

**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. 21-13112
	)	
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.

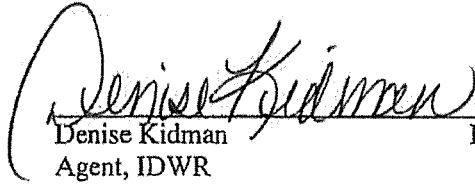
CLAIMANT/OBJECTOR:
DGM Properties LLC

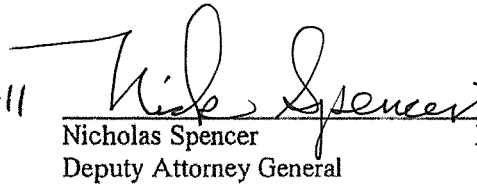
OBJECTORS:
G&S Development LLC
Funk-Drussell LLC
Wengreen Development LLC

 10/3/2011
Robert L. Harris, Attorney Date

 10/3/2011
Robert L. Harris, Attorney Date

IDWR Concurrence:

 9-22-11
Denise Kidman
Agent, IDWR
Date

 10-3-11
Nicholas Spencer
Deputy Attorney General
Date

CERTIFICATE OF MAILING

I certify that on Oct 3, 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:

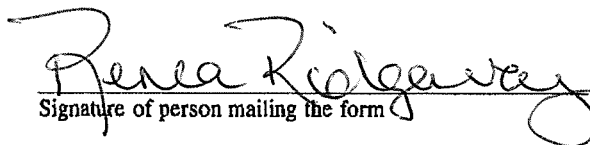
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to:

DGM PROPERTIES LLC
FUNK-DRUSSEL LLC
G&S DEVELOPMENT LLC
WENGREEN DEVELOPMENT LLC

Represented by:
ROBERT L HARRIS
1000 RIVERWALK DR, STE 200
PO BOX 50130
IDAHO FALLS, ID 83405
Phone: 208-523-0620

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


Signature of person mailing the form

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

RIGHT NUMBER: 21-13112
NAME AND ADDRESS: DGM PROPERTIES LLC
C/O GENE KANTACK
5405 LONG COVE DR
IDAHO FALLS, ID 83404

SOURCE: GROUND WATER

QUANTITY: 0-060-CFS 0.05 CFS

Rights 21-7362 & 21-13112 when combined shall not exceed a total diversion rate of 0.07 cfs.

PRIORITY DATE: ~~07/15/1985~~ 06/01/1945

POINT OF DIVERSION: T15N R43E S6 Lot 2 NWNW Within FREMONT County
T15N R43E S6 Lot 2 NWNW Within FREMONT County

PURPOSE AND PERIOD OF USE:	Purpose of use	Period of use:	Quantity:
	IRRIGATION	05/01 10/31	0-060-CFS 0.05 CFS

PLACE OF USE: IRRIGATION within FREMONT County
T15N R43E S06 Lot 2 NWNW 4.3

4.3 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.

~~No lawful appropriation shown.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

~~No lawful appropriation shown. There are a number of circumstances in which a claim is proposed to be disallowed on this basis. This is most commonly included for a claim based on beneficial use or posted notice that is proposed to be disallowed because the right claimed is not within an exception to the mandatory permit statute, and beneficial use of water prior to the mandatory permit statute was not confirmed. This is also included where a claim is proposed to be disallowed because the claim is to water that is not public water subject to appropriation. This is also included where a right was determined not to exist in a prior adjudication.~~

DL
RKH
NBS