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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 NO.: 37-13137
(SPLIT INTO 37-22238, 37-22259
37-22260)
STANDARD FORM 5

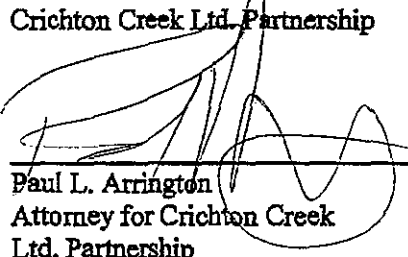
STIPULATED ELEMENTS OF A
WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law. 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; and 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.

To resolve the objections filed by the BLM and the State of Idaho Department of Lands in subcase 37-13137, the parties agree and stipulate that the whole of water right claim 37-13137 shall be split into three new water right claims and renumbered as 37-22238, 37-22259, 37-22260 now supersede water right 37-13137, and right 37-13137 should be dismissed with prejudice. The parties and IDWR have further indicated their concurrence to these renumbered water rights by signing below and initialing the attached pages.

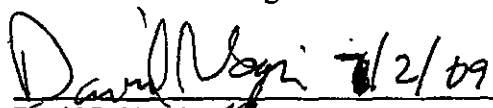
CLAIMANT/RESPONDENT:
Crichton Creek Ltd. Partnership


Paul L. Arrington
Attorney for Crichton Creek
Ltd. Partnership

6/16/09
Date

OBJECTOR:

United States on behalf of the
Bureau of Land Management


David L. Negri
Attorney, U.S. Department of Justice
Environment and Natural Resources

7/2/09
Date

OBJECTOR:

State of Idaho

Department of Lands

David J. Barber 5/27/2009

David J. Barber Date

Deputy Attorney General

Attorney for Department of Lands

IDWR Concurrence:

IDWR Concurrence:

Kelly Christensen 6-11-09

Kelly Christensen Date

Sr. Water Resource Agent

C. M. Bromley 6/11/09

Christopher M. Bromley Date

Deputy Attorney General

Attorney for IDWR

05/27/2009

IDAHO DEPARTMENT OF WATER RESOURCES
CLAIMS / RIGHTS NOT RECOMMENDED

<u>W.R. NUMBER</u>	<u>NAME AND ADDRESS</u>	<u>CLAIM DISPOSITION REASON</u>
37-13137	CRICHTON CREEK LTD PARTNERSHIP RT 1 BOX 1210 FAIRFIELD ID 83327	Parent split into 37-22238, 37-22259 and 37-22260

put RKC
2/B CB
ON

05/27/2009

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

RIGHT NUMBER: 37-22238

NAME AND ADDRESS: CRICHTON CREEK LTD PARTNERSHIP
RT 1 BOX 1210
FAIRFIELD ID 83327

SOURCE: SPRING

TRIBUTARY: UNNAMED STREAM

QUANTITY: 0.050 CFS

This right shall be used in conjunction with water right nos. 37-22259 and 37-22260 and is limited to a total combined diversion rate of 0.05 cfs and a total combined quantity of 13,000 gallons per day.

PRIORITY DATE: 07/21/1939

POINT OF DIVERSION:

T01N R15E S14 NWNEW Within CAMAS County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USEPERIOD OF USEQUANTITY

STOCKWATER

06/01 10/15

0.050 CFS

PLACE OF USE: STOCKWATER in CAMAS County

T01N R15E S14 NENW

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.

Pursuant to the decision in Joyce Livestock v. United States (144 IDAHO 1, 156 P.3D 502 (Idaho 2007)), this water right is appurtenant to real property that is not the place of use. Property to which this water right is appurtenant is described as follows pursuant to I.C. 42-1402:

T01N	R15E	S03	Lot 1	NENE
T01N	R15E	S03	Lot 2	NWNE
T01N	R15E	S03		SENE
T01N	R15E	S03	Lot 3	NENW
T01N	R15E	S03	Lot 4	NWNW
T01N	R15E	S03		SWNW
T01N	R15E	S03		NESW
T01N	R15E	S03		NWSW
T01N	R15E	S03		SWSW
T01N	R15E	S03		SESW
T01N	R15E	S03		NESE
T01N	R15E	S03		SESE
T01N	R15E	S10		NENE
T01N	R15E	S10		SWNE
T01N	R15E	S10		NENW
T01N	R15E	S10		NWNW
T01N	R15E	S10		SENW
T01N	R15E	S10	Lot 1	NESE
T01N	R15E	S10		NWSE
T01N	R15E	S10		SWSE
T01N	R15E	S10		SESE
T01N	R15E	S11		SWNW
T01N	R15E	S11		SENW
T01N	R15E	S11		NESW
T01N	R15E	S11	Lot 1	NWSW

