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Department of Water Resources

2002 JUL -5 PM 12: 27

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

In Re SRBA ) Subcase No. 65-02927B  
)  
)  
) **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.

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:**

United States on behalf of the  
Bureau of Reclamation

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

**IDWR CONCURRENCE:**

JAN SHURTE 2-1-02  
JAN SHURTE Date

**IDWR CONCURRENCE:**

GARILL BATE 7/1/02  
GARILL BATE Date

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

2002 JUL -5 PM 12: 27

RIGHT NUMBER: 65-2927B  
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

DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED

SOURCE: NORTH FORK PAYETTE RIVER TRIBUTARY: PAYETTE RIVER  
QUANTITY: 2,500.0 AFY

TOTAL RESERVOIR CAPACITY IS 700,000 AF 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> |
|------------------------|----------------------|-----------------|
| MUNICIPAL STORAGE      | 1/01 12/31           | 2,500.00 AFY    |
| MUNICIPAL FROM STORAGE | 1/01 12/31           | 2,500.00 AFY    |

PLACE OF USE:

PLACE OF USE IS WITHIN PAYETTE & FRUITLAND CITY LIMITS.

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

Wendy Kelly  
signature of person mailing  
the form