

**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. 51-132

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.

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:

Devil Creek Ranch, Inc.

OBJECTOR:

Cedar Mesa Reservoir & Canal Co.

Ronda Macaw 5-7-02
By: *Ronda Macaw* Date
Title: *President*

John Coleman Date
Attorney for Objector

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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:

Devil Creek Ranch, Inc.

OBJECTOR:

Cedar Mesa Reservoir & Canal Co.

By: _____
Title: _____

Date _____

John Coleman
Attorney for Objector

Date
5-7-02

IDWR Concurrence:


Agent Date


Garrick L. Baxter Date
Deputy Attorney General

CERTIFICATE OF MAILING

I certify that on May 13, 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

2. Copies to:

Justin Seamons
McGrath, Meacham, Smith & Seamons, PLLC
P.O. Box 5073
Idaho Falls, ID 83404

Ronda Macaw
President of Devil Creek Ranch, Inc.
5594 S. Basalt Avenue
Boise, ID 83716

John Coleman
Box 525
Twin Falls, ID 83303
Attorney for Cedar Mesa Reservoir & Canal Co.



Signature of person or attorney mailing the form

05/06/2002

IDAHO DEPARTMENT OF WATER RESOURCES

Rm ~~RECOMMENDATION~~ RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: B1-132
 NAME AND ADDRESS: DEVIL CREEK RANCH INC
 ROGERSON ID 83302
 SOURCE: DEADWOOD CREEK TRIBUTARY: CLOVER CREEK
 QUANTITY: 3.00 CFS
 THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT
 EXCEED 13,000 GALLONS PER DAY.
 PRIORITY DATE: 04/01/1886
 POINT OF DIVERSION:

T15S R12E S19 SWNE Within CUYWEE County
 T15S R12E S20 NESW Within CUYWEE County
 T15S R12E S20 SESE Within CUYWEE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	4/01 10/31	3.000 CFS
STOCKWATER	1/01 12/31	0.040 CFS

PLACE OF USE:

IRRIGATION Within CUYWEE County

T15S R12E S18	SESW	8.3	T15S R12E S18	SWNE	16.0
T15S R12E S19	NWNE	18.0	T15S R12E S19	SWNE	10.0
T15S R12E S19	NENE	25.0	T15S R12E S19	NWSE	25.0
T15S R12E S19	SESE	7.0	T15S R12E S20	NESW	25.0
T15S R12E S20	NWSW	31.0	T15S R12E S20	SWNW	7.3
T15S R12E S20	SESW	7.6			

STOCKWATER same as IRRIGATION

183.2 ACRES TOTAL

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

THE DIVERSION OF 3.0 CFS OF WATER FOR IRRIGATION UNDER THIS
 RIGHT, AS IT RELATES TO RIGHT NOS. B1-00137 & B1-00138,
 RECOMMENDED TO CEDAR REEF RESERVOIR & CANAL COMPANY, SHALL
 BEGIN ON APRIL 15TH AND END ON OCTOBER 15TH FOR EACH IRRIGATION
 SEASON.

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF
 WATER IN BASIN 51 SHALL BE ADMINISTERED SEPARATELY FROM ALL
 OTHER WATER RIGHTS IN BASIN 51:

WATER RIGHT NO.	SOURCE
NONE	NONE

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES
 OF WATER IN BASIN 51 SHALL BE ADMINISTERED SEPARATELY FROM
 ALL OTHER WATER RIGHTS IN THE SNAKE RIVER BASIN:

WATER RIGHT NO.	SOURCE
NONE	NONE

ALL WATER RIGHTS WITHIN BASIN 51 ARE FROM CONNECTED
 SOURCES OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE
 ADMINISTERED CONJUNCTIVELY.

