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APR 20 2009

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

APR 17 2009

By _____

Clerk

**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:

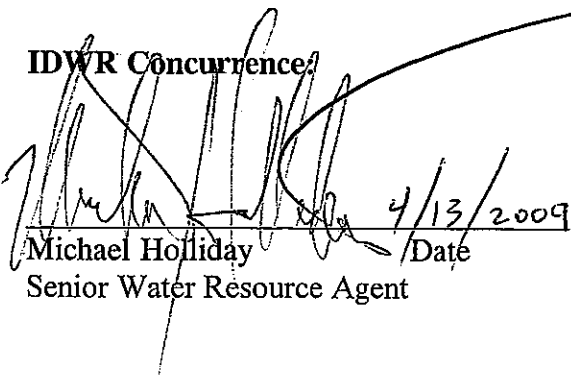
McCulloch Ranches, LLC

OBJECTOR:

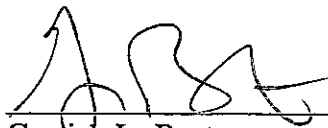
[Signature] 4-4-09
By: _____ Date
Title: *General manager*

Sara Poch 4-4-09
Sara (McCulloch) Poch Date

IDWR Concurrence:


Michael Holliday
Senior Water Resource Agent

4/13/2009
Date


Garrick L. Baxter
Deputy Attorney General
Attorney for IDWR

4/15/09
Date

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

RIGHT NUMBER: 22-2128

NAME AND ADDRESS:

MCCULLOCH RANCHES LLC
2628 CRUISE BAY
SALT LAKE CITY UT 84121

MNH

LB

SOURCE: Source:
GROUND WATER

Tributary:

CP

QUANTITY: 3.080 CFS
690.000 AFY

~~3.000 CFS~~
~~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
Within TETON County

~~T06N R45E S29 SWNE~~
~~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.~~

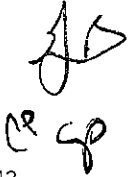
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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 April 16, 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

Deserae Kramer
Signature of person or attorney mailing the form