



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

January 5, 2012

Clerk of the District Court
Snake River Basin Adjudication
P.O. Box 2720
Twin Falls, ID 83303-2707
VIA FACSMILE: 208-736-2121

RE: Standard Form 5s for water rights 37-2418 and 37-22663

Dear Clerk:

Enclosed for filing are Standard Form 5s (SF5s) for water rights 37-2418 and 37-22663, claimed by Lake Creek Meadows Homeowners Assn., Inc. Because the recommendations included in the SF5s for these subcases may be difficult to read due to several electronic scannings, IDWR is also enclosing cleaner copies of the updated recommendations of the rights for the Court's convenience. A hard copy of this package will be mailed to the Court today.

The Lake Creek Meadows subcases are set for trial on January 9. If you could please alert Special Master Bilyeu that these SF5s have been filed, it would be greatly appreciated. And please feel free to contact me at 208-287-4816 should you have any further questions. Thank you!

Sincerely,

A handwritten signature in cursive script, appearing to read "Vicki Kelly".

Vicki Kelly,
Paralegal

Enc.

cc: James Speck
Craig Hobdey
Al Barker
David Negri

12/21/2011

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

RIGHT NUMBER: 37-2418
NAME AND ADDRESS: LAKE CREEK MEADOWS HOMEOWNERS ASSN INC
PO BOX 3144
KETCHUM ID 83340
SOURCE: LAKE CREEK TRIBUTARY: BIG WOOD RIVER
QUANTITY: 0.470 CFS

Right Nos. ~~37-2177~~ 37-22663 and 37-2418 are limited to a total combined annual diversion volume of ~~169.3~~ 180.0 AF.

Pursuant to a call in times of scarcity, water may continue to be diverted from Lake Creek under water right nos. 37-2418 and 37-22663 provided that the average daily outflow from the pond located in T05N, R17E, S36, NWNE is not less than the sum of (a) 25% of the total quantity of water diverted under right no. 37-22663, and (b) the total quantity of water diverted under right no. 37-2418 less 0.16 cfs.

PRIORITY DATE: 10/16/1923

POINT OF
DIVERSION:

T05N R17E S25 NESESE Within BLAINE County
T05N R17E S25 SWESESE Within BLAINE County
T05N R17E S25 SESESE Within BLAINE County
T05N R17E S36 NWNENE Within BLAINE County
T05N R17E S36 NENWNE Within BLAINE County
T05N R18E S20 NWNENW Within BLAINE County
T05N R18E S20 SWNWSW Within BLAINE County
T05N R18E S25 SESESE Within BLAINE County
T05N R18E S30 NWSWSW Within BLAINE County
T05N R18E S30 NWSWSW Injection Within BLAINE County
T05N R18E S36 NWNENE Within BLAINE County
T05N R18E S36 NENWNE Within BLAINE County
T05N R18E S36 NWNENW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
AESTHETIC	01/01 12/31	0.470 CFS

Aesthetic use is for six (6) ponds totaling approximately 2.4 acres surface area and approximately 19.4 acre feet volume.

PLACE OF USE: AESTHETIC in BLAINE County

~~T05N R17E S25~~	~~SWSE~~	T05N R17E S25	SESE
T05N R17E S36	NENE	T05N R17E S36	NWNE
T05N R18E S30	SWSW		

Place of use does not include federal public lands.

A portion of the Lake Creek Meadows Subdivision is also known as Homestead Entry Survey No. 328.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

The Department of Water Resources retains jurisdiction over these water rights, and the uses approved by this transfer, to require a determination of losses in the delivery and pond systems by a method approved by the director of water resources. Losses over and above losses that were incurred prior to this transfer, if they exceed 0.16 cfs, shall be replaced by mitigation water released to the Big Wood River. This mitigation water shall be in the form of an additional consumptive use right purchased by the owner of the property.

CH

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. 37.

Use of water under this transfer shall comply with Idaho water quality standards, both in effluent quality and in temperature.

The watermaster must be given right-of-way to the location of the points of diversion and place of use.

