

1417

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.: 37-22060 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:

 Robert E. Williams 4/21/12
 Attorney for Golden Eagle Ranch HOA, Inc. Date

OBJECTORS:

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

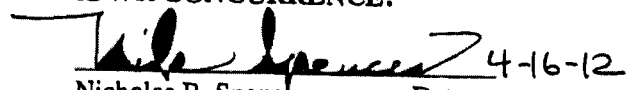
 Albert P. Barker 4-30-12
 Attorney for Tom O'Gara, John F. Stevenson, Bill Molyneux, Pete Van Der Meulen, Grace Eakin, Rocky Sherbine, Gerald Bashaw and Pepin Corso-Harris Date

IDWR CONCURRENCE:


Douglas Jones
Technical Engineer II

Date

IDWR CONCURRENCE:


Nicholas B. Spencer
Deputy Attorney General
Attorney for IDWR

Date

02/22/2012

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

RIGHT NUMBER: 37-22060

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: 0.127 CFS
30.40 APY

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: 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 10/31	0.127 CFS 30.40 APY

PLACE OF USE:

IRRIGATION in BLAINE County

T03N R18E S07	NWSE	8.20	T03N R18E S07	SESE	0.50
8.7 ACRES TOTAL					

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; 20.8 acres in the Golden Eagle Subdivision Phase I, and 81.7 acres in the Golden Eagle Subdivision Phase II.

Rights 37-00154B, 37-00364B, 37-02627C, 37-02632, 37-08854, 37-14260A, 37-20749, 37-22060, 37-22061, 37-22062, and 37-22063 when combined shall not exceed the irrigation of 170 acres; 5.5 acres in the Timber Gulch Subdivision, 20.8 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

37-22060

NBS
Rev

02/22/2012

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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.

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 POW Overlap Analysis", dated 3/29/2011, revised 12/16/2011, which will be maintained in IDWR records for reference in future administrative proceedings.

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.

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

This right is a split from former right 37-20750.

Use of water under Rights 37-22060, 37-22061, 37-22062 and 37-22063 may be affected by an agreement between the protestant of Transfer 4823 and the right holder.

Failure of the right holder to comply with the conditions of transfer no. 70109 is cause for the Director to rescind approval of the transfer.

 NBS


OK
A/S

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

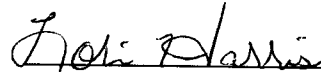
☐ Overnight Mail
☒ Regular Mail
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☐ Facsimile

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

☐ Overnight Mail
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☐ Facsimile



Signature of person or attorney mailing the form