

Filed 11/16/06
JF

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. 21-13016
)
)

Case No. 39576

) **STANDARD FORM 5**
)
)

) **AMENDED CLAIM**
)

) **FOR DOMESTIC & STOCKWATER RIGHTS**

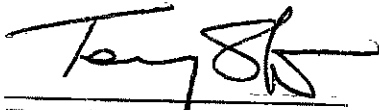
This form is used to report the stipulated elements of one domestic and/or stockwater right acquired under state law and/or one federal reserved water right and to amend the Notice of Claim. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge 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 in the attached Amended Claim. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT/OBJECTOR:

Stimson Island Park, LLC

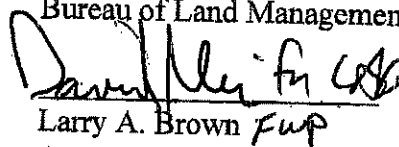


Terry Stimson
Manager

11/6/06
Date

OBJECTOR:

United States on behalf of the
Bureau of Land Management



Larry A. Brown *Fwp*
Attorney, U.S. Department of Justice
Environment and Natural Resources Div.

11/16/06
Date

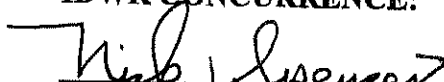
IDWR CONCURRENCE:



Ernest Carlsen
Water Resources Program Manager

11-16-06
Date

IDWR CONCURRENCE:



Nicholas B. Spencer (as to form) *Date*
Deputy Attorney General

11-16-06
Date

01/12/2006

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

RIGHT NUMBER: 21-13016

NAME AND ADDRESS: STIMSON ISLAND PARK LLC
5623 WILLOWCREEK RD
N. LAS VEGAS NV 89031

SOURCE: SPLIT CREEK

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.030 CFS

The quantity of water under this right shall not exceed 13,000 gallons per day.

FWP EMC
 NBS
TS ON

PRIORITY DATE: 08/02/1920

POINT OF DIVERSION: T12N R44E S4 NESE Within FREMONT County

PURPOSE AND PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	STOCKWATER	06/01 10/15	0.030 CFS
PLACE OF USE:	<u>STOCKWATER Within FREMONT County</u>		
	T12N R44E S05 NESE	T12N R44E S05	NWSE
	T12N R44E S05 SWSE	T12N R44E S05	SESE
	T12N R44E S08 NENE	T12N R44E S08	SWNE
	T12N R44E S08 SENE	T12N R44E S09	NWNE
	T12N R44E S09 NENW	T12N R44E S09	NWNW
	T12N R44E S09 SWNW	T12N R44E S10	~~SWNE~~ <u>SWNW</u>
	T12N R44E S10 ~~SENE~~ <u>NESW</u>	T12N R44E S10	~~NENE~~ <u>NWSW</u>
	~~T12N R44E S10~~ ~~NWSE~~		

Place of use does not include federal public lands.

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 12-1412(6), Idaho Code.

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 Nov. 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 *hand delivered*
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

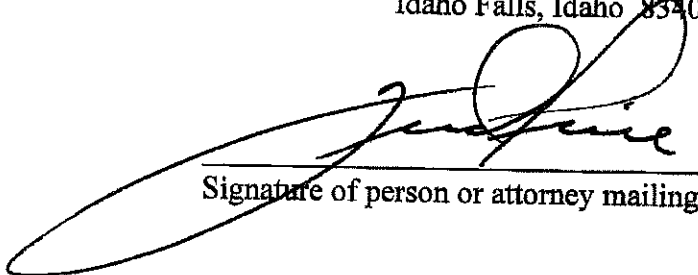
IDWR Document Depository
P. O. Box 83720 *hand delivered*
Boise, Idaho 83720-0098

