

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

FEB 15 2011

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.: 37-21180

Case No. 39576

STANDARD FORM 5

STIPULATED ELEMENTS OF A
WATER RIGHT

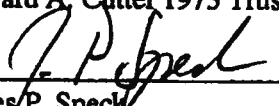
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary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

Edward A. Cutter 1973 Trust


James P. Speck

2-2-11
Date

Attorney for Edward A. Cutter 1973 Trust

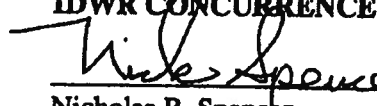
IDWR CONCURRENCE:


Steve Clelland

2-1-11
Date

Sr. Water Resource Agent

IDWR CONCURRENCE:


Nicholas B. Spencer

2-1-11
Date

Deputy Attorney General
Attorney for IDWR

12/10/2010

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

RIGHT NUMBER: 37-21180

NAME AND ADDRESS: EDWARD A CUTTER 1973 TRUST
EDWARD A CUTTER TRUSTEE
PO BOX 7330
KETCHUM ID 83340

SOURCE: SILVER CREEK TRIBUTARY: LITTLE WOOD RIVER

Water from this right resulted from developed water in Silver Creek.

QUANTITY: 0.173 CFS

This right when combined with all other rights shall provide no more than .02 cfs per acre.

PRIORITY DATE: 12/28/1932 3/29/1877

~~Pursuant to a call in times of scarcity, this right is senior to all other rights that did not result from developed water in Silver Creek, as established by and subject to the provisions included within In Re Brett et al. v. S. G. Chapman, Watermaster (Lincoln County, December 28, 1932).~~

Pursuant to a call in times of scarcity, this right is senior to all other rights that did not result from saved or developed water in Silver Creek, as established, controlled by, and subject to the provisions with the Brett v. Chapman decree (Lincoln County Case No. 2816, entered December 28, 1932).

POINT OF
DIVERSION:

T01S R20E S36 NENESW Within BLAINE County
T01S R20E S36 NESESW Within BLAINE County
T01S R20E S36 SWSSEW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.173 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T01S R20E S36	SESW	13.00	T01S R20E S36	SWSE	7.00
20 ACRES TOTAL					

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 - Decreed

This right is a split from former right 37-1224B.

CERTIFICATE OF SERVICE

I certify that on February 14, 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

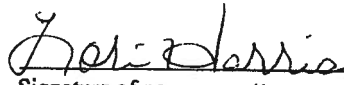
2. Copies to:

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

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

James P. Speck
Speck & Aanestad
P.O. Box 987
Ketchum, ID 83340

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


Signature of person or attorney mailing the form