

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

SEP 21 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.: 37-577BY

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. IDWR notes the recommendation of right 37-577BY is unchanged from the Notice of Completed Administrative Proceeding filed July 11, 2012.

CLAIMANTS:

William R. and Kathleen L. Ratliffe

Fritz X. Haemmerle
Fritz X. Haemmerle

9/11/12
Date

Attorney for William and Kathleen Ratliffe

OBJECTORS:

Craig D. Hobday
Craig D. Hobday

9/12/12
Date

Attorney for Big Wood Canal Company

Albert P. Barker
Albert P. Barker

9/13/12
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:

Douglas Jones 8/28/12
Date
Douglas Jones
Engineer Technical 1

IDWR CONCURRENCE:

Andrea L. Courtney 9/19/12
Date
Andrea L. Courtney
Deputy Attorney General
Attorney for IDWR

08/28/2012

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

RIGHT NUMBER: 37-577BY

NAME AND ADDRESS: WILLIAM R RATLIFF
21165 SW KILLARNEY CT
TUALATIN OR 97062

KATHLEEN L RATLIFF
21165 SW KILLARNEY CT
TUALATIN OR 97062

SOURCE: DIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.100 CFS

PRIORITY DATE: 03/24/1883

POINT OF
DIVERSION:

T02N R18E S16 NESE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

MITIGATION

04/15 10/31

0.100 CFS

PLACE OF USE:

MITIGATION in BLAINE County

T02N R18E S31 Lot 4 SWSW 5.00

AK

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.

If the mitigation portion of this right is used for any purpose other than mitigation and conveyance loss, then water shall not be diverted under Right 37-22672. 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 use of Right 37-22672 that is being mitigated shall be reduced by the same proportion as the reduction to this right.

The watermaster shall deliver 0.08 cfs of this right to the Bypass Canal where it shall remain undiverted but provide for losses in the river reach between the Cove Canal and the Bypass canal which result because of use of water under Right 37-22672.

This right mitigates for the injury to other water users caused by the diversion and use of water under Right 37-22672. To prevent injury to other water right holders, the watermaster shall deliver 0.02 cfs of this right into the Cove Canal where it shall remain undiverted but provide for conveyance loss in the canal.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Property is also known as Lot 21A, Muldoon Ranch Subdivision No. 2.

Water was formerly delivered through Cove Canal.

Right No. 37-577BY and a portion of 37-20450 mitigates for water use under 37-22672.

AK

CERTIFICATE OF SERVICE

I certify that on September 19, 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

Fritz X. Haemmerle
Haemmerle & Haemmerle, PLLC
P.O. Box 1800
Hailey, ID 83333

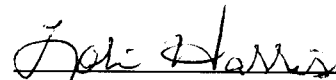
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☐ Facsimile

Craig D. Hobdey
Hobdey Law Office, PLLC
P.O. Box 176
Gooding, ID 83330

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☐ Facsimile

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Signature of person or attorney mailing the form