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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. 21-13031

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 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):

Claymore Management Corporation

OBJECTOR(s):

USDA – Forest Service

Ray W. Rigby 11-13-07
Ray W. Rigby Date
attorney for claimants

David L. Negri 11/19/07
David L. Negri Date
Attorney, Dept of Justice

IDWR Concurrence:

Craig L. Saxton 11-2-07
Craig L. Saxton Date
Water Rights Supervisor

Nicholas B. Spencer 11-2-07
Nicholas B. Spencer Date
Deputy Attorney General

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

RIGHT NUMBER: 21-13031

NAME AND ADDRESS:

CLAYMORE MANAGEMENT
CORPORATION
7050 UNION PARK AVE SUITE 600
MIDVALE UT 84047

SOURCE:

Source:
GROUND WATER

Tributary:

QUANTITY:

0.040 CFS
0.000 AFY

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

PRIORITY DATE:

01/01/1919

POINT OF DIVERSION:

T15N R42E S25 Lot 1 NENENE
Within FREMONT County

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

DOMESTIC

01/01 12/31

0.040 CFS

PLACE OF USE:

DOMESTIC

within FREMONT County

~~T15N R42E S25 NENE~~

T15N R42E S25 Lot 1 NENE CS NBS

ACRES TOTAL

Place of use does not include federal public lands

CS NBS RWR
DN

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 November 20, 2007, I 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
PO Box 2707
Twin Falls, ID 83303-2707

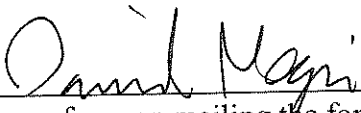
2. Copies to:

Claymore Management Corporation
C/O Ray W Rigby, Attorney
P.O. Box 250
Rexburg, ID 83340

IDWR Document Depository
P O Box 83720
Boise, ID 83720-0098

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

US Department of Justice
Environment and Natural Resources Section
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of person mailing the form