

**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: 87-12314**
) **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 20th 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



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

RIGHT NUMBER: 87-12314

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

SOURCE: UNNAMED STREAM

TRIBUTARY: WEST FORK FLANNIGAN CREEK

QUANTITY: ~~0.40~~ 1.2 AFY

This right authorizes a total annual storage volume of 1.2 acre-feet, 0.1 acre-feet to be used for the initial filling or carryover storage of the pond and 0.9 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 0.1 AF. The pond may be refilled multiple times in a single year.

PRIORITY DATE: 12/31/1949

POINT OF DIVERSION: T40N R05W S3 SWNW Lot 5 Within LATAH County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
AESTHETIC STORAGE	01/01 12/31	~~0.10~~ 1.00 AFY
<u>FIRE PROTECTION FROM STORAGE</u>	<u>01/01 12/31</u>	<u>1.00 AFY</u>
FIRE PROTECTION STORAGE	01/01 12/31	~~0.10~~ 1.00 AFY
RECREATION STORAGE	01/01 12/31	~~0.10~~ 1.00 AFY
~~STOCKWATER FROM STORAGE~~	~~01/01 12/31~~	~~0.10 AFY~~
STOCKWATER STORAGE	01/01 12/31	~~0.10~~ 1.20 AFY
~~WILDLIFE FROM STORAGE~~	~~01/01 12/31~~	~~0.10 AFY~~
WILDLIFE STORAGE	01/01 12/31	~~0.10~~ 1.20 AFY

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Sme

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LLS

PLACE OF USE:

STOCKWATER STORAGE in LATAH County
T40N R05W S03 Lot 5 SWNW

~~STOCKWATER FROM STORAGE in LATAH County~~
~~T40N R05W S03 Lot 5 SWNW~~

RECREATION STORAGE in LATAH County
T40N R05W S03 Lot 5 SWNW

~~WILDLIFE FROM STORAGE in LATAH County~~
~~T40N R05W S03 Lot 5 SWNW~~

FIRE PROTECTION STORAGE in LATAH County
T40N R05W S03 Lot 5 SWNW

FIRE PROTECTION FROM STORAGE in LATAH County			
T40N R05W S03 Lot 5	SWNW	T40N R05W S03	SENW
T40N R05W S03	NESW	T40N R05W S03 Lot 6	NWSW
T40N R05W S04	SENE	T40N R05W S04	NESE

AESTHETIC STORAGE in LATAH County

T40N R05W S03 Lot 5 SWNW

~~T40N R05W S03 SENE~~

~~T40N R05W S03 NEEW~~

~~T40N R05W S03 Lot 6 NWSW~~

~~T40N R05W S04 SENE~~

~~T40N R05W S04 NESE~~

WILDLIFE STORAGE in LATAH County

T40N R05W S03 Lot 5 SWNW

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. RP40N05W033723A for Point of Diversion

Parcel Nos. RP40N05W033723A, RP40N05W034883A & RP40N05W034903A for Place of Use

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

Wildlife storage is for various types of wildlife.

(12)

CL5

JDE

SMC