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APR 24 2007

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

APR 19 2007

By _____ Clerk
_____ Deputy Clerk

COPY

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. 1-370

Case No. 39576

STANDARD FORM 5

STIPULATED ELEMENTS OF A
WATER RIGHT

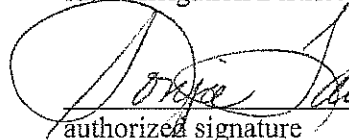
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary 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 amended recommendation. The parties and IDWR further agree and stipulate that the attached is an accurate digital depiction of the boundary for the Idaho Irrigation District produced by IDWR.

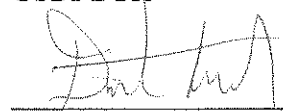
CLAIMANT(s):

Idaho Irrigation District

 3-29-07
authorized signature Date

OBJECTOR(s):

USDI-BOR

 7/17/07
David W. Gehlert Date
Attorney for the US Dept of Justice

IDWR Concurrence:

Ernest Carlsen 3-29-07
Ernest Carlsen Date
Water Resource Program Manager

Garriek L. Baxter
Garriek L. Baxter Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 1-370

NAME AND ADDRESS: IDAHO IRRIGATION DIST
C/O SONJA TANZER SEC
496 E 14TH
IDAHO FALLS ID 83404

EMC

Dr

JB

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 100.000 CFS

PRIORITY DATE: 06/01/1936

POINT OF
DIVERSION:

T04N R37E S36 NESWNW Lot 2 Within JEFFERSON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

100.000 CFS

PLACE OF USE:

35995 ACRES TOTAL

Place of Use does not include Federal lands unless authorized in writing.
Agreement DACW68-2-78-47 dated 08/02/1978 provides Idaho Irrigation
District a canal easement over Ririe Outlet Channel.

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.

Place of use is within the boundary of Idaho Irrigation District pursuant to Section 43-323, Idaho Code.

The rights listed below are limited to the irrigation of a combined total of 35,508 acres in a single irrigation season. Combined Right Nos.: 1-368, 1-369, and 1-370.

~~This right is limited to the irrigation of 35,508 acres within the place of use described above in a single irrigation season.~~

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.

The delivery of water to this right may be subject to procedures described in the United States Bureau of Reclamation "space holder" contracts and the Burley Irrigation Dist. v. Eagle, Supplemental Decree (Idaho 5th Jud. Dist., July 10, 1968) and Aberdeen-Springfield Canal Co. v. Eagle, Supplemental Decree (Idaho 7th Jud. Dist., March 12, 1969) together with the natural-flow and storage deliveries as calculated by the Idaho Department of Water Resources.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Water is delivered through Idaho Canal.

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

CERTIFICATE OF MAILING

I certify that on April 19, 2007, 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

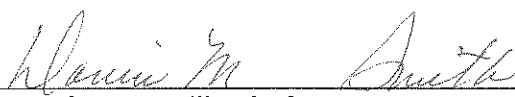
2. Copies to:

United States of America
US Dept of Justice
Environment and Natural Resources
550 West Fort Street, MSC 033
Boise, ID 83724

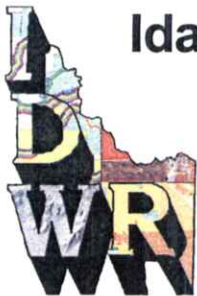
Idaho Irrigation District
496 E 14th
Idaho Falls, ID 83404
Attn: Sonja Tawzer, Secretary

