

APR 29 2003

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

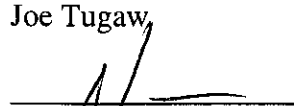
## STIPULATED ELEMENTS OF A WATER RIGHT

April 24, 2003

**OBJECTORS:**

Western Stockgrowers Association

Joe Tugaw

  
Norman M. Semanko

 4-25-03  
date

Travis L. Thompson

Of Attorneys for Objectors

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

RIGHTS FROM: SOURCE: UNNAMED STREAM TRIBUTARY: MC MULLEN CREEK

RIGHT NUMBER: 47-16293

NAME & ADDRESS: UNITED STATES OF AMERICA ACTING THROUGH  
USDI BUREAU OF LAND MANAGEMENT  
IDAHO STATE OFFICE  
1387 S VINNELL WAY  
BOISE ID 83709-1657

SOURCE: UNNAMED STREAM TRIBUTARY: MC MULLEN CREEK

QUANTITY: 0.02 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000  
GALLONS PER DAY.

PRIORITY DATE: ~~01/01/1975~~ 06/28/1934

|                        |               |        |                            |
|------------------------|---------------|--------|----------------------------|
| POINT OF<br>DIVERSION: | T12S R18E S17 | NESESE | Within TWIN FALLS County   |
|                        | S21           | SWNENW | (INSTREAM BEGINNING POINT) |
|                        | S17           | NWSENE | (INSTREAM BEGINNING POINT) |
|                        | S21           | NWNENW | (INSTREAM ENDING POINT)    |

|                               |                |               |          |
|-------------------------------|----------------|---------------|----------|
| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE | QUANTITY |
|                               | STOCKWATER     | 01-01 12-31   | 0.02 CFS |

|               |               |                          |
|---------------|---------------|--------------------------|
| PLACE OF USE: | STOCKWATER    | Within TWIN FALLS County |
|               | T12S R18E S17 | SWNE SENE                |
|               |               | NWSE SWSE                |
|               | S21           | SESE                     |
|               |               | NENW                     |

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

THE OPERATION, USE, AND ADMINISTRATION OF THIS WATER  
RIGHT IS ALSO SUBJECT TO THE TERMS AND CONDITIONS OF THE  
STIPULATION AND JOINT MOTION FOR ORDER APPROVING STIPULATION  
ENTERED INTO ON AUGUST 29, 2002 BETWEEN THE UNITED STATES OF  
AMERICA AND WESTERN STOCKGROWERS ASSOCIATION ET AL., FILED IN  
THE OFFICE OF THE TWIN FALLS COUNTY RECORDER AND RECORDED ON  
APRIL 21, 2003 AS INSTRUMENT NO. 2003-010014; THE PROVISIONS OF  
SUCH STIPULATION TO APPLY FULLY TO THIS WATER RIGHT.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISION  
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 DECREE. SECTION 42-1412(6), IDAHO CODE.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT  
A DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE  
BLM RECORD ID = 4702480245  
~~CATTLE/2,300~~

## CERTIFICATE OF MAILING

I certify that on 4/24, 2003, I delivered the original and copies of this form to the following persons, postage prepaid if required, and addressed as follows:

### 1. Original to:

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

☐ overnight mail  
☐ regular mail  
☒ hand-delivered  
☐ facsimile

### 2. Copies to:

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

☐ overnight mail  
☒ regular mail  
☐ hand-delivered  
☐ facsimile

U.S. Dept. of Justice  
Environment & Natural Resource Div.  
General Litigation Section  
550 W. Fort St., MSC 033  
Boise, ID 83724

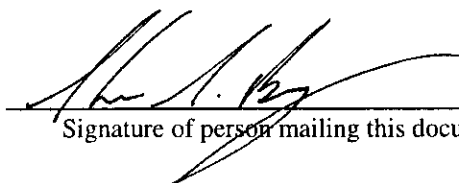
☐ overnight mail  
☒ regular mail  
☐ hand-delivered  
☐ facsimile

Travis L. Thompson  
Barker Rosholt & Simpson, LLP  
P.O. Box 2139  
Boise, ID 83701-2139

☐ overnight mail  
☒ regular mail  
☐ hand-delivered  
☐ facsimile

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

☐ overnight mail  
☒ regular mail  
☐ hand-delivered  
☐ facsimile

  
\_\_\_\_\_  
Signature of person mailing this document