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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. 63-230M

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

OBJECTOR(s)

Boise Project Board of Control


Andrew J Waldera
attorney

9/17/07

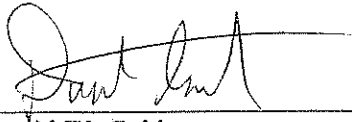
Date _____


Albert P. Barker
attorney

9-28-07

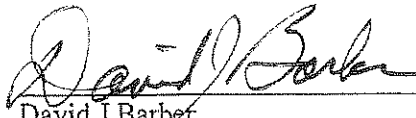
Date _____

OBJECTOR(s):
USDI-BOR



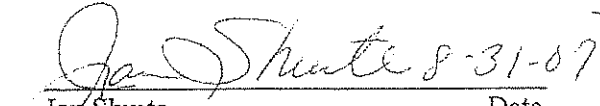
David W. Gehlert
attorney
10/23/07
Date

RESPONDENT(s):
State of Idaho

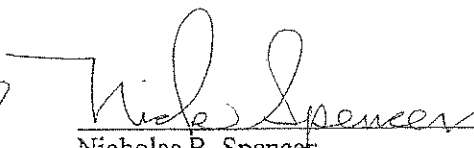


David J Barber
attorney
10/24/2007
Date

IDWR Concurrence:



Jan Shurte
Adjudication Supervisor
8-31-07
Date



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

CERTIFICATE OF MAILING

I certify that on October 24, 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
Moffatt Thomas
PO Box 829
Boise, ID 83701

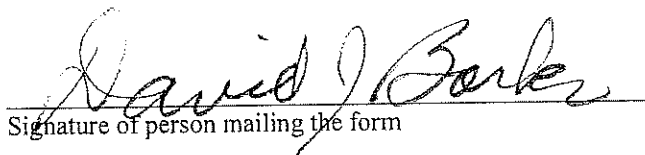
USDI-BOR
US Dept of Justice
Environment & Nat'l Resources
550 West Fort Street, MSC 033
Boise, ID 83724

Albert P Barker
1010 W Jefferson, Ste 102
PO Box 2139
Boise, ID 83701-2139

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

~~State of Idaho~~
~~Attorney General's Office~~
~~Natural Resources Div Chief~~
~~PO Box 44449~~
~~Boise, ID 83711-4449~~

Not Applicable


Signature of person mailing the form

SF5 Right No. 63-230M

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

RIGHT NUMBER: 63-230M

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

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.780 CFS
175.500 AFY

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:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
AESTHETIC STORAGE	01/01 12/31	5.00 AFY
IRRIGATION STORAGE	01/01 12/31	5.00 AFY
IRRIGATION	03/01 11/15	0.600 CFS 135.00 AFY
IRRIGATION FROM STORAGE	03/01 11/15	5.00 AFY
AESTHETIC	03/01 11/15	0.180 CFS 35.50 AFY
DIVERSION TO STORAGE	03/01 11/15	0.780 CFS

Diversion for irrigation, diversion for irrigation storage, or diversion for aesthetic storage 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. This period of use condition does not apply to irrigation storage or aesthetic storage.

[Handwritten signatures and initials: "NBS", "dw", "OK"]

[Handwritten: "2/B"]

SF5 Right No. 63-230M

SF5
Right No. 63-230M

PLACE OF USE: IRRIGATION in ADA County
T04N R01E S29 SESE 30.00

IRRIGATION STORAGE in ADA County
T04N R01E S29 SESE

IRRIGATION FROM STORAGE in ADA County
T04N R01E S29 SESE 30.00

AESTHETIC in ADA County
T04N R01E S29 SESE

AESTHETIC STORAGE in ADA County
T04N R01E S29 SESE

DIVERSION TO STORAGE in ADA County
T04N R01E S29 SESE

29B

30 ACRES TOTAL

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

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

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

WATER IS DELIVERED THROUGH THE SETTLERS CANAL

SF5
Right No. 63-230M