

AJ5809NP

No. 45-10458

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 12/07/99

PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	SHOULDER 3 RANCHES INC PO BOX 218 OAKLEY ID 83346 (208) 862-3377	01/01/1925	STOCKWATER	01-01 12-31	0.120 CFS	
TOTAL DIVERSION:					0.120 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: BENEFICIAL USE

Point(s) of Diversion:

T15S R21E S13

NWESE

CASSIA County

Place of use Legal Description for: STOCKWATER

				NE				NW				SW				SE																	
				NENE	NWNE	SWNE	SENE					NENW	NWNW	SWNW	SENW					NESW	NWSW	SWSW	SESW					NESE	NWSE	SWSE	SESE		
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	:
15S	21E	13	:									:							:						:							:	

POU County: CASSIA

Other Rights: GOOSE CREEK WATER

Conditions of Approval:

- N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
- DETERMINATION OF HISTORICAL BENEFICIAL USE.
- N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
- GALLONS PER DAY.

Remarks: EXP STOCKWATER, 500 BEEF STOCK
PARCEL NO. RP15S21E131200A

Dates: Exam Made Date: Verified Date: 12/03/1997 Objection Filed Date: 07/02/1998

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Comments: Date: 12/03/1997 User-ID: DSMITH Subject: COPIED FROM REMARKS
WELL ORIGINALLY DRILLIED FOR OIL BUT HIT HOT WATER. NOW USED
FOR STOCK.

Audit: 12/01/97 DSMITH 12/03/97 DSMITH 03/04/98 CPDSHAFF 03/04/98 ADT-DSHA
09/02/98 UPD-SEGB

10458

PARSONS, SMITH & STONE, LLP

ATTORNEYS AT LAW

137 WEST 13TH STREET

P. O. BOX 910

BURLEY, IDAHO 83318

WILLIAM A. PARSONS

RICHARD K. SMITH

RANDOLPH C. STONE

rcstone@cyberhighway.net

LANCE A. LOVELAND

love9593@cyberhighway.net

TELEPHONE
(208) 678-8382

FAX NO.
(208) 678-0146

November 18, 1999

RECEIVED

NOV 19 1999

Department of Water Resources
Southern Region

IDWR Southern Region
1341 Fillmore St., Suite 200
Twin Falls, Idaho 83301-3380

RE: Oakley Canal Company to
Shoulder 3 Ranches, Inc.
45-10458

Gentlemen:

Enclosed please find the Notice of Change of Water Right Ownership of 45-10458. This is according to the settlement made with the interested parties and particularly the stipulation entered into with Larry A. Brown of the Department of Justice regarding certain objections to other water rights.

Very truly yours,

PARSONS, SMITH & STONE, LLP



William A. Parsons

WAP:rt

cc: Robert Whiteley
Oakley Canal Company

Larry A. Brown
Special Attorney
U. S. Dept. of Justice
380 Park Center Blvd, Suite 330
Boise, Idaho 83706

RECEIVED

NOV 19 1999

Department of Water Resources
Cynthia Flaherty

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right No(s).: 45-10458 no WR

Adjudication Claim No(s).: _____

2. The following **REQUIRED** information must be submitted with this form:

A. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**

AND

B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)

OR

C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant OAKLEY CANAL COMPANY
301 N. Center, Oakley, Idaho 83346

4. New Owner/Claimant(s) SHOULDER 3 RANCHES, INC. (current owner)
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
Box 218

New Mailing Address _____

City, State and ZIP Code Oakley, Idaho 83346

New Telephone Number (208) 862-3377

5. Date you acquired the property 1999 (Part of settlement of sub case)

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres you irrigate _____ Number and type of stock _____

Diversion rate in CFS _____ Number of homes _____ Other uses _____

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner or Claimant(s) OAKLEY CANAL COMPANY
[Signature]
Chairman

(Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)

8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims..