Handwritten:
JLB
KKC
CF
PWA
ON

05/27/2009

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

T01N	R15E	S11	Lot 2	SESW
T01N	R15E	S13		SWSW
T01N	R15E	S14	Lot 1	NENW
T01N	R15E	S14	Lot 2	NWNW
T01N	R15E	S14	Lot 3	SWNW
T01N	R15E	S14	Lot 4	SENW
T01N	R15E	S14		NESW
T01N	R15E	S14		SESW
T01N	R15E	S15		NENE
T01N	R15E	S15		NENW
T01N	R15E	S23		NENE
T01N	R15E	S23		NWNE
T01N	R15E	S23		SWNE
T01N	R15E	S23		SENE
T01N	R15E	S23		NENW
T01N	R15E	S23		SENW
T01N	R15E	S23		NESW
T01N	R15E	S23		NESE
T01N	R15E	S23		NWSE
T01N	R15E	S23		SWSE
T01N	R15E	S23		SESE
T01N	R15E	S24		NWNW
T01N	R15E	S24		SWNW
T01N	R15E	S24		SWSW
T01N	R15E	S24		SESW
T01N	R15E	S25		NENW
T01N	R15E	S25		NWNW
T01N	R15E	S25		SWNW
T01N	R15E	S25		NWSW
T01N	R15E	S25		SWSW
T01N	R15E	S25		SESW
T01N	R15E	S25		SWSE
T01N	R15E	S36		NENW
T01N	R15E	S36		NWNW
T01N	R15E	S36		SWNW
T01N	R15E	S36		SENW

PLA
S/PB
KRC
CB
AB
DN

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

This right is a split from former right 37-13137 .

05/27/2009

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

RIGHT NUMBER: 37-22259

NAME AND ADDRESS: CRICHTON CREEK LTD PARTNERSHIP
RT 1 BOX 1210
FAIRFIELD ID 83327

SOURCE: SPRING

TRIBUTARY: UNNAMED STREAM

QUANTITY: 0.050 CFS

This right shall be used in conjunction with water right nos. 37-22260 and 37-22238 and is limited to a total combined diversion rate of 0.050 CFS and a total combined quantity of 13,000 gallons per day.

PRIORITY DATE: 07/21/1939

POINT OF DIVERSION:

T01N R15E S3 SWSWSW Within CAMAS County
T01N R15E S3 SENESE Within CAMAS County
T01N R15E S10 NWSENW Within CAMAS County
T01N R15E S10 SWSSENW Within CAMAS County
T01N R15E S10 NWNWSE Within CAMAS County
T01N R15E S11 SWNWNW Within CAMAS County
T01N R15E S11 SWSWNW Within CAMAS County
T01N R15E S14 NWSENW Lot 4 Within CAMAS County
T01N R15E S14 SESENW Lot 4 Within CAMAS County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
STOCKWATER	05/01 10/20	0.050 CFS

PLACE OF USE: STOCKWATER in CAMAS County

T01N R15E S03	SWSW	T01N R15E S03	NESE
T01N R15E S10	SESW	T01N R15E S10	NWSE
T01N R15E S11	NWNW	T01N R15E S11	SWNW
T01N R15E S14 Lot 4	SESW		

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 is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

This right is a split from former right 37-13137 .

05/27/2009

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

RIGHT NUMBER: 37-22260

NAME AND ADDRESS: CRICHTON CREEK LTD PARTNERSHIP
RT 1 BOX 1210
FAIRFIELD ID 83327

STATE OF IDAHO
DEPT OF LANDS
300 N. 6TH ST.
PO BOX 83720
BOISE, ID 83720-0050

SOURCE: SPRING

TRIBUTARY: COOKSTOVE CREEK

QUANTITY: 0.050 CFS

This right shall be used in conjunction with water right nos. 37-22259 and 37-22238 and is limited to a total combined diversion rate of 0.050 CFS and a total combined quantity of 13,000 gallons per day.

PRIORITY DATE: 07/21/1939

POINT OF DIVERSION:

T01N R15E S15 NWSENE Within CAMAS County
T01N R15E S15 NESWNW Within CAMAS County
T01N R15E S15 SESWNW Within CAMAS County
T01N R15E S15 SWSENW Within CAMAS County
T01N R15E S16 NWSWNE Within CAMAS County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
STOCKWATER	05/01 10/20	0.050 CFS

PLACE OF USE: STOCKWATER in CAMAS County

T01N R15E S15	SENE	T01N R15E S15	SWNW
T01N R15E S15	SENW	T01N R15E S16	SWNE

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

The ownership of water right no. 37-22260 is governed by a private agreement executed by the Idaho Department of Lands and Crichton Creek Ltd. Partnership.

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. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

This right is a split from former right 37-13137 .

CERTIFICATE OF MAILING

I certify that on 07/02, 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

2. Copies to:

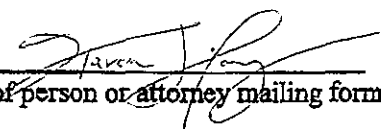
STATE OF IDAHO DEPT OF LANDS
Represented by:
STATE OF IDAHO
JRW BUILDING, SECOND FLOOR
700 W STATE ST, PO BOX 44449
BOISE, ID 83711-4449

STATE OF IDAHO
DEPT OF LANDS
300 N. 6th ST
PO BOX 83720
BOISE, ID 83720-0050

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

CRICHTON CREEK LTD. PARTNERSHIP
c/o PAUL L. ARRINGTON
BARKER, ROSHOLT & SIMPSON LLP
PO BOX 485
TWIN FALLS, ID 83303

DAVID L. NEGRI
ATTORNEY, U.S. DEPARTMENT OF JUSTICE
ENVIRONMENT AND NATURAL RESOURCES
800 PARK BLVD., SUITE 600
BOISE, ID 83712



Signature of person or attorney mailing form