

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.: 37-7201

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:

J. Evan Robertson

2-27-12
Date

Attorney for Lane Ranch Homeowners Assn Inc.

OBJECTORS / RESPONDENTS:

Craig D. Hobdey

2-29-12
Date

Attorney for Big Wood Canal Company

Albert P. Barker

3-5-12
Date

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

12/09/11

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

RIGHT NUMBER: 37-7201

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: 1.000 CFS

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.

PRIORITY DATE: 03/21/1973

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.

POINT OF DIVERSION:

T04N R18E S19 NESESE Within BLAINE County
T04N R18E S19 NESESE Within BLAINE County
T04N R18E S30 NENENE Injection Within BLAINE County
T04N R18E S30 SENENE Rediversion Within BLAINE County

PURPOSE AND
PERIOD OF USE:

Purpose of use Period of use: Quantity:

WILDLIFE	1/01 12/31	1.000 CFS
RECREATION	1/01 12/31	1.000 CFS
AESTHETIC	1/01 12/31	1.000 CFS

PLACE OF USE:

WILDLIFE within BLAINE County

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

RECREATION within BLAINE County

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

AESTHETIC within BLAINE County

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

12/09/11

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

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 - License

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.

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

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.

NBS

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

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Robertson & Slette
134 Third Ave East
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☐ Facsimile

Dori Harris
Signature of person or attorney mailing the form