

**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. 77-04056

)

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 the facts, date, expert opinions and law supporting the issuance of a partial decree for the water right.

The parties agree that the Snake River 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:

Yellow Pine Water Users Assn Inc

OBJECTOR:

United States on behalf of the
USDA Forest Service

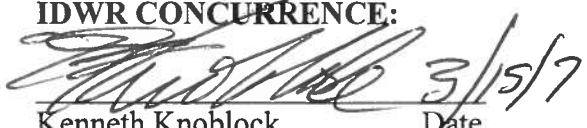
David A McClintock

Date

David L. Negri

Date

IDWR CONCURRENCE:


Kenneth Knoblock

Date

ATTORNEY FOR IDWR:

Chris M Bromley

Date

CERTIFICATE OF MAILING

I certify that on March __, 2007, I mailed the original and copies of this form, including all attachments, 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, ID 83303-2707

2. Copy to:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment and Natural Resources Division
550 W. Fort Street, MSC 033
Boise, ID 83724

3. Copies to all parties to the subcase (insert names and addresses here):

Yellow Pine Water Users Assn Inc
C/O David A McClintock
PO Box 6
Yellow Pine, ID 83677

Signature of person mailing documents

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

Right Number: 77-04056

Name and Address: YELLOW PINE WATER USERS ASSN I
C/O DAVID A MC CLINTOCK CH
PO BOX 6
YELLOW PINE, ID 83677

Source: BOULDER CREEK Tributary: EAST FORK SOUTH FORK
SALMON RIVER

Quantity: 2.68 CFS

Priority Date: 01-01-1962

Diversion Point: T19N R08E S21 SENW Within Valley County

Purpose and Period of Use:	Purpose of Use	Period of Use	Quantity
	Domestic	01-01 TO 12-31	2.68 CFS

Place of Use: Domestic Within Valley County
T19N R08E S21

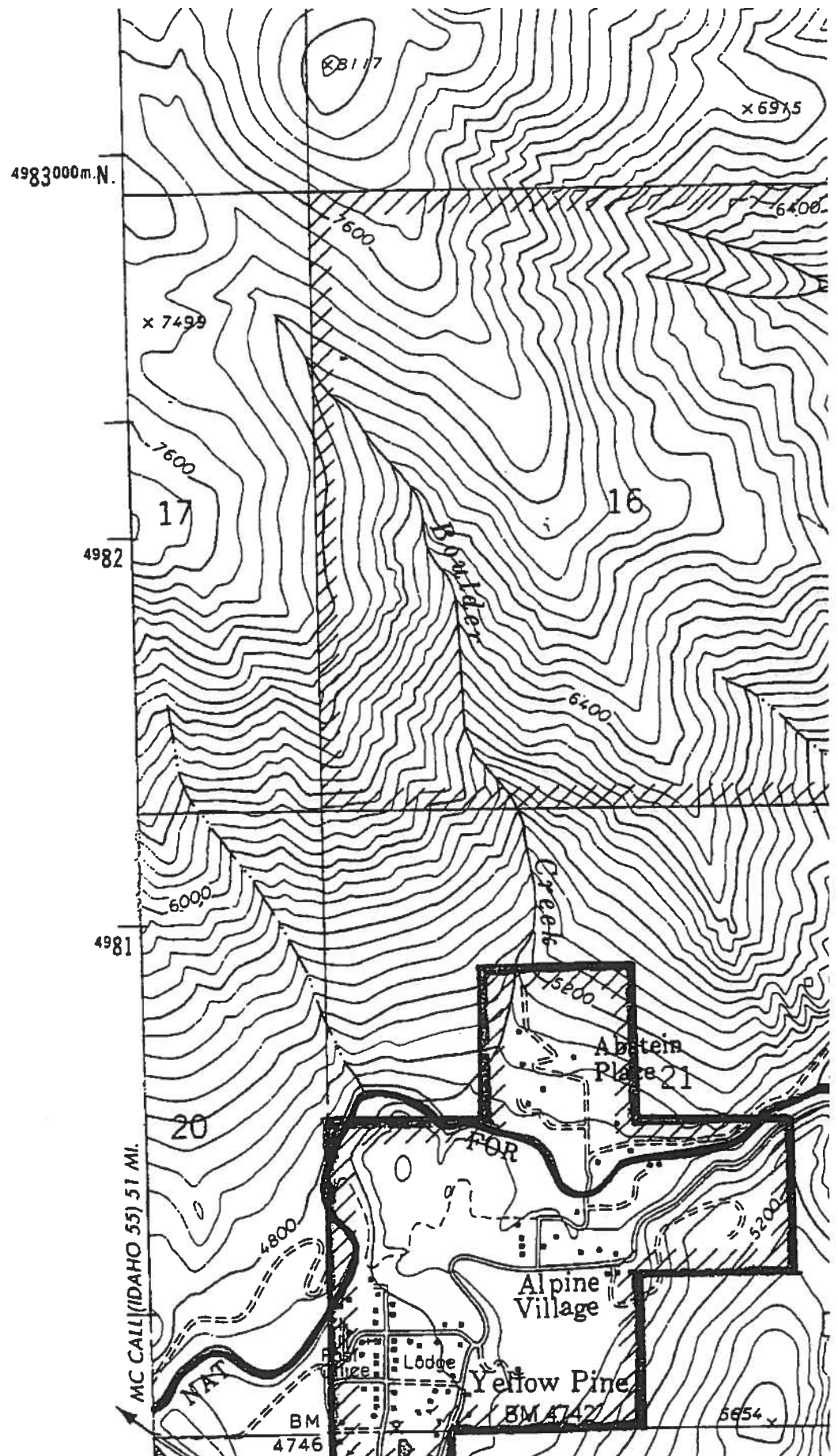
NENE	NWNE
SWNE	SENE
NENW	NWNW
SWNW	SENW
NESW	NWSW
SWSW	SESW
NESE	NWSE
SWSE	SESE
NENW	NWNW
SWNW	SENW

