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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. 36-07718
	)	
Case No. 39576	)	STIPULATION TO PARTIALLY
	)	RESOLVE OBJECTION;
	)	STIPULATION AND ORDER
	)	GRANTING LEAVE TO FILE AMENDED
	)	OBJECTION
	)	

Descriptive Summary

This is a stipulation of the parties to the subcase confirming that Patterson Farms of Idaho, Inc., is the owner of this water right; it is also a stipulation of the parties to the subcase and order of the Special Master permitting Patterson Farms of Idaho, Inc., to file an amended objection objecting to the period of use recommended for this water right.

STIPULATION TO PARTIALLY RESOLVE OBJECTION;
STIPULATION AND ORDER GRANTING LEAVE TO FILE
AMENDED OBJECTION, Page 1

Stipulation to Partially Resolve Objection

The parties to this subcase, Triple Ace, Inc., Patterson Farms of Idaho, 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 Patterson Farms of Idaho, Inc. The objection asserted that Patterson Farms of Idaho, 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 Patterson Farms of Idaho, Inc., is the true owner of the water right.

3. IDWR has corrected its records to reflect that Patterson Farms of Idaho, 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 Patterson Farms of Idaho, Inc., is the owner of this water right.

4. When IDWR filed with the SRBA Court its response to this objection it attached thereto a corrected recommendation listing Patterson Farms of Idaho, 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.

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

Stipulation for Leave to File Amended Objection

IDWR and Patterson Farms of Idaho, Inc., by and through their undersigned counsel of record further stipulate and agree as follows:

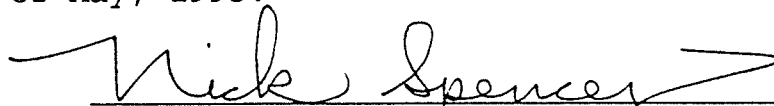
1. Numerous water right claimants in Reporting Area 3 (Basin 36) have filed objections to the period of use recommended for their water rights in the director's report for Reporting Area 3 (Basin 36). At the time it filed the present objection Patterson Farms of Idaho, Inc., did not realize that the recommended periods of use for irrigation water rights located in Basin 36 would be the subject of numerous objections asserting common--and significant--legal issues. A number of these objections raising common legal

and factual issues have been informally consolidated for purpose of avoiding duplication and unnecessary legal expense to claimants, and for purpose of judicial economy.

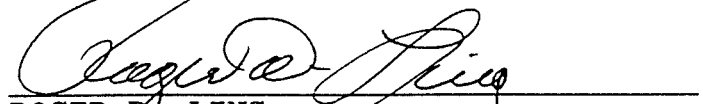
2. Patterson Farms of Idaho, Inc., wishes to participate in the resolution of the common issues raised by these objections. IDWR does not oppose Patterson Farms of Idaho, Inc., participating by means of filing an amended objection to this water right objecting to the period of use recommended for it.

3. Accordingly, the parties to this subcase, by and through their undersigned legal counsel, hereby stipulate that Patterson Farms of Idaho, Inc., may file an amended objection which objects to the period of use recommended for this water right in the director's report for Reporting Area 3 (Basin 36). Patterson Farms of Idaho, Inc., will file its amended objection within thirty (30) days following the date of approval of this stipulation by the SRBA Court. IDWR will file its response to the amended objection within sixty (60) days following the date of filing of the amended objection.

DATED this 9TH day of May, 1995.


NICHOLAS B. SPENCER
Deputy Attorney General

DATED this 11TH day of May, 1995.


ROGER D. LING
Attorney for Triple Ace, Inc., and
Patterson Farms of Idaho, Inc.

Order Approving Stipulation
and Granting Leave to File Amended Objection

The Court, having reviewed the above-stated Stipulation for Leave to File Amended Objection, being familiar with the present nature and status of the other period of use objections raised in Reporting Area 3 (Basin 36), and being fully advised in the premises, hereby approves the Stipulation for Leave to File Amended Objection and grants leave to Patterson Farms of Idaho, Inc., to file an amended objection as described in the stipulation.

IT IS HEREBY ORDERED that Patterson Farms of Idaho, Inc., will file an amended objection, limited solely to the period of use recommended for this water right in the director's report for Reporting Area 3 (Basin 36), within thirty (30) days of the date of entry of this order; and

IT IS FURTHER ORDERED that IDWR will file a response to the amended objection within sixty (60) days following the filing of the amended objection.

DATED this _____ day of May, 1995.

TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

CERTIFICATE OF SERVICE

I hereby certify that on the _____ day of May, 1995, I served a true and correct copy of the foregoing ORDER APPROVING STIPULATION AND GRANTING LEAVE TO FILE AMENDED 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, Esq.
LING, NIELSEN & ROBINSON
P.O. Box 396
Rupert, Idaho 83350

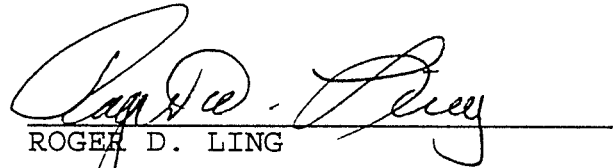
Deputy Clerk of the Court

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; STIPULATION AND ORDER GRANTING LEAVE TO FILE AMENDED 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

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: AUG-28-1993
PAGE: A-1RIGHT
NUMBER

NAME & ADDRESS

PRIORITY
DATE

PURPOSE OF USE

PERIOD OF USE
FROM TOMAXIMUM
QUANTITYBASIS OF
CLAIM

SOURCE: GROUNDWATER

36-07718

~~TRIPLE AEE INC~~
~~RT 2 BOX 2778~~
~~PAUL ID 83347~~

06/01/1977 IRRIGATION 04-01 10-31

1.68 CFS LICENSE
336.0 AFY~~PATTERSON FARMS OF IDAHO INC~~
~~RT 1 BOX 81~~
~~PAUL ID 83347~~

POINT OF DIVERSION:

T09S R23E S07

SESENE

PLACE OF USE: IRRIGATION

T09S R23E S07 Lot 2 (SWNE) 44.0 SENE 40.0

84.0 ACRES TOTAL

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

TOTAL QUANTITY:

1.68 CFS

336.0 AFY

CONSUMPTIVE USE:

252.0 AFY