

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. 73-02142

STANDARD FORM 5

STIPULATED ELEMENTS OF
WATER RIGHT

2009 AUG 17 AM 10 27

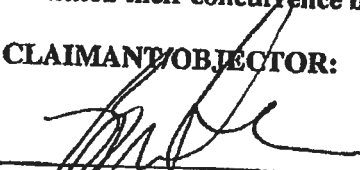
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

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.

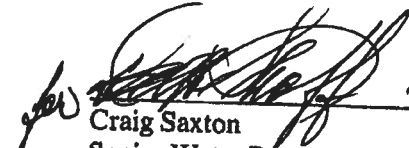
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT/OBJECTOR:


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

08/05/2009

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

RIGHT NUMBER: 73-2142

NAME AND ADDRESS: OLD CORRAIS & SAGEBRUSH LLLP
435 S FITNESS PL
SAGLE ID 83616

RIO B LLC
3007 CAN-ADA RD
MELBA ID 83641

HWWL 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: GROUND WATER

TRIBUTARY:

QUANTITY: 2.400 CFS
749.40 AFY

PRIORITY DATE: 04/24/1952

POINT OF
DIVERSION:

PURPOSE AND
PERIOD OF USE:

T14N R22E S18 NENWSE Within CUSTER County

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 10/31	2.400 CFS 749.40 AFY
PLACE OF USE:	IRRIGATION in CUSTER County	
T14N R21E S13	NENE 27.00	T14N R21E S13 SENE 1.40
T14N R22E S18	SWNE 35.00	T14N R22E S18 NENW 26.00
T14N R22E S18 Lot 1 NWNW	38.00	T14N R22E S18 Lot 2 SWNW 18.00
T14N R22E S18	SENW 38.00	T14N R22E S18 NESW 4.70
T14N R22E S18	NWSE 26.00	

214.1 ACRES TOTAL

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

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:

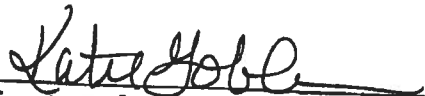
1. Original to:

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

RECEIVED

FEB 08 2008

DEPARTMENT OF
WATER RESOURCES

IN THE 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

A. Subcase 73-2142

AMMENDED
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

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: Three wells. The first located in SE quarter of Section 13 Township 14N Range 21E, the second located in the NE quarter of Sections 24 Township 14N Range 21E, and the third located in the NWSE of Section 18 Township 14N Range 22E.

Deleted: 21

3. ☐ Quantity
Should be: _____

14N, 21E, 13, SE
14N, 21E, 24 NE
14N, 22E, 18 NWSE

4. ☐ Priority Date
Should be: _____

5. ☒ Point(s) of Diversion
Should be: Three wells. The first located in SE quarter of Section 13 Township 14N Range 21E, the second located in the NE quarter of Sections 24 Township 14N Range 21E, and the third located in the NWSE of Section 18 Township 14N Range 22E.

Deleted: 21E

6. ☐ Instream Flow Description
Should be: _____

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

8. ☒ Period of Year
Should be: As per historical use, March 1st to November 1st or otherwise consistent with all other irrigation users in the Basin.

9. ☐ Place of Use
Should be: _____

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. This area has historically been irrigated from one or all of the wells noted above.

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.

x [Signature]

Subscribed and sworn to before me on: February 6th, 2008



[Signature]

Notary Public for Scythe & Spade Co.

Residing at: Wampa, ID

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 February 6th, 2008, 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:

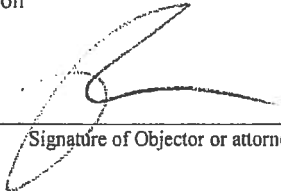
Name: Old Corrals & Sagebrush LLLP
Address: 453 S. Fitness Place
Eagle, ID 83616

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

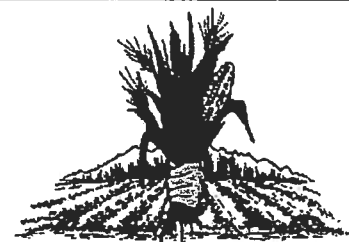


Signature of Objector or attorney

Well Locations



- County
- Township/Range
- Section
- Well



SCYTHE & SPADE COMPANY
Fundamental Implements in Agribusiness Management

08/14/2007

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

RIGHT NUMBER: 73-2142

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 2.400 CFS
749.40 AFY

PRIORITY DATE: 04/24/1952

POINT OF
DIVERSION:

T14N R22E S18 NENWSE 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	2.400 CFS 749.40 AFY

PLACE OF USE: IRRIGATION in CUSTER County

T14N R21E S13	NENE	27.00	T14N R21E S13	SENE	1.40
T14N R22E S18	SWNE	35.00	T14N R22E S18	NENW	26.00
T14N R22E S18 Lot 1 NWNW		38.00	T14N R22E S18 Lot 2 SWNW		18.00
T14N R22E S18	SENW	38.00	T14N R22E S18	NESW	4.70
T14N R22E S18	NWSE	26.00			

214.1 ACRES TOTAL

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

04/14/2006

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

RIGHT NUMBER: 73-2142

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 2.400 CFS
749.400 AFY

PRIORITY DATE: 04/24/1952

POINT OF DIVERSION:

T14N R22E S18 NENWSE Within CUSTER County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04/01 10/31

QUANTITY
2.400 CFS
749.40 AFY

PLACE OF USE: IRRIGATION Within CUSTER County

T14N R21E S13	NENE	27.00	T14N R21E S13	SENE	1.40
T14N R22E S18	SWNE	35.00	T14N R22E S18	NENW	26.00
T14N R22E S18 Lot 1 NWNW		38.00	T14N R22E S18 Lot 2 SWNW		18.00
T14N R22E S18	SENW	38.00	T14N R22E S18	NESW	4.70
T14N R22E S18	NWSE	26.00			

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EXPLANATORY MATERIAL: BASIS OF CLAIM - License



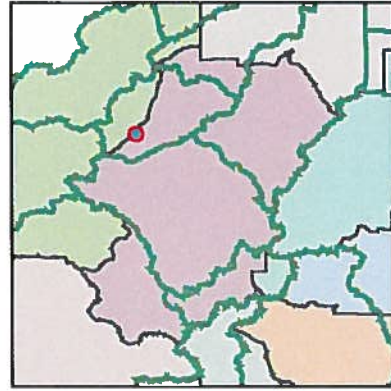
Idaho Department of Water Resources

Adjudication Claim:

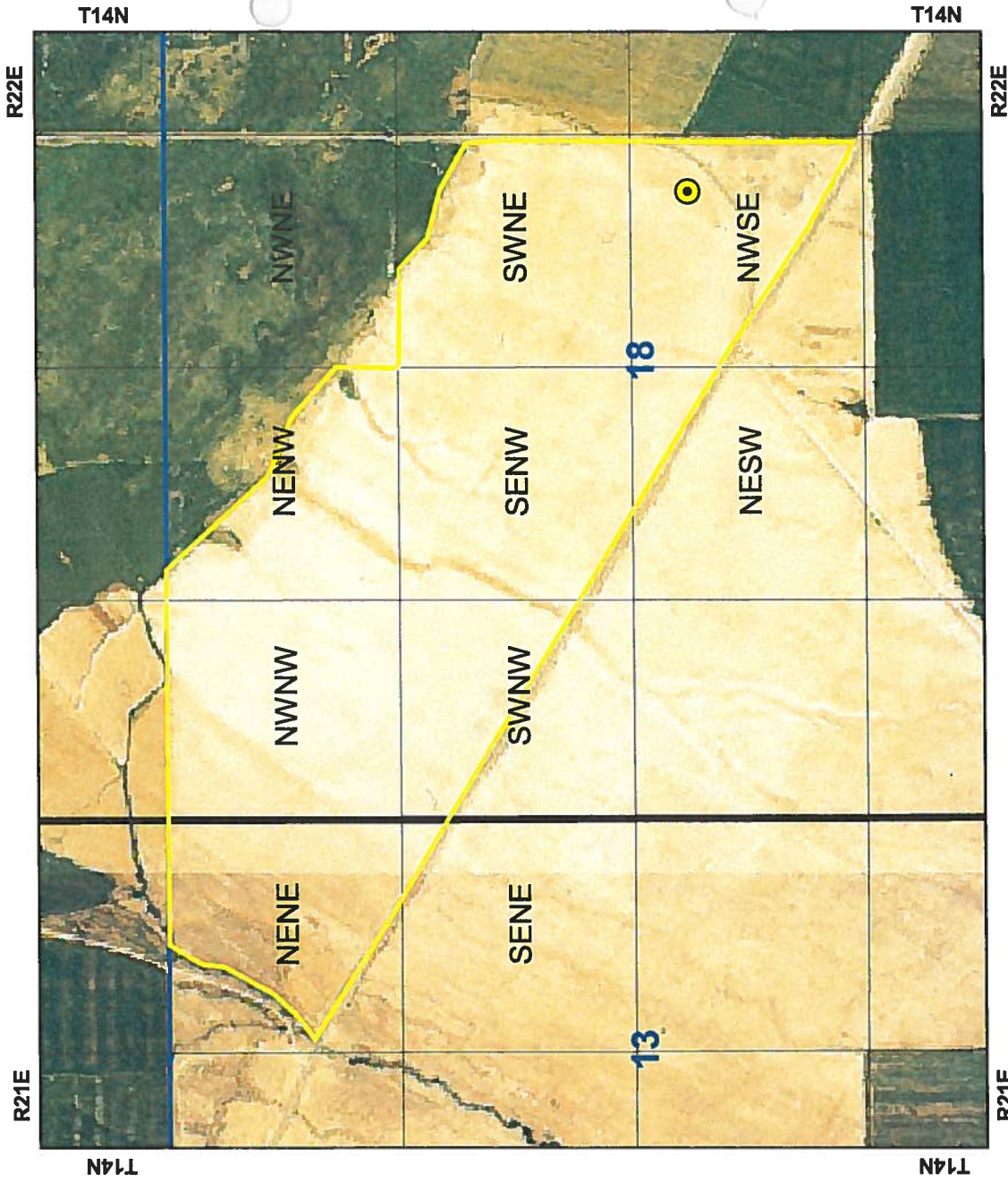
73-2142

Legend

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



Custer County
IDWR Basin 73



0.8 Miles

0.4

0

Prepared by R. Brown
On Friday, April 14, 2006
1987/88 Aerial Photography

State of Idaho

License and Certificate of Water Right

Water License No. G-22738

Amount 2.4 c.f.s.

Water District No.

Priority April 24, 1952

THIS IS TO CERTIFY that CLAUD BURSTEDT - Assignee - JACK C. BURSTEDT
of May, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated April 24, 1952; that Permit No. G-22738
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
2.4 second feet, was issued thereunder on July 28, 1964, showing that said works
were completed on the 19th day of May, 1961; and that on the 19th
day of May, 1961, JACK C. BURSTEDT

of May, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of a well
, a tributary of subterranean flow, for the purpose of irrigation
, under Use Permit No. G-22738 of the Department of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
12 of Licenses at page 7896, on the 28 day of July, 1964;
The right hereby confirmed dates from April 24, 1952;

The Point of Diversion is located
in the NW 1/4 SE 1/4, Sec. 18, Tp. 14 N R. 22 E, B. M. Custer County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed 2.4 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
14 N.	21 E.	13	NE 1/4 NE 1/4	40	20
			SE 1/4 NE 1/4	40	20
14 N.	22 E	18	SW 1/4 NE 1/4	40	30
			NE 1/4 NW 1/4	40	15
			NW 1/4 NW 1/4	40	40
			S 1/4 NW 1/4	80	80
			NW 1/4 SE 1/4	40	25
			NE 1/4 SW 1/4	40	17
Total number of acres to be irrigated:					247

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place
of use herein described, as provided by the laws of Idaho.

