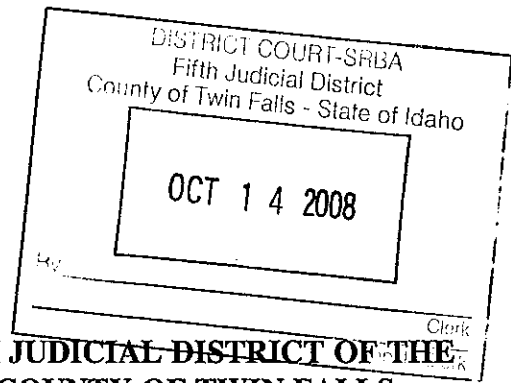


COPY

RECEIVED
OCT 16 2008
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. 22-634
	)	
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:
K & J Holding, LLC

OBJECTOR:
Stacey Bauer

Kevin Stacey Bauer Director
By: _____ Date _____
Title: Director 8/15/08

Thomas J. Budge 8.12.2008
By: _____ Date _____
Thomas J. Budge Attorney for Objector

IDWR Concurrence:

Ernest Carlson 10/8/08.
~~Joseph Larsen~~ Ernest Carlson Date
Water Resource Agent
Program Manager.

Andrea L. Courtney 7/9/08
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: 22-634

NAME AND ADDRESS: K&J HOLDING LLC
PO BOX 57
TERRETON ID 83450

SOURCE: TETON RIVER

TRIBUTARY: HENRYS FORK

QUANTITY: 0.640 ~~0.32~~ CFS

PRIORITY DATE: 12/01/1903

POINT OF DIVERSION:

T07N R40E S36 NENENE Within FREMONT County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

0.640 ~~0.32~~ CFS

PLACE OF USE: IRRIGATION in FREMONT County

T07N R40E S36 NENE 16.00

16 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 - Decreed

CERTIFICATE OF MAILING

I certify that on 10/10, 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:

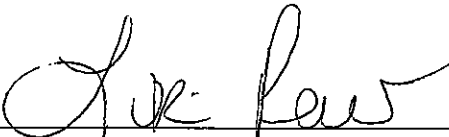
CLERK OF THE DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
253 THIRD AVENUE NORTH
P.O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

2. Copies to:

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

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

K&J HOLDING, LLC
P.O. BOX 57
TERRETON, ID 83450



Signature of person or attorney mailing the form