

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: 29-13418

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.

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:

Thomas W. Mullican 10-6-04
Thomas Mullican Date

OBJECTOR:

Jeanette Wolfley 10/06/04
Jeanette Wolfley Date
Attorney for the Shoshone-Bannock Tribes

IDWR CONCURRENCE:

Ernie Carlsen 10/25/04
Ernie Carlsen Date
Adjudication Supervisor, IDWR

Candice M. McHugh 10/21/04
Candice M. McHugh Date
Attorney for IDWR

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

RIGHT NUMBER: 29-13418

NAME AND ADDRESS:

C LYNNE MULLICAN
3558 S MARSH CREEK RD
MC CAMMON ID 83250

THOMAS MULLICAN
3558 S MARSH CREEK RD
MC CAMMON ID 83250

SOURCE:

Source:
SPRING

Tributary:

MARSH CREEK

QUANTITY:

0.290 CFS

Use of this right with Right No. 29-13416 is limited to a total combined diversion rate of 0.29 cfs.

PRIORITY DATE:

~~02/27/1869~~
06/14/1867

04/01/1909

gw
J.W.M.

SMC

POINT OF DIVERSION:

T08S R36E S22 NWSW

Within BANNOCK County

~~T08S R36E S22 NWNWSW~~

~~Within BANNOCK County~~

Emc

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION

04/01 10/31

0.290 CFS

~~04/01 11/01~~

PLACE OF USE:

IRRIGATION

within BANNOCK County

T08S R36E S22 NESW 12.0

T08S R36E S22 NWSW 2.4

14.4 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 29-13416 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 14.4 ACRES IN A SINGLE IRRIGATION SEASON.

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.

EXPLANATORY MATERIAL:

BASIS OF CLAIM - Beneficial Use

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 29-4162.

CERTIFICATE OF MAILING

I certify that on Oct 28, 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

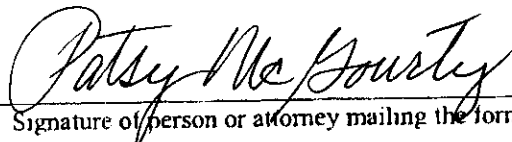
2. Copies to:

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

Jeanette Wolfley
Attorney for Shoshone-Bannock Tribes
202 N. Arthur
Pocatello, ID 83204

Thomas Mullican
3558 S Marsh Creek Rd
Mc Cammon, ID 83250


Signature of person or attorney mailing the form.

JEANETTE WOLFLEY

ATTORNEY AT LAW

RECEIVED

OCT 18 2004

**DEPARTMENT OF
WATER RESOURCES**

202 N. Arthur

Pocatello, ID 83204

Telephone: (208) 232-1922

Fax: (208) 232-7472

E-Mail: wolfleyj@nicoh.com

October 6, 2004

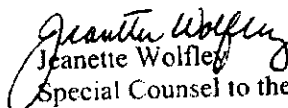
Candice McHugh
Deputy Attorney General, IDWR
1301 North Orchard Street
Boise, ID 83706-2237

Re: SRBA Subcase No. 29-13418 (Thomas Mullican)

Dear Candice:

I am enclosing the Standard Form 5, which Thomas Mullican and I have signed. We have changed the priority date to April 1, 1909. If you have any questions please do not hesitate to call me at (208) 232-1922.

Best regards.


Jeanette Wolfley

Special Counsel to the Shoshone-Bannock Tribes

w/enclosures

cc: Elese Teton, Tribal Water Engineer