

1291

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE

APR 10 51

Subcase No.: 37-833K

STANDARD FORM 5

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.

OBJECTORS:

Craig D. Hobdey Date
Attorney for Big Wood Canal Company

12/1/80

Albert P. Barker
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: 37-833K
NAME AND ADDRESS: THE VALLEY CLUB INC
PO BOX 252
SUN VALLEY ID 83353

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.750 CFS

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 7.24 8.44 cfs. Combined Right Nos.: 37-494, 37-495, 37-577BU, 37-577BV, and 37-833K and 37-2623.

PRIORITY DATE: 11/12/1936

Pursuant to a call in times of scarcity, this right is senior to all other rights that did not result from saved water in the Rockwell By-Pass, as established by and subject to the provisions included within the Rockwell vs. Coffin decree issued on 29 July, 1949.

POINT OF
DIVERSION:

T03N R18E S20 NESWNW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/15 10/31	0.690 CFS
RECREATION	04/15 10/31	0.060 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T03N R18E S20	NWNE	6.20	T03N R18E S20	SWNE	16.00
T03N R18E S20	SENE	6.60	T03N R18E S20	SENW	2.60
T03N R18E S20	NESE	12.00	T03N R18E S20	NWSE	14.00
T03N R18E S20	SESE	6.60	T03N R18E S21	SWSW	~~13.00~~ 13.20
T03N R18E S28	NENW	8.20	T03N R18E S28	NWNW	16.00
T03N R18E S28	SWNW	13.00	T03N R18E S28	SENW	10.00
T03N R18E S28	NESW	8.60	T03N R18E S28	NWSW	8.70
T03N R18E S28	SESW	2.10	~~T03N R18E S21~~	~~NWSW~~	~~0.20~~

RECREATION in BLAINE County

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

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:

The saved water shall be made available to the Rockwell By-Pass saved water right holders any time the Rockwell By-Pass is being used to deliver water to Broadford Slough right holders. The Rockwell saved water rights shall be curtailed when calls for senior water rights from the Broadford Slough cannot be delivered.

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

A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.

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

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

Rockwell By-Pass owners must maintain the by-pass for the entire length of the by-pass capable of carrying 17.36 cfs of water during the irrigation season.

MCC
CLS
CB
SLE
JPS
CH
AMS
DN
MS

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

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☐ Hand-Delivered
☐ Facsimile

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Craig D. Hobdey
Hobdey & Hobdey
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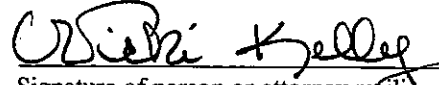
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Signature of person or attorney mailing the form