

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

June 20, 2011

Honorable Terrance A. Dolan
Special Master
Snake River Basin Adjudication
253 3rd Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

RE: Subcase Nos. 75-14236 (Tippett)

Dear Special Master Dolan:

Please find enclosed for filing a fully executed SF5 for the above-referenced subcase. Subcase No. 75-14236 was a previously disallowed high water claim and now, after further review, is being recommended.

The following narrative language has been added to the SF5 regarding the combined use condition:

The rights listed below are limited to the irrigation of a combined total of 4.1 acres in a single irrigation season. Combined Right Nos.: 75-69F, 75-70F, 75-2025C, 75-10061J, 75-10062H and 75-14236.

In addition to the narrative language, the POD for Subcase No. 75-14236 has been amended to accurately reflect its correct location.

Finally, as set forth in the SF5 coversheet, the Department and the claimant also respectfully request the Court set aside and amend the partial decrees previously entered in Subcase Nos. 75-69F, 75-70F, 75-2025C, 75-10061J, and 75-10062H to make a clerical change. It is necessary to amend the combined use condition for these other rights now that the previously disallowed right is being recommended. This clerical change is necessary to make the combined use condition for all six Tippett rights consistent. The combined use condition for overlapping water right numbers 75-69F, 75-70F, 75-2025C, 75-10061J, and 75-10062H should now read as follows:

The rights listed below are limited to the irrigation of a combined total of 4.1 acres in a single irrigation season. Combined Right Nos.: 75-69F, 75-70F, 75-2025C, 75-10061J, 75-10062H and 75-14236.

For the Court's convenience, I have attached Amended Directors Reports which show the requested change in ~~strikeout~~, underline format. Please do not hesitate to contact me if you have questions with regards to this request.

Sincerely,



GARRICK L. BAXTER

Deputy Attorney General

Idaho Department of Water Resources

cc: James and Cathleen Tippet

SCANNED
JUN 22 2011

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

DISTRICT COURT-SRBA
Fifth Judicial District)
County of Twin Falls - State of Idaho)

JUN 22 2011

By _____

Subcase No. 75-14236
(Previously Disallowed)

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.

The parties and IDWR further agree that the combined use condition for overlapping water right numbers for overlapping water right numbers 75-69F, 75-70F, 75-2025C, 75-10061J, and 75-10062H should read as follows:

The rights listed below are limited to the irrigation of a combined total of 4.1 acres in a single irrigation season. Combined Right Nos.: 75-69F, 75-70F, 75-2025C, 75-10061J, 75-10062H and 75-14236.

It is necessary to amend the combined use condition for these other rights now that the previously disallowed right is being recommended. The parties and IDWR respectfully request that the Court amend combined use condition in the partial decrees previously entered in subcase nos. 75-69F, 75-70F, 75-2025C, 75-10061J, and 75-10062H consistent with the above.

CLAIMANT

James Tippet

CLAIMANT

Cathleen Tippet

James R Tippet
James Tippet, Pro Se

8 May 2011
Date

Cathleen Tippet 5-8
Cathleen Tippet, Pro Se Date

IDWR Concurrence:



Greg Taylor
Stream Channel Protection Specialist



Date



Garrick L. Baxter
Deputy Attorney General
Attorney for IDWR



Date

04/21/2011

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

RIGHT NUMBER: 75-14236

NAME AND ADDRESS: JAMES R TIPPETT
CATHLEEN TIPPETT
PO BOX 15
CARMEN ID 83462

CT

B.T.
AB

SOURCE: CARMEN CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.020 CFS

PRIORITY DATE: 04/01/1915

POINT OF
DIVERSION:

T22N R22E S35 NENW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	04/01 10/31	0.020 CFS
IRRIGATION	04/01 10/31	0.020 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T22N R22E S03 Lot 2 NWNE 1.40 T22N R22E S03 SWNE 2.70

STOCKWATER same as IRRIGATION

4.1 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 4.1 acres in a single irrigation season. Combined Right Nos.: 75-69F, 75-70F, 75-2025C, 75-10061J, 75-10062H and 75-14236.

