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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. 63-04281
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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.

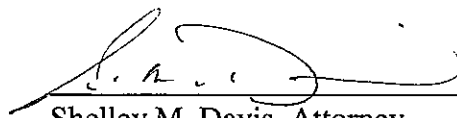
CLAIMANT

Lyons Idaho Investment, LLC

OBJECTOR

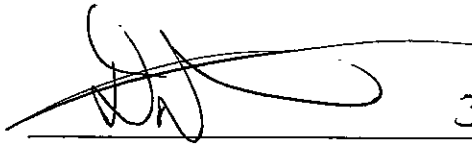
Boise Kuna Irrigation District

 2.27.9
Lyons Idaho Investment, LLC Date

 3/10/09
Shelley M. Davis, Attorney Date

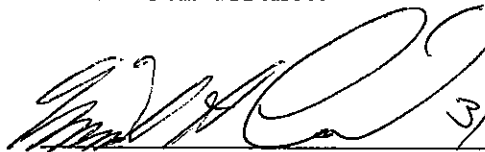
RESPONDENT

United States on behalf of
Bureau of Reclamation

 3/18/07

David Gehlert
Attorney, U.S. Department of Justice
Environment and Natural Resources Division

IDWR Concurrence:

 3/5/09
IDWR Agent Date

 3-11-09
Nicholas Spencer
Deputy Attorney General Date

06/07/2008

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

RIGHT NUMBER: 63-4281

NAME AND ADDRESS: LYONS IDAHO INVESTMENT LLC
C/O LYONS REAL ESTATE
4320 E BROWN RD STE 110
MESA AZ 85205-4083

SOURCE: PECKHAM DRAIN

TRIBUTARY: PANCHERI DRAIN

QUANTITY: 1.000 CFS
238.50 AFY

PRIORITY DATE: 04/01/1963

POINT OF
DIVERSION:

T01S R02W S24 NESW Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	1.000 CFS 238.50 AFY

PLACE OF USE: IRRIGATION in CANYON County

T01S R02W S24	NESW	17.00	T01S R02W S24	NWSW	36.00
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53 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.

~~This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.~~

The source of this water right is waste water. The wasting of water may be discontinued at any time.

An easement or right of way agreement providing for access to the drain by its owner and those responsible for maintaining it - and/or for access to the drain by the appropriator to divert water pursuant to this right - must be executed among the appropriator, the owner of the drain, and if appropriate, those responsible for maintaining the drain. Failure to execute such an agreement will constitute grounds for legal action to prevent water from being diverted under this right.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Use of this right is combined with water from Boise-Kuna Irrigation District.

Right includes accomplished change in source pursuant to Section 42-1425, Idaho Code.

Right decreed in Evans vs. Pancheri 08/10/1978, decree 63 U.

NBS
JMD
NLC
NHC

JMD
NBS
NLC

JMD
NHC
NBS
NLC

CERTIFICATE OF MAILING

I certify that on ~~2-22~~ MAY 18, 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
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to:

BOISE KUNA IRRIGATION DIST

Represented by:
SHELLEY M DAVIS
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139

USDI BUREAU OF RECLAMATION

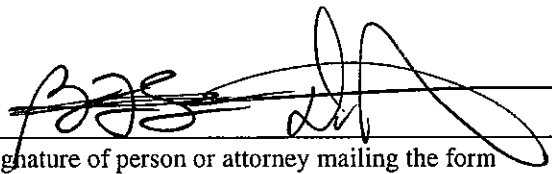
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

LYONS IDAHO INVESTMENT LLC

C/O LYONS REAL ESTATE
4320 E BROWN RD STE 110
MESA, AZ 85205-4083
Phone: 408-325-1800

DIRECTOR OF IDWR

PO BOX 83720
BOISE, ID 83720-0098


Signature of person or attorney mailing the form