

1242

DISTRICT COURT - SRBA
TWIN FALLS CO. IDAHO
FILED _____

2009 OCT 21 PM 9 48

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.: 37-1207

STANDARD FORM 5

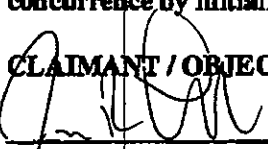
STIPULATED ELEMENTS OF A
WATER RIGHT

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.

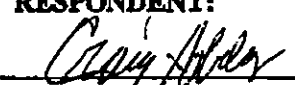
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT / OBJECTOR:


James R. Laski
Attorney for Spring Creek Idaho Ranch LLC

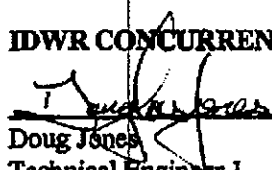
10/13/09
Date

RESPONDENT:


Craig D. Hobdey
Attorney for Big Wood Canal Company

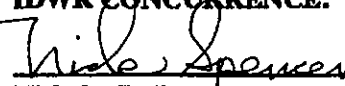
10-14-09
Date

IDWR CONCURRENCE:


Doug Jones
Technical Engineer I

10/13/09
Date

IDWR CONCURRENCE:


Nicholas B. Spencer
Deputy Attorney General
Attorney for IDWR

10-8-09
Date

**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.: 37-1207

STANDARD FORM 5

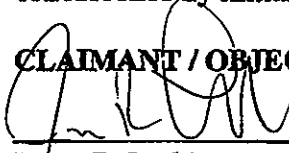
**STIPULATED ELEMENTS OF A
WATER RIGHT**

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.

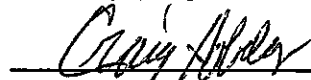
CLAIMANT / OBJECTOR:


James R. Laski
Attorney for Spring Creek Idaho Ranch LLC

10/13/09

Date

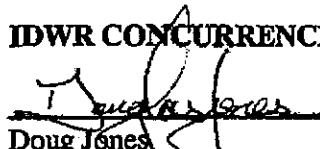
RESPONDENT:


Craig D. Hobdey
Attorney for Big Wood Canal Company

10-14-09

Date

IDWR CONCURRENCE:


Doug Jones
Technical Engineer 1

10/13/09

Date

IDWR CONCURRENCE:


Nicholas B. Spender
Deputy Attorney General
Attorney for IDWR

10-8-09

Date

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

RIGHT NUMBER: 37-1207

NAME AND ADDRESS: SPRING CREEK IDAHO RANCH LLC
PO BOX 4380
KETCHUM ID 83340

SOURCE: BLACK SLOUGH
~~CRYSTAL CREEK~~
WILLOW CREEK

Tributary: BIG WOOD RIVER
~~WILLOW CREEK~~
BIG WOOD RIVER

QUANTITY: 4.800 CFS

PRIORITY DATE: 06/01/1881

POINT OF DIVERSION:

T01S R18E S15 SWSW Within BLAINE County
~~T01S R18E S15 NESWSE~~ Within BLAINE County
T01S R18E S22 NWSNW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

Purpose of use	Period of use:	Quantity:
IRRIGATION	04/15 10/31	4.800 CFS

PLACE OF USE:

IRRIGATION within BLAINE County

T01S R18E S15 SWSW 18.0
T01S R18E S15 SKSW 40.0
T01S R18E S22 NWNW 11.0
T01S R18E S26 SWSW 33.0
~~T01S R18E S26 NWSW 33.0~~
~~T01S R18E S27 SWNE 33.0~~
~~T01S R18E S27 SESE 33.0~~
~~T01S R18E S27 SWSW 33.0~~
~~T01S R18E S27 SENW 33.0~~
~~T01S R18E S27 NESW 33.0~~
T01S R18E S27 NWSW 33.0
~~T01S R18E S27 NESE 33.0~~
~~T01S R18E S27 NWSW 33.0~~
~~T01S R18E S28 SESE 2.0~~

~~T01S R18E S26 NWSW 33.0~~
~~T01S R18E S27 SWNE 31.0~~
~~T01S R18E S27 SESE 33.0~~
~~T01S R18E S27 SWSW 33.0~~
~~T01S R18E S27 SENW 31.0~~
~~T01S R18E S27 NESW 31.0~~

~~T01S R18E S27 NESE 32.0~~
~~T01S R18E S27 NWSW 31.0~~
~~T01S R18E S28 SESE 2.0~~

401 ACRES TOTAL ~~389.1 ACRES TOTAL~~

This right is limited to the irrigation of 79 acres within Sections 26 and 27 and a total of 148 acres in the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 332 acres within Sections 26, 27 and 28 in a single irrigation season. Combined Right Nos.: 37-180, 37-181, 37-310A, 37-233, 37-1207, 37-19831 and 37-231A.

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

CERTIFICATE OF SERVICE

I certify that on October 20, 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

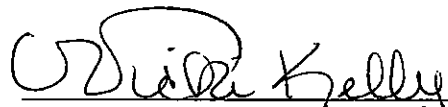
☐ Overnight Mail
☐ Regular Mail
☒ Hand-Delivered
☐ Facsimile

James R. Laski
Lawson Laski Clark & Pogue PLLC
P.O. Box 3310
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


Signature of person or attorney mailing the form