



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

March 24, 2010

Dana L. Hofstetter
608 W. Franklin Street
Boise, ID 83702

*RE: SRBA Subcase Nos. 63-7534, 63-31417 & 31418
(Basin Range & Resource Co., LLC)*

Dear Dana:

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 and initial the recommendations. After signature, please return the original SF5s to me, and I will circulate them for the remaining signatures.

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

Sincerely,

A handwritten signature in blue 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. 63-7354
	)	
Case No. 39576	)	STANDARD FORM 5
	)	<i>Split Into 63-31417 & 63-31418</i>
	)	
	)	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/RESPONDENT:
Basin Range & Resource Co., LLC

RESPONDENT:
Bureau of Land Management

By: Date
Title:

David L. Negri Date
Attorney for Respondent

Jan Shurte
 Water Right Supervisor

Date 3-22-10

Nicholas B. Spencer
 Deputy Attorney General
 Attorney for IDWR

Date 3-10-10

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

RIGHT NUMBER: 63-7354 DISALLOWED

SPLIT RIGHT: RECOMMENDED AS RIGHT NOS. 63-31417 & 63-31418

NBS

A handwritten signature, possibly reading 'JP', is written below the 'NBS' text.

CERTIFICATE OF MAILING

I certify that on _____, 2010, 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:

BASIN AND RANGE RESOURCE
Represented by:
DANA L. HOFSTETTER
608 WEST FRANKLIN STREET
BOISE, ID 83702

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATURAL' RESOURCES
550 WEST FORT STREET, MSC O33
BOISE, ID 83724

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

Signature of person or attorney

**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. 63-31417
	)	
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CLAIMANT:

OBJECTOR:

Basin Range & Resource Co., LLC

Joseph W. Roberts Date

By: Date
Title:

SF5 Right No. 63-31417

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

RIGHT NUMBER: 63-31417 DISALLOWED

NBS

RECOMMENDED AS RIGHT NO. 63-31418

SF5 Right No. 63-31417

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

JOSEPH W. ROBERTS
RHONDONNA ROBERTS
2724 S. GOSHEN WAY
BOISE, ID 83709-8506

JOSEPH W. ROBERTS
15032 HOLLOW RD.
CALDWELL, ID 83605

Signature of person or attorney

**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. 63-31418
	)	
Case No. 39576	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

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CLAIMANT/OBJECTOR:
Basin Range & Resource Co., LLC

RESPONDENT:
Bureau of Land Management

By: Date
Title:

David L. Negri Date
Attorney for Respondent

DWR Concurrency:

Jan Shurte 3-22-10
 Jan Shurte Date
 Water Right Supervisor


Nicholas B. Spencer 3-10-10
 Nicholas B. Spencer Date
 Deputy Attorney General
 Attorney for IDWR

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

RIGHT NUMBER: 63-31418

NAME AND ADDRESS: BASIN AND RANGE RESOURCE COMPANY LLC
3480 G S RICHARDS BLVD #101
CARSON CITY NV 89703

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 2.40 CFS 2.34
540.00 AFY 526.5

~~This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for irrigation of the lands above.~~

PRIORITY DATE: 03/28/1974

POINT OF DIVERSION:

T06N R04W S34 SENW Within PAYETTE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/15 11/15	<u>2.40 CFS</u> <u>2.34</u> <u>540.00 AFY</u> <u>526.50</u>

The use of water for irrigation under this right may begin as early as March 1, provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE: IRRIGATION in PAYETTE County

T06N R04W S34	SWNE	24.00	T06N R04W S34	NENW	<u>15.80</u>	14.50
T06N R04W S34	SENE	12.50	T06N R04W S34	NESE	<u>25.30</u>	25.00
T06N R04W S34	NWSE	<u>23.60</u>	T06N R04W S34	SESE	<u>18.80</u>	18.00

120 ACRES TOTAL ~~117 TOTAL ACRES~~

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

~~This right is subject to all prior water rights and may be forfeited by five years of non use.~~

~~The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.~~

This right is a split from former right 63-7354.

~~Modifications to or variance from this license must be made with the limits of Section 42-222, Idaho Code, or the applicable Idaho law.~~

NBS
J

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