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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

Case No. 39576

SUBCASE NO: 31-289B

(SPLIT INTO 31-11772, 31-11773, 31-11774)

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. 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; and 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.

To resolve the objection, water right 31-289B was split into three water rights and renumbered as 31-11772, 31-11773 and 31-11774. Therefore, IDWR recommends that water right 31-289B be disallowed. The parties and IDWR agree and stipulate that water right 31-289B should be disallowed as recommended by IDWR. The parties and IDWR further agree that this SF5 will resolve the objection filed by the BLM in this subcase and have indicated their concurrence by their signatures below.

CLAIMANT:

Ray W. Rigby 5-16-02
Ray Rigby Date
Attorney for L&M Cattle Co. Inc.

OBJECTOR:

Larry A. Brown 5/20/02
Larry Brown Date
Attorney for BLM

IDWR CONCURRENCE:

Ernie Carlsen May 15, 2002
Ernie Carlsen Date
Water Rights Supervisor, IDWR

Candice M. McHugh 4/25/02
Candice M. McHugh (As to Form) Date
Attorney for IDWR

CERTIFICATE OF MAILING

I certify that on May 20, 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

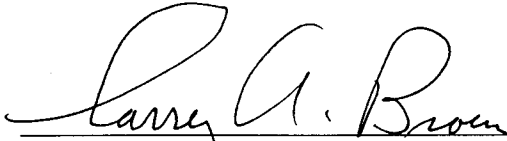
2. Copies to:

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State of Idaho
P.O. Box 83720
Boise, ID 83720-0098

IDWR Document Repository
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Larry A. Brown
US DOJ
Attorney for BLM
550 W. Fort St. MSC 033
Boise, ID 83724

Ray Rigby
Attorney for L & M Cattle Co. Inc.
P.O. Box 250
Rexburg, ID 83440-0250



Signature of person or attorney mailing the form

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: 31-11772
	)	(FORMERLY 31-289B)
	)	
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. 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; and 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.

To resolve the objection, water right 31-289B was split into three water rights and renumbered as 31-11772, 31-11773 and 31-11774. The parties and IDWR agree and stipulate that water right 31-11772 should be described per the attached. The parties and IDWR further agree that this SF5 will resolve the objection filed by the BLM in subcase 31-289B and have indicated their concurrence by signing below and initialing the attached pages.

CLAIMANT:

Ray W. Rigby 5-16-02
Ray Rigby Date
Attorney for L&M Cattle Co. Inc.

OBJECTOR:

Larry G. Brown 5/20/02
Larry Brown Date
Attorney for BLM

IDWR CONCURRENCE:

Ernie Carlsen May 15, 2002
Ernie Carlsen Date
Water Rights Supervisor, IDWR

Candice M. McHugh 4/25/02
Candice M. McHugh (As to Form) Date
Attorney for IDWR

04/25/2002

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

RIGHT NUMBER: 31-11772

NAME AND ADDRESS: L & M CATTLE CO INC
440 N 4300 E
RIGBY ID 83442

SOURCE: PATELZICK CREEK

TRIBUTARY: BEAVER CREEK

QUANTITY: 2.00 CFS

FWP

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 2.00 CFS. COMBINED RIGHT NOS.: 31-11773 AND
31-11774

RWR

PRIORITY DATE: 01/06/1900

POINT OF DIVERSION:

T12N R35E S36 NESESW Within CLARK County

JAB

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	05/01 12/31	0.020 CFS
IRRIGATION	04/15 10/31	2.000 CFS

PLACE OF USE: IRRIGATION Within CLARK County

T11N R35E S12	SWNE	12.0	T11N R35E S12	SENE	19.0
T11N R35E S12	SENE	1.2	T11N R35E S12	NESW	4.0
T11N R35E S12	NESE	3.1	T11N R35E S12	NWSE	13.0
T11N R36E S07 Lot 1 NWNW		0.8	T11N R36E S07 Lot 2 SWNW		20.0

STOCKWATER same as IRRIGATION

73.1 ACRES TOTAL

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 FOR
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
USE.

EXPLANATORY MATERIAL: Decreed

STOCKWATER, 750 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.

SMC
EMC

CERTIFICATE OF MAILING

I certify that on May 20, 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:

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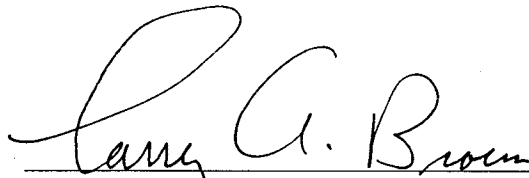
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Larry A. Brown
US DOJ
Attorney for BLM
550 W. Fort St. MSC 033
Boise, ID 83724

Ray Rigby
Attorney for L & M Cattle Co. Inc.
P.O. Box 250
Rexburg, ID 83440-0250



Signature of person or attorney mailing the form

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: 31-11773
) (FORMERLY 31-289B)
)

) STANDARD FORM 5/AMENDED CLAIM
) FOR DOMESTIC AND STOCKWATER
)
)

This form is used to report the stipulated elements of one "domestic and/or stockwater" water right acquired under state law and to amend the Notice of Claim. 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; and 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.

To resolve the objection, water right 31-289B was split into three water rights and renumbered as 31-11772, 31-11773 and 31-11774. The parties and IDWR agree and stipulate that water right 31-11773 should be described per the attached. The parties and IDWR further agree that this SF5 will resolve the objection filed by the BLM in subcase 31-289B and have indicated their concurrence by signing below and initialing the attached pages.

