

FEB 18 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

Case No. 39576

Subcase No. 37-363D

**STANDARD FORM 5**

**STIPULATED ELEMENTS OF A  
WATER RIGHT**

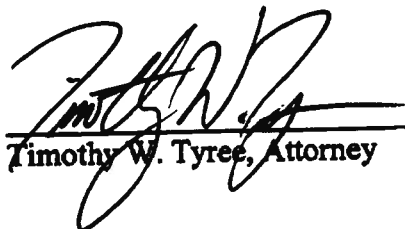
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary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

**OBJECTORS**  
Concerned Water Users

  
\_\_\_\_\_  
Timothy W. Tyree, Attorney

Date

  
\_\_\_\_\_  
Albert P. Barker, Attorney

Date

**OBJECTORS:**

STANDARD FORM 5 - 37-363D

Bigwood Property Owners

Craig D. Hobday 2-3-11  
Craig D. Hobday, Attorney Date

**IDWR Concurrence:**

Kelly Christensen 1-31-2011  
IDWR Agent Date

C. B. ——— 2/16/11  
Deputy Attorney General, IDWR Date

## CERTIFICATE OF MAILING

I certify that on February 19, 2011, 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  
ROCKY SHERBINE  
TOM O GARA

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

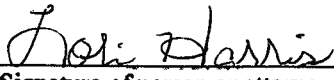
BIG WOOD CANAL COMPANY

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

JERRY TURCO

Represented by:  
TIMOTHY W. TYREE  
PO BOX 1617  
BOISE, ID 83701-1617

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

  
\_\_\_\_\_  
Signature of person or attorney mailing the form

01/21/2011

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

RIGHT NUMBER: 37-363D

NAME AND ADDRESS: JERRY TURCO  
525 RIVERSIDE AVE  
LYNDHURST NJ 07071

KKC

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.300 CFS

The portion of Right 37-363D used for conveyance losses is 0.02 cfs per approved transfer #3404.

PRIORITY DATE: 04/12/1883

POINT OF  
DIVERSION:

T02N R18E S36 NESWNW Lot 3 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          | 0.300 CFS       |

PLACE OF USE: IRRIGATION in BLAINE County

T01N R18E S13 SESE 16.00

16 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.

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

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

CB  
TWT  
CB  
APK