

COPY

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

RECEIVED

OCT 10 2008

DEPARTMENT OF
WATER RESOURCES

SUBCASE: 63-04821

STANDARD FORM 5

STIPULATED ELEMENTS OF A WATER
RIGHT

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

OCT - 9 2008

Clerk

Deputy Clerk

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; 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 decreed as described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT:

Shaw Cattle Co. Inc.
23020 Howe Rd.
Caldwell, ID 83607

Dreg Shaw 6-25-2008
Date

OBJECTOR:

Wider Irrigation District
709 Cleveland Blvd.
Caldwell, ID 83605

Albert P. Barker 6/20/08
Date

RESPONDENT: Bureau of Reclamation

[Signature] 8/13/08
Date

IDWR CONCURRENCE:

[Signature] 10-1-08
Date

12/14/2006

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

RIGHT NUMBER: 63-4821

NAME AND ADDRESS: SHAW CATTLE CO INC
23020 HOWE RD
CALDWELL ID 83607

SOURCE: GUESS GULCH CREEK

TRIBUTARY: BOISE RIVER

QUANTITY: 1.070 CFS

PRIORITY DATE: 01/01/1922

POINT OF DIVERSION: T04N R04W S8 SWNESW Within CANYON County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/01 11/15	1.070 CFS

PLACE OF USE: IRRIGATION in CANYON County

T04N R04W S08	SNNW	8.10	T04N R04W S08	SENNW	0.30
T04N R04W S08	NESW	31.00	T04N R04W S08	NWSW	14.00

53.4 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.

K.S.

The source of this water right includes waste water. This right remains subject to the right of the original appropriator, in good faith and in compliance with the state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

PLA DG

CERTIFICATE OF MAILING

I certify that on 10-8 -, 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:

WILDER IRRIGATION DISTRICT

Represented by:
ALBERT P BARKER
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139

USDI BUREAU OF RECLAMATION

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

DIRECTOR OF IDWR

PO BOX 83720
BOISE, ID 83720-0098

SHAW CATTLE CO INC

Represented by:
MICHAEL P LAWRENCE
PO BOX 2720
BOISE, ID 83701



Signature of person or attorney mailing the form