

1406

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.: 37-364D

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:

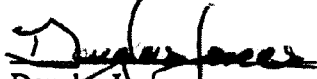
Robert E. Williams 4/20/12
Date
Attorney for Golden Eagle Ranch HOA, Inc.

OBJECTORS:

Craig D. Hobday 4-27-12
Date
Attorney for Big Wood Canal Company

Albert P. Barker 4-30-12
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:

 4/16/12
Date
Douglas Jones
Technical Engineer 1

IDWR CONCURRENCE:

 4-16-12
Date
Nicholas B. Spencer
Deputy Attorney General
Attorney for IDWR

02/21/2012

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

RIGHT NUMBER: 37-364D

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: 0.240 CFS
56.00 AFW

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: 05/01/1887

POINT OF
DIVERSION:

T03N R18E S18 SENEC N8NS Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.240 CFS 56.00 AFW

PLACE OF USE:

IRRIGATION in BLAINE County

T02N R18E S07 SWSE 16.00
16 ACRES TOTAL

~~Irrigation of 3.5 acres in Golden Eagle Subdivision Phase II will cease as long as water is diverted under Permit 37-08884 for irrigation of a tree nursery during construction of the subdivision.~~

~~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 172.5 acres, 5.5 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.~~

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.

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.

Standard Form 5

37-364D

OK
APR
[Signature] NBS Res

02/21/2012

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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

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 POV Overlap Analysis", dated 1/29/2011, revised 12/16/2011, which will be maintained in IDWRs records for reference in future administrative proceedings.

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

Use of water under Right 37-00364D may be affected by an agreement between the protestant of Transfer 4824 and the right holder.

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

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.

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.

 NBS
New

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

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

Albert P. Barker
Barker, Rosholt & Simpson LLP
P.O. Box 2139
Boise, ID 83701-2139

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

Robert E. Williams
Fredericksen, Williams, Merservy & Lothspeich
P.O. Box 168
Jerome, ID 83338-0168

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

John J. Harris
Signature of person or attorney mailing the form