

NOV 14 2011

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.: 37-13270A
(Uncontested Overlap)
)
) 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.

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

IDWR CONCURRENCE:

 11/7/14
Steve Clelland Date
Sr. Water Resource Agent

IDWR CONCURRENCE:

 11/7/11
Christopher M. Bromley Date
Deputy Attorney General
Attorney for IDWR

10/18/2011

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

RIGHT NUMBER: 37-13270A

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

SOURCE: CORRAL CREEK
EAST FORK CORRAL CREEK
WEST FORK CORRAL CREEK
TRIBUTARY: CAMAS CREEK
TRIBUTARY: CORRAL CREEK
TRIBUTARY: CORRAL CREEK

Point of injection into and point of redirection from Lansing Creek.

QUANTITY: 5.480 CFS

Rights 37-35A, 37-454A, 37-463C, 37-728A, 37-2139A, 37-2736, 37-13261A, 37-13267A, 37-13268A, 37-13269A, and 37-13271A when combined shall not exceed the total annual maximum diversion volume of 3,196.9 af at the field headgate nor the irrigation of 913.4 acres.

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

Rights 37-35A, 37-454A, 37-463A, 37-463C, 37-728A, 37-2139A, 37-2736A, 37-13261A, 37-13267A, 37-13268A, 37-13269A, 37-13270A and 37-13271A when combined shall not exceed a total diversion rate of 23 cfs and a total annual maximum diversion volume of 4,031.3 af at the field headgate.

PRIORITY DATE: 05/26/1966

POINT OF
DIVERSION:

T01N R13E S17 SWSWSW Within CAMAS County
T01N R13E S18 SESESE Within CAMAS County
T01N R13E S20 NENESE Within CAMAS County
T01N R13E S21 SWNNW Within CAMAS County
T01N R13E S21 NWSWSW Injection Within CAMAS County
T01N R13E S28 NWNWNW Rediversion Within CAMAS County
T01N R13E S29 SENENE Rediversion Within CAMAS County
T01N R13E S29 SENE Rediversion Within CAMAS County
T01N R13E S29 SESENW Within CAMAS County
T01N R13E S32 NWNENE Rediversion Within CAMAS County
T01N R13E S32 NENENW Within CAMAS County

*See
GPS*

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/15 10/31	5.480 CFS

PLACE OF USE:

IRRIGATION in CAMAS County					
T01N R13E S20	SWNE	2.30	T01N R13E S20	NENW	12.00
T01N R13E S20	NWNW	14.00	T01N R13E S20	SENW	30.00
T01N R13E S20	NESW	17.00	T01N R13E S20	SESW	3.50
T01N R13E S20	NENE	30.00	T01N R13E S20	NWSE	35.00
T01N R13E S20	SWSE	34.00	T01N R13E S20	SESE	40.00
T01N R13E S21	SWNW	12.00	T01N R13E S21	SENW	6.60

10/18/2011

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

T01N R13E S21	NESW	14.00	T01N R13E S21	NWSW	20.00
T01N R13E S21	SWSW	39.00	T01N R13E S21	SESW	4.80
T01N R13E S28	NENW	12.00	T01N R13E S28	NWNW	19.00
T01N R13E S29	NENE	39.00	T01N R13E S29	NWNE	39.00
T01N R13E S29	SWNE	40.00	T01N R13E S29	SENE	20.00
T01N R13E S29	NENW	0.70	T01N R13E S29	SENW	25.00
T01N R13E S29	NESW	40.00	T01N R13E S29	NWSW	4.10
T01N R13E S29	SWSW	27.00	T01N R13E S29	SESW	40.00
T01N R13E S29	NENE	21.00	T01N R13E S29	NWSE	40.00
T01N R13E S29	SWSE	40.00	T01N R13E S29	SESE	9.80
T01N R13E S31	NENE	2.50	T01N R13E S31	SENE	7.10
T01N R13E S32	NWNE	34.00	T01N R13E S32	NENW	40.00
T01N R13E S32	NWNW	38.00	T01N R13E S32	SWNW	40.00
T01N R13E S32	SBNW	21.00			

913.4 ACRES TOTAL

This right is limited to the irrigation of 519.6 acres within the authorized place of use 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 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 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 Part 2 General Provision 1.A or 1.B. the separate streams general provision shall only apply to water rights decreed in the Snake River Basin Adjudication.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

This right is a split from former right 37-2736.

SCW
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

Doni Darr

Signature of person or attorney mailing the form