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

SCANNED
JUN 22 2011

CERTIFICATE OF MAILING

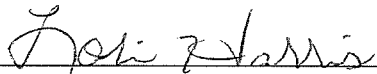
I certify that on June 21, 2011, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

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

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

CATHLEEN TIPPETT
JAMES R TIPPETT
PO BOX 15
CARMEN, ID 83462



Signature of person or attorney mailing form

06/10/2011

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

RIGHT NUMBER: 75-69F

NAME AND ADDRESS: CATHLEEN TIPPETT
JAMES R TIPPETT
PO BOX 15
CARMEN ID 83462

SOURCE: CARMEN CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.013 CFS

PRIORITY DATE: 05/01/1888

POINT OF
DIVERSION:

T23N R22E S35 NENE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/01 10/31	0.013 CFS
PLACE OF USE:	<u>IRRIGATION in LEMHI County</u>		
	T22N R22E S03 Lot 2 NWNE 1.40	T22N R22E S03 SWNE	2.70
	4.1 ACRES TOTAL		

This right is limited to the irrigation of 2.6 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 4.1 acres in a single irrigation season. Combined Right Nos.: 75-69F, 75-70F, 75-2025C, 75-10061J, ~~and 75-10062H~~ and 75-14236.

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 - Decreed

SCANNED
JUN 22 2011

06/10/2011

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

RIGHT NUMBER: 75-70F

NAME AND ADDRESS: JAMES R TIPPETT
CATHLEEN TIPPETT
PO BOX 15
CARMEN ID 83462

SOURCE: CARMEN CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.017 CFS

PRIORITY DATE: 05/01/1892

POINT OF
DIVERSION:

T23N R22E S35 NENE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/01 10/31	0.017 CFS
PLACE OF USE:	<u>IRRIGATION in LEMHI County</u>		
	T22N R22E S03 Lot 2 NWNE 1.40	T22N R22E S03 SWNE	2.70

4.1 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 4.1 acres in a single irrigation season. Combined Right Nos.: 75-69F, 75-70F, 75-2025C, 75-10061J, and 75-10062H and 75-14236.

This right is limited to the irrigation of 2.6 acres within the place of use described above in 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 - Decreed

SCANNED
JUN 22 2011

06/10/2011

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

RIGHT NUMBER: 75-2025C

NAME AND ADDRESS: CATHLEEN TIPPETT
JAMES R TIPPETT
PO BOX 15
CARMEN ID 83462

SOURCE: CARMEN CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.082 CFS

PRIORITY DATE: 12/22/1910

POINT OF
DIVERSION: T23N R22E S35 NENE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/01 10/31	0.082 CFS
PLACE OF USE:	<u>IRRIGATION in LEMHI County</u>		
	T22N R22E S03 Lot 2 NWNE 1.40	T22N R22E S03 SWNE	2.70

4.1 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 4.1 acres in a single irrigation season. Combined Right Nos.: 75-69F, 75-70F, 75-2025C, 75-10061J, and 75-10062H and 75-14236.

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

SCANNED
JUN 22 2011

06/10/2011

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

RIGHT NUMBER: 75-10061J

NAME AND ADDRESS: JAMES R TIPPETT
CATHLEEN TIPPETT
PO BOX 15
CARMEN ID 83462

SOURCE: CARMEN CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.022 CFS

PRIORITY DATE: 05/01/1875

POINT OF
DIVERSION: T23N R22E S35 NENE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/01 10/31	0.022 CFS
PLACE OF USE:	<u>IRRIGATION in LEMHI County</u>		
	T22N R22E S03 Lot 2 NWNE 1.50	T22N R22E S03 SWNE	2.60

4.1 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 4.1 acres in a single irrigation season. Combined Right Nos.: 75-69F, 75-70F, 75-2025C, 75-10061J, and 75-10062H and 75-14236.

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 - Decreed

SCANNED
JUN 22 2011

06/10/2011

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

RIGHT NUMBER: 75-10062H

NAME AND ADDRESS: CATHLEEN TIPPETT
JAMES R TIPPETT
PO BOX 15
CARMEN ID 83462

SOURCE: CARMEN CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.010 CFS

PRIORITY DATE: 05/01/1882

POINT OF
DIVERSION: T23N R22E S35 NENE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/01 10/31	0.010 CFS
PLACE OF USE:	<u>IRRIGATION in LEMHI County</u>		
	T22N R22E S03 Lot 2 NWNE 1.40	T22N R22E S03 SWNE	2.70

4.1 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 4.1 acres in a single irrigation season. Combined Right Nos.: 75-69F, 75-70F, 75-2025C, 75-10061J, ~~and~~ 75-10062H and 75-14236.

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 - Decreed

SCANNED
JUN 22 2011