

08/19/2003

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

RIGHT NUMBER: 45-13474
NAME AND ADDRESS: LEON STOUT
RT 2 BOX 2058
BURLEY ID 83318

RACHEL STOUT
RT 2 BOX 2058
BURLEY ID 83318

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.040 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 06/01/1986

POINT OF DIVERSION:

T10S R23E S27 SESESW Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
DOMESTIC

PERIOD OF USE
01/01 12/31

QUANTITY
0.040 CFS

PLACE OF USE: DOMESTIC Within CASSIA County

T10S R23E S27 SESW

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 IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: Beneficial Use

THIS RIGHT IS RENUMBERED FROM RIGHT NO. 43-10416.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

8/19/03

LEON & RACHEL STOUT
180 E 100 S
BURLEY ID 83318

RE: Domestic Rights and Address Updates

Dear Mr. & Mrs. Stout

I have completed the work needed to include the two incorrectly numbered domestic claims into the upcoming IDWR Director's Report. We have renumbered claim 43-10416 to 45-13474 and claim 43-10415 to 45-13588. Copies of the computer data for the records are enclosed for your reference.

Although I have reached you at the above address our records and the court records still contain the Rt. & Box number address. Our experience is that the post office is increasingly returning these addresses as insufficient. Please take a moment and either sign this letter and return it to me signifying the correct address or to write a separate note with the correct address and mail it to me. This would be sufficient to change our records and assure that you receive important mailings regarding your water rights.

Thank very much for your patience through this process and I look forward to hearing back from you. I would welcome a telephone call if have other questions.

Sincerely,

Douglas Jones, PE
Water Rights Supervisor
Southern Adjudication Unit

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 45-13474

WATER RIGHT NUMBER: 45-13474

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LEON STOUT RT 2 BOX 2058 BURLEY, ID 83318 (208)678-2907
Current Owner	RACHEL STOUT RT 2 BOX 2058 BURLEY, ID 83318 (208)678-2907

Priority Date: 06/01/1986

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	01/01 to 12/31	0.040 CFS	
<u>Total Diversion:</u>		0.040 CFS	

Location of Point(s) of Diversion

GROUND WATER	SE1/4SE1/4SW1/4	Sec. 27, Twp 10S, Rge 23E, B.M.
CASSIA County		

Place of Use

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	23E	27																	X

Conditions of Approval:Remarks:

- Explanatory 8/13/02, DJ: CLAIM DATA CHANGED TO REFLECT SETTLEMENT AND ACTUAL LOCATION OF PROPOERTY.

Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 45-13474

WATER RIGHT NUMBER: 45-13474

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LEON STOUT RT 2 BOX 2058 BURLEY, ID 83318 (208)678-2907
Current Owner	RACHEL STOUT RT 2 BOX 2058 BURLEY, ID 83318 (208)678-2907

Priority Date: 06/01/1986

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	01/01 to 12/31	0.040 CFS	
<u>Total Diversion:</u>		0.040 CFS	

Location of Point(s) of Diversion

GROUND WATER	SE1/4SE1/4SW1/4	Sec. 23, Twp 10S, Rge 27E, B.M.
CASSIA County		

Place of Use

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
10S	27E	23																		

Conditions of Approval:Remarks:Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 45-13474

Dates and Other Information:

Claim Received Date: 7/12/2002

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal:

Owner Name Connector: OR

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

RECEIVED
OCT - 2 2002
Department of Water Resources

RECEIVED
OCT 16 2002
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: 43-10416

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. 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; and 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 Attachment A as disallowed. The parties and IDWR have further indicated their concurrence by initialing each Attachment A.

The parties and IDWR also agree that due to a clerical error, this water right was mistakenly reported in the Director's Report for Irrigation and Other Water rights, Reporting Area 7, IDWR Administrative Basin 43. The water right's point of diversion and place of use actually lie in IDWR Basin 45. Thus, the claim to this water right has been renumbered to 45-13474. IDWR has not filed its Director's Report for Irrigation and Other Water Rights for Basin 45. Claim number 45-13474 will be reported by IDWR in its Director's Report for Irrigation and Other Claims for Basin 45 as shown on attachment B.

CLAIMANT:

CLAIMANT:

Rachel Stout 9-30-02 Leon Stout 9-30-02
Rachel Stout Date Leon Stout Date

OBJECTOR:

Larry A. Brown 10/9/02
Larry A. Brown, US DOJ Date
Attorney for BLM

IDWR CONCURRENCE:

Carter Fritschle 9-17-02
Carter Fritschle Date
Water Rights Supervisor, IDWR

Candice M. McHugh 9/17/02
Candice M. McHugh (As to Form) Date
Attorney for IDWR

09/17/2002

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>
43-10416	RACHEL STOUT RT 2 BOX 2058 BURLEY ID 83318 LEON STOUT RT 2 BOX 2058 BURLEY ID 83318	Disallowed	CLAIM WILL BE RECOMMENDED AS RIGHT NO. 45-13474 IN BASIN 45 IRRIGATION AND OTHER RIGHTS REPORT.

