

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. 73-00090

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.

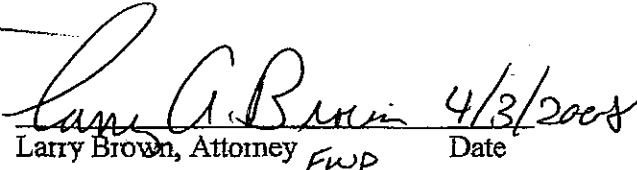
RESPONDENT

Bar G Farms Enterprises

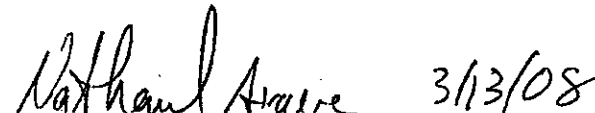
OBJECTOR

United States of America


Bar G Farms Enterprises Date 3-31-08


Larry Brown, Attorney FWP Date 4/3/2008

IDWR Concurrence:


Nathaniel Arave Date 3/13/08
Senior Water Resource Agent


Chris Bromley Date 3/13/08
Deputy Attorney General
Attorney for IDWR

CERTIFICATE OF MAILING

I certify that on Apr. 3, 2008, 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:

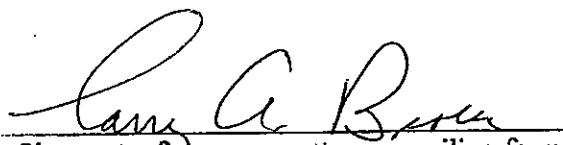
CLERK OF THE DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
253 THIRD AVENUE NORTH
P O BOX 2707
TWIN FALLS, IDAHO 83303-2707

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

BAR G FARMS ENTERPRISE
C/O BILLY GYDESEN
PO BOX 175
MAY, ID 83724

BAR G FARMS ENTERPRISES TRUST
PO BOX 175
MAY, ID 83253

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


Signature of person or attorney mailing form

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

RIGHT NUMBER: 73-90

NAME AND ADDRESS: BAR G FARMS ENTERPRISES
PO BOX 175
MAY ID 83253

SOURCE: PAHSIMEROI RIVER

TRIBUTARY: SALMON RIVER

QUANTITY: 2.500 CFS

PRIORITY DATE: 04/18/1888

POINT OF
DIVERSION: I14N R21E S1 NESEW Within CUSTER County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04/01 10/31

QUANTITY
2 500 CFS

PLACE OF USE: IRRIGATION in CUSTER County

I15N R21E S34	NESW	40.00	I15N R21E S34	NWSW	21.00
I15N R21E S34	SWSW	13.00	I15N R21E S34	SESW	40.00

114 ACRES TOTAL

Place of use does not include federal public lands.

Right Nos. 73-90 and 73-11978 are limited to the irrigation of a combined total of 114 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 - Decreed