

SEP 09 2010

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

Subcase No. 45-10352 et al
(Splits see Attachment A)

45-10354

Split into 45-14204,
45-14205 & 45-14298

Case No. 39576

STANDARD FORM 5

STIPULATED ELEMENTS OF A WATER RIGHT

This form is used to report the stipulated elements of water rights 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; 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 the whole of the parent water rights on Attachment A were split into two or more water rights and renumbered as shown on the Attachment. The parties and IDWR agree and stipulate that the parent water rights should be disallowed. The split water rights now supersede the parent rights. The parties and IDWR have further indicated their concurrence to these renumbered rights by signing below and initialing the attached pages.

CLAIMANTS:

Eugene Matthews
Shoulder 3 Ranches Inc

Travis L. Thompson
Attorney for the Claimants

9/1/10
Date

OBJECTOR:

United States on behalf of the
USDA Forest Service

David L. Negri
Attorney for the United States

Date _____

IDWR CONCURRENCE:

Steve Clelland

9/3/10
Date

ATTORNEY FOR IDWR:

Nicholas B Spender
Deputy Attorney General

Date _____

Attachment A

8/25/2010

IDAHO DEPARTMENT OF WATER RESOURCES
CLAIMS / RIGHTS NOT RECOMMENDED

<u>W.R. NUMBER</u>	<u>NAME AND ADDRESS</u>	<u>CLAIM DISPOSITION REASON</u>
45-10352	E EUGENE MATTHEWS 1249 S HWY 27 OAKLEY ID 83346 SHOULDER 3 RANCHES INC PO BOX 218 OAKLEY ID 83346	Parent split into 45-14202 and 45-14203
45-10354	E EUGENE MATTHEWS 1249 S HWY 27 OAKLEY ID 83346 SHOULDER 3 RANCHES INC PO BOX 218 OAKLEY ID 83346	Parent split into 45-14204, 45-14205 and 45-14298
45-10355	E EUGENE MATTHEWS 1249 S HWY 27 OAKLEY ID 83346 SHOULDER 3 RANCHES INC PO BOX 218 OAKLEY ID 83346	Parent split into 45-14206 and 45-14207
45-10356	E EUGENE MATTHEWS 1249 S HWY 27 OAKLEY ID 83346 SHOULDER 3 RANCHES INC PO BOX 218 OAKLEY ID 83346	Parent split into 45-14208 and 45-14209
45-10357	E EUGENE MATTHEWS 1249 S HWY 27 OAKLEY ID 83346 SHOULDER 3 RANCHES INC PO BOX 218 OAKLEY ID 83346	Parent split into 45-142010 and 45-14211
45-10358	E EUGENE MATTHEWS 1249 S HWY 27 OAKLEY ID 83346 SHOULDER 3 RANCHES INC PO BOX 218 OAKLEY ID 83346	Parent split into 45-14212, 45-14213 and 45-14301

45-10359

E EUGENE MATTHEWS
1249 S HWY 27
OAKLEY ID 83346

Parent split into 45-14214, 45-14215,
45-14291, 45-14299 and 45-14300

SHOULDER 3 RANCHES INC
PO BOX 218
OAKLEY ID 83346

05/19/2010

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

RIGHT NUMBER: 45-14204
NAME AND ADDRESS: SHOULDER 3 RANCHES INC
PO BOX 218
OAKLEY ID 83346
E EUGENE MATTHEWS
1249 S HWY 27
OAKLEY ID 83346

SOURCE:	BUCKBRUSH SPRING	TRIBUTARY: SINKS
	CHOKECHERRY SPRING	TRIBUTARY: SINKS
	DUMMER SPRING	TRIBUTARY: SINKS
	LAYTON SPRING	TRIBUTARY: SINKS
	LITTLE SQUAW CREEK SPRING	TRIBUTARY: SINKS
	LONE PINE SPRING	TRIBUTARY: SINKS
	MABEY SPRING	TRIBUTARY: SINKS
	MABEY SPRING NO 2	TRIBUTARY: SINKS
	RODEO SPRING	TRIBUTARY: SINKS
	UNNAMED SPRING	TRIBUTARY: SINKS

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QUANTITY: 0.020 CFS

This right shall be used in conjunction with 45-12123, 45-12127B, 45-12127C, 45-12143, 45-12144, 45-12145, 45-12147, 45-12156, 45-12157, 45-12164, 45-12166, 45-12170, 45-12834, 45-12845, 45-12846, 45-14205 & 45-14298 and is limited to a total combined diversion rate of 0.02 cfs and a total combined quantity of 13,000 gallons per day.

