

12/6/10

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

JUN 17 2011

By \_\_\_\_\_  
Mark  
Ghrk

**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. 37-21811**  
**STANDARD FORM 5**  
**STIPULATED ELEMENTS OF A  
WATER RIGHT**

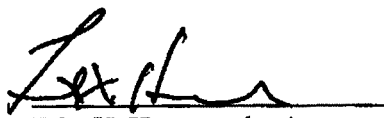
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

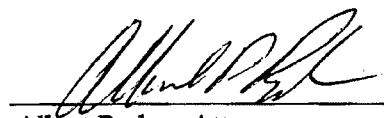
The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions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

**CLAIMANTS:**  
EMB-Hailey LP A California

**RESPONDENTS:**  
Concerned Water Users

  
\_\_\_\_\_  
Fritz X. Haemmerle, Attorney      Date 6/17/11

  
\_\_\_\_\_  
Albert Barker, Attorney      Date 6-7-11

**RESPONDENTS:**

Big Wood Canal Company

Craig Hobdey 6-8-11  
Craig Hobdey, Attorney Date

**OBJECTORS:**

EMB-Hailey LP A California

Fritz X. Haemmerle 6/11/11  
Fritz X. Haemmerle, Attorney Date

**IDWR Concurrence:**

Kelly K. Christensen 6-13-11  
IDWR Agent Date

Andrea Z. Courtney 6/15/11  
Deputy Attorney General, IDWR Date

**CERTIFICATE OF MAILING**

I certify that on June 16, 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:

BILL MOLYNEUX  
GERALD BASHAW  
GRACE EAKIN  
JOHN F STEVENSON  
PEPIN CORSO-HARRIS  
PETE VAN DER MEULEN  
TOM O GARA

Represented by:  
ALBERT P BARKER  
1010 W JEFFERSON, STE 102  
PO BOX 2139  
BOISE, ID 83701-2139

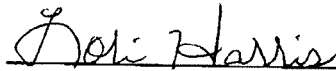
BIG WOOD CANAL COMPANY  
Represented by:  
CRAIG D. HOBDEY  
125 5TH AVE  
PO BOX 176  
GOODING, ID 83330

EMB-HAILEY LP A CALIFORNIA  
NORTHRIDGE II SUBDIVISION  
Represented by:  
HAEMMERLE, FRITZ X.  
PO BOX 1800  
HAILEY, ID 83333

EMB-HAILEY LP A CALIFORNIA

Represented by:  
JOHN E. ROBERTSON  
PO BOX 1906  
TWIN FALLS, ID 83303

DIRECTOR OF IDWR  
PO BOX 83720  
BOISE, ID 83720-0098



\_\_\_\_\_  
Signature of person or attorney mailing the form

05/24/2011

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

RIGHT NUMBER: 37-21811

NAME AND ADDRESS: EMB-HAILEY LP A CALIFORNIA LTD PTNR  
9530 PICO BLVD  
LOS ANGELES CA 90035

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER

QUANTITY: 0.767 CFS

The rights listed below, shall provide nor more than 3.5 afa per acre at the field headgate for irrigation of the lands in the place of use whenever sprinkler methods of irrigation are used. Combined Right Nos. 37-21811, 37-21813, 37-21815 and 37-21817.

*KRC*  
*APB*  
*ATL*  
*Exh*

PRIORITY DATE: 05/01/1888

POINT OF DIVERSION: T03N R18E S20 SWNW Within BLAINE County  
Water diverted from Headgate #22 delivered through Hiawatha Canal.

PURPOSE AND PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.767 CFS

PLACE OF USE:

<u>IRRIGATION in BLAINE County</u>					
T02N R18E S04 Lot 3 NENW	15.50	T02N R18E S04	SESW	18.30	
T02N R18E S04	NESW 32.00	T02N R18E S04	SESW	24.10	

89.9 ACRES TOTAL

Right Nos. 37-21811, 37-21813, 37-21815 and 37-21817 are limited to the irrigation of a combined total of 89.9 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

This right is a split from former right 37-21783 .

This right is a split from former right 37-183B.