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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

In Re SRBA

) Subcase Nos. 67-4574

) Case No. 39576

) STANDARD FORM 5

) STIPULATED ELEMENTS OF A
) WATER RIGHT

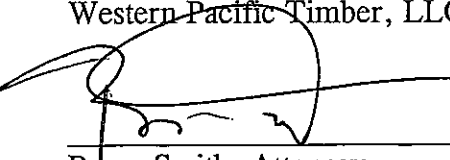
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary 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

2/26/09
Date

STANDARD FORM 5 67-4574

IDWR Concurrence:

Monica Van Bussum 3/2/2009

Monica Van Bussum
Sr. Water Agent

Date

for

C. B. Homan

John Homan
Deputy Attorney General

3/3/09

Date

Rmg
2/26/09

CERTIFICATE OF MAILING

I certify that on March 5, 200⁹, 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

Renee Ridgway
Signature of person or attorney mailing the form

Ramy
2/26/09

11/17/2008

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

RIGHT NUMBER: 67-4574

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

SOURCE: BEAVER 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: 05/01/1944

POINT OF DIVERSION:

T18N R01E S5 SESW Begin of Stream Flow Within ADAMS County

T18N R01E S6 NENW 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>
STOCKWATER	05/01 11/30	0.200 CFS
FIRE PROTECTION	05/01 11/30	0.200 CFS
COMMERCIAL	05/01 11/30	0.200 CFS

Commercial use is for dust abatement.

PLACE OF USE: STOCKWATER in ADAMS County

T18N R01E S04	NENE	T18N R01E S04	NWNE
T18N R01E S04	SWNE	T18N R01E S04	SENE
T18N R01E S04	NENW	T18N R01E S04	NWNW
T18N R01E S04	SWNW	T18N R01E S04	SENW
T18N R01E S04	NESW	T18N R01E S04	NWSW
T18N R01E S04	SWSW	T18N R01E S04	SESW
T18N R01E S04	NESE	T18N R01E S04	NWSE
T18N R01E S04	SWSE	T18N R01E S04	SESE
T18N R01E S05	NENE	T18N R01E S05	NWNE
T18N R01E S05	SWNE	T18N R01E S05	SENE
T18N R01E S05	NENW	T18N R01E S05	NWNW
T18N R01E S05	SWNW	T18N R01E S05	SENW
T18N R01E S05	NESW	T18N R01E S05	NWSW

CR

Aug
2/26/09
NWB

T18N R01E S05	SWSW	T18N R01E S05	SESW
T18N R01E S05	NESE	T18N R01E S05	NWSE
T18N R01E S05	SWSE	T18N R01E S05	SESE
T18N R01E S06	NENE	T18N R01E S06	NWNE

11/17/2008

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

T18N R01E S06	SWNE	T18N R01E S06	SENE
T18N R01E S06	NENW	T18N R01E S06	NWNW
T18N R01E S06	SWNW	T18N R01E S06	SENW
T18N R01E S09	NENE	T18N R01E S09	NWNE
T18N R01E S09	SWNE	T18N R01E S09	SENE
T18N R01E S09	NESE	T18N R01E S09	NWSE
T18N R01E S09	SWSE	T18N R01E S09	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 not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Boyd
2/26/09
MVB
CR