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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.: 37-4327

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.

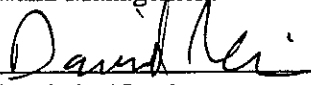
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

## CLAIMANT / OBJECTOR:

 6/11/10  
Paul L. Arrington Date  
Attorney for Natural Energy Resources Inc.

## RESPONDENT:

United States on behalf of the  
USDA Forest Service and the Bureau of  
Land Management

 6/16/10  
David L. Negri Date  
Attorney for USFS and BLM

**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

06/03/2010

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

RIGHT NUMBER: 37-4327

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.040 CFS

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

PRIORITY DATE: 01/01/1962

POINT OF  
DIVERSION:

T04N R17E S15 NENE Lot 50 Within BLAINE County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u>                                                           | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|---------------------------------------------------------------------------------|----------------------|-----------------|
| DOMESTIC                                                                        | 01/01 12/31          | 0.040 CFS       |
| Domestic use is for 1 home and includes space heating and use in swimming pool. |                      |                 |

PLACE OF USE: DOMESTIC in BLAINE County

T04N R17E S15 NENE

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 is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

## 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

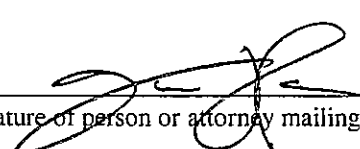
☐ Overnight Mail  
☒ Regular Mail  
☐ Hand-Delivered  
☐ Facsimile

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