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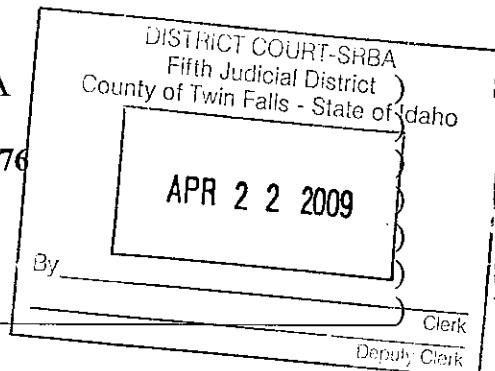
APR 24 2009

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 No. 75-04108

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:

Pope Ditch Company

OBJECTOR:

Michael Tyacke

Terri J. Morton
Pope Ditch Company Date 4-10-2009
Terri J. Morton, Secretary
Pro Se

Michael Tyacke 4/10/09
Michael Tyacke Date
Pro Se

IDWR Concurrence:

Monica Van Bussum 4/16/2009
Monica Van Bussum Date
Senior Water Resource Agent

Garrick L. Baxter 4/16/09
Garrick L. Baxter Date
Deputy Attorney General
Attorney for IDWR

03/26/2009

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

MVB

RIGHT NUMBER: 75-4108

NAME AND ADDRESS: POPE DITCH CO
C/O TERRI J MORTON SEC
PO BOX 601
SALMON ID 83467

43

SOURCE: SALMON RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 56.800 CFS

PRIORITY DATE: 12/31/1883

POINT OF DIVERSION:

T20N R22E S6 SESE Lot 14 Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	56.800 CFS
STOCKWATER	01/01 12/31	0.230 CFS

PLACE OF USE:

1135 ACRES TOTAL

Court

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District

and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

This right is limited to the irrigation of ~~1125~~ 1135 acres within the place of use described above in a single irrigation season.

Place of use is within the area served by the Pope Ditch Company.

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 - Beneficial Use

CERTIFICATE OF MAILING

I certify that on 4/24, 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:

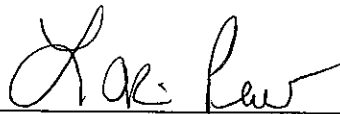
CLERK OF THE DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
253 THIRD AVENUE NORTH
P.O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

STAN JENSEN
16 HYDE LANE
SALMON, ID 83467

POPE DITCH CO
C/O TERRI J MORTON SEC
PO BOX 601
SALMON, ID 83467

MICHAEL J. TYACKE
PO BOX 2156
IDAHO FALLS, ID 83403

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



Signature of person or attorney mailing form