

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

FEB 10 2011

By

**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.: 37-12396

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:

Linda B. Jones 2/2/2011
Linda B. Jones Date
Attorney for Wells Fargo Bank

IDWR CONCURRENCE:

Kelly K. Christensen 1-18-11
Kelly K. Christensen Date
Sr. Water Resource Agent

IDWR CONCURRENCE:

Christopher M. Bromley 2/8/11
Christopher M. Bromley Date
Deputy Attorney General
Attorney for IDWR

01/03/2011

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

RIGHT NUMBER: 37-12396

NAME AND ADDRESS: WELLS FARGO BANK
1740 BROADWAY
7TH FLOOR MAC C7300-079
DENVER CO 80274

SOURCE: DEMOCRAT GULCH
LAMBS GULCH

TRIBUTARY: CROY CREEK
TRIBUTARY: DEMOCRAT GULCH

QUANTITY: 10.000 CFS
~~29.60~~ 647.50 APY

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

The rights listed below are limited to 3.50 af per acre for irrigation purposes in a single irrigation season. Combined Right Nos.: 37-548, 37-549, 37-1222, 37-2142, 37-4138, 37-4440 and 37-12396.

PRIORITY DATE: 08/23/1957

POINT OF DIVERSION:

T02N R18E S18 SWNW Within BLAINE County
T02N R18E S18 SWNW Lot 2 Injection Within BLAINE County
T02N R18E S18 SWNW Lot 2 Within BLAINE County
T02N R18E S18 NESWNW Lot 2 Rediversion Within BLAINE County
T02N R18E S18 SESE Lot 5 Within BLAINE County

KKC
ABJ
CB

The point of diversion described as T02N R18E S18 SWNW is located on the west channel of Lambs Gulch.

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION STORAGE	01/01 12/31	29.60 APY
IRRIGATION FROM STORAGE	04/15 10/31	~~29.60~~ <u>647.50</u> APY
RECREATION STORAGE	01/01 12/31	29.60 APY
DIVERSION TO STORAGE	01/01 12/31	10.000 CFS
STOCKWATER	01/01 12/31	0.030 CFS

The 10 cfs flow rate represents diversion from the west channel of Lambs Gulch to the upper reservoir located in T02N, R18E W1/2 NW1/4 located on Democrat Gulch.

PLACE OF USE:

IRRIGATION FROM STORAGE in BLAINE County

T02N R18E S17 Lot 3 SWNW	2.90	T02N R18E S17 Lot 4 SENW	23.00
T02N R18E S17 NESW	8.60	T02N R18E S17 NWSW	27.00
T02N R18E S17 Lot 1 SWSW	1.10	T02N R18E S18 SWNE	15.00
T02N R18E S18 NENW	1.20	T02N R18E S18 SENW	27.00
T02N R18E S18 NESW	1.20	T02N R18E S18 NESE	21.00
T02N R18E S18 NWSE	18.00	T02N R18E S18 SWSE	17.00
T02N R18E S18 Lot 5 SESE	22.00		

STOCKWATER in BLAINE County

T02N R18E S17 Lot 3 SWNW	T02N R18E S17 Lot 4 SENW
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T02N R18E S17	NESW	T02N R18E S17	NWSW
T02N R18E S17 Lot 1	SWSW	T02N R18E S18	SWNE
T02N R18E S18	NENW	T02N R18E S18	SENW
T02N R18E S18	NESW	T02N R18E S18	NESE
T02N R18E S18	NWSE	T02N R18E S18	SWSE
T02N R18E S18 Lot 5	SESE		

RECREATION STORAGE in BLAINE County

T02N R18E S18 Lot 1	NNNW	T02N R18E S18 Lot 2	SWNW
T02N R18E S18	NESE	T02N R18E S18 Lot 5	SESE

185 ACRES TOTAL

Place of use does not include federal public lands.

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

KKC
LBJ
CB

CERTIFICATE OF SERVICE

I certify that on February 9, 2011, 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

Linda B. Jones
Holland & Hart
101 S. Capitol Blvd.
P.O. Box 2527
Boise, ID 83701

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

John Harris

Signature of person or attorney mailing the form