

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

FEB 10 2011

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.: 37-4440

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 1/27/2011
Linda B. Jones Date
Attorney for Wells Fargo Bank

OBJECTORS:

Craig D. Holdey 2-4-11
Craig D. Holdey Date
Attorney for Big Wood Canal Company
Albert P. Barker 2-2-11
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

RESPONDENT:

United States on behalf of the
Bureau of Land Management

David L. Negri 2/8/11

David L. Negri
Attorney, U.S. Department of Justice
Environment and Natural Resources

IDWR CONCURRENCE:

Kelly K. Christensen 12-17-10

Kelly K. Christensen
Sr. Water Resource Agent

IDWR CONCURRENCE:

C. M. Bromley 2/8/11

Christopher M. Bromley
Deputy Attorney General
Attorney for IDWR

11/24/2010

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

RIGHT NUMBER: 37-4440

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0-3+ 0.470 CFS
54-3 181.10 AFY

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: 12/31/1950
POINT OF DIVERSION:

T02N R18E S18 NW1/4 Within BLAINE County
T02N R18E S18 NW1/4 Within BLAINE County
T02N R18E S18 NW1/4 Infection Within BLAINE County
T02N R18E S18 NW1/4 Within BLAINE County
T02N R18E S18 NW1/4 Lot 5 Rediversion Within BLAINE County

KKC APB CB
LBJ CH
DN

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
STOCKWATER	01/01 12/31	0.030 CFS 1-4-APF
RECREATION STORAGE	01/01 12/31	5.00 AFY
IRRIGATION	04/15 10/31	0-3+ 0.470 CFS 54-3 186.10 AFY

PLACE OF USE: IRRIGATION in BLAINE County

T02N R18E S17 Lot 3 SW1/4	3-40 2.90	T02N R18E S17 Lot 4 SE1/4	22-00 23.00
T02N R18E S17	N1/2W 8-20 8.60	T02N R18E S17	N1/2W 26-00 27.00
T02N R18E S17 Lot 1 SW1/4	0-40 1.10	T02N R18E S18	SW1/4 15.00
T02N R18E S18	N1/2W 4-40 1.20	T02N R18E S18	SE1/4 25-00 27.00
T02N R18E S18	N1/2W 0-40 1.20	T02N R18E S18	NE1/4 21.00
T02N R18E S18	NW1/4 19-00 18.00	T02N R18E S18	SW1/4 16-00 17.00
T02N R18E S18 Lot 5 SE1/4	22.00		

STOCKWATER in BLAINE County

T02N R18E S17 Lot 3 SW1/4	T02N R18E S17 Lot 4 SE1/4
T02N R18E S17	N1/2W
T02N R18E S17 Lot 1 SW1/4	T02N R18E S18
T02N R18E S18	SW1/4
T02N R18E S18	SE1/4
T02N R18E S18	N1/2W
T02N R18E S18	NE1/4
T02N R18E S18	SW1/4
T02N R18E S18 Lot 5 SE1/4	

RECREATION STORAGE in BLAINE County

T02N R18E S18

NESE

T02N R18E S18 Lot 5 SESE

184 185 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 184 185 acres in a single irrigation season. Combined Right Nos.: 37-548, 37-549, 37-1222, 37-2142, 37-4138, and 37-4440.

This right is limited to the irrigation of 18-5 65.4 acres within the place of use described above in a single irrigation season.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

KKC
APB
CR
DN
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

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☒ Hand-Delivered
☐ Facsimile

Linda B. Jones
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U.S. Department of Justice
Environment & Nat'l Resources Div.
550 W. Fort St., MSC 033
Boise, ID 83724

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☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Debi Harris
Signature of person or attorney mailing the form