

RECEIVED

DEC 03 2007

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: 74-410

SPLIT INTO 74-15820 & 74-15821

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. Submission of this form will not automatically result in 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.

To resolve the objection, the whole of water right 74-410 was split into two water rights and renumbered as 74-15820 and 74-15821. The parties and IDWR agree and stipulate that water right 74-410 should be disallowed. Water rights 74-15820 and 74-15821 now supersede right 74-410. The parties and IDWR have further indicated their concurrence to these renumbered water rights by signing below and initialing the attached pages.

CLAIMANTS:

Y LIVESTOCK RANCH

Janice Allsunt 11/26/07  
Date

OBJECTOR:

State of Idaho - Department of Lands

David J Barber 11/29/07  
Date  
David J Barber  
Deputy Attorney General  
State of Idaho - Department of Lands

IDWR CONCURRENCE:

Nathaniel Arave 11/20/07 C. M. Bromley 11/20/07  
Date Date  
Nathaniel Arave  
Water Resource Agent  
Christopher M. Bromley  
Deputy Attorney General  
Attorney for IDWR

Standard Form 5  
74-410

11/20/2007

IDAHO DEPARTMENT OF WATER RESOURCES  
CLAIMS / RIGHTS NOI RECOMMENDED

| <u>W.R. NUMBER</u> | <u>NAME AND ADDRESS</u>                                      | <u>CLAIM DISPOSITION</u> <u>REASON</u>  |
|--------------------|--------------------------------------------------------------|-----------------------------------------|
| 74-410             | Y LIVESIOCK RANCH<br>PO BOX 5023<br>TWIN FALLS ID 83303-5023 | Parent split into 74-15820 and 74-15821 |

CB SE  
NLA

2/B

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

RIGHT NUMBER: 74-15820

NAME AND ADDRESS: Y LIVESIOCK RANCH  
PO BOX 5023  
TWIN FALLS ID 83303-5023

SOURCE: BIG EIGHTHILE CREEK

TRIBUTARY: LEMHI RIVER

QUANTITY: 0.655 CFS

PRIORITY DATE: 03/02/1895

POINT OF  
DIVERSION: 116N R25E S21 NESE Within LEMHI County

PURPOSE AND  
PERIOD OF USE:

PURPOSE OF USE  
IRRIGATION

PERIOD OF USE  
03/15 11/15

QUANTITY  
0.655 CFS

PLACE OF USE:

IRRIGATION in LEMHI County

|               |      |       |               |      |       |
|---------------|------|-------|---------------|------|-------|
| 116N R25E S03 | SESW | 2.70  | 116N R25E S09 | NENE | 4.00  |
| 116N R25E S09 | SENE | 21.00 | 116N R25E S10 | NENW | 6.00  |
| 116N R25E S10 | NWNW | 9.10  | 116N R25E S16 | NENE | 31.00 |
| 116N R25E S16 | NWNE | 38.00 |               |      |       |

111.8 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 - Decreed

This right is a split from former right 74-410.

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

RIGHT NUMBER: 74-15821

NAME AND ADDRESS: Y LIVESIOCK RANCH  
PO BOX 5023  
TWIN FALLS ID 83303-5023

STATE OF IDAHO  
DEPT OF LANDS  
300 N 6TH ST  
PO BOX 83720  
BOISE ID 83720-0050

SOURCE: BIG EIGHTMILE CREEK      TRIBUTARY: LEMHI RIVER

QUANTITY: 0.145 CFS

PRIORITY DATE: 03/02/1895

POINT OF  
DIVERSION: 116N R25E S21 NESE Within LEMHI County

PURPOSE AND  
PERIOD OF USE:

PURPOSE OF USE  
IRRIGATION

PERIOD OF USE  
03/15 11/15

QUANTITY  
0.145 CFS

PLACE OF USE:

IRRIGATION in LEMHI County

116N R25E S16

SWNE

12.40

116N R25E S16

SENE

13 00

25.4 ACRES TOTAL

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

The ownership of water right no. 74-15821 is governed by a private agreement executed by the Idaho Department of Lands and Y Livestock Ranch

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 - Decreed

This right is a split from former right 74-410.

### CERTIFICATE OF MAILING

I certify that on November 29, 2007, I mailed the original and the 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

HAND DELIVERY

2. Copies to:

Y Livestock Ranch  
c/o Mr. Ray Rigby  
RIGBY, THATCHER, ANDRUS,  
RIGBY & MOELLER  
PO BOX 250  
Rexburg, ID 833440

U S. MAIL

Office of the Attorney General  
Natural Resource Division  
Idaho Department of Lands  
P.O. Box 83720  
Boise, ID 83720-0050  
Attn: David J. Barber

~~U.S. MAIL~~

*Not applicable*

State of Idaho  
Eastern Idaho Supervisory Area  
Department of Lands  
3563 Ririe Highway  
Idaho Falls, ID 83401

U.S. MAIL

State of Idaho  
Department of Lands  
300 N 6<sup>th</sup> St., Ste. 103  
PO Box 83720  
Boise, ID 83720-0050

~~U.S. MAIL~~

*Statehouse Mail*

IDWR Depository  
PO Box 83720  
Boise, ID 83720

~~U.S. MAIL~~

*Statehouse Mail*

*David J. Barber*

Signature of person mailing the form