Water Right Number - A45-10458

Prefix Translation: ADJUDICATION CLAIM

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
SHOULDER 3 RANCHES INC

1 - PO BOX 218
2 -
3 -
City- OAKLEY State- ID Zip- 83346
Phone - 208-862-3377

+ - - Priority Date - - + + - - - Region - - - + + - - Stage - - - + + - - Status - - - +
01/01/1925 ERROR IN REGION J - BENEFICIAL USE

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
GROUNDWATER

+ - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County Diversion Name
15S 21E 13 NW SE SE (31) CASSIA

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
04 - STOCKWATER 01/01 12/31 0.120

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
0.120 0.0

+ - - - - Place of Use - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County
15S 21E 13 SE SE 04 STOCKWATER (31) CASSIA

+ - - Diversion Means - FREE FLOWING WELL

+ - - Non-Irrigation Use - S/500 BEEF STOCK

+ - - Other Rights for Same Use - GOOSE CREEK WATER

+ - - - - Remarks - - - - - +
GEN WELL ORIGINALLY DRILLIED FOR OIL BUT HIT HOT WATER. NOW USED FOR STOCK.

+ - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers found.

+ - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.

+ - - - Decree Plaintiff - - - + + - - - Decree Defendant - - - + + - Decree Date - +
00/00/0000

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT

12/10/99 14:23:59

Page 2

Water right number - A45-10458

Prefix Translation: ADJUDICATION CLAIM

+ - - Audit Fields - 05/05/89 WHITE 03/30/95 POST-STD 12/03/97 DSMITH

+-----+
No Comments Found

+ Adjudication Rights Dates and Flags Area +

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 05/05/1989	Last Amended Date	- 00/00/0000	Temporary Right	- P
Proof Due Date	- 00/00/0000	Proof Made Date	- 00/00/0000	Water District	-
Licensed Date	- 00/00/0000	Receipt Number	- 5007044	Federal/State Indicator	- S
		POU Ownership Flag	- Y	Presumption Flag	-
		Name Connector	-	Notice of Error Flag	-



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNORKARL J. DREHER
DIRECTOR**TRANSMITTAL COVER SHEET**

FAX NUMBER: (208) 327-5400

DATE: 8-26-99TO: Doug JonesFROM: Vicki

DOCUMENT DESCRIPTION: Vicki left for Dubois but
Roxanne should be able to answer any
questions you may have

COVER SHEET + _____ PAGES

CONTACT: Sandy IF YOU DO NOT RECEIVE ALL THE PAGES.

THANK YOU!

RECEIVED
AUG 26 1999
Department of Water Resources
Southern Region

AJ5809NP
No. R45-10458

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 02/03/98
PAGE: 7

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	SHOULDER 3 RANCHES INC	01/01/1925	STOCKWATER	01-01 12-31	0.12 CFS	
TOTAL DIVERSION:					0.12 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: BENEFICIAL USE

Point(s) of Diversion:

T15S R21E S13

NWSESE

CASSIA County

Place of use Legal Description for: STOCKWATER

NE				NW				SW				SE			
NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE
T	R	S	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac
15S 21E 13 :															

POU County: CASSIA

Other Rights: GOOSE CREEK WATER

Conditions of Approval:

- N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
- N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks: EXP STOCKWATER, 500 BEEF STOCK
PARCEL NO. RP15S21E131200A

Dates: Exam Made Date: Verified Date: 12/03/1997 Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

0 & for deer
KICC
2-5-98

PARSONS, SMITH & STONE, LLP

ATTORNEYS AT LAW

137 WEST 13TH STREET

P. O. BOX 910

BURLEY, IDAHO 83318

WILLIAM A. PARSONS

RICHARD K. SMITH

RANDOLPH C. STONE

rcstone@cyberhighway.net

LANCE A. LOVELAND

love9593@cyberhighway.net

TELEPHONE
(208) 678-8382

FAX NO.
(208) 678-0146

August 18, 1999

RECEIVED

AUG 19 1999

Department of Water Resources
Southern Region

Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83301-3380

RE: 45-10458

Gentlemen:

Enclosed please find a transfer form from Shoulder 3 to
Oakley Canal Company.

