

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

JUL 20 2010

By _____ 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.: 37-863F

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:

J. P. Speck 7-7-10
James P. Speck Date
Attorney for Eagle Creek Irrigation Co.

OBJECTORS:

Craig D. Hobday
Craig D. Hobday Date
Attorney for Big Wood Canal Company

Albert P. Barker 7-15-10
Albert P. Barker Date
Attorney for Tom O'Gara, John F.
Stevenson, Bill Molyneux, Pete Van Der
Meulen, Grace Eakin, Gerald Bashaw, and
Pepin Corso-Harris

IDWR CONCURRENCE:

Douglas Jones
Douglas Jones
Technical Engineer 1

6/29/10
Date

IDWR CONCURRENCE:

Nicholas B. Spencer
Nicholas B. Spencer
Deputy Attorney General
Attorney for IDWR

6-30-10
Date

06/22/2010

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

RIGHT NUMBER: 37-863F

NAME AND ADDRESS: EAGLE CREEK IRRIGATION CO
C/O EVERETT DAVIS
PO BOX 1965
SUN VALLEY ID 83353

SOURCE: EAGLE CREEK TRIBUTARY: BIG WOOD RIVER

QUANTITY: 0.040 CFS

PRIORITY DATE: 10/06/1902

POINT OF
DIVERSION: T05N R17E S14 NENE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
RECREATION	04/15 10/15	0.040 CFS
AESTHETIC	04/15 10/15	0.040 CFS

PLACE OF USE: RECREATION in BLAINE County

T05N R17E S23 NENW T05N R17E S23 NWNW

AESTHETIC in BLAINE County

T05N R17E S23 NENW T05N R17E S23 NWNW

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

Property is also known as Homestead Entry Survey No. 129, Tax Lots 6079 and 6080.

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.

This right is intended for use as mitigation for water right 37-20742. Water diverted under this right shall be delivered only to the ponds identified in water right 37-20742, as long as groundwater is diverted under right 37-20742, and not diverted out of the ponds for other uses.

Prior to diversion of water under this right, measuring devices shall be installed and maintained at a location to measure pond outflow to the recharge area.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

The right holder shall accomplish the change authorized by this approval within 2 years.

This right does not grant any right-of-way or easement across the land of another.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

CERTIFICATE OF SERVICE

I certify that on July 19, 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
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

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

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

Jose Harris

Signature of person or attorney mailing the form