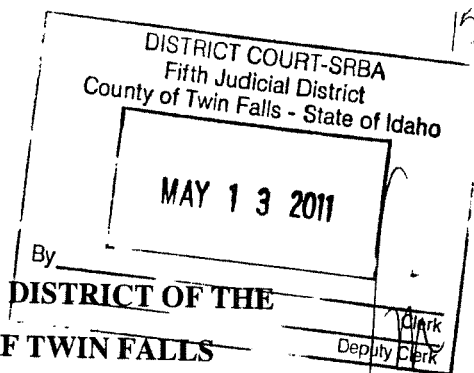




IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

Subcase No.: 37-539H

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 / RESPONDENT:

*J. P. Speck* 4-25-11  
James P. Speck Date  
Attorney for Robert L. Mitchell

OBJECTORS:

*Craig D. Hobdey* 4-29-11  
Craig D. Hobdey Date  
Attorney for Big Wood Canal Company

*Albert P. Barker* 4-29-11  
Albert P. Barker Date  
Attorney for Tom O'Gara, John F.  
Stevenson, Bill Molyneux, Pete Van Der  
Meulen, Grace Eakin, Rocky Sherbine,  
Gerald Bashaw, and Pepin Corso-Harris

**IDWR CONCURRENCE:**

Kelly K. Christensen 4-15-11  
Kelly K/Christensen Date  
Sr. Water Resource Agent

**IDWR CONCURRENCE:**

Andrea L. Courtney 9/20/11  
Andrea L. Courtney Date  
Deputy Attorney General  
Attorney for IDWR

04/12/2011

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

RIGHT NUMBER: 37-539H

NAME AND ADDRESS: ROBERT L MITCHELL  
10620 BERKSHIRE  
LOS ALTOS CA 94022

SOURCE: EAST FORK WOOD RIVER

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 0.530 CFS

KKC

This right shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands in the place of use whenever sprinkler methods of irrigation are used.

CH

PRIORITY DATE: 06/03/1884

POINT OF  
DIVERSION:

T03N R18E S3 SENE Within BLAINE County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u>                            | <u>PERIOD OF USE</u> | <u>QUANTITY</u>          |
|--------------------------------------------------|----------------------|--------------------------|
| IRRIGATION                                       | 04/15 10/31          | 0.530 CFS                |
| <u>PLACE OF USE: IRRIGATION in BLAINE County</u> |                      |                          |
| T03N R18E S03                                    | NESW 1.30            | T03N R18E S03 NWSE 12.80 |
| 14.1 ACRES TOTAL                                 |                      |                          |

AT  
GPS

AKS

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

Place of use is located within Lots 13, 33, 34 and 35 of Hyndman Peak Subdivision.

This right is a split from former right 37-539G.

## CERTIFICATE OF SERVICE

I certify that on May 12, 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 P. Speck  
Speck & Aanestad  
P.O. Box 987  
Ketchum, ID 83340

☐ Overnight Mail  
☒ Regular Mail  
☐ Hand-Delivered  
☐ Facsimile

Craig D. Hobdey  
Hobdey & Hobdey  
P.O. Box 176  
Gooding, ID 83330

☐ Overnight Mail  
☒ Regular Mail  
☐ Hand-Delivered  
☐ Facsimile

Albert P. Barker  
Barker, Rosholt & Simpson LLP  
P.O. Box 2139  
Boise, ID 83701-2139

☐ Overnight Mail  
☒ Regular Mail  
☐ Hand-Delivered  
☐ Facsimile

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