



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

April 2, 2009

Sara (McCulloch) Poch
McColloch Ranches, LLC
2628 Cruise Bay Court
Salt Lake City, UT 84121

RE: SRBA Subcase Nos. 22-2128, 22-2281 & 22-10835

Dear Ms. Poch:

Pursuant to your recent conversation with Michael Holliday, Senior Water Resource Agent with the Idaho Department of Water Resources ("IDWR"), I am enclosing a Standard Form 5 ("SF5") for each of the above referenced subcases. The SF5 is the document required by the Snake River Basin Adjudication Court to settle water right disputes.

I understand that you are in agreement with the revised recommendations for water right nos. 22-2128 and 22-10835, but intend to continue looking for evidence demonstrating that water right no. 22-2281 was withheld from the sale to the City of Teton.

Please review the SF5s, and if they are acceptable, please sign on the indicated signature lines, initial the revised recommendations and return the originals to me in the self-addressed envelope that I have enclosed for your convenience. I will file the originals with the SRBA Court and provide you with copies.

If you should have any questions or comments, please feel free to contact me at (208) 287-4815 or Michael Holliday at (208) 525-7161.

Sincerely,

A handwritten signature in black ink, appearing to read "Ray Williams", is written over a horizontal line.

Ray Williams
Paralegal

Enclosures

**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	)	Subcase No. 22-2128
	)	
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:
McCulloch Ranches, LLC

OBJECTOR:

By: _____ Date _____
Title: _____

Sara (McCulloch) Poch _____ Date _____

IDWR Concurrence:

Michael Holliday Date
Senior Water Resource Agent

Garrick L. Baxter Date
Deputy Attorney General
Attorney for IDWR

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

INITIAL
HERE

RIGHT NUMBER: 22-2128

NAME AND ADDRESS:

MCCULLOCH RANCHES LLC
2628 CRUISE BAY
SALT LAKE CITY UT 84121

SOURCE:

Source:

Tributary:

GROUND WATER

QUANTITY:

3.080 CFS

~~3.000 CFS~~

690.000 AFY

~~671.000 AFY~~

Right Nos. 22-2128 and 22-10835 are limited to a total combined diversion rate of 3.08 cfs.

PRIORITY DATE:

09/04/1948

POINT OF DIVERSION: T06N R45E S29 SESWNE

~~T06N R45E S29 SWNE~~

Within TETON County

~~Within TETON County~~

PURPOSE AND
PERIOD OF USE:

Purpose of use:

Period of use:

Quantity:

IRRIGATION

04/15 10/31

3.080 CFS 690.00 AFY

~~04/15 10/15~~

~~3.000 CFS 671.00 AFY~~

PLACE OF USE:

IRRIGATION within TETON County

T06N R45E S29 NENE 30.0

T06N R45E S29 NWNE 36.0

T06N R45E S29 SWNE 40.0

T06N R45E S29 SENE 37.0

T06N R45E S29 NENW 39.0

T06N R45E S29 NWNW 33.0

T06N R45E S29 SWNW 11.0

T06N R45E S29 SENW 39.0

~~T06N R45E S29 NWNE 34.0~~

~~T06N R45E S29 SWNE 39.0~~

~~T06N R45E S29 NENW 40.0~~

~~T06N R45E S29 NWNW 34.0~~

~~T06N R45E S29 SWNW 6.7~~

~~T06N R45E S29 SENW 38.0~~

265 ACRES TOTAL

~~191.7 ACRES TOTAL~~

Right Nos. 22-2128 and 22-10835 are limited to the irrigation of a combined total of 265 acres in a single irrigation season.

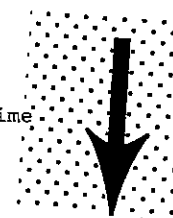
This right is limited to the irrigation of 197 acres within the place of use described above in a single irrigation season.

~~Right Nos. 22-2128 and 22-2281 are limited to the irrigation of a combined total of 191.7 acres in a single irrigation season.~~

INITIAL
HERE

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 - License

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

Right No. 22-10835 is also diverted through point of diversion described above.

CERTIFICATE OF MAILING

I certify that on _____, 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:

DIRECTOR OF IDWR
P.O. BOX 83720
BOISE, ID 83720-0098

MC CULLOCH RANCHES, LLC
2628 CRUISE BAY
SALT LAKE CITY, UT 84121

SARA (MCCULLOCH) POCH
2628 CRUISE BAY COURT
SALT LAKE CITY, UT 84121

Signature of person or attorney mailing the form

**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	)	Subcase No. 22-2281
	)	
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.

