

RECEIVED

NOV 06 2006

DEPARTMENT OF
WATER RESOURCES

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: 37-21836
	)	(FORMERLY 37-59H)
	)	
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.

To resolve the objection, the whole of water right 37-59H was split into two water rights and renumbered as 37-21836 and 37-21837. The parties and IDWR agree and stipulate that water right 37-21836 should be described per the attached. The parties and IDWR further agree that this SF5 will resolve the objection filed by the BLM in subcase 37-59H, and have indicated their concurrence by signing below and initialing the attached pages. This right and right 37-21837 now supersede right 37-59H.

CLAIMANT:

Matt Thornton 10-24-06
for T5 Ranch Date

OBJECTOR:

United States on behalf of the
Bureau of Land Management

Larry A. Brown 10/31/06
Larry A. Brown FWP Date
Attorney, U.S. Department of Justice
Environment and Natural Resources

IDWR CONCURRENCE:

Steve Clelland 9/12/06
Steve Clelland Date
Senior Water Resource Agent

Nicholas B. Spencer 9-13-06
Nicholas B. Spencer Date
Deputy Attorney General
Attorney for IDWR

08/11/2006

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

RIGHT NUMBER: 37-21836

NAME AND ADDRESS: T5 RANCH LLC
PO BOX 751
BELLEVUE ID 83313

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER
POINT OF INJECTION INTO JIM BYRNS SLOUGH THAT FLOWS INTO THE
LITTLE WOOD RIVER. POINT OF REDIVERSION FROM THE LITTLE WOOD
RIVER.

QUANTITY: 2.240 CFS

RIGHT SUBJECT TO 27% CONVEYANCE LOSS; 1.64 CFS CAN BE
REDIVERTED FROM LITTLE WOOD RIVER.

PRIORITY DATE: 05/27/1899

POINT OF DIVERSION:

T02S R18E S30 SWSENE Within BLAINE County
T03S R19E S19 SWNESE Injection Within LINCOLN County
T04S R19E S25 SENWSE Injection Within LINCOLN County
T05S R19E S7 NENWSE Rediversion Within LINCOLN County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	2.240 CFS

PLACE OF USE: IRRIGATION Within LINCOLN County

T05S R18E S13	SWNE	16.00	T05S R18E S13	SENE	16.00
T05S R19E S18	NENW	7.80	T05S R19E S18 Lot 2	SWNW	45.00
T05S R19E S18	SENE	15.00			

99.8 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 37-21838 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 99.8 ACRES IN A SINGLE
IRRIGATION SEASON.

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 - Decreed

This right is a split from former right 37-59H.

USE OF THIS RIGHT IS COMBINED WITH WATER FROM BIG WOOD CANAL
CO.

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

JAS MT
SCL
NBS
Fwp

CERTIFICATE OF SERVICE

I certify that on Oct. 31, 2006, 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

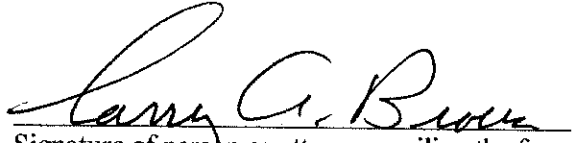
☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

T5 Ranch
P.O. Box 751
Bellevue, ID 83313

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

U.S. Department of Justice
Environment & Nat'l Resources Div.
550 W. Fort St., MSC 033
Boise, ID 83724

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


Signature of person or attorney mailing the form