

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

JUN - 2 2011

By _____
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.: 37-21348
)
)
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. Evan Robertson 5-4-11
Date
J. Evan Robertson
Attorney for Quigley Green Owner LLC

IDWR CONCURRENCE:

For Carter Fritsch 5-3-11
Date
Douglas Jones
Technical Engineer 1

IDWR CONCURRENCE:

Nicholas B. Spencer 5-3-11
Date
Nicholas B. Spencer
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 37-21348

NAME AND ADDRESS:

QUIGLEY GREEN OWNER LLC
C/O GREENFIELD PARTNERS
ATTN: BARRY P MARCUS
50 NORTH WATER ST
SOUTH NORWALK CT 06854

SOURCE: GROUND WATER

Tributary:

QUANTITY: 0.160 CFS ~~0.270 CFS~~
35.000 AFY ~~52.500 AFY~~

Right Nos. 37-20902, 37-21348 and 37-21349 are limited to a total combined diversion rate of 2.01 cfs.

~~Right Nos. 37-20902 and 37-21348 are limited to a total combined diversion rate of 2.01 cfs.~~

~~The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.~~

CA
NBS

PRIORITY DATE: 04/15/1985

This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.

POINT OF DIVERSION:

T02N R18E S10 NWNWSE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION 04/15 10/31 0.160 CFS 35.00 AFY
~~0.270 CFS 52.50 AFY~~

~~STOCKWATER 01/01 12/31 0.120 CFS~~

PLACE OF USE:

IRRIGATION within BLAINE County

T02N R18E S10 NENE 24.0

T02N R18E S10 NWNE 3.9

T02N R18E S10 SWNE 37.0

T02N R18E S10 SENE 24.0

T02N R18E S10 NWSE 5.5

T02N R18E S11 NWNW 16.0

T02N R18E S11 SWNW 13.0

~~T02N R18E S11 SWNW 15.0~~

~~STOCKWATER within BLAINE County~~

~~T02N R18E S11 SWNW~~

123.4 ACRES TOTAL ~~15 ACRES TOTAL~~

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

This right is limited to the irrigation of 10 acres within the place of use described above in a single irrigation season.

Right Nos. 37-2784A, 37-7693, 37-19736, 37-20902, 37-21348 and 37-21349 are limited to the irrigation of a combined total of 276.5 acres in a single irrigation season.

Right Nos. 37-20902, 37-21348 and 37-21349 are limited to the irrigation of a combined total of 123.4 acres in a single irrigation season.

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 quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.~~

This right is based upon an enlargement of Right No. 37-20902 pursuant to Section 42-1426, Idaho Code.

CA
NBS 

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

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

~~This right is for an enlargement of 15 acres within the place of use described for this right.~~

~~Stockwater use is for 200 cow/calf pairs or 1000 sheep.~~

CERTIFICATE OF SERVICE

I certify that on June 1, 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

J. Evan Robertson
Robertson Slette
P.O. Box 1906
Twin Falls, ID 83303-1906

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

Don Harris
Signature of person or attorney mailing the form