

United States
Department of
Agriculture

Forest
Service

Boise Adjudication Team
Recreation and Lands
Intermountain Region

161 E. Mallard Drive
Suite A
Boise, ID 83706

July 24, 2003

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

RECEIVED
JUL 25 2003
Department of Water Resources

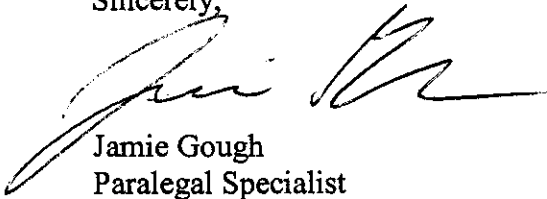
Re: SRBA Subcase no. 63-04277B - SF5

Dear Debbie:

Enclosed is an SF5 - Stipulated Elements of a Water Right for subcase no. 63-04277B. Please note that the attached water right description includes increases in quantity, acres and season of use. Accordingly, this SF5 should be included in the Docket Sheet so that notice will be given to parties to the SRBA.

If you have any questions please contact me at 208-331-5942.

Sincerely,



Jamie Gough
Paralegal Specialist
USDA Forest Service

cc: IDWR, Erle and Cynthia Byram

Enclosure(s)

RECEIVED

JUL 25 2003

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

Subcase No. 63-04277B

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 the facts, date, expert opinions and law supporting the issuance of a partial decree for the water right.

The parties agree that the Snake River 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 claim. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANTS: AND OBJECTOR:

Erle B. Byram 7-16-2003
Erle B. Byram Date

Cynthia C. Byram 7/16/03
Cynthia C. Byram Date

OBJECTOR:

United States on behalf of the
USDA Forest Service

David L. Negri 7/22/03
David L. Negri Date

IDWR CONCURRENCE:

Gene Gibson 7-21-03
Gene Gibson Date

ATTORNEY FOR IDWR:

Nicholas B. Spencer 7-22-03
Nicholas B. Spencer Date

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

RIGHT NUMBER: 63-4277B

NAME AND ADDRESS:

CYNTHIA C BYRAM
PO BOX 204
GOODING ID 83330ERLE B BYRAM
PO BOX 204
GOODING ID 83330

CCB

EHB NBS msk ON

SOURCE: LITTLE SMOKY CREEK Tributary: BIG SMOKY CREEK

QUANTITY: 0.594 CFS ~~0.390 CFS~~

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 05/01/1936

POINT OF DIVERSION:

~~T03N R14E S19 NWSE~~
~~Within CAMAS County~~T03N R14E S19 NWSE Lot 6
Within CAMAS CountyPURPOSE AND
PERIOD OF USE:

Purpose of use	Period of use:	Quantity:
IRRIGATION	04/15 10/31	0.594 CFS
	~~05/01 10/31~~	~~0.390 CFS~~
STOCKWATER	01/01 12/31	0.040 CFS

PLACE OF USE:

IRRIGATION within CAMAS County

T03N R14E S19 SWNE 9.2~~T03N R14E S19 SWNE 5.1~~T03N R14E S19 SENW 10.0~~T03N R14E S19 SENW 8.2~~T03N R14E S19 NWSE 8.6~~T03N R14E S19 NWSE 6.4~~

STOCKWATER Same As IRRIGATION

27.8 ACRES TOTAL~~19.7 ACRES TOTAL~~All places of use are on private land within Homestead Entry Survey (HES) 496.

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: BASIS OF CLAIM - Beneficial Use

Stockwater is for 100 range cattle.

CERTIFICATE OF MAILING

I certify that on July 22, 2003, I mailed the original and copies of this form, including all attachments, postage prepaid and addressed as follows:

Original to:

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

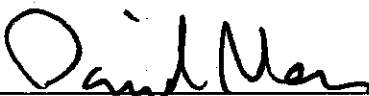
Copy to:

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

Copies to all parties to the subcase:

Erle B Byram
Cynthia C Byram
P.O. Box 204
Gooding, ID 83330



David L. Negri