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DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho
JUN 22 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**

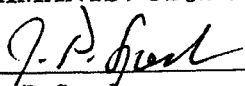
In Re SRBA Case No. 39576 _____	)))))))	Subcase No.: 37-4150 STANDARD FORM 5 STIPULATED ELEMENTS OF A WATER RIGHT
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This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. 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.

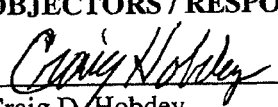
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANTS / OBJECTORS:

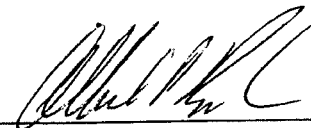

6-7-11

 James P. Speck Date
 Attorney for James B. Fleig, Richard N.
 Dick, Dolores Pritchard & Arnold Landau

OBJECTORS / RESPONDENTS:


6-9-11

 Craig D. Hobdey Date
 Attorney for Big Wood Canal Company


6-14-11

 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

RESPONDENTS:

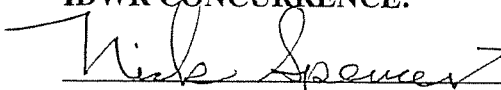
 6-7-11
James P. Speck Date

Attorney for Barker Living Trust, Myer Berlow, Deborah Barr, Chaney Creek Ranch LLC, Eagle Creek Irrigation Co., ECD Inc., Michael S. Engl, Charles T. Foley, Gimlet Property Owners Assn., William B. Gordon, Gregory Ranch LLC, Lake Creek Meadows Homeowners, Elise G. Lufkin, Charles L. Matthiesen, The R. Daniel Olmstead Revocable Trust, Ralph W. Girton, Kandi L. Girton, River Rock Ranch LP, Rivers Edge Associates LLC, Steven D. Holzman Trust, The Gulch Trust, Michael E. Willard, and Roy R. Woods

IDWR CONCURRENCE:

 6/6/11
Steve Clelland Date
Sr. Water Resource Agent

IDWR CONCURRENCE:

 6-6-11
Nicholas B. Spencer Date
Deputy Attorney General
Attorney for IDWR

06/02/2011

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

RIGHT NUMBER: 37-4150

NAME AND ADDRESS: RICHARD N DICK
C/O JAMES B FLEIG
PO BOX 869
KETCHUM ID 83340-0869

DOLORES PRITCHARD
C/O JAMES B FLEIG
PO BOX 869
KETCHUM ID 83340-0869

ARNOLD LANDAU
PO BOX 4993
KETCHUM ID 83340

JAMES B FLEIG
PO BOX 4993
KETCHUM ID 83340

SOURCE: SPRING

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 0.200 CFS ~~1.040 CFS~~
1.93 AFY

The aesthetic pond established under this right shall not exceed a total capacity of 1.93 acre-feet or a total surface area of 0.46 acres.

~~Right Nos. 37-4150 and 37-4265 are limited to a total combined diversion rate of 4 cfs and to a total combined annual diversion volume of 0.8 AF.~~

PRIORITY DATE: 01/01/1939

POINT OF
DIVERSION:

T04N R18E S30 SESENE 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	<u>0.200 CFS</u> ~~1.040 CFS~~
RECREATION STORAGE	01/01 12/31	1.93 AFY

Use of water under this right shall be non-consumptive.

PLACE OF USE: RECREATION in BLAINE County

T04N R18E S29 NWSW T04N R18E S30 NESE

RECREATION STORAGE in BLAINE County

T04N R18E S29 NWSW T04N R18E S30 NESE

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.

Measuring devices acceptable to the Department shall be permanently maintained at the point of discharge to the Big Wood River or a hydraulically connected side channel of the Big Wood River.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Standard Form 5

37-4150

CERTIFICATE OF SERVICE

I certify that on June 21, 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

Felix Harris

Signature of person or attorney mailing the form