

DISTRICT COURT - SRBA
TWIN FALLS CO, IDAHO
FILED

2009 OCT 23 8:10 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.: 37-577BV

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

OBJECTORS:

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

OBJECTOR:

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

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:

C. 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: 37-577BV

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

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 1.690 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: 03/24/1883

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	1.560 CFS
RECREATION	04/15 10/31	0.130 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	~~13.40~~ 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:

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

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.

CLS
CB
ON MCC
BPS
CH
SNC

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
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Ketchum, ID 83340

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☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

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

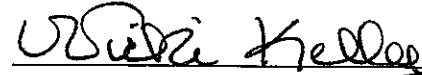
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Signature of person or attorney mailing the form