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APR 07 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. 21-11144
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)
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)

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.

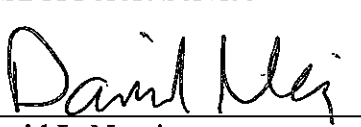
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT/OBJECTOR :
POND'S LODGE, LLC

OBJECTOR:
USDA Forest Service


Gary D. Babbitt
Attorney for Claimant/Objector

Date


David L. Negri
Attorney for Objector

Date

IDWR Concurrence:

Ernie Carlsen 3-14-08
Ernie Carlsen Date
Agent, IDWR

Nicholas Spencer 3-18-08
Nicholas Spencer Date
Deputy Attorney General

CERTIFICATE OF MAILING

I certify that on April 4, 2008, 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:

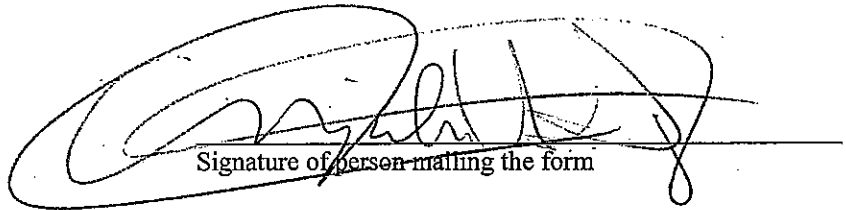
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to:

Ponds Lodge LLC
Represented by:
Gary D. Babbitt
PO Box 1617
Boise, ID 83701

UNITED STATES OF AMERICA
Represented by:
US Department of Justice
ENVIRONMENT & NATL' RESOURCES
550 West Fort Street, MSC O33
BOISE, ID 83724

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



Signature of person mailing the form

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

RIGHT NUMBER: 21-11144

NAME AND ADDRESS: PONDS LODGE LLC
6000 E WILDHORSE LN
BOISE ID 83712

SOURCE: Source: Tributary:
GROUND WATER

QUANTITY: 0.400 CFS
53.600 AFY ~~0.000 AFY~~

PRIORITY DATE: 12/31/1950

POINT OF DIVERSION:

T13N R43E S27 Lot 4 SESWNW Within FREMONT County
T13N R43E S27 Lot 4 SESWNW Within FREMONT County
T13N R43E S27 Lot 4 SESWNW Within FREMONT County

PURPOSE AND
PERIOD OF USE:

Purpose of use	Period of use:	Quantity:
IRRIGATION	05/01 10/31	<u>0.270 CFS</u> 41.10 AFY ~~0.150 CFS~~
COMMERCIAL	01/01 12/31	<u>0.130 CFS</u> 12.50 AFY ~~0.250 CFS~~

Commercial use is for 60 RV spaces, restaurant/lodge and 37 cabins.

PLACE OF USE: IRRIGATION within FREMONT County

T13N R43E S27 SWNW 0.8
T13N R43E S27 Lot 4 SWNW 10.0 ~~10-8~~
T13N R43E S27 SENW 0.3
T13N R43E S27 Lot 5 SENW 2.6 ~~2-9~~
COMMERCIAL within FREMONT County
T13N R43E S27 SWNW
T13N R43E S27 Lot 4 SWNW
T13N R43E S27 Lot 5 SENW

13.7 ACRES TOTAL

Place of use does not include federal public lands

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 421412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

DOB
EMC
NBS
DN