

**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 No. 45-12675

) **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 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 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.

Pursuant the terms of the *Stipulation and Joint Motion for Order Approving Stipulation* filed on August 29, 2002, such stipulation being incorporated into this *Standard Form 5*, the parties and IDWR agree and stipulate that the elements of the resulting water rights should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

OBJECTORS:

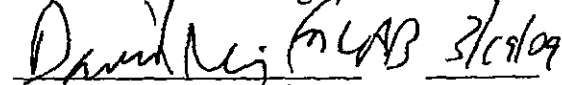
Michael A. Poulton
Joe Tugaw


Travis A. Thompson
Of Attorney for Objectors

3/17/09
Date

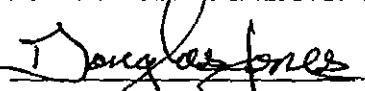
CLAIMANT:

United States on behalf of the
Bureau of Land Management


Larry A. Brown *LB*
Attorney, U.S. Department of Justice
Environment and Natural Resources Div.

3/19/09
Date

IDWR CONCURRENCE:


Doug Jones
Technical Engineer I

3/19/09
Date

IDWR CONCURRENCE:


Nicholas B. Spencer
Deputy Attorney General
Attorney for IDWR

3-19-09
Date

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

RIGHTS FROM: SOURCE: MOUNTAIN MEADOW CREEK TRIBUTARY: SINKS

RIGHT NUMBER: 45-12675

NAME & ADDRESS: UNITED STATES OF AMERICA ACTING THROUGH
USDI BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE ID 83709-1657

SOURCE: MOUNTAIN MEADOW CREEK TRIBUTARY: SINKS

QUANTITY: 0.02 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED
13,000 GALLONS PER DAY.

PRIORITY DATE: ~~01/01/1873~~ 06/28/1934

POINT OF DIVERSION: T12S R20E S21 NWNESE Within CASSIA County
S15 NENESE (INSTREAM BEGINNING POINT)
~~(INSTREAM ENDING POINT)~~
Lot 4 (NENESE) (INSTREAM ENDING POINT)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER	01-01 12-31	0.02 CFS

PLACE OF USE: STOCKWATER Within CASSIA County

T12S R20E S15	SESW
	~~NESE~~
	<u>Lot 4 (NWSE)</u>
	<u>Lot 5 (SWSE)</u>
S21	SENE
	NESE
S22	NENW
	NWNW
	SWNW

707
NB
NBS

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT 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. I.C. SECTION 42-1412(6).

THE OPERATION, USE, AND ADMINISTRATION OF THIS WATER
RIGHT IS ALSO SUBJECT TO THE TERMS AND CONDITIONS OF THE
STIPULATION AND JOINT MOTION FOR ORDER APPROVING STIPULATION
ENTERED INTO ON AUGUST 29, 2002 BETWEEN THE UNITED STATES OF
AMERICA AND WESTERN STOCKGROWERS ASSOCIATION ET AL., FILED IN
THE OFFICE OF THE CASSIA COUNTY RECORDER AND RECORDED ON JUNE

6, 2003 AS INSTRUMENT NO. 289179; THE PROVISIONS OF SUCH
STIPULATION TO APPLY FULLY TO THIS WATER RIGHT.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
BLM RECORD ID = 4502480047
~~GATTLE/500~~

Don MB Dg NBS

CERTIFICATE OF MAILING

I certify that on 3/19, ~~2008~~²⁰⁰⁹ mailed the original and copies of this form, including all attachments, 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. Copy to:

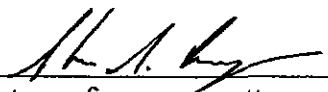
Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, Idaho 83711-4449

