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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 Nos.** 02-10291
	)	
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.

CLAIMANTS:
Gingerich Brothers Farms

Date: 2-3-09

OBJECTOR
United States of America
Bureau of Land Management

Date: 2/9/09

IDWR Concurrence:

2-04-09

Donald V. Shaff Date
Adjudication Bureau Chief

2/4/09

Garrick Baxter Date
Deputy Attorney General

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

RIGHT NUMBER: 2-10291

NAME AND ADDRESS: GINGERICH BROTHERS FARMS
47589 STATE HWY 78
MOUNTAIN HOME ID 83647-5081

SOURCE: SNAKE RIVER Tributary: COLUMBIA RIVER

QUANTITY: 1.000 CFS

184.000 AFY

Rights 02-2181, 02-2094B, 02-2182B, 02-2183, 02-2284B, 02-2375B and 02-10291 when combined shall not exceed a total annual maximum diversion volume of 5260.0 af at the field headgate.
Rights 02-2094A, 02-2094B, 02-2181, 02-2182A, 02-2182B, 02-2183, 02-2375A, 02-2375B, 02-10289 and 02-10291 when combined shall not exceed a total diversion rate of 19.83 cfs.
Water shall not be diverted under this right unless the flow of the Snake River at the U.S. Geological Survey stream gaging station at Murphy exceeds 3,300 cfs and at Weiser exceeds 4,750 cfs.
This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

PRIORITY DATE: 11/03/1978

POINT OF DIVERSION: T06S R06E S4 Lot 3 NENW Within OWYHEE County

PURPOSE AND PERIOD OF USE:	Purpose of use	Period of use:	Quantity:	
	IRRIGATION	03/01 11/15	1.000 CFS	184.00 AFY

PLACE OF USE: IRRIGATION within OWYHEE County

	~~T06S R06E S03 NWSW 3.0~~
T06S R06E S03 SWSW 40.0	
T06S R06E S03 SESW 25.2	~~T06S R06E S03 SESW 25.0~~
	~~T06S R06E S04 SENW 1.9~~
T06S R06E S04 NESW 40.0	
T06S R06E S04 NWSW 34.0	
T06S R06E S04 SWSW 41.7	~~T06S R06E S04 SWSW 40.0~~
T06S R06E S04 SESW 41.6	~~T06S R06E S04 SESW 40.0~~
	~~T06S R06E S04 NESE 16.0~~
T06S R06E S04 NWSE 29.4	~~T06S R06E S04 NWSE 29.0~~
T06S R06E S04 SWSE 41.3	~~T06S R06E S04 SWSE 40.0~~
T06S R06E S04 SESE 40.0	
T06S R06E S05 SESW 0.7	
T06S R06E S05 NESE 11.2	~~T06S R06E S05 NESE 11.0~~
T06S R06E S05 SWSE 22.1	~~T06S R06E S05 SWSE 22.0~~
T06S R06E S05 SESE 41.1	~~T06S R06E S05 SESE 40.0~~
T06S R06E S07 SENE 11.0	

T06S R06E S08 NENE 41.3	~~T06S R06E S08 NENE 40.0~~
T06S R06E S08 NWNE 41.2	~~T06S R06E S08 NWNE 40.0~~
T06S R06E S08 SWNE 41.0	~~T06S R06E S08 SWNE 40.0~~
T06S R06E S08 SENE 41.0	~~T06S R06E S08 SENE 40.0~~
T06S R06E S08 NENW 31.2	~~T06S R06E S08 NENW 31.0~~
T06S R06E S08 NWNW 4.2	
T06S R06E S08 SWNW 37.5	~~T06S R06E S08 SWNW 37.0~~
T06S R06E S08 SENW 41.2	~~T06S R06E S08 SENW 40.0~~
T06S R06E S08 NESW 40.0	
T06S R06E S08 NWSW 39.1	~~T06S R06E S08 NWSW 39.0~~
T06S R06E S08 NESE 40.0	
T06S R06E S08 NWSE 40.0	
T06S R06E S09 NENE 39.5	~~T06S R06E S09 NENE 39.0~~
T06S R06E S09 NWNE 41.2	~~T06S R06E S09 NWNE 40.0~~
T06S R06E S09 SWNE 40.0	
T06S R06E S09 SENE 29.1	~~T06S R06E S09 SENE 29.0~~
T06S R06E S09 NENW 41.5	~~T06S R06E S09 NENW 40.0~~
T06S R06E S09 NWNW 41.6	~~T06S R06E S09 NWNW 40.0~~
T06S R06E S09 SWNW 41.7	~~T06S R06E S09 SWNW 40.0~~
T06S R06E S09 SENW 41.6	~~T06S R06E S09 SENW 40.0~~
T06S R06E S09 NESW 41.4	~~T06S R06E S09 NESW 40.0~~
T06S R06E S09 NWSW 41.4	~~T06S R06E S09 NWSW 40.0~~
T06S R06E S09 SWSW 40.0	
	~~T06S R06E S10 NENW 3.2~~
T06S R06E S10 NWNW 19.0	

1315 ACRES TOTAL

Rights 02-2181, 02-2094B, 02-2182B, 02-2183, 02-2284B, 02-2375B and 02-10291 when combined shall not exceed the irrigation of 1315 acres.
This right is limited to the irrigation of 46 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Claimed as part of Permit 2-7273.
Rights 02-2094A, 02-2094B, 02-2181, 02-2182A, 02-2182B, 02-2183, 02-2375A, 02-2375B, 02-10289 and 02-10291 are diverted at the point of diversion described above.
The issuance of this right does not grant any right-of-way or easement across the land of another.

