

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. 73-02038

STANDARD FORM 5

STIPULATED ELEMENTS OF
WATER RIGHT

2009 AUG 17 AM 10:27

FILED

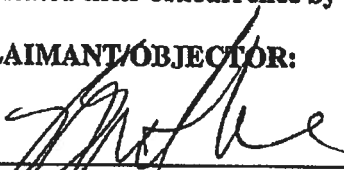
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

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 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:


Brett MacNeil, limited power of attorney for:
Old Corrals & Sagebrush LLLP, Rio B LLC,
HWHL LLC, Normco LLC, Rio Claro Inc.,
and Charlesview LLC

Date

IDWR Concurrence:


Craig Saxton
Senior Water Resource Agent

8/13/09
Date


Chris Bromley
Deputy Attorney General
Attorney for IDWR

8/13/09
Date

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

RIGHT NUMBER: 73-2038

NAME AND ADDRESS:

OLD CORRALES & SAGEBRUSH LLLP
435 S FITNESS PL
EAGLE ID 83616

RIO B LLC
3007 CAN-ADA RD
MELBA ID 83641

HNHL LLC
1711 N CHERAPPLE DR
OREM UT 84097

NORMCO LLC
10424 S 2700 W
SUITE 200
SOUTH JORDAN UT 84095

RIO CLARO INC
1819 E SOUTHERN AVE #B-10
MESA AZ 85204

CHARLESVIEW LLC
1819 E SOUTHERN AVE #B-10
MESA AZ 85204

SOURCE: Source:
DITCH CREEK

Tributary:
GOLDBURG CREEK
DANSMEROT RIVER

QUANTITY: 1.200 CFS
0.000 APY

PRIORITY DATE: 12/28/1907

POINT OF DIVERSION:
T12N R24E S9 SWSE
Within CUSTER County

PURPOSE AND PERIOD OF USE: Purpose of use: Period of use: Quantity:
IRRIGATION 04/01 10/31 1.200 CFS

PLACE OF USE: IRRIGATION within CUSTER County

T12N R24E S16	SWNW	12.0 8-4	T12N R24E S16	NE8W	7.6
T12N R24E S16	NWSW	8.4 7-8	T12N R24E S16	SE8W	15.0 9-3
T12N R24E S16	SWSE	8.6 7-6	T12N R24E S21	NE8E	13.0
T12N R24E S22	NENE	18.0	T12N R24E S22	NWNE	8.0 8-1
T12N R24E S22	SWNE	40.0	T12N R24E S22	SENE	40.0
T12N R24E S22	NENW	9.0 8-7	T12N R24E S22	NWNW	17.0 14-0
T12N R24E S22	SWNW	40.0	T12N R24E S22	SENW	33.0 34-0
T12N R24E S22	NESW	39.0 37-0	T12N R24E S22	NWSW	40.0 39-0
T12N R24E S22	NESE	40.0	T12N R24E S22	NWSE	40.0
T12N R24E S22	SWSE	36.0 35-0	T12N R24E S22	SESE	40.0 39-0
T12N R24E S23	SWNE	2.2 1-5	T12N R24E S23	NENW	11.0
T12N R24E S23	NWNW	35.0	T12N R24E S23	SWNW	40.0
T12N R24E S23	SENW	35.0 34-0	T12N R24E S23	NESW	30.0 2-6

T12N R24E S23 NWSW 40.0
T12N R24E S23 SESW 1.0

T12N R24E S23 SNBW 32.0 23-0
T12N R24E S23 NWE 1.2

732 ACRES TOTAL

670 ACRES TOTAL

This right is limited to the irrigation of 60 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 732.0 acres in a single irrigation season. Combined Right Nos.: 73-165, 73-166, 73-178, 73-179, 73-187A, 73-188A, 73-2038, 73-2091, and 73-10047.

