

Williams, Ray

From: Williams, Ray
Sent: Monday, May 24, 2010 11:34 AM
To: Fred Price; 'Sherman_Beazer@blm.gov'; david.negri@usdoj.gov
Cc: Courtney, Andrea
Subject: 27-12211 & 27-11355 (Rich) and 27-11996 (Wixom)

Gentlemen:

I have SF5s for the above-referenced water rights ready for the BLM to pick up at the IDWR reception area. If 27-11996 is acceptable, please execute and file it with the SRBA Court. With regard to 27-12211 and 27-11355, if they are acceptable please sign them and return them to me. I will obtain the remaining IDWR signature and put together a cover letter to accompany the filing describing the basis for the creation of 27-12211.

If you have any questions, let me know.

Thanks,

Ray

**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. 27-12211
	)	
	)	
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 as per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT:

Thomas P. Rich



Roger D. Ling Date
Attorney for Claimant

RESPONDENT:

R C Rich Sheep Co.



Roger D. Ling Date
Attorney for Respondent

OBJECTOR(s):

Jeanette Wolfley 5/20/10
Jeanette Wolfley Date
Attorney for Shoshone-Bannock Tribes

David L. Negri Date
Attorney for BLM

RESPONDENT:

Shasta Kilminster-Hadley 5/3/10
Shasta Kilminster-Hadley Date
Attorney for State of Idaho

IDWR Concurrence:

Michael Holliday Date
Senior Water Resource Agent

Andrea L. Courtney 4/20/10
Andrea L. Courtney Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 27-12211

NAME AND ADDRESS: THOMAS P. RICH
592 N. 1089 E.
JACKSON ID 83350

SOURCE: UNNAMED SPRING

TRIBUTARY: SINKS

QUANTITY: 0.020 CFS
9.70 AFY

Right Nos. 27-11355 and 27-12211 are limited to a total combined diversion rate of 0.02 cfs and to a total combined annual diversion volume of 9.7 AF.

The total combined quantity of water under this right and right no. 27-11355 shall not exceed 13,000 gallons per day.

PRIORITY DATE: 04/01/1926

POINT OF
DIVERSION:

T05S R40E S11 NENWNW Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	04/01 11/30	0.020 CFS 9.70 AFY

PLACE OF USE: STOCKWATER in CARIBOU County

T05S R40E S11 NWNW

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

Stockwater use is for 300 cow-calf pairs, 500 range cows, and 4000 sheep.

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:

SHOSHONE-BANNOCK TRIBES
Represented by:
JEANETTE WOLFLEY
SPECIAL COUNSEL
SHOSHONE-BANNOCK TRIBE
202 N ARTHUR
POCATELLO, ID 83202

STATE OF IDAHO
Represented by:
NATURAL RESOURCES DIVISION CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
P.O. BOX 44449
BOISE, ID 83711-4449

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

R C RICH SHEEP CO.
Represented by:
ROGER D. LING
121 W. 100 S.
P.O. BOX 623
RUPERT, ID 83350

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATURAL RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

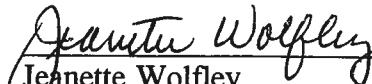
THOMAS P. RICH
592 N. 1089 E.
JACKSON, ID 83350

Signature of person or attorney mailing form

In Re SRBA) Subcase No. 27-11355
)
Case No. 39576)
)
) STANDARD FORM 5
)
) AMENDED CLAIM
) FOR DOMESTIC & STOCKWATER
) RIGHTS
)

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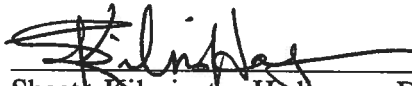
OBJECTOR(s):

 5/20/10

Jeanette Wolfley Date
Attorney for Shoshone-Bannock Tribes

David L. Negri Date
Attorney for BLM

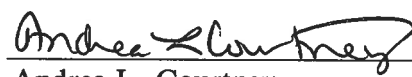
RESPONDENT:

