

1415

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.: 37-2627C

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:

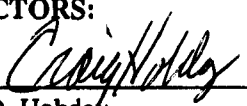

Robert E. Williams

Date

Attorney for Golden Eagle Ranch HOA, Inc.

4/21/12

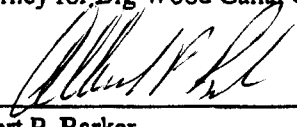
OBJECTORS:


Craig D. Hobday

Date

Attorney for Big Wood Canal Company

4/27/12


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

4/30/12

IDWR CONCURRENCE:

Douglas Jones 4/16/12
Date
Douglas Jones
Technical Engineer

IDWR CONCURRENCE:

Nicholas B. Spencer 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: 37-2627C

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.150 CFS
183.60 AFY

The total instantaneous diversion of water from all points of diversion under Right 37-02627C shall not exceed 1.15 cfs, nor total combined annual volume of 183.6 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.

The rightholder shall maintain in each storage pond water level gauges for determining the difference in storage from full stage.

At the end of each irrigation season the right holder shall measure the remaining volume in the storage ponds. Any year that the storage volume drops below 98.0 af, irrigation the following year shall be reduced by 1.0 acre for every 2.5 af required to increase the volume to 98.0 af.

PRIORITY DATE: 12/09/1959

POINT OF
DIVERSION:

T03N R18E S18 SWNE Within BLAINE County
T03N R18E S18 NESE Within BLAINE County
T03N R18E S18 NWSE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
FIRE PROTECTION STORAGE	01/01 12/31	144.00 AFY
IRRIGATION	04/15 10/31	0.790 CFS 137.60 AFY
DIVERSION TO STORAGE	01/01 12/31	1.150 CFS 46.00 AFY
AESTHETIC STORAGE	01/01 12/31	144.00 AFY
RECREATION STORAGE	01/01 12/31	144.00 AFY

PLACE OF USE:

IRRIGATION in BLAINE County

T03N R18E S07	SESW	3.80	T03N R18E S07	SWSE	24.20
T03N R18E S07	SESE	2.60	T03N R18E S18	NENW	8.70

RECREATION STORAGE in BLAINE County

T03N R18E S07	SESW	T03N R18E S07	NWSE
T03N R18E S07	SWSE	T03N R18E S07	SESE
T03N R18E S18	NENE	T03N R18E S18	NWNE
T03N R18E S18	NENW		

Handwritten: NBS
Handwritten: [Signature]

02/21/2012

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

FIRE PROTECTION STORAGE in BLAINE County

T03N R18E S07	SESW	T03N R18E S07	NWSE
T03N R18E S07	SWSE	T03N R18E S07	SESE
T03N R18E S18	NENE	T03N R18E S18	NWNE
T03N R18E S18	NENW		

AESTHETIC STORAGE in BLAINE County

T03N R18E S07	SESW	T03N R18E S07	NWSE
T03N R18E S07	SWSE	T03N R18E S07	SESE
T03N R18E S18	NENE	T03N R18E S18	NWNE
T03N R18E S18	NENW		

39.3 ACRES TOTAL

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; 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.

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.

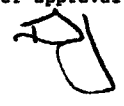
The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.

This right shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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

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

 NBS
New

02/21/2012

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

The right holder shall maintain a totalizing 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.

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 FOU Overlap Analysis", dated 3/22/2011, revised 12/16/2011, which will be maintained in IDWRs records for reference in future administrative proceedings.

CH

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.

Use of water under Right 37-02627C may be affected by an agreement between the protestant of Transfer 5045 and the right holder.

APB

The first year that water is diverted to recreation, fire protection and aesthetic storage uses as authorized under Transfer 5423, the irrigation use within Golden Eagle Subdivision II shall be limited to 23.1 total acres of the 80.7 acres allowed.

The Director maintains jurisdiction of Transfer 5045 up to five (5) years for the purpose of determining potential injury to existing rights, both junior and senior, in the vicinity of the transferred point of diversion located in the SWNE, S18, T03N, R18E.

TJ NBS
Plew

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

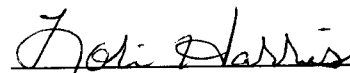
☐ Overnight Mail
☒ Regular Mail
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☐ Facsimile

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Barker, Rosholt & Simpson LLP
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Boise, ID 83701-2139

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Jerome, ID 83338-0168

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☐ Hand-Delivered
☐ Facsimile



Signature of person or attorney mailing the form