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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: 31-7100B

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. 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; and 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/CIRCLE B FARMS LTD PARTNERSHIP:

CLAIMANT/CIRCLE B FARMS LTD PARTNERSHIP:

~~Robert J. Ball~~ *EMB* ~~Date~~*Robert M. Ball* *General Partner* *4-23-02* Date

CLAIMANT/BALL FARMS LTD PARTNERSHIP:

CLAIMANT/BALL FARMS LTD PARTNERSHIP:

~~Robert J. Ball~~ *EMB* ~~Date~~*Carl M. Ball* *4-23-02* Date
General Part.

OBJECTOR

Larry G. Brown *4/29/02*
Larry Brown, DOJ *FWP*
Attorney for BLM Date

IDWR CONCURRENCE:

Ernie Carlsen *4/11/2002*
Ernie Carlsen Date
Water Rights Supervisor, IDWR*Candice M. McHugh* *4/12/02*
Candice M. McHugh (As to Form) Date
Attorney for IDWR

04/09/2002

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

RIGHT NUMBER: 31-7100B
NAME AND ADDRESS: CIRCLE B FARMS LTD PARTNERSHIP
PO BOX 69
LEWISVILLE ID 83431
BALL FARMS LTD PARTNERSHIP
PO BOX 69
LEWISVILLE ID 83431

SOURCE: GROUND WATER
QUANTITY: 2.54 CFS
462.0 APY
PRIORITY DATE: 01/16/1974
POINT OF DIVERSION:

T08N R36E S20 NESWSE Within JEFFERSON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/15 10/15	2.540 CFS 462.00 APY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 15 AND AFTER OCTOBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE: IRRIGATION Within JEFFERSON County

T08N R36E S28	NWNW	31.0	T08N R36E S28	SWNW	31.0
T08N R36E S29	NENE	35.0	T08N R36E S29	SENE	35.0

132 ACRES TOTAL

PLACE OF USE IN T8N R26E S28 SWNW DOES NOT INCLUDE FEDERAL PUBLIC LANDS

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.

EXPLANATORY MATERIAL: License

RIGHT NO. 31-07603 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

CERTIFICATE OF MAILING

I certify that on April 29, 2002, I delivered the original and copies of this form to the following persons, postage prepaid if required, and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

2. Copies to:

Clive Strong
Office of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

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

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

3. Copies to all parties to the subcase:

U.S. Dept. of Justice
Environment & Natural Resource Div.
General Litigation Section
550 W. Fort St., MSC 033
Boise, ID 83724

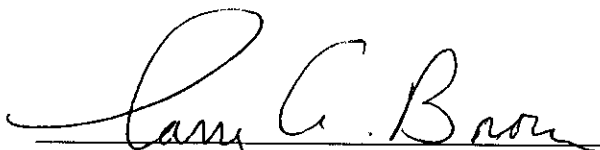
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Circle B Farms Ltd. Partnership
P.O. Box 69
Lewisville, ID 83431

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

Ball Farms Ltd. Partnership
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☐ facsimile


Signature of person mailing this document