~~The rights listed below are limited to the irrigation of a combined total of 670 acres in a single irrigation season. Combined Right Nos.: 73-187A, 73-188A, 73-2038, 73-10047.~~

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

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

CERTIFICATE OF MAILING

I certify that on Aug 14th, 2009, 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

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

BRETT MAC NEIL
SCYTHE & SPADE CO
453 S FITNESS PL
EAGLE, ID 83616

OLD CORRALS & SAGEBRUSH LLLP
435 S FITNESS PL
EAGLE, ID 83616



Signature of person or attorney mailing form

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

RIGHT NUMBER: 73-2038

NAME AND ADDRESS:

OLD CORRAL & SAGEBRUSH LLLP
435 S FITNESS PL
EAGLE ID 83616

SOURCE: Source:
DITCH CREEK

Tributary:

~~PANSLIMEROT RIVER~~

Goldbury Creek

QUANTITY: 1.200 CFS
0.000 AFY

PRIORITY DATE: 12/28/1907

POINT OF DIVERSION:

T12N R24E S9 SWSE
Within CUSTER County

PURPOSE AND
PERIOD OF USE:

Purpose of use	Period of use:	Quantity:
IRRIGATION	04/01 10/31	1.200 CFS

PLACE OF USE:

IRRIGATION		within CUSTER County	
T12N R24E S16	SWNW	<u>12.0</u> ~~8.4~~	T12N R24E S16 NESW 7.6
T12N R24E S16	NWSW	<u>8.4</u> ~~7.2~~	T12N R24E S16 SESW <u>15.0</u> ~~9.3~~
T12N R24E S16	SWSE	<u>8.6</u> ~~7.6~~	T12N R24E S21 NESE 13.0
T12N R24E S22	NENE	18.0	T12N R24E S22 NWNW <u>8.0</u> ~~8.1~~
T12N R24E S22	SWNE	40.0	T12N R24E S22 SENE 40.0
T12N R24E S22	NENW	<u>9.0</u> ~~8.7~~	T12N R24E S22 NWNW <u>17.0</u> ~~14.0~~
T12N R24E S22	SWNW	40.0	T12N R24E S22 SENW <u>33.0</u> ~~34.0~~
T12N R24E S22	NESW	<u>39.0</u> ~~37.0~~	T12N R24E S22 NWSW <u>40.0</u> ~~39.0~~
T12N R24E S22	NESE	40.0	T12N R24E S22 NWSE 40.0
T12N R24E S22	SWSE	<u>36.0</u> ~~35.0~~	T12N R24E S22 SESE <u>40.0</u> ~~39.0~~
T12N R24E S23	SWNE	<u>2.2</u> ~~1.5~~	T12N R24E S23 NENW 11.0
T12N R24E S23	NWNW	35.0	T12N R24E S23 SWNW 40.0
T12N R24E S23	SENW	<u>35.0</u> ~~34.0~~	T12N R24E S23 NESW <u>30.0</u> ~~9.6~~
T12N R24E S23	NWSW	40.0	T12N R24E S23 SWSW <u>32.0</u> ~~23.0~~
T12N R24E S23	SESW	<u>1.0</u>	T12N R24E S23 NWSE 1.2

732 ACRES TOTAL

~~670 ACRES TOTAL~~

This right is limited to the irrigation of 60 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 732.0 acres in a single irrigation season. Combined Right Nos.: 73-165, 73-168, 73-178, 73-179, 73-187A, 73-188A, 73-2038, 73-2091, and 73-10047.

~~The rights listed below are limited to the irrigation of a combined total of 670 acres in a single irrigation season. Combined Right Nos.: 73-187A, 73-188A, 73-2038, 73-10047.~~

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

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

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.



Idaho Department of Water Resources

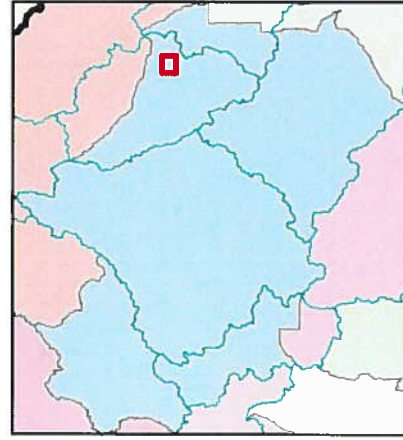
Adjudication Recommendation

73-2038

(IRRIGATION)

