

1419

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

MAY - 7 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.: 37-154C
)
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:
Robert E. Williams 4/21/12
Robert E. Williams Date
Attorney for Golden Eagle Ranch HOA, Inc.

OBJECTORS:
Craig D. Hobdey 4-27-12
Craig D. Hobdey Date
Attorney for Big Wood Canal Company
Albert P. Barker 4-30-12
Albert P. Barker Date
Attorney for Tom O'Gara, John F.
Stevenson, Bill Molyneux, Pete Van
Der Meulen, Grace Eakin, Rocky Sherbine,
Gerald Bashaw and Pepin Corso-Harris

IDWR CONCURRENCE:



Douglas Jones
Technical Engineer I

4/16/12
Date

IDWR CONCURRENCE:



Nicholas B. Spencer
Deputy Attorney General
Attorney for IDWR

4-16-12
Date

02/22/2012

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

RIGHT NUMBER: 37-154C

NAME AND ADDRESS: GOLDEN EAGLE RANCH HOMEOWNERS ASSOCIATION, INC
C/O SUN COUNTRY MANAGEMENT
PO BOX 1932
KETCHUM ID 83340

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 8.850 CFS
756.00 AFY

The total instantaneous diversion of water from all points of diversion under Right 37-00154C shall not exceed 8.85 cfs, nor total combined annual volume of 756.0 af.

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

PRIORITY DATE: 12/13/1887

POINT OF DIVERSION:

T03N R18E S18 NENE Within BLAINE County
T03N R18E S32 SENW Within BLAINE County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
RECREATION	01/01 12/31	6.000 CFS 257.60 AFY
AESTHETIC	01/01 12/31	6.000 CFS 257.60 AFY
IRRIGATION	04/15 10/31	2.850 CFS 498.40 AFY

PLACE OF USE:

IRRIGATION in BLAINE County

T03N R18E S07	SESW	12.20	T03N R18E S07	SWSE	8.20
T03N R18E S07	SESE	2.60	T03N R18E S18	NENE	15.90
T03N R18E S18	NWNE	25.70	T03N R18E S18	SWNE	24.10
T03N R18E S18	SENE	13.50	T03N R18E S18	NENW	12.90
T03N R18E S18	SENE	2.10	T03N R18E S18	NESE	12.60
T03N R18E S18	NWSE	11.90	T03N R18E S18	SWSE	0.40
T03N R18E S18	SESE	0.30			

RECREATION in BLAINE County

T03N R18E S32 SENW

AESTHETIC in BLAINE County

T03N R18E S32 SENW

142.4 ACRES TOTAL

02/22/2012

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

Irrigation of 5.0 acres previously authorized under Right 37-00154C shall cease to provide mitigation of the primary use of groundwater under Right 37-02627D for irrigation of 5.0 acres in Ohio Gulch, and irrigation of 18.4 acres previously authorized under Right 37-00154C shall cease to provide mitigation of the primary use of groundwater under Right 37-02627C to provide for storage uses in the pond system.

Rights 37-153A, 37-00154C, 37-00364D, 37-02627C, 37-02632, 37-08854, 37-14260A, 37-20749 and 37-22060 when combined shall not exceed the irrigation of 172.5 acres; 90.8 acres in the Golden Eagle Subdivision Phase I, and 81.7 acres in the Golden Eagle Subdivision Phase II.

Rights 37-00154C, 37-00364D, 37-02627C, 37-02632, 37-08854, 37-14260A, 37-20749 and 37-22060 when combined shall not exceed the irrigation of 178 acres; 6/5 acres in the Timber Gulch Subdivision, 90.8 acres in the Golden Eagle Subdivision Phase I, and 81.7 acres in the Golden Eagle Subdivision Phase II.

Irrigation of 3.5 acres in Golden Eagle Subdivision Phase II will cease as long as water is diverted under Permit 37-08888 for irrigation of a tree nursery during construction of the subdivision.

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.

To the extent that waste water from Clear Creek enters the Golden Eagle Ranch pond system, the amount diverted under the following rights shall be reduced accordingly: Rights nos. 37-153A, 37-154C, 37-364D, 37-2627C, 37-2632, 37-8854, 37-14260A, 37-20749 and 37-22060.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

The right holder shall install and maintain a diversion monitoring system to measure the diverted volume on a monthly basis from both diversions identified above. Monthly volumes and the total annual diversion will be reported to the Department and the watermaster.

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department at each point of diversion in a manner that will provide the watermaster suitable control of the diversions.

Use of water under this water right 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. 5423 is cause for the Director to rescind approval of the transfer.

A tabular analysis of the intended extent of overlap of the places of use for water right numbers 37-154C, 37-364D, 37-2627C, 37-2632, 37-8854, 37-14260A, 37-20749, and 37-22060 involved in prior administrative proceedings is contained in a document prepared by Brockway Engineering, PLLC, entitled "Golden Eagle Ranch POU Overlap Analysis", dated 3/29/2011, revised 12/16/2011, which will be maintained in IDWR records for reference in future administrative proceedings.

Approval of transfer no. 5423 in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

The right holder shall accomplish the change authorized by transfer no. 5423 within one (1) year of the date of the transfer approval.

That portion of Right No. 37-00154C for recreation and aesthetics moved to Furdum Slough is subordinated to all other rights in the slough to prevent injury.

 NBS
Rex

CERTIFICATE OF SERVICE

I certify that on May 3, 2011, 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

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

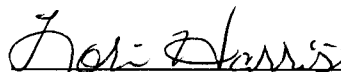
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Signature of person or attorney mailing the form