

COPY

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

2004 MAR 9 AM 9 53

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.: 43-2488

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 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; 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/OBJECTOR:

Angela Schaer Kaufmann 2-24-04
Date

Angela Schaer Kaufmann
Attorney for Sun Valley Agribusiness Partners, LLC

IDWR CONCURRENCE:

Kelly Christensen 2-17-04
Date

Kelly Christensen
Sr. Water Resource Agent

Wick Spencer 3-4-04
Date
Approved as to form
Attorney for IDWR

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

RIGHT NUMBER: 43-2488

NAME AND ADDRESS:

SUN VALLEY AGRIBUSINESS PARTNERS LLC
PO BOX 2169
SUN VALLEY ID 83353

SOURCE:

Source:
GROUND WATER

Tributary:

QUANTITY: 5.600 CFS

~~1,156.000 AFY~~

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 2256 AF. COMBINED RIGHT NOS. 43-2488 and
43-2519

PRIORITY DATE: 02/11/1960

KKC
OK
NBS

POINT OF DIVERSION:

T11S R27E S5 NESWNE
Within CASSIA County

PURPOSE AND
PERIOD OF USE:

Purpose of use
IRRIGATION

Period of use:

03/15 11/15

Quantity:

5.600 CFS 1,200.00 AFY
~~5.600 CFS 1,156.00 AFY~~

PLACE OF USE:

IRRIGATION within CASSIA County

T11S R27E S04 NWNW Lot 4 40.0

T11S R27E S05 NENE Lot 1 40.0

T11S R27E S05 SWNE 20.0

T11S R27E S05 SENE 40.0

T11S R27E S05 NESE 40.0

T11S R27E S05 NWSE 40.0

T11S R27E S05 SWSE 40.0

T11S R27E S05 SESE 40.0

300 ACRES TOTAL

~~T11S R27E S05 NENE Lot 1 20.0~~

~~T11S R27E S05 SWNE 39.0~~

~~T11S R27E S05 SENE 38.0~~

~~T11S R27E S05 NWSE 38.0~~

~~T11S R27E S05 SWSE 37.0~~

~~T11S R27E S05 SESE 37.0~~

289 ACRES TOTAL

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

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 564 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED
RIGHT NOS. 43-2488 and 43-2519

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: BASIS OF CLAIM - License

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

KKC
AK
NBS

CERTIFICATE OF SERVICE

I certify that on March 5, 2004, I caused to be served true and correct copies of this Standard Form 5, to the following persons, in the manner indicated 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, ID 83303-2707

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

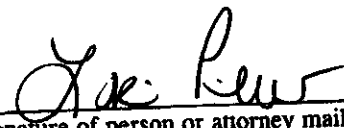
2. Copies to:

Angela Schaer Kaufmann
Moffatt, Thomas, Barrett Rock & Fields
P.O. Box 829
Boise, ID 83701

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Signature of person or attorney mailing the form