

JUN 18 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.: 37-212A

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:

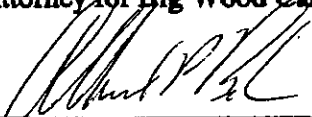

James R. Laski
Attorney for Helios Development LLC

4/19/2010
Date

RESPONDENTS:


Craig D. Hobdey
Attorney for Big Wood Canal Company

6-9-10
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

6-7-10
Date

IDWR CONCURRENCE:

Kelly K. Christensen 4-2-10
Date

Kelly K. Christensen
Sr. Water Resource Agent

IDWR CONCURRENCE:

Christopher M. Bromley 4/5/10
Date

Christopher M. Bromley
Deputy Attorney General
Attorney for IDWR

10/29/2009

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

RIGHT NUMBER: 37-212A

NAME AND ADDRESS: HELIOS DEVELOPMENT LLC
C/O EDWARD A LANGSON
PO BOX 3310
KETCHUM ID 83340

SOURCE: WARM SPRINGS CREEK

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 1.120 CFS

The rights listed below are limited to a total combined diversion rate of 1.12 cfs. Combined Right Nos.: 37-212A, 37-2621 and 37-20381.

A measuring device of a type acceptable to the Department shall be installed to measure the amount of water discharged back into Warm Springs Creek at TWP 40N, R17E Sec 12 SE38SW

PRIORITY DATE: 06/23/1888

POINT OF
DIVERSION:

T04N R17E S11 NWSESE Within BLAINE County
T04N R17E S12 NWSESW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	1.120 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T04N R17E S11	SWSE	4.30	T04N R17E S11	SESE	16.00
T04N R17E S12	SWSW	7.60			

27.9 ACRES TOTAL

Place of use does not include federal public lands.

Right Nos. 37-212A, 37-2621 and 37-20381 are limited to the irrigation of a combined total of 27.9 acres in a single irrigation season.

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

Property is also known as Homestead Entry Survey No. 292.

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

CERTIFICATE OF SERVICE

I certify that on June 17, 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 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
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Geri Davis
Signature of person or attorney mailing the form