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|-------------------|-------------|---------|---------------|
| Post-It® Fax Note | 7671        | Date    | # of pages 10 |
| To                | Matt Howard | From    | Trish         |
| Co./Dept.         |             | Co.     |               |
| Phone #           |             | Phone # |               |
| Fax #             |             | Fax #   |               |

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JAN 16 PM 3:10

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DISTRICT COURT-SRBA  
 TWIN FALLS CO. IDAHO  
 FILED QJH

Attorneys for Billingsley Creek Ranch

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

) STANDARD FORM 5  
 ) SUBCASE NO. 36-11060  
 ) PROPOSED ELEMENTS OF A  
 ) WATER RIGHT

This form is used to report the proposed elements of one federal reserved water right or one water right acquired under state law. Submission of this form will not result in the automatic 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; and they have been served with sufficient process, according to the law, and have appeared, prosecuted and defended their positions with regard to this water right dispute.

Instructions For Use

A copy of this water right as recommended in the director's report shall be submitted with this form. A statement shall accompany each element of a water right.

Elements where there has been no objection should be listed exactly as they appear in the director's report. The statement as to an uncontested element shall state "as recommended in the director's report."

1 Contested elements that are the result of an objection filed with the court shall be  
2 accompanied by a statement fully describing all facts, documents, expert opinions and law  
3 which support the element of the water right (attach additional pages if necessary).

4 1. The name and address of the claimant is:

5 Billingsley Creek Ranch  
6 2726 S. 1050 E.  
7 Hagerman, ID 83332

8 Required Statement:

9 As recommended in the Director's Report.

10 2. The source of water is:

11 Three Springs

12 Required Statement:

13 As recommended in the Director's Report.

14 3. The quantity of water used in cubic feet per second or the quantity of water stored  
15 in acre-feet per year is:

16 3.5 c/f/s, 4/1 through 9/30  
17 4.0 c/f/s, 10/1 through 3/31  
18 Storage volume is 40 acre-feet

19 Required Statement:

20 The holder of this right who also holds A36-00046 and A36-15462 and the holder  
21 of A36-07071 have voluntarily agreed to this quantity during the prescribed  
22 periods.

23 4. The priority date is:

24 February 18, 1896

25 Required Statement:

26 As recommended in the Director's Report.  
27  
28

1 5. The legal description of the point(s) of diversion is; if the claim is for an instream  
2 flow, then a legal description of the beginning and ending points of the claimed  
3 instream flow:

4 T.7S R.14E S.18, NWSW; T.7S R.14E S.30, SENW

5 Required Statement:

6 As recommended in the Director's Report.  
7 This is not an instream flow claim.

8 6. The purpose of use is:

9 Recreation/Recreation Storage

10 Required Statement:

11 As recommended in the Director's Report.

12 7. The period of year when the water is to be used:

13 3.5 c/f/s, 4/1 through 9/30

14 4.0 c/f/s, 10/1 through 3/31

15 Required Statement:

16 The holder of this right who also holds A36-00046 and A36-15462 and the holder  
17 of A36-07071 have voluntarily agreed to this quantity during the prescribed  
18 periods.

19 8. The legal description of the place of use or of the reservation is:

20 T.7S R.14E S.24, NESE (Gooding County)

21 Required Statement:

22 As recommended in the Director's Report.

23 9. The annual volume of consumptive use is:

24 N/A

25 Required Statement:

26 As recommended in the Director's Report.

27  
28

10. Other matters necessary to define this water right:

N/A

These matters are necessary because:

N/A

These matters do not fall within the nine elements listed above because:

N/A

**Signature and Address of Parties and their Attorney of Record** (attach additional page if necessary)

I have read this form and know its contents and that the statements are true to the best of my knowledge and belief.

Name: Donnie McFadden

General Partner

Billingsley Creek Ranch

Address: 2726 South 1050 East

City/State/Zip: Hagerman, ID. 83332

Attorney of Record: Gary D. Slette

Name: Deloris D. & John W. Jones, Jr.

Address: P.O. Box 265

City/State/Zip: Hagerman, ID. 83332

Attorney of Record: Patrick D. Brown

Party's Signature

Date

Attorney's Signature

Date

Party's Signature

Date

Party's Signature

Date

Attorney's Signature

Date

Court Representative (if necessary)

Date

## INSTRUCTIONS FOR MAILING

You must mail the form, including all attachments, to the Clerk of the SRBA Court and to the parties identified in the Certificate of Mailing. FAX filings will not be accepted by the SRBA Clerk of the Court.

*You must sign the Certificate of Mailing to show that you followed these steps.*

## CERTIFICATE OF MAILING

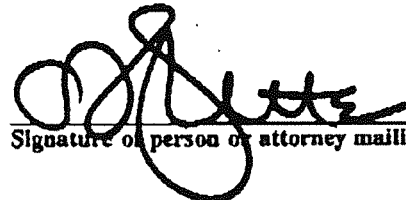
I hereby certify that on the 16 day of May, 1996, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

## 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

## 2. Copies to (insert names and addresses):

Patrick D. Brown  
Hepworth, Lezamiz & Hohnhorst  
133 Shoshone Street North  
P.O. Box 389  
Twin Falls, ID 83303-0389

  
Signature of person or attorney mailing the form