

06/03/2008

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

RIGHT NUMBER: 37-22260

NAME AND ADDRESS: CRICHTON CREEK LTD PARTNERSHIP  
RT 1 BOX 1210  
FAIRFIELD ID 83327

STATE OF IDAHO  
DEPT OF LANDS  
300 N 6TH ST  
PO BOX 83720  
BOISE ID 83720-0050

KKC

VERIFIED BY

KKC

SOURCE: SPRING

TRIBUTARY: COOKSTOVE CREEK

QUANTITY: 0.050 CFS

This right shall be used in conjunction with water right nos. 37-22259 and 37-22238 and is limited to a total combined diversion rate of 0.050 CFS and a total combined quantity of 13,000 gallons per day.

PRIORITY DATE: 07/21/1939

POINT OF DIVERSION:

T01N R15E S15 NWSENE Within CAMAS County  
T01N R15E S15 NESWNW Within CAMAS County  
T01N R15E S15 SESWNW Within CAMAS County  
T01N R15E S15 SWSENW Within CAMAS County  
T01N R15E S16 NWSWNE 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          | 0.050 CFS       |

PLACE OF USE: STOCKWATER in CAMAS County

|               |      |               |      |
|---------------|------|---------------|------|
| T01N R15E S15 | SENE | T01N R15E S15 | SWNW |
| T01N R15E S15 | SENW | T01N R15E S16 | SWNE |

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

The ownership of water right no. 37-22260 is governed by a private agreement executed by the Idaho Department of Lands and Crichton Creek Ltd. Partnership.

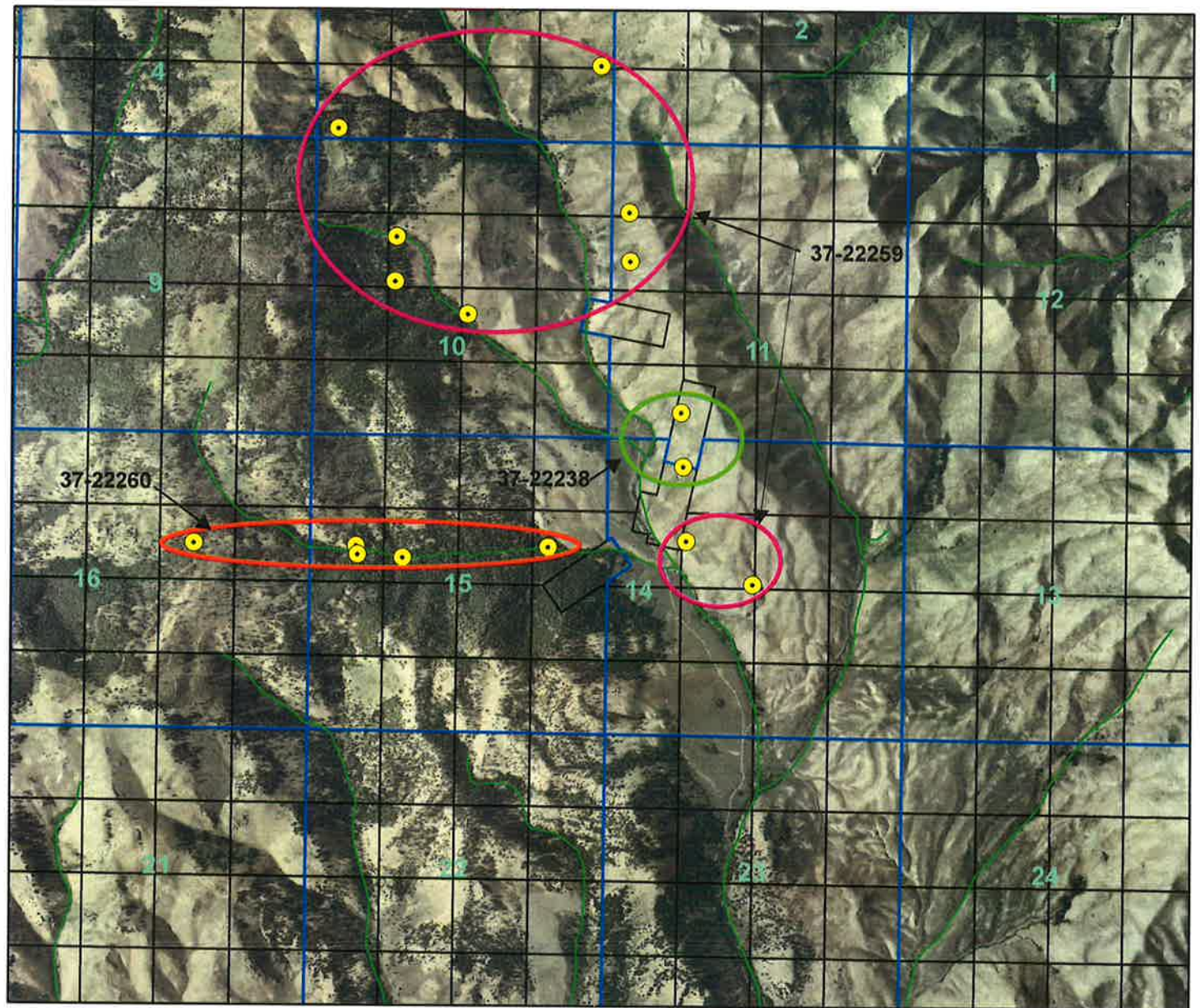
The quantity of water decreed for this water right is not a determination of historical beneficial use.

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. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

This right is a split from former right 37-13137 .

# RECOMMENDED PLACE OF USE FOR 37-22238, 37-22259, & 37-22260



PLACE OF USE  
TWP 01N, RNG 15E, SECs 3,10, 11, 14,  
15, and 16  
Data Entry on May 9, 2008

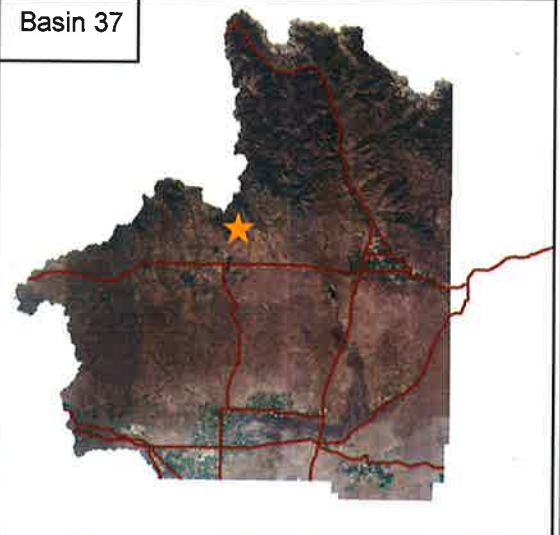
- Recommended point of diversion
- Recommended place of use
- Township lines
- Section lines
- Quarter/quarter lines

GIS PLACE OF USE PRESENTATION  
2006 AERIAL PHOTOGRAPHY  
DATA ENTRY BY KELLY K CHRISTENSEN

★ Approximate location  
in Basin



Basin 37



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: 37-22260  
)  
)  
)

**STANDARD FORM 5**

Case No. 39576  
\_\_\_\_\_ )

**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 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.**

CLAIMANTS:

CASA DEL NORTE LP

OBJECTOR:

State of Idaho – Department of Lands

\_\_\_\_\_  
Date

\_\_\_\_\_  
David J. Barber

\_\_\_\_\_  
Date

Deputy Attorney General

State of Idaho – Department of Lands

IDWR CONCURRENCE:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

## CERTIFICATE OF MAILING

I certify that on \_\_\_\_\_, 2008, I mailed the original and the copies of this form, including all attachments, to the following persons by mailing the original and/or copies, 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

HAND DELIVERY

2. Copies to:

Mr. Bruce Smith representing  
CASA DEL NORTE LP  
Moore Smith Buxton & Turcke, Chtd  
950 Bannock St., Ste. 520  
Boise, ID 83702

U.S. MAIL

Office of the Attorney General  
Natural Resource Division  
Idaho Department of Lands  
P.O. Box 83720  
Boise, ID 83720-0050  
Attn: David J. Barber

U.S. MAIL

State of Idaho  
South Central Idaho Supervisory Area  
Department of Lands  
319 South 417 East  
Jerome, ID 83338

U.S. MAIL

State of Idaho  
Department of Lands  
300 N. 6<sup>th</sup> St.  
PO Box 83720  
Boise, ID 83720-0050

U.S. MAIL

IDWR Depository  
PO Box 83720  
Boise, ID 83720

U.S. MAIL

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Signature of person mailing the form

RIGHT NUMBER: 37-22260

STATE OF IDAHO  
DEPT OF LANDS  
300 N. 6<sup>TH</sup> ST.  
PO BOX 83720  
BOISE, ID 83720-0050

QUANTITY: 0.050 CFS

POINT OF DIVERSION:

PURPOSE AND  
PERIOD OF USE:

PLACE OF USE: STOCKWATER in CAMAS County

|               |      |                     |      |
|---------------|------|---------------------|------|
| T01N R15E S03 | SWSW | T01N R15E S03       | NESE |
| T01N R15E S10 | SENW | T01N R15E S03       | NWSE |
| T01N R15E S11 | NWNW | T01N R15E S11       | SWNW |
| T01N R15E S14 | NENW | T01N R15E S14 Lot 4 | SENW |
| T01N R15E S15 | SENE | T01N R15E S15       | SWNW |

T01N R15E S15

SENW

T01N R15E S16

SWNE

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. Section 42-1412(6), Idaho Code.

The ownership of water right no. 37-22260 is governed by a private agreement executed by the Idaho Department of Lands and Crichton Creek Ltd. Partnership.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use This water right is a split from water right no. 37-13137.

05/06/2008

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

RIGHT NUMBER: 37-22238

NAME AND ADDRESS: CRICHTON CREEK LTD PARTNERSHIP  
RT 1 BOX 1210  
FAIRFIELD ID 83327

VERIFIED BY

KKC  
5-6-08

SOURCE: SPRING

TRIBUTARY: UNNAMED STREAM

QUANTITY: 0.050 CFS

This right shall be used in conjunction with water right nos. 37-22259 and 37-22260 and is limited to a total combined diversion rate of 0.05 cfs and a total combined quantity of 13,000 gallons per day.

PRIORITY DATE: 07/21/1939

POINT OF DIVERSION:

T01N R15E S11 SESWSW Within CAMAS County

T01N R15E S14 NWENW Within CAMAS County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| STOCKWATER            | 06/01 10/15          | 0.050 CFS       |

PLACE OF USE: STOCKWATER in CAMAS County

|               |      |               |      |
|---------------|------|---------------|------|
| T01N R15E S11 | SWSW | T01N R15E S14 | NENW |
|---------------|------|---------------|------|

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.

Pursuant to the decision in Joyce Livestock v. United States (144 IDAHO 1, 156 P.3D 502 (Idaho 2007)), this water right is appurtenant to real property that is not the place of use. Property to which this water right is appurtenant is described as follows pursuant to I.C. 42-1402:

|      |      |     |       |      |
|------|------|-----|-------|------|
| T01N | R15E | S03 | Lot 1 | NENE |
| T01N | R15E | S03 | Lot 2 | NWNE |
| T01N | R15E | S03 |       | SENE |
| T01N | R15E | S03 | Lot 3 | NENW |
| T01N | R15E | S03 | Lot 4 | NWNW |
| T01N | R15E | S03 |       | SWNW |
| T01N | R15E | S03 |       | NESW |
| T01N | R15E | S03 |       | NWSW |
| T01N | R15E | S03 |       | SWSW |
| T01N | R15E | S03 |       | SESW |
| T01N | R15E | S03 |       | NESE |
| T01N | R15E | S03 |       | SESE |
| T01N | R15E | S10 |       | NENE |
| T01N | R15E | S10 |       | SWNE |
| T01N | R15E | S10 |       | NENW |

05/06/2008

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

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|      |      |     |       |      |
|------|------|-----|-------|------|
| T01N | R15E | S10 |       | NWNW |
| T01N | R15E | S10 |       | SENW |
| T01N | R15E | S10 | Lot 1 | NESE |
| T01N | R15E | S10 |       | NWSE |
| T01N | R15E | S10 |       | SWSE |
| T01N | R15E | S10 |       | SESE |
|      |      |     |       |      |
| T01N | R15E | S11 |       | SWNW |
| T01N | R15E | S11 |       | SENW |
| T01N | R15E | S11 |       | NESW |
| T01N | R15E | S11 | Lot 1 | NWSW |
| T01N | R15E | S11 | Lot 2 | SESW |
|      |      |     |       |      |
| T01N | R15E | S13 |       | SWSW |
|      |      |     |       |      |
| T01N | R15E | S14 | Lot 1 | NENW |
| T01N | R15E | S14 | Lot 2 | NWNW |
| T01N | R15E | S14 | Lot 3 | SWNW |
| T01N | R15E | S14 | Lot 4 | SENW |
| T01N | R15E | S14 |       | NESW |
| T01N | R15E | S14 |       | SESW |
|      |      |     |       |      |
| T01N | R15E | S15 |       | NENE |
| T01N | R15E | S15 |       | NENW |
|      |      |     |       |      |
| T01N | R15E | S23 |       | NENE |
| T01N | R15E | S23 |       | NWNE |
| T01N | R15E | S23 |       | SWNE |
| T01N | R15E | S23 |       | SENE |
| T01N | R15E | S23 |       | NENW |
| T01N | R15E | S23 |       | SENW |
| T01N | R15E | S23 |       | SENW |
| T01N | R15E | S23 |       | NESW |
| T01N | R15E | S23 |       | NESE |
| T01N | R15E | S23 |       | NWSE |
| T01N | R15E | S23 |       | SWSE |
| T01N | R15E | S23 |       | SESE |
|      |      |     |       |      |
| T01N | R15E | S24 |       | NWNW |
| T01N | R15E | S24 |       | SWNW |
| T01N | R15E | S24 |       | SWSW |
| T01N | R15E | S24 |       | SESW |
| T01N | R15E | S25 |       | NENW |
| T01N | R15E | S25 |       | NWNW |
| T01N | R15E | S25 |       | SWNW |
| T01N | R15E | S25 |       | NWSW |
| T01N | R15E | S25 |       | SWSW |
| T01N | R15E | S25 |       | SESW |
| T01N | R15E | S25 |       | SWSE |
| T01N | R15E | S36 |       | NENW |
| T01N | R15E | S36 |       | NWNW |
| T01N | R15E | S36 |       | SWNW |
| T01N | R15E | S36 |       | SENW |

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

This right is a split from former right 37-13137 .

