



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

December 2, 2010

Robert L. Harris
1000 Riverwalk Drive, Suite 200
P.O. Box 50130
Idaho Falls, ID 83405

RE: SRBA Subcase Nos. 22-11776 & 22-11779 (Sundown Property, LLC)

Dear Rob:

I am enclosing a Standard Form 5 ("SF5") for each of the above-referenced water rights. Please review the documents, and if they are acceptable, please sign on the indicated signature lines and initial the recommendations. Please return the original SF5s to me after signature, and I will obtain the remaining signatures and file them with the SRBA Court.

If you should have any questions or comments, please don't hesitate to contact me at 287-4815.

Sincerely,

A handwritten signature in blue ink that reads "Ray Williams".

Ray Williams
Paralegal

Enclosures

**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. 22-11776
	)	
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:
Sundown Property, LLC

Robert L. Harris Date
Attorney for Claimant/Objector

IDWR Concurrence:

Michael Holliday Date
Senior Water Resource Agent

Andrea L. Courtney 12/2/10
Andrea L. Courtney Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 22-11776

NAME AND ADDRESS:

SUNDOWN PROPERTY LLC
C/O ROBERT BAILIE
8101 VANGUARD DR, STE 300
MECHANICSVILLE VA 23111

SOURCE:

Source:
TETON RIVER

Tributary:
HENRYS FORK

QUANTITY:

3.140 CFS

~~1.600 CFS~~

PRIORITY DATE: 06/01/1895

POINT OF DIVERSION:

T05N R44E S13 SWSE
Within TETON County

PURPOSE AND
PERIOD OF USE:

Purpose of use:

Period of use:

Quantity:

IRRIGATION

04/15 10/31

3.140 CFS

~~1.600 CFS~~

PLACE OF USE:

IRRIGATION within TETON County

T05N R44E S12 SWNE 15.0

~~T05N R44E S12 SWNE 4.0~~

T05N R44E S12 SENW 24.0

T05N R44E S12 NESW 31.0

T05N R44E S12 NWSE 22.0

~~T05N R44E S12 NWSE 21.0~~

92 ACRES TOTAL

~~80 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 remainder of this right was forfeited for non-use from 1976 to 1981.~~

~~This right is subject to regulation by the watermaster of Water District No. 01.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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

Water is delivered through Gailey Ditch.

This right is a combination of old Right Nos. 01-22 and 22-317.

CERTIFICATE OF MAILING

I certify that on _____, 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:

SUNDOWN PROPERTY, LLC
Represented by:
ROBERT L. HARRIS
1000 RIVERWALK DR., STE. 200
P.O. BOX 50130
IDAHO FALLS, ID 83405

DIRECTOR OF IDWR
P.O. BOX 83720
BOISE, ID 83720-0098

Signature of person or attorney

**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. 22-11779
	)	
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	)	WATER RIGHT

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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 disallowed. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT/OBJECTOR:
Sundown Property, LLC

Robert L. Harris Date
Attorney for Claimant/Objector

IDWR Concurrence:

Michael Holliday Date
Senior Water Resource Agent

Andrea L. Courtney 12/2/10 Date
Andrea L. Courtney
Deputy Attorney General
Attorney for IDWR

IDAHO DEPARTMENT OF WATER RESOURCES
CLAIMS / RIGHTS NOT RECOMMENDED

<u>W.R. NUMBER</u>	<u>NAME AND ADDRESS</u>	<u>CLAIM DISPOSITION</u>	<u>REASON</u>
22-11779	SUNDOWN PROPERTY LLC C/O ROBERT BAILIE 8101 VANGUARD DR, STE 300 MECHANICSVILLE VA 23111	Disallowed	No beneficial use found.

AK

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1000 RIVERWALK DR., STE. 200
P.O. BOX 50130
IDAHO FALLS, ID 83405

DIRECTOR OF IDWR
P.O. BOX 83720
BOISE, ID 83720-0098

Signature of person or attorney