

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

AUG 18 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	)	Subcase No.: 45-2689
	)	
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 2/8/10
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: 45-2689

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 5.820 CFS
1,976.00 AFY

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.

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.

Handwritten: DJ Ref
All to MBS

PRIORITY DATE: 11/09/1962

POINT OF
DIVERSION:

T11S R21E S9 W66W Within CASSIA County
T11S R21E S9 S66E Within CASSIA County
T11S R21E S10 S66W Within CASSIA County
T11S R21E S15 W66W Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/15 11/15	5.820 CFS 1,976.00 AFY

PLACE OF USE: IRRIGATION in CASSIA County

T11S R21E S08	W66E	25.00	T11S R21E S08	W66E	2.50
T11S R21E S08	S66E	35.00	T11S R21E S08	S66E	40.00
T11S R21E S09	W66E	39.00	T11S R21E S09	W66E	32.00
T11S R21E S09	S66E	40.00	T11S R21E S09	S66E	40.00
T11S R21E S09	W66W	32.00	T11S R21E S09	W66W	18.00
T11S R21E S09	S66W	40.00	T11S R21E S09	S66W	40.00
T11S R21E S09	W66W	10.00	T11S R21E S09	W66E	40.00
T11S R21E S09	W66E	40.00	T11S R21E S09	S66E	39.00
T11S R21E S09	S66E	39.00			

494 571.5 ACRES TOTAL

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

~~USE OF THIS RIGHT WITH RIGHT NOS. 45-2583 & 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 A COMBINED TOTAL OF 494 ACRES IN A
SINGLE IRRIGATION SEASON.

USE OF RIGHT NOS. 45-2583, 45-2689 & 45-10274 IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 494 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 POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.

Handwritten initials: JF BKH

Handwritten note: OK for NISS

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

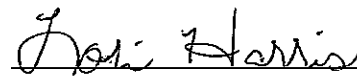
2. Copies to:

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