



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

April 22, 2010

Tom C. Morris
3684 N. Bunchberry Way
Boise, ID 83704

*RE: SRBA Subcase Nos. 63-3163, 63-3274, 63-3486 & 63-8053
(DBSI Tiegs 979, LLC)*

Dear Mr. Morris:

I am enclosing a Standard Form 5 ("SF5") for each of the above-referenced water rights. Please review the documents, and if they are acceptable, please sign on the indicated signature lines and initial each page of the recommendations. After signature, please return the original SF5s to me. I will obtain any remaining signatures and file them with the Snake River Basin Adjudication Court.

If you should have any questions or comments, please feel free to contact me at 287-4815.

Sincerely,

A handwritten signature in blue ink that reads "Ray Williams".

Ray Williams
Paralegal

Enclosures

**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. 63-3163
	)	
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.

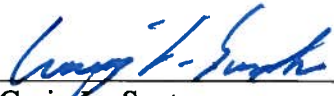
CLAIMANT/OBJECTOR:
DBSI Tiegs 979, LLC

RESPONDENT:
State of Idaho

Tom C. Morris Date
Attorney for Claimant/Objector

David I. Stanish Date
Attorney for Respondent

DWR Concurrence:

 4-22-10
Craig L. Saxton Date
Water Right Supervisor

 4/22/10
Andrea L. Courtney Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 63-3163

NAME AND ADDRESS: DBSI TIEGS 979 LLC
1550 S TECH LN
MERIDIAN ID 83642

SOURCE: Source: Tributary:
GROUND WATER

QUANTITY: 2.300 CFS
517.500 AFY

*AK
C65*
Right Nos. 63-3163 and 63-8053 are limited to a total combined annual diversion volume of 824 AF.

The rights listed below are limited to a total combined annual diversion volume of 1125 af. Combined Right Nos.: 63-3163, 63-3486, and 63-8053

PRIORITY DATE: 07/31/1959

POINT OF DIVERSION: T02N R02W S31 SESE
Within CANYON County

~~T02N R02W S31 NWSESE~~
~~Within CANYON County~~

PURPOSE AND PERIOD OF USE:	Purpose of use	Period of use:	Quantity:
	IRRIGATION	03/01 11/15	2.300 CFS 517.50 AFY

PLACE OF USE: IRRIGATION within CANYON County

<u>T01N R02W S06 Lot 1 NENE 31.0</u>	~~T01N R02W S06 NENE 26.0~~
<u>T01N R02W S06 Lot 2 NWNE 5.0</u>	~~T01N R02W S06 NWNE 11.0~~
<u>T01N R02W S06 SENE 2.0</u>	
<u>T02N R02W S31 SWSE 38.0</u>	~~T02N R02W S31 SWSE 40.0~~
<u>T02N R02W S31 SESE 39.0</u>	~~T02N R02W S31 SESE 38.0~~

115 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 250 acres in a single irrigation season. Combined Right Nos.: 63-3163, 63-3486, and 63-8053

Right Nos. 63-3163 and 63-8053 are limited to the irrigation of a combined total of 183 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 - License

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

~~This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.~~

~~Right Nos. 63-8053 and 63-3163 are limited to the irrigation of a combined
total of 179 acres in a single irrigation season.~~

APR
65

CERTIFICATE OF MAILING

I certify that on _____, 2010, 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
Represented by:
NATURAL RESOURCES DIVISION CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
P.O. BOX 44449
BOISE, ID 83711-4449

DBSI TIEGS 979, LLC
Represented by:
TOM C. MORRIS
3684 N. BUNCHBERRY WAY
BOISE, ID 83704

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

Signature of person or attorney

**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. 63-3274
	)	
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 as originally recommended by the Department. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT/OBJECTOR:
DBSI Tiegs 979, LLC

RESPONDENT:
State of Idaho

Tom C. Morris Date
Attorney for Claimant/Objector

David I. Stanish Date
Attorney for Respondent

DWR Concurrence:

 4-22-10
Craig L. Saxton Date
Water Right Supervisor

 4/22/10
Andrea L. Courtney Date
Deputy Attorney General
Attorney for IDWR

03/03/2010

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

RIGHT NUMBER: 63-3274

NAME AND ADDRESS: DBSI TIEGS 979 LLC
1550 S TECH LN
MERIDIAN ID 83642

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.800 CFS
544.50 AFY

PRIORITY DATE: 02/14/1962

POINT OF
DIVERSION:

T02N R02W S31 NESESW Within CANYON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/01 11/15

1.800 CFS
544.50 AFY

PLACE OF USE: IRRIGATION in CANYON County

T01N R02W S06 Lot 3 NENW 34.00 T01N R02W S06 Lot 4 NWNW 9.00

T02N R02W S31 Lot 4 SWSW 38.00 T02N R02W S31 SESW 40.00

121 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 - License

CERTIFICATE OF MAILING

I certify that on _____, 2010, 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:

