

01:05:39 p.m.

1340

DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

FEB - 1 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

Subcase No.: 37-296B

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/OBJECTOR:

Candice M. McHugh 1/31/12
 Candice M. McHugh Date
 Attorney for Indian Creek Ranch
 Owners Association, Inc.

OBJECTOR:

Michael C. Creamer 1/31/12
 Michael C. Creamer Date
 Attorney for City of Hailey

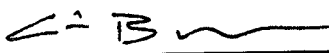
OBJECTOR/RESPONDENT:

Dana L. Hofstetter 1/31/12
 Dana L. Hofstetter Date
 Attorney for Dana L. & Victor U. Hofstetter

IDWR CONCURRENCE:

 1-31-12
Carter Fritschle Date
Manager, Adjudication Section

IDWR CONCURRENCE:

 1/31/12
Christopher M. Bromley Date
Deputy Attorney General
Attorney for IDWR

01/31/2012

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

RIGHT NUMBER: 37-296B

NAME AND ADDRESS: INDIAN CREEK RANCH OWNERS ASSN INC
PO BOX 3411
HAILEY ID 83333-3411

SOURCE: INDIAN CREEK

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 2.720 CFS
122.50 AFY

Right Nos. 37-296B and 37-296C are limited to a total combined diversion rate of 4.01 cfs.

This right when combined with all other rights shall provide no more than 3.5 afa per acre for irrigation ~~of the lands above.~~

The total instantaneous diversion of water from all points of diversion of ~~rights under Transfer No. 4713~~ shall not exceed 2.72 cfs, nor total combined annual diversion volume of 122.5 af.

PRIORITY DATE: 04/01/1880

Pursuant to a call in times of scarcity, rights 37-296B and 37-296C are junior to Water Right No. 37-296A.

POINT OF DIVERSION:

T03N R18E S22 SWSE Within BLAINE County
T03N R18E S22 SWSE Within BLAINE County
T03N R18E S23 NWSW Within BLAINE County
T03N R18E S23 NWSW Within BLAINE County
T03N R18E S27 NENW Within BLAINE County
T03N R18E S28 NESE Within BLAINE County
T03N R18E S28 NESE Within BLAINE County
T03N R18E S33 NWNE Within BLAINE County

MCC
CT
CB
8m^e
10/1/18

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/15 10/31	2.720 CFS 122.50 AFY

PLACE OF USE:

IRRIGATION in BLAINE County

T03N R18E S22 SWSE	1.50	T03N R18E S23 Lot 2 SWNW	1.00
T03N R18E S27 NENW	6.40	T03N R18E S27 NWNW	0.60
T03N R18E S27 SWNW	5.10	T03N R18E S27 SENW	2.00
T03N R18E S28 NESE	0.50	T03N R18E S28 NWSE	1.20
T03N R18E S28 SWSE	0.80	T03N R18E S28 SESE	7.40
T03N R18E S33 NWNE	0.50		

35 ACRES TOTAL

Place of use is within the service area of the Indian Creek Ranch Owners Association as provided for under Idaho law, and is limited to the irrigation of 35 acres within the service area.

The service area includes Lot 67 of Indian Creek Ranch Subdivision.

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.

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

After specific notification by the department, the right holder shall annually report the amount of water diverted to the department.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

