

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.: 37-8252

STANDARD FORM 5

STIPULATED ELEMENTS OF A
WATER RIGHT

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED
2009 SEP 23 PM 10 11

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.

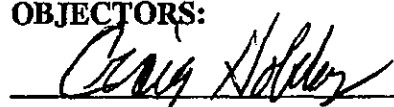
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT:


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

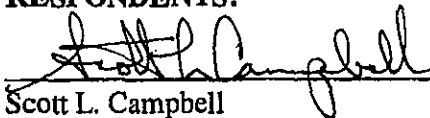
9/3/09
Date

OBJECTORS:

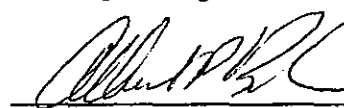

Craig D. Hobdey
Attorney for Big Wood Canal Company

9-15-09
Date

RESPONDENTS:


Scott L. Campbell
Attorney for Sinclair Oil Corp.
and Newfoundland Partners

9/17/09
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

9/14/09
Date

IDWR CONCURRENCE:

Carter Fritschle 8-5-09
Carter Fritschle Date
Section Manager Adjudication Bureau

IDWR CONCURRENCE:

C-M Bromley 8/5/09
Christopher M. Bromley Date
Deputy Attorney General
Attorney for IDWR

08/03/2009

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

RIGHT NUMBER: 37-8252
NAME AND ADDRESS: DANA L 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: 2.000 CFS
1,448.00 AFY

This right combined with right no. 37-387B shall not exceed a total diversion rate of 2.00 cfs.

The aesthetic pond established under this right shall not exceed a total capacity of 1.44 acre-feet or a total surface area of 0.24 acres.

CV MPL
CB
SLC

PRIORITY DATE: 01/06/1986
POINT OF DIVERSION:
T04N R18E S35 NENWSE Within BLAINE County

PURPOSE AND PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
AESTHETIC	01/01 12/31	2.000 CFS 1,448.00 AFY
Use of water under this right shall be non-consumptive.		

PLACE OF USE: AESTHETIC in BLAINE County
T04N R18E S35 NWSE

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

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

Measuring devices of a type approved by the Department shall be maintained to measure the surface water inflow and outflow from the aesthetic pond authorized by this 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 - License

Right No. 37-387B is also diverted through point of diversion described above.

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

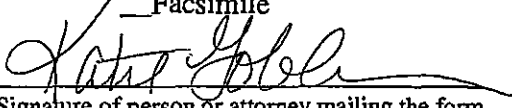
☐ Overnight Mail
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☐ Hand-Delivered
☐ Facsimile

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

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


Signature of person or attorney mailing the form