



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

July 8, 2008

T.J. Budge
201 E. Center Street
P.O. Box 1391
Pocatello, ID 83204-1391

RE: SRBA Subcase No. 22-4195 (DKJ Farms, LLC)

Dear T.J.:

I am enclosing an SF5 for the above-referenced subcase. Please review the document, and if it is acceptable, please sign on the indicated signature line, initial the revised recommendation and return the original SF5 to me. I will obtain the remaining signatures.

If you should have any questions or comments, please don't hesitate to contact me at 287-4815.

Sincerely,

A handwritten signature in black ink that reads "Ray Williams".

Ray Williams
Paralegal

Enclosure

**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. 22-4195
	)	
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:
DKJ Farms, LLC

OBJECTOR:
James Woods

By: Date
Title:

Thomas J. Budge Date
Attorney for Objector

IDWR Concurrence:

Joseph Larsen Date
Water Resource Agent

Andrea L. Courtney 7/8/08
Andrea L. Courtney Date
Deputy Attorney General
Attorney for IDWR

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 22-4195

NAME AND ADDRESS: DKJ FARMS LLC
665 CENTENNIAL LOOP
REXBURG ID 83440

SOURCE: MOODY CREEK

TRIBUTARY: TETON RIVER

QUANTITY: 3.850 CFS

Right Nos. 22-265E, 22-4195, and 22-13479 are limited to a total combined diversion rate of 11.85 cfs from 04/01 to 06/20 which is reduced to 7.85 cfs from 06/21 to 10/31.

PRIORITY DATE: 05/01/1969

POINT OF DIVERSION:

T05N R41E S21 NESENW Within MADISON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	3.850 CFS

PLACE OF USE: IRRIGATION in MADISON County

T05N R41E S16	SESW	31.00	T05N R41E S20	NENE	40.00
T05N R41E S20	NWNE	40.00	T05N R41E S20	SWNE	40.00
T05N R41E S20	SENE	40.00	T05N R41E S20	SWNW	40.00
T05N R41E S20	SENW	40.00	T05N R41E S20	NESW	40.00
T05N R41E S20	NWSW	36.00	T05N R41E S20	NESE	40.00
T05N R41E S20	NWSE	40.00	T05N R41E S21	NENW	23.00
T05N R41E S21	NWNW	39.00	T05N R41E S21	SWNW	36.00
T05N R41E S21	SENW	2.70	T05N R41E S21	NWSW	20.00

547.7 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 547.7 acres in a single irrigation season. Combined Right Nos.: 22-265E, 22-4195, and 22-13479.

This right is limited to the irrigation of 192.7 acres within the place of use described above 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.

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Right includes accomplished change in place of use pursuant to Section
42-1425, Idaho Code.

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 to:

JAMES WOODS
Represented by:
THOMAS J. BUDGE
201 E. CENTER ST.
P.O. BOX 1391
POCATELLO, ID 83204-1391

DKJ FARMS LLC
665 CENTENNIAL LOOP
REXBURG, ID 83440

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

Signature of person or attorney mailing the form