

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

JAN 21 2011

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 Nos. 02-10288
	)	
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.

CLAIMANTS:
Winemakers, LLC

Paul W. Luber 1/13/11
Date

OBJECTOR:
Farm Development Corporation

John M. Marshall 12/1/2010
John M. Marshall, Attorney Date

IDWR Concurrence:

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

Andrea Courtney 12/18/10
Andrea Courtney Date
Deputy Attorney General

CERTIFICATE OF MAILING

I certify that on January 20, 2011, 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:

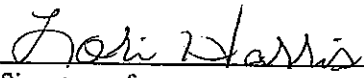
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to:

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

WINEMAKERS LLC
PO BOX 1019
SUNNYSIDE, WA 98944-1019

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: 2-10288

NAME AND ADDRESS: WINEMAKERS LLC
PO BOX 1019
SUNNYSIDE WA 98944-1019

SOURCE: SNAKE RIVER

QUANTITY: 0.660 CFS

AM

TRIBUTARY: COLUMBIA RIVER

Right Nos. 2-10287 and 2-10288 are limited to a total combined diversion rate of 1.1 cfs.

~~The rights listed below are limited to a total combined diversion rate of 87.57 cfs. Combined Right Nos.: 2-68, 2-105, 2-2168, 2-2201, 2-2202, 2-2203, 2-2219C, 2-2219D, 2-2313, 2-10192, 2-10193, 2-10287 and 2-10288.~~

PRIORITY DATE: 03/15/1977

This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, 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:

T01N R03W S16 SWNW Lot 3 Within CANYON County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/01 11/15	0.660 CFS

PLACE OF USE: IRRIGATION in CANYON County

T02N R03W S33	NENE	39.00	T02N R03W S33	SENE	39.00
T02N R03W S34	SWNW	10.00			
88 ACRES TOTAL					

Right Nos. 2-10287 and 2-10288 are limited to the irrigation of a combined total of 88 acres in a single irrigation season.

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.

This right is based upon an enlargement of Right No. 2-2313 pursuant to Section 42-1426, Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

This right is for an enlargement of 33 acres within the place of use described for this right.

The following rights are also diverted through point of diversion described above: 2-68, 2-105, 2-2168, 2-2201, 2-2202, 2-2203, 2-2219C, 2-2219D, 2-2313, 2-10287, 2-10192, and 2-10193.

This right is a split from former right 2-10046.