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DISTRICT COURT - SRBA
TWIN FALLS CO. IDAHO
FILED

2009 OCT 23 10 10 52

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.: 37-2623

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 / RESPONDENT:

Michael C. Creamer 7/7/09
Michael C. Creamer Date
Attorney for The Valley Club

OBJECTOR:

United States on behalf of the
Bureau of Land Management
David L. Negri 6/25/09
David L. Negri Date
Attorney for BLM

OBJECTORS:

Craig D. Hobday 10-6-09
Craig D. Hobday Date
Attorney for Big Wood Canal Company

Albert P. Barker 10-8-09
Albert P. Barker Date
Attorney for Tom O'Gara, John F.
Stevenson, Bill Molyneux, Pete Van Der
Meulen, Grace Eakin, Rocky Sherbine,
Gerald Bashaw, and Pepin Corso-Harris

RESPONDENTS:

Scott L. Campbell 10/15/09
Date
Scott L. Campbell
Attorney for Sinclair Oil Corp.
and Newfoundland Partners

RESPONDENTS:

James P. Speck 6-29-09
Date
James P. Speck
Attorney for Barker Living Trust, Myer Berlow, Deborah Barr, Chaney Creek Ranch LLC, Eagle Creek Irrigation Co., ECD Inc., Michael S. Engl, Charles T. Foley, Gimlet Property Owners Assn., William B. Gordon, Gregory Ranch LLC, Lake Creek Meadows Homeowners, Elise G. Lufkin, Charles L. Matthiesen, The R. Daniel Olmstead Revocable Trust, John D. Pierce, Ralph W. Girton, Kandi L. Girton, River Rock Ranch LP, Rivers Edge Associates LLC, Steven D. Holzman Trust, The Gulch Trust, Michael E. Willard, and Roy R. Woods

IDWR CONCURRENCE:

Craig L. Saxton 6-17-09
Date
Craig L. Saxton
Water Right Supervisor

IDWR CONCURRENCE:

Christopher M. Bromley 6/17/09
Date
Christopher M. Bromley
Deputy Attorney General
Attorney for IDWR

05/22/2009

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

RIGHT NUMBER: 37-2623

NAME AND ADDRESS: THE VALLEY CLUB INC
PO BOX 252
SUN VALLEY ID 83353

SOURCE: GROUND WATER

TRIBUTARY:

The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply authorized for irrigation is not available or otherwise reasonably sufficient to irrigate the place of use authorized under this right.

QUANTITY: 3.050 CFS
431.40 AFY

The rights listed below shall provide no more than 0.02 cfs and 3.0 acre feet per acre at the field headgate for irrigation of the lands described above below. Combined Right Nos.: 37-494, 37-495, 37-577BV, 37-577BU, 37-833K, and 37-2623.

The rights listed below are limited to a total combined diversion rate of 8.44 cfs. Combined Right Nos.: 37-494, 37-495, 37-577BU, 37-577BV, 37-833K, and 37-2623.

PRIORITY DATE: 10/12/1959

POINT OF
DIVERSION:

T03N R18E S20 NESENW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
RECREATION	04/15 10/31	0.240 CFS
IRRIGATION	04/15 10/31	2.810 CFS 431.40 AFY

PLACE OF USE: IRRIGATION in BLAINE County

SECTION	ACRES	NESE	SENW	NWSE	SWSW	NWNW	SENW	NWSW
T03N R18E S20	6.20	16.00						
T03N R18E S20	6.60	2.60						
T03N R18E S20	12.00	14.00						
T03N R18E S20	6.60	13.20						
T03N R18E S28	8.20	16.00						
T03N R18E S28	13.00	10.00						
T03N R18E S28	8.60	8.70						
T03N R18E S28	2.10	0.20						

RECREATION in BLAINE County

SECTION	ACRES	NESE	SESE	NWNW	NWSW
T03N R18E S20	SWNW				
T03N R18E S20	NWSE				
T03N R18E S21	SWSW				
T03N R18E S28	SWNW				

143.8 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 143.8 acres in a single irrigation season. Combined Right Nos.: 37-494, 37-495, 37-577BU, 37-577BV, 37-833K, and 37-2623

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 - License

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

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

Return flow discharged to a surface water system shall meet Idaho Water Quality Standards.

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

MAC

CLS

CB

EN PS

125
CEN 125

SLC

CERTIFICATE OF SERVICE

I certify that on October 22, 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

U.S. Dept. of Justice
Environment & Natural Resource Div.
550 W. Fort St., MSC 033
Boise, ID 83724

☐ 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
P.O. Box 176
Gooding, ID 83330

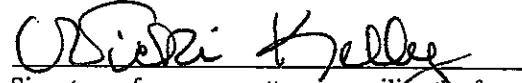
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☐ Facsimile


Signature of person or attorney mailing the form