

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

Fifth Judicial District
County of Twin Falls - State of Idaho

JUL 10 2009

By _____

Subcase No.: 37-685D

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 37-685D remains unchanged.

CLAIMANT:

James P. Speck 6-25-09
Attorney for Gregory Ranch LLC Date

OBJECTOR:

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

RESPONDENT:

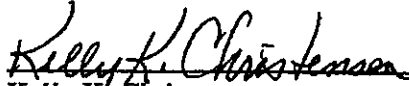
Scott L. Campbell 7/6/09
Attorney for Sinclair Oil Corp. Date

RESPONDENTS:

 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:

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

IDWR CONCURRENCE:

 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: 37-685D

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

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 1.600 CFS
25.60 APY

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

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.

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

PRIORITY DATE: 10/15/1884

POINT OF

DIVERSION:

T02N R18E S36 N3SWNW Lot 3 Within BLAINE County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USEPERIOD OF USEQUANTITY

IRRIGATION

04/15 10/31

1.280 CFS

DIVERSION TO STORAGE

04/15 10/31

1.600 CFS

RECREATION STORAGE

01/01 12/31

25.60 APY

PLACE OF USE:

IRRIGATION in BLAINE County

T01N R18E S13

NENE

27.60

T01N R18E S13

SENE

29.80

RECREATION STORAGE in BLAINE County

T01N R18E S13

NENE

T01N R18E S13

SENE

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 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.

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.

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 JPS
CB
SLC CH

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

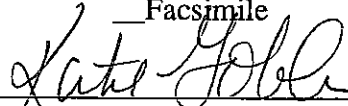
☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
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Craig D. Hobdey
Hobdey & Hobdey
P.O. Box 176
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☐ Overnight Mail
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☐ Facsimile

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

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☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile



Signature of person or attorney mailing the form