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

2009 DEC 16 AM 10 53

**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 Nos. 47-4311
)
)
)
)
)
)

STANDARD FORM 5

**STIPULATED ELEMENTS OF A
WATER RIGHT**

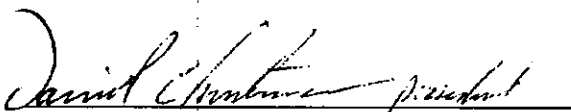
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary 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.

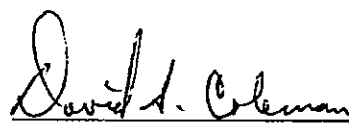
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANTS:

Ranch Gate Subdivision Homeowners
Assn. Inc.

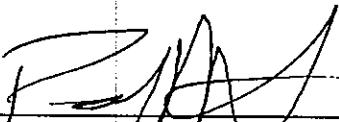

Date
12-7-09

CLAIMANT:


David Coleman, Attorney
Date
12-7-09

OBJECTOR:

Twin Falls Canal Company

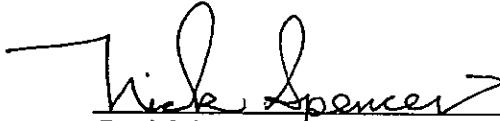


Paul L. Arrington, Attorney 12/10/09
Date

IDWR Concurrence:



for Donald V. Shaff 12/11/09
Adjudication Bureau Chief Date



FOR Garrick Baxter 12-11-09
Deputy Attorney General Date

CERTIFICATE OF MAILING

I certify that on December 15, 2009, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid 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, Idaho 83303-2707

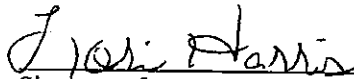
2. Copies to:

RANCH GATE SUBDIVISION
HOMEOWNERS ASSN INC
PO BOX 309
KIMBERLY, ID 83341

TWIN FALLS CANAL COMPANY
Represented by:
BARKER, ROSHOLT & SIMPSON LLP
113 MAIN AVE W, STE 303
PO BOX 485
TWIN FALLS, ID 83303-0485

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

DAVID COLEMAN
156 2ND Ave. W.
TWIN FALLS, ID 83301



Signature of person or attorney mailing the form

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

11/27/2009

RIGHT NUMBER: 47-4311

NAME AND ADDRESS: RANCH GATE SUBDIVISION HOMEOWNERS ASSN INC
PO BOX 309
KIMBERLY ID 83341

SOURCE: UNNAMED STREAM

TRIBUTARY: ROCK CREEK

The source of this right includes both spring water and waste water. All waste water remains subject to the right of the original appropriator to cease wasting water, to change the place and manner of wasting it, or to recapture that portion which is attributable to the original appropriation in good faith, and in accordance with state laws governing changes in use and/or expansion of water rights.

DAC
PLA
SCC
NBS

QUANTITY: 0.440 CFS

This right when combined with all other rights shall provide no more than 0.02 cfs per acre for irrigation of the lands below.

PRIORITY DATE: 12/31/1970

POINT OF DIVERSION:

T11S R18E S23 SWNWSW Within TWIN FALLS County

PURPOSE AND PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.440 CFS

PLACE OF USE:

IRRIGATION in TWIN FALLS County

T11S R18E S21	SWNW	6.00	T11S R18E S21	SESW	16.00
T11S R18E S21	NESW	40.00	T11S R18E S21	NWSW	33.00

95 ACRES TOTAL

Right Nos. 47-17281 and 47-4311 are limited to the irrigation of a combined total of 95 acres in a single irrigation season.

This right is limited to the irrigation of 22 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 - Beneficial Use

Use of this right is combined with water from Twin Falls Canal Co.

RECEIVED

DEC 21 2009

DEPARTMENT OF
WATER RESOURCES

2009 DEC 16 PM 01:25
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

In Re SRBA	)	ORDER VACATING	
	)	PRETRIAL CONFERENCE	
Case No. 39576	)		
_____	)	SUBCASE NOS: 47-04311	47-17281

All parties to the above subcase(s) executed and filed a Stipulation/Standard Form 5 for the above water right(s). Since all parties to the above subcase(s) have reached an agreement as to all elements of the above water right(s) as set forth in the Stipulation/Standard Form 5, IT IS ORDERED that the PRETRIAL CONFERENCE set for Tuesday, January 05, 2010 at 02:00 PM (MT), is vacated.

IT IS SO ORDERED.

Dated: December 16, 2009

/S/ THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

SCANNED

DEC 21 2009

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

Page 1 12/16/09