

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

MAY - 3 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

Subcase No.: 37-7733

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/RESPONDENT:

James R. Laski
Attorney for Roger D. and Sally D. Turner

4/27/10
Date

OBJECTORS:

Craig D. Hobdey
Attorney for Big Wood Canal Company

4-27-10
Date

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

4-27-10
Date

IDWR CONCURRENCE:

 4/27/10

Steve Cielland Date
Sr. Water Resource Agent

IDWR CONCURRENCE:

 4/27/10

Andrea L. Courtney Date
Deputy Attorney General
Attorney for IDWR

04/22/2010

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

RIGHT NUMBER: 37-7733

NAME AND ADDRESS: ROGER D TURNER
C/O CRAVATH SWAINE & MOORE
825 8TH AVE
NEW YORK NY 10019-7475

SALLY D TURNER
C/O CRAVATH SWAINE & MOORE
825 8TH AVE
NEW YORK NY 10019-7475

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.200 CFS
0.700 AFY

The recreation pond established under this right shall not exceed a total capacity of 0.70 acre-feet or a total surface area of 0.17 acres.

PRIORITY DATE: 09/07/1978

POINT OF DIVERSION:

T04N R18E S30 SEWNNE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USEPERIOD OF USEQUANTITY

RECREATION

01/01 12/31

0.200 CFS
0.70 AFY

Use of water under this right shall be non-consumptive.

PLACE OF USE: RECREATION in BLAINE County

T04N R18E S30 SWNE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

Measuring devices of a type approved by the Department shall be maintained ~~as a part of the diverting works~~ to measure the surface water inflow and outflow from the recreation pond authorized by this 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 - License

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

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 R. Laski
Lawson Laski
P.O. 3310
Ketchum, ID 83340

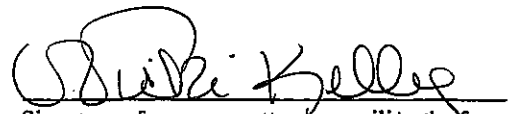
☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

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
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile


Signature of person or attorney mailing the form