 5/3/10

Shasta Kilminster-Hadley Date
Attorney for State of Idaho

IDWR Concurrence:

Michael Holliday Date
Senior Water Resource Agent

 4/20/10

Andrea L. Courtney Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 27-11355

NAME AND ADDRESS:

THOMAS P. RICH
592 N. 1089 E.
JACKSON ID 83350

SOURCE:

Source:

SPRING

Source:

SPRINGS

Source:

UNNAMED STREAMS

Tributary:

BLACKFOOT RIVER

Tributary:

SINKS

Tributary:

BLACKFOOT RIVER

QUANTITY:

0.020 CFS

9.700 AFY

The total combined quantity of water under this right and right no. 27-12211 shall not exceed 13,000 gallons per day.

Right Nos. 27-11355 and 27-12211 are limited to a total combined diversion rate of 0.02 cfs and to a total combined annual diversion volume of 9.7 AF.

~~THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.~~

PRIORITY DATE:

04/01/1926

POINT OF DIVERSION:

T04S R40E S31 Lot 7 SESE End of Stream Flow
Within BINGHAM County

T04S R40E S31 Lot 7 SESESE
Within BINGHAM County

T04S R40E S32 Lot 4 SWSW Begin of Stream Flow
Within BINGHAM County

T05S R40E S4 SWSE
Within CARIBOU County

T05S R40E S5 NESWNE
Within CARIBOU County

~~T05S R40E S5 NENW~~
~~Within CARIBOU County~~
~~T05S R40E S5 NWNW~~

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

~~Within CARIBOU County~~
~~T05S R40E S6 NENE~~
~~Within CARIBOU County~~
~~T05S R40E S6 NENE~~
~~Within CARIBOU County~~
~~T05S R40E S6 NENE~~
~~Within CARIBOU County~~
~~T05S R40E S6 NENE~~
~~Within CARIBOU County~~
~~T05S R40E S11 NENWNW~~
~~Within CARIBOU County~~

PURPOSE AND
PERIOD OF USE:

Purpose of use:

Period of use:

Quantity:

STOCKWATER

04/01 11/30

0.020 CFS 9.70 AFY

PLACE OF USE:

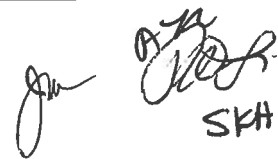
STOCKWATER within BINGHAM County and CARIBOU County

T04S R40E S31 Lot 7 SESE

T04S R40E S32 Lot 4 SWSW

T05S R40E S04 SWSE

T05S R40E S05 SWNE


SKH

~~T05S R40E S05 NENW~~
~~T05S R40E S05 NWNW~~
~~T05S R40E S06 NENE~~
~~T05S R40E S06 NENE~~
~~T05S R40E S06 NENW~~
~~T05S R40E S06 NWNW~~
~~T05S R40E S11 NWNW~~

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.

~~THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS~~
~~NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.~~

EXPLANATORY MATERIAL:

BASIS OF CLAIM - Beneficial Use

Stockwater use is for 300 cow-calf pairs, 500 range cows, and 4000 sheep.

2000 SHEEP RP 061190 RP 009980 RP 0010000

CERTIFICATE OF MAILING

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Represented by:
JEANETTE WOLFLEY
SPECIAL COUNSEL
SHOSHONE-BANNOCK TRIBE
202 N ARTHUR
POCATELLO, ID 83202

STATE OF IDAHO
Represented by:
NATURAL RESOURCES DIVISION CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
P.O. BOX 44449
BOISE, ID 83711-4449

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

R C RICH SHEEP CO.
Represented by:
ROGER D. LING
121 W. 100 S.
P.O. BOX 623
RUPERT, ID 83350

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATURAL RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

THOMAS P. RICH
592 N. 1089 E.
JACKSON, ID 83350

Signature of person or attorney mailing 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. 27-11996
	)	
Case No. 39576	)	STANDARD FORM 5
	)	<u>AMENDED CLAIM</u>
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT
	)	FOR DOMESTIC & STOCKWATER
	)	RIGHTS

This form is used to report the stipulated elements of one “domestic and/or stockwater” right acquired under state law and one/or one federal reserved right and to amend the Notice of Claim. 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.

