



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

July 3, 2008

Jordan P. Smith
807 Main Street
Salmon, ID 83467

Re: Water Right Nos. 75-04027 and 75-10332

Dear Mr. Jordan:

Enclosed, please find proposed settlement documents to resolve the objections in the above titled subcases. If acceptable to your clients, please sign the signature page and initial the new recommendation. Once fully executed, please file with the SRBA District Court and serve copies per the certificate of service. Please contact me at (208) 287-4811 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Garrick Baxter", written over a horizontal line.

Garrick Baxter
Deputy Attorney General
Idaho 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	)	Subcase No. 75-04027
	)	
Case No. 39576	)	
	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT
_____	)	<i>(Previously Disallowed)</i>

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
Salmon River Properties, Inc.

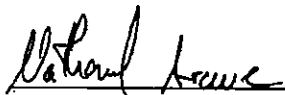
OBJECTOR
Ward Whitmore



Jordan P. Smith, Attorney Date

Jordan P. Smith, Attorney Date

IDWR Concurrence:

 6/23/08
Nathaniel Arave Date
Senior Water Resource Agent

 7/3/08
Garrick L. Baxter Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 75-4027

NAME AND ADDRESS: SALMON RIVER PROPERTIES INC
BOX 4495
CHATSWORTH CA 91313

SOURCE: DEER CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.850 CFS

PRIORITY DATE: 06/06/1927

POINT OF

DIVERSION: T19N R21E S32 SWSWNE Within LEMHI County
T19N R21E S32 NENWSE Within LEMHI County
T19N R21E S32 NWSESE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.850 CFS
<u>PLACE OF USE: IRRIGATION in LEMHI County</u>		
T18N R21E S04 Lot 4 NWNW	1.30	T18N R21E S05 Lot 1 NENE 0.10
T19N R21E S32 NESE	1.10	T19N R21E S32 NWSE 7.70
T19N R21E S32 SWSE	0.20	T19N R21E S32 SESE 14.00
T19N R21E S33 SWSW	2.30	

26.7 ACRES TOTAL

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

CERTIFICATE OF MAILING

I certify that on _____, 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

SALMON RIVER PROPERTIES INC
WARD M WHITMORE

Represented by:
JORDAN P. SMITH
807 MAIN ST
SALMON, ID 83467

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

Signature of person or attorney mailing form

**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	)	Subcase No. 75-10332
	)	
Case No. 39576	)	
	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT
_____	)	<i>(Previously Disallowed)</i>

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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.

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CLAIMANT
Salmon River Properties, Inc.

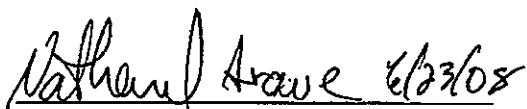
OBJECTOR
Ward Whitmore



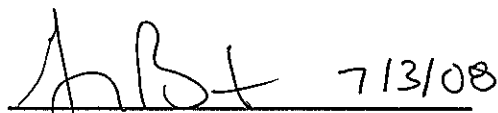
Jordan P. Smith, Attorney Date

Jordan P. Smith, Attorney Date

IDWR Concurrence:

 6/23/08

Nathaniel Arave Date
Senior Water Resource Agent

 7/13/08

Gary L. Baxter Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 75-10332
NAME AND ADDRESS: SALMON RIVER PROPERTIES INC
BOX 4495
CHATSWORTH CA 91313
SOURCE: RATTLESNAKE CREEK TRIBUTARY: SALMON RIVER
QUANTITY: 0.070 CFS
PRIORITY DATE: 04/01/1923
POINT OF
DIVERSION: T19N R21E S21 SESW Within LEMHI County
PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/01 10/31	0.070 CFS
PLACE OF USE:	<u>IRRIGATION in LEMHI County</u>		
	T19N R21E S27 NWSW	0.40	T19N R21E S27 SWSW 0.20
	T19N R21E S27 Lot 7 SESW	1.70	

2.3 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 - Beneficial Use

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

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1. Original to:

CLERK OF THE DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
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SALMON RIVER PROPERTIES INC
WARD M WHITMORE

Represented by:
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