

**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: 67-15243                                             |
|                | ) | STANDARD FORM 5                                               |
| Case No. 39576 | ) |                                                               |
|                | ) | STIPULATED ELEMENTS OF A WATER                                |
|                | ) | RIGHT                                                         |
|                | ) |                                                               |
|                | ) | <input checked="" type="checkbox"/> AMENDED NOTICE OF CLAIM / |
|                | ) | DIRECTOR'S REPORT                                             |

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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.

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

**OBJECTOR**

United States of America  
Bureau of Land Management

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 6<sup>th</sup> 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: 67-15243

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.

~~Right Nos. 67-13014 and 67-15243 are limited to a total combined diversion rate of 0.02 cfs.~~

~~The quantity of water under Right Nos. 67-13014 and 67-15243 shall not exceed 13,000 gallons per day.~~

PRIORITY DATE: 03/15/1928

POINT OF DIVERSION: T12N R04W S26 NENW Begin of Stream Flow Within WASHINGTON County  
T12N R04W S27 NENE End 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 S26

NENW

T12N R04W S26

NWNW

T12N R04W S27

NENE

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:**

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

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).

**EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use**

BLM Record ID - 6701481446

Parcel Nos. RP12N04W260000 and RP12N04W270100

H.C.S.  
ON  
AB  
CFS