

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

Case No. 39576

Subcase No.: 37-20902

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:

OBJECTORS:

J. Evan Robertson
Attorney for Quigley Green Owner LLC

Craig D. Hobdey Date
Attorney for Big Wood Canal Company

Albert P. Barker
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 Fritzsche* *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: 37-20902

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: 2.010 CFS

340.200 AFY

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.

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

~~Rights 37-2784A, 37-7693, 37-19736 and 37-20902 when combined shall not exceed a total annual maximum diversion volume of 881.3 af at the field headgate, and the irrigation of 251.8 acres.~~

PRIORITY DATE: 07/21/1966

POINT OF DIVERSION:

T02N R18E S10 NWNWSE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION

06/01 10/01

2.010 CFS 340.20 AFY

STOCKWATER

01/01 12/31

0.120 CFS

The use of water for irrigation under this right may begin as early as April 15 and may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water before June 1 and after October 1 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE:

IRRIGATION within BLAINE County

T02N R18E S10 NENE 24.0

~~T02N R18E S10 NENE 22.0~~

T02N R18E S10 NWNE 3.9

~~T02N R18E S10 NWNE 3.3~~

T02N R18E S10 SWNE 37.0

~~T02N R18E S10 SWNE 36.0~~

T02N R18E S10 SENE 24.0

~~T02N R18E S10 SENE 25.0~~

T02N R18E S10 NWSE 5.5

~~T02N R18E S10 NESE 0.2~~

~~T02N R18E S10 NESE 0.2~~

~~T02N R18E S10 NWSE 6.0~~

T02N R18E S11 NWNW 16.0

~~T02N R18E S11 NWNW 20.0~~

T02N R18E S11 SWNW 13.0

~~T02N R18E S11 SWNW 10.0~~

STOCKWATER Same As IRRIGATION

123.4 ACRES TOTAL

122.7 ACRES TOTAL

ca
NBS

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

This right is limited to the irrigation of 113.4 acres within the place of use described above 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.

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.

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.

ct
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EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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

Right Nos. 37-21348 and 37-21349 are enlargements of this right pursuant to Section 42-1426, Idaho Code.