

OCT 17 2008

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. 37-04268

Case No. 39576

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 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 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.

CLAIMANTS:

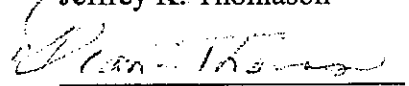
Jeffrey K. Thomason

Diana Thomason

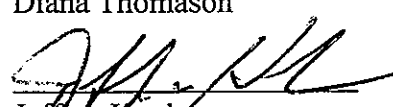
Jeffrey Hardeman


Jeffrey K. Thomason

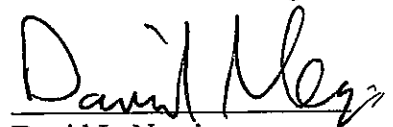
Date

9/19/2008
Diana Thomason

Date

9/17/2008
Jeffrey Hardeman

Date

10/10/2008**OBJECTOR:**United States on behalf of the
Bureau of Land Management
David L. Negri

Date

9/19/08Attorney, U.S. Department of Justice
Environment and Natural Resources Div.

IDWR CONCURRENCE:

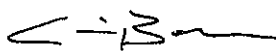


Michael Ciscell
Senior GIS Analyst

2/18/08

Date

IDWR CONCURRENCE:



Christopher M. Bromley
Deputy Attorney General
Attorney for IDWR

2/18/08

Date

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

RIGHT NUMBER: 37-4268

NAME AND ADDRESS: ~~WILLIAM G YANCEY~~
~~PO BOX 1433~~
~~FALLON NV 89406~~

JEFFREY K. & DIANA THOMASON
JEFFREY HARDEMAN
BOX 1882
HAILEY, ID 83333

SOURCE: UNNAMED STREAM

TRIBUTARY: DEER CREEK

QUANTITY: 0.040 CFS

THE USE OF WATER FOR DOMESTIC PURPOSES IS LIMITED TO
13,000 GALLONS PER DAY.

PRIORITY DATE: 08/01/1968

POINT OF
DIVERSION:

T02N R17E S3

~~Lot 3 (NENW)~~
LOT 48 (NENW)

Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
MINING
DOMESTIC

PERIOD OF USE
05/01 11/30
01/01 12/31

QUANTITY
0.040 CFS
0.020 CFS

PLACE OF USE:

MINING

in BLAINE County

T02N R17E S03

~~Lot 3~~ LOT 48 (NENW)

T03N R17E S34

LOT 48 (SESW)

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

Prior to diversion and use of water under this right, the right holder shall comply with all bonding requirements of appropriate governmental entities.

Place of use is also known as Montana Mining claim.

CERTIFICATE OF MAILING

I certify that on 10/15, 2008 mailed the original and copies of this form, including all attachments, 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. Copy to:

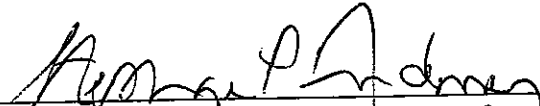
Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449

IDWR Document Depository
P. O. Box 83720
Boise, Idaho 83720-0098

3. Copies to all parties to the subcase (insert names and addresses):

U.S., Department of Justice
Environment and Natural Resources Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724

Jeffrey K. & Diana Thomason
Jeffrey Hardeman
Box 1882
Hailey, ID 83333



Signature of person or attorney mailing the form