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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. 45-10352 et al  
(Splits see Attachment A)

STANDARD FORM 5

STIPULATED ELEMENTS OF A  
WATER RIGHT

45-10356

Split into 45-14208 &  
45-14209

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.

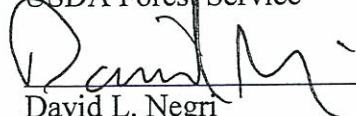
**CLAIMANTS:**

Eugene Matthews  
Shoulder 3 Ranches Inc

 9/1/10  
Travis L. Thompson Date  
Attorney for the Claimants

**OBJECTOR:**

United States on behalf of the  
USDA Forest Service

 9/3/10  
David L. Negri Date  
Attorney for the United States

**IDWR CONCURRENCE:**

 9/3/10  
Steve Clelland Date

**ATTORNEY FOR IDWR:**

 9-3-10  
Nicholas B Spender Date  
Deputy Attorney General

## 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<br>1249 S HWY 27<br>OAKLEY ID 83346<br><br>SHOULDER 3 RANCHES INC<br>PO BOX 218<br>OAKLEY ID 83346 | Parent split into 45-14202 and 45-14203              |
| 45-10354           | E EUGENE MATTHEWS<br>1249 S HWY 27<br>OAKLEY ID 83346<br><br>SHOULDER 3 RANCHES INC<br>PO BOX 218<br>OAKLEY ID 83346 | Parent split into 45-14204, 45-14205 and<br>45-14298 |
| 45-10355           | E EUGENE MATTHEWS<br>1249 S HWY 27<br>OAKLEY ID 83346<br><br>SHOULDER 3 RANCHES INC<br>PO BOX 218<br>OAKLEY ID 83346 | Parent split into 45-14206 and 45-14207              |
| 45-10356           | E EUGENE MATTHEWS<br>1249 S HWY 27<br>OAKLEY ID 83346<br><br>SHOULDER 3 RANCHES INC<br>PO BOX 218<br>OAKLEY ID 83346 | Parent split into 45-14208 and 45-14209              |
| 45-10357           | E EUGENE MATTHEWS<br>1249 S HWY 27<br>OAKLEY ID 83346<br><br>SHOULDER 3 RANCHES INC<br>PO BOX 218<br>OAKLEY ID 83346 | Parent split into 45-142010 and 45-14211             |
| 45-10358           | E EUGENE MATTHEWS<br>1249 S HWY 27<br>OAKLEY ID 83346<br><br>SHOULDER 3 RANCHES INC<br>PO BOX 218<br>OAKLEY ID 83346 | Parent split into 45-14212, 45-14213 and<br>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

05/10/2010

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

RIGHT NUMBER: 45-14208  
NAME AND ADDRESS: SHOULDER 3 RANCHES INC  
PO BOX 218  
OAKLEY ID 83346  
E EUGENE MATTHEWS  
1249 S HWY 27  
OAKLEY ID 83346

733  
AN

SOURCE: SEVERE SPRING  
QUANTITY: 0.020 CFS  
TRIBUTARY: SINKS

SLC  
NBS

This right shall be used in conjunction with 45-14209 & 45-4113 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: 05/02/1969

POINT OF  
DIVERSION:

T14S R20E S22 NWNESE Within CASSIA County

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 S23 SENE                 | T14S R20E S24        | NWSE            |
|               | T14S R21E S19 SWNE                 | T14S R21E S19        | SESW            |
|               | T14S R21E S20 SWNE                 | T14S R21E S22        | SESW            |
|               | T14S R21E S28 NENE                 | T14S R21E S28        | NENW            |
|               | T14S R21E S29 SWNW                 |                      |                 |

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

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.

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 45-10356 .

05/10/2010

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

RIGHT NUMBER: 45-14209

NAME AND ADDRESS: SHOULDER 3 RANCHES INC  
PO BOX 218  
OAKLEY ID 83346

E EUGENE MATTHEWS  
1249 S HWY 27  
OAKLEY ID 83346

777  
PN

SOURCE: SEVERE SPRING

TRIBUTARY: SINKS

Sec

QUANTITY: 0.020 CFS

NBS

This right shall be used in conjunction with 45-14208 & 45-4113 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:

T14S R20E S22 NWNESE Within CASSIA County

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 S22 NESE

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

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.

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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 45-10356 .

# 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

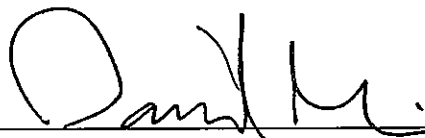
2. Copies to:

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

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

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

United States Department of Justice  
Environment and Natural Resources Division  
550 W. Fort Street, MSC 033  
Boise, ID 83724



Signature of person mailing documents