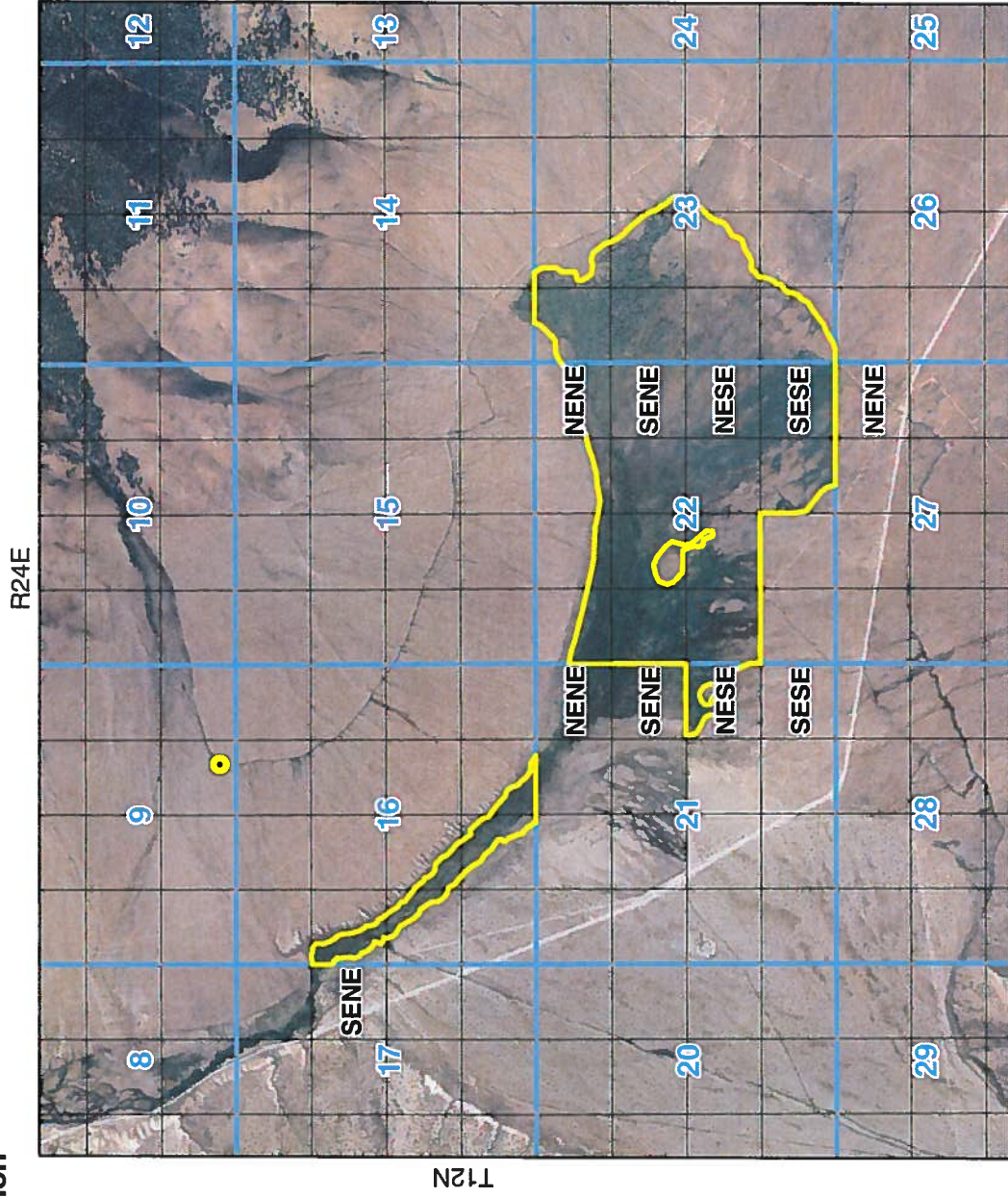
Legend

-  Point of Diversion
-  Place of Use
-  State Outline
-  Townships
-  PLS Sections
-  Quarter Quarters



Custer County
IDWR Basin 73

Prepared by Craig Saxton
On July 14, 2009
2004 Aerial Photography



RECEIVED

DEC 19 2007

DEPARTMENT OF
WATER RESOURCES

2007 DEC 17 PM 2 08

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

In Re SRBA

A. Subcase 73-2038

Case No. 39576

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Old Corrals and Sagebrush LLLP
Address: 435 S. Fitness Place
Eagle, ID 83616

Daytime Phone: (208) 893-5333

Name & Address of Attorney, if any:

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Old Corrals and Sagebrush LLLP
Address: 453 S. Fitness Place
Eagle, ID 83616

*Reviewed
7-8-09 CS*

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate boxes.)

