

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.: 37-2627D

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:

J. P. Speck 11-17-09
James P. Speck Date
Attorney for Blaine County Recreation Dist.

OBJECTORS:

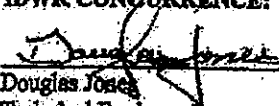
Craig D. Hobdey 11-18-09
Craig D. Hobdey Date
Attorney for Big Wood Canal Company

RESPONDENT:

Andrew Waldera 11/30/09
for Andrew Waldera Date
Attorney for Sinclair Oil Corp.

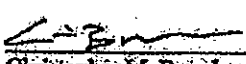
Albert P. Barker 11-18-09
Albert P. Barker Date
Attorney for Tom O'Gara, John F.
Stevenson, Bill Molyneux, Pete Van
Der Meulen, Grace Eakin, Gerald B
Bashaw and Pepin Corso-Harris

IDWR CONCURRENCE:


Douglas Jones
Technical Engineer I

11/17/09
Date

IDWR CONCURRENCE:


Christopher M. Bromley
Deputy Attorney General
Attorney for IDWR

11/17/09
Date

11/17/2009

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

RIGHT NUMBER: 37-2627D

NAME AND ADDRESS: BLAINE COUNTY RECREATION DISTRICT
1050 FOX ACRES RD
ROOM 100
HAILEY ID 83333-8415

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.100 CFS
17.50 AFT

This right when combined with all other rights shall provide no more than 9.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

PRIORITY DATE: 12/09/1999

POINT OF
DIVERSION:

T03N R18E S16 N25W within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/15 10/31	0.100 CFS 17.50 AFT
PLACE OF USE:	IRRIGATION in BLAINE County	
T03N R18E S16 N25W	3.00	T03N R18E S16 N25W 1.00
T03N R18E S16 S25W	2.00	T03N R18E S16 S25W 10.00
15 ACRES TOTAL		

Right 37-02627D is limited to the irrigation of 5.0 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(5), Idaho Code.

Access to the point of diversion and place of use of water right no. 37-2627D is covered by a private agreement executed by the Idaho Department of Lands and the Blaine County Recreation District dated October 16, 2009.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Five irrigated acres under Right 37-00154C will no longer be irrigated to mitigate use of Right 37-02627D as a primary groundwater right.

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

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

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

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

For regulation purposes Right 37-02627D shall be considered junior to all existing rights in the vicinity of the transferred point of diversion located in the NW3/4, S16, T03N, R18E at the time Transfer 5423 is approved.

Use of water under Right 37-02627D may be affected by an agreement between the protestant of Transfer 5045 and the right holder.

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.

[Handwritten initials and signatures]
CB *[initials]* *[initials]*
CJM

CERTIFICATE OF SERVICE

I certify that on December 2, 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

James P. Speck
Speck & Aarnestad
P.O. Box 987
Ketchum, ID 83340

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☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

David L. Stanish
State of Idaho Dept of Lands
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Boise, ID 83711-4449

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☒ Hand-Delivered
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☐ Hand-Delivered
☐ Facsimile


Signature of person or attorney mailing the form