

1040

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

AUG 22 2011

By _____

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

In Re SRBA)
Case No. 39576)
)
)
)
)
)

Subcase No. 47-17417

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.

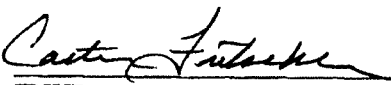
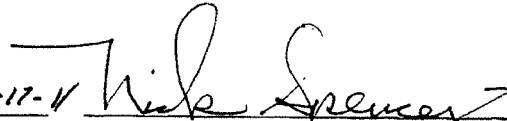
CLAIMANT/OBJECTOR:
Aslett Ranches Partnership

Andrew Waldera 8/3/11
Andrew Waldera, Attorney Date

OBJECTOR:
United States of America
Bureau of Land Management

David Negri 8/11/11
David Negri, Attorney Date

IDWR Concurrence:

	
<u>IDWR Agent</u>	<u>Nicholas Spencer</u>
<u>8-17-11</u>	<u>8-18-11</u>
Date	Date
	Deputy Attorney General

CERTIFICATE OF MAILING

I certify that on August 19, 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:

ASLETT RANCHES PARTNERSHIP
Represented by:
ANDREW J WALDERA
101 S CAPITOL BLVD 10TH FLOOR
PO BOX 829
BOISE, ID 83701-0829

ASLETT RANCHES PARTNERSHIP
Represented by:
SCOTT L CAMPBELL
101 S CAPITOL BLVD 10TH FLOOR
PO BOX 829
BOISE, ID 83701-0829

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

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



Signature of person or attorney mailing the form

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

RIGHT NUMBER: 47-17417

NAME AND ADDRESS:

ASLETT RANCHES PARTNERSHIP
PO BOX B
TWIN FALLS ID 83303-0015

SOURCE:

Source:

HOUSE CREEK
LITTLE HOUSE CREEK
SPRINGS
UNNAMED STREAM

Tributary:

CEDAR CREEK
HOUSE CREEK
HOUSE CREEK
HOUSE CREEK

QUANTITY:

5.190 CFS

PRIORITY DATE:

12/31/1950

POINT OF DIVERSION:

Within TWIN FALLS County

T15S R12E S11 ~~SWNESE~~

T15S R12E S12 NESW

T15S R12E S12 NWSWSE

T15S R12E S12 ~~SESWSE~~

T15S R12E S13 ~~NENENW~~

T15S R13E S18 Lot 1 ~~SWNWNW~~

T15S R13E S18 ~~SWSENW~~

T15S R13E S18 ~~SWSENW~~

T15S R13E S18 ~~NWNWSE~~

T15S R13E S18 ~~SENWSE~~

T15S R13E S19 ~~NENENW~~

2 points of diversion located in T15S, R13E, S18, SENW and in NWSE.
2 points of diversion located in T15S, R12E, S12, SWSE.

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION

04/01 10/31

5.190 CFS

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

PLACE OF USE: IRRIGATION within TWIN FALLS County

T15S R12E S01 NESW 7.9 ~~0.0~~

T15S R12E S01 NWSW 2.8

T15S R12E S01 SWSW 20.0 ~~19.0~~

T15S R12E S01 SESW 19.0

~~T15S R12E S02 SWSE 0.0~~

T15S R12E S02 SESE 18.0

T15S R12E S11 NENE 25.0

T15S R12E S11 SENE 38.0

T15S R12E S11 NESE 31.0

T15S R12E S12 SWNE 12.0

T15S R12E S12 NENW 32.0

T15S R12E S12 NWNW 38.0

T15S R12E S12 SWNW 40.0

T15S R12E S12 SENW 40.0

T15S R12E S12 NESW 40.0

T15S R12E S12 NWSW 38.0

T15S R12E S12 SESW 31.0 ~~30.0~~

T15S R12E S12 NESE 1.8 ~~1.9~~

T15S R12E S12 NWSE 36.0

T15S R12E S12 SWSE 37.0 ~~36.0~~

T15S R12E S12 SESE 21.0 ~~22.0~~

T15S R12E S13 NENE 20.0

T15S R12E S13 NWNE 11.0 ~~2.1~~

T15S R12E S13 NENW 6.7 ~~5.0~~

T15S R13E S18 SWNE 3.1 ~~3.3~~

T15S R13E S18 Lot 1 NWNW 15.0 ~~16.0~~

T15S R13E S18 Lot 2 SWNW 17.0

T15S R13E S18 SENW 13.0 ~~11.0~~

T15S R13E S18 NESW 14.0 ~~13.0~~

T15S R13E S18 SESW 8.8 ~~0.9~~

T15S R13E S18 NWSE 4.1 ~~4.4~~

641.2 ~~628.2~~ ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 641.2 ~~628.2~~ acres in single irrigation season. Combined Right Nos.: 47-26, 47-30, 47-40, 47-41, 47-11491, and 47-17417.

This right is limited to the irrigation of 259.5 ~~295.3~~ acres within the place of use described above in a single irrigation season.

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

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

Source for the point of diversion in Twp 15S, Rng 13E, Sec 18, SENWSE is also known as Steele Spring Creek.
Source for the point of diversion in Twp 15S, Rng 13E, Sec 18, NWNWSE is also known as Steele Spring Creek.

CF
NBS