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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

Case No. 39576

) SUBCASE NO: 37-13152
) (SPLIT INTO 37-22239 & 37-22240)
)

) STANDARD FORM 5
)

) STIPULATED ELEMENTS OF A
) WATER RIGHT

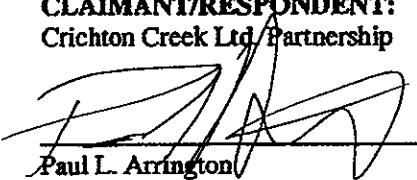
This form is used to report the stipulated elements of one water right acquired under state law. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert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

To resolve the objections filed by the BLM and the State of Idaho Department of Lands in subcase 37-13152, the parties agree and stipulate that the whole of water right claim 37-13152 shall be split into two new water right claims and renumbered as 37-22239 and 37-22240. Water rights 37-22239 and 37-22240 now supersede water right 37-13152, and right 37-13152 should be dismissed with prejudice. The parties and IDWR have further indicated their concurrence to these renumbered water rights by signing below and initialing the attached pages.

CLAIMANT/RESPONDENT:

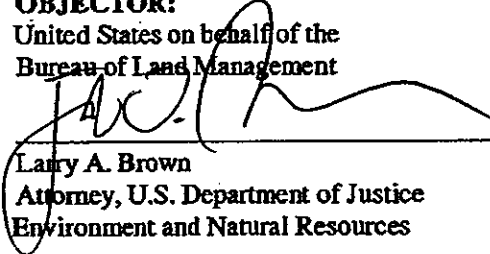
Crichton Creek Ltd. Partnership


Paul L. Arrington
Attorney for Crichton Creek
Ltd. Partnership

7/3/08
Date

OBJECTOR:

United States on behalf of the
Bureau of Land Management


Larry A. Brown
Attorney, U.S. Department of Justice
Environment and Natural Resources

08/08/2008
Date

OBJECTOR:

State of Idaho

Department of Lands

David J. Barber 7/28/2008
Date

Deputy Attorney General

Attorney for Department of Lands

IDWR CONCURRENCE:

Kelly Christensen 5-29-08
Date

Kelly Christensen

Sr. Water Resource Agent

IDWR CONCURRENCE:

C. Bromley 6/6/08
Date

Christopher M. Bromley

Deputy Attorney General

Attorney for IDWR

05/23/2008

IDAHO DEPARTMENT OF WATER RESOURCES
CLAIMS / RIGHTS NOT RECOMMENDED

<u>W.R. NUMBER</u>	<u>NAME AND ADDRESS</u>	<u>CLAIM DISPOSITION REASON</u>
37-13152	CRICHTON CREEK LTD PARTNERSHIP RT 1 BOX 1210 FAIRFIELD ID 83327	Parent split into 37-22239 and 37-22240

KKC
CB
PVA

2/13
(F)

06/03/2008

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-22239

NAME AND ADDRESS: CRICHTON CREEK LTD PARTNERSHIP
RT 1 BOX 1210
FAIRFIELD ID 83327

STATE OF IDAHO
DEPT OF LANDS
300 N 6TH ST
PO BOX 83720
BOISE ID 83720-0050

AKC CB
KLH

2 PB
(TH)

SOURCE: SHONKS CREEK
UNNAMED STREAM

TRIBUTARY: WILLOW CREEK
TRIBUTARY: SHONKS CREEK

QUANTITY: 0.020 CFS

This right shall be used in conjunction with water right no. 37-22240 and is limited to a total combined diversion rate of 0.020 CFS and total combined quantity of 13,000 gallons per day.

PRIORITY DATE: 04/01/1950

POINT OF DIVERSION:

T01N R16E S21 NENWNE Begin of Stream Flow Within CAMAS County
T01N R16E S21 NESWSW Begin of Stream Flow Within CAMAS County
T01N R16E S21 SESWSW End of Stream Flow Within CAMAS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	05/01 11/01	0.020 CFS

PLACE OF USE: STOCKWATER in CAMAS County

T01N R16E S21	NWNE	T01N R16E S21	SWNE
T01N R16E S21	NESW	T01N R16E S21	SWSW
T01N R16E S21	SESW	T01N R16E S21	NWSE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The quantity of water decreed for this water right is not a determination of historical beneficial use.

The ownership of water right no. 37-22239 is governed by a private agreement executed by the Idaho Department of Lands and Crichton Creek Ltd. Partnership.

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

This right is a split from former right 37-13152 .

05/09/2008

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

RIGHT NUMBER: 37-22240

NAME AND ADDRESS: CRICHTON CREEK LTD PARTNERSHIP
RT 1 BOX 1210
FAIRFIELD ID 83327

SOURCE: UNNAMED STREAM

TRIBUTARY: SHONKS CREEK

QUANTITY: 0.020 CFS

This right shall be used in conjunction with water right no. 37-22239 and is limited to a total combined diversion rate of 0.020 CFS and total combined quantity of 13,000 gallons per day.

PRIORITY DATE: 04/01/1950

POINT OF DIVERSION:

T01N R16E S21 NW1/4SW Begin of Stream Flow Within CAMAS County

T01N R16E S21 SE1/4SW End of Stream Flow Within CAMAS County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

STOCKWATER

06/01 10/15

0.020 CFS

PLACE OF USE:

STOCKWATER in CAMAS County

T01N R16E S21 NWSW

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 is not a determination of historical beneficial use.

Pursuant to the decision in Joyce Livestock v. United States (144 Idaho 1, 156 P.3d 502 (Idaho 2007)), this water right is appurtenant to real property that is not the place of use. Property to which this water right is appurtenant is described as follows pursuant to I.C. 42-1402:

T01N R16E S20	NENE
T01N R16E S20	NWNE
T01N R16E S20	SWNE
T01N R16E S20	SENE
T01N R16E S20	NENW
T01N R16E S20	NESE
T01N R16E S20	NWSE
T01N R16E S20	SWSE
T01N R16E S20	SESE

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

This right is a split from former right 37-13152.

CERTIFICATE OF SERVICE

I certify that on AUGUST 8TH, 2008, I caused to be served true and correct copies of this Standard Form 5, to the following persons, in the manner indicated 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, ID 83303-2707

☐ Overnight Mail
☐ Regular Mail
☐ Hand-Delivered
☐ Facsimile

2. Copies to:

IDWR Document Repository
P.O. Box 83720
Boise, ID 83720-0098

☐ Overnight Mail
☐ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Paul L. Arrington
Barker Rosholt & Simpson LLP
P.O. Box 485
Twin Falls, ID 83303-0485

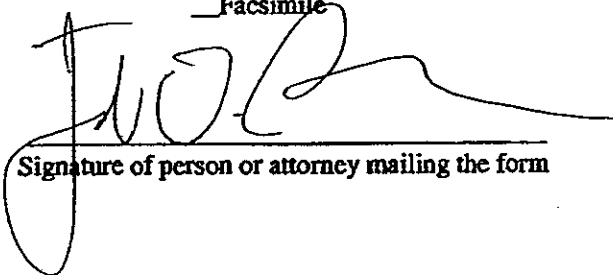
☐ Overnight Mail
☐ Regular Mail
☐ Hand-Delivered
☐ Facsimile

U.S. Department of Justice
Environment & Nat'l Resources Div.
550 W. Fort St., MSC 033
Boise, ID 83724

☐ Overnight Mail
☐ Regular Mail
☐ Hand-Delivered
☐ Facsimile

David J. Barber
Office of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449

☐ Overnight Mail
☐ Regular Mail
☐ Hand-Delivered
☐ Facsimile



Signature of person or attorney mailing the form