

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

2009 OCT 26 AM 10:29

**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. 47-2549
	)	
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:

10/15/09
Farmland Reserve Inc. Date

IDWR Concurrence:

[Signature] 10/22/09 Nicholas Spencer 10-21-09
IDWR Agent Date Deputy Attorney General Date

CERTIFICATE OF MAILING

I certify that on 10-23-, 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:

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

FARMLAND RESERVE INC
139 E SOUTH TEMPLE STE 110
SALT LAKE CITY, UT 84111

[Signature]
Signature of person or attorney mailing the form

09/24/2009

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

RIGHT NUMBER: 47-2549

NAME AND ADDRESS: FARMLAND RESERVE INC
139 E SOUTH TEMPLE STE 110
SALT LAKE CITY UT 84111

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.360 CFS
175.700 AFY

Use of this right with rights listed below is limited to a total combined diversion rate of 7.92 cfs and to a total combined annual diversion volume of 3848.8 AF. Combined Right Nos.: 47-2549, 47-2547, 47-7534, 47-7539, 47-7541

PRIORITY DATE: 02/01/1952

POINT OF DIVERSION:

T11S R19E S8 NWSWSW Within TWIN FALLS County

T11S R19E S8 SWSWSW Within TWIN FALLS County

T11S R19E S8 ~~SE~~ ^{SW}SWSESW Within TWIN FALLS County

NBS

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USEPERIOD OF USEQUANTITY

IRRIGATION

03/15 11/15

0.360 CFS
175.70 AFY

PLACE OF USE:

IRRIGATION in TWIN FALLS County

T11S R19E S08	NENW	40.00	T11S R19E S08	SENW	40.00
T11S R19E S08	NESW	40.00	T11S R19E S08	NWSW	40.00
T11S R19E S08	SWSW	37.00	T11S R19E S08	SESW	40.00
T11S R19E S08	NESE	40.00	T11S R19E S08	NWSE	40.00
T11S R19E S08	SWSE	40.00	T11S R19E S08	SESE	40.00
T11S R19E S17	NENE	40.00	T11S R19E S17	NWNE	40.00
T11S R19E S17	SWNE	40.00	T11S R19E S17	SENE	40.00
T11S R19E S17	NENW	40.00	T11S R19E S17	NWNW	40.00
T11S R19E S17	SWNW	40.00	T11S R19E S17	SENW	40.00
T11S R19E S17	NESW	40.00	T11S R19E S17	NWSW	40.00
T11S R19E S17	SWSW	40.00	T11S R19E S17	SESW	40.00
T11S R19E S17	NESE	40.00	T11S R19E S17	NWSE	40.00
T11S R19E S17	SWSE	40.00	T11S R19E S17	SESE	40.00

1037 ACRES TOTAL

This right is limited to the irrigation of 80 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

NBS

SCC