

DEC 27 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	)	Subcase No. 75-00021
	)	
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.

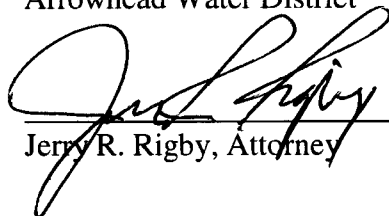
CLAIMANT/RESPONDENT/

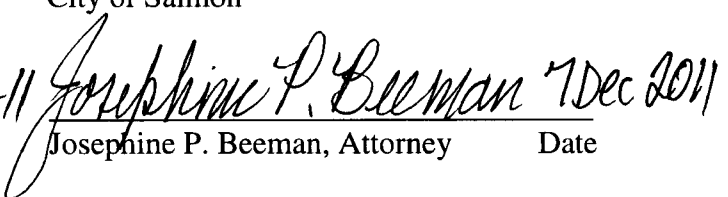
OBJECTOR:

Arrowhead Water District

OBJECTOR:

City of Salmon


Jerry R. Rigby, Attorney

12-8-11 
Date Josephine P. Beeman, Attorney Date

IDWR Concurrence:

Monica Van Bussum 12/5/2011

Monica Van Bussum
Senior Water Resource Agent

Garrick L. Baxter 12/5/2012

Garrick L. Baxter
Deputy Attorney General
Attorney for IDWR

CERTIFICATE OF MAILING

I certify that on December 23, 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:

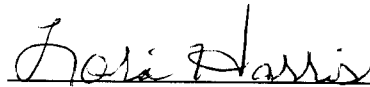
CLERK OF THE DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
253 THIRD AVENUE NORTH
P.O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

Copies to:

ARROWHEAD WATER DISTRICT
Represented by:
JERRY R. RIGBY
25 N 2ND E
PO BOX 250
REXBURG, ID 83440-0250

CITY OF SALMON
Represented by:
JOSEPHINE P BEEMAN
409 W JEFFERSON ST
BOISE, ID 83702

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



Signature of person or attorney mailing form

10/19/2011

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

RIGHT NUMBER: 75-21
NAME AND ADDRESS: ARROWHEAD WATER DISTRICT
C/O GARY LEUZINGER
23 OLIVER DR
SALMON ID 83467
SOURCE: CHIPPS CREEK TRIBUTARY: POLLARD CANYON CREEK
QUANTITY: 0.090 CFS
38.00 AFY

JPB JB
MLB
JR

When water is not available pursuant to water right no. 75-21, the watermaster must record the total volume of water diverted under water right no. 75-19G. When a total of 11.2 acre feet has been diverted under water right no. 75-19G in a single year, no additional water may be diverted under water right no. 75-19G for the remainder of the year.

The total flow available for diversion in Water District 75A is the sum of all water being diverted above the Farmer's Ditch, water being diverted into the Farmer's Ditch, and the quantity of water spilling and seeping past the Farmer's Ditch diversion. The Farmer's Ditch diversion is located in T21N, R21E, S1, SWNW.

PRIORITY DATE: 05/01/1883

POINT OF
DIVERSION:

T21N R21E S11 SWNW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
DOMESTIC	01/01 12/31	0.090 CFS 38.00 AFY
Domestic use is for 10 homes and not more than one-half acre associated with each completed home may be irrigated.		

PLACE OF USE:

DOMESTIC in LEMHI County

T21N R21E S01	NWSW	T21N R21E S02	NESE
T21N R21E S02	SWSE	T21N R21E S02	SESE

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.

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

This water right is subject to a private agreement among the City of Salmon, Myrtle, Dale and Laura Edwards and Arrowhead Water District, and recorded in the Lemhi County Recorder's office on December 1, 2011 as instrument no. 288296.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

~~A totalizing measuring device and lockable controlling works of a type approved by the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 75A.~~