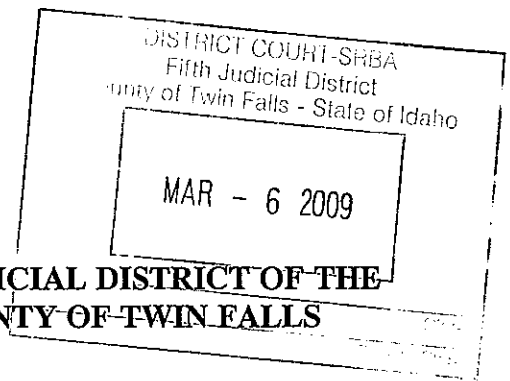


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Department of Water Resources
Adjudication Bureau



**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

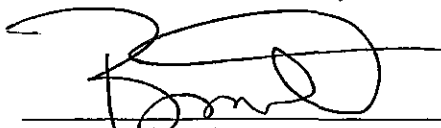
In Re SRBA	)	Subcase Nos. 67-4570
	)	
Case No. 39576	)	
	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

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:
Western Pacific Timber, LLC


Bruce Smith, Attorney
2/24/09
Date

STANDARD FORM 5 67-4570

IDWR Concurrence:

<u>Monica Van Bussum</u>	<u>3/2/2009</u>	<u>John Homan</u>	<u>3/3/09</u>
Monica Van Bussum	Date	John Homan	Date
Sr. Water Agent		Deputy Attorney General	

10m2
2/26/09

CERTIFICATE OF MAILING

I certify that on March 5, 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:

WESTERN PACIFIC TIMBER LLC
Represented by:
BRUCE M. SMITH
950 W BANNOCK STE 520
BOISE, ID 83702
Phone: 208-331-1800

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

Benea Ridgeway
Signature of person or attorney mailing the form

Bry
2/26/09

11/17/2008

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

RIGHT NUMBER: 67-4570

NAME AND ADDRESS: WESTERN PACIFIC TIMBER LLC
101 S CAPITOL BLVD STE 1601
BOISE ID 83702

SOURCE:	LITTLE CREEK	TRIBUTARY: MIDDLE FORK WEISER RIVER
	UNNAMED STREAM	TRIBUTARY: JUNGLE CREEK
	UNNAMED STREAM	TRIBUTARY: LITTLE CREEK
	CRYSTAL CREEK	TRIBUTARY: MIDDLE FORK WEISER RIVER
	JUNGLE CREEK	TRIBUTARY: MIDDLE FORK WEISER RIVER
	LAKE CREEK	TRIBUTARY: MIDDLE FORK WEISER RIVER
	UNNAMED STREAM	TRIBUTARY: MIDDLE FORK WEISER RIVER
	WHITELICKS HOT SPRINGS	TRIBUTARY: MIDDLE FORK WEISER RIVER
	MIDDLE FORK WEISER RIVER	TRIBUTARY: WEISER RIVER

QUANTITY: 0.200 CFS

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

PRIORITY DATE: 05/01/1940

POINT OF DIVERSION:

T16N R02E S21 NENW Begin of Stream Flow Within ADAMS County
T16N R02E S21 NENW End of Stream Flow Within ADAMS County
T16N R02E S21 SWNW Begin of Stream Flow Within ADAMS County
T16N R02E S21 SENW End of Stream Flow Within ADAMS County
T16N R02E S21 NWSE Begin of Stream Flow Within ADAMS County
T16N R02E S21 SWSE End of Stream Flow Within ADAMS County
T16N R02E S22 NWNW Begin of Stream Flow Within ADAMS County
T16N R02E S22 SWSE Begin of Stream Flow Within ADAMS County
T16N R02E S26 NWNW Begin of Stream Flow Within ADAMS County
T16N R02E S27 NWNE End of Stream Flow Within ADAMS County
T16N R02E S27 SWNW End of Stream Flow Within ADAMS County
T16N R02E S27 SESE Begin of Stream Flow Within ADAMS County
T16N R02E S28 NENE End of Stream Flow Within ADAMS County
T16N R02E S28 SENE End of Stream Flow Within ADAMS County
T16N R02E S28 NWNW Begin of Stream Flow Within ADAMS County
T16N R02E S28 SWNW Begin of Stream Flow Within ADAMS County
T16N R02E S28 NESW End of Stream Flow Within ADAMS County
T16N R02E S28 NESW End of Stream Flow Within ADAMS County
T16N R02E S28 SESE End of Stream Flow Within ADAMS County
T16N R02E S32 NWNE Begin of Stream Flow Within ADAMS County

