

1356

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 Case No. 39576 _____	)))))))	Subcase No.: 37-20749 STANDARD FORM 5 STIPULATED ELEMENTS OF A WATER RIGHT
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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.

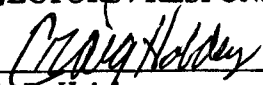
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT/OBJECTOR:

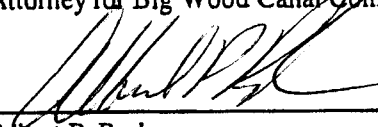

4/21/12

 Robert E. Williams Date
 Attorney for Golden Eagle Ranch HOA, Inc.

OBJECTORS / RESPONDENTS:


4-27-12

 Craig D. Hobday Date
 Attorney for Big Wood Canal Company


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:

 4/16/12

Date
Douglas Jones
Technical Engineer 1

IDWR CONCURRENCE:

 4-16-12

Date
Nicholas B. Spencer
Deputy Attorney General
Attorney for IDWR

02/22/2012

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

RIGHT NUMBER: 37-20749

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: 0.020 CFS
3.50 AFY

This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acra at the field headgate for irrigation of the lands above.

PRIORITY DATE: 03/24/1883

POINT OF
DIVERSION:

T03N R18E S18 SENENE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/15

0.020 CFS
3.50 AFY

The period of use for the irrigation described in this approval may be extended to an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.

PLACE OF USE: IRRIGATION in BLAINE County

T03N R18E S07 SESW 1.00

1 ACRES TOTAL

Rights 37-153A, 37-00154C, 37-00164G, 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 37-08154G, 37-00364G, 37-02627C, 37-02632, 37-08854, 37-30030, 37-20749, and 37-20749 when combined shall not exceed the irrigation of 186.8 acres; 14.3 acres in the Finber Gulch Subdivision, 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.

Standard Form 5

37-20749

 NBS
New

02/22/2012

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

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.

APB

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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 IDWRs records for reference in future administrative proceedings.

CH

Place of use is located within Lot 2, Blk. 1, Golden Eagle Ranch #2 Subdivision.

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.

Use of water under Right 37-20749 may be affected by an agreement between the protestant of Transfer 4823 and the right holder.

A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

This right does not grant any right-of-way or easement across the land of another.

NBS
[Signature]

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

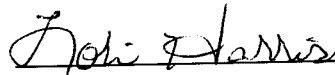
☒ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

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☐ Hand-Delivered
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☐ Hand-Delivered
☐ Facsimile



Signature of person or attorney mailing the form