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FEB 28 2012

DEPARTMENT OF
WATER RESOURCES

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. 37-2710

Case 39576

STANDARD FORM 5

STIPULATED ELEMENTS OF A
WATER RIGHT

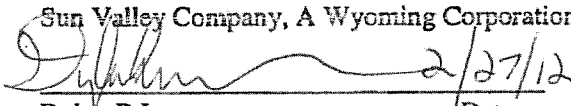
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary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

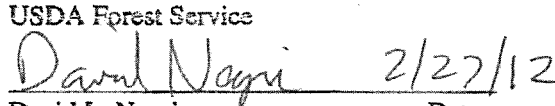
Sun Valley Company, A Wyoming Corporation


Dylan B. Lawrence
Attorney for Sun Valley Company

Date

OBJECTOR:

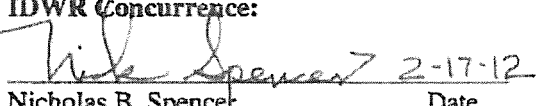
USDA Forest Service


David L. Negri
Attorney for the United States

Date

IDWR Concurrence:
Steve Clelland
Sr. Water Resource Agent

Date

IDWR Concurrence:
Nicholas B. Spencer
Deputy Attorney General
Attorney for IDWR

Date

CERTIFICATE OF MAILING

I certify that on February 27, 2012, I mailed the original and copies of this form, including all attachments, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls, ID 83303-2707

2. Copies to:

Sun Valley Company
C/O Dylan Lawrence
Moffatt Thomas Barrett Rock & Fields, Chtd.
P.O. Box 829
Boise, Idaho 83701-0829

IDWR Document Depository
P O Box 83720
Boise, ID 83720-0098

US Department of Justice
Environment and Natural Resources Section
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of person mailing the form

02/17/2012

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

RIGHT NUMBER: 37-2710

NAME AND ADDRESS: SUN VALLEY CO A WYOMING CORP
PO BOX 10
SUN VALLEY ID 83353

SOURCE: SPRING

TRIBUTARY: SINKS

QUANTITY: 0.060 CFS
2.00 AFY

PRIORITY DATE: 07/08/1965

POINT OF
DIVERSION:

T04N R17E S23 SESE Lot 4 Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
COMMERCIAL DOMESTIC	01/01 12/31	0.060 CFS 2.00 AFY

PLACE OF USE: COMMERCIAL DOMESTIC in BLAINE County
T04N R17E S23 Lot 3 NESE

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 - License

PARCEL NO. RP04N17027662N

The license for this right was issued in 1979 and lists the purpose of use as being "domestic." In 1990, the Idaho Legislature defined the "domestic" use of water to exclude the use of water by "commercial or business establishments" using a diversion rate of greater than 0.04 cfs or a diversion volume of greater than 2,500 gpd. S.L. 1990, ch. 319, § 1 (now codified at Idaho Code § 42-111(2)). Water used pursuant to this right historically has always been for uses associated with the operation of the Roundhouse Restaurant. The purpose of use descriptor for this right has been changed to "commercial" to more accurately describe the actual use for which the right was originally licensed. This change to the purpose of use does not reflect an actual change in the use of water at the Roundhouse Restaurant.