



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

April 29, 2010

David L. Negri
U.S. Department of Justice
Environment & Natural Resource Division
General Litigation Section
550 W. Fort Street, MSC 033
Boise, ID 83724

RE: SRBA Subcase No. 22-2279 (Peck et al)

Dear David:

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 and initial the revised recommendation. After signature, please return the original SF5 to me. We are attempting to locate an accurate mailing address for Mr. Grandy to obtain his signature. In the event that we are not able to locate him, a copy of the signed SF5 will be provided to the Court for a Show Cause Hearing.

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

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. 22-2279
	)	
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.

CLAIMANTS:

for Robert L. Harris 4/12/10
Lanelle Peck Date

for Robert L. Harris 4/12/10
Michael Dodson Date

Robert L. Harris 4/12/10
W. Steven Gunnell Date

for Robert L. Harris 4/12/10
Gary Black Date

CLAIMANTS:

KPW Holdings, LLC

Robert L. Harris 4/12/10
By: ROBERT L. HARRIS Date
Title: ATTORNEY

Robert L. Harris 4/12/10
for Trevor Peck Date

Robert L. Harris 4/12/10
for Cherise Dodson Date

RYMI Investments, LLC

Robert L. Harris 4/12/10
for Robert Elmer Date

RIF Holdings 1, LLC

Robert L. Harris 4/12/10
By: ROBERT L. HARRIS Date
Title: ATTORNEY

IGO Investments 1, LLC

Robert L. Harris 4/12/10
By: ROBERT L. HARRIS Date
Title: ATTORNEY

Stillwater Holdings, LLC

Robert L. Harris 4/12/10
By: ROBERT L. HARRIS Date
Title: ATTORNEY

GNJ Properties, LLC

Robert L. Harris 4/12/10
By: ROBERT L. HARRIS Date
Title: ATTORNEY

Idaho Investment Group, LLC

Robert L. Harris 4/12/10
By: ROBERT L. HARRIS Date
Title: ATTORNEY

Pensco Trust Company

Robert L. Harris 4/12/10
By: ROBERT L. HARRIS Date
Title: ATTORNEY

Stoly Associates, LC

Robert L. Harris 4/12/10
By: ROBERT L. HARRIS Date
Title: ATTORNEY

Robert L. Harris 4/12/10
By: ROBERT L. HARRIS Date
Title: ATTORNEY

CLAIMANT(s):

Travis Gunnell 4/12/10
Travis Gunnell Date

OBJECTORS:

U.S. Forest Service

Richard Howard Gebhard

David L. Negri, USDOJ, Date
Attorney for Objector

Sean R. Moulton 4/23/10
Sean R. Moulton Date
Attorney for Objector

Gary W. Grandy Date

CLAIMANT/OBJECTOR:

Crystal Springs Land & Cattle, Inc.

Robert L. Harris 4/12/10
Robert L. Harris Date
Attorney for Claimant/Objector

IDWR Concurrence:

Ernest Carlsen 12/8/09
Ernest Carlsen Date
Water Resource Program Manager

Andrea L. Courtney 12/13/09
Andrea L. Courtney Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 22-2279

NAME AND ADDRESS:

CHERISE DODSON
4581 FORTUNA WAY
SALT LAKE CITY UT 84124

CRYSTAL SPRINGS LAND & CATTLE INC
4581 FORTUNA WAY
SALT LAKE CITY UT 84124

GARY BLACK
4581 FORTUNA WAY
SALT LAKE CITY UT 84124

GNJ PROPERTIES LLC
4581 FORTUNA WAY
SALT LAKE CITY UT 84124

IDAHO INVESTMENT GROUP LLC
4581 FORTUNA WAY
SALT LAKE CITY UT 84124

IGO INVESTMENTS 1 LLC
4581 FORTUNA WAY
SALT LAKE CITY UT 84124

KPW HOLDINGS LLC
4581 FORTUNA WAY
SALT LAKE CITY UT 84124

LANELLE PECK
4581 FORTUNA WAY
SALT LAKE CITY UT 84124

MICHAEL DODSON
4581 FORTUNA WAY
SALT LAKE CITY UT 84124

PENSCO TRUST COMPANY
CUSTODIAN FBO RICHARD WHITE
4581 FORTUNA WAY
SALT LAKE CITY UT 84124

RIF HOLDINGS 1 LLC
4581 FORTUNA WAY
SALT LAKE CITY UT 84124

ROBERT ELMER
4581 FORTUNA WAY
SALT LAKE CITY UT 84124

RYMI INVESTMENTS LLC
4581 FORTUNA WAY
SALT LAKE CITY UT 84124

STILLWATER HOLDINGS LLC
4581 FORTUNA WAY
SALT LAKE CITY UT 84124

STOLY ASSOCIATES LC
4581 FORTUNA WAY
SALT LAKE CITY UT 84124

TRAVIS GUNNELL
4581 FORTUNA WAY
SALT LAKE CITY UT 84124

TREVOR PECK
4581 FORTUNA WAY
SALT LAKE CITY UT 84124

W STEVEN GUNNELL
4581 FORTUNA WAY
SALT LAKE CITY UT 84124

OK
EMC
ref
SM

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

SOURCE: Source: Tributary:
BIG SPRINGS LITTLE WARM CREEK

Source: Tributary:
FOREST SPRING LITTLE WARM CREEK

QUANTITY: 0.520 CFS

PRIORITY DATE: 09/09/1966

POINT OF DIVERSION:

T03N R45E S22 Lot 4 SENESW
Within TETON County

T03N R45E S22 NENWSE
Within TETON County

PURPOSE AND
PERIOD OF USE:

Purpose of use	Period of use:	Quantity:
IRRIGATION	06/01 10/31	0.520 CFS

SM
AM ref
EMC

The use of water for irrigation under this right may begin as early as April 15, provided other elements of the right are not exceeded. The use of water before June 1 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 within TETON County

T03N R45E S22 NESW 9.0

~~T03N R45E S22 SESW 9.0~~

T03N R45E S22 NWSE 13.0

~~T03N R45E S22 SESE 13.0~~

22 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 52.8 acres in a single irrigation season. Combined Right Nos.: 22-683A, 22-2279 and 22-13915.

Place of use does not include federal public lands.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

Property is also known as Homestead Entry Survey Nos. 252 (9 acres)

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

and 253 Tract A (13 acres).

AK

~~Property is also known as Homestead Entry Survey Nos. 252 and 253 Tract A~~

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

EMC
Ref
SV

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:

CRYSTAL SPRINGS LAND & CATTLE, INC.
Represented by:
ROBERT L. HARRIS
1000 RIVERWALK DR., STE. 200
P.O. BOX 50130
IDAHO FALLS, ID 83405

UNITED STATES OF AMERICA
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

GARY W. GRANDY
1076 S 100 W
VICTOR, ID 83455

RICHARD HOWARD GEBHARD
Represented by:
SEAN R. MOULTON
P.O. BOX 631
DRIGGS, ID 83422

CHERISE DODSON
GARY BLACK
GNJ PROPERTIES, LLC
IDAHO INVESTMENT GROUP, LLC
IGO INVESTMENTS 1, LLC
KPW HOLDINGS, LLC
LANELLE PECK
MICHAEL DODSON
TREVOR PECK
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ROBERT ELMER
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STILLWATER HOLDINGS, LLC
STOLY ASSOCIATES, LC
TRAVIS GUNNELL
W. STEVEN GUNNELL
4581 FORTUNA WAY
SALT LAKE CITY, UT 84124

Signature of person or attorney mailing the form