



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

January 17, 2012

Clerk of the District Court
Snake River Basin Adjudication
P.O. Box 2720
Twin Falls, ID 83303-2707
Via Facsimile

RE: Standard Form 5 for water right 37-21112 (Marathon Partners LLC)

Dear Clerk:

Attached for filing is a Standard Form 5 (SF5) for water right 37-21112 (claimed by Marathon Partners LLC). Because the recommendation included in the SF5 may be difficult to read due to several electronic scannings, IDWR is also enclosing a cleaner copy of the recommendation for the court's convenience.

The Marathon Partners subcase is set for trial on January 18, 2012. If you would please alert Special Master Bilyeu that the SF5 has been filed, it would be greatly appreciated. Should you have any further questions regarding this subcase, please feel free to contact me at 208-287-4816. Thank you!

Sincerely,

A handwritten signature in dark ink, appearing to read "Vicki Kelly".

Vicki Kelly,
Paralegal

Enc.

cc: Jim Speck
Craig Hobdey
Al Barker

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

RIGHT NUMBER: 37-21112

NAME AND ADDRESS:

MARATHON PARTNERS LLC
PO BOX 3118
KETCHUM ID 83340

SOURCE:

Source:
BIG WOOD RIVER

Tributary:
MALAD RIVER

QUANTITY: 1.419 CFS

PRIORITY DATE: 03/24/1883

POINT OF DIVERSION:

T03N R18E S20 SWNW
Within BLAINE County

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION

04/15 11/15

1.419 CFS

PLACE OF USE:

IRRIGATION

within BLAINE County

T02N R18E S09 NENE 6.0

~~T02N R18E S09 NENE 2.0~~

T02N R18E S10 NWNW 37.0

~~T02N R18E S10 NWNW 34.0~~

T02N R18E S10 SWNW 10.0

~~T02N R18E S10 SWNW 11.0~~

~~T02N R18E S10 SENW 7.0~~

53 ACRES TOTAL

~~54 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

This right is a split from former right 37-12818A.
Right 37-12818A is a split from former right 37-577.

A portion of this water right is used for conveyance.

**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.: 37-21112

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:

J. P. Speck 1.13.12
James P. Speck Date
Attorney for Marathon Partners LLC

OBJECTORS:

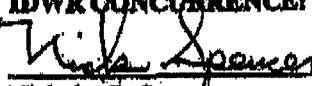
Craig D. Hobdey 1-12-12
Craig D. Hobdey Date
Attorney for Big Wood Canal Company

Albert P. Barker 1-12-12
Albert P. Barker Date
Attorney for Tom O'Gara, John F.
Stevenson, Bill Molynaux, Pete Van Der
Moulen, Grace Eakin, Rocky Shalhine,
Gerald Bashaw, and Pepin Corso-Harris

IDWR CONCURRENCE:

 1/12/12
Steve Clalland Date
Sr. Water Resource Agent

IDWR CONCURRENCE:

 1-12-12
Nicholas B. Spender Date
~~Deputy Attorney General~~
Attorney for IDWR

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

RIGHT NUMBER: 27-21112

NAME AND ADDRESS:

MEARATH PARTNERS LLC
PO BOX 1110
KETCHUM ID 83340

SOURCE:

Source:
BIG WOOD RIVER

Tributary:

MAJAD RIVER

QUANTITY:

1.419 CFS

PRIORITY DATE:

03/24/1981

POINT OF DIVERSION:

TOWN RISE 220 SWAY
Within BLAINE County

PURPOSE AND
SERVICE OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION

04/15 12/15

1.419 CFS

PLACE OF USE:

IRRIGATION

within BLAINE County

TOWN RISE 220 SWAY 5.0
TOWN RISE 210 SWAY 27.0
TOWN RISE 210 SWAY 10.0

DOWN-RISE-220-SWAY-5.0
DOWN-RISE-210-SWAY-27.0
DOWN-RISE-210-SWAY-10.0
DOWN-RISE-210-SWAY-5.0

21 ACRES TOTAL

24-ACRES-TOTAL

OTHER PROVISIONS NECESSARY FOR DIVISION 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 68-1412(6), Idaho Code.

EXPLANATORY MATERIAL:

BASIS OF CLAIM - Decreed

This right is a split from former right 27-12818A.
Right 27-12818A is a split from former right 27-577.

A portion of this water right is used for conveyance.

Standard Form 5: 27-21112

CERTIFICATE OF SERVICE

I certify that on January 17, 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

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

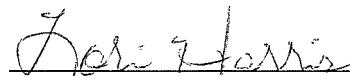
☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

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