

5-12

ALAN G. LANCE
Attorney General

CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division

A. LYNNE KROGH
NICHOLAS B. SPENCER
Deputy Attorneys General
Idaho Department of Water Resources
P.O. Box 83720
Boise, Idaho 83720-0098
Telephone: (208) 327-7920
FAX: (208) 327-7866

ATTORNEYS FOR IDAHO
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 No. 36-02471
	)	
Case No. 39576	)	STIPULATION TO PARTIALLY
	)	RESOLVE OBJECTION
_____	)	

Descriptive Summary

This is a stipulation of the parties confirming that Desert Ridge Farms, Inc., is the owner of this water right.

Stipulation to Partially Resolve Objection

The parties to this subcase, Triple Ace, Inc., Desert Ridge Farms, Inc., and the Idaho Department of Water Resources (IDWR), by and through their undersigned counsel of record, hereby stipulate and agree as follows:

1. This water right was originally claimed in the Snake River Basin Adjudication (SRBA) by Patterson Farms of Idaho, Inc., predecessor in interest to Triple Ace, Inc., Desert Ridge Farms, Inc., and Rustic Ag, Inc. (successor corporations). Following the conveyance of various parcels of property, including appurtenant water rights, by Patterson Farms of Idaho, Inc., to the successor corporations individually, Triple Ace, Inc., filed with IDWR a change of ownership form that mistakenly asserted that this water right had been conveyed to Triple Ace, Inc. Thereafter, the water right was recommended in the name of Triple Ace, Inc., in the director's report for Reporting Area 3 (Basin 36).

2. Timely objection to the recommended water right was filed on behalf of Desert Ridge Farms, Inc. The objection asserted, inter alia, that Desert Ridge Farms, Inc., was the true owner of the water right. Triple Ace, Inc., did not file a response to this objection. In its response to the objection, IDWR concurred in the assertion that Desert Ridge Farms, Inc., is the true owner of the water right, and submitted to the SRBA Court a corrected recommendation listing Desert Ridge Farms, Inc., as the owner of the water right. A true and correct copy of this corrected recommendation is attached hereto and incorporated herein by reference.

3. IDWR has corrected its records to reflect that Desert Ridge Farms, Inc., is the owner of this water right. However, to the knowledge of the parties to this subcase, the SRBA Court has not corrected its records in this regard. The purpose of this

stipulation is to provide the SRBA Court the legal foundation upon which to correct its records to show that Desert Ridge Farms, Inc., is the owner of this water right.

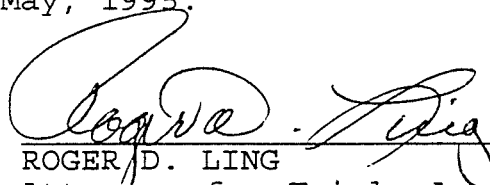
4. Desert Ridge Farms, Inc., has also objected to the period of use recommended for this water right. This stipulation is not intended to resolve or otherwise affect in any way the objection to period of use.

5. Legal counsel for Desert Ridge Farms, Inc., also is legal counsel for Triple Ace, Inc., and has legal authority to bind both corporations to the terms of this stipulation.

DATED this 9TH day of May, 1995.


NICHOLAS B. SPENCER
Deputy Attorney General
Idaho Department of Water Resources

DATED this 11th day of May, 1995.

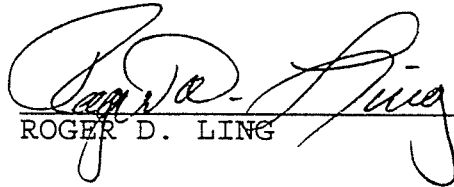

ROGER D. LING
Attorney for Triple Ace, Inc., and
Desert Ridge Farms, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on the 11th day of May, 1995, I served a true and correct copy of the foregoing STIPULATION TO PARTIALLY RESOLVE OBJECTION on the each of the following persons by first class mail, postage prepaid, to the address or addresses listed below.

Nicholas B. Spencer
Deputy Attorney General
Department of Water Resources
P.O. Box 83720
Boise, Idaho 83720-0098

U.S. Department of Justice
Environment and Natural
Resources Division
550 West Fort Steet, Box 33
Boise, Idaho 83734



ROGER D. LING

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
36-02471	TRIPLE AGE-ING RT 2-BOX-2770 PAUL-ID-83347	02/06/1961	IRRIGATION	04-01 10-31	1.54 308.0	CFS AFY
	DESERT RIDGE FARMS INC C/O MIKE PATTERSON RT 1 BOX 1271 PAUL ID 83347				1.54 308.0 231.0	CFS AFY AFY

SOURCE: GROUNDWATER

POINT OF DIVERSION:
T09S R23E S08
PLACE OF USE: IRRIGATION

NENENE

T09S R23E S08
77.0 ACRES TOTAL
NENE 38.0
SENE 39.0

REMARKS: USE OF THIS RIGHT IS COMBINED WITH WATER FROM
MINIDOKA IRRIGATION DIST.