

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.: 45-7035
	)	
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: 45-7035

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 5.790 CFS
1,280.00 AFY

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.

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.

PRIORITY DATE: 02/28/1969

POINT OF
DIVERSION:

T11S R21E S15 NW1/4 Within CASSIA County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	03/15 11/15	5.790 CFS 1,280.00 AFY
PLACE OF USE:	<u>IRRIGATION in CASSIA County</u>		
	T11S R21E S16 NENE 40.00	T11S R21E S16 NWNE 40.00	
	T11S R21E S16 SWNE 40.00	T11S R21E S16 SENE 40.00	
	T11S R21E S16 NESE 40.00	T11S R21E S16 NWSE 40.00	
	T11S R21E S16 SWSE 40.00	T11S R21E S16 SESE 40.00	

320 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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

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

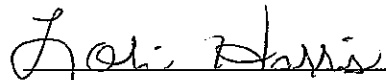
2. Copies to:

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