

RECEIVED  
JUN 17 2002  
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. 61-11887B    |
|                | ) |                          |
| Case No. 39576 | ) |                          |
|                | ) | STANDARD FORM 5          |
|                | ) |                          |
|                | ) | STIPULATED ELEMENTS OF A |
|                | ) | WATER RIGHT              |

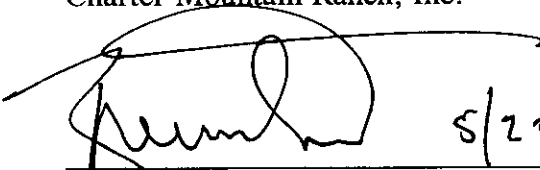
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine 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.

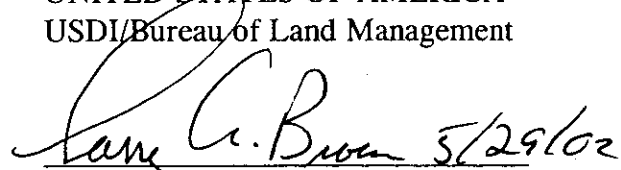
This right along with right 61-11887A, are split from and constitute the whole right of 61-11887. The original right is now superseded by this right and right 61-11887A.

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.

**CLAIMANT/OBJECTOR:**  
Charter Mountain Ranch, Inc.

  
\_\_\_\_\_  
Bruce Smith                      Date  
Attorney for Charter Mountain Ranch, Inc.

**OBJECTOR:**  
UNITED STATES OF AMERICA  
USDI/Bureau of Land Management

  
\_\_\_\_\_  
Larry Brown FWP                      Date  
Attorney for the US - Dept of Justice

**IDWR Concurrence:**

Carter Futch 5-23-02  
Agent Date

Candice M. McHugh 5/23/02  
Candice M. McHugh Date  
Deputy Attorney General for IDWR

## CERTIFICATE OF MAILING

I certify that on May 29, 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

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

2. Copies to:

Clive Strong  
Office of the Attorney General  
State of Idaho  
P.O. Box 83720  
Boise, ID 83720-0098

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

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

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

Bruce M. Smith  
225 North 9th Street, Suite 420  
Boise, ID 83702

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

USDI BLM  
US Dept of Justice  
Environment & Natural Resources  
550 West Fort Street, MSC 033  
Boise, ID 83724

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

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

*Amj*

05/15/2002

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

RIGHT NUMBER: 61-11887B

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: GROUNDWATER

TRIBUTARY:

QUANTITY: 0.050 CFS

RIGHT NOS. 61-2095B, 61-2199B, 61-2209B AND 61-11887B ARE LIMITED TO A  
TOTAL COMBINED DIVERSION RATE OF 0.19 CFS AND TO A TOTAL COMBINED ANNUAL  
DIVERSION VOLUME OF 64 AF.

PRIORITY DATE: 03/15/1977

THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A PRIORITY  
DATE EARLIER THAN APRIL 12, 1994, THAT ARE NOT DECREED AS  
ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE. AS BETWEEN  
WATER RIGHTS DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426,  
IDAHO CODE, THE EARLIER PRIORITY RIGHT IS THE SUPERIOR RIGHT.

POINT OF  
DIVERSION:

T04S R09E S10 NESWNE Within ELMORE County  
T04S R09E S10 NENWNW Within ELMORE County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 03/15 11/15          | 0.050 CFS       |

PLACE OF USE:

IRRIGATION Within ELMORE County  
T04S R09E S09 NESW 16.0

16 ACRES TOTAL

RIGHT NOS. 61-2095B, 61-2199B, 61-2209B AND 61-11887B ARE LIMITED  
TO THE IRRIGATION OF 16 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A  
SINGLE IRRIGATION SEASON.

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

05/15/2002

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

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THIS RIGHT IS AN ENLARGEMENT OF RIGHT NOS. 61-02095B, 61-02199B  
AND 61-02209B PURSUANT TO SECTION 42-1426, IDAHO CODE.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

THIS RIGHT IS FOR AN ENLARGEMENT OF 4 ACRES WITHIN THE PLACE OF USE  
DESCRIBED ABOVE.

RIGHT NOS. 61-2095A, 61-2095B, 61-2199A, 61-2199B, 61-2209A,  
61-2209B, 61-11887A AND 61-11887B ARE DIVERTED THROUGH THE POINTS OF  
DIVERSION DESCRIBED ABOVE.

*Fwp SM<sup>c</sup> ct  
JL3*

*Hmj*