

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
FEB 14 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

Case No. 39576

Subcase No.: 37-19740

AMENDED
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 2-14-12
Candice M. McHugh Date
Attorney for Indian Creek Ranch
Owners Association, Inc.

OBJECTOR:

Michael C. Creamer 2/14/2012
Michael C. Creamer Date
Attorney for City of Hailey

OBJECTOR/RESPONDENT:

Dana L. Hofstetter 2/14/2012
Dana L. Hofstetter Date
Attorney for Dana L. & Victor U. Hofstetter

IDWR CONCURRENCE:

Carter Fritschle 2-14-12
Carter Fritschle Date
Manager, Adjudication Section

IDWR CONCURRENCE:

♡
C. Bromley 2/14/12
Christopher M. Bromley Date
Deputy Attorney General
Attorney for IDWR

02/14/2012

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: 874.4 267.2 AFT

The capacity of the storage reservoir is 40.4 22.2 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. 37-2962, 37-2963 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:

TO3N R12E S22 SW25 Injection Within BLAINE County
TO3N R12E S22 SW25 Within BLAINE County
TO3N R12E S27 NW25 Rediversion Within BLAINE County
TO3N R12E S27 SE25 Rediversion Within BLAINE County
TO3N R12E S28 NE25 Rediversion Within BLAINE County
TO3N R12E S28 NW25 Rediversion Within BLAINE County
TO3N R12E S28 SW25 Rediversion Within BLAINE County
TO3N R12E S33 NW25 Rediversion Within BLAINE County
TO3N R12E S33 NW25 Rediversion Within BLAINE County
TO3N R12E S33 SE25 Rediversion Within BLAINE County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION FROM STORAGE	04/15 10/31	874.4 267.2 AFT
IRRIGATION STORAGE	01/01 12/31	40.4 22.2 AFT
STOCKWATER STORAGE	01/01 12/31	18.00 AFT
STOCKWATER FROM STORAGE	01/01 12/31	18.00 AFT
RECREATION STORAGE	01/01 12/31	22.2 AFT

PLACE OF USE:

IRRIGATION STORAGE IN BLAINE COUNTY

TO3N R12E S22 SW25 TO3N R12E S22 SW25

IRRIGATION FROM STORAGE IN BLAINE COUNTY

TO3N R12E S27 NW25 0.00	TO3N R12E S27 NW25 0.00
TO3N R12E S27 SW25 18.00	TO3N R12E S27 SE25 0.00
TO3N R12E S28 NE25 0.00	TO3N R12E S28 SW25 18.00
TO3N R12E S28 NW25 0.00	TO3N R12E S28 SW25 18.00
TO3N R12E S33 NW25 0.00	TO3N R12E S33 SW25 18.00
TO3N R12E S33 SE25 0.00	TO3N R12E S33 SE25 18.00
TO3N R12E S33 SW25 0.00	TO3N R12E S33 SW25 18.00
TO3N R12E S33 SW25 0.00	TO3N R12E S33 SW25 18.00

STOCKWATER FROM STORAGE 18.00 AS IRRIGATION STORAGE

RECREATION STORAGE in BLAINE County

TOWN RISE 822

SEEN

TOWN RISE 822

HWNH

100-ACRES-TOWN

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 100 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 42-207B(2) and authorized pursuant to I.C. Section 42-1412(2)(b). 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 Blaine 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 - Beneficial Use

Right No. 37-21412 is an enlargement of this right pursuant to Section 42-1420, Idaho Code.

hcc
Wst
Smc
CA
CB

CERTIFICATE OF SERVICE

I certify that on February 14, 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

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Dana L. Hofstetter
Hofstetter Law Office
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☐ Hand-Delivered
☐ Facsimile
☒ Email


Signature of person or attorney mailing the form