

4-24-14

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DEPT. OF WATER RESOURCES

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.: 21-13174
	)	
Case No. 39576	)	
	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

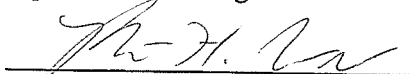
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary 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.

CLAIMANT/OBJECTOR:

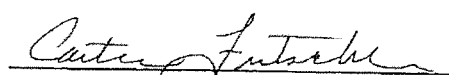
Squirrel Creek Irrigation & Canal Co. Inc

 4-22-14

Robert H. Wood Date

Attorney for Squirrel Creek Irrigation & Canal Co. Inc.

IDWR CONCURRENCE:

 4-14-14

Carter Fritschle Date

Manager, Adjudication Section

IDWR CONCURRENCE:

 4/14/14

Meghan Carter Date

Deputy Attorney General

Attorney for IDWR

Standard Form 5

21-13174

04/09/2014

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

RIGHT NUMBER: 21-13174

NAME AND ADDRESS: SQUIRREL CREEK IRRIGATION & CANAL CO LTD
PO BOX 611
ASHTON ID 83420

SOURCE: UNNAMED STREAM
Point of injection into Squirrel Creek. Point of rediversion from Conant Creek.

QUANTITY: 201.45 AFY
Rediversion of water from Conant Creek under this right shall not exceed the measured flow of water from Squirrel Creek into Conant Creek, less the amount of water for conveyance losses as determined by the watermaster.

PRIORITY DATE: 01/20/1953

POINT OF DIVERSION: T08N R43E S15 SWSE Rediversion Within FREMONT County
T08N R46E S5 SWSE Lot 6 Within FREMONT County
The point of diversion at Bergman Reservoir for this water right is from an unnamed stream in Wyoming, T47N, R118W, S08, SENE, Sixth Principal Meridian.
The point of injection into Squirrel Creek is in Wyoming, T47N, R118W, S08, NESE, Sixth Principal Meridian.
The point of diversion shown above is where Squirrel Creek enters Idaho.

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION STORAGE	01/01 12/31	201.45 AFY
IRRIGATION FROM STORAGE	04/01 10/31	201.45 AFY

PLACE OF USE:

IRRIGATION FROM STORAGE in FREMONT County

T08N R43E S10	NENE	40.00	T08N R43E S10	SWNE	40.00
T08N R43E S10	SENE	40.00	T08N R43E S10	SENE	40.00
T08N R43E S10	NESW	40.00	T08N R43E S10	NWSW	40.00
T08N R43E S10	SWSW	40.00	T08N R43E S10	SESW	40.00
T08N R43E S10	NESE	40.00	T08N R43E S10	NWSE	40.00
T08N R43E S10	SWSE	40.00	T08N R43E S10	SESE	40.00
T08N R43E S15	NENE	40.00	T08N R43E S15	NWNE	40.00
T08N R43E S15	SWNE	40.00	T08N R43E S15	SENE	40.00
T08N R43E S15	NENW	40.00	T08N R43E S15	NWNW	40.00
T08N R43E S15	SNNW	40.00	T08N R43E S15	SENE	40.00

800 ACRES TOTAL

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.

~~Place of use is within the area served by Squirrel Creek Irrigation & Canal Company.~~

Right Nos. 21-109C, 21-13173 and 21-13174 are limited to the irrigation of a combined total of 1175 acres in a single irrigation season.

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

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 - License

The diversion and use of water described in this right may be subject to additional limitations agreed to by the protestant(s) to Transfer 4637 and the right holder under separate agreement to which the Department is not a party and which may be enforceable by a court of law.

Prior to redirection of water from Conant Creek, the right holder shall provide a means of measurement acceptable to the Department upstream from the confluence of Squirrel Creek and Conant Creek to provide the watermaster with an accurate measurement of the flow of water from Squirrel Creek into Conant Creek.

This right is based on Wyoming Certificate of Appropriation of Water under Permit No. 21147.

Water is delivered through Squirrel Creek Canal Pump #1.

CERTIFICATE OF SERVICE

I certify that on _____, 2014, 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

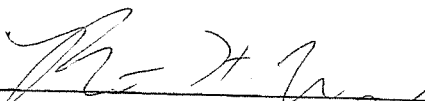
2. Copies to:

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

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

Robert H. Wood
Rigby, Andrus & Rigby Law, PLLC
P.O. Box 250
Rexburg, ID 83440-0250

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



Signature of person or attorney mailing the form