



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

April 7, 2003

Kevin Beaton
Stoel Rives LLP
101 S. Capitol Boulevard, Suite 1900
Boise, ID 83702

RE: Subcase no. 51-4037 (Waterone Enterprises LLC)

Dear Mr. Beaton:

Enclosed please find a document entitled "Standard Form 5 – Stipulated Elements of A Water Right" (commonly referred to as SF 5) which has a revised recommendation attached regarding the above-referenced subcase.

Please review the new recommendation which is attached to the SF 5. If all the information is correct, please sign and date the first page of the original and **initial the page** entitled "Recommendation of Water Rights Acquired Under State Law". Also, please obtain the signatures and initials of Thomas Scroggins and Charlotte Scott. After all have signed and initialed the originals, please return the original documents to me so that I can forward them to Deputy Attorney General, David Barber.

If you have any questions regarding this process or the enclosed documents, please do not hesitate to call me at: 327-7881 or Deputy Attorney General, Garrick L. Baxter at: 327-7975.

Sincerely,

A handwritten signature in cursive script that reads "Becky J. Harvey".

Becky J. Harvey
Paralegal

/bh
Enclosures

**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. 51-4037
	)	
Case No. 39576	)	
	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
_____	)	WATER RIGHT

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(s)/OBJECTOR:

Waterone Enterprises LLC

RESPONDENT(s):

Thomas Scroggins Date

Janet O’Crowley Date

Kevin Beaton Date
Attorney for Waterone
STANDARD FORM 5 -51-4037

Charlotte Scott Date

RESPONDENT:

State of Idaho

DAVID J. BARBER Date
Deputy Attorney General

IDWR Concurrence:

Jan Shurte Date
IDWR Adjudication Supervisor

Garrick L. Baxter Date
Deputy Attorney General

CERTIFICATE OF MAILING

I certify that on _____, 2003, 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:

Kevin J. Beaton
Stoel Rives
101 S. Capitol Boulevard, Suite 1900
Boise, ID 83702

David J. Barber
Deputy Attorney General
Office of the Attorney General
Natural Resource Division
P.O. Box 44449
Boise, ID 83711-4449

Janet O'Crowley
317 West C Street
Shoshone, ID 83352

Charlotte Scott
251 Versailles Court
Tracy, CA 95376

IDWR Repository
P.O. Box 83720
Boise, ID 83720

Signature of person or attorney mailing the form

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

RIGHT NUMBER: 51-4037
NAME AND ADDRESS: WATERONE ENTERPRISES LLC
251 VERSAILLES CT
TRACY CA 95376
SOURCE: MURPHY HOT SPRINGS TRIBUTARY: EAST FORK JARBIDGE RIVER
QUANTITY: 0.060 CFS
THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.
PRIORITY DATE: 06/20/1885
POINT OF DIVERSION:

T16S R09E S24 SWNNWN Within OWYHEE County Source: MURPHY HOT SPRINGS

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.020 CFS
COMMERCIAL	01/01 12/31	0.040 CFS

COMMERCIAL USE IS FOR POOL, BATHS, INTERNAL LODGE USE, AND 1 TRAILER.

PLACE OF USE: DOMESTIC Within OWYHEE County
T16S R09E S24 NWNW
COMMERCIAL Within OWYHEE County
T16S R09E S24 NWNW

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.

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

EXPLANATORY MATERIAL: Beneficial Use
WATER TEMPERATURE MEASURED AT 117 DEGREES F.