

1339

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.: 37-7854

Case No. 39576

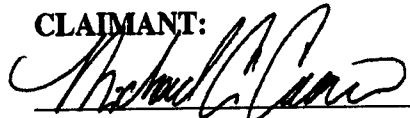
STANDARD FORM 5**STIPULATED ELEMENTS OF A
WATER RIGHT**

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.

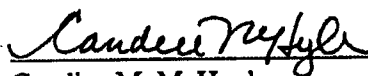
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT:

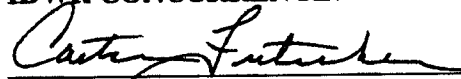
 1/31/12

Michael C. Creamer Date
Attorney for City of Hailey

OBJECTOR:

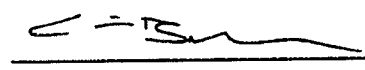
 _____
Candice M. McHugh Date
Attorney for Indian Creek Ranch Owners
Association, Inc.

IDWR CONCURRENCE:

 1-31-12

Carter Fritschle Date
Manager, Adjudication Section

IDWR CONCURRENCE:

 1/21/12

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: 37-7854

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

SOURCE: INDIAN CREEK SPRING

TRIBUTARY: INDIAN CREEK

QUANTITY: 3.380 CFS
2,450.00 AFY

PRIORITY DATE: 07/23/1980

The rights for the use of water confirmed in this right shall be junior and subordinate to all rights for the use of water other than hydropower, within the State of Idaho that are initiated later in time than the priority of this right and shall not give rise to any right or claim against any future rights for the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this right.

POINT OF
DIVERSION:

T03N R18E S23 SWSENE Within BLAINE County

PURPOSE AND
PERIOD OF USE:PURPOSE OF USEPERIOD OF USEQUANTITY

POWER

01/01 12/31

3.380 CFS
2,450.00 AFY

Power generation is at the Indian Creek Spring Power Plant.

Use of water under this right shall be non-consumptive.

PLACE OF USE:

POWER in BLAINE County

T03N R18E S33

NWNE

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

The diversion and use of water for hydropower purposes under this right is subject to review by the Director on or after June 14, 2020. Upon appropriate findings relative to the interest of the public, the Director may cancel all or any part of the use authorized herein and may revise, delete or add conditions under which the right may be exercised.

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.

Sm^s MCC
CA
CB

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Rights 37-00296, 37-00717 and 37-01216 are also diverted through the point of diversion described above.

This right does not grant any right-of-way or easement across the land of another.

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

This right does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.

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.

*Sm^c
MCC*
CR
CA

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

Don Harris
Signature of person or attorney mailing the form