

COPY

2002 JUL -5 PM 12: 26

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

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

In Re SRBA) Subcase No. 65-02927A
)
)
) Standard Form 5
)
)
) Case No. 39576
)
) 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 the facts, data, expert opinions and law supporting the issuance of a partial decree for the water right.

The parties agree that the Snake River 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.

Thus, IDWR and the parties 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.

This agreement also settles all claims and objections heretofore filed and identified as SRBA subcase numbers 65-02927E, 65-02927F, 65-02927G, 65-02927H, and 65-02927J. All parties agree to bear their own costs and attorney's fees in connection with this matter.

CLAIMANT:

United States on behalf of the
Bureau of Reclamation

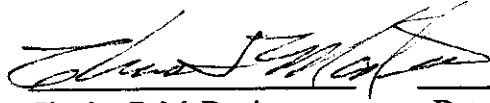
David W. Gehlert Date 6/26/02
David W. Gehlert
Attorney, U.S. Department of Justice
Environment and Natural Resources Division

OBJECTORS:

Noble Ditch Company, Emmett Irrigation
District, Farmer's Cooperative Irrigation
Company, The Lower Payette Ditch
Company

Scott L. Campbell Date 7/1/02
Scott L. Campbell
Moffatt, Thomas, Barrett Rock & Fields,
Chtd.

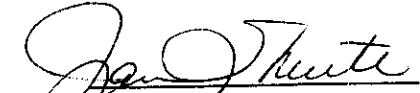
Black Canyon Irrigation District

 7/1/02

Charles F. McDevitt
McDevitt & Miller

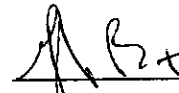
Date

IDWR CONCURRENCE:


DAN SHURTE

7-1-02
Date

IDWR CONCURRENCE:


GARRICK BAXTER

7/1/02
Date

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

RIGHT NUMBER: 65-2927A
NAME AND ADDRESS: UNITED STATES OF AMERICA ACTING THROUGH
REGIONAL DIRECTOR PN REGION
BUREAU OF RECLAMATION
1150 N CURTIS RD SUITE 100
BOISE ID 83706-1234

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A BENEFICIAL USE OF A PORTION OF THE WATER REPRESENTED HEREBY IS MADE BY THE LANDOWNERS WITHIN BLACK CANYON IRRIGATION DISTRICT, EMMETT IRRIGATION DISTRICT, NOBLE DITCH COMPANY, FARMERS COOPERATIVE IRRIGATION COMPANY, THE LOWER PAYETTE DITCH COMPANY, AND BY INDIVIDUALS WHO HAVE ENTERED INTO CONTRACTS WITH THE UNITED STATES FOR IRRIGATION WATER FROM THIS STORAGE RESERVOIR. SUCH BENEFICIAL USE IS SUBJECT TO AND PURSUANT TO CONTRACT WITH THE UNITED STATES (AS MAY HEREAFTER BE SUPPLEMENTED OR AMENDED) FOR IRRIGATION AND OTHER PERMITTED PURPOSES AS AUTHORIZED BY LAW AND CONTRACTS.

SOURCE: NORTH FORK PAYETTE RIVER

TRIBUTARY: PAYETTE RIVER

QUANTITY: 697,500.0 AFY

TOTAL RESERVOIR CAPACITY IS 700,000 ACRE FEET WHEN FILLED TO ELEVATION 4828 FEET AND MEASURED AT THE UPSTREAM FACE OF THE DAM. THIS TOTAL CAPACITY IS EQUAL TO THE COMBINED QUANTITIES OF WATER RIGHTS 65-2927A AND 65-2927B.

PRIORITY DATE: 12/24/1937

POINT OF DIVERSION:

T14N R03E S26 NENE Lot 1 Within VALLEY County

T14N R03E S26 NENE Lot 5 Within VALLEY County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION STORAGE	1/01 12/31	697,500.00 AFY
IRRIGATION FROM STORAGE	1/01 12/31	697,500.00 AFY
POWER FROM STORAGE	1/01 12/31	697,500.00 AFY
POWER STORAGE	1/01 12/31	697,500.00 AFY
POWER GENERATION USE AT CASCADE DAM AND BLACK CANYON DAM.		

PLACE OF USE:

PLACE OF USE IS WITHIN VALLEY, BOISE, GEM, PAYETTE, WASHINGTON, CANYON AND ADA COUNTIES.

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: BASIS OF CLAIM - Decreed

CERTIFICATE OF MAILING

I certify that on July 1, 2002 mailed the original and copies of this form, including all attachments, 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

by fax

2. Copies to:

Idaho Department of Water Resources
Adjudication Bureau
1301 North Orchard Street
Boise, Idaho 83706

U.S. Department of Justice
Environment and Natural Resources Div.
550 West Fort Street, MSC 033
Boise, Idaho 83724

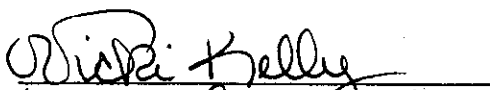
IDWR Document Depository
P. O. Box 83720
Boise, Idaho 83720-0098

3. Copies to all parties to the subcase (insert names and addresses):

Regional Director, PN Region Code 3100
U.S. Bureau of Reclamation
1150 N. Curtis Road, Suite 100
Boise, ID 83706-1234

Scott L. Campbell
Moffatt, Thomas, Barrett, Rock & Fields, Chtd.
U.S. Bank Plaza Building -10th Floor
Post Office Box 829
Boise ID 83701-0829

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


Signature of person mailing
the form