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FEB 25 2008

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

Case No. 39576

Subcase No. 63-17246A

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.

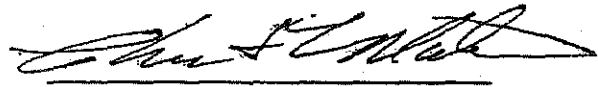
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT(s):
Brighton Corp

OBJECTOR(s):
New York Irrigation District

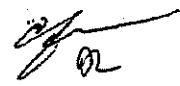


authorized signature 10/11/07
Date

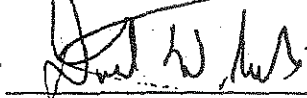


Chas F. McDevitt Date
Attorney 10-15-07

STANDARD FORM 5 - 63-17246A

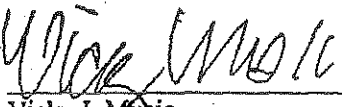


RESPONDENT(s):
USD- BOR

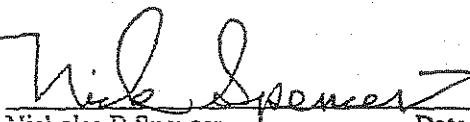
 2/4/08

Date
David W. Gehlert
Attorney

IDWR Concurrence:

 10/3/07

Date
Vicky L Music
Senior Water Resource Agent

 10-3-07

Date
Nicholas B Spencer
Deputy Attorney General



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

RIGHT NUMBER: 63-17246A

NAME AND ADDRESS:

BRIGHTON CORP
C/O PAT HURLEY
12426 W EXPLORER DR STE 220
BOISE ID 83713

SOURCE:

Source:
FIVEMILE CREEK

Tributary:

FIFTEENMILE CREEK

The source of this water right is waste water. The wasting of water may be discontinued at any time.

QUANTITY:

0.350 CFS
0.000 APY

PRIORITY DATE:

03/15/1922

POINT OF DIVERSION:

T03N R01E S24 SESEW
Within ADA County

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION

03/01 11/15

0.350 CFS

PLACE OF USE:

IRRIGATION within ADA County
T03N R01E S24 SESEW 17.5

17.5 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.

USE OF THIS RIGHT IS COMBINED WITH WATER FROM NEW YORK IRRIGATION DISTRICT.

VMM
NBS
PJO
A

OL

In Re SRBA

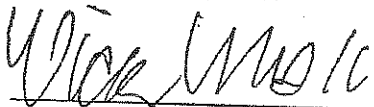
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RESPONDENT(s):
USDI-BOR

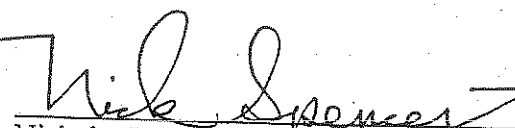
David W. Gehlert
Attorney

Date

IDWR Concurrence:


Vicky L Music
Senior Water Resource Agent

Date


Nicholas B Spencer
Deputy Attorney General

Date

10-3-07

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T03N R01E S24 SESW
Within ADA County

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PERIOD OF USE:

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Period of use:

Quantity:

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03/01 11/15

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PLACE OF USE:

IRRIGATION within ADA County

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17.5 ACRES TOTAL

VWM
NBS
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CERTIFICATE OF MAILING

I certify that on 2-21-4, 2009, 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

2. Copies to:

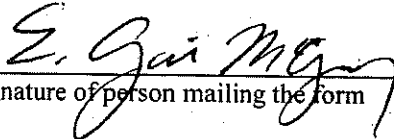
Charles F McDevitt
PO Box 2564
420 W Bannock St
Boise, ID 83701

Kendal A McDevitt
405 S 8th St, Suite 202
Boise, ID 83702

USDI-BOR
US Dept of Justice
Environment & Nat'l Resources
550 West Fort Street, MSC 033
Boise, ID 83724

Brighton Corp
12601 W Explorer Dr, Ste 200
Boise, ID 83713

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



Signature of person mailing the form