



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

January 4, 2007

Diana Delaney
Snake River Basin Adjudication
P.O. Box 2720
Twin Falls, ID 83303-2707

RE: Spillet Settlement Agreement

Dear Diana:

Enclosed for filing is a copy of the Amended Settlement Agreement and Addendum to Agreement in Spillet subcases 41-8B and 41-13B, as well as related subcases. The original has been sent to Jason Walker for recording with Power County. It is my understanding that the original document will then be filed with the SRBA court.

I have also enclosed a copy to be conformed and returned to IDWR as well as several extra copies. I haven't provided a copy for each subcase involved as I imagine you would prefer additional copies of the recorded document for filing in each subcase once you receive it.

Should you desire additional copies of this copy of the Agreement and Addendum now or if you require further assistance in this matter, please don't hesitate to call me at 208-287-4816.

Sincerely,

Vicki Kelly,
Paralegal

Enc.

RECEIVED

FEB 05 2007

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

JAN - 8 2007

By _____ Clerk
_____ Deputy Clerk

LING, ROBINSON & WALKER

BRENT T. ROBINSON
JASON D. WALKER

KELLY ARTHUR ANTHON
MICHAEL P. TRIBE

ROGER D. LING, OF COUNSEL

ATTORNEYS AT LAW
615 "H" STREET
P. O. BOX 396
RUPERT, IDAHO 83350-0396

AREA CODE 208
TELEPHONE 436-4717
FAX 436-6804

February 1, 2007

Snake River Basin Adjudication
253 3rd Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303

RE: Spillet - 7UD Ranches

Dear Clerk:

Please find enclosed the original signed and recorded *Amended Settlement Agreement* which should be substituted in the file for the copy that was previously submitted to the Court. Thank you for your anticipated attention and courtesy in this regard. If you have any questions or concerns, please do not hesitate to contact me.

Very truly yours,

LING, ROBINSON & WALKER



Jason D. Walker

JDW:bcl

Enclosure

cc: Client (w/encl.)
Scott Smith (w/encl.)
James Robinson (w/encl.)
James V. Spillet (w/encl.)
Kelvin Taysom (w/encl.)
R. Scott Weston (w/encl.)

COPY

AMENDED SETTLEMENT AGREEMENT

This AMENDED SETTLEMENT AGREEMENT is entered into this ____ day of October 2006, by and between JAMES JUAN SPILLETT (as owner of Water Claim Nos. 41-8B and 41-13B), KELVIN TAYSOM AND SUZANNE TAYSOM (as owners of Water Right No. 41-8C), KBC FARMS, LLC (as owners of Water Right Nos. 41-8D and 41-13A), ROBERT R. SPILLETT AND JAMES V. SPILLETT (as owners of Water Right Nos. 41-8E, 41-13C and 41-10230), and 7UD RANCHES (as owner of Water Right No. 41-8F).

RECITALS

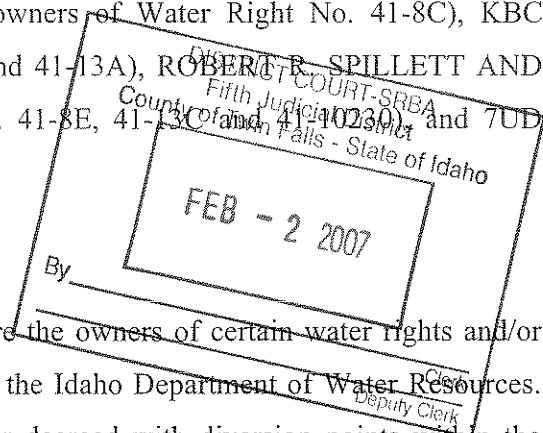
A. The parties to this Amended Agreement are the owners of certain water rights and/or claims as more particularly stated above and recorded by the Idaho Department of Water Resources. All of these water rights have been recommended and/or decreed with diversion points within the Adshead Ditch or Jackson Ditch located on the South Fork of Rock Creek.

B. Partial Decrees were entered for Water Right Nos. 41-8C, 41-8D, 41-8E, 41-8F and 41-10230 without objection in the year 2000. These water rights are located in the Adshead Ditch. The Partial Decrees for Water Right Nos. 41-8E and 41-10230 have been set aside.

C. With regard to Water Right 41-8B, James Juan Spillett filed a claim for 0.60 cfs (30 inches). Upon investigation, IDWR recommended that it be decreed in the amount of 0.53 cfs (26.67 inches). James Juan Spillett filed an objection to the recommendation. 7UD Ranches filed a response to the objection. It is anticipated that a trial adjudicating James Juan Spillett's claim under Water Right 41-8B will be scheduled before Special Master Terrence A. Dolan.

D. On October 1, 1992, a Final Transfer Order was entered in the Matter of Transfer No. 3519 which approved a change in the point of diversion for Water Right No. 41-8B from the Adshead Ditch to the Jackson Ditch with the condition that the transferred water "must be diverted in rotation with the other users of the Adshead Ditch."

E. Because of the Final Transfer Order and the impracticality of James Juan Spillett pumping the full quantity of the Adshead Ditch (160 inches) out of the Jackson Ditch during his portion of the rotation, James Juan Spillett informally traded 0.20 cfs (10 inches) of his Adshead Ditch water to James V. Spillett and Robert Spillett and another 0.20 cfs (10 inches) of his Adshead water to R. Scott Weston. In return, James Juan Spillett received 0.20 cfs (10 inches) of Jackson Ditch water



under Water Right 41-13C from James V. Spillet and Robert Spillet and another 0.20 cfs (10 inches) of Jackson Ditch water under Water Right 41-13A from R. Scott Weston.

F. After this informal transfer of water was effectuated, Water Rights 41-8D and 41-13A owned by R. Scott Weston and Herbert R. Weston were acquired by KCB Farms, L.L.C.

