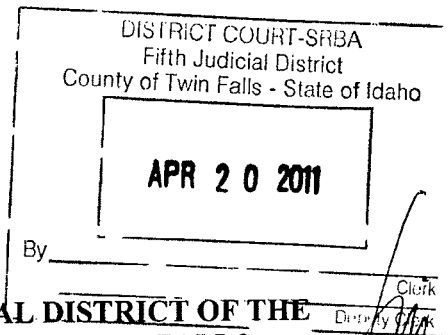




**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA

Case No. 39576

Subcase No. 79-4001

(Disallowed and Recommended as
Water Rights 79-14233 and
79-14234)

STANDARD FORM 5

**STIPULATED ELEMENTS OF A
WATER RIGHT**

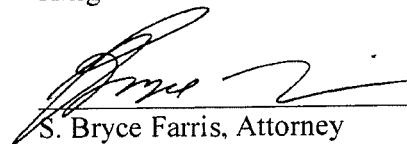
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary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

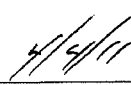
The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions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

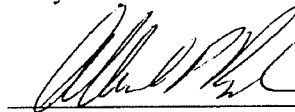
Killgore's Salmon River Fruit Co.

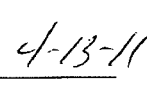

S. Bryce Farris, Attorney


Date

OBJECTOR(s):

Daryl & Linda Mullinix


Albert Barker, Attorney


Date

IDWR Concurrence:

Carter Fritschle 4-18-11
Carter Fritschle Date
Water Rights Adjudication Section Manager

Andrea L. Courtney 4/18/11
Andrea L. Courtney Date
Deputy Attorney General

CERTIFICATE OF MAILING

I certify that on April 19, 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:

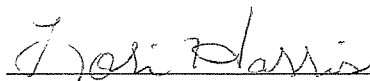
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to:

KILLGORE'S SALMON RIVER
Represented by:
S. BRYCE FARRIS
RINGERT LAW CHARTERED
455 S THIRD ST
PO BOX 2773
BOISE, ID 83701-2773

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

Courtesy Copy:
Linda & Daryl Mullinix
521 Park St.
Grangeville, ID 83530



Signature of person mailing the form

12/9/2010

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>
79-4001	KILLGORES SALMON RIVER FRUIT CO 3252 WATER FRONT DR WHITE BIRD ID 83554	Disallowed	Recommended as Right Nos. 79-14233 and 79-14234.

SBF

CPK

CA

OK