

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

Case No. 39576

Subcase No. 01-10489

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

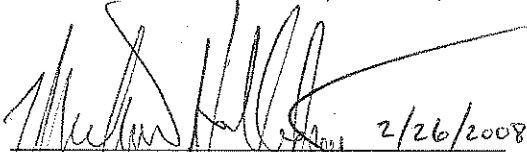
By: _____ Date _____
Title: _____

Larry A. Brown, USDOJ Date _____
Attorney for Objector

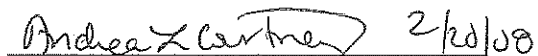
RESPONDENT:

Michael Ferguson Date

IDWR Concurrence:



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: 1-10489

NAME AND ADDRESS:

BEAR CREST LTD LLC
PO BOX 160
REXBURG ID 83440

SOURCE:

Source:
SNAKE RIVER

Tributary:

COLUMBIA RIVER

QUANTITY:

0.500 CFS

PRIORITY DATE:

06/01/1887

POINT OF DIVERSION:

T05N R39E S35 SESENW
Within MADISON County

PURPOSE AND
PERIOD OF USE:

Purpose of use:

Period of use:

Quantity:

IRRIGATION

04/01 10/31

0.500 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

This right is limited to the irrigation of 13 acres within the place of use described above in a single irrigation season.

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:

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

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

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

This right is a split from former right 1-129.

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