

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

2004 MAR 9 AM 9 54

**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.: 43-4199

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 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
Kelly Christensen
Sr. Water Resource Agent

Approved as to form
Attorney for IDWR

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

RIGHT NUMBER: 43-4199

NAME AND ADDRESS:

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

SOURCE:

Source:
GROUND WATER

Tributary:

QUANTITY:

2.160 CFS

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 13.00 CFS AND TO A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 3312 AF. COMBINED RIGHT NOS.: 43-2471, 43-2472, &
43-4199.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 25.75 CFS AND TO A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 5456 AF. COMBINED RIGHT NOS. 43-2471, 43-2472,
43-2475, 43-2569, and 43-4199

~~USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 13.00 CFS AND TO A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 3312 AF. COMBINED RIGHT NOS.: 43-2471, 43-2472, &
43-4199.~~

~~USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 4668 AF. COMBINED RIGHT NOS.: 43-2471,
43-2472, 43-2475, 43-2569, & 43-4199~~

PRIORITY DATE:

03/15/1962

KKC
AK
NBS

POINT OF DIVERSION:

T11S R26E S1 SE1/4SW
Within CASSIA County

T11S R26E S1 SW1/4SE
Within CASSIA County

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION

03/15 11/15

2.160 CFS 432.00 AFY

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

PLACE OF USE:	IRRIGATION	within CASSIA County
	<u>T11S R26E S01 NWSW 40.0</u>	
	<u>T11S R26E S01 SWSW 17.0</u>	~~T11S R26E S01 SWSW 40.0~~
	<u>T11S R26E S01 SESW 13.0</u>	~~T11S R26E S01 SESW 40.0~~
		~~T11S R26E S01 NSE 40.0~~
	<u>T11S R26E S01 NWSE 36.0</u>	~~T11S R26E S01 NWSE 40.0~~
	<u>T11S R26E S01 SWSE 2.0</u>	~~T11S R26E S01 SWSE 40.0~~
		~~T11S R26E S01 SESE 40.0~~

108 ACRES TOTAL

280 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 1364 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS. 43-2471, 43-2472, 43-2475, 43-2569, & 43-4199

~~USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 1167 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS. 43-2471, 43-2472, 43-2475, 43-2569, & 43-4199~~

~~USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 1046 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS. 43-4199 AND 43-2569~~

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 - Beneficial Use

X/KC
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

☐ 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



Signature of person or attorney mailing the form