

**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 39576

) Subcase No. 21-00105
)
)
)
)
)
)
)
)

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.

CLAIMANTS:

See attached signature page
Gale and Ellen Clement Family Date
Partnership

See attached signature page
T Ross Clement Estate Date

OBJECTOR:

USDA Forest Service

David L. Negri 11/16/06
David L. Negri Date
Attorney for the United States

CLAIMANTS continued:

See attached signature page
Louise Clement Date

IDWR Concurrence:

Ernie Carlsen 11-16-06.
Ernie Carlsen Date
Nick Spencer 11-16-06
Nick Spencer Date
Deputy Attorney General

Signature Page for Claimants

Louise Clement
LOUISE CLEMENT, Individually

Date: 11-14-06

ESTATE OF T. ROSS CLEMENT

By: Louise Clement
Louise Clement, Personal Representative

Date: 11-14-06

**THE GALE W. AND ELLEN C. CLEMENT
LIMITED PARTNERSHIP**

BY: Gale W. Clement Enterprises, LLC,
Its General Partner

By: Estate of Gale W. Clement

By: G. Ray Clement
G. Ray Clement, Co-Personal
Representative

Date: 11-14-06

By: Ryan C. Clement
Ryan C. Clement, Co-Personal
Representative

Date: 11-14-06

By: Estate of Ellen C. Clement

By: G. Ray Clement
G. Ray Clement, Co-Personal
Representative

Date: 11-14-06

By: Ryan C. Clement
Ryan C. Clement, Co-Personal
Representative

Date: 11-14-06

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

RIGHT NUMBER: 21-105

NAME AND ADDRESS: ESTATE OF T ROSS CLEMENT
PO BOX 99
LEWISVILLE ID 83431
GALE W & ELLEN C CLEMENT FAMILY
LTD PARTNERSHIP
PO BOX 99
LEWISVILLE ID 83431
LOUISE CLEMENT
PO BOX 99
LEWISVILLE ID 83431

SOURCE: Source: TOMS CREEK Tributary: BUFFALO RIVER
Source: WALL SPRING Tributary: TOMS CREEK

QUANTITY: 19.800 CFS
The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 10/15/1900

POINT OF DIVERSION: T13N R43E S25 SENWSE Within FREMONT County
T13N R43E S35 SENWNE Within FREMONT County
T13N R44E S31 NENENW Within FREMONT County

PURPOSE AND PERIOD OF USE: Purpose of use Period of use: Quantity:
IRRIGATION 05/01 10/15 19.800 CFS
STOCKWATER 05/01 10/15 0.140 CFS

PLACE OF USE: IRRIGATION within FREMONT County

~~T13N R43E S25~~	~~NENW 0.1~~	T13N R43E S25	NWNW 27.0
T13N R43E S25	SWNW 40.0	T13N R43E S25 Lot 1	SENE 8.2
~~T13N R43E S25 Lot 5~~	~~SENE 0.7~~	T13N R43E S25	NESW 22.0
T13N R43E S25	NWSW 40.0	T13N R43E S25	SWSW 40.0
T13N R43E S25	SESW 34.0	T13N R43E S26	NENE 35.0
T13N R43E S26	NWNE 33.0	T13N R43E S26	SWNE 40.0
T13N R43E S26	SENE 40.0	T13N R43E S26 Lot 1	NENW 18.0
T13N R43E S26 Lot 1	NWNW 0.3	T13N R43E S26	SWNW 14.0
T13N R43E S26	SENE 39.0	T13N R43E S26	NESW 32.0
T13N R43E S26	NWSW 9.6	T13N R43E S26	SWSW 11.0
T13N R43E S26	SESW 9.4	T13N R43E S26	NENE 40.0
T13N R43E S26	NWSE 40.0	T13N R43E S26	SWSE 13.0
T13N R43E S26	SESE 38.0		

STOCKWATER within FREMONT County

T13N R43E S25	NWNW	T13N R43E S25	SWNW
T13N R43E S25	NESW	T13N R43E S25	NWSW
T13N R43E S25	SWSW	T13N R43E S25	SESW
T13N R43E S26	NENE	T13N R43E S26	NWNE
T13N R43E S26	SWNE	T13N R43E S26	SENE

NBS *LB. R PC DN*
EMC

~~T13N R43E S26~~ ~~NENW~~
~~T13N R43E S26~~ ~~NWNW~~
 T13N R43E S26 SWNW
 T13N R43E S26 NESW
 T13N R43E S26 SWSW
 T13N R43E S26 NESE
 T13N R43E S26 SWSE

T13N R43E S26 Lot 1 NENW
~~T13N R43E S26 Lot 1 NWNW~~
 T13N R43E S26 SENW
 T13N R43E S26 NWSW
 T13N R43E S26 SESW
 T13N R43E S26 NWSE
 T13N R43E S26 SESE

