

148
DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

APR 18 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

Case No. 39576

Subcase No.: 37-2639D

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 / OBJECTOR:

J. P. Speck 3-25-11
James P. Speck Date
Attorney for Barrie Family Partners

RESPONDENTS:

Craig D. Hobdey 3-28-11
Craig D. Hobdey Date
Attorney for Big Wood Canal Company

Albert P. Barker 4-11-11
Albert P. Barker Date
Attorney for Tom O'Gara, John F.
Stevenson, Bill Molyneux, Pete Van Der
Meulen, Grace Eakin, Gerald Bashaw, and
Pepin Corso-Harris

IDWR CONCURRENCE:

Kelly K. Christensen 3-17-11

Kelly K. Christensen

Date

Sr. Water Resource Agent

IDWR CONCURRENCE:

C. M. Bromley 3/22/11

Christopher M. Bromley

Date

Deputy Attorney General

Attorney for IDWR

01/20/2011

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

RIGHT NUMBER: 37-2639D

NAME AND ADDRESS: BARRIE FAMILY PARTNERS
PO BOX 793
KETCHUM ID 83340

KKC
QPS

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.020 CFS
3.20 AFY

The rights listed below are limited to a total combined diversion rate of ~~0.15~~ 0.18 cfs and to a total combined annual diversion volume of ~~36.4~~ 31.2 AF. Combined Right Nos.: 37-2639D, & 37-13371.

~~This right when combined with all other rights shall provide no more than 3.5 afa per acre for irrigation of the lands above.~~

ck

PRIORITY DATE: 07/25/1966

POINT OF
DIVERSION:

T02N R18E S26 SESWSE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/15 10/31	0.020 CFS 3.20 AFY

PLACE OF USE: IRRIGATION in BLAINE County

T02N R18E S35 NWNE 0.90

0.9 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of ~~2.3~~ 15.9 acres in a single irrigation season. Combined Right Nos.: 37-332, 37-2639D, & 37 13371.

The rights listed below are limited to the irrigation of a combined total of ~~7.4~~ 8.9 acres in a single irrigation season. Combined Right Nos.: 37-2639D, & 37-13371.

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 - License

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

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 April 15, 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

James P. Speck
Speck & Aanstad
P.O. Box 987
Ketchum, ID 83340

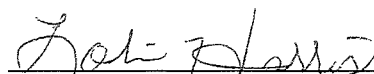
☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

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



Signature of person or attorney mailing the form