

FEB 28 2011

By _____

**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.: 37-113T

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 / RESPONDENT:

Fritz X. Haemmerle 12/23/10
Fritz X. Haemmerle Date
Attorney for Southern Star Acres Subdivision
Owners Association Inc.

OBJECTORS:

Craig D. Hobdey 2-16-11
Craig D. Hobdey Date
Attorney for Big Wood Canal Company

Albert P. Barker 2-23-11
Albert P. Barker Date
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 11-19-10
Kelly K. Christensen Date
Sr. Water Resource Agent

IDWR CONCURRENCE:

Nick Spencer 11-22-10
Nicholas B. Spencer Date
Deputy Attorney General
Attorney for IDWR

11/04/2010

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

RIGHT NUMBER: 37-113T

NAME AND ADDRESS: SOUTHERN STAR ACRES SUBDIVISION OWNERS ASSN INC
190 LABRADOR LN
BELLEVUE ID 83313

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 4.000 CFS

The rights listed below shall provide no more than 0.02 cfs per acre at the field headgate for irrigation of the lands in the place of use whenever sprinkler methods of irrigation are used. Combined Right Nos. 37-113T and 37-480F

FXH

KKC

NBS

CH

q/s

PRIORITY DATE: 07/10/1884

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	04/15 10/31	4.000 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T01N R18E S01	NESE	19.00	T01N R18E S01	SESE	38.00
T01N R18E S12	NENE	38.00			

95 ACRES TOTAL

Right Nos. 37-113T and 37-480F are limited to the irrigation of a combined total of 95 acres 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

CERTIFICATE OF SERVICE

I certify that on February 25, ²⁰¹¹~~2010~~, 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

Fritz X. Haemmerle
Haemmerle & Haemmerle
P.O. Box 1800
Hailey, ID 83333

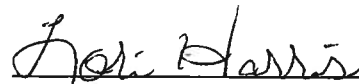
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Hobdey & Hobdey
P.O. Box 176
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☐ Facsimile

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

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☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile



Signature of person or attorney mailing the form