

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

Seal of the Fifth Judicial District, County of Twin Falls - State of Idaho, dated JUL 10 2009, with lines for 'By' and 'Clerk'.

Subcase No.: 37-510A

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. IDWR notes the recommendation of water right 37-510A remains unchanged.

CLAIMANT:

James P. Speck 6-29-09
Attorney for Gregory Ranch LLC Date

OBJECTOR:

Craig D. Hobdey 7-2-09
Attorney for Big Wood Canal Company Date

RESPONDENT:

Scott L. Campbell 7/6/09
Attorney for Sinclair Oil Corp. Date

RESPONDENTS:

J. P. Speck 6-29-09
James P. Speck Date

Attorney for Barker Living Trust, Myer Berlow, Deborah Barr, Chaney Creek Ranch LLC, Eagle Creek Irrigation Co., ECD Inc., Michael S. Engl, Charles T. Foley, Gimlet Property Owners Assn., William B. Gordon, Gregory Ranch LLC, Lake Creek Meadows Homeowners, Elise G. Lufkin, Charles L. Matthiesen, The R. Daniel Olmstead Revocable Trust, John D. Pierce, Ralph W. Girton, Kandi L. Girton, River Rock Ranch LP, Rivers Edge Associates LLC, Steven D. Holzman Trust, The Gulch Trust, Michael E. Willard, and Roy R. Woods

IDWR CONCURRENCE:

Kelly K. Christensen 6-23-09
Kelly K. Christensen Date
Sr. Water Resource Agent

IDWR CONCURRENCE:

C. M. Bromley 6/26/09
Christopher M. Bromley Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 37-510A

NAME AND ADDRESS: GREGORY RANCH LLC
701 5TH AVE STE #4400
SEATTLE WA 98104-7012

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 2.800 CFS
44.70 APY

Recreation storage under Right Nos. 37-00510A and 37-00685D shall not exceed the total combined pond volume of 70.3 af.

Right Nos. 37-00510A and 37-00685D when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate.

Right Nos. 37-00510A and 37-00685D are limited to a total combined diversion rate of 4.40 cfs.

PRIORITY DATE: 10/15/1884

POINT OF
DIVERSION:

T02N R18E S36 NESWNW Lot 3 Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/15 10/31	2.250 CFS
DIVERSION TO STORAGE	04/15 10/31	2.800 CFS
RECREATION STORAGE	01/01 12/31	44.70 APY

PLACE OF USE:

IRRIGATION in BLAINE County

T01N R18E S13	NENE	27.60	T01N R18E S13	SENE	29.80
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RECREATION STORAGE in BLAINE County

T01N R18E S13	NENE	T01N R18E S13	SENE
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57.4 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 57.4 acres in a single irrigation season. Combined Right Nos.: 37-00510A and 37-00685D

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

A staff gage shall be maintained in the pond by the right holder and a corresponding storage gage rating curve of the pond shall be provided to the department and the watermaster.

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

The storage of water is contingent upon certification by the Department of Water Resources, of the applicants dam under the dam safety provisions of the Idaho Code, authorizing storage.

Use of water under this water right will be regulated by the watermaster of State Water District No. 37.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

KKC
CD JPS
CH
SLC

CERTIFICATE OF SERVICE

I certify that on July 9th, 2009, 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

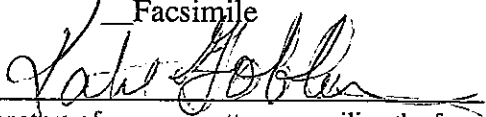
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Hobdey & Hobdey
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Gooding, ID 83330

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☐ Facsimile

Scott L. Campbell
Moffatt Thomas Barrett Rock & Fields
P.O. Box 829
Boise, ID 83701

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☐ Hand-Delivered
☐ Facsimile


Signature of person or attorney mailing the form