

JAN 13 2010

Deputy 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.: 37-61

Case No. 39576

STANDARD FORM 5

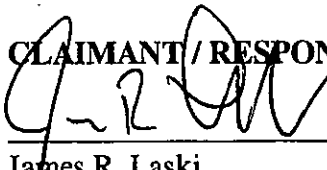
STIPULATED ELEMENTS OF A
WATER RIGHT

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.

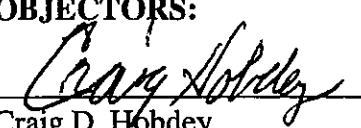
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT / RESPONDENT:


James R. Laski
Attorney for Sun Valley Ranch LLC

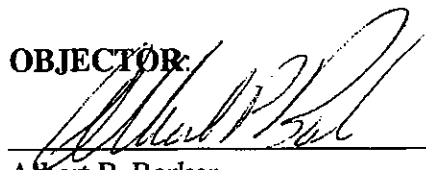
12/22/09
Date

OBJECTORS:

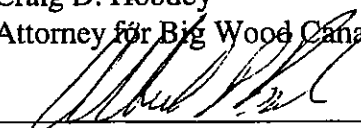

Craig D. Hobdey
Attorney for Big Wood Canal Company

12-28-09
Date

OBJECTOR:


Albert P. Barker
Attorney for Lakeside Industries dba Wood River Ranch

12-29-09
Date


Albert P. Barker
Attorney for Tom O'Gara, John F. Stevenson, Bill Molyneux, Pete Van Der Meulen, Grace Eakin, Gerald Bashaw, and Pepin Corso-Harris

12-29-09
Date

RESPONDENT:

Tara L. Martens 01/06/10
Tara L. Martens Date
Attorney for Sinclair Oil Corp.

IDWR CONCURRENCE:

D. Jones 12/16/09
Douglas Jones Date
Technical Engineer 1

IDWR CONCURRENCE:

C. M. Bromley 12/16/09
Christopher M. Bromley Date
Deputy Attorney General
Attorney for IDWR

12/10/2009

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

RIGHT NUMBER: 37-61

NAME AND ADDRESS: SUN VALLEY RANCH LLC
PO BOX 40380 4380
KETCHUM ID 83340

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 8.400 CFS

PRIORITY DATE: 07/01/1880

POINT OF
DIVERSION:

T01N R18E S12 NWSESW Within BLAINE County
T01S R18E S2 SENWSE Within BLAINE County
T01S R18E S2 NESWSE Rediversion Within BLAINE County
This right is measured and administered at the point of rediversion.

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/15 10/31	8.400 CFS
PLACE OF USE:	<u>IRRIGATION in BLAINE County</u>		
	T01S R18E S10 SESW 5.10	T01S R18E S10 NESE	28.00
	T01S R18E S10 SWSE 34.00	T01S R18E S10 SESE	34.00
	T01S R18E S11 NENE 40.00	T01S R18E S11 NWNW	40.00
	T01S R18E S11 SWNE 40.00	T01S R18E S11 SENE	40.00
	T01S R18E S11 NENW 39.00	T01S R18E S11 NWNW	14.00
	T01S R18E S11 SWNW 28.00	T01S R18E S11 SENW	40.00
	T01S R18E S11 NESW 40.00	T01S R18E S11 NWSW	39.00
	T01S R18E S11 SWSW 39.00	T01S R18E S11 SESW	40.00
	T01S R18E S11 NESE 41.00	T01S R18E S11 NWSE	36.00
	T01S R18E S12 NWNW 27.00	T01S R18E S12 SWNW	24.00
	T01S R18E S14 NENE 3.90	T01S R18E S14 NWNW	34.00
	T01S R18E S14 SWNE 8.70	T01S R18E S14 NENW	35.00
	T01S R18E S14 NWNW 40.00	T01S R18E S14 SWNW	40.00
	T01S R18E S14 SENW 38.00	T01S R18E S15 NENE	40.00
	T01S R18E S15 NWNW 40.00	T01S R18E S15 SWNE	34.00
	T01S R18E S15 SENE 40.00	T01S R18E S15 NENW	26.00
	T01S R18E S15 SWNW 3.40	T01S R18E S15 SENW	33.00

1084.1 ACRES TOTAL

[Handwritten signatures and initials]

The rights listed below are limited to the irrigation of a combined total of 1168.5 acres in a single irrigation season. Combined Right Nos.: 37-60, 37-61, 37-62, 37-63A, 37-64A, 37-66A, 37-67B, 37-68A, 37-230, 37-231B, 37-232, 37-577AZ, 37-2492 and 37-22050.

Right Nos. 37-60, 37-61 and 37-62 are limited to the irrigation of a combined total of 400 acres in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 1084.1 acres in a single irrigation season. Combined Right Nos.: 37-60, 37-61, 37-62, 37-63A, 37-64A, 37-66A, 37-67B, 37-68A, 37-230, 37-231B, 37-232, 37-577AZ and 37-22050.

This right is limited to the irrigation of 400 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.

Surface water from this right shall be used as the primary water source for irrigation within the above-described place of use.

The following language is included pursuant to an agreement resolving objections between parties in the Snake River Basin Adjudication:

Delivery of water under this right shall be in accordance with the provisions of the Coffin Decree, Tom Huchas, et. al. v. Mang H. Coffin, Fourth Judicial District of the State of Idaho in and for the County of Blaine, July 18, 1941.

- i. Pursuant to the Coffin Decree, water has been and is turned into the Base Line By-Pass whenever the flow in the river above the dry beds has diminished to the point where the capacity of the By-Pass is sufficient to carry the entire flow of the river.
- ii. Pursuant to the Coffin Decree, water has been and is turned into the Extension By-Pass Canal whenever the flow in the river above the dry beds, as then delivered through the By-Pass Canal, is insufficient to supply the right with priority of June 15, 1883, known as the Graf right, diverted in the Dry Beds below the By-Pass.
- iii. Water is sometimes delivered through the Extension By-Pass Canal by the watermaster prior to the times set forth above when doing so will maintain delivery of other rights for a longer period of time without causing injury to any water user.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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

*JH CB JLR CH ALB
JW*

CERTIFICATE OF SERVICE

I certify that on January 12, 2010, I caused to be served true and correct copies of this Standard Form 5, to the following persons, in the manner indicated 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, ID 83303-2707

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

2. Copies to:

IDWR Document Repository
P.O. Box 83720
Boise, ID 83720-0098

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

James R. Laski
Lawson Laski Clark & Pogue, PLLC
P.O. Box 3310
Ketchum, ID 83340

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Craig D. Hobdey
Hobdey & Hobdey
P.O. Box 176
Gooding, ID 83330

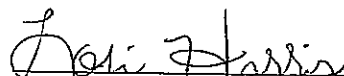
☐ Overnight Mail
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☐ Facsimile

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Barker, Rosholt & Simpson LLP
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Boise, ID 83701-2139

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Moffatt Thomas Barrett Rock & Fields
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☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile



Signature of person or attorney mailing the form