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

RIGHT NUMBER: 37-22238

NAME AND ADDRESS: CRICHTON CREEK LTD PARTNERSHIP  
RT 1 BOX 1210  
FAIRFIELD ID 83327

SOURCE: ~~SPRING~~ ~~TRIBUTARY: COOKSTOVE CREEK~~  
SPRING ~~TRIBUTARY: UNNAMED STREAM~~

QUANTITY: 0.050 CFS

~~The quantity of water under water right nos. 37-13137A and 37-13137B shall not exceed 13,000 gallons per day.~~  
This right shall be used in conjunction with water right nos. 37-22259 and 37-22260 and is limited to a total combined diversion rate of 0.050 CFS and a total combined quantity of 13,000 gallons per day.

PRIORITY DATE: 07/21/1939

POINT OF DIVERSION:

T01N R15E S3 SWSW Within CAMAS County  
T01N R15E S3 SENESE Within CAMAS County  
T01N R15E S10 NWSNW Within CAMAS County  
T01N R15E S10 SWSNW Within CAMAS County  
T01N R15E S10 NWNWSE Within CAMAS County  
T01N R15E S11 SWNNW Within CAMAS County  
T01N R15E S11 SWNNW Within CAMAS County  
T01N R15E S11 SESWSW Within CAMAS County  
T01N R15E S14 NWNENW Within CAMAS County  
T01N R15E S14 NWSNW Within CAMAS County  
T01N R15E S14 SESENW Within CAMAS County  
T01N R15E S15 NWSNE Within CAMAS County  
T01N R15E S15 NESWNW Within CAMAS County  
T01N R15E S15 SESWNW Within CAMAS County  
T01N R15E S15 SWSNW Within CAMAS County  
T01N R15E S16 NWSWNE Within CAMAS County

*sec 11 SE SWSW  
need to include this  
P.O.D.  
check out OK.  
Pm are map*

PURPOSE AND  
PERIOD OF USE:

| PURPOSE OF USE | PERIOD OF USE           | QUANTITY  |
|----------------|-------------------------|-----------|
| STOCKWATER     | 05/01 10/20 06/01 10/15 | 0.050 CFS |

PLACE OF USE: STOCKWATER in CAMAS County

|                           |                          |
|---------------------------|--------------------------|
| T01N R15E S03 SWSW        | T01N R15E S03 NESE       |
| T01N R15E S10 SENW        | T01N R15E S03 NWSE       |
| T01N R15E S11 NWNW        | T01N R15E S11 SWNW       |
| T01N R15E S14 <u>NENW</u> | T01N R15E S14 Lot 4 SENW |
| T01N R15E S15 SENE        | T01N R15E S15 SWNW       |
| T01N R15E S15 SENW        | T01N R15E S16 SWNE       |

*add sec 11 SWSW*

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. Section 42-1412(6), Idaho Code.

Pursuant to the decision in Joyce Livestock v. United States (144 IDAHO 1, 156 P.3D 502 (Idaho 2007)), this water right is appurtenant to real property that is not the place of use. Property to which this water right is appurtenant is described as follows pursuant to I.C. 42-1402:

|      |      |     |       |      |
|------|------|-----|-------|------|
| T01N | R15E | S03 | Lot 1 | NENE |
| T01N | R15E | S03 | Lot 2 | NWNE |
| T01N | R15E | S03 |       | SENE |
| T01N | R15E | S03 | Lot 3 | NENW |
| T01N | R15E | S03 | Lot 4 | NWNW |
| T01N | R15E | S03 |       | SWNW |
| T01N | R15E | S03 |       | NESW |
| T01N | R15E | S03 |       | NWSW |
| T01N | R15E | S03 |       | SWSW |
| T01N | R15E | S03 |       | SESW |
| T01N | R15E | S03 |       | NESE |
| T01N | R15E | S03 |       | SESE |

|      |      |     |       |      |
|------|------|-----|-------|------|
| T01N | R15E | S10 |       | NENE |
| T01N | R15E | S10 |       | SWNE |
| T01N | R15E | S10 |       | NENW |
| T01N | R15E | S10 |       | NWNW |
| T01N | R15E | S10 |       | SENE |
| T01N | R15E | S10 | Lot 1 | NESE |
| T01N | R15E | S10 |       | NWSE |
| T01N | R15E | S10 |       | SWSE |
| T01N | R15E | S10 |       | SESE |

|      |      |     |       |      |
|------|------|-----|-------|------|
| T01N | R15E | S11 |       | SWNW |
| T01N | R15E | S11 |       | SENE |
| T01N | R15E | S11 |       | NESW |
| T01N | R15E | S11 | Lot 1 | NWSW |
| T01N | R15E | S11 | Lot 2 | SESW |

|      |      |     |  |      |
|------|------|-----|--|------|
| T01N | R15E | S13 |  | SWSW |
|------|------|-----|--|------|

|      |      |     |       |      |
|------|------|-----|-------|------|
| T01N | R15E | S14 | Lot 1 | NENW |
| T01N | R15E | S14 | Lot 2 | NWNW |
| T01N | R15E | S14 | Lot 3 | SWNW |
| T01N | R15E | S14 | Lot 4 | SENE |
| T01N | R15E | S14 |       | NESW |
| T01N | R15E | S14 |       | SESW |

|      |      |     |  |      |
|------|------|-----|--|------|
| T01N | R15E | S15 |  | NENE |
| T01N | R15E | S15 |  | NENW |

|      |      |     |  |      |
|------|------|-----|--|------|
| T01N | R15E | S23 |  | NENE |
| T01N | R15E | S23 |  | NWNE |
| T01N | R15E | S23 |  | SWNE |
| T01N | R15E | S23 |  | SENE |
| T01N | R15E | S23 |  | NENW |
| T01N | R15E | S23 |  | SENE |
| T01N | R15E | S23 |  | NESW |
| T01N | R15E | S23 |  | NESE |
| T01N | R15E | S23 |  | NWSE |
| T01N | R15E | S23 |  | SWSE |
| T01N | R15E | S23 |  | SESE |

|      |      |     |  |      |
|------|------|-----|--|------|
| T01N | R15E | S24 |  | NWNW |
| T01N | R15E | S24 |  | SWNW |

|      |      |     |      |
|------|------|-----|------|
| T01N | R15E | S24 | SWSW |
| T01N | R15E | S24 | SESW |
| T01N | R15E | S25 | NENW |
| T01N | R15E | S25 | NWNW |
| T01N | R15E | S25 | SWNW |
| T01N | R15E | S25 | NWSW |
| T01N | R15E | S25 | SWSW |
| T01N | R15E | S25 | SESW |
| T01N | R15E | S25 | SWSE |
| T01N | R15E | S36 | NENW |
| T01N | R15E | S36 | NWNW |
| T01N | R15E | S36 | SWNW |
| T01N | R15E | S36 | SENW |

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use.

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

RIGHT NUMBER: 37-22238

NAME AND ADDRESS: CRICHTON CREEK LTD PARTNERSHIP  
RT 1 BOX 1210  
FAIRFIELD ID 83327

SOURCE: ~~SPRING~~ ~~TRIBUTARY: COOKSTOVE CREEK~~  
SPRING ~~TRIBUTARY: UNNAMED STREAM~~

QUANTITY: 0.050 CFS

~~The quantity of water under water right nos. 37-13137A and 37-13137B shall not exceed 13,000 gallons per day.~~  
This right shall be used in conjunction with water right nos. 37-22259 and 37-22260 and is limited to a total combined diversion rate of 0.050 CFS and a total combined quantity of 13,000 gallons per day.

PRIORITY DATE: 07/21/1939

POINT OF DIVERSION:

~~T01N R15E S3 SWSWSW Within CAMAS County~~  
~~T01N R15E S3 SENESE Within CAMAS County~~  
  
~~T01N R15E S10 NWSSENW Within CAMAS County~~  
~~T01N R15E S10 SWSSENW Within CAMAS County~~  
~~T01N R15E S10 NWNWSE Within CAMAS County~~  
  
~~T01N R15E S11 SWNNWN Within CAMAS County~~  
~~T01N R15E S11 SWNNWN Within CAMAS County~~  
~~T01N R15E S11 SESWSW Within CAMAS County~~  
  
 ~~T01N R15E S14 NWNENW Within CAMAS County~~  
~~T01N R15E S14 NWSSENW Within CAMAS County~~  
~~T01N R15E S14 SESENW Within CAMAS County~~  
  
~~T01N R15E S15 NWSENE Within CAMAS County~~  
~~T01N R15E S15 NESWNW Within CAMAS County~~  
~~T01N R15E S15 SESWNW Within CAMAS County~~  
~~T01N R15E S15 SWSSENW Within CAMAS County~~  
  
~~T01N R15E S16 NWSWNE Within CAMAS County~~

Base  
13137

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u>    | <u>QUANTITY</u> |
|-----------------------|-------------------------|-----------------|
| STOCKWATER            | 05/01-10/20 06/01 10/15 | 0.050 CFS       |

PLACE OF USE: STOCKWATER in CAMAS County

 ~~T01N R15E S03 SWSW T01N R15E S03 NESE~~  
~~T01N R15E S10 SENW T01N R15E S03 NWSE~~  
~~T01N R15E S11 NWNW T01N R15E S11 SWNW~~  
~~T01N R15E S14 NENW T01N R15E S14 Lot 4 SENW~~  
~~T01N R15E S15 SENE T01N R15E S15 SWNW~~  
~~T01N R15E S15 SENW T01N R15E S16 SWNE~~

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. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use.

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. Section 42-1412(6), Idaho Code.

Pursuant to the decision in Joyce Livestock v. United States (144 IDAHO 1, 156 P.3D 502 (Idaho 2007)), this water right is appurtenant to real property that is not the place of use. Property to which this water right is appurtenant is described as follows pursuant to I.C. 42-1402:

|      |      |     |       |      |
|------|------|-----|-------|------|
| T01N | R15E | S03 | Lot 1 | NENE |
| T01N | R15E | S03 | Lot 2 | NWNE |
| T01N | R15E | S03 |       | SENE |
| T01N | R15E | S03 | Lot 3 | NENW |
| T01N | R15E | S03 | Lot 4 | NWNW |
| T01N | R15E | S03 |       | SWNW |
| T01N | R15E | S03 |       | NESW |
| T01N | R15E | S03 |       | NWSW |
| T01N | R15E | S03 |       | SWSW |
| T01N | R15E | S03 |       | SESW |
| T01N | R15E | S03 |       | NESE |
| T01N | R15E | S03 |       | SESE |
| T01N | R15E | S10 |       | NENE |
| T01N | R15E | S10 |       | SWNE |
| T01N | R15E | S10 |       | NENW |
| T01N | R15E | S10 |       | NWNW |
| T01N | R15E | S10 |       | SENE |
| T01N | R15E | S10 | Lot 1 | NESE |
| T01N | R15E | S10 |       | NWSE |
| T01N | R15E | S10 |       | SWSE |
| T01N | R15E | S10 |       | SESE |
| T01N | R15E | S11 |       | SWNW |
| T01N | R15E | S11 |       | SENE |
| T01N | R15E | S11 |       | NESW |
| T01N | R15E | S11 | Lot 1 | NWSW |
| T01N | R15E | S11 | Lot 2 | SESW |
| T01N | R15E | S13 |       | SWSW |
| T01N | R15E | S14 | Lot 1 | NENW |
| T01N | R15E | S14 | Lot 2 | NWNW |
| T01N | R15E | S14 | Lot 3 | SWNW |
| T01N | R15E | S14 | Lot 4 | SENE |
| T01N | R15E | S14 |       | NESW |
| T01N | R15E | S14 |       | SESW |
| T01N | R15E | S15 |       | NENE |
| T01N | R15E | S15 |       | NENW |
| T01N | R15E | S23 |       | NENE |
| T01N | R15E | S23 |       | NWNE |
| T01N | R15E | S23 |       | SWNE |
| T01N | R15E | S23 |       | SENE |
| T01N | R15E | S23 |       | NENW |
| T01N | R15E | S23 |       | SENE |
| T01N | R15E | S23 |       | NESW |
| T01N | R15E | S23 |       | NESE |
| T01N | R15E | S23 |       | NWSE |
| T01N | R15E | S23 |       | SWSE |
| T01N | R15E | S23 |       | SESE |
| T01N | R15E | S24 |       | NWNW |
| T01N | R15E | S24 |       | SWNW |

05/06/2008

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

RIGHT NUMBER: 37-22259

NAME AND ADDRESS: CRICHTON CREEK LTD PARTNERSHIP  
RT 1 BOX 1210  
FAIRFIELD ID 83327

SOURCE: SPRING

TRIBUTARY: UNNAMED STREAM

QUANTITY: 0.050 CFS

This right shall be used in conjunction This right shall be used in  
conjunction with water right nos.37-22260 and37-22238 and is limited to a total  
combined diversion rate of 0.050 CFS and a total combined quantity of  
13,000 gallons per day.

