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DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

2009 OCT 23 AM 10 51

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

Subcase No.: 37-657B

Case No. 39576

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

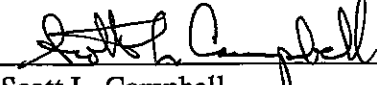
U.S. not a
party in this
subcase.
VK 6/17/09

OBJECTORS:

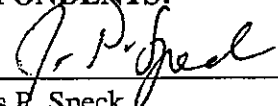
Craig D. Hobdey 10-6-09
Craig D. Hobdey Date
Attorney for Big Wood Canal Company

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

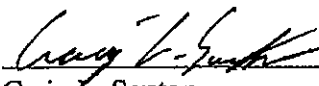
RESPONDENTS:

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

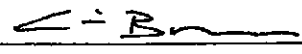
RESPONDENTS:

 6-29-09
Date
James H. 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:

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

IDWR CONCURRENCE:

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

05/28/2009

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

RIGHT NUMBER: 37-657B

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

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 2.020 CFS

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands ~~above~~ described below.

PRIORITY DATE: 05/01/1881

POINT OF
DIVERSION:

T03N R18E S20 SWNW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 11/01	1.900 CFS
DIVERSION TO STORAGE	04/01 11/01	0.120 CFS
RECREATION STORAGE	01/01 12/31	13.40 APY
AESTHETIC STORAGE	01/01 12/31	13.40 APY

PLACE OF USE: IRRIGATION in BLAINE County

T03N R18E S20	SWSE	19.00	T03N R18E S29	NENE	38.60
T03N R18E S29	NWNE	5.50	T03N R18E S29	SENE	29.70
T03N R18E S29	NESE	17.90			

110.7 ACRES TOTAL

RECREATION STORAGE in BLAINE County

T03N R18E S29	NENE	T03N R18E S29	SENE
T03N R18E S29	NESE		

AESTHETIC STORAGE in BLAINE County

T03N R18E S29	NENE	T03N R18E S29	SENE
T03N R18E S29	NESE		

This right is limited to the irrigation of 93.7 acres within the place of use described above in a single irrigation season.

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

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.

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

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.

CLS JPB CH
CB
MPC
APB she

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

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

Craig D. Hobdey
Hobdey & Hobdey
P.O. Box 176
Gooding, ID 83330

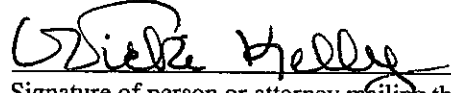
☐ Overnight Mail
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☐ Hand-Delivered
☐ Facsimile

Albert P. Barker
Shelley M. Davis
Barker, Rosholt & Simpson LLP
P.O. Box 2139
Boise, ID 83701-2139

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☐ Hand-Delivered
☐ Facsimile

Scott L. Campbell
Moffatt Thomas Barrett Rock & Fields
P.O. Box 829
Boise, ID 83701

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☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile


Signature of person or attorney mailing the form