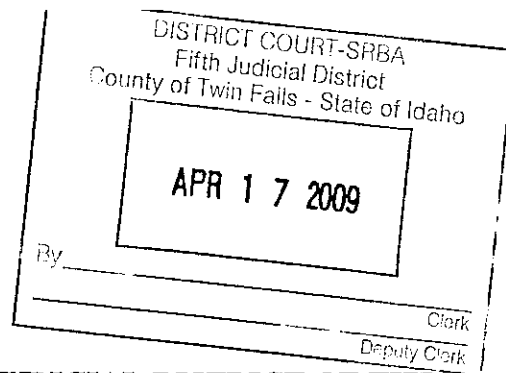


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APR 20 2009
DEPARTMENT OF
WATER RESOURCES



**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	)	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.

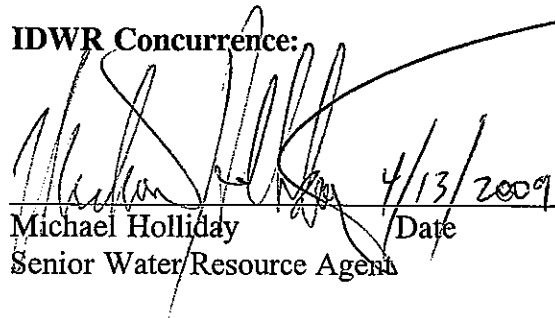
CLAIMANT:
McCulloch Ranches, LLC

OBJECTOR:

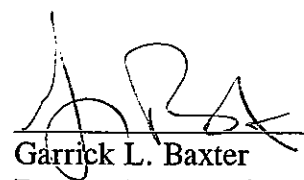
Chaff Poch 4-4-09
By: _____ Date
Title: *General Manager*

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: 22-10835

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 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