



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

November 3, 2008

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

RE: SRBA Subcase No. 22-4096 (Blackfoot Farms, LLC)

Dear Randy:

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 cursive script 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. 22-4096
	)	
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:

Blackfoot Farms, LLC

Randall C. Budge	Date
Attorney for Claimant/Objector	

STANDARD FORM 5 – 22-4096

IDWR Concurrence:

Denise Kidman 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: 22-4096

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

SOURCE: Source: SPRINGS Tributary: TETON CREEK

QUANTITY: 0.687 CFS 0.000 AFY

PRIORITY DATE: 03/01/1904 ~~04/15/1904~~

POINT OF DIVERSION: T04N R45E S11 NENWNW Within TETON County
T04N R45E S11 SWNWNW Within TETON County

PURPOSE AND PERIOD OF USE:	<u>Purpose of use</u>	<u>Period of use:</u>	<u>Quantity:</u>
	IRRIGATION	6/01 10/31	0.667 CFS
	STOCKWATER	1/01 12/31	0.020 CFS

PLACE OF USE: IRRIGATION within TETON County
T04N R45E S11 NENW 37.0
T04N R45E S11 NWNW 40.0 ~~T04N R45E S11 NWNW 7.2~~

STOCKWATER Same As IRRIGATION

77 ACRES TOTAL ~~44.2 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 - Beneficial Use

Use of this right is combined with water from Garden Irrigation Company.

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. BLACKFOOT FARMS LLC

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

IDWR REPOSITORY
P.O. BOX 83720
BOISE, ID 83720-0098

Signature of person or attorney mailing the form