**SIGN
HERE**

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:
McCulloch Ranches, LLC

OBJECTOR:

**SIGN
HERE**

By: _____ Date _____
Title: _____

By: Sara (McCulloch) Poch Date _____

IDWR Concurrence:

Michael Holliday Date
Senior Water Resource Agent

Garrick L. Baxter Date
Deputy Attorney General
Attorney for IDWR

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

INITIAL
H E R E

RIGHT NUMBER: 22-2281

NAME AND ADDRESS:

MCCULLOCH RANCHES LLC
2628 CRUISE BAY
SALT LAKE CITY UT 84121

SOURCE: Source:
GROUND WATER

Tributary:

QUANTITY: 1.260 CFS ~~0.330 CFS~~
399.000 AFY ~~103.000 AFY~~

PRIORITY DATE: 12/02/1966

POINT OF DIVERSION: T06N R45E S29 NESWSE
Within TETON County

~~T06N R45E S29 SESWNE~~
~~Within TETON County~~

PURPOSE AND
PERIOD OF USE:

Purpose of use:

Period of use:

Quantity:

IRRIGATION

04/15 10/15

1.260 CFS 399.00 AFY

~~0.330 CFS~~ ~~103.00 AFY~~

PLACE OF USE: IRRIGATION within TETON County

T06N R45E S29 NESW 20.0

~~T06N R45E S29 NWNE 34.0~~

T06N R45E S29 SESW 37.0

~~T06N R45E S29 SWNE 39.0~~

T06N R45E S29 NWSE 38.0

~~T06N R45E S29 NENW 40.0~~

T06N R45E S29 SWSE 38.0

~~T06N R45E S29 NWNW 34.0~~

~~T06N R45E S29 SWNW 6.7~~

~~T06N R45E S29 SENW 38.0~~

133 ACRES TOTAL

~~191.7 ACRES TOTAL~~

~~Right Nos. 22-2128 and 22-2281 are limited to the irrigation of a combined total of 191.7 acres in a single irrigation season.~~

~~This right is limited to the irrigation of 34.47 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.

~~The remainder of this right was forfeited for non-use from 1980 to 1987.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

CERTIFICATE OF MAILING

I certify that on _____, 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:

DIRECTOR OF IDWR
P.O. BOX 83720
BOISE, ID 83720-0098

MC CULLOCH RANCHES, LLC
2628 CRUISE BAY
SALT LAKE CITY, UT 84121

SARA (MCCULLOCH) POCH
2628 CRUISE BAY COURT
SALT LAKE CITY, UT 84121

Signature of person or attorney mailing the form

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

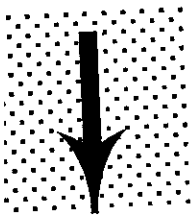
In Re SRBA	)	Subcase No. 22-10835
	)	<i>Previously Disallowed</i>
Case No. 39576	)	
	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
_____	)	WATER RIGHT

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.

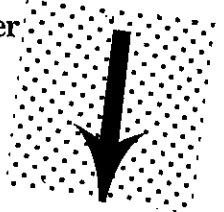
**SIGN
HERE**



CLAIMANT:
McCulloch Ranches, LLC

OBJECTOR:

**SIGN
HERE**



By: _____ Date _____
Title: _____

Sara (McCulloch) Poch Date _____

IDWR Concurrence:

Michael Holliday Date
Senior Water Resource Agent

Garrick L. Baxter Date
Deputy Attorney General
Attorney for IDWR

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

INITIAL
HERE

RIGHT NUMBER: 22-10835

NAME AND ADDRESS: MCCULLOCH RANCHES LLC
2628 CRUISE BAY
SALT LAKE CITY UT 84121

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.060 CFS
238.00 AFY

Right Nos. 22-2128 and 22-10835 are limited to a total combined diversion rate of 3.08 cfs.

PRIORITY DATE: 06/01/1961

POINT OF
DIVERSION:

T06N R45E S29 SESWNE Within TETON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	1.060 CFS 238.00 AFY

PLACE OF USE: IRRIGATION in TETON County

T06N R45E S29	NENE	30.00	T06N R45E S29	NWNE	36.00
T06N R45E S29	SWNE	40.00	T06N R45E S29	SENE	37.00
T06N R45E S29	NENW	39.00	T06N R45E S29	NWNW	33.00
T06N R45E S29	SWNW	11.00	T06N R45E S29	SENW	39.00

265 ACRES TOTAL

This right is limited to the irrigation of 68 acres within the place of use described above in a single irrigation season.

Right Nos. 22-2128 and 22-10835 are limited to the irrigation of a combined total of 265 acres 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 - Beneficial Use

Right No. 22-2128 is also diverted through point of diversion described above.

CERTIFICATE OF MAILING

I certify that on _____, 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:

DIRECTOR OF IDWR
P.O. BOX 83720
BOISE, ID 83720-0098

MC CULLOCH RANCHES, LLC
2628 CRUISE BAY
SALT LAKE CITY, UT 84121

SARA (MCCULLOCH) POCH
2628 CRUISE BAY COURT
SALT LAKE CITY, UT 84121

Signature of person or attorney mailing the form