

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
MAR 07 2013	
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.: 37-892 (Formerly Disallowed) STANDARD FORM 5 STIPULATED ELEMENTS OF A WATER RIGHT
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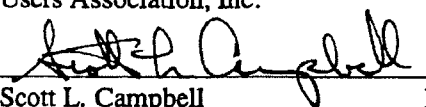
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary 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:

Upper Wood River Water
Users Association, Inc.


2/27/13

 Scott L. Campbell Date
 Attorney for Upper Wood River
 Water Users Association, Inc.

OBJECTOR:

Brown Ranch, Inc.

 Josephine P. Beeman Date
 Attorney for Brown Ranch, Inc.

IDWR CONCURRENCE:

Doug Jones 2/21/13
Doug Jones Date
Technical Engineer

IDWR CONCURRENCE:

Nicholas B. Spencer 2-21-13
Nicholas B. Spencer Date
Deputy Attorney General
Attorney for IDWR

02/25/2013

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

RIGHT NUMBER: 37-892

NAME AND ADDRESS: UPPER WOOD RIVER WATER USERS ASSN INC
153 BASELINE RD
BELLEVUE ID 83313

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER
TRAIL CREEK TRIBUTARY: BIG WOOD RIVER
WARM SPRINGS CREEK TRIBUTARY: BIG WOOD RIVER
EAST FORK WOOD RIVER TRIBUTARY: BIG WOOD RIVER

QUANTITY: 11.232 CFS

PRIORITY DATE: 09/01/1920

Pursuant to a call in times of scarcity, this right is senior to all other rights that did not result from developed/saved water in the Big Wood River, as established by and subject to the provisions included within In Re Upper Big Wood River Water Users Assn, et. al., plaintiff vs. S. H. Chapman, Watermaster, Defendant in the District Court of Lincoln County dated 8/28/1922.

POINT OF
DIVERSION:

T01N R18E S1 NENWSW Within BLAINE County
T01N R18E S2 SWNE Lot 1 Within BLAINE County
T01N R18E S12 NENWSW Within BLAINE County
T01N R18E S12 NWSSEW Within BLAINE County
T01N R18E S12 NWSSEW Within BLAINE County
T01N R18E S25 NWSSEW Within BLAINE County
T01N R18E S25 NESWSW Within BLAINE County
T01N R18E S35 SESE Within BLAINE County
T02N R18E S26 NWSW Within BLAINE County
T02N R18E S26 NESWSW Lot 1 Within BLAINE County
T02N R18E S26 SWSE Within BLAINE County
T02N R18E S36 NESWNW Lot 3 Within BLAINE County
T03N R18E S20 SWNW Within BLAINE County
T04N R17E S30 SESE Within BLAINE County
T04N R17E S31 NWNE Within BLAINE County
T04N R18E S5 NENW Lot 3 Within BLAINE County
T04N R18E S7 SWSE Within BLAINE County
T04N R19E S28 NWSW Within BLAINE County
T04N R19E S29 SESW Within BLAINE County
T04N R19E S29 NESE Within BLAINE County
T04N R19E S29 SWSE Within BLAINE County
T05N R18E S32 NESE Within BLAINE County
T01S R18E S2 SWNE Lot 2 Within BLAINE County
T01S R18E S2 NESESE Within BLAINE County
T01S R18E S19 NWNENE Within BLAINE County


NBS

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	11.232 CFS

PLACE OF USE:

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

This right is limited to the irrigation of 7366 acres within the boundary of the Upper Wood River Water Users Association.

Right Nos. 37-891A and 37-892 are limited to the irrigation of a combined total of 7366 acres in a single irrigation season

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

Water under this right is deliverable or may be initiated at the time when the Big Wood River near the Glendale Bridge is dammed and all flow of the river can be conveyed into the Bypass canal heading within the NW1/4SE1/4SW1/4 Section 12, T1N, R18E. The amount of water deliverable under this right is proportionate to the prorata share of senior priority water (prior to 6/15/1883) deliverable in the Baseline Bypass and Extension Bypass system. This right is curtailed when all priority rights through the Baseline Bypass and Extension Bypass system are futile or not called for during the irrigation season.

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

The points of diversion and place of use of this right overlap points of diversion and places of use of other water rights held by the member shareholders of the corporation that owns this right. Transfers of either this right or the underlying shareholder rights are subject to the provisions and limitations of Idaho Code Secs. 42-108 and 42-222.

This water right is used to replace other surface water source rights held by shareholders and curtailed by priority. This right is limited to the terms and conditions related to the places of use described on the share holders water rights.

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CERTIFICATE OF SERVICE

I certify that on _____, 2013, 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

Scott L. Campbell
Moffatt, Thomas, Barrett, Rock
& Fields, Chtd.
P.O. Box 829
Boise, ID 83701

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

Josephine P. Beeman
Beeman & Associates
409 W. Jefferson
Boise, ID 83702

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

3. Courtesy Copies to:

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

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

J. Evan Robertson
Robertson & Slette P.L.L.C.
P.O. Box 1906
Twin Falls, ID 83303-1906

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

James P. Speck
Speck & Aanestad, P.C.
P.O. Box 987
Ketchum, ID 83340

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

Signature of person or attorney mailing the form