

347

DISTRICT COURT
Fifth Judicial District
County of Twin Falls - State of Idaho
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. 75-14465
	)	
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.

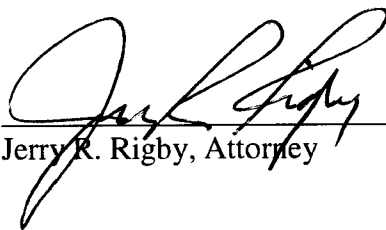
CLAIMANT/RESPONDENT/

OBJECTOR:

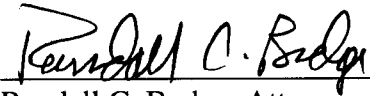
Arrowhead Water District

OBJECTOR:

Dale Edwards, Laura Edwards &
Myrtle Edwards


Jerry R. Rigby, Attorney

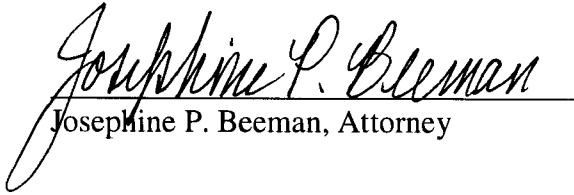
12-8-11
Date


Randall C. Budge, Attorney

12/9/11
Date

OBJECTOR:

City of Salmon

 7 Dec 2011
Josephine P. Beeman, Attorney Date

IDWR Concurrence:

 12/5/2011
Monica Van Bussum Date
Senior Water Resource Agent

 12/5/2011
Garrick L. Baxter Date
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

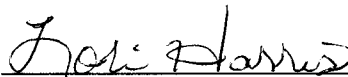
Copies to:

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

DALE EDWARDS
LAURA EDWARDS
MYRTLE EDWARDS
Represented by:
RANDALL C BUDGE
201 E CENTER, STE A2
PO BOX 1391
POCATELLO, ID 83204-1391

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



Signature of person or attorney mailing form

12/5/2011

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

RIGHT NUMBER: 75-14465

NAME AND ADDRESS: ARROWHEAD WATER DISTRICT
C/O GARY LEUZINGER
23 OLIVER DR
SALMON ID 83467

SOURCE: CHIPPS CREEK

TRIBUTARY: POLLARD CANYON CREEK

QUANTITY: 6.110 CFS
40.00 AFY

Right Nos. 75-5, 75-22 and 75-14465 are limited to a total combined diversion rate of 6.11 cfs.

This right when combined with 75-5, 75-22 and all current and future rights split from 75-5 and 75-22, other rights ~~from the same point(s) of diversion~~ is limited to a total combined diversion rate of 7.00 cfs.

The capacity of the storage reservoir is 40 af. The reservoir may be filled up to the total diversion volume in a single year.

No water diversions from the reservoir will occur during the period of time each year the reservoir is being filled. Once the reservoir under Right No. 75-14465 is filled each year, no more than 0.75 cfs will be diverted from Chipps Creek under Right No. 75-22 whenever there is sufficient flow available to satisfy any part of Right No. 75-2, and the rightholder of 75-22 can satisfy its irrigation requirements with diversions from Pollard Canyon Creek under Right No. 75-5. Once the reservoir under Right No. 75-14465 is filled and Right No. 75-2 is no longer in priority, Right No. 75-22 may be exercised to the extent it is in priority.

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: 05/01/1985

This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.

POINT OF
DIVERSION:

T21N R21E S11 SWNW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
DIVERSION TO STORAGE	04/01 10/31	6.110 CFS 40.00 AFY
IRRIGATION STORAGE	01/01 12/31	40.00 AFY
IRRIGATION FROM STORAGE	04/01 10/31	40.00 AFY

12/5/2011

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

JPB AB
MFB

PLACE OF USE: IRRIGATION FROM STORAGE in LEMHI County

T21N R21E S01	NESW	20.60	T21N R21E S01	NWSW	38.00
T21N R21E S01	SWSW	41.00	T21N R21E S01	SESW	12.00
T21N R21E S01	NESE	37.00	T21N R21E S01	NWSE	40.00
T21N R21E S01	SWSE	19.70	T21N R21E S01	SESE	18.00
T21N R21E S02	NESE	11.00	T21N R21E S02	SWSE	9.80
T21N R21E S02	SESE	40.00			

JLL
PUB

287.1 ACRES TOTAL

Right Nos. 75-5, 75-22 and 75-14465 are limited to the irrigation of a combined total of 287.1 acres in a single irrigation season.

The reservoir is located in Township 21 North, Range 21 East, Section 2, SWSE.

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 right is based upon an enlargement of Right Nos. 75-5 and 75-22 pursuant to Section 42-1426, 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.

Arrowhead Reservoir, recommended as Right No. 75-14465, may only be filled as authorized by Water Right No. 75-14465.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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.

This right is for an enlargement in nature of use to include storage.

The following rights are diverted through point(s) of diversion described above: 75-5, 75-19G, 75-21, 75-22, 75-10777, 75-10778, 75-10779, 75-10780 and 75-14465.