

**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: 87-4064**  
) **STANDARD FORM 5**

) **STIPULATED ELEMENTS OF A WATER**  
) **RIGHT**

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

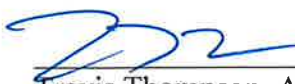
This form is used to report the stipulated elements of one water right acquired under state law. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert 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 27<sup>th</sup> 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 3<sup>rd</sup> 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

Felix Harris

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

RIGHT NUMBER: 87-4064

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 1.1 AF. The reservoir may be refilled multiple times up to the total diversion volume in a single year.

The quantity of water under this right for industrial use shall not exceed 0.20 acre-feet per day from a single watercourse.

PRIORITY DATE: 07/29/1969

POINT OF DIVERSION: T40N R03W S6 NWSE 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 S06 NWSE

INDUSTRIAL STORAGE in LATAH County  
T40N R03W S06 NWSE

INDUSTRIAL FROM STORAGE in LATAH County

T40N R03W S06 Lot 2 NWNE T40N R03W S06 SESW  
T40N R03W S06 SWSE

WILDLIFE STORAGE in LATAH County

T40N R03W S06 NWSE

FIRE PROTECTION STORAGE in LATAH County

T40N R03W S06 NWSE

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. RP40N03W060005. Place of Use Parcel Nos.  
RP40N03W060005 & RP40N03W066015

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C45  
(12)