

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. 22-13329
	)	
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.

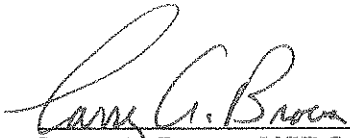
CLAIMANT:

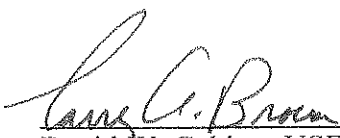
K L B, Inc.
DBA Brown Co.

John M Brown
8-17-2006

Date

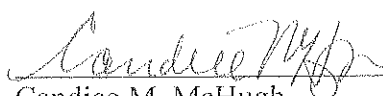
OBJECTOR(s):

 8/12/06
Larry A. Brown, USDOJ Date
Attorney for BLM *JA AB*

 8/12/06
David W. Gehlert, USDOJ Date
Attorney for BOR

IDWR Concurrence:

 8-17-06
Ernest Carlsen Date
IDWR Adjudication Supervisor

 8/17/06
Candice M. McHugh Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 22-13329

NAME AND ADDRESS:

K L B INC
DBA BROWN CO
PO BOX 579
REXBURG ID 83440

SOURCE:

Source:
GROUND WATER

Tributary:

QUANTITY:

10.000 CFS

2,422.400 AFY

~~0.000 AFY~~

The rights listed below are limited to a total combined diversion rate of 13.40 cfs and to a total combined annual diversion volume of 5714.5 AF. Combined Right Nos.: 22-7196, 22-7256, 22-13329.

~~The rights listed below are limited to a total combined diversion rate of 13.40 cfs and to a total combined annual diversion volume of 5715.1 AF. Combined Right Nos.: 22-7196, 22-7256, 22-13329.~~

PRIORITY DATE:

04/01/1986

This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.

POINT OF DIVERSION:

T06N R40E S16 SENWSE Injection
Within MADISON County

T06N R40E S16 SENWSE
Within MADISON County

Handwritten: JAS, DM, 8/11/00, Sme, B, AB
T06N R40E S16 NESWSE Injection
Within MADISON County
T06N R40E S16 NESWSE
Within MADISON County

T07N R44E S29 SENWNE Rediversion
Within TETON County

PURPOSE AND
PERIOD OF USE:

Purpose of use	Period of use:	Quantity:
IRRIGATION	04/01 10/31	10.000 CFS 2,422.40 AFY

PLACE OF USE:

IRRIGATION within TETON County

T07N R43E S10 SESE 11.0

T07N R43E S11 NWSW 2.2

T07N R43E S11 SWSW 38.0

T07N R43E S11 SESW 10.0

T07N R43E S13 NWNW 0.8

T07N R43E S13 SWNW 11.0

T07N R43E S13 SWNW 18.0

T07N R43E S13 NESW 4.8

T07N R43E S13 NWSW 40.0

T07N R43E S13 SWSW 35.0

T07N R43E S11 NWSW 2.5

T07N R43E S13 NWNW 1.6

T07N R43E S13 SWNW 14.0

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

T07N R43E S13 SESW 5.2
T07N R43E S14 SWNE 10.0
T07N R43E S14 SWNE 11.0
T07N R43E S14 SENE 21.0
T07N R43E S14 SENE 11.0
T07N R43E S14 NENW 6.7
T07N R43E S14 NWNW 40.0
T07N R43E S14 SWNW 36.0
T07N R43E S14 SENW 9.6
T07N R43E S14 SENW 20.0
T07N R43E S14 NESW 39.0
T07N R43E S14 NWSW 36.0
T07N R43E S14 SWSW 40.0
T07N R43E S14 SESW 40.0
T07N R43E S14 NESE 40.0
T07N R43E S14 NWSE 37.0
T07N R43E S14 SWSE 40.0
T07N R43E S14 SESE 39.0
T07N R43E S15 NENE 14.0
T07N R43E S15 SENE 13.0
T07N R43E S15 NESE 13.0
T07N R43E S15 SESE 13.0
T07N R43E S22 NENE 13.0
T07N R43E S22 SENE 13.0
T07N R43E S22 NESE 13.0
T07N R43E S22 SESE 13.0
T07N R43E S23 NENE 40.0
T07N R43E S23 NWNW 39.0
T07N R43E S23 SWNE 33.0
T07N R43E S23 SENE 30.0
T07N R43E S23 NENW 40.0
T07N R43E S23 NWNW 40.0
T07N R43E S23 SWNW 40.0
T07N R43E S23 SENW 40.0
T07N R43E S23 NESW 40.0
T07N R43E S23 NWSW 40.0
T07N R43E S23 SWSW 40.0
T07N R43E S23 SESW 40.0
T07N R43E S23 NESE 40.0
T07N R43E S23 NWSE 40.0
T07N R43E S23 SWSE 40.0
T07N R43E S23 SESE 40.0
T07N R43E S24 SWNE 8.7
T07N R43E S24 SENE 22.0
T07N R43E S24 NENW 21.0
T07N R43E S24 NWNW 38.0
T07N R43E S24 SWNW 39.0
T07N R43E S24 SENW 37.0
T07N R43E S24 NESW 40.0
T07N R43E S24 NWSW 32.0

