

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

APR - 5 2011

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.: 37-2649B
(Uncontested Overlap to
Water Right 37-7644)

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:

Albert P. Barker
Attorney for John F. Stevenson

3-29-11
Date

IDWR CONCURRENCE:

Doug Jones
Technical Engineer I

3/3/11
Date

IDWR CONCURRENCE:

Nicholas B. Spencer
Deputy Attorney General
Attorney for IDWR

3-17-11
Date

12/01/2010

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

RIGHT NUMBER: 37-2649B

NAME AND ADDRESS: JOHN F STEVENSON
36 HILLSIDE RANCH RD
BELLEVUE ID 83313

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 3.200 CFS
560.00 AFY

Water diverted under this right is injected into Patton Creek then reddiverted from Patton Creek to the place of use. The amount of water reddiverted from Patton Creek under this right shall not exceed 98% of the amount of water injected into Patton Creek.

The portion of Right 37-2649B used for conveyance losses is 2%.

Rights 37-7644, 37-2649A, 37-2649B and 37-7014 when combined shall not exceed a total diversion rate of ~~5.0~~ 7.44 cfs.

PRIORITY DATE: 01/27/1961

POINT OF
DIVERSION:

T01S R19E S20 NWNWNE Injection Within BLAINE County
T01S R19E S20 NWNWNE Within BLAINE County
T01S R19E S21 SESWSW Rediversion Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 11/01	3.200 CFS 560.00 AFY

PLACE OF USE: IRRIGATION in BLAINE County

T01S R19E S21	SWNW	15.00	T01S R19E S21	NWSW	40.00
T01S R19E S21	SWSW	40.00	T01S R19E S21	SESW	40.00
T01S R19E S28	NENW	25.00			

160 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this 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.

If the surface water rights appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

12/01/2010

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37-M.

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Rights 37-2649A, 37-7014 and 37-7644 are also diverted through the point of diversion described above.

The right holder shall maintain measuring devices at the points of injection into and redirection from Patton Creek and shall maintain lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

Point of diversion is locally known as The Lucke Well.

CERTIFICATE OF SERVICE

I certify that on April 4, 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

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

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

Lori Harris

Signature of person or attorney mailing the form