

JAN 12 2009

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

Case No. 39576

Subcase No.: 37-21736

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 / OBJECTOR:

James P. Speck

Attorney for Idaho Ranch LLC

Date

RESPONDENTS:

Craig D. Hobdey

Attorney for Big Wood Canal Company

Date

Albert P. Barker

Attorney for Tom O'Gara, John F.

Stevenson, Bill Molyneux, Pete Van Der

Meulen, Grace Eakin, Gerald Bashaw, and

Pepin Corso-Harris

Date

IDWR CONCURRENCE:

Kelly K Christensen 12-9-08

Kelly K Christensen

Date

Sr. Water Resource Agent

IDWR CONCURRENCE:

John W. Homan 12-17-08

John W. Homan

Date

Deputy Attorney General

Attorney for IDWR

11/12/2008

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

RIGHT NUMBER: 37-21736

NAME AND ADDRESS: IDAHO RANCH LLC
2296 CHANNEL RD
NEWPORT BEACH CA 92661

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.060 CFS

PRIORITY DATE: 08/15/1902

POINT OF
DIVERSION:

T02N R18E S35 NE1/4 Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

0.060 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T02N R18E S35

NWNE

~~1-9~~ 2.70

T02N R18E S35

SWNE

~~2-1~~ 3.30

4.6 ACRES TOTAL

Right Nos. 37-21734 and 37-21736 are limited to the irrigation of a combined total of 4.6 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

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

This right is a split from former right 37-688C.

CERTIFICATE OF SERVICE

I certify that on 1/8/09, 2008, 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

James P. Speck
Speck & AAnestad
P.O. Box 987
Ketchum, ID 83340

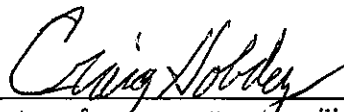
☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

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Shelley M. Davis
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P.O. Box 2139
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☐ Facsimile



Signature of person or attorney mailing the form