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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

Case No. 39576

) SUBCASE NO: 37-2645
) (SPLIT INTO 37-20840 AND 37-20841)
)

) STANDARD FORM 5
)

) STIPULATED ELEMENTS OF A
) WATER RIGHT
)

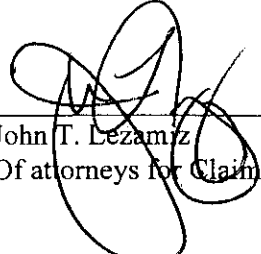
This form is used to report the stipulated elements of one water right acquired under state law. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert 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.

To resolve the objection, water right 37-2645 was split into two water rights and renumbered as 37-20840 and 37-20841. The SF5s for these two rights are being filed with the SRBA Court herewith. Therefore, IDWR recommends that water right 31-2645 be disallowed. **The parties and IDWR agree and stipulate that water right 31-2645 should be disallowed as recommended by IDWR.** The parties and IDWR further agree that this SF5 will resolve the objection filed by the BLM in this subcase and have indicated their concurrence by their signatures below.

CLAIMANT:

Notch Butte Farms, LLC

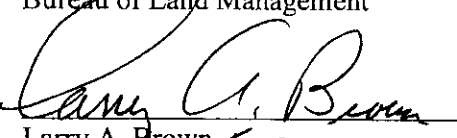


John T. Lezamiz
Of attorneys for Claimant

7/28/03
Date

OBJECTOR:

United States on behalf of the
Bureau of Land Management



Larry A. Brown
Attorney, U.S. Department of Justice
Environment and Natural Resource Div.

7/31/03
Date

IDWR CONCURRENCE:



Steve Clelland
Senior Water Resource Agent, IDWR

7/30/03
Date

IDWR CONCURRENCE



Nicholas B. Spencer (As to Form)
Attorney for IDWR

7-30-03
Date

CERTIFICATE OF MAILING

I certify that on Jul. 31, 2003 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:

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

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

Notch Butte Farms, LLC
P.O. Box 486
Jerome, ID 83338

United States Dept. of Justice
Environment & Nat'l Resources Div.
550 West Fort Street, MSC 033
Boise, ID 83724

John T. Lezamiz
Hepworth, Lezamiz & Hohnhorst, Chtd.
P.O. Box 389
Twin Falls, Idaho 83301



Signature of person or attorney mailing the form