

**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

Case No. 39576

) Subcase No.: 36-2659
)
)
)
)
)
)

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 and/or one federal reserved water right. 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; 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 described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

Charles L. Hovinen 04/11/02
Attorney for Clear Lakes Trout Co. Date

D. R. Tuttle 4/11/02
IDWR Concurrence Date

Wick Spencer 4-11-02
Approved as to form Date
Attorney for IDWR

COPY

04/10/2002

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

RIGHT NUMBER: 36-2659

NAME AND ADDRESS: CLEAR LAKES TROUT CO INC
1301 VISTA AVE
BOISE ID 83705

SOURCE: SPRINGS

TRIBUTARY: CLEAR LAKES

QUANTITY: 100.000 CFS

PRIORITY DATE: 06/23/1966

POINT OF
DIVERSION:

T09S R14E S2 SESWNE Within GOODING County
T09S R14E S2 SWSENE Lot 5 Within GOODING County
T09S R14E S2 SESENE Lot 5 Within GOODING County
THIS WATER RIGHT IS DIVERTED THROUGH A COMBINATION OF TWO ADJACENT
SPRING-FED DIVERSION POOLS: (1) A DIVERSION POOL KNOWN AS THE
"WESTERN POOL" LOCATED IN THE S1/2SESWNE AND THE S1/2SWSENE, T09S,
R14E, SECTION 2; AND (2) A DIVERSION POOL KNOWN AS THE "EASTERN POOL,"
LOCATED IN A PORTION OF GOVERNMENT LOT 5 KNOWN AS THE SWSSENE AND
SESWSENE, T09S, R14E, SECTION 2. BOTH POOLS DIVERT WATER FROM THE
COMMON SOURCE IDENTIFIED IN THE SOURCE ELEMENT OF THIS WATER RIGHT,
LISTED ABOVE.

NBS
Dm
C2.7X

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
FISH PROPAGATION	1/01 12/31	100.000 CFS

PLACE OF USE: FISH PROPAGATION Within GOODING County

T09S R14E S02 Lot 5 SENE	T09S R14E S02 Lot 6 NESE
T09S R14E S02 Lot 8 NESE	

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

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
SECTION 42-1425, IDAHO CODE.

CERTIFICATE OF SERVICE

I certify that on April 11, 2002, I caused to be served true and correct copies of this Standard Form 5, to the following persons, in the manner indicated 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, ID 83303-2707

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

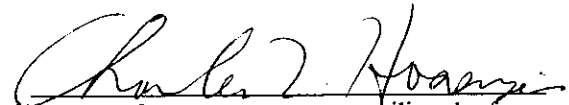
2. Copies to:

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

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

Charles L. Honsinger
Ringert Clark
P.O. Box 2773
Boise, ID 83702

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


Signature of person or attorney mailing the form