

Williams, Ray

From: Williams, Ray
Sent: Tuesday, April 01, 2008 11:10 AM
To: Fred_Price@blm.gov
Cc: casey_o'brien@blm.gov; Larry.Brown@usdoj.gov; Scott_Beazer@blm.gov; Courtney, Andrea; Baxter, Garrick
Subject: FW: 01-00018C; Claimant: Clement Enterprises, LLC

The SF5 has been signed by IDWR and is ready for BLM to pick up in the IDWR reception area.

Thanks,

Ray

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

From: Brown, Larry (ENRD) [mailto:Larry.Brown@usdoj.gov]
Sent: Monday, March 31, 2008 9:12 AM
To: Baxter, Garrick; Courtney, Andrea; Williams, Ray; Holliday, Michael
Cc: Fredric_Price@blm.gov; Sherman_Beazer@blm.gov; Casey_O'Brien@blm.gov; rharris@holdenlegal.com
Subject: 01-00018C; Claimant: Clement Enterprises, LLC

Rob Harris, attorney for the Claimant, left a message for me last week while I was off in quest of the mighty yellowfin tuna in the Gulfstream off-shore of the Outerbanks of North Carolina. Rob said it would be OK to draft an SF-5 that would resolve BLM's objection to the above-referenced water right claim by adding the following remark to the place of use element:

"Place of use does not included federal public land."

Let Fred Price know when we can pick it up and Fred will make sure it gets to Rob. We hope we can get the SF-5 filed and served prior to the Initial Hearing.

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. 01-18C
	)	
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:

Clement Enterprises

OBJECTOR:

United States of America
Bureau of Land Management

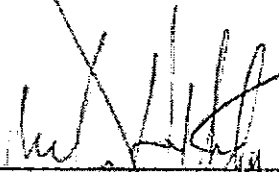
Robert L. Harris
Attorney for Claimant

Date

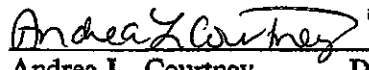
Larry A. Brown, USDOJ
Attorney for BLM

Date

IDWR Concurrence:



Michael Holliday 4/1/2008
Senior Water Resource Agent Date



Andrea L. Courtney 4/1/08
Deputy Attorney General Date
Attorney for IDWR

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

RIGHT NUMBER: 1-18C

NAME AND ADDRESS: CLEMENT ENTERPRISES
PO BOX 99
LEWISVILLE ID 83431

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 3.400 CFS

PRIORITY DATE: 01/12/1889

POINT OF
DIVERSION:

T04N R37E S35 NENE Within BONNEVILLE County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/01 10/31	3.400 CFS
PLACE OF USE:	<u>IRRIGATION in BONNEVILLE County</u>		
	T03N R37E S01 NWSW 1.80	T03N R37E S01 Lot 8 NWSW	1.00
	T03N R37E S01 SWSW 0.90	T03N R37E S01 Lot 8 SWSW	15.00
	T03N R37E S02 NWNE 0.20	T03N R37E S02 Lot 4 NWNE	2.50
	T03N R37E S02 Lot 13 NWNE 12.00	T03N R37E S02 Lot 14 SWNE	19.00
	T03N R37E S02 Lot 14 SENE 4.00	T03N R37E S02 Lot 4 NENW	2.50
	T03N R37E S02 Lot 1 NESE 15.00	T03N R37E S02 Lot 16 NESE	8.20
	T03N R37E S02 Lot 2 NWSE 10.00	T03N R37E S02 Lot 16 NWSE	5.10
	T03N R37E S02 SWSE 3.10	T03N R37E S02 SESE	37.00
	T03N R37E S11 NENE 30.00	T03N R37E S11 SENE	8.50
	T03N R37E S11 NESE 4.00	T03N R37E S12 Lot 8 NENW	4.10
	T03N R37E S12 Lot 8 NWNW 33.00	T03N R37E S12 Lot 7 SWNW	33.00
	T03N R37E S12 Lot 7 SENW 0.10	T03N R37E S12 Lot 6 NWSW	22.00

272 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

Water is delivered from Great Western Canal through Kennedy Ditch.

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

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

CLEMENT ENTERPRISES
Represented by:
ROBERT L. HARRIS
1000 RIVERWALK DR, STE 200
P.O. BOX 50130
IDAHO FALLS, ID 83405

DIRECTOR OF IDWR
P.O. BOX 83720
BOISE, ID 83720-0098

Signature of person or attorney mailing the form