



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

June 25, 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 No. 22-13830 (Ricks)

Dear Dave:

I am enclosing an SF5 for the above-referenced subcase. Please review the document, and if it is acceptable, please sign on the indicated signature line, initial the revised recommendation and file the original SF5 with the SRBA Court, along with copies to the parties.

If the SF5 is filed prior to the July 1 initial hearing, perhaps we can have the initial hearing vacated.

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

Sincerely,

Ray Williams
Paralegal

Enclosure

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. 22-13830
	)	
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):

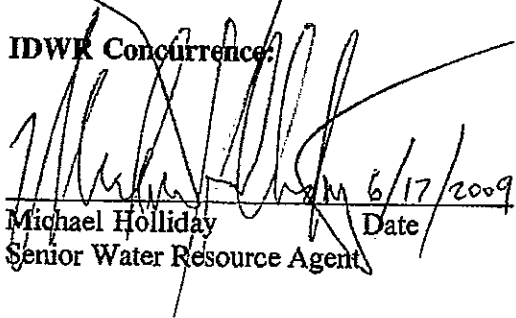
R. Brent Ricks 6-21-09
R. Brent Ricks Date

Sue Ricks 6/21/09
Sue Ricks Date

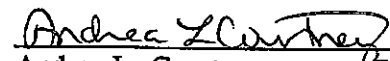
OBJECTOR:
Bureau of Reclamation

David W. Gehlert, USDOJ Date
Attorney for Objector

IDWR Concurrence:



Michael Holliday Date
Senior Water Resource Agent

 6/17/09

Andrea L. Courtney Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 22-13830

NAME AND ADDRESS:

R BRENT RICKS
13289 E HWY 33
NEWDALE ID 83436

SUE RICKS
13289 E HWY 33
NEWDALE ID 83436

MWA
RBR
SR

SOURCE: Source:
TETON RIVER

Tributary:
HENRYS FORK

QUANTITY: 4.600 CFS
804.000 AFY

This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

Right Nos. 22-7286, 22-7247 and 22-13830 are limited to a total combined diversion rate of 6.0 cfs.

PRIORITY DATE: 06/06/1984

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 R42E S21 SWNW
Within MADISON County

T07N R42E S21 NWSE
Within FREMONT County

AK
RBR
SR

PURPOSE AND
PERIOD OF USE:

Purpose of use:

Period of use:

Quantity:

IRRIGATION

04/01 10/31

4.600 CFS 804.00 AFY

PLACE OF USE:

IRRIGATION within MADISON County ~~within FREMONT County~~

T07N R42E S20 NESE 32.0

T07N R42E S20 NWSE 11.0

T07N R42E S20 SWSE 27.0

T07N R42E S20 SESE 40.0

T07N R42E S21 SWNE 23.0

T07N R42E S21 SENE 1.2

T07N R42E S21 SENW 7.8

T07N R42E S21 NESW 35.0

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

T07N R42E S21 NWSW 32.0
T07N R42E S21 SWSW 40.0
T07N R42E S21 SESW 40.0
T07N R42E S21 NESE 1.9
T07N R42E S21 NWSE 40.0
T07N R42E S21 SWSE 40.0
T07N R42E S21 SESE 1.9
T07N R42E S28 NENE 1.8
T07N R42E S28 NWNE 40.0
T07N R42E S28 NENW 40.0
T07N R42E S28 NWNW 40.0
T07N R42E S29 NENE 35.0

529.6 ACRES TOTAL

Place of use does not include federal public lands unless authorized in writing by the United States Bureau of Reclamation.

The rights listed below are limited to the irrigation of a combined total of 529.6 acres in a single irrigation season. Combined Right Nos.: 22-7286, 22-7247, and 22-13830.

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(5), Idaho Code.

This right is based upon an enlargement of Right No. 22-7286 pursuant to Section 42-1426, Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

This right is subject to regulation by the watermaster of Water District 01.

This right is for an enlargement of 229.6 acres within the place of use described for this right.

The rate of redirection from the Teton River shall not exceed the rate of injection into the Teton River from the exchange well 22-7247.

CERTIFICATE OF MAILING

I certify that on _____, 2009, 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:

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

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

R. BRENT RICKS
SUE RICKS
13289 E. HWY. 33
NEWDALE, ID 83436

Signature of person or attorney mailing the form