

RECEIVED

FEB 03 1998

FWP

Department of Water Resources

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: 57-10921
) (Insert Water Right Number)
)
Case No. 39576) STANDARD FORM 5
)
) STIPULATED ELEMENTS
_____) OF A WATER RIGHT

THIS FORM MAY ONLY BE USED IF ALL PARTIES HAVE STIPULATED TO ALL
ELEMENTS OF A WATER RIGHT AND MAY BE SUBMITTED AT ANY TIME
FOLLOWING THE CLOSE OF THE STATUTORY RESPONSE PERIOD.

INSTRUCTIONS

This form has been adopted by the court in *SRBA
Administrative Order 1, Rules of Procedure* (amended Sept. 30,
1996), Section 4, which may be consulted for further information.

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.

A copy of this water right as recommended in the Director's
Report shall be submitted with this form. A statement shall
accompany each element of a water right.

Elements where there has been no objections should be listed exactly as they appear in the Director's Report. The statement as to these uncontested elements shall state "as recommended in the Director's Report."

Contested elements that are the result of an objection filed with the court shall be accompanied by a statement fully describing all facts, documents, expert opinions, and law which support each element of the water right (attach additional pages if necessary).

ELEMENTS

1. Name and address of the claimant:

Chipmunk Grazing Association, Inc.
Box 175
Marsing, Idaho 83639

Required statement:

As recommended in the Director's Report.

2. Source of water:

Unnamed Streams tributary to Bridge Creek
Bridge Creek tributary to Jump Creek
Unnamed Streams tributary to Jump Creek
Jump Creek tributary to Snake River

Required statement:

As recommended in the Director's Report.

3. Quantity of water used:

Stockwater: 0.02 c.f.s.

Total: 0.02 c.f.s.

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

Required statement:

Quantity in c.f.s. is changed from 0.14 c.f.s. to 0.02

c.f.s. and the "13,000 gpd" statement is added pursuant to the Special Master's Second Amended Recommendation for Basin-Wide Issue #12 dated August 12, 1996.

4. **Priority date:**

06/01/1875

Required statement:

As recommended in the Director's Report.

5. Legal description of the **point(s) of diversion** (if the claim is for an instream flow, then a legal description of the beginning and ending points of the claimed instream flow):

T01N R05W S08 NWSW (Beginning Point)

T01N R05W S18 NWNE (Beginning Point)

T01N R05W S19 NENW (Beginning Point)

T01N R05W S30 NENW (Beginning Point)

T01N R05W S30 NWNW (Beginning Point)

T01N R05W S31 NENE (Beginning Point)

T01N **R06W** S24 NENW (Beginning Point)

T01N R06W S25 NESE (Beginning Point)

T01N R06W S36 NWNE (Beginning Point)

T01N R06W S36 NENW (Beginning Point)

T01N R05W S08 NESW (Ending Point)

T01N R05W S18 NENE (Ending Point)

T01N R05W S18 NWNE (Ending Point)

T01N R05W S18 NESW (Ending Point)

T01N R05w S19 NESW (Ending Point)

T01N R05W S19 SESW (Ending Point)

T01N R05W S31 NENE (Ending Point)

T01N R06W S25 NESE (Ending Point)

T01N R06W S25 SWSE (Ending Point)

There are three beginning points of diversion within:

T01N R05W S18 NENE (B).

There are two ending points of diversion within:

T01N R05W S18 NENE (E);

T01N R05W S18 NESW (E); and

T01N R06W S25 SWSE (E).

Required statement:

The United States and the claimant stipulate that this is the correct description of the point of diversion.

6. Purpose of use:

Stockwater

Required statement:

As recommended in the Director's Report. Pursuant to the Special Master's Second Amended Recommendation for Basin-Wide Issue #12 dated August 12, 1996, stock numbers are not described in the purpose of use.

7. Period of year when the water is to be used:

01-01 through 12-31

Required statement:

As recommended in the Director's Report.

8. Legal description of the place of use or of the reservation:

T01N R05W S08 NESW

T01N R05W S08 NWSW

T01N R05W S18 NESW
T01N R05W S18 NWSW
T01N R05W S18 SESW

T01N R05W S19 NENW
T01N R05W S19 NESW
T01N R05W S19 SESW

T01N R05W S30 NENW
T01N R05W S30 NWNW

T01N R05W S31 NENE

T01N R06W S13 SESE

T01N R06W S24 NWNE
T01N R06W S24 NENW

T01N R06W S25 NWNE
T01N R06W S25 NESE
T01N R06W S25 SWSE

T01N R06W S36 NWNE
T01N R06W S36 NENW

Required statement:

The United States and the claimant stipulate that this is the correct description of the place of use.

9. Annual volume of consumptive use:

De minimis stockwater use.

Required statement:

This element was not reported by IDWR in the director's report. Pursuant to Idaho Code 42-1401A(2) 1996, this water right need not contain a determination of the annual volume of consumptive use.