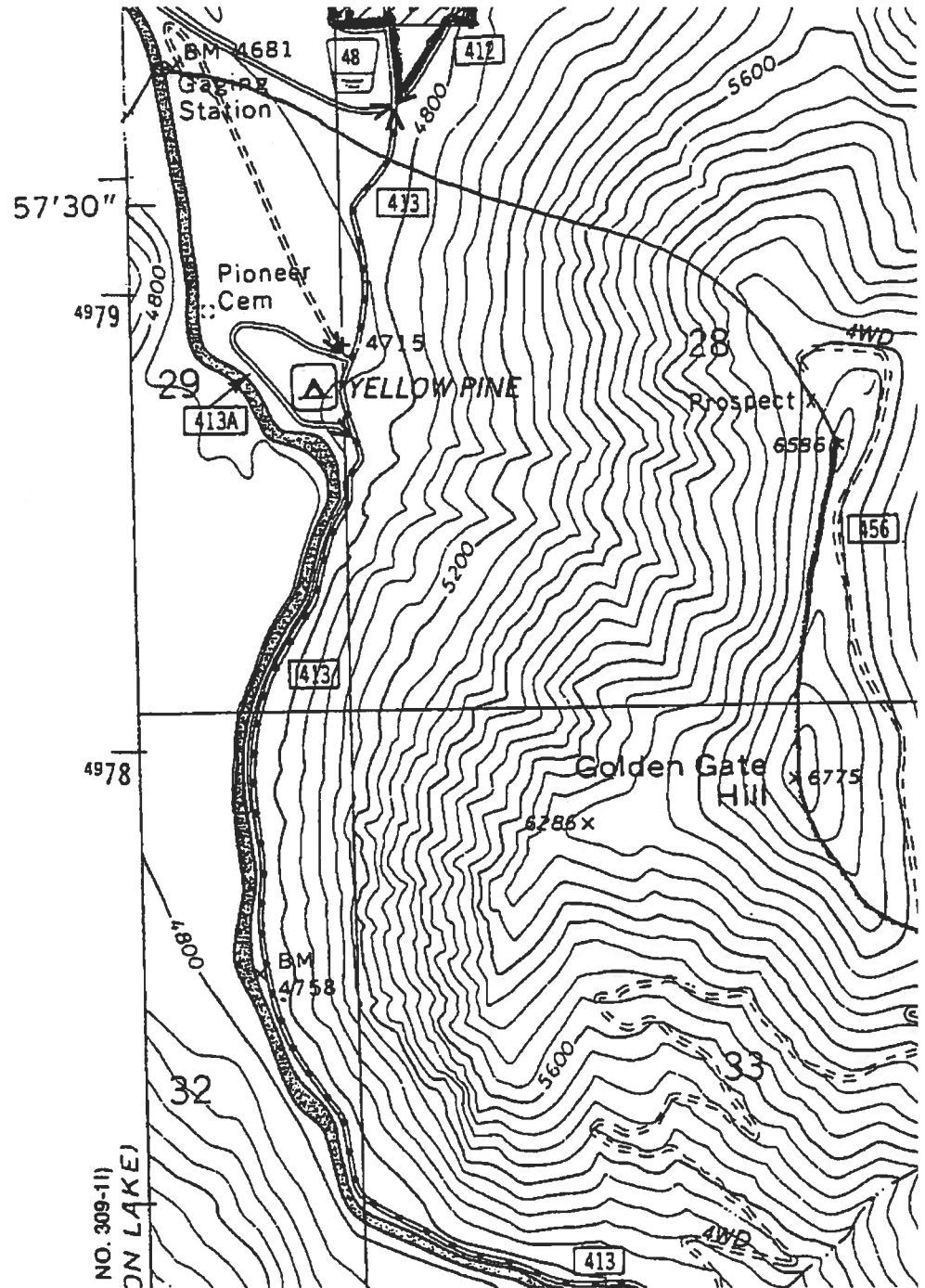
Other Provisions Necessary for Definition / Administration of this
Water Right:

This water right includes National Forest System land in
Section 28 pursuant to a Special Use Permit.

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





Knoblock, Ken

From: Steven M Spencer [sspencer@fs.fed.us]
Sent: Thursday, March 15, 2007 1:32 PM
To: Knoblock, Ken
Subject: 77-04056 Yellow Pine



NewPou.jpg



Suggested Water Right Description.doc



SF5 77-04056.doc

Here is the map, a suggested water right description and SF5 for this water right. The only question I have is since the FS has agreed to add a funny little triangle of National Forest Land to the places of use to accommodate water at the Yellow Pine town fire station, is possible to add something to that legal description that says the places of use in are limited to the area shown on the IDWR shape file map dated _____ ? Or is it understood that what I just said is a fact? I'll call you on this one. Thank you.

(See attached file: NewPou.jpg) (See attached file: Suggested Water Right Description.doc) (See attached file: SF5 77-04056.doc)

Steve Spencer (208) 331-5944
Boise Adjudication Team (208) 387-0842 FAX
161 E. Mallard, Suite 110 e-mail: sspencer@fs.fed.us
Boise, ID 83706
----- Forwarded by Steven M Spencer/R4/USDAFS on 03/15/2007 01:26 PM

"Dave McClintock"

<dave@ruralnetwor

k.net>

To

"Steven M Spencer"

03/14/2007 01:05

<sspencer@fs.fed.us>

PM

cc

Subject

Re: Water Right Places of Use

Steven,

Yellow Pine Water Users Assoc. approves of the Water Right Places of Use.

Dave McClintock
Chairman
Yellow Pine Water Users Assoc.
P.O. Box 6
Yellow Pine, Id. 83677

----- Original Message -----

From: "Steven M Spencer" <sspencer@fs.fed.us>
To: <dave@ruralnetwork.net>
Sent: Wednesday, March 14, 2007 10:03 AM
Subject: Water Right Places of Use

>
> Dave,
> This is a map with the heavy dark line showing what I understand the
> places
> of use to be for 77-04056. It includes all the private land at Yellow
> Pine
> as well as the triangle of National Forest land south of town for the
fire
> station. If this is correct, please reply back and I'll forward this
map
> to Ken Knoblock so that he can make the appropriate changes to his
records
> and provide use with a new water right description. If it is
incorrect
> I'll request that you print a copy of the unmarked map from a previous
> message and draw on the appropriate service area places of use and fax
it
> to me.
>
> If you have any questions, again reply back or give me a call.
However,