G. James Juan Spillet desires to change the point of diversion for 0.13 cfs (6.67 inches) under Water Right 41-8B from the Adshead Ditch to Jackson Ditch and to take it out of rotation on the Adshead Ditch. He desires to divert this 0.13 cfs (6.67 inches) from Jackson Ditch in conjunction with the 0.20 cfs (10 inches) under Water Right 41-13C received from James V. Spillet and Robert Spillet, the 0.20 cfs (10 inches) under Water Right 41-13A received from R. Scott Weston, and the 0.20 (10 inches) that he claims under Water Right 41-13B.

H. In exchange for the parties consent to do so, James Juan Spillet has offered to withdraw his objection regarding Water Right 41-8B and to maintain the diversion point for the remaining 0.40 cfs (20.0 inches) under Water Right 41-8B in the Adshead Ditch.

I. To resolve the disputes that have arisen concerning James Juan Spillet's objection and his desire to take the aforementioned 0.133 cfs (6.67 inches) out of rotation, the parties hereby enter this Agreement pursuant to the following terms and conditions.

AGREEMENT

In consideration of the foregoing and the Parties' mutual promises and other good, valuable and sufficient consideration, the Parties agree as follows:

1. James Juan Spillet shall withdraw his objection filed in SRBA Subcase 41-8B and shall request that the Trial be vacated if scheduled.

2. James Juan Spillet and all parties to this Amended Agreement shall consent to the partial decree of Water Right 41-8B as recommended by IDWR, with a quantity of 0.53 cfs (26.67 inches), as more particularly described in the Recommendation attached hereto as Attachment A, subject to the conditions set forth in paragraphs 3 and 4 below.

3. All parties to this Amended Agreement shall consent to a change in the point of diversion for 0.13 cfs (6.67 inches) under Water Right 41-8B from the Adshead Ditch to Jackson Ditch and shall further consent to this 0.13 cfs (6.67 inches) under Water Right 41-8B being taken out of rotation in the Adshead Ditch.

4. James Juan Spillett agrees that he will not change the point of diversion for the remaining 0.40 cfs (20.0 inches) under Water Right 41-8B from the Adshead Ditch and hereby waives, disclaims and releases any right to do so under the Final Transfer Order described above in Recital D.

5. KBC Farms, L.L.C., and all parties to this Agreement shall consent to the partial decree of Water Right 41-13A as provided in the Standard Form 5 attached hereto as Attachment B.

6. Robert R. Spillett and James V. Spillett and all parties to this Agreement shall consent to the partial decree of Water Right 41-13C as provided in the Standard Form 5 attached hereto as Attachment C.

7. Robert R. Spillett and James V. Spillett and all parties to this Agreement shall consent to the partial decree of Water Rights 41-8E and 41-10230 as recommended by IDWR on October 29, 1999, with their points of diversion being located in the Adshead Ditch, as more particularly described in the Recommendation attached hereto as Attachments D and E, respectively.

8. James Juan Spillett further agrees to transfer ownership of 0.20 cfs (10 inches) of Adshead Ditch water under Water Right 41-8B to KBC Farms, L.L.C., and 0.20 cfs (10 inches) of Adshead Ditch water under Water Right 41-8B to Robert R. Spillett and James V. Spillett.

9. KBC Farms, L.L.C., agrees to transfer ownership of Water Right 41-13A recommended by IDWR in the amount of 0.20 cfs (10 inches) (formerly owned by Scott Westin) to James Juan Spillett, which Water Right will be partially decreed as to James Juan Spillett.

10. Robert R. Spillett and James V. Spillett agree to transfer ownership of Water Right 41-13C recommended by IDWR in the amount of 0.20 cfs (10 inches) to James Juan Spillett, which Water Right will be partially decreed as to James Juan Spillett.

11. James Juan Spillett and all parties to this Amended Agreement shall consent to the partial decree of Water Right 41-13B as recommended by IDWR as more particularly described in the Recommendation attached hereto as Attachment F.

12. Except as otherwise provided in this Agreement, it is hereby agreed that the respective points of diversion for Water Rights 41-8B, 41-8C, 41-8D, 41-8E, 41-8F, and 41-10230 shall not be removed from the Adshead Ditch without the express written consent of all parties to this agreement or their successors and assigns, acknowledging that any such change in the point of diversion will cause injury to the other parties.

13. All parties agree to execute and timely record all documents necessary to accomplish the intent of this agreement.

14. The Parties to this Agreement shall be responsible for their own respective attorney fees and costs incurred prior to the execution of this Agreement with regard to any dispute or litigation concerning the water rights mentioned in this Agreement.

15. If any Party to this Settlement Agreement is required to initiate or defend litigation against another Party to secure performance of this Settlement Agreement, the prevailing Party in such litigation, in addition to any other relief which may be granted, whether legal or equitable, shall be entitled to reasonable attorneys' fees and costs.

16. This Settlement Agreement is assignable in whole or in part without the prior written consent of the other Parties. However, any assigning Party will not be released from responsibility without the written consent of the other Parties, which may not be unreasonably withheld. Any such assignment shall inure to the benefit of the Parties, and their successors and assigns.

17. Time is of the essence in this agreement.

18. This Amended Agreement supersedes and replaces any previous agreement between the parties concerning the aforementioned water rights. To the extent any previous agreements exist, they are cancelled and replaced with this Amended Agreement by the mutual consent of the parties.

The Parties are signing this Amended Settlement Agreement on the date stated in the introductory clause.

