

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

MAY - 4 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.: 37-19736

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 / RESPONDENT:

OBJECTORS:

J. Evan Robertson
Attorney for Quigley Green Owner LLC

Craig D. Hobdey Date
Attorney for Big Wood Canal Company

Albert P. Barker **Date**
Attorney for Tom O’Gara, John F.
Stevenson, Bill Molyneux, Pete Van
Der Meulen, Grace Eakin, Gerald B
Bashaw and Pepin Corso-Harris

IDWR CONCURRENCE:

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

IDWR CONCURRENCE:

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

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

RIGHT NUMBER: 37-19736

NAME AND ADDRESS:

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

SOURCE: QUIGLEY CREEK

Tributary: SINKS

QUANTITY: 2.280 CFS

Rights 37-2784A, 37-7693 and 37-19736 when combined shall not exceed a total diversion rate of 5.53 cfs, and a total annual maximum diversion volume of 967.7 af at the field headgate.

Rights 37-2784A, 37-7693, 37-19736, 37-20902, 37-21348 and 37-21349 when combined shall not exceed a total annual maximum diversion volume of 967.7 af at the field headgate.

This right is for the entire flow of Quigley Creek, originally determined to be 2.28 cfs.

~~Rights 37-7693 and 37-19736 when combined shall not exceed a total diversion rate of 5.27 cfs, and a total annual maximum diversion volume of 888.3 af at the field headgate.~~

~~Rights 37-2784A, 37-7693, 37-19736 and 37-20902 when combined shall not exceed a total annual maximum diversion volume of 888.3 af at the field headgate.~~

PRIORITY DATE: 04/15/1880

POINT OF DIVERSION:

T02N R18E S2 Lot 2 SENWNE Within BLAINE County
T02N R18E S10 SESWNE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

Purpose of use	Period of use:	Quantity:
IRRIGATION	04/15 10/31	2.280 CFS

PLACE OF USE: IRRIGATION within BLAINE County

T02N R18E S02 Lot 1 NENE 3.8
T02N R18E S02 Lot 2 NWNE 4.8
T02N R18E S02 SWNE 31.0
T02N R18E S02 SENE 19.0
T02N R18E S02 NESW 8.7
T02N R18E S02 SWSW 7.4
T02N R18E S02 SESW 31.0
T02N R18E S02 NWSE 21.0
T02N R18E S02 SWSE 3.5
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 S02 Lot 1 NENE 2.0~~
~~T02N R18E S02 Lot 2 NWNE 4.4~~
~~T02N R18E S02 SWNE 23.0~~
~~T02N R18E S02 SENE 17.0~~
~~T02N R18E S02 NESW 7.0~~
~~T02N R18E S02 SWSW 5.7~~
~~T02N R18E S02 SESW 30.0~~

~~T02N R18E S02 SWSE 4.3~~
~~T02N R18E S10 NENE 22.0~~
~~T02N R18E S10 NWNE 3.3~~
~~T02N R18E S10 SWNE 36.0~~
~~T02N R18E S10 SENE 25.0~~

ca
NBS

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

T02N R18E S10 NWSE 5.6
T02N R18E S11 NENW 5.8
T02N R18E S11 NWNW 33.0
T02N R18E S11 SWNW 13.0

~~T02N R18E S10 NESE 0.2~~
~~T02N R18E S10 NWSE 6.0~~
~~T02N R18E S11 NENW 5.9~~
~~T02N R18E S11 NWNW 31.0~~
~~T02N R18E S11 SWNW 10.0~~

C
NBS

276.5 ACRES TOTAL ~~253.8 ACRES TOTAL~~

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. 37-2784A, 37-7693, 37-19736 and 37-20902 are limited to the irrigation of a combined total of 253.8 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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

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

This right is a combination of former rights 37-1209, 37-1210 and 37-1211.