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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

Subcase No. 03-07005

Case No. 39576

Standard Form 5

STIPULATED ELEMENTS  
OF A WATER RIGHT

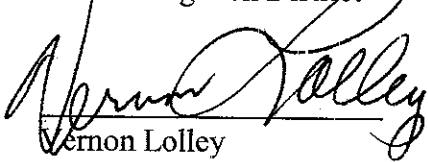
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine 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 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, which resolves BLM's objection by adopting the digital boundary recommended for Weiser Irrigation District in the Basin 67 Irrigation & Other Director's Report. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT /RESPONDENT:

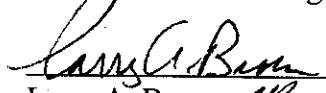
Weiser Irrigation District

  
Vernon Lolley  
President

3-20-07  
Date

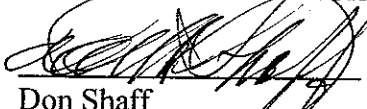
OBJECTOR:

United States on behalf of the  
Bureau of Land Management

  
Larry A. Brown  
Attorney, U.S. Department of Justice  
Environment and Natural Resources Div.

3/26/2007  
Date

IDWR CONCURRENCE:

  
Don Shaff  
Adjudication Bureau Chief

3-22-07  
Date

IDWR CONCURRENCE:

  
Garrick L. Baxter (as to form)  
Deputy Attorney General

3/22/07  
Date

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

RIGHT NUMBER: 3-7005

NAME AND ADDRESS: WEISER IRRIGATION DIST  
C/O JAY EDWARDS  
PO BOX 591  
WEISER ID 83672

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 6.300 CFS  
1.417.50 AFY

This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for irrigation of the lands above.

PRIORITY DATE: 04/20/1970

POINT OF  
DIVERSION: T11N R06W S35 NWNW Lot 4 Within WASHINGTON County

PURPOSE AND  
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY  
IRRIGATION 03/15 11/15 6.300 CFS  
1,417.50 AFY

The use of water for irrigation under this right may begin as early as March 1, provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right

PLACE OF USE: 315 9489 ACRES TOTAL

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary ~~will be provided when the Basin 67 water rights for the claimant are presented in a Directors Report and will be~~ are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use ~~will be included with the Basin 67 water rights is attached hereto~~ to illustrate the place of use described by the digital boundary

This right is limited to the irrigation of 315 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 9066 acres in a single irrigation season. Combined Right Nos.: 67-8, 67-9, 67-10, 67-11, 67-12, 67-13B, 67-14, 67-15, 67-16, 67-17, 67-18, 67-19, 67-20, 67-21, 67-22, 67-2168B, 67-2169G, & 67-14621.

The rights listed below are limited to the irrigation of a combined total of 9489 acres in a single irrigation season. Combined Right Nos.: 67-8, 67-9, 67-10, 67-11, 67-12, 67-13B, 67-14, 67-15, 67-16, 67-17, 67-18, 67-19, 67-20, 67-21, 67-22, 67-2168B, 67-2169G, 67-14621, 03-2006, & 03-7005.

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

~~Rights have also been claimed to water from Basin 67 for the same purpose of use at the same place of use described above, which will be included in a Directors Report to be filed at a later date. Any water rights recommended in the Basin 67 report for the same purpose of use at the same place of use described above will contain combined use limitations for this right and the Basin 67 rights.~~

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 - License

A measuring device of a type approved by the Department shall be permanently installed and maintained as part of the diverting works.

# Weiser Irrigation Dist

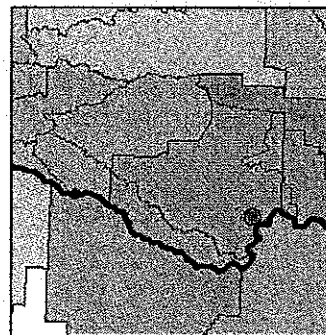
SRBA Recommendations: 3-2006, 3-7005, 67-9, 67-10, 67-11, 67-12, 67-13B, 67-14, 67-15, 67-16, 67-17, 67-18, 67-19, 67-20, 67-21, 67-22, 67-2168B, 67-2169C, 67-14621



