

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. 72-16883
	)	
Case No. 39576	)	
	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

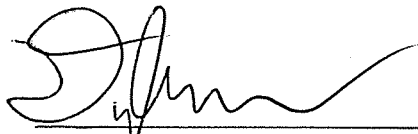
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary 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/OBJECTOR

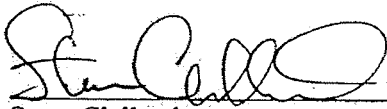
Western States Land Management Inc.

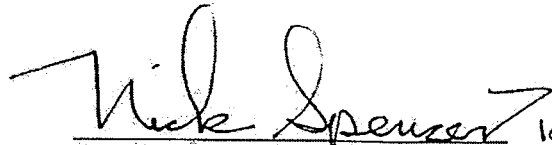


Dylan B. Lawrence, Attorney

10/24/13
Date

IDWR Concurrence:

 10/21/13
Steve Clelland Date
Senior Water Resource Agent

 10-21-13
Nicholas B. Spencer Date
Deputy Attorney General
Attorney for IDWR

10/07/2013

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

RIGHT NUMBER: 72-16883
NAME AND ADDRESS: WESTERN STATES LAND MANAGEMENT INC
PO BOX 805
FRANKTOWN CO 80116

SOURCE: SALMON RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 10.900 CFS

The appropriator is entitled to the quantity of water described in water right numbers 72-16605 & 72-16883 at the point of measurement in T11N, R18E, S14, NENW.

The rights listed below are limited to a total combined diversion rate of 16.26 cfs.
Combined Right Nos.: 72-16605, 72-16607 & 72-16883.

SCC
NBS
DBL

PRIORITY DATE: 04/16/1914

POINT OF
DIVERSION:

T11N R18E S14 NENWSW Lot 7 Within CUSTER County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	10.900 CFS

PLACE OF
USE:

IRRIGATION in CUSTER County

T11N R18E S01 Lot 5 SWNW	22.00	T11N R18E S01 Lot 6 NWSW	21.00
T11N R18E S01 Lot 7 SWSW	12.00	T11N R18E S02 Lot 9 SESE	9.50
T11N R18E S11 Lot 1 NENE	22.00	T11N R18E S11 Lot 4 SWNE	10.00
T11N R18E S11 Lot 4 SENE	28.50	T11N R18E S11 Lot 5 NWSE	9.00

134 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 134 acres in a single irrigation season. Combined Right Nos.: 72-16605, 72-16607 & 72-16883.

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.

Water diverted pursuant to this right that remains in the delivery system beyond the field headgates is returned to the Salmon River.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

CERTIFICATE OF MAILING

I certify that on October 24, 2013, 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:

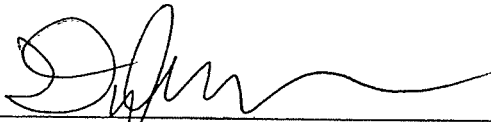
1. Original to:

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

2. Copies to:

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

WESTERN STATES LAND
Represented by:
DYLAN B LAWRENCE
101 S CAPITOL BLVD 10TH FL
PO BOX 829
BOISE, ID 83701-0829



Signature of person or attorney mailing form

Moffatt Thomas

COPY

MOFFATT THOMAS BARRETT ROCK & FIELDS, CHTD.

Richard C. Fields
John S. Simko
John C. Ward
David B. Lincoln
Gary T. Dance
Larry C. Hunter
Randall A. Peterman
Mark S. Prusynski
Stephen R. Thomas
Gerald T. Husch
Scott L. Campbell
Robert B. Burns
Patricia M. Olsson
Christine E. Nicholas
Bradley J. Williams

Lee Radford
Michael O. Roe
David S. Jensen
James L. Martin
C. Clayton Gill
Michael W. McGreaham
David P. Gardner
Julian E. Gabiola
Kimberly D. Evans Ross
Jon A. Stenquist
Mark C. Peterson
Tyler J. Anderson
Andrew J. Waldera
Dylan B. Lawrence
C. Edward Cather III

Terri L. Ackerman
Benjamin C. Ritchie
Noah G. Hillen
Matthew J. McGee
Mindy M. Willman
Jetta Hatch Mathews
Andrea J. Rosholt
Maria O. Hart

Norman M. Semanko, *of counsel*

Willis C. Moffatt, 1907-1980
Eugene C. Thomas, 1931-2010
John W. Barrett, 1931-2011
Kirk R. Helvie, 1956-2003

October 24, 2013

RECEIVED

Boise
Idaho Falls
Pocatello
OCT 25 2013

DEPARTMENT OF
WATER RESOURCES

Mailing Address
PO Box 829
Boise ID 83701-0829

Physical Address
US Bank Plaza
101 S Capitol Blvd 10th Fl
Boise ID 83702-7710

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800 422 2889
208 385 5384 Fax
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Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

Re: SRBA Case No. 39576; Subcase No. 72-16883
MTBR&F File No. 23823.0003

Dear Clerk:

Enclosed for filing with the District Court is our Standard Form 5; Stipulated Elements of a Water Right in the above matter. Please conform the enclosed copy of the Stipulated Elements with your filing marks imprinted thereon and then return it to this office in the enclosed stamped self-address envelope.

Very truly yours,

Kathleen A. Menasco

Kathleen A. Menasco
Administrative Assistant to
Dylan B. Lawrence

kam

Enclosures

cc: Director, Idaho Department of Water Resources (w/enclosure) ✓