

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. 37-07008
) (split into 37-22173 and 37-22174)
)
) **Standard Form 5**
)
) **STIPULATED ELEMENTS**
) **OF A WATER RIGHT**

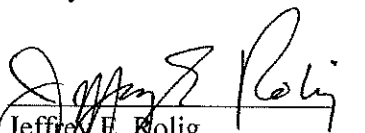
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine the facts, data, expert opinions and law supporting 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 original claim 37-07008 shall be "split" into two new claims, and the original claim shall be disallowed with prejudice. The claimant shall hold title to 37-22173 and the United States shall hold title to 37-22174. 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.

CLAIMANT:

Molly B. Dalton


Jeffrey E. Rolig
Attorney for Molly B. Dalton

4-19-07
Date

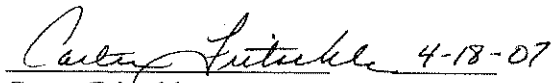
OBJECTOR:

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.

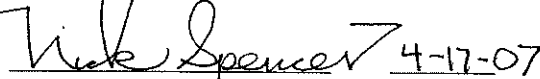
4/24/07
Date

IDWR CONCURRENCE:


Carter Fritschle
Section Manager, Technical Support Section
Adjudication Bureau

4-18-07
Date

IDWR CONCURRENCE:


Nicholas B. Spencer
Deputy Attorney General

4-17-07
Date

04/16/2007

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

RIGHT NUMBER: 37-7008

SPLIT RIGHT: SEE RIGHT NOS. 37-22173 and 37-22174.

NBS *cd*

Fwp

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KE

04/16/2007

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

RIGHT NUMBER: 37-22173

NAME AND ADDRESS: MOLLIE B DALTON
545 NEVADA ST
GOODING ID 83330

SOURCE: UNNAMED STREAM TRIBUTARY: MALAD RIVER

QUANTITY: 1.200 CFS
481.700 AFY

PRIORITY DATE: 12/21/1967

POINT OF
DIVERSION: T06S R13E S26 NWNESW Within GOODING County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.030 CFS 1.70 AFY
IRRIGATION	04/01 11/01	1.200 CFS 480.00 AFY

The use of water for irrigation under this right may begin as early as March 15 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before April 1 and after November 1 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE: IRRIGATION in GOODING County

T06S R13E S26	NENW	40.00
T06S R13E S26	SENEW	40.00
T06S R13E S26	NESW	40.00

STOCKWATER
same as IRRIGATION

120 ACRES TOTAL

Right Nos. 37-7944, 37-11131 and 37-22173 are limited to the irrigation of a combined total of 301 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 - License

This right is a split from former right 37-7008.

STOCKWATER, 120 CATTLE

NBS
CD
FWP
JER
NE

04/16/2007

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

RIGHT NUMBER: 37-22174

NAME AND ADDRESS: UNITED STATES OF AMERICA ACTING THROUGH
USDI BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE ID 83709-1657

SOURCE: UNNAMED STREAM TRIBUTARY: MALAD RIVER

QUANTITY: 0.800 CFS
321.000 AFY

PRIORITY DATE: 12/21/1967

POINT OF DIVERSION: T06S R13E S26 NWNESW Within GOODING County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.020 CFS 1.00 AFY
IRRIGATION	04/01 11/01	0.800 CFS 320.00 AFY

The use of water for irrigation under this right may begin as early as March 15 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before April 1 and after November 1 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE: IRRIGATION in GOODING County
T06S R13E S26 NWNW 40.00
T06S R13E S26 SWNW 40.00

STOCKWATER
same as IRRIGATION

80 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License
STOCKWATER, 80 CATTLE

This right is a split from former right 37-7008.

NBS
Fwp of
JZR
15

CERTIFICATE OF MAILING

I certify that on Apr. 24, 2007, 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
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

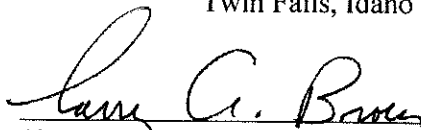
IDWR Document Depository
P. O. Box 83720
Boise, Idaho 83720-0098

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

Molly B. Dalton
545 Nevada St.
Gooding, Idaho 83330

Jeffrey E. Rolig
Jeffrey E. Rolig, PC
P.O. Box 5455
Twin Falls, Idaho 83303-5455



Signature of person or attorney mailing the form