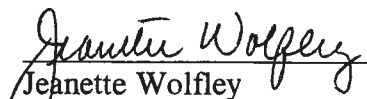
CLAIMANT:

Ker J. Wixom *April 23 2010*
Ker J. Wixom Date

OBJECTOR(s):

Shoshone-Bannock Tribes

Bureau of Land Management

 5/20/10

Jeanette Wolfley Date
Attorney for Objector

David L. Negri, USDOJ Date
Attorney for Objector

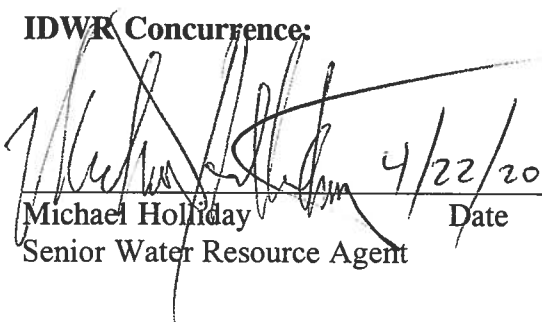
RESPONDENT:

State of Idaho

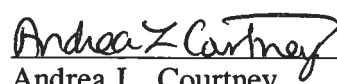
 5/3/10

Shasta Kilminster-Hadley Date
Attorney for Respondent

IDWR Concurrence:

 4/22/2010

Michael Holliday Date
Senior Water Resource Agent

 4/19/10

Andrea L. Courtney Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 27-11996
NAME AND ADDRESS: KEN J WIXOM
260 WEST 300 N
BLACKFOOT ID 83221

SOURCE: BLACKFOOT RIVER
QUANTITY: 0.020 CFS
4.20 AFY

TRIBUTARY: SNAKE RIVER

The quantity of water under this right shall not exceed 13,000 gallons per day.

The rights listed below are limited to a total combined annual diversion volume of 4.2 AF. Combined Right Nos.: 27-11728, 27-11729, 27-11730, and 27-11996.

PRIORITY DATE: 05/29/1915

POINT OF
DIVERSION:

T03S R38E S13 NWSE Lot 8 End of Stream Flow Within BINGHAM County

~~T03S R38E S13 SESWNE End of Stream Flow Within BINGHAM County~~

T03S R39E S19 SESENW Begin of Stream Flow Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE:	PERIOD OF USE:	QUANTITY:
STOCKWATER	05/01 12/31	0.020 CFS
	04/25 12/31	4.20 AFY

PLACE OF USE: STOCKWATER in BINGHAM County

T03S R38E S13 Lot 8 NWSE

T03S R38E S13 Lot 9 SWSE

T03S R38E S24 Lot 5 NWNE

T03S R38E S24 Lot 6 SWNE

T03S R38E S24 Lot 6 SENE

T03S R39E S19 Lot 2 SWNW

T03S R39E S19 SENW

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.

~~The quantity of water decreed for this water right is not a determination of historical beneficial use.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use
Stockwater use is for 450 range cattle.

APR

NWA

PR

SKH

K.W.

CERTIFICATE OF MAILING

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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:

SHOSHONE-BANNOCK TRIBES
Represented by:
JEANETTE WOLFLEY
SPECIAL COUNSEL
SHOSHONE-BANNOCK TRIBE
202 N. ARTHUR
POCATELLO, ID 83202

STATE OF IDAHO
Represented by:
NATURAL RESOURCES DIV. CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
P.O. BOX 44449
BOISE, ID 83711-4449

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

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

KEN J. WIXOM
260 W 300 N
BLACKFOOT, ID 83221

Signature of person or attorney mailing the form