> I
> will be in and out today retrieving other settlement documents and
getting
> signatures. Thank you.
>
> (See attached file: NewPou.jpg)
>
> Steve Spencer
> Boise Adjudication Team
> 161 E. Mallard, Suite 110
> Boise, ID 83706

(208) 331-5944
(208) 387-0842 FAX
e-mail: sspencer@fs.fed.us

**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

A. Subcase: _77-04056 _
STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America, Acting through the USDA Forest Service
Address: 550 West Fort Street
MSC 033
Boise, Idaho 83724
Daytime Phone: (208) 334-1936

Name and Address of Attorney, if any:
David L. Negri
550 West Fort Street
MSC 033
Boise, Idaho 83724

C. CLAIMANT OF WATER RIGHT AS LISTED IN THE DIRECTOR'S REPORT

Name: Yellow Pine Water Users Assn Inc
Address: C/O David A McClintock
PO Box 6
Yellow Pine, ID 83677

D. I object to the following elements as recommended in the Director's Report.
(Please check the appropriate box(es)).

1. ☐ **Name and Address**

Should be:

2. ☐ **Source**

Should be:

3. ☐ **Quantity**

Should be:

4. ☐ **Priority Date**

Should be:

5. ☐ **Point(s) of Diversion**

Should be:

6. ☐ **Instream Flow Description**

Should be:

7. ☒ **Purpose(s) of Use**

Should be: See E below.

8. ☐ **Period of Year**

Should be:

9. ☒ **Places of Use**

Should be: See E below.

11. I object because:

☐ This water right should not exist.

☐ This water right was not recommended, but should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTION(S):**

The places of use in the NENE, NWNE, SWNE, SENE, NENW, NWNW, SWNW, NESE, SWSE, SESE of Section 21, the NENW, SWNW, SENW and part of the NWNW of Section 28, T19N, R8E as shown in the Directors Report recommendation are on National Forest System (NFS) land. The claimant is not authorized to occupy and use NFS land for domestic purposes. It also appears that this is a municipal purpose of use.

F. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

Steve Spencer , duly sworn, upon oath, deposes and says:
(Name of person filing objection)

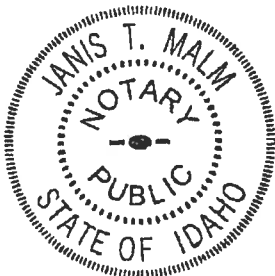
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Steve M. Spencer
(Signature of person filing objections)

David M. [Signature]
(Attorney signing in representative capacity)

Subscribed and sworn before me on: July 26, 2006

Janis T. Malm



Notary Public for:

Residing at: Boise, Idaho

Commission Expires: 09/09/2008

INSTRUCTIONS FOR MAILING

You must mail the objection to the Clerk of the Court. FAX filings will not be accepted. You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on JUL 28 2006, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: Yellow Pine Water Users Assn Inc

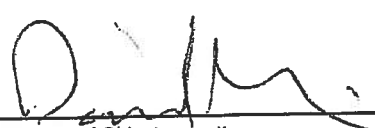
Address: C/O David A McClintock
PO Box 6
Yellow Pine, ID 83677

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resource Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resources Division
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of Objector or attorney
mailing on Objector's behalf

09/22/2005

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 77-4056

NAME AND ADDRESS: YELLOW PINE WATER USERS ASSN INC
C/O DAVID A MC CLINTOCK CH
PO BOX 6
YELLOW PINE ID 83677

SOURCE: BOULDER CREEK TRIBUTARY: EAST FORK SOUTH FORK
SALMON RIVER

QUANTITY: 2.680 CFS

PRIORITY DATE: 01/01/1962

POINT OF DIVERSION:

T19N R08E S21 SENW Within VALLEY County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	1/01 12/31	2.680 CFS

