

**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. 31-11845

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:**

Idaho Properties, LLC

**OBJECTOR:**

Ben D. Jernberg

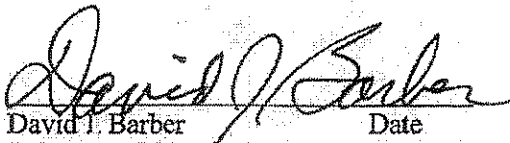
Michael P. Tribe 4/3/07  
Michael P. Tribe Date  
Attorney for Claimant

Michael P. Tribe 4/30/07  
Michael P. Tribe Date  
Attorney for Objector

STANDARD FORM 5 – Water Right No. 31-11845

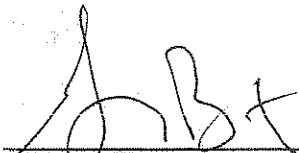
**RESPONDENT:**

State of Idaho

 4/2/2007  
David T. Barber Date  
Attorney of Respondent

**IDWR Concurrence:**

 4-2-07  
Carter Fritschle Date  
Section Manager  
Technical Support Section  
Adjudication Bureau, IDWR

 4-02-07  
Garrick L. Baxter Date  
Deputy Attorney General  
Attorney for IDWR

04/02/2007

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

RIGHT NUMBER: 31-11845

NAME AND ADDRESS: IDAHO PROPERTIES LLC  
23539 365TH AVE  
KIMBALL SD 57355

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 4.990 CFS

Right nos. 31-2395 and 31-11845 are limited to a total combined diversion rate of ~~6.48 cfs~~ and to a total combined annual diversion volume of ~~1134 AF~~ 1135.8 AF.

PRIORITY DATE: 04/23/1979

POINT OF  
DIVERSION:

T07N R34E S10 SWSESW Within JEFFERSON County  
T07N R34E S10 SESESW Within JEFFERSON County

PURPOSE AND  
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/15

4.990 CFS

The use of water for irrigation under this right may begin as early as April 1 and may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water before April 15 and after October 15 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 in JEFFERSON County

|               |      |       |               |      |       |
|---------------|------|-------|---------------|------|-------|
| T07N R34E S15 | NWNW | 1.00  | T07N R34E S15 | SWNW | 37.00 |
| T07N R34E S15 | SESW | 40.00 | T07N R34E S15 | NESW | 40.00 |
| T07N R34E S15 | NWSW | 40.00 | T07N R34E S15 | SWSW | 40.00 |
| T07N R34E S15 | SESW | 40.00 | T07N R34E S16 | NENE | 1.30  |
| T07N R34E S16 | SWNE | 3.60  | T07N R34E S16 | SENE | 40.00 |
| T07N R34E S16 | NESE | 40.00 | T07N R34E S16 | NWSE | 25.00 |
| T07N R34E S16 | SWSE | 36.00 | T07N R34E S16 | SESE | 40.00 |
| T07N R34E S21 | NENE | 40.00 | T07N R34E S21 | NWNE | 28.00 |
| T07N R34E S21 | SWNE | 20.00 | T07N R34E S21 | SENE | 40.00 |
| T07N R34E S22 | NWNW | 41.00 | T07N R34E S22 | SWNW | 40.00 |
| T07N R34E S22 | SESW | 40.00 |               |      |       |

672.9 ACRES TOTAL

Right nos. 31-2395 and 31-11845 are limited to the irrigation of a combined total of ~~324~~ 324.5 acres 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Right nos. 31-2357, 31-2395 and 31-7311 are also diverted through the  
points of diversion described above.

## CERTIFICATE OF MAILING

I certify that on APRIL 3, 2007, 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:

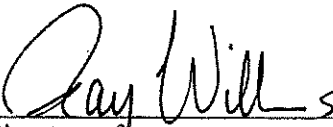
CLERK OF THE DISTRICT COURT  
SNAKE RIVER BASIN ADJUDICATION  
253 THIRD AVENUE NORTH  
P. O. BOX 2707  
TWIN FALLS, IDAHO 83303-2707

VIA FACSIMILE

2. BEN D JERNBERG  
IDAHO PROPERTIES LLC  
Represented by:  
ROGER D LING  
615 H ST  
PO BOX 396  
RUPERT, ID 83350-0396

STATE OF IDAHO  
Represented by:  
STATE OF IDAHO  
700 W JEFFERSON ROOM 210  
P O BOX 44449  
BOISE, ID 83711-4449

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

  
\_\_\_\_\_  
Signature of person or attorney mailing the form