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MAY 21 2002

Department of Water Resources



COPY

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
ALAN G. LANCE

May 16, 2002

Special Master Thomas Cushman
SRBA District Court
P.O. Box 2707
Twin Falls, ID 83303-2707

RE: SRBA Subcase No. 61-11844 – Charter Mountain Ranch, Inc.

Dear Special Master Cushman:

Enclosed is a Standard Form 5/Stipulation to Withdraw Objection with an attached report of the elements of the water right which contains some underlined changes.

One change reflects splits of certain overlapping rights (61-301A and 61-301B) that have already been settled. There is also a change in the season of use from March 15 to February 15. The change in the season of use is based upon the *Motion for Leave to have the Department of Water Resources File Amended Director's Reports* which was granted on July 16, 2001. The Amended Director's Reports filed on September 14, 2001, changed the season of use element for irrigation claims from Colds Springs Creek and tributaries in Basin 61. Because the original priority date recommended was based on the original season of use start date of March 15, the priority date was also changed to February 15 to be consistent with the new season of use on this right.

Additionally, I am sending all the pages which have been initialed by the department and attorney Bruce Smith since Ron Howerton's initials appear on the original print-out of the recommendation and the facsimile copy is initialed by Candice McHugh and Bruce Smith.

If you have any questions concerning this matter, please contact Deputy Attorney General, Candice McHugh at: 327-5404 or me at: 327-7881.

Sincerely,

Becky J. Harvey
Becky J. Harvey
Paralegal

Enclosure
cc: Bruce Smith

799 MAY 20 AM 11:30
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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(S). 61-11844
	)	
Case No. 39576	)	STANDARD FORM 5/ STIPULATION TO WITHDRAW OBJECTION
	)	
	)	
	)	

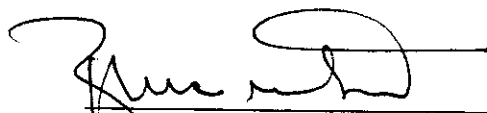
TO ALL INTERESTED PARTIES:

Please take notice that Charter Mountain Ranch, Inc. hereby withdraws its objection filed on June 10, 1999 for subcase number: 61-11844.

DISCUSSION

Charter Mountain Ranch, Inc. has agreed to withdraw its objection and agrees and stipulates 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 M. SMITH Date
Attorney for Charter Mountain Ranch, Inc.

Bony

IDWR Concurrence:

Ron Howerton 4-30-02

RON HOWERTON Date
Senior Water Right Agent

Candice M. McHugh 4/30/02

CANDICE M. McHUGH Date
Deputy Attorney General

R. J.

CERTIFICATE OF MAILING

I certify that on May 16, 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:

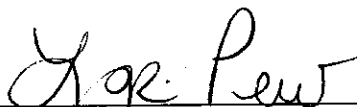
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 83720
Boise, ID 83720-0098

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

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



Signature of person or attorney mailing the form



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

61-11844

2002 MAY 20 AM 11:31
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: CHARTER MOUNTAIN RANCH INC
RT 1 BOX 451
GLENN'S FERRY ID 83823

SOURCE: UNNAMED STREAM TRIBUTARY: COLD SPRINGS CREEK
QUANTITY: 0.54 CFS

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

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 1.02 CFS. COMBINED RIGHT NOS.: 61-02085, 61-02199, 61-02209, 61-11887.

PRIORITY DATE: 02/15/1911
03/15/1911

POINT OF DIVERSION:
T04S R09E S3 N4W/4E Within ELMORE County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	02/15 11/15	0.540 CFS
	03/15 11/15	
STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE: IRRIGATION Within ELMORE County

T04S R09E S03	NESW	4.9	T04S R09E S03	SESW	21.0
T04S R09E S03	NWSE	9.9	T04S R09E S03	SWSE	3.8
T04S R09E S10	NENW	11.0			

STOCKWATER Within ELMORE County

T04S R09E S03	NESW		T04S R09E S03	SESW	
T04S R09E S03	NWSE		T04S R09E S03	SWSE	
T04S R09E S10	NENW				

50.8 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1368.0 4374.7 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 61-00364, 61-00301A, 61-00301B, 61-00333, 61-00334, 61-00335, 61-00336, 61-00337, 61-00338, 61-00339, 61-00340, 61-00343, 61-00364, 61-02008, 61-02095, 61-02199, 61-02209, 61-10363, 61-00332, 61-11847, 61-11854 & 61-11887.

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

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 61 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN BASIN 61: WATER RIGHT NO. SOURCE NONE NONE THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 61 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 61 ARE FROM CONNECTED SOURCES OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED CONJUNCTIVELY.

Water Right 61-11844

STANDARD FORM 5 Water Right 61-11844

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Sent By: WATER RESOURCES;

2083275400;

May-7-02 9:17AM;

Page 4/4

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: BENEFICIAL USE

STOCKWATER, 400 RANGE CATTLE

SMC

Water Right 61-11844

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STANDARD FORM 5 Water Right 61-11844

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

05/01/2002

61-11844

2002 MAY 20 AM 11:31

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: CHARTER MOUNTAIN RANCH INC
RT 1 BOX 451
GLENN'S FERRY ID 83623

SOURCE: UNNAMED STREAM

TRIBUTARY: COLD SPRINGS CREEK

QUANTITY: 0.54 CFS

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

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 1.02 CFS. COMBINED RIGHT NOS.: 61-02095, 61-02199, 61-02209, 61-11887.

PRIORITY DATE: 02/15/1911
03/15/1911

POINT OF DIVERSION:

T04S R09E S3 NWNENE Within ELMORE County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	02/15 11/15	0.540 CFS
	03/15 11/15	
STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE:

IRRIGATION Within ELMORE County

T04S R09E S03	NESW	4.9	T04S R09E S03	SESW	21.0
T04S R09E S03	NWSE	9.9	T04S R09E S03	SWSE	3.8
T04S R09E S10	NENW	11.0			

STOCKWATER Within ELMORE County

T04S R09E S03	NESW	T04S R09E S03	SESW
T04S R09E S03	NWSE	T04S R09E S03	SWSE
T04S R09E S10	NENW		

50.6 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1368.0 1374.7 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 61-00301, 61-00301A, 61-00301B, 61-00333, 61-00334, 61-00335, 61-00336, 61-00337, 61-00338, 61-00339, 61-00340, 61-00343, 61-00364, 61-02008, 61-02095, 61-02199, 61-02209, 61-10363, 61-00332, 61-11847, 61-11854 & 61-11887.

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NONE THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 61 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 61 ARE FROM CONNECTED SOURCES OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED CONJUNCTIVELY.

Water Right 61-11844

psk

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(8), IDAHO CODE.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
USE.

EXPLANATORY MATERIAL:

STOCKWATER, 400 RANGE CATTLE