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MAR 10 2009

DEPARTMENT OF
WATER RESOURCES

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

MAR - 9 2009

By _____
Clark
Deputy Clerk

**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. 63-5343
)

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/OBJECTOR

X L Ranch/William C. Clayton

Daniel Steenson 2-24-09

Daniel Steenson Date
Attorney on behalf of Claimant/Objector

IDWR Concurrence:

Kelly K. Christensen 3-2-09
IDWR Agent Date

Nicholas Spencer 2-24-09
Nicholas Spencer Date
Deputy Attorney General

CERTIFICATE OF MAILING

I certify that on March 6, 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:

WILLIAM CLAYTON
X L RANCH
Represented by:
DANIEL V. STEENSON
455 S THIRD ST
PO BOX 2773
BOISE, ID 83701-2773

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

Doreen Kramer
Signature of person or attorney mailing the form

10/28/2008

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

RIGHT NUMBER: 63-5343

NAME AND ADDRESS: X L RANCH
C/O WILLIAM C CLAYTON
6622 JOPLIN RD
NAMPA ID 83687

SOURCE: WASTE WATER

TRIBUTARY: BOISE RIVER

NBS

QUANTITY: ~~0.03~~ 0.390 CFS

PRIORITY DATE: ~~01/01~~ 03/15/1920

KKC

POINT OF
DIVERSION:

T04N R02W S24 SWSWNE Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.390 CFS
STOCKWATER	01/01 12/31	0.030 CFS

PLACE OF USE: IRRIGATION in CANYON County

T04N R02W S24	SWNE	1.90	T04N R02W S24	SWNW	2.80
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T04N R02W S24	SENE	15.00
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STOCKWATER in CANYON County

T04N R02W S24	SWNE	T04N R02W S24	SWNW
---------------	------	---------------	------

T04N R02W S24	SENE
---------------	------

19.7 ACRES TOTAL

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

The source of this water right is waste water. The wasting of water may be discontinued at any time.

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 for stockwater use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Stockwater use is for 100 range cattle.