~~T07N R43E S13 SESW 5.7~~
~~T07N R43E S14 SWNE 12.0~~

~~T07N R43E S14 SENE 12.0~~

~~T07N R43E S24 SENE 24.0~~

Handwritten notes and signatures:
EKC
SMC
JB
QA
AB

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

T07N R43E S24 SWSW 35.0

T07N R43E S24 SESW 40.0

T07N R43E S24 NESE 28.0

T07N R43E S24 NWSE 35.0

T07N R43E S24 SWSE 40.0

T07N R43E S24 SESE 27.0

T07N R43E S25 NENE 30.0

T07N R43E S25 NWNE 40.0

T07N R43E S25 SWNE 40.0

T07N R43E S25 SENE 29.0

T07N R43E S25 NENW 40.0

T07N R43E S25 NWNW 38.0

T07N R43E S25 SWNW 40.0

T07N R43E S25 SENW 40.0

T07N R43E S25 NESE 35.0

T07N R43E S25 NWSE 40.0

T07N R43E S25 SWSE 39.0

T07N R43E S25 SESE 38.0

T07N R43E S36 NENE 33.0

T07N R43E S36 NWNE 40.0

T07N R44E S19 Lot 2 SWNW 8.1

T07N R44E S19 NESW 11.0

T07N R44E S19 Lot 3 NWSW 37.0

T07N R44E S19 Lot 4 SWSW 38.0

T07N R44E S19 SESW 40.0

T07N R44E S19 NESE 14.0

T07N R44E S19 NWSE 11.0

T07N R44E S19 SWSE 40.0

T07N R44E S19 SESE 40.0

T07N R44E S20 SWNW 7.6

T07N R44E S20 SENW 6.3

T07N R44E S20 NESW 25.0

T07N R44E S20 NWSW 29.0

T07N R44E S20 SWSW 34.0

T07N R44E S20 SESW 37.0

T07N R44E S20 SWSE 3.5

T07N R44E S29 SWNE 13.0

T07N R44E S29 SENE 0.3

T07N R44E S29 NENW 38.0

T07N R44E S29 NWNW 38.0

T07N R44E S29 SWNW 37.0

T07N R44E S29 SENW 40.0

T07N R44E S29 NESW 15.0

T07N R44E S29 NWSW 13.0

T07N R44E S29 NESE 1.7

T07N R44E S29 NWSE 15.0

2936.5 ACRES TOTAL

~~T07N R44E S19 Lot 2 SWNW 9.4~~

~~T07N R44E S19 NESW 14.0~~

~~T07N R44E S19 NESE 16.0~~

~~T07N R44E S20 SWNW 10.0~~

~~T07N R44E S20 SENW 9.1~~

~~T07N R44E S20 NESW 27.0~~

~~T07N R44E S20 NWSW 30.0~~

~~T07N R44E S20 NWSE 0.5~~

~~T07N R44E S20 SWSE 4.7~~

~~2962.3 ACRES TOTAL~~

Handwritten notes:
JGK
Sene
8m
B
9k
MB

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

The rights listed below are limited to the irrigation of a combined total of 2936.5 acres in a single irrigation season. Combined Right Nos.: 22-7196, 22-7256, 22-13329.

Place of use does not include federal public lands unless authorized in writing by the United States Bureau of Reclamation.

~~The rights listed below are limited to the irrigation of a combined total of 2962.3 acres in a single irrigation season. Combined Right Nos.: 22-7196, 22-7256, 22-13329.~~

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This right is subject to regulation by the watermaster of Water District 01.
THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NO. 22-7256
PURSUANT TO SECTION 42-1426, IDAHO CODE.
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.

SM

Spec

JB

94

MB

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

This right is for an enlargement of 1817.5 acres within the place of use described for this right.

~~This right is for an enlargement of 1843.3 acres within the place of use described for this right.~~

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

CERTIFICATE OF MAILING

I certify that on _____, 2006, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid 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, IDAHO 83303-2707

via hand delivery

K L B INC
DBA BROWN CO
PO BOX 579
REXBURG, ID 83440

hand delivered

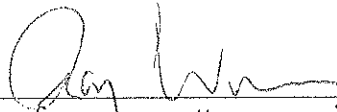
UNITED STATES OF AMERICA
USDI BUREAU OF RECLAMATION

hand delivery

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

hand delivery



Signature of person or attorney mailing the form