

07/30/2002

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

RIGHT NUMBER: 37-13139B

NAME AND ADDRESS: UNITED STATES OF AMERICA ACTING THROUGH
USDI BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
1387 S VINNELL WY
BOISE ID 83709-1657

SOURCE: SPRING

TRIBUTARY: ELK CREEK

QUANTITY: 0.02 CFS

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

PRIORITY DATE: 07/21/1939

POINT OF DIVERSION:

T01N R15E S23 NENWNW Within CAMAS County

PURPOSE AND

PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	05/01 10/20	0.020 CFS

PLACE OF USE: STOCKWATER Within CAMAS County

T01N R15E S23 NWSW

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

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RECEIVED

MAY 22 2000

Department of Water Resources

Names of Parties Filing Document:

UNITED STATES OF AMERICA

CRICHTON CREEK, LTD.
PARTNERSHIPAttorneys' Names and Addresses:LOIS J. SCHIFFER
Assistant Attorney General
Environment and Natural
Resources DivisionNORMAN M. SEMANKO
Rosholt, Robertson & Tucker
P.O. Box 1906
Twin Falls, Idaho 83303-1906LARRY A. BROWN
Special Attorney, U.S. Dept. of Justice
General Litigation Section
Environment and Natural Resources Division
550 West Fort Street, MSC 033
Boise, Idaho 83724
Ph.: (208) 331-5941 FAX: (208) 387-0842**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. 37-13139

)

) **STIPULATION TO RESOLVE**) **SUBCASE**

Case No. 39576

)

)

The United States of America (hereinafter "United States") and Crichton Creek LTD Partnership (hereinafter "Claimant"), agree and stipulate to resolve United States Department of the Interior, Bureau of Land Management (hereinafter "BLM") objections to the above-captioned Subcase as follows:

STIPULATION

WHEREAS, the United States recognizes the significant role of the livestock industry in the settlement, history and culture of the State of Idaho; and,

WHEREAS, the United States and Claimant recognize the importance of the stockwater rights at issue in this Subcase to the livestock industry in the State of Idaho and the BLM's grazing program; and,

WHEREAS, the United States and Claimant wish to resolve the objection regarding ownership of this stockwater right without further litigation, expense, and delay;

THEREFORE, Claimant and the United States stipulate and agree as follows:

1. The parties agree to "Split" the water right claim number 37-13139 into two new claims, where Claimant shall hold title to private land places of use under 37-13139A, and the United States shall hold title to federal land places of use under 37-13139B. Pursuant to I.R.C.P. 41(a)(1)(ii), the Claimant dismisses with prejudice that portion of their claim to water right claim number 37-13139 which is located on federal public land. For water right number 37-13139B, the purpose of use is the watering of livestock owned by persons holding BLM-issued grazing permits. The stockwater purpose of use for water right 37-13139B shall not be changed so long as a valid BLM-issued grazing permit exists for the land on which the particular water right is located.

2. The spring identified in the Director's Report recommendation of 37-13139 located in T01N R15E S14 SWSW does not exist and will not appear within any Partial Decree for 37-13139A or 37-13139B.

3. Nothing in this stipulation shall prevent the BLM from administering the use of a

grazing allotment and its associated water rights in accordance with applicable law, including taking such administrative actions as changing the boundaries of grazing allotments or modifying or terminating BLM-issued grazing permits.

4. This stipulation was reached through negotiations for the purpose of resolving legal disputes, including pending litigation. All parties agree that no offers and/or compromises made in the course of the negotiations regarding any of the subcases mentioned in this document shall be construed as admissions against interest or be used in any legal proceeding.

5. The parties agree to bear their own costs and attorney fees in connection with this matter.

6. This stipulation was entered into and executed voluntarily by all parties in good faith, and without any fraud, misunderstanding, overreaching, misrepresentation, duress, or undue influence.

CLAIMANT:
CRICHTON CREEK LTD. PARTNERSHIP

William M Davis
WILLIAM M. DAVIS
General Partner

DATED: 5-1-00

N. J. S. 5-9-00
Attorney for Claimant
OBJECTOR:
UNITED STATES OF AMERICA

Larry A. Brown
LARRY A. BROWN
Of Attorneys for the United States

DATED: 3/9/00

IDWR CONCURRENCE:

Kyanna Brown

DATED: 5/19/2000

CERTIFICATE OF SERVICE

I certify that on May 19, 2000, I served a true and correct copy of the foregoing **STIPULATION TO RESOLVE SUBCASE** upon the following individuals by placing the document in the United States Mail in Boise, Idaho, postage paid, and addressed as follows:

