

MAY 7 2007

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

Clerk

Deputy Clerk

In Re SRBA

SUBCASE NO: 74-123
(SPLIT INTO 74-15748 & 74-15749)

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, the whole of water right 74-123 was split into two water rights and renumbered as 74-15748 and 74-15749. The parties and IDWR agree and stipulate that water right 74-123 should be disallowed. Water rights 74-15748 and 74-15749 now supersede right 74-123. The parties and IDWR have further have indicated their concurrence to these renumbered water rights by signing below and initialing the attached page.

CLAIMANT:

Ellsworth Angus Ranch, Inc.

Carl Ellsworth

for Ellsworth Angus Ranch, Inc.

5/8/07

Date

OBJECTOR:

United States on behalf of the
Bureau of Land Management

Daniel M. Brown 5/8/07

Larry A. Brown

Date

Attorney, U.S. Department of Justice
Environment and Natural Resources

IDWR CONCURRENCE:

Ernest Carlsen

Ernest Carlsen

Water Resource Program Manager

5-8-07

Date

IDWR CONCURRENCE:

Christopher M. Bromley

Christopher M. Bromley

Deputy Attorney General

Attorney for IDWR

5/8/07

Date

05/6/2007

IDAHO DEPARTMENT OF WATER RESOURCES
CLAIMS / RIGHTS NOT RECOMMENDED

<u>W.R. NUMBER</u>	<u>NAME AND ADDRESS</u>	<u>CLAIM DISPOSITION</u>	<u>REASON</u>
74-123	ELLSWORTH ANGUS RANCH PO BOX 60 LEADORE ID 83464	Parent split into 74-15746 and 74-15747	

EMC

DN

CE

B

05/06/2007

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

RIGHT NUMBER: 74-15748

NAME AND ADDRESS: ELLSWORTH ANGUS RANCH
PO BOX 60
LEADORE ID 83464

SOURCE: TEXAS CREEK

TRIBUTARY: LEMHI RIVER

QUANTITY: ~~0.022 CFS~~
0.028 CFS

PRIORITY DATE: 05/14/1920

POINT OF
DIVERSION: T14N R27E S19 NWSW Lot 3 Within LEMHI County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/15 11/15

~~0.022 CFS~~

0.028 cfs.

PLACE OF USE: IRRIGATION in LEMHI County

T14N R26E S24

SENE

2.00

T14N R27E S19 Lot 3 NWSW

3.00

DN

5 ACRES TOTAL

Place of use does not include federal public lands

This right authorizes the irrigation of 5 total acres.

USE OF THIS RIGHT WITH RIGHT NO. 74-15746 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 5 ACRES IN A SINGLE IRRIGATION
SEASON.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

This right is a split from former right 74-123 .

05/06/2007

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

RIGHT NUMBER: 74-15749

NAME AND ADDRESS: UNITED STATES OF AMERICA ACTING THROUGH
USDI BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE ID 83709-1657

SOURCE: TEXAS CREEK

TRIBUTARY: LEMHI RIVER

QUANTITY: ~~0.027 CFS~~ 0.022 CFS

PRIORITY DATE: 05/14/1920

POINT OF
DIVERSION: T14N R27E S19 NWSW Lot 3 Within LEMHI County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
03/15 11/15

QUANTITY
~~0.027 CFS~~

PLACE OF USE: IRRIGATION in LEMHI County

T14N R27E S19 Lot 2 SWNW 4.00

4 ACRES TOTAL

This right authorizes the irrigation of 4 total acres.

USE OF THIS RIGHT WITH RIGHT NO. 74-15747 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 4ACRES IN A SINGLE IRRIGATION
SEASON.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

This right is a split from former right 74-123.

CERTIFICATE OF SERVICE

I certify that on May 8, 2007, I caused to be served true and correct copies of this Standard Form 5, to the following persons, in the manner indicated 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, ID 83303-2707

☐ Overnight Mail
☐ Regular Mail
☒ Hand-Delivered
☐ Facsimile

2. Copies to:

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

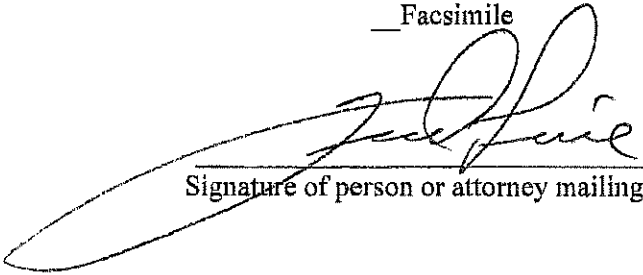
☐ Overnight Mail
☐ Regular Mail
☒ Hand-Delivered
☐ Facsimile

Ellsworth Angus Ranch
P.O. Box 60
Leadore, ID 83464

☐ Overnight Mail
☐ Regular Mail
☒ Hand-Delivered
☐ Facsimile

U.S. Department of Justice
Environment & Nat'l Resources Div.
550 W. Fort St., MSC 033
Boise, ID 83724

☐ Overnight Mail
☐ Regular Mail
☒ Hand-Delivered
☐ Facsimile


Signature of person or attorney mailing the form