

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho
FEB 24 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.: 37-685C
	)	
Case No. 39576	)	
	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

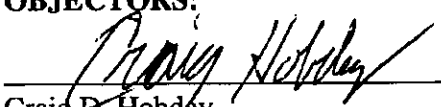
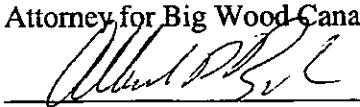
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary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

Robert E. Williams
Attorney for Silver Creek Farms Homeowners Assn. Inc.
2/14/11 Date

OBJECTORS:

Craig D. Hobday
Attorney for Big Wood Canal Company
2-15-11 Date

Albert P. Barker
Attorney for Tom O'Gara, John F. Stevenson, Bill Molyneux, Pete Van Der Meulen, Grace Eakin, Gerald Bashaw, and Pepin Corso-Harris
2-16-11 Date

IDWR CONCURRENCE:

Steve Clelland 2/8/11
Steve Clelland Date
Sr. Water Resource Agent

IDWR CONCURRENCE:

Nicholas B. Spender 2-9-11
Nicholas B. Spender Date
Deputy Attorney General
Attorney for IDWR

10/13/2010

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

RIGHT NUMBER: 37-685C

NAME AND ADDRESS: SILVER CREEK FARMS HOMEOWNERS ASSN INC
C/O H ALLEN LURAY
94 TOWNSEND GULCH
BELLEVUE ID 83313-5008

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 3.000 CFS
198.000 AFY

PRIORITY DATE: 10/15/1884

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	4/01 11/01	3.000 CFS
DIVERSION TO STORAGE	4/01 11/01	3.000 CFS
FIRE PROTECTION STORAGE	1/01 12/31	20.00 AFY
AESTHETIC STORAGE	1/01 12/31	20.00 AFY

PLACE OF USE: IRRIGATION in BLAINE County

T01N R18E S12	SENE	1.00	T01N R18E S12	NESE	30.00
T01N R18E S12	SESE	30.00			

61 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.

The aesthetic portion of this right shall be a non-consumptive use except for any portion of such right subject to evaporation.

The owner of this right shall not permit the ponds containing the water stored under this right to exceed the size necessary to store more than twenty (20) acre feet by volume.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

CERTIFICATE OF SERVICE

I certify that on February 23, 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

Robert E. Williams
Williams, Meservy & Lothspeich, LLP
P.O. Box 168
Jerome, ID 83338

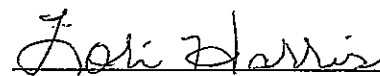
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Craig D. Hobdey
Hobdey & Hobdey
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Gooding, ID 83330

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Albert P. Barker
Barker, Rosholt & Simpson LLP
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Boise, ID 83701-2139

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☐ Hand-Delivered
☐ Facsimile



Signature of person or attorney mailing the form