

626

DISTRICT COURT - SRBA
TWIN FALLS CO. IDAHO
FILED

2009 OCT 19 PM 2 18

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. 22-4157
	)	<i>Previously Disallowed</i>
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:

Elliot Creek Ranch, LLC

Robert L. Harris 9/20/2009
Robert L. Harris Date
Attorney for Claimant/Objector

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

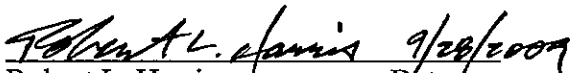
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CLAIMANT/OBJECTOR:
Elliot Creek Ranch, LLC


Robert L. Harris Date
Attorney for Claimant/Objector

DWR Concurrence:

Ernest Carlsen 9-29-09
Ernest Carlsen Date
Water Resource Program Manager

Garrick L. Baxter 10/16/09
Garrick L. Baxter Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 22-4157

NAME AND ADDRESS: ELLIOTT CREEK RANCH LLC
1025 S COOK ST
DENVER CO 80209

SOURCE: ELLIOTT CREEK
UNNAMED STREAM

TRIBUTARY: FOSTER SLOUGH
TRIBUTARY: ELLIOTT CREEK

QUANTITY: 0.980 CFS

PRIORITY DATE: 05/25/1916

POINT OF
DIVERSION:

T04N R45E S22 NENENW Within TETON County
T04N R45E S22 NENWNW Within TETON County
T04N R45E S22 NESWNW Within TETON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/15	0.980 CFS

PLACE OF USE: IRRIGATION in TETON County

T04N R45E S21	NENE	31.00	T04N R45E S22	NWNW	18.00
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49 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 - Beneficial Use

CERTIFICATE OF MAILING

I certify that on October 20, 2009, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid 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, IDAHO 83303-2707

2. Copies to:

ELLIOT CREEK RANCH, LLC
Represented by:
ROBERT L. HARRIS
1000 RIVERWALK DR., STE. 200
P.O. BOX 50130
IDAHO FALLS, ID 83405

DIRECTOR OF IDWR
P.O. BOX 83720
BOISE, ID 83720-0098



Signature of person or attorney

Sent Journal

Date : OCT-19-2009 MON 01:50PM
 Name : IDWR ADJUDICATION
 Tel. : 2082876701

No.	Fax Name/Number	Start Time	Time	Mode	Pages	Result
26	912087349960	06-11 12:58PM	02'14"	ECM	5/5	Ok
27	912087627840	06-12 11:52AM	04'07"	ECM	10/10	Ok
28	912522939048	06-15 11:34AM	01'53"	ECM	4/4	Ok
29	912522939048	06-15 11:38AM	01'57"	ECM	4/4	Ok
30	916235464780	06-22 11:18AM	08'20"	G3	5/5	Ok
31	912088572341	06-22 11:28AM	05'11"	G3	5/5	Ok
32	912087562222	06-25 09:40AM	01'48"	ECM	2/2	Ok
33	912086872799	06-26 10:24AM	21'18"	G3	13/13	Ok
34	912522939048	06-30 06:38AM	01'40"	ECM	4/4	Ok
35	912087349960	07-07 03:30PM	03'05"	ECM	8/8	Ok
36	93441331	07-13 01:55PM	00'24"	ECM	1/1	Ok
37	93441331	07-13 01:56PM	00'27"	ECM	1/1	Ok
38	912087362121	07-20 12:24PM	02'18"	ECM	8/8	Ok
39	912087362121	07-30 02:55PM	02'12"	ECM	4/4	Ok
40	912087362121	07-31 02:48PM	00'57"	ECM	4/4	Ok
41	912522939048	01-01 12:44PM	00'55"	ECM	2/2	Ok
42	912087362121	08-24 10:37AM	00'53"	ECM	3/3	Ok
43	93360559	08-31 10:54AM	02'50"	ECM	2/2	Ok
44	99545099	08-31 01:09PM	01'27"	ECM	3/3	Ok
45	912087349960	08-31 01:11PM	01'10"	ECM	3/3	Ok
46	99476820	09-08 10:00AM	00'00"	ECM	0/1	Stop Pressed
47	99476820	09-08 10:01AM	01'29"	ECM	4/4	Ok
48	912089831336	09-08 10:46AM	00'36"	ECM	2/2	Ok
49	912522939048	09-09 07:16AM	01'32"	ECM	3/3	Ok
50	912522939048	09-17 06:13PM	00'00"	ECM	0/1	Stop Pressed
51	93731216	09-17 06:14PM	00'34"	ECM	1/1	Ok
52	93758046	09-17 06:16PM	00'46"	ECM	1/1	Ok
53	912522939048	09-19 07:53AM	00'53"	ECM	2/2	Ok
54	93437204	09-23 09:44AM	01'00"	ECM	3/3	Ok
55	912087362121	09-25 03:54PM	00'47"	ECM	3/3	Ok
56	94549833	09-28 01:49PM	00'42"	ECM	2/2	Ok
57	912084549833	09-28 02:02PM	00'00"	ECM	0/2	No Answer
58	912522939048	09-29 09:09AM	01'42"	ECM	3/3	Ok
59	912522939048	10-04 03:44PM	01'45"	ECM	4/4	Ok
60	912522939048	10-05 06:59AM	00'51"	ECM	2/2	Ok
61	93318857	10-06 03:37PM	00'59"	ECM	2/2	Ok
62	94223044	10-07 03:00PM	00'00"	ECM	0/5	Stop Pressed
63	12087743761	10-16 01:01PM	00'00"	ECM	0/3	No Answer
64	12087743761	10-16 02:31PM	00'00"	ECM	0/3	No Answer
65	912087362121	10-19 01:48PM	01'00"	ECM	4/4	Ok