

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

**JUN 24 2010**

By \_\_\_\_\_ Clerk  
\_\_\_\_\_ 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     | ) | <b>Subcase No. 22-13952</b>     |
|                | ) | <i>Split from 22-7302</i>       |
|                | ) |                                 |
| Case No. 39576 | ) | <b>STANDARD FORM 5</b>          |
|                | ) |                                 |
|                | ) | <b>STIPULATED ELEMENTS OF A</b> |
|                | ) | <b>WATER RIGHT</b>              |

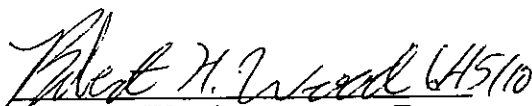
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary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

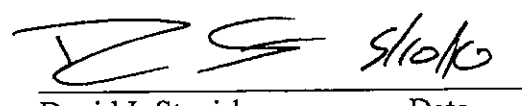
The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions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

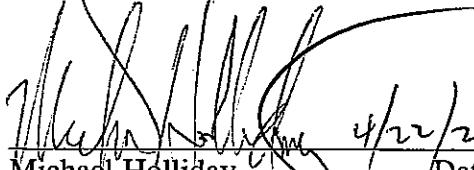
**CLAIMANT:**  
Norvue Farms General Partnership

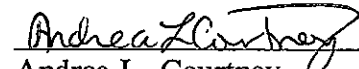
**OBJECTOR:**  
State of Idaho

  
Robert H. Wood                      Date  
Attorney for Claimant

  
David I. Stanish                      Date  
Attorney for Objector

**IDWR Concurrence:**

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

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

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

RIGHT NUMBER: 22-13952

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: 1.110 CFS  
403.70 AFY

This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for irrigation of the lands above.

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.

PRIORITY DATE: 08/30/1979

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            | 04/15 10/15          | 1.110 CFS<br>403.70 AFY |

The use of water for irrigation under this right may begin as early as April 1 and may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water before April 15 and after October 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 in MADISON County

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

|                     |      |       |                     |      |       |
|---------------------|------|-------|---------------------|------|-------|
| 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 |
| 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

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.

This right is limited to the irrigation of 108 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.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

This right is a split from former right 22-7302.

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.

## 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:

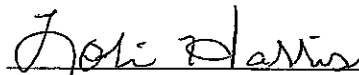
CLERK OF THE DISTRICT COURT  
SNAKE RIVER BASIN ADJUDICATION  
253 THIRD AVENUE NORTH  
P. O. BOX 2707  
TWIN FALLS, IDAHO 83303-2707

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 2<sup>ND</sup>. EAST  
P.O. BOX 250  
REXBURG, ID 83340

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

  
\_\_\_\_\_  
Signature of person or attorney