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DEPARTMENT OF  
WATER RESOURCES

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 Nos. 67-8004  
)  
)  
)  
)  
)  
)  
)

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.

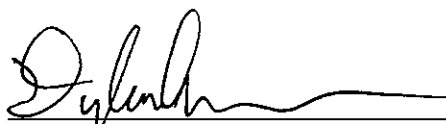
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

**CLAIMANT:**

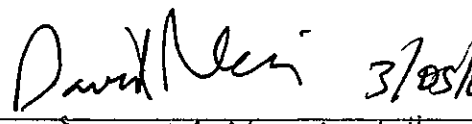
Seward Prosser Mellon  
Thousand Springs Ranch

**OBJECTOR(s):**

United States of America  
Bureau of Land Management

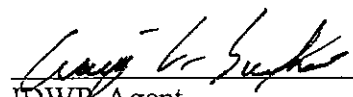
  
Dylan Lawrence  
Attorney for Claimant

2/24/09  
Date Jacob Haseman  
Attorney *HB*

  
David Negri, Attorney

STANDARD FORM 5

IDWR Concurrence:

 2-26-09  
IDWR Agent Date

 2/26/09  
Chris M. Bromley Date  
Deputy Attorney General

STANDARD FORM 5

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

RIGHT NUMBER: 67-8004

NAME AND ADDRESS:

SEWARD PROSSER MELLON  
THOUSAND SPRINGS RANCH  
C/O SCOTT CAMPBELL  
PO BOX 829  
BOISE ID 83701

DBL

CB

CS

MB  
ON

SOURCE:

Source:  
GROUND WATER

Tributary:

Source:  
SPRINGS

Tributary:  
THOUSAND SPRINGS CREEK

Source:  
THOUSAND SPRINGS CREEK

Tributary:  
WEISER RIVER

QUANTITY:

4.610 CFS  
1,060.000 AFY

Right Nos. 67-2372 and 67-8004 are limited to a total combined annual diversion volume of 1038 AF for irrigation purposes.

Storage of water under the rights listed below are limited to a combine total of 19.0 acre feet per year. Combined Right No(s): 67-8004, & 67-14110

Right Nos. 67-2372 and 67-8004 are limited to a total combined diversion rate of 4.61 cfs.

~~The rights listed below are limited to a total combined diversion rate of 4.61 cfs and to a total combined annual diversion volume of 1038 AF. Combined Right Nos. 67-2372 & 67-8004~~

PRIORITY DATE: 09/19/1996

POINT OF DIVERSION:

T12N R04W S4 Lot 2 NWNE Within WASHINGTON County  
T12N R04W S4 SWNE Within WASHINGTON County  
T12N R04W S4 NWSE Within WASHINGTON County  
T12N R04W S4 SNNWSE Within WASHINGTON County

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

| PURPOSE AND<br>PERIOD OF USE: | Purpose of use          | Period of use: | Quantity:              |
|-------------------------------|-------------------------|----------------|------------------------|
|                               | IRRIGATION              | 03/01 11/15    | 4.610 CFS 1,038.00 AFY |
|                               | IRRIGATION STORAGE      | 01/01 12/31    | 19.00 AFY              |
|                               | IRRIGATION FROM STORAGE | 03/01 11/15    | 19.00 AFY              |
|                               | STOCKWATER              | 01/01 12/31    | 0.030 CFS 1.30 AFY     |
|                               | STOCKWATER STORAGE      | 01/01 12/31    | 19.00 AFY              |
|                               | WILDLIFE                | 01/01 12/31    | 0.030 CFS 1.30 AFY     |
|                               | WILDLIFE STORAGE        | 01/01 12/31    | 19.00 AFY              |
|                               | DOMESTIC                | 01/01 12/31    | 0.060 CFS 1.20 AFY     |
|                               | FIRE PROTECTION STORAGE | 01/01 12/31    | 19.00 AFY              |
|                               | DIVERSION TO STORAGE    | 01/01 12/31    | 4.610 CFS              |

Domestic use is for 2 homes.

DBL

| PLACE OF USE:                              | within WASHINGTON County            |
|--------------------------------------------|-------------------------------------|
| IRRIGATION                                 |                                     |
| T12N R04W S04 SWNE 2.1                     | T12N R04W S10 NWSW 10.0             |
| T12N R04W S04 NWSE 1.8                     | T12N R04W S10 SWSW 4.1              |
| T12N R04W S09 NENE 1.8                     | T12N R04W S15 NWNW 17.0             |
| T12N R04W S09 NWNE 13.0                    | T12N R04W S15 SWNW 19.0             |
| T12N R04W S09 SWNE 9.2                     | T12N R04W S15 NWSW 19.0             |
| T12N R04W S09 SENE 21.0                    | T12N R04W S16 NENE 24.0             |
| T12N R04W S09 NESE 31.0                    | T12N R04W S16 SENE 16.0             |
| T12N R04W S09 NWSE 4.9                     | T12N R04W S16 NESE 3.4              |
| T12N R04W S09 SESE 33.0                    | <del>T12N R04W S10 SWNW 0.3</del>   |
| IRRIGATION STORAGE                         | within WASHINGTON County            |
| T12N R04W S04 NWSE                         |                                     |
| STOCKWATER STORAGE                         | within WASHINGTON County            |
| T12N R04W S04 NWSE                         |                                     |
| WILDLIFE STORAGE                           | within WASHINGTON County            |
| T12N R04W S04 NWSE                         |                                     |
| DOMESTIC                                   | within WASHINGTON County            |
| T12N R04W S04 NWSE                         |                                     |
| FIRE PROTECTION STORAGE                    | within WASHINGTON County            |
| T12N R04W S04 NWSE                         |                                     |
| WILDLIFE Same As IRRIGATION                |                                     |
| STOCKWATER Same as IRRIGATION              |                                     |
| IRRIGATION FROM STORAGE same as IRRIGATION |                                     |
| <u>230.3 ACRES TOTAL</u>                   | <u><del>230.6</del> ACRES TOTAL</u> |

CB  
CS  
MB  
DN

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

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The rights listed below are limited to the irrigation of a combined total of 230.3 acres in a single irrigation season. Combined Right Nos.: 67-8004 & 67-2372

~~The rights listed below are limited to the irrigation of a combined total of 230.6 acres in a single irrigation season. Combined Right Nos.: 67-8004 & 67-2372~~

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Parcel #(s): RP12N04W040000A

DBL

CB

CS

MS

DN

## CERTIFICATE OF MAILING

I certify that on 03-06, 200<sup>9</sup>~~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:

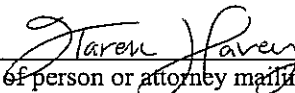
Clerk of the District Court  
Snake River Basin Adjudication  
253 Third Avenue North  
P. O. Box 2707  
Twin Falls, Idaho 83303-2707

2. Copies to:

SEWARD PROSSER MELLON  
Represented by:  
SCOTT L CAMPBELL  
101 S CAPITOL BLVD 10TH FLOOR  
PO BOX 829  
BOISE, ID 83701-0829

UNITED STATES OF AMERICA  
Represented by:  
US DEPARTMENT OF JUSTICE  
ENVIRONMENT & NATL' RESOURCES  
550 WEST FORT STREET, MSC 033  
BOISE, ID 83724

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

  
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Signature of person or attorney mailing the form