PRIORITY DATE: 04/30/1879

POINT OF
DIVERSION:

T14S R20E S27 NENENW Within CASSIA County
T14S R20E S32 SWSENE Within CASSIA County
T14S R20E S33 NWNENE Within CASSIA County
T14S R20E S33 SWSWNW Within CASSIA County
T14S R20E S33 NENWSW Within CASSIA County
T14S R20E S33 NWNWSW Within CASSIA County
T14S R20E S33 SWSWSW Within CASSIA County
T14S R20E S33 NWNENE Within CASSIA County
T14S R20E S33 SESWSE Within CASSIA County
T14S R20E S34 NENENE Within CASSIA County
T14S R20E S34 NENENE Within CASSIA County
T14S R20E S34 SESWNE Within CASSIA County
T14S R20E S35 NESENW Within CASSIA County
T15S R20E S2 NWNENW Lot 3 Within CASSIA County
T15S R20E S4 NWNWNW Lot 4 Within CASSIA County
T15S R20E S5 NWSENE Within CASSIA County
T15S R20E S5 NWNWSE Within CASSIA County
T15S R20E S15 NESWNW Within CASSIA County
T15S R20E S15 SWSESW Within CASSIA County

T15S R20E S22 SENENE Within CASSIA County
T15S R20E S22 NWSESW Within CASSIA County
T15S R20E S22 SWSESW Within CASSIA County
T15S R20E S27 NENENE Within CASSIA County

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PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	STOCKWATER	05/01 10/31	0.020 CFS
PLACE OF USE:	<u>STOCKWATER in CASSIA County</u>		
	T14S R20E S27 NENW	T14S R20E S32	SENE
	T14S R20E S33 NENE	T14S R20E S33	SWNW
	T14S R20E S33 NWSW	T14S R20E S33	SWSW
	T14S R20E S33 NESE	T14S R20E S33	SWSE
	T14S R20E S34 NENE	T14S R20E S34	SWNE
	T14S R20E S35 SENW	T15S R20E S02 Lot 3	NENW
	T15S R20E S04 Lot 4 NWNW	T15S R20E S05	SENE
	T15S R20E S05 NWSE	T15S R20E S15	SWNW
	T15S R20E S15 SESW	T15S R20E S22	NENE
	T15S R20E S22 SESW	T15S R20E S27	NENE

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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.

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 Shoulder Three Ranches Inc., Keith Warr, Eugene Layton, Luther Gardner and Bill J. Matthews filed in the office of the Cassia County Recorder and recorded on June 6, 2003 as Instrument No: 289179.

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 45-10354 .

This right was split and renumbered to right 45-14298 .

05/07/2010

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

RIGHT NUMBER: 45-14205
NAME AND ADDRESS: SHOULDER 3 RANCHES INC
PO BOX 218
OAKLEY ID 83346
E EUGENE MATTHEWS
1249 S HWY 27
OAKLEY ID 83346

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SOURCE: IBEX SPRING TRIBUTARY: SINKS
QUANTITY: 0.020 CFS

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This right shall be used in conjunction with 45-14204 & 45-14298 and is limited to a total combined diversion rate of 0.02 cfs and a total combined quantity of 13,000 gallons per day.

PRIORITY DATE: 12/10/1892

POINT OF DIVERSION:
T15S R20E S22 SENESE Within CASSIA County

PURPOSE AND PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	05/01 11/30	0.020 CFS

PLACE OF USE: STOCKWATER in CASSIA County
T15S R20E S22 NESE

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 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 Shoulder Three Ranches Inc., Keith Warr, Eugene Layton, Luther Gardner and Bill J. Matthews filed in the office of the Cassia County Recorder and recorded on June 6, 2003 as Instrument No: 289179.

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 45-10354 .

05/20/2010

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

RIGHT NUMBER: 45-14298
NAME AND ADDRESS: SHOULDER 3 RANCHES INC
PO BOX 218
OAKLEY ID 83346
E EUGENE MATTHEWS
1249 S HWY 27
OAKLEY ID 83346

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SOURCE:	BUCK CORRAL CREEK	TRIBUTARY: TRAPPER CREEK
	FALL CREEK	TRIBUTARY: TRAPPER CREEK
	LITTLE SQUAW CREEK	TRIBUTARY: TRAPPER CREEK
	RODEO CREEK	TRIBUTARY: TRAPPER CREEK
	SQUAW CREEK	TRIBUTARY: TRAPPER CREEK
	TRAIL CREEK	TRIBUTARY: TRAPPER CREEK
	TRAPPER CREEK	TRIBUTARY: GOOSE CREEK
	VIOLETS HOLLOW	TRIBUTARY: TRAPPER CREEK

QUANTITY: 0.020 CFS

This right shall be used in conjunction with 45-12123, 45-12127B, 45-12127C, 45-12143, 45-12144, 45-12145, 45-12147, 45-12156, 45-12157, 45-12164, 45-12166, 45-12170, 45-12834, 45-12845, 45-12846, 45-14204 & 45-14205 and is limited to a total combined diversion rate of 0.02 cfs and a total combined quantity of 13,000 gallons per day.