IDWR Document Depository
P. O. Box 83720
Boise, Idaho 83720-0098

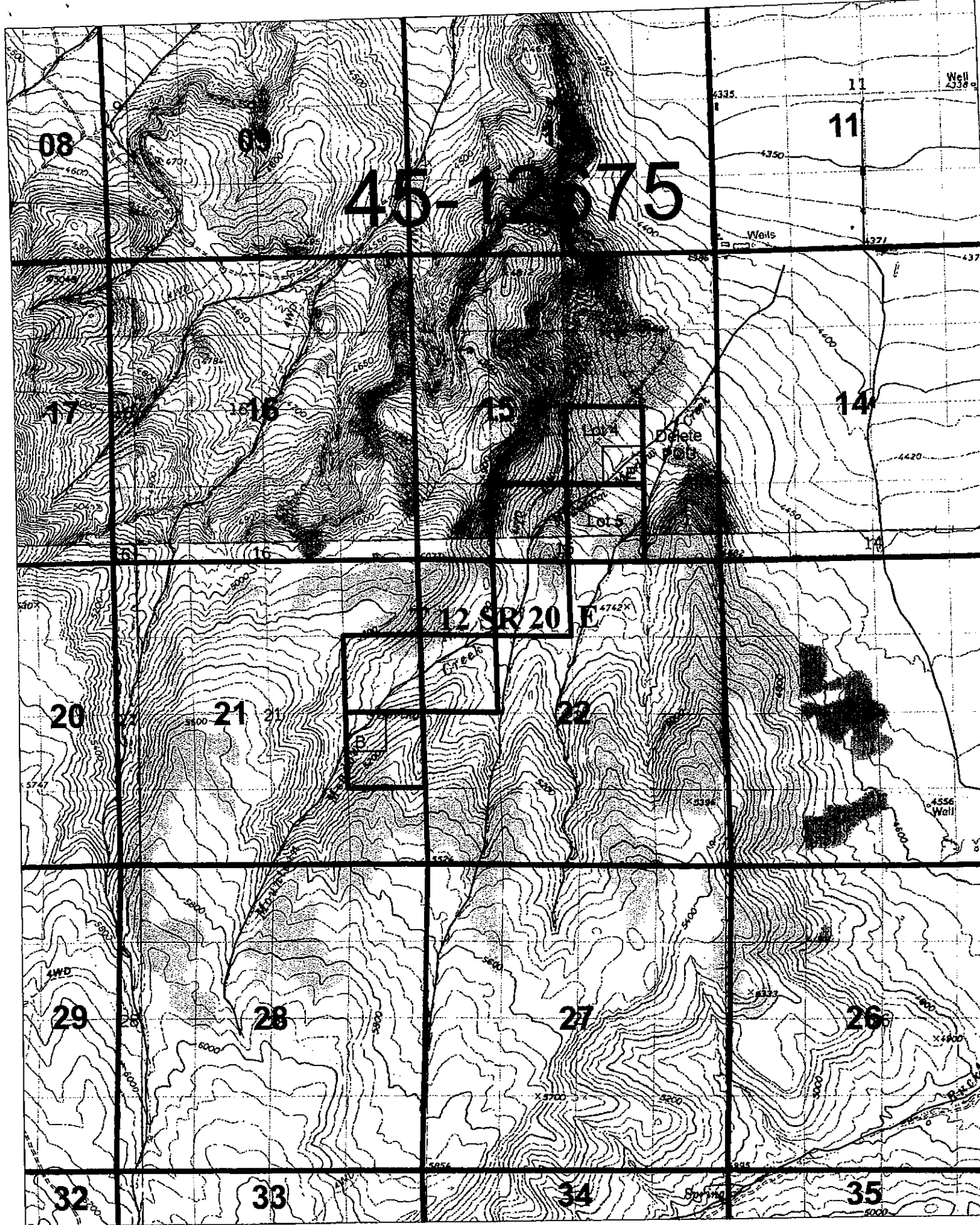
3. Copies to all parties to the subcase (insert names and addresses):

U.S., Department of Justice
Environment and Natural Resources Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724

Travis L. Thompson
Barker, Rosholt & Simpson, LLP
P.O. Box 485
Twin Falls, Idaho 83303



Signature of person or attorney mailing the form



CASSIA COUNTY 031
TWIN FALLS DISTRICT SEC 3

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MT PLAT

INDEX TO SEGREGATED TRACTS			ORIGINAL SURVEY	
RESURVEY	TRACT NO.	T	R	SIC
				SUBDIVISION

PLO 5386 Alpha received prior to 10:00 AM 08/20/1973
considered Sim filed
Sec 25; N2NE