No map or deed is enclosed because of the previous
settlement of the sub-case of which the Department signed off.
This transfer form is part of that settlement process.

Once this is done and a right of way changed then the
water right will end up in Shoulder 3 Ranches, Inc.

If there is any question please give me a call.

Very truly yours,

PARSONS, SMITH & STONE, LLP


William A. Parsons

WAP:rt

Enc.

cc: Shoulder 3 Ranches
Box 218
Oakley, Idaho 83346

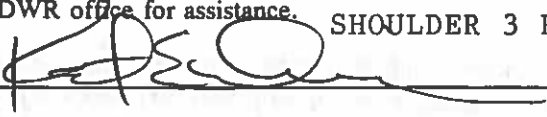
Larry Brown
Department of Justice
550 West Fort St., MSC 033
Boise, Idaho 83724

RECEIVED
AUG 19 1999
Department of Water Resources
Southern Region

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

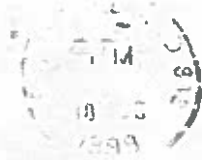
Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right No(s).: 45-10458
Adjudication Claim No(s).: _____
2. The following REQUIRED information must be submitted with this form:
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)
OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant SHOULDER 3 RANCHES, INC.
Box 218 - Oakley, Idaho 83346
4. New Owner/Claimant(s) OAKLEY CANAL COMPANY
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
New Mailing Address Box 207
City, State and ZIP Code Oakley, Idaho 83346
New Telephone Number (208) 862-3356
5. Date you acquired the property 1999 (Part of settlement of sub case)
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
Number of acres you irrigate _____ Number and type of stock _____
Diversion rate in CFS _____ Number of homes _____ Other uses _____
If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance. SHOULDER 3 RANCHES, INC.
7. Signature of New Owner or Claimant(s) 
(Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)
8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims..

PARSONS, SMITH & STONE, LLP

ATTORNEYS AT LAW
P.O. BOX 910
137 WEST 13TH STREET
BURLEY, IDAHO 83318

ADDRESS CORRECTION REQUESTED
PLEASE FORWARD



Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83301-3380

RECEIVED

AUG 19 1999

Department of Water Resources
Southern Region

83301X3380 18



RECEIVED

JUN 30 1999

Department of Water Resources

Names of Parties Filing Document:

UNITED STATES OF AMERICA

SHOULDER 3 RANCHES, INC.

Attorneys' Names and Addresses:

LOIS J. SCHIFFER
 Assistant Attorney General
 Environment and Natural
 Resources Division

LARRY A. BROWN
 Special Attorney, U.S. Dept. of Justice
 General Litigation Section
 Environment and Natural Resources Division
 550 West Fort Street, MSC 033
 Boise, Idaho 83724
 Ph.: (208) 387-0835 FAX: (208) 387-0842

**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 Numbers 45-10458 and 45-10473

)

Case No. 39576

) STIPULATION TO RESOLVE

) SUBCASES

The United States of America, by and through the undersigned counsel, and Shoulder 3 Ranches, Inc. (hereinafter "Claimant"), agree and stipulate to resolve United States Department of the Interior, Bureau of Land Management (hereinafter "BLM") objections in the above-captioned Subcases as follows:

//

//

STIPULATION

WHEREAS, the United States recognizes the significant role of the livestock industry in the settlement, history and culture of the State of Idaho; and,

WHEREAS, the United States and Claimant recognize the importance of the stockwater rights at issue in these Subcases to the livestock industry in the State of Idaho and the BLM's grazing program; and,

WHEREAS, the United States and Claimant wish to resolve the objections regarding ownership of these stockwater rights without further litigation, expense and delay;

THEREFORE, Claimant and the United States of America stipulate and agree as follows:

