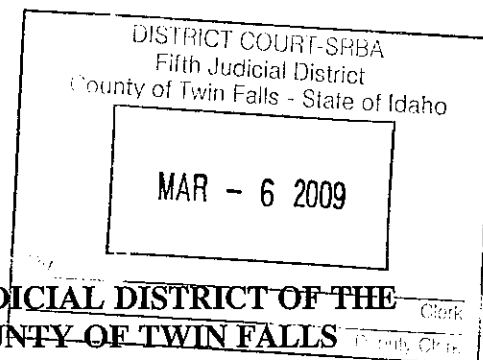


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MAR 10 2009

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

Case No. 39576

) Subcase Nos. 67-14989
) (split from 67-4577)
)

) STANDARD FORM 5
)

) STIPULATED ELEMENTS OF A
) WATER RIGHT
)

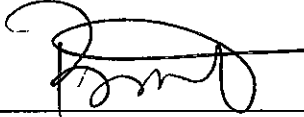
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary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

 2/26/09

Bruce Smith, Attorney Date

STANDARD FORM 5 67-14989

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	

132
2/26/09

CERTIFICATE OF MAILING

I certify that on March 5, 200⁹8, 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

Renea Ridgway

Signature of person or attorney mailing the form

Bmt
2/26/09

11/14/2008

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

RIGHT NUMBER: 67-14989

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

SOURCE: UNNAMED STREAM
UNNAMED STREAM
BOULDER CREEK
FALL CREEK

TRIBUTARY: FALL CREEK
TRIBUTARY: WARM SPRING CREEK
TRIBUTARY: MIDDLE FORK WEISER RIVER
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 R01E S1 NENE Begin of Stream Flow Within ADAMS County
T15N R01E S1 SENE End of Stream Flow Within ADAMS County
T15N R01E S2 NWNW End of Stream Flow Within ADAMS County
T15N R01E S25 NESW Begin of Stream Flow Within ADAMS County
T15N R01E S26 NENE End of Stream Flow Within ADAMS County
T15N R01E S26 SENE End of Stream Flow Within ADAMS County
T15N R01E S34 NESE Begin of Stream Flow Within ADAMS County
T15N R01E S35 NENE 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
STOCKWATER	05/01 11/30	0.140 CFS
COMMERCIAL	05/01 11/30	0.200 CFS

Commercial use is for dust abatement.

PLACE OF USE: STOCKWATER in ADAMS County

T15N R01E S01	NENE	T15N R01E S01	SENE
T15N R01E S01	NESE	T15N R01E S01	NWSE
T15N R01E S02	NENE	T15N R01E S02	NWNE
T15N R01E S02	SWNE	T15N R01E S02	SENE
T15N R01E S02	NWNW	T15N R01E S03	NENE
T15N R01E S14	SWNW	T15N R01E S14	SENW

CB
Bmy
2/26/09
MVB

T15N R01E S14	NESE	T15N R01E S14	NWSE
T15N R01E S14	SWSE	T15N R01E S14	SESE
T15N R01E S23	SWNE	T15N R01E S23	SENE
T15N R01E S23	NESE	T15N R01E S23	SESE

11/14/2008

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

T15N R01E S24	SWNE	T15N R01E S24	SENE
T15N R01E S24	SWNW	T15N R01E S24	SENW
T15N R01E S24	NWSW	T15N R01E S24	SWSW
T15N R01E S24	SESW	T15N R01E S24	NESE
T15N R01E S24	NWSE	T15N R01E S24	SWSE
T15N R01E S24	SESE	T15N R01E S25	NENE
T15N R01E S25	NWNE	T15N R01E S25	SWNE
T15N R01E S25	SENE	T15N R01E S25	NENW
T15N R01E S25	NWNW	T15N R01E S25	SWNW
T15N R01E S25	SENW	T15N R01E S25	NESW
T15N R01E S25	NWSW	T15N R01E S26	NENE
T15N R01E S26	SENE	T15N R01E S26	NESE
T15N R01E S26	NWSE	T15N R01E S26	SESE
T15N R01E S35	NENE	T15N R01E S35	NWNE
T15N R01E S35	NENW	T15N R01E S35	NWNW
T15N R02E S19	NWNW	T16N R01E S34	NESE
T16N R01E S34	SESE	T16N R01E S35	SWNW
T16N R01E S35	SENW	T16N R01E S35	NWSW
T16N R01E S35	SWSW		

FIRE PROTECTION same as STOCKWATER
COMMERCIAL same as STOCKWATER

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

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(5), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

CB
Bony
2/26/09
MVB

This right is a split from former right 67-4577.

CB

DMV

2/24/09

MVB