

RECEIVED

OCT 18 2010

DEPARTMENT OF  
WATER RESOURCES

RECEIVED

OCT 06 2010

DEPARTMENT OF  
WATER RESOURCESIN 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. 45-12524

)

)

Standard Form 5

Case No. 39576

)

)

STIPULATED ELEMENTS  
OF A WATER RIGHT

)

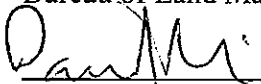
-----

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. 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 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 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.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

## CLAIMANT:

United States on behalf of the  
Bureau of Land Management

David L. Negri

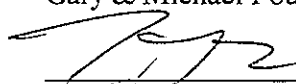
Date

Attorney, U.S. Department of Justice  
Environment and Natural Resources Div.

## OBJECTORS:

Scott Bedke

Gary &amp; Michael Poulton



Travis L. Thompson

10/9/10

Date

Of Attorneys for Objectors

## IDWR CONCURRENCE:



Doug Jones

10/6/10  
Date

Technical Engineer 1

## IDWR CONCURRENCE:



Nicholas B. Spencer

10-14-10

Date

Deputy Attorney General

RIGHT NUMBER: 45-12524

NAME & ADDRESS: UNITED STATES OF AMERICA ACTING THROUGH  
USDI BUREAU OF LAND MANAGEMENT  
IDAHO STATE OFFICE  
1387 S VINNELL WAY  
BOISE ID 83709-1657

SOURCE: OWENS CORRAL CREEK

TRIBUTARY: SINKS

QUANTITY: 0.02 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT  
EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: ~~01/01/1873~~ 06/28/1934

POINT OF DIVERSION: Within CASSIA County  
T15S R21E S15 NWSWSW (INSTREAM BEGINNING POINT)  
NENWSE (INSTREAM ENDING POINT)

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE | QUANTITY |
|-------------------------------|----------------|---------------|----------|
|                               | STOCKWATER     | 01-01 12-31   | 0.02 CFS |

|               |                    |                      |
|---------------|--------------------|----------------------|
| PLACE OF USE: | STOCKWATER         | Within CASSIA County |
|               | T15S R21E S15 NESW |                      |
|               | NWSW               |                      |
|               | SWSW               |                      |
|               | NWSE               |                      |

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 WESTERN STOCKGROWERS ASSOCIATION ET AL., FILED IN  
THE OFFICE OF THE CASSIA COUNTY RECORDER AND RECORDED ON JUNE  
6, 2003 AS INSTRUMENT NO. 289179; THE PROVISIONS OF SUCH  
STIPULATION TO APPLY FULLY TO THIS WATER RIGHT.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE  
BLM RECORD ID = 4502480084  
CATTLE/100

### CERTIFICATE OF MAILING

I certify that on 10/15, 2010 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, Idaho 83303-2707

2. Copy to:

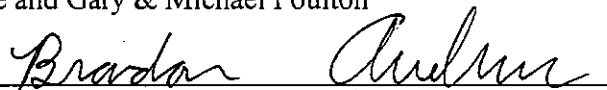
Chief, Natural Resources Division  
Office of the Attorney General  
State of Idaho  
P. O. Box 44449  
Boise, Idaho 83711-4449

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

3. Copies to all parties to the subcase (insert names and addresses):

U.S., Department of Justice  
Environment and Natural Resources Division  
General Litigation Section  
550 West Fort Street, MSC 033  
Boise, Idaho 83724

Travis L. Thompson  
Barker, Rosholt & Simpson, LLP  
P.O. Box 485  
Twin Falls, Idaho 83303-0485  
Attorney for Scott Bedke and Gary & Michael Poulton

  
Signature of person or attorney mailing the form