

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: 29-2175

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. 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; and 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 indicate their concurrence by their signatures below and by attaching each of the attached pages. The powers-of-attorney for the claimant and objectors' signatures are enclosed as Attachments 1 and 2, respectively.

CLAIMANT

Doreen Curtis 5-24-04
Date
Doreen Curtis
Signatory for Doreen Curtis

OBJECTOR

David B. Hartvigsen 5/24/04
Date
David B. Hartvigsen
Signatory for Elmer Jay Hartvigsen Family Trust,
Reed & Doreen Hartvigsen Family Trust and
Ronard N. Hartvigsen

IDWR CONCURRENCE

Carter Fritschke 5-19-04
Date
Carter Fritschke
Adjudication Supervisor, IDWR

Chris Bramey 5/21/04
Date
Chris Bramey
Attorney for IDWR

2

05/24/2004 12:08 2083275403
05/24/2004 12:08 0014131520
Sent By: WATER RESOURCES;

DOREEN CURTIS
SMITH_HARTVIGSEN
May 21/04 12:48PM;

PAGE 21
PAGE 05
Page 3/6

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

WATER COURSE: 29 2175
NAME AND ADDRESS:

DOREEN CURTIS
PO BOX 9
ISLAND PARK ID 83429

APPLICANT:

Source:

TRIBUTORY:

SPRING

MOON CREEK

ADAMS CREEK

ADAMS CREEK

ADAMS CREEK

ADAMS CREEK

Handwritten:
OK
OK
OK

QUANTITY: 0.50 CFS

PERMIT DATE: 03/07/1914

POINT OF DIVERSION:

~~T126 R37E S29 SE1/4 NW1/4 Section 29~~
T126 R37E S28 NW1/4 within BANNOCK County
~~T126 R37E S29 SE1/4 NW1/4 Section 29~~

PURPOSE AND
NATURE OF USE:

PURPOSE of use

Period of use:

Quantity

IRRIGATION

04/01 10/31

0.50 CFS

PLACE OF USE:

IRRIGATION

within BANNOCK County

T126 R37E S20 SW1/4 15.0

T126 R37E S29 NW1/4 10.0

25 ACRES TOTAL

OTHER PURPOSES RECOMMENDED FOR DIVERSION OR ACCUMULATION OF THIS WATER RIGHT:

This parties' 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

NECESSARY ORIGINAL:

SCOPE OF CLAIM License

RIGHT INCLUDES ACCUMULATED CHANGE IN PLACE OF USE PURSUANT TO
SECTION 42-1425 IDAHO CODE

WRS: 29 2175

CERTIFICATE OF MAILING

I certify that on 25 May 2004 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: *or filing*

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

Fax (208) 736-3078

2. Copies to:

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

Fax (208) 327-5400

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

D. Scott Crook
Attorney for Elmer Jay Hartvigsen Family Trust,
Rood & Doris Hartvigsen Family Trust &
Richard N. Hartvigsen
David B. Hartvigsen
215 State St., Ste. 650
Salt Lake City UT 84111

Fax (801) 413-1620

Dorreen Curtis
P.O. Box 9
Island Park, ID 83429

Fax (439) 863-4037

Gene Curtis
5049 S. 2400 W
Mt Sterling, UT 84139

Fax (439) 863-4037

Kenneth Gene Curtis 5/24/04
Signature of person or attorney mailing the form

05/24/2004 12:56 008-558-9440

DIJPEEN, CURTIS

PAGE 05

05/24/2004 12:00 0014131520

SMITH, HARTVIGSEN

PAGE 07

Sent By: WATER RESOURCES;

2003275400.

May-21-04 12:40PM;

Page 5/6

ORIGINAL

DURABLE POWER OF ATTORNEY WITH HEALTH CARE PROVISIONS

I, DOREEN CURTIS, appoint KENNETH GENE CURTIS, of 5049 So 2400 West, Mt. Sterling, UT 84339, (435) 245-5925, my true and lawful attorney-in-fact, (hereinafter referred to as 'agent') for me and in my name, to do any and all acts which I could do if personally present. This durable power of attorney becomes effective immediately when I sign it.

If KENNETH GENE CURTIS is unable or unwilling to act as agent then CAROL DENISE HORTON, of 4228 Saddlecrest Lane Westlake Village, CA 91361, (818) 991-6331 shall act with all rights and responsibilities given to the original agent. Bond shall not be required of my agent(s)

My agent may perform for me and in my name and on my behalf any act in the management, supervision, and care of my estate and affairs that I personally have authority to perform. My agent may exercise for me and in my name and on my behalf the powers enumerated below, which are intended to illustrate, and not to limit, the scope of this power. This power of attorney shall apply to all property owned by me, whether title is held as sole owner, as a joint tenant, as a tenant in common, as grantor or trustee of a revocable living trust, or otherwise.