PRIORITY DATE: 07/21/1939

POINT OF DIVERSION:

T01N R15E S3 SWSWSW Within CAMAS County  
T01N R15E S3 SENESE Within CAMAS County  
T01N R15E S10 NWSENW Within CAMAS County  
T01N R15E S10 SWSWNW Within CAMAS County  
T01N R15E S10 NWNWSE Within CAMAS County  
T01N R15E S11 SWNNWN Within CAMAS County  
T01N R15E S11 SWSWNW Within CAMAS County  
T01N R15E S14 NWSENW Lot 4 Within CAMAS County  
T01N R15E S14 SESENW Lot 4 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          | 0.050 CFS       |

PLACE OF USE: STOCKWATER in CAMAS County

|                     |      |               |      |
|---------------------|------|---------------|------|
| T01N R15E S03       | SWSW | T01N R15E S03 | NESE |
| T01N R15E S10       | SENW | T01N R15E S10 | NWSE |
| T01N R15E S11       | NWNW | T01N R15E S11 | SWNW |
| T01N R15E S14 Lot 4 | SENW |               |      |

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 a split from former right 37-13137 .

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

RIGHT NUMBER: 37-22259

NAME AND ADDRESS: CRICHTON CREEK LTD PARTNERSHIP  
RT 1 BOX 1210  
FAIRFIELD ID 83327

SOURCE: ~~SPRING~~ ~~TRIBUTARY: COOKSTOVE CREEK~~  
SPRING ~~TRIBUTARY: UNNAMED STREAM~~

QUANTITY: 0.050 CFS

~~The quantity of water under water right nos. 37-13137A and 37-13137B shall not exceed 13,000 gallons per day.~~  
~~This right shall be used in conjunction with water right nos. 37-22260 and 37-22238 and is limited to a total combined diversion rate of 0.050 CFS and a total combined quantity of 13,000 gallons per day.~~

PRIORITY DATE: 07/21/1939

POINT OF DIVERSION:

T01N R15E S3 SWSWSW Within CAMAS County 1  
T01N R15E S3 SENESE Within CAMAS County 2  
T01N R15E S10 NWSSENW Within CAMAS County 3  
T01N R15E S10 SWSSENW Within CAMAS County 4  
T01N R15E S10 NWNWSE Within CAMAS County 5  
T01N R15E S11 SWNNWNW Within CAMAS County 6  
T01N R15E S11 SWNNWNW Within CAMAS County 7  
T01N R15E S11 SESWSW Within CAMAS County 8  
T01N R15E S14 NWNENW Within CAMAS County 9  
T01N R15E S14 NWSSENW Within CAMAS County 10  
T01N R15E S14 SESENW Within CAMAS County 11

T01N R15E S15 NWSENE Within CAMAS County  
T01N R15E S15 NESWNW Within CAMAS County  
T01N R15E S15 SESWNW Within CAMAS County  
T01N R15E S15 SWSSENW Within CAMAS County  
T01N R15E S16 NWSWNE Within CAMAS County

Box Rt  
13137  
Split  
fm 22237

PURPOSE AND  
PERIOD OF USE:

| PURPOSE OF USE | PERIOD OF USE | QUANTITY  |
|----------------|---------------|-----------|
| STOCKWATER     | 05/01 10/20   | 0.050 CFS |

PLACE OF USE: STOCKWATER in CAMAS County

T01N R15E S03 SWSW NESE  
T01N R15E S10 SENW NWSE  
T01N R15E S11 NWNW SWNW  
T01N R15E S14 NENW SENW  
T01N R15E S15 SENE SWNW  
T01N R15E S15 SENW SWNE

|      |      |     |      |
|------|------|-----|------|
| T01N | R15E | S24 | SWSW |
| T01N | R15E | S24 | SESW |
| T01N | R15E | S25 | NENW |
| T01N | R15E | S25 | NWNW |
| T01N | R15E | S25 | SWNW |
| T01N | R15E | S25 | NWSW |
| T01N | R15E | S25 | SWSW |
| T01N | R15E | S25 | SESW |
| T01N | R15E | S25 | SWSE |
| T01N | R15E | S36 | NENW |
| T01N | R15E | S36 | NWNW |
| T01N | R15E | S36 | SWNW |
| T01N | R15E | S36 | SESW |

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use.

5-5-08

37-22259 SF-5 analysis.

When data entering the changes identified by Dave Barber I found additional errors.

Some of the errors go as far back as the original recommendation for 37-13137.

One P/O<sup>legal desc</sup> was duplicated which I corrected.

The SF-5 for this right included the P.O.D also identified in 37-22238. I deleted this P.O.D. Likewise, the POU was deleted.

Several of the POU Shapes for the spring locations were less than 0.10 ac which will not generate a POU-PLS listing. Likely that was why the SWSW of Sec 11 was excluded on the recommendation.

Dave requested Paul Arrington to confirm POB ownership of Sec 11 SWSW on Mar 24, 2008. I forwarded <sup>Dave's</sup> the message to Paul 5-5-08 and then talked to him concerning ~~his~~ Dave's request. He said that he will get back to me.

Add. Dave

05/05/2008

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

RIGHT NUMBER: 37-22259

NAME AND ADDRESS: CRICHTON CREEK LTD PARTNERSHIP  
RT 1 BOX 1210  
FAIRFIELD ID 83327

VERIFIED BY *KKC*  
*5-5-08*

SOURCE: SPRING

TRIBUTARY: UNNAMED STREAM

QUANTITY: 0.050 CFS

This right shall be used in conjunction with water right nos. 37-22260 and 37-22238 and is limited to a total combined diversion rate of 0.050 CFS and a total combined quantity of 13,000 gallons per day.

PRIORITY DATE: 07/21/1939

POINT OF DIVERSION:

T01N R15E S3 SWSWSW Within CAMAS County  
T01N R15E S3 SENESE Within CAMAS County  
T01N R15E S10 NWSSENW Within CAMAS County  
T01N R15E S10 SWSSENW Within CAMAS County  
T01N R15E S10 NWNWSE Within CAMAS County  
T01N R15E S11 SWNWNW Within CAMAS County  
T01N R15E S11 SWSWNW Within CAMAS County  
~~T01N R15E S11 SESWSW Within CAMAS County~~  
T01N R15E S14 NWSSENW Within CAMAS County  
T01N R15E S14 SESENW Within CAMAS County

*Updated of KKC 5-6-08*  
*Let's updated*

PURPOSE AND  
PERIOD OF USE:

| PURPOSE OF USE | PERIOD OF USE | QUANTITY  |
|----------------|---------------|-----------|
| STOCKWATER     | 05/01 10/20   | 0.050 CFS |

PLACE OF USE:

STOCKWATER in CAMAS County

|                          |                 |               |      |
|--------------------------|-----------------|---------------|------|
| T01N R15E S03            | SWSW            | T01N R15E S03 | NESE |
| T01N R15E S03            | NWSE            | T01N R15E S10 | SENW |
| T01N R15E S11            | NWNW            | T01N R15E S11 | SWNW |
| <del>T01N R15E S11</del> | <del>SWSW</del> | T01N R15E S14 | NENW |
| T01N R15E S14 Lot 4 SENW |                 |               |      |

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.

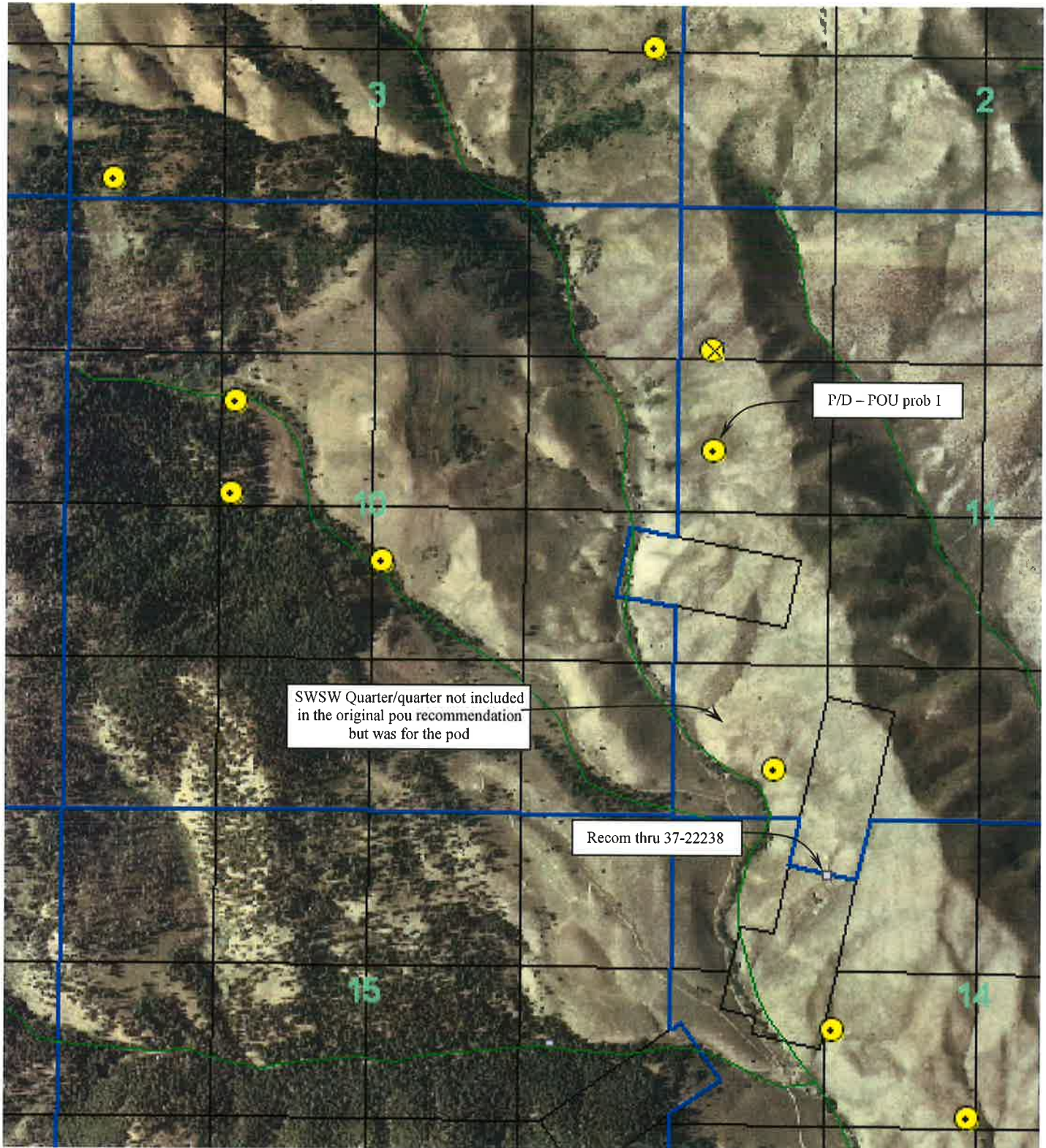
The quantity of water decreed for this water right is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

This right is a split from former right 37-13137 .

This right is a split from former right 37-22237 .

# RECOMMENDED PLACE OF USE FOR 37- 22259



- Recommended point of diversion
- Recommended place of use
- Township lines
- Section lines
- Quarter/quarter lines

GIS PLACE OF USE PRESENTATION  
2006 AERIAL PHOTOGRAPHY  
DATA ENTRY BY KELLY K CHRISTENSEN



PLACE OF USE  
TWP 01N, RNG 15E, SECs 3,10, 11, and 14  
Data Entry on May 5, 2008

## Christensen, Kelly

---

**From:** Barber, David [david.barber@ag.idaho.gov]  
**Sent:** Monday, March 24, 2008 9:27 AM  
**To:** Christensen, Kelly  
**Cc:** Arrington, Paul  
**Subject:** RE: Revised Water Right Descriptions for 37-22238 & 37-22259

Dear Kelly:

I have reviewed your proposed changes for 37-22259. I agree with the change for the pod. Your proposed change is consistent with the original recommendation. I will make the change for the place of use as well. However, since the original recommendation appeared incomplete, I am uncertain about this proposed change. I do not know whether the claimant actually owns this land. I will send a copy of this e-mail to Paul Arrington for his review.

Sincerely,  
David J. Barber

-----Original Message-----

**From:** Christensen, Kelly [mailto:Kelly.Christensen@idwr.idaho.gov]  
**Sent:** Wednesday, March 05, 2008 4:48 PM  
**To:** Barber, David  
**Subject:** RE: Revised Water Right Descriptions for 37-22238 & 37-22259

I was going through the place of use for 37-22259 and it appears that there is a disconnect between the POD descriptions and the POU descriptions for Sec 11. I have attached what I think should be the changes. It appears that part of the problem started with the recommendation for 37-13137 which had similar problems for Sec 11. Let me know what you think.

I have completed the review for 37-22238 and it looks good. I still need to double check 37-22260 but the first glance looked good.

Kelly

-----Original Message-----

**From:** Barber, David [mailto:david.barber@ag.idaho.gov]  
**Sent:** Friday, February 29, 2008 1:45 PM  
**To:** Christensen, Kelly  
**Subject:** Revised Water Right Descriptions for 37-22238 & 37-22259

## Christensen, Kelly

---

**From:** Christensen, Kelly  
**Sent:** Wednesday, March 05, 2008 4:48 PM  
**To:** 'Barber, David'  
**Subject:** RE: Revised Water Right Descriptions for 37-22238 & 37-22259

**Attachments:** 37-22259 change notes for Dave.DOC



37-22259 change  
notes for Dave...

I was going through the place of use for 37-22259 and it appears that there is a disconnect between the POD descriptions and the POU descriptions for Sec 11. I have attached what I think should be the changes. It appears that part of the problem started with the recommendation for 37-13137 which had similar problems for Sec 11. Let me know what you think.

