

1239
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.: 37-653

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 10/13/09
Date
Attorney for Spring Creek Idaho Ranch LLC

RESPONDENT:

Craig D. Hobdley 10-14-09
Date
Attorney for Big Wood Canal Company

IDWR CONCURRENCE:

Doug Jones 10/9/09
Date
Technical Engineer 1

IDWR CONCURRENCE:

Nicholas B. Spencer 10-8-09
Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 37-653

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

SOURCE: UNNAMED STREAM

Tributary: WILLOW CREEK

QUANTITY: 0.500 CFS

PRIORITY DATE: 05/15/1881

POINT OF DIVERSION:

T01S R18E S23 SENWNE Within BLAINE County

T01S R18E S24 SENWNE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION

04/15 10/31

0.500 CFS

PLACE OF USE:

IRRIGATION

within BLAINE County

T01S R18E S14 SESW 1.8

T01S R18E S14 SWSE 2.6

T01S R18E S23 NENE 3.1

T01S R18E S23 NENE 32.0

T01S R18E S23 NENW 35.0

T01S R18E S23 NNW 22.0

96.5 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 96.5 acres in a single irrigation season. Combined Right Nos.: 37-655B, 37-21476 & 37-653.

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

Source is also known as Timmerman Spring Creek.

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Handwritten:
NBS
JRH

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

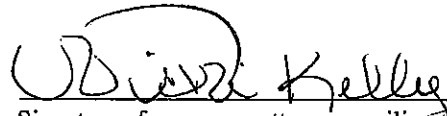
☐ Overnight Mail
☐ Regular Mail
☒ Hand-Delivered
☐ Facsimile

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