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AUG 10 2011

DEPARTMENT OF
WATER RESOURCES

**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. 02-7415
	)	
Case No. 39576	)	
	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

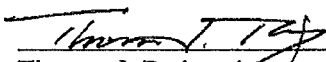
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary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

DBSI Snake River 94, LLC



Thomas J. Budge, Attorney on Behalf
of Claimants and Objectors

Date 8-9-2011

STANDARD FORM 5 – 02-7415

Jan Shurte 8-1-11
Jan Shurte Date
Senior Water Agent

Date _____

Date _____

CERTIFICATE OF MAILING

I certify that on Aug 11, 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:

DBSI SNAKE RIVER 94 LLC
Represented by:
BUDGE, THOMAS J
201 E CENTER ST
PO BOX 1391
POCATELLO, ID 83204-1391

MARK ELLISON
DBSI
12426 W EXPLORER DR, STE 200
BOISE, ID 83713

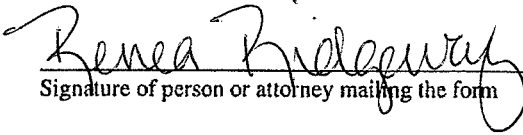
COLLEEN SCHULTHIES
DBSI
12426 W EXPLORER DRIVE
BOISE, ID 83713

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

MARC A MYRIN, PARTNER
THOMAS & KNIGHT LLP
ONE ARTS PLAZA
1722 ROUGH STREET, STE 1500
DALLAS, TX 75201

DBSI SNAKE RIVER 94 LLC
1550 S TECH LN
MERIDIAN, ID 83642

WAYNE EDGERTON
4508 PACER WAY
FLOWER MOUND, TX 75028


Signature of person or attorney mailing the form

SF5 Right No. 2-7415

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

RIGHT NUMBER: 2-7415
NAME AND ADDRESS: DBSI SNAKE RIVER 94 LLC
1550 S TECH LN
MERIDIAN ID 83642
SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER
QUANTITY: 1.030 CFS
285.000 AFY
PRIORITY DATE: 02/07/1985
POINT OF DIVERSION:

T04N R05W S19 SNNW Lot 8 Within OWYHEE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	1.030 CFS 285.00 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE MARCH 15 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 OWYHEE County

T04N R05W S19 Lot 6 SWNE	19.00	T04N R05W S19 Lot 5 SENE	10.00
T04N R05W S19 Lot 7 SENW	12.00	T04N R05W S20 Lot 4 NWSW	16.00

57 ACRES TOTAL

~~USE OF THIS RIGHT WITH RIGHT NO. 57-7176 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 61 ACRES IN A SINGLE IRRIGATION SEASON.~~

This right and Right Nos. 2-2432A and 57-7176 are limited to the irrigation of a combined total of 97 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

The following rights are also diverted through point of diversion described above: 2-2432A, 2-7415, 2-10166, 2-10261, and 2-10262.

SF5 Right No. 2-7415