

JAN 13 2010

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.: 37-63A

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.

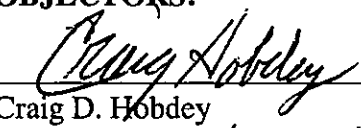
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT / RESPONDENT:


James R. Laski
Attorney for Sun Valley Ranch LLC

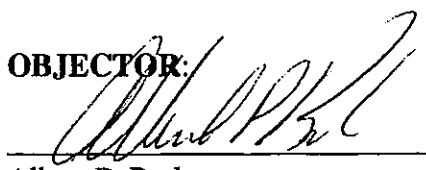
12/22/09
Date

OBJECTORS:

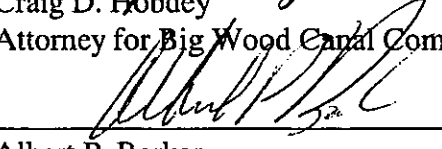

Craig D. Hobdey
Attorney for Big Wood Canal Company

12-28-09
Date

OBJECTOR:


Albert P. Barker
Attorney for Lakeside Industries dba Wood River Ranch

12/29/09
Date


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

12-29-09
Date

RESPONDENT:

Tara L. Martens 01/06/10
Tara L. Martens Date
Attorney for Sinclair Oil Corp.

IDWR CONCURRENCE:

Douglas Jones 12/16/09
Douglas Jones Date
Technical Engineer 1

IDWR CONCURRENCE:

Christopher M. Bromley 12/16/09
Christopher M. Bromley Date
Deputy Attorney General
Attorney for IDWR

12/10/2009

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

RIGHT NUMBER: 37-63A

NAME AND ADDRESS: SUN VALLEY RANCH LLC
PO BOX 40380 8380
KETCHUM ID 83340

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 2.000 CFS

PRIORITY DATE: 07/31/1881

POINT OF
DIVERSION:

T01N R18E S12 NWSESW Within BLAINE County
T01S R18E S2 SENWSE Within BLAINE County
T01S R18E S2 NESWSE Rediversion Within BLAINE County
This right is measured and administered at the point of rediversion.

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE		PERIOD OF USE		QUANTITY	
IRRIGATION		04/15	10/31	2.000 CFS	
PLACE OF USE:	IRRIGATION in BLAINE County				
T01S R18E S10	SESW	5.10	T01S R18E S10	NESE	28.00
T01S R18E S10	SWSE	34.00	T01S R18E S10	SESE	34.00
T01S R18E S11	NENE	40.00	T01S R18E S11	NWNE	40.00
T01S R18E S11	SWNE	40.00	T01S R18E S11	SENE	40.00
T01S R18E S11	NENW	39.00	T01S R18E S11	NWNW	14.00
T01S R18E S11	SWNW	28.00	T01S R18E S11	SENW	40.00
T01S R18E S11	NESW	40.00	T01S R18E S11	NWSW	39.00
T01S R18E S11	SWSW	39.00	T01S R18E S11	SESW	40.00
T01S R18E S11	NESE	41.00	T01S R18E S11	NWSE	36.00
T01S R18E S12	NWNW	27.00	T01S R18E S12	SWNW	24.00
T01S R18E S14	NENE	3.90	T01S R18E S14	NWNE	34.00
T01S R18E S14	SWNE	8.70	T01S R18E S14	NENW	35.00
T01S R18E S14	NWNW	40.00	T01S R18E S14	SWNW	40.00
T01S R18E S14	SENW	38.00	T01S R18E S15	NENE	40.00
T01S R18E S15	NWNE	40.00	T01S R18E S15	SWNE	34.00
T01S R18E S15	SENE	40.00	T01S R18E S15	NENW	26.00
T01S R18E S15	SWNW	3.40	T01S R18E S15	SENW	33.00

1084.1 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 1168.5 acres in a single irrigation season. Combined Right Nos.: 37-60, 37-61, 37-62, 37-63A, 37-64A, 37-66A, 37-67B, 37-68A, 37-230, 37-231B, 37-232, 37-577A2, 37-2492 and 37-22050.

The rights listed below are limited to the irrigation of a combined total of 1084.1 acres in a single irrigation season. Combined Right Nos.: 37-60, 37-61, 37-62, 37-63A, 37-64A, 37-66A, 37-67B, 37-68A, 37-230, 37-231B, 37-232, 37-577A2 and 37-22050.

Handwritten signatures and initials:
CB 920 OK JBS
TUM

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.

Surface water from this right shall be used as the primary water source for irrigation within the above-described place of use.

The following language is included pursuant to an agreement resolving objections between parties in the Snake River Basin Adjudication:

Delivery of water under this right shall be in accordance with the provisions of the Coffin Decree, Tom Hughes, et. al. v. Hans H. Coffin, Fourth Judicial District of the State of Idaho in and for the County of Blaine, July 18, 1941.

- i. Pursuant to the Coffin Decree, water has been and is turned into the Base Line Bv-Pass whenever the flow in the river above the dry beds has diminished to the point where the capacity of the Bv-Pass is sufficient to carry the entire flow of the river.
- ii. Pursuant to the Coffin Decree, water has been and is turned into the Extension Bv-Pass Canal whenever the flow in the river above the dry beds, as then delivered through the Bv-Pass Canal, is insufficient to supply the right with priority of June 15, 1883, known as the Graf right, diverted in the Dry Beds below the Bv-Pass.
- iii. Water is sometimes delivered through the Extension Bv-Pass Canal by the watermaster prior to the times set forth above when doing so will maintain delivery of other rights for a longer period of time without causing injury to any water user.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Handwritten notes and signatures:
TJ B 720 TM
AABB

CERTIFICATE OF SERVICE

I certify that on January 12, 2010, 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 R. Laski
Lawson Laski Clark & Pogue, PLLC
P.O. Box 3310
Ketchum, ID 83340

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

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

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

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

☐ Overnight Mail
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☐ Hand-Delivered
☐ Facsimile

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

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

Don Harris
Signature of person or attorney mailing the form