

FEB - 7 2003

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

**SUBCASE NO.: 65-18250**

**STANDARD FORM 5**

January 16, 2003

**RESPONDENT:**  
U.S. Forest Service

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David L. Negri                      date  
Attorney, U.S. Dept. of Justice

## CERTIFICATE OF MAILING

I certify that on February 10, <sup>2003</sup>~~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  
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### 2. Copies to:

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

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U.S. Dept. of Justice  
Environment & Natural Resource Div.  
General Litigation Section  
550 W. Fort St., MSC 033  
Boise, ID 83724

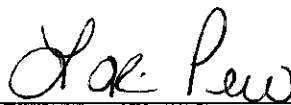
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Idaho Dept. of Lands  
P.O. Box 83720  
Boise, ID 83720-0050

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Black Canyon Grazing Assn.  
C/o Alvin H. Moses  
8975 Sweet Ola Hwy  
Sweet, ID 83670

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



\_\_\_\_\_  
Signature of person mailing this document

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

RIGHT NUMBER: 65-18250

NAME AND ADDRESS: BLACK CANYON GRAZING ASSN  
C/O ALVIN H MOSES  
8975 SWEET OLA HWY  
SWEET ID 83670

SOURCE: DRY BUCK CREEK

TRIBUTARY: PAYETTE RIVER

QUANTITY: 0.02 CFS

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

PRIORITY DATE: 01/01/1860

POINT OF DIVERSION:

T08N R02E S1 NENENE End of Stream Flow Within BOISE County

T09N R02E S36 NWNWNW Begin of Stream Flow Within BOISE County

PURPOSE AND  
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

STOCKWATER

01/01 12/31

0.02 CFS

PLACE OF USE: STOCKWATER Within BOISE County

T08N R02E S01

NENE

T08N R02E S01

NWNE

T08N R02E S01

SWNE

T08N R02E S01

SENE

T09N R02E S36

SWNE

T09N R02E S36

NENW

T09N R02E S36

NWNW

T09N R02E S36

SENE

T09N R02E S36

NWSE

T09N R02E S36

SWSE

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 IS NOT A  
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

STOCKWATER, 600 RANGE CATTLE

THE USE OF WATER WITHIN S36, T09N, R02E IS ON STATE PUBLIC SCHOOL ENDOWMENT  
LAND PURSUANT TO STATE LAND LEASE, LEASE NO. G-6088 (GRAZING LEASE).

January 31, 2003

Black Canyon Grazing Assn.  
c/o Alvin Moses  
8975 Sweet Ola Highway  
Sweet, ID 83670

RE: Subcase Nos. 65-18247, 65-18248 & 65-18250

Dear Mr. Moses:

Enclosed please find documents entitled "Standard Form(s) 5 – Stipulated Elements of A Water Right" (commonly referred to as SF 5) which have revised recommendations attached to each. Pursuant to the settlement discussions, IDWR has revised its recommendations and obtained signatures from Mr. Negri and Mr. Barber.

Please review the new recommendations which are attached to the SF 5's. If all the information is correct, please sign and date the first page of the originals and **initial the changes** on the pages entitled "Recommendation of Water Rights Acquired Under State Law". After you have signed and initialed the originals, please forward the SF 5 for 65-18248 to Harvey & Sharon Church for their signatures. The SF 5's for 65-18247 and 65-18250 may be returned to IDWR to my attention. I have enclosed self-addressed envelopes for your convenience.

If you have any questions regarding this process or the enclosed documents, please do not hesitate to call me at: 327-7881 or Garrick Baxter at: 327-7975.

Sincerely,

Becky J. Harvey  
Paralegal

/bh  
Enclosures

cc: Harvey & Sharon Church