

July 2, 2013

Mr. Jeff Cooper
Water resource Agent
Idaho Department of Water Resources
1341 Fillmore St, Suite 200
Twin Falls ID 83301

RECEIVED
JUL 05 2013
DEPT. OF WATER RESOURCES
SOUTHERN REGION

Subject: Stines Ditch Water users Agreement

Dear Mr. Cooper:

Reference is made to our telephone conversation Friday afternoon on June 28, 2013 regarding our recently completed agreement among the five water right holders for Stines Creek Diversions. During our conversation we also discussed the October 23, 2001 letter from Sr. Water Resource Agent Vikie Hancock addressed to the Stines Creek water right holders at that time.

Agent Hancock recommended that the users of Stines Creek formulate a written civil agreement to more clearly specify commonly agreed-upon irrigation practices from the Stines Diversion. She indicated IDWR would not administer the agreement, but would file a copy with each water right as additional explanatory information.

We discussed these points made in 2001 and you indicated that the agreement would be filed with each water right. A copy of our two page agreement is enclosed for your use in placing a copy in the applicable files.

Thank you for your assistance.

Yours truly,



Richard Bruesch

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JUL 05 2013

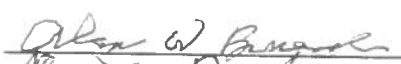
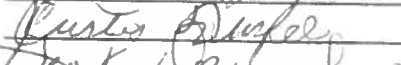
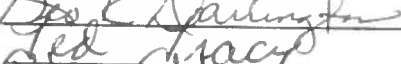
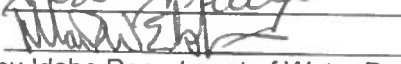
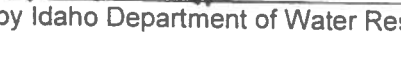
DEPT. OF WATER RESOURCES
SOUTHERN REGIONSTINES DITCH WATER USERS AGREEMENT

The Stines Ditch (also known as Hoagland Ditch) diverts water from Stines Creek southeasterly over the "Bench" into the Lone Rock Creek drainage. The point of diversion is SENW of Section 7, Township 15 South, Range 24 E, Cassia County, Idaho. At the point of diversion, 100% of Stines Creek flow is diverted into the Stines Ditch. The diverted water is utilized for irrigation and stockwater in the Lone Rock Creek basin.

CIVIL AGREEMENT

1. We acknowledge that the water in the Stines Ditch has been used on a rotational basis between users for a very long time, with all water being diverted to one user at a time. We reaffirm that each user is entitled to irrigation water for their use in accordance with the following "Stines Creek ~ Water Users Schedule".
2. Each user must seek the water for their turn at the time and day indicated on the Schedule.
3. Each user shall share the routine Ditch maintenance between the Stines Creek diversion and the point of entering Lone Rock's Creek channel, about 825 feet east of Lone Rock near the Bruesch/Durfee fence. Costs for major Ditch repairs shall be shared in proportion to the user's share.
4. Below the point of entering Lone Rock Creek's channel, creek channel and distribution canal maintenance and repair shall be proportionally shared between the affected downstream users.
5. All affected users shall be contacted prior to and agree to make any major Stines Ditch, creek channel or canal repairs or changes.
6. Users may access other user's property for the purpose of diverting water for their turn.
7. In any year after April 1, if and when Stines Ditch's water flow becomes insufficient for irrigation, by mutual agreement between all users, it will be classified as stockwater for the remainder of the irrigation season. Stockwater shall not be diverted for irrigation; it shall remain in the Stines Ditch and Lone Rock Creek channels for the sole purpose of livestock water.
8. This agreement shall be binding upon the seller and buyer of any sales contract with future property owners. If the sale results in a division of an individual property, the current property's shares shall be appropriately split to each parcel.
9. Property owners cannot sell or transfer shares for use outside current properties in the Lone Rock Creek basin.
10. We affirm this agreement is intended to be perpetual. Any revision shall require unanimous agreement of all Stines Ditch water users.

By signing below each user agrees to the above terms of this agreement.

<u>User</u>	<u>Right #</u>	<u>Signature</u>	<u>Date</u>
Bruesch Ranch LLC	43-11		6/19/13
Curtis Durfee	43-13025		6-18-13
George Darrington	43-13024		6-21-13
Ted Tracy	43-12		6-19-13
The Conservation Fund	43-14		6/24/13

Right # is the water right number issued by Idaho Department of Water Resources.

Stines Creek ~ Water Users Schedule									
Day 1	Day 2	Day 3	Day 4	Day 5	Day 6	Day 7	Day 8	Day 9	Day 10
43-11	43-13025	43-13025	43-13025	43-13024	43-12	43-12	43-12	43-12	43-14
Bruesch	Curtis	Curtis	Curtis	George	Ted	Ted	Ted	Ted	Fund
Turn Starts At 7 AM	Turn Starts At 7 AM	Turn All Day	Turn All Day	Turn Starts At 7 AM	Turn Starts At 1 PM	Turn All Day	Turn All Day	Turn All Day	Turn Starts At 7 PM
APRIL									
1	2	3	4	5	6	7	8	9	10
11	12	13	14	15	16	17	18	19	20
21	22	23	24	25	26	27	28	29	30
MAY									
1	2	3	4	5	6	7	8	9	10
11	12	13	14	15	16	17	18	19	20
21	22	23	24	25	26	27	28	29	30
31									
JUNE									
	1	2	3	4	5	6	7	8	9
10	11	12	13	14	15	16	17	18	19
20	21	22	23	24	25	26	27	28	29
30									
JULY									
	1	2	3	4	5	6	7	8	9
10	11	12	13	14	15	16	17	18	19
20	21	22	23	24	25	26	27	28	29
30	31								
AUGUST									
		1	2	3	4	5	6	7	8
9	10	11	12	13	14	15	16	17	18
19	20	21	22	23	24	25	26	27	28
29	30	31							
SEPTEMBER									
			1	2	3	4	5	6	7
8	9	10	11	12	13	14	15	16	17
18	19	20	21	22	23	24	25	26	27
28	29	30							
OCTOBER									
			1	2	3	4	5	6	7
8	9	10	11	12	13	14	15	16	17
18	19	20	21	22	23	24	25	26	27
28	29	30	31						

The SCHEDULE represents a ten-day cycle with 20 shares total. One share represents one twelve-hour period. The above Schedule was agreed to by the Stines Ditch water users during meetings on May 16 and 17, 2002.