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

APR 15 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

Subcase No.: 37-2473K

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 / OBJECTOR:

J. P. Speck 4-4-11
James P. Speck Date
Attorney for Charles L. Matthiesen

OBJECTORS / RESPONDENTS:

Craig D. Hobday 4-8-11
Craig D. Hobday 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:

Steve Clelland 4/1/11
Date

Steve Clelland
Sr. Water Resource Agent

IDWR CONCURRENCE:

Nicholas B. Spencer 4-5-11
Date

Nicholas B. Spencer
Deputy Attorney General
Attorney for IDWR

02/10/2011

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

RIGHT NUMBER: 37-2473K

NAME AND ADDRESS: CHARLES L MATTHIESEN
PO BOX 2540
KETCHUM ID 83340

JA
See
NBS

SOURCE: DIP CREEK

TRIBUTARY: ~~BIG WOOD RIVER~~ SINKS

QUANTITY: 0.500 CFS
105.700 AFY

This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for irrigation purposes.

The total combined diversion rate from the points of diversion for the following rights shall not exceed the flow of Dip Creek measured at the point identified above. Combined rights: 37-2473A, 37-2473B, 37-2473C, 37-2473D, 37-2473E, 37-2473F, 37-2473G, 37-2473H, 37-2473J, and 37-2473K.

Right Nos. 37-2473A, 37-2473B, 37-2473C, 37-2473D, 37-2473E, 37-2473F, 37-2473G, 37-2473H, 37-2473J, and 37-2473K, when combined shall not exceed a total combined rate of diversion of 0.86 cfs or a total combined annual volume of 175.0 AF.

OP

PRIORITY DATE: 06/24/1946

POINT OF DIVERSION:

T05N R17E S24 SWNW Within BLAINE County

QPS

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	05/01 10/31	0.120 CFS 21.70 AFY
FIRE PROTECTION	01/01 12/31	0.380 CFS
FIRE PROTECTION STORAGE	01/01 12/31	25.10 AFY
AESTHETIC	01/01 12/31	0.380 CFS 58.90 AFY
AESTHETIC STORAGE	01/01 12/31	25.10 AFY
DIVERSION TO STORAGE	01/01 12/31	0.500 CFS

Right No. 37-2473K is used for ponds and the surrounding irrigation within Dip Creek Ranch Subdivision.

PLACE OF USE: IRRIGATION in BLAINE County

T05N R17E S23	NESE	3.10	T05N R17E S23	SESE	1.50
T05N R17E S24	NWSW	1.60			

FIRE PROTECTION in BLAINE County

T05N R17E S23	NESE	T05N R17E S23	SESE
T05N R17E S24	NWSW		

AESTHETIC in BLAINE County

T05N R17E S23	NESE	T05N R17E S23	SESE
T05N R17E S24	NWSW		

6.2 ACRES TOTAL

02/10/2011

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

Right Nos. 37-2473A, 37-2473B, 37-2473C, 37-2473D, 37-2473E, 37-2473F, 37-2473G, 37-2473H, 37-2473J, and 37-2473K when combined shall not exceed a total combined irrigation of 26 acres.

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

Prior to diversion of water under this right, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion under Right Nos. 37-2473A, 37-2473B, 37-2473C, 37-2473D, 37-2473E, 37-2473F, 37-2473G, 37-2473H, 37-2473J, and 37-2473K.

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

A measuring device of a type acceptable to the Department shall be installed and permanently maintained across Dip Creek at a point where the creek enters the NESE, S23, T05N, R17E.

Failure of the right holder to comply with the conditions of ~~this~~ Transfer No. 4876 is cause for the Director to rescind approval of the transfer.

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

~~The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.~~

JPS
SCC
NBS

APB

CERTIFICATE OF SERVICE

I certify that on April 13, 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:

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

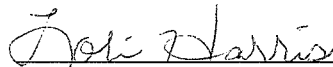
☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

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

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☐ Facsimile



Signature of person or attorney mailing the form