

774

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JUN 27 2011	
By _____	 Clerk

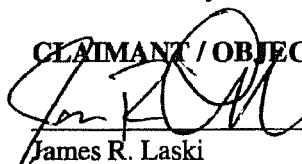
**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

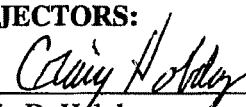
In Re SRBA Case No. 39576 _____	)))))))	Subcase No.: 37-4420 STANDARD FORM 5 STIPULATED ELEMENTS OF A WATER RIGHT
---	---------------------------------	---

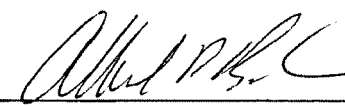
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary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

 James R. Laski
 Attorney for Peter Trust LP
 Date 6/17/2011

OBJECTORS:

 Craig D. Hobdey
 Attorney for Big Wood Canal Company
 Date 6-22-11


 Albert P. Barker
 Attorney for Tom O'Gara, John F. Stevenson, Bill Molyneux, Pete Van Der Meulen, Grace Eakin, Gerald Bashaw, and Pepin Corso-Harris
 Date 6-17-11

IDWR CONCURRENCE:

Kelly K. Christensen 6-15-11
Kelly K. Christensen Date
Sr. Water Resource Agent

IDWR CONCURRENCE:

Nicholas B. Spencer 6-15-11
Nicholas B. Spencer Date
Deputy Attorney General
Attorney for IDWR

04/25/2011

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

RIGHT NUMBER: 37-4420

NAME AND ADDRESS: PETER TRUST LP
PO BOX 642
SUN VALLEY ID 83353

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 3.200 CFS
3.10 APY

PRIORITY DATE: 08/09/1969

POINT OF
DIVERSION:

T02N R18E S5 NWSHE Within BLAINE County

Upon specific notification by the Department, the right holder shall install and maintain acceptable measuring devices at the authorized point of diversion, in accordance with Department specifications.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
AESTHETIC STORAGE	01/01 12/31	3.10 APY
DIVERSION TO STORAGE	04/15 10/31	3.200 CFS
RECREATION STORAGE	01/01 12/31	3.10 APY

PLACE OF USE: RECREATION STORAGE in BLAINE County

T02N R18E S05 NESE

AESTHETIC STORAGE in BLAINE County

T02N R18E S05 NESE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The pond established by the storage of water under the rights listed below shall not exceed a total capacity of 3.1 acre-feet. Combined right Nos.: 37-4420 and 37-8249

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 - Beneficial Use

Use of water under this water right will be regulated by the watermaster of State Water District No. 37.

CERTIFICATE OF SERVICE

I certify that on June 24, 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

James R. Laski
Lawson Laski Clark & Pogue PLLC
P.O. Box 3310
Ketchum, ID 83340

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Craig D. Hobdey
Hobdey & Hobdey
P.O. Box 176
Gooding, ID 83330

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Albert P. Barker
Barker, Rosholt & Simpson LLP
P.O. Box 2139
Boise, ID 83701-2139

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile



Signature of person or attorney mailing the form