I have completed the review for 37-22238 and it looks good. I still need to double check 37-22260 but the first glance looked good.

Kelly

-----Original Message-----

From: Barber, David [mailto:david.barber@ag.idaho.gov]  
Sent: Friday, February 29, 2008 1:45 PM  
To: Christensen, Kelly  
Subject: Revised Water Right Descriptions for 37-22238 & 37-22259

*e-mailed*  
*3-5-08*  
*4:50 PM*

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

RIGHT NUMBER: 37-22259

NAME AND ADDRESS: CRICHTON CREEK LTD PARTNERSHIP  
RT 1 BOX 1210  
FAIRFIELD ID 83327

SOURCE: ~~SPRING~~ ~~TRIBUTARY: COOKSTOVE CREEK~~  
SPRING ~~TRIBUTARY: UNNAMED STREAM~~

QUANTITY: 0.050 CFS

~~The quantity of water under water right nos. 37-13137A and 37-13137B shall not exceed 13,000 gallons per day.~~  
This right shall be used in conjunction with water right nos. 37-22260 and 37-22238 and is limited to a total combined diversion rate of 0.050 CFS and a total combined quantity of 13,000 gallons per day.

PRIORITY DATE: 07/21/1939

POINT OF DIVERSION:

T01N R15E S3 SWSWSW Within CAMAS County  
T01N R15E S3 SENESE Within CAMAS County

T01N R15E S10 NWSENW Within CAMAS County  
T01N R15E S10 SWSSENW Within CAMAS County  
T01N R15E S10 NWNWSE Within CAMAS County

T01N R15E S11 SWNWNW Within CAMAS County  
T01N R15E S11 SWNWNW Within CAMAS County  
T01N R15E S11 SESWSW Within CAMAS County

T01N R15E S14 NWNENW Within CAMAS County  
T01N R15E S14 NWSENW Within CAMAS County  
T01N R15E S14 SESENW Within CAMAS County

~~T01N R15E S15 NWSENE Within CAMAS County~~  
~~T01N R15E S15 NESWNW Within CAMAS County~~  
~~T01N R15E S15 SESWNW Within CAMAS County~~  
~~T01N R15E S15 SWSSENW Within CAMAS County~~

~~T01N R15E S16 NWSWNE Within CAMAS County~~

*Pd/Pow Prob 1*  
*Should be SWSWNW*

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| STOCKWATER            | 05/01 10/20          | 0.050 CFS       |

PLACE OF USE: STOCKWATER in CAMAS County

|                          |                 |                          |                   |
|--------------------------|-----------------|--------------------------|-------------------|
| T01N R15E S03            | SWSW            | T01N R15E S03            | NESE              |
| T01N R15E S10            | SENW            | T01N R15E S03            | NWSE              |
| T01N R15E S11            | NWNW            | T01N R15E S11            | SWNW and S11 SWSW |
| T01N R15E S14            | NENW            | T01N R15E S14 Lot 4      | SENW              |
| <del>T01N R15E S15</del> | <del>SENE</del> | <del>T01N R15E S15</del> | <del>SWNW</del>   |
| <del>T01N R15E S15</del> | <del>SENW</del> | <del>T01N R15E S16</del> | <del>SWNE</del>   |

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. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use.

Dave Barber  
From 2-29-08 1:46 e-mail

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

RIGHT NUMBER: 37-22259

NAME AND ADDRESS: CRICHTON CREEK LTD PARTNERSHIP  
RT 1 BOX 1210  
FAIRFIELD ID 83327

SOURCE: ~~SPRING~~ ~~TRIBUTARY: COOKSTOVE CREEK~~  
SPRING ~~TRIBUTARY: UNNAMED STREAM~~

QUANTITY: 0.050 CFS

~~The quantity of water under water right nos. 37-13137A and 37-13137B shall not exceed 13,000 gallons per day.~~  
This right shall be used in conjunction with water right nos. 37-22260 and 37-22238 and is limited to a total combined diversion rate of 0.050 CFS and a total combined quantity of 13,000 gallons per day.

PRIORITY DATE: 07/21/1939

POINT OF DIVERSION:

FN 13137 ~~Lot 7~~

1 T01N R15E S3 SWSWSW Within CAMAS County 715529  
2 T01N R15E S3 SENESE Within CAMAS County 715515

4 T01N R15E S10 NWSSENW Within CAMAS County 715522  
5 T01N R15E S10 SWSSENW Within CAMAS County 715519  
3 T01N R15E S10 NWNWSE Within CAMAS County 715523

7 T01N R15E S11 SWNWNW Within CAMAS County 715520  
8 T01N R15E S11 SWNWNW Within CAMAS County 715518  
6 T01N R15E S11 SESWSW Within CAMAS County 715516

9 T01N R15E S14 NWNENW Within CAMAS County 22238  
10 T01N R15E S14 NWSSENW Lot 4 Within CAMAS County 715526  
11 T01N R15E S14 SESENW Lot 4 Within CAMAS County 715521

T01N R15E S15 NWSENE Within CAMAS County 12  
T01N R15E S15 NWSWNW Within CAMAS County 14  
T01N R15E S15 SESWNW Within CAMAS County 13  
T01N R15E S15 SWSSENW Within CAMAS County 15  
T01N R15E S16 NWSWNE Within CAMAS County 16

See POI NWNW  
SWNW  
BLM

22260

PURPOSE AND  
PERIOD OF USE:

| PURPOSE OF USE | PERIOD OF USE | QUANTITY  |
|----------------|---------------|-----------|
| STOCKWATER     | 05/01 10/20   | 0.050 CFS |

PLACE OF USE:

STOCKWATER in CAMAS County

|               |      |                     |      |
|---------------|------|---------------------|------|
| T01N R15E S03 | SWSW | T01N R15E S03       | NESE |
| T01N R15E S10 | SENW | T01N R15E S03       | NWSE |
| T01N R15E S11 | NWNW | T01N R15E S11       | SWNW |
| T01N R15E S14 | NENW | T01N R15E S14 Lot 4 | SENW |
| T01N R15E S15 | SENE | T01N R15E S15       | SWNW |
| T01N R15E S15 | SENW | T01N R15E S16       | SWNE |

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. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use.

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: 37-22259  
)  
)  
)

**STANDARD FORM 5**

Case No. 39576  
\_\_\_\_\_ )

**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 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.**

CLAIMANTS:

CASA DEL NORTE LP

OBJECTOR:

State of Idaho – Department of Lands

\_\_\_\_\_  
Date

\_\_\_\_\_  
David J. Barber

\_\_\_\_\_  
Date

Deputy Attorney General

State of Idaho – Department of Lands

IDWR CONCURRENCE:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

## CERTIFICATE OF MAILING

I certify that on \_\_\_\_\_, 2008, I mailed the original and the copies of this form, including all attachments, to the following persons by mailing the original and/or copies, 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

HAND DELIVERY

2. Copies to:

Mr. Bruce Smith representing  
CASA DEL NORTE LP  
Moore Smith Buxton & Turcke, Chtd  
950 Bannock St., Ste. 520  
Boise, ID 83702

U.S. MAIL

Office of the Attorney General  
Natural Resource Division  
Idaho Department of Lands  
P.O. Box 83720  
Boise, ID 83720-0050  
Attn: David J. Barber

U.S. MAIL

State of Idaho  
South Central Idaho Supervisory Area  
Department of Lands  
319 South 417 East  
Jerome, ID 83338

U.S. MAIL

State of Idaho  
Department of Lands  
300 N. 6<sup>th</sup> St.  
PO Box 83720  
Boise, ID 83720-0050

U.S. MAIL

IDWR Depository  
PO Box 83720  
Boise, ID 83720

U.S. MAIL

---

Signature of person mailing the form

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

RIGHT NUMBER: 37-22259

NAME AND ADDRESS: CRICHTON CREEK LTD PARTNERSHIP  
RT 1 BOX 1210  
FAIRFIELD ID 83327

SOURCE: ~~SPRING~~ ~~TRIBUTARY: COOKSTOVE CREEK~~  
SPRING ~~TRIBUTARY: UNNAMED STREAM~~

QUANTITY: 0.050 CFS

~~The quantity of water under water right nos. 37-13137A and 37-13137B shall not exceed 13,000 gallons per day.~~  
This right shall be used in conjunction with water right nos. 37-22260 and 37-22238 and is limited to a total combined diversion rate of 0.050 CFS and a total combined quantity of 13,000 gallons per day.

PRIORITY DATE: 07/21/1939

POINT OF DIVERSION:

|                          |                                        |
|--------------------------|----------------------------------------|
| T01N R15E S3             | SWSWSW Within CAMAS County             |
| T01N R15E S3             | SENESE Within CAMAS County             |
| T01N R15E S10            | NWSENW Within CAMAS County             |
| T01N R15E S10            | SWSENW Within CAMAS County             |
| T01N R15E S10            | NWNWSE Within CAMAS County             |
| T01N R15E S11            | SWNWNW Within CAMAS County             |
| T01N R15E S11            | SWNWNW Within CAMAS County             |
| T01N R15E S11            | SESWSW Within CAMAS County             |
| <del>T01N R15E S14</del> | <del>NWNNENW Within CAMAS County</del> |
| T01N R15E S14            | NWSENW Lot 4 Within CAMAS County       |
| T01N R15E S14            | SESENW Lot 4 Within CAMAS County       |
| <del>T01N R15E S15</del> | <del>NWSENE Within CAMAS County</del>  |
| <del>T01N R15E S15</del> | <del>NESWNW Within CAMAS County</del>  |
| <del>T01N R15E S15</del> | <del>SESWNW Within CAMAS County</del>  |
| <del>T01N R15E S15</del> | <del>SWSENW Within CAMAS County</del>  |
| <del>T01N R15E S16</del> | <del>NWSWNE Within CAMAS County</del>  |

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| STOCKWATER            | 05/01 10/20          | 0.050 CFS       |

PLACE OF USE: STOCKWATER in CAMAS County

|                          |                 |                          |                 |
|--------------------------|-----------------|--------------------------|-----------------|
| T01N R15E S03            | SWSW            | T01N R15E S03            | NESE            |
| T01N R15E S10            | SENW            | T01N R15E S03            | NWSE            |
| T01N R15E S11            | NWNW            | T01N R15E S11            | SWNW            |
| <del>T01N R15E S14</del> | <del>NENW</del> | T01N R15E S14 Lot 4      | SENW            |
| <del>T01N R15E S15</del> | <del>SENE</del> | <del>T01N R15E S15</del> | <del>SWNW</del> |
| <del>T01N R15E S15</del> | <del>SENW</del> | <del>T01N R15E S16</del> | <del>SWNE</del> |

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. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use.



RECEIVED  
MAY 28 2009  
DEPARTMENT OF  
WATER RESOURCES

STATE OF IDAHO  
OFFICE OF THE ATTORNEY GENERAL  
LAWRENCE G. WASDEN

May 27, 2009

*VIA STATEHOUSE MAIL*

Mr. Christopher M. Bromley  
Deputy Attorney General  
Idaho Department of Water Resources  
322 East Front Street  
Boise, ID 83720

Re: Standard Form 5 for Water Right No. 37-13137 in the Name of Crichton Creek Ltd. Partnership.

Dear Chris:

I spoke with Fred Price at the Bureau of Land Management (hereinafter the "BLM") regarding the Standard Form 5 for water right no. 37-13137 that was sent to me for execution. I understand from Fred that the Idaho Department of Water Resources (hereinafter the "IDWR") prepared the Standard Form 5. Unfortunately, the present Standard Form 5 is not satisfactory because it does not reflect the settlement that the State of Idaho reached with Crichton Creek Ltd. Partnership. A little background will explain the concern.

The State of Idaho, Department of Lands (hereinafter the "IDL"), sent the Standard Form 5 that IDL and Crichton Creek had executed in conformance with their Settlement Agreement to the BLM for execution last summer. The BLM refused to sign the Standard Form 5 prepared by the IDL, because they concluded that the federal land in Township 1 North, Range 15 East, section 11, SW $\frac{1}{4}$ SW $\frac{1}{4}$  did not contain a source of water as described in water right no. 37-22238. While the claimant initially disputed this conclusion, the claimant later dropped their claim that this forty acre tract did include a spring during good water years. The IDWR then prepared the Standard Form 5 and sent it around for execution. The problem with the Standard Form 5 that I received is that it fails to include the IDL as a co-owner for water right no. 37-22260.

Enclosed for your review is a Standard Form 5 that I redrafted in conformance with the Settlement Agreement and that I executed on behalf of the IDL. The Standard Form 5 contains four changes. The first change is in the name and address of the

Mr. Christopher M. Bromley  
May 27, 2009  
Page 2

claimant for water right no. 37-22260. I added the IDL as a claimant in accordance with the Settlement Agreement. The second change corrects a drafting issue pointed out by Fred Price. He informed me that the section in water right no. 37-22238 entitled "Other Provisions Necessary for Definition or Administration of this Water Right" contains the legal description of "T01N R15E S11 Lot 1 NWSW" in two places, when it should only include one such legal description. I deleted the second such legal description. Third, the date in the header in the water right descriptions was changed to May 27, 2009, in order clearly differentiate them from earlier recommendations. Fourth, the text in the quantity description for water right no. 37-22259 included the phrase "This right shall be used in conjunction" twice. I deleted the second phrase as unnecessary.

I realize that IDWR has a preference for preparation of the Standard Form 5. If you would prefer that I execute a Standard Form 5 prepared by IDWR, I am, of course, willing to do so. Finally, I discussed this matter with Paul Arrington and he agrees with the above changes.

Sincerely,



DAVID J. BARBER  
Deputy Attorney General

DJB/ov

Encl.

cc: Fred Price  
David L. Negri  
Paul L. Arrington

**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 NO.: 37-13137  
) (SPLIT INTO 37-22238, 37-22259  
) 37-22260)  
) 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 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.

