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JUL 22 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.: 37-2751

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 / OBJECTOR:

Charles L. Honsinger 7/21/09

Charles L. Honsinger Date
Attorney for Muldoon Grazing Association, Inc

IDWR CONCURRENCE:

Kelly K. Christensen 7-7-09

Kelly K. Christensen Date
Sr. Water Resource Agent

IDWR CONCURRENCE:

Christopher M. Bromley 7/9/09

Christopher M. Bromley Date
Deputy Attorney General
Attorney for IDWR

COPY

03/31/2009

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

RIGHT NUMBER: 37-2751

NAME AND ADDRESS: MULDOON GRAZING ASSN INC
ATTN CHERYL BENNETT
PO BOX 2249
HAILEY ID 83333

SOURCE: MULDOON CREEK

TRIBUTARY: LITTLE WOOD RIVER

QUANTITY: 5.330 CFS
~~915-APF~~

PRIORITY DATE: 10/31/1966

POINT OF DIVERSION:

T03N R21E S26 SENENE Within BLAINE County

T03N R21E S26 NWSEW Within BLAINE County

T03N R21E S26 NWSEW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USEPERIOD OF USEQUANTITY

IRRIGATION

05/01 11/01

5.330 CFS
~~915-00-APF~~

The use of water for irrigation under this right may begin as early as April 15, provided other elements of the right are not exceeded. The use of water before May 1 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE:

IRRIGATION in BLAINE County

T03N R21E S26	NENE	0.70 1-3	T03N R21E S26	NWNE	0.90
T03N R21E S26	SWNE	21.00	T03N R21E S26	SENE	17.00 15-0
T03N R21E S26	NESW	22.00 24-0	T03N R21E S26	SESW	28.00 20-0
T03N R21E S26	NWSE	2.70	T03N R21E S34	NESE	6.60
T03N R21E S34	SESE	28.00 0-4	T03N R21E S35	NENW	25.00 9-4
T03N R21E S35	NWNW	4.90	T03N R21E S35	SWNW	17.00
T03N R21E S35	SENE	20.00 11-0	T03N R21E S35	NESW	1.00 0-0
T03N R21E S35	NWSW	32.00 7-2	T03N R21E S35	SWSW	16.00 0-2

249.8 122 ACRES TOTAL

This right is limited to the irrigation of 122 acres within the place of use described above in a single irrigation season.

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.

03/31/2009

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Right includes accomplished change in place of use pursuant to Section
42-1425, Idaho Code.

Right includes accomplished change in point of diversion pursuant to Section
42-1425, Idaho Code.

K/KC
B C.2.7X

CERTIFICATE OF SERVICE

I certify that on July 21, 2009, I caused to be served true and correct copies of this Standard Form 5, to the following persons, in the manner indicated 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, ID 83303-2707

☒ Overnight Mail
☐ Regular Mail
☐ Hand-Delivered
☐ Facsimile

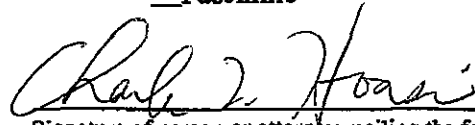
2. Copies to:

IDWR Document Repository
P.O. Box 83720
Boise, ID 83720-0098

☒ Overnight Mail
☐ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Charles L. Honsinger
Ringert Clark Chartered
P.O. Box 2773
Boise, ID 83701

☐ Overnight Mail
☐ Regular Mail
☒ Hand-Delivered
☐ Facsimile


Signature of person or attorney mailing the form