

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

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

In Re SRBA)

Subcase No. 63-00178C)

Case No. 39576)

STANDARD FORM 5)

By
STIPULATED ELEMENTS OF A
WATER RIGHT

JAN 13 2014

Clerk

Deputy Clerk

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

The Tina Iest Family LLLP

Helen Indwell 11/4/13
Date

OBJECTOR

THEDRAKE LLC

Douglas K. Bates 1/3/078
Date
Manager of BID, LLC the
managing entity of THEDRAKE LLC

OBJECTOR

Greg Obendorf

Greg Obendorf 10/30/13
Date

OBJECTOR/RESPONDENT

Tree Top Ranches LP

Andrew J. Waldera 12/17/13
Date
Attorney

Jan Shurte 12-18-13
Jan Shurte Date
Adjudication Technical Specialist

STANDARD FORM 5 – Water Right No. 63-00178C

SF5 Right No. 63-178C

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

RIGHT NUMBER: 63-178C

NAME AND ADDRESS: ~~TINA IEST~~ THE TINA IEST FAMILY LLLP
C/O HELEN C TIDWELL
5700 SOUTH LINDER RD
MERIDIAN ID 83642

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 7.330 CFS

Whenever it becomes necessary for the watermaster to deliver this right the following condition shall apply. This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and proceeding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and proceeding to the earliest, shall be reduced to 60 percent of their decreed quantities.

PRIORITY DATE: 06/01/1869

POINT OF DIVERSION:

T05N R05W S25 SWSE Lot 2 Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	7.330 CFS

Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only when the natural flow in the Boise River below the Star Bridge in Township 04 North, Range 01 West, Section 18, NE¼ of the SE¼ of the SE¼, Boise Meridian (approximate river mile 33.9) is sufficient for water to be available for diversion at the point of diversion described above, provided that any such use of this water right prior to April 1 and after October 31 shall ~~be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39516~~ not interfere with storage of water under water rights for Lucky Peak, Lake Lowell, Arrowrock, or Anderson Ranch Reservoirs.

me
dw
pt

SF5 Right No. 63-178C

SF5 Right No. 63-178C

PLACE OF USE: IRRIGATION in CANYON County

T05N R05W S23	NESW	31.10	T05N R05W S23	NWSW	15.20
T05N R05W S23	SWSW	34.30	T05N R05W S23	SESW	38.20
T05N R05W S23	NWSE	12.30	T05N R05W S23	SWSE	27.20
T05N R05W S26 Lot 1 NENE		27.00	T05N R05W S26 Lot 2 NWNE		27.60
T05N R05W S26	NENW	12.20			

225.1 ACRES TOTAL

Right Nos. 63-178C and 63-33498 are limited to the irrigation of a combined total of 225.1 acres in a single irrigation season

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 originated as all or part of right no. 44 in the Stewart Decree and the historic Boise River Water Masters records.

This right is a split from right 63-178.

This right is remembered from former right 63-178.

Handwritten signature and initials, including "dw", "mc", "JT", and "C".

CERTIFICATE OF MAILING

I certify that on January 10th, 201⁴8, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid 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, IDAHO 83303-2707

2. Copies to:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

TREE TOP RANCHES LP
Represented by:
ANDREW J WALDERA
101 S CAPITOL BLVD 10TH FL
PO BOX 829
BOISE, ID 83701-0829

GREG OBENDORF
THEDRAKE LLC
THE TINA IEST FAMILY LLLP
Represented by:
DANA L HOFSTETTER
608 W FRANKLIN ST
BOISE, ID 83702-5509



Signature of person or attorney mailing form