

MAR 10 2009

Department of Water Resources
Adjudication Bureau

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

MAR - 6 2009

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

Subcase Nos. 67-4571

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

Date _____

IDWR Concurrence:

<u>Monica P. 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	

By
2/26/09

CERTIFICATE OF MAILING

I certify that on March 5, 200⁹~~8~~, 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:

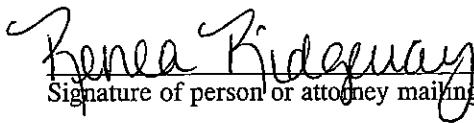
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

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



Signature of person or attorney mailing the form

*Renea
2/26/09*

11/17/2008

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

RIGHT NUMBER: 67-4571

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

SOURCE: CAMP CREEK

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 R01E S5 SESW Begin of Stream Flow Within ADAMS County

T16N R01E S6 NWSE End 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 R01E S05	SWSW	T16N R01E S05	SESW
T16N R01E S06	NWNE	T16N R01E S06	SWNE
T16N R01E S06	NENW	T16N R01E S06	SWNW
T16N R01E S06	SENW	T16N R01E S06	NESE
T16N R01E S06	NWSE	T16N R01E S06	SESE

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

CB
Bnz
2/24/09
MVB

not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

CB
R.Y.
2/26/09
MVB