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|-------------------------------------------------------------------------------------------|--------------|
| DISTRICT COURT - SRBA<br>Fifth Judicial District<br>County of Twin Falls - State of Idaho |              |
| AUG 29 2008                                                                               |              |
| By _____                                                                                  | Clerk        |
| _____                                                                                     | Deputy Clerk |

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

RECEIVED

SEP 02 2008

DEPARTMENT OF  
WATER RESOURCES

In Re SRBA

Subcase No. 77-7003

Case No. 39576

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.

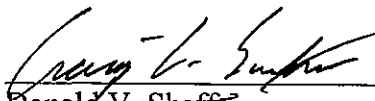
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

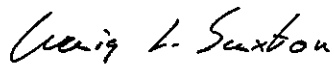
**CLAIMANT/OBJECTOR**

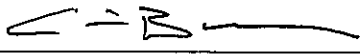
Salmon River Lodge, Inc.

  
Dylan Lawrence, Attorney Date 8/25/08

**IDWR Concurrence:**

 8/26/08  
\_\_\_\_\_  
Donald V. Shaff Date  
Adjudication Bureau Chief

 8/26/08

 8/26/08  
\_\_\_\_\_  
Chris M. Bromley Date  
Deputy Attorney General  
Attorney for IDWR

## CERTIFICATE OF MAILING

I certify that on August 28, 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:

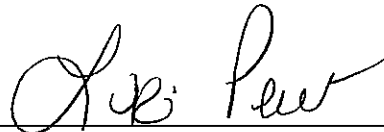
1. Original to:

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:

SALMON RIVER LODGE INC  
Represented by:  
DYLAN B LAWRENCE  
101 S CAPITOL BLVD 10TH FLOOR  
PO BOX 829  
BOISE, ID 83701-0829

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



\_\_\_\_\_  
Signature of person mailing the form

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

RIGHT NUMBER: 77-7003

NAME AND ADDRESS:

SALMON RIVER LODGE INC  
1740 S YELLOWSTONE HWY  
IDAHO FALLS ID 83402

SOURCE:

Source:

BUTTS CREEK

Tributary:

SALMON RIVER

QUANTITY:

1.830 CFS

~~0.180 CFS~~

10.700 AFY

~~10.000 AFY~~

This right, when combined with right no. 77-10636, is limited to a total combined diversion rate of 0.02 cfs and to a total combined annual diversion volume of 0.7 AF for stockwater purposes.

The rights listed below are limited to a total combined diversion rate of 3.10 cfs for Power Purposes. Combined Right Nos.: 77-7003 and 77-10645

This right, when combined with right no. 77-10644, is limited to a total combined diversion rate of 0.10 cfs and to a total combined annual diversion volume of 4.0 AF for Domestic purposes.

PRIORITY DATE: 02/21/1968

POINT OF DIVERSION:

T23N R14E S1 SWNW  
Within IDAHO County

PURPOSE AND  
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

|            |             |           |          |
|------------|-------------|-----------|----------|
| IRRIGATION | 04/01 10/31 | 0.080 CFS | 6.00 AFY |
| STOCKWATER | 01/01 12/31 | 0.020 CFS | 0.70 AFY |
| POWER      | 01/01 12/31 | 1.830 CFS |          |
| DOMESTIC   | 01/01 12/31 | 0.100 CFS | 4.00 AFY |

Domestic use for a public lodge and associated structures.

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

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The use of water for irrigation under this right may begin as early as March 15 provided other elements of the right are not exceeded. The use of water before April 1 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE:      IRRIGATION                      within IDAHO County  
                         T23N R14E S01 SENW 2.0

                         STOCKWATER                      within IDAHO County  
                         T23N R14E S01 SENW

                         POWER                              within IDAHO County  
                         T23N R14E S01 SENW

                         DOMESTIC                              within IDAHO County  
                         T23N R14E S01 SENW

CB

2 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.

~~The remainder of this right has been recommended as Right No. 77-10636 & Right No. 77-10645.~~

EXPLANATORY MATERIAL:      BASIS OF CLAIM - License

Stockwater use is for 40 head.

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

~~A measuring device of a type approved by the Department shall be permanently installed and maintained as part of the diverting works.~~