

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. 47-14789

STANDARD FORM 5

STIPULATED ELEMENTS OF A
WATER RIGHT

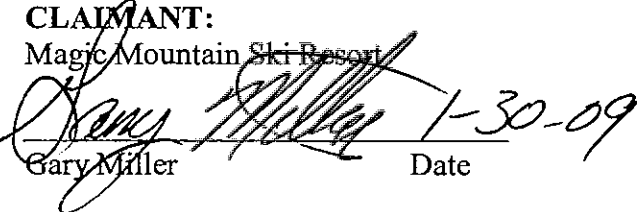
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary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

Magic Mountain Ski Resort


Gary Miller

1-30-09
Date

OBJECTOR:

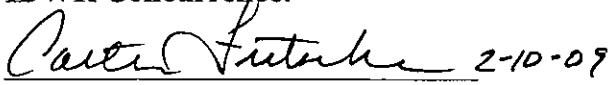
United States of America

David L. Negri

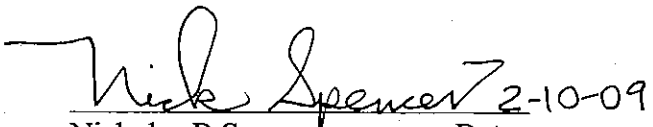
Date

Attorney for the United States

IDWR Concurrence:


Carter Fritschle

2-10-09
Date


Nicholas B Spencer

2-10-09
Date

Deputy Attorney General

CERTIFICATE OF MAILING

I certify that on February ____, 2009, 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
PO Box 2707
Twin Falls, ID 83303-2707

2. Copies to:

Magic Mountain Ski Resort
319 Orchard Drive
Twin Falls, ID 83301

IDWR Document Depository
P O Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P O Box 44449
Boise, ID 83711-4449

US Department of Justice
Environment and Natural Resources Section
550 West Fort Street, MSC 033
Boise, ID 83724

Signature of person or attorney mailing form

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

Right Number: 47-14789

Name and Address: ~~MAGIC MOUNTAIN SKI RESORT~~ UNITED STATES OF AMERICA ACTING
~~319 ORCHARD DRIVE~~ THROUGH THE USDA FOREST SERVICE
~~TWIN FALLS, ID 83301~~ 550 W FORT STREET MSC 033
BOISE, ID 83724

Source: SPRING Tributary: ROCK CREEK

Quantity: .04 CFS

The daily diversion volume for the domestic use authorized under this right shall not exceed 2,500 gallons per day.

Priority Date: 08-10-1938

Diversion Point: T14S R18E S25 NWNENE Within Twin Falls County

Purpose and

Period of Use:	Purpose of Use	Period of Use	Quantity
	Domestic	01-01 TO 12-31	.04 CFS

Place of Use: Domestic Within Twin Falls County
T14S R18E S25 NENE

This water right is located entirely on National Forest System land and is only for use at Magic Mountain Ski Resort.

Other Provisions Necessary for Definition / 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 quantity of water decreed for this water right is not a determination of historical beneficial use.

Explanatory Material: Basis of Claim - Beneficial Use