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| DISTRICT COURT-SRBA<br>Fifth Judicial District<br>County of Twin Falls - State of Idaho                                        |
| <div style="border: 1px solid black; padding: 10px; width: fit-content; margin: 0 auto;">           JUN 27 2011         </div> |
| By _____                                                                                                                       |

**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<br><br>Case No. 39576<br><br>_____ | )<br>)<br>)<br>)<br>)<br>)<br>) | <b>Subcase No.: 37-8249</b><br><br><b>STANDARD FORM 5</b><br><br><b>STIPULATED ELEMENTS OF A<br/>WATER RIGHT</b> |
|-----------------------------------------------|---------------------------------|------------------------------------------------------------------------------------------------------------------|

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 / OBJECTOR /  
RESPONDENT:**

James R. Laski  
Attorney for Peter Trust LP

6/17/2011  
Date

**OBJECTORS:**

Craig D. Hobdey  
Attorney for Big Wood Canal Company

6-29-11  
Date

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

6-17-11  
Date

**IDWR CONCURRENCE:**

Kelly K. Christensen 6-15-11  
Kelly K. Christensen Date  
Sr. Water Resource Agent

**IDWR CONCURRENCE:**

Nicholas B. Spencer 6-15-11  
Nicholas B. Spencer Date  
Deputy Attorney General  
Attorney for IDWR

04/25/2011

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

RIGHT NUMBER: 37-8249  
NAME AND ADDRESS: PETER TRUST LP  
PO BOX 642  
SUN VALLEY ID 83353

SOURCE: GROUND WATER TRIBUTARY:  
QUANTITY: 0.210 CFS  
3.10 APY

This right is supplemental to ~~surface-water~~ right no. 37-4420 and the combined annual volume shall not exceed 3.1 afa.

PRIORITY DATE: 09/12/1985

POINT OF  
DIVERSION: T02N R18E S5 NESE Within BLAINE County

Upon specific notification by the Department, the right holder shall install and maintain acceptable measuring devices at the authorized point of diversion, in accordance with Department specifications.

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| DIVERSION TO STORAGE  | 07/01 09/30          | 0.210 CFS       |
| AEETHETIC STORAGE     | 07/01 09/30          | 3.10 APY        |

PLACE OF USE: AEETHETIC STORAGE in BLAINE County  
T02N R18E S05 NESE

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

The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.

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

## CERTIFICATE OF SERVICE

I certify that on June 24, 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

James R. Laski  
Lawson Laski Clark & Pogue PLLC  
P.O. Box 3310  
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

Jodi Harris  
Signature of person or attorney mailing the form