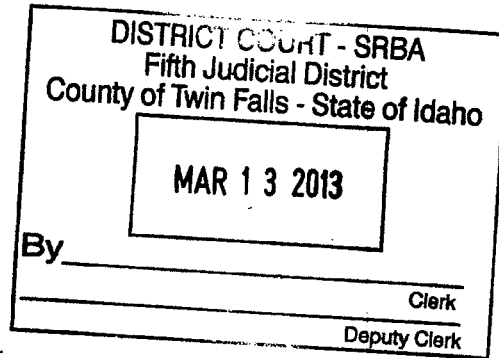




**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA	)	Subcase No.: 37-892
	)	(Formerly Disallowed)
Case No. 39576	)	
	)	STANDARD FORM 5
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

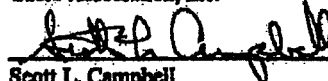
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary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

OBJECTOR:
Brown Ranch, Inc.

 2/27/13

Scott L. Campbell Date
Attorney for Upper Wood River
Water Users Association, Inc.

 3/11/2013

Josephine P. Beeman Date
Attorney for Brown Ranch, Inc.

IDWR CONCURRENCE:

Doug Jones 2/21/13
Doug Jones Date
Technical Engineer

IDWR CONCURRENCE:

Nicholas B. Spence 2-21-13
Nicholas B. Spence Date
Deputy Attorney General
Attorney for IDWR

PLACE OF USE:

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 43-2028(2) and authorized pursuant to I.C. Section 43-1411(2)(b). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the 82nd District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

This right is limited to the irrigation of 7346 acres within the boundary of the Upper Wood River Water Users Association.

Right Nos. 37-891A and 37-892 are limited to the irrigation of a combined total of 7346 acres in a single irrigation season.

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

Water under this right is deliverable or may be initiated at the time when the Big Wood River near the Glendale Bridge is dammed and all flow of the river can be conveyed into the Bypass canal heading within the NW1/4SW1/4 Section 12, T1N, R16E. The amount of water deliverable under this right is proportionate to the prorata share of senior priority water (prior to 6/15/1983) deliverable in the Baseline Bypass and Extension Bypass system. This right is curtailed when all priority rights through the Baseline Bypass and Extension Bypass system are futile or not called for during the irrigation season.

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 43-1413(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

The points of diversion and place of use of this right overlap points of diversion and places of use of other water rights held by the member shareholders of the corporation that owns this right. Transfers of either this right or the underlying shareholder rights are subject to the provisions and limitations of Idaho Code Secs. 43-106 and 43-222.

This water right is used to replace other surface water source rights held by shareholders and curtailed by priority. This right is limited to the terms and conditions related to the places of use described on the share holders water rights.

DF
NB S
JPB
SLC

CERTIFICATE OF SERVICE

I certify that on March 13, 2013, I caused to be served true and correct copies of this Standard Form 5, to the following persons, in the manner indicated 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, ID 83303-2707

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☒ Facsimile

2. Copies to:

IDWR Document Repository
P.O. Box 83720
Boise, ID 83720-0098

☐ Overnight Mail
☐ Regular Mail
☒ Hand-Delivered
☐ Facsimile

Scott L. Campbell
Moffatt, Thomas, Barrett, Rock
& Fields, Chtd.
P.O. Box 829
Boise, ID 83701

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Josephine P. Beeman
Beeman & Associates
409 W. Jefferson
Boise, ID 83702

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

3. Courtesy Copies to:

Albert P. Barker
Barker, Rosholt & Simpson
P.O. Box 2139
Boise, ID 83701

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

J. Evan Robertson
Robertson & Slette P.L.L.C.
P.O. Box 1906
Twin Falls, ID 83303-1906

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

James P. Speck
Speck & Aarnestad, P.C.
P.O. Box 987
Ketchum, ID 83340

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile



Signature of person or attorney mailing the form