

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____
2009 JUL 27 PM 2 37

**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. 22-13746
	)	
Case No. 39576	)	
	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

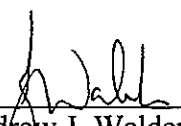
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary 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.

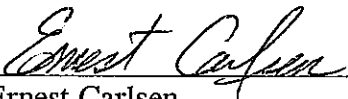
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

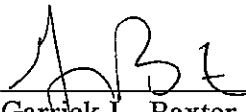
CLAIMANT/OBJECTOR:

B & B Farms

	7/15/09
Andrew J. Waldera	Date
Attorney for Claimant/Objector	

DWR Concurrence:

 7/20/09
Ernest Carlsen Date
Water Resource Program Manager

 7/10/09
Garrick L. Baxter Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 22-13746

NAME AND ADDRESS: B & B FARMS
C/O BYRON JENSEN
5975 W 3800 S
REXBURG ID 83440

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: ~~0.170 CFS~~ 0.42 CFS
140.00 AFY

Right Nos. 22-13958 and 22-13746 are limited to a total combined diversion rate of 1.46 cfs and to a total combined annual diversion volume of 619.7 AF.

~~Right Nos. 22-13797 and 22-13746 are limited to a total combined diversion rate of 0.64 cfs.~~

PRIORITY DATE: 01/25/1965

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.

POINT OF
DIVERSION:

T06N R40E S32 SENWSW Within MADISON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	~~0.170 CFS~~ <u>0.42 CFS</u> 140.00 AFY

PLACE OF USE: IRRIGATION in MADISON County

T06N R40E S32 SWSE 40.00
40 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This right is based upon an enlargement of Right No. 22-13958 pursuant to Section 42-1426, Idaho Code.

~~This right is based upon an enlargement of Right No. 22-7088 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 40 acres within the place of use described for this right.

The following rights are diverted through point(s) of diversion described above: 22-13958, 22-13797 and 22-13746.

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

SB

DN

EMC

CERTIFICATE OF MAILING

I certify that on 7/24, 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:

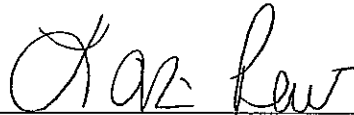
CLERK OF THE DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
253 THIRD AVENUE NORTH
P. O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

2. Copies to:

B & B FARMS
Represented by:
ANDREW J. WALDERA
101 S. CAPITOL BLVD. 10TH FLOOR
P.O. BOX 829
BOISE, ID 83701-0829

B & B FARMS
Represented by:
SCOTT L. CAMPBELL
101 S. CAPITOL BLVD. 10TH FLOOR
P.O. BOX 829
BOISE, ID 83701-0829

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



Signature of person or attorney