

**STANDARD FORM 5/
STIPULATION TO
WITHDRAW OBJECTION**

Please take notice that Ark Properties, Inc. hereby withdraws its objection filed on June 9, 1999 for subcase number: 61-11807.

Ark Properties, Inc. has agreed to withdraw its objection and agrees and stipulates 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.

Ark Properties, Inc.

BRUCE M. SMITH Date
Attorney for Ark Properties, Inc.

IDWR Concurrence:

Ron Howerton *4/30/02*
for RON HOWERTON Date
Senior Water Right Agent

Candice M. McHugh *4/30/02*
CANDICE M. McHUGH Date
Deputy Attorney General

Am

CERTIFICATE OF MAILING

I certify that on 5-1, 2002, 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

Hand-delivered

2. Copies to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 83720
Boise, ID 83720-0098

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

Bruce M. Smith
225 North 9th Street, Suite 420
Boise, ID 83702

/s/
Signature of person or attorney mailing the form

[Handwritten mark]

04/01/2002

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

RIGHT NUMBER: 61-11807

NAME AND ADDRESS: ARK PROPERTIES LLC
RT 1 BOX 451
GLENN'S FERRY ID 83623

SOURCE: HENLEY SPRINGS
UNNAMED STREAM

TRIBUTARY: COLD SPRINGS CREEK
TRIBUTARY: COLD SPRINGS CREEK

QUANTITY: 0.340 CFS

PRIORITY DATE: 04/30/1952

POINT OF
DIVERSION:

T05S R09E S5 NENWSE Within ELMORE County
T05S R09E S5 NENWSE Within ELMORE County
2 POINTS OF DIVERSION LOCATED IN T05S, R09E, S05, NENWSE.

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

02/15 11/15

0.340 CFS

PLACE OF USE:

IRRIGATION Within ELMORE County

T05S R09E S05 NWSE 17.0

17 ACRES TOTAL

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

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN
BASIN 61 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
RIGHTS IN BASIN 61: WATER RIGHT NO. SOURCE NONE NONE THE
FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN
BASIN 61 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
RIGHTS IN THE SNAKE RIVER BASIN: WATER RIGHT NO. SOURCE NONE
NONE ALL WATER RIGHTS WITHIN BASIN 61 ARE FROM CONNECTED SOURCES OF
WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED
CONJUNCTIVELY.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

RG

Baw