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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. 21-7084
	)	
Case No. 39576	)	
	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

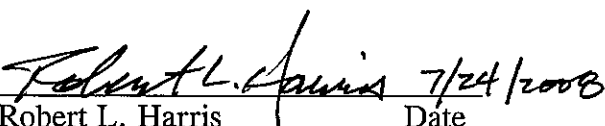
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary 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.

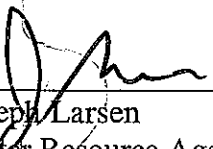
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT/OBJECTOR:

Dean Schwendiman & Sons, Inc.


Robert L. Harris Date
Attorney for Claimant/Objector

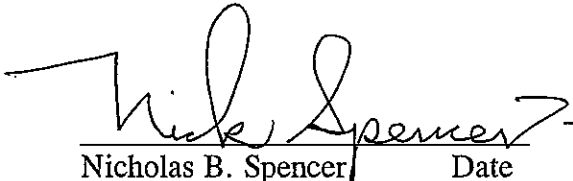
IDWR Concurrence:



Joseph Larsen
Water Resource Agent

25 June 2008

Date



Nicholas B. Spencer
Deputy Attorney General
Attorney for IDWR

Date

7-14-08

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

RIGHT NUMBER: 21-7084

NAME AND ADDRESS: DEAN SCHWENDIMAN & SONS INC
PO BOX 57
NEWDALE ID 83436

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 6.000 CFS
1,105.00 AFY

The rights listed below are limited to a total combined diversion rate of 10.11cfs and to a total combined annual diversion volume of 2849.6 AF. Combined Right Nos.: 21-7084, 22-2193, 22-7020, and 22-12543.

PRIORITY DATE: 04/14/1976

POINT OF
DIVERSION:

T08N R42E S30 NENE Within FREMONT County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	6.000 CFS 1,105.00 AFY

PLACE OF USE: IRRIGATION in FREMONT County

T07N R41E S12	NENE	38.00	T07N R41E S12	NWNE	40.00
T07N R41E S12	SWNE	40.00	T07N R41E S12	SENE	40.00
T07N R41E S12	SENW	37.00	T07N R41E S12	NESW	40.00
T07N R41E S12	SESW	39.00	T07N R41E S12	NESE	40.00
T07N R41E S12	NWSE	40.00	T07N R41E S12	SWSE	39.00
T07N R41E S12	SESE	39.00	T07N R42E S05 Lot 1	NENE	38.00
T07N R42E S05 Lot 2	NWNE	39.00	T07N R42E S05	SWNE	38.00
T07N R42E S05	SENE	39.00	T07N R42E S05 Lot 3	NENW	38.00
T07N R42E S05 Lot 4	NWNW	38.00	T07N R42E S05	SWNW	37.00
T07N R42E S05	SENW	37.00	T07N R42E S07	NENE	39.00
T07N R42E S07	NWNE	40.00	T07N R42E S07	SWNE	40.00
T07N R42E S07	SENE	40.00	T07N R42E S07	NENW	40.00
T07N R42E S07 Lot 1	NWNW	36.00	T07N R42E S07 Lot 2	SWNW	36.00
T07N R42E S07	SENW	40.00	T07N R42E S07	NESW	40.00
T07N R42E S07 Lot 3	NWSW	37.00	T07N R42E S07	NESE	36.00
T07N R42E S07	NWSE	40.00	T07N R42E S08	SWNE	40.00
T07N R42E S08	SENE	40.00	T07N R42E S08	NENW	40.00
T07N R42E S08	NWNW	39.00	T07N R42E S08	SWNW	40.00
T07N R42E S08	SENW	40.00	T07N R42E S08	NESW	40.00

NBS
red
JSL

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

T07N R42E S08	NWSW	37.00	T07N R42E S08	NESE	40.00
T07N R42E S08	NWSE	40.00	T07N R42E S09	SWNW	40.00
T07N R42E S09	SENW	33.00	T07N R42E S09	NESW	40.00
T07N R42E S09	NWSW	40.00	T08N R42E S32	SWSW	37.00
T08N R42E S32	SESW	35.00	T08N R42E S32	SWSE	35.00
T08N R42E S32	SESE	31.00	~~T07N R42E S08~~	~~SWSW~~	~~0.4~~
~~T07N R42E S07~~	~~SESW~~	~~0.2~~	~~T07N R42E S08~~	~~SESW~~	~~0.3~~
~~T07N R42E S07~~	~~SWSE~~	~~0.4~~	~~T07N R42E S08~~	~~SWSE~~	~~0.2~~
~~T07N R42E S07~~	~~SESE~~	~~0.4~~			

1887.0 ~~1888.9~~ ACRES TOTAL

NBS
PCH
JSL

This right is limited to the irrigation of 442 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 1887.0 acres in a single irrigation season. Combined Right Nos.: 21-7084, 22-2193, 22-7020, and 22-12543

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

CERTIFICATE OF MAILING

I certify that on 25 Jul, 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:

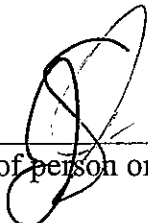
1. Original to:

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:

DEAN SCHWENDIMAN & SONS, INC.
Represented by:
ROBERT L. HARRIS
1000 RIVERWALK DR., STE. 200
P.O. BOX 50130
IDAHO FALLS, ID 83405

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



Signature of person or attorney mailing the form