

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.: 45-10274
	)	(Uncontested Overlap)
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:

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

08/11/2010

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

RIGHT NUMBER: 45-10274

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.070 CFS
34.00 APY

USE OF THIS RIGHT WITH RIGHT NO. 45-2583 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 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 THIS RIGHT WITH 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.

Ref

PRIORITY DATE: 03/15/1962

POINT OF
DIVERSION:

T11S R21E S9 NENEW Within CASSIA County
T11S R21E S9 SESEE Within CASSIA County
T11S R21E S10 SWSWN Within CASSIA County
T11S R21E S15 NWNWN Within CASSIA County

ARC for NRS

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/15 11/15	0.070 CFS 34.00 APY

PLACE OF USE:

IRRIGATION in CASSIA County

RIGHT NO.	DIRECTION	ACRES	RIGHT NO.	DIRECTION	ACRES
T11S R21E S08	NENEW	25.00	T11S R21E S08	NENEW	2.50
T11S R21E S08	SESEE	35.00	T11S R21E S08	SESEE	40.00
T11S R21E S09	NENEW	39.00	T11S R21E S09	NENEW	32.00
T11S R21E S09	SESEE	40.00	T11S R21E S09	SESEE	40.00
T11S R21E S09	NENEW	32.00	T11S R21E S09	NENEW	38.00
T11S R21E S09	SWSWN	40.00	T11S R21E S09	SWSWN	40.00
T11S R21E S09	NESW	10.00	T11S R21E S09	NESW	40.00
T11S R21E S09	NWSE	40.00	T11S R21E S09	NWSE	39.00
T11S R21E S09	SESEE	39.00			

494 571.5 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 10 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

Standard Form 5

45-10274

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 571.5 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 45-2583, 45-2609, 45-14175 & 45-10274.

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 494 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 45-2583, 45-2609, & 45-10274.

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 - Beneficial Use

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.

DJ Rcl

ACC for NBS

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

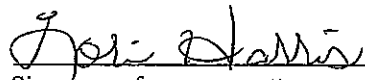
2. Copies to:

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