JAMES JUAN SPILLETT

James Juan Spillet

KELVIN TAYSOM

Kelvin D. Taysom

SUZANNE TAYSOM

Suzanne Taysom

ROBERT R. SPILLETT

Robert R. Spillet

JAMES V. SPILLETT

James V. Spillet

7UD RANCHES

By: Gene Nelson
Its: Partner 7D Ranches

KBC FARMS, LLC

By: Blair George
Its: gen partner

IDWR

By: Steve Caldwell

09/26/2002

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

RIGHT NUMBER: 41-8B
NAME AND ADDRESS: JAMES JUAN SPILLETT
PO BOX 278
ROCKLAND ID 83271
SOURCE: SOUTH FORK ROCK CREEK TRIBUTARY: ROCK CREEK
QUANTITY: 0.53 CFS

THE QUANTITY LISTED ABOVE SHALL BE MEASURED AT THE POINT OF DIVERSION LISTED FOR THIS RIGHT BY MEANS OF A MEASURING BOX OF THE TYPE AND DIMENSIONS DECREED BY IN RE HOUTZ ET AL (ONEIDA COUNTY, SIXTH JUDICIAL DISTRICT COURT, JUNE 6, 1903). ANY CHANGE IN THE METHOD OF MEASUREMENT SHALL CONSTITUTE A CHANGE IN THE POINT OF DIVERSION REQUIRING APPROVAL BY THE IDAHO DEPARTMENT OF WATER RESOURCES AS A TRANSFER PURSUANT TO I.C. SECTION 42-222.

PRIORITY DATE: 10/01/1879

POINT OF DIVERSION:

T10S R31E S20 NENWSW Within POWER County
T10S R31E S29 SWSENW Within POWER County
T10S R31E S33 NENENW Within POWER County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4/01 - 10/31	0.533 CFS

PLACE OF USE:	T10S R31E S20	NWNW	2.0	T10S R31E S20	SNNW	24.0
	T10S R31E S20	NWSW	24.0			

50 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 30 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH RIGHT NOS. 41-00013B, 41-10258 & 41-10259 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 50 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: Decreed

ATTACHMENT A

RECEIVED

MAR 17 2003

Department of Water Resources

RECEIVED

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
MAR 17 2003

FILED — Department of Water Resources

2003 MAR 12 AM 11 21

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.: ~~43-13A~~

41-13A RSW

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.

R. Scott Westin 3-3-03
R. Scott Westin Date
Claimant

Steve Chell
IDWR Concurrence Date

Wick Spencer 11-20-02
Approved as to form Date
Attorney for IDWR

09/26/2002

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

RIGHT NUMBER: 41-13A

NAME AND ADDRESS: R SCOTT WESTON
4448 STATE HWY 37
ROCKLAND ID 83271

NBS
SCC
PSW

SOURCE: SOUTH FORK ROCK CREEK

TRIBUTARY: ROCK CREEK

QUANTITY: 0.20 CFS

THE QUANTITY LISTED ABOVE SHALL BE MEASURED AT THE POINT OF DIVERSION LISTED FOR THIS RIGHT BY MEANS OF A MEASURING BOX OF THE TYPE AND DIMENSIONS DECREED BY IN RE HOUTZ ET AL (ONEIDA COUNTY, SIXTH JUDICIAL DISTRICT COURT, JUNE 6, 1903). ANY CHANGE IN THE METHOD OF MEASUREMENT SHALL CONSTITUTE A CHANGE IN THE POINT OF DIVERSION REQUIRING APPROVAL BY THE IDAHO DEPARTMENT OF WATER RESOURCES AS A TRANSFER PURSUANT TO I.C. SECTION 42-222.

PRIORITY DATE: 05/01/1881

POINT OF DIVERSION:

T10S R31E S29 SWNENW Within POWER County

T10S R31E S33 NENENW Within POWER County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4/01 10/31	0.200 CFS

PLACE OF USE:	T10S R31E S20	NESW	9.3	T10S R31E S20	SESW	26.7
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36 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 10 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE 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: Decreed

CERTIFICATE OF SERVICE

I certify that on March 10, 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

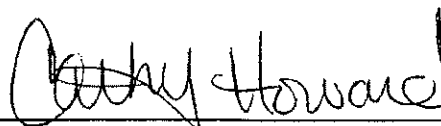
2. Copies to:

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

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

R. Scott Weston
4448 State Hwy 37
Rockland, ID 83271

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



Signature of person or attorney mailing the form

RECEIVED

FEB 25 2003

Department of Water Resources

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

RECEIVED

FEB 18 2003

Department of Water Resources

2003 FEB 21 AM 10 36

**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.: ⁴¹~~43~~-13C

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.

Robert R. Spillet
Robert R. Spillet Date
Claimant

James V. Spillet
James V. Spillet Date
Claimant

Steve Caldwell
IDWR Concurrence Date

Nick Spencer 11-20-02
Approved as to form Date
Attorney for IDWR

09/27/2002

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

RIGHT NUMBER: 41-13C
NAME AND ADDRESS: JAMES V SPILLETT
PO BOX 144
ROCKLAND ID 83271

ROBERT R SPILLETT
PO BOX 144
ROCKLAND ID 83271

NBS
SCC

SOURCE: SOUTH FORK ROCK CREEK TRIBUTARY: ROCK CREEK

QUANTITY: 0.20 CFS

THE QUANTITY LISTED ABOVE SHALL BE MEASURED AT THE POINT OF DIVERSION LISTED FOR THIS RIGHT BY MEANS OF A MEASURING BOX OF THE TYPE AND DIMENSIONS DECREED BY IN RE HOUTZ ET AL (ONEIDA COUNTY, SIXTH JUDICIAL DISTRICT COURT, JUNE 6, 1903). ANY CHANGE IN THE METHOD OF MEASUREMENT SHALL CONSTITUTE A CHANGE IN THE POINT OF DIVERSION REQUIRING APPROVAL BY THE IDAHO DEPARTMENT OF WATER RESOURCES AS A TRANSFER PURSUANT TO I.C. SECTION 42-222.

