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DISTRICT COURT - SRBA
TWIN FALLS CO. IDAHO
FILED _____

2009 OCT 16 AM 10 53

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.: 37-1228A
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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:

J. P. Speck 10.2.09
James P. Speck Date
Attorney for Lawrence Warner

RESPONDENTS:

Craig D. Hedley 10-5-09
Craig D. Hedley Date
Attorney for Big Wood Canal Company

Albert P. Barker 10-7-09
Albert P. Barker Date
Attorney for Tom O'Gara, John F.
Stevenson, Bill Molyneux, Pete Van Der
Meulen, Grace Eakin, Gerald Bashaw, and
Pepin Corso-Harris

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
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The parties agree that the parties and subject matter of this case have been served with sufficient process and defended their position.

The parties agree that the parties and subject matter of this case should be described in their concurrence by initialing.

Repository

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CLAIMANT / OBJECT

J. P. Speck
James P. Speck
Attorney for Lawrence Warner

Date

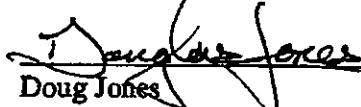
Craig D. Høbdø
Craig D. Høbdø
Attorney for Big Wood Canal Company

Date

Albert P. Barker
Albert P. Barker
Attorney for Tom O'Gara, John F. Stevenson, Bill Molyneux, Pete Van Der Meulen, Grace Eakin, Gerald Bashaw, and Pepin Corso-Harris

Date

IDWR CONCURRENCE:


Doug Jones
Technical Engineer I

5/7/09

Date

IDWR CONCURRENCE:


Christopher M. Bromley
Deputy Attorney General
Attorney for IDWR

9/30/09

Date

04/05/2009

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

RIGHT NUMBER: 37-1228A

NAME AND ADDRESS: LAWRENCE WARNER
155 TOWNSEND GULCH RD
BELLEVUE ID 83313

SOURCE: TOWNSEND GULCH

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 0.100 CFS

~~Right Nos. 37-1227B and 37-1228A are limited to a total combined diversion rate of 0.14 cfs.~~

This right when combined with all other rights shall provide no more than 0.03 cfs per acre and 3.5 afa per acre at the field headgate for irrigation of the lands above.

PRIORITY DATE: 05/01/1905

POINT OF
DIVERSION:

T01N R18E S2 NEWSW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

0.100 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T01N R18E S02 NESW 1.30 0-90 T01N R18E S02 NWSW 3.40 1-90
4.7 ACRES TOTAL

Right Nos. 37-1227B and 37-1228A are limited to the irrigation of a combined total of 4.7 acres in a single irrigation season.

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

Property is also known as Lot 1A, Townsend Ranch Subdivision.

CERTIFICATE OF SERVICE

I certify that on 10/15, 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

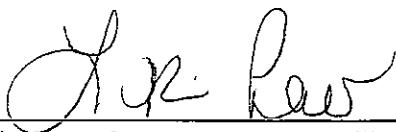
☐ Overnight Mail
☐ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Craig D. Hobdey
Hobdey & Hobdey
125 5th Ave
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
☐ Regular Mail
☐ Hand-Delivered
☐ Facsimile



Signature of person or attorney mailing the form