01 12/31          | 0.080 CFS       |

PLACE OF USE: DOMESTIC Within CLARK County

T11N R35E S12 SENE

STOCKWATER Within CLARK County

|               |       |                     |      |
|---------------|-------|---------------------|------|
| T11N R35E S03 | NESE  | T11N R35E S12       | SENE |
| T11N R35E S14 | NENW  | T11N R36E S04       | NWSW |
| T11N R36E S06 | NENE- | T11N R36E S07 Lot 1 | NWNW |
| T11N R36E S07 | NESW  | T11N R36E S18       | SESE |
| T11N R36E S20 | SENW  | T11N R36E S20       | SWSE |
| T11N R36E S29 | SENW  | T12N R35E S34       | SENW |

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, 900 CATTLE  
SOURCE IS ALSO KNOWN AS COLD SPRING TRIBUTARY TO PATELZICK  
CREEK.

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.

*EMC*  
*SM<sup>c</sup>*

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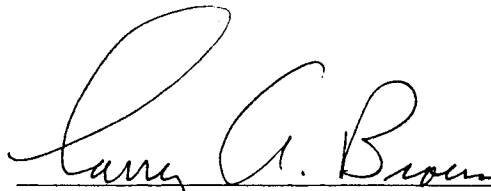
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Larry A. Brown  
US DOJ  
Attorney for BLM  
550 W. Fort St. MSC 033  
Boise, ID 83724

Ray Rigby  
Attorney for L & M Cattle Co. Inc.  
P.O. Box 250  
Rexburg, ID 83440-0250



Signature of person or attorney mailing the form

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: 31-11774  
) (FORMERLY 31-289B)  
)

) STANDARD FORM 5/AMENDED CLAIM  
) FOR DOMESTIC AND STOCKWATER  
)  
)

This form is used to report the stipulated elements of one "domestic and/or stockwater" water right acquired under state law and to amend the Notice of Claim. 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 31-289B was split into three water rights and renumbered as 31-11772, 31-11773 and 31-11774. The parties and IDWR agree and stipulate that water right 31-11774 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 31-289B and have indicated their concurrence by signing below and initialing the attached pages.

CLAIMANT:

Ray W. Rigby 5-16-02  
Ray Rigby Date  
Attorney for L&M Cattle Co. Inc.

OBJECTOR:

Larry A. Brown 5/20/02  
Larry Brown FWP Date  
Attorney for BLM

IDWR CONCURRENCE:

Ernie Carlsen May 15, 2002  
Ernie Carlsen Date  
Water Rights Supervisor, IDWR

Candice M. McHugh 5/8/02  
Candice M. McHugh (As to Form) Date  
Attorney for IDWR

05/07/2002

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

RIGHT NUMBER: 31-11774  
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: PATELZICK CREEK TRIBUTARY: BEAVER CREEK  
QUANTITY: 0.02 CFS

USE OF THIS RIGHT WITH RIGHT NO. 31-11773 IS LIMITED TO A TOTAL COMBINED  
DIVERSION RATE OF 0.08 CFS.

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL  
COMBINED DIVERSION RATE OF 2.00 CFS. COMBINED RIGHT NOS.: 31-11772 AND  
31-11773.

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000  
GALLONS PER DAY.

PRIORITY DATE: 04/01/1900

POINT OF DIVERSION:

T12N R35E S13 SESESW Within CLARK County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| STOCKWATER            | 05/01 12/31          | 0.020 CFS       |

PLACE OF USE: STOCKWATER Within CLARK County

|               |      |               |      |
|---------------|------|---------------|------|
| T12N R35E S26 | NWNE | T12N R35E S26 | NENW |
| T12N R35E S26 | NESW |               |      |

TWO STOCK TROUGHS ARE LOCATED IN T12N, R35E, S26, NWNE.

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS  
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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 450 RANGE CATTLE  
SOURCE IS ALSO KNOWN AS COLD SPRING TRIBUTARY TO PATELZICK  
CREEK.

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.

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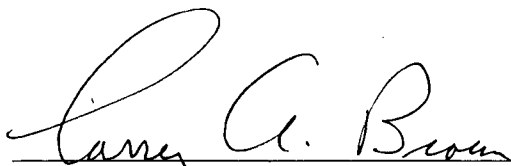
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Attorney for BLM  
550 W. Fort St. MSC 033  
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Ray Rigby  
Attorney for L & M Cattle Co. Inc.  
P.O. Box 250  
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