1. ☐ Name and Address
Should be: _____

2. ☐ Source
Should be: _____

3. ☐ Quantity
Should be: _____

4. ☐ Priority Date
Should be: _____

5. ☐ Point(s) of Diversion
Should be: _____

6. ☐ Instream Flow Description
Should be: _____

7. ☐ Purpose(s) of Use
Should be: _____

8. ☒ Period of Year
Should be: As per historical use, April 1st to November 1st or otherwise *no*
consistent with all other irrigation users in the Basin. *4/1 to 10/31*

9. ☒ Place of Use
Should be: This right should be limited to the irrigation 60 acres within the place of use consisting of 754 acres. Please refer to attached map.

10. I object because:

☐ This water right should not exist.

☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S): Refer to Limited Power of Attorney on File with IDWR. Refer to attached maps. Note: the point of diversion and location of delivery ditches allows this water to be utilized on the entire "Goldburg" property.

F. VERIFICATION (Must be completed)

State of Idaho)
County of Ada)ss.

Brett MacNeil, duly sworn, upon oath, deposes and says:

That I am the party filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

[Signature]

Subscribed and sworn to before me on: 12/17/2007

[Signature]

Notary Public for Scythe & Spade Co.

Residing at: Nampa

My Commission Expires: 8/12/2011



INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. FAX filings will not be accepted. You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on 12/17, 2007, I mailed the original and copies of this objection, including all attachments, to the following persons:

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

2. One copy to the claimant of the water right:

Name: Old Corrals & Sagebrush LLLP
Address: 453 S. Fitness Place
Eagle, ID 83616

3. Copies to:

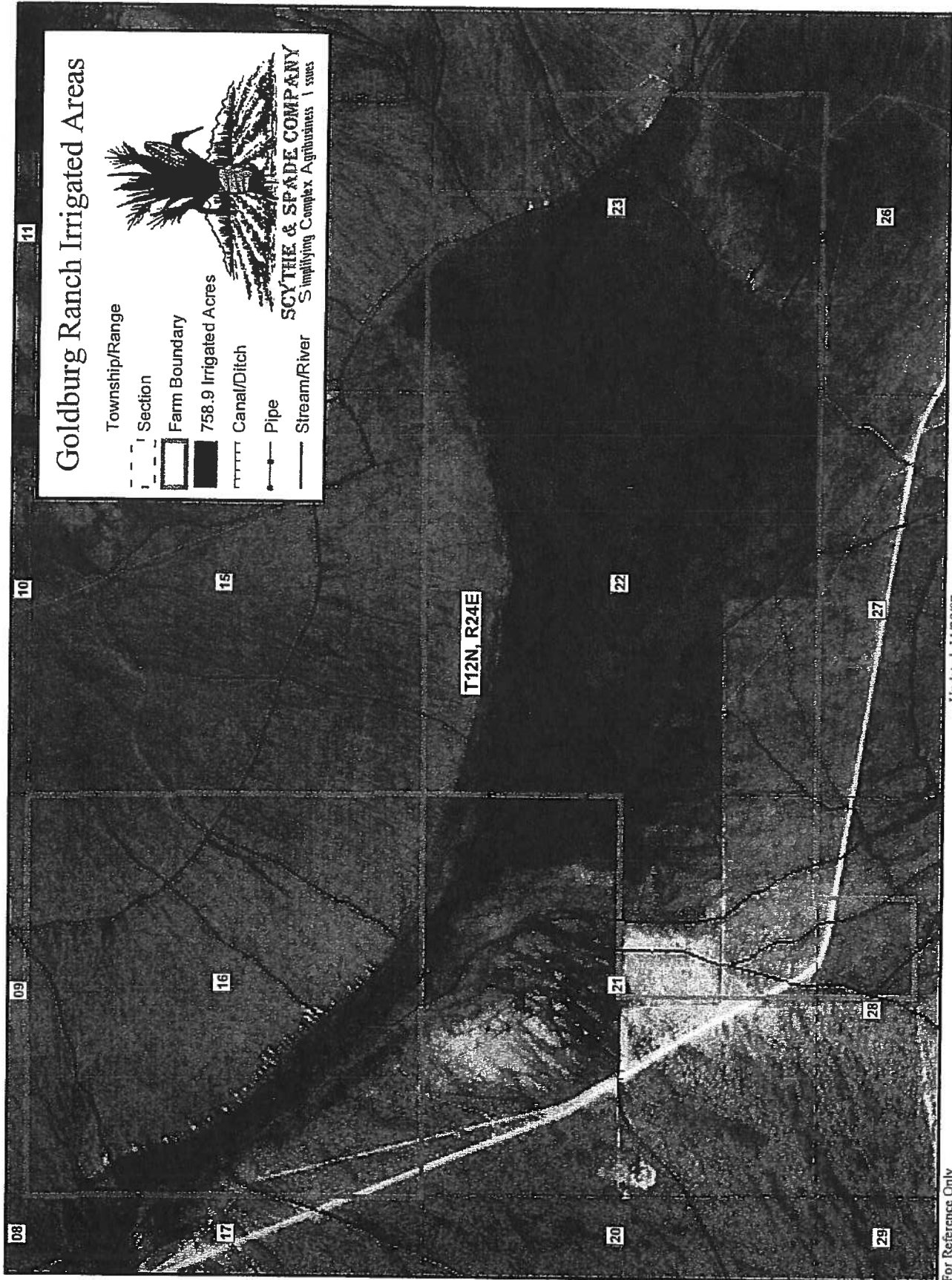
IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

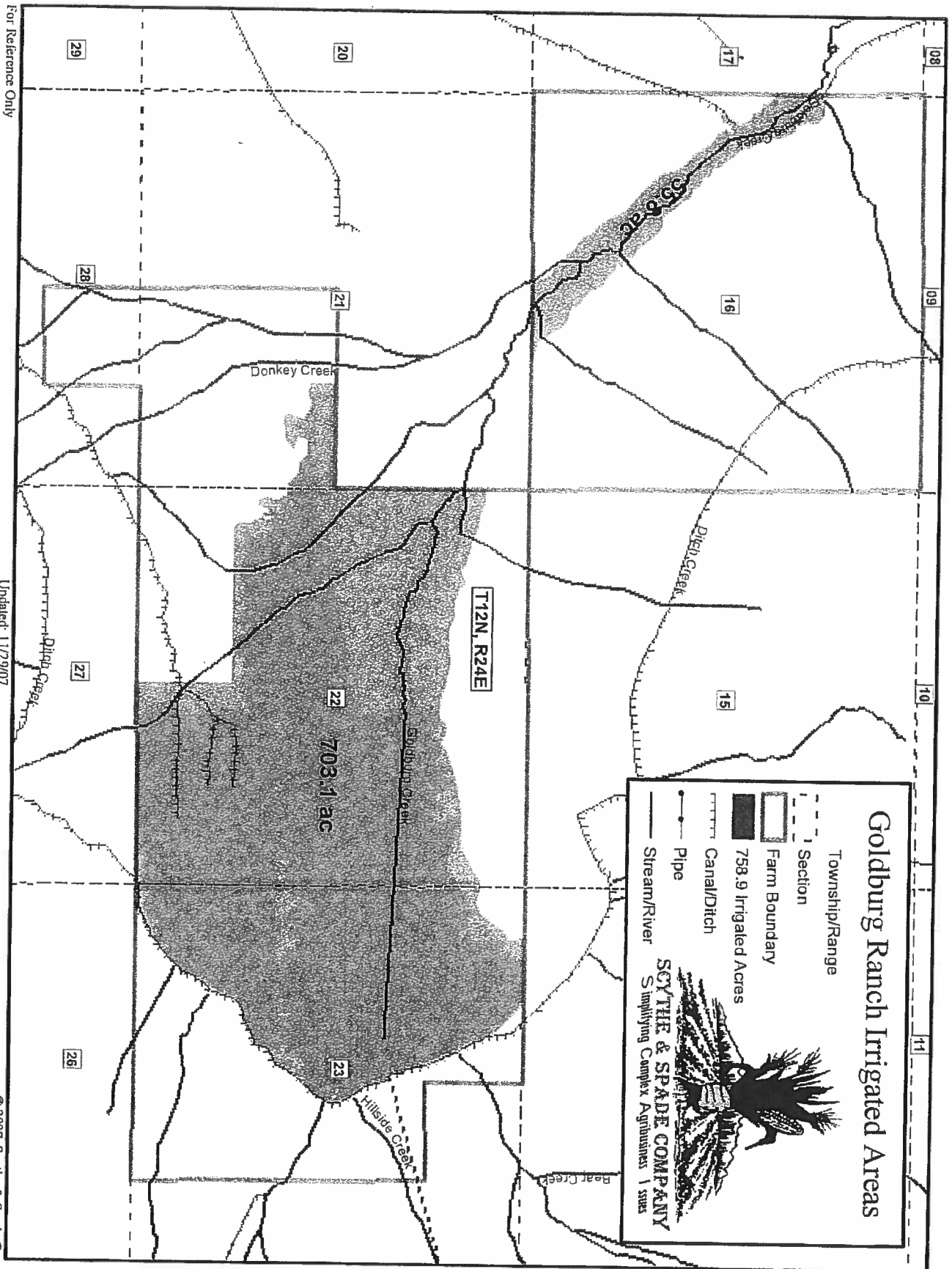
Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of Objector or attorney