623.5 ACRES TOTAL

~~624.3 ACRES TOTAL~~

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

CERTIFICATE OF MAILING

I certify that on November 16, 2006, I mailed the original and copies of this form, including all attachments, postage prepaid and addressed as follows:

1. Original to:

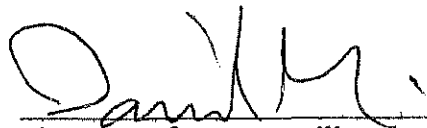
Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls, ID 83303-2707

2. Copies to:

Gale & Ellen Clement Family LTD Partnership
Estate of T Ross Clement
Louise Clement
P.O. Box 99
Lewisville, ID 83431

IDWR Document Depository
P O Box 83720
Boise, ID 83720-0098

US Department of Justice
Environment and Natural Resources Section
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of person mailing the form

Stephen E. Martin, Esq. (Bar #1708)
MARTIN & ESKELSON, PLLC
425 S. Holmes Avenue (83401)
P.O. Box 3189
Idaho Falls, Idaho 83403-3189
Telephone: (208) 523-6644
Facsimile: (208) 522-0791

10/20/05 PM 4:21

CLERK OF DISTRICT COURT
IDAHO

Attorneys for Applicants

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNEVILLE
MAGISTRATE DIVISION

IN THE MATTER OF THE ESTATE)
OF)
ELLEN C. CLEMENT,)
Deceased.)
_____)

Case No. CU-05-6109

LETTERS TESTAMENTARY

STATE OF IDAHO)
County of Bonneville) SS
I HEREBY CERTIFY that above and foregoing
is a full and correct copy of the original
thereof, on file in my office.

Dated 8 November 2005

RONALD L. LINGMIRE
Clerk of the District Court
By Judith Newton
Deputy Clerk

1. G. Ray Clement and Ryan C. Clement were duly appointed and qualified as general co-personal representatives of the estate of the above named decedent on 11/8, 2005, by the Magistrate acting as Registrar with all authority pertaining thereto.

2. Administration of the estate is unsupervised.

3. These letters are issued to evidence the appointment, qualification, and authority of the said co-personal representatives.

DATED this 8 day of November, 2005.

L. Mark Riddick
Magistrate Acting as Registrar

M. B. Hiller, Esq.

HILLER, BENJAMIN & ASSOCIATES

P. O. Box 52020

Idaho Falls, ID 83405

Telephone: (208) 525-3200

DISTRICT COURT
MAGISTRATE DIVISION
BONNEVILLE COUNTY, IDAHO

1993 NOV 15 AM 10:04

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNEVILLE

IN THE MATTER OF THE ESTATE OF

T. ROSS CLEMENT,

Deceased.

CASE NO. SP93-1350

LETTERS TESTAMENTARY

1. Louise Clement was duly appointed and qualified as General Personal Representative of the estate of the above-named decedent on the 15 day of November, 1993, by the Court with all authority pertaining thereto.
2. Administration of the estate is unsupervised.

These letters are issued to evidence the appointment, qualification, and authority of the said personal representative or special administrator.

WITNESS, my signature and the Seal of this Court, this 15 day of November, 1993.

L.M. Reddock
MAGISTRATE

Stephen E. Martin, Esq.
MARTIN & ESKELSON, PLLC
425 S. Holmes Avenue (83401)
P.O. Box 3189
Idaho Falls, Idaho 83403-3189
Telephone: (208) 523-6644
Facsimile: (208) 522-0791

Attorneys for Applicants

STATE OF IDAHO
COUNTY OF JEFFERSON

I HEREBY CERTIFY THAT THE ABOVE AND FOREGOING
IS A FULL, TRUE AND CORRECT COPY OF THE
ORIGINAL THEREOF (ON FILE)(ON RECORD) IN MY
OFFICE.

DATED 2-2-2004

CHRISTINE BOULTER
EX-OFFICIO AUDITOR AND RECORDER

BY [Signature]
DEPUTY

2001 OCT 12 PM 4:14
DISTRICT COURT
JEFFERSON COUNTY, IDAHO

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF JEFFERSON
MAGISTRATE DIVISION

IN THE MATTER OF THE ESTATE)
OF)
GALE W. CLEMENT,)
Deceased.)
_____)

Case No. CV2001-617
LETTERS TESTAMENTARY

1. G. Ray Clement and Ryan C. Clement were duly appointed and qualified as general co-personal representatives of the estate of the above named decedent on Oct 11, 2001, by the Magistrate acting as Registrar with all authority pertaining thereto.

2. Administration of the estate is unsupervised.

3. These letters are issued to evidence the appointment, qualification, and authority of the said co-personal representatives.

DATED this 11 day of Oct., 2001.

[Signature]
Magistrate Acting as Registrar