

**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 37-332
	)	
Case No. 39576	)	STIPULATION
	)	
	)	
_____	)	

The parties to this Subcase and the Idaho Department of Water Resources ("IDWR"), by and through their respective counsel of record, stipulate and agree as follows:

1. The attorneys for the parties and IDWR shall sign and file with the Court a Standard Form 5 - Stipulated Elements of a Water Right for 37-332 with an amended recommendation in the form attached hereto as **Exhibit A**.
2. In the event Claimant files an application for transfer with IDWR requesting a change in the point of diversion of 37-332, the parties and IDWR agree that any approval of that application shall include the following condition: "This right, when combined with all other rights and delivered by a pressurized sprinkler irrigation system, shall provide at the field headgate no more than 0.02 cfs per acre and 3.5 acre-feet per annum per acre."
3. The validity, meaning and effect of this Stipulation shall be determined in accordance with the laws of the State of Idaho applicable to agreements made and performed in that state.
4. This Stipulation sets forth the entire understanding of the parties hereto, and shall not be changed or terminated orally. Any other agreements between the parties, express or implied, are hereby cancelled and of no further force nor effect. It is understood and agreed by

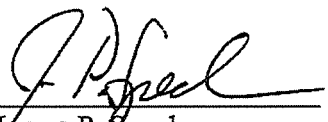
the parties hereto that there are no verbal or written promises, agreements, stipulations or other representations of any kind or character, express or implied, other than as set forth in writing in this Stipulation.

5. Each party agrees to perform any further acts and execute any documents that may be reasonably necessary to effect the purpose of this Stipulation.

CLAIMANT AND OBJECTOR

SPECK & AANESTAD
A Professional Corporation
Attorneys for Barrie Family Partners

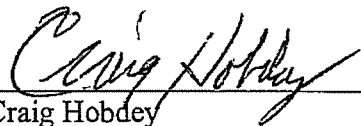
Date: Jan. 21, 2011

By: 
James P. Speck

RESPONDENTS

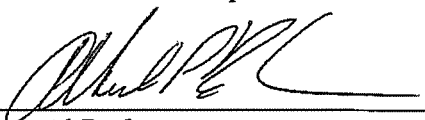
HOBDEY & HOBDEY
Attorneys for Big Wood Canal Company

Date: 1-29-2011

By: 
Craig Hobdey

BARKER, ROSHALT & SIMPSON, LLP
Attorneys for Tom O'Gara, John F.
Stevenson, Bill Molyneux, Peter Van Der
Meulen, Grace Eakin, Rocky Sherbine,
Gerald Bashaw and Pepin Corso-Harris

Date: Jan 24, 2011

By: 
Al Barker

IDWR

Date: 2/1/2011


Chris Bromley
Deputy Attorney General
Attorney for IDWR

06/15/2010

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

RIGHT NUMBER: 37-332

NAME AND ADDRESS: BARRIE FAMILY PARTNERS
PO BOX 793
BELLEVUE ID 83313

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 1.000 CFS

PRIORITY DATE: 07/01/1887

POINT OF
DIVERSION: _

T02N R18E S26 SENESW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/15 10/31	1.000 CFS
PLACE OF USE:	<u>IRRIGATION in BLAINE County</u>		
	<u>T02N R18E S26</u> NWSE 0.20	T02N R18E S26	SWSE ~~5.60~~ 13.00
	<u>T02N R18E S35</u> NENE 0.20	T02N R18E S35	NWNE ~~2.70~~ 2.50
	8.3-15.9 ACRES TOTAL		

The rights listed below are limited to the irrigation of a combined total of ~~8.3~~
15.9 acres in a single irrigation season. Combined Right Nos.: 37-332, 37-
2639D,
& 37-13371.

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

Future changes in 37-332 are subject to the terms, conditions and agreements of
a Stipulation dated January , 2011.

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 - Decreed

EXHIBIT A