

**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. 51-00138

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/OBJECTOR:**Aslett Ranches Partnership**

OBJECTOR(s):

Cedar Mesa Reservoir & Canal Co.

Angela D. Schaar 06-05-02
Attorney for claimant/objector Date

John R. Coleman
Attorney for objector

STANDARD FORM 5-51-00138

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CLAIMANT/OBJECTOR:
Aslett Ranches Partnership

OBJECTOR(s):
Cedar Mesa Reservoir & Canal Co.

Angela D. Schaer
Attorney for claimant/objector

Date

John R. Coleman
Attorney for objector

6-5-02
Date

STANDARD FORM 5 -51-00138

OBJECTOR:

Devil Creek Ranch, Inc.

Ronda Macaw May 29, 2002
Ronda Macaw, President Date

IDWR Concurrence:

Jan Shorte 6-5-02
Jan Shorte Date
IDWR Adjudication Supervisor

MB+ 6/5/02
Garick L. Baxter Date
Deputy Attorney General

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

RIGHT NUMBER: 51-138
NAME AND ADDRESS: CEDAR MESA RESERVOIR & CANAL CO
50 BOX 525
TWIN FALLS ID 833030525
SOURCE: DEADWOOD CREEK TRIBUTARY: CLOVER CREEK
POINTS OF INJECTION INTO DEVIL CREEK, HOUSE CREEK, AND CEDAR CREEK.
POINTS OF REDIVERSION FROM DEVIL CREEK AND CEDAR CREEK.
QUANTITY: 3,000.0 AFY
PRIORITY DATE: 11/19/1915
POINT OF DIVERSION:

T13S R14E S29 NWE Rediversion Within TWIN FALLS County
T14S R12E S12 SWE Rediversion Within TWIN FALLS County
T14S R13E S22 SWE Injection Within TWIN FALLS County
T15S R12E S12 NWE Injection Within TWIN FALLS County
T15S R12E S22 NWE Rediversion Within TWIN FALLS County
T15S R12E S22 NWE Injection Within TWIN FALLS County
T15S R12E S28 NESE Within Owyhee County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION FROM STORAGE	06/23 10/01	3,000.00 AFY
IRRIGATION STORAGE	10/01 05/15	3,000.00 AFY

PLACE OF USE:

USE OF THIS RIGHT WITH RIGHT NO. 51-137 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 5000 ACRES WITHIN THE BOUNDARIES OF THE CEDAR MESA RESERVOIR AND CANAL COMPANY IN A SINGLE IRRIGATION SEASON.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

AS THIS RIGHT AND RIGHT NO. 51-137, RECOMMENDED TO CEDAR MESA RESERVOIR AND CANAL CO., RELATE TO RIGHT NO. 51-132, RECOMMENDED TO DEVIL CREEK RANCH INC., THE IRRIGATION SEASON OF USE FOR 2.0 CFS UNDER RIGHT NO. 51-132 SHALL BEGIN APRIL 15TH AND END OCTOBER 15TH FOR EACH IRRIGATION SEASON.

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 51 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN BASIN 51:

WATER RIGHT NO.	SOURCE
NONE	NONE

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 51 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN THE SNAKE RIVER BASIN:

WATER RIGHT NO.	SOURCE
NONE	NONE

ALL WATER RIGHTS WITHIN BASIN 51 ARE FROM CONNECTED SOURCES OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED CONJUNCTIVELY.

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

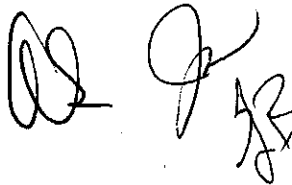
SF5 Water Right 51-138

DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1423(6), IDAHO CODE.

RIGHTS HAVE ALSO BEEN CLAIMED TO WATER FROM BASIN 47 FOR THE
SAME PURPOSE OF USE AT THE SAME PLACE OF USE DESCRIBED ABOVE,
WHICH WILL BE INCLUDED IN A DIRECTORS REPORT TO BE FILED AT A
LATER DATE. ANY WATER RIGHTS RECOMMENDED IN THE BASIN 47
REPORT FOR THE SAME PURPOSE OF USE AT THE SAME PLACE OF USE
DESCRIBED ABOVE WILL CONTAIN COMBINED USE LIMITATIONS FOR THIS
RIGHT AND THE BASIN 47 RIGHTS. THESE BASIN 47 RIGHTS ARE FOR
DEVIL CREEK, HOUSE CREEK AND CEDAR CREEK.

