



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

August 5, 2011

T. J. Budge
201 E. Center Street
P.O. Box 1391
Pocatello, ID 83204-1391

RE: SRBA Subcase Nos. 22-13211, 22-13212 & 22-13854 (Paradise Springs)

Dear T.J.:

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 revised recommendation. There is currently a deadline of September 14, 2011 to file the SF5s. If you could forward them to them to the remaining parties for signature, that would help expedite the process.

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

Sincerely,

A handwritten signature in cursive script 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. 22-13211
	)	
	)	
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:

OBJECTOR(s)/INTERVENOR(s):

Cedron Irrigation, LLC
Cedron Cemetery District
Teton Rainbow Ranches
Wally Rothgeb
Trees, Inc.

Don LeRoy Miller Date

Thomas J. Budge Date
Attorney for Objectors/Intervenors

IDWR Concurrence:

Michael Holliday Date
Water Rights Supervisor

Andrea L. Courtney 8/5/11
Andrea L. Courtney Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 22-13211

NAME AND ADDRESS:

DON LE ROY MILLER
1835 TETON VIEW DR
REXBURG ID 83440

SOURCE:

Source:
PARADISE SPRING

Tributary:

TETON RIVER

QUANTITY:

0.170 CFS

~~0.300 CFS~~

PRIORITY DATE:

06/01/1904

POINT OF DIVERSION:

T04N R45E S30 NENW
Within TETON County

~~T04N R45E S30 SWNENW~~
~~Within TETON County~~

PURPOSE AND
PERIOD OF USE:

Purpose of use:

Period of use:

Quantity:

IRRIGATION

04/15 10/31

0.170 CFS

~~0.300 CFS~~

PLACE OF USE:

IRRIGATION within TETON County

T04N R45E S30 NENW 9.7

~~T04N R45E S30 NENW 9.5~~

T04N R45E S30 Lot 1 NWNW 2.1

~~T04N R45E S30 Lot 1 NWNW 2.3~~

11.8 ACRES TOTAL

This right is limited to the irrigation of 8.5 acres within the place of use described above in a single irrigation season.

Right Nos. 22-13211 and 22-11537 are limited to the irrigation of a combined total of 11.8 acres in a single irrigation season.

~~This right is limited to the irrigation of 5.1 acres within the place of use described above in a single irrigation season.~~

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

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.

For purposes of administration during times of scarcity, this water right shall not be permitted to make a delivery call in excess of 7.6 acres and/or 0.17 cfs.

AK

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

This right is a split from former right 22-405.

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

CERTIFICATE OF MAILING

I certify that on _____, 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

2. Copies to:

CEDRON CEMETERY DISTRICT
CEDRON IRRIGATION, LLC
TETON RAINBOW RANCHES, INC.
TREES, INC.
WALLY ROTHGEB
WALLY ROTHGEB, JR

Represented by:
THOMAS J. BUDGE
201 E CENTER ST
PO BOX 1391
POCATELLO, ID 83204-1391

DON LE ROY MILLER
1835 TETON VIEW DR.
REXBURG, ID 83440

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. 22-13212
	)	
	)	
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/INTERVENOR:

OBJECTOR(s):

Cedron Irrigation, LLC
Mahogany Ranch Holdings
Teton Rainbow Ranches
Wally Rothgeb, Jr.
Trees, Inc.

Michael L. Reid Date

Thomas J. Budge Date
Attorney for Objectors

INTERVENOR:

Don B. Miller

IDWR Concurrence:

Michael Holliday Date
Water Rights Supervisor

Andrea L. Courtney 8/5/11
Andrea L. Courtney Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 22-13212

NAME AND ADDRESS:

MICHAEL L REID
PO BOX 801
VICTOR ID 83455

AK

SOURCE: Source:
PARADISE SPRING

Tributary:
TETON RIVER

QUANTITY: 0.520 CFS

~~0.160 CFS~~

~~Right Nos. 22-11639 and 22-13212 are limited to a total combined diversion rate of 0.71 cfs.~~

PRIORITY DATE: 06/01/1904

POINT OF DIVERSION:

T04N R45E S30 NENW
Within TETON County

~~T04N R45E S30 SWNENW~~
~~Within TETON County~~

PURPOSE AND
PERIOD OF USE:

Purpose of use:

Period of use:

Quantity:

IRRIGATION

04/15 10/31

0.520 CFS

~~0.160 CFS~~

PLACE OF USE:

IRRIGATION within TETON County

T04N R45E S30 SENW 35.6

35.6 ACRES TOTAL

Right Nos. 22-11639 and 22-13212 are limited to the irrigation of a combined total of 35.6 acres in a single irrigation season.

