

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

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

45-10358

Case No. 39576

STANDARD FORM 5

Split into 45-14212,
45-14213 & 45-14301

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

9/3/18
Date

IDWR CONCURRENCE:

Steve Clelland

9/3/10
Date

ATTORNEY FOR IDWR:

Nicholas B Spender
Deputy Attorney General

7-3-10
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

05/17/2010

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

RIGHT NUMBER: 45-14212
NAME AND ADDRESS: SHOULDER 3 RANCHES INC
PO BOX 218
OAKLEY ID 83346
E EUGENE MATTHEWS
1249 S HWY 27
OAKLEY ID 83346

727
DW
See
NBS

SOURCE: DURFEE MEADOW SPRING
SOUTH COTTONWOOD SPRING
TRIBUTARY: LITTLE COTTONWOOD CREEK
TRIBUTARY: SINKS

QUANTITY: 0.020 CFS

This right shall be used in conjunction with 45-12121, 45-12140, 45-12873, 45-14213 & 45-14301 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: 04/30/1875

POINT OF
DIVERSION:

T14S R20E S22 NWSNW Within CASSIA County
T14S R20E S26 NWSWNE 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: STOCKWATER in CASSIA County

T14S R20E S22	SENW	T14S R20E S26	SWNE
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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.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

A portion of this right was split and renumbered to right 45-14301 for instream stockwater use.

This right is a split from former right 45-10358 .

05/14/2010

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

RIGHT NUMBER: 45-14213

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

E EUGENE MATTHEWS
1249 S HWY 27
OAKLEY ID 83346

333
OW

SOURCE: UNNAMED SPRING

TRIBUTARY: SINKS

SCC
NBS

QUANTITY: 0.020 CFS

This right shall be used in conjunction with 45-14212 & 45-14301 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 S25 SENWNW 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 S25 NWNW

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.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

This right is a split from former right 45-10358 .

05/14/2010

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

RIGHT NUMBER: 45-14301

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

E EUGENE MATTHEWS
1249 S HWY 27
OAKLEY ID 83346

SOURCE: LITTLE COTTONWOOD CREEK

TRIBUTARY: SINKS

QUANTITY: 0.020 CFS

This right shall be used in conjunction with 45-12121, 45-12140, 45-12873, 45-14212 & 45-14213 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: 04/30/1875

POINT OF
DIVERSION:

T14S R20E S12 SENESE End of Stream Flow Within CASSIA County
T14S R20E S14 NESWSW Begin of Stream Flow 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 S12 SESW	T14S R20E S12	NESE
	T14S R20E S12 SWSE	T14S R20E S12	SESE
	T14S R20E S13 NENW	T14S R20E S13	NWNW
	T14S R20E S14 NENE	T14S R20E S14	SENE
	T14S R20E S14 SWSW	T14S R20E S14	SESW
	T14S R20E S14 NESE	T14S R20E S14	NWSE
	T14S R20E S14 SWSE		

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 45-10358 .

This right is split and renumbered from former right 45-14212 .

This right was renumbered to right 45-14301 .

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

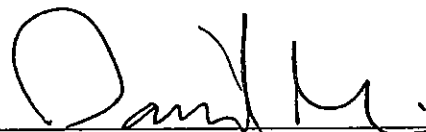
2. Copies to:

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