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APR 29 2003

Department of Water Resources

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)
) SUBCASE NO.: 47-16748
)
Case No. 39576)
)
) STANDARD FORM 5
) AMENDED CLAIM
)
) For Domestic and Stockwater Rights
)
_____)

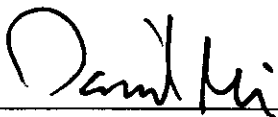
This form is used to report the stipulated elements of one "domestic and/or stockwater" right acquired under state law and/or one federal reserved water right and to amend the Notice of Claim. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge 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.

Pursuant the terms of the *Stipulation and Joint Motion for Order Approving Stipulation* filed on August 29, 2002, such stipulation being incorporated into this *Standard Form 5*, the parties and IDWR agree and stipulate that the elements of the resulting water right should be described per the attached. The parties and IDWR have indicated their concurrence by initialing each of the attached pages.

OBJECTORS:

United States on behalf of the
USDI, Bureau of Land Management
USDA, Forest Service

 4/25/03

David L. Negri date
Attorney, U.S. Dept. of Justice
Environment & Natural Resources Div.

IDWR CONCURRENCE:

 4/25/03

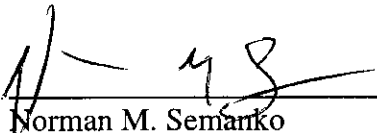
Roxanne Brown date
Sr. Water Resource Agent, IDWR

CLAIMANTS:

Tugaw Ranches	Western Stock Growers Association et al.
Wallace Brown	Williams Inc.
Broken Diamond Ranch	Birchie Brown
Mathers Ranch	Tom Kunkel
Raymond Butler	David Crockett
Kinsey Family LLP	
William J. and Thomas Williams	
Williams Properties LLC	

RESPONDENT:

Western Stockgrowers Association

 4-25-03

Norman M. Semanko

date

Travis L. Thompson

Of Attorneys for Claimants & Respondent

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

RIGHTS FROM: SOURCE: MC MULLEN CREEK TRIBUTARY: ROCK CREEK

RIGHT NUMBER: 47-16748

NAME & ADDRESS: ~~WESTERN STOCK GROWERS ASSOCIATION ET AL~~
~~2391 ROCK CREEK RD~~
~~HANSEN ID 83334~~

~~BROKEN DIAMOND RANCH~~
~~C/O SHARI HELMAN~~
~~2391 ROCK CREEK RD~~
~~HANSEN ID 83334~~

~~BIRCHIE BROWN~~
~~C/O TAYLOR BROWN~~
~~340 W 350 S~~
~~JEROME ID 83338~~

~~WALLACE BROWN~~
~~3389 N 3700 E~~
~~HANSEN ID 83334~~

~~DAVID CROCKETT~~
~~2678A ROCK CREEK RD~~
~~HANSEN ID 83334~~

~~KINSEY FAMILY LLP~~
~~C/O WILMOTH KINSEY~~
~~3497A E 3000 N~~
~~KIMBERLY ID 83341~~

~~TOM KUNKEL~~
~~RT 3 HOLLISTER~~
~~TWIN FALLS ID 83301~~

~~MATHERS RANCH~~
~~3485 E 3100 N~~
~~KIMBERLY ID 83341~~

~~TUGAW RANCHES~~
~~C/O JOE TUGAW~~
~~3277 WOODRIDGE DR~~
~~TWIN FALLS ID 83301~~

~~WILLIAMS INC~~
~~C/O BILLY WILLIAMS~~
~~3128 N 3200 E~~
~~TWIN FALLS ID 83301~~

~~WILLIAMS PROPERTIES LLC~~
~~C/O AARON WILLIAMS~~
~~2600 N 2900 E~~
~~TWIN FALLS ID 83301~~

PN
RB
NMS

WILLIAM J AND THOMAS WILLIAMS
C/O BILLY WILLIAMS
3128 N 3200 E
TWIN FALLS ID 83301

RAYMOND BUTLER
3094A N 3800 E
HANSEN ID 83334

WESTERN STOCK GROWERS ASSOCIATION
2391 ROCK CREEK RD
HANSEN ID 83334

SOURCE: MC MULLEN CREEK TRIBUTARY: ROCK CREEK

QUANTITY: 0.02 CFS

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

THIS RIGHT SHALL BE USED IN CONJUNCTION WITH RIGHT NO 47-
16322 AND IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.02
CFS AND A TOTAL COMBINED QUANTITY OF 13,000 GALLONS PER DAY.

PRIORITY DATE: ~~06/01/1972~~ 06/13/1890

POINT OF			Within TWIN FALLS County
DIVERSION:	~~T13S R17E S36~~	~~NESW~~	~~(INSTREAM BEGINNING POINT)~~
	T12S R18E S17	<u>SESWSE</u>	<u>(INSTREAM BEGINNING POINT)</u>
		<u>SESENW</u>	(INSTREAM ENDING POINT)

PURPOSE AND			
PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER	~~05-15 10-15~~	0.02 CFS
		<u>01-01 12-31</u>	

PLACE OF USE:	STOCKWATER		Within TWIN FALLS County
	T12S R18E S17	SENW	
		NESW	
		SESW	
	S20	NENW	
		NWNW	
		SWNW	
		NWSW	
		SWSW	
	S29	NWNW	
	S30	NENE	
		~~SWNE~~	
		SENE	
		NWSE	
		SWSE	
		<u>SESE</u>	
	S31	<u>NENE</u>	
		NWNE	
		SWNE	
		NWSE	
		SWSE	
	~~T13S R17E S12~~	~~SWSE~~	

RB

DN

NMS

	SESE
813	NWNE
	SWNE
	NESE
	NWSE
	SESE
824	NENE
	SENE
	NESE
	SESE
825	NENE
	SENE
	NESE
	NWSE
	SWSE
836	NWNE
	SENE
	NESW
R18E—806	NWNE
	SWNE
	SENE
	NESE
	SESE
807	NWNE
	SENE
	NWSE
	SWSE

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
3100 RANGE CATTLE

RB

NMS

CERTIFICATE OF MAILING

I certify that on 4/28, 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

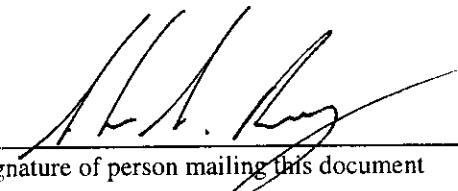
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Barker Rosholt & Simpson, LLP
P.O. Box 2139
Boise, ID 83701-2139

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



Signature of person mailing this document