

United States  
Department of  
Agriculture

Forest  
Service

Boise Adjudication Team  
Recreation and Lands  
Intermountain Region

161 E. Mallard Drive  
Suite A  
Boise, ID 83706

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June 13, 2003

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

**RECEIVED**

**JUN 17 2003**

Department of Water Resources

Re: Notice of Clarification - Basin 47 - Forest Service and Western Stockgrowers Association

Dear Clerk:

On April 21, 2003 the United States and Western Stockgrowers Association filed a Notice of Clarification ("Notice") in subcases 47-14999 et al. At that time the Notice was for the subcases listed in Attachment A - Column 1, the root rights at issue.

On April 28, 2003 the parties filed SF5's that split the root rights into two new rights. The attached Notice of Clarification is now being filed in those new subcases listed on Attachment A - Columns 2 and 3.

Copies are included for filing and for your files.

If you have any questions please give me a call at 208-331-5942.

Sincerely,



Jamie Gough  
Paralegal Specialist  
USDA Forest Service

cc: David Negri, Travis Thompson, IDWR

Enclosure(s)

RECEIVED

JUN 17 2003

Department of Water Resources

**Names of Parties Serving Document:**

UNITED STATES OF AMERICA

WESTERN STOCK GROWERS  
ASSOCIATION ET AL.

**Attorneys' Names and Addresses:**

THOMAS L. SANSONETTI  
Assistant Attorney General  
United States Department of Justice  
Environment and Natural Resources Division

DAVID L. NEGRI  
United States Department of Justice  
Environment and Natural Resources Division  
General Litigation Section  
550 West Fort Street, MSC 033  
Boise, Idaho 83724  
(208) 331-5943; facsimile (208) 387-0842  
ISB# 6697

NORMAN M. SEMANKO  
TRAVIS L. THOMPSON  
Barker Rosholt & Simpson LLP  
205 N. 10<sup>th</sup> Street, Suite 520  
P.O. Box 2139  
Boise, ID 83701-2139  
(208) 336-0700  
ISB # 4761 (NMS)  
ISB # 6168 (TLT)

**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 Numbers:  
) See Attachment A - Columns 2 and 3  
)  
)  
)  
)  
)  
)

**NOTICE OF CLARIFICATION**

NOTICE OF CLARIFICATION

Page 1

COMES NOW the United States of America ("United States") and Western Stock Growers Association et al. ("WSG"), by and through their respective attorneys of record, and hereby submit this Notice of Clarification in the subcases listed on Attachment A - Columns 2 and 3.

On August 29, 2002 the United States and WSG filed a *Stipulation and Joint Motion for Order Approving Stipulation* ("Stipulation") in several thousand subcases identified in Exhibits A through G of that Stipulation. Contained within Exhibit A and E of the Stipulation are subcases in Basin 47 involving the instant parties.

On March 21, 2003 the United States and WSG filed a Notice of Clarification ("Notice") in the original subcase numbers listed on Attachment A - Column 1. In that Notice the United States and WSG stated that a second Notice of Clarification would be filed following the submittal of SF5's in the subcases listed on Attachment A, Columns 2 and 3.

Pursuant to the terms of the Stipulation, the United States, WSG and IDWR filed Standard Forms 5 ("SF5's") on March 28, 2003 splitting the original claim number and adding two or more new claim numbers that limit the use of the claims to a total combined diversion rate and quantity. The new claim numbers do not appear in the Stipulation.

The United States and WSG wish to clarify that the terms and conditions of the Stipulation shall be applied to the new water right claim numbers identified in Attachment A. Attachment A - Column 1 identifies the original claim numbers. The terms and conditions of the Stipulation as they relate to Exhibit A of the Stipulation shall apply to the water right claim numbers listed in Attachment A - Column 2. The terms and conditions of the Stipulation as they relate to Exhibit E of the Stipulation shall apply to water right claim numbers listed on Attachment A - Column 3.



