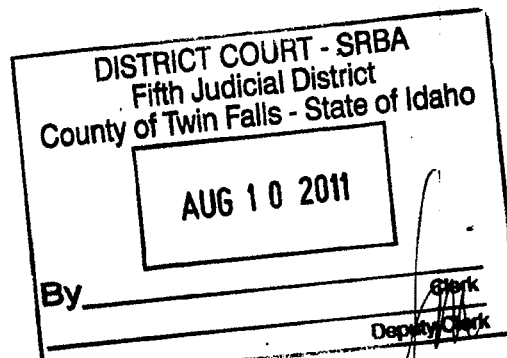




IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

Subcase No.: 37-8248

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:

J. P. Speck 8-4-11
James P. Speck Date
Attorney for the Ann S. McCaw
Revocable Trust

OBJECTORS:

Craig D. Hobday 8-4-11
Craig D. Hobday Date
Attorney for Big Wood Canal Company

Albert P. Barker 8-5-11
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

AUG 05 2011

IDWR CONCURRENCE:

Carter Fritschle 8-4-11
Carter Fritschle Date
Manager, Adjudication Section

IDWR CONCURRENCE:

Andrea L. Courtney 8/4/11
Andrea L. Courtney Date
Deputy Attorney General
Attorney for IDWR

07/29/2011

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

RIGHT NUMBER: 37-8248

NAME AND ADDRESS: ANN S MC CAW REVOCABLE TRUST
ANN HOLDEN SCOTT TRUSTEE
3701 SACRAMENTO ST #174
SAN FRANCISCO CA 94118

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 10.000 CFS

A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting and return flow works.

Water under this right is diverted into a channel flowing across Lot 1, Block 1, Beaver Springs Subdivision. The channel cannot be enlarged to carry or retain more water than it did on July 10, 1986, as described in the licensing field examination conducted by Idaho Department of Water Resources on that date.

PRIORITY DATE: 09/20/1985

POINT OF
DIVERSION:

T04N R17E S12 SWNE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
RECREATION	1/01 12/31	10.000 CFS
<u>Use of water under this right shall be non-consumptive.</u>		
Recreation use is for aesthetic purposes.		

PLACE OF USE: RECREATION in BLAINE County

T04N R17E S12 SWNE

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

This right is subject to all prior rights and may be forfeited by five years of non-use.

Property is also known as Lot 1, Block 1, Beaver Springs Subdivision.

The right to the use of water hereby confirmed is limited to the amount which can be beneficially used and is restricted and appurtenant to the lands or place of use and to purpose herein described, as provided by the laws of Idaho.

CERTIFICATE OF SERVICE

I certify that on August 9, 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
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☐ 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