

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re PRBA

Case No. 59576

) SUBCASE: 87-11963
) STANDARD FORM 5

) STIPULATED ELEMENTS OF A WATER
) RIGHT

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

This form is used to report the stipulated elements of one water right acquired under state law. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Palouse River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

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

CLAIMANT/OBJECTOR:

Board of Regents of the University of Idaho

 11/24/23
Travis Thompson, Attorney at Law Date

IDWR Concurrence:

 11/22/23
Craig Saxton Date
Manager, Water Rights Adjudication Section

 11/22/23
Lacey Rammell-O'Brien Date
Deputy Attorney General
Attorney for IDWR

CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of November, 2023, I caused to be served a copy of the Standard Form 5 by the following method to:

1. Original to:

Clerk of the District Court
Palouse River Basin Adjudication
253 3rd Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

☐ Overnight Mail
☒ Regular Mail
☐ Hand-delivered
☐ Facsimile

2. Copies to:

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

☐ Overnight Mail
☐ Regular Mail
☒ Hand-delivered
☐ Facsimile

Board of Regents of the University
of Idaho

Represented by:
Travis Thompson
Barker Rosholt & Simpson LLP
PO Box 63
Twin Falls, ID 83303-0063

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

United States of America
Represented by:
US Department of Justice
Environment & Natural Resources
550 West Fort Street, MSC 033
Boise, ID 83724

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

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

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

Signature of person delivering this document

Tori Harris

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

RIGHT NUMBER: 87-11963

NAME AND ADDRESS: BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO
875 PERIMETER DR MS 3168
MOSCOW ID 83844-3168

SOURCE: UNNAMED STREAM

TRIBUTARY: FLAT CREEK

QUANTITY: 7.20 AFY

The capacity of the storage reservoir is 0.28 AF. The reservoir may be refilled multiple times up to the total diversion volume in a single year.

The quantity of water under Right Nos. 87-11963 and 87-11962 for industrial use shall not exceed 0.20 acre-feet per day from a single watercourse.

PRIORITY DATE: 04/03/1969

POINT OF DIVERSION: T40N R03W S4 NWNE Lot 2 Within LATAH County

**PURPOSE AND
PERIOD OF USE:**

PURPOSE OF USE	PERIOD OF USE	QUANTITY
FIRE PROTECTION STORAGE	01/01 12/31	7.20 AFY
INDUSTRIAL FROM STORAGE	01/01 12/31	7.20 AFY
INDUSTRIAL STORAGE	01/01 12/31	7.20 AFY
STOCKWATER STORAGE	01/01 12/31	2.70 AFY
WILDLIFE STORAGE	01/01 12/31	7.20 AFY

Industrial use is for forest practices and forest dust abatement as provided for by Idaho Code § 42-201.

PLACE OF USE:

STOCKWATER STORAGE in LATAH County
T40N R03W S04 Lot 2 NWNE

INDUSTRIAL STORAGE in LATAH County
T40N R03W S04 Lot 2 NWNE

INDUSTRIAL FROM STORAGE in LATAH County

T40N R03W S04 Lot 1 NENE	T40N R03W S04 Lot 8 NENE
T40N R03W S04 Lot 2 NWNE	T40N R03W S04 Lot 7 NWNE
T40N R03W S04 Lot 10 SWNE	T40N R03W S04 Lot 9 SENE
T40N R03W S04 Lot 3 NENW	T40N R03W S04 Lot 6 NENW
T40N R03W S04 Lot 4 NWNW	T40N R03W S04 Lot 5 NWNW
T40N R03W S04 Lot 12 SWNW	T40N R03W S04 Lot 11 SENW
T40N R03W S04 NWSW	T40N R03W S05 Lot 1 NENE
T40N R03W S05 Lot 8 NENE	T40N R03W S05 Lot 9 SENE
T40N R03W S05 NESE	T41N R03W S28 SWNW
T41N R03W S28 NESW	T41N R03W S28 NWSW
T41N R03W S28 SWSW	T41N R03W S28 SESW
T41N R03W S28 NESE	T41N R03W S28 NWSE
T41N R03W S28 SWSE	T41N R03W S28 SESE
T41N R03W S29 SESE	T41N R03W S32 NENE
T41N R03W S32 SENE	T41N R03W S32 NESE

T41N R03W S32	SESE	T41N R03W S33	NENE
T41N R03W S33	NWNE	T41N R03W S33	SWNE
T41N R03W S33	SENE	T41N R03W S33	NENW
T41N R03W S33	NWNW	T41N R03W S33	SWNW
T41N R03W S33	SENW	T41N R03W S33	NESW
T41N R03W S33	NWSW	T41N R03W S33	SWSW
T41N R03W S33	SESW	T41N R03W S33	NESE
T41N R03W S33	NWSE	T41N R03W S33	SWSE
T41N R03W S33	SESE		

WILDLIFE STORAGE in LATAH County

T40N R03W S04 Lot 2 NWNE

FIRE PROTECTION STORAGE in LATAH County

T40N R03W S04 Lot 2 NWNE

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Idaho Code § 42-1412(6).

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Stockwater use is for 200 head of mixed stock.

Point of Diversion Parcel No. RP40N03W040003. Place of Use Parcel Nos. RP40N03W040003, RP41N03W330033, & RP41N03W285558

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