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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

Case No. 39576

) SUBCASE NO: 37-11131
)
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)
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)

STIPULATION TO RESOLVE
OBJECTION

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 claimant (Mollie Dalton), the objectors (Gary and Helen DeMoss), and IDWR agree and stipulate that this **stipulation resolves the objection by Gary and Helen DeMoss to 37-11131.**

The following remark will be included with the priority date element for Gary and Helen DeMoss's water rights 37-856, 37-2778, 37-2780, and 37-7754:

Pursuant to a call in times of scarcity, the diversion to storage from
November 1 to March 31 is not subject to curtailment by **Water Right
No. 37-11131.**

The parties realize that the remark on the four DeMoss rights that subordinates 37-11131 may be expanded to include the subordination of other water rights, prior to the entry of the Special Masters Report and Recommendation for 37-856, 37-2778, 37-2780, and 37-7754.

The parties and IDWR have further indicated their concurrence by their signatures below and by initialing each of the attached pages.

CLAIMANT:

OBJECTOR:

<u>Mollie B Dalton</u>	<u>9.21-07</u>	By	<u>Josephine P. Beeman</u>	<u>17 Sept 07</u>
Mollie B. Dalton	Date		Josephine P. Beeman	Date
			Beeman & Associates, P.C.	
			Attorneys for Gary A. & Helen DeMoss	

IDWR CONCURRENCE:

<u>Carter Fritschle</u>	<u>10-3-07</u>		<u>Nicholas Spencer</u>	<u>9-27-07</u>
Carter Fritschle	Date		Nicholas Spencer	Date
Adjudication Supervisor, IDWR			Attorney for IDWR	

CERTIFICATE OF MAILING

I certify that on ~~September 20~~^{October 11}, 2007, 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

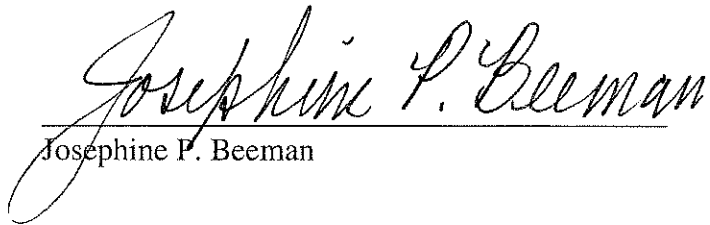
2. Copies to:

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

Mollie B. Dalton
1071 A East 2250 South
Bliss, ID 83314

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

James Tucker
Idaho Power Co.
P. O. Box 70
Boise, ID 83701



Josephine P. Beeman

MD

08/31/2006

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

RIGHT NUMBER: 37-11131

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

SOURCE: MALAD RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 5.600 CFS

Right Nos. 37-7944 and 37-11131 are limited to a total combined diversion rate of 5.80 cfs.

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

PRIORITY DATE: 07/01/1889

POINT OF

DIVERSION: T06S R14E S30 SENESW Within GOODING County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	5.600 CFS
STOCKWATER	01/01 12/31	0.070 CFS

PLACE OF USE: IRRIGATION Within GOODING County

T06S R13E S25	SWNW	4.00	T06S R13E S25	SENW	33.00
T06S R13E S25	NESW	1.00	T06S R13E S25	NWSE	11.00
T06S R13E S26	NENE	25.00	T06S R13E S26	NWNE	40.00
T06S R13E S26	SWNE	40.00	T06S R13E S26	SENE	40.00
T06S R13E S26	NENW	40.00	T06S R13E S26	SENW	40.00
T06S R13E S26	NESW	19.00	T06S R13E S26	NWSE	8.00

STOCKWATER same as IRRIGATION

301 ACRES TOTAL

Right Nos. 37-7008, 37-7944 and 37-11131 are limited to the irrigation of a combined total of 381 acres in a single irrigation season.

This right is limited to the irrigation of 280 acres within the place of use described above in a single irrigation season.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

Delivery of this right is subject to the water exchange provisions contained in Bureau of Reclamation contract no. 14-06-W-73, executed October 14, 1954, between the United States of America and American Falls Reservoir District No. 2, as supplemented by Bureau of Reclamation contract no. 14-06-100-6031, executed June 1, 1962, between and among the United States of America, American Falls Reservoir District No. 2, and the Big Wood Canal Company.

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.

CA
JPB
MO
NBS

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

This right is a combination of old Right Nos. 37-447A and 37-447C.

Water is delivered through the Thorpe Ditch.

Stockwater, 300 cattle

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

OK
JPB

9/12
NBS