

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: 63-04281

) STANDARD FORM 5

Case No. 39576

) STIPULATED ELEMENTS OF A WATER
) RIGHT

This form is used to report the stipulated elements of one water right acquired under state law. 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 decreed as described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

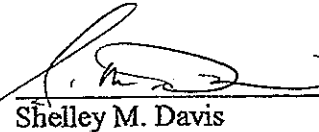
CLAIMANT/OBJECTOR:

Lyons Idaho Investment LLC
C/O Lyons Real Estate
4320 E. Brown Rd., Ste. 110
Meza, AZ 85205

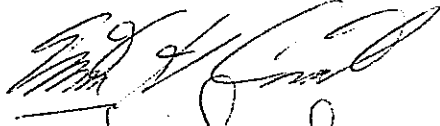
OBJECTOR:

Boise-Kuna Irrigation District
129 North School Avenue
Kuna, ID 83634

 6.1.8
Date

 6/6/08
Shelley M. Davis Date

IDWR CONCURRENCE:


Rick Spencer 7-6-08
Date

RESPONDENT:

Bureau of Reclamation

 6/6/08
Date

12/14/2006

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

RIGHT NUMBER: 63-4261

NAME AND ADDRESS: LYONS IDAHO INVESTMENT LLC
3850 E BASELINE RD
STE 112
MESA AZ 85206

SOURCE: PECKHAM DRAIN

TRIBUTARY: PANCHERI DRAIN

QUANTITY: 1.000 CFS
238.50 AFY

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

PRIORITY DATE: 04/01/1963

POINT OF

DIVERSION: T01S R02W S24 NESW Within CANYON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/01 11/15

1.000 CFS
238.50 AFY

PLACE OF USE: IRRIGATION in CANYON County

T01S R02W S24 NESW 17.00 T01S R02W S24 NWSW 36.00

53 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

Water shall not be diverted under this permit until an easement or right of way with the owner of the drain providing for access to the drain is filed with the Department.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Right decreed in Evans vs Pancheri 08/10/1978, decree 63 U.

Right includes accomplished change in source pursuant to Section 42-1425, Idaho Code.

Use of this right is combined with water from Boise-Kuna Irrigation District.

CERTIFICATE OF MAILING

I certify that on 6 / 6, 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:

Boise River Irrigation Dist.
Shelby Davis
1010 W. Jefferson, Suite 102
P.O. Box 2139
Boise, ID 83701-2139

Lyons Investment, LLC
c/o Lyons Real Estate
4320 E. Brown Rd., Ste. 110
Mesa AZ 85205-4038

USDI Bureau of Reclamation
US Dept. of Justice
Environment & Nat'l Resources
550 West Fort Street
Boise ID 83214

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



Signature of person or attorney mailing the form