

1557

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

APR 13 2011

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.: 37-7707 )  
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:  
Scott Curtis 3-28-2011  
Manager, Parker Gulch, LLC Date

OBJECTORS:  
Craig D. Hobdey 4-8-11  
Attorney for Big Wood Canal Company Date

Albert P. Barker 4-4-2011  
Attorney for Tom O'Gara, John F. Stevenson, Bill Molyneux, Pete Van Der Meulen, Grace Eakin, Rocky Sherbine, Gerald Bashaw, and Pepin Corso-Harris Date

**IDWR CONCURRENCE:**

Carter Fritschle 3-18-11  
Carter Fritschle Date  
Manager, Adjudication Section

**IDWR CONCURRENCE:**

Andrea L. Courtney 3/18/11  
Andrea L. Courtney Date  
Deputy Attorney General  
Attorney for IDWR

03/17/2011

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

RIGHT NUMBER: 37-7707

NAME AND ADDRESS: PARKER GULCH LLC  
PO BOX 1835  
KETCHUM ID 83340

SOURCE: PARKER GULCH CREEK

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 1.300 CFS  
941.00 AFY

The irrigation storage reservoir for use in connection with this right is limited to approximately 3.27 af and will not be increased. The irrigation storage of 29.4 af under this right is authorized only by refilling the reservoir multiple times.

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

PRIORITY DATE: 03/24/1978

POINT OF  
DIVERSION:

T04N R18E S10 SESW Within BLAINE County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u>   | <u>PERIOD OF USE</u> | <u>QUANTITY</u>   |
|-------------------------|----------------------|-------------------|
| AESTHETIC STORAGE       | 01/01 12/31          | 7.30 AFY          |
| DIVERSION TO STORAGE    | 01/01 12/31          | 1.300 CFS         |
| IRRIGATION FROM STORAGE | 05/01 10/31          | 29.40 AFY         |
| IRRIGATION STORAGE      | 01/01 12/31          | 29.40 AFY         |
| RECREATION STORAGE      | 01/01 12/31          | 7.30 AFY          |
| AESTHETIC               | 01/01 12/31          | 1.300 CFS         |
|                         |                      | <u>941.00 AFY</u> |

Aesthetic use of water under this right shall be non-consumptive.

PLACE OF USE: IRRIGATION FROM STORAGE in BLAINE County

|               |      |      |               |      |      |
|---------------|------|------|---------------|------|------|
| T04N R18E S10 | SESW | 0.50 | T04N R18E S15 | NWNW | 5.00 |
| T04N R18E S16 | NENE | 0.60 | T04N R18E S16 | SENE | 2.30 |

RECREATION STORAGE in BLAINE County

T04N R18E S15 NWNW

AESTHETIC in BLAINE County

|               |      |               |      |
|---------------|------|---------------|------|
| T04N R18E S10 | SESW | T04N R18E S15 | NWNW |
| T04N R18E S16 | NENE | T04N R18E S16 | SENE |

IRRIGATION STORAGE in BLAINE County~~T04N R18E S15 NWNW~~DIVERSION TO STORAGE in BLAINE County~~T04N R18E S10 SEWNW~~

8.4 ACRES TOTAL

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

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.

When notified by the Department, the right holder shall install and maintain a measuring device of a type acceptable to the Department as part of the diverting works.

*OT* *CA* *A*  
*6/7/73*

## CERTIFICATE OF SERVICE

I certify that on April 12, 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

Scott Curtis  
Parker Gulch, LLC  
P.O. Box 1073  
Ketchum, ID 83340

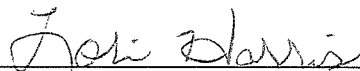
☐ Overnight Mail  
☒ Regular Mail  
☐ Hand-Delivered  
☐ Facsimile

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