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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

MAY - 5 2008

By _____

Clerk

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. 63-5335
)
)
)
)
)
)
)

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.

CLAIMANT(s)/OBJECTOR(s):

Western Pacific Timber LLC


Bruce M. Smith
Attorney

4/24/08
Date

STANDARD FORM 5 - 63-5335

IDWR Concurrence:

Sandy Egbert 8-29-07
Sandy Egbert Date
GIS Specialist, Adjudication Bureau

Nicholas B. Spencer 8-30-07
Nicholas B. Spencer Date
Deputy Attorney General
Attorney for IDWR

08/28/2007

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

RIGHT NUMBER: 63-5335

NAME AND ADDRESS: WESTERN PACIFIC TIMBER LLC
101 S CAPITOL BLVD STE 1601
BOISE ID 83702

SOURCE: MORES CREEK
WALLA WALLA GULCH CREEK

TRIBUTARY: BOISE RIVER
TRIBUTARY: MORES CREEK

QUANTITY: 0.200 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE
SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 05/01/1925

POINT OF
DIVERSION:

T06N R06E S16 NWNWNE Begin of Stream Flow Within BOISE County
T06N R06E S19 SWNE NE Begin of Stream Flow Within BOISE County
T06N R06E S19 SWSENE End of Stream Flow Within BOISE County
T06N R06E S20 SWNESW End of Stream Flow Within BOISE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
FIRE PROTECTION	05/01 11/30	0.200 CFS
STOCKWATER	05/01 11/30	0.020 CFS
<u>COMMERCIAL</u>	<u>05/01 11/30</u>	<u>0.200 CFS</u>
<u>COMMERCIAL USE IS FOR DUST ABATEMENT.</u>		

AK
NBS
B

PLACE OF USE: STOCKWATER in BOISE County

T06N R06E S07	NWSE	T06N R06E S07	SWSE
T06N R06E S07	SESE	T06N R06E S08	NESW
T06N R06E S08	NWSW	T06N R06E S08	SWSW
T06N R06E S08	SESW	T06N R06E S08	NESE
T06N R06E S08	NWSE	T06N R06E S08	SWSE
T06N R06E S08	SESE	T06N R06E S09	SWNW
T06N R06E S09	SENW	T06N R06E S09	NWSW
T06N R06E S16	NWNE	T06N R06E S16	NENW
T06N R06E S16	SWNW	T06N R06E S16	SENW
T06N R06E S16	NESW	T06N R06E S16	SWSW

T06N R06E S16	SESW	T06N R06E S16	NESE
T06N R06E S16	NWSE	T06N R06E S17	NENE
T06N R06E S17	NWNE	T06N R06E S17	NENW
T06N R06E S17	NWNW	T06N R06E S17	SWNW
T06N R06E S17	NESW	T06N R06E S17	NWSW
T06N R06E S17	SWSW	T06N R06E S17	SESW
T06N R06E S18	NENE	T06N R06E S18	SENE
T06N R06E S18	SESE	T06N R06E S19	NENE
T06N R06E S19	SENE	T06N R06E S20	NENW
T06N R06E S20	NWNW	T06N R06E S20	SWNW
T06N R06E S20	SENW	T06N R06E S20	NESW

FIRE PROTECTION same as STOCKWATER
COMMERCIAL same as STOCKWATER

PLACE OF USE DOES NOT INCLUDE FEDERAL PUBLIC LANDS

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.

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 - Beneficial Use

Mc
NBS
Rj

CERTIFICATE OF MAILING

I certify that on May 1, 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:

United States of America
US Dept of Justice
Environment and Natural Resources
550 West Fort Street, MSC 033
Boise, ID 83724

Western Pacific Timber LLC
101 S Capitol Blvd Ste 1601
Boise ID 83702

Bruce M. Smith
Moore Smith Buxton & Turcke, Chartered
225 N 9th St Ste 420
Boise ID 83702

IDWR Repository
P.O. Box 83720
Boise, ID 83720



Signature of person mailing the form