

RECEIVED
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

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	

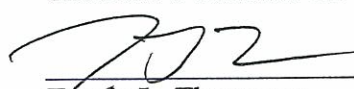
This form is used to report the stipulated elements of water rights acquired under state law. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert 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:

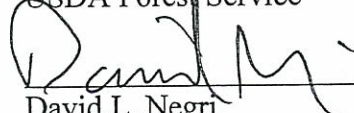
Eugene Matthews
Shoulder 3 Ranches Inc

 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

<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

05/13/2010

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.

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 .

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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

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ON

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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
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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

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SOURCE: UNNAMED SPRING
UPPER SQUAW CREEK SPRING

TRIBUTARY: SINKS
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

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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 NWSWN 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	SENE
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 .

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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:

<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 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		

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.

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.

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

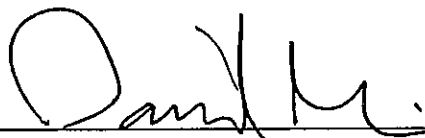
2. Copies to:

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