PRIORITY DATE: 05/01/1881

POINT OF DIVERSION:

T10S R31E S29 SWNENW Within POWER County
T10S R31E S33 NENENW Within POWER County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 10/31	0.200 CFS

PLACE OF USE:	T10S R31E S29	NWNE	22.5	T10S R31E S29	NENW	25.5
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48 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 48 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 41-8E & 41-10230.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 10 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE 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: Decreed

CERTIFICATE OF SERVICE

I certify that on February 19, 2002³, 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

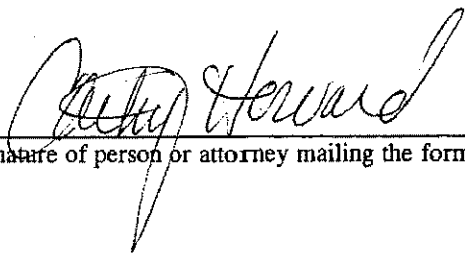
2. Copies to:

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

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

Robert R. Spillett
James V. Spillett
P.O. Box 144
Rockland, ID 83271

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



Signature of person or attorney mailing the form

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: OCT-29-1999
PAGE: A-181

RIGHTS FROM: SOURCE: ROCK CREEK, SOUTH FORK TRIBUTARY: ROCK CREEK

RIGHT NUMBER: 41-00008E
NAME & ADDRESS: ROBERT R SPILLETT
JAMES V SPILLETT
PO BOX 144
ROCKLAND ID 83271
SOURCE: ROCK CREEK, SOUTH FORK TRIBUTARY: ROCK CREEK
QUANTITY: 0.355 CFS

THE QUANTITY LISTED ABOVE SHALL BE MEASURED AT THE POINT OF
DIVERSION LISTED FOR THIS RIGHT BY MEANS OF A MEASURING BOX OF
THE TYPE AND DIMENSIONS DECREED BY IN RE EGUTZ ET AL (ONEIDA
COUNTY, SIXTH JUDICIAL DISTRICT COURT, JUNE 6, 1903). ANY CHANGE
IN THE METHOD OF MEASUREMENT SHALL CONSTITUTE A CHANGE IN THE
POINT OF DIVERSION REQUIRING APPROVAL BY THE IDAHO DEPARTMENT OF
WATER RESOURCES AS A TRANSFER PURSUANT TO I.C. SECTION 42-222.

PRIORITY DATE: 10/01/1879

POINT OF DIVERSION: T10S R31E S33 MENENW Within POWER County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	04-01 10-31	0.355 CFS

PLACE OF USE:	IRRIGATION	Within POWER County
	T10S R31E S29	NWNE 22.5 NENE 20.5
	43 ACRES TOTAL	

USE OF THIS RIGHT WITH RIGHT NO. 41-10230 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 43 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE

ATTACHMENT D

AJ5856RP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: OCT-29-1999
PAGE: A-208-----
RIGHTS FROM: SOURCE: ROCK CREEK, SOUTH FORK TRIBUTARY: ROCK CREEK

RIGHT NUMBER: 41-10230

NAME & ADDRESS: ROBERT R SPILLETT
JAMES V SPILLETT
PO BOX 144
ROCKLAND ID 83271

SOURCE: ROCK CREEK, SOUTH FORK TRIBUTARY: ROCK CREEK

QUANTITY: 1.00 CFS

THE QUANTITY LISTED ABOVE SHALL BE MEASURED AT THE POINT OF DIVERSION LISTED FOR THIS RIGHT BY MEANS OF A MEASURING BOX OF THE TYPE AND DIMENSIONS DECREED BY IN RE HOUTZ ET AL (ONEIDA COUNTY, SIXTH JUDICIAL DISTRICT COURT, JUNE 6, 1903). ANY CHANGE IN THE METHOD OF MEASUREMENT SHALL CONSTITUTE A CHANGE IN THE POINT OF DIVERSION REQUIRING APPROVAL BY THE IDAHO DEPARTMENT OF WATER RESOURCES AS A TRANSFER PURSUANT TO I.C. SECTION 42-222.

PRIORITY DATE: 04/01/1989

POINT OF DIVERSION: T10S R31E S33 NENEWN Within POWER County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION		04-01 10-31	1.00 CFS

PLACE OF USE:	IRRIGATION	Within POWER County
	T10S R31E S29	NWNE 22.5
	43 ACRES TOTAL	NENEW 20.5

USE OF THIS RIGHT WITH RIGHT NO. 41-00008E IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 43.0 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE

ATTACHMENT E

09/26/2002

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

RIGHT NUMBER: 41-13B

NAME AND ADDRESS: JAMES JUAN SPILLETT
PO BOX 278
ROCKLAND ID 83271

SOURCE: SOUTH FORK ROCK CREEK

TRIBUTARY: ROCK CREEK

QUANTITY: 0.20 CFS

THE QUANTITY LISTED ABOVE SHALL BE MEASURED AT THE POINT OF DIVERSION LISTED FOR THIS RIGHT BY MEANS OF A MEASURING BOX OF THE TYPE AND DIMENSIONS DECREED BY IN RE HOUTZ ET AL (ONEIDA COUNTY, SIXTH JUDICIAL DISTRICT COURT, JUNE 6, 1903). ANY CHANGE IN THE METHOD OF MEASUREMENT SHALL CONSTITUTE A CHANGE IN THE POINT OF DIVERSION REQUIRING APPROVAL BY THE IDAHO DEPARTMENT OF WATER RESOURCES AS A TRANSFER PURSUANT TO I.C. SECTION 42-222.