PRIORITY DATE: 04/30/1879

POINT OF
DIVERSION:

T14S R20E S28 SENENE Begin of Stream Flow Within CASSIA County
T14S R20E S33 SENWSW Begin of Stream Flow Within CASSIA County
T14S R20E S33 SESWSE Begin of Stream Flow Within CASSIA County
T15S R20E S2 NWNWNW Lot 4 End of Stream Flow Within CASSIA County
T15S R20E S2 NESESW Begin of Stream Flow Within CASSIA County
T15S R20E S3 SWNWNE Begin of Stream Flow Within CASSIA County
T15S R20E S3 SESWSW Lot 8 End of Stream Flow Within CASSIA County
T15S R20E S5 SESWNE Begin of Stream Flow Within CASSIA County
T15S R20E S5 NENESE End of Stream Flow Within CASSIA County
T15S R20E S8 NESENE Begin of Stream Flow Within CASSIA County
T15S R20E S9 SENENW End of Stream Flow Within CASSIA County
T15S R20E S9 SENESE End of Stream Flow Within CASSIA County
T15S R20E S10 NENESW End of Stream Flow Within CASSIA County
T15S R20E S11 NENWNE Lot 2 End of Stream Flow Within CASSIA County
T15S R20E S11 NESENW Lot 6 End of Stream Flow Within CASSIA County
T15S R20E S15 NWSENE Lot 4 End of Stream Flow Within CASSIA County
T15S R20E S16 SWSESW Begin of Stream Flow Within CASSIA County
T15S R20E S22 NWSESW Begin of Stream Flow Within CASSIA County

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

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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.

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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 Shoulder Three Ranches Inc., Keith Warr, Eugene Layton, Luther Gardner and Bill J. Matthews filed in the office of the Cassia County Recorder and recorded on June 6, 2003 as Instrument No: 289179.

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 45-10354 .

This right is split and renumbered from former right 45-14204 .

This right was renumbered to right 45-14298 .

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

STOCKWATER

05/01 10/31

0.020 CFS

PLACE OF USE:

STOCKWATER in CASSIA County

T14S R20E S27	NENW	T14S R20E S27	NWNW
T14S R20E S27	SENW	T14S R20E S27	NESW
T14S R20E S27	NWSE	T14S R20E S27	SWSE
T14S R20E S28	NENE	T14S R20E S33	NWSW
T14S R20E S33	SWSW	T14S R20E S33	SWSE
T14S R20E S34	NENE	T14S R20E S34	NWNE
T14S R20E S34	SENE	T14S R20E S34	NESE
T14S R20E S34 Lot 1	NESE	T14S R20E S34	SESE
T15S R20E S02 Lot 4	NWNW	T15S R20E S02	SWNW
T15S R20E S02	NWSW	T15S R20E S02 Lot 7	NWSW
T15S R20E S02 Lot 8	SWSW	T15S R20E S02	SESW
T15S R20E S02 Lot 9	SESW	T15S R20E S02 Lot 10	SWSE
T15S R20E S03 Lot 1	NENE	T15S R20E S03	NWNE
T15S R20E S03	SWNE	T15S R20E S03	SENE
T15S R20E S03	NWSW	T15S R20E S03 Lot 8	SWSW
T15S R20E S04 Lot 1	NENE	T15S R20E S04 Lot 2	NWNE
T15S R20E S04	SENE	T15S R20E S04 Lot 4	NWNW
T15S R20E S04	SWNW	T15S R20E S04	NWSW
T15S R20E S04	SWSW	T15S R20E S04	SESW
T15S R20E S04	NESE	T15S R20E S05	SWNE
T15S R20E S05	SENE	T15S R20E S05	NESE
T15S R20E S08	SENE	T15S R20E S09	SWNE
T15S R20E S09	NENW	T15S R20E S09	NWNW
T15S R20E S09	SWNW	T15S R20E S09	SENW
T15S R20E S09	SESW	T15S R20E S09	NESE
T15S R20E S09 Lot 1	NESE	T15S R20E S09	NWSE
T15S R20E S09	SWSE	T15S R20E S09	SESE
T15S R20E S10	NESW	T15S R20E S10 Lot 6	NESW
T15S R20E S10	NWSW	T15S R20E S11 Lot 2	NWNE
T15S R20E S11 Lot 3	NENW	T15S R20E S15 Lot 3	SWNE
T15S R20E S15 Lot 4	SENE	T15S R20E S15	SESW
T15S R20E S15	NWSE	T15S R20E S15	SWSE
T15S R20E S16	NENW	T15S R20E S16	SENW
T15S R20E S16	NESW	T15S R20E S16	SESW
T15S R20E S22	NENW	T15S R20E S22	SWNW
T15S R20E S22	SENW	T15S R20E S22	NESW
T15S R20E S22	NWSW	T15S R20E S22	SESW

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CERTIFICATE OF MAILING

I certify that on September 7, 2010, I 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, ID 83303-2707

2. Copies to:

Eugene Matthews
Shoulder 3 Ranches Inc
C/O Travis Thompson
Barker, Rosholt & Simpson
P.O. Box 485
Twin Falls, ID 83303-0485

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Environment and Natural Resources Division
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