

DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

JUN 24 2010

By _____
Deputy Clerk

**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. 22-13946
	)	Split from 22-2260A
	)	
Case No. 39576	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

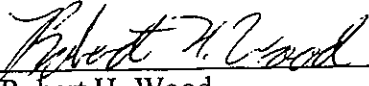
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary 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 per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

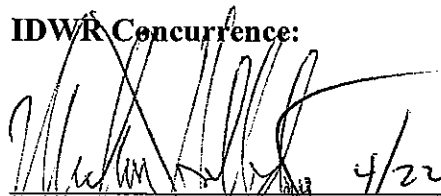
CLAIMANT:
Norvue Farms General Partnership

OBJECTOR:
State of Idaho

 6/10/10
Robert H. Wood Date
Attorney for Claimant

 5/10/10
David I. Stanish Date
Attorney for Objector

IDWR Concurrence:



Michael Holliday 4/22/2010
Senior Water Resource Agent Date



Andrea L. Courtney 4/14/10
Deputy Attorney General Date
Attorney for IDWR

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

RIGHT NUMBER: 22-13946

NAME AND ADDRESS: STATE OF IDAHO
DEPARTMENT OF LANDS
300 N 6TH ST, STE 103
PO BOX 83720
BOISE ID 83720-0050

NORVUE FARMS GENERAL PARTNERSHIP
1908 E 500 N
ST ANTHONY ID 83445

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.130 CFS
280.00 AFY

The rights listed below are limited to a total combined diversion rate of 4.41 cfs and to a total combined annual diversion volume of 1606.1 AF. Combined Right Nos.: 22-13946, 22-13948, 22-13950, 22-13952, and 22-13954.

Right Nos. 22-13946 and 22-13948 are limited to a total combined diversion rate of 1.13 cfs and to a total combined annual diversion volume of 479.7 AF.

PRIORITY DATE: 09/30/1965

POINT OF
DIVERSION:

T06N R41E S25 SWNWNE Within MADISON County
T06N R41E S25 NWNWNW Within MADISON County
T06N R41E S25 NWNWNW Within MADISON County
T06N R41E S25 SWSWNW Within MADISON County
T06N R41E S26 NWNWNE Within MADISON County
T06N R41E S26 SESENE Within MADISON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 11/01	1.130 CFS 280.00 AFY

PLACE OF USE: IRRIGATION in MADISON County

T06N R42E S19	SESW	34.00	T06N R42E S29	NWNW	38.00
T06N R42E S29	SWNW	39.00	T06N R42E S29	NWSW	28.00
T06N R42E S30	NENE	39.00	T06N R42E S30	NWNE	30.00
T06N R42E S30	SWNE	37.00	T06N R42E S30	SENE	33.00
T06N R42E S30	NENW	37.00	T06N R42E S30 Lot 1	NWNW	38.00
T06N R42E S30 Lot 2	SWNW	6.50	T06N R42E S30	SENW	33.00

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

T06N R42E S30	NESW	7.90	T06N R42E S30	NESE	34.00
T06N R42E S30	NWSE	30.00	T06N R42E S30	SWSE	13.00
T06N R42E S30	SESE	35.00			

512.4 ACRES TOTAL

This right is limited to the irrigation of 80 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 512.4 acres in a single irrigation season. Combined Right Nos.: 22-13946, 22-13948, 22-13950, 22-13952, and 22-13954.

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

The ownership of this water right is governed by a private agreement executed by the Idaho Department of Lands and Norvue Farms General Partnership dated March 23, 2010.

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 is a split from former right 22-2260A.

The following rights are diverted through points of diversion described above: 22-13945, 22-13946, 22-13947, 22-13948, 22-13949, 22-13950, 22-13951, 22-13952, 22-13953, and 22-13954.

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

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

CERTIFICATE OF MAILING

I certify that on June 23, 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

NORVUE FARMS GENERAL PARTERSHIP
Represented by:
ROBERT H. WOOD
25 NORTH 2ND. EAST
P.O. BOX 250
REXBURG, ID 83340

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



Signature of person or attorney