PRIORITY DATE: 05/01/1881

POINT OF DIVERSION:

T10S R31E S20 NENWSW Within POWER County

T10S R31E S29 SWSNW Within POWER County

T10S R31E S33 NENENW Within POWER County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	4/01 10/31	0.200 CFS

PLACE OF USE:	T10S R31E S20	NWNW	2.0	T10S R31E S20	SWNW	24.0
	T10S R31E S20	NWSW	24.0			

50 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 10 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH RIGHT NOS. 41-8B, 41-10258 & 41-10259 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 50 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: Decreed

ATTACHMENT F

L
RECEIVED
DEC 28 2006
DEPARTMENT OF
WATER RESOURCES

ADDENDUM TO AGREEMENT

The Bench Ditch Irrigation Company, respondent in SRBA subcase numbers 41-8B and 41-13B, has reviewed the Amended Settlement Agreement, attached hereto, between and among James Juan Spillett, Kelvin Taysom and Susanne Taysom, KBC Farms, LLC, Robert R. Spillett and James V. Spillett, and 7UD Ranches, concurs with its terms, and hereby withdraws its responses in SRBA subcase numbers 41-8B and 41-13B.

DATED this 21 day of December, 2006.

Bench Ditch Irrigation Company


President

ATTEST: 
Secretary

AMENDED SETTLEMENT AGREEMENT

This AMENDED SETTLEMENT AGREEMENT is entered into this ____ day of October 2006, by and between JAMES JUAN SPILLETT (as owner of Water Claim Nos. 41-8B and 41-13B), KELVIN TAYSOM AND SUZANNE TAYSOM (as owners of Water Right No. 41-8C), KBC FARMS, LLC (as owners of Water Right Nos. 41-8D and 41-13A), ROBERT R. SPILLETT AND JAMES V. SPILLETT (as owners of Water Right Nos. 41-8E, 41-13C and 41-10230), and 7UD RANCHES (as owner of Water Right No. 41-8F).

RECITALS

A. The parties to this Amended Agreement are the owners of certain water rights and/or claims as more particularly stated above and recorded by the Idaho Department of Water Resources. All of these water rights have been recommended and/or decreed with diversion points within the Adshead Ditch or Jackson Ditch located on the South Fork of Rock Creek.

B. Partial Decrees were entered for Water Right Nos. 41-8C, 41-8D, 41-8E, 41-8F and 41-10230 without objection in the year 2000. These water rights are located in the Adshead Ditch. The Partial Decrees for Water Right Nos. 41-8E and 41-10230 have been set aside.

C. With regard to Water Right 41-8B, James Juan Spillett filed a claim for 0.60 cfs (30 inches). Upon investigation, IDWR recommended that it be decreed in the amount of 0.53 cfs (26.67 inches). James Juan Spillett filed an objection to the recommendation. 7UD Ranches filed a response to the objection. It is anticipated that a trial adjudicating James Juan Spillett's claim under Water Right 41-8B will be scheduled before Special Master Terrence A. Dolan.

D. On October 1, 1992, a Final Transfer Order was entered in the Matter of Transfer No. 3519 which approved a change in the point of diversion for Water Right No. 41-8B from the Adshead Ditch to the Jackson Ditch with the condition that the transferred water "must be diverted in rotation with the other users of the Adshead Ditch."

E. Because of the Final Transfer Order and the impracticality of James Juan Spillett pumping the full quantity of the Adshead Ditch (160 inches) out of the Jackson Ditch during his portion of the rotation, James Juan Spillett informally traded 0.20 cfs (10 inches) of his Adshead Ditch water to James V. Spillett and Robert Spillett and another 0.20 cfs (10 inches) of his Adshead water to R. Scott Weston. In return, James Juan Spillett received 0.20 cfs (10 inches) of Jackson Ditch water

under Water Right 41-13C from James V. Spillett and Robert Spillett and another 0.20 cfs (10 inches) of Jackson Ditch water under Water Right 41-13A from R. Scott Weston.

F. After this informal transfer of water was effectuated, Water Rights 41-8D and 41-13A owned by R. Scott Weston and Herbert R. Weston were acquired by KCB Farms, L.L.C.

G. James Juan Spillett desires to change the point of diversion for 0.13 cfs (6.67 inches) under Water Right 41-8B from the Adshead Ditch to Jackson Ditch and to take it out of rotation on the Adshead Ditch. He desires to divert this 0.13 cfs (6.67 inches) from Jackson Ditch in conjunction with the 0.20 cfs (10 inches) under Water Right 41-13C received from James V. Spillett and Robert Spillett, the 0.20 cfs (10 inches) under Water Right 41-13A received from R. Scott Weston, and the 0.20 (10 inches) that he claims under Water Right 41-13B.

H. In exchange for the parties consent to do so, James Juan Spillett has offered to withdraw his objection regarding Water Right 41-8B and to maintain the diversion point for the remaining 0.40 cfs (20.0 inches) under Water Right 41-8B in the Adshead Ditch.

I. To resolve the disputes that have arisen concerning James Juan Spillett's objection and his desire to take the aforementioned 0.133 cfs (6.67 inches) out of rotation, the parties hereby enter this Agreement pursuant to the following terms and conditions.

AGREEMENT

In consideration of the foregoing and the Parties' mutual promises and other good, valuable and sufficient consideration, the Parties agree as follows:

1. James Juan Spillett shall withdraw his objection filed in SRBA Subcase 41-8B and shall request that the Trial be vacated if scheduled.

2. James Juan Spillett and all parties to this Amended Agreement shall consent to the partial decree of Water Right 41-8B as recommended by IDWR, with a quantity of 0.53 cfs (26.67 inches), as more particularly described in the Recommendation attached hereto as Attachment A, subject to the conditions set forth in paragraphs 3 and 4 below.

