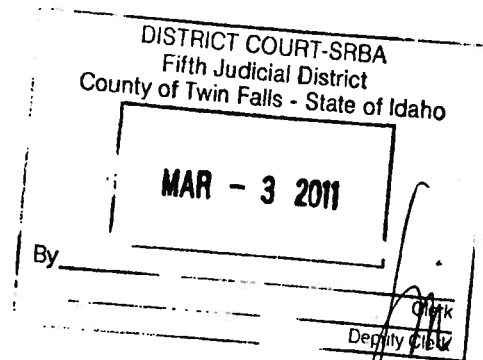




**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA

Case No. 39576

Subcase No. 37-496B

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

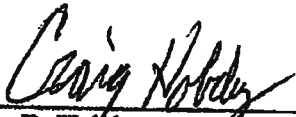
OBJECTOR/RESPONDENTS:
Concerned Water Users


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

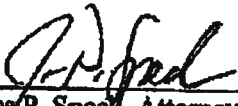

Albert P. Barker, Attorney 2-16-11
Date

STANDARD FORM 5 - 37-496B

RESPONDENTS:
Big Wood Canal Company


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

RESPONDENT:
Barker Living Trust, et al

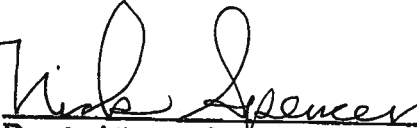

James P. Speck, Attorney 2-9-11
Date

RESPONDENT/INTERVENOR:
Flying Heart Ranch II
Evergreen Ventures, LLC
James & Evelyn Phillips
Howard & Carol Knight


James P. Speck, Attorney 3/1/11
Date
Fritz X. Haenrichs

IDWR Concurrence:


IDWR Agent 3/1/11
Date


Deputy Attorney General, IDWR 3-1-11
Date

02/09/2011

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

RIGHT NUMBER: 37-4968

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

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 1.500 CFS

The total combined annual consumptive volume of water diverted under Right No's 37-004968 & 37-004978 as authorized by transfer No. 3810 shall not exceed 2.5 acre-feet per acre or a total of 75 acre-feet.

PRIORITY DATE: 07/01/1983

POINT OF
DIVERSION:

T03N R18E S19 NESE within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
FIRE PROTECTION	04/01 11/01	0.900 CFS
IRRIGATION	04/01 11/01	0.600 CFS
AESTHETIC	04/01 11/01	0.900 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	NESE	20.00	T03N R18E S19	SENE	10.00
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FIRE PROTECTION in BLAINE County

T03N R18E S19	SENE
---------------	------

AESTHETIC in BLAINE County

T03N R18E S19	SENE
---------------	------

30 ACRES TOTAL

Right Nos. 37-4968 and 37-4978 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

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.

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

Handwritten notes:
JPS
OK
FAR
APB
SC
NBS

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

SCL
NBS

CERTIFICATE OF MAILING

I certify that on March 2, 2011, 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 ROSHOLT & 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 MATTHIEN
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

Jose Harris
Signature of person or attorney mailing the form