To resolve the objections filed by the BLM and the State of Idaho Department of Lands in subcase 37-13137, the parties agree and stipulate that the whole of water right claim 37-13137 shall be split into three new water right claims and renumbered as 37-22238, 37-22259, 37-22260 now supersede water right 37-13137, and right 37-13137 should be dismissed with prejudice. The parties and IDWR have further indicated their concurrence to these renumbered water rights by signing below and initialing the attached pages.

**CLAIMANT/RESPONDENT:**

Crichton Creek Ltd. Partnership

**OBJECTOR:**

United States on behalf of the  
Bureau of Land Management

Paul L. Arrington  
Attorney for Crichton Creek  
Ltd. Partnership

Date

David L. Negri  
Attorney, U.S. Department of Justice  
Environment and Natural Resources

Date

**OBJECTOR:**

State of Idaho

Department of Lands

*David J. Barber 5/27/2009*

David J. Barber Date

Deputy Attorney General

Attorney for Department of Lands

**IDWR Concurrence:**

**IDWR Concurrence:**

*Kelly Christensen 6-11-09*

Kelly Christensen Date

Sr. Water Resource Agent

Christopher M. Bromley Date

Deputy Attorney General

Attorney for IDWR

05/27/2009

IDAHO DEPARTMENT OF WATER RESOURCES  
CLAIMS / RIGHTS NOT RECOMMENDED

| <u>W.R. NUMBER</u> | <u>NAME AND ADDRESS</u>                                                  | <u>CLAIM DISPOSITION REASON</u>                      |
|--------------------|--------------------------------------------------------------------------|------------------------------------------------------|
| 37-13137           | CRICHTON CREEK LTD<br>PARTNERSHIP<br>RT 1 BOX 1210<br>FAIRFIELD ID 83327 | Parent split into 37-22238, 37-22259<br>and 37-22260 |

RKC

APB

05/27/2009

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

RIGHT NUMBER: 37-22238

NAME AND ADDRESS: CRICHTON CREEK LTD PARTNERSHIP  
RT 1 BOX 1210  
FAIRFIELD ID 83327

SOURCE: SPRING

TRIBUTARY: UNNAMED STREAM

QUANTITY: 0.050 CFS

This right shall be used in conjunction with water right nos. 37-22259 and 37-22260 and is limited to a total combined diversion rate of 0.05 cfs and a total combined quantity of 13,000 gallons per day.

PRIORITY DATE: 07/21/1939

POINT OF DIVERSION:

T01N R15E S14 NWNENW Within CAMAS County

PURPOSE AND  
PERIOD OF USE:

| PURPOSE OF USE | PERIOD OF USE | QUANTITY  |
|----------------|---------------|-----------|
| STOCKWATER     | 06/01 10/15   | 0.050 CFS |

PLACE OF USE: STOCKWATER in CAMAS County

T01N R15E S14 NENW

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.

Pursuant to the decision in Joyce Livestock v. United States (144 IDAHO 1, 156 P.3D 502 (Idaho 2007)), this water right is appurtenant to real property that is not the place of use. Property to which this water right is appurtenant is described as follows pursuant to I.C. 42-1402:

|      |      |     |       |      |
|------|------|-----|-------|------|
| T01N | R15E | S03 | Lot 1 | NENE |
| T01N | R15E | S03 | Lot 2 | NWNE |
| T01N | R15E | S03 |       | SENE |
| T01N | R15E | S03 | Lot 3 | NENW |
| T01N | R15E | S03 | Lot 4 | NWNW |
| T01N | R15E | S03 |       | SWNW |
| T01N | R15E | S03 |       | NESW |
| T01N | R15E | S03 |       | NWSW |
| T01N | R15E | S03 |       | SWSW |
| T01N | R15E | S03 |       | SESW |
| T01N | R15E | S03 |       | NESE |
| T01N | R15E | S03 |       | SESE |
| T01N | R15E | S10 |       | NENE |
| T01N | R15E | S10 |       | SWNE |
| T01N | R15E | S10 |       | NENW |
| T01N | R15E | S10 |       | NWNW |
| T01N | R15E | S10 |       | SENW |
| T01N | R15E | S10 | Lot 1 | NESE |
| T01N | R15E | S10 |       | NWSE |
| T01N | R15E | S10 |       | SWSE |
| T01N | R15E | S10 |       | SESE |
| T01N | R15E | S11 |       | SWNW |
| T01N | R15E | S11 |       | SENW |
| T01N | R15E | S11 |       | NESW |
| T01N | R15E | S11 | Lot 1 | NWSW |

*Handwritten signature*  
KKC

05/27/2009

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

|      |      |     |       |      |
|------|------|-----|-------|------|
| T01N | R15E | S11 | Lot 2 | SESW |
| T01N | R15E | S13 |       | SWSW |
| T01N | R15E | S14 | Lot 1 | NENW |
| T01N | R15E | S14 | Lot 2 | NWNW |
| T01N | R15E | S14 | Lot 3 | SWNW |
| T01N | R15E | S14 | Lot 4 | SENW |
| T01N | R15E | S14 |       | NESW |
| T01N | R15E | S14 |       | SESW |
| T01N | R15E | S15 |       | NENE |
| T01N | R15E | S15 |       | NENW |
| T01N | R15E | S23 |       | NENE |
| T01N | R15E | S23 |       | NWNE |
| T01N | R15E | S23 |       | SWNE |
| T01N | R15E | S23 |       | SENE |
| T01N | R15E | S23 |       | NENW |
| T01N | R15E | S23 |       | SENW |
| T01N | R15E | S23 |       | NESW |
| T01N | R15E | S23 |       | NESE |
| T01N | R15E | S23 |       | NWSE |
| T01N | R15E | S23 |       | SWSE |
| T01N | R15E | S23 |       | SESE |
| T01N | R15E | S24 |       | NWNW |
| T01N | R15E | S24 |       | SWNW |
| T01N | R15E | S24 |       | SWSW |
| T01N | R15E | S24 |       | SESW |
| T01N | R15E | S25 |       | NENW |
| T01N | R15E | S25 |       | NWNW |
| T01N | R15E | S25 |       | SWNW |
| T01N | R15E | S25 |       | NWSW |
| T01N | R15E | S25 |       | SWSW |
| T01N | R15E | S25 |       | SESW |
| T01N | R15E | S25 |       | SWSE |
| T01N | R15E | S36 |       | NENW |
| T01N | R15E | S36 |       | NWNW |
| T01N | R15E | S36 |       | SWNW |
| T01N | R15E | S36 |       | SENW |

2/13  
KRC

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use  
This right is a split from former right 37-13137 .

05/27/2009

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

RIGHT NUMBER: 37-22259

NAME AND ADDRESS: CRICHTON CREEK LTD PARTNERSHIP  
RT 1 BOX 1210  
FAIRFIELD ID 83327

SOURCE: SPRING

TRIBUTARY: UNNAMED STREAM

QUANTITY: 0.050 CFS

This right shall be used in conjunction with water right nos. 37-22260 and 37-22238 and is limited to a total combined diversion rate of 0.050 CFS and a total combined quantity of 13,000 gallons per day.

PRIORITY DATE: 07/21/1939

POINT OF DIVERSION:

T01N R15E S3 SWSWSW Within CAMAS County  
T01N R15E S3 SENESE Within CAMAS County  
T01N R15E S10 NWSSENW Within CAMAS County  
T01N R15E S10 SWSSENW Within CAMAS County  
T01N R15E S10 NWNWSE Within CAMAS County  
T01N R15E S11 SWNNWNW Within CAMAS County  
T01N R15E S11 SWSWNW Within CAMAS County  
T01N R15E S14 NWSSENW Lot 4 Within CAMAS County  
T01N R15E S14 SESENW Lot 4 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          | 0.050 CFS       |

PLACE OF USE: STOCKWATER in CAMAS County

|                     |      |               |      |
|---------------------|------|---------------|------|
| T01N R15E S03       | SWSW | T01N R15E S03 | NESE |
| T01N R15E S10       | SENW | T01N R15E S10 | NWSE |
| T01N R15E S11       | NWNW | T01N R15E S11 | SWNW |
| T01N R15E S14 Lot 4 | SENW |               |      |

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 a split from former right 37-13137 .

05/27/2009

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

RIGHT NUMBER: 37-22260

NAME AND ADDRESS: CRICHTON CREEK LTD PARTNERSHIP  
RT 1 BOX 1210  
FAIRFIELD ID 83327

STATE OF IDAHO  
DEPT OF LANDS  
300 N. 6<sup>TH</sup> ST.  
PO BOX 83720  
BOISE, ID 83720-0050

SOURCE: SPRING

TRIBUTARY: COOKSTOVE CREEK

QUANTITY: 0.050 CFS

This right shall be used in conjunction with water right nos. 37-22259 and 37-22238 and is limited to a total combined diversion rate of 0.050 CFS and a total combined quantity of 13,000 gallons per day.

PRIORITY DATE: 07/21/1939

POINT OF DIVERSION:

T01N R15E S15 NWSENE Within CAMAS County  
T01N R15E S15 NESWNW Within CAMAS County  
T01N R15E S15 SESWNW Within CAMAS County  
T01N R15E S15 SWSSENW Within CAMAS County  
T01N R15E S16 NWSWNE Within CAMAS County

KKC  
D/S

PURPOSE AND  
PERIOD OF USE:

| PURPOSE OF USE | PERIOD OF USE | QUANTITY  |
|----------------|---------------|-----------|
| STOCKWATER     | 05/01 10/20   | 0.050 CFS |

PLACE OF USE: STOCKWATER in CAMAS County

|               |      |               |      |
|---------------|------|---------------|------|
| T01N R15E S15 | SENE | T01N R15E S15 | SWNW |
| T01N R15E S15 | SENW | T01N R15E S16 | SWNE |

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

The ownership of water right no. 37-22260 is governed by a private agreement executed by the Idaho Department of Lands and Crichton Creek Ltd. Partnership.

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. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

This right is a split from former right 37-13137 .

## CERTIFICATE OF MAILING

I certify that on \_\_\_\_\_, 2009, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, 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. Copies to:

STATE OF IDAHO DEPT OF LANDS  
Represented by:  
STATE OF IDAHO  
JRW BUILDING, SECOND FLOOR  
700 W STATE ST, PO BOX 44449  
BOISE, ID 83711-4449

STATE OF IDAHO  
DEPT OF LANDS  
300 N. 6<sup>th</sup> ST  
PO BOX 83720  
BOISE, ID 83720-0050

DIRECTOR OF IDWR  
PO BOX 83720  
BOISE, ID 83720-0098

CRICHTON CREEK LTD. PARTNERSHIP  
c/o PAUL L. ARRINGTON  
BARKER, ROSHOLT & SIMPSON LLP  
PO BOX 485  
TWIN FALLS, ID 83303

DAVID L. NEGRI  
ATTORNEY, U.S. DEPARTMENT OF JUSTICE  
ENVIRONMENT AND NATURAL RESOURCES  
800 PARK BLVD., SUITE 600  
BOISE, ID 83712

\_\_\_\_\_  
Signature of person or attorney mailing form

**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: 37-13137             |
|                | ) | (SPLIT INTO 37-22238, 37-22259 & |
|                | ) | 37-22260)                        |
| 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.

To resolve the objections filed by the BLM and the State of Idaho Department of Lands in subcase 37-13137, the parties agree and stipulate that the whole of water right claim 37-13137 shall be split into three new water right claims and renumbered as 37-22238, 37-22259 and 37-22260. Water rights 37-22238, 37-22259, and 37-22260 now supersede water right 37-13137, and right 37-13137 should be dismissed with prejudice. The parties and IDWR have further indicated their concurrence to these renumbered water rights by signing below and initialing the attached pages.

**CLAIMANT/RESPONDENT:**  
Crichton Creek Ltd. Partnership

**OBJECTOR:**  
United States on behalf of the  
Bureau of Land Management

\_\_\_\_\_  
Paul L. Arrington  
Attorney for Crichton Creek  
Ltd. Partnership

\_\_\_\_\_  
Date

\_\_\_\_\_  
David L. Negri  
Attorney, U.S. Department of Justice  
Environment and Natural Resources

\_\_\_\_\_  
Date

Superseded  
6-11-09  
KRC

State of Idaho  
Department of Lands

Date \_\_\_\_\_

## Date \_\_\_\_\_

## Date \_\_\_\_\_

Supra del  
6-11-09

05/28/2008

IDAHO DEPARTMENT OF WATER RESOURCES  
CLAIMS / RIGHTS NOT RECOMMENDED

---

| <u>W.R. NUMBER</u> | <u>NAME AND ADDRESS</u>                                                  | <u>CLAIM DISPOSITION REASON</u>                      |
|--------------------|--------------------------------------------------------------------------|------------------------------------------------------|
| 37-13137           | CRICHTON CREEK LTD<br>PARTNERSHIP<br>RT 1 BOX 1210<br>FAIRFIELD ID 83327 | Parent split into 37-22238, 37-22259<br>and 37-22260 |

RKC

04/07/2009

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

RIGHT NUMBER: 37-22238

NAME AND ADDRESS: CRICHTON CREEK LTD PARTNERSHIP  
RT 1 BOX 1210  
FAIRFIELD ID 83327

SOURCE: SPRING

TRIBUTARY: UNNAMED STREAM

QUANTITY: 0.050 CFS

This right shall be used in conjunction with water right nos. 37-22259 and 37-22260 and is limited to a total combined diversion rate of 0.05 cfs and a total combined quantity of 13,000 gallons per day.

