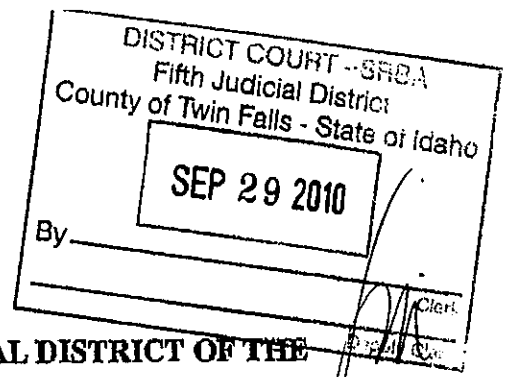




IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	Subcase No.: 37-713D
	)	
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.

CLAIMANT / RESPONDENT:

J. P. Speck 9-21-10
James P. Speck Date
Attorney for Ralph W. and Kandi L.
Girton 1999 Revocable Trust

OBJECTORS:

Craig D. Hobdey
Craig D. Hobdey Date
Attorney for Big Wood Canal Company

Albert P. Barker 9-27-10
Albert P. Barker Date
Attorney for Tom O'Gara, John F.
Stevenson, Bill Molyneux, Pete Van Der
Meulen, Grace Eakin, Rocky Sherbine,
Gerald Bashaw, and Pepin Corso-Harris

RESPONDENTS:

J-P. Spock 9/21/10
James P. Spock. Date

Attorney for Barker Living Trust, Myer Berlow, Deborah Barr, Chaney Creek Ranch LLC, Eagle Creek Irrigation Co., ECD Inc., Michael S. Engl, Charles T. Foley, Gimlet Property Owners Assn., William B. Gordon, Gregory Ranch LLC, Lake Creek Meadows Homeowners, Elise G. Lufkin, Charles L. Matthiesen, The R. Daniel Olmstead Revocable Trust, John D. Pierce, Ralph W. Gilton, Kandi L. Gilton, River Rock Ranch LP, Rivers Edge Associates LLC, Steven D. Holzman Trust, The Gulch Trust, Michael E. Willard, and Roy R. Woods

IDWR CONCURRENCE:

Kelly K. Christensen 4-21-10
Kelly K. Christensen Date
Sr. Water Resource Agent

IDWR CONCURRENCE:

Nicholas B. Spencer 4-21-10
Nicholas B. Spencer Date
Deputy Attorney General
Attorney for IDWR

04/21/2010

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

RIGHT NUMBER: 37-713D

NAME AND ADDRESS: RALPH W AND KANDY L GILTON 1999 REVOCABLE TRUST
PO BOX 826
BELLLEVUE ID 83313

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.420 CFS
70.60 AFY

The portion of Rights 37-00315C and 37-00713D used for conveyance losses is 0.10 cfs.

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.

Rights 37-00315C and 37-00713D when combined shall not exceed a total diversion rate of 0.92 cfs and a total annual diversion volume of 70.6 af.

The pond established by the storage of water under this right shall not exceed a total capacity of 3.0 acre-feet.

PRIORITY DATE: 06/10/1880

POINT OF
DIVERSION:

T02N R18E S35 NESE Within BLAINE County
T02N R18E S35 NESE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
FIRE PROTECTION STORAGE	01/01 12/31	3.00 AFY
AMPHIBIOL STORAGE	01/01 12/31	3.00 AFY
RECREATION STORAGE	01/01 12/31	3.00 AFY
IRRIGATION	04/15 10/31	0.420 CFS 70.60 AFY

PLACE OF USE: IRRIGATION in BLAINE County

T02N R18E S35 NESE 18.70 T02N R18E S36 N4SW 0.60

19.3 ACRES TOTAL

Rights 37-00315C and 37-00713D when combined shall not exceed the irrigation of 19.3 acres.

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 Director retains jurisdiction of Right 37-00713D to require streamflow augmentation or other action determined to be appropriate to protect prior surface water or ground water rights should pond loss be determined to exceed 0.08 cfs.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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

CERTIFICATE OF SERVICE

I certify that on September 28, 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. 987
Ketchum, ID 83340

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☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Craig D. Hobdey
Hobdey & Hobdey
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Shelley M. Davis
Barker, Rosholt & Simpson LLP
P.O. Box 2139
Boise, ID 83701-2139

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



Signature of person or attorney mailing the form