

4.

**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	DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho DEC - 8 2010 By _____ Deputy Clerk	Subcase No. 75-00069H
Case No. 39576		STANDARD FORM 5
		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 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.

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

George Matejko

OBJECTORS

George Matejko 11-19-10
George Matejko, Pro Se Date

[Signature] 11/17/10
Travis Thompson, Attorney Date
for Albert C & Alvera C Fols
Charles & Mary Harling
Lloyd & Sheryl Tutor
A.C. & Luella Pilkerton
Tracy Marcia
Marci Dixon

10/26/2010

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

RIGHT NUMBER: 75-69H

NAME AND ADDRESS: GEORGE MATEJKO
PO BOX 129
CARMEN ID 83462

SOURCE: CARMEN CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.046 CFS

PRIORITY DATE: 05/01/1888

POINT OF
DIVERSION:

T22N R22E S2 ~~SEN~~WNW Lot 4 Within LEMHI County
T22N R22E S2 SWNW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.046 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T22N R22E S03 NESE 9.40

9.4 ACRES TOTAL

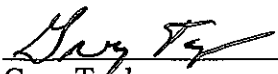
The rights listed below are limited to the irrigation of a combined total of 9.4 acres in a single irrigation season. Combined Right Nos.: 75-69H, 75-70H, 75-10061R, 75-10062P & 75-14431.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM -

IDWR Concurrence:

 11/30/10

Date
Greg Taylor
Stream Channel Protection Specialist
Idaho Department of Water Resources

 12/5/2010

Date
Garrick L. Baxter
Deputy Attorney General
Attorney for IDWR

CERTIFICATE OF MAILING

I certify that on December 7, 2010, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

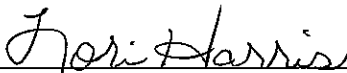
1. Original to:

CLERK OF THE DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
253 THIRD AVENUE NORTH
P.O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

GEORGE MATEJKO
PO BOX 129
CARMEN, ID 83462

TRAVIS L THOMPSON
BARKER, ROSEHOLT & SIMPSON LLP
113 MAIN AVE W, STE 303
PO BOX 485
TWIN FALLS, ID 83303-0485



Signature of person or attorney mailing form