

1328

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.: 37-717B

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. IDWR notes the recommendation of water right 37-717B is unchanged from the Amended Director's Report filed January 12, 2012.

CLAIMANT/OBJECTOR:

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

OBJECTOR/RESPONDENT:

Candice M. McHugh 1/13/12
Candice M. McHugh Date
Attorney for Indian Creek Ranch Owners
Association, Inc.

OBJECTOR:

Dana L. Hofstetter
Dana L. Hofstetter Date
Attorney for Dana L. and Victor U.

IDWR CONCURRENCE:

Carter Fritschle 1-31-12

Carter Fritschle

Date

Manager, Adjudication Section

IDWR CONCURRENCE:

Christopher M. Bromley 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: 37-717B

NAME AND ADDRESS: CITY OF HAILEY
115 S MAIN ST #H
HAILEY ID 83333

SOURCE: INDIAN CREEK SPRING

TRIBUTARY: INDIAN CREEK

QUANTITY: 0.760 CFS

Right Nos. 37-296A, 37-717A, 37-717B, 37-1216 and 37-7854 are limited to a total combined diversion rate of 3.38 cfs.

PRIORITY DATE: 08/01/1907

Pursuant to a call in times of scarcity, this right is junior to Water Right No. 37-19470.

POINT OF
DIVERSION:

T03N R18E S23 SENW Within BLATNE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

MUNICIPAL

01/01 12/31

0.760 CFS

PLACE OF USE:

Place of use is within the service area of the City of Hailey municipal water supply system as provided for under Idaho Law.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This right is a portion of former Right No. 37-717.

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

CB
X? MCL
Sm: NGH

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

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

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

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

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

Dore Harris

Signature of person or attorney mailing the form