

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 No. 63-00165M
)
) **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 removes federal public land from the digital boundary*. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

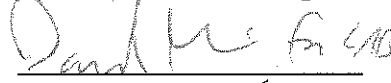
CLAIMANT:

Farmers Union Ditch Co., LTD.

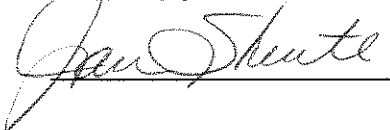
 03-19-07
Date

OBJECTOR:

United States on behalf of the
Bureau of Land Management

 3/19/07
Larry A. Brown *FWP* Date
Attorney, U.S. Department of Justice
Environment and Natural Resources Div.

IDWR CONCURRENCE:

 3-19-07
Date

IDWR CONCURRENCE:

 3-19-07
Nicholas B. Spencer (as to form) Date

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

RIGHT NUMBER: 63-165M

NAME AND ADDRESS: FARMERS UNION DITCH CO LTD
2153 N POLLARD
STAR ID 83669

Fwp NBS 
aw

SOURCE: BOISE RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 1.690 CFS

This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and preceding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and preceding to the earliest, shall be reduced to 60 percent of their decreed quantities.

PRIORITY DATE: 06/01/1866

POINT OF
DIVERSION: T03N R02E S5 NESENE Within ADA County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	03/01 11/15	1.690 CFS

Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoir dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.

PLACE OF USE:
8394 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 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 is attached hereto to illustrate the place of use described by the digital boundary.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 8394 ACRES
WITHIN THE BOUNDARY OF THE FARMERS UNION DITCH COMPANY

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

FWP N35 *[Signature]*
DN

WATER IS DELIVERED THROUGH THE FARMERS UNION CANAL.

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 63-165.

THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 63-165A,
63-165C, 63-165E, 63-165F & 63-165H.

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE: 63-123C, 63-123D, 63-123E, 63-123F,
63-123G, 63-124Q, 63-125J, 63-126F, 63-120G, 63-198AG, 63-248,
63-297, 63-2360, 63-21729, 63-18700, 63-31832, 63-31937.

THIS RIGHT IS DESIGNATED AS NO 33 IN THE STEWART DECREE
AND THE BOISE WATER MASTERS RECORDS.

CERTIFICATE OF MAILING

I certify that on March 19, 2006 ⁷ *hand delivered* 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):

