

**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

Case No. 39576

SUBCASE: 67-15214

STANDARD FORM 5

**STIPULATED ELEMENTS OF A WATER
RIGHT**

☒ **AMENDED NOTICE OF CLAIM /
DIRECTOR'S REPORT**

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; 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 decreed as described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages. Attached pages should include a copy of the Director's Recommendation, noting where stipulated changes have been made.

CLAIMANT

Soulen Livestock Co.

OBJECTOR

United States of America
Bureau of Land Management

Harry C. Soulen 1/28/2020
Harry Soulen, President, Pro Se Date
Soulen Livestock Co.

David Negri 1/27/20
David Negri, Attorney Date
United States Department of Justice
Bureau of Land Management

IDWR Concurrence:

Craig L. Saxton 2/5/2020
Craig Saxton, Analyst 3 Date
Idaho Department of Water Resources

Garrick L. Baxter 1/31/20
Garrick L. Baxter Date
Deputy Attorney General
Attorney for IDWR

CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of February, 2020 I caused to be served a copy of the Standard Form 5 by the following method to:

1. Original to:

Clerk of the District Court
Snake River River Basin Adj.
PO Box 2707
Twin Falls, ID 83303-2707

☐ Overnight Mail
☒ Regular Mail
☐ Facsimile

2. Copies to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 83720
Boise, ID 83720-0010

☐ Overnight Mail
☒ Regular Mail
☐ Email

Harry Soulen, President
Soulen Livestock Co.
PO Box 827
Weiser, ID 83672

☐ Overnight Mail
☒ Regular Mail
☐ Email

United States of America
Represented by:
U.S. Department of Justice
Environment & Nat'l Resources
550 West Fort Street, MSC 033
Boise ID 83724

☐ Overnight Mail
☒ Regular Mail
☐ Email

IDWR Document Depository
322 East Front St.
PO Box 83720
Boise, ID 83720-0098

☐ Overnight Mail
☐ Regular Mail
☒ Hand-delivered

Signature of person delivering this document


Kimberle English

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

RIGHT NUMBER: 67-15214

NAME AND ADDRESS: SOULEN LIVESTOCK CO
PO BOX 827
WEISER ID 83672-0827

SOURCE: UNNAMED STREAM

TRIBUTARY: WEISER RIVER

QUANTITY: 0.020 CFS

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

The quantity of water under Right Nos. 67-12396 and 67-15214 shall not exceed 13,000 gallons per day.

Right Nos. 67-12396 and 67-15214 are limited to a total combined diversion rate of 0.02 cfs.

PRIORITY DATE: 03/15/1928

POINT OF DIVERSION: T12N R04W S23 NESW End of Stream Flow Within WASHINGTON County
T12N R04W S23 NWSE Begin of Stream Flow Within WASHINGTON County

This right does not grant any right-of-way or easement across the land of another.

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

STOCKWATER

03/15 01/01 12/01 12/31

0.020 CFS

The period of use under this water right is limited to the period of use authorized by the United States for grazing on Federal land as described in the applicable grazing permit, annual operating instructions, and other controlling documents.

Stockwater use is for the in-stream watering of livestock.

PLACE OF USE:

STOCKWATER in WASHINGTON County

T12N R04W S23

NESW

T12N R04W S23

NWSE

This right is appurtenant to the base property described below:

T11N, R02W, S27, less the SWNW and the SESE.

T11N, R02W, S30.

T11N, R03W, S27, less the NW1/4.

T12N, R03W, S24.

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. Idaho Code § 42-1412(6).

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Parcel No. RP12N04W230000

BLM Record ID - 6701480533