

1014

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JAN 11 2012	
By _____	Clerk
_____	Deputy Clerk

**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. 37-882

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.

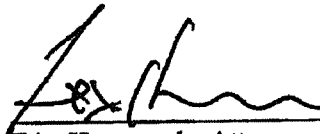
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

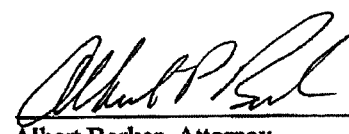
CLAIMANTS/OBJECTOR

Nick Vanoff Presents Inc

RESPONDENTS

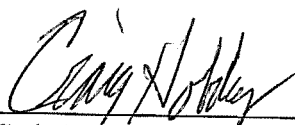
Concerned Water Users *Molyneux, et al*


 Fritz Haemmerle, Attorney 11/29/11 Date


 Albert Barker, Attorney 11/30/11 Date

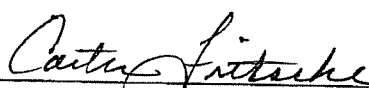
RESPONDENTS

Big Wood Canal Company

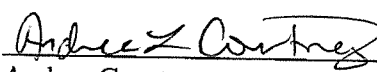
 12-6-11

Craig D. Hobdey, Attorney Date

IDWR Concurrence:

 12-9-11

IDWR Agent Date

 12/9/11

Andrea Courtney
Deputy Attorney General, IDWR Date

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

RIGHT NUMBER: 37-882

NAME AND ADDRESS:

NICK VANOFF PRESENTS INC
C/O NICK VANOFF JR
PO BOX 834
SUN VALLEY ID 83353

SOURCE:

Source:

BIG WOOD RIVER

Tributary:

MALAD RIVER

QUANTITY:

2.930 CFS

0.000 AFY

1.820 CFS

PRIORITY DATE:

06/01/1983

07/10/1984

POINT OF DIVERSION:

T02N R18E S22 SENESW
Within BLAINE County

T02N R18E S22 SENESW
Within BLAINE County

T02N R18E S27 NWNENE
Within BLAINE County

The diversion point described in Section 22 includes both a pump in the Broadford Slough and the head of the Rockwell Bypass Canal. The diversion point in Section 27 is the headgate from the Rockwell Bypass Canal.

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION

04/15 10/31

2.930 CFS

1.820 CFS

PLACE OF USE:

IRRIGATION

within BLAINE County

T02N R18E S22 NESW 5.2

T02N R18E S22 SESW 2.0

T02N R18E S22 NWSE 2.8

T02N R18E S27 NENE 3.9

T02N R18E S27 SENE 27.0

T02N R18E S27 NESE 10.0

T02N R18E S22 NESW 4.2

T02N R18E S22 SESW 1.7

T02N R18E S22 NWSE 2.6

T02N R18E S27 NENE 2.7

T02N R18E S27 SENE 24.0

50.9 ACRES TOTAL

45.2 ACRES TOTAL

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.

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.

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

CH
Sch
APB

AJE

CT