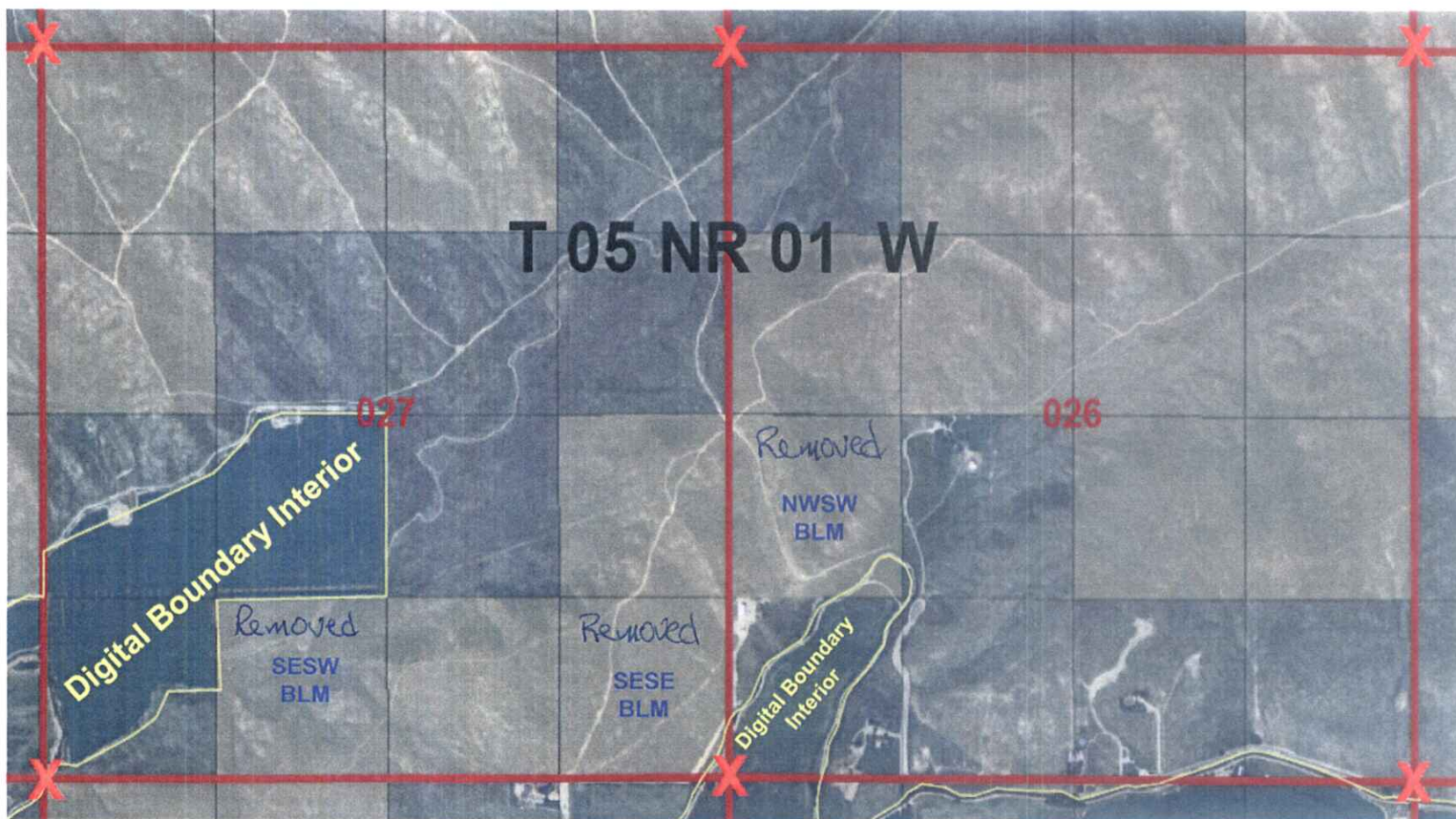
U.S., Department of Justice
Environment and Natural Resources Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724

Farmers Union Ditch Co., LTD.
2153 N. Pollard
Star, Idaho 83669

Jerry A. Kiser
Stoppello & Kiser
620 West Hays
Boise, Idaho 83702

Nori Harris - Hand Delivered
Signature of person or attorney mailing the form

63-00120G, 63-00123C, 63-00124Q, 63-00125J, 63-00126F, 63-00165M, 63-00198AG,
63-00248, 63-00297, 63-21729



-Remove POUs on BLM from data
and adjust Digital Boundary
accordingly.



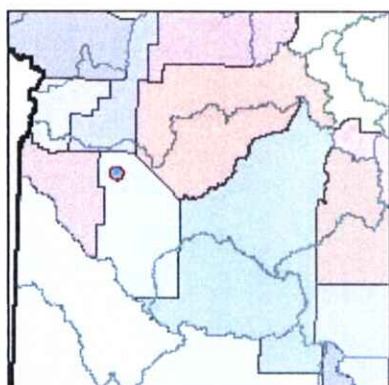
Farmers Union Ditch Co Ltd

SRBA Recommendations: 63-120G, 63-123C, 63-124Q, 63-125J, 63-126F, 63-165M, 63-198AG, 63-248, 63-297, 63-21729

