

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              |

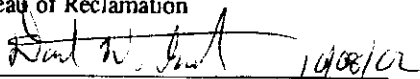
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary 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  
Attorney, General Litigation Section  
U.S. Department of Justice

Date

**OBJECTOR:**

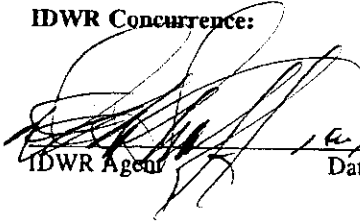
Black Canyon Irrigation District

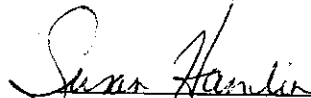
  
\_\_\_\_\_  
Chas F. McDevitt  
Attorney

Date

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:

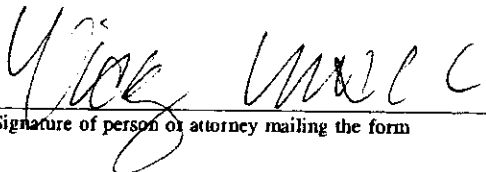
Clerk of the District Court  
Snake River Basin Adjudication  
253 Third Avenue North  
P. O. Box 2707  
Twin Falls, Idaho 83303-2707

2. Copies to:

United States Dept of Justice  
Environment & Natural Resource Division  
General Litigation Section  
999 18<sup>th</sup> 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:

| PURPOSE OF USE | PERIOD OF USE | QUANTITY                      |
|----------------|---------------|-------------------------------|
| POWER          | 1/01 12/31    | 300.000 CFS<br>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;

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65-9481

|                                                                                         |                       |
|-----------------------------------------------------------------------------------------|-----------------------|
| DISTRICT COURT-SRBA<br>Fifth Judicial District<br>County of Twin Falls - State of Idaho |                       |
| OCT 10 2002                                                                             |                       |
| By <u>TH</u>                                                                            | _____<br>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  
David W. Galt  
Attorney, General Litigation Section  
U.S. Department of Justice

**OPROCTOR:**

Black Canyon Irrigation District

Chris F. McDevitt Date 10/23/02  
Chris F. McDevitt  
Attorney

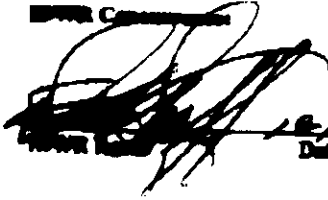
STANDARD FORM 5 -65-9481

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 15<sup>th</sup> 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<br>Fifth Judicial District<br>County of Twin Falls - State of Idaho |              |
| OCT 10 2002                                                                             |              |
| By _____                                                                                | Clerk        |
| 09/03/2002                                                                              | Deputy Clerk |

IDaho DEPARTMENT OF WATER RESOURCES  
RECOMMENDATION ON WATER RIGHTS ACQUIRED UNDER SFPP, 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 SUITE 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 GSN County

NUMBER AND  
SECTION OF MAP:

| NUMBER OF USE | PERIOD OF USE | QUANTITY                      |
|---------------|---------------|-------------------------------|
| POWER         | 1/01 12/31    | 300.000 CFS<br>216,007.00 AFT |

PLACE OF USE: SINK RIVER GSN 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  
ISSUE OF A FINAL WRITING ORDER. SECTION 42-1412(6), IDAH0 CODE.

EXPLANATORY MATERIAL: Proposed

BUREAU OF RECLAMATION REQUESTS A WATER SURFACE ELEVATION  
OF 2400.0 FEET FROM MIDDLE TOWN ROAD TO THE  
RECLAMATION OF SINK. AS NECESSARY, THE COURT SHOULD  
REQUIRE ALL RECLAMATION, RECLAMATION AND SINK OF THE  
WATER SURFACE OF THE RECLAMATION AND RECLAMATION RECLAMATION  
RECLAMATION OF THE RECLAMATION AND RECLAMATION RECLAMATION  
RECLAMATION OF THE RECLAMATION AND RECLAMATION RECLAMATION  
RECLAMATION OF THE RECLAMATION AND RECLAMATION RECLAMATION

SF 5-65-9401

*John*

*[Signature]*

*[Signature]*