

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. 65-2433
	)	
Case No. 39576	)	
	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

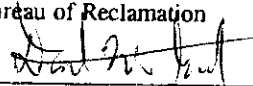
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary 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.

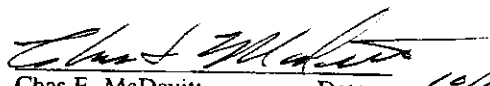
CLAIMANT(s):

United States of America acting through
Bureau of Reclamation

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

OBJECTOR:

Black Canyon Irrigation District

 10/09/02
Chas F. McDevitt Date
Attorney

STANDARD FORM 5 -65-2433

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:

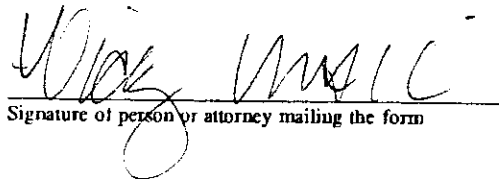
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

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

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

RIGHT NUMBER: 65-2433

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: 1,200.00 CFS

THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE WHEN MEASURED AT THE FIELD HEADGATE.

PRIORITY DATE: 09/19/1938

POINT OF DIVERSION:
T07N R01W S22 NESE Lot 6 Within GEM County

PURPOSE AND PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	1,200.000 CFS

PLACE OF USE:

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 53,200 ACRES WHEN COMBINED WITH RIGHT NO. 65-2900 AND USED WITHIN THE BLACK CANYON IRRIGATION DISTRICTS BOUNDARIES IN A SINGLE IRRIGATION SEASON.

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.

SF5 Right No. 65-2433

Deh

epm

Di

Sent By: WATER RESOURCES;

2003275400;

Oct-10-02 9:58AM;

Page 6

736

65-2433

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
OCT 10 2002	
By <u>[Signature]</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

Substance No. 65-2425

Case No. 30076

STANDARD FORM 5

SIMULATED ELEMENTS OF A
WATER RIGHT

This form is used to report the simulated 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

[Signature] 10/06/02
Date
David W. Gilbert
Attorney, General Litigation Section
U.S. Department of Justice

DEFENDOR:

Black Canyon Irrigation District

[Signature] 10/06/02
Date
Chris F. McIlwain
Attorney

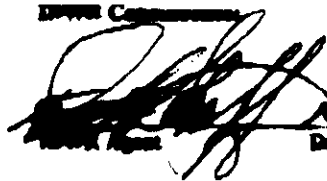
STANDARD FORM 5 - 65-2425

Sent By: WATER RESOURCES;

2003275400;

Oct-10-02 9:58AM;

Page 7

EDWR Comment

Robert A. Miller **10-10-02**
Date


Steven L. Miller **10/10/02**
Date
Deputy Attorney General
Attorney for EDWR

STANDARD FORM 5 -66-2493

2

 DC.

Sent By: WATER RESOURCES;

2003275400;

Oct-10-02 9:56AM;

Page 8

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:

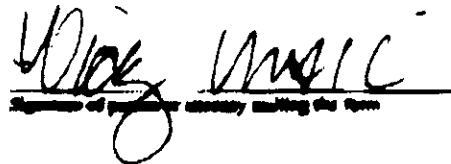
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to:

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

Charles F. McDavitt
537 W. Emmett, Suite 215
P.O. Box 2564
Boise, ID 83701

EDWR Repository
P.O. Box 89720
Boise, ID 83720


Signature of person actually mailing the form

STANDARD FORM 5-45-2003

 26 3

Sent By: WATER RESOURCES;

2009275400;

Oct-10-02 9:58AM;

Page 9

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

OCT 10 2002

By _____ Clerk

Deputy Clerk

12000 RELEASEMENT OF WATER RESOURCES
RECONSTRUCTION OF WATER RIGHTS ACQUIRED UNDER STATE LA

KLANT NUMBER: 66-2639

MEMO FOR ACTION: UNITED STATES OF AMERICA ACTING THROUGH
ATTORNEY, GENERAL IN BELGIAN COUNCIL AM-3500
BUREAU OF INVESTIGATION
1150 N CHURCH RD SUITE 100
WILMINGTON DE 19381-1234

SECTION . **PROPERTY IN VEST**

TRIESTE: ENDAV. HYPER

QUANTITY: 1,200,00 CFT

THIS ALERT WHEN CORRESPOND WITH A.I. OTHER RIGHTS SHALL PROVIDE NO MORE
THAN .02 CPM PER INCH WHEN MEASURED AT THE FIELD INSTRUMENT.

PRIORITY DATE: 09/19/1936

POINT OF LUTHERS: 444.

TOWN HALL RT 2 N60E L6C 6 NEULY, OHN COUNTY

PLACEMENT, AND
LOCATION OF USE;

DESCRIPTION OF WORK
1.0220000

PERIOD OF TIME
03/25 11/15

CONFIDENTIALITY

1,200,000 SF

PLACE OF USE:

THIS ALBERT IS LINKING TO THE IDENTIFICATION OF A. J. JAMES (JAMES) WITH ARREST NO. 44-2000 NOT FOUND WITHIN THE BLACK CANYON LABORATORY DISTAVOCH NUMBERS IN A DOUBLE IDENTIFICATION SEARCH.

OTHER FOLLYSLOWING MECHANISMS FOR DEFINITION OR ADMINISTRATION OF THE NINE RIGHT:

THIS MATERIAL REMAINS IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE PROTECTION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE UNITED STATES AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LOWER THAN THE
ENTRY OF A FINAL JUDICIAL DECISION. SECTION (2-1412)(6), IDRAU CASE

EXPLANATORY MODEL: User's model

[illegible]

SPS Page No. 65-2433

Debo
Cyan
OK