



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

March 6, 2012

Harriet A. Hensley
Deputy Attorney General
Office of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449

Sent via Statehouse Mail

RE: SRBA Subcase Nos. 35-2315, 35-10859 & 35-10860 (Lehman)

Dear Harriet:

I am enclosing a Standard Form 5 ("SF5") for each of the above-referenced subcases. Please review the documents, and if they are acceptable to you, please sign on the indicated signature lines, initial the revised recommendations and return the originals to me. I will file the SF5s with the SRBA Court and provide copies to the parties.

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

Sincerely,

A handwritten signature in black ink 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. 35-2315
	)	
	)	
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. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

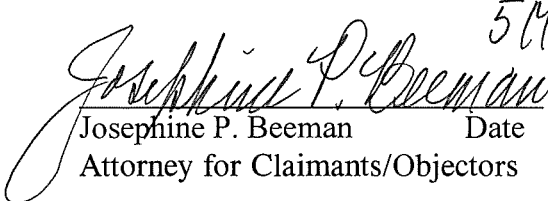
CLAIMANT(s)/OBJECTOR(s):

James & Karen Lehman

RESPONDENT:

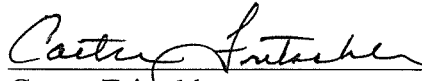
State of Idaho

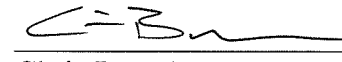
5 Mar 2012


Josephine P. Beeman Date
Attorney for Claimants/Objectors

Harriet A. Hensley Date
Attorney for Respondent

IDWR Concurrence:

 2-27-12
Carter Fritschle Date
Manager, Adjudication Section

 2/27/12
Chris Bromley Date
Deputy Attorney General
Attorney for IDWR

02/23/2012

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

RIGHT NUMBER: 35-2315

NAME AND ADDRESS: JAMES T LEHMAN
2906 W 2000 S
ABERDEEN ID 83210

KAREN LEHMAN
2906 W 2000 S
ABERDEEN ID 83210

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 2.000 CFS
400.00 AFY

Use of this right with Right No. 35-10860 is Right Nos. 35-2315 and 35-10860 are limited to a total combined diversion rate of 2.00 cfs and to a total combined annual diversion volume of 688.0 AF.

PRIORITY DATE: 03/21/1953

POINT OF
DIVERSION:

T06S R31E S7 NESESW Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4/01 10/31	2.000 CFS 400.00 AFY

PLACE OF USE: IRRIGATION in BINGHAM County

T06S R31E S07	NESW	~~19.0~~ <u>23.0</u>	T06S R31E S07	SESW	~~18.0~~ <u>22.0</u>
T06S R31E S07	NESE	~~27.0~~ <u>32.0</u>	T06S R31E S07	NWSE	~~40.0~~ <u>39.0</u>
T06S R31E S07	SWSE	~~39.0~~ <u>37.0</u>	T06S R31E S07	SESE	~~29.0~~ <u>27.0</u>

172 180 ACRES TOTAL

Use of this right with Right No. 35-10860 is Right Nos. 35-2315 and 35-10860 are limited to the irrigation of a combined total of 172 acres within the place of use described above in a single irrigation season.

This right is limited to the irrigation of 100 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

Use of this right is combined with water from Aberdeen Springfield Canal

Co.

Right No. 35-10860 is also diverted through point of diversion described above.

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

Right No. 35-10860 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.

CB
JPB

CERTIFICATE OF MAILING

I certify that on _____, 2012, 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 T. LEHMAN
KAREN LEHMAN
Represented by:
JOSEPHINE P. BEEMAN
409 W. JEFFERSON STREET
BOISE, ID 83702

STATE OF IDAHO
Represented by:
NATURAL RESOURCES DIVISION CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
P.O. BOX 44449
BOISE, ID 83711-4449

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

Signature of person or attorney

In Re SRBA	)	Subcase No. 35-10859
	)	
	)	
Case No. 39576	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

1

IDWR Concurrence:

 2-27-12
Carter Fritschle Date
Manager, Adjudication Section

 2/27/12
Chris Bromley Date
Deputy Attorney General
Attorney for IDWR

02/23/2012

IDAHO DEPARTMENT OF WATER RESOURCES
CLAIMS / RIGHTS NOT RECOMMENDED

<u>W.R. NUMBER</u>	<u>NAME AND ADDRESS</u>	<u>CLAIM DISPOSITION</u>	<u>REASON</u>
35-10859	JAMES T LEHMAN 2906 W 2000 S ABERDEEN ID 83210	Disallowed	No beneficial use found.
	KAREN LEHMAN 2906 W 2000 S ABERDEEN ID 83210		

CB CA
JPB

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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. 35-10860
	)	
	)	
Case No. 39576	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

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The parties and IDWR agree and stipulate that the elements of this water right should be described as per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT(s)/OBJECTOR(s):

James & Karen Lehman

RESPONDENT:

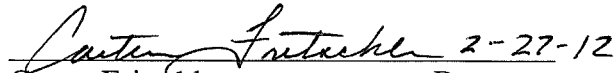
State of Idaho

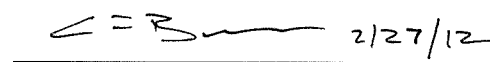
Josephine P. Beeman 5 Mar 2012

Josephine P. Beeman Date
Attorney for Claimants/Objectors

Harriet A. Hensley Date
Attorney for Respondent

IDWR Concurrence:

 2-27-12
Carter Fritschle Date
Manager, Adjudication Section

 2/27/12
Chris Bromley Date
Deputy Attorney General
Attorney for IDWR

02/23/2012

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

RIGHT NUMBER: 35-10860

NAME AND ADDRESS: KAREN LEHMAN
2906 W 2000 S
ABERDEEN ID 83210

JAMES T LEHMAN
2906 W 2000 S
ABERDEEN ID 83210

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.840 CFS

~~Use of this right with Right No. 35-02315 is Right Nos. 35-2315 and 35-10860~~
are limited to a total combined diversion rate of 2.00 cfs and to a total
combined annual diversion volume of 688.0 AF.

PRIORITY DATE: 04/01/1977

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.

CB
c4
JPB

POINT OF
DIVERSION:

T06S R31E S7 NESESW Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	4/01 10/31	0.840 CFS

PLACE OF USE: IRRIGATION in BINGHAM County

T06S R31E S07	NESW	~~19.0~~ <u>23.0</u>	T06S R31E S07	SESW	~~18.0~~ <u>22.0</u>
T06S R31E S07	NESE	~~27.0~~ <u>32.0</u>	T06S R31E S07	NWSE	~~40.0~~ <u>39.0</u>
T06S R31E S07	SWSE	~~39.0~~ <u>37.0</u>	T06S R31E S07	SESE	~~29.0~~ <u>27.0</u>

172 180 ACRES TOTAL

~~Use of this right with Right No. 35-02315 is Right Nos. 35-2315 and 35-10860~~
are limited to the irrigation of a combined total of 172 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 right is based upon an enlargement of Right No. 35-2315 pursuant
to Section 42-1426, Idaho Code.

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

This right is for an enlargement of 72 acres within the place of use described for this right.

CE

Use of this right is combined with water from Aberdeen Springfield Canal Co.

Right No. 35-2315 is also diverted through point of diversion described above.

C4
JPB

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