

RECEIVED  
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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     | ) | Subcase No. 45-10352 et al | 45-10359             |
|                | ) | (Splits see Attachment A)  | Split into 45-14214, |
|                | ) |                            | 45-14215, 45-14291,  |
| Case No. 39576 | ) |                            |                      |
|                | ) | STANDARD FORM 5            | 45-14299 & 45-14300  |
|                | ) |                            |                      |
|                | ) | 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.

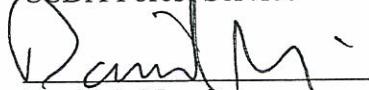
**CLAIMANTS:**

Eugene Matthews  
Shoulder 3 Ranches Inc

 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

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| <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

05/13/2010

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

RIGHT NUMBER: 45-14214

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

E EUGENE MATTHEWS  
1249 S HWY 27  
OAKLEY ID 83346

SOURCE: BOSTETTER SPRING  
CABIN SPRING NUMBER TWO  
HUDSON RIDGE SPRING  
WORM CORRAL SPRINGS

TRIBUTARY: SINKS  
TRIBUTARY: SINKS  
TRIBUTARY: SINKS  
TRIBUTARY: SINKS

QUANTITY: 0.020 CFS

This right shall be used in conjunction with 45-12224, 45-12245, 45-12269, 45-12832, 45-12850, 45-12872, 45-14215, 45-14291, 45-14299 & 45-14300 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 S19 NWSESW Within CASSIA County  
T14S R20E S28 NWNWNW Within CASSIA County  
T14S R20E S29 SWNESW Within CASSIA County  
T14S R20E S31 NWNWSE 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 S19 | SESW | T14S R20E S28 | NWNW |
| T14S R20E S29 | NESW | T14S R20E S31 | NWSE |

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.

757  
PT  
EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

This right is a split from former right 45-10359 .

A portion of this right was split and renumbered to right 45-14299 .

see  
NBS

05/13/2010

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

RIGHT NUMBER: 45-14215

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

E EUGENE MATTHEWS  
1249 S HWY 27  
OAKLEY ID 83346

777  
ON

522  
NBS

SOURCE: COUNTING CHUTE SPRING  
UNNAMED SPRING

TRIBUTARY: SINKS  
TRIBUTARY: SINKS

QUANTITY: 0.020 CFS

This right shall be used in conjunction with 45-12224, 45-12245, 45-12269, 45-12832, 45-12850, 45-12872, 45-14214, 45-14291, 45-14299 & 45-14300 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 S29 NESWNW Within CASSIA County  
T14S R20E S32 NENWNW 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 S29 | SWNW | T14S R20E S32 | NWNW |
|---------------|------|---------------|------|

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

Portions of this right were split and renumbered to rights 45-14291 & 45-14300 .

This right is a split from former right 45-10359 .

05/11/2010

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

RIGHT NUMBER: 45-14291

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

E EUGENE MATTHEWS  
1249 S HWY 27  
OAKLEY ID 83346

777  
PW

SCC  
NBS

SOURCE: UNNAMED SPRING                      TRIBUTARY: SINKS  
UPPER SQUAW CREEK SPRING                      TRIBUTARY: SINKS

QUANTITY: 0.020 CFS

This right shall be used in conjunction with 45-14214, 45-12132, 45-12867 & 45-14215 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 S21 NENWSE Within CASSIA County  
T14S R20E S28 SESENW 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 S28                      SENW  
T14S R20E S21                      NWSE

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 45-10359 .

This right is a split from former right 45-14215 .