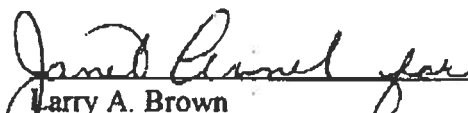
U.S. Department of Justice
General Litigation Section
Environment and Natural Resources Division
550 West Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83720-0098

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

Crichton Creek LTD. Partnership
Rt. 1 Box 1210
Fairfield, Idaho 83327

Norman M. Semanko
Rosholt, Robertson & Tucker
P.O. Box 1906
Twin Falls, Idaho 83303-1906
Of Attorneys for Claimant


Larry A. Brown

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MAY 22 2000

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. 37-13139

Case No. 39576

STANDARD FORM 5

FOR DOMESTIC & STOCKWATER RIGHTS

This form is used to report the stipulated elements of one "domestic and/or stockwater" 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 the facts, date, expert opinions and law supporting the issuance of a partial decree for the water right.

The parties agree that the Snake River 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:

Crichton Creek, LTD. Partnership

William M. Davis

William M. Davis

General Partner

IDWR CONCURRENCE:

Reverne Brown5-1-00

Date

5-9-00

Date

OBJECTOR:

United States on behalf of the
Bureau of Land ManagementLarry A. Brown
Larry A. Brown FWP
Of Attorneys for the United States

Date

IDWR CONCURRENCE:

Date

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW-----
RIGHTS FROM: SOURCE: SPRINGS TRIBUTARY: ELK CREEK
-----RIGHT NUMBER: ~~37-13139~~ 37-13139ANAME & ADDRESS: ~~KENNETH PECK~~ CRICHTON CREEK, LTD. PARTNERSHIP
~~ROSELYN PECK~~ RT. 1 BOX 1210
~~RT-1 BOX 1206~~ FAIRFIELD, ID. 83327
~~FAIRFIELD ID 83327~~

SOURCE: SPRINGS

TRIBUTARY: ELK CREEK

QUANTITY: 0.06 CFS

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

PRIORITY DATE: 07/21/1939

POINT OF
DIVERSION: T01N R15E S14 NESESE Within CAMAS County
S23 NWNENW
S25 NWSNENW
SWSWSE
NWNENW

PURPOSE AND

PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
STOCKWATER 05-01 10-20 0.06 CFSPLACE OF USE: STOCKWATER Within CAMAS County
T01N R15E S14 SESE
S23 NENW NWNENW
S25 SENW SWSE
NWNENW

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT
A DETERMINATION OF HISTORICAL BENEFICIAL USE.EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
STOCKWATER, 200 RANGE
PARCEL NOS. RP01N15E142400, RP01N15E230100,
RP01N15E237400, RP01N15E252400

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

RIGHTS FROM: SOURCE: SPRINGS TRIBUTARY: BLK CREEK

RIGHT NUMBER: 27-13139 37-13139B

NAME & ADDRESS: KENNETH PECK
ROSELIN PECK
RT 1 BOX 1205
FAIRFIELD ID 83327UNITED STATES OF AMERICA, ACTING THROUGH
U.S.D.I., BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
1187 SOUTH VINNELL WAY
BOISE, ID. 83709-1567

SOURCE: SPRINGS SPRING

TRIBUTARY: BLK CREEK

QUANTITY: 0.06 0.02 CFS

FWP

WMD
NMS

R9

LAC

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

PRIORITY DATE: 07/21/1939

POINT OF

DIVERSION:

T01N R15E S14
S23NESECE
NNNNNW
NNNNNW
NNNNNW
NNNNNW
NNNNNW

Within CAMAS County

S25

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE
STOCKWATERPERIOD OF USE
05-01 10-20QUANTITY
0.06 0.02 CFS

PLACE OF USE:

STOCKWATER

Within CAMAS County

T01N R15E S14
S23
S25NNNN
NNNN
NNNN
NNNNSESE
NNNW
NNNW
NNNW

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE

STOCKWATER, 200-RANGE

PARCEL NOS. RP01N15E142400, RP01N15E220100, RP01N15E237200,
RP01N15E252400

CERTIFICATE OF MAILING

I certify that on May 19, 2000, 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
1301 North Orchard Street
Boise, Idaho 83706

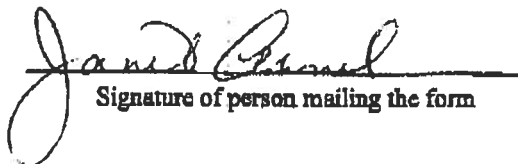
IDWR Document Depository
P. O. Box 83720
Boise, Idaho 83720-0098

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

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

Crichton Creek, LTD. Partnership
Rt. 1 Box 1210
Fairfield, ID. 83327

Norman M. Semanko
Rosholt, Robertson & Tucker
P.O. Box 1706
Twin Falls, ID 83303-1706


Signature of person mailing the form