



**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.: 37-4138
) (Formerly Disallowed)

) 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

RESPONDENT:

United States on behalf of the
Bureau of Land Management

David L. Negri 2/8/11
David L. Negri Date
Attorney, U.S. Department of Justice
Environment and Natural Resources

IDWR CONCURRENCE:

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

IDWR CONCURRENCE:

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

11/24/2010

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

RIGHT NUMBER: 37-4138

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

KKC
CB *AF* *CB*
DN

SOURCE: HAILEY HOT SPRINGS

TRIBUTARY: DEMOCRAT GULCH

QUANTITY: 0.150 CFS

Right Nos. 37-4138 and 37-4139 are limited to a total combined diversion rate of 0.15 cfs.

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: 12/31/1948

POINT OF DIVERSION:

T02N R18E S18 NWSE Injection Within BLAINE County

T02N R18E S18 NWSE Within BLAINE County

T02N R18E S18 NWSE Lot 5 Rediversion Within BLAINE County

PURPOSE AND PERIOD OF USE:

	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	04/15 10/31	0.150 CFS
PLACE OF USE:	IRRIGATION in BLAINE County		
	T02N R18E S17 Lot 3 SSWW	2.90	T02N R18E S17 Lot 4 SSWW 23.00
	T02N R18E S17 NWSW	8.60	T02N R18E S17 NWSW 27.00
	T02N R18E S17 Lot 1 SWSW	1.10	T02N R18E S18 SWSW 15.00
	T02N R18E S18 NENW	1.20	T02N R18E S18 SENW 27.00
	T02N R18E S18 NWSW	1.20	T02N R18E S18 NESE 21.00
	T02N R18E S18 NWSE	18.00	T02N R18E S18 SWSW 17.00
	T02N R18E S18 Lot 5 SESE	22.00	

185 ACRES TOTAL

This right is limited to the irrigation of 65.4 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 185 acres in a single irrigation season. Combined Right Nos.: 37-548, 37-549, 37-1222, 37-2142, 37-4138, and 37-4440.

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

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

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

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


Signature of person or attorney mailing the form