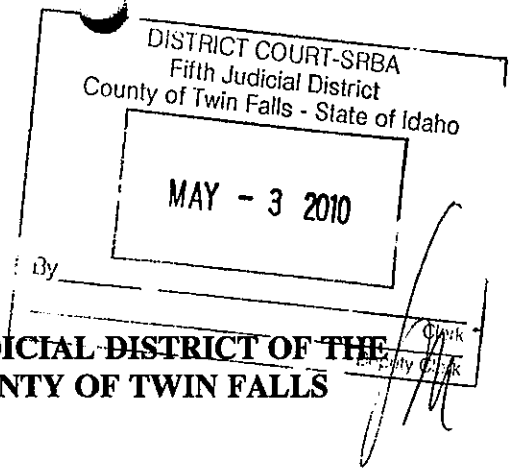




IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Subcase No. 22-13915

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.

CLAIMANTS:

for Robert L. Lewis 4/12/10
Lanelle Peck Date

for Robert L. Lewis 4/12/10
Michael Dodson Date

for Robert L. Lewis 4/12/10
W. Steven Gunnell Date

for Robert L. Lewis 4/12/10
Gary Black Date

CLAIMANTS:

KPW Holdings, LLC

Robert L. Harris 4/12/10
By: ROBERT L. HARRIS Date
Title: ATTORNEY

Robert L. Harris 4/12/10
for Trevor Peck Date

Robert L. Harris 4/12/10
for Cherise Dodson Date

RYMI Investments, LLC

Robert L. Harris 4/12/10
for Robert Elmer Date

RIF Holdings 1, LLC

Robert L. Harris 4/12/10
By: ROBERT L. HARRIS Date
Title: ATTORNEY

IGO Investments 1, LLC

Robert L. Harris 4/12/10
By: ROBERT L. HARRIS Date
Title: ATTORNEY

Stillwater Holdings, LLC

Robert L. Harris 4/12/10
By: ROBERT L. HARRIS Date
Title: ATTORNEY

GNJ Properties, LLC

Robert L. Harris 4/12/10
By: ROBERT L. HARRIS Date
Title:

Idaho Investment Group, LLC

Robert L. Harris 4/12/10
By: ROBERT L. HARRIS Date
Title: ATTORNEY

Pensco Trust Company

Robert L. Harris 4/12/10
By: ROBERT L. HARRIS Date
Title: ATTORNEY

Stoly Associates, LC

Robert L. Harris 4/12/10
By: ROBERT L. HARRIS Date
Title: ATTORNEY

Robert L. Harris 4/12/10
By: ROBERT L. HARRIS Date
Title: ATTORNEY

OBJECTOR:

Richard Howard Gebhard

Sean R. Moulton 4/23/10
Sean R. Moulton Date
Attorney for Objector

CLAIMANT/OBJECTOR:

Crystal Springs Land & Cattle, Inc.

Robert L. Harris 4/12/10
Robert L. Harris Date
Attorney for Claimant/Objector

IDWR Concurrence:

Ernest Carlsen 12/8/09
Ernest Carlsen Date
Water Resource Program Manager

Andrea L. Courtney 12/3/09
Andrea L. Courtney Date
Deputy Attorney General
Attorney for IDWR

