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DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

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DEPARTMENT OF
WATER RESOURCES

By _____

**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

Case No. 39576

Subcase No.: 37-4369

STANDARD FORM 5

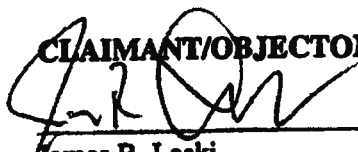
**STIPULATED ELEMENTS OF A
WATER RIGHT**

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.

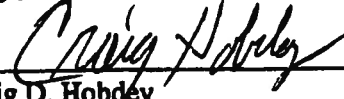
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT/OBJECTOR/RESPONDENT:

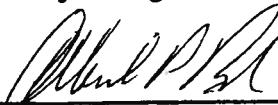

James R. Laski
Attorney for Sun Valley Land & Minerals, Inc.

2/14/2011
Date

OBJECTORS/RESPONDENTS:


Craig D. Hobday
Attorney for Big Wood Canal Company

2-14-11
Date


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

2-16-11
Date

IDWR CONCURRENCE:

Kelly K. Christensen 1-31-11
Kelly K. Christensen Date
Sr. Water Resource Agent

IDWR CONCURRENCE:

C. M. Bromley 1/31/11
Christopher M. Bromley Date
Deputy Attorney General
Attorney for IDWR

11/08/2010

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

RIGHT NUMBER: 37-4369

NAME AND ADDRESS: SUN VALLEY LAND & MINERALS INC
PO BOX 1959
SUN VALLEY ID 83353

SOURCE: DEER CREEK

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 102.00 AFY
Right Nos. 37-2446 and 37-4369 are limited to a total combined diversion rate of 10.0 cfs.

The combined storage volume of the four (4) ponds shall not exceed 102 af for the storage of water within three (3) existing ponds and one (1) new pond to be excavated and developed.

PRIORITY DATE: 10/22/1949 07/01/1932

POINT OF
DIVERSION:

T03N R17E S27 SESENE Within BLAINE County
T03N R17E S34 WSENE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
RECREATION STORAGE	01/01 12/31	102.00 AFY

PLACE OF USE: RECREATION STORAGE in BLAINE County

T03N R17E S27	SESENE	T03N R17E S27	SESENE
T03N R17E S34	WSENE		

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The right holder shall construct and maintain a structure(s) to allow passage of fish from the natural stream channel downstream of the outflow of the lowermost pond to the natural stream channel above the uppermost pond.

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

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Use of water under this right may be affected by agreements between the protestants and the right holder.

A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

Failure of the right holder to comply with the conditions of this transfer no. 68548 is cause for the Director to rescind approval of the transfer.

The right holder shall accomplish the change authorized by this transfer no. 68548 within three (3) years of the date of this approval.

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

A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.

CERTIFICATE OF SERVICE

I certify that on March 2, 2011, 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 R. Laski
Lawson, Laski, Clark & Pogue PLLC
P.O. Box 3310
Ketchum, ID 83340

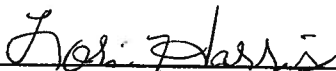
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☐ Hand-Delivered
☐ Facsimile

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Hobdey & Hobdey
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☐ Hand-Delivered
☐ Facsimile



Signature of person or attorney mailing the form