

STIPULATED ELEMENTS OF A WATER RIGHT

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IDWR Concurrence:

Sandy Egbert 1-19-07
Sandy Egbert Date
GIS Specialist

Nicholas B. Spencer 1-22-07
Nicholas B. Spencer Date
Deputy Attorney General
Attorney for IDWR

CERTIFICATE OF MAILING

I certify that on 1-23, 2007, 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:

Albert P. Barker
Barker, Rosholt & Simpson LLP
PO Box 2139
Boise, ID 83701-2139

Hand-delivered

IDWR Repository
P.O. Box 83720
Boise, ID 83720

Becky Harvey
Signature of person or attorney mailing the form

SF 5 Right No. 63-5386

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

RIGHT NUMBER: 63-5386

NAME AND ADDRESS:

FIRST AMERICAN TITLE INSURANCE CO
TRUST N08562
FOR BENEFIT OF SUNCOR IDAHO LLC
485 E RIVERSIDE DR
EAGLE ID 83616

SPRING VALLEY LIVESTOCK CO INC
PO BOX 9
STAR ID 83669

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NBS
APB

SOURCE:

Source:
SPRING VALLEY CREEK

Tributary:
BOISE RIVER

QUANTITY: 1.880 CFS

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

PRIORITY DATE: 03/15/1894
03/15/1964

POINT OF DIVERSION:

T05N R02E S7 SESESE
Within ADA County

T05N R02E S18 NENWNE
Within ADA County

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION

03/15 11/15

2.000 CFS

STOCKWATER

02/01 12/01

0.020 CFS

Stockwater use is for 400 range cattle.

PLACE OF USE:

IRRIGATION within ADA County

T05N R02E S18 NENE 3.0

T05N R02E S18 NWNE 13.0

T05N R02E S18 SWNE 25.0

T05N R02E S18 NENW 1.0

T05N R02E S18 SENW 8.0

T05N R02E S18 NESW 12.0

T05N R02E S18 SESW 5.0

T05N R02E S18 NWSE 18.0

T05N R02E S18 SWSE 8.0

STOCKWATER Same As IRRIGATION

93 ACRES TOTAL

SF5 Right No. 63-5386

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

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

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.