



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

December 29, 2008

Robert L. Harris
1000 Riverwalk Drive, Suite 200
P.O. Box 50130
Idaho Falls, ID 83405

RE: SRBA Subcase Nos. 22-684, 22-13774 & 22-13775

Dear Rob:

I am enclosing SF5s for each of the above-referenced subcases. Please review the documents, and if they are acceptable, please sign on the indicated signature lines and initial the recommendations. After signature, please return the original SF5s to me, and I will obtain the remaining signatures and file the SF5s with the SRBA Court.

If you should have any questions or comments, please don't hesitate to contact me at 287-4815.

Sincerely,

A handwritten signature in black ink, appearing to read "Ray Williams".

Ray Williams
Paralegal

Enclosures

**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. 22-684
	)	
	)	
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 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 this water right should be disallowed. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT:
Duck Bell, LLC

OBJECTOR(s):
Carole Hofley Trust
Hofley Family Investment

Robert L. Harris Date
Attorney for Claimant

Robert L. Harris Date
Attorney for Objectors

DWR Concurrence:

Denise Kidman Date
Water Resource Agent

Andrea L. Courtney 12/29/08
Andrea L. Courtney Date
Deputy Attorney General
Attorney for IDWR

IDAHO DEPARTMENT OF WATER RESOURCES
DIRECTOR'S REPORT OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER DISALLOWED: 22-684

Split Right: See Nos. 22-13774 & 22-13775

AZ

CERTIFICATE OF MAILING

I certify that on _____, 2008, 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:

ROBERT J. WILSON
Represented by:
RAY W. RIGBY
25 N. 2ND E.
P.O. BOX 250
REXBURG, ID 83440-0250

CAROL HOFLEY TRUST & HOFLEY FAMILY INVESTMENT
DUCK BELL, LLC
Represented by:
ROBERT L. HARRIS
1000 RIVERWALK DR., STE. 200
P.O. BOX 50130
IDAHO FALLS, ID 83405

DIRECTOR OF IDWR
P.O. BOX 83720
BOISE, ID 83720-0098

Signature of person or attorney mailing the form

**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. 22-13774
	)	<i>Split from 22-684</i>
	)	
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 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:

Carole S. Hofley Living Trust

_____ Robert L. Harris	_____ Date
Attorney for Claimant	

DWR Concurrence:

Denise Kidman Date
Water Resource Agent

Andrea L. Courtney 12/29/08
Andrea L. Courtney Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 22-13774

NAME AND ADDRESS:

CAROLE S HOFLEY LIVING TRUST
PO BOX 1447
WILSON WY 83014

SOURCE:

Source:

BELL CREEK

GRIFFITH CREEK

Tributary:

TETON RIVER

TETON RIVER

QUANTITY:

2.280 CFS

~~1.960 CFS~~

PRIORITY DATE:

08/01/1904

POINT OF DIVERSION: ~~T05N R45E S19 SENWSE Within TETON County~~

T05N R45E S20 SENESW Within TETON County

T05N R45E S20 SESWSW Within TETON County

T05N R45E S20 SESWSW Within TETON County

T05N R45E S20 SESWSW Within TETON County

T05N R45E S20 SNNWSE Within TETON County

T05N R45E S29 SNNWNE Within TETON County

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION

04/15 10/15

2.280 CFS

~~1.960 CFS~~

PLACE OF USE:

IRRIGATION

within TETON County

T05N R45E S19 NESE 30.0

~~T05N R45E S19 NESE 25.0~~

T05N R45E S19 NWSE 40.0

~~T05N R45E S19 NWSE 26.0~~

T05N R45E S19 SESE 30.0

~~T05N R45E S19 SESE 33.0~~

T05N R45E S30 NENE 14.0

114 ACRES TOTAL ~~98 ACRES TOTAL~~

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.

This right is subject to regulation by the watermaster of Water District No 01.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

This right is a split from former right 22-684.

CERTIFICATE OF MAILING

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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:

CAROLE S. HOFLEY LIVING TRUST
Represented by:
ROBERT L. HARRIS
1000 RIVERWALK DR., STE. 200
P.O. BOX 50130
IDAHO FALLS, ID 83405

DIRECTOR OF IDWR
P.O. BOX 83720
BOISE, ID 83720-0098

Signature of person or attorney mailing the form

**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. 22-13775
	)	<i>Split from 22-684</i>
	)	
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 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:

Hofley Family Investment, LLC

_____ Robert L. Harris Attorney for Claimant	_____ Date
--	---------------

DWR Concurrence:

Denise Kidman Date
Water Resource Agent

Andrea L. Courtney 12/29/08
Andrea L. Courtney Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 22-13775

NAME AND ADDRESS: HOFLEY FAMILY INVESTMENT LLC
PO BOX 1447
WILSON WY 83014

SOURCE:	Source:	Tributary:
	<u>BELL CREEK</u>	<u>TETON RIVER</u>
	GRIFFITH CREEK	TETON RIVER

QUANTITY: 0.520 CFS ~~0.400 CFS~~

PRIORITY DATE: 08/01/1904

POINT OF DIVERSION: ~~T05N R45E S19 SENWSE Within TETON County~~
T05N R45e S20 SESWSW Within TETON County
T05N R45e S29 SWNWNE Within TETON County

PURPOSE AND PERIOD OF USE:	Purpose of use	Period of use:	Quantity:
	IRRIGATION	04/15 10/15	<u>0.520 CFS</u>
			~~0.400 CFS~~

PLACE OF USE: IRRIGATION within TETON County
T05N R45E S30 NENE 26.0 ~~T05N R45E S30 NENE 20.0~~

26 ACRES TOTAL ~~20 ACRES TOTAL~~

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This right is subject to regulation by the watermaster of Water District No 01.

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

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