

DISTRICT COURT - SRBA
TWIN FALLS CO. IDAHO
FILED _____

2009 OCT 21 AM 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.: 37-2764

STANDARD FORM 5

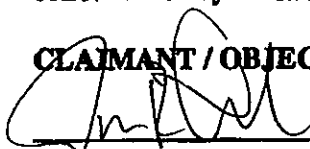
**STIPULATED ELEMENTS OF A
WATER RIGHT**

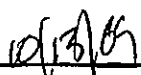
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary 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.

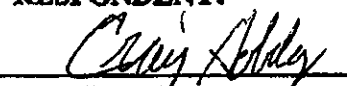
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

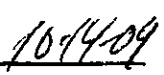
CLAIMANT / OBJECTOR:


James R. Laski
Attorney for Spring Creek Idaho Ranch LLC

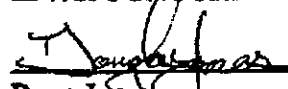

Date

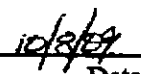
RESPONDENT:


Craig D. Hobdey
Attorney for Big Wood Canal Company

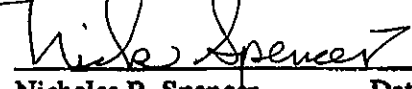

Date

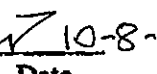
IDWR CONCURRENCE:


Doug Jones
Technical Engineer 1


Date

IDWR CONCURRENCE:


Nicholas B. Spencer
Deputy Attorney General
Attorney for IDWR


Date

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

RIGHT NUMBER: 37-2764

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

SOURCE: GROUND WATER

Tributary:

QUANTITY: 1.980 CFS
501.000 AFY

The quantity of water under this right for domestic use shall not exceed 13,000 gallons per day.

Right Nos. 37-2597 and 37-2764 are limited to a total combined annual diversion volume of 576 504 AF.

PRIORITY DATE: 11/19/1963

POINT OF DIVERSION:

T01S R18E S15 NENESE	Within BLAINE County
T01S R18E S15 NENESE	Within BLAINE County
T01S R18E S15 SENESE	Within BLAINE County
~~T01S R18E S15 SENESE~~	~~Within BLAINE County~~
<u>T01S R18E S15 SESWSE</u>	<u>Within BLAINE County</u>

PURPOSE AND
PERIOD OF USE:

Purpose of use	Period of use:	Quantity:
IRRIGATION	05/01 10/01	1.980 CFS 501.00 AFY
DOMESTIC	01/01 12/31	0.040 CFS

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 before May 1 and after October 1 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 within BLAINE County

<u>T01S R18E S15 NESE 32.0</u>	~~T01S R18E S15 NESE 40.0~~
T01S R18E S15 NWSE 5.1	
T01S R18E S15 SWSE 28.0	
T01S R18E S15 SESE 39.0	
<u>T01S R18E S22 NENE 15.0</u>	~~T01S R18E S22 NENE 16.0~~
<u>T01S R18E S22 NWNE 25.0</u>	~~T01S R18E S22 NWNE 26.0~~
<u>T01S R18E S22 NENW 26.0</u>	~~T01S R18E S22 NENW 28.0~~
<u>T01S R18E S22 SENW 5.0</u>	

DOMESTIC within BLAINE County

T01S R18E S15 SWSE

~~DOMESTIC Same as IRRIGATION~~

175.1 ACRES TOTAL ~~156.1 ACRES TOTAL~~

Right Nos. 37-2597 and 37-2764 are limited to the irrigation of a combined total of 175.1 ~~156.1~~ acres in a single irrigation season.

This right is limited to the irrigation of 167 acres within the place of use described above in a single irrigation season.

[Handwritten signature]
NBS
GR

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

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The quantity of water decreed for this water right for domestic use is not a determination of historical beneficial use.

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 - License

2 NBS
920

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

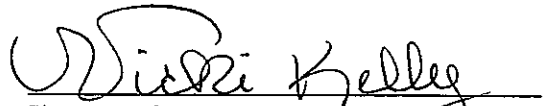
☐ Overnight Mail
☐ Regular Mail
☒ Hand-Delivered
☐ Facsimile

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