

1151

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
APR 29 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.: 37-863E
	)	
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 4-19-11
James P. Speck Date
Attorney for Eagle Creek Irrigation Co.

RESPONDENT:

Albert P. Barker 4-21-11
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:

Carter Fritschle 4-15-11
Carter Fritschle Date
Manager, Adjudication Section

IDWR CONCURRENCE:

Nicholas B. Spencer 4-28-11
Nicholas B. Spencer Date
Deputy Attorney General
Attorney for IDWR

03/28/2011

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

RIGHT NUMBER: 37-863E

NAME AND ADDRESS: EAGLE CREEK IRRIGATION CO
C/O EVERETT DAVIS
PO BOX 1965
SUN VALLEY ID 83353

SOURCE: EAGLE CREEK

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 4.560 CFS

PRIORITY DATE: 10/06/1902

POINT OF
DIVERSION:

T05N R17E S13 NWNWNW Within BLAINE County
T05N R17E S14 NENENE Within BLAINE County
T05N R17E S14 SWNENE Within BLAINE County
T05N R17E S14 NESWNE Within BLAINE County
T05N R17E S14 NESWNE Within BLAINE County
T05N R17E S14 SWSWNE Within BLAINE County
T05N R17E S14 SWSWNE Within BLAINE County
T05N R17E S14 SWSWNE Within BLAINE County
T05N R17E S14 NENESW Within BLAINE County
T05N R17E S14 SENWSW Within BLAINE County
T05N R17E S14 SENWSW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

4.560 CFS

PLACE OF USE:

~~127.3~~ 143.9 ACRES TOTAL

Place of use does not include federal public lands.

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

~~Right Nos. 37-863E and 37-7871 are limited to the irrigation of a combined total of 127.3 143.9 acres in a single irrigation season.~~

This right is limited to the irrigation of ~~127.3~~ 143.9 acres within the boundary of the Eagle Creek Irrigation Company which is comprised of portions of HES 129 and HES 329.

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

9/25/11 NBS

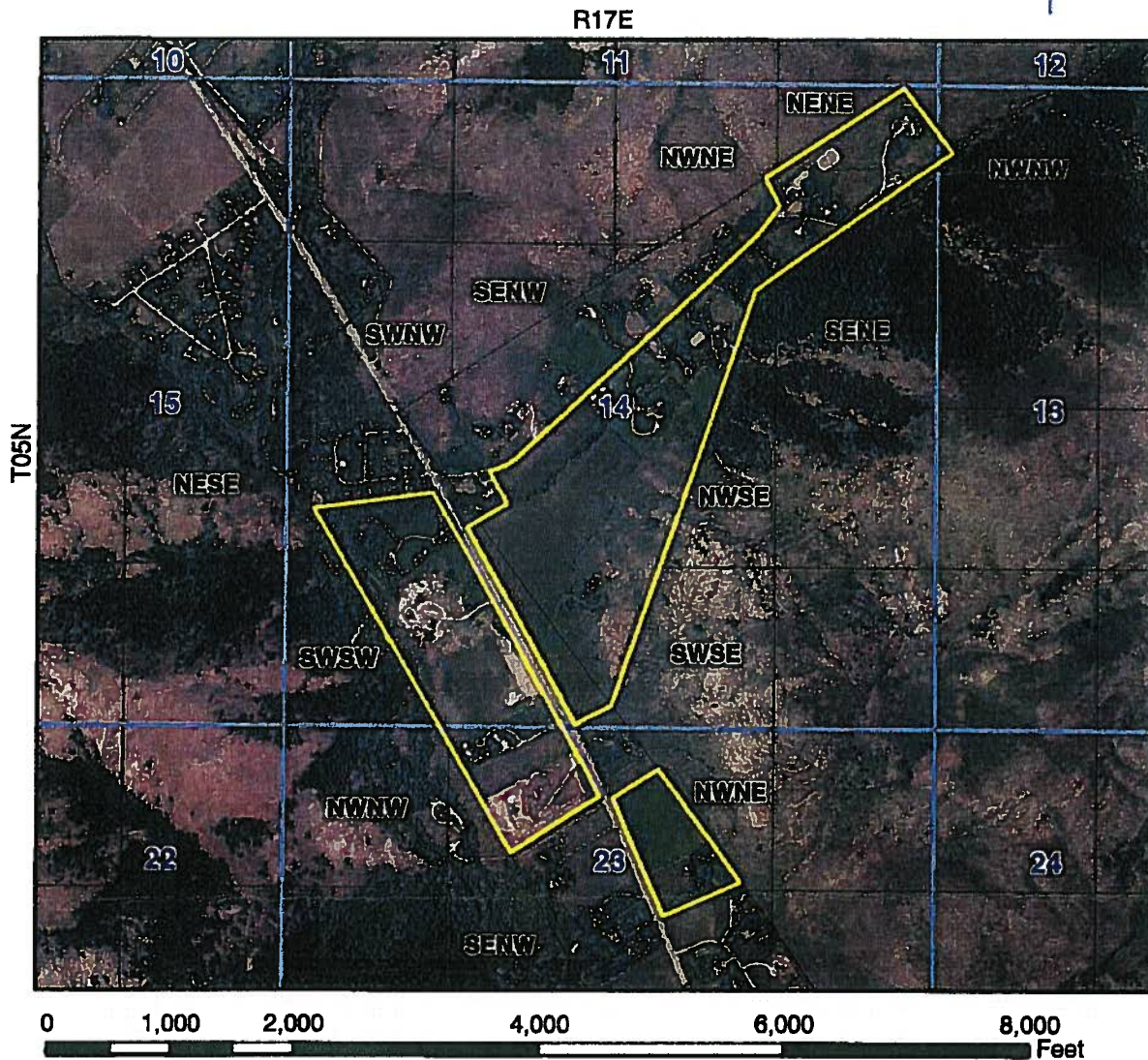
CPS

9/25 removed per oral agreement on the record in April 20, 2011

State of Idaho
Department of Water Resources
Adjudication Recommendation

37-863E
Water Service Area Boundary for Eagle Creek Irrigation Co

OKS NBS



T05N R17E

Legend

- Place of Use Boundary
- PLS Sections

Prepared by: Carter Fritschle
Date prepared: April 15, 2011
2004 NAIP



CERTIFICATE OF SERVICE

I certify that on April 28, 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 & Aanestad
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☐ Facsimile

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☐ Hand-Delivered
☐ Facsimile

Jeri Harris

Signature of person or attorney mailing the form