PRIORITY DATE: 07/21/1939

POINT OF  
DIVERSION:

T01N R15E S14 NWNENW Within CAMAS County

PURPOSE AND  
PERIOD OF USE:PURPOSE OF USEPERIOD OF USEQUANTITY

STOCKWATER

06/01 10/15

0.050 CFS

PLACE OF USE: STOCKWATER in CAMAS County

T01N R15E S14 NENW

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.

Pursuant to the decision in Joyce Livestock v. United States (144 IDAHO 1, 156 P.3D 502 (Idaho 2007)), this water right is appurtenant to real property that is not the place of use. Property to which this water right is appurtenant is described as follows pursuant to I.C. 42-1402:

|           |     |       |      |
|-----------|-----|-------|------|
| T01N R15E | S03 | Lot 1 | NENE |
| T01N R15E | S03 | Lot 2 | NWNE |
| T01N R15E | S03 |       | SENE |
| T01N R15E | S03 | Lot 3 | NENW |
| T01N R15E | S03 | Lot 4 | NWNW |
| T01N R15E | S03 |       | SWNW |
| T01N R15E | S03 |       | NESW |
| T01N R15E | S03 |       | NWSW |
| T01N R15E | S03 |       | SWSW |
| T01N R15E | S03 |       | SESW |
| T01N R15E | S03 |       | NESE |
| T01N R15E | S03 |       | SESE |

|           |     |       |      |
|-----------|-----|-------|------|
| T01N R15E | S10 |       | NENE |
| T01N R15E | S10 |       | SWNE |
| T01N R15E | S10 |       | NENW |
| T01N R15E | S10 |       | NWNW |
| T01N R15E | S10 |       | SENW |
| T01N R15E | S10 | Lot 1 | NESE |
| T01N R15E | S10 |       | NWSE |
| T01N R15E | S10 |       | SWSE |
| T01N R15E | S10 |       | SESE |

|           |     |       |      |
|-----------|-----|-------|------|
| T01N R15E | S11 |       | SWNW |
| T01N R15E | S11 |       | SENW |
| T01N R15E | S11 |       | NESW |
| T01N R15E | S11 | Lot 1 | NWSW |

KKC

|      |      |     |       |      |
|------|------|-----|-------|------|
| T01N | R15E | S11 | Lot 1 | NWSW |
| T01N | R15E | S11 | Lot 2 | SESW |
| T01N | R15E | S13 |       | SWSW |
| T01N | R15E | S14 | Lot 1 | NENW |
| T01N | R15E | S14 | Lot 2 | NWNW |
| T01N | R15E | S14 | Lot 3 | SWNW |
| T01N | R15E | S14 | Lot 4 | SENW |
| T01N | R15E | S14 |       | NESW |
| T01N | R15E | S14 |       | SESW |
| T01N | R15E | S15 |       | NENE |
| T01N | R15E | S15 |       | NENW |
| T01N | R15E | S23 |       | NENE |
| T01N | R15E | S23 |       | NWNE |
| T01N | R15E | S23 |       | SWNE |
| T01N | R15E | S23 |       | SENE |
| T01N | R15E | S23 |       | NENW |
| T01N | R15E | S23 |       | SENW |
| T01N | R15E | S23 |       | NESW |
| T01N | R15E | S23 |       | NESE |
| T01N | R15E | S23 |       | NWSE |
| T01N | R15E | S23 |       | SWSE |
| T01N | R15E | S23 |       | SESE |
| T01N | R15E | S24 |       | NWNW |
| T01N | R15E | S24 |       | SWNW |
| T01N | R15E | S24 |       | SWSW |
| T01N | R15E | S24 |       | SESW |
| T01N | R15E | S25 |       | NENW |
| T01N | R15E | S25 |       | NWNW |
| T01N | R15E | S25 |       | SWNW |
| T01N | R15E | S25 |       | NWSW |
| T01N | R15E | S25 |       | SWSW |
| T01N | R15E | S25 |       | SESW |
| T01N | R15E | S25 |       | SWSE |
| T01N | R15E | S36 |       | NENW |
| T01N | R15E | S36 |       | NWNW |
| T01N | R15E | S36 |       | SWNW |
| T01N | R15E | S36 |       | SENW |

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

This right is a split from former right 37-13137.

*KKC*

05/06/2008

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

RIGHT NUMBER: 37-22259

NAME AND ADDRESS: CRICHTON CREEK LTD PARTNERSHIP  
RT 1 BOX 1210  
FAIRFIELD ID 83327

SOURCE: SPRING

TRIBUTARY: UNNAMED STREAM

QUANTITY: 0.050 CFS

This right shall be used in conjunction with water right nos. 37-22260 and 37-22238 and is limited to a total combined diversion rate of 0.050 CFS and a total combined quantity of 13,000 gallons per day.

PRIORITY DATE: 07/21/1939

POINT OF DIVERSION:

T01N R15E S3 SWSWSW Within CAMAS County  
T01N R15E S3 SENESE Within CAMAS County  
T01N R15E S10 NWSSENW Within CAMAS County  
T01N R15E S10 SWSSENW Within CAMAS County  
T01N R15E S10 NWNWSE Within CAMAS County  
T01N R15E S11 SWNWNW Within CAMAS County  
T01N R15E S11 SWSWNW Within CAMAS County  
T01N R15E S14 NWSSENW Lot 4 Within CAMAS County  
T01N R15E S14 SESENW Lot 4 Within CAMAS County

PURPOSE AND  
PERIOD OF USE:

| PURPOSE OF USE | PERIOD OF USE | QUANTITY  |
|----------------|---------------|-----------|
| STOCKWATER     | 05/01 10/20   | 0.050 CFS |

PLACE OF USE: STOCKWATER in CAMAS County

|                     |      |               |      |
|---------------------|------|---------------|------|
| T01N R15E S03       | SWSW | T01N R15E S03 | NESE |
| T01N R15E S10       | SESW | T01N R15E S10 | NWSE |
| T01N R15E S11       | NWNW | T01N R15E S11 | SWNW |
| T01N R15E S14 Lot 4 | 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 a split from former right 37-13137.

05/09/2008

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

RIGHT NUMBER: 37-22260

NAME AND ADDRESS: CRICHTON CREEK LTD PARTNERSHIP  
RT 1 BOX 1210  
FAIRFIELD ID 83327

SOURCE: SPRING

TRIBUTARY: COOKSTOVE CREEK

QUANTITY: 0.050 CFS

This right shall be used in conjunction with water right nos. 37-22259 and 37-22238 and is limited to a total combined diversion rate of 0.050 CFS and a total combined quantity of 13,000 gallons per day.

PRIORITY DATE: 07/21/1939

POINT OF DIVERSION:

T01N R15E S15 NWSENE Within CAMAS County  
T01N R15E S15 NESWNW Within CAMAS County  
T01N R15E S15 SESWNW Within CAMAS County  
T01N R15E S15 SWSENW Within CAMAS County  
T01N R15E S16 NWSWNE Within CAMAS County

PURPOSE AND  
PERIOD OF USE:

| PURPOSE OF USE | PERIOD OF USE | QUANTITY  |
|----------------|---------------|-----------|
| STOCKWATER     | 05/01 10/20   | 0.050 CFS |

PLACE OF USE: STOCKWATER in CAMAS County

|               |      |               |      |
|---------------|------|---------------|------|
| T01N R15E S15 | SENE | T01N R15E S15 | SWNW |
| T01N R15E S15 | SENW | T01N R15E S16 | SWNE |

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

The ownership of water right no. 37-22260 is governed by a private agreement executed by the Idaho Department of Lands and Crichton Creek Ltd. Partnership.

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. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

This right is a split from former right 37-13137.

## CERTIFICATE OF SERVICE

I certify that on \_\_\_\_\_, 2009, I caused to be served true and correct copies of this Standard Form 5, to the following persons, in the manner indicated 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, ID 83303-2707

☐ Overnight Mail  
☐ Regular Mail  
☐ Hand-Delivered  
☐ Facsimile

2. Copies to:

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

☐ Overnight Mail  
☐ Regular Mail  
☐ Hand-Delivered  
☐ Facsimile

Paul L. Arrington  
Barker Rosholt & Simpson LLP  
P.O. Box 485  
Twin Falls, ID 83303-0485

☐ Overnight Mail  
☐ Regular Mail  
☐ Hand-Delivered  
☐ Facsimile

U.S. Department of Justice  
Environment & Nat'l Resources Div.  
550 W. Fort St., MSC 033  
Boise, ID 83724

☐ Overnight Mail  
☐ Regular Mail  
☐ Hand-Delivered  
☐ Facsimile

David J. Barber  
Office of the Attorney General  
P.O. Box 44449  
Boise, ID 83711-4449

☐ Overnight Mail  
☐ Regular Mail  
☐ Hand-Delivered  
☐ Facsimile

\_\_\_\_\_  
Signature of person or attorney mailing the form

**Christensen, Kelly**

---

**From:** Barber, David [david.barber@ag.idaho.gov]  
**Sent:** Thursday, June 05, 2008 9:28 AM  
**To:** Christensen, Kelly; Bromley, Chris  
**Subject:** 37-13137 Attachments.DOC  
**Attachments:** 37-13137 Attachments.DOC

Dear Kelly & Chris:

I have proofed my settlement agreement with Crichton Creek, and I think I have all issues resolved. Attached for your comment are copies of the attachments that are included as a part of the settlement agreement for water right no. 37-13137. These water right descriptions should match the attachments to the SF5s. I will send the attachments for water right no. 37-13152 in a separate e-mail.

Sincerely,  
David J. Barber

<<37-13137 Attachments.DOC>>

**Christensen, Kelly**

---

**From:** Barber, David [david.barber@ag.idaho.gov]  
**Sent:** Friday, May 30, 2008 5:05 PM  
**To:** Bromley, Chris; Christensen, Kelly  
**Cc:** Arrington, Paul; Clay, Chris  
**Subject:** Status of SF-5s for Crichton Creek

Dear Chris & Kelly:

I wanted to provide you an update on the SF-5s that you sent me regarding Crichton Creek. The GIS person who reviews these matters for me will be absent from the office until June 5<sup>th</sup>. She needs to review them before, I will present the settlement agreement to the Director of the IDL for consideration. If the Director executes the Settlement Agreement, then I will sign the SF-5s. I did find one glaring error in both the SF-5s. The IDWR dropped the joint ownership of IDL and Crichton Creek on water right nos. 37-22239 and 37-22260. Please do not send corrected SF-5s to me until I notify you that the GIS person at IDL concurs in your legal descriptions.

Sincerely,

David J. Barber

## Christensen, Kelly

---

**From:** Christensen, Kelly  
**Sent:** Friday, May 09, 2008 2:36 PM  
**To:** 'Barber, David'; Fred Price; Scott Beazer  
**Cc:** Bromley, Chris; Kelly, Vicki  
**Subject:** Revised Water Right Descriptions for 37-22238, 37-22259, and 37-22260

**Attachments:** 37-22260 recom based upon sf-5 agreement.doc; 37-22238 recom based upon sf-5 agreement.doc; 37-22259 recom based upon sf-5 agreement.doc; Crichton pou layout 37-22238, 59 and 60.doc

I have finally got settled in here in the Western Region office and I have picked up this group again. Dave as I noted in a previous e-mail there was a disconnect between the recommended POD descriptions and the associated POU legal descriptions for some of the points of diversion on the original recommendation. The one that raises the biggest issue is the one in 01N, 15E, Sec 11 SWSW. I checked with Paul Arrington and they indicated that approximately 3/4ths of that quarter/quarter is BLM Property which I agreed with. From everything that I can see, that point should be a part of 37-22238.

I have gone into our system and generated new recommendations for each of the three rights and have linked them spatially. I also discussed the formatting for the SRBA court with Vicki Kelly and she said that she would prepare the cover letters for the SF-5s for the three valid rights and one for the parent right 37-13137 outlining the history of the splits. She also indicated that as split rights do not need to be done in strike-out -- underline format.

Please review the attached documents and if they are acceptable, I will get with Vicki to finalize the SF-5s.



37-22260 recom  
based upon sf-5...



37-22238 recom  
based upon sf-5...



37-22259 recom  
based upon sf-5...



Crichton pou layout  
37-22238, ...

Kelly K Christensen  
Sr Water Resource Agt  
Boise, Western Region  
(208)-334-2190

## **Christensen, Kelly**

---

**To:** Kelly, Vicki  
**Subject:** 37-13137, 37-13152 Crichton Creek LTD

37-13137 is the one split into 37-22238, 37-22259, and 37-22260. I signed the sf-5 5-29-2008. I checked on the court page and I see that nothing has hit there.

37-13152 is the one split into 37-22239, and 37-22240. This one is riding the same horse.

Do you know where we stand on these groups? It seems to me that they were sent to Dave Barber and he was going to have them reviewed. I was thinking that if this were the case then maybe a tickler to Dave would be O.K.

Kelly K Christensen  
Sr Water Resource Agt  
Boise, Western Region  
(208)-334-2190

**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: 37-13137             |
|                | ) | (SPLIT INTO 37-22238, 37-22259 & |
|                | ) | 37-22260)                        |
| 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.

To resolve the objections filed by the BLM and the State of Idaho Department of Lands in subcase 37-13137, the parties agree and stipulate that the whole of water right claim 37-13137 shall be split into three new water right claims and renumbered as 37-22238, 37-22259 and 37-22260. Water rights 37-22238, 37-22259, and 37-22260 now supersede water right 37-13137, and right 37-13137 should be dismissed with prejudice. The parties and IDWR have further indicated their concurrence to these renumbered water rights by signing below and initialing the attached pages.

