

COPY

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

2007 DEC 21 PM 3 17

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.: 37-1186

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.

CLAIMANT:

Pensco Trust Co. FBO "RICHARD SALYA"
ACCOUNT # SA1B5

For Pensco Trust Co.

Date

OBJECTOR:

United States
Bureau of Land Management

Larry A. Brown

Attorney, U. S. Department of Justice
Environment and Natural Resources

IDWR CONCURRENCE:

Steve C. Oll 10/17/07
Sr. Water Resource Agent Date

IDWR CONCURRENCE:

Chris Bromley 10/19/07
Christopher M. Bromley Date
Deputy Attorney General
Attorney for IDWR

12/02/2006

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

RIGHT NUMBER: 37-1186

NAME AND ADDRESS: PENSICO TRUST COMPANY
CUSTODIAN FBO RICHARD SAIYA
450 SANSOME ST 14TH FLOOR
SAN FRANCISCO CA 94111-3306

SOURCE: DRY CREEK

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 8.000 CFS

PRIORITY DATE: 04/01/1902

POINT OF
DIVERSION: T04S R14E S28 NESWNW Within GOODING County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	8.000 CFS

The use of water for irrigation under this right may begin as early as March 15 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before April 1 and after October 31 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE: IRRIGATION in GOODING County

T04S R14E S33	NWNE	2.50	T04S R14E S33	SWNE	32.00
~~T04S R14E S33~~	~~SENE~~	~~1.40~~	T04S R14E S33	SENE	11.00
T04S R14E S33	NESW	1.60	T04S R14E S33	NESE	17.00
T04S R14E S33	NWSE	29.00	T04S R14E S33	SWSE	5.20
T04S R14E S33	SESE	35.00	T04S R14E S34	NWSW	0.20
T04S R14E S34	SWSW	15.00	T05S R14E S03 Lot 3	NENW	3.10
T05S R14E S03 Lot 4	NWNW	29.00	T05S R14E S04 Lot 1	NENE	27.00

209 207.6 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 209 207.6 acres in a single irrigation season. Combined Right Nos.: 37-861 and 37-1186.

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

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

CERTIFICATE OF SERVICE

I certify that on _____, 2007, 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

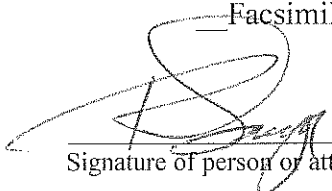
☐ Overnight Mail
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Pensco Trust
Custodian FBO Richard Saiya
450 Sansome St. 14th Floor
San Francisco, CA 94111-3306

☐ 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

CERTIFICATE OF SERVICE

I certify that on Dec. 19th, 2007, 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
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Twin Falls, ID 83303-2707

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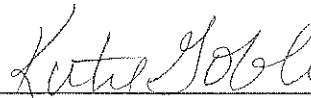
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