3. All parties to this Amended Agreement shall consent to a change in the point of diversion for 0.13 cfs (6.67 inches) under Water Right 41-8B from the Adshead Ditch to Jackson Ditch and shall further consent to this 0.13 cfs (6.67 inches) under Water Right 41-8B being taken out of rotation in the Adshead Ditch.

4. James Juan Spillett agrees that he will not change the point of diversion for the remaining 0.40 cfs (20.0 inches) under Water Right 41-8B from the Adshead Ditch and hereby waives, disclaims and releases any right to do so under the Final Transfer Order described above in Recital D.

5. KBC Farms, L.L.C, and all parties to this Agreement shall consent to the partial decree of Water Right 41-13A as provided in the Standard Form 5 attached hereto as Attachment B.

6. Robert R. Spillett and James V. Spillett and all parties to this Agreement shall consent to the partial decree of Water Right 41-13C as provided in the Standard Form 5 attached hereto as Attachment C.

7. Robert R. Spillett and James V. Spillett and all parties to this Agreement shall consent to the partial decree of Water Rights 41-8E and 41-10230 as recommended by IDWR on October 29, 1999, with their points of diversion being located in the Adshead Ditch, as more particularly described in the Recommendation attached hereto as Attachments D and E, respectively.

8. James Juan Spillett further agrees to transfer ownership of 0.20 cfs (10 inches) of Adshead Ditch water under Water Right 41-8B to KBC Farms, L.L.C., and 0.20 cfs (10 inches) of Adshead Ditch water under Water Right 41-8B to Robert R. Spillett and James V. Spillett.

9. KBC Farms, L.L.C., agrees to transfer ownership of Water Right 41-13A recommended by IDWR in the amount of 0.20 cfs (10 inches) (formerly owned by Scott Westin) to James Juan Spillett, which Water Right will be partially decreed as to James Juan Spillett.

10. Robert R. Spillett and James V. Spillett agree to transfer ownership of Water Right 41-13C recommended by IDWR in the amount of 0.20 cfs (10 inches) to James Juan Spillett, which Water Right will be partially decreed as to James Juan Spillett.

11. James Juan Spillett and all parties to this Amended Agreement shall consent to the partial decree of Water Right 41-13B as recommended by IDWR as more particularly described in the Recommendation attached hereto as Attachment F.

12. Except as otherwise provided in this Agreement, it is hereby agreed that the respective points of diversion for Water Rights 41-8B, 41-8C, 41-8D, 41-8E, 41-8F, and 41-10230 shall not be removed from the Adshead Ditch without the express written consent of all parties to this agreement or their successors and assigns, acknowledging that any such change in the point of diversion will cause injury to the other parties.

13. All parties agree to execute and timely record all documents necessary to accomplish the intent of this agreement.

14. The Parties to this Agreement shall be responsible for their own respective attorney fees and costs incurred prior to the execution of this Agreement with regard to any dispute or litigation concerning the water rights mentioned in this Agreement.

15. If any Party to this Settlement Agreement is required to initiate or defend litigation against another Party to secure performance of this Settlement Agreement, the prevailing Party in such litigation, in addition to any other relief which may be granted, whether legal or equitable, shall be entitled to reasonable attorneys' fees and costs.

16. This Settlement Agreement is assignable in whole or in part without the prior written consent of the other Parties. However, any assigning Party will not be released from responsibility without the written consent of the other Parties, which may not be unreasonably withheld. Any such assignment shall inure to the benefit of the Parties, and their successors and assigns.

17. Time is of the essence in this agreement.

18. This Amended Agreement supersedes and replaces any previous agreement between the parties concerning the aforementioned water rights. To the extent any previous agreements exist, they are cancelled and replaced with this Amended Agreement by the mutual consent of the parties.

The Parties are signing this Amended Settlement Agreement on the date stated in the introductory clause.

JAMES JUAN SPILLETT

James Juan Spillett

KELVIN TAYSOM

Kevin D. Taysom

SUZANNE TAYSOM

Suzanne Taysom

ROBERT R. SPILLETT

Robert R. Spillett

JAMES V. SPILLETT

James V. Spillett

7UD RANCHES

By: Gene Nelson
Its: Partners 7D Ranches

KBC FARMS, LLC

By: Blair Koppin
Its: gen partner

IDWR

By: Steve Caldwell

09/26/2002

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

RIGHT NUMBER: 41-8B

NAME AND ADDRESS: JAMES JUAN SPILLETT
PO BOX 278
ROCKLAND ID 83271

SOURCE: SOUTH FORK ROCK CREEK

TRIBUTARY: ROCK CREEK

QUANTITY: 0.53 CFS

THE QUANTITY LISTED ABOVE SHALL BE MEASURED AT THE POINT OF DIVERSION LISTED FOR THIS RIGHT BY MEANS OF A MEASURING BOX OF THE TYPE AND DIMENSIONS DECREED BY IN RE HOUTZ ET AL (ONEIDA COUNTY, SIXTH JUDICIAL DISTRICT COURT, JUNE 6, 1903). ANY CHANGE IN THE METHOD OF MEASUREMENT SHALL CONSTITUTE A CHANGE IN THE POINT OF DIVERSION REQUIRING APPROVAL BY THE IDAHO DEPARTMENT OF WATER RESOURCES AS A TRANSFER PURSUANT TO I.C. SECTION 42-222.

PRIORITY DATE: 10/01/1879

POINT OF DIVERSION:

T10S R31E S20 NENWSW Within POWER County
T10S R31E S29 SWSENE Within POWER County
T10S R31E S33 NENENW Within POWER County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4/01 - 10/31	0.533 CFS

PLACE OF USE:	T10S R31E S20	NWNW	2.0	T10S R31E S20	SWNW	24.0
	T10S R31E S20	NWSW	24.0			

50 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 30 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH RIGHT NOS. 41-00013B, 41-10258 & 41-10259 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 50 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: Decreed

ATTACHMENT A

RECEIVED

MAR 17 2003

Department of Water Resources

RECEIVED

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
MAR 12 2003

FILED — Department of Water Resources

2003 MAR 12 AM 11 21

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.: ~~43-13A~~

41-13A RSW

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.

