



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

October 23, 2007

Idaho Department of Water Resources
Attn: Cindy Bird
168 S. Main Street
P.O. Box 935
Soda Springs, ID 83276

RE: Subcase 24-4006 (Scarlett)

Dear Cindy:

I am enclosing an SF5 for the above-referenced subcase. If it appears in order, please sign, initial and send it back to me. I'll route it Lou and Griffin Scarlett for their signatures.

If you have any questions or comments, please let me know.

Sincerely,

A handwritten signature in blue ink that reads "Ray".

Ray Williams
Paralegal

Enclosure





Idaho Department of Water Resources

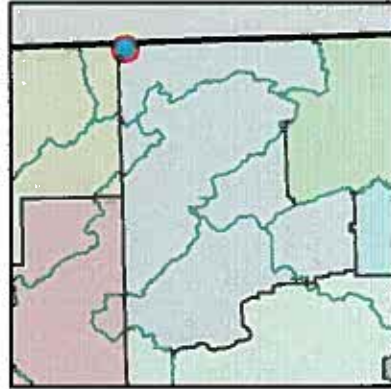
SRBA Recommendation:

24-4006

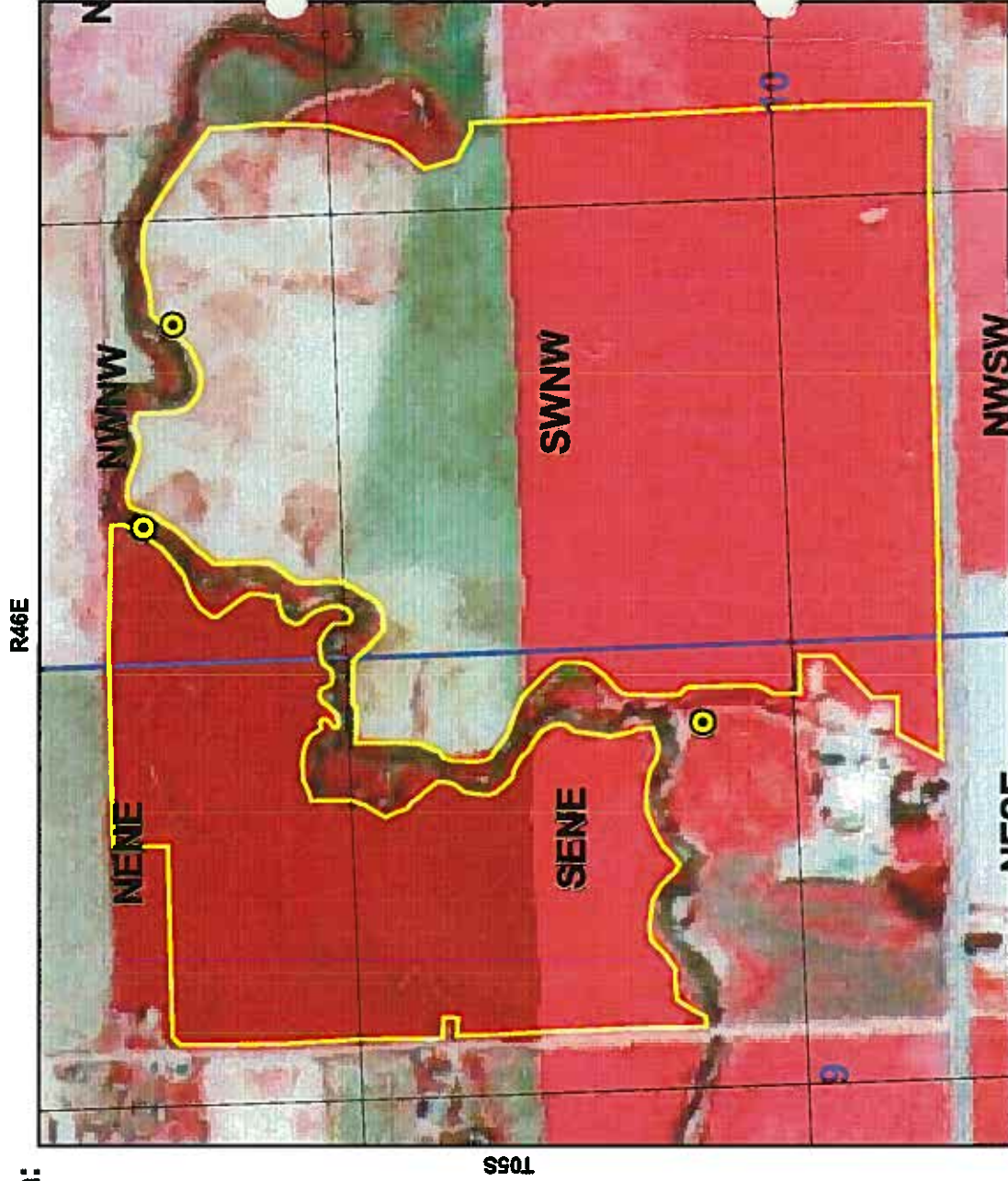
(Irrigation)

