

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

January 10, 2009

David W. Gehlert
Natural Resources Section
Environment and Natural Resource Division
U.S. Department of Justice
1961 Stout Street – 8th Floor
Denver, CO 80294

RE: SRBA Subcase Nos. 22-4185, 22-7019 & 22-7171 (Arnold)

Dear David:

I am enclosing an SF5 for each of the above-referenced subcases. Please review the documents, and if they are acceptable please sign on the indicated signature lines, initial the revised recommendations and return the original SF5s to me. I will obtain the remaining signature and file the SF5s with the SRBA Court.

If you should have any questions or comments, please don't hesitate to contact me at (208) 287-4815.

Sincerely,

A handwritten signature in black ink that reads "Ray Williams".

Ray Williams
Paralegal

Enclosures

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

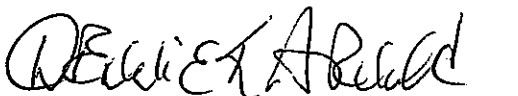
In Re SRBA	)	Subcase No. 22-4185
	)	
Case No. 39576	)	
	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

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(s):



Dennie K. Arnold

Date

1-6-09



Janet Arnold

Date

1-6-09

OBJECTOR(s):

David W. Gehlert, USDOJ Date
Attorney for BOR

IDWR Concurrence:

Joseph Larsen Date
Water Resource Agent

Andrea L. Courtney 7/7/08
Andrea L. Courtney Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 22-4185

NAME AND ADDRESS: JANET ARNOLD
1045 N HWY 32
FELT ID 83424

DENNIE K ARNOLD
1045 N HWY 32
FELT ID 83424

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 4.110 CFS
1,326.50 AFY

The rights listed below are limited to a total combined annual diversion volume of 2550.5 af. Combined Right Nos.:22-4185, 22-7019, 22-7171

5.28 The rights listed below are limited to a total combined diversion rate of cfs. Combined Right Nos.:22-4185, 22-7019, 22-7171.

PRIORITY DATE: 06/15/1983

This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.

POINT OF
DIVERSION:

T07N R44E S27 SESWNE Within TETON County
T07N R44E S27 NENENW Within TETON County
T07N R44E S27 SESWNW Within TETON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	4.110 CFS 1,326.50 AFY

PLACE OF USE: IRRIGATION in TETON County

T07N R44E S21	SENE	11.00	T07N R44E S21	SWSE	40.00
T07N R44E S21	SESE	39.00	T07N R44E S22	NENE	14.00
T07N R44E S22	NWNE	12.00	T07N R44E S22	SWNE	38.00
T07N R44E S22	SENE	21.00	T07N R44E S22	SWNW	23.00
T07N R44E S22	SENW	32.00	T07N R44E S22	NESW	32.00
T07N R44E S22	NWSW	35.00	T07N R44E S22	SWSW	40.00
T07N R44E S22	SESW	40.00	T07N R44E S22	NESE	24.00
T07N R44E S22	NWSE	40.00	T07N R44E S22	SWSE	40.00
T07N R44E S22	SESE	22.00	T07N R44E S27	NENE	36.00
T07N R44E S27	NWNE	40.00	T07N R44E S27	NENW	40.00

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

T07N R44E S27	NWNW	40.00	T07N R44E S28	NENE	40.00
T07N R44E S28	NWNE	39.00	T07N R44E S28	NENW	35.00
T07N R44E S28	NWNW	<u>12.00</u>			
		<u>14.00</u>			

785 ~~787~~ ACRES TOTAL

AZC
Ja

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

Place of use does not include federal public lands.

AK
Ja

785 487

The rights listed below are limited to the irrigation of a combined total of
acres in a single irrigation season. Combined Right Nos.: 22-4185, 22-7019,
22-7171

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.

This right is based upon an enlargement of Right No. 22-7019 and 22-7171 pursuant to Section 42-1426, Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

This right is for an enlargement of 379 acres within the place of use described for this right.

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:

DENNIE K. ARNOLD
JANET ARNOLD
1045 N. HWY 32
FELT, ID 83424

USDI BUREAU OF RECLAMATION
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATURAL RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

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

Signature of person or attorney mailing the form

In Re SRBA	)	Subcase No. 22-7019
	)	
Case No. 39576	)	
	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

1

OBJECTOR(s):

David W. Gehlert, USDOJ Date
Attorney for BOR

IDWR Concurrence:

Joseph Larsen Date
Water Resource Agent

Andrea L. Courtney 7/7/08
Andrea L. Courtney Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 22-7019

NAME AND ADDRESS: DENNIE K ARNOLD
1045 N HWY 32
FELT ID 83424

JANET ARNOLD
1045 N HWY 32
FELT ID 83424

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 4.400 CFS
1,140.00 AFY

The rights listed below are limited to a total combined annual diversion volume of 2550.5 af. Combined Right Nos.:22-4185, 22-7019, 22-7171

5.28 The rights listed below are limited to a total combined diversion rate of cfs. Combined Right Nos.:22-4185, 22-7019, 22-7171

The rate of diversion of water for irrigation under this right and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

PRIORITY DATE: 02/25/1969

POINT OF
DIVERSION:

T07N R44E S27 SESWNE Within TETON County
T07N R44E S27 NENENW Within TETON County
T07N R44E S27 SESWNW Within TETON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	4.400 CFS 1,140.00 AFY

PLACE OF USE: IRRIGATION in TETON County

T07N R44E S21	SENE	11.00	T07N R44E S21	SWSE	40.00
T07N R44E S21	SESE	39.00	T07N R44E S22	NENE	14.00
T07N R44E S22	NWNE	12.00	T07N R44E S22	SWNE	38.00
T07N R44E S22	SENE	21.00	T07N R44E S22	SWNW	23.00
T07N R44E S22	SENE	32.00	T07N R44E S22	NESW	32.00
T07N R44E S22	NWSW	35.00	T07N R44E S22	SWSW	40.00
T07N R44E S22	SESW	40.00	T07N R44E S22	NESE	24.00
T07N R44E S22	NWSE	40.00	T07N R44E S22	SWSE	40.00
T07N R44E S22	SESE	22.00	T07N R44E S27	NENE	36.00
T07N R44E S27	NWNE	40.00	T07N R44E S27	NENW	40.00

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

T07N R44E S27	NWNW	40.00	T07N R44E S28	NENE	40.00
T07N R44E S28	NWNE	39.00	T07N R44E S28	NENW	35.00
T07N R44E S28	NWNW	<u>12.00</u> 14.00			

785 ~~787~~ ACRES TOTAL

A handwritten signature in black ink, appearing to be "A. J. C.", is written over the "ACRES TOTAL" text.

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

Place of use does not include federal public lands.

This right is limited to the irrigation of 380 acres within the place of use described above in a single irrigation season.

785 787

The rights listed below are limited to the irrigation of a combined total of acres in a single irrigation season. Combined Right Nos.: 22-4185, 22-7019, 22-7171

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 - License

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

Right No. 22-4185 is an enlargement of 22-7019 and 22-7171 pursuant to Section 42-1426, Idaho Code.

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:

DENNIE K. ARNOLD
JANET ARNOLD
1045 N. HWY 32
FELT, ID 83424

USDI BUREAU OF RECLAMATION
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATURAL RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

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

Signature of person or attorney mailing the form

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

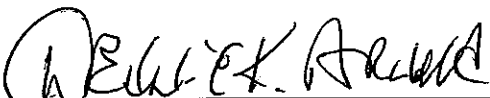
In Re SRBA	)	Subcase No. 22-7171
	)	
Case No. 39576	)	
	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

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(s):


Dennie K. Arnold Date

1-06-29

 1-06-29
Janet Arnold Date

OBJECTOR(s):

David W. Gehlert, USDOJ Date
Attorney for BOR

IDWR Concurrence:

Joseph Larsen Date
Water Resource Agent

 7/8/08

Andrea L. Courtney Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 22-7171

NAME AND ADDRESS: DENNIE K ARNOLD
1045 N HWY 32
FELT ID 83424

JANET ARNOLD
1045 N HWY 32
FELT ID 83424

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.880 CFS
1,428.00 AFY

5.28

The rights listed below are limited to a total combined diversion rate of
cfs. Combined Right Nos.:22-4185, 22-7019, 22-7171

The rights listed below are limited to a total combined annual diversion
volume of 2550.5 af. Combined Right Nos.:22-4185, 22-7019, 22-7171

The rate of diversion of water for irrigation under this right and all other
water rights on the same land shall not exceed 0.02 cubic feet per second
for each acre of land.

PRIORITY DATE: 01/20/1976

POINT OF
DIVERSION:

T07N R44E S27 SESWNE Within TETON County
T07N R44E S27 NENENW Within TETON County
T07N R44E S27 SESWNW Within TETON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.880 CFS 1,428.00 AFY

PLACE OF USE: IRRIGATION in TETON County

T07N R44E S21	SENE	11.00	T07N R44E S21	SWSE	40.00
T07N R44E S21	SESE	39.00	T07N R44E S22	NENE	14.00
T07N R44E S22	NWNE	12.00	T07N R44E S22	SWNE	38.00
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T07N R44E S22	SENW	32.00	T07N R44E S22	NESW	32.00
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T07N R44E S22	SESE	22.00	T07N R44E S27	NENE	36.00
T07N R44E S27	NWNE	40.00	T07N R44E S27	NENW	40.00
T07N R44E S27	NWNW	40.00	T07N R44E S28	NENE	40.00

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

T07N R44E S28	NWNE	39.00	T07N R44E S28	NENW	35.00
T07N R44E S28	NWNW	<u>12.00</u>			14.00

785 ~~787~~ ACRES TOTAL

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

(Signature)
AZC

Place of use does not include federal public lands.

785 787

The rights listed below are limited to the irrigation of a combined total of acres in a single irrigation season. Combined Right Nos.: 22-4185, 22-7019, 22-7171

This right is limited to the irrigation of 380 acres within the place of use described above 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.

A measuring device of a type approved by the Department shall be permanently installed and maintained as part of the diverting works.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Right No. 22-4185 is an enlargement of 22-7019 and 22-7171 pursuant to Section 42-1426, Idaho Code.

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

Right includes accomplished change in point of diversion 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:

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BOISE, ID 83724

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

Signature of person or attorney mailing the form