David L. Negri  
United States Department of Justice  
Environment and Natural Resources Division  
General Litigation Section  
550 West Fort Street, MSC 033  
Boise, Idaho 83724  
(208) 331-5943

Counsel for the United States of America



Travis L. Thompson, Esq.  
Barker Rosholt & Simpson LLP  
205 N. 10<sup>th</sup> Street, Suite 520  
P.O. Box 2139  
Boise, Idaho 83701-2139

Counsel for the Western Stock Growers Assoc.

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13 day of June 2003, I served a true and correct copy of the foregoing **Notice of Clarification** by depositing a copy thereof in the U.S. mail, postage prepaid, or by other service where indicated, upon the following:

**Original to:**

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

**Copy to:**

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

United States Department of Justice  
Environment and Natural Resources Division  
550 W. Fort Street, MSC 033  
Boise, ID 83724

Norman M. Semanko  
Travis L. Thompson  
Barker, Rosholt, & Simpson LLP  
P.O. Box 2139  
Boise, ID 83701-2139  
*Counsel for Western Stock Growers Association et al.*

  
\_\_\_\_\_  
David L. Negri

## ATTACHMENT A

| Basin No. | Column 1<br>(Original<br>Claim #'s) | Column 2<br>(New FS or<br>BLM #'s) | Column 3<br>(New WSG #'s) |
|-----------|-------------------------------------|------------------------------------|---------------------------|
| 47        | 14999                               | 16873                              | 16874                     |
| 47        | 15001                               | 16875                              | 16876                     |
| 47        | 15002                               | 16877                              | 16878                     |
| 47        | 15004                               | 16879                              | 16880                     |
| 47        | 15005                               | 16881                              | 16882                     |
| 47        | 15028                               | 16883                              | 16884                     |
| 47        | 15045                               | 16885                              | 16886                     |
| 47        | 15048                               | 16887                              | 16888                     |
| 47        | 15051                               | 16889                              | 16890                     |
| 47        | 15052                               | 16891                              | 16892                     |
| 47        | 15054                               | 16893                              | 16894                     |
| 47        | 15055                               | 16895                              | 16896                     |
| 47        | 15056                               | 16897                              | 16898                     |
| 47        | 15058                               | 16899                              | 16900                     |
| 47        | 15060                               | 16901                              | 16902                     |
| 47        | 15061                               | 16903                              | 16904                     |
| 47        | 15062                               | 16905                              | 16906                     |
| 47        | 15063                               | 16907                              | 16908                     |
| 47        | 15075                               | 16909                              | 16910                     |
| 47        | 15077                               | 16911                              | 16912                     |
| 47        | 15082                               | 16913                              | 16914                     |
| 47        | 15083                               | 16915                              | 16916                     |
| 47        | 15086                               | 16917                              | 16918                     |
| 47        | 15090                               | 16919                              | 16920                     |
| 47        | 15091                               | 16921                              | 16922                     |
| 47        | 15092                               | 16923                              | 16924                     |
| 47        | 15093                               | 16925                              | 16926                     |
| 47        | 15095                               | 16927                              | 16928                     |
| 47        | 15106                               | 16929                              | 16930                     |
| 47        | 15107                               | 16931                              | 16932                     |
| 47        | 15108                               | 16933                              | 16934                     |
| 47        | 15109                               | 16935                              | 16936                     |
| 47        | 15110                               | 16937                              | 16938                     |
| 47        | 15117                               | 16939                              | 16940                     |
| 47        | 15119                               | 16941                              | 16942                     |
| 47        | 15128                               | 16943                              | 16944                     |
| 47        | 15131                               | 16945                              | 16946                     |
| 47        | 15132                               | 16947                              | 16948                     |
| 47        | 15135                               | 16949                              | 16950                     |

