

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

May 11, 2011

Robert H. Wood
25 N. 2nd. E
P.O. Box 250
Rexburg, ID 83440-0250

RE: SRBA Subcase No. 22-335 (Darby Canyon Estates, LLC)

Dear Mr. Wood:

I am enclosing an SF5 for the above-referenced water right. If the SF5 is acceptable, please sign on the indicated signature line, initial the revised recommendation and file the fully executed SF5 with the SRBA Court.

If you should have any questions or comments, please don't hesitate to contact me at 287-4815.

Sincerely,

A handwritten signature in cursive script that reads "Ray Williams".

Ray Williams
Paralegal

Enclosure

**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. 22-335
	)	
	)	
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.

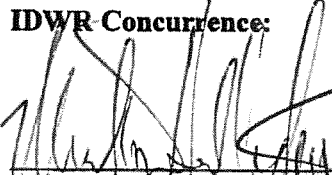
The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described as per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT/OBJECTOR:
Darby Canyon Estates, LLC

Robert H. Wood Date
Attorney for Claimant/Objector

IDWR Concurrence:


Michael Holliday
Senior Water Resource Agent

5/10/2011
Date


Andrea L. Courtney
Deputy Attorney General
Attorney for IDWR

5/9/11
Date

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

RIGHT NUMBER: 22-335

NAME AND ADDRESS: DARBY CANYON ESTATES LLC
C/O JAMES R JENKINS
PO BOX 522
DRIGGS ID 83422

AK *MWA*

SOURCE: NELSON SPRING

TRIBUTARY: DARBY CREEK

QUANTITY: 1.370 CFS ~~1.100 CFS~~

PRIORITY DATE: 06/01/1898

POINT OF
DIVERSION:

T04N R46E S17 SWNE Lot 2 Within TETON County
The point of diversion for this water right is in Wyoming, T43N R118W S20
NESW, 6th Principal Meridian. The point of diversion shown above is where
the conveyance system enters Idaho.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	<u>1.370 CFS</u>
		~~1.100 CFS~~

PLACE OF USE: IRRIGATION in TETON County

T04N R46E S17 Lot 2 SWNE	10.00	T04N R46E S17	SWNW	10.00	
T04N R46E S17	SENW	26.00	T04N R46E S17	NESW	6.60
T04N R46E S17	NWSW	39.00			
91.6 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.

The remainder of this right was forfeited for non-use from 1975 to 2009.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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

CERTIFICATE OF MAILING

I certify that on _____, 2011, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid 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, IDAHO 83303-2707

2. Copies to:

DARBY CANYON ESTATES, LLC
Represented by:
ROBERT H. WOOD
25 NORTH 2nd EAST
P.O. BOX 250
REXBURG, ID 83340-0250

DIRECTOR OF IDWR
P.O. BOX 83720
BOISE, ID 83720-0098

Signature of person or attorney