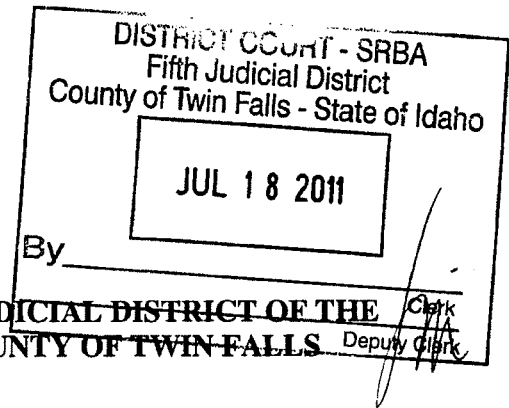




IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Subcase No. 37-7767

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.

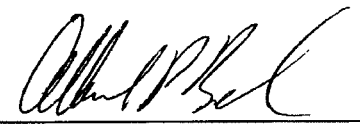
CLAIMANTS/OBJECTORS:

Flying Heart Ranch II Subdivision Owners Assn

OBJECTORS/RESPONDENTS:

Concerned Water Users

 6/15/11
Fritz X. Haemmerle, Attorney Date

 6-22-11
Albert Barker, Attorney

OBJECTORS:

Big Wood Canal Company

Craig D. Hobday 7-5-11
Craig D. Hobday, Attorney Date

IDWR Concurrence:

Kyle A. Christensen 7-12-11 Andrew L. Courtney 7/14/11
IDWR Agent Date Deputy Attorney General, IDWR Date

CERTIFICATE OF MAILING

I certify that on July 15, 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:

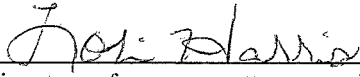
BIG WOOD CANAL CO
BILL MOLYNEUX
GERALD BASHAW
GRACE EAKIN
JOHN F STEVENSON
PEPIN CORSO-HARRIS
PETE VAN DER MEULEN
ROCKY SHERBINE
TOM O GARA

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

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



Signature of person or attorney mailing the form

05/05/2011

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

RIGHT NUMBER: 37-7767

NAME AND ADDRESS: FLYING HEART RANCH II SUBDIVISION OWNERS ASSN
PO BOX 2163
HAILEY ID 83333

SOURCE: SPRINGS

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 10.000 CFS

When 37-7767 and 37-11828 are combined they are limited to a facility volume of 18.8 af.

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

PRIORITY DATE: 02/27/1979

POINT OF
DIVERSION:

T02N R18E S32 SWSE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

RECREATION

01/01 12/31

10.000 CFS

PLACE OF USE: RECREATION in BLAINE County

T02N R18E S05 Lot 1 NENE

T02N R18E S05 Lot 2 NWNE

T02N R18E S05 SENE

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

Use of water under this water right will be regulated by the watermaster of State Water District No. 37.

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.

The Director retains jurisdiction over this license to determine whether the use of water is consumptive, and to require measuring devices or testing by the water right holder to determine consumption. If water is being consumed, the Director also retains jurisdiction to require mitigation, or to regulate the right in its priority with other water rights of the Big Wood River.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Water discharged into a natural channel must satisfy Idaho water quality standards.

Recreation use is for fishing.

CH
KKC
F&H
AK