EXPLANATORY MATERIAL: Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1423, IDAHO CODE.

Handwritten signature and initials, possibly "JF" and "JB", in black ink.

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

RIGHT NUMBER: 51-136
NAME AND ADDRESS: CEDAR MESA RESERVOIR & CANAL CO
PO BOX 525
TWIN FALLS ID 833036525
SOURCE: DEADWOOD CREEK TRIBUTARY: CLOVER CREEK
POINTS OF INJECTION INFO DEVIL CREEK, MOUSE CREEK, AND CEDAR CREEK.
POINTS OF REDIVERSION FROM DEVIL CREEK AND CEDAR CREEK.
QUANTITY: 3,000.0 AFY
PRIORITY DATE: 11/19/1915
POINT OF DIVERSION:

T12S R14E S29 NWSE Rediversion Within TWIN FALLS County
T14S R13E S12 SWNE Rediversion Within TWIN FALLS County
T14S R13E S22 SWNE Injection Within TWIN FALLS County
T15S R12E S12 NWSE Injection Within TWIN FALLS County
T15S R12E S22 NWSE Rediversion Within TWIN FALLS County
T15S R12E S22 NWSE Injection Within TWIN FALLS County
T15S R12S S28 KESW Within OMYHEE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION FROM STORAGE	04/23 10/01	3,000.00 AFY
IRRIGATION STORAGE	10/01 05/15	3,000.00 AFY

JRC

PLACE OF USE:

USE OF THIS RIGHT WITH RIGHT NO. 51-137 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 5000 ACRES WITHIN THE BOUNDARIES OF THE CEDAR MESA RESERVOIR AND CANAL COMPANY IN A SINGLE IRRIGATION SEASON.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

AS THIS RIGHT AND RIGHT NO. 51-137, RECOMMENDED TO CEDAR MESA RESERVOIR AND CANAL CO., RELATES TO RIGHT NO. 51-132, RECOMMENDED TO DEVIL CREEK RANCH INC., THE IRRIGATION SEASON OF USE FOR 3.0 CFS UNDER RIGHT NO. 51-132 SHALL BEGIN APRIL 15TH AND END OCTOBER 15TH FOR EACH IRRIGATION SEASON.

JRC

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 51 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN BASIN 51:

WATER RIGHT NO.	SOURCE
NONE	NONE

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 51 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN THE SNAKE RIVER BASIN:

WATER RIGHT NO.	SOURCE
NONE	NONE

ALL WATER RIGHTS WITHIN BASIN 51 ARE FROM CONNECTED SOURCES OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED CONJUNCTIVELY.

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

SFS Water Right 51-138

DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNTESTED DECREE. SECTION 42-1412(6), IDAHO CODE.

RIGHTS HAVE ALSO BEEN CLAIMED TO WATER FROM BASIN 47 FOR THE
SAME PURPOSE OF USE AT THE SAME PLACE OF USE DESCRIBED ABOVE,
WHICH WILL BE INCLUDED IN A DIRECTORS REPORT TO BE FILED AT A
LATER DATE. ANY WATER RIGHTS RECOMMENDED IN THE BASIN 47
REPORT FOR THE SAME PURPOSE OF USE AT THE SAME PLACE OF USE
DESCRIBED ABOVE WILL CONTAIN COMBINED USE LIMITATIONS FOR THIS
RIGHT AND THE BASIN 47 RIGHTS. THESE BASIN 47 RIGHTS ARE FOR
DEVIL CREEK, HOUSE CREEK AND CEDAR CREEK.

EXPLANATORY MATERIAL: Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.

SF5 Water Right 51-138

CERTIFICATE OF MAILING

I certify that on June 6, 2002, 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:

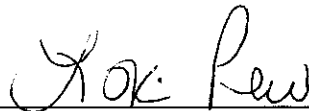
John Coleman
Coleman, Ritchie & Robertson
Box 525
Twin Falls, ID 83301

Scott L. Campbell
Angela D. Schaer
Moffatt-Thomas
P.O. Box 829
Boise, ID 83701-0829

Justin Seamons
McGrath, Meacham, Smith & Seamons PLLC
P.O. Box 5073
Idaho Falls, ID 83404

Ronda Macaw
President of Devil Creek Ranch, Inc.
5594 S. Basalt Avenue
Boise, ID 83716

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



Signature of person or attorney mailing the form