CLAIMANT:

Ray W. Rigby 5-16-02
Ray Rigby Date
Attorney for L&M Cattle Co. Inc.

OBJECTOR:

Larry A. Brown 5/24/02
Larry Brown FWP Date
Attorney for BLM

IDWR CONCURRENCE:

Ernie Carlsen May 15, 2002
Ernie Carlsen Date
Water Rights Supervisor, IDWR

Candice M. McHugh 5/18/02
Candice M. McHugh (As to Form) Date
Attorney for IDWR

04/25/2002

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

RIGHT NUMBER: 31-11773

NAME AND ADDRESS: L & M CATTLE CO INC
440 N 4300 E
RIGBY ID 83442

SOURCE: PATELZICK CREEK

TRIBUTARY: BEAVER CREEK

QUANTITY: 0.08 CFS

Fwp

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 2.00 CFS. COMBINED RIGHT NOS.: 31-11772 AND
31-11774

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

RwR

PRIORITY DATE: 04/01/1900

POINT OF DIVERSION:

T12N R35E S13 SESESW Within CLARK County

LUB

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.030 CFS
STOCKWATER	05/01 12/31	0.080 CFS

PLACE OF USE: DOMESTIC Within CLARK County

T11N R35E S12 SENE

STOCKWATER Within CLARK County

T11N R35E S03	NESE	T11N R35E S12	SENE
T11N R35E S14	NENW	T11N R36E S04	NWSW
T11N R36E S06	NENE-	T11N R36E S07 Lot 1	NWNW
T11N R36E S07	NESW	T11N R36E S18	SESE
T11N R36E S20	SENW	T11N R36E S20	SWSE
T11N R36E S29	SENW	T12N R35E S34	SENW

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 FOR
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
USE.

EXPLANATORY MATERIAL: Decreed

STOCKWATER, 900 CATTLE
SOURCE IS ALSO KNOWN AS COLD SPRING TRIBUTARY TO PATELZICK
CREEK.

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.

EMC
SMC

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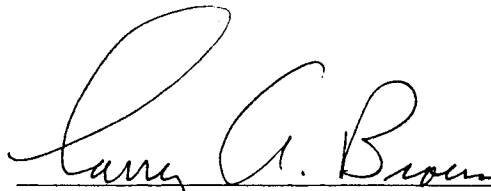
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Ray Rigby
Attorney for L & M Cattle Co. Inc.
P.O. Box 250
Rexburg, ID 83440-0250

Larry A. Brown
US DOJ
Attorney for BLM
550 W. Fort St. MSC 033
Boise, ID 83724



Signature of person or attorney mailing the form

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: 31-11774
) (FORMERLY 31-289B)
)

) STANDARD FORM 5/AMENDED CLAIM
) FOR DOMESTIC AND STOCKWATER
)
)

This form is used to report the stipulated elements of one "domestic and/or stockwater" water right acquired under state law and to amend the Notice of Claim. 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; and 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.

To resolve the objection, water right 31-289B was split into three water rights and renumbered as 31-11772, 31-11773 and 31-11774. The parties and IDWR agree and stipulate that water right 31-11774 should be described per the attached. The parties and IDWR further agree that this SF5 will resolve the objection filed by the BLM in subcase 31-289B and have indicated their concurrence by signing below and initialing the attached pages.

CLAIMANT:

Ray W. Rigby 5-16-02
Ray Rigby Date
Attorney for L&M Cattle Co. Inc.

OBJECTOR:

Larry A. Brown 5/20/02
Larry Brown FWP Date
Attorney for BLM

IDWR CONCURRENCE:

Ernie Carlsen May 15, 2002
Ernie Carlsen Date
Water Rights Supervisor, IDWR

Candice M. McHugh 5/8/02
Candice M. McHugh (As to Form) Date
Attorney for IDWR

05/07/2002

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

RIGHT NUMBER: 31-11774
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: PATELZICK CREEK TRIBUTARY: BEAVER CREEK
QUANTITY: 0.02 CFS

USE OF THIS RIGHT WITH RIGHT NO. 31-11773 IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 0.08 CFS.

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 2.00 CFS. COMBINED RIGHT NOS.: 31-11772 AND
31-11773.

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

PRIORITY DATE: 04/01/1900

POINT OF DIVERSION:

T12N R35E S13 SESESW Within CLARK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	05/01 12/31	0.020 CFS

PLACE OF USE: STOCKWATER Within CLARK County

T12N R35E S26	NWNE	T12N R35E S26	NENW
T12N R35E S26	NESW		

TWO STOCK TROUGHS ARE LOCATED IN T12N, R35E, S26, NWNE.

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 FOR
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
USE.

EXPLANATORY MATERIAL: Decreed

STOCKWATER 450 RANGE CATTLE
SOURCE IS ALSO KNOWN AS COLD SPRING TRIBUTARY TO PATELZICK
CREEK.

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.

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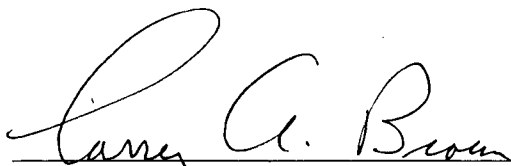
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Ray Rigby
Attorney for L & M Cattle Co. Inc.
P.O. Box 250
Rexburg, ID 83440-0250


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