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AUG 16 2006

DEPARTMENT OF
WATER RESOURCES

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.: 37-7045

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:

Peter Janss Aug 3, 2006
Peter Janss for Date
Janss Farms

OBJECTOR:

United States on behalf of the
Bureau of Land Management

Larry A. Brown 8/10/06
Larry A. Brown Fwp Date
Attorney, U.S. Department of Justice
Environment and Natural Resources

IDWR CONCURRENCE:

Carter Fritschle 7-27-06
Carter Fritschle Date
Section Manager Adjudication Bureau

Nicholas B. Spencer 7-27-06
Nicholas B. Spencer Date
Deputy Attorney General
Attorney for IDWR
Approved as to form

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

RIGHT NUMBER: 37-7045

NAME AND ADDRESS:

JANSS FARMS
C/O PETER JANSS
PO BOX 99
BLISS ID 83314

SOURCE: Source:
CLOVER CREEK

Tributary:
SNAKE RIVER

QUANTITY: 2.000 CFS
960.000 AFY

Fwp pcj
Jas

PRIORITY DATE: 04/22/1969

POINT OF DIVERSION:

T04S R13E S31 Lot 7 SWNW
Within GOODING County

PURPOSE AND
PERIOD OF USE:

Purpose of use	Period of use:	Quantity:
IRRIGATION	04/01 11/01	2.000 CFS 960.00 AFY

The use of water for irrigation under this right may begin as early as March 15 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before April 1 and after November 1 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE: IRRIGATION within GOODING County

T04S R12E S35 SWNE 35.0
T04S R12E S35 SENE 2.6
T04S R12E S35 SWNW 6.7
T04S R12E S35 SENW 38.0
T04S R12E S35 NESW 33.0
T04S R12E S35 NWSW 21.0
T04S R12E S35 SWSW 33.0
T04S R12E S35 SESW 34.0
T04S R12E S35 NWSE 3.8
T04S R12E S36 SWNE 23.0
T04S R12E S36 SENW 4.2
T05S R12E S02 SWNE 3.6
T05S R12E S02 Lot 3 NENW 0.5
T05S R12E S02 SWNW 3.5
T05S R12E S02 SENW 32.0
T05S R12E S02 NESW 17.0
T05S R12E S02 NWSW 13.0
T05S R12E S02 NWSE 33.0

T05S R12E S03 Lot 1 NENE 11.0

~~T05S R12E S02 SWSE 0.6~~

cf
NBS
pcj

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

T05S R12E S03 Lot 2 NWNE 17.0

364.9 ACRES TOTAL

~~365.5 ACRES TOTAL~~

This right is limited to the irrigation of 320 acres within the place of use described above in a single irrigation season.

Right nos. 37-808 and 37-7045 are limited to the irrigation of a combined total of ~~365.5~~ 364.9 acres in a single irrigation season.

FWP

pcj

cd
NBS

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.

JDS

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

CERTIFICATE OF SERVICE

I certify that on Aug. 10, 2006, 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

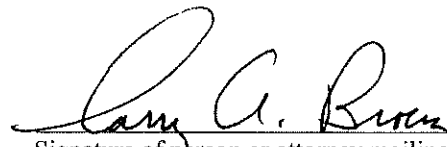
☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Janss Farms
c/o Peter Janss
P.O. Box 99
Bliss, ID 83314

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

U.S. Department of Justice
Environment & Nat'l Resources Div.
550 W. Fort St., MSC 033
Boise, ID 83724

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



Signature of person or attorney mailing the form