

**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. 63-5109

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):

C M LLC

Barry Marcus
authorized agent or
attorney9/23/03
Date**OBJECTOR(s):**

State of Idaho - Department of Lands

David J. Barber
Deputy Attorney General
State of Idaho - Department of Lands9/24/2003
Date

STANDARD FORM 5 - 63-5109

COPY

IDWR Concurrence:

Roxanne Brown 9/23/03
Roxanne Brown Date
Senior Water Rights Agent

Nicholas B. Spencer 9-23-03
Nicholas B. Spencer Date
Deputy Attorney General
Attorney for IDWR

CERTIFICATE OF MAILING

I certify that on ⁶~~September 23~~, 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:

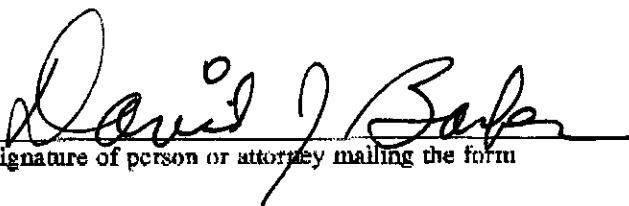
Office of the Attorney General
Natural Resource Division
Idaho Department of Lands
P.O. Box 83720
Boise, ID 83720-0050
Attn: David J. Barber

C M LLC
~~727 N 7th St~~
Boise, ID 83702

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

Hand Delivery U.S. MAIL

Statehouse MAIL


Signature of person or attorney mailing the form

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

RIGHT NUMBER: 63-5109

NAME AND ADDRESS:

C. M. LLC
737 N 4TH ST
BOISE ID 83702

SOURCE:

Source:
THORN CREEK

Tributary:
MORSE CREEK

QUANTITY:

1.26 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 12,000 GALLONS PER DAY.

NBS

PRIORITY DATE:

04/26/1889

RB

POINT OF DIVERSION:

TOWN ROSE 930 NENE Within BOISE County
TOWN ROSE 930 NENE Injection Within BOISE County
TOWN ROSE 930 NENE Rediversion Within BOISE County

PURPOSE AND
PERIOD OF USE:

Purpose of use	Period of use	Quantity
IRRIGATION	04/01 10/31	0.46 CFS
STOCKWATER	04/01 11/30	0.02 CFS
MINING	04/01 11/30	0.78 CFS

PLACE OF USE:

IRRIGATION Within BOISE County
TOWN ROSE 930 NENE 14.0
TOWN ROSE 930 NENE 9.0
STOCKWATER Within BOISE County
TOWN ROSE 930 NENE
TOWN ROSE 930 NENE
MINING Within BOISE County
TOWN ROSE 930 NENE

23 ACRES TOTAL

The Place of Use does not include Public enjoyment land.

2/13
Bm

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 right 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(b), Idaho Code.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

STOCKWATER, 20 RANGE CATTLE