

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. 73-07022

STANDARD FORM 5

STIPULATED ELEMENTS OF A
WATER RIGHT

2009 AUG 12 PM 10:28

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 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.

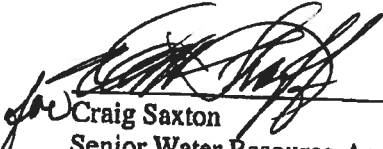
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT/OBJECTOR:

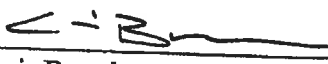

Brett MacNeil, limited power of attorney for:
Old Corrals & Sagebrush LLLP, Rio B LLC,
HWHL LLC, Normco LLC, Rio Claro Inc.,
and Charlesview LLC

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

STANDARD FORM 5 - Water Right No. 73-07022

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

08/05/2009

RIGHT NUMBER: 73-7022

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

RIO B LLC
3007 CAN-ADA RD
MELBA ID 83641

HWHL 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

QUANTITY: 2.760 CFS
637.70 AFY

PRIORITY DATE: 02/28/1973

POINT OF DIVERSION: T14N R22E S17 NWSW Within CUSTER County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 10/31	2.760 CFS 637.70 AFY
PLACE OF USE: IRRIGATION in CUSTER County		
T14N R22E S17 SWNW	3.20	T14N R22E S17 NWSW 13.00
T14N R22E S17 NWSW	38.00	T14N R22E S17 SWSW 31.00
T14N R22E S17 SWSW	27.00	T14N R22E S18 SENE 20.00
T14N R22E S18 NENE	40.00	T14N R22E S18 SESE 10.00

182.2 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

Kate Goble
Signature of person or attorney mailing form

RECEIVED

DEC 19 2007

DEPARTMENT OF
WATER RESOURCES

2007 DEC 17 PM 2 07

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 73-7022

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: 435 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: 3 Wells. NESW of Section 21 SWSW Section 16, and SWSW of Section 17 Township 14N Range 22E. See attached map.

14 N 22 E 16 SW SW
17 SW SW
21 NE SW

3. ☐ Quantity

Should be: _____

4. ☐ Priority Date

Should be: _____

5. ☒ Point(s) of Diversion

Should be: 3 Wells. NESW of Section 21 SWSW Section 16, and SWSW of Section 17 Township 14N Range 22E. See attached map.

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.

F. VERIFICATION (Must be completed)

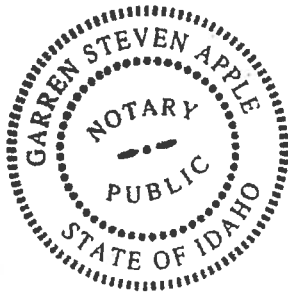
State of Idaho)
County of Ada)ss.

Brett MacMill, 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: 12/17/07



[Signature]