For Reference Only

Updated: 11/29/07

© 2007, Scythe & Spade Co.

08/10/2007

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

RIGHT NUMBER: 73-2038

NAME AND ADDRESS: OLD CORRALS & SAGEBRUSH LLLP
435 S FITNESS PL
EAGLE ID 83616

SOURCE: DITCH CREEK

TRIBUTARY: PAHSIMEROI RIVER

QUANTITY: 1.200 CFS

PRIORITY DATE: 12/28/1907

POINT OF
DIVERSION:

T12N R24E S9 SWSE Within CUSTER County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>		<u>PERIOD OF USE</u>		<u>QUANTITY</u>
	IRRIGATION		04/01 10/31		1.200 CFS
PLACE OF USE:	<u>IRRIGATION in CUSTER County</u>				
	T12N R24E S16	SWNW	8.40	T12N R24E S16	NESW 7.60
	T12N R24E S16	NWSW	7.20	T12N R24E S16	SESW 9.30
	T12N R24E S16	SWSE	7.60	T12N R24E S21	NESE 13.00
	T12N R24E S22	NENE	18.00	T12N R24E S22	NWNE 8.10
	T12N R24E S22	SWNE	40.00	T12N R24E S22	SENE 40.00
	T12N R24E S22	NENW	8.70	T12N R24E S22	NWNW 14.00
	T12N R24E S22	SWNW	40.00	T12N R24E S22	SENW 34.00
	T12N R24E S22	NESW	37.00	T12N R24E S22	NWSW 39.00
	T12N R24E S22	NESE	40.00	T12N R24E S22	NWSE 40.00
	T12N R24E S22	SWSE	35.00	T12N R24E S22	SESE 39.00
	T12N R24E S23	SWNE	1.50	T12N R24E S23	NENW 11.00
	T12N R24E S23	NWNW	35.00	T12N R24E S23	SWNW 40.00
	T12N R24E S23	SENW	24.00	T12N R24E S23	NESW 9.60
	T12N R24E S23	NWSW	40.00	T12N R24E S23	SWSW 23.00

670 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 670 acres in a single irrigation season. Combined Right Nos.: 73-187A, 73-188A, 73-2038, 73-10047.

