

**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. 22-12543
	)	
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.

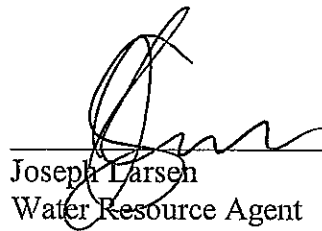
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

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



Andrea L. Courtney
Deputy Attorney General
Attorney for IDWR

7/14/08

Date

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

RIGHT NUMBER: 22-12543

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 4.000 CFS
1744.6 AFY

The rights listed below are limited to a total combined diversion rate of 4.11 cfs and to a total combined annual diversion volume of 1744.6 ~~1697.9~~ AF. Combined Right Nos.: 22-2193, 22-7020, 22-12543.

The rights listed below are limited to a total combined diversion rate of 10.11 cfs 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: 06/27/1977

This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.

*ATC
rest
JSL*

POINT OF DIVERSION:

T07N R42E S7 SWSENE Within FREMONT County

T07N R42E S8 NWNWSE 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	4.000 CFS
		~~1,697.90~~ 1744.6 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 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

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

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	SENE	40.00	T07N R42E S08	NESW	40.00
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	SENE	33.00	T07N R42E S09	NESW	40.00
T07N R42E S09	NWSW	40.00	~~T07N R42E S08~~	~~SWSW~~	~~0.4~~
~~T07N R42E S07~~	~~SENE~~	~~0.2~~	~~T07N R42E S08~~	~~SENE~~	~~0.3~~
~~T07N R42E S07~~	~~SWSE~~	~~0.4~~	~~T07N R42E S08~~	~~SWSE~~	~~0.2~~
~~T07N R42E S07~~	~~SESE~~	~~0.4~~			

1445.0 ~~1446.9~~ ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 1445.0 ~~1446.9~~ acres in a single irrigation season. Combined Right Nos.: 22-2193, 22-7020, 22-12543.

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 right is based upon an enlargement of Right No. 22-2193 and 22-7020 pursuant to Section 42-1426, Idaho Code.

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 - Beneficial Use

This right is for an enlargement of 1064.1 acres within the place of use described for this right.

CERTIFICATE OF MAILING

I certify that on 25 July, 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:

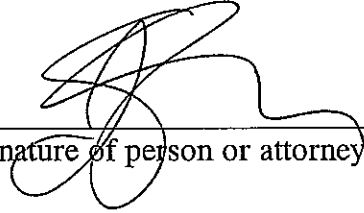
1. Original to:

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