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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. 63-5342

STANDARD FORM 5

STIPULATED ELEMENTS OF A
WATER RIGHT

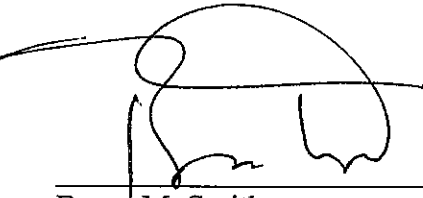
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary 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 - 63-5342

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: 63-5342

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

SOURCE: EAST FORK CLEAR CREEK TRIBUTARY: CLEAR CREEK
WEST FORK CLEAR CREEK TRIBUTARY: CLEAR CREEK
UNNAMED STREAMS TRIBUTARY: TRAIL 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: 05/01/1923

POINT OF
DIVERSION:

T06N R04E S4 SESWNE End of Stream Flow Within BOISE County
T06N R04E S4 NWNWNW End of Stream Flow Within BOISE County
T06N R04E S5 NENWNE Begin of Stream Flow Within BOISE County
T06N R04E S5 NWNWNE Begin of Stream Flow Within BOISE County
T06N R04E S5 SWSWSE Begin of Stream Flow Within BOISE County
T06N R04E S9 SWNESE Begin of Stream Flow Within BOISE County
T06N R04E S10 NWNENW End of Stream Flow Within BOISE County
T06N R04E S19 SWNWSE Begin of Stream Flow Within BOISE County

PURPOSE AND
PERIOD OF USE:

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

sh
NBS
pm

PLACE OF USE: STOCKWATER in BOISE County

T06N R04E S04	SWNE	T06N R04E S04 Lot 3	NENW
T06N R04E S04 Lot 4	NWNW	T06N R04E S04	SWNW
T06N R04E S04	SENE	T06N R04E S04	NWSW
T06N R04E S04	SWSW	T06N R04E S04	SESW
T06N R04E S04	NWSE	T06N R04E S04	SWSE
T06N R04E S05 Lot 1	NENE	T06N R04E S05 Lot 2	NWNE
T06N R04E S05	SWNE	T06N R04E S05	SENE
T06N R04E S05	NESE	T06N R04E S05	NWSE

T06N R04E S05	SWSE	T06N R04E S08	NENE
T06N R04E S08	SWNE	T06N R04E S08	SENE
T06N R04E S08	SENE	T06N R04E S08	NESE
T06N R04E S08	SESE	T06N R04E S09	NENW
T06N R04E S09	NWNW	T06N R04E S09	SWNW
T06N R04E S09	NWSW	T06N R04E S09	SWSW
T06N R04E S09	NESE	T06N R04E S10	NENW
T06N R04E S10	NWNW	T06N R04E S10	SWNW
T06N R04E S10	NWSW	T06N R04E S17	NENE
T06N R04E S17	NWNE	T06N R04E S17	SWNE
T06N R04E S17	NESW	T06N R04E S17	SWSW
T06N R04E S17	SESW	T06N R04E S17	NESE
T06N R04E S17	NWSE	T06N R04E S18	SESW
T06N R04E S18	SWSE	T06N R04E S18	SESE
T06N R04E S19	NWNE	T06N R04E S19	SWNE
T06N R04E S19	SENE	T06N R04E S19	NENW
T06N R04E S19	NWSE	T06N R04E S19	SWSE
T06N R04E S19	SESE	T06N R04E S20	NENW
T06N R04E S20	NWNW	T06N R04E S20	SWNW
T06N R04E S20	SENE	T06N R04E S20	NESW
T06N R04E S20	NWSW	T06N R04E S20	SWSW

COMMERCIAL same as STOCKWATER
FIRE PROTECTION same as STOCKWATER

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

CERTIFICATE OF MAILING

I certify that on May 1, 2008, 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

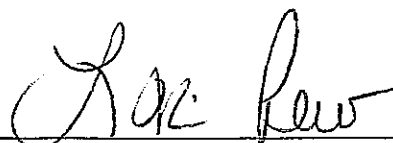
2. Copies to:

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