This right is limited to the irrigation of 60 acres within the place of use described above 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 - License

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

03/23/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 73-2038

NAME AND ADDRESS: SULPHUR CREEK LIVESTOCK
PO BOX 151
MAY ID 83253

SOURCE: DITCH CREEK

TRIBUTARY: PAHSIMEROI RIVER

QUANTITY: 1.200 CFS

PRIORITY DATE: 12/28/1907

POINT OF DIVERSION:

T12N R24E S9 SWSE Within CUSTER County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04/01 10/31

QUANTITY
1.200 CFS

PLACE OF USE: IRRIGATION Within CUSTER County

T12N R24E S16	SWNW	8.40	T12N R24E S16	NESW	7.60
T12N R24E S16	NWSW	7.20	T12N R24E S16	SESW	9.30
T12N R24E S16	SWSE	7.60	T12N R24E S21	NESE	13.00
T12N R24E S22	NENE	18.00	T12N R24E S22	NWNE	8.10
T12N R24E S22	SWNE	40.00	T12N R24E S22	SENE	40.00
T12N R24E S22	NENW	8.70	T12N R24E S22	NWNW	14.00
T12N R24E S22	SWNW	40.00	T12N R24E S22	SENW	34.00
T12N R24E S22	NESW	37.00	T12N R24E S22	NWSW	39.00
T12N R24E S22	NESE	40.00	T12N R24E S22	NWSE	40.00
T12N R24E S22	SWSE	35.00	T12N R24E S22	SESE	39.00
T12N R24E S23	SWNE	1.50	T12N R24E S23	NENW	11.00
T12N R24E S23	NWNW	35.00	T12N R24E S23	SWNW	40.00
T12N R24E S23	SENW	24.00	T12N R24E S23	NESW	9.60
T12N R24E S23	NWSW	40.00	T12N R24E S23	SWSW	23.00

670 ACRES TOTAL

This right is limited to the irrigation of 60 acres within the place of use described above in a single irrigation season.

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

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EXPLANATORY MATERIAL: BASIS OF CLAIM - License

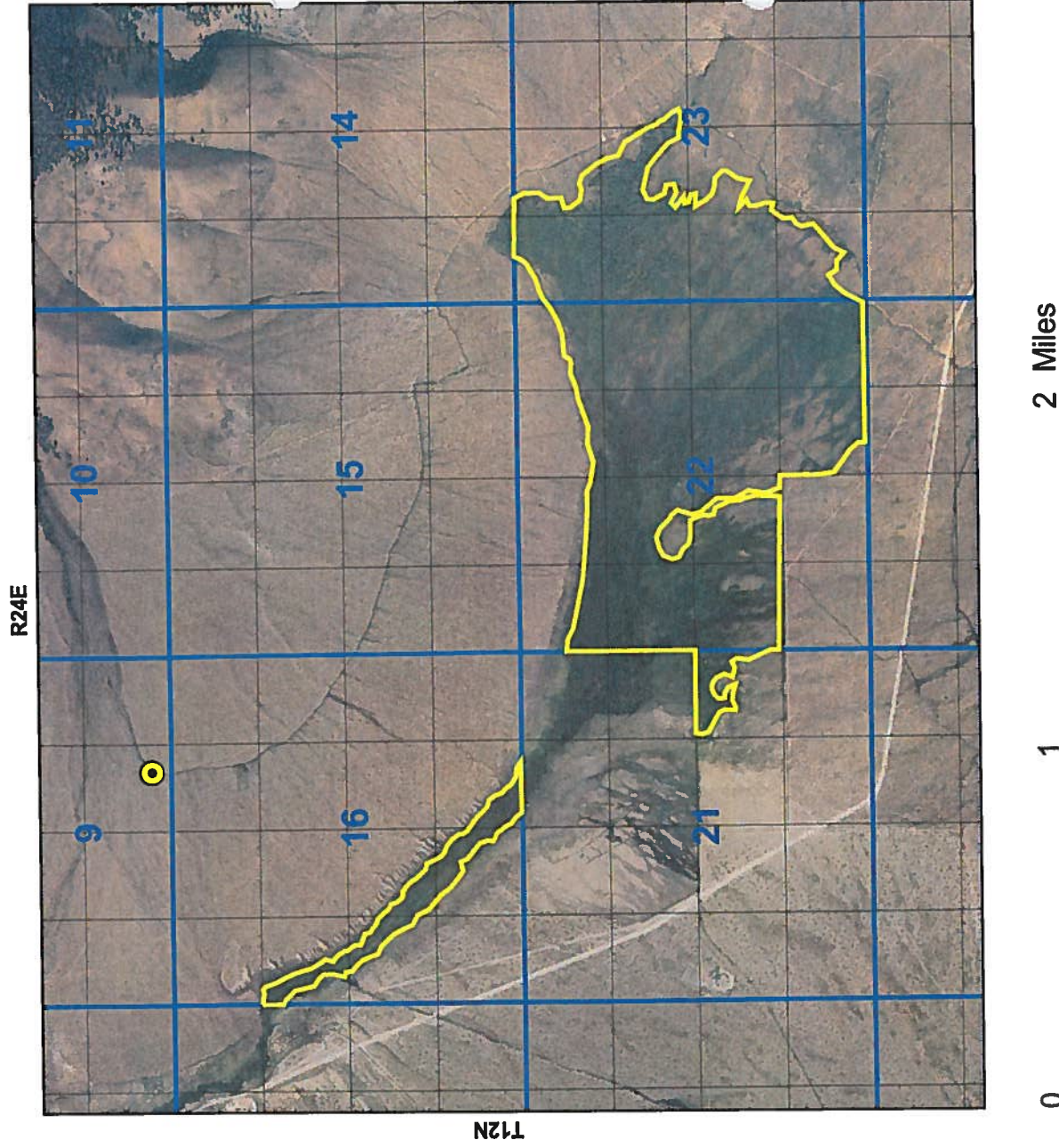
Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.