- A SECURITIES My agent may buy, sell, pledge, exchange, assign, option, or otherwise transfer any securities of any kind, deal with any broker, banker, or other agent; receive all dividends and interest payments now or hereafter due or payable to me from any security or other indebtedness or investment, vote stock and otherwise represent me at all meetings of shareholders or companies or corporations in which I have an interest; sign proxies or other instruments; tender my resignation as director or officer; subscribe to shares of stock, and execute request for payment of United States Savings Bonds, and surrender paid securities and receive the proceeds thereof.
- B ACCOUNTS My agent may open, continue, maintain, change, or close any account, including without limitation any checking or savings account, certificate of deposit, share account, and other like arrangement with any bank, trust company, savings bank, building and loan association, savings and loan association, credit union, or other financial institution; make deposits and withdrawals by check, draft, or otherwise; and endorse checks, notes, and drafts for deposit, collection, or otherwise.
- C BENEFITS My agent may apply for and receive any government, insurance and retirement benefits to which I may be entitled. My agent may also exercise any right to elect benefits or payment options or to receive cash value in return for the surrender of any or all rights under any of the following: Life insurance policies or benefits, annuity policies, plans or benefits, mutual fund or other dividend investment plans, and retirement, profit sharing and employee plans and benefits.
- D DEEDS My agent may sign, execute, deliver and acknowledge such deeds, deeds of trust, covenants, indentures, agreements, mortgages, pledge agreements, notes, receipts,

Page 2, Durable Power of Attorney of DOREEN CURTIS

checks, bills of exchange, evidence of debts, releases and satisfactions of mortgage debts, judgment debts and other debts.

- E. OTHER PROPERTY, INCLUDING REAL ESTATE. My agent may sell, exchange, option, and convey my real and personal property, wherever located; execute and deliver deeds of general warranty, with the customary covenants for such property; manage and control my real and personal property, wherever located; negotiate, execute, and deliver any leases of my property; demand and collect rents, buy every kind of property, real or personal; arrange for appropriate disposition, use, insurance, and safekeeping of all my property; settle, compromise, and adjust insurance claims, borrow money in my name, and to receive such loans by real estate mortgage or by other collateral. My agent may also purchase medical insurance for any dependent of mine.
- F. TRANSFER OF ASSETS. My agent may transfer from time to time some or all of my assets to the trustee or trustees of any revocable trust that I may have established or may establish in the future, regardless of the extent or limitations on my beneficial interests in that trust, to be administered in accordance with the terms thereof, and may manage the assets of said trust as if they were my solely owned assets.
- G. OPERATION OF BUSINESS. My agent may continue the operation of any business belonging to me or in which I have a substantial interest for such time and in such manner as my agent may deem advisable or to sell or liquidate any business or interest herein, at such time and on such terms as my agent may deem advisable and in my best interests.
- H. COLLECTION AND LITIGATION. My agent may demand and collect all property, real or personal, now or hereafter due, payable, or belonging to me; contest, compromise, settle, or abandon claims in my favor or against me; give receipts, releases, and discharges; commence, pursue, or oppose any action, suit, or legal proceeding relating to any matter in which I am or may hereafter be interested; and compromise, settle, or submit to judgment any such action or proceeding.
- I. TAXES. My agent may represent me before any office of the Internal Revenue Service or the Treasury Department of the United States and before the tax department of any state, county, or municipality with regard to any tax with which I am concerned. In particular without limitation, my agent may represent me in connection with any federal income tax return, Form 1040, for all tax years between 1950 and 2050, inclusive; any federal gift tax returns, Form 709, for all tax years between 1950 and 2050, inclusive; any Idaho income tax return, for all tax years between 1950 and 2050, inclusive, and any Idaho gift tax return, for all tax years between 1950 and 2050, inclusive. My agent may perform all acts that I can perform with respect to any tax matters without limitation. My agent may prepare, sign, and file any tax return, receive originals of all notices and other written communications, negotiate and make compromises, file claims, receive, endorse, and collect checks, receive and examine confidential information, and take appeals, file protests, and execute waivers and closing agreements. My agent may consent on my behalf to have any gift made by my spouse considered as made by each of us under section 2513 of the Internal Revenue Code.