**CLAIMANT/RESPONDENT:**  
Crichton Creek Ltd. Partnership

**OBJECTOR:**  
United States on behalf of the  
Bureau of Land Management

\_\_\_\_\_  
Paul L. Arrington  
Attorney for Crichton Creek  
Ltd. Partnership

\_\_\_\_\_  
Date

\_\_\_\_\_  
Larry A. Brown  
Attorney, U.S. Department of Justice  
Environment and Natural Resources

\_\_\_\_\_  
Date

**OBJECTOR:**

State of Idaho

Department of Lands

\_\_\_\_\_  
David J. Barber

\_\_\_\_\_  
Date

Deputy Attorney General

Attorney for Department of Lands

**IDWR CONCURRENCE:**

*Kelly K. Christensen* *5-29-08*

\_\_\_\_\_  
Kelly Christensen

\_\_\_\_\_  
Date

Sr. Water Resource Agent

**IDWR CONCURRENCE:**

\_\_\_\_\_  
Christopher M. Bromley

\_\_\_\_\_  
Date

Deputy Attorney General

Attorney for IDWR

05/28/2008

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> |
|--------------------|--------------------------------------------------------------------------|------------------------------------------------------|---------------|
| 37-13137           | CRICHTON CREEK LTD<br>PARTNERSHIP<br>RT 1 BOX 1210<br>FAIRFIELD ID 83327 | Parent split into 37-22238, 37-22259<br>and 37-22260 |               |

KKC

05/09/2008

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

RIGHT NUMBER: 37-22238

NAME AND ADDRESS: CRICHTON CREEK LTD PARTNERSHIP  
RT 1 BOX 1210  
FAIRFIELD ID 83327

SOURCE: SPRING

TRIBUTARY: UNNAMED STREAM

QUANTITY: 0.050 CFS

This right shall be used in conjunction with water right nos. 37-22259 and 37-22260 and is limited to a total combined diversion rate of 0.05 cfs and a total combined quantity of 13,000 gallons per day.

PRIORITY DATE: 07/21/1939

POINT OF DIVERSION:

T01N R15E S11 SESWSW Within CAMAS County

T01N R15E S14 NWNENW Within CAMAS County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| STOCKWATER            | 06/01 10/15          | 0.050 CFS       |

PLACE OF USE: STOCKWATER in CAMAS County

|               |      |               |      |
|---------------|------|---------------|------|
| T01N R15E S11 | SWSW | T01N R15E S14 | NENW |
|---------------|------|---------------|------|

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.

Pursuant to the decision in Joyce Livestock v. United States (144 IDAHO 1, 156 P.3D 502 (Idaho 2007)), this water right is appurtenant to real property that is not the place of use. Property to which this water right is appurtenant is described as follows pursuant to I.C. 42-1402:

|      |      |     |       |      |
|------|------|-----|-------|------|
| T01N | R15E | S03 | Lot 1 | NENE |
| T01N | R15E | S03 | Lot 2 | NWNE |
| T01N | R15E | S03 |       | SENE |
| T01N | R15E | S03 | Lot 3 | NENW |
| T01N | R15E | S03 | Lot 4 | NWNW |
| T01N | R15E | S03 |       | SWNW |
| T01N | R15E | S03 |       | NESW |
| T01N | R15E | S03 |       | NWSW |
| T01N | R15E | S03 |       | SWSW |
| T01N | R15E | S03 |       | SESW |
| T01N | R15E | S03 |       | NESE |
| T01N | R15E | S03 |       | SESE |
| T01N | R15E | S10 |       | NENE |
| T01N | R15E | S10 |       | SWNE |
| T01N | R15E | S10 |       | NENW |
| T01N | R15E | S10 |       | NWNW |
| T01N | R15E | S10 |       | SENW |
| T01N | R15E | S10 | Lot 1 | NESE |
| T01N | R15E | S10 |       | NWSE |

05/09/2008

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

|      |      |     |       |      |
|------|------|-----|-------|------|
| T01N | R15E | S10 |       | SWSE |
| T01N | R15E | S10 |       | SESE |
| T01N | R15E | S11 |       | SWNW |
| T01N | R15E | S11 |       | SENW |
| T01N | R15E | S11 |       | NESW |
| T01N | R15E | S11 | Lot 1 | NWSW |
| T01N | R15E | S11 | Lot 2 | SESW |
| T01N | R15E | S13 |       | SWSW |
| T01N | R15E | S14 | Lot 1 | NENW |
| T01N | R15E | S14 | Lot 2 | NWNW |
| T01N | R15E | S14 | Lot 3 | SWNW |
| T01N | R15E | S14 | Lot 4 | SENW |
| T01N | R15E | S14 |       | NESW |
| T01N | R15E | S14 |       | SESW |
| T01N | R15E | S15 |       | NENE |
| T01N | R15E | S15 |       | NENW |
| T01N | R15E | S23 |       | NENE |
| T01N | R15E | S23 |       | NWNE |
| T01N | R15E | S23 |       | SWNE |
| T01N | R15E | S23 |       | SENE |
| T01N | R15E | S23 |       | NENW |
| T01N | R15E | S23 |       | SENW |
| T01N | R15E | S23 |       | SENW |
| T01N | R15E | S23 |       | NESW |
| T01N | R15E | S23 |       | NESE |
| T01N | R15E | S23 |       | NWSE |
| T01N | R15E | S23 |       | SWSE |
| T01N | R15E | S23 |       | SESE |
| T01N | R15E | S24 |       | NWNW |
| T01N | R15E | S24 |       | SWNW |
| T01N | R15E | S24 |       | SWSW |
| T01N | R15E | S24 |       | SESW |
| T01N | R15E | S25 |       | NENW |
| T01N | R15E | S25 |       | NWNW |
| T01N | R15E | S25 |       | SWNW |
| T01N | R15E | S25 |       | NWSW |
| T01N | R15E | S25 |       | SWSW |
| T01N | R15E | S25 |       | SESW |
| T01N | R15E | S25 |       | SWSE |
| T01N | R15E | S36 |       | NENW |
| T01N | R15E | S36 |       | NWNW |
| T01N | R15E | S36 |       | SWNW |
| T01N | R15E | S36 |       | SENW |

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

This right is a split from former right 37-13137.

05/06/2008

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

RIGHT NUMBER: 37-22259

NAME AND ADDRESS: CRICHTON CREEK LTD PARTNERSHIP  
RT 1 BOX 1210  
FAIRFIELD ID 83327

SOURCE: SPRING

TRIBUTARY: UNNAMED STREAM

QUANTITY: 0.050 CFS

This right shall be used in conjunction with water right nos. 37-22260 and 37-22238 and is limited to a total combined diversion rate of 0.050 CFS and a total combined quantity of 13,000 gallons per day.

PRIORITY DATE: 07/21/1939

POINT OF DIVERSION:

T01N R15E S3 SWSWSW Within CAMAS County  
T01N R15E S3 SENESE Within CAMAS County  
T01N R15E S10 NWSSENW Within CAMAS County  
T01N R15E S10 SWSSENW Within CAMAS County  
T01N R15E S10 NWNWSE Within CAMAS County  
T01N R15E S11 SWNNW Within CAMAS County  
T01N R15E S11 SWSWNW Within CAMAS County  
T01N R15E S14 NWSSENW Lot 4 Within CAMAS County  
T01N R15E S14 SESENW Lot 4 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          | 0.050 CFS       |

PLACE OF USE: STOCKWATER in CAMAS County

|                     |      |               |      |
|---------------------|------|---------------|------|
| T01N R15E S03       | SWSW | T01N R15E S03 | NESE |
| T01N R15E S10       | SENW | T01N R15E S10 | NWSE |
| T01N R15E S11       | NWNW | T01N R15E S11 | SWNW |
| T01N R15E S14 Lot 4 | SENW |               |      |

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 a split from former right 37-13137.

06/03/2008

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

RIGHT NUMBER: 37-22260

NAME AND ADDRESS: CRICHTON CREEK LTD PARTNERSHIP  
RT 1 BOX 1210  
FAIRFIELD ID 83327

STATE OF IDAHO  
DEPT OF LANDS  
300 N 6TH ST  
PO BOX 83720  
BOISE ID 83720-0050

KKC

SOURCE: SPRING

TRIBUTARY: COOKSTOVE CREEK

QUANTITY: 0.050 CFS

This right shall be used in conjunction with water right nos. 37-22259 and 37-22238 and is limited to a total combined diversion rate of 0.050 CFS and a total combined quantity of 13,000 gallons per day.

PRIORITY DATE: 07/21/1939

POINT OF DIVERSION:

T01N R15E S15 NWSENE Within CAMAS County  
T01N R15E S15 NESWNW Within CAMAS County  
T01N R15E S15 SESWNW Within CAMAS County  
T01N R15E S15 SWSENE Within CAMAS County  
T01N R15E S16 NWSWNE 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          | 0.050 CFS       |

PLACE OF USE: STOCKWATER in CAMAS County

|               |      |               |      |
|---------------|------|---------------|------|
| T01N R15E S15 | SENE | T01N R15E S15 | SWNW |
| T01N R15E S15 | SENE | T01N R15E S16 | SWNE |

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

The ownership of water right no. 37-22260 is governed by a private agreement executed by the Idaho Department of Lands and Crichton Creek Ltd. Partnership.

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. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

This right is a split from former right 37-13137 .

## CERTIFICATE OF SERVICE

I certify that on \_\_\_\_\_, 2008, I caused to be served true and correct copies of this Standard Form 5, to the following persons, in the manner indicated 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, ID 83303-2707

☐ Overnight Mail  
☐ Regular Mail  
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2. Copies to:

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

☐ Overnight Mail  
☐ Regular Mail  
☐ Hand-Delivered  
☐ Facsimile

Paul L. Arrington  
Barker Rosholt & Simpson LLP  
P.O. Box 485  
Twin Falls, ID 83303-0485

☐ Overnight Mail  
☐ Regular Mail  
☐ Hand-Delivered  
☐ Facsimile

U.S. Department of Justice  
Environment & Nat'l Resources Div.  
550 W. Fort St., MSC 033  
Boise, ID 83724

☐ Overnight Mail  
☐ Regular Mail  
☐ Hand-Delivered  
☐ Facsimile

David J. Barber  
Office of the Attorney General  
P.O. Box 44449  
Boise, ID 83711-4449

☐ Overnight Mail  
☐ Regular Mail  
☐ Hand-Delivered  
☐ Facsimile

\_\_\_\_\_  
Signature of person or attorney mailing the form

**Christensen, Kelly**

---

**From:** Paul Arrington [pla@idahowaters.com]  
**Sent:** Tuesday, May 27, 2008 2:03 PM  
**To:** Barber, David; Christensen, Kelly  
**Subject:** RE: Revised Water Right Descriptions for 37-22238, 37-22259, and 37-22260

David:

These look fine to me with one exception. On water right 37-22258 and 37-22238 I wonder if the place of use has a typographical error. It states: "~~T01N R15E S14 NENW~~". According to the Department's recommendation for 37-13137 – from which these rights originate, it appears that the place of use should be the "SENW".

I am copying Kelly Christensen so that he may confirm the POU.

Paul L. Arrington  
**Barker Rosholt & Simpson LLP**  
(208) 733-0700 - telephone  
(208) 404-9436 - mobile

**CONFIDENTIALITY NOTICE:** This e-mail and its attachments are confidential and may be privileged. If you believe this e-mail has been sent to you in error, please notify the sender immediately and delete this email. Do not deliver, distribute or copy this transmission.

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**From:** Barber, David [mailto:david.barber@ag.idaho.gov]  
**Sent:** Friday, May 23, 2008 2:37 PM  
**To:** Paul Arrington  
**Subject:** FW: Revised Water Right Descriptions for 37-22238, 37-22259, and 37-22260

-----Original Message-----

**From:** Christensen, Kelly [mailto:Kelly.Christensen@idwr.idaho.gov]  
**Sent:** Friday, May 09, 2008 2:36 PM  
**To:** Barber, David; Fred Price; Scott Beazer  
**Cc:** Bromley, Chris; Kelly, Vicki  
**Subject:** Revised Water Right Descriptions for 37-22238, 37-22259, and 37-22260

I have finally got settled in here in the Western Region office and I have picked up this group again. Dave as I noted in a previous e-mail there was a disconnect between the recommended POD descriptions and the associated POU legal descriptions for some of the points of diversion on the original recommendation. The one that raises the biggest issue is the one in 01N, 15E, Sec 11 SWSW. I checked with Paul Arrington and they indicated that approximately 3/4ths of that quarter/quarter is BLM Property which I agreed with. From everything that I can see, that point should be a part of 37-22238.

I have gone into our system and generated new recommendations for each of the three rights and have linked them spatially. I also discussed the formatting for the SRBA court with Vicki Kelly and she said that she would prepare the cover letters for the SF-5s for the three valid rights and one for the parent right 37-13137 outlining the history of the splits. She also indicated that as split rights do not need to be done in strike-out -- underline format.

Please review the attached documents and if they are acceptable, I will get with Vicki to finalize the SF-5s.

