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DEPARTMENT 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. 69-10040
)
)
) Standard Form 5
Case No. 39576)
)
) 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 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 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:

Wild Horse Ranch Partnership, L.L.P.

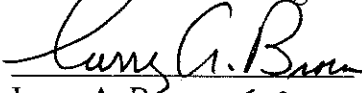

John E. Dyer III 6/29/06
Registered Agent Date
George C Hixon
Partner

IDWR CONCURRENCE:

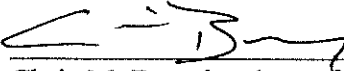
Date

OBJECTOR:

United States on behalf of the
Bureau of Land Management


Larry A. Brown 7/10/06
Fwp Date
Attorney, U.S. Department of Justice
Environment and Natural Resources Div.

IDWR CONCURRENCE:


Chris M. Bromley (as to form) 6/30/06
Deputy Attorney General Date

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

RIGHT NUMBER: 69-10040

NAME AND ADDRESS: WILD HORSE RANCH PARTNERSHIP
1095 CALF PEN RD
COUNCIL ID 83612

SOURCE: NO BUSINESS CREEK

TRIBUTARY: WILDHORSE RIVER

QUANTITY: 0.160 CFS

Fwp

The quantity of water under this right shall not exceed
13,000 gallons per day.

PRIORITY DATE: 05/01/1924

POINT OF

DIVERSION: T17N R04W S3

SENW

Within ADAMS County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
STOCKWATER

PERIOD OF USE
01/01 12/31

QUANTITY
0.160 CFS

PLACE OF USE: STOCKWATER

Within ADAMS County

T17N R04W S03

NWNE

T17N R04W S03

NENW

T18N R04W S34

SESW

T18N R04W S34

SWSE

USE OF WATER ON THIS RIGHT DOES NOT INCLUDE A USE ON
FEDERAL PUBLIC LAND

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.

The quantity of water decreed for this water right is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

CERTIFICATE OF MAILING

I certify that on July 10, 2006 mailed the original and copies of this form, including all attachments, 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. Copy to:

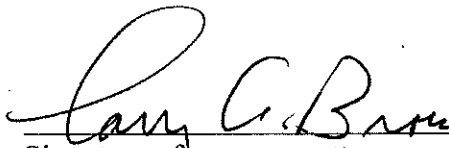
Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, Idaho 83711-4449

IDWR Document Depository
P. O. Box 83720
Boise, Idaho 83720-0098

3. Copies to all parties to the subcase (insert names and addresses):

U.S., Department of Justice
Environment and Natural Resources Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724

Wild Horse Ranch Partnership, L.L.P.
1095 Calf Pen Road
Council, Idaho 83612



Signature of person or attorney mailing the form