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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

) Subcase No. 65-22739

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 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 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 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:

A. L. Cattle Inc.

OBJECTOR:

United States on behalf of the
Bureau of Land Management

Agnes L. Brailsford 2-6-06
Agnes L. Brailsford - President Date

Larry A. Brown 2/23/2006
Larry A. Brown Date
Attorney, U.S. Department of Justice
Environment and Natural Resources Div.

T. L. Thompson 2/6/06
Travis L. Thompson Date
of Attorneys for A. L. Cattle Inc

IDWR CONCURRENCE:

Shelley M. Davis 2/6/06
Shelley M. Davis Date
of Attorneys for A. L. Cattle Inc

[Signature] 2-22-06
Date

Date

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

RIGHT NUMBER: 65-22739

NAME AND ADDRESS: A L CATTLE INC
PO BOX 608
EMMETT ID 83617

SOURCE: DRY CREEK

TRIBUTARY: BIG WILLOW CREEK

QUANTITY: 0.020 CFS

The quantity of water under this right ~~when combined with 65-20486, 65-19895 and 65-19896~~ shall not exceed 13,000 gallons per day.

PRIORITY DATE: ~~01/25/1897~~ 03/22/1897

POINT OF

DIVERSION:

T09N R01W S5

T09N R01W S5

NWSWSW

NENESE

Within PAYETTE County

End of Stream Flow

Begin of Stream Flow

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

STOCKWATER

PERIOD OF USE

01/01 12/31

QUANTITY

0.020 CFS

PLACE OF USE:

STOCKWATER

Within PAYETTE County

T09N R01W S05

NESW

T09N R01W S05

SWSW

T09N R01W S05

SESW

T09N R01W S05

NESE

T09N R01W S05

NWSE

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 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.; the provisions of such Stipulation to apply fully to this water right.

The quantity of water decreed for this water right is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

CERTIFICATE OF MAILING

I certify that on Feb. 23, 2008 ^{for} mailed the original and copies of this form, including all attachments, 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. Copy to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, Idaho 83711-4449

IDWR Document Depository
P. O. Box 83720
Boise, Idaho 83720-0098

3. Copies to all parties to the subcase (insert names and addresses):

U.S., Department of Justice
Environment and Natural Resources Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724

A.L. Cattle, Inc
P.O. Box 608
Emmett, Idaho 83617

Travis L. Thompson
Barker, Rosholt & Simpson, LLP
113 Main Ave. E., Suite 303
Twin Falls, Idaho 83301

Shelley M. Davis
Barker, Rosholt & Simpson, LLP
P.O. Box 2139
Boise, ID 83701



Signature of person or attorney mailing the form

65-22739 AL Cattle

