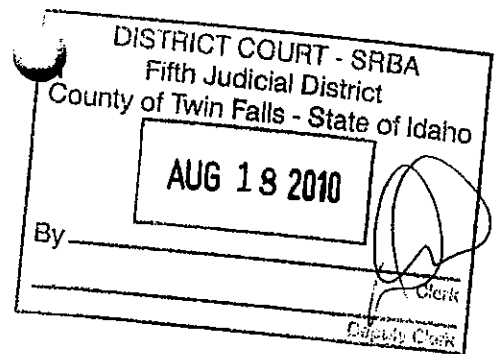




**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA

Subcase No.: 45-2583

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:

Robert L. Harris 8/12/2010
Robert L. Harris Date
Attorney for Farmland Reserve Inc.

IDWR CONCURRENCE:

Douglas Jones 7/8/10
Douglas Jones Date
Engineer, Technical 1

IDWR CONCURRENCE:

Nicholas B. Spencer 7-8-10
Nicholas B. Spencer Date
Deputy Attorney General
Attorney for IDWR

08/05/2010

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

RIGHT NUMBER: 45-2583

NAME AND ADDRESS: FARMLAND RESERVE INC
139 E SOUTH TEMPLE STE 600
SALT LAKE CITY UT 84111

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.820 CFS
888.00 AFY

USE OF THIS RIGHT WITH RIGHT NOS. 45-10274 AND 45-14175 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 1.82 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 888 AF.

USE OF THIS RIGHT WITH RIGHT NO. 45-10274 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 1.82 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 888 AF.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 7.64 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1976 AF. COMBINED RIGHT NOS.: 45-2583, 45-2689 & 45-10274.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 7.64 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1976 AF. COMBINED RIGHT NOS.: 45-2583, 45-2689, 45-10274 & 45-14175.

Handwritten initials: JG RCH

Handwritten note: ALL for NBS

PRIORITY DATE: 06/19/1959

POINT OF DIVERSION:

T118 R21E S9 NENEEN Within CASSIA County
T118 R21E S9 SESESE Within CASSIA County
T118 R21E S10 SNOWSN Within CASSIA County
T118 R21E S15 NENEEN Within CASSIA County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/15 11/15	1.820 CFS 888.00 AFY

PLACE OF USE: IRRIGATION in CASSIA County

T118 R21E S08	NENE	25.00	T118 R21E S08	NENE	2.50
T118 R21E S08	SENE	35.00	T118 R21E S08	SENE	40.00
T118 R21E S09	NENE	39.00	T118 R21E S09	NENE	32.00
T118 R21E S09	SENE	40.00	T118 R21E S09	SENE	40.00
T118 R21E S09	NENW	32.00	T118 R21E S09	NENW	38.00
T118 R21E S09	SENE	40.00	T118 R21E S09	SENE	40.00
T118 R21E S09	NENW	10.00	T118 R21E S09	NENW	40.00

T118 R21E S09	NWSE	40.00	T118 R21E S09	SWSE	39.00
T118 R21E S09	SESE	39.00			

494 571.5 ACRES TOTAL

USE OF RIGHT NOS. 45-2583, 45-2689, 45-10274 & 45-14175 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 571.5 ACRES IN A SINGLE IRRIGATION SEASON.

USE OF THIS RIGHT WITH RIGHTS NOS. 45-2689 & 45-10274 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 494 ACRES IN A SINGLE IRRIGATION SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 245 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

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.

Id R4A
Alc to NRS

CERTIFICATE OF SERVICE

I certify that on August 17, 2010, I caused to be served true and correct copies of this Standard Form 5, to the following persons, in the manner indicated 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, ID 83303-2707

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

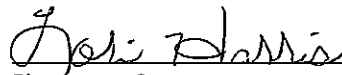
2. Copies to:

IDWR Document Repository
P.O. Box 83720
Boise, ID 83720-0098

☐ Overnight Mail
☐ Regular Mail
☒ Hand-Delivered
☐ Facsimile

Robert L. Harris
Holden Kidwell
P.O. Box 50130
Idaho Falls, ID 83405-0130

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile



Signature of person or attorney mailing the form