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Department of Water Resources

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MAR 06 2003

9:00 A.M.

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.: 67-14083

STANDARD FORM 5

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.

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 rights should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

OBJECTOR:

United States on behalf of the
Bureau of Land Management

David Negri 3/3/02
David L. Negri date
Attorney, U.S. Dept. of Justice
Environment & Natural Resources Div.

IDWR CONCURRENCE:

Roxanne Brown 3/7/03
Roxanne Brown date
Sr. Water Resource Agent, IDWR

CLAIMANT:

Weldon Branch

Irene Branch

RESPONDENTS:

Bedke, Scott

Bedke, Karl (Bud)

Bedke, Bruce

Tugaw, Joe

Bedke, Jared

Poulton, Gary

Flying Triangle, Inc

Deveny, Willis D& B

Gardner, Luther

Poulton, Micheal

Pickett Ranch & Sheep Co.

Hoagland, Jerry

Joyce Livestock

Western Stock Growers Association

Mathews, Eugene

Shoulders 3 Ranches

A L Cattle Inc.

 2/24/03
Travis L. Thompson date
Of Attorneys for Claimant & Respondents

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

RIGHTS FROM: SOURCE: UNNAMED STREAM TRIBUTARY: SHIRTS CREEK

RIGHT NUMBER: 67-14083

NAME & ADDRESS: WELDON BRANCH
IRENE BRANCH
3621 N CRANE RD
MIDVALE ID 83645

SOURCE: UNNAMED STREAM TRIBUTARY: SHIRTS CREEK

QUANTITY: 2.0 AFY

~~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. 67-07644 AND IS LIMITED TO A TOTAL QUANTITY OF 13,000 GALLONS PER DAY.

PRIORITY DATE: 06/01/1970

POINT OF DIVERSION: T13N R01W S23 SWSWNE Within WASHINGTON County

PURPOSE AND PERIOD OF USE:
PURPOSE OF USE PERIOD OF USE QUANTITY
STOCKWATER STORAGE 01-01 12-31 2.0 AFY
STOCKWATER FROM STORAGE 01-01 12-31 2.0 AFY

PLACE OF USE: STOCKWATER FROM STORAGE Within ADAMS and WASHINGTON Counties
T13N R01W S23 SWNE

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

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

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 WELDON BRANCH, FILED IN THE OFFICE OF THE WASHINGTON AND ADAMS COUNTY RECORDER AND RECORDED ON NOVEMBER 13, 2002 AS INSTRUMENT NO. 187717 AND NOVEMBER 12, 2002 AS INSTRUMENT NO: 102657 RESPECTIVELY; THE PROVISIONS OF SUCH STIPULATION TO APPLY FULLY TO 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
STOCKWATER, 350 RANGE CATTLE
PARCEL NO. RP13N01W232800

CERTIFICATE OF MAILING

I certify that on 3/1/03, 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

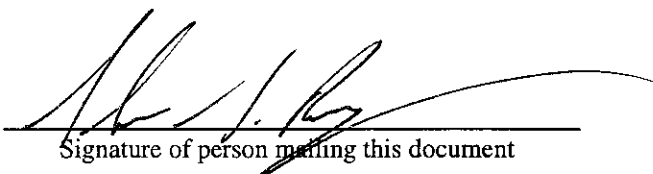
☐ overnight mail
☒ regular mail
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Weldon and Irene Branch
3621 N Crane Rd
Midvale ID, 83645

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☐ facsimile

Travis L. Thompson
Barker Rosholt & Simpson
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☐ hand-delivered
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Signature of person mailing this document