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

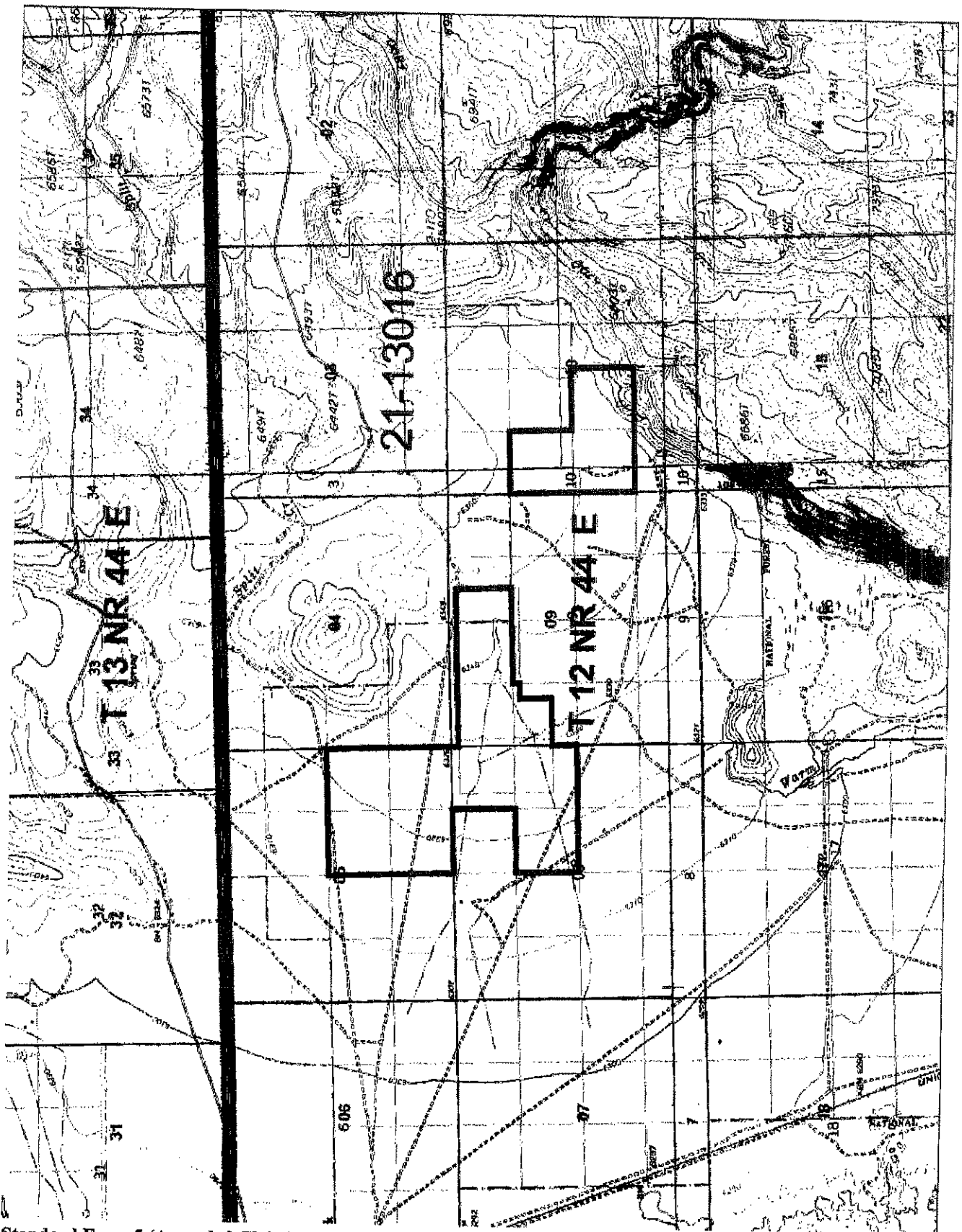
U.S., Department of Justice
Environment and Natural Resources Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724

Stimson Island Park, LLC
5623 Willowcreek Rd
N. Las Vega, NV 89031

Stephen E. Martin
Martin & Ekelson, PLLC
P.O. Box 3189
Idaho Falls, Idaho 83403-3189



Signature of person or attorney mailing the form



QUITCLAIM DEED

THIS QUITCLAIM DEED, executed this 27th day of June, 2002,
by first party, Grantor, Stimson Enterprises, Inc., whose mailing address is
5623 Willowcreek Rd, N. Las Vegas, Nevada - 89031
to second party, Grantee, Stimson Island Park, LLC, whose mailing address is
5623 Willowcreek Rd, N. Las Vegas, Nevada - 89031

WITNESSETH, That the said first party does hereby remise, release and
quitclaim unto the said second party forever, all the right, title, interest and claim which the said
first party has in and to the following six parcels of land as described in the attached Exhibit A,
and improvements and appurtenances thereto in the County of Fremont, State of Idaho.

IN WITNESS WHEREOF, The said first party has hereby signed and sealed these
presents this 27th day of June, 2002 below:

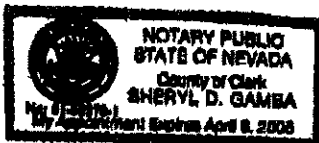

Terry Stimson
President, Stimson Enterprises, Inc.

