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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

Case No. 39576

SUBCASE NO.: 47-16750

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.

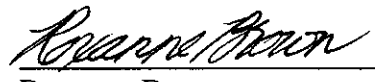
OBJECTORS:

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:

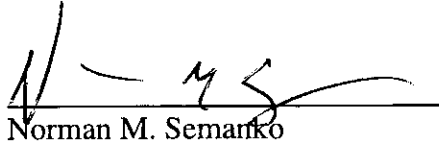
 4/25/03
Roxanne Brown date
Sr. Water Resource Agent, IDWR

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: NORTH WILLOW SPRINGS CREEK TRIBUTARY: MC MULLEN CREEK

RIGHT NUMBER: 47-16750

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 WOODBRIDGE 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~~

MB ON *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: NORTH WILLOW SPRINGS CREEK TRIBUTARY: MC MULLEN 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-
16292 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: ~~06/01/1872~~ 06/13/1890

POINT OF				Within TWIN FALLS County
DIVERSION:	~~T13S~~	~~R18E~~	~~S09~~	~~(INSTREAM BEGINNING POINT)~~
	T12S	R18E	<u>S33</u>	<u>(INSTREAM BEGINNING POINT)</u>
			S30	(INSTREAM ENDING POINT)

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

PLACE OF USE:	STOCKWATER		Within TWIN FALLS County	
	T12S	R18E	S29	NWSW
				SWSW
			S30	SENE
				NESE
			S32	<u>SENE</u>
				SWNE
				NWNW
				SWNW
				SENW
				NESE
				SESE
			S33	SWSW
	~~T13S~~	~~R18E~~	~~S04~~	~~SWNW~~
				NWSW
				SWSW
			S05	~~NESE~~
				~~SENE~~
			S09	~~NWNW~~
				~~SENW~~

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

CERTIFICATE OF MAILING

I certify that on 4/28/03, 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

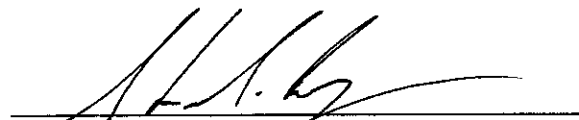
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☒ regular mail
☐ hand-delivered
☐ facsimile

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

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

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☒ regular mail
☐ hand-delivered
☐ facsimile



Signature of person mailing this document