

COPY

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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. 63-15292
)
)
)
)
)
)

STANDARD FORM 5

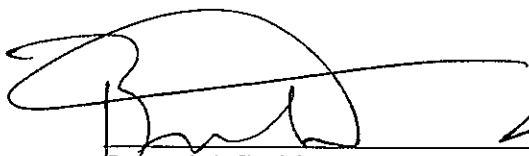
STIPULATED ELEMENTS OF A
WATER RIGHT

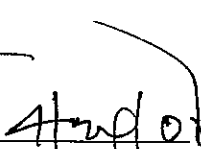
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary 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 - 63-15292

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: 63-15292

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

SOURCE: GRIMES CREEK 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: 01/23/1923

POINT OF
DIVERSION:

T06N R05E S7 SESWSW End of Stream Flow Within BOISE County
T08N R05E S26 NWNESW 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>		

Mc
NBS
Rmy

PLACE OF USE: STOCKWATER in BOISE County

T06N R04E S01 Lot 2 NWNE	T06N R04E S01	SWNE
T06N R04E S12 Lot 1 NENE	T06N R04E S12	NWNE
T06N R04E S12 Lot 2 SENE	T06N R05E S05	NENW
T06N R05E S05 NWNW	T06N R05E S05	SWNW
T06N R05E S05 SENW	T06N R05E S07	NESW
T06N R05E S07 NWSW	T06N R05E S07	SWSW
T06N R05E S07 SESW	T06N R05E S07	NWSE
T06N R05E S07 SWSE	T06N R05E S07	SESE
T07N R05E S01 SWNW	T07N R05E S01	NWSW
T07N R05E S01 NESE	T07N R05E S01	SWSE
T07N R05E S01 SESE	T07N R05E S02	NENE
T07N R05E S02 SWNE	T07N R05E S02	SENE
T07N R05E S02 NESE	T07N R05E S02	NWSE

T07N R05E S02	SWSE	T07N R05E S10	SESE
T07N R05E S11	NENE	T07N R05E S11	NWNE
T07N R05E S11	SENW	T07N R05E S11	NESW
T07N R05E S11	SWSW	T07N R05E S11	NESE
T07N R05E S11	NWSE	T07N R05E S11	SWSE
T07N R05E S11	SESE	T07N R05E S12	NENE
T07N R05E S12	NWNE	T07N R05E S12	NENW
T07N R05E S12	NWNW	T07N R05E S12	SENW
T07N R05E S12	NESW	T07N R05E S12	SESW
T07N R05E S12	NESE	T07N R05E S12	NWSE
T07N R05E S12	SWSE	T07N R05E S13	NENE
T07N R05E S13	NWNE	T07N R05E S13	NENW
T07N R05E S13	SENW	T07N R05E S13	NESW
T07N R05E S13	NWSW	T07N R05E S13	SESW
T07N R05E S13	SWSE	T07N R05E S13	SESE
T07N R05E S14	NWNE	T07N R05E S14	NENW
T07N R05E S14	NWNW	T07N R05E S14	SWSW
T07N R05E S14	SESW	T07N R05E S14	SWSE
T07N R05E S15	NENE	T07N R05E S15	NWNE
T07N R05E S15	SENE	T07N R05E S15	NENW
T07N R05E S15	SWNW	T07N R05E S15	NESW
T07N R05E S15	NWSW	T07N R05E S15	NWSE
T07N R05E S15	SWSE	T07N R05E S15	SESE
T07N R05E S16	SENE	T07N R05E S19	NESW
T07N R05E S19	NWSW	T07N R05E S19	SWSW
T07N R05E S19	SESW	T07N R05E S19	NESE
T07N R05E S19	SWSE	T07N R05E S20	NWSW
T07N R05E S20	SWSW	T07N R05E S21	NENE
T07N R05E S21	NWNE	T07N R05E S21	SENE
T07N R05E S21	NESW	T07N R05E S21	NESE
T07N R05E S21	NWSE	T07N R05E S22	NWNE
T07N R05E S22	NENW	T07N R05E S22	NWNW
T07N R05E S22	SWNW	T07N R05E S22	SENW
T07N R05E S22	NWSW	T07N R05E S22	SESW
T07N R05E S22	NESE	T07N R05E S22	NWSE

Mc
NBS
Rny

T07N R05E S22	SWSE	T07N R05E S23	SWNE
T07N R05E S23	SENE	T07N R05E S23	SWNW
T07N R05E S23	NESW	T07N R05E S23	NWSW
T07N R05E S23	NWSE	T07N R05E S26	NWNE
T07N R05E S26	SWNE	T07N R05E S26	SWNW
T07N R05E S26	SENW	T07N R05E S27	SENE
T07N R05E S27	NENW	T07N R05E S27	SWNW
T07N R05E S27	SENW	T07N R05E S27	NESW
T07N R05E S27	NESE	T07N R05E S27	NWSE
T07N R05E S28	NENE	T07N R05E S28	NWNE
T07N R05E S28	SWNE	T07N R05E S28	SENE
T07N R05E S28	NENW	T07N R05E S28	SENW
T07N R05E S28	SWSW	T07N R05E S30	NENE
T07N R05E S30	NWNE	T07N R05E S30	SWNE
T07N R05E S30	NWNW	T07N R05E S30	SWNW
T07N R05E S30	NWSW	T07N R05E S30	SWSW
T07N R05E S30	SESW	T07N R05E S30	NESE
T07N R05E S30	NWSE	T07N R05E S30	SWSE
T07N R05E S30	SESE	T07N R05E S31	NWNE
T07N R05E S31	SWNE	T07N R05E S32	SWNE
T07N R05E S32	NESE	T07N R05E S32	NWSE
T07N R05E S33	NWNE	T07N R05E S33	SWNE
T07N R05E S33	SENE	T07N R05E S33	NENW
T07N R05E S33	NWNW	T07N R05E S33	NWSW
T07N R05E S33	SESW	T07N R05E S33	NESE
T07N R05E S33	NWSE	T07N R05E S33	SWSE
T07N R05E S34	NWNW	T07N R05E S34	SWNW
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T08N R05E S25	NESW	T08N R05E S25	NWSW
T08N R05E S25	SWSW	T08N R05E S25	SESW
T08N R05E S25	NWSE	T08N R05E S26	NESW
T08N R05E S26	NESE	T08N R05E S26	SWSE
T08N R05E S35	SWNE	T08N R05E S35	SENE
T08N R05E S35	NENW	T08N R05E S35	SWNW
T08N R05E S35	SENW	T08N R05E S35	NESW

AK
 NBS
Ray

T08N R05E S35	SWSW	T08N R05E S35	SESW
T08N R05E S35	NWSE	T08N R05E S35	SESE
T08N R05E S36	NENE	T08N R05E S36	NWNE
T08N R05E S36	SWNE	T08N R05E S36	SENE
T08N R05E S36	NWNW	T08N R05E S36	SWNW
T08N R05E S36	SENW	T08N R05E S36	NWSW

COMMERCIAL same as STOCKWATER
FIRE PROTECTION same as STOCKWATER

PLACE OF USE DOES NOT INCLUDE FEDERAL PUBLIC LANDS

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.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

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