

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.: 37-21349
(Formerly Disallowed)

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 Date
Attorney for Quigley Green Owner LLC

IDWR CONCURRENCE:

For Arthur Fitch 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

04/05/2011

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

RIGHT NUMBER: 37-21349

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
56.70 APY

Right Nos. 37-20902, 37-21348 and 37-21349 are limited to the diversion of 2.01 cfs.

PRIORITY DATE: 10/28/1969

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:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	2.010 CFS 56.7 APY

PLACE OF USE:

IRRIGATION in BLAINE County

T02N R18E S10	NENE	24	T02N R18E S10	NWNE	3.9
T02N R18E S10	SWNE	37	T02N R18E S10	SENE	24
T02N R18E S10	NWSE	5.5	T02N R18E S11	NWNW	16
T02N R18E S11	SWNW	13			

123.4 ACRES TOTAL

This right and right no. 37-20902 are limited to the irrigation of 113.4 acres in a single irrigation season.

Water Right Nos. 37-20902, 37-21348 and 37-21349 are limited to the irrigation 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.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

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

NBS
CA