

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 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. 01-10393
	)	
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 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:
Bear Crest LTD, LLC

OBJECTOR:
United States of America
Bureau of Land Management

By: _____ Date _____
Title: _____

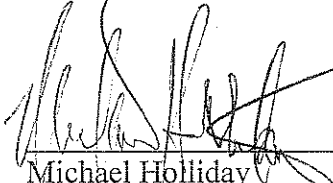
Larry A. Brown, USDOJ Date _____
Attorney for Objector

RESPONDENT:

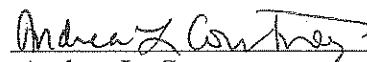
Michael Ferguson

Date

IDWR Concurrence:

 2/26/2008

Michael Holliday Date
Senior Water Resource Agent

 2/26/08

Andrea L. Courtney Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 1-10393

NAME AND ADDRESS:

BEAR CREST LTD LLC
PO BOX 160
REXBURG ID 83440

SOURCE:

Source:
SNAKE RIVER

Tributary:

COLUMBIA RIVER

QUANTITY:

2.030 CFS

~~1.900 CFS~~

PRIORITY DATE:

06/01/1887

POINT OF DIVERSION:

T04N R40E S6 Lot 7 SWSW
Within MADISON County

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION

04/01 10/31

2.030 CFS

~~1.900 CFS~~

PLACE OF USE:

IRRIGATION within MADISON County

T05N R39E S27 NWNW 7.2

T05N R39E S28 NENE 33.0

T05N R39E S28 Lot 6 NWNE 8.8

~~T05N R39E S28 NENE 32.0~~

~~T05N R39E S28 Lot 6 NWNE 8.0~~

49 ACRES TOTAL

~~40 ACRES TOTAL~~

Place of use does not include federal public lands.

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 1-49.

Use of this right is combined with water from Liberty Park Irrigation Co.

Water is delivered through Liberty Park 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