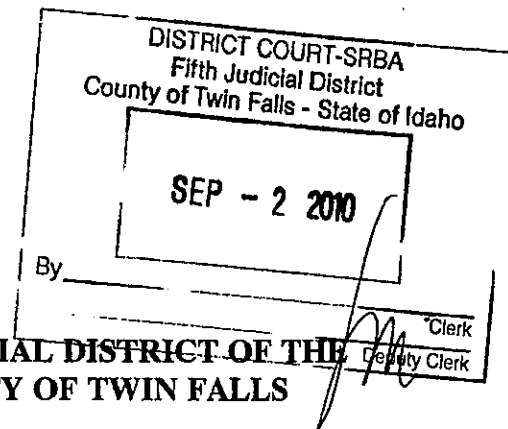




IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Subcase Nos. 02-7249

Case No. 39576

STANDARD FORM 5

STIPULATED ELEMENTS OF A
WATER RIGHT

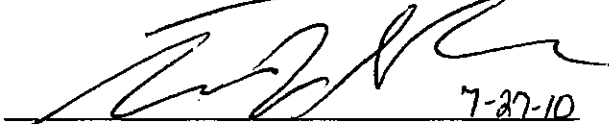
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

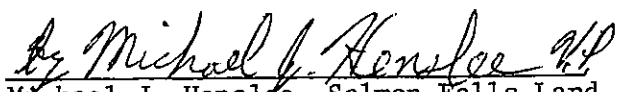
The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions 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:

Salmon Falls Land & Livestock


Timothy J. Stover, Attorney Date 7-27-10


Michael J. Henslee, Salmon Falls Land
& Livestock
STANDARD FORM 5 - 02-7249 7/28/10

OBJECTOR:

United States of America
Bureau of Land Management


David Negri, Attorney Date 8/10/10


Mark W. Henslee, Salmon Falls Land
& Livestock 7/28/10

IDWR Concurrence:

 7-19-10

Jan Shurte Date
Senior Water Agent

 7/30/10

Andrea Courtney Date
Deputy Attorney General

CERTIFICATE OF MAILING

I certify that on September 1, 2010, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

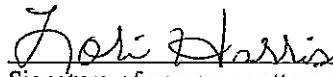
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to:

SALMON FALLS LAND & LIVESTOCK
CO INC
123 BELL RAPIDS RD
HAGERMAN, ID 83332

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098



Signature of person or attorney mailing the form

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

RIGHT NUMBER: 2-7249

NAME AND ADDRESS: SALMON FALLS LAND & LIVESTOCK CO INC
95A BELL RAPIDS RD
HAGERMAN ID 83332

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 29.890 CFS

Rights 02-7249 and 02-7462 when combined shall not exceed a total diversion rate of 29.89 cfs, a total annual maximum diversion volume of 9728 af at the field headgate.

PRIORITY DATE: 02/07/1977

POINT OF DIVERSION:

T08S R14E S7 NESE Lot 6 Within TWIN FALLS County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USEPERIOD OF USEQUANTITY

IRRIGATION

04/01 10/31

29.890 CFS

The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than originating approval/SRBA partial decree date.

PLACE OF USE:

IRRIGATION in TWIN FALLS County

T08S R13E S10	SWSE	<u>20.00</u>	20.4	T08S R13E S10	SESE	<u>20.00</u>	20.3
T08S R13E S11	NENE	<u>20.00</u>	20.1	T08S R13E S11	NWNE	20.00	
T08S R13E S11	SWNE	40.10		T08S R13E S11	SENE	40.20	
T08S R13E S11	NESW	33.20		T08S R13E S11	NWSW	40.00	
T08S R13E S11	SWSW	40.10		T08S R13E S11	SESW	36.60	
T08S R13E S11	NESE	29.90		T08S R13E S11	NWSE	18.50	
T08S R13E S11	SWSE	27.30		T08S R13E S11	SESE	29.70	
T08S R13E S12	NWNW	<u>20.00</u>	20.3	T08S R13E S12	SWNW	<u>20.00</u>	20.5
T08S R13E S12	NESW	40.50		T08S R13E S12	NWSW	36.00	
T08S R13E S12	SWSW	40.50		T08S R13E S12	SESW	40.60	
T08S R13E S12	NESE	39.90		T08S R13E S12	NWSE	39.90	
T08S R13E S12	SWSE	40.50		T08S R13E S12	SESE	6.50	
T08S R13E S13	NENE	39.20		T08S R13E S13	NWNE	37.30	
T08S R13E S13	SWNE	40.30		T08S R13E S13	SENE	40.40	
T08S R13E S13	NENW	40.40		T08S R13E S13	NWNW	21.80	
T08S R13E S13	SWNW	32.90		T08S R13E S13	SENW	40.40	

T08S R13E S13	NESW	40.20	T08S R13E S13	NWSW	40.20
T08S R13E S13	SWSW	40.10	T08S R13E S13	SESW	40.10
T08S R13E S13	NESE	40.10	T08S R13E S13	NWSE	40.10
T08S R13E S13	SWSE	40.00	T08S R13E S13	SESE	40.10
T08S R13E S14	NENE	34.40	T08S R13E S14	NWNE	40.00
T08S R13E S14	SWNE	40.00	T08S R13E S14	SENE	29.00
T08S R13E S14	NENW	40.00	T08S R13E S14	NWNW	40.00
T08S R13E S14	SWNW	39.80	T08S R13E S14	SENW	39.80
T08S R13E S14	NESW	39.60	T08S R13E S14	SESW	39.50
T08S R13E S14	NESE	39.90	T08S R13E S14	NWSE	39.90
T08S R13E S14	SWSE	39.80	T08S R13E S14	SESE	39.80
T08S R13E S15	NENE	40.80	T08S R13E S15	NWNE	40.80
T08S R13E S15	SWNE	<u>20.00</u> 21.8	T08S R13E S15	SENE	<u>20.00</u> 21.9
T08S R14E S07 Lot 7	NWSW	31.40	T08S R14E S07 Lot 8	SWSW	31.80
T08S R14E S07	SESW	39.90	T08S R14E S07	NWSE	28.20
T08S R14E S07	SWSE	39.80	T08S R14E S18	NWNE	39.80
T08S R14E S18	SWNE	39.80	T08S R14E S18	NENW	39.90
T08S R14E S18 Lot 1	NWNW	31.80	T08S R14E S18 Lot 2	SWNW	31.80
T08S R14E S18	SENW	40.00	T08S R14E S18	NESW	39.90
T08S R14E S18 Lot 3	NWSW	31.60	T08S R14E S18 Lot 4	SWSW	31.30
T08S R14E S18	SESW	39.70	T08S R14E S18	NWSE	39.70
T08S R14E S18	SWSE	39.70			

2662.8 ACRES TOTAL ~~2668 ACRES TOTAL~~

Place of use does not include federal public lands.

Rights 2-7249, and 2-7462 are limited to the irrigation of a specific 2432 acres within the 2662.8 ~~2668~~ acre place of use authorized by these rights in a single irrigation season. The specific 2432 acres to be irrigated by the right holder shall be identified prior to use by submittal of a land list and a representative electronic shape file or by submittal of a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 2432 acres to be irrigated within the 2662.8 ~~2668~~ acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.

This right is limited to the irrigation of 1624 acres within the place of use described above in a single irrigation season.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

Water shall not be diverted under this right unless the flow of the Snake River exceeds flows required by prior downstream minimum stream flow rights.

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 right holder shall accomplish the change authorized by Transfer 76101 within one year of the date of the approval.~~

~~Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

The right holder shall accomplish the change authorized by Transfer 76101 within one year of the date of the approval.

After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Q
117
M.H.
M.H.

ATL

ATL

AN