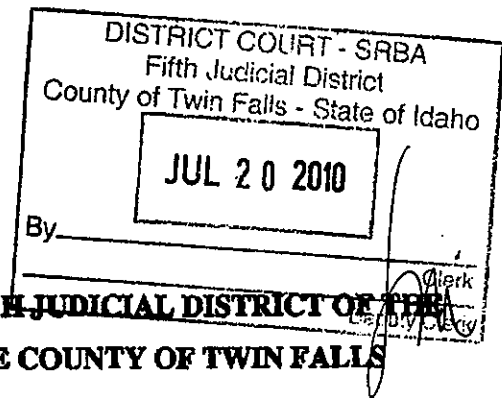




IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Subcase No.: 37-2609A

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. IDWR notes the recommendation of water right 37-2609A remains unchanged.

CLAIMANT / OBJECTOR:

J. P. Speck 7-9-10
James P. Speck Date
Attorney for Chaney Creek Ranch LLC

RESPONDENT:

Craig D. Hobday 7-14-10
Craig D. Hobday Date
Attorney for Big Wood Canal Company

IDWR CONCURRENCE:

Kelly K. Christensen 6-28-10
Kelly K. Christensen Date
Sr. Water Resource Agent

IDWR CONCURRENCE:

Christopher M. Bromley 6/28/10
Christopher M. Bromley Date
Deputy Attorney General
Attorney for IDWR

04/09/2010

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

RIGHT NUMBER: 37-2609A

NAME AND ADDRESS: CHANEY CREEK RANCH LLC
C/O ELIZABETH K GRAY
PO BOX 3175
KETCHUM ID 83340

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.480 CFS
57.80 AFY

This right when combined with all other rights shall provide no more than 3.5
afa per acre at the field headgate for irrigation of the lands above.

PRIORITY DATE: 10/08/1958

POINT OF
DIVERSION:

T01S R19E S22 SWSESW Within BLAINE County
T01S R19E S22 SWSESW Injection Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
WILDLIFE STORAGE	01/01 12/31	15.80 AFY
RECREATION STORAGE	01/01 12/31	15.80 AFY
AESTHETIC STORAGE	01/01 12/31	15.80 AFY
DIVERSION TO STORAGE	01/01 12/31	0.020 CFS
IRRIGATION	04/15 10/31	0.460 CFS 42.00 AFY

PLACE OF USE: IRRIGATION in BLAINE County

T01S R19E S22 SWSW 12.00

WILDLIFE STORAGE in BLAINE County

T01S R19E S22 SWSW

RECREATION STORAGE in BLAINE County

T01S R19E S22 SWSW

AESTHETIC STORAGE in BLAINE County

T01S R19E S22 SWSW

12 ACRES TOTAL

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.

04/09/2010

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Use of water under this water right will be regulated by the watermaster of State Water District No.37.

Prior to the diversion and use of groundwater under this right, the right holder shall install and maintain measuring devices acceptable to the watermaster and the department at both the point of diversion at the well and the point of injection into Chaney Creek.

The portion of Right 37-02609A used for conveyance losses for irrigation use is 0.04 cfs.

The first year that water is diverted to wildlife, recreation and aesthetic storage uses, the irrigation use under this right shall be limited to 8.7 acres, 0.34 cfs and 30.5 afa.

The reduction of irrigation during the first year will provide the additional storage volume to fill the pond when combined with the 4.2 af associated with the 1.2 acres no longer irrigated.

During initial filling of the pond, the right holder shall inject groundwater into Chaney Creek at a rate not to exceed 0.50 cfs when all uses of the right are combined in order to replace captured surface water as soon as possible.

After the initial filling of the pond, the right holder shall continue to divert groundwater into Chaney Creek at a diversion rate of 0.02 cfs and an annual diversion volume of 3.1 af to replace consumptive losses of the pond.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

KKC
CB JPS
OH

CERTIFICATE OF SERVICE

I certify that on July 19, 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

James P. Speck
Speck & Aanestad
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
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Don Harris

Signature of person or attorney mailing the form