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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. 65-09483
)
)
) 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 the claims and objections heretofore filed and identified as SRBA subcase number 65-09483C. 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 6/26/02
Date
David W. Gehlert
Attorney, U.S. Department of Justice
Environment and Natural Resources Division

OBJECTORS:

Emmett Irrigation District

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

IDWR CONCURRENCE:

JAN SHURTE 7-1-02
Date
JAN SHURTE

IDWR CONCURRENCE:

GARETH BAXTER 7/1/02
Date
GARETH BAXTER

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

2002 JUL -5 PM 12: 27

RIGHT NUMBER: 65-9483
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

A BENEFICIAL USE OF A PORTION OF THE WATER REPRESENTED HEREBY IS MADE BY THE LANDOWNERS WITHIN EMMETT IRRIGATION DISTRICT 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.

JP AB

SOURCE: DEADWOOD RIVER TRIBUTARY: SOUTH FORK PAYETTE RIVER
QUANTITY: 163,000.0 AFY

TOTAL RESERVOIR CAPACITY IS 163,000 ACRE FEET WHEN FILLED TO ELEVATION 5334 FEET AND MEASURED AT THE UPSTREAM FACE OF THE DAM.

PRIORITY DATE: 12/31/1926

POINT OF DIVERSION:

T11N R07E S8 SWSE Within VALLEY County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION FROM STORAGE	4/01 11/01	163,000.00 AFY
IRRIGATION STORAGE	1/01 12/31	163,000.00 AFY

PLACE OF USE:

PLACE OF USE IS WITHIN BOISE, GEM AND PAYETTE COUNTY.

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 *by fax*
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to:

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

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

IDWR Document
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

Bert L. Osborn
26 S. 9th Street
P.O. Box 158
Payette, ID 83661

Scott L. Campbell
Moffatt Thomas
P.O. Box 829
Boise, ID 83701-0829

Odette Kelly
Signature of person mailing
the form.