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Department of Water Resources

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Department of Water Resources

**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

Case No. 39576

) Subcase Nos.: 65-11412

) 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.

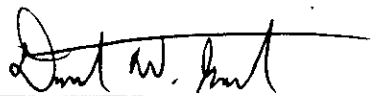
The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described as recommended in the director's report with the following additional language added to the "*Other Provisions Necessary for Definition or Administration of this Water Right*":

This water right is used by the United States to deliver water to the Emmett Irrigation District's North Side Canal, pursuant to the parties' 1955 contract # 14-06-100-827 and the parties negotiated Settlement Agreement of May 19, 2003.

The parties and IDWR have further indicated their concurrence by initialing each of the attached pages. This agreement also settles the claim and objection heretofore filed and identified as SRBA subcase number 65-11412A. All parties agree to bear their own costs and attorney's fees in connection with this matter. The issuance of this right does not grant any right-of-way or easement across the land of another.

UNITED STATES OF AMERICA

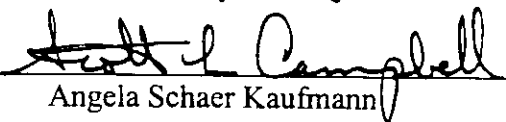
By 
David W. Gehlert

MAY 27, 2003
Date

EMMETT IRRIGATION DISTRICT

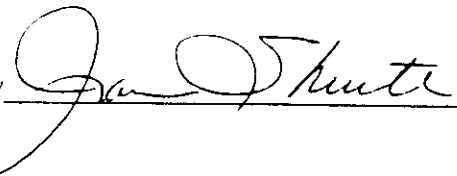
By 
Scott L. Campbell

May 19, 2003
Date

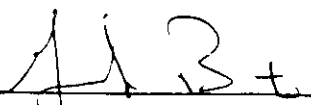
By 
Angela Schaer Kaufmann

May 19, 2003
Date

IDWR concurrence:

By 

May 29, 2003
Date

By 
GARRICK BAXTER
FOR IDWR

MAY 29, 2003

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

RIGHT NUMBER: 65-11412

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

SOURCE: PAYETTE RIVER Tributary: SNAKE RIVER

QUANTITY: 220.000 CFS

PRIORITY DATE: 04/01/1925

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

PURPOSE AND PERIOD OF USE:	Purpose of use	Period of use:	Quantity:
	POWER	4/01 10/15	220.000 CFS

PLACE OF USE: POWER within GEM County
T07N R01W S22 SENE Lot 1

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This water right is used by the United States to deliver water to the
Emmett Irrigation Districts North Side Canal, pursuant to the parties 1955
contract #14-06-100-827 and the parties negotiated Settlement
Agreement of May 19, 2003.

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.

DG
JB
SLC

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

CERTIFICATE OF MAILING

I certify that on June 6, 2003, I 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

2. Copy to:

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

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

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

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

Scott L. Campbell
Emmett Irrigation District
U. S. Bank Plaza Building
101 S. Capitol Blvd. 10th Fl.
P. O. Box 829
Boise, Idaho 83701-0829