

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. 73-00165

STANDARD FORM 5

STIPULATED ELEMENTS OF A
WATER RIGHT

2009 AUG 17 AM 10 2

FILED

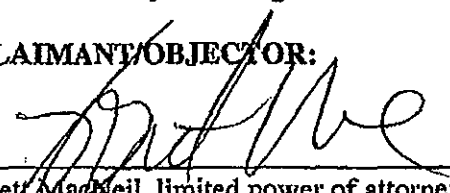
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

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.

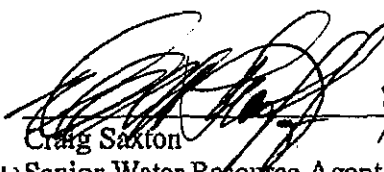
The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions 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/OBJECTOR:


Brett MacNeil, limited power of attorney for: Date
Old Cerrals & Sagebrush LLLP, Rio B LLC,
HWHL LLC, Normco LLC, Rio Claro Inc.,
and Charlesview LLC

IDWR Concurrence:

 8/13/09
Craig Saxton Date
Senior Water Resource Agent

 8/13/09
Chris Bromley Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 73-165

NAME AND ADDRESS:

OLD CORRALS & SAGEBRUSH LLLP
435 S FITNESS PL
EAGLE ID 83616

RIO B LLC
3007 CAN-ADA RD
MELBA ID 83641

HWHL LLC
1711 N CHERAPPLE DR
OREM UT 84097

NORMCO LLC
10424 S 2700 W
SUITE 200
SOUTH JORDAN UT 84095

RIO CLARO INC
1819 E SOUTHERN AVE #B-10
MESA AZ 85204

CHARLESVIEW LLC
1819 E SOUTHERN AVE #B-10
MESA AZ 85204

SOURCE:

Source:

Tributary:

PAHSIMEROI RIVER

SALMON RIVER

QUANTITY:

3.200 CFS

0.000 AFY

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE:

01/04/1904

POINT OF DIVERSION:

T12N R24E S32 SWSW
Within CUSTER County

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION
STOCKWATER

04/01 10/31
04/01 10/31

3.200 CFS
0.140 CFS

PLACE OF USE:

IRRIGATION

within CUSTER County

<u>T12N R24E S16</u>	<u>SWNW</u>	<u>12.0</u>	<u>T12N R24E S16</u>	<u>NESW</u>	<u>7.6</u>
<u>T12N R24E S16</u>	<u>NWSW</u>	<u>8.4</u>	<u>T12N R24E S16</u>	<u>SESW</u>	<u>15.0</u>
<u>T12N R24E S16</u>	<u>SWSE</u>	<u>8.6</u>	<u>T12N R24E S21</u>	<u>NESE</u>	<u>13.0</u>
<u>T12N R24E S22</u>	<u>NENE</u>	<u>18.0</u>	<u>T12N R24E S22</u>	<u>NWNE</u>	<u>8.0 8-2</u>
<u>T12N R24E S22</u>	<u>SWNE</u>	<u>40.0</u>	<u>T12N R24E S22</u>	<u>SENE</u>	<u>40.0</u>
<u>T12N R24E S22</u>	<u>NENW</u>	<u>9.0 8-7</u>	<u>T12N R24E S22</u>	<u>NWNW</u>	<u>17.0 24-0</u>
<u>T12N R24E S22</u>	<u>SWNW</u>	<u>40.0</u>	<u>T12N R24E S22</u>	<u>SENW</u>	<u>33.0 34-0</u>
<u>T12N R24E S22</u>	<u>NESW</u>	<u>39.0 37-0</u>	<u>T12N R24E S22</u>	<u>NWSW</u>	<u>40.0 39-0</u>
<u>T12N R24E S22</u>	<u>NESE</u>	<u>40.0</u>	<u>T12N R24E S22</u>	<u>NWSE</u>	<u>40.0</u>
<u>T12N R24E S22</u>	<u>SWSE</u>	<u>36.0 35-0</u>	<u>T12N R24E S22</u>	<u>SESE</u>	<u>40.0 39-0</u>

[Handwritten signature]
W CB

T12N R24E S23	SWNE	<u>2.2</u>	~~4.5~~	T12N R24E S23	NENW	11.0
T12N R24E S23	NWNW	35.0		T12N R24E S23	SWNW	40.0
T12N R24E S23	SENW	<u>35.0</u>	~~24.0~~	T12N R24E S23	NESW	<u>30.0</u>
T12N R24E S23	NWSW	40.0		T12N R24E S23	SWSW	<u>32.0</u>
<u>T12N R24E S23</u>	<u>SESW</u>	<u>1.0</u>		<u>T12N R24E S23</u>	<u>NWSE</u>	<u>1.2</u>

STOCKWATER Same As IRRIGATION

732 ACRES TOTAL

~~629.9 ACRES TOTAL~~

[Handwritten signature]
CB

This right is limited to the irrigation of 160 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 629.9 732.0 acres in a single irrigation season. Combined Right Nos.: 73-165, 73-168, 73-178, 73-179, 73-187A, 73-188A, 73-2038, 73-2091, and 73-10047.

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 quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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

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

CERTIFICATE OF MAILING

I certify that on Aug 14th, 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:

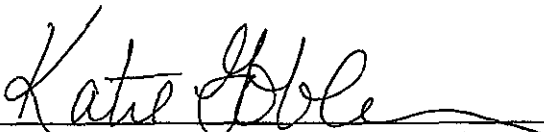
1. Original to:

CLERK OF THE DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
253 THIRD AVENUE NORTH
P.O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

BRETT MAC NEIL
SCYTHE & SPADE CO
453 S FITNESS PL
EAGLE, ID 83616

OLD CORRALS & SAGEBRUSH LLLP
435 S FITNESS PL
EAGLE, ID 83616



Signature of person or attorney mailing form