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AUG 23 2006

Department of Water Resources
Adjudication Bureau

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.: 37-973
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)

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:

Frederic A. Brossy III 8/18/06
Fred K. Brossy III Date
Managing Member
Barbara Farms, LLC

OBJECTOR:

United States on behalf of the
Bureau of Land Management

Larry A. Brown 8/22/06
Larry A. Brown FWP Date
Attorney, U.S. Department of Justice
Environment and Natural Resources

IDWR CONCURRENCE:

Steve Clelland 8/14/06
Steve Clelland Date
Sr. Water Resource Agent

Nicholas B. Spencer 8-11-06
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: 37-973

NAME AND ADDRESS:

BARBARA FARMS LLC
PO BOX 424
SHOSHONE ID 83352

SOURCE: LITTLE WOOD RIVER

Tributary: MALAD RIVER

QUANTITY: 2.000 CFS

PRIORITY DATE: 04/01/1884

POINT OF DIVERSION:

T05S R17E S29 SWNWSW
Within LINCOLN County

T05S R17E S30 SWNESE
Within LINCOLN County

T05S R17E S30 NESWSE
Within LINCOLN County

T05S R17E S32 NWNENE
Within LINCOLN County

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION

03/15 11/15

2.000 CFS

PLACE OF USE:

IRRIGATION

within LINCOLN County

T05S R17E S29 NWSW 8.7

T05S R17E S29 SWSW 13.0

T05S R17E S29 SESW 21.0

T05S R17E S30 SWNE 19.0

T05S R17E S30 NENW 7.8

T05S R17E S30 Lot 1 NWNW 18.0

T05S R17E S30 Lot 2 SWNW 35.0

T05S R17E S30 SENW 27.0

T05S R17E S30 NESW 32.0

~~T05S R17E S29 NESW 2.9~~

~~T05S R17E S29 NWSW 7.6~~

~~T05S R17E S29 SESW 20.0~~

~~T05S R17E S29 NWSE 0.1~~

~~T05S R17E S29 SWSE 0.1~~

LOS
NBS
SCC
Fwp
FABW

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

T05S R17E S30 Lot 3 NWSW 12.0

~~T05S R17E S30 Lot 3 NWSW 11.0~~

T05S R17E S30 SESW 9.5

~~T05S R17E S30 SESW 8.6~~

T05S R17E S30 NESE 19.0

T05S R17E S30 NWSE 17.0

T05S R17E S30 SWSE 23.0

T05S R17E S30 SESE 23.0

T05S R17E S31 NENE 4.9

T05S R17E S31 NWNE 9.5

T05S R17E S32 NENW 2.2

T05S R17E S32 NWNW 0.3

301.9 ACRES TOTAL ~~301 ACRES TOTAL~~

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 82 ACRES WITHIN THE PLACE OF
USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 301.9 ACRES IN A SINGLE IRRIGATION
SEASON. COMBINED RIGHT NOS.: 37-59D & 37-344A.

~~USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 301 ACRES IN A SINGLE IRRIGATION
SEASON. COMBINED RIGHT NOS.: 37-59D & 37-344A.~~

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 - Decreed

USE OF THIS RIGHT IS COMBINED WITH WATER FROM BIG WOOD CANAL CO.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
SECTION 42-1425, IDAHO CODE.

[Signature]
NBS

SCC
Fwp
FAB

CERTIFICATE OF SERVICE

I certify that on 8/22, 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

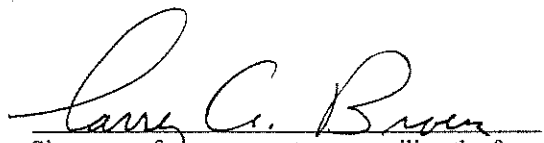
☐ Overnight Mail
☐ Regular Mail
☒ Hand-Delivered
☐ Facsimile

Barbara Farms, LLC
P.O. Box 424
Shoshone, ID 83352

☐ 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