

NOV 14 2011

By _____

**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.: 37-463A

**AMENDED
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:

Smokey Dome L.L.C.

J. P. Speck 7-9-11
James P. Speck Date
Attorney for Smokey Dome L.L.C.

IDWR CONCURRENCE:

Steve Clelland 9/9/11
Steve Clelland Date
Sr. Water Resource Agent

IDWR CONCURRENCE:

C. M. Bromley 11/10/11
Christopher M. Bromley Date
Deputy Attorney General
Attorney for IDWR

09/08/2011

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

RIGHT NUMBER: 37-463A

NAME AND ADDRESS: SMOKEY DOME LLC
C/O GREGORY VIK
PO BOX 1607
BELLEVUE WA 98009

SOURCE: EAST FORK CORRAL CREEK
Point of injection into and point of rediversion from Lansing Creek.

TRIBUTARY: CORRAL CREEK

QUANTITY: 1.100 CFS

PRIORITY DATE: 06/01/1885

POINT OF
DIVERSION:

T01N R13E S20 NENESE Within CAMAS County
T01N R13E S21 NWSESW Injection Within CAMAS County
T01N R13E S28 NWNWNW Rediversion Within CAMAS County
T01N R13E S29 SENENE Rediversion Within CAMAS County
T01N R13E S32 NWNENE Rediversion Within CAMAS County
T01N R13E S32 NENESE Rediversion Within CAMAS County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/15 10/31	1.100 CFS

PLACE OF USE:

IRRIGATION in CAMAS County

T01N R13E S28	SWSW	4.40	T01N R13E S29	SESE	4.00
T01N R13E S32	NENE	40.00	T01N R13E S32	SENE	40.00
T01N R13E S32	NESE	40.00	T01N R13E S32	SESE	40.00
T01N R13E S33	NWNW	30.00	T01N R13E S33	SWNW	40.00

238.4 ACRES TOTAL

This right is limited to the irrigation of 47 acres within the place of use described above in a single irrigation season.

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.

This water right shall be administered as being from a separate source pursuant to Basin 37 Part 2 General Provision No. 1.A or 1.B. If the holder of this right seeks to change the right pursuant to Idaho Code Sec. 42-222 or successor statute, nothing in this general provision shall preclude any other person or entity from demonstrating that such a change in use would cause injury to its water right or from receiving any relief provided by law in the event of injury.

Basin 37 General Provision No. 1.A or 1.B, the separate streams general provision, shall only apply to water rights that are partially decreed in the Snake River Basin Adjudication.

09/08/2011

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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

The following rights are diverted through point(s) of diversion described above: 37-463A, 37-13261A, 37-13267A, 37-13268A, 37-13269A & 37-728A.

See
CB

CERTIFICATE OF SERVICE

I certify that on November 10, 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

James P. Speck
Speck & Aanestad
P.O. Box 987
Ketchum, ID 83340

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

For Harris

Signature of person or attorney mailing the form