

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	DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	Subcase No. 73-00187A
Case No. 39576	AUG - 4 2010	STANDARD FORM 5
By _____	Clerk Deputy Clerk	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.

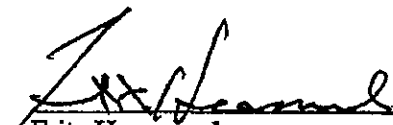
The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions 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:
Big Creek Ranch LLC

OBJECTOR:
Triple T Summit Ranch


By: Michael Page
Title: Managing Member
7/22/10
Date


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

IDWR Concurrence:

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

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

CERTIFICATE OF MAILING

I certify that on Aug 2, 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

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

BIG CREEK RANCH LLC
280 CRANBROOK RD
HAILEY, ID 83333

Renee Ridgeway
Signature of person or attorney mailing form

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

RIGHT NUMBER: 73-187A

NAME AND ADDRESS:

BIG CREEK RANCH LLC
280 CRANBROOK DR
HAILEY ID 83333

SOURCE:

Source:

BIG GULCH CREEK

HILLSIDE CREEK

~~GRAVES SPRING~~

Tributary:

GOLDBURG CREEK

GOLDBURG CREEK

~~GOLDBURG CREEK~~

QUANTITY:

2.500 CFS

Two and one-half (2.5) cfs may be diverted from Hillside Creek and Big Gulch Creek under water right 73-187A 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, 56% of the total flow available from Hillside Creek and Big Gulch Creek may be diverted under water right 73-187A, 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, the quantity of water available at the Hillside Creek diversion in the SESE, S13, T12N, R24E shall be deducted from the 56% of the total flow delivered from Hillside Creek and Big Gulch Creek under water right 73-187A.

~~The rights listed below are limited to a total combined diversion rate of 2.5 cfs. Combined Right Nos.: 73-187A, 73-10047.~~

PRIORITY DATE:

06/18/1909

POINT OF DIVERSION:

T12N R24E S13 SESE Within CUSTER County

T12N R24E S25 SWNE Within CUSTER County

~~T12N R24E S25 SESE Within CUSTER County~~

~~T12N R24E S26 NWNE Within CUSTER County~~

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

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION

05/01 10/31

2.500 CFS

~~04/01 10/31~~

PLACE OF USE:

IRRIGATION

within CUSTER County

<u>T12N R24E S16 SWNW 12.0</u> 8.4	<u>T12N R24E S16 NESW 7.6</u>
<u>T12N R24E S16 NWSW 8.4</u> 7.2	<u>T12N R24E S16 SESW 15.0</u> 9.3
<u>T12N R24E S16 SWSE 8.6</u> 7.6	<u>T12N R24E S21 NESE 13.0</u>
<u>T12N R24E S22 NENE 18.0</u>	<u>T12N R24E S22 NWNE 8.0</u> 8.1
<u>T12N R24E S22 SWNE 40.0</u>	<u>T12N R24E S22 SENE 40.0</u>
<u>T12N R24E S22 NENW 9.0</u> 8.7	<u>T12N R24E S22 NWNW 17.0</u> 14.0
<u>T12N R24E S22 SWNW 40.0</u>	<u>T12N R24E S22 SENW 33.0</u> 34.0
<u>T12N R24E S22 NESW 39.0</u> 37.0	<u>T12N R24E S22 NWSW 40.0</u> 39.0
<u>T12N R24E S22 NESE 40.0</u>	<u>T12N R24E S22 NWSE 40.0</u>
<u>T12N R24E S22 SWSE 36.0</u> 35.0	<u>T12N R24E S22 SESE 40.0</u> 39.0
<u>T12N R24E S23 SWNE 2.2</u> 1.5	<u>T12N R24E S23 NENW 11.0</u>
<u>T12N R24E S23 NWNW 35.0</u>	<u>T12N R24E S23 SWNW 40.0</u>
<u>T12N R24E S23 SENW 35.0</u> 24.0	<u>T12N R24E S23 NESW 30.0</u> 9.6
<u>T12N R24E S23 NWSW 40.0</u>	<u>T12N R24E S23 SWSW 32.0</u> 23.0
<u>T12N R24E S23 SESW 1.0</u>	<u>T12N R24E S23 NWSE 1.2</u>

732 ACRES TOTAL

670 ACRES TOTAL

This right is limited to the irrigation of 125 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 732 acres in a single irrigation season. Combined Right Nos.: 73-165, 73-168, 73-178, 73-179, 73-187A, 73-188A, 73-2038, 73-2091, and 73-10047.

~~The rights listed below are limited to the irrigation of a combined total of 670 acres in a single irrigation season. Combined Right Nos.: 73-187A, 73-188A, 73-2038, 73-10047.~~

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.

Use of Grave Springs as a source under this water right has been forfeited/abandoned.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Source also known as Hill Creek

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.