

1428

Fifth Judicial District
County of Twin Falls - State of Idaho

FEB 29 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**

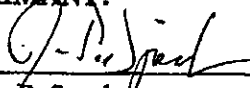
In Re SRBA Case No. 39576 _____	)))))))	Subcase No.: 37-558 STANDARD FORM 5 STIPULATED ELEMENTS OF A WATER RIGHT
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This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. 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.

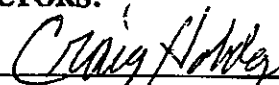
The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions 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:

 2-16-11
 _____ Date
 James P. Speck
 Attorney for Aspen Lakes Canal Co.

OBJECTORS:

 2-18-11
 _____ Date
 Craig D. Hobday
 Attorney for Big Wood Canal Company

 2-23-11
 _____ Date
 Albert P. Barker
 Attorney for Tom O'Gara, John F.
 Stevenson, Bill Molyneux, Pete Van Der
 Meulen, Grace Eakin, Rocky Sherbine,
 Gerald Bashaw, and Pepin Corso-Harris

IDWR CONCURRENCE:

Kelly K. Christensen 12-8-10
Kelly K. Christensen Date
Sr. Water Resource Agent

IDWR CONCURRENCE:

Nick Spencer 12-8-10
Nicholas B. Spencer Date
Deputy Attorney General
Attorney for IDWR

10/22/2010

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

RIGHT NUMBER: 37-558

NAME AND ADDRESS: ASPEN LAKES CANAL CO
C/O JAMES P SPECK
PO BOX 987
KETCHUM ID 83340

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 2.000 CFS

This right when combined with all other rights shall provide no more than 3.5
afa per acre at the field headgate for irrigation of the lands in the place of
use.

PRIORITY DATE: 06/01/1886

POINT OF
DIVERSION:

T02N R18E S5 SENENW Within BLAINE County
T03N R18E S32 NESESW 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	2.000 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T02N R18E S05 Lot 1 NENE	12.00	T02N R18E S05 Lot 2 NWNE	38.00
T02N R18E S05 SWNE	23.00	T02N R18E S05 SENE	25.00
T02N R18E S05 Lot 3 NENW	1.60	T03N R18E S32 SESW	12.00
T03N R18E S32 SWSE	14.00		

125.6 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 125.6 acres in a single irrigation season. Combined Right Nos.: 37-557, 37-558 & 37-559.

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

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

A lockable device subject to the approval of the Department 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.

CERTIFICATE OF SERVICE

I certify that on February 25, ²⁰¹¹2010, 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

Craig D. Hobdey
Hobdey & Hobdey
P.O. Box 176
Gooding, ID 83330

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

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

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

John Harris
Signature of person or attorney mailing the form