

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

MAR - 3 2010

By _____

Clerk

Deputy Clerk

**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. 21-10015

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. 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 decreed as described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT

OBJECTOR/MOVANT

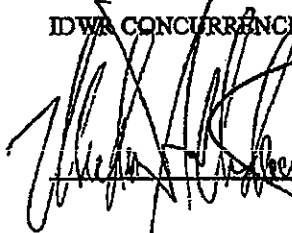
Robert L. Harris 3/2/10
ROBERT L. HARRIS Date
LUKE H. MARCHANT
Holden, Kidwell, Hahn & Crapo, PLLC
Attorneys for the North Henry's Lake
Homeowners Association

David I. Stanish 3/1/10
DAVID I. STANISH Date
Deputy Attorney General
Attorney for the State of Idaho

STANDARD FORM 5

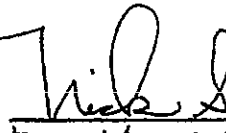
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IDWA CONCURRENCE


Date

3/2/2010

MICHAEL HOLLIDAY
SR WATER RESOURCE AGENT


DEPUTY ATTORNEY GENERAL Date

3-2-10

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

RIGHT NUMBER: 21-10015

NAME AND ADDRESS:

NORTH HENRY'S LAKE HOMESOWNERS
ASSN
C/O LANA ESPINOSA SECRETARY
3837 TETON RD
ISLAND PARK ID 83429

SOURCE:

Source:
HOWE SPRINGS

Tributary:

UNNAMED STREAM
PIPPERCORN CREEK

Source:

UNNAMED STREAM

Tributary:

HENRY'S LAKE
PIPPERCORN CREEK

QUANTITY:

1.500 CFS

Quantity under this right is limited to 0.50 cfs from the Howe Springs source and 1.00 cfs from the unnamed stream source for a combined diversion rate of 1.50 cfs.

PRIORITY DATE:

09/15/1904

POINT OF DIVERSION:

T16N R43E S33 SESE
Within FREMONT County
T16N R43E S34 SESE
Within FREMONT County

PURPOSE AND
PERIOD OF USE:

Purpose of use:

MUNICIPAL

Period of use:

01/01 12/31

Quantity:

1.500 CFS

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAWPLACE OF USE: MUNICIPAL ~~within~~ FREMONT CountyVIEW-R43E-004-SWNE
VIEW-R43E-032-SWSE
VIEW-R43E-033-ESE
VIEW-R43E-034-SWSE

Place of use is within the area served by the public water supply system of North Henrys Lake Homeowners Association. The place of use is generally located within: Lot 1, Section 4, Township 15N, Range 43E; Lot 1 and 8SE, Section 33, Township 15N, Range 43E; and 8SW, Section 34, Township 15N, Range 43E.

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

This right is a combination of old Right Nos. 21-168 and 21-169.

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

Unnamed stream is known locally as Pittsburg Creek.

CERTIFICATE OF SERVICE

I certify that on this 3rd day of March 2010, I caused to be served the original and/or copy of this STANDARD FORM 5 on each of the following persons by the indicated methods:

1. Original to:

CLERK OF THE DISTRICT COURT
SNAKE RIVER BASIN
ADJUDICATION
253 THIRD AVENUE NORTH
PO BOX 2707
TWIN FALLS, ID 83303-2707

- ☒ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Federal Express
☒ Facsimile: (208) 736-2121
☐ Statehouse Mail

2. Copies to

NORTH HENRY'S LAKE
HOMESOWNERS ASSOCIATION
REPRESENTED BY:
ROBERT L. HARRIS (#7018)
LUKE H. MARCHANT (#7944)
HOLDEN, KIDWELL, HAHN &
CRAPO, PLLC
1000 RIVERWALK DRIVE, SUITE 200
Idaho Falls, Idaho 83440

- ☒ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Federal Express
☐ Email: bbiky@srba.state.id.us
☐ Statehouse Mail

DAVID I. STANISH
NATURAL RESOURCES DIVISION
OFFICE OF ATTORNEY GENERAL
JOE R. WILLIAMS BUILDING,
SECOND FLOOR
P.O. BOX 83720
BOISE, ID 83720

- ☐ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Federal Express
☐ Facsimile: _____
☒ Statehouse Mail

IDWR DOCUMENT DEPOSITORY
PO BOX 83720
BOISE, ID 83720-0098

- ☐ U.S. Mail, postage prepaid
☒ Hand Delivery
☐ Federal Express
☐ Facsimile: _____

Ray Willis