

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. 65-2288
	)	
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(s):
United States of America acting through
Bureau of Reclamation

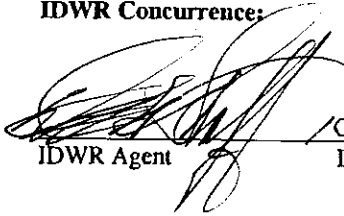
David W. Gehlert 10/08/02
Date
David W. Gehlert
Attorney, General Litigation Section
U.S. Department of Justice

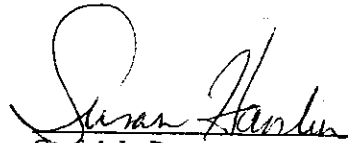
OBJECTOR:
Black Canyon Irrigation District

Chas F. McDevitt 10/09/02
Date
Chas F. McDevitt
Attorney

STANDARD FORM 5 -65-2288

IDWR Concurrence:


IDWR Agent 10-10-02
Date


Garrick L. Baxter 10/10/02
Deputy Attorney General Date
Attorney for IDWR

STANDARD FORM 5 -65-2288

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CERTIFICATE OF MAILING

I certify that on 10/10, 2002 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:

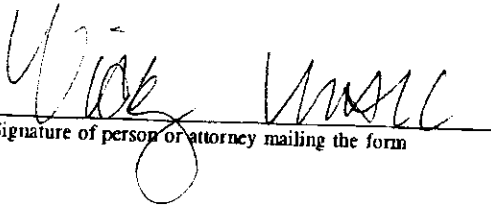
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to:

United States Dept of Justice
Environment & Natural Resource Division
General Litigation Section
999 18th Street, Suite N 945
Denver, CO 80202

Charles F. McDevitt
537 W. Bannock, Suite 215
P.O. Box 2564
Boise, ID 83701

IDWR Repository
P.O. Box 83720
Boise, ID 83720



Signature of person or attorney mailing the form

09/03/2002

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

RIGHT NUMBER: 65-2288

NAME AND ADDRESS: UNITED STATES OF AMERICA ACTING THROUGH
REGIONAL DIRECTOR PN REGION CODE PN-3100
BUREAU OF RECLAMATION
1150 N CURTIS RD SUITE 100
BOISE ID 83706-1234

SOURCE: PAYETTE RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 1,300.00 CFS

PRIORITY DATE: 05/14/1921

POINT OF DIVERSION:
T07N R01W S22 SENE Lot 1 Within GEM County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
POWER	1/01 12/31	1,300.000 CFS

PLACE OF USE: POWER Within GEM County
T07N R01W S22 Lot 1 SENE

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: Decreed

BUREAU OF RECLAMATION MAINTAINS A WATER SURFACE ELEVATION
OF 2498.0 FEET FROM JANUARY 1 THROUGH DECEMBER 31.
RECLAMATION MAY REDUCE, AS NECESSARY, THE WATER SURFACE
ELEVATION TO FACILITATE MAINTENANCE AND REPAIR ON THE
UPSTREAM FACE OF THE FACILITY AND APPURTENANT STRUCTURES.
RECLAMATION MAY RESTORE THE WATER SURFACE ELEVATION TO
2498.0 FEET WHEN MAINTENANCE IS COMPLETED.

SF 5 - 65-2288

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Sent By: WATER RESOURCES;

2083275400;

Oct-10-02 9:58AM;

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65-2288

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DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
OCT 10 2002	
By <u>RH</u>	Clerk
	Deputy Clerk

**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. 65-2288

Case No. 2006

STANDARD FORM 5

SPECLATED 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, presented, 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(s):United States of America acting through
Bureau of Reclamation

David W. Galt 10/10/02
Date
Attorney, General Litigation Section
U.S. Department of Justice

OBJECTOR:

Black Canyon Irrigation District

Chas F. McDavis 10/10/02
Date
Attorney

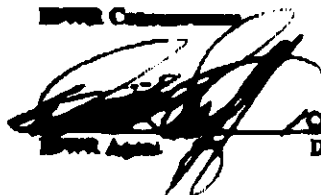
STANDARD FORM 5 -65-2288

Sent By: WATER RESOURCES;

2003275400;

Oct-10-02 9:56AM;

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WATER AGENT Date: 10-10-02



Charles L. Hunter Date: 10/10/02
Deputy Attorney General
Attorney for SDWR

STANDARD FORM 5-64-2200

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Sent By: WATER RESOURCES;

2083275400;

Oct-10-02 9:57AM;

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CERTIFICATE OF MAILING

I certify that on 10/10, 2002 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
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253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to:

United States Dept of Justice
Environment & Natural Resources Division
General Litigation Section
999 18th Street, Suite N 905
Denver, CO 80202

Charles F. McDowell
537 W. Bonanza, Suite 215
P.O. Box 2564
Boise, ID 83701

EDWR Repository
P.O. Box 83720
Boise, ID 83720

Ying Wang
Signature of person preparing mailing the form

STANDARD FORM 5 -45-2000

Ying Wang

Sent By: WATER RESOURCES;

2083275400;

Oct-10-02 9:57AM;

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DISTRICT OF IDAHO - SRBA 8th Judicial District County of Twin Falls - State of Idaho	
OCT 10 2002	
By _____	_____ Clerk
_____ 09/03/2002	_____ Deputy Clerk

IDAHO DEPARTMENT OF WATER RESOURCES
ADMINISTRATION OF WATER RIGHTS ACQUISITION UNDER STATE LAW

REPORT NUMBER: 65-2200

NAME AND ADDRESS: UNITED STATES OF AMERICA, AGENT TERRY
NATIONAL BUREAU OF REVENUE, 1000 N. 10TH AVE., SUITE 100
PO BOX 100, BOISE, ID 83720-1000

SOURCE: PINEY RIVER THERAPY, GENE RIVER

QUANTITY: 1,300.00 CFS

PRIORITY DATE: 06/14/1991

POINT OF DIVERSION: 70TH RDW 222 GENE Lot 1 within GENE County

PURPOSE AND
NATURE OF USE:

PERCENT OF USE	PERCENT OF USE	QUANTITY
100%	100%	1,300.000 CFS

PLACE OF USE: 70TH RDW 222 Lot 1 GENE

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

THIS WATER RIGHT IS SUBJECT TO SUCH OTHERS, PROVISIONS, EASEMENTS, AND THE SUPERVISION OF THE BUREAU OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHT AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE DATE OF A FINAL, WRITTEN ORDER, SECTION 17-1412(4), ILMC CODE.

EXPLANATORY MATERIAL: Deeded

RECORD OF EXPLANATION MATERIALS A WATER RIGHT, ELEVATION OF 2400.0 FEET, WITH A QUANTITY OF 1,300.0 CFS, IS DEEDED TO THE UNITED STATES OF AMERICA, AGENT TERRY, NATIONAL BUREAU OF REVENUE, 1000 N. 10TH AVE., SUITE 100, PO BOX 100, BOISE, ID 83720-1000. THE WATER RIGHT IS DEEDED TO THE UNITED STATES OF AMERICA, AGENT TERRY, NATIONAL BUREAU OF REVENUE, 1000 N. 10TH AVE., SUITE 100, PO BOX 100, BOISE, ID 83720-1000. THE WATER RIGHT IS DEEDED TO THE UNITED STATES OF AMERICA, AGENT TERRY, NATIONAL BUREAU OF REVENUE, 1000 N. 10TH AVE., SUITE 100, PO BOX 100, BOISE, ID 83720-1000.

SP 5 65-2200

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