

1437

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

JUN 22 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.: 37-4265
	)	
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.

CLAIMANTS / OBJECTORS:

James P. Speck 6-7-11 Date
Attorney for James B. Fleig, Richard N. Dick, Dolores Pritchard & Arnold Landau

OBJECTORS / RESPONDENTS:

Craig D. Hobdey 6-9-11 Date
Attorney for Big Wood Canal Company

Albert P. Barker 6-14-11 Date
Attorney for Tom O'Gara, John F. Stevenson, Bill Molyneux, Pete Van Der Meulen, Grace Eakin, Rocky Sherbine, Gerald Bashaw, and Pepin Corso-Harris

RESPONDENTS:

J. P. Speck 6-7-11
James P. Speck Date

Attorney for Barker Living Trust, Myer Berlow, Deborah Barr, Chaney Creek Ranch LLC, Eagle Creek Irrigation Co., ECD Inc., Michael S. Engl, Charles T. Foley, Gimlet Property Owners Assn., William B. Gordon, Gregory Ranch LLC, Lake Creek Meadows Homeowners, Elise G. Lufkin, Charles L. Matthiesen, The R. Daniel Olmstead Revocable Trust, Ralph W. Girton, Kandi L. Girton, River Rock Ranch LP, Rivers Edge Associates LLC, Steven D. Holzman Trust, The Gulch Trust, Michael E. Willard, and Roy R. Woods

IDWR CONCURRENCE:

Steve Clelland 6/6/11
Steve Clelland Date
Sr. Water Resource Agent

IDWR CONCURRENCE:

Nicholas B. Spencer 6-6-11
Nicholas B. Spencer Date
Deputy Attorney General
Attorney for IDWR

06/02/2011

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

RIGHT NUMBER: 37-4265

NAME AND ADDRESS: JAMES B FLEIG
PO BOX 4993
KETCHUM ID 83340

ARNOLD LANDAU
PO BOX 4993
KETCHUM ID 83340

DOLORES PRITCHARD
C/O JAMES B FLEIG
PO BOX 869
KETCHUM ID 83340-0869

RICHARD N DICK
C/O JAMES B FLEIG
PO BOX 869
KETCHUM ID 83340-0869

See
NBS
JPS

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 4.000 CFS
1.93 AFY

The aesthetic pond established under this right shall not exceed a total capacity of 1.93 acre-feet or a total surface area of 0.46 acres.

Rights 37-4265, 37-8535, 37-20441 and 37-21176 when combined shall not exceed a total diversion rate of 10.00 cfs.

~~Right Nos. 37-4150 and 37-4265 are limited to a total combined diversion rate of 4.0 cfs and to a total combined annual diversion volume of 1.93 AF.~~

PRIORITY DATE: 03/01/1939

POINT OF
DIVERSION:

T04N R18E S30 SENE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
RECREATION	01/01 12/31	4.000 CFS
RECREATION STORAGE	01/01 12/31	1.93 AFY

Use of water under this right shall be non-consumptive.

PLACE OF USE: RECREATION in BLAINE County

T04N R18E S29 NWSW T04N R18E S30 NESE

RECREATION STORAGE in BLAINE County

T04N R18E S29 NWSW T04N R18E S30 NESE

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.

Measuring devices acceptable to the Department shall be permanently maintained at the point of discharge to the Big Wood River or a hydraulically connected side channel of the Big Wood River.

06/02/2011

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

See NBS JPS
a/cf

CERTIFICATE OF SERVICE

I certify that on June 21, 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

James P. Speck
Speck & Aanestad
P.O. Box 987
Ketchum, ID 83340

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☐ Hand-Delivered
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Barker, Rosholt & Simpson LLP
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☐ Facsimile

John Harris
Signature of person or attorney mailing the form