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MAR 08 2011

DEPARTMENT OF
WATER RESOURCES

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

MAR 10 2011

By _____ Clerk
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS
Deputy Clerk

In Re SRBA

) Subcase No. 37-21468

Case No. 39576

)
)
) STANDARD FORM 5

)
) STIPULATED ELEMENTS OF A
) WATER RIGHT

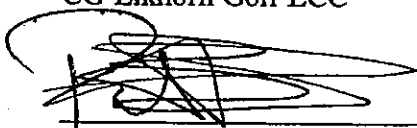
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary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

CLAIMANTS/OBJECTOR/RESPONDENT

CG Elkhorn Golf LCC


Patrick Brown, Attorney

3/7/11
Date

OBJECTOR

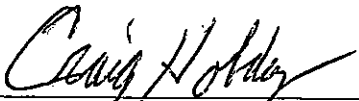
Concerned Water User


Albert Barker, Attorney

2-16-11
Date

OBJECTOR

Big Wood Canal Company

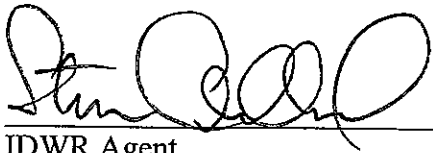

Craig Hobday, Attorney
1-11-11
Date

RESPONDENT

Flying Heart Ranch


Fritz Haemmerle, Attorney
1/25/11
Date

IDWR Concurrence:


IDWR Agent
3/8/11
Date


Deputy Attorney General, IDWR
3/8/11
Date

CERTIFICATE OF MAILING

I certify that on March 9, 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

BIG WOOD CANAL COMPANY

Represented by:
CRAIG D. HOBDEY
125 5TH AVE
PO BOX 176
GOODING, ID 83330

FLYING HEART RANCH II

Represented by:
HAEMMERLE, FRITZ X.
PO BOX 1800
HAILEY, ID 83333

CG-ELKHORN GOLF LLC

Represented by:

PATRICK D BROWN

HUTCHINSON & BROWN LLP

104 LINCOLN ST

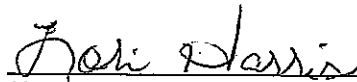
PO BOX 207

TWIN FALLS, ID 83303-0207

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098

A handwritten signature in cursive script, appearing to read "Patrick D. Brown", written over a horizontal line.

Signature of person or attorney mailing the form

12/17/2010

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

RIGHT NUMBER: 37-21468

NAME AND ADDRESS: CG ELKHORN GOLF LLC
HENNESSY CO
BOX 2720
KETCHUM ID 83340

OK

SOURCE: UNNAMED STREAMS

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 0.400 CFS
15.250 AFY

PRIORITY DATE: 05/31/1972

POINT OF DIVERSION:

T04N R18E S16 SWSW Within BLAINE County
T04N R18E S17 NESE Within BLAINE County
T04N R18E S17 NWSE Within BLAINE County
T04N R18E S21 NWNW Within BLAINE County
T04N R18E S21 SWNW Within BLAINE County

CH
FAH
See

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
RECREATION	01/01 12/31	0.400 CFS
RECREATION STORAGE	01/01 12/31	15.25 AFY

Use of water under this right shall be non-consumptive. Non-consumptive use includes reasonable seepage and evaporation loss.

PLACE OF USE: RECREATION in BLAINE County

T04N R18E S16	SWSW	T04N R18E S17	NESE
T04N R18E S17	NWSE	T04N R18E S21	NWNW
T04N R18E S21	SWNW		

RECREATION STORAGE in BLAINE County

T04N R18E S16	SWSW	T04N R18E S17	NESE
T04N R18E S17	NWSE	T04N R18E S21	NWNW
T04N R18E S21	SWNW		

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

Maximum volume authorized under this right shall not exceed 15.25 acre feet per annum within a total of the existing 20 ponds.

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 - License

This right is a split from former right 37-7148

GAC

AT

01/07/2011

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

RIGHT NUMBER: 37-21468

NAME AND ADDRESS: CG ELKHORN GOLF LLC
HENNESSY CO
BOX 2720
KETCHUM ID 83340

SOURCE: UNNAMED STREAMS

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 0.400 CFS
~~11.80~~ 15.250 AFY

PRIORITY DATE: 05/31/1972

POINT OF DIVERSION:

T04N R18E S16 SWSW Within BLAINE County
T04N R18E S17 NESE Within BLAINE County
T04N R18E S17 NWSE Within BLAINE County
T04N R18E S21 NWNW Within BLAINE County
T04N R18E S21 SWNW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
RECREATION	01/01 12/31	0.400 CFS
RECREATION STORAGE	01/01 12/31	~~11.80~~ 15.25 AFY

Use of water under this right shall be non-consumptive. Non-consumptive use includes reasonable seepage and evaporation loss.

PLACE OF USE: RECREATION in BLAINE County

T04N R18E S16	SWSW	T04N R18E S17	NESE
T04N R18E S17	NWSE	T04N R18E S21	NWNW
T04N R18E S21	SWNW		

RECREATION STORAGE in BLAINE County

T04N R18E S16	SWSW	T04N R18E S17	NESE
T04N R18E S17	NWSE	T04N R18E S21	NWNW
T04N R18E S21	SWNW		

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

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Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

This right is a split from former right 37-7148