

14
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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.: 37-387B

STANDARD FORM 5

STIPULATED ELEMENTS OF A
WATER RIGHT

2009 SEP 23 PM 10 17

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TWIN FALLS CO., IDAHO
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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:

Michael P. Lawrence 9/3/09
Date

Michael P. Lawrence
Attorney for Dana L. Dowers and
Ethel Lynn Dowers

OBJECTORS:

Craig D. Hobdey 9-15-09
Date
Craig D. Hobdey
Attorney for Big Wood Canal Company

RESPONDENT:

Scott L. Campbell 9/17/09
Date
Scott L. Campbell
Attorney for Sinclair Oil Corp.

Albert P. Barker 9/14/09
Date
Albert P. Barker
Attorney for Tom O'Gara, John F.
Stevenson, Bill Molyneux, Pete Van
Der Meulen, Grace Eakin, Gerald B
Bashaw, Pepin Corso-Harris and Rocky
Sherbine

IDWR CONCURRENCE:

Carter Fritschle 8-28-09
Carter Fritschle Date
Section Manager Adjudication Bureau

IDWR CONCURRENCE:

Christopher M. Bromley 8/28/09
Christopher M. Bromley Date
Deputy Attorney General
Attorney for IDWR

07/17/2009

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

RIGHT NUMBER: 37-387B

NAME AND ADDRESS: DANA I. DOWERS
2560 RIVIERA DR
LAGUNA BEACH CA 92651

ETHEL LYNN DOWERS
2560 RIVIERA DR
LAGUNA BEACH CA 92651

SOURCE: EAST FORK WOOD RIVER

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 0.130 CFS

Deliveries under this right at the field headgate shall not exceed a total instantaneous rate of 0.126 cfs (which equates to 0.02 cfs per acre) and the total volume of water delivered to the field under this right shall not exceed 22.05 acre-feet per year (which equates to 3.5 acre feet per acre per year).

CF MPL
CB
AKS
SUC

PRIORITY DATE: 06/01/1888

POINT OF
DIVERSION:

T04N R18E S35 NWSE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 11/01	0.130 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T04N R18E S35 NWSE 6.30
6.3 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.

A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

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

CERTIFICATE OF SERVICE

I certify that on Sept 21st, 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

Craig D. Hobdey
Hobdey & Hobdey
P.O. Box 176
Gooding, ID 83330

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

Albert P. Barker
Shelley M. Davis
Barker, Rosholt & Simpson LLP
P.O. Box 2139
Boise, ID 83701-2139

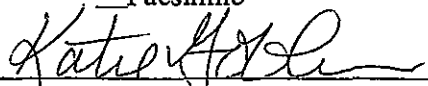
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☐ Hand-Delivered
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Scott L. Campbell
Moffatt Thomas Barrett Rock & Fields
P.O. Box 829
Boise, ID 83701

☐ Overnight Mail
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Michael P. Lawrence
Givens Pursley
P.O. Box 2720
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☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile



Signature of person or attorney mailing the form