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

JUL 18 2011

By _____
Clerk
Deputy 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	)	Subcase No. 37-11828
	)	
Case No. 39576	)	
	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

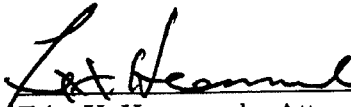
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary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

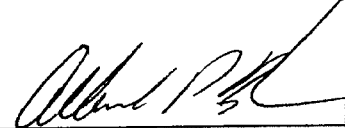
The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions 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. Hobdey 7-5-11
Craig D. Hobdey, Attorney Date

IDWR Concurrence:

Kelly K. Christensen 7-12-11
IDWR Agent Date

Andrea Z. Courtney 7/14/11
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

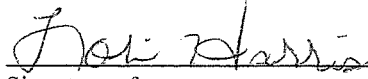
2. Copies to:

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

A handwritten signature in cursive script, appearing to read "Neil Harris", is written over a horizontal line.

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: 37-11828

NAME AND ADDRESS: FLYING HEART RANCH II SUBDIVISION OWNERS ASSN
C/O FRITZ HAEMMERLE
400 S MAIN ST
HAILEY ID 83333

SOURCE: UNNAMED STREAM ~~BIG WOOD RIVER~~ (Aff) ATN TRIBUTARY: BIG WOOD RIVER ~~MALAD RIVER~~

QUANTITY: 11.20 AFY

When 37-7767 and 37-11828 are combined they are limited to a facility volume of 18.8 af. (F&G) AK

PRIORITY DATE: 05/15/1884 K/C APK

POINT OF DIVERSION: T02N R18E S5 NENE Within BLAINE County

PURPOSE AND PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
RECREATION STORAGE	01/01 12/31	11.20 AFY
AESTHETIC STORAGE	01/01 12/31	11.20 AFY

PLACE OF USE: RECREATION STORAGE in BLAINE County

T02N R18E S05 Lot 1 NENE T02N R18E S05 Lot 2 NWNE

AESTHETIC STORAGE in BLAINE County

T02N R18E S05 Lot 1 NENE T02N R18E S05 Lot 2 NWNE

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