

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

OCT 27 2008

Clerk
Deputy Clerk

COPY

RECEIVED
OCT 29 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. 75-10053
	)	
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 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 Ranches Ltd Co.

OBJECTOR:
United States of America

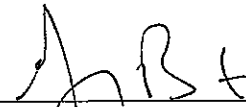

Richard Schowengerdt Date
Salmon River Ranches Ltd Co.


David Negri, Attorney  Date
Bureau of Land Management

IDWR Concurrence:

 10/21/2008

Monica Van Bussum Date
Senior Water Resource Agent

 10/22/08

Garrick L. Baxter Date
Deputy Attorney General
Attorney for IDWR

09/05/2008

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

RIGHT NUMBER: 75-10053

NAME AND ADDRESS: SALMON RIVER RANCHES LTD CO
C/O RICHARD SCHOWENGERDT
2794 HWY 93 S
SALMON ID 83467

SOURCE: MC KIM CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 3.500 CFS

PRIORITY DATE: 06/01/1930

POINT OF DIVERSION:

T17N R21E S16 SWNE Within LEMHI County

T17N R21E S17 NWSE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4/01 10/15	3.500 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T17N R21E S08 Lot 4 NESE	8.00	T17N R21E S08 Lot 6 SWSE	7.00
T17N R21E S08 Lot 5 SESE	36.00	T17N R21E S09 Lot 5 NWSW	24.00
T17N R21E S09 SWSW	8.00	T17N R21E S17 NENE	26.00 25.00
T17N R21E S17 Lot 1 NWNE	37.00	T17N R21E S17 SWNE	5.00
T17N R21E S17 Lot 4 SWNW	19.00	T17N R21E S17 Lot 5 NESW	11.00
T17N R21E S17 Lot 6 NWSW	13.00	T17N R21E S17 Lot 9 SESWSW	16.00
T17N R21E S17 SWSE	8.00	T17N R21E S18 Lot 4 SENE	1.00

218 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 Oct. 23, 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

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

SALMON RIVER RANCHES LTD CO
C/O RICHARD SCHOWENGERDT
2794 HWY 93 S
SALMON, ID 83467

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

Deserae Kramer
Signature of person or attorney mailing form