

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. 73-00168

STANDARD FORM 5

STIPULATED ELEMENTS OF
WATER RIGHT

2009 AUG 17 AM 10 27

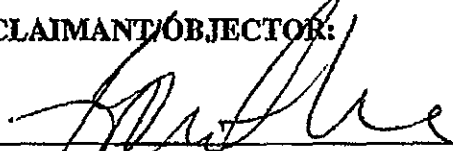
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

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.

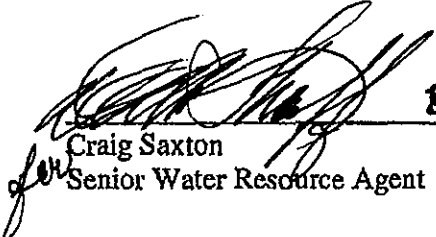
The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions 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, Corals & Sagebrush LLLP, Rio B LLC,
HWHL LLC, Normco LLC, Rio Claro Inc.,
and Charlesview LLC

IDWR Concurrence:


Craig Saxton Date
Senior Water Resource Agent


Chris Bromley Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 73-168

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:
PAHSIMEROI RIVER

Tributary:
SALMON RIVER

QUANTITY: 3.200 CFS
0.000 AFY

PRIORITY DATE: 08/31/1907

POINT OF DIVERSION:
T12N R24E S32 SWSW
Within CUSTER County

PURPOSE AND PERIOD OF USE:	Purpose of use	Period of use:	Quantity:
	IRRIGATION	04/01 10/31	3.200 CFS

PLACE OF USE:	IRRIGATION	within CUSTER County
	<u>T12N R24E S16</u> SNNW 12.0	<u>T12N R24E S16</u> NESW 7.6
	<u>T12N R24E S16</u> NWSW 8.4	<u>T12N R24E S16</u> SESW 15.0
	<u>T12N R24E S16</u> SWSE 8.6	<u>T12N R24E S21</u> NESE 13.0
	<u>T12N R24E S22</u> NENE 18.0	<u>T12N R24E S22</u> NWNE 8.0 8-1
	<u>T12N R24E S22</u> SWNE 40.0	<u>T12N R24E S22</u> SENE 40.0
	<u>T12N R24E S22</u> NENW 9.0 8-7	<u>T12N R24E S22</u> NWNW 17.0 14-0
	<u>T12N R24E S22</u> SWNW 40.0	<u>T12N R24E S22</u> SENW 33.0 34-0
	<u>T12N R24E S22</u> NESW 39.0 37-0	<u>T12N R24E S22</u> NWSW 40.0 39-0
	<u>T12N R24E S22</u> NESE 40.0	<u>T12N R24E S22</u> NWSE 40.0
	<u>T12N R24E S22</u> SWSE 36.0 35-0	<u>T12N R24E S22</u> SESE 40.0 39-0
	<u>T12N R24E S23</u> SWNE 2.2 1-5	<u>T12N R24E S23</u> NENW 11.0
	<u>T12N R24E S23</u> NWNW 35.0	<u>T12N R24E S23</u> SWNW 40.0
	<u>T12N R24E S23</u> SENW 35.0 34-0	<u>T12N R24E S23</u> NESW 30.0 29-6
	<u>T12N R24E S23</u> NWSW 40.0	<u>T12N R24E S23</u> SWSW 32.0 23-0
	<u>T12N R24E S23</u> SESW 1.0	<u>T12N R24E S23</u> NWSE 1.2

STOCKWATER Same As IRRIGATION

732 ACRES TOTAL

629.9 ACRES TOTAL

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 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.

~~The rights listed below are limited to the irrigation of a combined total of 629.9 acres in a single irrigation season. Combined Right Nos.: 73-165, 73-168, 73-178, 73-179.~~

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 - Decreed

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

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

W
df
CE

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:

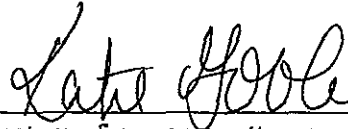
1. Original to:

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 DO
453 FITNESS PL
EAGLE, ID 83616

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



Signature of person or attorney mailing form