Amg
2/26/09
MVB
CB

T16N R02E S32 SENE End of Stream Flow Within ADAMS County
T16N R02E S32 SENW Begin of Stream Flow Within ADAMS County
T16N R02E S33 SWNW End of Stream Flow Within ADAMS County
T16N R02E S33 SESW End of Stream Flow Within ADAMS County
T16N R02E S34 SWNE End of Stream Flow Within ADAMS County

11/17/2008

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

T16N R02E S34 NWNW Begin of Stream Flow Within ADAMS County
T16N R02E S35 NWNW Begin of Stream Flow Within ADAMS County
T16N R02E S35 SWNW Begin of Stream Flow Within ADAMS County
Water for commercial use is diverted from the stream reaches described herein.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
FIRE PROTECTION	05/01 11/30	0.200 CFS
COMMERCIAL	05/01 11/30	0.200 CFS
STOCKWATER	05/01 11/30	0.140 CFS

Commercial use is for dust abatement.

PLACE OF USE:

STOCKWATER in ADAMS County

T16N R02E S21	NENW	T16N R02E S21	NWNW
T16N R02E S21	SWNW	T16N R02E S21	SENW
T16N R02E S21	NESW	T16N R02E S21	NWSW
T16N R02E S21	SWSW	T16N R02E S21	SESW
T16N R02E S21	NESE	T16N R02E S21	NWSE
T16N R02E S21	SWSE	T16N R02E S21	SESE
T16N R02E S22	NENW	T16N R02E S22	NWNW
T16N R02E S22	SWNW	T16N R02E S22	SENW
T16N R02E S22	NESW	T16N R02E S22	NWSW
T16N R02E S22	SWSW	T16N R02E S22	SESW
T16N R02E S22	SWSE	T16N R02E S22	SESE
T16N R02E S23	SWSW	T16N R02E S26	NWNW
T16N R02E S27	NENE	T16N R02E S27	NWNE
T16N R02E S27	SWNE	T16N R02E S27	SENE
T16N R02E S27	NENW	T16N R02E S27	NWNW
T16N R02E S27	SWNW	T16N R02E S27	SENW
T16N R02E S27	NESW	T16N R02E S27	NWSW

Don L
2/26/09
MVB
CB

T16N R02E S27	SWSW	T16N R02E S27	SESW
T16N R02E S27	NESE	T16N R02E S27	NWSE
T16N R02E S27	SWSE	T16N R02E S27	SESE
T16N R02E S28	NENE	T16N R02E S28	SENE
T16N R02E S28	NENW	T16N R02E S28	NWNW
T16N R02E S28	SWNW	T16N R02E S28	SENW
T16N R02E S28	NESW	T16N R02E S28	NWSW
T16N R02E S28	SWSW	T16N R02E S28	SESW

11/17/2008

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

T16N R02E S28	NESE	T16N R02E S28	SESE
T16N R02E S31	NESW	T16N R02E S31	NWSW
T16N R02E S31	SWSW	T16N R02E S31	SESW
T16N R02E S31	NESE	T16N R02E S31	NWSE
T16N R02E S31	SWSE	T16N R02E S31	SESE
T16N R02E S32	NENE	T16N R02E S32	NWNE
T16N R02E S32	SWNE	T16N R02E S32	SENE
T16N R02E S32	SENW	T16N R02E S32	SESW
T16N R02E S32	NESE	T16N R02E S32	NWSE
T16N R02E S32	SWSE	T16N R02E S32	SESE
T16N R02E S33	NENE	T16N R02E S33	NWNE
T16N R02E S33	SWNE	T16N R02E S33	SENE
T16N R02E S33	NENW	T16N R02E S33	NWNW
T16N R02E S33	SWNW	T16N R02E S33	SENW
T16N R02E S33	NESW	T16N R02E S33	NWSW
T16N R02E S33	SWSW	T16N R02E S33	SESW
T16N R02E S33	NESE	T16N R02E S33	NWSE
T16N R02E S33	SWSE	T16N R02E S33	SESE
T16N R02E S34	NENE	T16N R02E S34	NWNE
T16N R02E S34	SWNE	T16N R02E S34	SENE
T16N R02E S34	NENW	T16N R02E S34	NWNW
T16N R02E S34	SWNW	T16N R02E S34	SENW
T16N R02E S34	SWSW	T16N R02E S34	NESE
T16N R02E S35	NWNW	T16N R02E S35	SWNW

Amg
2/24/09
MVB
CB

T16N R02E S35

NWSW

FIRE PROTECTION same as STOCKWATER

COMMERCIAL same as STOCKWATER

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.

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

Bm
2, 24/05
KVB
CB