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DEPARTMENT OF
WATER RESOURCES

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

Case No. 39576

) Subcase No. 73-00187B
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)
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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.

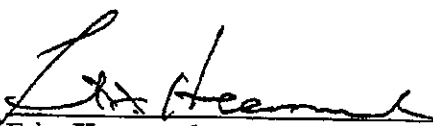
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT/OBJECTOR:

Triple T Summit Ranch

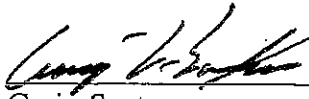
OBJECTOR:

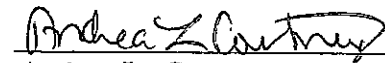
United States of America


Fritz Haemmerle
Attorney for Triple T Summit Ranch
6/22/10
Date


David Negri
Attorney for BLM
7/8/10
Date

IDWR Concurrence:

 6-9-10
Craig Saxton Date
Senior Water Resource Agent

 6/9/10
Andrea L. Courtney Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 73-187B

NAME AND ADDRESS:

TRIPLE T SUMMIT RANCH
C/O EDWIN C & LINDA M THOMAS
PO BOX 1842
SUN VALLEY ID 83353

SOURCE:

Source:

BIG GULCH CREEK

Tributary:

GOLDBURG CREEK

QUANTITY:

2.000 CFS

Two (2.0) cfs may be diverted under water right 73-187B when the combined total flow available from Hillside Creek and Big Gulch Creek is greater than or equal to 4.5 cfs, if the right is in priority and deliverable.

When the combined total flow available from Hillside Creek and Big Gulch Creek is less than 4.5 cfs, 44% of the total flow available from Hillside Creek and Big Gulch Creek may be diverted from Big Gulch Creek under water right 73-187B, if the right is in priority and deliverable.

~~Two (2) cfs of this right may be transferred when the total amount available from Hillside Creek (formerly known as Hill Creek) and Graves Springs equals or exceeds 125 miners inches (2.5 cfs); and when the combined amount from all three sources Hillside Creek (formerly known as Hill Creek), Big Gulch Creek, and Graves Springs is less than 225 miners inches (4.5 cfs), 100/225 (2.0 cfs) of the combined amount may be used from Big Gulch Creek, if available, at the point of diversion described below.~~

PRIORITY DATE: 06/18/1909

POINT OF DIVERSION:

T12N R24E S25 SWNE Within CUSTER County

The point of diversion from Big Gulch Creek is more specifically located in T12N, R24 1/2 E, S25, SWNE.

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION

05/01 10/31

2.000 CFS

PLACE OF USE:

IRRIGATION

within CUSTER County

T11N R24E S01 Lot 1 NENE 22.0

T11N R25E S05 NESW 1.0

~~T11N R25E S05 S06 S06 14.0~~

~~T11N R25E S05 NWSW 14.0~~

~~T11N R25E S05 SWSW 0.1~~

T11N R25E S05 SESW 0.5

T11N R25E S06 SWNE 30.0

T11N R25E S06 SENE 7.5

~~T11N R25E S06 SENE 0.1~~

T11N R25E S06 NENW 5.7

T11N R25E S06 Lot 3 NENW 11.0

T11N R25E S06 Lot 4 NWNW 23.0

T11N R25E S06 Lot 5 SWNW 10.0

T11N R25E S06 SENW 26.0

T11N R25E S06 NESW 3.5

T11N R25E S06 NESE 9.4

T11N R25E S06 NWSE 22.0

T12N R25E S31 Lot 4 SWSW 24.0

~~T11N R25E S06 NESE 4.9~~

~~T11N R25E S06 NESE 4.5~~

209.7 ACRES TOTAL

Place of use does not include federal public lands.

Right Nos. 73-187B and 73-2073 are limited to the irrigation of a combined total of 209.7 acres in a single irrigation season.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Hillside Creek is also known as Hill Creek

CERTIFICATE OF MAILING

I certify that on July 9, 2010, 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:

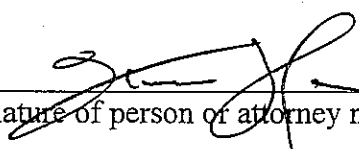
TRIPLE T SUMMIT RANCH

Represented by:
HAEMMERLE, FRITZ X.
PO BOX 1800
HAILEY, ID 83333

UNITED STATES OF AMERICA

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

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098



Signature of person or attorney mailing form