This right is limited to the irrigation of 26 acres within the place of use described above in a single irrigation season.

~~This right is limited to the irrigation of 4.5 acres within the place of use described above in a single irrigation season.~~

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

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

For purposes of administration during times of scarcity, this water right shall not be permitted to make a delivery call in excess of 4.5 acres and/or 0.16 cfs.

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

AK

This right is a split from former right 22-405.

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

CERTIFICATE OF MAILING

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2. Copies to:

CEDRON IRRIGATION
MAHOGANY RANCH HOLDINGS
TETON RAINBOW RANCH, INC.
TREES, INC.
WALLY ROTHGEB, JR.

Represented by:
THOMAS J. BUDGE
201 E. CENTER ST.
P.O. BOX 1391
POCATELLO, ID 83204-1391

CEDRON IRRIGATION
MAHOGANY RANCH HOLDINGS
TETON RAINBOW RANCH, INC.
TREES, INC.
WALLY ROTHGEB, JR.

Represented by:
RANDALL C. BUDGE
201 E. CENTER, STE. A2
P.O. BOX 1391
POCATELLO, ID 83204-1391

DON B. MILLER
NATIVE AMERICAN RIGHTS FUND
1506 BROADWAY
BOULDER, CO 80302

MICHAEL REID
P.O. BOX 801
VICTOR, ID 83455

MICHAEL L. REID
4650 W. 5500 S.
VICTOR, ID 83455

MICHAEL REID
550 S. 450 W.
VICTOR, ID 83455

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. 22-13854
	)	
	)	
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:

Richardson Family Properties, LLC

Robert L. Harris	Date
Attorney for Claimant	

OBJECTOR(s):

Michael Reid	Date
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Larell A. Kunz Date

INTERVENOR(s):

Cedron Irrigation, LLC
Cedron Cemetery District
Teton Rainbow Ranches
Wally Rothgeb
Trees, Inc.

Thomas J. Budge	Date
Attorney for Intervenor	

IDWR Concurrency:

Michael Holliday
Water Rights Supervisor

Andrea L. Courtney 8/5/11
Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 22-13854

NAME AND ADDRESS:

RICHARDSON FAMILY PROPERTIES LLC
PO BOX 469
VICTOR ID 83455

SOURCE:

Source:
PARADISE SPRINGS

Tributary:

TETON RIVER

QUANTITY:

0.240 CFS

~~0.360 CFS~~

AK

PRIORITY DATE:

06/01/1904

POINT OF DIVERSION:

T04N R45E S30 NENW
Within TETON County

~~T04N R45E S30 NENENW~~
~~Within TETON County~~

PURPOSE AND
PERIOD OF USE:

Purpose of use:

Period of use:

Quantity:

IRRIGATION

04/15 10/31

0.240 CFS

~~04/15 10/15~~

~~0.360 CFS~~

PLACE OF USE:

IRRIGATION within TETON County

T04N R45E S19 SWSE 31.0

~~T04N R45E S19 SWSE 33.0~~

31 ACRES TOTAL

~~33 ACRES TOTAL~~

This right is limited to the irrigation of 17 acres within the place of use
described above in a single irrigation season.

Right Nos. 22-13854 and 22-13998 are limited to the irrigation of a combined total
of 31 acres in a single irrigation season.

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

ATC

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

This water right shall not be permitted to make a delivery call against water right nos. 22-13135, 22-13961, 22-13962, 22-13963, 22-13964, 22-2280E, 22-2296B, 22-2296D, and 22-13681, and their progeny.

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

The following rights are diverted through point of diversion described above: 22-12714B, 22-13509, 22-13586, 22-13853, 22-13854, 22-13997, 22-13998, and 22-13999.

This right is a split from former right 22-587.

~~This right is a split from former right 22-13585.~~

~~This right is a split from former right 22-12714A, parent right 22-405 and 587.~~

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TETON RAINBOW RANCHES, INC.
TREES, INC.
WALLY ROTHGEB, JR

Represented by:
THOMAS J. BUDGE
201 E CENTER ST
PO BOX 1391
POCATELLO, ID 83204-1391

RICHARDSON FAMILY PROPERTIES, LLC
Represented by:
ROBERT L. HARRIS
1000 RIVERWALK DR., STE. 200
P.O. BOX 50130
IDAHO FALLS, ID 83405

MICHAEL REID
P.O. BOX 801
VICTOR, ID 83455

LARELL A. KUNZ
4346 W. 5250 S.
VICTOR, ID 83455

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

Signature of person or attorney

