

1129

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho
AUG 19 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**

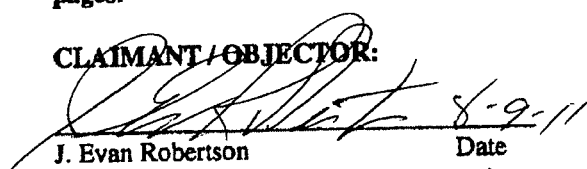
In Re SRBA Case No. 39576	)))))))	Subcase No.: 37-2571 (SPLIT INTO 37-22546 & 37-22547) STANDARD FORM 5 STIPULATED ELEMENTS OF A WATER RIGHT
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This form is used to report the stipulated elements of one water right acquired under state law and/or one 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.

To resolve the objection, the whole of water right 37-2571 was split into two water rights and renumbered as 37-22546 and 37-22547. The parties and IDWR agree and stipulate that water right 37-2571 should be disallowed. Water rights 37-22546 and 37-22547 now supersede right 37-2571. The parties and IDWR have further indicated their concurrence to these renumbered water rights by signing below and initialing the attached pages.

CLAIMANT / OBJECTOR:



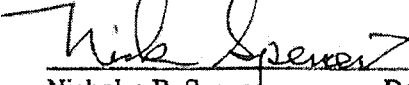
 J. Evan Robertson Date

Attorney for Eccles Window Rock Ranch

IDWR CONCURRENCE:

 8/1/11
Date
Douglas Jones
Technical Engineer 1

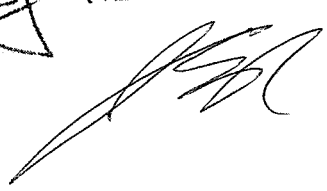
IDWR CONCURRENCE:

 8-1-11
Date
Nicholas B. Spencer
Deputy Attorney General
Attorney for IDWR

04/13/2011

IDAHO DEPARTMENT OF WATER RESOURCES
CLAIMS / RIGHTS NOT RECOMMENDED

<u>W.R. NUMBER</u>	<u>NAME AND ADDRESS</u>	<u>CLAIM DISPOSITION</u>	<u>REASON</u>
37-2571	ECCLES WINDOW ROCK RANCH LLC PO BOX 3028 SALT LAKE CITY UT 84110	Disallowed	Recommended as 37-22546 & 37-22547

TJ NBS


02/01/2011

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

RIGHT NUMBER: 37-22546

NAME AND ADDRESS: ECCLES WINDOW ROCK RANCH LLC
PO BOX 3028
SALT LAKE CITY UT 84110

SOURCE: GROUND WATER

TRIBUTARY:

TX NBS *[Signature]*

QUANTITY: 1.200 CFS
105.00 AFY

Right Nos. 37-22546 and 37-22547 are limited to a total combined diversion rate of 2.4 cfs and to a total combined annual diversion volume of 227.5 AF.

PRIORITY DATE: 04/15/1922

POINT OF
DIVERSION:

T01N R18E S1 NWSNW Within BLAINE County
T01N R18E S1 SENSW 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	1.200 CFS 105.00 AFY

PLACE OF USE: IRRIGATION in BLAINE County

T01N R18E S01	SWNW	23.00	T01N R18E S01	NWSW	32.00
T01N R18E S01	SESW	10.00			

65 ACRES TOTAL

This right is limited to the irrigation of 30 acres within the place of use described above in a single irrigation season.

Right Nos. 37-22546 and 37-22547 are limited to the irrigation of a combined total of 65 acres in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 65 acres in a single irrigation season. Combined Right Nos.: 37-577A, 37-158A, 37-22546, 37-22547.

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 ~ Beneficial Use

This right is a split from former right 37-2571.

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

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

02/01/2011

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

RIGHT NUMBER: 37-22547
NAME AND ADDRESS: ECCLES WINDOW ROCK RANCH LLC
PO BOX 3028
SALT LAKE CITY UT 84110

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.400 CFS
122.50 AFY

Right Nos. 37-22546 and 37-22547 are limited to a total combined diversion rate of 2.4 cfs and to a total combined annual diversion volume of 227.5 AF.

PRIORITY DATE: 06/15/1955

POINT OF
DIVERSION:

T01N R18E S1 NWSWN Within BLAINE County
T01N R18E S1 SENSW 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	1.400 CFS 122.50 AFY

PLACE OF USE: IRRIGATION in BLAINE County

T01N R18E S01	SWNW	23.00	T01N R18E S01	NWSW	32.00
T01N R18E S01	SWSW	10.00			

65 ACRES TOTAL

This right is limited to the irrigation of 35 acres within the place of use described above in a single irrigation season.

Right Nos. 37-22546 and 37-22547 are limited to the irrigation of a combined total of 65 acres in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 65 acres in a single irrigation season. Combined Right Nos.: 37-577A, 37-158A, 37-22546, 37-22547.

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 point of diversion pursuant to Section 42-1425, Idaho Code.

This right is a split from former right 37-2571.

CERTIFICATE OF SERVICE

I certify that on August 18, 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

J. Evan Robertson
P.O. Box 1906
Twin Falls, ID 83303-1906

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


Signature of person or attorney mailing the form

02/01/2011

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

RIGHT NUMBER: 37-22547

NAME AND ADDRESS: ECCLES WINDOW ROCK RANCH LLC
PO BOX 3028
SALT LAKE CITY UT 84110

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.400 CFS
122.50 AFY

Right Nos. 37-22546 and 37-22547 are limited to a total combined diversion rate of 2.4 cfs and to a total combined annual diversion volume of 227.5 AF.

PRIORITY DATE: 06/15/1955

POINT OF
DIVERSION:

T01N R18E S1 NWSWN Within BLAINE County
T01N R18E S1 SENWSW 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	1.400 CFS 122.50 AFY

PLACE OF USE: IRRIGATION in BLAINE County

T01N R18E S01	SWNW	23.00	T01N R18E S01	NWSW	32.00
T01N R18E S01	SWSW	10.00			

65 ACRES TOTAL

This right is limited to the irrigation of 35 acres within the place of use described above in a single irrigation season.

Right Nos. 37-22546 and 37-22547 are limited to the irrigation of a combined total of 65 acres in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 65 acres in a single irrigation season. Combined Right Nos.: 37-577A, 37-158A, 37-22546, 37-22547.

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

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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 point of diversion pursuant to Section 42-1425, Idaho Code.

This right is a split from former right 37-2571 .

01/31/2011

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-22547

NAME AND ADDRESS: ECCLES WINDOW ROCK RANCH LLC
PO BOX 3028
SALT LAKE CITY UT 84110

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.400 CFS
122.500 AFY

Right Nos. 37-22546 and 37-22547 are limited to a total combined diversion rate of 2.4 cfs and to a total combined annual diversion volume of 227.5 AF.

PRIORITY DATE: 06/15/1955

POINT OF DIVERSION:

T01N R18E S1 NWSNW Within BLAINE County

T01N R18E S1 SENWSW 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	1.400 CFS 122.50 AFY

PLACE OF USE: IRRIGATION in BLAINE County

T01N R18E S01	SWNW	23.00	T01N R18E S01	NWSW	32.00
T01N R18E S01	SWSW	10.00			

65 ACRES TOTAL

This right is limited to the irrigation of 35 acres within the place of use described above in a single irrigation season.

Right Nos. 37-22546 and 37-22547 are limited to the irrigation of a combined total of 65 acres in a single irrigation season.

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