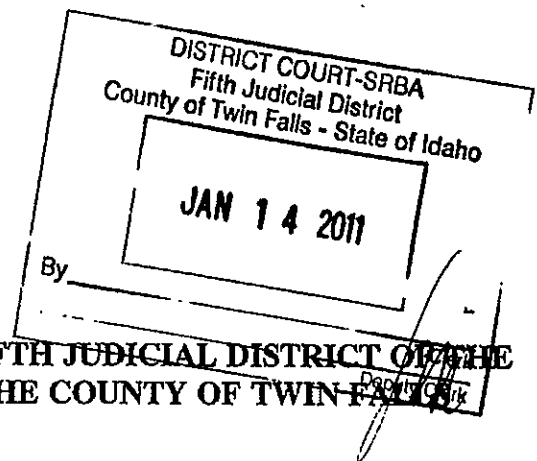




IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	Subcase Nos. 02-68
	)	
Case No. 39576	)	
	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

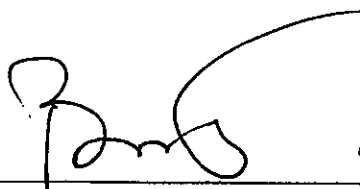
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary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

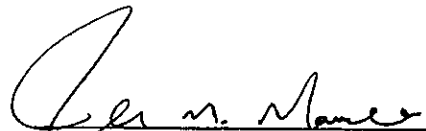
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT:
Harvest Farm Co.

OBJECTOR:
Farm Development Corp.



Bruce Smith, Attorney
Date 1/7/2011



John Marshall, Attorney
Date 12/7/2010

IDWR Concurrence:

Jan Shurte 10-27-10
Jan Shurte Date
Senior Water Agent

Andrea Z Courtney 12/8/10
Andrea Courtney Date
Deputy Attorney General

CERTIFICATE OF MAILING

I certify that on January 13, ²⁰¹¹2010, 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:

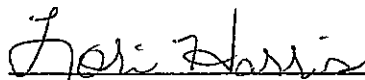
HARVEST FARM CO

Represented by:
BRUCE M. SMITH
950 W BANNOCK STE 520
BOISE, ID 83702

FARM DEVELOPMENT CORP

Represented by:
JOHN M MARSHALL
601 W BANNOCK ST
PO BOX 2720
BOISE, ID 83701-2720

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



Signature of person or attorney mailing the form

SF5 Right No. 2-68

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

RIGHT NUMBER: 2-68

NAME AND ADDRESS: HARVEST FARM CO
13735 MISSOURI AVE
NAMPA ID 83686

SOURCE: GROUND WATER
SNAKE RIVER

TRIBUTARY:
TRIBUTARY: COLUMBIA RIVER

QUANTITY: 7.700 CFS

~~Right Nos. 2-68, 2-105, 2-2168, 2-2201, 2-2202, 2-2203, 2-2219C, 2-2219D,
2-2213, 2-10287, 2-10288, 2-10192, and 2-10193 are limited to a total
combined diversion rate of 87.57 cfs.~~

PRIORITY DATE: 05/16/1963

POINT OF DIVERSION:

T01N R03W S16 NWNW Lot 3 Within CANYON County
T02N R03W S22 SWNE Within CANYON County
T02N R03W S22 SWNE Within CANYON County
T02N R03W S22 SENW Within CANYON County
T02N R03W S22 SESW Within CANYON County
T02N R03W S22 SESE Within CANYON County
T02N R03W S23 SENE Within CANYON County
T02N R03W S23 NENW Within CANYON County
T02N R03W S23 SWNW Within CANYON County
T02N R03W S23 SWSE Within CANYON County
T02N R03W S26 SENE Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	7.700 CFS

PLACE OF USE:

IRRIGATION in CANYON County

T02N R03W S21	NENE	40.00	T02N R03W S21	SENE	40.00
T02N R03W S21	NESE	40.00	T02N R03W S21	SESE	40.00
T02N R03W S22	NWNW	40.00	T02N R03W S22	SWNW	40.00
T02N R03W S22	NWSW	40.00	T02N R03W S22	SWSW	40.00
T02N R03W S27	NWNW	40.00	T02N R03W S27	SWNW	40.00

400 ACRES TOTAL

Right Nos. 02-68, 63-2754, 63-2867, 63-2975, 63-3104, 63-3490A, 63-3492, 63-7561, 63-7793 and 63-4799 are limited to the irrigation of a combined total of 1454.1 acres from ground water, and no more than 400 acres with water diverted directly from the Snake River, in a single irrigation season

SF5 Right No. 2-68

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

The diversion rate of water, and the annual volume of water, diverted at each and every point of diversion shall not exceed the amount originally licensed at that point of diversion.

Each point of diversion shall maintain its original priority date, and in times of water shortage shall be regulated according to the original priority date associated with that point of diversion.
Transfer 2737

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

Failure to comply with Condition #3 of Transfer 2730 will void Transfers 2730 - 2737.

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.