PLACE OF USE: DOMESTIC Within VALLEY County

T19N R08E S21	NENE	T19N R08E S21	NWNE
T19N R08E S21	SWNE	T19N R08E S21	SENE
T19N R08E S21	NENW	T19N R08E S21	NWNW
T19N R08E S21	SWNW	T19N R08E S21	SENW
T19N R08E S21	NESW	T19N R08E S21	NWSW
T19N R08E S21	SWSW	T19N R08E S21	SESW
T19N R08E S21	NESE	T19N R08E S21	NWSE
T19N R08E S21	SWSE	T19N R08E S21	SESE
T19N R08E S28	NENW	T19N R08E S28	NWNW
T19N R08E S28	SWNW	T19N R08E S28	SENW

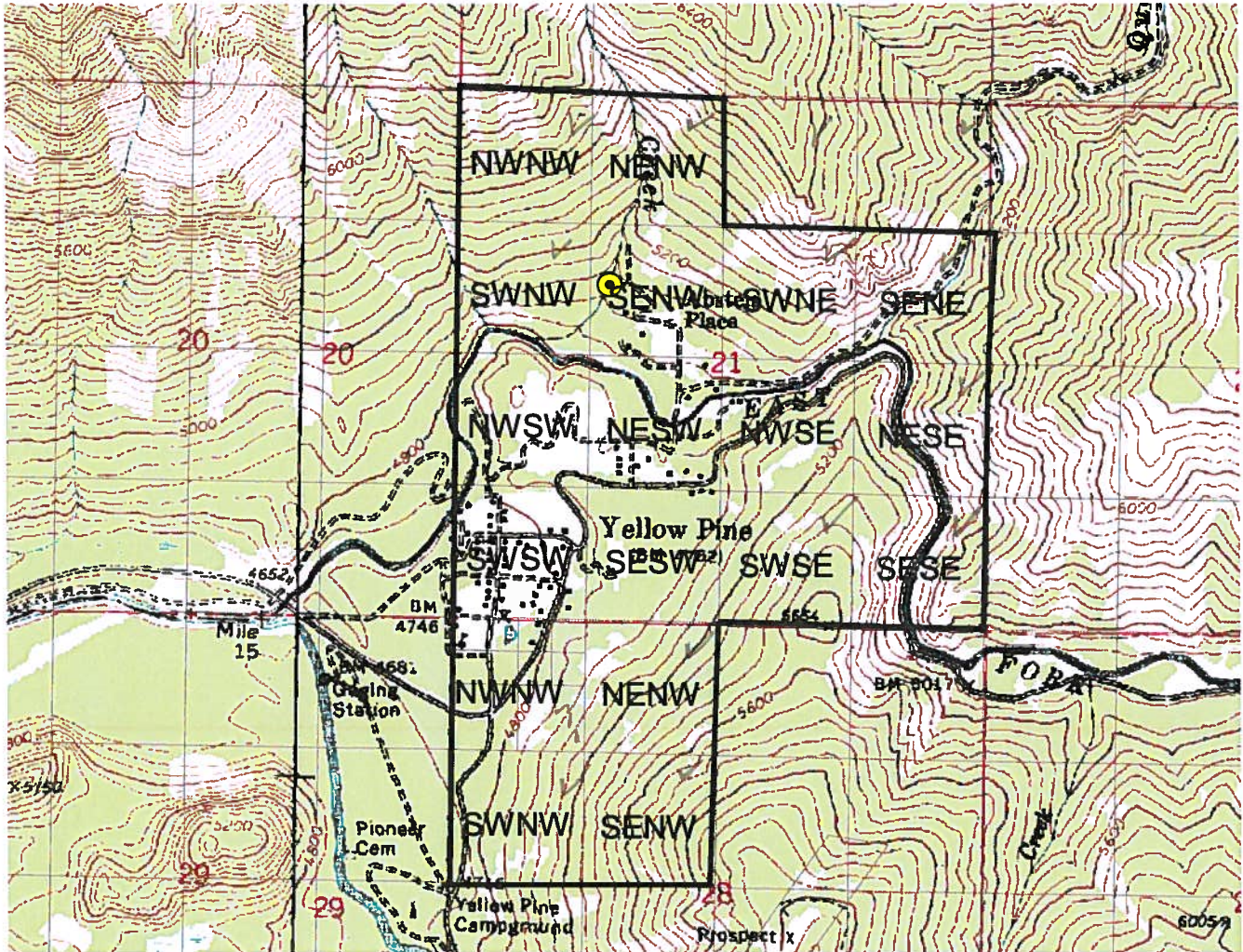
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