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 22-13915

NAME AND ADDRESS: CRYSTAL SPRINGS LAND & CATTLE INC
4581 FORTUNA WAY
SALT LAKE CITY UT 84124

KPW HOLDINGS LLC
4581 FORTUNA WAY
SALT LAKE CITY UT 84124

RYMI INVESTMENTS LLC
4581 FORTUNA WAY
SALT LAKE CITY UT 84124

RIF HOLDINGS 1 LLC
4581 FORTUNA WAY
SALT LAKE CITY UT 84124

IGO INVESTMENTS 1 LLC
4581 FORTUNA WAY
SALT LAKE CITY UT 84124

STILLWATER HOLDINGS LLC
4581 FORTUNA WAY
SALT LAKE CITY UT 84124

GNJ PROPERTIES LLC
4581 FORTUNA WAY
SALT LAKE CITY UT 84124

IDAHO INVESTMENT GROUP LLC
4581 FORTUNA WAY
SALT LAKE CITY UT 84124

PENSCO TRUST COMPANY
CUSTODIAN FBO RICHARD WHITE
4581 FORTUNA WAY
SALT LAKE CITY UT 84124

STOLY ASSOCIATES LC
4581 FORTUNA WAY
SALT LAKE CITY UT 84124

ROBERT ELMER
4581 FORTUNA WAY
SALT LAKE CITY UT 84124

TREVOR PECK
4581 FORTUNA WAY
SALT LAKE CITY UT 84124

LANELLE PECK
4581 FORTUNA WAY
SALT LAKE CITY UT 84124

MICHAEL DODSON
4581 FORTUNA WAY
SALT LAKE CITY UT 84124

CHERISE DODSON
4581 FORTUNA WAY
SALT LAKE CITY UT 84124

W STEVEN GUNNELL
4581 FORTUNA WAY
SALT LAKE CITY UT 84124

TRAVIS GUNNELL
4581 FORTUNA WAY
SALT LAKE CITY UT 84124

AK
ENC
Ref
SV

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS ACQUIRED UNDER STATE LAW

GARY BLACK
4581 FORTUNA WAY
SALT LAKE CITY UT 84124

RICHARD HOWARD GEBHARD
PO BOX 168
VICTOR ID 83455

SOURCE: POLE CREEK

TRIBUTARY: SINKS

QUANTITY: 0.330 CFS
18.0 AFA

*an ref
EMC
5m*

The capacity of the reservoir is 1.8 AF. The volume of water designated for recreation from storage allows the reservoir to be refilled multiple times up to a total diversion volume of 18 AF during the period of October 10 to May 1.

~~The capacity of the reservoir is 1.8 AF. The reservoir may be refilled multiple times up to a total diversion volume of 18 AF during the period of October 10 to May 1.~~

The rights listed below are limited to a total combined diversion rate of 2.00 cfs. Combined Right Nos.: 22-683A, 22-683B and 22-13915.

PRIORITY DATE: 11/02/1989

POINT OF
DIVERSION:

T03N R45E S26 NENWSW Within TETON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
RECREATION STORAGE	01/01 12/31	1.80 AFY
IRRIGATION	07/01 08/31	0.330 CFS
RECREATION FROM STORAGE	10/10 05/01	18.00 AFY
DIVERSION TO STORAGE	10/01 05/01	0.050 CFS

PLACE OF USE:

IRRIGATION in TETON County

T03N R45E S22	NESE	29.00	T03N R45E S22	NWSE	13.00
T03N R45E S22	SESE	1.80	T03N R45E S23	SWSW	4.00

RECREATION STORAGE in TETON County

T03N R45E S23 SWSW

RECREATION FROM STORAGE in

47.8 ACRES TOTAL

Place of use does not include federal public lands.

The rights listed below are limited to the irrigation of a combined total of 47.8 acres in a single irrigation season. Combined Right Nos.: 22-683A, 22-683B and 22-13915.

The rights listed below are limited to the irrigation of a combined total of 52.8 acres in a single irrigation season. Combined Right Nos.: 22-683A, 22-2279 and 22-13915.

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS ACQUIRED UNDER STATE LAW

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

Property is also known as Homestead Entry Survey No. 253 Tracts A & B.

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

AW
EME
prof
SM

CERTIFICATE OF MAILING

I certify that on April 30, ²⁰¹⁰~~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

2. Copies to:

CRYSTAL SPRINGS LAND & CATTLE

Represented by:
ROBERT L. HARRIS
1000 RIVERWALK DR., STE. 200
P.O. BOX 50130
IDAHO FALLS, ID 83405

UNITED STATES OF AMERICA

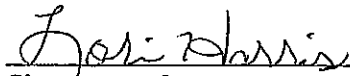
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATURAL RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

DIRECTOR OF IDWR
P.O. BOX 83720
BOISE, ID 83720-0098

RICHARD HOWARD GEBHARD

Represented by:
SEAN R. MOULTON
P.O. BOX 631
DRIGGS, ID 83422

CHERISE DODSON
GARY BLACK
GNJ PROPERTIES, LLC
IDAHO INVESTMENT GROUP, LLC
IGO INVESTMENTS 1, LLC
KPW HOLDINGS, LLC
LANELLE PECK
MICHAEL DODSON
TREVOR PECK
PENSICO TRUST COMPANY
RIF HOLDINGS 1, LLC
ROBERT ELMER
RYMI INVESTMENTS, LLC
STILLWATER HOLDINGS, LLC
STOLY ASSOCIATES, LC
TRAVIS GUNNELL
W. STEVEN GUNNELL
4581 FORTUNA WAY
SALT LAKE CITY, UT 84124



Signature of person or attorney mailing the form