- 1. Pursuant to Idaho R. Civ. P. 41(a)(1)(ii), the parties stipulate and agree that Claimant shall dismiss, with prejudice, Water Right Claim Number 45-10473.**
- 2. Pursuant to Idaho R. Civ. P. 41(a)(1)(ii), the parties stipulate and agree that claimant shall dismiss, with prejudice, places of use on lands owned by the United States and managed by the BLM associated with Water Right Claim Number 45-10458. The parties further stipulate and agree to include a place of use located on lands owned by Claimant in Water Right Claim Number 45-10458. The parties further stipulate and agree that Claimant shall transfer ownership of Water Right Claim Number 45-10458 to Oakley Canal Company. The United States stipulates and agrees to cooperate in the assignment of that portion of the Oakley Canal Company's Right-of-Way (Case Serial Number IDI-012552) that pertains to the well located in the SESE, Section 13, T.15S., R.21E., B.M. from Oakley Canal Company to Shoulder 3 Ranches, Inc.**

3. For, and in consideration of, Claimant's change of ownership of Water Right Claim Number 45-10458 from Shoulder 3 Ranches, Inc. to Oakley Canal Company, the United States agrees and stipulates to dismiss, with prejudice, its objection to Water Right Claim Number 45-10458 pursuant to Idaho R. Civ. P. 41(a)(1)(ii).

4. Nothing in this stipulation shall prevent the BLM from administering the use of a grazing allotment and its associated water rights in accordance with applicable law, including taking such administrative actions as changing the boundaries of grazing allotments or modifying or terminating BLM-issued grazing permits.

5. This stipulation was reached through negotiations for the purpose of resolving legal disputes, including pending litigation. All parties agree that no offers and/or compromises made in the course of the negotiations regarding any of the subcases mentioned in this document shall be construed as admissions against interest or be used in any legal proceeding.

6. The parties agree to bear their own costs and attorney fees.

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7. This stipulation was entered into and executed voluntarily by all parties in good faith, and without any fraud, misunderstanding, overreaching, misrepresentation, duress, or undue influence.

CLAIMANT:
SHOULDER 3 RANCHES, INC.



ROBERT E. WHITELEY, President

DATED: 6-9-99

OBJECTOR:
UNITED STATES OF AMERICA



LARRY A. BROWN *FWP*
Of Attorneys for the United States

DATED: 5/19/99

CERTIFICATE OF SERVICE

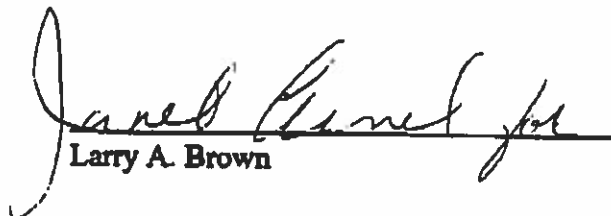
I certify that on 6/29, 1999, I served a true and correct copy of the foregoing **STIPULATION TO RESOLVE SUBCASES** upon the following individuals by placing the document in the United States Mail in Boise, Idaho, postage paid, and addressed as follows:

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

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83720-0098

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

Mr. Robert Whiteley
c/o Shoulder 3 Ranches, Inc.
Box 218
Oakley, Idaho 83346


Larry A. Brown

**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. 45-10458

Case No. 39576

STANDARD FORM 5**AMENDED CLAIM**

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right and to amend the Notice of Claim. 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, date, expert opinions and law supporting 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.

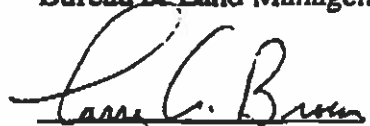
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT:

Shoulder 3 Ranches, Inc.


Robert E. Whiteley, President Date

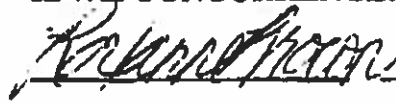
OBJECTOR:United States on behalf of the
Bureau of Land Management

 5/19/99
Larry A. Brown FWP Date
Attorney, U.S. Department of Justice
Environment and Natural Resources Div.

Oakley Canal Co.

 6-9-99
William A. Parsons Date
Of Attorneys for Oakley Canal Co.

