

COPY

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

In Re the General Adjudication of
Rights to the Use of Water from the
Snake River Basin Water System

The State of Idaho, ex rel. R. Keith
Higginson in his official capacity as
Director of the Idaho Department of
Water Resources,

Petitioner,

vs.

The United States; the State of Idaho;
and all Claimants to the Use of Water
from the Snake River Basin Water
System,

Respondents.

STANDARD FORM 5
AMENDED MAY 14, 1996

SUBCASE NO: 36-04148B
(ONE NUMBER ONLY)

STIPULATED ELEMENTS OF A
WATER RIGHT

**THIS FORM MAY ONLY BE USED IF ALL PARTIES HAVE STIPULATED TO ALL
ELEMENTS OF ONE WATER RIGHT AND MAY BE SUBMITTED AT ANY TIME
FOLLOWING THE CLOSE OF THE STATUTORY RESPONSE PERIOD.**

This form is used to report the proposed elements of one federal reserved water right or one water right acquired under state law. Submission of this form will not result in the automatic 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; and they have been served with sufficient process, according to the law, and have appeared, prosecuted and defended their positions with regard to this water right dispute.

Instructions For Use

A copy of this water right as recommended in the director's report shall be submitted with this form. A statement shall accompany each element of a water right.

Elements where there has been no objection should be listed exactly as they appear in the director's report. The statement as to an uncontested element shall state "as recommended in the director's report."

Contested elements that are the result of an objection filed with the court shall be accompanied by a statement fully describing all facts, documents, expert opinions and law which support the element of the water right (attach additional pages if necessary).

ELEMENTS

1. The name and address of the claimant is:

Clear Lake Country Club
Rt. 4 - Box 225
Buhl, Idaho 83316

Required Statement:

As recommended in the Director's Report.

2. The source of water is:

Springs tributary to Clear Lakes.

Required Statement:

As recommended in the Director's Report.

3. The quantity of water used is:

1.5 cubic feet per second

Required Statement:

Pursuant to the evidence in this matter and as stipulated by the parties.

4. The priority date is:

August 12, 1893

Required Statement:

Pursuant to the evidence in this matter and as stipulated by the parties.

5. The legal description of the point(s) of diversion is; if the claim is for an instream flow, then a legal description of the beginning and ending points of the claimed instream flow:

T. 9S, R. 14E, S. 02, Lot 5 (SESENE)

Required Statement:

As recommended in the Director's Report.

6. The purpose of use is:

Irrigation

Required Statement:

As recommended by the Director's Report.

7. The period of year when the water is to be used:

Irrigation season.

Required Statement:

Pursuant to the SRBA District Court's decision in Basin-Wide Issue No. 5.

8. The legal description of the place of use or of the reservation is:

T09S, R14E B.M., Gooding County:

Section 1 - SW NW (Lot 5)	.7
SE NW (Lot 6)	2.4
NE SW (Lot 13)	40.0
NW SW (Lot 12)	22.7
SW SW (Lot 15)	21.1

Section 2 - SE SE (Lot 9)	38.5
NE SE (Lot 8)	6.9
NW SE (Lot 6)	3.0
SW SE (Lot 7)	9.0

Section 11 - NE NE (Lot 5)	9.1
NW NE (Lot 6)	5.0

TOTAL	158.4
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Required Statement:

Pursuant to the evidence in this matter and as stipulated by the parties.

9. The annual volume of consumptive use is:

202.5 AFA

Required Statement:

Pursuant to the evidence in this matter and as stipulated by the parties.

10. Other matters necessary to define this water right:

N/A

These matters are necessary because:

N/A

These matters do not fall within the nine elements listed above because:

N/A

Review by IDWR

To speed up entry of a decree, the parties are encouraged to talk to the Idaho Department of Water Resources about their proposed settlement and have IDWR indicate its concurrence by signing the Standard Form 5.

Where all parties have signed, a Standard Form 5 may be filed with the court without the concurrence of IDWR. However, the parties must certify that they have served IDWR with a copy of Standard Form 5 and that they have made a good faith attempt to resolve the matter with IDWR.

Within 14 days of filing a Standard Form 5 not containing an IDWR concurrence, IDWR shall file a statement of its position with the court.

If IDWR has not concurred by signing below, signing parties certify that they have served a copy of this document on the Idaho Department of Water Resources and have made a good faith attempt to obtain IDWR's concurrence, but have failed.

Signature and Address of Parties and their Attorney of Record (attach additional page if necessary)

I have read this form and know its contents and that the statements are true to the best of my knowledge and belief.

Name: Clear Lake Country Club

Address: Rt. 4 - Box 225

City/State/Zip: Buhl, ID 83316

Attorney of Record: Patrick D. Brown

Name: Clear Lake Corp. and L & M, Inc.

Address: 307 Clear Lake Lane

City/State/Zip: Buhl, ID 83316

Attorney of Record: Norman M. Semanko

Party's Signature _____ Date _____

Attorney's Signature _____ Date _____

Party's Signature _____ Date _____

Attorney's Signature _____ Date _____

IDWR Concurrence: _____

Signature

Date

INSTRUCTIONS FOR MAILING

You must mail the form, including all attachments, to the Clerk of the SRBA Court and to the parties identified in the Certificate of Mailing. FAX filings will not be accepted by the SRBA Clerk of the Court.

You must sign the Certificate of Mailing to show that you followed these steps.

CERTIFICATE OF MAILING

I hereby certify that on the _____ day of _____, 1996, 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, ID 83303-2707

2. Copy to:

Idaho Department of Water Resources
Adjudication Bureau
P.O. Box 83720
Boise, ID 83720-0098

3. Copies to (insert names and addresses):

Patrick D. Brown
Hepworth, Lezamiz & Hohnhorst
P.O. Box 389
Twin Falls, ID 83303-0389

Norman M. Semanko
Rosholt, Robertson & Tucker, Chartered
P.O. Box 1906
Twin Falls, ID 83303-1906

Signature of person or attorney mailing the form

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