

1557

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
FEB 24 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 Case No. 39576 _____	)))))))	Subcase No. 37-577CK STANDARD FORM 5 STIPULATED ELEMENTS OF A WATER RIGHT
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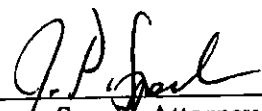
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary 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.

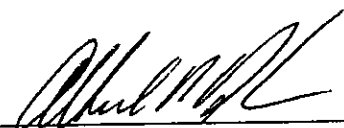
CLAIMANT
Michael E. Willard

OBJECTORS:
Concerned Water Users



 James Speck, Attorney

1-18-11
 Date



 Albert Barker, Attorney

1-28-11

OBJECTORS:

Big Wood Canal Company

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

IDWR Concurrence:

Kellee Christensen 2-9-11
IDWR Agent Date

RESPONDENTS

Barker Living Trust *etal JPS*

J.P. Speck 1-18-11
Albert Barker, Attorney Date
James P. Speck
JPS

Wade Spencer 2-18-11
Deputy Attorney General, IDWR Date

CERTIFICATE OF MAILING

I certify that on February 23, 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:

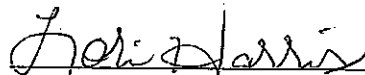
BILL MOLYNEUX
GERALD BASHAW
GRACE EAKIN
JOHN F STEVENSON
PEPIN CORSO-HARRIS
PETE VAN DER MEULEN
ROCKY SHERBINE
TOM O GARA
Represented by:
BARKER ROSHOLT & SIMPSON LLP
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

BIG WOOD CANAL COMPANY
Represented by:
CRAIG D. HOBDEY
125 5TH AVE
PO BOX 176
GOODING, ID 83330
Phone: 208-934-4429

BARKER LIVING TRUST
CHANEY CREEK RANCH LLC
CHARLES L MATTHIESEN
CHARLES T FOLEY
EAGLE CREEK IRRIGATION CO
ECD INC
ELISE G LUFKIN
GIMLET PROPERTY OWNERS ASSN
GREGORY RANCH LLC
LAKE CREEK MEADOWS HOMEOWNERS
MICHAEL E WILLARD
MICHAEL ENGL
MYER BERLOW
RALPH W & KANDI L GIRTON
RIVER ROCK RANCH LP
RIVERS EDGE ASSOCIATES LLC
ROY R WOODS
STEVEN D HOLZMAN TRUST
THE GULCH TRUST
THE R DANIEL OLMSTEAD
WILLIAM B GORDON

Represented by:
JAMES P. SPECK
SPECK & AANESTAD
120 EAST AVENUE
PO BOX 987
KETCHUM, ID 83340
Phone: 208-726-4421

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



Signature of person or attorney mailing the form

12/22/2010

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

RIGHT NUMBER: 37-577CK

NAME AND ADDRESS: MICHAEL E WILLARD
1339 HAMPSHIRE CIR
NEWPORT BEACH CA 92660

PO BOX 722
HAILEY, ID 83333

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.100 CFS
5.30 AFY

This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

A portion of Right No. 37-557CK, 0.05 cfs, is limited to use for conveyance losses in delivery of this right.

The pond established by the storage of water under this right shall not exceed a total capacity of 3.0 acre-feet.

PRIORITY DATE: 03/24/1883

POINT OF
DIVERSION:

T03N R18E S20 SWNW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/15	0.090 CFS 3.90 AFY
IRRIGATION STORAGE	01/01 12/31	1.40 AFY
IRRIGATION FROM STORAGE	04/15 10/15	1.40 AFY
RECREATION STORAGE	01/01 12/31	1.40 AFY
AESTHETIC STORAGE	01/01 12/31	1.40 AFY
DIVERSION TO STORAGE	04/15 10/15	0.100 CFS

The use of water for irrigation under this right may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water after October 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE: IRRIGATION in BLAINE County

T03N R18E S29	SENE	1.00	T03N R18E S29	NESE	7.90
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IRRIGATION STORAGE in BLAINE County

T03N R18E S29 NESE

IRRIGATION FROM STORAGE in BLAINE County

T03N R18E S29	SENE	T03N R18E S29	NESE
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RECREATION STORAGE in BLAINE County

T03N R18E S29 NESE

AESTHETIC STORAGE in BLAINE County

T03N R18E S29 NESE

DIVERSION TO STORAGE in BLAINE County

~~T03N R18E S29~~ ~~SENE~~ ~~T03N R18E S29~~ ~~NESE~~

8.9 ACRES TOTAL

Rights 37-4K, 37-7958, and 37-577CK when combined shall not exceed the irrigation of 4.6 total acres within the 8.9 acre place of use described above in a single irrigation season.

This right is limited to the irrigation of 1.1 acres within the place of use described above in a single irrigation season.

Rights 37-7958 and 37-577CK when combined shall not exceed the irrigation of 2.6 total acres within the 8.9 acre place of use described above in a single irrigation season.

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

Failure of the right holder to comply with the conditions of Transfer No. 5330 is cause for the Director to rescind approval of the transfer.

The reduction of irrigation during the first year will provide the additional storage volume to fill the ponds when combined with the 1.4 af associated with the 0.4 acre no longer irrigated.

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

Approval of Transfer No. 5330 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

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

The first year that water is diverted to recreational, aesthetic and irrigation storage uses, the irrigation use under this right shall be limited to 0.9 acres, 0.08 cfs and 3.2 afa.

PS
ARB
CFT
XKC
NBS