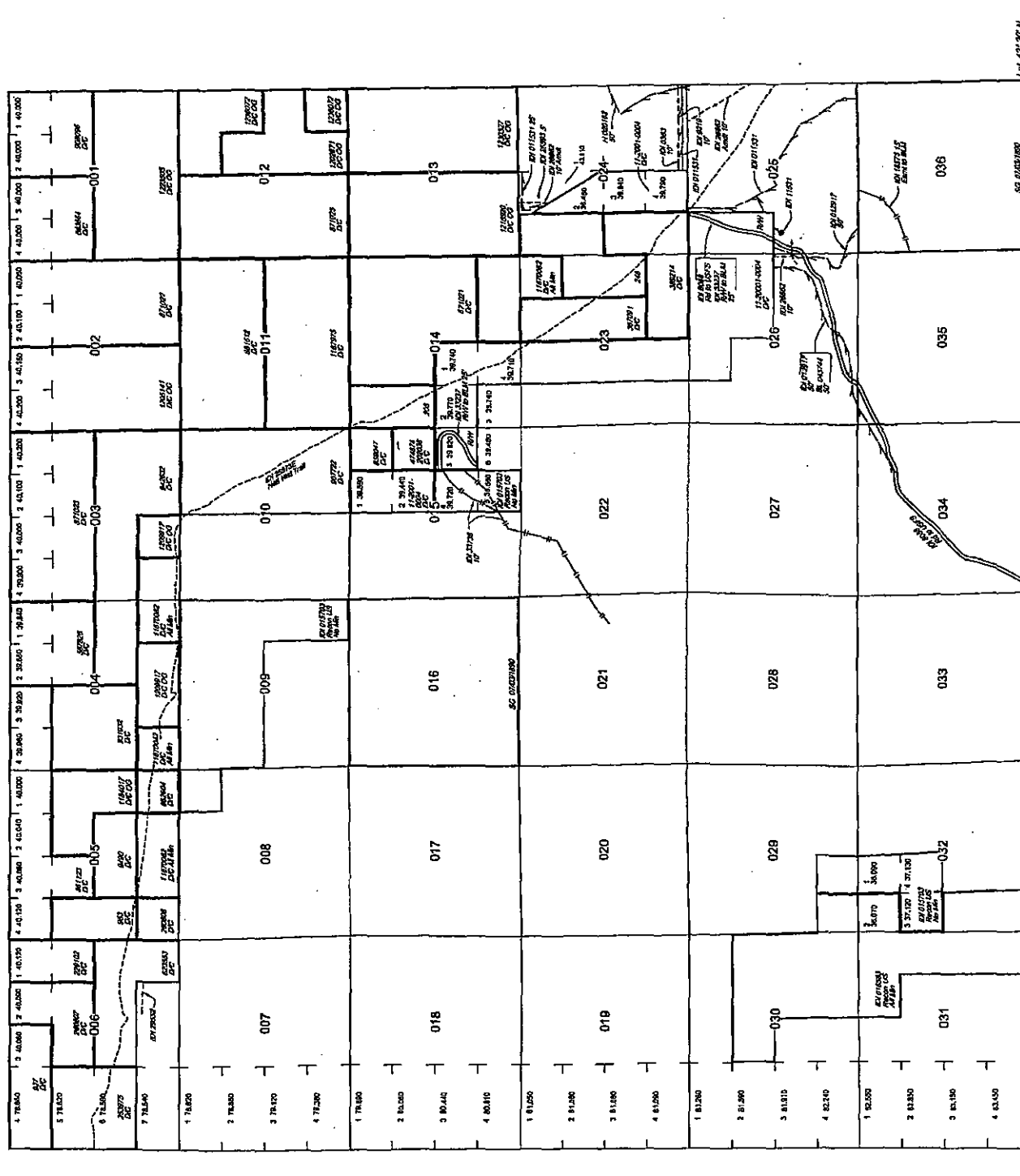
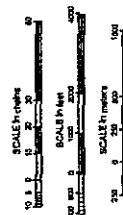
IDI 11927 WAG Carey Act Prop
 Sec 24: E2, E2MW, E2SW
 Sec 25: N2

100-23873E New Hist Train

FOR ORDERS EFFECTING DISPOSAL OR USE OF
UNIDENTIFIED LAND REFER TO INDEX OF
UNCLASSIFIED DOCUMENTS

FILE REF:	K060132802SCANT000AAB
COMPILED BY:	BVI PERST
LAST UPDATED:	BVI ST
CANISTER #:	CANISTER DMS
POSTED TO PUBLIC RECORDS:	
PUBLIC LAND BURNING SYSTEM (PLBS)	
SOURCE ACQUIRED:	DARROW
OTHER COMMENTS:	N/A
PROJECTED COORDINATE SYSTEM	UTM ZONE 19N MAG 18E
NOTE:	
DATE PLACED:	

T. 12 S
R. 20 E

[illegible]

U.S. Bureau of Land Management - Idaho State Office
1387 S. Vinell Way Boise, Idaho 83709
(208) 373-4000



13 S-19 E