CERTIFICATE OF MAILING

I certify that on 2/9/, 2009, 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

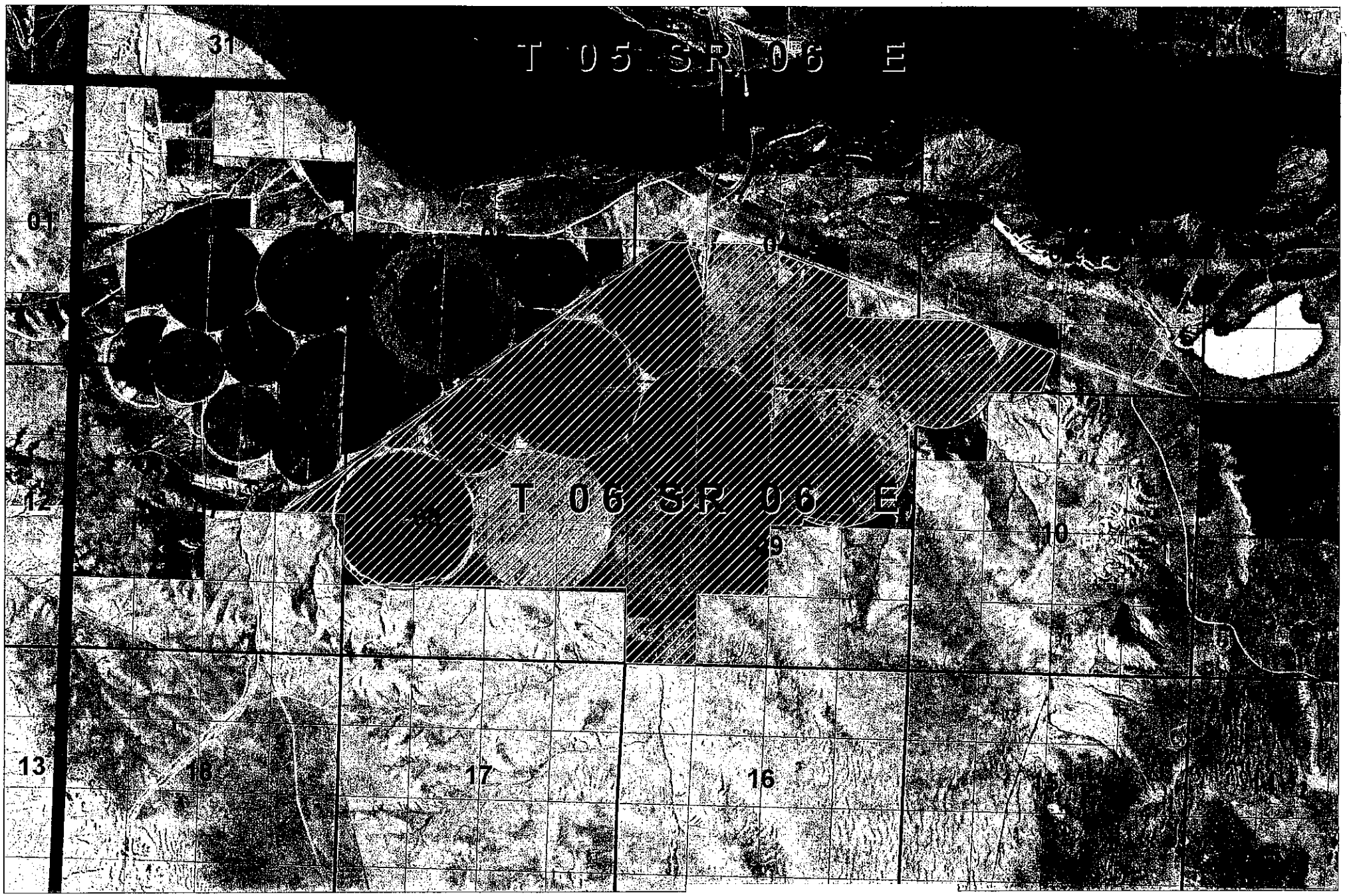
2. Copies to:

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC O33
BOISE, ID 83724

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

GINGERICH BROTHERS FARMS
47589 STATE HWY 78
MOUNTAIN HOME, ID 83647-5081

Signature of person or attorney mailing the form



02-02094B et. al