CA
SM^c

LMA
RKS.
JE

09/17/2002

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

RIGHT NUMBER: 45-13474
NAME AND ADDRESS: LEON STOUT
RT 2 BOX 2058
BURLEY ID 83318

RACHEL STOUT
RT 2 BOX 2058
BURLEY ID 83318

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.040 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 06/01/1986

POINT OF
DIVERSION: T10S R23E S27 SESESW Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
DOMESTIC

PERIOD OF USE
01/01 12/31

QUANTITY
0.040 CFS

PLACE OF USE: DOMESTIC Within CASSIA County
T10S R23E S27 SESW

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 IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

THIS RIGHT IS RENUMBERED FROM RIGHT NO. 43-10416.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 43-10416 V2

WATER RIGHT NUMBER: 43-10416 V2

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	RACHEL STOUT RT 2 BOX 2058 BURLEY, ID 83318 (208)678-2907
Current Owner	LEON STOUT RT 2 BOX 2058 BURLEY, ID 83318 (208)678-2907

Priority Date: 06/01/1986

Basis: Beneficial Use

Status: See Remarks

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	1/01 to 12/31	0.040 CFS	
<u>Total Diversion:</u>		0.040 CFS	

Location of Point(s) of Diversion

GROUND WATER	SE1/4SE1/4SW1/4	Sec. 27, Twp 10S, Rge 23E, B.M.
CASSIA County		

Place of Use

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	27E	23												X					

Conditions of Approval:Remarks:

- General CLAIM WILL BE RECOMMENDED AS RIGHT NO. 45-13474 IN BASIN 45 IRRIGATION AND OTHER RIGHTS REPORT.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 43-10416 V2

Comments:

1. rbrown 7/8/2002 Objection resolution

Comment: POD and POU were corrected.

2. rbrown 7/12/2002 Number Change

Comment: Changing the POD and POU placed this claim in Basin 45. The new number is 45-13474.

3. Djones 8/19/2003 3:51:37 PM Status Change

Comment: RECOMMENDATION SET ASIDE BY COURT ORDER AND ADMINISTRATIVELY RENUMBERED FOR REREPORTING IN CORRECT BASIN.

Dates and Other Information:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Defendant:

Plaintiff:

Civil Case Number:

Judicial District:

Notice of Error Flag:

State or Federal: S

Owner Name Connector: AND

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 43-10416 V1

WATER RIGHT NUMBER: 43-10416 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	RACHEL STOUT RT 2 BOX 2058 BURLEY, ID 83318 (208)678-2907
Current Owner	LEON STOUT RT 2 BOX 2058 BURLEY, ID 83318 (208)678-2907

Priority Date: 06/01/1986

Basis: Beneficial Use

Status: Closed

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	1/01 to 12/31	0.040 CFS	
<u>Total Diversion:</u>		0.040 CFS	

Location of Point(s) of Diversion

GROUND WATER	SE1/4SE1/4SW1/4	Sec. 23, Twp 10S, Rge 27E, B.M.
CASSIA County		

Place of Use

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	27E	23																	X

Conditions of Approval:

1. C18 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.
2. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
3. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks:

1. Explanatory PARCEL NO. RP10S23E276600

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 43-10416 V1

Comments:

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag: NONE RECEIVED
State or Federal: S
Owner Name Connector: AND
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

SubCase:

SubCase Number: 43-10416
Class: 1
SF5 Filed Date: 10/10/2002
Special Master Recom Signed Date: 10/21/2002
Attorney Assigned:
Adjudication Agent: Roxanne Brown
Basis of Claim: Beneficial Use
Date Filed: 2/8/2002 Objection Status: Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 43-10416

WATER RIGHT NUMBER: 43-10416

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LEON STOUT RT 2 BOX 2058 BURLEY, ID 83318 (208)678-2907
Current Owner	RACHEL STOUT RT 2 BOX 2058 BURLEY, ID 83318 (208)678-2907

Priority Date: 06/01/1986

Basis: Beneficial Use

Status: See Remarks

<u>Source</u>	<u>Tributary</u>
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GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	1/01 to 12/31	0.040 CFS	
<u>Total Diversion:</u>		0.040 CFS	

Location of Point(s) of Diversion

GROUND WATER	SE1/4SE1/4SW1/4	Sec. 23, Twp 10S, Rge 27E, B.M.
CASSIA County		

Place of Use

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
10S	27E	23												X					

Conditions of Approval:Remarks:

1. Explanatory 8/19/03, DJ: CLAIM RENUMBERED TO 45-13474.

Comments:Dates and Other Information: