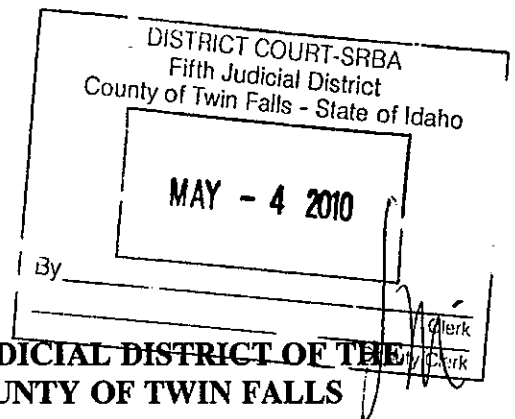




**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

|                |   |                          |
|----------------|---|--------------------------|
| 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.

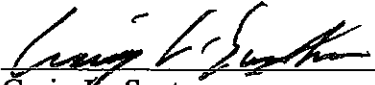
The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

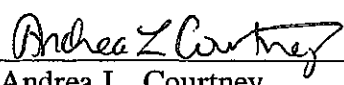
**The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.**

**CLAIMANT/OBJECTOR:**  
DBSI Tiegs 979, LLC

 4/29/10  
\_\_\_\_\_  
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:  
GROUND WATER

Tributary:

QUANTITY: 1.380 CFS  
426.000 AFY

*AK CLS JOW*  
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 32.0~~

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

I certify that on May 3, 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:

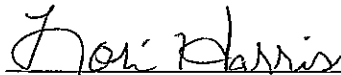
1. Original to:

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:

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