

JAN 13 2010

By

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.: 37-69B

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.

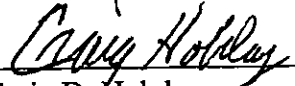
The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions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

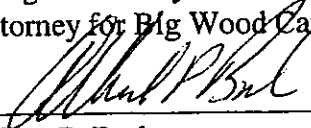
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT / RESPONDENT:


James R. Laski Date
Attorney for Sun Valley Ranch LLC

OBJECTORS:


Craig D. Hobdey Date
Attorney for Big Wood Canal Company


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

RESPONDENT:

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

IDWR CONCURRENCE:

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

IDWR CONCURRENCE:

Christopher 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: 37-69B

NAME AND ADDRESS: SUN VALLEY RANCH LLC
PO BOX 48388 4380
KETCHUM ID 83340

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 3.000 CFS

PRIORITY DATE: 10/26/1886

POINT OF
DIVERSION:

T01S R18E S10 NESWNE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/15 10/31	3.000 CFS
PLACE OF USE:	<u>IRRIGATION in BLAINE County</u>		
	T01S R18E S10 NESW 19.00	T01S R18E S10 NWSW 40.00	
	T01S R18E S10 SWSW 39.00	T01S R18E S10 SESW 2.20	
	T01S R18E S15 NWNW 20.00	T01S R18E S15 SWNW 12.00	
	T01S R18E S16 NENE 23.00	T01S R18E S16 SENE 29.00	
	184.2 ACRES TOTAL		

The rights listed below are limited to the irrigation of a combined total of 184.2 acres in a single irrigation season. Combined Right Nos.: 37-69B, 37-70 and 37-71B.

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.

[Handwritten signatures and initials: JCB, JRD, CH, APR, and others]

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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

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
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Gooding, ID 83330

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Shelley M. Davis
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☐ Facsimile

Jeri Harris
Signature of person or attorney mailing the form