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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 No. 73-12137

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.

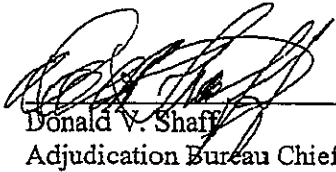
CLAIMANT:  
Five E Group LLLP

OBJECTOR:  
United States of America

William B. Sam mgr 8/26/08  
Five E Group LLLP Date  
Pro Se

Paul W. Brown 8/27/08  
Larry Brown, Attorney Date  
Bureau of Land Management

**IDWR Concurrence:**

 2-27-08  
Donald V. Shaff Date  
Adjudication Bureau Chief

 2/27/08  
Chris Bromley Date  
Deputy Attorney General  
Attorney for IDWR

02/26/2008

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

RIGHT NUMBER: 73-12137

NAME AND ADDRESS: FIVE E GROUP LLLP  
3094 S ABIGAIL WAY  
BOISE ID 83706

SOURCE: GOLDBURG CREEK

TRIBUTARY: PAHSIMEROI RIVER

QUANTITY: 3.284 CFS

PRIORITY DATE: 04/02/1907

POINT OF  
DIVERSION:

T13N R23E S35 SESE Within CUSTER County

PURPOSE AND  
PERIOD OF USE:

| PURPOSE OF USE           | PERIOD OF USE               | QUANTITY                       |
|--------------------------|-----------------------------|--------------------------------|
| IRRIGATION               | 04/01 10/31                 | 3.284 CFS                      |
| PLACE OF USE:            | IRRIGATION in CUSTER County |                                |
| T12N R23E S03 Lot 1 NENE | 24.00                       | T12N R23E S03 Lot 2 NWNE 38.00 |
| T12N R23E S03 SWNE       | 2.00                        | T12N R23E S03 Lot 3 NENW 33.00 |
| T13N R23E S34 SENE       | 12.00                       | T13N R23E S34 NESW 40.00       |
| T13N R23E S34 NWSW       | 20.00                       | T13N R23E S34 SWSW 20.00       |
| T13N R23E S34 SESW       | 40.00                       | T13N R23E S34 NESE 35.00       |
| T13N R23E S34 NWSE       | 34.00                       | T13N R23E S34 SWSE 38.00       |
| T13N R23E S34 SESE       | 35.00                       | T13N R23E S35 SWSW 7.20        |

378.2 ACRES TOTAL

Place of use does not include federal public lands.

Right Nos. 73-12124, 73-12129, 73-12137 and 73-2160 are limited to the irrigation of a combined total of 378.2 acres in a single irrigation season.

This right is limited to the irrigation of 164 acres within the place of use described above in a single irrigation season.

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 - Decreed

This right is a split from former right 73-193.

**CERTIFICATE OF MAILING**

I certify that on 8/27, 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:

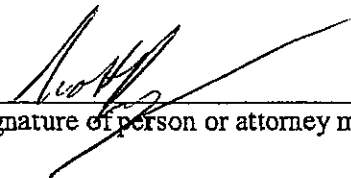
1. Original to:

CLERK OF THE DISTRICT COURT  
SNAKE RIVER BASIN ADJUDICATION  
253 THIRD AVENUE NORTH  
P.O. BOX 2707  
TWIN FALLS, IDAHO 83303-2707

UNITED STATES OF AMERICA  
Represented by:  
US DEPARTMENT OF JUSTICE  
ENVIRONMENT & NATL' RESOURCES  
550 WEST FORT STREET, MSC 033  
BOISE, ID 83724

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

FIVE E GROUP LLLP  
3094 S ABIGAIL WAY  
BOISE, ID 83706

  
\_\_\_\_\_  
Signature of person or attorney mailing form