

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

Case No. 39576

) Subcase No. 63-18974
) previously Disallowed

) STANDARD FORM 5

) STIPULATED ELEMENTS OF A
) WATER RIGHT

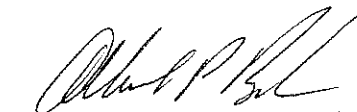
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine 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; 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(s)/OBJECTOR(s):

Avimor, LLC



Albert P. Barker

Attorney for Claimants/Objectors

1-23-07

Date

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:

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

1-24-07

Chief, Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise, ID 83711-4449

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 Hawley

Signature of person mailing the form

SF5 Right No. 63-18974 -- Previously Disallowed

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

RIGHT NUMBER: 63-18974

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

MC
NBS
APB

SOURCE:

Source:

Tributary:

GROUND WATER

QUANTITY:

1.140 CFS

256.500 AFY

0.000 AFY

PRIORITY DATE:

03/15/1958

06/01/1948

POINT OF DIVERSION:

T05N R02E S7 NWNWNE
Within ADA County

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION

03/15 11/15

1.140 CFS

256.50 AFY

~~4/15 10/15~~

PLACE OF USE:

IRRIGATION

within ADA County

T05N R02E S07 NWNE 27.0

T05N R02E S07 SWNE 24.0

T05N R02E S07 NWSE 6.0

57 ACRES TOTAL

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.

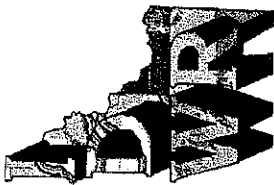
~~No beneficial use found.~~

EXPLANATORY MATERIAL:

BASIS OF CLAIM - Beneficial Use

~~No beneficial use found. This is included for a claim based on beneficial use that is proposed to be disallowed because beneficial use of water was not confirmed by IDWRs field examination or by other evidence submitted by the claimant.~~

SF5 Right No. 63-18974 -- Previously Disallowed



Idaho Department of Water Resources

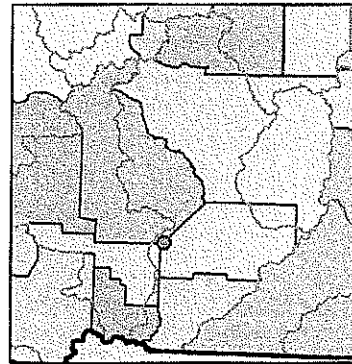
SRBA Recommendation:

63-18974

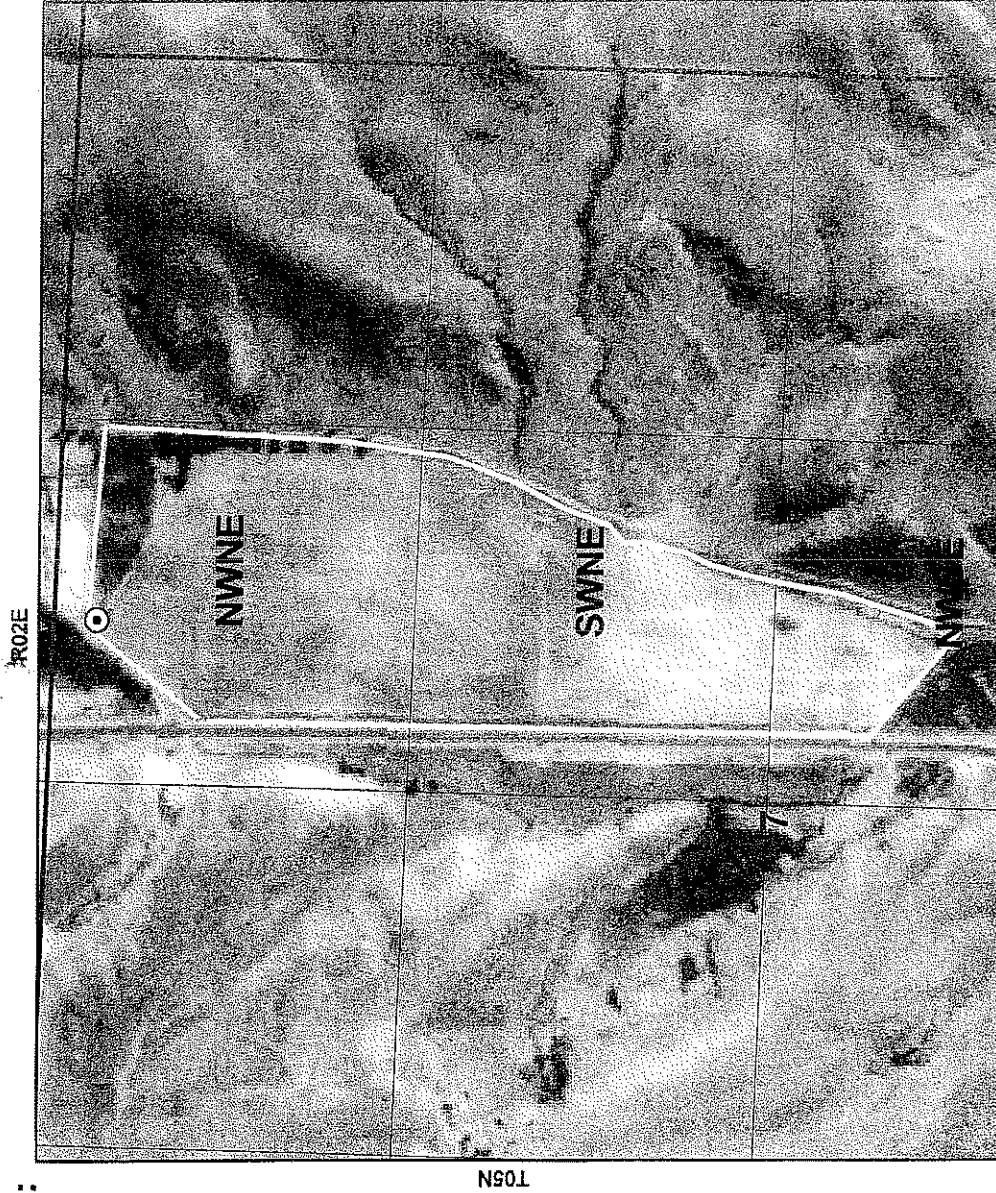
(Irrigation)

Legend

- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Boise, Ada Counties
IDWR Basin 63



Prepared by S. Egbert
On Friday, January 19, 2007
1987/88 Aerial Photography