

208-373-3888
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

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2003 JAN 13 AM 10 34

COPY

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: 37-2748

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.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT:
P&C Irrigation Assn, Inc.

OBJECTOR:
United States of America

James P. Speck
Hogan, Speck & Aanestad
Of Attorneys for P & C Irrigation Association, Inc.

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

IDWR CONCURRENCE:

Steve Clelland
Senior Water Resource Agent, IDWR

Nicholas B. Spencer (As to Form)
Attorney for IDWR

JAN-08-2003 WED 09:42 AM SPECK & AANESTAD

FAX NO. 12087260752

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Jan 07 03 05:37p

BLM-ISO IRC

208-373-3883

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

RIGHT NUMBER: 37-2740

NAME AND ADDRESS: P & C IRRIGATION ASSN INC
C/O JAMES P SPECK
qps HOGUE-SPECK & AANESTAD
PO BOX 987
KETCHUM ID 83340

SOURCE: GROUND WATER

Tributary:

QUANTITY: 4.060 CFS
1,155.000 AFY

PRIORITY DATE: 07/11/1966

POINT OF DIVERSION:

T01S R22E S4 SENESW
T01S R22E S16 NWNWSW

Within BLAINE County
Within BLAINE County

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use: Quantity:

IRRIGATION

04/01 11/01

4.060 CFS
1,155.00 AFY

PLACE OF USE:

IRRIGATION

within BLAINE County

~~T01N R22E S32 NESW~~	~~3.0~~
T01N R22E S32 SESW	10.0
T01N R22E S32 NESE	26.0
T01N R22E S32 NWSE	17.0
T01N R22E S32 SWSE	35.0
T01N R22E S32 SESE	38.0
T01N R22E S33 NESW	6.0
T01N R22E S33 NWSW	16.0
T01N R22E S33 SWSW	40.0
T01N R22E S33 SESW	34.0
T01N R22E S33 SWSE	17.0
T01N R22E S33 SESE	8.0

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

T01S R22E S03 NWSW Lot 4 24.0
T01S R22E S03 SWSW 34.0

T01S R22E S04 NESW Lot 3 33.0
T01S R22E S04 NWSW Lot 4 43.0
T01S R22E S04 SWSW 33.0
T01S R22E S04 SESW 38.0
T01S R22E S04 NESE Lot 1 43.0
T01S R22E S04 NWSE Lot 2 35.0
T01S R22E S04 SWSE 30.0
T01S R22E S04 SESE 37.0

T01S R22E S05 NESE Lot 1 43.0
T01S R22E S05 NWSE Lot 2 43.0
T01S R22E S05 SWSE 33.0
T01S R22E S05 SESE 33.0

T01S R22E S09 SWSE 38.5
T01S R22E S09 SESE 39.0

T01S R22E S15 SWSW 37.0
T01S R22E S15 SESW 1.0

T01S R22E S16 NESW 39.0
T01S R22E S16 NWSW 39.0
T01S R22E S16 SWSW 30.5
T01S R22E S16 SESW 37.0
T01S R22E S16 NESE 39.0
T01S R22E S16 SESE 38.5

T01S R22E S17 NESE 31.5
T01S R22E S17 SESE 25.0

T01S R22E S21 NENE Lot 1 8.5
T01S R22E S22 NWNW Lot 4 3.5

1156 ACRES TOTAL

~~1158 ACRES TOTAL~~

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 330
ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A
SINGLE IRRIGATION SEASON.

JAN-08-2003 WED 09:42 AM SPECK & AANESTAD

FAX NO. 12087260752

P. 05/06

Jan 07 02 05:30p

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208-373-3899

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

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

PURSUANT TO APPROVED TRANSFER NO. 4213:

1. THIS RIGHT WHEN COMBINED WITH ALL OTHER
RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE
NOR MORE THAN 3.5 AFA PER ACRE FOR THE LANDS ABOVE.
2. THE RIGHT HOLDER SHALL INSTALL A TOTALIZING
MEASURING DEVICE ACCEPTABLE TO THE DEPARTMENT AT
ALL AUTHORIZED POINTS OF DIVERSION WHICH WILL ALLOW
DETERMINATION OF THE TOTAL RATE OF DIVERSION AND
TOTAL DIVERSION VOLUME.

USE OF THIS RIGHT IS COMBINED WITH WATER FROM
CAREY VALLEY RESERVOIR CO.

CERTIFICATE OF MAILING

I certify that on JANUARY 8, 2003 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

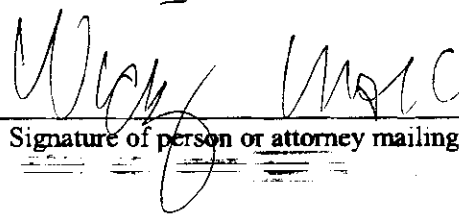
2. Copies to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 83720
Boise, ID 83720-0098

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

United States Dept. of Justice
Environment & Nat'l Resources Div.
550 West Fort Street, MSC 033
Boise, ID 83724

Jim Speck
Attorney for P & C Irrigation, Inc.
120 E Ave.
P.O. Box 987
Ketchum, ID 83340



Signature of person or attorney mailing the form