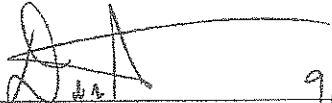


RESPONDENT(s):

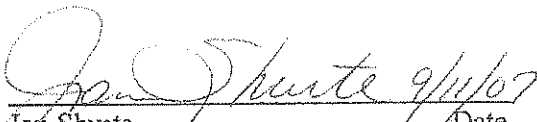
USDI/Bureau of Reclamation



David Gehlert Date
Trial Attorney, General Litigation Section
U.S. Dept. of Justice

9/10/07

IDWR Concurrence:



Jan Shurte Date
Adjudication Supervisor

9/14/07



Nicholas B. Spencer Date
Deputy Attorney General

9-12-07

CERTIFICATE OF MAILING

I certify that on September 12, 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

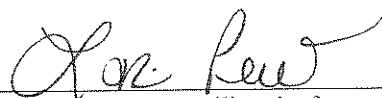
2. Copies to:

USDI Bureau of Reclamation
US Department of Justice
Environment & Natural Resources
550 West Fort Street, MSC 033
Boise, ID 83724

S. Bryce Farris
Ringert Clark Chartered
PO Box 2773
Boise, ID 83701

Monte S Janicek
2256 N McDermott
Meridian, ID 83642

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



Signature of person mailing the form

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

RIGHT NUMBER: 63-2052B

NAME AND ADDRESS: MONIE S JANICEK
2256 N MC DERMOTT
MERIDIAN ID 83642

SOURCE: TENMILE CREEK

IRRIUARY: BOISE RIVER

QUANTITY: 0.400 CFS

PRIORITY DATE: 04/29/1907

POINT OF DIVERSION:

103N R01W S4 NESW Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/15	0.400 CFS

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 15 AND AFTER OCTOBER 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: IRRIGATION in ADA County

103N R01W S04	NESW	27.00	103N R01W S04	NWSW	33.00
60 ACRES TOTAL					

This right is limited to the irrigation of 20 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.

Use of this right is also subject to an agreement, entitled "Non-Waiver Agreement", dated May 17, 2007, between Monte Janicek, the Nampa-Meridian Irrigation District and the US Bureau of Reclamation.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Use of this right is combined with water from Nampa Meridian Irrigation District.

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

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

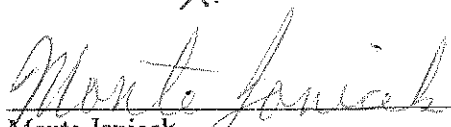
SBF
MJ
NBS

NON-WAIVER AGREEMENT

CLAIMANT MONTE JANICEK, OBJECTOR NAMPA- MERIDIAN IRRIGATION DISTRICT, AND RESPONDENT U.S. BUREAU OF RECLAMATION, HEREBY AGREE AS FOLLOWS:

To the extent that all or a portion of the source of water right may consist of waste water, the Claimant (Monte Janicek) and the Objector (Nampa & Meridian Irrigation District) and/or Respondent (United States Bureau of Reclamation), together with their respective assigns and heirs, hereby agree that the Objector and/or Respondent waive no right to assert in the future that the source of all or part of this water right is the waste water of the Objector and/or Respondent and thereby is subject to the right of the Objector or Respondent to cease wasting it or recapture it.

DATED MAY ¹⁷~~18~~, 2007


Monte Janicek


For Nampa-Meridian Irrigation District


For US Bureau of Reclamation