R. Scott Westin 3-3-03
R. Scott Westin Date
Claimant

Steve Call
IDWR Concurrence Date

Wick Spencer 11-20-02
Approved as to form Date
Attorney for IDWR

09/26/2002

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

RIGHT NUMBER: 41-13A

NAME AND ADDRESS: R SCOTT WESTON
4448 STATE HWY 37
ROCKLAND ID 83271

NBS
SCC
Jsw

SOURCE: SOUTH FORK ROCK CREEK

TRIBUTARY: ROCK CREEK

QUANTITY: 0.20 CFS

THE QUANTITY LISTED ABOVE SHALL BE MEASURED AT THE POINT OF DIVERSION LISTED FOR THIS RIGHT BY MEANS OF A MEASURING BOX OF THE TYPE AND DIMENSIONS DECREED BY IN RE HOUTZ ET AL (ONEIDA COUNTY, SIXTH JUDICIAL DISTRICT COURT, JUNE 6, 1903). ANY CHANGE IN THE METHOD OF MEASUREMENT SHALL CONSTITUTE A CHANGE IN THE POINT OF DIVERSION REQUIRING APPROVAL BY THE IDAHO DEPARTMENT OF WATER RESOURCES AS A TRANSFER PURSUANT TO I.C. SECTION 42-222.

PRIORITY DATE: 05/01/1881

POINT OF DIVERSION:

T10S R31E S29 SWNENW Within POWER County
T10S R31E S33 NENENW Within POWER County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4/01 10/31	0.200 CFS

PLACE OF USE:	T10S R31E S20	NESW	9.3	T10S R31E S20	SESW	26.7
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36 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 10 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE 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: Decreed

CERTIFICATE OF SERVICE

I certify that on March 10, 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

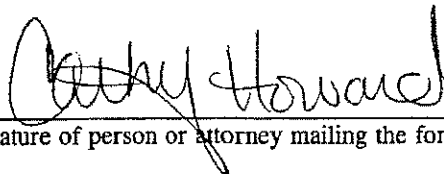
2. Copies to:

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

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

R. Scott Weston
4448 State Hwy 37
Rockland, ID 83271

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


Signature of person or attorney mailing the form

RECEIVED
FEB 25 2003
Department of Water Resources

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

RECEIVED
FEB 18 2003
Department of Water Resources

2003 FEB 21 AM 10 36

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

^{VER}
41
Subcase No.: 43-13C

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.

Robert R. Spillet
Robert R. Spillet
Claimant
Date

James V. Spillet
James V. Spillet
Claimant
Date

Steve Caldwell
IDWR Concurrence
Date

Nick Spencer 11-20-02
Approved as to form
Attorney for IDWR
Date

09/27/2002

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

RIGHT NUMBER: 41-13C
NAME AND ADDRESS: JAMES V SPILLETT
PO BOX 144
ROCKLAND ID 83271

ROBERT R SPILLETT
PO BOX 144
ROCKLAND ID 83271

NBS
See

SOURCE: SOUTH FORK ROCK CREEK TRIBUTARY: ROCK CREEK
QUANTITY: 0.20 CFS

THE QUANTITY LISTED ABOVE SHALL BE MEASURED AT THE POINT OF DIVERSION LISTED FOR THIS RIGHT BY MEANS OF A MEASURING BOX OF THE TYPE AND DIMENSIONS DECREED BY IN RE HOUTZ ET AL (ONEIDA COUNTY, SIXTH JUDICIAL DISTRICT COURT, JUNE 6, 1903). ANY CHANGE IN THE METHOD OF MEASUREMENT SHALL CONSTITUTE A CHANGE IN THE POINT OF DIVERSION REQUIRING APPROVAL BY THE IDAHO DEPARTMENT OF WATER RESOURCES AS A TRANSFER PURSUANT TO I.C. SECTION 42-222.

PRIORITY DATE: 05/01/1981

POINT OF DIVERSION:

T10S R31E S29 SWNE NW Within POWER County
T10S R31E S33 NENE NW Within POWER County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 10/31	0.200 CFS

PLACE OF USE:	T10S R31E S29	NWNE	22.5	T10S R31E S29	NENE	25.5
---------------	---------------	------	------	---------------	------	------

48 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 48 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 41-8E & 41-10230.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 10 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE 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: Decreed

CERTIFICATE OF SERVICE

I certify that on February 19, 2002³, 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

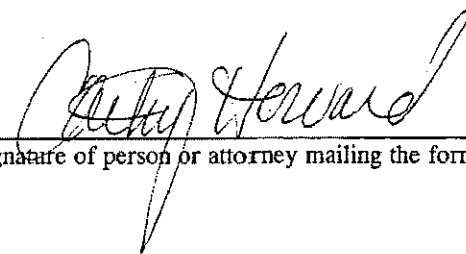
2. Copies to:

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

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

Robert R. Spillett
James V. Spillett
P.O. Box 144
Rockland, ID 83271

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



Signature of person or attorney mailing the form

AJ5856NP

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

DATE: OCT-28-1999
PAGE: A-181

RIGHTS FROM: SOURCE: ROCK CREEK, SOUTH FORK TRIBUTARY: ROCK CREEK

RIGHT NUMBER: 41-000082
NAME & ADDRESS: ROBERT R SPILLETT
JAMES V SPILLETT
PO BOX 144
ROCKLAND ID 83271
SOURCE: ROCK CREEK, SOUTH FORK TRIBUTARY: ROCK CREEK
QUANTITY: 0.355 CFS

THE QUANTITY LISTED ABOVE SHALL BE MEASURED AT THE POINT OF
DIVERSION LISTED FOR THIS RIGHT BY MEANS OF A MEASURING BOX OF
THE TYPE AND DIMENSIONS DECREED BY IN RE HODGE ET AL (ONEIDA
COUNTY, SIXTH JUDICIAL DISTRICT COURT, JUNE 6, 1903). ANY CHANGE
IN THE METHOD OF MEASUREMENT SHALL CONSTITUTE A CHANGE IN THE
POINT OF DIVERSION REQUIRING APPROVAL BY THE IDAHO DEPARTMENT OF
WATER RESOURCES AS A TRANSFER PURSUANT TO I.C. SECTION 42-222.

