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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

Case No. 39576

) Subcase Nos. 67-7598  
)  
)  
)  
)  
)  
)  
)

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

Tamarack Energy

OBJECTOR

State of Idaho, Department of Lands

Jim Wassmuth 6-10-08  
Jim Wassmuth Date

David Barber 7/9/08  
David Barber Date  
Deputy Attorney General  
DAVID STANISH

STANDARD FORM 5 - 67-7598

IDWR Concurrence:

Monte Varbusum 6/18/2008  
IDWR Agent Date

C. M. Bromley 6/18/08  
Chris M. Bromley Date  
Deputy Attorney General

### CERTIFICATE OF MAILING

I certify that on July 9, 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

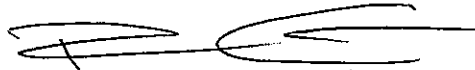
Fax (208) 736-2121

2. Copies to:

STATE OF IDAHO DEPT OF LANDS  
Represented by:  
STATE OF IDAHO  
IRW BUILDING, SECOND FLOOR  
700 W STATE ST, PO BOX 44449  
BOISE, ID 83711-4449

TAMARACK ENERGY  
PO BOX H  
NEW MEADOWS, ID 83654

DIRECTOR OF IDWR  
PO BOX 83720  
BOISE, ID 83720-0098



Signature of person or attorney mailing the form

06/09/2008

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

RIGHT NUMBER: 67-7598

NAME AND ADDRESS: TAMARACK ENERGY  
PO BOX H  
NEW MEADOWS ID 83654

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.700 CFS

PRIORITY DATE: 09/14/1982

POINT OF DIVERSION:

T19N R01E S30 SESW Within ADAMS County

PURPOSE AND  
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

INDUSTRIAL

01/01 12/31

0.700 CFS

Return water shall be treated to insure that the effluent meets Idaho Water Quality Standards.

PLACE OF USE:

INDUSTRIAL in ADAMS County

T19N R01E S30

SESW

MVB

CB

JW  
6-10-08

PS  
7/9/08

Place of use does not include lands owned by the State of Idaho.

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.

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