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APR 25 2013

DEPT. 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

DISTRICT COURT - SRBA

Fifth Judicial District

County of Twin Falls - State of Idaho

APR 24 2013

In Re SRBA

Case No. 39576

Subcase No. 63-7349

By

Clerk

Deputy Clerk

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:

Basin and Range Resource Company, LLC

OBJECTOR/RESPONDENT:

United States of America

Deputy A. Timony 4-9-2013

By: *Deputy A. Timony* Date

Title:

President / Chief Operating Officer

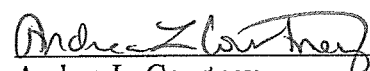
David M. Negri 4/22/13

David Negri, Attorney Date

Bureau of Land Management

IDWR Concurrence:

for  4-18-13
Jan Shurte Date
Senior Water Resource Agent

 4/18/13
Andrea L. Courtney Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 63-7349

NAME AND ADDRESS: BASIN AND RANGE RESOURCE COMPANY LLC
C/O DOROTHY TIMIAN PALMER
3480 G S RICHARDS BLVD #101
CARSON CITY NV 89703

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.660 CFS
802.000 AFY

Rights 63-3308 and 63-7349 when combined shall not exceed a total annual maximum diversion volume of 1426.5 af at the field headgate, and the irrigation of 317 acres.

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.

Rights 63-3308, 63-3583 and 63-7349 when combined shall not exceed a total diversion rate of 5.84 cfs.

Rights 63-3182, 63-3308, 63-3583, 63-7177, 63-7349 and 63-7903 when combined shall not exceed a total diversion rate of 20.35 cfs, a total annual maximum diversion volume of 5733 af at the field headgate, and the irrigation of 1274 acres in a single irrigation season.

PRIORITY DATE: 07/07/1970

POINT OF DIVERSION:

T06N R05W S22 SESW Within PAYETTE County
T06N R05W S23 SWNE Within PAYETTE County
T06N R05W S23 NWSW Within PAYETTE County
T06N R05W S23 NWSESW Within PAYETTE County
T06N R05W S23 NWSESW Within PAYETTE County
T06N R05W S23 NESE Within PAYETTE County
T06N R05W S23 NESE Within PAYETTE County
T06N R05W S23 NESE Within PAYETTE County
T06N R05W S23 NWSWSE Within PAYETTE County
T06N R05W S24 NWNW Within PAYETTE County

AK
CF
ON

The following rights are diverted through points of diversion described above: 63-3182, 63-3308, 63-3583, 63-7177, 63-7349 and 63-7903.

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/01 10/31

1.660 CFS
802.00 AFY

The use of water for irrigation under this right may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water after October 31 under this remark is subordinate to all water

SF5 Right No. 63-7349

DRP

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 PAYETTE County

T06N R05W S13	SWSW	40.00	T06N R05W S14	SWSW	40.00
T06N R05W S14	SESW	40.00	T06N R05W S14	SWSE	40.00
T06N R05W S14	SESE	40.00	T06N R05W S15	SESE	40.00
T06N R05W S22	NENE	40.00	T06N R05W S22	NWNE	40.00
T06N R05W S22	SWNE	40.00	T06N R05W S22	SENE	40.00
T06N R05W S22	NENW	40.00	T06N R05W S22	SENW	40.00
T06N R05W S22	NESW	40.00	T06N R05W S22	SESW	40.00
T06N R05W S22	NESE	40.00	T06N R05W S22	NWSE	40.00
T06N R05W S22	SWSE	40.00	T06N R05W S22	SESE	40.00
T06N R05W S23	NENE	40.00	T06N R05W S23	NWNE	40.00
T06N R05W S23	SWNE	40.00	T06N R05W S23	SENE	40.00
T06N R05W S23	NENW	40.00	T06N R05W S23	NWNW	40.00
T06N R05W S23	SWNW	40.00	T06N R05W S23	SENW	40.00
T06N R05W S23	NESW	40.00	T06N R05W S23	NWSW	40.00
T06N R05W S23	SESW	20.00	T06N R05W S23	NESE	40.00
T06N R05W S23	NWSE	40.00	T06N R05W S23	SWSE	20.00
T06N R05W S24	NWNW	40.00	T06N R05W S24	SWNW	40.00
T06N R05W S24	NWSW	20.00			

1340 ACRES TOTAL

The place of use within the SESW and SWSE of S23, T06N, R05W is limited to the north half of those quarter-quarters.

The place of use within the NWSW of S24, T06N, R05W is limited to the west half of that quarter-quarter.

This right is limited to the irrigation of 310 acres within the authorized place of use in a single irrigation season.

AKZ ON
CS

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

SF5 Right No. 63-7349

DA P

Amended
Failure of the right holder to comply with the conditions of this Transfer 77052 is cause for the Director to rescind approval of the transfer. *CS*

Amended
The right holder shall accomplish the change authorized by Transfer 77052 within one year of the date of the transfer's approval.

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

The right holder shall maintain a measuring device of a type approved by the Department as a part of the diverting works.

After specific notification by the Department, the right holder shall record the quantity of water diverted or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department. *AM*

*DATA
ON*

CERTIFICATE OF MAILING

I certify that on April 23, 2013, 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:

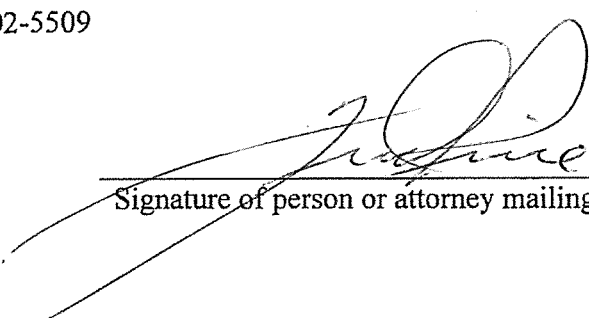
CLERK OF THE DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
253 THIRD AVENUE NORTH
P.O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

2. Copies to:

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

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

BASIN AND RANGE RESOURCE COMPANY, LLC
Represented by:
DANA L HOFSTETTER
608 W FRANKLIN ST
BOISE, ID 83702-5509



Signature of person or attorney mailing form