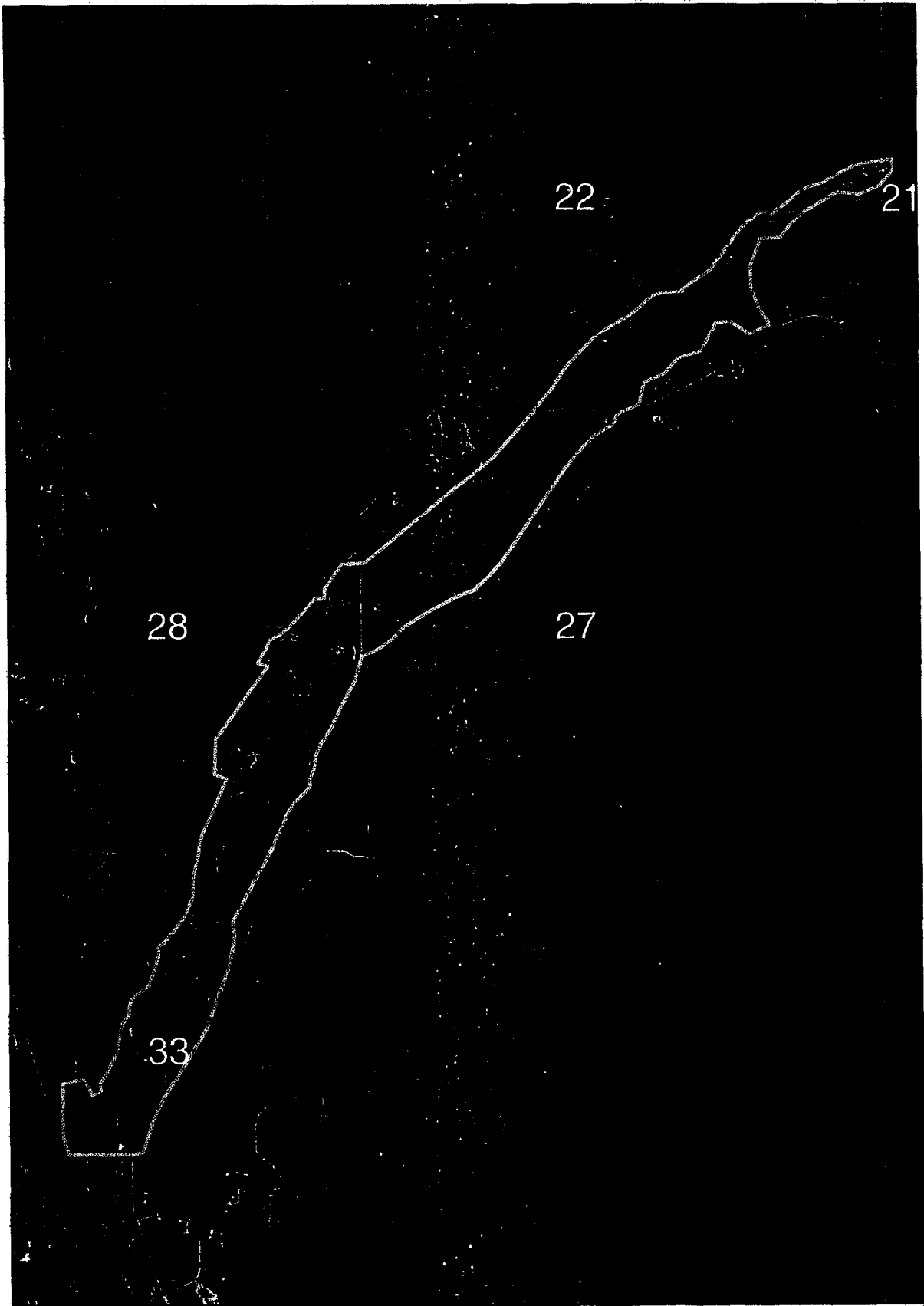
Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

Use of water under this water right will be regulated by the watermaster of State Water District No. 37.

A portion of the authorized rate of diversion under Right No. 37-00296B is for conveyance purposes in the delivery of this right.

CT
CB
mel
Sme
DST

Indian Creek Ranch Owners Association Digital Boundary for 37-296B, 37-296C and 37-19740



MC
CT
CB
SM^e
DKH

T03N R18E
2004 NAIP Photography

0 0.125 0.25 0.5 0.75 1 Miles



CERTIFICATE OF SERVICE

I certify that on February 1, 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

Michael C. Creamer
Givens Pursley LLP
P.O. Box 2720
Boise, ID 83701-2720

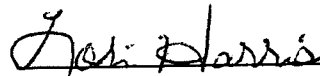
☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Dana L. Hofstetter
Hofstetter Law Office
608 West Franklin St.
Boise, ID 83702

☐ Overnight Mail
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☐ Hand-Delivered
☐ Facsimile

Candice M. McHugh
Randall C. Budge
Racine Olson Nye Budge & Bailey
P.O. Box 1391
Pocatello, ID 83204-1391

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☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile



Signature of person or attorney mailing the form