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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: 37-20840
) (FORMERLY 37-2645)
)

) STANDARD FORM 5
)

) STIPULATED ELEMENTS OF A
) WATER RIGHT
)

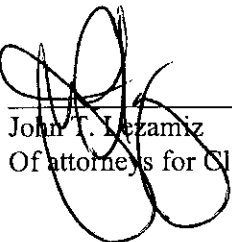
This form is used to report the stipulated elements of one water right acquired under state law. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert 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 to water right 37-2645, it was split into two water rights and renumbered as 37-20840 and 37-20841. The parties and IDWR agree and stipulate that water right no. 37-2645 should be disallowed pursuant to the SF5s filed concurrently herewith. The parties and IDWR further agree that this SF5 will resolve the objection to filed by the objector, BLM, in subcase no. 37-2645 and have indicated their concurrence by their signatures below and by initialing the attached pages.

CLAIMANT:

Notch Butte Farms, LLC

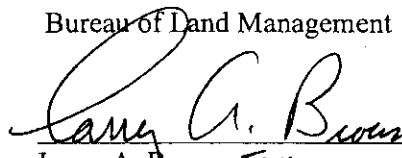


John T. Lezamis
Of attorneys for Claimant

1/20/03
Date

OBJECTOR:

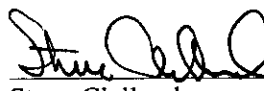
United States on behalf of the
Bureau of Land Management



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

7/31/03
Date

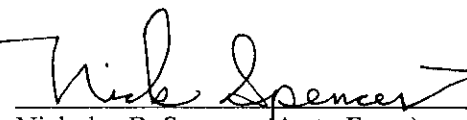
IDWR CONCURRENCE:



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

01/17/2003

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

RIGHT NUMBER: 37-20840

NAME AND ADDRESS: NOTCH BUTTE FARMS LLC
PO BOX 486
JEROME ID 83338

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 4.020 CFS
727.300 AFY

PRIORITY DATE: 11/29/1960

POINT OF DIVERSION:

T06S R17E S31 NESWNW Lot 2 Within LINCOLN County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04/15 10/31

QUANTITY
4.020 CFS
727.30 AFY

PLACE OF USE: IRRIGATION Within LINCOLN County

T06S R17E S30 Lot 4 SWSW	1.1	T06S R17E S30	SESW	24.0	
T06S R17E S30	SWSE	36.0	T06S R17E S30	SESE	8.8
T06S R17E S31	NENE	40.0	T06S R17E S31	NWNE	40.0
T06S R17E S31	NENW	40.0	T06S R17E S31 Lot 1 NWNW	18.0	

207.9 ACRES TOTAL

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 INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 37-2532A & 37-2804A & 37-20841.

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 37-2645.

Fwp
J3
SCC
NBS
(174)

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:

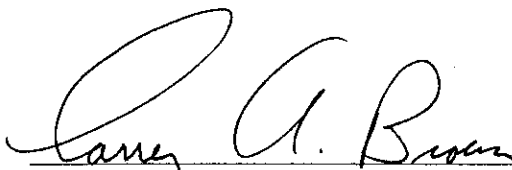
Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 83720
Boise, ID 83720-0098

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