

1321

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JUL 10 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.: 37-11952 (Uncontested Overlap) 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:

Wood River Valley Irrigation District #45


7/10/12

 Paul L. Arrington Date

Attorney for Wood River Valley Irrigation District #45

IDWR CONCURRENCE:


7/2/12

 Steve Clelland Date
 Sr. Water Resource Agent

IDWR CONCURRENCE:


7/2/12

 Christopher M. Bromley Date
 Deputy Attorney General
 Attorney for IDWR

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

RIGHT NUMBER: 37-11952

NAME AND ADDRESS: WOOD RIVER VALLEY IRRIGATION DIST #45
PO BOX 2223
HAILEY ID 83333

SOURCE: BIG WOOD RIVER

Tributary: MALAD RIVER

QUANTITY: 0.320 CFS

This right mitigates for the injury to other water users caused by the diversion and use of water under Right 37-11811. To prevent injury to other water right holders, the watermaster shall deliver 0.32 cfs of this right into the District 45 Canal where it shall remain undiverted not be rediverted.

If the mitigation portion of this right is used for any purpose other than conveyance loss, then water shall not be diverted under Right 37-11811. If the mitigation portion of this right is not deliverable due to a shortage of water or a priority call, then the amount of water authorized for diversion under the uses of Right 37-11811 that are being mitigated shall be reduced by the same proportion as the reduction to this right.

PRIORITY DATE: 10/15/1884

POINT OF DIVERSION: T02N R18E S36 Lot 3 NESWNW Within BLAINE County

PURPOSE AND PERIOD OF USE:	Purpose of use	Period of use:	Quantity:
	MITIGATION	04/15 10/31	0.320 CFS

This right is limited to conveyance loss associated with delivery of water by the Wood River Valley Irrigation Dist. 45 through its canal and lateral system.

PLACE OF USE:

Place of use for this right is limited to the canal and lateral system served by the Wood River Valley Irrigation Dist. 45 to the point at which its canal and lateral systems terminate.

Place of use is within Wood River Valley District 45 Canal.

Place of use does not include federal public lands.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

This right is a split from former right 37-316A.

CERTIFICATE OF SERVICE

I certify that on 7/10, 2012, 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:

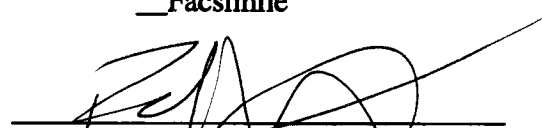
IDWR Document Repository
P.O. Box 83720
Boise, ID 83720-0098

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

Paul L. Arrington
Barker, Rosholt & Simpson, LLP
P.O. Box 485
Twin Falls, ID 83303

N/A

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



Signature of person or attorney mailing the form