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

SF5 Water Right 51-132

05/06/2002

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 51-132

NAME AND ADDRESS: DEVIL CREEK RANCH INC
ROGERSON ID 83302

SOURCE: ORAHOOD CREEK

TRIBUTARY: CLOVER CREEK

QUANTITY: 3.00 CFS

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

PRIORITY DATE: 04/01/1896

POINT OF DIVERSION:

T15S R12E S19 SWNE Within Owyhee County

T15S R12E S20 NWSW Within Owyhee County

T15S R12E S20 SWSW Within Owyhee County

PURPOSE AND
PERIOD OF USE:PURPOSE OF USEPERIOD OF USEQUANTITY

IRRIGATION

4/01 10/31

3.000 CFS

STOCKWATER

1/01 12/31

0.040 CFS

PLACE OF USE:

IRRIGATION Within Owyhee County

T15S R12E S10

SESW

8.0

T15S R12E S18

SWSE

16.0

T15S R12E S19

NWSW

18.0

T15S R12E S19

SWNE

10.0

T15S R12E S19

NESE

25.0

T15S R12E S19

NWSE

28.0

T15S R12E S19

SESE

7.0

T15S R12E S20

NESE

25.0

T15S R12E S20

NWSW

31.0

T15S R12E S20

SWSW

7.3

T15S R12E S20

SESW

7.6

STOCKWATER Same as IRRIGATION

153.2 ACRES TOTAL

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

THE DIVERSION OF 3.0 CFS OF WATER FOR IRRIGATION UNDER THIS RIGHT, AS IT RELATES TO RIGHT NOS. 51-00137 & 51-00138, RECOMMENDED TO CEDAR MESA RESERVOIR & CANAL COMPANY, SHALL BEGIN ON APRIL 15TH AND END ON OCTOBER 15TH FOR EACH IRRIGATION SEASON.

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 51 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN BASIN 51:

WATER RIGHT NO.

SOURCE

NONE

NONE

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 51 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN THE SNAKE RIVER BASIN:

WATER RIGHT NO.

SOURCE

NONE

NONE

ALL WATER RIGHTS WITHIN BASIN 51 ARE FROM CONNECTED SOURCES OF WATER IN THE SNAKE RIVER BASIN AND MUST BE ADMINISTERED CONJUNCTIVELY.

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

05/06/2002

IDAHO DEPARTMENT OF WATER RESOURCES

~~PRELIMINARY~~ RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 51-132
NAME AND ADDRESS: DEVIL CREEK RANCH INC
ROGERSON ID 83302
SOURCE: DEADWOOD CREEK TRIBUTARY: CLOVER CREEK
QUANTITY: 3.00 CFS
THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.
PRIORITY DATE: 04/01/1886
POINT OF DIVERSION:

T15S R12E S19 SWNE Within OWYHEE County
T15S R12E S20 NESW Within OWYHEE County
T15S R12E S20 SESE Within OWYHEE County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	4/01 10/31	3.000 CFS
STOCKWATER	1/01 12/31	0.040 CFS

PLACE OF USE: IRRIGATION Within OWYHEE County

T15S R12E S18	SESW	8.3	T15S R12E S18	SWSE	16.0
T15S R12E S19	NWNE	18.0	T15S R12E S19	SWNE	10.0
T15S R12E S19	NESE	25.0	T15S R12E S19	NWSE	28.0
T15S R12E S19	SESE	7.0	T15S R12E S20	NESW	25.0
T15S R12E S20	NWSW	31.0	T15S R12E S20	SWSW	7.3
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183.2 ACRES TOTAL

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

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THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 51 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN BASIN 51:

WATER RIGHT NO.	SOURCE
NONE	NONE

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 51 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN THE SNAKE RIVER BASIN:

WATER RIGHT NO.	SOURCE
NONE	NONE

ALL WATER RIGHTS WITHIN BASIN 51 ARE FROM CONNECTED SOURCES OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED CONJUNCTIVELY.

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 MATERIALS: Decreed

STOCKWATER, 100 RANGE CATTLE.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.