

1562
DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

JUL 29 2011

By

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

Clerk
Deputy Clerk

In Re SRBA

Subcase No.: 37-7882

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.

CLAIMANT / RESPONDENT:

J. P. Speck 7-25-11
James P. Speck Date
Attorney for Roy R. Woods

OBJECTORS:

Craig D. Hobdey 7-25-11
Craig D. Hobdey Date
Attorney for Big Wood Canal Company

Albert P. Barker 7-28-11
Albert P. Barker 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 7-25-11
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, John D. Pierce, 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:

Caitlin Finkbeiner 7-22-11
Sr. Water Resource Agent Date

IDWR CONCURRENCE:

Andrea L. Courtney 7/21/11
Deputy Attorney General Date
Attorney for IDWR

07/20/2011

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

RIGHT NUMBER: 37-7882

NAME AND ADDRESS: ROY R WOODS
PO BOX 648
MONTEREY CA 93942

SOURCE: SPRING

TRIBUTARY: SINKS

QUANTITY: 0.050 CFS
15.80 AFY

PRIORITY DATE: 02/12/1981

POINT OF
DIVERSION:

T05N R17E S15 NESESE SENE Within BLAINE County

Return flow is discharged into the Big Wood River system in T05N, R17E, S15, NESE.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	05/15 10/31	0.030 CFS 3.00 AFY
WILDLIFE	05/15 10/31	0.030 CFS 12.80 AFY
AESTHETIC	05/15 10/31	0.030 CFS 12.80 AFY

The use of water for irrigation under this right may begin as early as May 1, provided other elements of the right are not exceeded. The use of water before May 15 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 in BLAINE County

T05N R17E S15 SENE 0.50 T05N R17E S15 NESE 0.50

WILDLIFE same as IRRIGATION

AESTHETIC same as IRRIGATION

1 ACRES TOTAL

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 - License

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

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

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

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

A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works. *AK*

Return flow shall meet Idaho Water Quality Standards.

Right No. 37-7493 is also diverted through point of diversion described above.

AK

JB

CA

CERTIFICATE OF SERVICE

I certify that on July 28, 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

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Speck & Aanestad
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☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

John Harris
Signature of person or attorney mailing the form