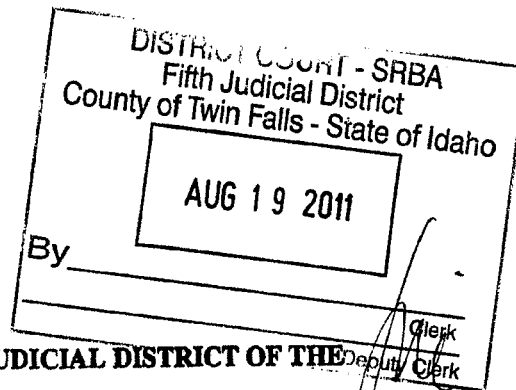




**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

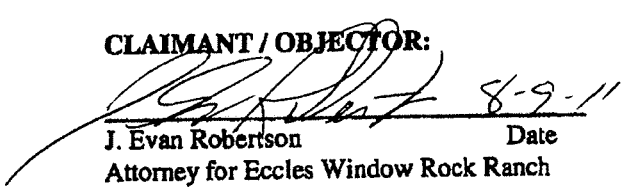
In Re SRBA) Subcase No.: 37-577A
)
)
Case No. 39576)
)
) **STANDARD FORM 5**
)
) **STIPULATED ELEMENTS OF A**
_____) **WATER RIGHT**

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.

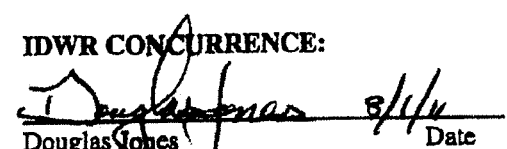
The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions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

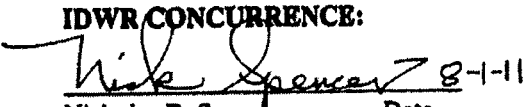
CLAIMANT / OBJECTOR:


J. Evan Robertson Date 8-9-11
Attorney for Eccles Window Rock Ranch

IDWR CONCURRENCE:


Douglas Jones Date 8/11/11
Technical Engineer 1

IDWR CONCURRENCE:


Nicholas B. Spencer Date 8-1-11
Deputy Attorney General
Attorney for IDWR

07/26/2011

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

RIGHT NUMBER: 37-577A

NAME AND ADDRESS: ECCLES WINDOW ROCK RANCH LLC
PO BOX 3028
SALT LAKE CITY UT 84110

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER

QUANTITY: 0.350 CFS

Right Nos. 37-158A and 37-577A are limited to a total combined annual diversion volume of 56 AF.

This right when combined with all other rights shall provide no more than 3.5 afa per acre for irrigation of the lands above.

PRIORITY DATE: 03/24/1883

POINT OF
DIVERSION:

T01N R18E S1 SENWSW NENWSW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

0.350 CFS

PLACE OF USE: IRRIGATION in BLAINE County

<u>T01N R18E S01</u>	<u>NWSW</u>	<u>8.50</u>	<u>T01N R18E S01</u>	<u>SWSW</u>	<u>7.50</u>
<u>T01N R18E S01</u>	<u>NWSW</u>	<u>6.00</u>	<u>T01N R18E S01</u>	<u>SWSW</u>	<u>10.00</u>

16 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 65 acres in a single irrigation season. Combined Right Nos.: 37-577A, 37-158A, 37-22546, 37-22547.

~~Right Nos. 37-158A and 37-577A are limited to the irrigation of a combined total of 16 acres in a single irrigation season.~~

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

A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.

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

Failure of the right holder to comply with the conditions of this transfer no. 3942 is cause for the Director to rescind approval of the transfer.

The right holder shall accomplish the change authorized by this transfer no. 3942 within one (1) year of the date of this approval.

CERTIFICATE OF SERVICE

I certify that on August 18, 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

J. Evan Robertson
P.O. Box 1906
Twin Falls, ID 83303-1906

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile



Signature of person or attorney mailing the form