

**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.: 45-7439A
) (Uncontested Overlap)
)

) STANDARD FORM 5
)

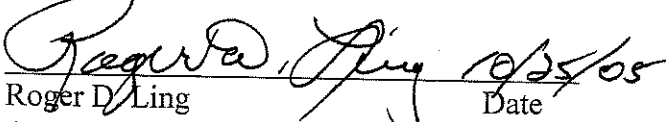
) STIPULATED ELEMENTS OF A
) WATER RIGHT
)

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.

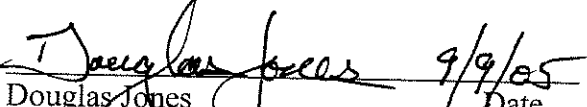
The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions 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.

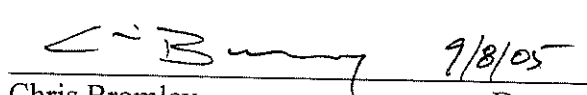
CLAIMANT/OBJECTOR:


Roger D. Ling Date 9/25/05
Attorney for Howard R. Adams & Sons, Inc.

IDWR CONCURRENCE:


Douglas Jones Date 9/9/05
Engineer, Technical 1

IDWR CONCURRENCE:


Chris Bromley Date 9/8/05
Attorney for IDWR

09/06/2005

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

RIGHT NUMBER: 45-7439A

NAME AND ADDRESS: HOWARD R ADAMS & SONS INC
496 W 1000 S
BURLEY ID 83318

SOURCE: GROUND WATER

TRIBUTARY:

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

QUANTITY: 1.460 CFS
475.20 AFY

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

The right holder shall record the quantity of water diverted and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.

The total instantaneous diversion of water from all points of diversion under Rights 45-2377C, 45-2392, 45-2411, 45-2412, 45-2504, 45-2605, 45-2594A, 45-4041, 45-7439A and 45-10365 shall not exceed ~~19.26~~ 20.10 cfs, nor a total combined annual volume of 5812.8 af.

Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

PRIORITY DATE: 02/29/1980

Diversion and use of water under this right from the additional wells authorized under Transfer 71087 located in SWSNW, SWSWSW, and SWSWSW Sec. 8, T12S, R22E; NESW Sec. 9, T12S, R22E; SESWNE Sec. 18, T12S, R22E; and NENENE Sec. 19, T12S, R22E shall be subordinate to all ground water rights existing within the immediate area prior to the date of approval of this transfer upon determination of injury due to local well interference. This right retains its priority date of 2/29/1980 relative to all other actions to distribute water.

POINT OF
DIVERSION:

T12S R21E S24 NWNWNE Within CASSIA County
T12S R22E S8 SWSNW Within CASSIA County
T12S R22E S8 SWNWSW Within CASSIA County
T12S R22E S8 SWSWSW Within CASSIA County
T12S R22E S8 SWSWSW Within CASSIA County
T12S R22E S9 NESW Within CASSIA County
T12S R22E S18 SESWNE Within CASSIA County
T12S R22E S19 NENENE Within CASSIA County

09/06/2005

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

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	1.460 CFS 475.20 AFY

PLACE OF USE:

<u>IRRIGATION Within CASSIA County</u>					
T12S R22E S09	SWNW	3.9	T12S R22E S09	NESW	24.0
T12S R22E S09	NWSW	34.0	T12S R22E S09	SWSW	34.0
T12S R22E S09	SESW	20.0	T12S R22E S09	NWSE	2.9

118.8 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.

~~The right holder shall accomplish the change authorized by approved transfer 71087 by December 7, 2005.~~

~~Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

The right holder shall accomplish the change authorized by approved transfer 71087 by December 7, 2005.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

CB
DJ [Signature]

CERTIFICATE OF SERVICE

I certify that on November 3, 2005, 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:

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

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

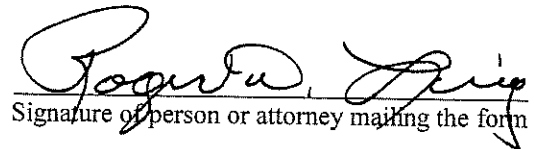
Roger D. Ling
Ling, Robinson & Walker
P.O. Box 396
Rupert, ID 83350

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

Courtesy Copy to:

Cranney Land Co.
1310 S 600 W
Oakley, ID 83346

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


Signature of person or attorney mailing the form