<<37-22260 recom based upon sf-5 agreement.doc>> <<37-22238 recom based upon sf-5 agreement.doc>>

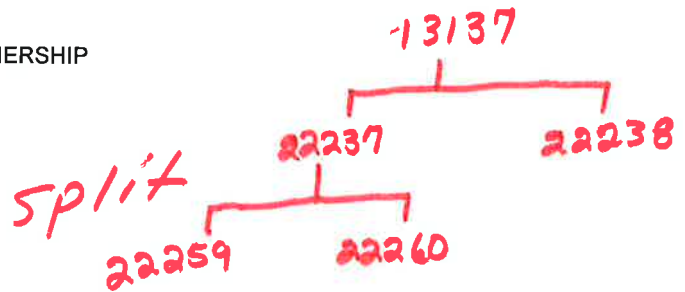
5/28/2008

## IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-13137 V1

WATER RIGHT NUMBER: 37-13137 V1

| <u>Owner Type</u> | <u>Name and Address</u>                                                |
|-------------------|------------------------------------------------------------------------|
| Current Owner     | CRICHTON CREEK LTD PARTNERSHIP<br>RT 1 BOX 1210<br>FAIRFIELD, ID 83327 |
| Original Owner    | ROSELYN PECK<br>RT 1 BOX 1205<br>FAIRFIELD, ID 83327<br>(208)764-2565  |
| Original Owner    | KENNETH PECK<br>RT 1 BOX 1205<br>FAIRFIELD, ID 83327<br>(208)764-2565  |



Priority Date: 07/21/1939

Basis: Beneficial Use

Status: Parent

| <u>Source</u> | <u>Tributary</u> |
|---------------|------------------|
| SPRING        | COOKSTOVE CREEK  |
| SPRING        | UNNAMED STREAM   |

| <u>Beneficial Use</u>   | <u>From</u> <u>To</u> | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-------------------------|-----------------------|-----------------------|----------------------|
| STOCKWATER              | 05/01 to 10/20        | 0.050 CFS             |                      |
| <u>Total Diversion:</u> |                       | 0.050 CFS             |                      |

Location of Point(s) of Diversion

|        |                 |                 |          |               |              |
|--------|-----------------|-----------------|----------|---------------|--------------|
| SPRING | NW1/4SE1/4NE1/4 | Sec. 15,        | Twp 01N, | Rge 15E, B.M. | CAMAS County |
| SPRING | SE1/4SW1/4NW1/4 | Sec. 15,        | Twp 01N, | Rge 15E, B.M. | CAMAS County |
| SPRING | SE1/4SW1/4SW1/4 | Sec. <u>11,</u> | Twp 01N, | Rge 15E, B.M. | CAMAS County |
| SPRING | NW1/4SE1/4NW1/4 | Sec. 10,        | Twp 01N, | Rge 15E, B.M. | CAMAS County |
| SPRING | SW1/4SE1/4NW1/4 | Sec. 10,        | Twp 01N, | Rge 15E, B.M. | CAMAS County |
| SPRING | SW1/4NW1/4NW1/4 | Sec. 11,        | Twp 01N, | Rge 15E, B.M. | CAMAS County |
| SPRING | SW1/4SW1/4NW1/4 | Sec. 11,        | Twp 01N, | Rge 15E, B.M. | CAMAS County |
| SPRING | NW1/4NE1/4NW1/4 | Sec. 14,        | Twp 01N, | Rge 15E, B.M. | CAMAS County |
| SPRING | SE1/4SE1/4NW1/4 | Sec. 14,        | Twp 01N, | Rge 15E, B.M. | CAMAS County |
| SPRING | SW1/4SW1/4SW1/4 | Sec. 3,         | Twp 01N, | Rge 15E, B.M. | CAMAS County |
| SPRING | SE1/4NE1/4SE1/4 | Sec. 3,         | Twp 01N, | Rge 15E, B.M. | CAMAS County |
| SPRING | NW1/4NW1/4SE1/4 | Sec. 10,        | Twp 01N, | Rge 15E, B.M. | CAMAS County |
| SPRING | NW1/4SE1/4NW1/4 | Sec. 14,        | Twp 01N, | Rge 15E, B.M. | CAMAS County |
| SPRING | NE1/4SW1/4NW1/4 | Sec. 15,        | Twp 01N, | Rge 15E, B.M. | CAMAS County |
| SPRING | SW1/4SE1/4NW1/4 | Sec. 15,        | Twp 01N, | Rge 15E, B.M. | CAMAS County |
| SPRING | NW1/4SW1/4NE1/4 | Sec. 16,        | Twp 01N, | Rge 15E, B.M. | CAMAS County |

SE 5E 15 Sec 16

IDAHO DEPARTMENT OF WATER RESOURCES  
Adjudication Recommendation Report 37-13137 V1

Place of Use

## STOCKWATER

| Twp Rge Sec | NE |    |    |    | NW |    |    |     | SW |    |    |    | SE |    |    |    | Totals |
|-------------|----|----|----|----|----|----|----|-----|----|----|----|----|----|----|----|----|--------|
|             | NE | NW | SW | SE | NE | NW | SW | SE  | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 01N 15E 3   |    |    |    |    |    |    |    |     |    |    | X  |    | X  |    |    |    |        |
| 01N 15E 10  |    |    |    |    |    |    |    | X   |    |    |    |    |    | X  |    |    |        |
| 01N 15E 11  |    |    |    |    |    |    | X  |     |    |    |    |    |    |    |    |    |        |
| 01N 15E 14  |    |    |    |    |    |    |    | X   |    |    |    |    |    |    |    |    |        |
|             |    |    |    |    |    |    |    | L 4 |    |    |    |    |    |    |    |    |        |
| 01N 15E 15  |    |    |    | X  |    |    | X  | X   |    |    |    |    |    |    |    |    |        |
| 01N 15E 16  |    |    | X  |    |    |    |    |     |    |    |    |    |    |    |    |    |        |

Conditions of Approval:

1. N11 The quantity of water decreed for this water right is not a determination of historical beneficial use.
2. 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.
3. SPLIT RIGHT: SEE RIGHT NOS. 37-22237 and 37-22238.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-13137 V1

4. N13 The quantity of water under this right shall not exceed 13,000 gallons per day.

Remarks:

Comments:

SubCase:

SubCase Number: 37-13137

Class: 1

SF5 Filed Date:

Special Master Recom Signed Date:

Attorney Assigned:

Adjudication Agent: manders

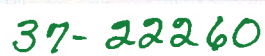
Basis of Claim: Beneficial Use

Date Filed: 5/22/2007 Objection Status: Active

Date Filed: 5/22/2007 Objection Status: Active

Water Supply Bank:

Sec 2



742886  
POU #  
for 22259



## CERTIFICATE OF MAILING

I certify that on \_\_\_\_\_, 2008, I mailed the original and the copies of this form, including all attachments, to the following persons by mailing the original and/or copies, 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

HAND DELIVERY

2. Copies to:

CRICHTON CREEK LTD PARTNERSHIP  
RT 1 BOX 1210  
FAIRFIELD ID 83327

U.S. MAIL

Office of the Attorney General  
Natural Resource Division  
Idaho Department of Lands  
P.O. Box 83720  
Boise, ID 83720-0050  
Attn: David J. Barber

U.S. MAIL

State of Idaho  
South Central Idaho Supervisory Area  
Department of Lands  
319 South 417 East  
Jerome, ID 83338

U.S. MAIL

State of Idaho  
Department of Lands  
300 N. 6<sup>th</sup> St.  
PO Box 83720  
Boise, ID 83720-0050

U.S. MAIL

IDWR Depository  
PO Box 83720  
Boise, ID 83720

U.S. MAIL

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Signature of person mailing the form

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

RIGHT NUMBER: 37-22238

NAME AND ADDRESS: CRICHTON CREEK LTD PARTNERSHIP  
RT 1 BOX 1210  
FAIRFIELD ID 83327

SOURCE: ~~SPRING~~ ~~TRIBUTARY: COOKSTOVE CREEK~~  
SPRING ~~TRIBUTARY: UNNAMED STREAM~~

QUANTITY: 0.050 CFS

~~The quantity of water under water right nos. 37-13137A and 37-13137B shall not exceed 13,000 gallons per day.~~

This right shall be used in conjunction with water right nos. 37-22259 and 37-22260 and is limited to a total combined diversion rate of 0.050 CFS and a total combined quantity of 13,000 gallons per day.

PRIORITY DATE: 07/21/1939

POINT OF DIVERSION:

~~T01N R15E S3 SWSWSW Within CAMAS County~~  
~~T01N R15E S3 SENESE Within CAMAS County~~

~~T01N R15E S10 NWSSENW Within CAMAS County~~  
~~T01N R15E S10 SWSSENW Within CAMAS County~~  
~~T01N R15E S10 NWNWSE Within CAMAS County~~

~~T01N R15E S11 SWNNWN Within CAMAS County~~  
~~T01N R15E S11 SWNNWN Within CAMAS County~~  
~~T01N R15E S11 SESWSW Within CAMAS County~~

~~T01N R15E S14 NWNENW Within CAMAS County~~  
~~T01N R15E S14 NWSSENW Within CAMAS County~~  
~~T01N R15E S14 SESENW Within CAMAS County~~

~~T01N R15E S15 NWSENE Within CAMAS County~~  
~~T01N R15E S15 NESWNW Within CAMAS County~~  
~~T01N R15E S15 SESWNW Within CAMAS County~~  
~~T01N R15E S15 SWSSENW Within CAMAS County~~

~~T01N R15E S16 NWSWNE Within CAMAS County~~

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u>                      | <u>QUANTITY</u> |
|-----------------------|-------------------------------------------|-----------------|
| STOCKWATER            | <del>05/01 10/20</del> <u>06/01 10/15</u> | 0.050 CFS       |

PLACE OF USE: STOCKWATER in CAMAS County

|                          |                 |                                |                 |
|--------------------------|-----------------|--------------------------------|-----------------|
| <del>T01N R15E S03</del> | <del>SWSW</del> | <del>T01N R15E S03</del>       | <del>NESE</del> |
| <del>T01N R15E S10</del> | <del>SENW</del> | <del>T01N R15E S03</del>       | <del>NWSE</del> |
| <del>T01N R15E S11</del> | <del>NWNW</del> | <del>T01N R15E S11</del>       | <del>SWNW</del> |
| <del>T01N R15E S14</del> | <del>NENW</del> | <del>T01N R15E S14 Lot 4</del> | <del>SENW</del> |
| <del>T01N R15E S15</del> | <del>SENE</del> | <del>T01N R15E S15</del>       | <del>SWNW</del> |
| <del>T01N R15E S15</del> | <del>SENW</del> | <del>T01N R15E S16</del>       | <del>SWNE</del> |

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. Section 42-1412(6), Idaho Code.

Pursuant to the decision in Joyce Livestock v. United States (144 IDAHO 1, 156 P.3D 502 (Idaho 2007)), this water right is appurtenant to real property that is not the place of use. Property to which this water right is appurtenant is described as follows pursuant to I.C. 42-1402:

|      |      |     |       |      |
|------|------|-----|-------|------|
| T01N | R15E | S03 | Lot 1 | NENE |
| T01N | R15E | S03 | Lot 2 | NWNE |
| T01N | R15E | S03 |       | SENE |
| T01N | R15E | S03 | Lot 3 | NENW |
| T01N | R15E | S03 | Lot 4 | NWNW |
| T01N | R15E | S03 |       | SWNW |
| T01N | R15E | S03 |       | NESW |
| T01N | R15E | S03 |       | NWSW |
| T01N | R15E | S03 |       | SWSW |
| T01N | R15E | S03 |       | SESW |
| T01N | R15E | S03 |       | NESE |
| T01N | R15E | S03 |       | SESE |

|      |      |     |       |      |
|------|------|-----|-------|------|
| T01N | R15E | S10 |       | NENE |
| T01N | R15E | S10 |       | SWNE |
| T01N | R15E | S10 |       | NENW |
| T01N | R15E | S10 |       | NWNW |
| T01N | R15E | S10 |       | SENW |
| T01N | R15E | S10 | Lot 1 | NESE |
| T01N | R15E | S10 |       | NWSE |
| T01N | R15E | S10 |       | SWSE |
| T01N | R15E | S10 |       | SESE |

|      |      |     |       |      |
|------|------|-----|-------|------|
| T01N | R15E | S11 |       | SWNW |
| T01N | R15E | S11 |       | SENW |
| T01N | R15E | S11 |       | NESW |
| T01N | R15E | S11 | Lot 1 | NWSW |
| T01N | R15E | S11 | Lot 2 | SESW |

|      |      |     |  |      |
|------|------|-----|--|------|
| T01N | R15E | S13 |  | SWSW |
|------|------|-----|--|------|

|      |      |     |       |      |
|------|------|-----|-------|------|
| T01N | R15E | S14 | Lot 1 | NENW |
| T01N | R15E | S14 | Lot 2 | NWNW |
| T01N | R15E | S14 | Lot 3 | SWNW |
| T01N | R15E | S14 | Lot 4 | SENW |
| T01N | R15E | S14 |       | NESW |
| T01N | R15E | S14 |       | SESW |

|      |      |     |  |      |
|------|------|-----|--|------|
| T01N | R15E | S15 |  | NENE |
| T01N | R15E | S15 |  | NENW |

|      |      |     |  |      |
|------|------|-----|--|------|
| T01N | R15E | S23 |  | NENE |
| T01N | R15E | S23 |  | NWNE |
| T01N | R15E | S23 |  | SWNE |
| T01N | R15E | S23 |  | SENE |
| T01N | R15E | S23 |  | NENW |
| T01N | R15E | S23 |  | SENW |
| T01N | R15E | S23 |  | NESW |
| T01N | R15E | S23 |  | NESE |
| T01N | R15E | S23 |  | NWSE |
| T01N | R15E | S23 |  | SWSE |
| T01N | R15E | S23 |  | SESE |

|      |      |     |  |      |
|------|------|-----|--|------|
| T01N | R15E | S24 |  | NWNW |
| T01N | R15E | S24 |  | SWNW |

|      |      |     |      |
|------|------|-----|------|
| T01N | R15E | S24 | SWSW |
| T01N | R15E | S24 | SESW |
| T01N | R15E | S25 | NENW |
| T01N | R15E | S25 | NWNW |
| T01N | R15E | S25 | SWNW |
| T01N | R15E | S25 | NWSW |
| T01N | R15E | S25 | SWSW |
| T01N | R15E | S25 | SESW |
| T01N | R15E | S25 | SWSE |
| T01N | R15E | S36 | NENW |
| T01N | R15E | S36 | NWNW |
| T01N | R15E | S36 | SWNW |
| T01N | R15E | S36 | SENW |

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use.