IDWR CONCURRENCE:

 6/17/99
Date

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

Right Number: 45-10458

Name and Address: ~~SHOULDER 3 RANCHES, INC.~~
~~PO BOX 210~~
~~OAKLEY, ID 83346~~

OAKLEY CANAL CO.
301 N. CENTER
OAKLEY, ID 83346

Source: GROUNDWATER

Quantity: 0.12 CFS

FWP LB RG

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

Priority Date: ~~01-01-1925~~ 06-28-1961

Diversion Point: T15S R21E S13

NWSESE

Within CASSIA County

Purpose and
Period of Use:

Purpose of Use
Stockwater

Period of Use
01-01 TO 12-31

Quantity
0.12 CFS

Place of Use:

Stockwater
T15S R21E S13

~~SESE~~
~~SWSE~~

Within CASSIA County

Other Provisions Necessary for Definition / Administration of this Water Right:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT
A DETERMINATION OF HISTORICAL BENEFICIAL USE.

Explanatory Material: Basis of Claim - Beneficial Use

STOCKWATER, 500 BEEF STOCK
PARCEL NO. RP15S21E131200A

CERTIFICATE OF MAILING

I certify that on 6/29, 1999, I 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:

Idaho Department of Water Resources
Adjudication Bureau
1301 North Orchard Street
Boise, Idaho 83706

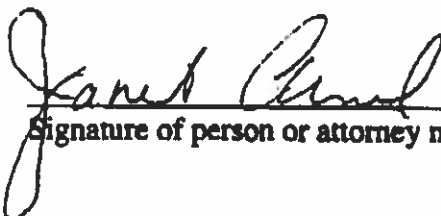
IDWR Document Depository
P. O. Box 83720
Boise, Idaho 83720-0098

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

Shoulder 3 Ranches, Inc.
P.O. Box 218
Oakley, Idaho 83346

William A. Parsons
Attorney at Law
Parsons, Smith & Stone
P.O. Box 910
Burley, Idaho 83318



Signature of person or attorney mailing the form

RECEIVED

JUN 30 1999

Department of Water Resources

**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. 45-10473

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 the facts, date, expert opinions and law supporting 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.

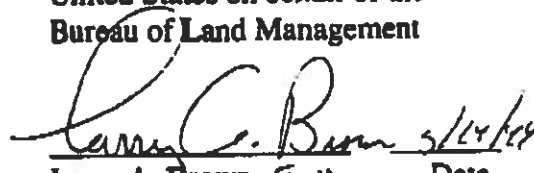
The parties and IDWR agree and stipulate that this water claim should be dismissed with prejudice.

CLAIMANT:

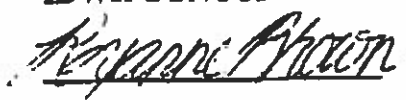
Shoulder 3 Ranches, Inc.


Robert E. Whiteley, President Date 6-9-99

OBJECTOR:United States on behalf of the
Bureau of Land Management


Larry A. Brown Fwp Date 5/14/99
Attorney, U.S. Department of Justice
Environment and Natural Resources Div.

IDWR CONCURRENCE:


Date 6/30/99

IDWR CONCURRENCE:

Date

CERTIFICATE OF MAILING

I certify that on 6/29, 1999, I 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:

Idaho Department of Water Resources
Adjudication Bureau
1301 North Orchard Street
Boise, Idaho 83706

IDWR Document Depository
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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

Shoulder 3 Ranches, Inc.
P.O. Box 218
Oakley, Idaho 83346



Signature of person or attorney mailing the form

AJ0743NP
(OD-124)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

12/03/97 12:40:31
Page 1

Water Right Number - R45-10458

Prefix Translation: RESEARCH

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
SHOULDER 3 RANCHES INC

1 - PO BOX 218

2 -

3 -

City- OAKLEY

State- ID Zip- 83346

Phone - 208-862-3377

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - - +
01/01/1925 ERROR IN REGION J - BENEFICIAL USE

