

JAN 13 2010

By _____

Clerk

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.: 37-7296B

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 initialling each of the attached pages.

CLAIMANT:

J.P. Speck 11-16-09
James P. Speck Date
Attorney for River Rock Ranch LP

OBJECTOR:

Craig D. Hobdey 1-6-10
Craig D. Hobdey Date
Attorney for Big Wood Canal Company

OBJECTOR:

Albert P. Barker 1-4-10
Albert P. Barker Date
Attorney for Tom O'Gara, John F.
Stevenson, Bill Molyneux, Pete Van
Der Meulen, Grace Eakin, Gerald B
Bashaw, Pepin Corso-Harris, and Rocky
Sherbine

RESPONDENTS:

 11/11/10
Andrew J. Waldera Date
Attorney for Sinclair Oil Corp. and Newfoundland Partners

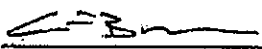
RESPONDENTS:

 11/16/09
James P. Speck Date
Attorney for Barker Living Trust, Myer Berlow, Deborah Barr, Chaney Creek Ranch LLC, Eagle Creek Irrigation Co., ECD Inc., Michael S. Engl, Charles T. Foley, Gimlet Property Owners Assn., William B. Gordon, Gregory Ranch LLC, Lake Creek Meadows Homeowners, Elise G. Lufkin, Charles L. Matthiesen, The R. Daniel Olmstead Revocable Trust, John D. Pierce, Ralph W. Girton, Kandi L. Girton, River Rock Ranch LP, Rivers Edge Associates LLC, Steven D. Holzman Trust, The Gulch Trust, Michael E. Willard, and Roy R. Woods

IDWR CONCURRENCE:

 9-2-09
Kelly K. Christensen Date
Sr. Water Resource Agent

IDWR CONCURRENCE:

 11/12/09
Christopher M. Bromley Date
Deputy Attorney General
Attorney for IDWR

04/27/2009

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

RIGHT NUMBER: 37-7296B

NAME AND ADDRESS: RIVER ROCK RANCH L P
PO BOX 129
KETCHUM ID 83340

SOURCE: GROUND WATER

TRIBUTARY:

Transfer 66089 approval does not authorize the construction of any new well or the deepening or enlargement of any existing well.

QUANTITY: 2.40 AFY

PRIORITY DATE: 10/15/1973

POINT OF
DIVERSION:

T05N R17E S26 NWNE Within BLAINE County
T05N R17E S26 SWNE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

AESTHETIC STORAGE

01/01 12/31

2.40 AFY

PLACE OF USE:

AESTHETIC STORAGE in BLAINE County

T05N R17E S26 NENE

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 aesthetic pond established under this right shall not exceed a total capacity of 4.4 acre-feet or a total surface area of 0.73 acres.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Groundwater is collected by natural fill of the excavated pond located within Lot 1, Block 1, a replat of Osborne Subdivision, a portion of HES 128.

The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

CERTIFICATE OF SERVICE

I certify that on January 12, 2009, 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 P. Speck
Speck & Aanstad
P.O. Box 987
Ketchum, ID 83340

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

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

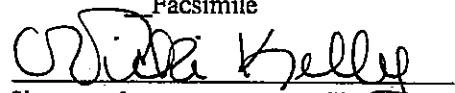
☐ Overnight Mail
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☐ Hand-Delivered
☐ Facsimile

Albert P. Barker
Shelley M. Davis
Barker, Rosholt & Simpson LLP
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☐ Facsimile


Signature of person or attorney mailing the form