

NOV 26 2010

Deputy

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

Case No. 39576

Subcase No. 37-894B

STANDARD FORM 5

STIPULATED ELEMENTS OF A
WATER RIGHT

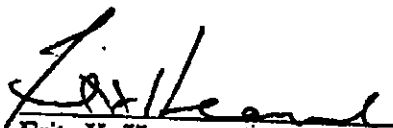
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

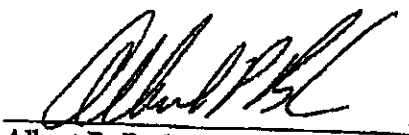
The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions 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:
Big Wood Golf Course, LLC

RESPONDENTS:
Concerned Water Users


Fritz X. Haemmerle, Attorney
11/17/10
Date


Albert P. Barker, Attorney
11/17/10
Date

STANDARD FORM 5 -- 37-894B

RESPONDENTS:
Big Wood Canal Company

Craig D. Hobday 10-4-10
Craig D. Hobday, Attorney Date

RESPONDENTS:
Bigwood Property Owners

J. P. Speck 11-9-10
James P. Speck, Attorney Date

IDWR Concurrence:

Kellie Christensen 11-22-2010
IDWR Agent Date

Wick Spencer 11-22-10
Deputy Attorney General, IDWR Date

CERTIFICATE OF MAILING

I certify that on November 24, 2010, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid 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, Idaho 83303-2707

2. Copies to:

BILL MOLYNEUX
GERALD BASHAW
GRACE EAKIN
JOHN F STEVENSON
PEPIN CORSO-HARRIS
PETE VAN DER MEULEN
TOM O GARA

Represented by:
ALBERT P BARKER
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139

BIG WOOD CANAL COMPANY

Represented by:
CRAIG D. HOBDEY
125 5TH AVE
PO BOX 176
GOODING, ID 83330

BIG WOOD GOLF COURSE LLC

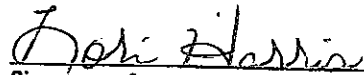
Represented by:
HAEMMERLE, FRITZ X.
PO BOX 1800
HAILEY, ID 83333

BIGWOOD PROPERTY OWNERS

Represented by:

JAMES P. SPECK
SPECK & AANESTAD
120 EAST AVENUE
PO BOX 987
KETCHUM, ID 83340

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098



Signature of person or attorney mailing the form

08/31/2010

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

RIGHT NUMBER: 37-894B

NAME AND ADDRESS: BIG WOOD GOLF COURSE LLC
PO BOX 87
SUN VALLEY ID 83353

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 3.180 CFS
~~148.00~~ 349.9 AFY

Right Nos. 37-158C, 37-274, 37-276B and 37-894B are limited to a total combined annual diversion volume of ~~478.4~~ 349.9 AF.

~~Right Nos. 37-158C, 37-274, 37-276B and 37-894B are limited to a total combined annual diversion volume for irrigation storage and irrigation from storage of 428.5 AF.~~

~~Right Nos. 37-158C, 37-274, 37-276B and 37-894B are limited to a total combined annual diversion volume for aesthetic storage and recreation storage of 49.9 AF.~~

Storage capacity 49.9 AF.

PRIORITY DATE: 09/01/1920

Pursuant to a call in times of scarcity, this right is senior to all other rights that did not result from developed/saved water in the Big Wood River, as established by and subject to the provisions included within In Re Upper Big Wood River Water Users Assn, et. al., plaintiff vs. S. H. Chapman, Watermaster, Defendant in the District Court of Lincoln County dated 8/28/1922.

POINT OF
DIVERSION:

T04N R17E S1 NENWSE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
RECREATION STORAGE	01/01 12/31	17.2 49.90 AFY
IRRIGATION STORAGE	04/15 10/31	31.80 AFY
IRRIGATION FROM STORAGE	04/15 10/31	147.8 300.00 AFY
AESTHETIC STORAGE	01/01 12/31	17.2 49.90 AFY
DIVERSION TO STORAGE	04/15 10/31	3.180 CFS

PLACE OF USE:

IRRIGATION STORAGE in BLAINE County

T04N R17E S01 SESE

IRRIGATION FROM STORAGE in BLAINE County

T04N R17E S01	NESE	1.00	T04N R17E S01	SESE	19.00
T04N R17E S12	NENE	17.00	T04N R17E S12	SENE	13.00
T04N R17E S12	NESE	11.00	T04N R17E S12	SESE	9.00
T04N R18E S06 Lot 7 SWSW		0.70	T04N R18E S07 Lot 3 NWSW		4.00
T04N R18E S07 Lot 4 SWSW		11.00			

RECREATION STORAGE in BLAINE County

T04N R17E S01	SESE	T04N R17E S12	NENE
T04N R17E S12	SENE	T04N R17E S12	NESE

Handwritten notes:
KKC
OPB
9/15
NBS

T04N R17E S12	SESE	T04N R18E S06 Lot 7 SWSW
T04N R18E S07 Lot 2 SWNW		
<u>AESTHETIC STORAGE in BLAINE County</u>		
T04N R17E S01	SESE	T04N R17E S12 NENE
T04N R17E S12	SENE	T04N R17E S12 NESE
T04N R17E S12	SESE	T04N R18E S06 Lot 7 SWSW
T04N R18E S07 Lot 2 SWNW		

85.7 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 85.7 acres in a single irrigation season. Combined Right Nos.: 37-274, 37-276B, 37-158C and 37-894B.

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.

Water under this right is deliverable or may be initiated at the time when the Big Wood River near the Glendale Bridge is dammed and all flow of the river can be conveyed into the Bypass canal heading within the NW1/4SE1/4SW1/4 Section 12, T1N, R18E. The amount of water deliverable under this right is proportionate to the prorata share of senior priority water (prior to 6/15/1883) deliverable in the Baseline Bypass and Extension Bypass system. This right is curtailed when all priority rights through the Baseline Bypass and Extension Bypass system are futile or not called for during the irrigation season.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.

Water from all rights is comingled and distributed through one system to sprinkler irrigate golf course & common area within Big Wood Subd.

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

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

A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

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