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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.: 37-21463
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)

STANDARD FORM 5

STIPULATED ELEMENTS OF A
WATER RIGHT

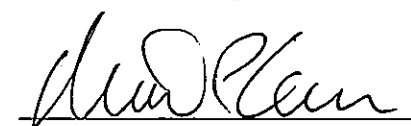
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary 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:

Redstone Partners LP

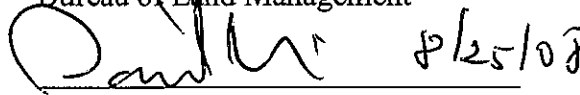


Michael P. Lawrence
Attorney for Redstone Partners

8/20/08
Date

OBJECTOR:

United States on behalf of the
Bureau of Land Management



David L. Negri
Attorney, U.S. Department of Justice
Environment and Natural Resources

8/25/08
Date

OBJECTOR:

Big Wood Canal Company

Craig D. Hobdey 8-19-08
Date
Craig D. Hobdey
Attorney for Big Wood Canal Company

OBJECTORS:

Tom O'Gara, John F. Stevenson, Bill
Molyneux, Pete Van Der Meulen, Grace
Eakin, Rocky Sherbine, Gerald Bashaw,
Pepin Corso-Harris c/o Concerned
Water Users

Albert P. Barker 8/22/08
Date
Albert P. Barker
Attorney for the Concerned Water Users

RESPONDENT:

Sinclair Oil Corporation

Scott L. Campbell Date
Attorney for Sinclair Oil Company

IDWR CONCURRENCE:

Douglas Jones 8/19/08
Date
Douglas Jones
Technical Engineer 1

IDWR CONCURRENCE:

Christopher M. Bromley 8/21/08
Date
Christopher M. Bromley
Deputy Attorney General
Attorney for IDWR

CERTIFICATE OF SERVICE

I certify that on September 10, 2008, I caused to be served true and correct copies of this Standard Form 5, to the following persons, in the manner indicated 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, ID 83303-2707

☒ Overnight Mail
☐ Regular Mail
☐ Hand-Delivered
☐ Facsimile

2. Copies to:

IDWR Document Repository
P.O. Box 83720
Boise, ID 83720-0098

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Christopher H. Meyers
Michael P. Lawrence
Givens Pursley
P.O. Box 2720
Boise, ID 83701-2720

☐ Overnight Mail
☐ Regular Mail
☐ Hand-Delivered
☐ Facsimile

U.S. Department of Justice
Environment & Nat'l Resources Div.
550 W. Fort St., MSC 033
Boise, ID 83724

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Craig D. Hobdey
Hobdey Law Office, PLLC
P.O. Box 176
Gooding, ID 83303-0176

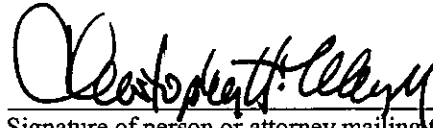
☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Albert P. Barker
Barker, Rosholt & Simpson
P.O. Box 2139
Boise, ID 83701

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Scott L. Campbell
Andrew J. Waldera
Moffatt Thomas
P.O. Box 829
Boise, ID 83701-0829

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

A handwritten signature in black ink, appearing to read "Scott L. Campbell", written over a horizontal line.

Signature of person or attorney mailing the form

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

RIGHT NUMBER: 37-21463

NAME AND ADDRESS:

REDSTONE PARTNERS LP
1188 EAGLE VISTA CT
RENO NV 89511

SOURCE:

Source:

Tributary:

GROUND WATER

QUANTITY:

2.950 CFS

679.000 AFY

Total volume of water delivered to the field from this right along with water right nos. 37-481B, 37-482G, 37-483B, 37-665K, 37-666J, 37-667N, 37-2625A, 37-2638, 37-2700, 37-21463, and 37-22155 shall not exceed 5,022.9 acre-feet per year (which equates to 3.5 acre-feet per acre over the combined permissible places of use for these water rights totaling 1,435.1 acres).

The rights listed below are limited to a total combined diversion rate of 7.96 cfs.
Combined Right Nos.: 37-2625A and 37-21463.

Total combined delivery at the field headgates (for surface water rights) and diversion at the wellheads (for ground water rights) for this right along with water right nos. 37-481B, 37-482G, 37-483B, 37-665K, 37-666J, 37-667N, 37-2625A, 37-2638, 37-2700, 37-21463, and 37-22155 shall not exceed a total instantaneous rate of 28.7 cfs (which equates to 0.02 cfs per acre over the combined permissible places of use for these water rights totaling 1,435.1 acres).

