

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

MAR - 9 2012

By _____
Clerk
Deputy Clerk

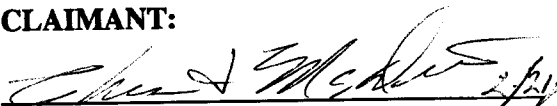
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	Subcase No.: 37-81
	)	
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.

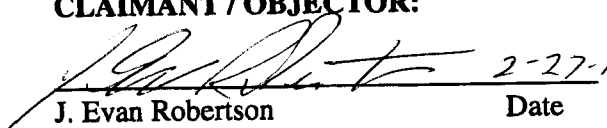
The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions 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:

Charles F. McDevitt Date 2-21-12
Attorney for Idaho Foundation for Parks & Lands Inc.

OBJECTORS:

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

CLAIMANT / OBJECTOR:

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


Albert P. Barker Date 3-5-12
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 1

IDWR CONCURRENCE:

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

[Handwritten signature]

12/09/2011

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

RIGHT NUMBER: 37-81

NAME AND ADDRESS: IDAHO FOUNDATION FOR PARKS & LANDS INC
5657 WARM SPRINGS AVE
BOISE ID 83716-8700

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

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 4.000 CFS

The amount of water under right nos. 37-81, 37-82 and 37-2635 to be discharged to the river as measured at a point below the pond in the SENE S30, T04N, R18E shall equal the amount approved for aesthetic, recreation and wildlife purposes, less a reasonable loss as determined by the director or watermaster.

The total combined storage volume to be stored for wildlife, recreation and aesthetic uses under Rights 37-81, 37-82 and 37-2635 is 2.2 acre-feet.

Water consumed under Transfer No. 3881 by diverting water for wildlife, aesthetic and recreation uses shall not exceed 3.3 acre feet from evaporation.

Right nos. 37-2635, 37-00081 and 37-00082, when combined, shall not exceed a total flow rate of 0.71 cubic feet per second nor an annual volume of 69.9 acre feet for irrigation purposes.

PRIORITY DATE: 06/01/1884

POINT OF
DIVERSION:

T04N R18E S19 SWSE Within BLAINE County
T04N R18E S19 NESESE Injection Within BLAINE County
T04N R18E S30 SENENE Injection Within BLAINE County
T04N R18E S30 SENENE Rediversion Within BLAINE County
T04N R18E S30 NESENE Rediversion Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
WILDLIFE STORAGE	01/01 12/31	2.20 AFY
RECREATION STORAGE	01/01 12/31	2.20 AFY
AESTHETIC STORAGE	01/01 12/31	2.20 AFY
RECREATION	04/15 10/31	3.290 CFS
DIVERSION TO STORAGE	04/15 10/31	3.290 CFS
AESTHETIC	04/15 10/31	3.290 CFS
WILDLIFE	04/15 10/31	3.290 CFS
IRRIGATION	04/15 10/31	0.710 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T04N R18E S19	NESE	7.10	T04N R18E S19	SWSE	4.50
T04N R18E S19	SESE	26.00	T04N R18E S20	NWSW	4.40
T04N R18E S20	SWSW	5.60	T04N R18E S29	NWNW	8.60
T04N R18E S30	NENE	26.00			

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

WILDLIFE in BLAINE County

T04N R18E S19	NESE	T04N R18E S19	SESE
T04N R18E S30	NENE		

WILDLIFE STORAGE in BLAINE County

T04N R18E S19	SESE	T04N R18E S30	SENE
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RECREATION in BLAINE County

T04N R18E S19	NESE	T04N R18E S19	SESE
T04N R18E S30	NENE		

RECREATION STORAGE in BLAINE County

T04N R18E S19	SESE	T04N R18E S30	SENE
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AESTHETIC in BLAINE County

T04N R18E S19	NESE	T04N R18E S19	SESE
T04N R18E S30	NENE		

AESTHETIC STORAGE in BLAINE County

T04N R18E S19	SESE	T04N R18E S30	SENE
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82.2 ACRES TOTAL

This right is limited to the irrigation of 23.3 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 23.3 acres in a single irrigation season. Combined Right Nos.: 37-81, 37-82, and 37-2635.

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

Prior to diversion of water, flow measuring devices as specified by the department &/or watermaster shall be installed by the right holder at the following locations: a) at the point where water is diverted from the Big Wood River and redirected from Elkhorn creek and ~~at a point on Elkhorn Creek where water diverted under rights nos. 37-00081 flows out of the pond or wetland area subject of transfer No. 3881 located in the SENE S30 T04N, R18E.~~ b) at a point on the downstream side of the bridge over Elkhorn Creek where water diverted under right nos. 37-81, 37-82, 37-2635, 37-4016 and 37-7201 flows out of the pond or wetland area subject of Transfer No. 3881 located in the NESENE S30 T04N, R18E.

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.

Flows for recreation, wildlife and aesthetics uses are those which are diverted and used in man made amenities within the subdivision exclusive of the man altered Elkhorn Creek channel. Note that these waters are injected into Elkhorn Creek channel and conveyed for redirection in man made recreation, wildlife and aesthetic amenities

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

The pond in the SENE S30, T04N, R18E is located on the Idaho Foundation for Parks and Lands Inc property. This pond is constructed on the stream of Elkhorn Creek and is filled by water from Elkhorn Creek pursuant to ~~right 37-81 rights~~

12/09/2011

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

37-82 and 37-2635 and water pumped from the Big Wood River pursuant to right ~~37-82~~ 37-81. This pond was authorized by transfer No. 3881. The storage volume of the pond is 2.1 acre feet.

Use of water under right no. 37-00081 will be regulated by the watermaster of state water district no. 37.

Failure of the right holder to comply with the conditions of Transfer No. 3881 is cause for the Director to rescind approval of the transfer. CAH

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 3609 less the irrigation consumption after the transfer, or 2) the actual consumption by the authorized wildlife, recreation and aesthetic uses.

The right holder shall accomplish the change authorized by Transfer No. 3881 by December 9, 1994.

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 nos. 37-82, 37-2635, 37-4016 and 37-7201.

DJ NBS
CJW
JH
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
Robertson & Slette
134 Third Ave East
Twin Falls, ID 83303

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

Craig D. Hobdey
Hobdey & Hobdey
P.O. Box 176
Gooding, ID 83330

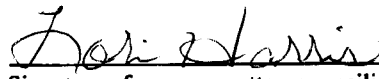
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☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

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Charles F. McDevitt
McDevitt & Miller
P.O. Box 2564
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☐ Facsimile


Signature of person or attorney mailing the form