Notary Public for Seattle & Spade Co

Residing at: Nampa

My Commission Expires: 8/17/2011

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

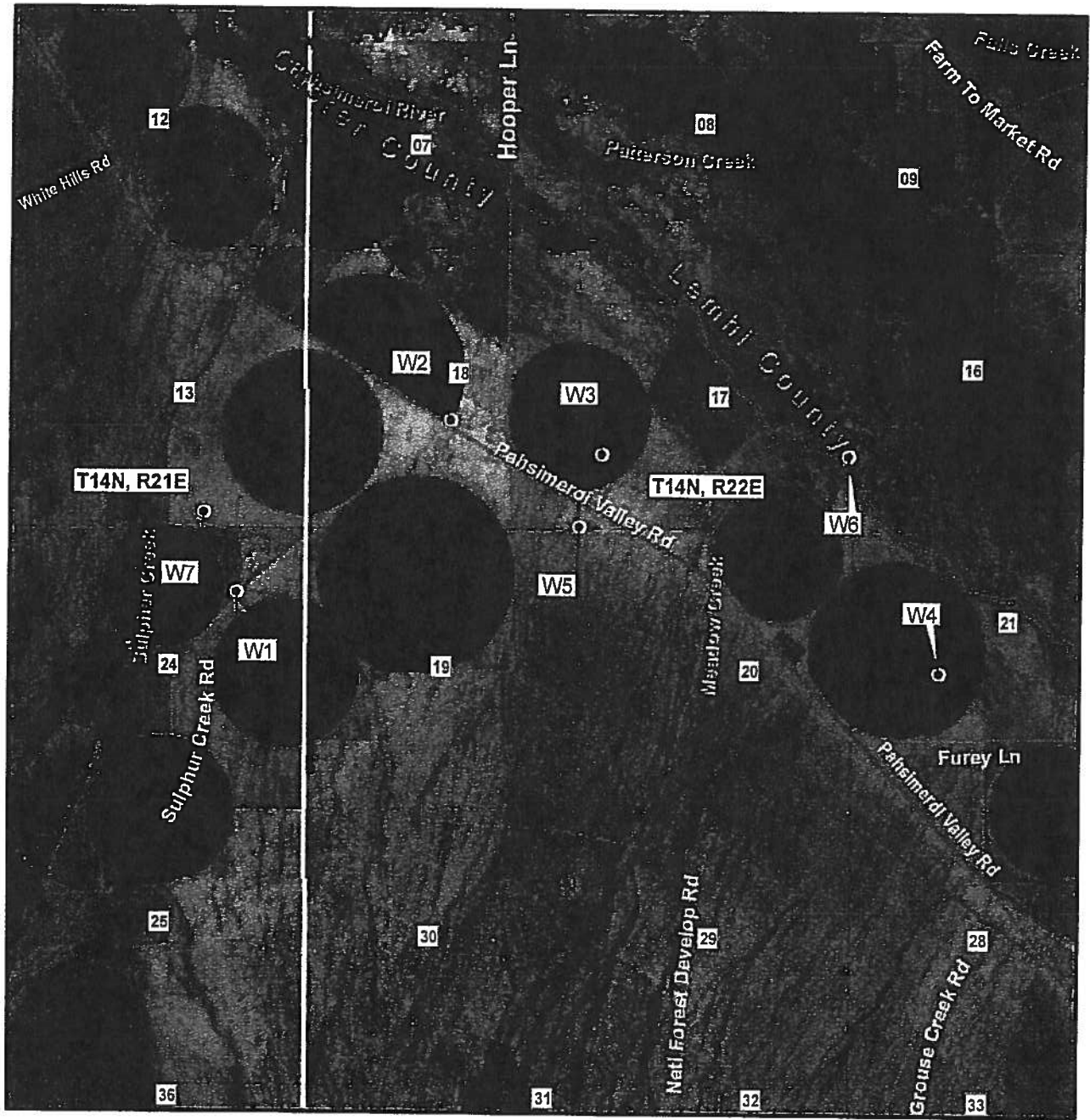
Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

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



Signature of Objector or attorney

Well Locations



-  County
-  Township/Range
-  Section
-  Well



08/14/2007

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

RIGHT NUMBER: 73-7022

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 2.760 CFS
637.70 AFY

PRIORITY DATE: 02/28/1973

POINT OF
DIVERSION:

T14N R22E S17 NWSW Within CUSTER County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

2.760 CFS
637.70 AFY

PLACE OF USE: IRRIGATION in CUSTER County

T14N R22E S17	SWNW	3.20	T14N R22E S17	NESW	13.00
T14N R22E S17	NWSW	38.00	T14N R22E S17	SWSW	31.00
T14N R22E S17	SESW	27.00	T14N R22E S18	SENE	20.00
T14N R22E S18	NESE	40.00	T14N R22E S18	SESE	10.00

182.2 ACRES TOTAL

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

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EXPLANATORY MATERIAL: BASIS OF CLAIM - License



Idaho Department of Water Resources

Adjudication Claim:

