

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.: 43-2504

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
Angela Schaer Kaufmann Date
Attorney for Sun Valley Agribusiness Partners, LLC

IDWR CONCURRENCE:

Kelly Christensen 2-17-04
Kelly Christensen Date
Sr. Water Resource Agent

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

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

RIGHT NUMBER: 43-2504

NAME AND ADDRESS:

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

SOURCE:

Source:
GROUND WATER

Tributary:

QUANTITY:

6.400 CFS
1,520.000 AFY

KAC
OK
NBS
1,480.000 AFY

PRIORITY DATE:

10/24/1960

POINT OF DIVERSION:

T11S R27E S5 NWNEW Lot 3
Within CASSIA County

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION

03/15 11/15

6.400 CFS	1,520.00 AFY
~~6.400 CFS~~	~~1,480.00 AFY~~

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

PLACE OF USE:	IRRIGATION	within CASSIA County
	<u>T10S R27E S32 SWSW 40.0</u>	~~T10S R27E S32 SWSW 39.0~~
	<u>T10S R27E S32 SESW 40.0</u>	
	<u>T11S R27E S05 NWNW Lot 2 40.0</u>	~~T11S R27E S05 NWNW Lot 2 39.0~~
	<u>T11S R27E S05 SWNE 20.0</u>	
	<u>T11S R27E S05 NENW Lot 3 40.0</u>	~~T11S R27E S05 NENW Lot 3 37.0~~
	<u>T11S R27E S05 NWNW Lot 4 40.0</u>	~~T11S R27E S05 NWNW Lot 4 36.0~~
	<u>T11S R27E S05 SWNW 40.0</u>	
	<u>T11S R27E S05 SENW 40.0</u>	
	<u>T11S R27E S05 NESW 40.0</u>	
	<u>T11S R27E S05 SESW 40.0</u>	~~T11S R27E S05 SWSW 39.0~~ ~~T11S R27E S05 SESW 39.0~~
	<u>380 ACRES TOTAL</u>	~~370 ACRES TOTAL~~

KKC
AK *IVBS*

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.~~

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

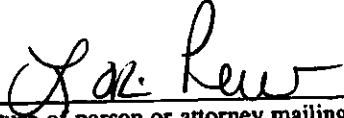
2. Copies to:

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