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STANDARD FORM 5

**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.: 37-1227B

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:

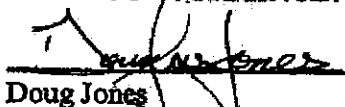
J. P. Speck 10-2-09
James P. Speck Date
Attorney for Lawrence Warner

RESPONDENTS:

Craig D. Hobdey 10-5-09
Craig D. Hobdey 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

IDWR CONCURRENCE:



Doug Jones
Technical Engineer 1

5/2/09
Date

IDWR CONCURRENCE:



Christopher M. Bromley
Deputy Attorney General
Attorney for IDWR

7/30/09
Date

04/05/2009

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

RIGHT NUMBER: 37-1227B

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

SOURCE: TOWNSEND GULCH

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 0.100 CFS
17.50 AFY

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.

~~Right Nos. 37-1227B and 37-1228A are limited to a total combined diversion rate of 0.15 cfs.~~

PRIORITY DATE: 06/01/1883

POINT OF
DIVERSION:

T01N R18E S2 NENSW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/15	0.100 CFS 17.50 AFY

The use of water for irrigation under this right may begin as early as April 15 and may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water after October 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

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 2-7 ACRES TOTAL

Right Nos. 37-1227B and 37-1228A are limited to the irrigation of a combined total of 4.7 2-7 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

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

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

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

~~The right holder shall accomplish the change authorized by this transfer with one (1) year of the date of this approval.~~

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

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☐ Regular Mail
☐ Hand-Delivered
☐ Facsimile

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



Signature of person or attorney mailing the form