



Holden Kidwell
Hahn & Crapo P.L.L.C.
L A W O F F I C E S

1000 Riverwalk Drive, Suite 200
PO Box 50130
Idaho Falls, Idaho 83405

Tel: (208) 523-0620
Fax: (208) 523-9518
www.holdenlegal.com
E-MAIL rharris@holdenlegal.com

June 23, 2008

Clerk of the District Court
Snake River Basin Adjudication Court
PO Box 2707
Twin Falls, ID 83303-2707

RECEIVED

JUN 26 2008

DEPARTMENT OF
WATER RESOURCES

COPY

RE: Signed SF5 for Water Right No. 21-7133.

Dear Clerk:

Enclosed please find the signed original SF5 for Subcase No. 21-7133. The SF5 has been signed by all parties, and the Court can now proceed with finalizing this matter. If you have any questions, please let me know.

Best Regards,

Robert L. Harris
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

Enclosure

c: Frank L. Vandersloot
Idaho Dept. of Lands
✓ IDWR Document Depository

G:\WPDATA\RLH\1692 Natural Guardian\010 Near Ashton\SRBA Court ltr 062308, 21-7133.wpd:cdv

RECEIVED

JUN 26 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

SUBCASE: 21-07133

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 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.

CLAIMANTS:

Frank Vandersloot

Robert L. Harris 5/9/08
Attorney Date

OBJECTOR:

State of Idaho - Department of Lands

David J. Barber 6/2/2008
Deputy Attorney General Date
State of Idaho - Department of Lands

IDWR CONCURRENCE:

Denise Kidman 6/9/2008 Wick Spencer 6-12-08
Date Date

CERTIFICATE OF MAILING

I certify that on June 23, 2008, I mailed the original and the 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

U.S. MAIL

2. Copies to:

Frank L. Vandersloot
c/o Robert L. Harris
Holden Kidwell Hahn & Crapo
1000 Riverwalk Drive, Suite 200
PO Box 50130
Idaho Falls, ID 83405

U.S. MAIL

Frank L. Vandersloot
c/o Melaleuca Inc.
3910 S. Yellowstone Highway
Idaho Falls, ID 83402

U.S. MAIL

Office of the Attorney General
Natural Resource Division
Idaho Department of Lands
P.O. Box 83720
Boise, ID 83720-0050
Attn: David J. Barber

U.S. MAIL

State of Idaho
Easter Idaho Supervisory Area
Department of Lands
3563 Ririe Highway
Idaho Falls, ID 83401

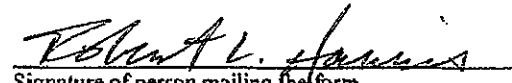
U.S. MAIL

State of Idaho
Department of Lands
300 N. 6th St.
PO Box 83720
Boise, ID 83720-0050

U.S. MAIL

IDWR Depository
PO Box 83720
Boise, ID 83720

U.S. MAIL


Signature of person mailing the form

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

RIGHT NUMBER: 21-7133

NAME AND ADDRESS:

FRANK L. VANDERLOOT
C/O MELALEUCA INC
3310 S YELLOWSTONE HWY
IDAHO FALLS ID 83402

SOURCE:

Source:
STRONG CREEK

Tributary:

HENRYS FORK

QUANTITY:

20.000 AFY 50.000-AFY

PRIORITY DATE:

07/18/1977

POINT OF DIVERSION:

T09N R42E S20 NENNW
Within FREMONT County

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION STORAGE

04/01 11/01

20.00 AFY

50.00-AFY

IRRIGATION FROM STORAGE

01/01 12/31

20.00 AFY

60.00-AFY

PLACE OF USE:

IRRIGATION STORAGE within FREMONT County

T09N R43E S17 SESE

T09N R43E S20 NENW

T09N R43E S20 NWNW

IRRIGATION FROM within FREMONT County
STORAGE

T09N R43E S17 NENW 21.0

T09N R43E S17 NWNW 11.0

T09N R43E S17 SNWN 29.0

T09N R43E S17 SENE 26.0

T09N R43E S17 NENW 18.0

T09N R43E S17 NWNW 11.0

T09N R43E S17 SWSW 22.0

T09N R43E S17 SESE 10.0

T09N R43E S16 NENE 30.0

T09N R43E S18 NENE 26.0

204 ACRES TOTAL

221-ACRES-TOTAL

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

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 92-1412(6), Idaho Code.

~~This right is conditioned upon completion of the appropriation in accordance with the statutory procedure for appropriation of water rights. This right remains subject to all conditions set forth in the permit upon which this right is based, and will be subject to all conditions set forth in the license issued by IDWR upon completion of the statutory appropriation process.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

~~BASIS OF CLAIM - Permit~~

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 1.5 acs per acre at the field headgate for irrigation of the lands above.

The storage of water under this right is contingent upon continued certification by the Department of Water Resources under the dam safety provisions of the Idaho Code, authorizing storage.

Prior to diversion of water under this right, the right holder shall provide a means acceptable to the Department to measure the amount of water entering the reservoir and the amount of water released from the reservoir.

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 62.