

HOFSTETTER LAW OFFICE

608 West Franklin Street
Boise, Idaho 83702

Dana@IdahoWaterLaw.com

Dana L. Hofstetter
Attorney at Law

Telephone: (208) 424-7800
Facsimile: (208) 424-8774

June 1, 2012

RECEIVED

JUN 01 2012

DEPARTMENT OF
WATER RESOURCES

Via Hand Delivery

Jan Shurte
Idaho Department of Water Resources
322 East Front Street
Boise, Idaho 83702

Re: SRBA Subcase Nos. 63-32536 and 63-2118

Dear Ms. Shurte:

I enclose the original Standard Form 5's ("SF5") for both of the above-referenced Subcases, signed and initialed by Erin Lord. As you will note, I have made the corrections, based on our recent email exchange, to the SF5 for 63-32536 and initialed them myself after obtaining authorization from my client. Please arrange for any remaining necessary signatures and/or initials and for filing with the SRBA Court prior to the scheduled start of trial this Tuesday, June 5, 2012. Please let me know if you have any questions regarding this matter. Thank you.

Sincerely,

HOFSTETTER LAW OFFICE, LLC



Dana L. Hofstetter

cc: Andrea Courtney w/ enclosures *via Hand Delivery*
4064.2/10182

**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. 63-2118
	)	<i>Uncontested Overlap to 63-32536)</i>
	)	
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:

Erin Lord 4/4/02
Erin Lord Date:

ORIGINAL

IDWR Concurrence:

Jan Shurte
Water Rights Supervisor

Date

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

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:

ERIN LORD
Represented by:
DANA L. HOFSTETTER
608 WEST FRANKLIN STREET
BOISE, ID 83702

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

Signature of person or attorney

SF5 Right No. 63-2118

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

RIGHT NUMBER: 63-2118

NAME AND ADDRESS: ERIN LORD
1171 MAYFIELD RD
BOISE ID 83716

SOURCE: SLATER CREEK

TRIBUTARY: INDIAN CREEK

QUANTITY: 1.370 CFS

PRIORITY DATE: 02/02/1910

POINT OF DIVERSION:

T01N R04E S12 SWNE Within ELMORE County

~~T01N R04E S12 SENW Within ELMORE County~~

T01N R04E S12 NENW Within ELMORE County

T01N R04E S12 NESW Within ELMORE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	1.370 CFS

PLACE OF USE: IRRIGATION in ELMORE County

T01N R04E S12	SWNE	17.00	T01N R04E S12	SESW	11.70
T01N R04E S12	NESW	16.70	T01N R04E S12	SESW	7.20
T01N R04E S12	NWSE	15.80			

68.4 ACRES TOTAL

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

SF5 Right No. 63-2118

**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. 63-32536
	)	
	)	
Case No. 39576	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
_____	)	WATER RIGHT

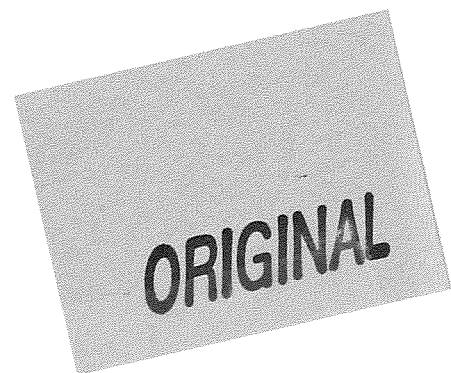
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary 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:

Erin Lord 4/4/012
Erin Lord Date:



IDWR Concurrence:

Jan Shurte Date
Water Rights Supervisor

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

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:

ERIN LORD
Represented by:
DANA L. HOFSTETTER
608 WEST FRANKLIN STREET
BOISE, ID 83702

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

Signature of person or attorney

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

RIGHT NUMBER: 63-32536

NAME AND ADDRESS: ERIN LORD
1171 MAYFIELD RD
BOISE ID 83716SOURCE: UNNAMED STREAMS
WEST FORK SLATER CREEKTRIBUTARY: WEST FORK SLATER CREEK
TRIBUTARY: SLATER CREEKQUANTITY: ~~1.57 CFS~~ 1.95 CFS *OK*

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 04/01/1910

POINT OF DIVERSION:

T01N R04E S1 SWNE Within ELMORE County
T01N R04E S1 NENW Lot 3 Within ELMORE County
T01N R04E S1 NESW Within ELMORE County
T02N R04E S36 NESW Within ELMORE County
T02N R04E S36 NESW Within ELMORE County
T02N R04E S36 NWSW Within ELMORE County
T02N R04E S36 SESW Within ELMORE County
T01N R04E S1 NWSE Within ELMORE County
T01N R04E S1 NWSE Within ELMORE County
T01N R04E S2 NENE Within ELMORE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION STORAGE	02/01 11/15	12.00 AFY <u>24.00 AFY</u> <i>OK</i>
IRRIGATION	03/15 11/15	1.570 CFS <u>1.83 CFS</u>
IRRIGATION FROM STORAGE	03/15 11/15	12.00 AFY <u>24.00 AFY</u>
STOCKWATER	01/01 12/31	<u>0.120 CFS</u>
STOCKWATER STORAGE	01/01 12/31	<u>24.00 AFY</u>
STOCKWATER FROM STORAGE	01/01 12/31	<u>24.00 AFY</u>

PLACE OF USE: IRRIGATION in ELMORE County

T01N R04E S01	SWNE	3.50 <i>OK</i>	T01N R04E S01 Lot 3 NENW	2.40
T01N R04E S01 Lot 4 NWNW		4.8 <u>14.80</u>	T01N R04E S01	SENE 27.00 <u>30.00</u>
T01N R04E S01	NESW	10.00	T01N R04E S01	SESW 4.50
T02N R04E S36	NESW	5.90	T02N R04E S36	NWSW 5.80
T02N R04E S36	SWSW	8.70	T02N R04E S36	SESW 5.80
<u>IRRIGATION STORAGE in ELMORE County</u>				
<u>T01N R04E S01</u>	<u>NESW</u>		<u>T01N R04E S01</u>	<u>NWSE</u> <i>EL</i>

STOCKWATER STORAGE in ELMORE County

T01N R04E S01

NESW

T01N R04E S01

NWSE

IRRIGATION FROM STORAGE same as IRRIGATION

STOCKWATER same as IRRIGATION

STOCKWATER FROM STORAGE same as IRRIGATION

78.4 ACRES TOTAL *0.4* 91.4 ACRES TOTAL

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.

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Stockwater use is for 500 range cattle

EL