

RECEIVED

AUG - 6 2009

Department of Water Resources
Adjudication Bureau

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.: 37-19832
	)	(Formerly Disallowed)
Case No. 39576	)	
	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

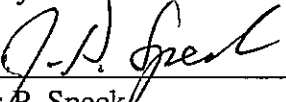
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary 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.

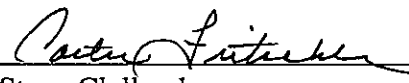
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT / OBJECTOR:

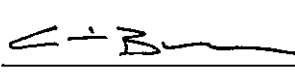
Smokey Dome L.L.C.

 7-30-09
James P. Speck Date
Attorney for Smokey Dome L.L.C.

IDWR CONCURRENCE:

for  7-24-09
Steve Clelland Date
Sr. Water Resource Agent

IDWR CONCURRENCE:

 7/24/09
Christopher M. Bromley Date
Deputy Attorney General
Attorney for IDWR

07/24/2009

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

RIGHT NUMBER: 37-19832

NAME AND ADDRESS: SMOKEY DOME LLC
C/O GREGORY VIK C/O CHARLES E HILL
PO BOX 1607
BELLEVUE WA 98009

GPS CA
CB

SOURCE: EAST FORK THREEMILE CREEK TRIBUTARY: CAMAS CREEK

QUANTITY: 0.910 CFS

PRIORITY DATE: 04/15/1915

POINT OF
DIVERSION:

T01N R13E S14 SWSESE Within CAMAS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.910 CFS

PLACE OF USE: IRRIGATION in CAMAS County

T01N R13E S14	SENE	0.50	T01N R13E S14	NESE	13.30
T01N R13E S14	SWSE	8.10	T01N R13E S14	SESE	9.80
T01N R13E S23	NENE	0.90	T01N R13E S23	NWNE	12.80

45.4 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 45.4 acres in a single irrigation season. Combined Right Nos.: 37-2227, 37-8609 & 37-19832.

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

This water right shall be administered as being from a separate source pursuant to Basin 37 Part 2 General Provision No. 1A. If the holder of this right seeks to change the right pursuant to Idaho Code Sec. 42-222 or successor statute, nothing in this General Provision shall preclude any other person or entity from demonstrating that such a change in use would cause injury to its water right or from receiving relief provided by law in the event of injury.

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 - Beneficial Use

CERTIFICATE OF SERVICE

I certify that on Aug. 4, 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

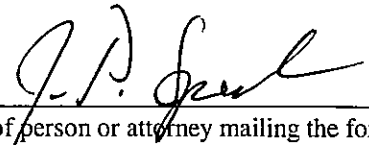
2. Copies to:

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
☐ Facsimile



Signature of person or attorney mailing the form