

154

DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

AUG - 2 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.: 21-13126
(Formerly Disallowed)

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 initialling each of the attached pages.

CLAIMANT/OBJECTOR:

Boon Creek Canal Co.

Jerry R. Rigby

7-24-12
Date

Attorney for Boon Creek Canal Co.

RESPONDENT:

Squirrel Creek Irrigation

Walter R. Scafe

President, Squirrel Creek Irrigation

IDWR CONCURRENCE:

Michael Holliday

7/30/12
Date

Water Rights Supervisor

IDWR CONCURRENCE:

Andrea L. Courtney

7/31/12
Date

Deputy Attorney General

Attorney for IDWR

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

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.

This right is based upon an enlargement of Right No. 21-148A pursuant to Section 42-1426, Idaho Code.

Water rediverted from Squirrel Creek will be regulated under Idaho priorities.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Water is delivered through Boom Creek Pump and Harshbarger Pump.

This right is for an enlargement of 1622 acres within the place of use described for this right.

MWH

A72

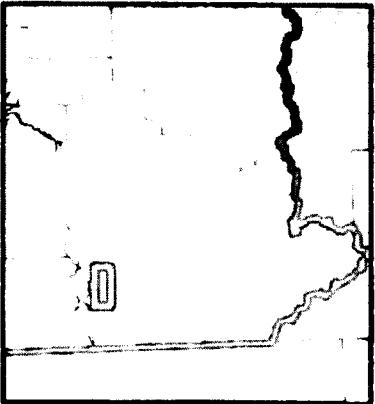


Boom Creek Canal Co

Adjudication Recommendations: 21-144A, 21-13126

Service Area Boundary
GIS Place of Use Illustration

- ☐ Service Area
- ☐ State Outline
- ☐ Township
- ☐ PLS Sections
- ☐ Quarter Quarters



Fremont County
IDWR Basin 21

Prepared by Favreau, Danielle
On June 28, 2012
1987/88 Aerial Photography



Handwritten signatures and initials:
AZ
[Signature]
M.R.D. [Signature]

CERTIFICATE OF SERVICE

I certify that on July 31, 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

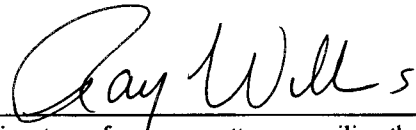
☐ Overnight Mail
☐ Regular Mail
☒ Hand-Delivered
☐ Facsimile

Jerry R. Rigby
Rigby, Andrus & Rigby, Chtd.
P.O. Box 250
Rexburg, ID 83440-0250

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

Walter R. Scafe
Squirrel Creek Irrigation Company
Box 611
Ashton, ID 83420

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



Signature of person or attorney mailing the form