

MAR - 9 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.: 37-4016

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:

OBJECTORS / RESPONDENTS:

J. Evan Robertson 2-27-12
Attorney for Lane Ranch Homeowners Assn Inc.

Craig D. Hodgey 2-29-12
Attorney for Big Wood Canal Company

Albert P. Barker 3-8-12
Attorney for Tom O'Gara, John F.
Stevenson, Bill Molyneux, Pete Van
Der Meulen, Grace Eakin, Gerald B
Bashaw and Pepin Corso-Harris

IDWR CONCURRENCE:

Douglas Jones 2/13/12
Date
Douglas Jones
Technical Engineer

IDWR CONCURRENCE:

Nicholas B. Spencer 2-15-12
Date
Nicholas B. Spencer
Deputy Attorney General
Attorney for IDWR

12/05/2011

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

RIGHT NUMBER: 37-4016

NAME AND ADDRESS: LANE RANCH HOMEOWNERS ASSN INC
C/O SUSAN MCBRYANT, MANAGER
PO BOX 1675
SUN VALLEY ID 83353

SOURCE: ELKHORN CREEK

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 10.000 CFS
17.00 AFY

The total volume authorized for diversion an use pursuant to right nos. 37-82, 37-2365, 37-4016 and 37-7201 is limited to 315 acre feet. The volumetric limitation shall not begin to accrue, however, until: 1) All rights on Elkhorn Creek cannot be satisfied by the watermaster of Water District 37, Big Wood River, and 2) The owner of the rights approved by Transfer No. 3609 demands release of water from upstream users. *OK*

This right shall be considered for the one-time spring fill of the associated 19 ponds with a total volume of 17 acre-feet.

PRIORITY DATE: 04/01/1949

Diversion of water pursuant to to rights 37-82, 37-2635, 37-4016 and 37-7201 during the nonirrigation season is subject to any minimum stream flows established in the Big Wood River with later dates of priority. *OKB*

POINT OF
DIVERSION:

T04N R18E S19 NESESE Within BLAINE County
T04N R18E S19 NESESE Within BLAINE County
T04N R18E S19 NESESE Within BLAINE County
T04N R18E S19 SESESE Within BLAINE County
T04N R18E S19 SESESE Within BLAINE County
T04N R18E S19 SESESE Within BLAINE County
T04N R18E S20 SWNWSW Within BLAINE County
T04N R18E S20 SWNWSW Within BLAINE County
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T04N R18E S20 SENWSW Within BLAINE County
T04N R18E S30 NENENE Within BLAINE County
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T04N R18E S30 SENENE Within BLAINE County
T04N R18E S30 SENENE Within BLAINE County
T04N R18E S30 SENENE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
WILDLIFE STORAGE	01/01 12/31	17.00 AFY
RECREATION STORAGE	01/01 12/31	17.00 AFY
AESTHETIC STORAGE	01/01 12/31	17.00 AFY
DIVERSION TO STORAGE	01/01 12/31	10.000 CFS

12/05/2011

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

PLACE OF USE: WILDLIFE STORAGE in BLAINE County

T04N R18E S19	NESE	T04N R18E S19	SESE
T04N R18E S20	NWSW	T04N R18E S30	NENE

RECREATION STORAGE in BLAINE County

T04N R18E S19	NESE	T04N R18E S19	SESE
T04N R18E S20	NWSW	T04N R18E S30	NENE

AESTHETIC STORAGE in BLAINE County

T04N R18E S19	NESE	T04N R18E S19	SESE
T04N R18E S20	NWSW	T04N R18E S30	NENE

The uses of Wildlife Storage, Recreation Storage and Aesthetic Storage are associated and used in 19 ponds. (15 are onstream ponds on Elkhorn Creek and 4 are offstream ponds that are supplied water from Elkhorn Creek.)

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

The wildlife, recreation and aesthetic uses shall be considered to have a consumptive component equal to the smaller of: 1) the irrigation consumption prior to Transfer No. 3609 less irrigation consumption after the transfer, or 2) actual consumption by the authorized wildlife, recreation and aesthetic uses. *OK*

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

Long standing man-made alteration in the natural channel of Elkhorn Creek requires construction of a channel through the development listed as the place of use. The right to diversion of Elkhorn Creek in the channels of the development and to demand flow in Elkhorn Creek is limited by the annual volume and flow rate of water right numbers 37-82, 37-2635, 37-4016 and 37-7201.

[Signature] NBS *APB*

CERTIFICATE OF SERVICE

I certify that on March 8, 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

J. Evan Robertson
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134 Third Ave East
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☐ Facsimile

Don Harris
Signature of person or attorney mailing the form