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

DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho
JAN 30 2012
By _____ Clerk
Deputy Clerk

In Re SRBA

Case No. 39576

Subcase No. 75-14608
(Split from former right 75-4393)

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 Joseph Tyacke

Michael Joseph Tyacke, Pro Se — Date 1/13/12

OBJECTOR
State of Idaho Department of Lands

Tyson Nelson, Attorney — Date

IDWR Concurrence:

Monica Van Bussum — Date 1/11/2012
Senior Water Resource Agent

Garrick L. Baxter — Date 1/11/2012
Deputy Attorney General
Attorney for IDWR

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1/11/2012

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IDWR Concurrence:

1/11/2012

Monica Van Bussum Date
Senior Water Resource Agent

1/11/2012

Garrick L. Baxter Date
Deputy Attorney General
Attorney for IDWR

08/01/2011

IDAHO DEPARTMENT OF WATER RESOURCES

RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 75-14608

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

SOURCE: HYDE CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 1.940 CFS
2.92 AFY

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

The rights listed below are limited to a total combined diversion rate of 2.0 cfs and to a total combined annual volume of 3.0 AF for irrigation storage. Combined Right Nos.: 75-14608 and 75-14609.

PRIORITY DATE: 04/01/1878

POINT OF DIVERSION:

T20N R22E S5 SWNE Within LEMHI County
T21N R22E S32 SESW Within LEMHI County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION FROM STORAGE	04/01 10/31	2.92 AFY
IRRIGATION	04/01 10/31	1.940 CFS
STOCKWATER	01/01 12/31	0.400 CFS
IRRIGATION STORAGE	01/01 12/31	2.92 AFY

PLACE OF USE:

IRRIGATION in LEMHI County

T21N R22E S32	NWNE	33.00	T21N R22E S32	SWNE	22.00
T21N R22E S32	NENW	25.00	T21N R22E S32	SENW	41.00
T21N R22E S32	NESW	30.00	T21N R22E S32	SESW	3.80

IRRIGATION FROM STORAGE in LEMHI County

T21N R22E S32	NWNE	33.00	T21N R22E S32	SWNE	22.00
T21N R22E S32	NENW	25.00	T21N R22E S32	SENW	41.00
T21N R22E S32	NESW	30.00	T21N R22E S32	SESW	3.80

STOCKWATER in LEMHI County

T21N R22E S32 NESW

154.8 ACRES TOTAL

Right Nos. 75-14608 and 75-14609 are limited to the irrigation of a combined total of ~~145~~ 159.2 acres in a single irrigation season.

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.

IDAHO DEPARTMENT OF WATER RESOURCES

RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

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

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

The operation, use and administration of this water right is subject to a private water right agreement effective December 21, 2011, between Sunset Heights Water District, Cecil and Judith Bailey Jackson, Michael Tyacke, and the State of Idaho, and recorded in the Lemhi County Recorder's Office as Instrument No. 288625.

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

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

This right is a split from former right 75-4393.

08/01/2011

IDAHO DEPARTMENT OF WATER RESOURCES

RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 75-14608

TKN

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

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IRRIGATION	04/01 10/31	1.940 CFS
STOCKWATER	01/01 12/31	0.400 CFS
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PLACE OF USE:

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T21N R22E S32	NWNE	33.00	T21N R22E S32	SWNE	22.00
T21N R22E S32	NENW	25.00	T21N R22E S32	SENW	41.00
T21N R22E S32	NESW	30.00	T21N R22E S32	SESW	3.80

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T21N R22E S32	NENW	25.00	T21N R22E S32	SENW	41.00
T21N R22E S32	NESW	30.00	T21N R22E S32	SESW	3.80

STOCKWATER in LEMHI County

T21N R22E S32 NESW

154.8 ACRES TOTAL

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EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

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

This right is a split from former right 75-4393.

TKN

CERTIFICATE OF MAILING

I certify that on January 26, 2012, 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 TYACKE
PO BOX 2156
IDAHO FALLS, ID 83403

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

Dori Harris
Signature of person or attorney mailing form