

Moffatt Thomas

MOFFATT THOMAS BARRETT ROCK & FIELDS, CHTD.

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SEP 28 2007

DEPARTMENT OF
WATER RESOURCES

Boise
Idaho Falls
Pocatello
Twin Falls

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September 27, 2007

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Stephen R. Thomas	Julian E. Gabiola	
Glenna M. Christensen	Kimberly D. Evans Ross	<i>Willis C. Moffatt, 1907-1980</i>
Gerald T. Husch	Jason G. Murray	<i>Kirk R. Helvie, 1956-2003</i>
Scott L. Campbell	Mark C. Peterson	
Robert B. Burns	Paul D. McFarlane	

Clerk of the Court
Snake River Basin Adjudication District Court
PO Box 2707
Twin Falls, ID 83303-2707

Re: SF 5 for Settlers Irrigation District Subcase Nos. 63-230L and 63-231D
MTBR&F File No. 18955.27

Dear Clerk:

Enclosed please find the Standard Form 5 for the above referenced subcases for filing with the Court.

Please return conformed copies in the envelopes provided. Thank you for your attention.

Very truly yours,



Deborah L. Long
Administrative Assistant to
Andrew J. Waldera

/dlh

Enclosures

cc: Settlers Irrigation District
Idaho 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**

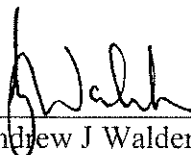
In Re SRBA	)	Subcase No. 63-230L
	)	
Case No. 39576	)	
	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

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 digital depiction of the boundary for Settlers Irrigation District remains unchanged since the place of use element is not contested.

CLAIMANT(s)/OBJECTOR(s):
Settlers Irrigation District

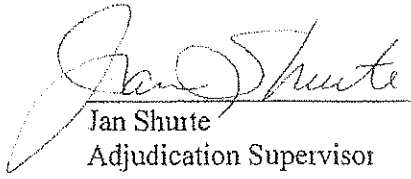


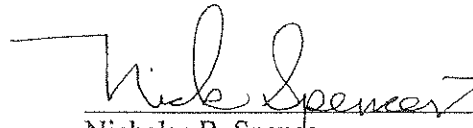
Andrew J Waldera
attorney

9/17/07

Date

IDWR Concurrence:

 8-31-07
Jan Shute Date
Adjudication Supervisor

 9-5-07
Nicholas B. Spender Date
Deputy Attorney General
Attorney for IDWR

CERTIFICATE OF MAILING

I certify that on September 27th, 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:

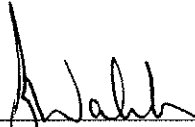
1. Original to:

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:

Andrew J Waldera
PO Box 829
Boise, ID 83701

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



Signature of person mailing the form

SF5 Right No. 63-230L

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

RIGHT NUMBER: 63-230L

NAME AND ADDRESS: SETTLERS IRRIGATION DISTRICT
PO BOX 7571
BOISE ID 83707

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 97.370 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: 10/17/1884

POINT OF DIVERSION:

T03N R02E S9 SWNE Lot 7 Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	97.370 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 with the agreement of all entities having rights in the reservoir system; provided that any such diversion 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:

13135 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 13135 ACRES WITHIN THE BOUNDARY OF THE SETTLERS IRRIGATION DISTRICT.

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SF5

Right No. 63-230L

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.

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

WATER IS DELIVERED THROUGH THE SETTLERS CANAL

DESIGNATED AS NO 92 IN THE STEWART DECREE AND THE BOISE RIVER
WATER MASTERS RECORDS

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE: 63-121, 63-122, 63-230M, 63-231D,
63-120H, 63-161AJ, 63-169A, 63-169C, 63-16532.

SF5

Right No. 63-230L