

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

MAY - 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) Subcase No.: 37-509
)
)
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 / OBJECTOR:

J.P. Speck 4-20-10
James P. Speck Date
Attorney for The R. Daniel Olmstead
Revocable Trust

CLAIMANT:

J.P. Speck 4-20-10
James P. Speck Date
Attorney for John D. Pierce

OBJECTORS:

Craig D. Hobday 4-20-10
Craig D. Hobday Date
Attorney for Big Wood Canal Company

Albert P. Barker 4-28-10
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
Douglas Jones
Technical Engineer I
Date

IDWR CONCURRENCE:

Nick Spencer 4-15-10
Nicholas B. Spencer
Deputy Attorney General
Attorney for IDWR
Date

04/08/2020

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

RIGHT NUMBER: 37-509
NAME AND ADDRESS: JOHN D FYERCE
PO BOX 827
BELLEVUE ID 83313
THE R DANIEL OLINSTEAD REVOCABLE TRUST
PO BOX 827
BELLEVUE ID 83313
SOURCE: BIG WOOD RIVER TRIBUTARY: WALAD RIVER
QUANTITY: 2.050 CFS
PRIORITY DATE: 06/01/1804
POINT OF DIVERSION: TOWN RISE 936 NESHOM Lot 3 Within BLAINE County
PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
WILDLIFE	04/15 10/31	0.100 CFS
AESEHETIC	04/15 10/31	0.100 CFS
IRRIGATION	04/15 10/31	2.750 CFS

PLACE OF USE: IRRIGATION in BLAINE County

TOWN RISE	SWNE	TH	TOWN RISE	SESW	TH
TOWN RISE S12	SWNE	20.00	TOWN RISE S12	SESW	16.00
TOWN RISE S12	NESW	1.00	TOWN RISE S12	NWSE	24.00

WILDLIFE in BLAINE County

TOWN RISE	NESE	TH	TOWN RISE	SESW	TH
TOWN RISE S12	NESE		TOWN RISE S12	SESW	
TOWN RISE S12	NWSE				

AESEHETIC in BLAINE County

TOWN RISE	NESW	TH	TOWN RISE	SESW	TH
TOWN RISE S12	NESW		TOWN RISE S12	SESW	
TOWN RISE S12	NWSE				

61 ACRES TOTAL

A measuring device approved by the Department shall be installed and maintained on the delivery ditch in the SWNE Sec 12 Twp 3N Rge 18 E.M. at the point the aesthetic and wildlife rights are diverted from the running pond in a manner that will provide the watermaster suitable control over the diversion.

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

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

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

APR
JRS
CH
NBS

CERTIFICATE OF SERVICE

I certify that on April 30, 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 P. Speck
Speck & Aanestad
P.O. Box 987
Ketchum, ID 83340

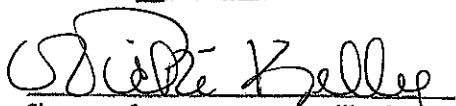
☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

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

☐ Overnight Mail
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☐ Hand-Delivered
☐ Facsimile

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

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☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile


Signature of person or attorney mailing the form