~~CFS CHANGED FROM 4.0 TO 2.68 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 - Beneficial Use

77-4056



0 1000 2000 Feet

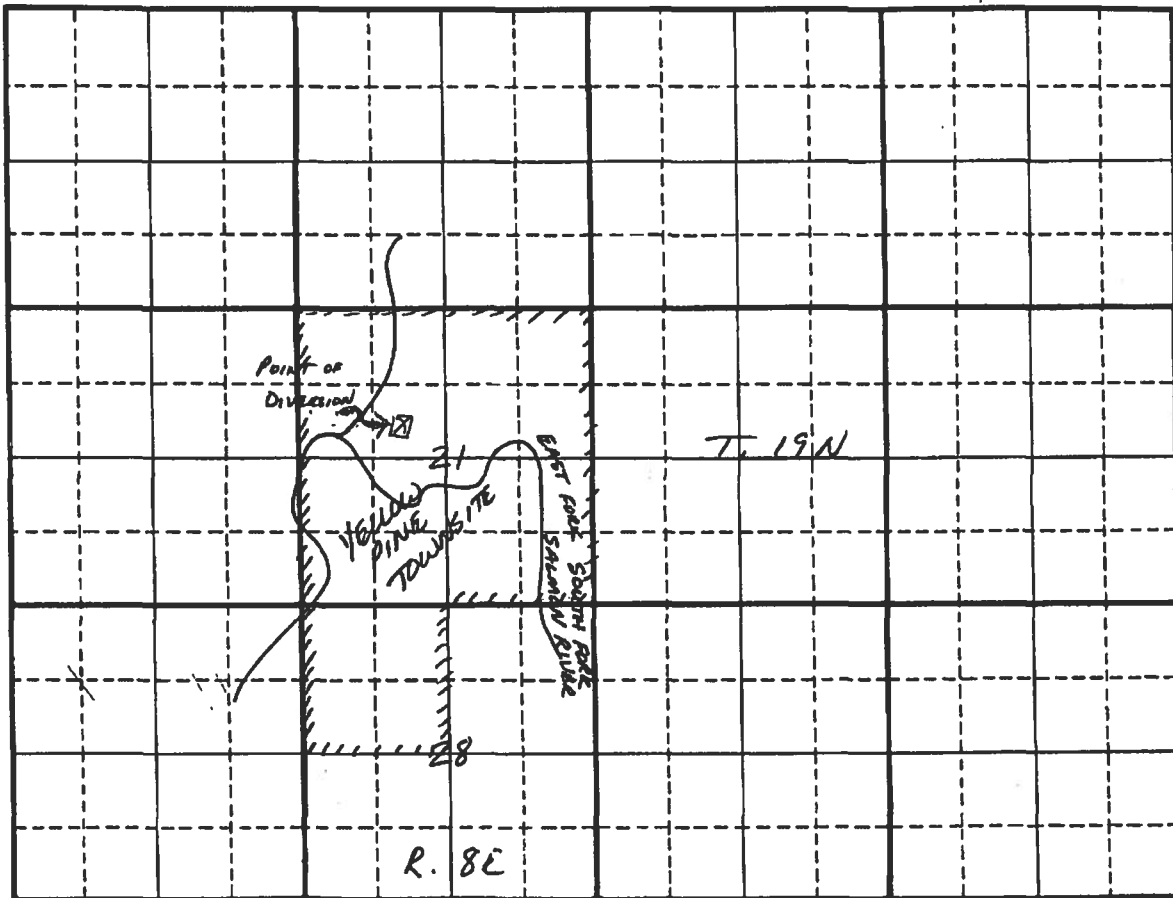
Sections 21 & 28
T19N R8E

● Point of Diversion

□ Place of Use

Map prepared on September 22, 2005
By Kenneth Knoblock
Idaho Department of Water Resources

(B) Remarks _____

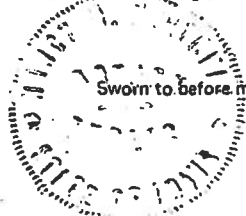


Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Ada) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.



