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|                                                                                                         |
|---------------------------------------------------------------------------------------------------------|
| DISTRICT COURT-SRBA<br>Fifth Judicial District<br>County of Twin Falls - State of Idaho                 |
| <div style="border: 1px solid black; padding: 5px; display: inline-block;"> <b>MAR - 3 2011</b> </div>  |
| By _____<br><div style="text-align: right;">           Clerk<br/>           Deputy Clerk         </div> |

**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. 37-497B

Case No. 39576

**STANDARD FORM 5**

**STIPULATED ELEMENTS OF A  
WATER RIGHT**

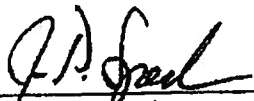
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

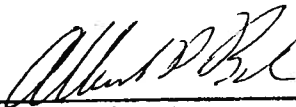
The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions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

**OBJECTOR/RESPONDENTS:**  
Concerned Water Users

  
 \_\_\_\_\_  
 James P. Speck, Attorney      Date

  
 \_\_\_\_\_  
 Albert P. Barker, Attorney      Date

STANDARD FORM 5 - 37-497B

**RESPONDENTS:**

Big Wood Canal Company

Craig D. Hobday 2-15-11  
Craig D. Hobday, Attorney Date

**RESPONDENT:**

Barker Living Trust, et al

J.P. Speck 2-9-11  
James P. Speck, Attorney Date

**IDWR Concurrence: -**

John Quinn 3/1/11  
IDWR Agent Date

**RESPONDENT/INTERVENOR:**

Flying Heart Ranch II  
Evergreen Ventures, LLC  
James & Evelyn Phillips  
Howard & Carol Knight

James P. Speck Date  
James P. Speck, Attorney  
Fritz X. Nasonovich

W. Spencer 3-1-11  
Deputy Attorney General, IDWR Date

02/09/2011

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

RIGHT NUMBER: 37-497B

NAME AND ADDRESS: ELISE G LUFKIN  
505 STARWEATHER DR  
HAILEY ID 83333

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.750 CFS

The total combined annual consumptive volume of water diverted under Right Nos. 37-00496B and 37-00497B shall not exceed 2.5 acre-feet per acre or a total of 75 acre-feet.

PRIORITY DATE: 07/01/1892

POINT OF  
DIVERSION:

T03N R18E S19 NENE Within BLAINE County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 04/01 11/01          | 0.300 CFS       |
| AESTHETIC             | 04/01 11/01          | 0.450 CFS       |
| FIRE PROTECTION       | 04/01 11/01          | 0.450 CFS       |

Aesthetic and Fire Protection use includes an approximately 15,100 sq ft surface area pond with an average depth of 6 ft.

PLACE OF USE: IRRIGATION in BLAINE County

T03N R18E S19 NENE 20.00 T03N R18E S19 SENE 10.00

FIRE PROTECTION in BLAINE County

T03N R18E S19 SENE

AESTHETIC in BLAINE County

T03N R18E S19 SENE

30 ACRES TOTAL

Right Nos. 37-496B and 37-497B are limited to the irrigation of a combined total of 30.0 acres in a single irrigation season.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Measuring devices of a type accepted by this Department shall be maintained at the point of diversion and point of discharge to the Big Wood River.

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.

JPB  
fxcl  
CW  
APRS  
SCC  
NBS

Use of water under this water right will be regulated by the watermaster of State Water District No.37. The water master shall have access to the point of diversion from the Big Wood River and the point of return flow to the Big Wood River

SCC  
NBS

**CERTIFICATE OF MAILING**

I certify that on March 2, <sup>2011</sup>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:

BILL MOLYNEUX  
GERALD BASHAW  
GRACE EAKIN  
JOHN F STEVENSON  
PEPIN CORSO-HARRIS  
PETE VAN DER MEULEN  
ROCKY SHERBINE  
TOM O GARA

Represented by:  
ALBERT P BARKER  
1010 W JEFFERSON, STE 102  
PO BOX 2139  
BOISE, ID 83701-2139  
Phone: 208-336-0700

BILL MOLYNEUX  
GERALD BASHAW  
GRACE EAKIN  
JOHN F STEVENSON  
PETE VAN DER MEULEN  
ROCKY SHERBINE  
TOM O GARA

Represented by:  
BARKER RSHOLT & SIMPSON LLP  
1010 W JEFFERSON, STE 102  
PO BOX 2139  
BOISE, ID 83701-2139  
Phone: 208-336-0700

**BIG WOOD CANAL COMPANY**

Represented by:  
**CRAIG D. HOBDEY**  
125 5TH AVE  
PO BOX 176  
GOODING, ID 83330  
Phone: 208-934-4429

**EVERGREEN VENTURES LLC  
FLYING HEART RANCH II  
HOWARD & CAROL KNIGHT  
JAMES & EVELYN PHILLIPS**

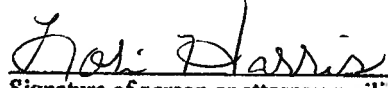
Represented by:  
**HAEMMERLE, FRITZ X.**  
PO BOX 1800  
HAILEY, ID 83333  
Phone: 208-578-0520

**BARKER LIVING TRUST  
CHANEY CREEK RANCH LLC  
CHARLES L MATTHIESEN  
CHARLES T FOLEY  
EAGLE CREEK IRRIGATION CO  
ECD INC  
ELISE G LUFKIN  
GIMLET PROPERTY OWNERS ASSN  
GREGORY RANCH LLC  
LAKE CREEK MEADOWS HOMEOWNERS  
MICHAEL E WILLARD  
MICHAEL ENGL  
MYER BERLOW  
RALPH W & KANDI L GIRTON  
RIVER ROCK RANCH LP  
RIVERS EDGE ASSOCIATES LLC  
ROY R WOODS  
STEVEN D HOLZMAN TRUST  
THE GULCH TRUST  
THE R DANIEL OLMSTEAD  
WILLIAM B GORDON**

Represented by:  
**JAMES P. SPECK**  
**SPECK & AANESTAD**  
120 EAST AVENUE

PO BOX 987  
KETCHUM, ID 83340  
Phone: 208-726-4421

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

  
\_\_\_\_\_  
Signature of person or attorney mailing the form