PRIORITY DATE: 10/01/1879
POINT OF DIVERSION: T10S R31E S33 NENEEN Within POWER County
PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
IRRIGATION 04-01 10-31 0.355 CFS
PLACE OF USE: IRRIGATION Within POWER County
T10S R31E S29 NENE 22.5 NENE 20.5
43 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 41-10230 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 43 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE

ATTACHMENT D

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: OCT-29-1999
PAGE: A-208-----
RIGHTS FROM: SOURCE: ROCK CREEK, SOUTH FORK TRIBUTARY: ROCK CREEK

RIGHT NUMBER: 41-10230

NAME & ADDRESS: ROBERT R SPILLETT
JAMES V SPILLETT
PO BOX 144
ROCKLAND ID 83271

SOURCE: ROCK CREEK, SOUTH FORK TRIBUTARY: ROCK CREEK

QUANTITY: 1.00 CFS

THE QUANTITY LISTED ABOVE SHALL BE MEASURED AT THE POINT OF
DIVERSION LISTED FOR THIS RIGHT BY MEANS OF A MEASURING BOX OF
THE TYPE AND DIMENSIONS DECREED BY IN RE ROUT2 ET AL (ONEIDA
COUNTY, SIXTH JUDICIAL DISTRICT COURT, JUNE 6, 1903). ANY CHANGE
IN THE METHOD OF MEASUREMENT SHALL CONSTITUTE A CHANGE IN THE
POINT OF DIVERSION REQUIRING APPROVAL BY THE IDAHO DEPARTMENT OF
WATER RESOURCES AS A TRANSFER PURSUANT TO I.C. SECTION 42-222.

PRIORITY DATE: 04/01/1989

POINT OF DIVERSION: T10S R31E S33 NENEENW Within POWER County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	04-01 10-31	1.00 CFS

PLACE OF USE: IRRIGATION Within POWER County
T10S R31E S29 NWNE 22.5 NERN 20.5
43 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 41-00006E IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 43.0 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE

ATTACHMENT E

09/26/2002

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

RIGHT NUMBER: 41-13B

NAME AND ADDRESS: JAMES JUAN SPILLETT
PO BOX 278
ROCKLAND ID 83271

SOURCE: SOUTH FORK ROCK CREEK

TRIBUTARY: ROCK CREEK

QUANTITY: 0.20 CFS

THE QUANTITY LISTED ABOVE SHALL BE MEASURED AT THE POINT OF DIVERSION LISTED FOR THIS RIGHT BY MEANS OF A MEASURING BOX OF THE TYPE AND DIMENSIONS DECREED BY IN RE HOUTZ ET AL (ONEIDA COUNTY, SIXTH JUDICIAL DISTRICT COURT, JUNE 6, 1903). ANY CHANGE IN THE METHOD OF MEASUREMENT SHALL CONSTITUTE A CHANGE IN THE POINT OF DIVERSION REQUIRING APPROVAL BY THE IDAHO DEPARTMENT OF WATER RESOURCES AS A TRANSFER PURSUANT TO I.C. SECTION 42-222.

PRIORITY DATE: 05/01/1881

POINT OF DIVERSION:

T10S R31E S20 NENWSW Within POWER County

T10S R31E S29 SWSSENW Within POWER County

T10S R31E S33 NENENW Within POWER County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

IRRIGATION

PERIOD OF USE

4/01 10/31

QUANTITY

0.200 CFS

PLACE OF USE:

T10S R31E S20

NWNW

2.0

T10S R31E S20

SWNW

24.0

T10S R31E S20

NWSW

24.0

50 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 10 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH RIGHT NOS. 41-8B, 41-10258 & 41-10259 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 50 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: Decreed

ATTACHMENT F

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 4th day of January, 2007, I caused to be served true and correct copies of the foregoing by the following method to:

1. Copies 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

Scott J. Smith
Racine Olson
201 E. Center
P.O. Box 1391
Pocatello, ID 83204-1391

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

James Robinson
Bench Ditch Irrigation Co.
P.O. Box 157
Rockland, ID 83721

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

James Juan Spillett
P.O. Box 278
Rockland, ID 83271

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

James V. Spillett
Robert R. Spillett
P.O. Box 144
Rockland, ID 83271

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

Kelvin & Suzanne Taysom
P.O. Box 309
Rockland, ID 83271

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

R. Scott Weston
Herbert R. Weston
4448 Rockland Hwy
Rockland, ID 83271

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

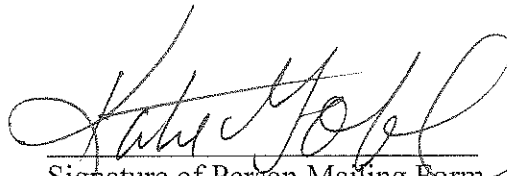
IDWR Document Depository
P.O. Box 83720
Boise, ID 83702-0098

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

2. Original & Copy to:

Jason Walker
Ling Robinson
615 H St.
P.O. Box 396
Rupert, ID 83350

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



Signature of Person Mailing Form