The rights listed below are limited to a total combined diversion rate of 21.85 cfs.
Combined Right Nos.: 37-2625A, 37-2638, 37-2700 and 37-21463.

PRIORITY DATE:

04/01/1984

This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.

POINT OF DIVERSION:

T01N R19E S17 NWSWNW
Within BLAINE County

T01N R19E S20 NENENW
Within BLAINE County

T01N R19E S28 SWSENW
Within BLAINE County

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION

04/15 10/31

2.950 CFS

679.00 AFY

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

PLACE OF USE: IRRIGATION within BLAINE County

T01N R19E S17 SWNE 38.0
T01N R19E S17 SWNW 34.0
T01N R19E S17 SENW 40.0
T01N R19E S17 NESW 40.0
T01N R19E S17 NWSW 34.0
T01N R19E S17 SWSW 40.0
T01N R19E S17 SESW 35.0
T01N R19E S17 NESE 11.0
T01N R19E S17 NWSE 40.0
T01N R19E S17 SWSE 40.0
T01N R19E S17 SESE 22.0
T01N R19E S20 NENE 39.0
T01N R19E S20 NWNE 39.0
T01N R19E S20 SWNE 19.0
T01N R19E S20 SENE 40.0
T01N R19E S20 NENW 37.0
T01N R19E S20 NWNW 40.0
T01N R19E S20 NESE 35.0
T01N R19E S20 NWSE 1.3
T01N R19E S20 SESE 13.0

T01N R19E S21 Lot 8 NWNW 10.0

T01N R19E S21 Lot 9 SWNW 9.0

T01N R19E S21 Lot 11 NWSW 24.0

T01N R19E S21 SWSW 36.0

T01N R19E S21 Lot 12 SESW 1.2

T01N R19E S27 NENE 11.0
T01N R19E S27 NWNE 9.0
T01N R19E S27 SWNE 40.0
T01N R19E S27 SENE 11.0
T01N R19E S27 SWNW 13.0
T01N R19E S27 SENW 30.0
T01N R19E S27 NESW 40.0
T01N R19E S27 NWSW 38.0
T01N R19E S27 SWSW 40.0
T01N R19E S27 SESW 30.0
T01N R19E S27 NESE 3.8
T01N R19E S27 NWSE 36.0
T01N R19E S27 SWSE 4.0
T01N R19E S28 SWNE 14.0
T01N R19E S28 SENE 4.0
T01N R19E S28 NENW 13.0
T01N R19E S28 NWNW 29.0

MPL
CH
APB
CB
DN

~~T01N R19E S21 NWNW 10.0~~

~~T01N R19E S21 SWNW 9.0~~

~~T01N R19E S21 NWSW 24.0~~

~~T01N R19E S21 SESW 1.2~~

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

T01N R19E S28 SWNW 6.4
T01N R19E S28 SENW 37.0
T01N R19E S28 NESW 22.0

T01N R19E S28 NWSW 2.2

T01N R19E S28 SESW 2.2
T01N R19E S28 NESE 39.0
T01N R19E S28 NWSE 39.0
T01N R19E S28 SWSE 36.0
T01N R19E S28 SESE 40.0
T01N R19E S33 NENE 40.0
T01N R19E S33 NWNE 14.0
T01N R19E S33 SENE 30.0
T01N R19E S34 NENW 0.2
T01N R19E S34 NWNW 31.0
T01N R19E S34 SWNW 15.0

MPL
JH
CB
ON

1435.1 ACRES TOTAL

Right Nos. 37-481B, 37-482G, 37-483B, 37-665K, 37-666J, 37-667N, 37-2625A, 37-2638, 37-2700, 37-21463 and 37-22155 are limited to the irrigation of a combined total of 1435.1 acres in a single irrigation season.

Right Nos. 37-2625A, 37-2638, 37-2700 and 37-21463 are limited to the irrigation of a combined total of 1435.1 acres in a single irrigation season.

This right is limited to the irrigation of 194 acres within the place of use described above in a single irrigation season.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

If the surface water rights appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

This right is an enlargement of Right 37-2625A, 37-2638 & 37-2700 pursuant to Section 42-1426, Idaho Code.

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 right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

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

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