Sworn to before me this 15th day of February, 19 80.

David C. McClintock
(Claimant) CHAIRMAN

Nancy M. Hathway
Notary Public
Residing at Boise

My commission expires Life

FOR DEPARTMENT USE ONLY

Received by CWB Date 2/15/80 Exception filed by: _____ Date _____
Prelim. check by _____ Date 2/15/80 # 15349 Forwarded to claimant by: _____ Date _____
\$20.00 fee received by Star News Date 2/15/80 Published In Star News 3/16 3/13/80 KK 3/27/80
Dates _____



State of Idaho
DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615
(208) 769-1450

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

March 3, 2005

Yellow Pine Water Users
C/o David McClintock
Box 6
Yellow Pine, ID 83677

RE: 77-2132, 77-4056 & 77 7138

Dear Mr. McClintock:

On November 9, 1988, you submitted three Notice of Claims in the Snake River Adjudication. They are:

77-2132 – the amount is 0.12 cfs from springs tributary to Johnson Creek for municipal/domestic use.

77-4056 – the amount is 2.68 cfs from Boulder Creek for municipal/domestic use.

77-7138 – the amount is 0.2 cfs from Quartz Creek for municipal use. The permit for this right lapsed in 1989 so we cannot recommend that it be allowed.

We have enclosed a map of the Yellow Pine area. Would you please mark the boundaries of your association and show the points of diversion for the springs and Boulder Creek and return it to this office?

If you have any questions please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ken Knoblock', written over a horizontal line.

Kenneth Knoblock
Water Resources Agent

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

RECEIVED
NOV 28 1988

Ident. Number: A77-04056
Date Received: 11/09/1988
Receipt No: C003705
Received By: RF

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

Department of Water Resources

1. Name: YELLOW PINE WATER USERS ASSN., INC.
Address: C/O DAVID A. MC CLINTOCK, CH.
P.O. BOX 6
YELLOW PINE, ID 83677

2. Date of Priority: JAN 01, 1962

3. Source: BOULDER CREEK Trib. to: SALMON RIVER, E. FK., S. F

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
19N	08E	21	SE	NW			VALLEY

5. Description of diverting works:
HEADWALL & PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	4.000		

7. Total Quantity Appropriated is:
~~4.000~~ C.F.S. (and/or) A.F.A.
2.68

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/100 FAMILIES

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
19N	08E	21	NE	NE		DOMEST	
			NW	NE		DOMEST	

A77-04056

Page

1

Date: 11/09/88

MICROFILMED
OCT 05 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
19N	08E	21	SW	NE		DOMEST	
			SE	NE		DOMEST	
			NE	NW		DOMEST	
			NW	NW		DOMEST	
			SW	NW		DOMEST	
			SE	NW		DOMEST	
			NE	SW		DOMEST	
			NW	SW		DOMEST	
			SW	SW		DOMEST	
			SE	SW		DOMEST	
			NE	SE		DOMEST	
			NW	SE		DOMEST	
		28	SW	SE		DOMEST	
			SE	SE		DOMEST	
			NE	NW		DOMEST	
			NW	NW		DOMEST	
			SW	NW		DOMEST	
			SE	NW		DOMEST	

11. Place of use in counties: VALLEY

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
77-07138

14. Remarks: *CFS CHANGED From 4.0 To 2.68 CFS*

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

(a.) By signing below, I/~~We~~ acknowledge that I/~~We~~ have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/~~We~~ do _____ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am CHAIRMAN of _____ Title

YELLOW PINE WATER USERS, INC., that I have signed the foregoing Organization

document in the space below as CHAIRMAN of Title

YELLOW PINE WATER USERS, INC. and that the statements contained in the Organization

foregoing document are true and correct.

David A. McClinton
Signature of Authorized Agent

CHAIRMAN
YELLOW PINE WATER USERS, INC.
Title and Organization

11-22-88
Date

State of Idaho)
County of Valley) SS.

Subscribed and sworn (or affirmed) before me this 22nd day
of November 19 88

Jane J. McClintock
Notary Public

Seal

Residing at Yellow Pine
My Commission Expires 8-23-94