

**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.: 45-10365
) (Uncontested Overlap)
)

) STANDARD FORM 5
)

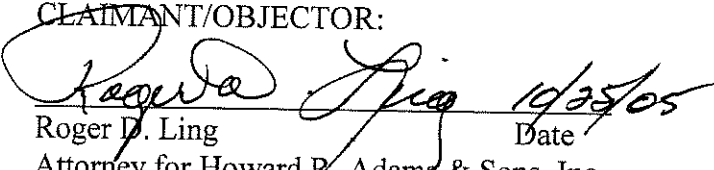
) STIPULATED ELEMENTS OF A
) WATER RIGHT
)

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.

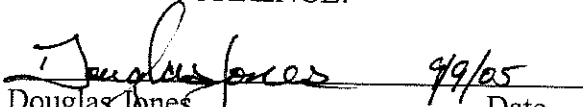
CLAIMANT/OBJECTOR:


Roger D. Ling

Date

Attorney for Howard R. Adams & Sons, Inc.

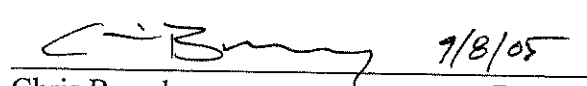
IDWR CONCURRENCE:


Douglas Jones

Date

Engineer, Technical 1

IDWR CONCURRENCE:


Chris Bromley

Date

Attorney for IDWR

09/06/2005

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

RIGHT NUMBER: 45-10365

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: ~~1.130~~ 1.34 CFS
480.00 AFY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF ~~6.04~~ 6.88 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 2468 AF. COMBINED RIGHT NOS.: 45-2411, 45-2412, 45-2594A & 45-10365.

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.

Use of the rights listed below is limited to a total combined diversion rate of 2.00 cfs. Combined right nos.: 45-2594A and 45-10365.

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.

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.

CB



PRIORITY DATE: 03/15/1962

POINT OF
DIVERSION: T12S R21E S24 NWNWNE Within CASSIA County
T12S R22E S8 SWSNW Within CASSIA County
T12S R22E S8 SWNSW 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

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
03/15 11/15

QUANTITY
1.34 ~~1.130~~ CFS
480.00 AFY

09/06/2005

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

PLACE OF USE: IRRIGATION Within CASSIA County

T12S R22E S18	SWNE	27.0	T12S R22E S18	SENE	27.0
T12S R22E S18	NESE	40.0	T12S R22E S18	NWSE	40.0
T12S R22E S18	SWSE	39.0	T12S R22E S18	SESE	37.0

210 ACRES TOTAL

USE OF RIGHT NOS. 45-2411, 45-2412, 45-2594A AND 45-10365 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 617 ACRES IN A SINGLE IRRIGATION SEASON.

This right is limited to the irrigation of 120 acres within the place of use described above in a single irrigation season.

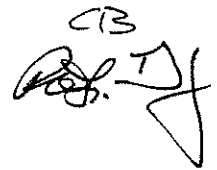
Rights 45-2594A & 45-10365 are limited to the irrigation of 187 acres within the place of use described above in a single irrigation season.

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.

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

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

CB


EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

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

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

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

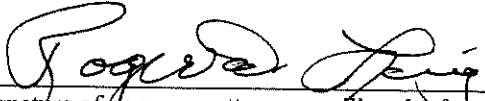
Roger D. Ling
Ling, Robinson & Walker
P.O. Box 396
Rupert, ID 83350

☐ 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