courtesy copy:
Jerry R. Rigby
PO Box 250
Rexburg, ID 83440-0250

IDWR Repository
P.O. Box 83720
Boise, ID 83720



Signature of person mailing the form



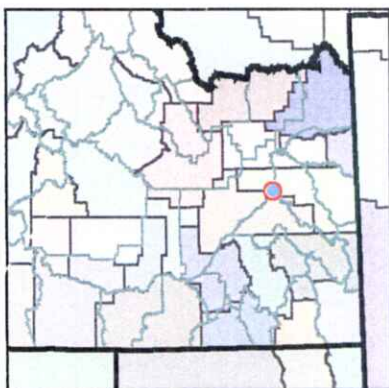
Idaho Irrigation Dist

SRBA Recommendations: 1-75, 1-76, 1-312, 1-368, 1-369, 1-370

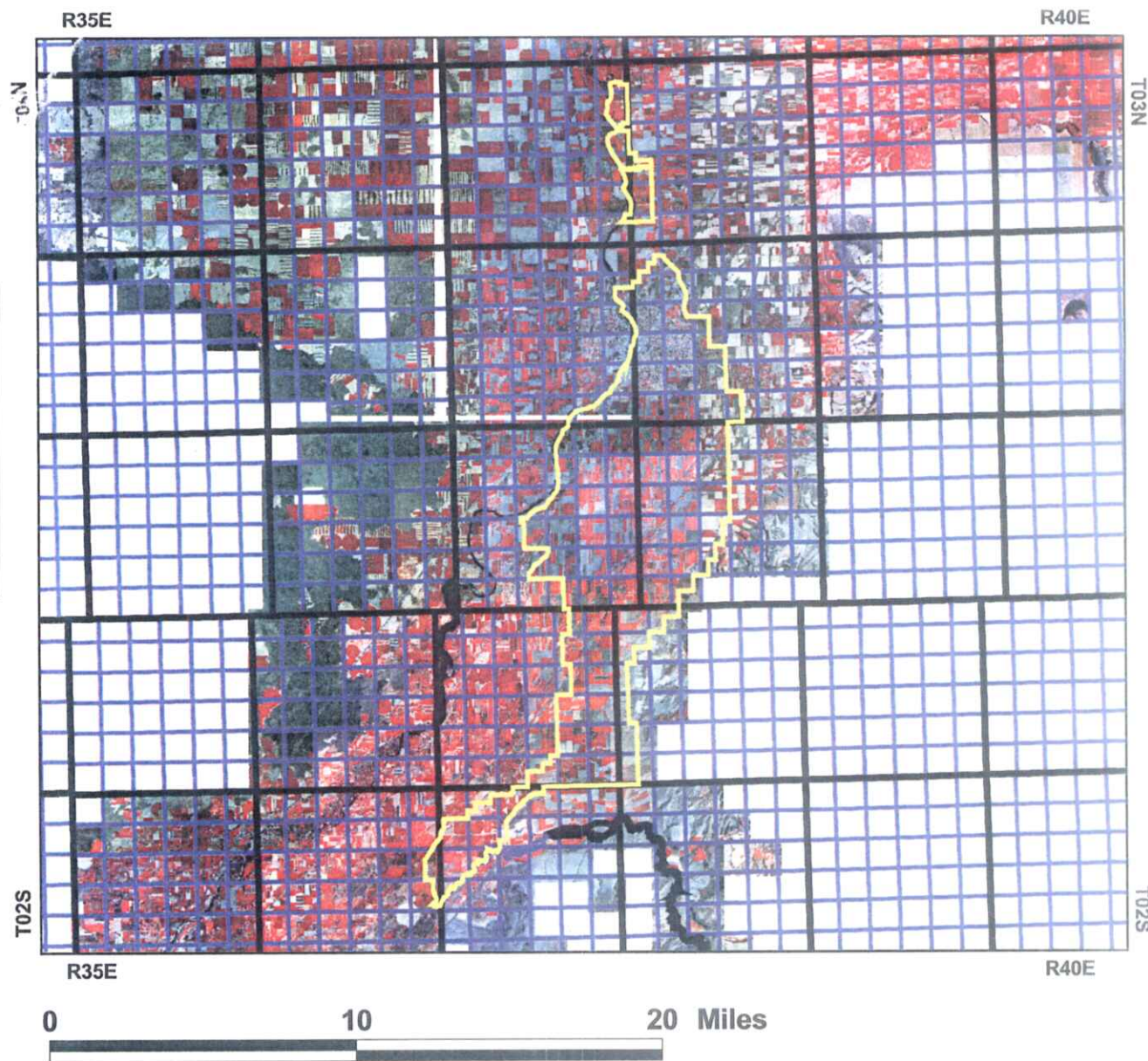
Service Area Boundary
GIS Place of Use Illustration

LEGEND

-  Service Area
-  Townships
-  PLS Sections



Bonneville, Bingham Counties
IDWR Basin 1



Prepared by D. Favreau
On Wednesday, March 28, 2007
1987/88 Aerial Photography