

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.: 45-14175
	)	(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 initialling 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: 45-14175

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.030 CFS
0.000 AXY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 20.23 CFS AND TO A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 7391 7792 AF. COMBINED RIGHT NOS.: 45-2583,
45-2689, 45-7020, 45-7035, 45-7110, 45-7238, 45-7374, 45-10274 and
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 1276 2246 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 1276 2246 AF. COMBINED RIGHT NOS.: 45-2583,
45-2689 & 45-10274.~~

ARC 6-11-15

PRIORITY DATE: 06/30/1985 3/15/1996

~~This water right is subordinate to all water rights with a priority date
earlier than April 12, 1894, that are not decreed as enlargements pursuant to
Section 42-1426, Idaho Code. As between water rights decreed as enlargements
pursuant to Section 42-1426, Idaho Code, the earlier priority right is the
superior right.~~

POINT OF
DIVERSION:

T11S R21E S9 NE1/4 Within CASSIA County
T11S R21E S9 SE1/4 Within CASSIA County
T11S R21E S10 SW1/4 Within CASSIA County
T11S R21E S15 NW1/4 Within CASSIA County

[Handwritten signature]

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/15 11/15	1.030 CFS 310.00 AXY

PLACE OF USE: IRRIGATION in CASSIA County

T11S R21E S08	NENE	25.00	T11S R21E S08	NENE	2.50
T11S R21E S08	SORE	35.00	T11S R21E S08	SENE	40.00
T11S R21E S09	NENE	39.00	T11S R21E S09	NENE	32.00
T11S R21E S09	SWNE	40.00	T11S R21E S09	SENE	40.00
T11S R21E S09	NENW	32.00	T11S R21E S09	WONW	38.00
T11S R21E S09	SWNW	40.00	T11S R21E S09	SENW	40.00
T11S R21E S09	NESW	10.00	T11S R21E S09	WENE	40.00

Standard Form 5

45-14175

T11S R21E S09	NWSE	40.00	T11S R21E S09	SWSE	39.00
T11S R21E S09	SESE	39.00			

571.5 ACRES TOTAL

~~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, 45-2689, & 45-10274.~~

USE OF 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, 45-2689, 45-10274, & 45-14175.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 77.5 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 right is an extension of Right Nos. 45-2583, 45-2689 & 45-10274 pursuant to Section 42-1416B, Idaho Code.

~~This right is based upon an enlargement of Right Nos. 45-2583 & 45-2689 pursuant to Section 42-1426, Idaho Code.~~

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 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.

OK to NBS
IG *per*

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

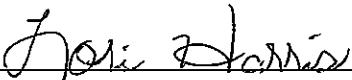
2. Copies to:

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