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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. 63-15291
)
)
)
)
)
)
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STANDARD FORM 5

**STIPULATED ELEMENTS OF A
WATER RIGHT**

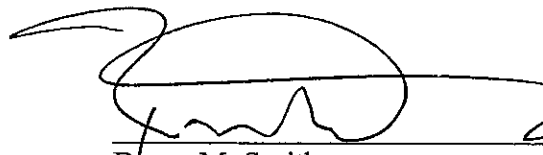
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

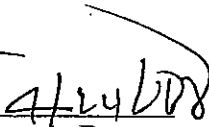
The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions 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


Date

STANDARD FORM 5 - 63-15291

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

08/29/2007

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

RIGHT NUMBER: 63-15291

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

SOURCE: DEER CREEK
ELDORADO GULCH CREEK
WOLF CREEK

TRIBUTARY: WOLF CREEK
TRIBUTARY: ELK CREEK
TRIBUTARY: ELK 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: 01/23/1923

POINT OF
DIVERSION:

T06N R05E S12 SWSWNE End of Stream Flow Within BOISE County
T06N R06E S6 NENESW Lot 5 Begin of Stream Flow Within BOISE County
T07N R05E S26 SESENE Begin of Stream Flow Within BOISE County
T07N R05E S34 SWNESE Begin of Stream Flow Within BOISE County
T07N R05E S34 SESWSE End of Stream Flow Within BOISE County
T07N R05E S35 SESESE 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>
COMMERCIAL	05/01 11/30	0.200 CFS
STOCKWATER	05/01 11/30	0.020 CFS
FIRE PROTECTION	05/01 11/30	0.200 CFS
<u>COMMERCIAL USE IS FOR DUST ABATEMENT</u>		

He
NBS
Rmy

PLACE OF USE: STOCKWATER in BOISE County

T06N R05E S01	SESE	T06N R05E S12	NENE
T06N R05E S12	SWNE	T06N R05E S12	SENE
T06N R06E S06 Lot 5 NESW		T06N R06E S06 Lot 6 SWSW	
T07N R05E S24	NENE	T07N R05E S24	SENE
T07N R05E S24	SENE	T07N R05E S24	NESW
T07N R05E S24	SESW	T07N R05E S24	NWSE
T07N R05E S24	SWSE	T07N R05E S24	SESE
T07N R05E S25	NWNE	T07N R05E S25	SWNE
T07N R05E S25	SENE	T07N R05E S25	NWNW
T07N R05E S25	SNNW	T07N R05E S25	SENE

T07N R05E S25	SESW	T07N R05E S25	NESE
T07N R05E S25	NWSE	T07N R05E S25	SWSE
T07N R05E S25	SESE	T07N R05E S26	SENE
T07N R05E S26	NESE	T07N R05E S26	NWSE
T07N R05E S26	SWSE	T07N R05E S26	SESE
T07N R05E S34	NENE	T07N R05E S34	SWNE
T07N R05E S34	SENE	T07N R05E S34	NESE
T07N R05E S34	SWSE	T07N R05E S34	SESE
T07N R05E S35	NENE	T07N R05E S35	NWNE
T07N R05E S35	SENE	T07N R05E S35	NESW
T07N R05E S35	SWSW	T07N R05E S35	SESW
T07N R05E S35	NESE	T07N R05E S35	SWSE
T07N R05E S35	SESE		

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

Handwritten:
NBS
By

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

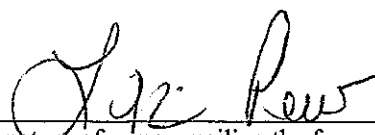
2. Copies to:

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