

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

DEC - 7 2011

By

Clerk

Clerk

**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.: **74-15861**

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:

James E. Riggan

[Signature]
Jerry R. Rigby

Date

Attorney for James E. Riggan

OBJECTOR:

United States of America

[Signature]
David L. Negri

Date

Attorney, U. S. Department of Justice
Environment and Natural Resources Div.

IDWR CONCURRENCE:

[Signature]
for Craig L. Saxton

Date

Water Rights Supervisor

IDWR CONCURRENCE:

[Signature]
Christopher M. Bromley

Date

Deputy Attorney General
Attorney for IDWR

Standard Form 5

74-15861

10/11/2011

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

RIGHT NUMBER: 74-15861

NAME AND ADDRESS: JAMES E RIGGAN
196 WIMPEY CREEK RD
SALMON ID 83467

SOURCE: WIMPEY CREEK TRIBUTARY: LEMHI RIVER

QUANTITY: 0.210 1-240 CFS

Right Nos. 74-15015 and 74-15861 are limited to a total combined diversion rate of 0.34 cfs.

PRIORITY DATE: 04/02/1972 ~~04/10/1971~~

This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.

POINT OF
DIVERSION:

T21N R23E S24 NESESW Within LEMHI County
T21N R23E S24 NESSEW Within LEMHI County
T21N R23E S24 SESESW Within LEMHI County
T21N R23E S25 NWNENW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/15 11/15	0.210 1-240 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T21N R23E S24	SESW	7.20	T21N R23E S25	NENW	28.00
T21N R23E S25	NWNW	3.30	T21N R23E S25	SWNW	15.00
T21N R23E S25	SENW	1.00	T21N R23E S25	NWSW	2.00
T21N R23E S26	SENE	1.50	T21N R23E S26	NESE	15.00

73 ACRES TOTAL

Place of use does not include federal public lands.

Right Nos. 74-15015 and 74-15861 are limited to the irrigation of a combined total of 73.0 acres 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.

This right is based upon an enlargement of Right No. 74-15015 pursuant to Section 42-1426, Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

This right is for an enlargement of 45.1 acres within the place of use described for this right.

JRL
CF
PN
CB

CERTIFICATE OF SERVICE

I certify that on December 6, 2011, I caused to be served true and correct copies of this Standard Form 5, to the following persons, in the manner indicated 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

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

2. Copies to:

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

☐ Overnight Mail
☐ Regular Mail
☒ Hand-Delivered
☐ Facsimile

Jerry R. Rigby
Rigby Andrus & Rigby Chtd
P.O. Box 250
Rexburg, ID 83440

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

U.S. Department of Justice
Environment & Nat'l Resources Div.
550 W. Fort St., MSC 033
Boise, ID 83724

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

For Harris

Signature of person or attorney mailing the form