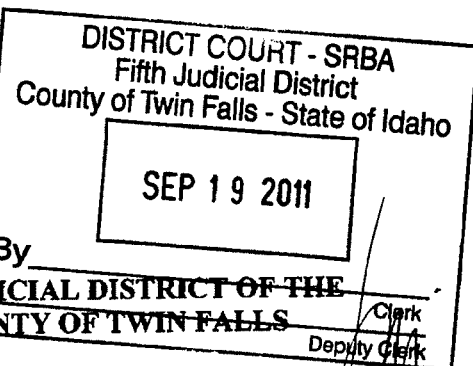




IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

Subcase No. 75-14611

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:
Michael Tyacke

OBJECTOR:
State of Idaho Department of Lands

Michael Tyacke 10/21/2010
Michael Tyacke Date
Pro Se

DS 10/17/2010
David Stanish Date
Deputy Attorney General

SCANNED
SEP 27 2011

IDWR Concurrence:

Monica Van Bussum 9/12/2011
Monica Van Bussum Date
Senior Water Resource Agent

Garrick L. Baxter 9/17/2011
Garrick L. Baxter Date
Deputy Attorney General
Attorney for IDWR

SCANNED
SEP 27 2011

CERTIFICATE OF MAILING

I certify that on September 15, 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

STATE OF IDAHO DEPT OF LANDS
Represented by:
STATE OF IDAHO
JRW BUILDING, SECOND FLOOR
700 W STATE ST, PO BOX 44449
BOISE, ID 83711-4449

MICHAEL JOSEPH TYACKE
PO BOX 2156
IDAHO FALLS, ID 83403

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



Signature of person or attorney mailing form

SCANNED

SEP 27 2011

07/19/2010

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

RIGHT NUMBER: 75-14611

NAME AND ADDRESS: MICHAEL JOSEPH TYACKE
PO BOX 2156
IDAHO FALLS ID 83403

STATE OF IDAHO
DEPARTMENT OF LANDS
300 N 6TH ST, STE 103
PO BOX 83720
BOISE ID 83720-0050

Handwritten signature and initials

SOURCE: UNNAMED STREAM

TRIBUTARY: SEVENMILE CREEK

QUANTITY: 0.060 CFS

The rights listed below are limited to a total combined diversion rate of 2.0 cfs. Combined Right Nos.: 75-14610 and 75-14611.

PRIORITY DATE: 04/01/1878

POINT OF DIVERSION:

T20N R22E S17 SWNE 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	0.060 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T21N R22E S32 NWSE 4.40

4.4 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 159.2 acres in a single irrigation season. Combined Right Nos.: 75-14608, 75-14609, 75-14610, and 75-14611.

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 ownership of water right no. 75-14611 is governed by a private agreement executed by the Idaho Department of Lands and Michael Joseph Tyacke dated July 15, 2010.

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SEP 27 2011

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Access to the place of use of water right no. 75-14609 is governed by a private agreement executed by the Idaho Department of Lands and Michael Joseph Tyacke dated July 15, 2010.

Use of this right is combined with water from Pope Ditch Co.

Source is also known as Sevenmile Creek North Fork.

This right is a split from former right 75-4395.

PS
VH
MLB JB

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SEP 27 2011