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TWIN FALLS, IDAHO 83303-2707

2. Copies to:

STATE OF IDAHO
Represented by:
NATURAL RESOURCES DIVISION CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
P.O. BOX 44449
BOISE, ID 83711-4449

DBSI TIEGS 979, LLC
Represented by:
TOM C. MORRIS
3684 N. BUNCHBERRY WAY
BOISE, ID 83704

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

Signature of person or attorney

**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. 63-3486
	)	
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:
DBSI Tiegs 979, LLC

Tom C. Morris Date
Attorney for Claimant/Objector

DWR Concurrence:

 4-22-10
Craig L. Saxton Date
Water Right Supervisor

 4/22/10
Andrea L. Courtney Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 63-3486

NAME AND ADDRESS:

DBSI TIEGS 979 LLC
1550 S TECH LN
MERIDIAN ID 83642

SOURCE:

Source:

Tributary:

GROUND WATER

QUANTITY:

1.380 CFS
426.000 AFY

*AK
CLS*

The rights listed below are limited to a total combined annual diversion volume of 1125 af. Combined Right Nos.: 63-3163, 63-3486, and 63-8053

PRIORITY DATE: 01/07/1966

POINT OF DIVERSION:

T02N R02W S31 NWSE
Within CANYON County

~~T02N R02W S31 NWNWSE~~
~~Within CANYON County~~

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION	3/15 11/15	1.380 CFS	426.00 AFY
------------	------------	-----------	------------

The use of water for irrigation under this right may begin as early as March 1, provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE:

IRRIGATION within CANYON County

T02N R02W S31 NESW 32.0

T02N R02W S31 NESE 32.5

~~T02N R02W S31 NESE 33.0~~

T02N R02W S31 NWSE 30.0

94.5 ACRES TOTAL

~~95 ACRES TOTAL~~

The rights listed below are limited to the irrigation of a combined total of 250 acres in a single irrigation season. Combined Right Nos.: 63-3163, 63-3486, and 63-8053

Right Nos. 63-3486 and 63-8053 are limited to the irrigation of a combined total of 246 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 - License

CERTIFICATE OF MAILING

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Represented by:
TOM C. MORRIS
3684 N. BUNCHBERRY WAY
BOISE, ID 83704

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

Signature of person or attorney

**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. 63-8053
	)	
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.

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CLAIMANT/OBJECTOR:
DBSI Tiegs 979, LLC

Tom C. Morris Date
Attorney for Claimant/Objector

DWR Concurrence:

Craig L. Saxton 4-22-10
Craig L. Saxton Date
Water Right Supervisor

Andrea L. Courtney 4/22/10
Andrea L. Courtney Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 63-8053

NAME AND ADDRESS:

DBSI TIEGS 979 LLC
1550 S TECH LN
MERIDIAN ID 83642

SOURCE:

Source:
GROUND WATER

Tributary:

QUANTITY:

1.420 CFS
599.900 AFY

The rights listed below are limited to a total combined annual diversion volume of 1125 af. Combined Right Nos.: 63-3163, 63-3486, and 63-8053

Right Nos. 63-3163 and 63-8053 are limited to a total combined annual diversion volume of 824 AF.

PRIORITY DATE: 10/17/1974

POINT OF DIVERSION:

T02N R02W S31 NESE
Within CANYON County

~~T02N R02W S31 SENESE~~
~~Within CANYON County~~

AYZ
665

PURPOSE AND
PERIOD OF USE:

Purpose of use	Period of use:	Quantity:
IRRIGATION	4/01 10/31	1.420 CFS 599.90 AFY

The use of water for irrigation under this right may begin as early as March 1 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before April 1 and after October 31 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE: IRRIGATION within CANYON County

~~T01N R02W S06 NENE 31.0~~

T01N R02W S06 Lot 1 NENE 31.0

~~T01N R02W S06 NWNE 10.0~~

T01N R02W S06 Lot 2 NWNE 5.0

T02N R02W S31 NESE 27.0

~~T02N R02W S31 NESE 28.0~~

T02N R02W S31 SWSE 38.0

~~T02N R02W S31 SWSE 40.0~~

T02N R02W S31 SESE 39.0

~~T02N R02W S31 SESE 30.0~~

T02N R02W S32 SWSW 39.0

~~T02N R02W S32 SWSW 40.0~~

179 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 250 acres in a single irrigation season. Combined Right Nos.: 63-3163, 63-3486, and 63-8053

Right Nos. 63-3486 and 63-8053 are limited to the irrigation of a combined total of 246 acres in a single irrigation season.

Right Nos. 63-3163 and 63-8053 are limited to the irrigation of a combined total of 183 acres in a single irrigation season.

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

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

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

~~Right Nos. 63-8053 and 63-3163 are limited to the irrigation of a combined total of 179 acres in a single irrigation season.~~

ATC
C65

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3684 N. BUNCHBERRY WAY
BOISE, ID 83704

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

Signature of person or attorney