

**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. 75-10544

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.

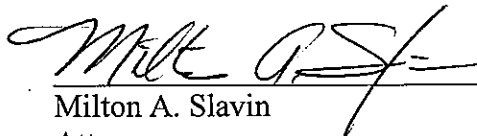
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT

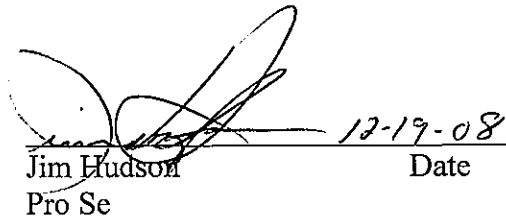
Shirley Mattis

OBJECTOR

Jim Hudson

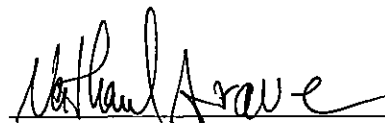

Milton A. Slavin
Attorney

Date 12-10-08

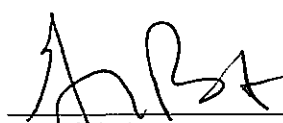

Jim Hudson
Pro Se

Date 12-19-08

IDWR Concurrence:

 12/29/08

Nathaniel Arave Date
Senior Water Resource Agent

 11/9/09

Garrick L. Baxter Date
Deputy Attorney General
Attorney for IDWR

CERTIFICATE OF MAILING

I certify that on 1/8, 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:

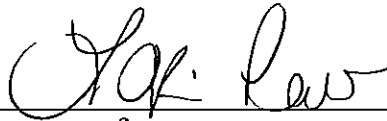
1. Original to:

CLERK OF THE DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
253 THIRD AVENUE NORTH
P.O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

SHIRLEY J MATTIS
Represented by:
MILTON A. SLAVIN
ATTORNEY AT LAW
116 N CENTER ST.
SALMON, ID 83467

JIM HUDSON
PO BOX 173
CARMEN, ID 83462

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



Signature of person or attorney mailing form

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

Handwritten signature and initials, including "NLA" and "JTB".

RIGHT NUMBER: 75-10544

NAME AND ADDRESS: SHIRLEY J MATTIS
PO BOX 265
CARMEN ID 83462

SOURCE: WASTE WATER

TRIBUTARY: CARMEN CREEK

QUANTITY: 0.160 CFS

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

~~The rights listed below are limited to a total combined diversion rate of 0.14 cfs.~~

~~Combined Right Nos.: 75-69P, 75-70P, 75-10061Z, 75-10062X, 75-10543 and 75-10544.~~

PRIORITY DATE: 05/01/1915 1882

POINT OF
DIVERSION:

T22N R22E S3 NWSENE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.020 CFS
IRRIGATION	04/01 10/31	0.140 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T22N R22E S03	SWNE	6.40	T22N R22E S03	NWSE	0.30
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STOCKWATER in LEMHI County

T22N R22E S03	SWNE	T22N R22E S03	NWSE
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6.7 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 6.7 acres in a single irrigation season. Combined Right Nos.: 75-69P, 75-70P, 75-10061Z, 75-10062X, 75-10543 and 75-10544.

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

This right remains subject to the right of the original appropriator, in good faith and in compliance with 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.

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

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