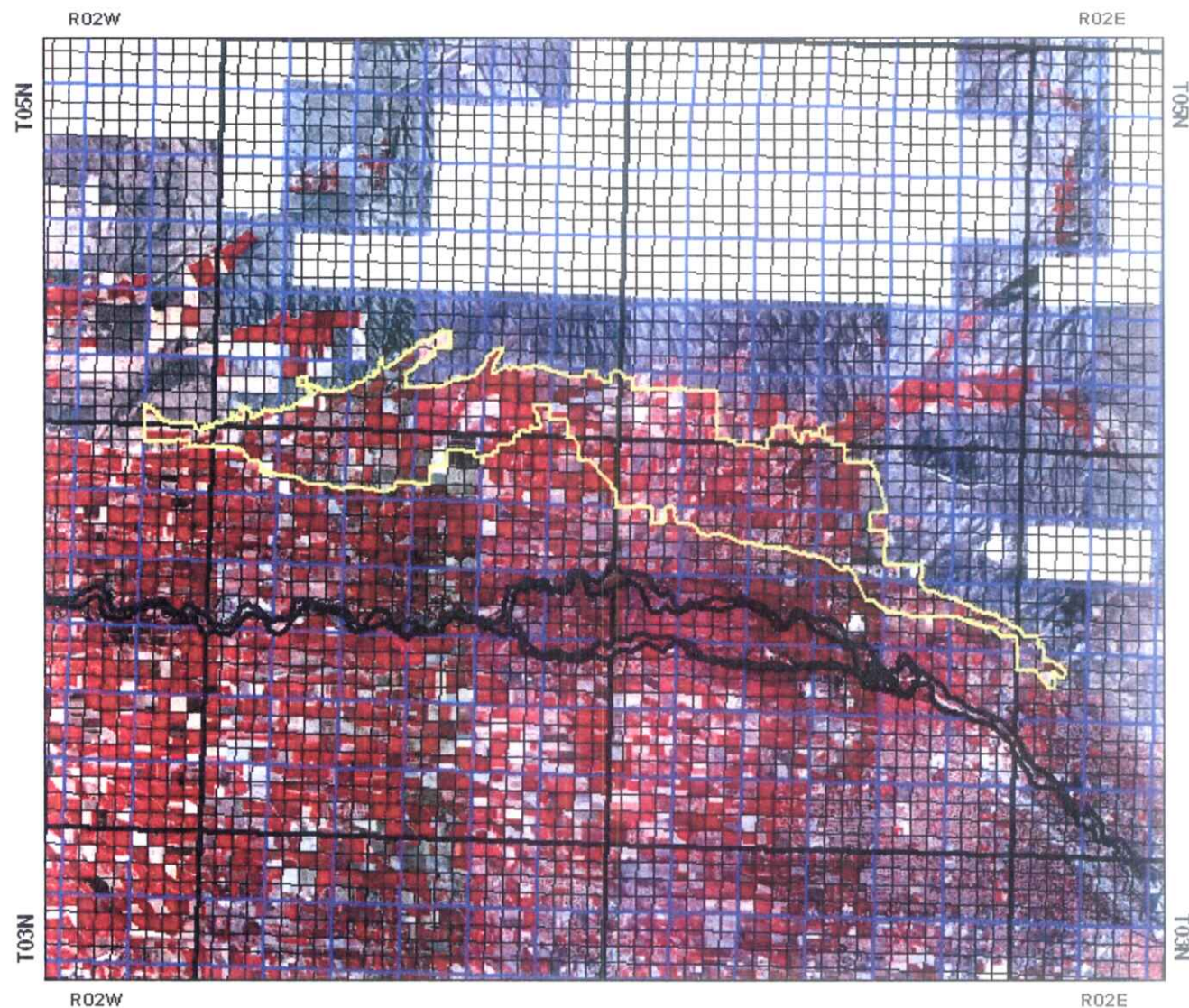
Service Area Boundary
GIS Place of Use Illustration

