

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
JUN 11 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**

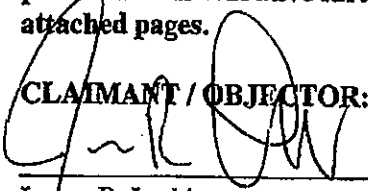
In Re SRBA	)	Subcase No.: 37-22050
	)	(SPLIT INTO 37-22050 & 37-22533)
	)	
Case No. 39576	)	STANDARD FORM 5
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

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.

To resolve the objection, the non-irrigation uses claimed under water right 37-22050 are now recommended as water right 37-22533. The recommendations of rights 37-22050 and 37-22533 describe the whole of right 37-22050. The parties and IDWR agree and stipulate that the elements of these water rights 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 Sun Valley Ranch LLC

6-11-2010
Date

IDWR CONCURRENCE:

Carter Fritschle 6-10-10
Carter Fritschle Date
Manager, Adjudication Section

IDWR CONCURRENCE:

C-M Bromley 6/10/10
Christopher M. Bromley Date
Deputy Attorney General
Attorney for IDWR

06/01/2010

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

RIGHT NUMBER: 37-22050

NAME AND ADDRESS: SUN VALLEY RANCH, LLC
PO BOX 4380
KETCHUM ID 83340

SOURCE: GROUND WATER

TRIBUTARY:

The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

QUANTITY: 3.100 CFS
542.50 APY

~~The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.~~

Right Nos. 37-22050 and 37-22533 are limited to a total combined diversion rate of 3.10 cfs.

PRIORITY DATE: 04/15/1950

POINT OF
DIVERSION:

T01S R18E S11 NWSENE Within BLAINE County
T01S R18E S12 NWNWNW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/15 10/31	3.100 CFS 542.50 APY
STOCKWATER	01/01 12/31	0.040 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T01S R18E S11	NENE	13.00	T01S R18E S11	SWNE	10.00
T01S R18E S11	SENE	40.00	T01S R18E S11	NESW	5.30
T01S R18E S11	SESW	27.00	T01S R18E S11	NESE	41.00
T01S R18E S11	NWSE	33.00	T01S R18E S12	NWNW	0.80
T01S R18E S12	SWNW	14.00	T01S R18E S14	NWNE	34.00
T01S R18E S14	SWNE	8.70	T01S R18E S14	NENW	35.00
T01S R18E S14	NWNW	40.00	T01S R18E S14	SWNW	40.00
T01S R18E S14	SENW	38.00	T01S R18E S15	NENE	6.50
T01S R18E S15	SENE	20.00			

406.3 ACRES TOTAL

STOCKWATER in PLAINS County

T01G R10E S11	NENE	T01G R10E S11	SWNE
T01G R10E S11	SENE	T01G R10E S11	NESE
T01G R10E S11	SESW	T01G R10E S11	NESE
T01G R10E S11	NWSE	T01G R10E S12	NWNW
T01G R10E S12	SWNW	T01G R10E S14	NWNE
T01G R10E S14	SWNE	T01G R10E S14	NENW
T01G R10E S14	NWNW	T01G R10E S14	SWNW
T01G R10E S14	SWNW	T01G R10E S15	NENE
T01G R10E S15	SENE		

The rights listed below are limited to the irrigation of a combined total of 1084.1 acres in a single irrigation season. Combined Right Nos.: 37-60, 37-61, 37-62, 37-63A, 37-64A, 37-66A, 37-67B, 37-68A, 37-230, 37-231B, 37-232, 37-577AZ and 37-22050.

This right is limited to the irrigation of 155 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 1163.5 acres in a single irrigation season. Combined Right Nos.: 37-60, 37-61, 37-62, 37-63A, 37-64A, 37-66A, 37-67B, 37-68A, 37-230, 37-231B, 37-232, 37-577AZ, 37-2492 and 37-22050.

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.

~~The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.~~

~~The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

CS
922

06/01/2010

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

RIGHT NUMBER: 37-22533

NAME AND ADDRESS: SUN VALLEY RANCH, LLC
PO BOX 4380
KETCHUM ID 83340

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 2.18 CFS

Right Nos. 37-22050 and 37-22533 are limited to a total combined diversion rate of 3.10 cfs.

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 04/15/1950

The wildlife and aesthetic uses described for this water right are subordinated to all existing and future consumptive use water rights from surface and ground water sources in Basin 37.

POINT OF DIVERSION:

T01S R18E S11 SENE Within BLAINE County
T01S R18E S12 NWNW Within BLAINE County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
STOCKWATER	01/01 12/31	0.040 CFS
WILDLIFE	01/01 12/31	2.18 CFS
AESTHETICS	01/01 12/31	2.18 CFS

PLACE OF USE: STOCKWATER in BLAINE County

T01S R18E S11	NENE	T01S R18E S11	SWNE
T01S R18E S11	SENE	T01S R18E S11	NESW
T01S R18E S11	SESW	T01S R18E S11	NESE
T01S R18E S11	NWSE	T01S R18E S12	NWNW
T01S R18E S12	SWNW	T01S R18E S14	NWNE
T01S R18E S14	SWNE	T01S R18E S14	NENW
T01S R18E S14	NWNW	T01S R18E S14	SWNW
T01S R18E S14	SENW	T01S R18E S15	NENE
T01S R18E S15	SENE		

AESTHETIC same as STOCKWATERWILDLIFE same as STOCKWATER

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.

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

ct
CR
GRD

CERTIFICATE OF SERVICE

I certify that on June 11, 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

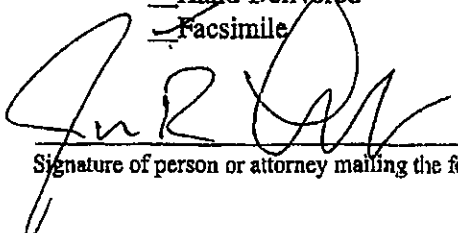
2. Copies to:

IDWR Document Repository
P.O. Box 83720
Boise, ID 83720-0098

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

Christopher M. Bromley
Deputy Attorney General
P.O. Box 83720
Boise, ID 83720-0098

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



Signature of person or attorney mailing the form