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MAY 10 2007

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. 21-2109B

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(s):

Schreiner Farms Idaho LLC

Gary Kelg

Schreiner Farms Idaho LLC

Schreiner Farms Idaho LLC

Date

4-29-07

4-23-07

OBJECTOR(s):

USDI-BLM

Larry A. Brown

Larry Brown

Attorney *MB*

United States Dept of Justice

Date

5/2/2007

IDWR Concurrence:

Ernie Carlsen 3-29-07
Ernie Carlsen Date
IDWR Adjudication Supervisor

Nicholas B. Spender 3-30-07
Nicholas B. Spender Date
Deputy Attorney General

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

RIGHT NUMBER: 21-2109B

NAME AND ADDRESS:

SCHREINER FARMS IDAHO LLC
C/O GARY KELLY
1038 E BUTTE RD
MENAN ID 83434-5122

SOURCE:

Source:

Tributary:

GROUND WATER

QUANTITY:

1.120 CFS

3.920 AFY

PRIORITY DATE: 04/17/1956

POINT OF DIVERSION:

T05N R38E S11 SENWNW
Within MADISON County

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION

04/01 10/31

1.120 CFS

3.92 AFY

PLACE OF USE:

IRRIGATION

within MADISON County

T05N R38E S02 SESW 0.2

T05N R38E S10 SENE 0.3

T05N R38E S10 NESE 8.1

T05N R38E S10 SESE 0.7

T05N R38E S11 SWNE 6.0

T05N R38E S11 Lot 2 NENW 28.0

T05N R38E S11 NWNW 7.2

T05N R38E S11 SWNW 32.0

T05N R38E S11 SENW 2.3

T05N R38E S11 Lot 3 SENW 18.0

T05N R38E S11 NESW 11.0

T05N R38E S11 Lot 6 NESW 27.0

T05N R38E S11 NWSW 40.0

T05N R38E S11 SWSW 22.0

T05N R38E S11 SESW 0.8

T05N R38E S11 Lot 7 SESW 27.0

T05N R38E S11 NWSE 0.2

T05N R38E S11 SWSE 3.5

T05N R38E S11 Lot 7 SWSE 2.0

230.3 ACRES TOTAL

Low

EMR
✓
NBS
(X)

This right is limited to the irrigation of 162 acres within the place of use described above in a single irrigation season.

The place of use does not include federal public lands.

The rights listed below are limited to the irrigation of a combined total of 230.3 acres in a single irrigation season. Combined Right Nos.: 21-2109A, 21-2109B, 21-10023

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

JAK *EMC*
TL
NBS
MB
JK

CERTIFICATE OF MAILING

I certify that on May 7, 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:

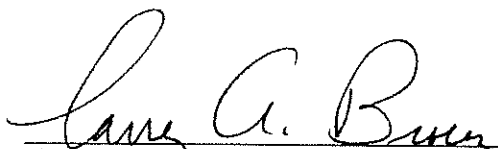
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to:

USDI- BLM
US Department of Justice
Environment & Natural Resources
550 West Fort Street, MSC 033
Boise, ID 83724

Schreiner Farms – Idaho L.L.C.
1038 E. Butte Road
Menan, Idaho 83434-5122

IDWR Repository
P.O. Box 83720
Boise, ID 83720


Signature of person mailing the form