The right holder shall install and maintain a totalizing meter at the outflow of the pond located in T05N, R17E, S36, NWNE in accordance with Department specifications.

12/21/2011

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

RIGHT NUMBER: 37-22663
NAME AND ADDRESS: LAKE CREEK MEADOWS HOMEOWNERS ASSN INC
PO BOX 3144
KETCHUM ID 83340
SOURCE: LAKE CREEK
TRIBUTARY: BIG WOOD RIVER
QUANTITY: 1.100 CFS

Right Nos. 37-22663 and 37-2418 are limited to a total combined annual diversion volume of 180.0 AF.

Pursuant to a call in times of scarcity, water may continue to be diverted from Lake Creek under water right nos. 37-2418 and 37-22663 provided that the average daily outflow from the pond located in T05N, R17E, S36, NWNE is not less than the sum of (a) 25% of the total quantity of water diverted under right no. 37-22663, and (b) the total quantity of water diverted under right no. 37-2418 less 0.16 cfs.

JPS
NBS

PRIORITY DATE: 05/01/1892

POINT OF
DIVERSION:

T05N R17E S25 NSESESE Within BLAINE County
T05N R17E S25 SWSSESE Within BLAINE County
T05N R17E S25 SESESESE Within BLAINE County
T05N R17E S36 NWNENE Within BLAINE County
T05N R17E S36 MENWNE Within BLAINE County
T05N R18E S20 NWNENW Within BLAINE County
~~T05N R18E S20 SWNWSW Injection Within BLAINE County~~
~~T05N R18E S20 SWNWSW Rediversion Within BLAINE County~~
T05N R18E S30 NWSWSW Within BLAINE County
T05N R18E S30 NWSWSW Injection Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	05/01 10/31	1.100 CFS

PLACE OF USE:

A portion of the Lake Creek Meadows Subdivision is also known as Homestead Entry Survey No. 328.

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

Place of use does not include federal public lands.

Place of use is within the area served by Lake Creek Meadows Homeowners Association, Inc., and is limited to the irrigation of 55 acres within 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

The Department of Water Resources retains jurisdiction over these water rights, and the uses approved by this transfer, to require a determination of losses in the delivery and pond systems by a method approved by the director of water resources. Losses over and above losses that were incurred prior to this transfer, if they exceed 0.16 cfs, shall be replaced by mitigation water released to the Big Wood River. This mitigation water shall be in the form of an additional consumptive use right purchased by the owner of the property.

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. 37.

Use of water under this transfer shall comply with Idaho water quality standards, both in effluent quality and in temperature.

The right holder shall install and maintain a totalizing meter at the outflow of the pond located in T05N, R17E, S36, NWNE in accordance with Department specifications.

GPS
NBS

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

Subense No.: 37-241B

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:

James P. Speck 12-28-11
Date
Attorney for Lake Creek Meadows Homeowners
Assn. Inc.

OBJECTORS / RESPONDENTS:

Craig D. Hobday 12-21-11
Date
Attorney for Big Wood Canal Company
Albert P. Barker 12-28-11
Date
Attorney for Tom O'Gara, John F.
Stevenson, Bill Molyneux, Pete Van Der
Meulen, Grace Eakin, Gerald Bushaw, and
Popin Corso-Harris

OBJECTOR:

United States on behalf of the
USDA Forest Service

David L. Nagri 1/4/2012
David L. Nagri Date
Attorney for USFS

IDWR CONCURRENCE:

Douglas V. Jones 1/5/12
Douglas V. Jones Date
Technical Engineer

IDWR CONCURRENCE:

Nicholas E. Spence 1-5-12
Nicholas E. Spence Date
Deputy Attorney General
Attorney for IDWR

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

1

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 49-3412(6), Idaho Code.

EXPLANATORY MATERIAL: MATTER OF CLAIM - License

The Department of Water Resources retains jurisdiction over these water rights, and the uses reserved by this transfer. To require a determination of license is the delivery and use systems by a method reserved by the director of water resources. License over and above license that was issued prior to this transfer. If they exceed 5.15 cfs, shall be explained by additional water released to the Big Wood River. This allocation water shall be in the form of an additional consumptive use right purchased by the owner of the property.