Legend

- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Caribou County
IDWR Basin 24



Prepared by C. Bird
On Wednesday, October 17, 2007
1987/88 Aerial Photography

**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. 24-4006

STANDARD FORM 5

STIPULATED ELEMENTS OF A
WATER RIGHT

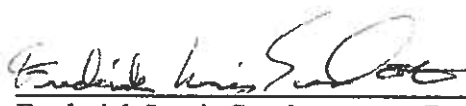
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary 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/OBJECTOR:

CLAIMANT:

 10/30/07
Frederick Louis Scarlett Date

Griffin B. Scarlett Date

IDWR Concurrence:

Cindy E. Bird 10/31/07
Cindy Bird Date
Senior Water Resource Agent

Nicholas B. Spencer 10-23-07
Nicholas B. Spencer Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 24-4006

NAME AND ADDRESS:

FREDERICK LOUIS SCARLETT
PO BOX 3715
JACKSON WY 83001

GRIFFIN B SCARLETT
BOX 3715
JACKSON WY 83001

SOURCE: Source:
TINCUP CREEK

Tributary:
SALT RIVER

QUANTITY: 1.490 CFS
0.000 AFY

PRIORITY DATE: 06/01/1910

POINT OF DIVERSION:

T05S R46E S9 SESENE
T05S R46E S10 SWNNW
T05S R46E S10 SENWNW

Within CARIBOU County
Within CARIBOU County
Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

Purpose of use
IRRIGATION

Period of use:
04/15 10/31

Quantity:
1.490 CFS

PLACE OF USE:

IRRIGATION within CARIBOU County

T05S R46E S09 NENE 16.0
T05S R46E S09 SENE 22.0
T05S R46E S09 NESE 1.7
T05S R46E S10 NENW 2.9
T05S R46E S10 NWNW 16.0
T05S R46E S10 SWNW 40.0
T05S R46E S10 SENW 7.4
T05S R46E S10 NESW 2.9
T05S R46E S10 NWSW 14.0

~~T05S R46E S09 NENE 17.0~~
~~T05S R46E S09 SENE 26.0~~

~~T05S R46E S10 NWNW 3.6~~
~~T05S R46E S10 SWNW 23.0~~
~~T05S R46E S10 SENW 4.7~~

122.9 ACRES TOTAL

74.3 ACRES TOTAL

This right authorizes the irrigation of 75 acres within 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.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

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

NBS

F.H.S.

CB

CERTIFICATE OF MAILING

I certify that on _____, 2007, 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:

GRIFFIN B. SCARLETT
BOX 3715
JACKSON, WY 83001

FREDERICK LOUIS SCARLETT
LOU SCARLETT
P.O. BOX 3715
JACKSON, WY 83001

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

Signature of person or attorney mailing the form

10/17/2007

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 24-4006

NAME AND ADDRESS: GRIFFIN B SCARLETT
BOX 3715
JACKSON WY 83001

FREDERICK LOUIS SCARLETT
PO BOX 3715
JACKSON WY 83001

SOURCE: TINCUP CREEK

TRIBUTARY: SALT RIVER

QUANTITY: 1.490 CFS

PRIORITY DATE: 06/01/1910

POINT OF DIVERSION:

T05S R46E S9 SESENE Within CARIBOU County

T05S R46E S10 SWNNW Within CARIBOU County

T05S R46E S10 SENWNW Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	1.490 CFS

PLACE OF USE: IRRIGATION in CARIBOU County

T05S R46E S09	NENE	16.00	T05S R46E S09	SENE	22.00
T05S R46E S09	NESE	1.70	T05S R46E S10	NENW	2.90
T05S R46E S10	NWNW	16.00	T05S R46E S10	SWNW	40.00
T05S R46E S10	SENW	7.40	T05S R46E S10	NESW	2.90
T05S R46E S10	NWSW	14.00			

122.9 ACRES TOTAL

This right authorizes the irrigation of 75 acres within 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 - Beneficial Use

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