05/13/2010

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

RIGHT NUMBER: 45-14299

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

E EUGENE MATTHEWS  
1249 S HWY 27  
OAKLEY ID 83346

)))

AN

see  
NBS

SOURCE: BIG COTTONWOOD CREEK  
ECKLUND CREEK

TRIBUTARY: DRY CREEK  
TRIBUTARY: BIG COTTONWOOD CREEK

QUANTITY: 0.020 CFS

This right shall be used in conjunction with 45-12224, 45-12245, 45-12269, 45-12832, 45-12850, 45-12872, 45-14215, 45-14291, 45-14214 & 45-14300 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 S16 NWSWNW End of Stream Flow Within CASSIA County  
T14S R20E S19 SESENE End of Stream Flow Within CASSIA County  
T14S R20E S19 SWSWNW Begin of Stream Flow Within CASSIA County  
T14S R20E S31 SENWNW 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: STOCKWATER in CASSIA County

|                     |      |               |      |
|---------------------|------|---------------|------|
| T14S R20E S16       | SWNW | T14S R20E S16 | NWSW |
| T14S R20E S17       | SESW | T14S R20E S17 | NESE |
| T14S R20E S17       | SWSE | T14S R20E S17 | SESE |
| T14S R20E S19       | SWNE | T14S R20E S19 | SENE |
| T14S R20E S19 Lot 2 | SWNW | T14S R20E S19 | SENW |
| T14S R20E S19       | NESE | T14S R20E S19 | SESE |
| T14S R20E S20       | NWNW | T14S R20E S20 | SWNW |
| T14S R20E S29       | NWNW | T14S R20E S29 | SWNW |
| T14S R20E S29       | NWSW | T14S R20E S30 | NENE |
| T14S R20E S30       | NESE | T14S R20E S30 | SWSE |
| T14S R20E S30       | SESE | T14S R20E S31 | NENW |
| T14S R20E S31 Lot 1 | NWNW |               |      |

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

Q 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 split and renumbered from former right 45-14214 .

This right is a split from former right 45-10359 .

This right was renumbered to right 45-14299 .

777

DN

SCC

NBS

05/13/2010

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

RIGHT NUMBER: 45-14300

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

E EUGENE MATTHEWS  
1249 S HWY 27  
OAKLEY ID 83346

757  
ON  
see  
NBS

SOURCE: CABIN SPRING CREEK  
WHITE STUMP CREEK  
WORM CORRAL CREEK

TRIBUTARY: EKLUND CREEK  
TRIBUTARY: BIG COTTONWOOD CREEK  
TRIBUTARY: BIG COTTONWOOD CREEK

QUANTITY: 0.020 CFS

This right shall be used in conjunction with 45-12224, 45-12245, 45-12269, 45-12832, 45-12850, 45-12872, 45-14214, 45-14291, 45-14299 & 45-14215 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 R19E S24 SESESE Begin of Stream Flow Within CASSIA County  
T14S R20E S17 NESWSE End of Stream Flow Within CASSIA County  
T14S R20E S19 NESWNE End of Stream Flow Within CASSIA County  
T14S R20E S21 SWSWSW Begin of Stream Flow Within CASSIA County  
T14S R20E S30 NWNWSW Begin of Stream Flow Within CASSIA County  
T14S R20E S30 SWSWSE End of Stream Flow 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 R19E S24            | SESE | T14S R20E S17 | SWSE |
| T14S R20E S17            | SESE | T14S R20E S19 | SWNE |
| T14S R20E S19 Lot 4 SWSW |      | T14S R20E S19 | SESW |
| T14S R20E S19            | NWSE | T14S R20E S20 | NENE |
| T14S R20E S20            | NWNE | T14S R20E S20 | SENE |
| T14S R20E S20            | NESE | T14S R20E S21 | NWSW |
| T14S R20E S21            | SWSW | T14S R20E S30 | NESW |
| T14S R20E S30 Lot 3 NWSW |      | T14S R20E S30 | NWSE |
| T14S R20E S30            | SWSE |               |      |

737  
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. ON

The quantity of water decreed for this water right is not a determination of historical beneficial use. Scc  
NBS

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 45-10359 .

A portion of this right is split and renumbered from former right 45-14215 .

This right was renumbered to right 45-14300 .

# 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

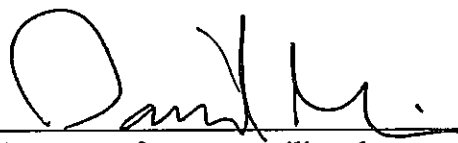
2. Copies to:

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