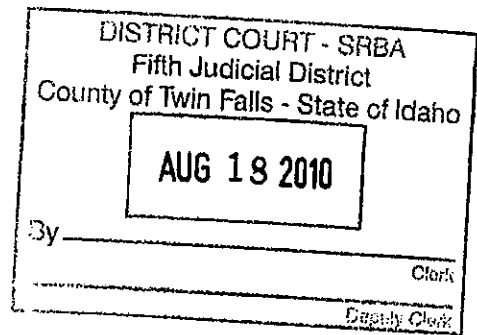




IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA) Subcase No.: 45-7020
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

07/07/2010

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

RIGHT NUMBER: 45-7020

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 3.520 CFS
703.20 AFY

USE OF THIS RIGHT WITH 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 AF. COMBINED RIGHT NOS.: 45-2583, 45-2689, 45-7020, 45-7035, 45-7110, 45-7238, 45-7374, 45-10274 & 45-14175.

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 5.9 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 2879 AF. COMBINED RIGHT NOS.: 45-7020, 45-7035, 45-7110, 45-7374.

PRIORITY DATE: 04/06/1967

POINT OF
DIVERSION:

T11S R21E S9 NEMENW Within CASSIA County
T11S R21E S9 SESESE Within CASSIA County
T11S R21E S10 SWSWSW Within CASSIA County
T11S R21E S15 NWMWNW Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 11/15	3.520 CFS 703.20 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 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 CASSIA County

T11S R21E S07	NESE	0.70	T11S R21E S07	SWSE	5.70
T11S R21E S07	SESE	31.00	T11S R21E S08	SESW	9.40
T11S R21E S08	NESW	35.00	T11S R21E S08	NWSW	20.00
T11S R21E S08	SWSW	39.00	T11S R21E S08	SESW	35.00

175.8 ACRES TOTAL

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 REMAINDER OF THIS RIGHT, AMOUNTING TO 12.2 ACRES, WAS FORFEITED FOR NON-USE FROM 1976 TO 1992.

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.

g *ref*
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

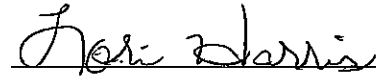
2. Copies to:

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