73-2038, 73-2091



**Prepared by R. Brown
On Thursday, March 23, 2006
2004 NAIP Photography**



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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 73-2038
Date Received: 1/6/1990
Receipt No: E011506
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

OLD CORRALS & SAGEBRUSH LLLP Phone: (208)893-5333

435 S FITNESS PL
EAGLE ID USA 83616

2. Date of Priority: 12/28/1907

3. Source: DITCH CREEK Trib. to: PAHSIMEROI RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
12N	24E	9	SE SW SE	CUSTER	

5. Description of diverting works:

DIVERTED THROUGH HEADGATE INTO DITCH/ FLOOD IRR

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	1.2	

7. Total Quantity Appropriated is:
1.2 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
12N	24E	16	SW NW	IRRIGATION	16
			NE SW	IRRIGATION	9
			NW SW	IRRIGATION	8

			SE	SW	IRRIGATION	17
			SW	SE	IRRIGATION	8
					Section Acres	58
12N	24E	21	NE	SE	IRRIGATION	26
					Section Acres	26
12N	24E	22	NE	NE	IRRIGATION	21
			NW	NE	IRRIGATION	8
			SW	NE	IRRIGATION	40
			SE	NE	IRRIGATION	40
			NE	NW	IRRIGATION	11
			NW	NW	IRRIGATION	14
			SW	NW	IRRIGATION	40
			SE	NW	IRRIGATION	40
			NE	SW	IRRIGATION	40
			NW	SW	IRRIGATION	35
			SW	SE	IRRIGATION	38
			NE	SE	IRRIGATION	40
			NW	SE	IRRIGATION	40
			SE	SE	IRRIGATION	38
					Section Acres	445
12N	24E	23	SW	NE	IRRIGATION	3
			SE	NW	IRRIGATION	37
			NE	NW	IRRIGATION	22
			NW	NW	IRRIGATION	36
			SW	NW	IRRIGATION	40
			NE	SW	IRRIGATION	34
			NW	SW	IRRIGATION	40
			SW	SW	IRRIGATION	34
			SE	SW	IRRIGATION	3
			NW	SE	IRRIGATION	15
					Section Acres	264
					Total Acres	793

11. Place of use in counties: CUSTER

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425,
IDAHO CODE.
CHANGED OWNERSHIP PER REQUEST/CV/09-11-00

15. Basis of Claim: License