+ - - - - Source - - - - - + + - - - - - Tributary - - - - - +
GROUNDWATER

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County

15S 21E 13 NW SE SE (31) CASSIA

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume

04 - STOCKWATER 01/01 12/31 0.120

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.120 0.0

+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County

15S 21E 13 SE SE 04 STOCKWATER (31) CASSIA

Total Acres:

+ - - Diversion Means - FREE FLOWING WELL

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - GOOSE CREEK WATER

+ - - - - Remarks - - - - - +

EXP STOCKWATER, 500 BEEF STOCK
PARCEL NO. RP15S21E131200A

+ - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers Found

+ - - - - Conditions of Approval - - - - - +

- N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
- DETERMINATION OF HISTORICAL BENEFICIAL USE.
- N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
- GALLONS PER DAY.

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

Water right number - R45-10458

Prefix Translation: RESEARCH

+ - - • • Decree Plaintiff - - - +

+ - - - - Decree Defendant - - - +

+ - Decree Date - +
00/00/0000

Date:	User Id:	Subject:	Comments
12/03/1997	DSMITH	COPIED FROM REMARKS	
		WELL ORIGINALLY DRILLED FOR OIL BUT HIT HOT WATER.	NOW USED FOR STOCK.

+ - - Audit Fields - - +

12/03/97 DSMITH

+ - - - - - Adjudication Rights Dates and Flags Area - - - - - +

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 12/03/1997	Old Judicial District	-
Claim Received Date	- 05/05/1989	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S007044	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	-
				Notice of Error Flag	-

AJ5856NP

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

DATE: AUG-20-1997
PAGE: A-106

RIGHT NUMBER: 45-10458

NAME & ADDRESS: SHOULDER 3 RANCHES INC ✓
BOX 218
OAKLEY ID 83346

SOURCE: GROUNDWATER

QUANTITY: 0.12 CFS

PRIORITY DATE: 01/01/1925

POINT OF DIVERSION: T15S R21E S13 ✓

NWSESE ✓

RP 15221E13 4200 A

Within CASSIA County

PURPOSE AND

PERIOD OF USE: PURPOSE OF USE
STOCKWATER S/500 BEEF STOCK

PERIOD OF USE
01-01 12-31

QUANTITY
0.12 CFS

PLACE OF USE: STOCKWATER
T15S R21E S13 ✓

Within CASSIA County
SESE ✓

RP 15221E13 1200 A

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

WELL ORIGINALLY DRILLIED FOR OIL BUT HIT HOT WATER. NOW USED
FOR STOCK.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE

from assessor's plat bk. + tax id. cards.

8.29.97

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A45-10458
Date Received: 5/05/1989
Receipt No: 5007044
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: SHOULDER 3 RANCHES, INC. 208-862-3377
Address: BOX 218
OAKLEY, ID 83346
2. Date of Priority: JAN 01, 1925
3. Source: GROUNDWATER Trib. to:
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
15S	21E	13	NW	SE	SE		CASSIA
5. Description of diverting works:
FREE FLOWING WELL
6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
STOCKWATER	01/01	12/31	0.120		
7. Total Quantity Appropriated is:
0.120 C.F.S. (and/or) A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:
S/500 BEEF STOCK
10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
15S	21E	13	SE	SE		STOCK	
11. Place of use in counties: CASSIA

A45-10458

Page 1

Date: 05/05/89

MICROFILMED

MAR 08 1993

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
GOOSE CREEK WATER

14. Remarks:
WELL ORIGINALLY DRILLIED FOR OIL BUT HIT HOT WATER. NOW USED
FOR STOCK.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am Shoulder 3' Ranches Inc of Shoulder 3' Ranches Inc Title Pres, that I have signed the foregoing document in the space below as Shoulder 3' Ranches Inc Title Pres of Shoulder 3' Ranches Inc Organization and that the statements contained in the foregoing document are true and correct.

Shoulder 3' Ranches Inc
Signature of Authorized Agent

Shoulder 3' Ranches Inc
Title and Organization

5-5-89
Date

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 5th day

of May 19 89

Steve C. Allen
Notary Public

Seal

Residing at Twin Falls

My Commission Expires Dec 7 1994