Service Area Boundary  
GIS Place of Use Illustration

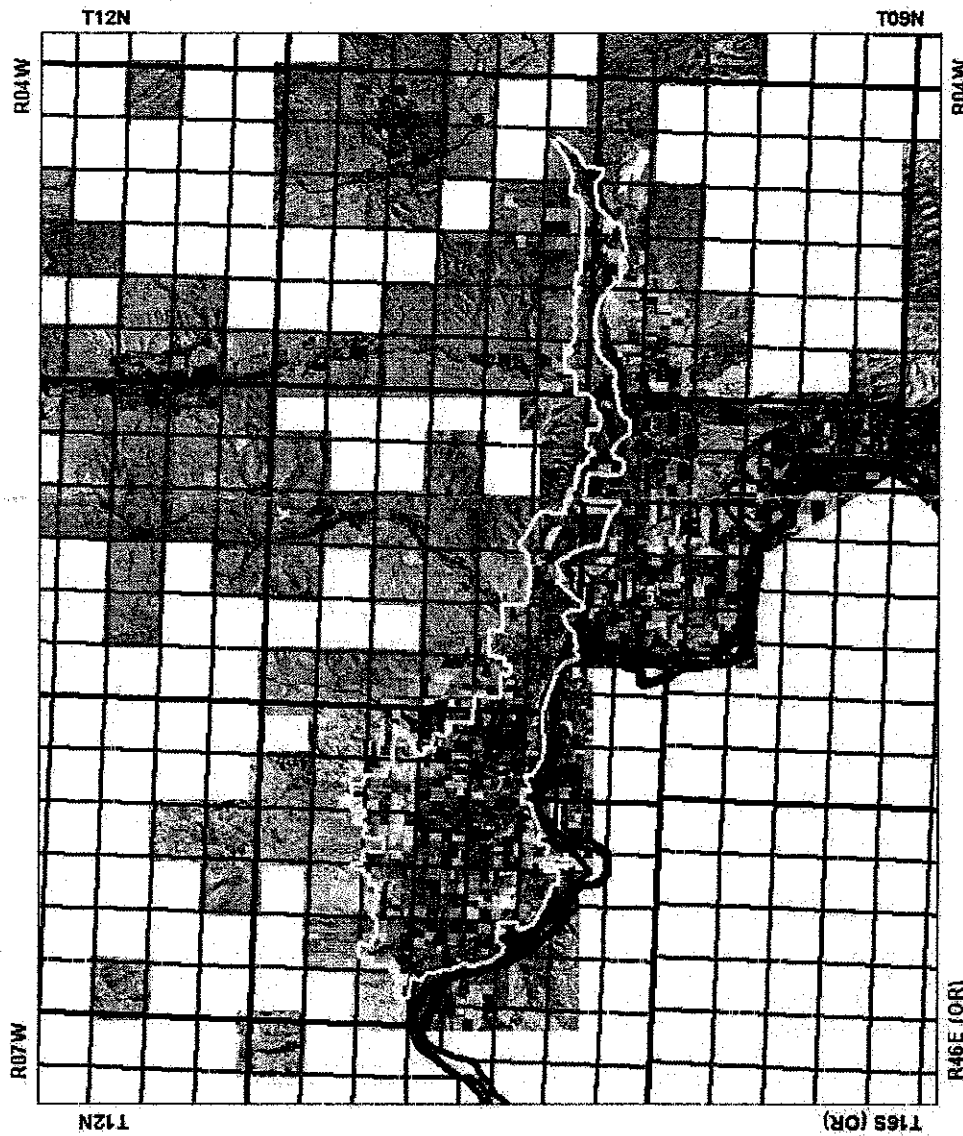
## Legend

Service Area  
Townships  
PLS Sections



Washington County  
IDWR Basin 67

Prepared by D. Favreau  
On Tuesday, December 19, 2006  
1987/88 Aerial Photography



14 Miles

7

0

103 AB

13

## CERTIFICATE OF MAILING

I certify that on Mar. 26, 2007 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:

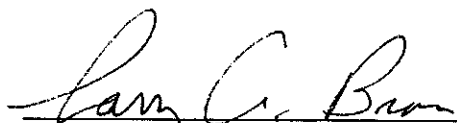
Chief, Natural Resources Division  
Office of the Attorney General  
State of Idaho  
P. O. Box 44449  
Boise, Idaho 83711-4449

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

Weiser Irrigation District  
C/O Jay Edwards  
P.O. Box 591  
Weiser, ID 83762

  
\_\_\_\_\_  
Signature of person or attorney mailing the form