

COPY

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

2003 FEB 12 PM 1 16

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.: 65-18247

STANDARD FORM 5

RECEIVED
FEB 14 2003
Department of Water Resources

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 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; 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. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

OBJECTOR:

United States on behalf of the
USDA Forest Service

David L. Negri 1/30/03
David L. Negri date

IDWR CONCURRENCE:

Roxanne Brown 1/16/03
Roxanne Brown date
Sr. Water Resource Agent

OBJECTOR:

Idaho State Dept. of Lands

David J. Barber 1/24/2003
David J. Barber date
Deputy Attorney General

CLAIMANT:

Black Canyon Grazing Association

Alvin H. Moses 2-05-03
Alvin H. Moses date

CERTIFICATE OF MAILING

I certify that on February 10, ²⁰⁰³~~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
☐ facsimile

2. Copies to:

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

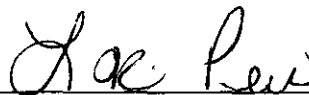
☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

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

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

Natural Resources Division
Office of Attorney General
State of Idaho
P.O. Box 4449
Boise, ID 83711-4449

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



Signature of person mailing this document

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

RIGHT NUMBER: 65-18247

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:

~~T09N R02E S1 SWNE Begin of Stream Flow Within BOISE County~~
~~T09N R02E S1 NWSE Begin of Stream Flow Within BOISE County~~
~~T09N R02E S13 SESW End of Stream Flow Within BOISE County~~
~~T09N R02E S13 SWSESW End 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

~~T09N R02E S01 NENE Lot 1~~
~~T09N R02E S01 NWNE Lot 2~~
~~T09N R02E S01 SWNE~~
T09N R02E S01 SESW
T09N R02E S01 NWSE
T09N R02E S12 NENW
T09N R02E S12 SENW
T09N R02E S12 NESW
T09N R02E S12 SWSW
T09N R02E S12 SESW
T09N R02E S13 NWNW
T09N R02E S13 SWNW
T09N R02E S13 NESW
T09N R02E S13 SESW

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 THE SESW AND NWSE, S01, T09N, R02E, THE
NENW, S12, T09N, R02E, AND THE NESW AND SESW, S13, T09N, R02E IS ON
STATE PUBLIC SCHOOL ENDOWMENT LAND PURSUANT TO STATE LAND LEASE,
LEASE NO. G-6525 (GRAZING LEASE).

A.M. RB
2 AB
DN