

Williams, Ray

From: Williams, Ray
Sent: Friday, February 29, 2008 4:01 PM
To: Fred_Price@blm.gov; casey_o'brien@blm.gov; Larry.Brown@usdoj.gov; Scott_Beazer@blm.gov
Cc: Courtney, Andrea; Baxter, Garrick
Subject: FW: 01-00319A and 01-10489; Original Claimant: Bear World Ltd - now: Bear Crest Ltd. LLC 01-10393; Original Claimant: Roger and Sybil Ferguson - now: Bear Crest Ltd. LLC

The SF5s for the subcases have been signed and are ready for the BLM to pick up at IDWR.

Thanks,

Ray

-----Original Message-----

From: Brown, Larry (ENRD) [mailto:Larry.Brown@usdoj.gov]
Sent: Friday, January 11, 2008 3:00 PM
To: Baxter, Garrick; Courtney, Andrea; Williams, Ray
Cc: Fredric_Price@blm.gov; Sherman_Beazer@blm.gov; Casey_O'Brien@blm.gov; rharris@holdenlegal.com; michael@yellowstonebearworld.com
Subject: 01-00319A and 01-10489; Original Claimant: Bear World Ltd - now: Bear Crest Ltd. LLC 01-10393; Original Claimant: Roger and Sybil Ferguson - now: Bear Crest Ltd. LLC

I just spoke with Michael Ferguson. We agreed to resolve BLM's objections to the above-referenced claims as follows:

01-10393: Add the following remark to the place of use element: "Place of use does not include federal public land." Ownership needs to be changed to Bear Crest Ltd LLC and Mr. Ferguson needs to have 3.66 ac added as a place of use and needs to talk to IDWR about quantity. He is going to visit with Rob Harris, and they will speak with IDWR about those issues either before or at the Initial Hearing.

01-00319A and 01-10489: Change POU T05N R39E S28 Lot 3 (SWSE) 5.8 ac to T05N R39E S28 Lot 3 (NESE) 5.8 ac. Ownership needs to be changed to Bear Crest Ltd. LLC and Mr. Ferguson needs to talk to IDWR about quantity. Again, he is going to visit with Rob Harris, and they will speak to IDWR about that issue either before or at the Initial Hearing.

When all issues are satisfactorily resolved, I hope we can get SF-5s drafted, signed and filed.

Thanks,

Larry

In Re SRBA	)	Subcase No. 01-319A
	)	
Case No. 39576	)	
	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

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RESPONDENT:

Michael Ferguson Date

IDWR Concurrence:

Michael Holliday 2/26/2008
Senior Water Resource Agent Date

Andrea L. Courtney 2/20/08
Deputy Attorney General Date
Attorney for IDWR

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

RIGHT NUMBER: 1-319A

NAME AND ADDRESS:

BEAR CREST LTD LLC
PO BOX 160
REXBURG ID 83440

SOURCE: Source:
SNAKE RIVER

Tributary:
COLUMBIA RIVER

QUANTITY: 0.930 CFS

~~0.880 CFS~~

PRIORITY DATE: 04/01/1939

POINT OF DIVERSION:

T05N R39E S35 SESENW
Within MADISON County

MWA

AN

PURPOSE AND
PERIOD OF USE:

Purpose of use:

Period of use:

Quantity:

IRRIGATION

04/01 10/31

0.930 CFS

~~0.880 CFS~~

PLACE OF USE:

IRRIGATION within MADISON County

T05N R39E S27 SWNW 5.9

T05N R39E S28 Lot 4 SENE 27.0

T05N R39E S28 Lot 3 NESE 5.8

~~T05N R39E S28 Lot 3 SWSE 5.8~~

38.7 ACRES TOTAL

Right Nos. 1-319A and 1-10489 are limited to the irrigation of a combined total of 38.7 acres in a single irrigation season.

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

The delivery of water to this right may be subject to procedures described in the United States Bureau of Reclamation "space holder" contracts and the Burley Irrigation Dist. v. Eagle, Supplemental Decree (Idaho 5th Jud. Dist., July 10, 1968) and Aberdeen-Springfield Canal Co. v. Eagle, Supplemental Decree (Idaho 7th Jud. Dist., March 12, 1969) together with the natural-flow and storage deliveries as calculated by the Idaho Department of Water Resources.

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

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

Water is delivered through Bannock Jim Canal to Nelson Corey Canal.

CERTIFICATE OF MAILING

I certify that on _____, 2008, 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:

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATURAL RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

MICHAEL FERGUSON
P.O. BOX 160
REXBURG, ID 83440

BEAR CREST LTD, LLC
P.O. BOX 160
REXBURG, ID 83440

IDWR REPOSITORY
P.O. BOX 83720
BOISE, ID 83720-0098

Signature of person or attorney mailing form