Legend

-  Service Area
-  Townships
-  PLS Sections
-  Quarter Quarters



Ada County
IDWR Basin 63

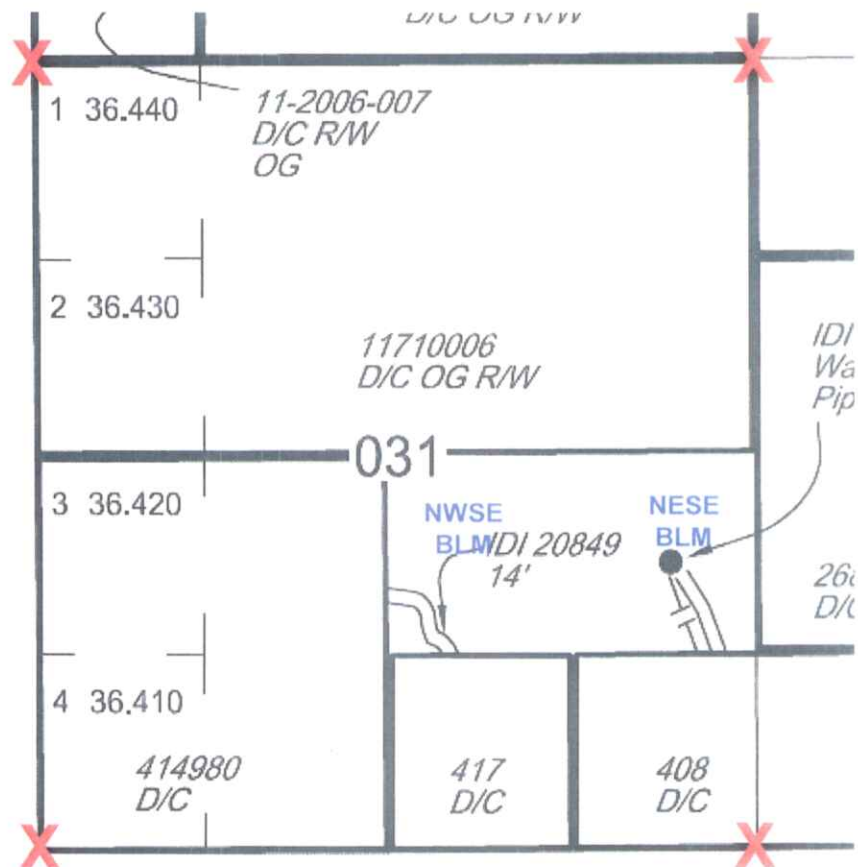
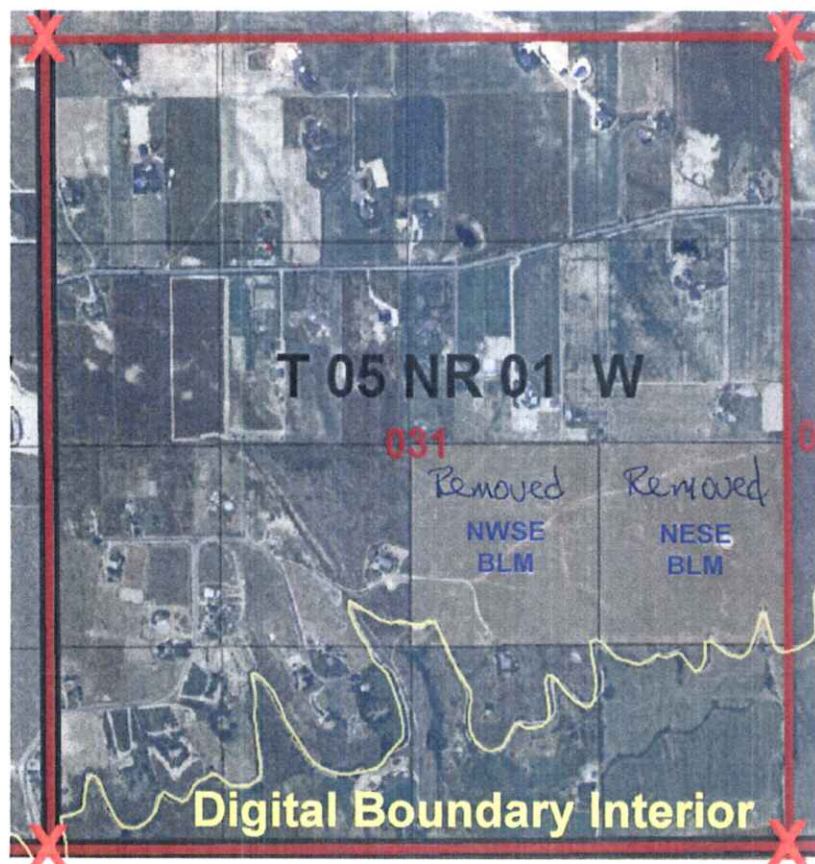


0 6 12 Miles



Prepared by D. Favreau
On Monday, March 12, 2007
1987/88 Aerial Photography

63-00120G, 63-00123C, 63-00124Q, 63-00125J, 63-00126F, 63-00165M, 63-00198AG,
63-00248, 63-00297, 63-21729



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