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JUN 18 2010

DEPARTMENT OF
WATER RESOURCESIN 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.: 37-1232

STANDARD FORM 5

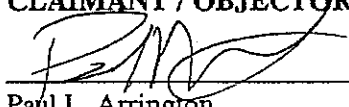
STIPULATED ELEMENTS OF A
WATER RIGHT

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.

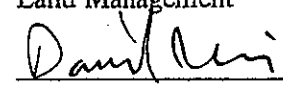
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT / OBJECTOR:


Paul L. ArringtonDate
Attorney for Natural Energy Resources Inc.

6/11/10

RESPONDENT:

United States on behalf of the
USDA Forest Service and the Bureau of
Land Management
David L. Negri
Attorney for USFS and BLM

6/16/10

Date

IDWR CONCURRENCE:

Carter Fritschle 6-7-10

Carter Fritschle

Date

Manager, Adjudication Section

IDWR CONCURRENCE:

Nicholas B. Spencer 6-7-10

Nicholas B. Spencer

Date

Deputy Attorney General

Attorney for IDWR

02/10/2010

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

RIGHT NUMBER: 37-1232

NAME AND ADDRESS: NATURAL ENERGY RESOURCES INC
PO BOX 448
SUN VALLEY ID 83353

SOURCE: GUYER HOT SPRINGS

TRIBUTARY: WARM SPRINGS CREEK

QUANTITY: 1.130 CFS

~~The rights listed below are limited to a total combined diversion rate of 1.13 cfs. Combined Right Nos.: 37-1232, 37-2451, 37-7163, & 37-4227.~~

The quantity of water under this right for domestic use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 06/30/1880

POINT OF
DIVERSION:

T04N R17E S15 SWNE Lot 50 Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
HEATING	01/01 12/31	1.130 CFS
DOMESTIC	01/01 12/31	0.040 CFS
<u>COMMERCIAL</u>	<u>01/01 12/31</u>	<u>0.350 CFS</u>

~~Domestic use is for internal use.~~

PLACE OF USE: HEATING in BLAINE County

T04N R17E S11	SESW	T04N R17E S11	NESE
T04N R17E S11	NWSE	T04N R17E S11	SWSE
T04N R17E S11	SESE	T04N R17E S12	NESW
T04N R17E S12	NWSW	T04N R17E S12	SWSW
T04N R17E S12	SESW	T04N R17E S12	SWSE
T04N R17E S13	NENE	T04N R17E S13	NWNE
T04N R17E S13	SENE	T04N R17E S13	NENW
T04N R17E S14	NENW	T04N R17E S14	NWNW
T04N R17E S15	NENE	T04N R18E S18	SWNW
T04N R18E S18	NWSW		

DOMESTIC same as HEATING
COMMERCIAL same as HEATING

Place of use does not include federal public lands.

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 quantity of water decreed for this water right for domestic use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

CA
NBS
PLA
PN

CERTIFICATE OF SERVICE

I certify that on 6-16, 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

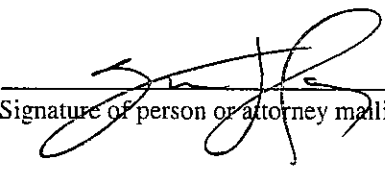
☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Paul L. Arrington
Barker Rosholt
P.O. Box 485
Twin Falls, ID 83303-0485

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

U.S. Dept. of Justice
Environment & Natural Resource Div.
550 W. Fort St., MSC 033
Boise, ID 83724

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



Signature of person or attorney mailing the form