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. 17.

Use of water under this transfer shall comply with Idaho water quality standards, both in effluent quality and in temperature.

The watermaster must be given right-of-way to the location of the points of diversion and place of use.

The right holder shall install and maintain a totalizing meter at the outflow of the pond located in T28N, R12E, S32E, E22W in accordance with Remittent modification.

OK
GPS
CRB
DN
NBS

CERTIFICATE OF SERVICE

I certify that on January 5, 2012, 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

U.S. Dept. of Justice
Environment & Natural Resource Div.
550 W. Fort St., MSC 033
Boise, ID 83724

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

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

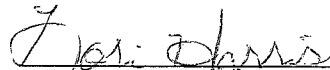
☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Craig D. Hobdey
Hobdey & Hobdey
P.O. Box 176
Gooding, ID 83330

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

Albert P. Barker
Barker, Rosholt & Simpson LLP
P.O. Box 2139
Boise, ID 83701-2139

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



Signature of person or attorney mailing the form

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.: 37-22663
	)	
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.

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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 initialling each of the attached pages.

CLAIMANT / OBJECTOR:

J. Speck 12-21-11
James P. Speck Date
Attorney for Lake Creek Meadows
Homeowners Assn. Inc.

OBJECTOR:

United States on Behalf of the
USDA Forest Service
David L. Negri 1-4-2012
David L. Negri Date
Attorney for USFS

IDWR CONCURRENCE:

Douglas Jones 1/5/12
Douglas Jones Date
Technical Engineer I

IDWR CONCURRENCE:

Nicholas B. Spencer 12-21-11
Nicholas B. Spencer Date
Deputy Attorney General
Attorney for IDWR

12/21/2011

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

RIGHT NUMBER: 37-22663

NAME AND ADDRESS: LAKE CREEK MEADOWS HOMEOWNERS ASSN INC
PO BOX 3144
KETCHUM ID 83340

SOURCE: LAKE CREEK

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 1.100 CFS

Right Nos. 37-22663 and 37-2418 are limited to a total combined annual diversion volume of 100.0 AF.

Pursuant to a call in times of scarcity, water may continue to be diverted from Lake Creek under water right nos. 37-2418 and 37-22663 provided that the average daily outflow from the pond located in T05N, R17E, S36, NWSW is not less than the sum of (a) 25% of the total quantity of water diverted under right no. 37-22663, and (b) the total quantity of water diverted under right no. 37-2418 less 0.16 cfs.

PRIORITY DATE: 05/01/1892

POINT OF
DIVERSION:

T05N R17E S25 NWSW Within BLAINE County
T05N R17E S25 SWSW Within BLAINE County
T05N R17E S25 SESW Within BLAINE County
T05N R17E S36 NWNW Within BLAINE County
T05N R17E S36 NENW Within BLAINE County
T05N R18E S20 NWNW Within BLAINE County
T05N-R18E-S20-SWWSW-Injection-Within-BLAINE-County
T05N-R18E-S20-SWWSW-Rodiversion-Within-BLAINE-County
T05N R18E S30 NWSW Within BLAINE County
T05N R18E S30 NWSW Injection Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	05/01 10/31	1.100 CFS

PLACE OF USE:

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Use of water under this transfer shall comply with Idaho water quality standards, both in effluent quality and in temperature.

The right holder shall install and maintain a totalizing meter at the outflow of the pond located in T05N, R17E, S16, NW1/4 in accordance with Department specifications.

GPS
NBS
PW
JL

CERTIFICATE OF SERVICE

I certify that on January 5, 2012, 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:

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☐ Facsimile

U.S. Dept. of Justice
Environment & Natural Resource Div.
550 W. Fort St., MSC 033
Boise, ID 83724

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

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

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

3. Courtesy Copies to:

Craig D. Hobdey
Hobdey & Hobdey
P.O. Box 176
Gooding, ID 83330

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

Albert P. Barker
Barker, Rosholt & Simpson LLP
P.O. Box 2139
Boise, ID 83701-2139

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

Gali Harris
Signature of person or attorney mailing the form