

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

OCT 12 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.: 37-1224A

Case No. 39576

STANDARD FORM 5

STIPULATED ELEMENTS OF A
WATER RIGHT

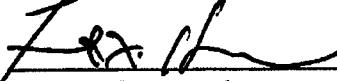
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary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

Walter J. and Marianne Hofstetter

 10/7/11
Fritz X. Haemmerle Date

Attorney for Walter J. and Marianne Hofstetter

IDWR CONCURRENCE:

 10/6/11
Steve Clelland Date
Sr. Water Resource Agent

IDWR CONCURRENCE:

 10-6-11
Nicholas B. Spencer Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 37-1224A

NAME AND ADDRESS: MARIANNE HOPSTETTER
19185 HWY 20
PICABO ID 83348
WALTER J HOPSTETTER
19185 HWY 20
PICABO ID 83348

SOURCE: SILVER CREEK Tributary: LITTLE WOOD RIVER
Water for this right resulted from developed water in Silver Creek.

QUANTITY: 0.651 CFS 0.673 CFS

This right when combined with all other rights listed herein shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands in the place of use whenever sprinkler methods of irrigation are used.

~~This right when combined with all other rights shall provide no more than .82 cfs per acre.~~

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 03/29/1877 12/28/1932

Pursuant to a call in times of scarcity, this right is senior to all other rights that did not result from saved or developed water in Silver Creek, as established, controlled by, and subject to the provisions included within Re the Brett et al. v. S.R. Chapman, Watermaster Decree (Lincoln County Case No. 2816, entered December 28, 1932).

POINT OF DIVERSION: Within BLAINE County

T018 R20E S36 NENESW
T028 R20E S1 NESWNE

PURPOSE AND PERIOD OF USE: Purpose of use Period of use: Quantity:
IRRIGATION 04/15 10/31 0.651 CFS

~~0.673 CFS~~

STOCKWATER 04/15 10/31 0.020 CFS

PLACE OF USE: IRRIGATION within BLAINE County

T028 R20E S01 Lot 1 NENE 12.0
T028 R20E S01 Lot 2 NWNE 13.0
T028 R20E S01 SWNE 11.0
T028 R20E S01 SENE 1.8
T028 R20E S01 Lot 3 NENW 0.2

STOCKWATER within BLAINE County

T028 R20E S01 Lot 1 NENE

T028 R20E S01 Lot 2 NWNE

T028 R20E S01 SWNE

T028 R20E S01 SENE

T028 R20E S01 Lot 3 NENW

38 ACRES TOTAL

Right Nos. 37-88A, 37-89A, 37-90D and 37-1224A are limited to the irrigation of a combined total of 38 acres 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:

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

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.

NBS

See
(F&A)

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

This right is a split from former right 37-1224.

CERTIFICATE OF SERVICE

I certify that on October 12, 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

Fritz X. Haemmerle
Haemmerle & Haemmerle
P.O. Box 1800
Hailey, ID 83333

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


Signature of person or attorney mailing the form