10. Other necessary matters:

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

These matters are necessary because:

These matters do not fall within the 9 elements listed above because:

Review By IDWR

To speed up the entry of a decree, the parties are encouraged to talk to the Idaho Department of Water Resources (IDWR) about their proposed settlement and have IDWR indicate its concurrence by signing the Standard Form 5.

Where all parties have signed, a Standard Form 5 may be filed with the court without the concurrence of IDWR. However, the parties must certify that they have served IDWR with a copy of Standard Form 5 and that they have made a good faith attempt to resolve the matter with IDWR.

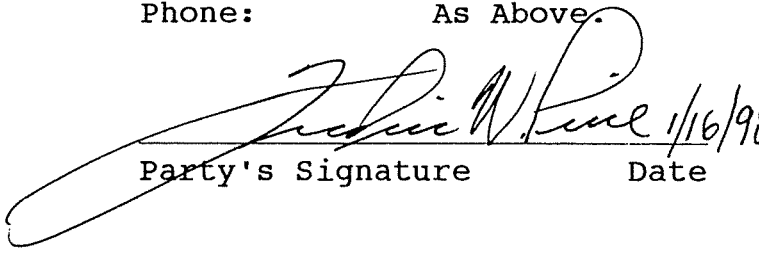
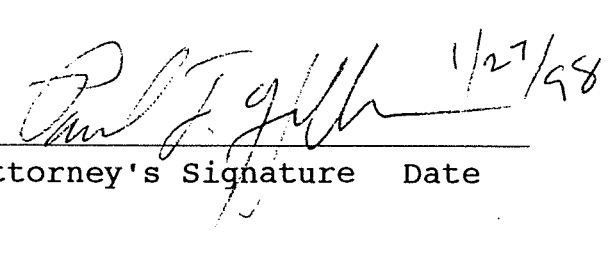
Within 14 days of filing a Standard Form 5 not containing an IDWR concurrence, IDWR shall file a statement of its position with the court.

Fwp

If IDWR has not concurred by signing below, signing parties certify that they have served a copy of this document on IDWR and have made a good faith attempt to obtain its concurrence, but have failed.

Signatures and Addresses of Parties and their Attorney of Record (attach additional page if necessary): I have read this form, know its contents, and believe that the statements are true to the best of my knowledge.

Name: United States of America, acting through the
Department of Interior,
Bureau of Land Management,
Idaho State Office
Address: 1387 South Vinnell Way
City/State/Zip: Boise, Idaho 83709-1657
Attorney of Record: R. Lee Leininger, (202) 305-0242
P. Fritz Holleman, and (202) 305-0494
William M. Ferry (208) 334-1911
Phone: As Above.

 1/16/98  1/27/98
Party's Signature Date Attorney's Signature Date

Name: Chipmunk Grazing Association, Inc.
Address: Box 175
City/State/Zip: Marsing, Idaho 83639
Attorney of Record: ~~Richard L. Harris~~ PRO SE
Phone: ~~(208) 459-1588~~

Chipmunk Grazing Association, Inc.
By Elias Jara, Pres.
Party's Signature Date Attorney's Signature Date

IDWR Concurrence:  1-23-98
Signature Date

INSTRUCTIONS FOR MAILING

You must mail this form, including all attachments, to the Clerk of the SRBA Court. FAX filings will not be accepted by the SRBA Clerk of the Court. You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on January 28, 1998, 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, Idaho 83303-2707

2. Copy to:

Idaho Department of Water Resources
Adjudication Bureau
P. O. Box 83720
Boise, Idaho 83720-0098

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

U.S., Department of Justice *via fax*
Environment and Natural Resources Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724

~~Richard L. Harris
P.O. Box 1438
1023 Arthur Street
Caldwell, Idaho 83605-1438~~

