

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

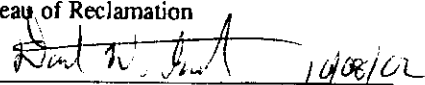
In Re SRBA	)	Subcase No. 65-9481
	)	
Case No. 39576	)	
	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

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.

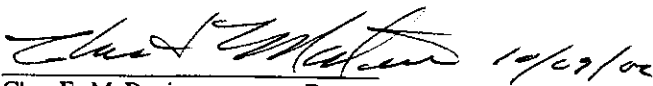
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT(s):
United States of America acting through
Bureau of Reclamation



David W. Gehlert Date
Attorney, General Litigation Section
U.S. Department of Justice

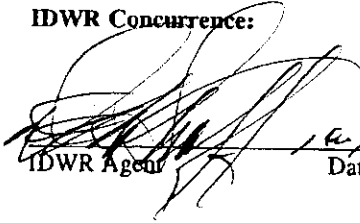
OBJECTOR:
Black Canyon Irrigation District

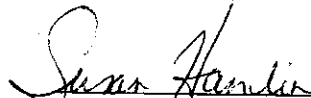


Chas F. McDevitt Date
Attorney

STANDARD FORM 5 -65-9481

IDWR Concurrence:


IDWR Agent _____ Date 10/10/02


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

STANDARD FORM 5 -65-9481





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:

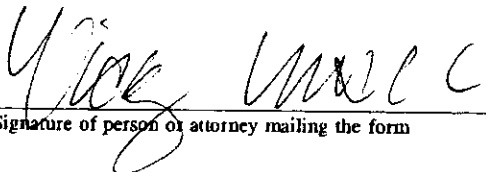
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

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

09/03/2002

RIGHT NUMBER: 65-9481

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: FAYETTE RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 300.00 CFS
216,867.0 AFY

PRIORITY DATE: 04/01/1926

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

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
POWER	1/01 12/31	300.000 CFS 216,867.00 AFY

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 - 65-9481

Sch

[Signature]

[Signature] DL

Sent By: WATER RESOURCES;

2003275400;

Oct-10-02 9:55AM;

Page 2

65-9481

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
OCT 10 2002	
By <u>TH</u>	_____ 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. 65-9481

Case No. 3876

STANDARD FORM 5

SUBSTANTIATED ELEMENTS OF A
WATER RIGHT

This form is used to report the substantiated 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 EDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and EDWR 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 Date 10/10/02
David W. Galt
Attorney, General Litigation Section
U.S. Department of Justice

OPROCTOR:

Black Canyon Irrigation District

Chris F. McDevitt Date 10/10/02
Chris F. McDevitt
Attorney

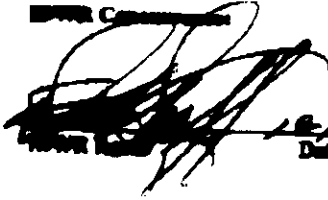
STANDARD FORM 5 -65-9481

Sent By: WATER RESOURCES;

2003275400;

Oct-10-02 9:55AM;

Page 3


Date 10-10-02


Gerald L. Hunter
Deputy Attorney General
Attorney for TDWR
Date 10/10/02

STANDARD FORM 5-45-9481

 DC 2

Sent By: WATER RESOURCES;

2003275400;

Oct-10-02 9:55AM;

Page 4

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 15th Street, Suite N 945
Denver, CO 80202

Charles F. McDavitt
537 W. Summit, Suite 215
P.O. Box 2364
Boise, ID 83701

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

Ying Muelc
Signature of person certifying mailing the form

STANDARD FORM 5-65-9461

John Dk

Sent By: WATER RESOURCES;

2083275400;

Oct-10-02 9:55AM;

Page 5

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

OCT 10 2002

By

09/03/2002

Clerk

Deputy Clerk

ISBAO DEPARTMENT OF WATER RESOURCES
RECOMMENDATION ON WATER RIGHTS ACQUIRED UNDER SRBA, ISM

RIGHT NUMBER: 65-9401

NAME AND ADDRESS: UNITED STATES OF AMERICA ACTING THROUGH
BUREAU OF RECLAMATION IN RECLAM CASE NO-1100
BUREAU OF RECLAMATION
1120 N CHURCH RD STE 100
BOYER ID 83706-1231

SOURCE: POVERTY RIVER

TRIBUTARY: SINK RIVER

QUANTITY: 300.00 CFS
216,007.0 AFT

PRIORITY DATE: 04/01/1906

POINT OF DIVERSION:

TOWN ROAD 427 SINK Loc 1 within BSN County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE:
POWER

PERIOD OF USE:
1/01 12/31

QUANTITY:
300.000 CFS
216,007.00 AFT

PLACE OF USE: BUREAU OF RECLAMATION BSN County

TOWN ROAD 427 Loc 1 SINK

USUAL PROVISIONS NECESSARY FOR DEFINITION OR IDENTIFICATION OF THIS WATER RIGHT:

THIS TYPICAL ORDER 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 NECESSARILY
IMPOSED BY THE COURT AS A POINT IN TIME NO LATER THAN THE
EFFECT OF A FINAL WRITING ORDER. SECTION 42-1412(6), ISBAO CODE.

EXPLANATORY MATERIAL: Proposed

BUREAU OF RECLAMATION REQUESTS A WATER SURFACE ELEVATION
OF 2400.0 FEET FROM THE BUREAU OF RECLAMATION ST.
RECLAMATION CASE NO. 1100. AS NECESSARY, THE COURT SHOULD
CONSIDER ALL RELEVANT FACTS AND EVIDENCE IN THE
DETERMINATION OF THE QUANTITY AND PRIORITY DATES.
SECTION 42-1412(6), ISBAO CODE. THE COURT SHOULD
2400.0 FEET FROM THE BUREAU OF RECLAMATION ST.

SF 5-65-9401

John
[Signature]
John