Page 3, Durable Power of Attorney of DOREEN CURTIS

- J. SAFE DEPOSIT BOX My agent shall have access to any safe deposit box of mine (whether the box is held in my name alone, in my revocable trust, or jointly with another or others) wherever located, and may remove the contents and surrender the box on my behalf. Any institution in which a safe deposit box of mine is located is not liable to me or my heirs or estate for permitting my agent to exercise this power.
- K. POST OFFICE My agent shall be able to request and authorize the post office to forward my mail to whatever address my agent may deem advisable.
- L. SOCIAL SECURITY My agent may represent and act for me before the Social Security Administration of the United States, and any similar agency of a state or local government, collect all Social Security benefits due me; and make such arrangements in connection with Social Security benefits including without limitation Medicaid and Medicare as will facilitate their application to my care and support.
- M. EMPLOYMENT OF AGENTS My agent may employ and dismiss agents, attorneys, investment advisors, accountants, housekeepers, and other persons, and terminate any agency that I may have created at any time.
- N. FIDUCIARY POSITIONS My agent may renounce any fiduciary positions to which I have been or may be appointed, including, but not limited to personal representative, trustee, guardian, conservator, attorney-in fact and officer or director of a corporation; to resign such positions in which capacity I am presently serving, and to file an accounting with a court of competent jurisdiction, or settle on a receipt or release or other informal method as my agent deems advisable.
- O. HEALTH CARE AGENT. I hereby further appoint said agent to make health care decisions for me as authorized below. For the purposes of this document, "health care decision" means consent, refusal of consent, or withdrawal of consent to any care, treatment, service, or procedure to maintain, diagnose, or treat an individual's physical condition.
- A. GENERAL STATEMENT OF AUTHORITY GRANTED Subject to any limitations in this document, I hereby grant to my agent full power and authority to make health care decisions for me to the same extent that I could make such decisions for myself if I had the capacity to do so. In exercising this authority, my agent shall make health care decisions that are consistent with my desires as stated in this document or otherwise made known to my agent, including, but not limited to, my desires concerning obtaining or refusing or withdrawing life-prolonging care, treatment services and procedures.
- B. INSPECTION AND DISCLOSURE OF INFORMATION RELATING TO MY PHYSICAL OR MENTAL HEALTH Subject to any limitations in this document, my agent has the power and authority to do all of the following:

Page 4, Durable Power of Attorney of DOREEN CURTIS

- (1) Request, review, and receive any information, verbal or written, regarding my physical or mental health, including, but not limited to, medical and hospital records.
- (2) Execute on my behalf any releases or other documents that may be required in order to obtain this information.
- (3) Consent to the disclosure of this information.
- (4) Consent to the donation of any of my organs for medical purposes.

C. SIGNING DOCUMENTS, WAIVERS AND RELEASES Where necessary to implement the health care decisions that my agent is authorized by this document to make, my agent has the power and authority to execute on my behalf all of the following

- (1) Documents titled or purporting to be a "Refusal to Permit Treatment" and "Leaving Hospital Against Medical Advice"
- (2) Any necessary waiver or release from liability required by a hospital or physician.

P NOMINATION OF GUARDIAN In accordance with Idaho Statutes, as amended from time to time, I nominate my agent to serve as my guardian, conservator, or in any similar capacity to serve without bond or security.

Q SEVERABILITY The invalidity of a provision of this power of attorney shall not affect another provision.

R POWER OF APPOINTMENT My agent may exercise any power of appointment given to me, whether by will or by trust agreement.

S GIFTING My agent may make gifts to third parties or to the agent(s) as individual(s), as the agent(s), in the sole discretion of the agent(s), deem appropriate, provided said gifts qualify for the annual exclusion under Sections 2503(b), 2503(c) or 2503(e) of the Internal Revenue Code of 1986, including amendments thereto.

T COMPENSATION My agent shall be reimbursed for all reasonable costs and expenses actually incurred and paid under this power of attorney. Otherwise, my agent shall act without compensation.

THIS POWER OF ATTORNEY SHALL NOT BE AFFECTED BY MY
SUBSEQUENT DISABILITY, INCAPACITY OR INCOMPETENCY

I hereby declare that any act or thing lawfully done hereunder by my said agent(s) shall be binding upon myself, my heirs, legal representatives, personal representatives and assigns.

Page 5, Durable Power of Attorney of DOREEN CURTIS

I hereby revoke any prior durable power of attorney relating to financial matters

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 6th day of December, 2002 at the City of Pocatello, County of Bannock, Idaho

WITNESSES:

Galena Black
Julie Martin

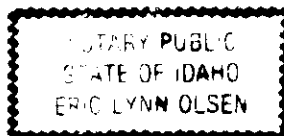
Doreen Curtis
DOREEN CURTIS

STATE OF IDAHO

SS:

COUNTY OF BANNOCK

Personally came before me this 6th day of December, 2002, the above named DOREEN CURTIS, to me known to be the person who executed the foregoing instrument and acknowledge the same.



Eric L. Olsen
Eric L. Olsen, Notary Public
Bannock County, Idaho
My Commission Expires: 12/18/06

=== COVER PAGE ===

TO: _____

FROM: DOREEN CURTIS

FAX: 208-558-9442

TEL: 208-558-7911

COMMENT: URGENT

FAX COVER SHEET

YOUR COMPANY NAME

Address (line 1)

Address (line 2)

City, State or Province ZIP or Postal Code

Country

Phone number

Fax number

SEND TO

Company name Chief, Natural Resource From

Division, Office of the ATT. General Kenneth Gene Curtis

Attention

Date

5/24/04

Office location

Office location

Fax number

208-327-5400

Phone number

(435) 863-4479

☐ Urgent☐ Reply ASAP☐ Please comment☐ Please review☐ For your information

Total pages, including cover

COMMENTS

Hard copy with original signatures will be filed later.