CHIPMUNK GRAZING ASSOC.
BOX 175
MARSING, IDAHO 83639

Paula Cline
Signature of person or attorney mailing the form

BASIS OF CLAIM

TRIBUTARY: SNAKE RIVER

BENEFICIAL USE

CFS

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100
101
102
103
104
105
106
107
108
109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124
125
126
127
128
129
130
131
132
133
134
135
136
137
138
139
140
141
142
143
144
145
146
147
148
149
150
151
152
153
154
155
156
157
158
159
160
161
162
163
164
165
166
167
168
169
170
171
172
173
174
175
176
177
178
179
180
181
182
183
184
185
186
187
188
189
190
191
192
193
194
195
196
197
198
199
200
201
202
203
204
205
206
207
208
209
210
211
212
213
214
215
216
217
218
219
220
221
222
223
224
225
226
227
228
229
230
231
232
233
234
235
236
237
238
239
240
241
242
243
244
245
246
247
248
249
250
251
252
253
254
255
256
257
258
259
260
261
262
263
264
265
266
267
268
269
270
271
272
273
274
275
276
277
278
279
280
281
282
283
284
285
286
287
288
289
290
291
292
293
294
295
296
297
298
299
300
301
302
303
304
305
306
307
308
309
310
311
312
313
314
315
316
317
318
319
320
321
322
323
324
325
326
327
328
329
330
331
332
333
334
335
336
337
338
339
340
341
342
343
344
345
346
347
348
349
350
351
352
353
354
355
356
357
358
359
360
361
362
363
364
365
366
367
368
369
370
371
372
373
374
375
376
377
378
379
380
381
382
383
384
385
386
387
388
389
390
391
392
393
394
395
396
397
398
399
400
401
402
403
404
405
406
407
408
409
410
411
412
413
414
415
416
417
418
419
420
421
422
423
424
425
426
427
428
429
430
431
432
433
434
435
436
437
438
439
440
441
442
443
444
445
446
447
448
449
450
451
452
453
454
455
456
457
458
459
460
461
462
463
464
465
466
467
468
469
470
471
472
473
474
475
476
477
478
479
480
481
482
483
484
485
486
487
488
489
490
491
492
493
494
495
496
497
498
499
500
501
502
503
504
505
506
507
508
509
510
511
512
513
514
515
516
517
518
519
520
521
522
523
524
525
526
527
528
529
530
531
532
533
534
535
536
537
538
539
540
541
542
543
544
545
546
547
548
549
550
551
552
553
554
555
556
557
558
559
560
561
562
563
564
565
566
567
568
569
570
571
572
573
574
575
576
577
578
579
580
581
582
583
584
585
586
587
588
589
590
591
592
593
594
595
596
597
598
599
600
601
602
603
604
605
606
607
608
609
610
611
612
613
614
615
616
617
618
619
620
621
622
623
624
625
626
627
628
629
630
631
632
633
634
635
636
637
638
639
640
641
642
643
644
645
646
647
648
649
650
651
652
653
654
655
656
657
658
659
660
661
662
663
664
665
666
667
668
669
670
671
672
673
674
675
676
677
678
679
680
681
682
683
684
685
686
687
688
689
690
691
692
693
694
695
696
697
698
699
700
701
702
703
704
705
706
707
708
709
710
711
712
713
714
715
716
717
718
719
720
721
722
723
724
725
726
727
728
729
730
731
732
733
734
735
736
737
738
739
740
741
742
743
744
745
746
747
748
749
750
751
752
753
754
755
756
757
758
759
760
761
762
763
764
765
766
767
768
769
770
771
772
773
774
775
776
777
778
779
780
781
782
783
784
785
786
787
788
789
790
791
792
793
794
795
796
797
798
799
800
801
802
803
804
805
806
807
808
809
810
811
812
813
814
815
816
817
818
819
820
821
822
823
824
825
826
827
828
829
830
831
832
833
834
835
836
837
838
839
840
84

MMMM	(B)
SEMM	(B)

SWNU (B)

NAME (B)

MESW (E)

NAME (E)

SESH (E)

SMSE (E)

;

ESH

MSH

TIME

ENE

JNE

ENE

ENE

ENE

ENE

INE

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PERIOD OF USE		MAXIMUM QUANTITY	BASIS OF CLAIM
			FROM	TO		

SOURCE: JUMP CREEK

TRIBUTARY: SNAKE RIVER

57-10921 CONTINUED

REMARKS: THIS RIGHT AND OTHER RIGHTS COMMON TO THE SAME GRAZING

ALLOTMENT SHALL BE LIMITED TO THE QUANTITY OF WATER BENEFICIALLY

USED BY THE NUMBER OF STOCK WITHIN THE ALLOTMENT.

AKA SANDS BASIN ALLOTMENT - BLM GRAZING ALLOTMENT

SOURCES FOR THIS RIGHT ARE JUMP CREEK TRIB. TO SNAKE RIVER,

BRIDGE CREEK TRIB. TO JUMP CREEK, UNNAMED STREAMS (2) TRIB. TO

BRIDGE CREEK, AND UNNAMED STREAMS (3) TRIB. TO JUMP CREEK.

57-10923

TED K BLACKSTOCK
CHIPMUNK GRAZING ASSOCIATION INC
BOX 175
MARSING ID 83639

06/01/1875 STOCKWATER

01-01 12-31

.13 CFS

BENEFICIAL USE

TOTAL QUANTITY:

.13 CFS

NON-IRRIGATION-USES:

STOCKWATER, 600 HEAD RANGE CATTLE

POINT OF DIVERSTION:

TO2N ROSU S27

NUNE (B)
NENE (E)

PLACE OF USE: STOCKWATER

TO2N ROSU S27

NENE

NUNE

REMARKS:

THIS RIGHT AND OTHER RIGHTS COMMON TO THE SAME GRAZING
ALLOTMENT SHALL BE LIMITED TO THE QUANTITY OF WATER BENEFICIALLY
USED BY THE NUMBER OF STOCK WITHIN THE ALLOTMENT.

AKA AKA WILDCAT ALLOTMENT - BLM GRAZING ALLOTMENT