| <b>Basin No.</b> | <b>Column 1<br/>(Original<br/>Claim #'s)</b> | <b>Column 2<br/>(New FS or<br/>BLM #'s)</b> | <b>Column 3<br/>(New WSG #'s)</b> |
|------------------|----------------------------------------------|---------------------------------------------|-----------------------------------|
| 47               | 15136                                        | 16951                                       | 16952                             |
| 47               | 15137                                        | 16953                                       | 16954                             |
| 47               | 15138                                        | 16955                                       | 16956                             |
| 47               | 15139                                        | 16957                                       | 16958                             |
| 47               | 15140                                        | 16959                                       | 16960                             |
| 47               | 15142                                        | 16961                                       | 16962                             |
| 47               | 15143                                        | 16963                                       | 16964                             |
| 47               | 15144                                        | 16965                                       | 16966                             |
| 47               | 15147                                        | 16967                                       | 16968                             |
| 47               | 15148                                        | 16969                                       | 16970                             |
| 47               | 15149                                        | 16971                                       | 16972                             |
| 47               | 15151                                        | 16976                                       | 16977                             |
| 47               | 15152                                        | 16974                                       | 16975                             |
| 47               | 15153                                        | 16978                                       | 16979                             |
| 47               | 15155                                        | 16980                                       | 16981                             |
| 47               | 15164                                        | 16982                                       | 16983                             |
| 47               | 15177                                        | 16984                                       | 16985                             |
| 47               | 15178                                        | 16986                                       | 16987                             |
| 47               | 15179                                        | 16988                                       | 16989                             |
| 47               | 15195                                        | 16990                                       | 16991                             |
| 47               | 15196                                        | 16992                                       | 16993                             |
| 47               | 15197                                        | 16994                                       | 16995                             |
| 47               | 15199                                        | 16996                                       | 16997                             |
| 47               | 15200                                        | 16998                                       | 16999                             |
| 47               | 15204                                        | 17000                                       | 17001                             |
| 47               | 16429                                        | 17002                                       | 17003                             |
| 47               | 16648                                        | 17004                                       | 17005                             |
| 47               | 16649                                        | 17006                                       | 17007                             |
| 47               | 16651                                        | 17008                                       | 17009                             |
| 47               | 16652                                        | 17010                                       | 17011                             |
| 47               | 16655                                        | 17012                                       | 17013                             |
| 47               | 16677                                        | 17014                                       | 17015                             |
| 47               | 16678                                        | 17016                                       | 17017                             |
| 47               | 16679                                        | 17018                                       | 17019                             |
| 47               | 16680                                        | 17020                                       | 17021                             |
| 47               | 16683                                        | 17022                                       | 17023                             |
| 47               | 16684                                        | 17024                                       | 17025                             |
| 47               | 16686                                        | 17026                                       | 17027                             |
| 47               | 16687                                        | 17028                                       | 17029                             |
| 47               | 16688                                        | 17030                                       | 17031                             |
| 47               | 16692                                        | 17032                                       | 17033                             |
| 47               | 16693                                        | 17034                                       | 17035                             |
| 47               | 16694                                        | 17036                                       | 17037                             |
| 47               | 16702                                        | 17038                                       | 17039                             |

| Basin No. | Column 1<br>(Original<br>Claim #'s) | Column 2<br>(New FS or<br>BLM #'s) | Column 3<br>(New WSG #'s) |
|-----------|-------------------------------------|------------------------------------|---------------------------|
| 47        | 16704                               | 17040                              | 17041                     |
| 47        | 16710                               | 17042                              | 17043                     |
| 47        | 16722                               | 17044                              | 17045                     |
| 47        | 16728                               | 17048                              | 17049                     |
| 47        | 16733                               | 17050                              | 17051                     |
| 47        | 16736                               | 17052                              | 16863                     |
|           |                                     | and                                |                           |
|           |                                     | 16864                              |                           |
| 47        | 16740                               | 16866                              | 16865                     |
| 47        | 16747                               | 17046                              | 17047                     |