

1289  
DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO  
FILED

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS  
2009 JUN 25 AM 10 51

In Re SRBA

Subcase No.: 37-577BU

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. Hobday 10-6-09  
Craig D. Hobday 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  
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

STANDARD FORM 5

No respondents  
represented by  
Jim Speck  
VK 6/17/09

**RESPONDENT:**

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

**IDWR CONCURRENCE:**

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

**IDWR CONCURRENCE:**

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

05/22/2009

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

RIGHT NUMBER: 37-577BU

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

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 1.200 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 below. Combined Right Nos.: 37-494, 37-495, 37-577BU, 37-577BV, 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: 03/24/1883

POINT OF  
DIVERSION:

T03N R18E S20 NESWNW Within BLAINE County

PURPOSE AND  
PERIOD OF USE:

|               | <u>PURPOSE OF USE</u>              |      | <u>PERIOD OF USE</u> |                          | <u>QUANTITY</u> |                        |
|---------------|------------------------------------|------|----------------------|--------------------------|-----------------|------------------------|
|               | IRRIGATION                         |      | 04/15 10/31          |                          | 1.200 CFS       |                        |
| PLACE OF USE: | <u>IRRIGATION in BLAINE County</u> |      |                      |                          |                 |                        |
|               | 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            | <del>13.00</del> 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                 | <del>T03N R18E S21</del> | <del>NWSW</del> | <del>0.20</del>        |
|               | 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

## 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

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

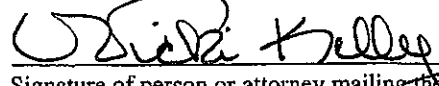
☐ Overnight Mail  
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☐ Facsimile

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

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Moffatt Thomas Barrett Rock & Fields  
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☐ Hand-Delivered  
☐ Facsimile

  
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Signature of person or attorney mailing this form