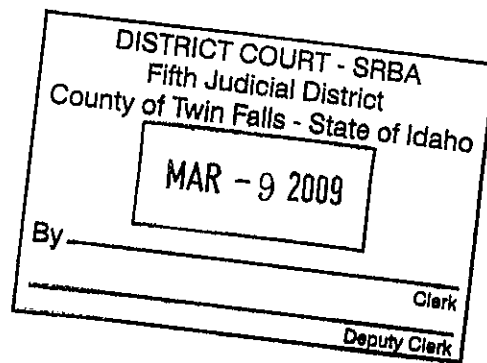


COPY RECEIVED

MAR 10 2009
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. 22-13867

) Split from 22-13375

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.

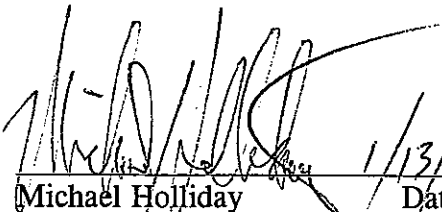
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT:

Idaho Transportation Department

 3/3/09
Chris Kronberg Date
Attorney for Claimant

IDWR Concurrence:



Michael Holliday Date
Senior Water Resource Agent 1/13/2009



Andrea L. Courtney Date
Deputy Attorney General 1/7/09
Attorney for IDWR

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

RIGHT NUMBER: 22-13867

NAME AND ADDRESS:

STATE OF IDAHO
IDAHO TRANSPORTATION DEPT
PO BOX 97
RIGBY ID 83442-0097

SOURCE:

Source:

BADGER CREEK

Tributary:

TETON RIVER

QUANTITY:

1.310 CFS

~~1.090 CFS~~

PRIORITY DATE:

06/01/1891

POINT OF DIVERSION:

T06N R45E S8 NWNESE
Within TETON County

PURPOSE AND
PERIOD OF USE:

Purpose of use:

Period of use:

Quantity:

IRRIGATION

04/15 10/31

1.310 CFS

~~1.090 CFS~~

PLACE OF USE:

IRRIGATION within TETON County

T06N R45E S08 SWSW 36.0

~~T06N R45E S08 SWSW 34.0~~

T06N R45E S08 SESW 21.0

~~T06N R45E S08 SESW 20.0~~

57 ACRES TOTAL

~~54 ACRES TOTAL~~

The rights listed below are limited to the irrigation of a combined total of 57 acres in a single irrigation season. Combined Right Nos.: 22-13867, 22-13869, and 22-13871.

~~Use of this right with Right Nos. 22-13867, 22-13869 and 22-13871 are limited to the irrigation of a combined total of 54 acres 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 - Decreed

This right is a split from former right 22-174B.

Water is delivered through Stewart Ditch.

~~This right is a split from former right 22-13375.~~

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

CERTIFICATE OF MAILING

I certify that on March 6, 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:

STATE OF IDAHO
IDAHO TRANSPORTATION DEPT.
P.O. BOX 97
RIGBY, ID 83442-0097

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

Desera Kramer

Signature of person or attorney mailing the form