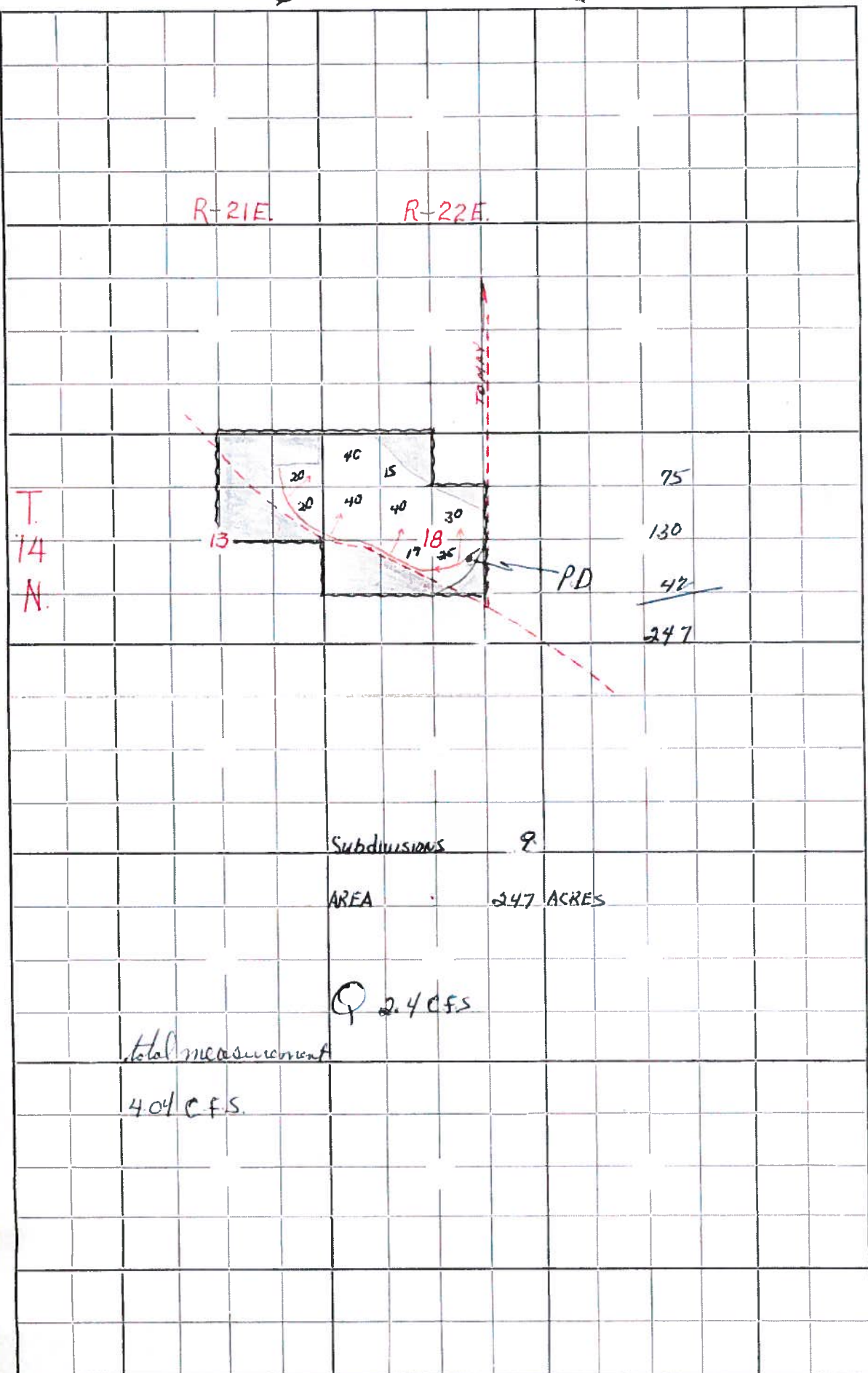
WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

28th day of July, 1964.

/s/ RALPH W. THOMAS
Deputy State Reclamation Engineer.

(SEAL)

73 2142



22738

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 73-02142
Date Received: 1/6/90
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

SULPHUR CREEK LIVESTOCK Phone: (208)876-4405

PO BOX 151
MAY ID 83253

2. Date of Priority: 04/24/1952

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 Lot	County
14N	22E	18	NE	NW	SE	CUSTER

5. Description of diverting works:

WELL, PUMP AND SPRINKLER SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	2.4	

7. Total Quantity Appropriated is:
2.4 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
14N	21E	13	NE	NE	IRRIGATION	10
			SE	NE	IRRIGATION	16
					Section Acres	26
14N	22E	18	NW	NE	IRRIGATION	2
			SW	NE	IRRIGATION	30
			NE	NW	IRRIGATION	18
			NW	NW	IRRIGATION	38
			SW	NW	IRRIGATION	39
			SE	NW	IRRIGATION	40
			NE	SW	IRRIGATION	18
			NW	SW	IRRIGATION	40
			NW	SE	IRRIGATION	20
					Section Acres	245
					Total Acres	271

11. Place of use in counties: CUSTER

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

LICENSED ACREAGE IS 247
CHANGED OWNERSHIP PER REQUEST/CV/09-11-00

15. Basis of Claim: License