

01-19-01 p.m. 02-01-2012 36/41

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.: 37-19740

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/ RESPONDENT:

OBJECTOR:

Candice M. McHugh 1/31/12
Date

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

Michael C. Creamer 1/30/12
Date

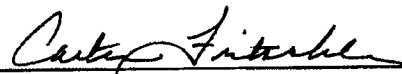
Michael C. Creamer
Attorney for City of Hailey

OBJECTOR/ RESPONDENT:

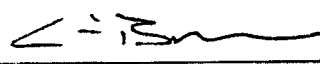
Dana L. Hofstetter 1/31/12
Date

Dana L. Hofstetter
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: 37-19740

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

SOURCE: INDIAN CREEK

TRIBUTARY: BIG WOOD RIVER

QUANTITY: ~~274.0~~ 367.5 AFY

The capacity of the storage reservoir is ~~19.6~~ 22.5 AF. The reservoir may be refilled multiple times up to the total diversion volume in a single year.

The reservoir is filled by Water Right Nos. 37-296B, 37-296C and other water accruing to Indian Creek and the reservoir below the point of diversion for Water Right No. 37-296A.

PRIORITY DATE: 06/01/1931
POINT OF
DIVERSION:

T03N R18E S22 SWSE Injection Within BLAINE County
T03N R18E S22 SWSE Within BLAINE County
T03N R18E S27 NENW Rediversion Within BLAINE County
T03N R18E S27 SENW Rediversion Within BLAINE County
T03N R18E S28 NESE Rediversion Within BLAINE County
T03N R18E S28 NESE Rediversion Within BLAINE County
T03N R18E S28 SWSE Rediversion Within BLAINE County
T03N R18E S33 NWNE Rediversion Within BLAINE County
T03N R18E S33 NWNE Rediversion Within BLAINE County
T03N R18E S33 SENW Rediversion Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION FROM STORAGE	04/15 10/31	~~274.0~~ 367.5 AFY
IRRIGATION STORAGE	01/01 12/31	~~19.6~~ 22.5 AFY
STOCKWATER STORAGE	01/01 12/31	18.00 AFY
STOCKWATER FROM STORAGE	01/01 12/31	18.00 AFY

PLACE OF USE: IRRIGATION STORAGE in BLAINE County

T03N R18E S22	SESW	T03N R18E S22	SWSE
<u>IRRIGATION FROM STORAGE in BLAINE County</u>			
T03N R18E S27	NENW 8.00	T03N R18E S27	NENW 0.60
T03N R18E S27	SESW 11.00	T03N R18E S27	SESW 2.00
T03N R18E S28	SESE 3.10	T03N R18E S28	NESE 17.00
T03N R18E S28	NWSE 2.10	T03N R18E S28	SWSE 10.00
T03N R18E S28	SESE 9.00	T03N R18E S33	NENE 0.10
T03N R18E S33	NWNE 9.90	T03N R18E S33	SESW 19.00
T03N R18E S33	SESW 3.30	T03N R18E S33	NESE 7.00
T03N R18E S33	NWSE 2.10		

STOCKWATER FROM STORAGE same as IRRIGATION STORAGE

105 ACRES TOTAL

Place of use is within the service area of the Indian Creek Ranch Owners Association as provided for under Idaho law. The irrigation use is currently limited to the irrigation of 105 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 42-2028(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.

8m²
MCC
CB
C#

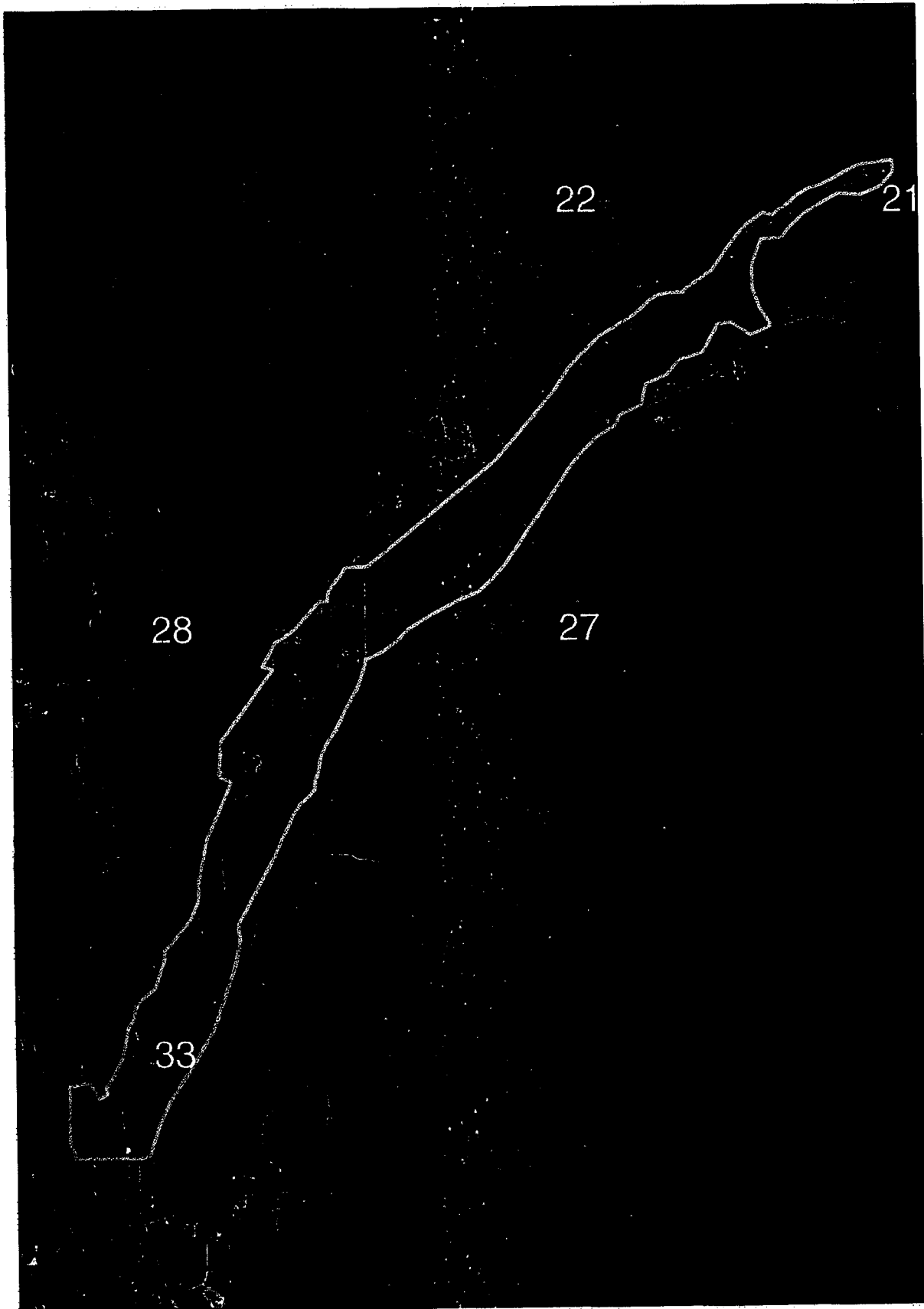
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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 - Beneficial Use

Right No. 37-21412 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.

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



WPA

*CB
C4
MCC
SM^E*

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
☒ 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

Traci Harris
Signature of person or attorney mailing the form