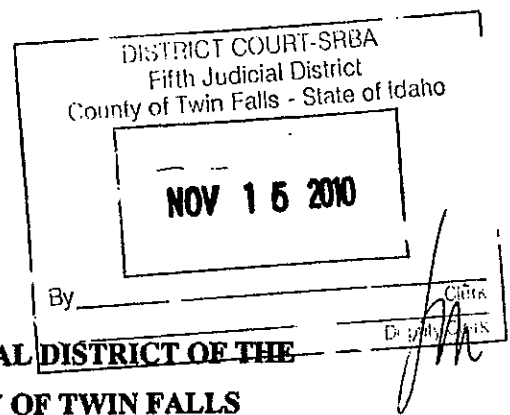




IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA) Subcase No.: 37-22256
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 / OBJECTOR :

Christopher H. Meyer 10-22-10
Christopher H. Meyer Date
Attorney for Oliver Family Trust

OBJECTORS:

Craig D. Hobday 11-2-10
Craig D. Hobday Date
Attorney for Big Wood Canal Company

RESPONDENT:

James R. Laski 10-28-10
James R. Laski Date
Attorney for Peter M. Thomas Trust

Albert P. Barker 11-3-10
Albert P. Barker Date
Attorney for Tom O'Gara, John F.
Stevenson, Bill Molyneux, Pete Van Der
Meulen, Grace Eakin, Gerald Bashaw, and
Pepin Corso-Harris

IDWR CONCURRENCE:

Kelly Christensen 10-20-2010

Kelly K. Christensen
Sr. Water Resource Agent

Date

IDWR CONCURRENCE:

Nicholas B. Spencer 10-21-10

Nicholas B. Spencer
Deputy Attorney General
Attorney for IDWR

Date

06/25/2010

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

RIGHT NUMBER: 37-22256

NAME AND ADDRESS: OLIVER FAMILY TRUST
C/O OLIVER McMILLAN
733 8TH AVE
SAN DIEGO CA 92101

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.350 CFS

This right when combined with all other rights shall provide no more than 0.02 cfs per acre at the field headgate for irrigation of the lands above.

The quantity of water under this right and 37-22255 for domestic use shall not exceed 17,000 gallons per day.

PRIORITY DATE: 05/01/1983

POINT OF
DIVERSION:

T02N R18E S5 NWSE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/15 10/31	0.350 CFS
DOMESTIC	01/1 12/31	0.020 GPD

PLACE OF USE: IRRIGATION in BLAINE County

T02N R18E S04	NWSW	3.10	T02N R18E S04	SWSW	3.30	2.20
T02N R18E S05	SESE	1.00	1.20			
0.2-7.2 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.

The quantity of water decreed for this water right for domestic use is not a determination of historical beneficial use.

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

This right is a split from former right 37-862.

Property is also known as Lots 7 & 11, River Grove Farm Subd.

In settlement of objections to this water right, the right holder, the objecting parties, and the Department have agreed to add a condition requiring installation of a measuring device and controlling works. This condition is added with the understanding that the right holder will be allowed a reasonable period of time to pursue a transfer of the point of diversion for this water right before the device must be installed. If that transfer is approved, the condition will be retained for the transferred right and will become enforceable six months after transfer approval. If the transfer application is not filed within six months following issuance of the partial decree, the condition will become enforceable at that time. If the transfer application is denied, the condition will become enforceable with respect to the water right as decreed six months after transfer denial.

CERTIFICATE OF SERVICE

I certify that on November 15, 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

Christopher H. Meyer
Givens Pursley, LLP
P.O. Box 2720
Boise, ID 83701

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

James R. Laski
Lawson Laski Clark & Pogue PLLC
P.O. Box 3310
Ketchum, ID 83340

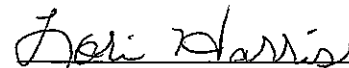
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☐ Facsimile

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☐ Facsimile



Signature of person or attorney mailing the form