

RECEIVED

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

In Re SRBA

Case No. 39576

) Subcase Nos. 67-14987
) *(split from 67-4576)*
)

) STANDARD FORM 5
)

) STIPULATED ELEMENTS OF A
) WATER RIGHT
)

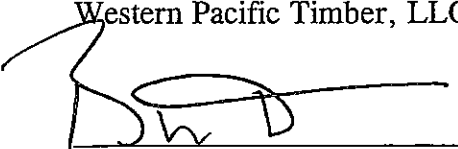
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary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

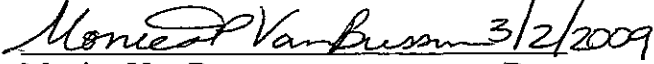
Western Pacific Timber, LLC


Bruce Smith, Attorney

2/26/09
Date

STANDARD FORM 5 67-14987

IDWR Concurrence:

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

BMJ
2/26/09

CERTIFICATE OF MAILING

I certify that on March 5⁹, 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 Ridgway

Signature of person or attorney mailing the form

Brj
2/26/09

10/31/2008

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

RIGHT NUMBER: 67-14987

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

SOURCE: UNNAMED STREAM TRIBUTARY: BIG CREEK
UNNAMED STREAM TRIBUTARY: MICA CREEK
CABIN CREEK TRIBUTARY: MIDDLE FORK WEISER RIVER
MICA CREEK TRIBUTARY: MIDDLE FORK WEISER RIVER
UNNAMED STREAM TRIBUTARY: MIDDLE FORK 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:

T15N R02E S4 NWSE End of Stream Flow Within ADAMS County
T15N R02E S4 SESE Begin of Stream Flow Within ADAMS County
T15N R02E S5 SESE Begin of Stream Flow Within ADAMS County
T15N R02E S5 SESE End of Stream Flow Within ADAMS County
T15N R02E S6 NWNE Begin of Stream Flow Within ADAMS County
T15N R02E S6 SENW End of Stream Flow Within ADAMS County
T15N R02E S7 NESE End of Stream Flow Within ADAMS County
T15N R02E S7 SESE Begin of Stream Flow Within ADAMS County
T15N R02E S17 NENE Begin of Stream Flow Within ADAMS County
T15N R02E S17 NENE Begin of Stream Flow Within ADAMS County
T15N R02E S17 NWNE End of Stream Flow Within ADAMS County
T15N R02E S17 NENW End of Stream Flow Within ADAMS County
T15N R02E S17 NWNW End of Stream Flow Within ADAMS County
T15N R02E S17 SENW End of Stream Flow Within ADAMS County
T15N R02E S17 SESE Begin of Stream Flow Within ADAMS County
T15N R02E S20 SWSE 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>
STOCKWATER	05/01 11/30	0.200 CFS
FIRE PROTECTION	05/01 11/30	0.200 CFS

CB
Bm
2/26/09
MVB
3/2/2009

COMMERCIAL

05/01 11/30

0.200 CFS

Commercial use is for dust abatement.

PLACE OF USE: STOCKWATER in ADAMS County

T15N R02E S03

SWNE

T15N R02E S03

SWNW

10/31/2008

IDAHO DEPARTMENT OF WATER RESOURCES

RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

T15N R02E S03	SESW	T15N R02E S03	NWSW
T15N R02E S04	SENE	T15N R02E S04 Lot 4	NWNW
T15N R02E S04 Lot 5	NWNW	T15N R02E S04	NWSW
T15N R02E S04	NESE	T15N R02E S04	NWSE
T15N R02E S04	SESE	T15N R02E S05 Lot 8	NENE
T15N R02E S05 Lot 2	NWNE	T15N R02E S05 Lot 7	NWNE
T15N R02E S05	SWNE	T15N R02E S05	SENE
T15N R02E S05 Lot 3	NENW	T15N R02E S05 Lot 6	NENW
T15N R02E S05 Lot 4	NWNW	T15N R02E S05 Lot 5	NWNW
T15N R02E S05	SESW	T15N R02E S05	NESE
T15N R02E S05	NWSE	T15N R02E S05	SESE
T15N R02E S06 Lot 8	NENE	T15N R02E S06 Lot 7	NWNE
T15N R02E S06	SWNE	T15N R02E S06 Lot 3	NENW
T15N R02E S06 Lot 6	NENW	T15N R02E S06 Lot 4	NWNW
T15N R02E S06 Lot 5	NWNW	T15N R02E S06 Lot 9	SWNW
T15N R02E S06	SESW	T15N R02E S06	NWSE
T15N R02E S07 Lot 1	NWNW	T15N R02E S07 Lot 2	SWNW
T15N R02E S07	NESW	T15N R02E S07 Lot 3	NWSW
T15N R02E S07	NESE	T15N R02E S07	NWSE
T15N R02E S07	SESE	T15N R02E S08	NENE
T15N R02E S08	NWNE	T15N R02E S08	NENW
T15N R02E S09	NENE	T15N R02E S09	NWNE
T15N R02E S09	SWNE	T15N R02E S09	SENE
T15N R02E S10	NENW	T15N R02E S10	NWNW
T15N R02E S10	SWNW	T15N R02E S10	SESW
T15N R02E S17	NENE	T15N R02E S17	NWNE
T15N R02E S17	SWNE	T15N R02E S17	SENE
T15N R02E S17	NENW	T15N R02E S17	NWNW
T15N R02E S17	SWNW	T15N R02E S17	SESW

By
 2/26/09
 MVB
 CB

T15N R02E S17	NESW	T15N R02E S17	NWSW
T15N R02E S17	SWSW	T15N R02E S17	SESW
T15N R02E S17	NESE	T15N R02E S17	NWSE
T15N R02E S17	SWSE	T15N R02E S17	SESE
T15N R02E S18	NENE	T15N R02E S18	SENE
T15N R02E S18	NESE	T15N R02E S18	SESE
T15N R02E S19	NENE	T15N R02E S20	NENE

10/31/2008

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

T15N R02E S20	NWNE	T15N R02E S20	SWNE
T15N R02E S20	SENE	T15N R02E S20	NENW
T15N R02E S20	NWNW	T15N R02E S20	SWNW
T15N R02E S20	SENW	T15N R02E S20	NESW
T15N R02E S20	NWSW	T15N R02E S20	SESW
T15N R02E S20	NESE	T15N R02E S20	NWSE
T15N R02E S20	SWSE	T15N R02E S20	SESE
T15N R02E S21	NWNW	T15N R02E S21	SWNW
T15N R02E S21	SENW	T15N R02E S21	NWSW
T15N R02E S21	SWSW		

FIRE PROTECTION same as STOCKWATER
COMMERCIAL same as STOCKWATER

Amx
2/26/09
MVB
CB

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

This right is a split from former right 67-4576.