73-7022

Legend

Point of Diversion



Place of Use



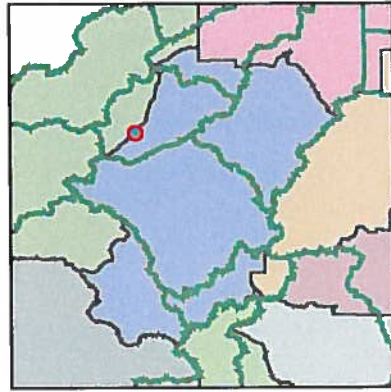
Townships



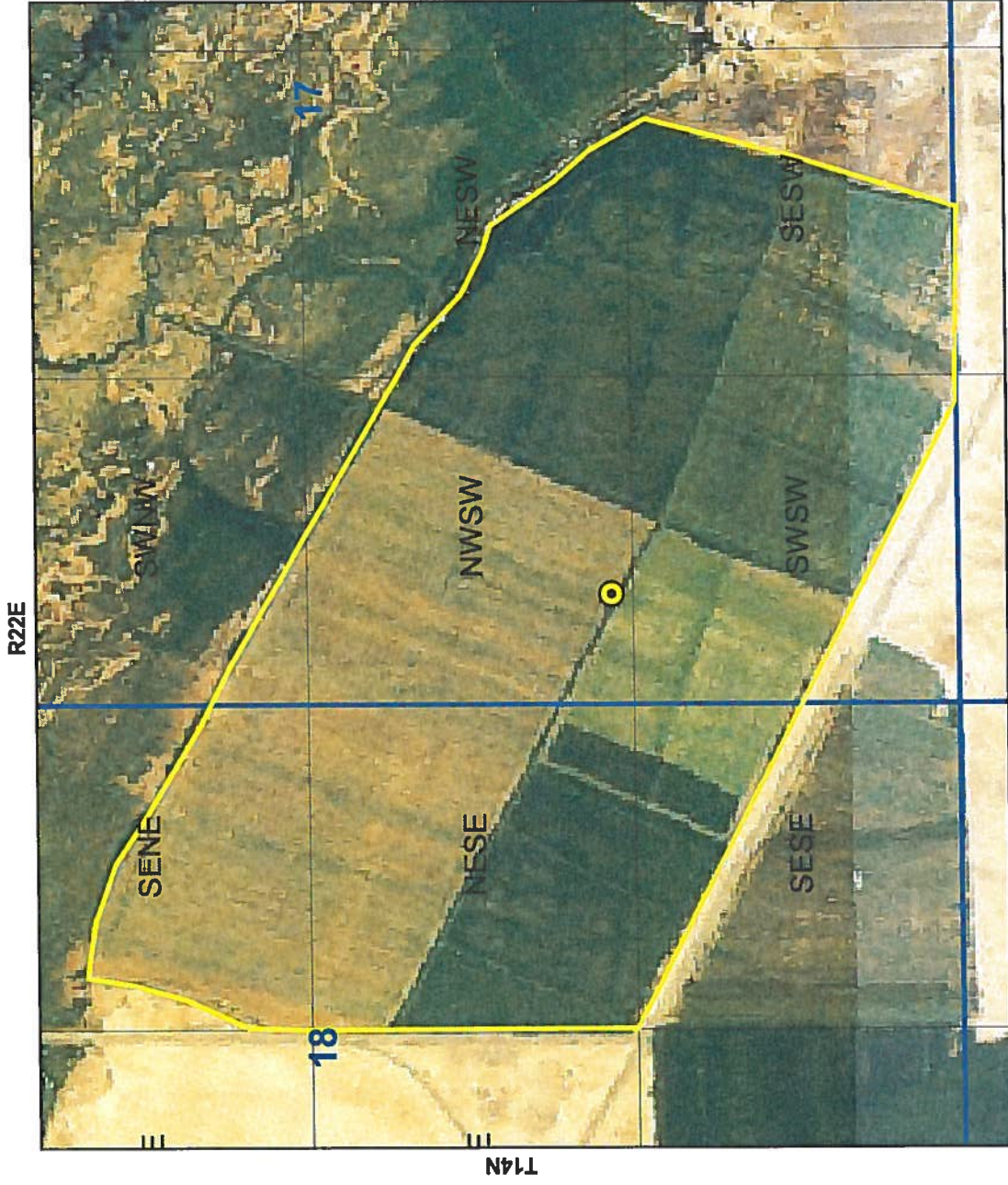
PLS Sections



Quarter Quarters



Custer County
IDWR Basin 73



0 0.3 0.6 Miles

Prepared by R. Brown
On Wednesday, April 12, 2006
1987/88 Aerial Photography

04/12/2006

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

RIGHT NUMBER: 73-7022

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 2.760 CFS
637.700 AFY

PRIORITY DATE: 02/28/1973

POINT OF DIVERSION:

T14N R22E S17 NWSW Within CUSTER County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04/01 10/31

QUANTITY
2.760 CFS
637.70 AFY

PLACE OF USE: IRRIGATION Within CUSTER County

T14N R22E S17	SWNW	3.20	T14N R22E S17	NESW	13.00
T14N R22E S17	NWSW	38.00	T14N R22E S17	SWSW	31.00
T14N R22E S17	SESW	27.00	T14N R22E S18	SENE	20.00
T14N R22E S18	NESE	40.00	T14N R22E S18	SESE	10.00

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EXPLANATORY MATERIAL: BASIS OF CLAIM - License