

**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: 87-12313**
) **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:

The Ruth A. Elliott 1992 Revocable Living Trust

Candice McHugh 12/13/2023
Candice McHugh, Attorney at Law Date

IDWR Concurrence:

Craig Saxton 12/19/23
Craig Saxton Date
Manager, Water Rights Adjudication Section

Lacey Rammell-O'Brien 12/18/23
Lacey Rammell-O'Brien Date
Deputy Attorney General
Attorney for IDWR

CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of December, 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

The Ruth A. Elliott 1992 Revocable Living Trust

Represented by:
Candice McHugh
380 S. 4th Street, Suite 103
Boise, ID 83702

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

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

☐ 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

Signature of person delivering this document

Jeri Harris

12/01/2023

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

RIGHT NUMBER: 87-12313

NAME AND ADDRESS: THE RUTH A. ELLIOTT 1992 REVOCABLE LIVING TRUST
1050 HALL RD
VIOLA ID 83872-9775

SOURCE: UNNAMED STREAM

TRIBUTARY: CRANE CREEK

QUANTITY: ~~2.20~~ 3.1 AFY

This right authorizes a total annual storage volume of 3.1 acre-feet, 2.2 acre-feet to be used for the initial filling or carryover storage of the pond and 0.7 acre-feet for the replacement of losses caused by seepage and evaporation and up to 0.2 acre-feet for additional refills for stockwater storage and wildlife storage use.

The capacity of the storage reservoir is 2.2 AF. The reservoir may be refilled multiple times in a single year.

PRIORITY DATE: 04/01/1944

POINT OF DIVERSION: T42N R04W S17 SENE Within LATAH County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
AESTHETIC STORAGE	01/01 12/31	~~2.20~~ 2.90 AFY
FIRE PROTECTION FROM STORAGE	01/01 12/31	~~2.20~~ 2.90 AFY
FIRE PROTECTION STORAGE	01/01 12/31	~~2.20~~ 2.90 AFY
RECREATION STORAGE	01/01 12/31	~~2.20~~ 2.90 AFY
~~STOCKWATER FROM STORAGE~~	~~01/01 12/31~~	~~2.20 AFY~~
STOCKWATER STORAGE	01/01 12/31	~~2.20~~ 3.10 AFY
~~WILDLIFE FROM STORAGE~~	~~01/01 12/31~~	~~2.20 AFY~~
WILDLIFE STORAGE	01/01 12/31	~~2.20~~ 3.10 AFY

JDE

gmc

(12)

LLS

PLACE OF USE:

~~STOCKWATER FROM STORAGE in LATAH County~~
~~T42N R04W S17 SENE~~

WILDLIFE STORAGE in LATAH County
T42N R04W S17 SENE

~~WILDLIFE FROM STORAGE in LATAH County~~
~~T42N R04W S17 SENE~~

RECREATION STORAGE in LATAH County
T42N R04W S17 SENE

AESTHETIC STORAGE in LATAH County
T42N R04W S17 SENE

FIRE PROTECTION STORAGE in LATAH County
T42N R04W S17 SENE

STOCKWATER STORAGE in LATAH County
T42N R04W S17 SENE

FIRE PROTECTION FROM STORAGE in LATAH County							
T42N	R04W	S17	NENE	T42N	R04W	S17	NWNE
T42N	R04W	S17	SWNE	T42N	R04W	S17	SENE
T42N	R04W	S17	NESW	T42N	R04W	S17	SESW
T42N	R04W	S17	NESE	T42N	R04W	S17	NWSE
T42N	R04W	S17	SWSE	T42N	R04W	S17	SESE
T42N	R04W	S20	NENE	T42N	R04W	S20	NWNE
T42N	R04W	S20	NENW				

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

Parcel No. RP42N04W170017A for Point of Diversion.

Parcel Nos. RP42N04W170017A, RP42N04W174887A & RP42N04W200020A for Place of Use.

Stockwater storage is for up to 10 head of mixed stock.

Wildlife storage is for elk and various wildlife.

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JDE
Sme
CLS