

COPY

RECEIVED

SEP 13 2004

DEPARTMENT OF  
WATER RESOURCES

2004 SEP 10 AM 10:14

RECEIVED

SEP 08 2004

DEPARTMENT OF  
WATER RESOURCES

DISTRICT COURT-SRBA  
TWIN FALLS CO. IDAHO

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. 29-13690

(FORMERLY WATER RIGHT NO.  
29-11335)

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. 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.

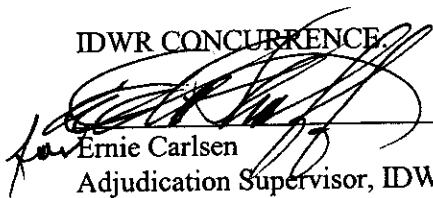
The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; and they have been served with sufficient process, according to the law; and that they have appeared, prosecuted and defended their positions with regard to this water right dispute.

As a result of settlement, water right no. 29-11335 has been split into water right nos. 29-13690 and 29-13691. Therefore, the claimant and IDWR agree and stipulate that water right no. 29-11690 should be described per the attached. The claimant and IDWR have further indicated their concurrence by their signatures below and by initialing the attached page.

CLAIMANT/ OBJECTOR:

 9/1/04  
FOR Randall C. Budge Date  
Attorney for Jeffrey L. Matkin

IDWR CONCURRENCE:

 9-08-04 Candice M. McHugh 9/8/04  
for Ernie Carlsen Date Candice M. McHugh Date  
Adjudication Supervisor, IDWR Attorney for IDWR

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

RIGHT NUMBER: 29-13690  
NAME AND ADDRESS: JEFFERY L MATKIN  
PO BOX 4885  
POCATELLO ID 83205

2004 SEP 10 AM 10:14

DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED

SOURCE: GROUND WATER TRIBUTARY:

QUANTITY: 0.290 CFS  
10.67 AFY

The quantity of water under this right for domestic use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 04/01/1945

POINT OF  
DIVERSION: T07S R35E S30 SWNESE Within BANNOCK County  
T07S R35E S30 SWSESE Within BANNOCK County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u>        |
|-----------------------|----------------------|------------------------|
| COMMERCIAL            | 01/01 12/31          | 0.230 CFS<br>10.67 AFY |
| DOMESTIC              | 01/01 12/31          | 0.060 CFS              |
| Domestic: 2 homes     |                      |                        |

PLACE OF USE: COMMERCIAL Within BANNOCK County  
T07S R35E S30 NESE T07S R35E S30 SESE  
DOMESTIC same as COMMERCIAL

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: BASIS OF CLAIM - Beneficial Use

PARCEL # FOR DOMESTIC: R4013052906.

Commercial use for operation of orchard and egg farm.

This right is a split from former right 29-11335.

BM<sup>2</sup>  
BLW for RCB

## CERTIFICATE OF MAILING

I certify that on September 8, 2004 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:

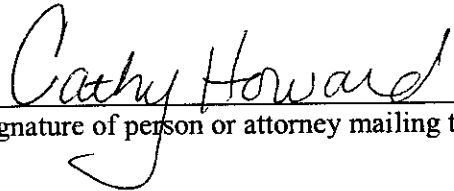
Clerk of the District Court  
Snake River Basin Adjudication  
253 Third Avenue North  
P. O. Box 2707  
Twin Falls, Idaho 83303-2707

2. Copies to:

Chief, Natural Resources Division  
Office of the Attorney General  
State of Idaho  
P.O. Box 83720  
Boise, ID 83720-0098

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

Randall C. Budge  
Attorney for Jeffrey L. Matkin  
P.O. Box 1391  
Pocatello, ID 84204-1391

  
\_\_\_\_\_  
Signature of person or attorney mailing the form