



STATE OF IDAHO  
OFFICE OF THE ATTORNEY GENERAL  
LAWRENCE G. WASDEN

June 10, 2008

T.J. Budge  
201 East Center, Suite A2  
P.O. Box 1391  
Pocatello, ID 83303-2707

*RE: SRBA Subcase Nos. 22-7215A, 22-13664 & 22-13665  
(Blackfoot Farms, LLC/County of Teton Fair Board)*

Dear T.J.:

I am enclosing SF5s for the above-referenced subcases. Please review the documents, and if they are acceptable, please sign on the indicated signature lines and initial the recommendations. Please return the executed original documents to me, and I will circulate the SF5s for the remaining signatures.

If you should have any questions or comments, please feel free to contact me at 287-4815.

Sincerely,

A handwritten signature in cursive script that reads "Ray Williams".

Ray Williams  
Paralegal

Enclosures

**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. 22-7215A     |
|                | ) |                          |
| Case No. 39576 | ) |                          |
|                | ) | STANDARD FORM 5          |
|                | ) |                          |
|                | ) | STIPULATED ELEMENTS OF A |
|                | ) | WATER RIGHT              |

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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 which reflects that this water right has been split into water right numbers 22-13664 and 22-13665 and should be disallowed. The parties and IDWR have further indicated their concurrence by initialing the attached page.

**CLAIMANT:**  
County of Teton Fair Board

**OBJECTOR:**  
Blackfoot Farms, LLC

By: \_\_\_\_\_ Date \_\_\_\_\_  
Title: \_\_\_\_\_

\_\_\_\_\_  
T.J. Budge Date \_\_\_\_\_  
Attorney for Objector

**IDWR Concurrence:**

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|                      |      |
|----------------------|------|
| Joseph Larsen        | Date |
| Water Resource Agent |      |

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|                         |      |
|-------------------------|------|
| Garrick L. Baxter       | Date |
| Deputy Attorney General |      |
| Attorney for IDWR       |      |

IDAHO DEPARTMENT OF WATER RESOURCES  
CLAIMS / RIGHTS NOT RECOMMENDED

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| <u>W.R. NUMBER</u> | <u>NAME AND ADDRESS</u>                                         | <u>CLAIM DISPOSITION</u> | <u>REASON</u>                                                                  |
|--------------------|-----------------------------------------------------------------|--------------------------|--------------------------------------------------------------------------------|
| 22-7215A           | COUNTY OF TETON FAIR<br>BOARD<br>235 S 5TH E<br>DRIGGS ID 83422 | Disallowed               | This Parent right split and<br>recommended as rights 22-13664 and<br>22-13665. |

## CERTIFICATE OF MAILING

I certify that on \_\_\_\_\_, 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

2. Copies:

BLACKFOOT FARMS LLC  
Represented by:  
T.J. BUDGE  
201 E CENTER, STE A2  
P.O. BOX 1391  
POCATELLO, ID 83204-1391

COUNTY OF TETON FAIR BOARD  
235 S 5TH E  
DRIGGS, ID 83422

DIRECTOR OF IDWR  
P.O. BOX 83720  
BOISE, ID 83720-0098

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Signature of person or attorney mailing form

**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. 22-13665                 |
|                | ) | <i>Uncontested Overlapping Water</i> |
|                | ) | <i>Right to 22-13664</i>             |
| Case No. 39576 | ) |                                      |
|                | ) | <b>STANDARD FORM 5</b>               |
|                | ) |                                      |
|                | ) | <b>STIPULATED ELEMENTS OF A</b>      |
| _____          | ) | <b>WATER RIGHT</b>                   |

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:**

County of Teton Fair Board

Blackfoot Farms, LLC

By: \_\_\_\_\_ Date \_\_\_\_\_  
Title: \_\_\_\_\_

\_\_\_\_\_  
T.J. Budge Date \_\_\_\_\_  
Attorney for Blackfoot Farms, LLC

**IDWR Concurrence:**

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Joseph Larsen      Date  
Water Resource Agent

---

Garrick L. Baxter      Date  
Deputy Attorney General  
Attorney for IDWR

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

RIGHT NUMBER: 22-13665

NAME AND ADDRESS: COUNTY OF TETON FAIR BOARD  
235 S 5TH E  
DRIGGS ID 83422

SOURCE: GROUND WATER

TRIBUTARY:

The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

QUANTITY: 0.050 CFS  
7.00 AFY

This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

PRIORITY DATE: 03/03/1977

POINT OF  
DIVERSION:

T05N R45E S23 NWSE Within TETON County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u>       |
|-----------------------|----------------------|-----------------------|
| IRRIGATION            | 04/15 10/15          | 0.050 CFS<br>7.00 AFY |

The period of use for the irrigation described in this approval may be extended to an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than December 20, 2008.

PLACE OF USE: IRRIGATION in TETON County

T05N R45E S23 NWSE 2.30  
2.3 ACRES TOTAL

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.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.

Right 22-7602 is also diverted through the point(s) of diversion described above.

The right holder shall accomplish the change authorized by transfer 73308 by December 20, 2008.

If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

Failure of the right holder to comply with the conditions of transfer 73308 is cause for the Director to rescind approval of the transfer.

## CERTIFICATE OF MAILING

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1. Original to:

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P.O. BOX 2707  
TWIN FALLS, IDAHO 83303-2707

2. Copies to:

COUNTY OF TETON FAIR BOARD  
235 S 5<sup>TH</sup> E  
DRIGGS, ID 83422

BLACKFOOT FARMS LLC  
Represented by:  
RANDALL C. BUDGE  
201 E. CENTER, STE. A2  
P.O. BOX 1391  
POCATELLO, ID 83204-1391

DIRECTOR OF IDWR  
P.O. BOX 83720  
BOISE, ID 83720-0098

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

|                |   |                          |
|----------------|---|--------------------------|
| In Re SRBA     | ) | Subcase No. 22-13664     |
|                | ) |                          |
| Case No. 39576 | ) |                          |
|                | ) | STANDARD FORM 5          |
|                | ) |                          |
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|                | ) | WATER RIGHT              |

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**IDWR Concurrence:**

---

Joseph Larsen      Date  
Water Resource Agent

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Garrick L. Baxter      Date  
Deputy Attorney General  
Attorney for IDWR

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

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RIGHT NUMBER: 22-13664

NAME AND ADDRESS: BLACKFOOT FARMS LLC  
500 HUNTSMAN WAY  
SALT LAKE CITY UT 84108

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: ~~0.33~~ 0.550 CFS  
~~58.10~~ 83.10 AFY

PRIORITY DATE: 03/03/1977

POINT OF  
DIVERSION:

T05N R45E S24 NWSW Within TETON County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u>                                         |
|-----------------------|----------------------|---------------------------------------------------------|
| IRRIGATION            | 04/15 10/15          | <del>0.33</del> 0.550 CFS<br><del>58.10</del> 83.10 AFY |

PLACE OF USE: IRRIGATION in TETON County

|                                  |                            |               |                          |
|----------------------------------|----------------------------|---------------|--------------------------|
| T05N R45E S23                    | NESE <del>13.0</del> 20.00 | T05N R45E S23 | NWSE <del>3.6</del> 7.70 |
| <del>16.6</del> 27.7 ACRES TOTAL |                            |               |                          |

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

Use of this right is combined with water from the Grand Teton Canal Co.

This right is a split from former right 22-7215A.

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