State of Nevada
County of Clark

On June 27th, 2002, before me appeared Terry Stimson personally known to me (or proved to me
on the basis of satisfactory evidence) to be the person whose name is subscribed to the within
instrument and acknowledged to me that he executed the same in his authorized capacity, and that
by his signature on the instrument the person, or the entity upon behalf of which the person acted,
executed the instrument.

WITNESS my hand and official seal.


Signature of Notary



Recorded as 455150
on 30.25 day of June 2002
at 5623 Willowcreek Rd
FREMONT CO. RECORDER
Fee \$ 6 By Terry Stimson
Recorded at Request of
How Address

475330

EXHIBIT A

**To Quitclaim Deed Executed June 27, 2002
Legal Description of Real Property**

Parcel #1 - approx. 259 acres - Tax Parcel #s RP12N44E057200A, RP12N44E060001A

The Southeast Quarter of Section 9, Township 12 North, Range 44 East, Boise Meridian, Fremont County, Idaho; and the Northeast Quarter of Section 8, Township 12 North, Range 44 East, Boise Meridian, Fremont County Idaho, less the following described tract, to-wit:

Beginning at Corner No. 1 from which the South corner of Section 32 and Section 33 of Township 13 North, Range 44 East, Boise Meridian, bears North 2° 2' East 75.57 chains distance, thence North 89° 32' East 65 chains to Corner No. 2, thence South 8° East 20 chains to Corner No. 3, thence South 89° 52' East 35 chains to Corner No. 4, thence South 8° East 10 chains to Corner No. 5, thence South 89° 52' West 30 chains to Corner No. 6, and thence North 8° West 29.98 chains to Corner No. 1, the place of beginning.

Parcel #2 - approx. 167 acres - Tax Parcel #s RP12N44E060700A, RP12N44E060002A

HRS #137 located in Sections 8 and 9 described as follows: Homestead Entry Survey #137 embracing a portion of the unsurveyed public domain in Idaho, more particularly bounded and described as follows: Beginning at Corner #1, from which the South corner of Sections 32 and 33 in Township 13 North, Range 44 East, Boise Meridian, Fremont County, Idaho, bears North 2° 2' East 75.57 chains distance; thence North 89° 32' East 65 chains to Corner #2; thence South 0° 8' East 20 chains to Corner #3; thence South 89° 52' West 35 chains to Corner #4; thence South 0° 8' East 10 chains to Corner #5; thence South 89° 52' West 30 chains to Corner #6; thence North 0° 8' West 29.98 chains to Corner #1 place of beginning.

Parcel #3 - approx. net 115 acres - Tax Parcel #s RP12N44E021000A, RP12N44E102000A

The Southeast Quarter of the Northeast Quarter of Section 9 and southwest quarter of the Northwest Quarter and North Half of the Southwest Quarter of Section 10 in Township 12 North of Range 44 East of the Boise Meridian, Fremont County, Idaho, less the following described tract, to-wit:

A part of the Southwest Quarter of Section 10, Township 12 North, Range 44 East, Boise Meridian, U.S. Survey: Beginning at a point of the Section line North 1320 feet from the Southwest corner of said Section 10, and running thence North 412.5 feet; thence East parallel to the South line of said Section 2640 feet; thence South 412.5 feet; thence West parallel to the South line of said Section 2640 feet to Section line and the point of beginning.

Parcel #4 - approx. 120 acres - Tax Parcel # RP12N44E027200A

The Southern Half of the Southeast Quarter of Section 9, Township 12 North, Range 44 East, Boise Meridian, Fremont County, Idaho and the Northeast Quarter of the Southeast Quarter of Section 9, Township 12 North, Range 44 East, Boise Meridian, Fremont County, Idaho.

Parcel #5 - approx. 17 acres - Tax Parcel # RP12N44E106000A

A part of the Southwest Quarter of Section 10, Township 12 North, Range 44 East, Boise Meridian, U.S. Survey: Beginning at a point on the Section line 750 feet North of the Southwest corner of said Section 10, and running thence East 709.20 feet; thence South 64° 45' East 321.52 feet; thence South 612.84 feet to the South line of said Section; thence West 1000 feet to the Southwest corner of Section 10; thence North 750 feet to the point of the beginning.

Parcel #6 - approx. 160 acres - Tax Parcel # RP12N44E140000A

The Northern Half of the Northern Half of Section 16, Township 12 North, Range 44 East, Boise Meridian, Fremont County, Idaho.