



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

October 3, 2011

Tyson K. Nelson
Deputy Attorney General
Office of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449

Sent via Statehouse Mail

RE: SRBA Subcase No.31-11982 (Dept. of Lands)

Dear Tyson:

I am enclosing a Standard Form 5 ("SF5") for above-referenced subcase. Please review the document, and if it is acceptable to you, please sign on the indicated signature line, initial the revised recommendation and return the original to me. I will circulate the SF5 for the remaining signatures and subsequent filing with the SRBA Court.

If you should have any questions or comments, please feel free to contact me at 287-4815.

Sincerely,

A handwritten signature in cursive script 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. 31-11982
	)	
	)	
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, which reflects no changes to the original Director's Report. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT/ OBJECTOR/RESPONDENT:
Department of Lands

Tyson K. Nelson Date
Attorney for Claimant/Objector/Respondent

OBJECTOR(S):

Mud Lake Water Users, Inc.

James & David Hagenbarth

Robert L. Harris Date
Attorney for Objector

John M. Marshall Date
Attorney for Objectors

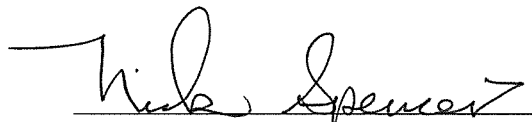
RESPONDENT:

U.S. Forest Service

David L. Negri Date
Attorney for Respondent

IDWR Concurrence:

Michael Holliday Date
Water Rights Supervisor

 10-3-11

Nicholas B. Spencer Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 31-11982

NAME AND ADDRESS:

STATE OF IDAHO, DEPARTMENT OF
LANDS
954 W JEFFERSON
PO BOX 83720
BOISE ID 83720-0050

SOURCE:

Source:
DRY CREEK

Tributary:

SPRING CREEK
~~SHERIDAN CREEK~~

QUANTITY:

3.200 CFS

~~2.870 CFS~~

NBS

PRIORITY DATE:

09/24/1912

~~09/25/1912~~

The priority for this water right is subordinate to water right nos. 31-6, 31-34, 31-35, 31-36, 31-37, 31-38, 31-52, 31-65, 31-80, 31-104, 31-105, 31-134, 31-135, 31-143, 31-144, 31-147A, 31-159, 31-162, 31-163, 31-166, 31-168, 31-169, 31-184, 31-185, 31-186, 31-187, 31-188, 31-190, 31-192, 31-232, 31-237, 31-263, 31-326, 31-327, 31-328, 31-329, 31-330, 31-331, 31-332, 31-336B, 31-337B, 31-344, 31-345, 31-354, 31-355, 31-360, 31-361, 31-363, 31-371, 31-2239, 31-2265, 31-2274, 31-2275, 31-2276, 31-2289, 31-2290, 31-2297, 31-2310, 31-2317A, 31-2317B, 31-2321, 31-2342, 31-2343, 31-2344, 31-2345, 31-7005, 31-10245, 31-10740, 31-10957, 31-10958, 31-10959, 31-10960, 31-10961, 31-10962, 31-11430, 31-11432.

POINT OF DIVERSION:

T13N R40E S9 NWSW
Within CLARK County

~~T13N R40E S9 NENWSW~~
~~Within CLARK County~~

PURPOSE AND
PERIOD OF USE:

Purpose of use:

Period of use:

Quantity:

IRRIGATION

05/01 10/31

3.200 CFS

~~2.870 CFS~~

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

PLACE OF USE: IRRIGATION within CLARK County

T13N R40E S10 SWSW 24.0

~~T13N R40E S10 SWSW 23.5~~

T13N R40E S15 NENW 40.0

T13N R40E S15 NWNW 40.0

T13N R40E S15 SWNW 40.0

T13N R40E S16 NENE 40.0

T13N R40E S16 NWNE 40.0

T13N R40E S16 SWNE 40.0

T13N R40E S16 SENE 40.0

T13N R40E S16 NENW 25.0

T13N R40E S16 SENW 25.0

T13N R40E S16 NESW 29.0

T13N R40E S16 SWSW 0.2

T13N R40E S16 SESW 0.5

T13N R40E S16 NESE 33.0

T13N R40E S16 NWSE 27.0

NBS

443.7 ACRES TOTAL

~~143.5 ACRES TOTAL~~

Right Nos. 31-11982 and 31-12222 are limited to the irrigation of a combined total of 443.7 acres in a single irrigation season.

This right is limited to the irrigation of 160 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 - License

This right is a split from former right 21-2054.

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:

JAMES & DAVID HAGENBARTH
Represented by:
JOHN M. MARSHALL
575 W. BANNOCK ST., SUITE B
BOISE, ID 83702

MUD LAKE WATER USERS, INC.
Represented by:
ROBERT L. HARRIS
1000 RIVERWALK DR., SUITE 200
PO BOX 50130
IDAHO FALLS, ID 83405

STATE OF IDAHO
STATE OF IDAHO DEPT OF LANDS
Represented by:
STATE OF IDAHO
P.O. BOX 44449
BOISE, ID 83711-4449

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