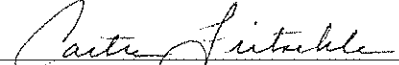


RECEIVED
OCT 24 2007

IDWR Concurrence:

 10-19-07
Carter Fritschle Date
Manager, Adjudication Bureau

 10-19-07
Garrick L. Baxter Date
Deputy Attorney General

CERTIFICATE OF MAILING

I certify that on Nov. 20, 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:

Adam T. Devoe
Brownstein Hyatt & Farber PC
410 17th Street, 22nd Flr
Denver, CO 80202

courtesy copy

John K. Simpson
1010 W Jefferson, Ste 102
PO Box 2139
Boise, ID 83701-2139

Michael C. Orr
State of Idaho
Natural Resources Division
Attorney General's Office
PO Box 44449
Boise, ID 83711-4449

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



Signature of person mailing the form

Draft

10/18/2007

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

RIGHT NUMBER: 3-7018

NAME AND ADDRESS: IDAHO POWER CO
PO BOX 70
BOISE ID 83707

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 5,000.000 CFS

PRIORITY DATE: 12/24/1975

POINT OF
DIVERSION:

T17N R05W S2 SESE Lot 3 Within WASHINGTON County
T08S R47E S25 NESE Lot 9 WM Within BAKER County, Oregon

Water is diverted by a dam that spans the Snake River between Idaho and Oregon.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
POWER	1/01 12/31	5,000.000 CFS
Power generation is at the Brownlee Dam Power Plant.		

PLACE OF USE: POWER in WASHINGTON County

T17N R05W S02 Lot 1 NESE

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 rights for the use of the waters under this permit shall be subordinate to and not prevent or interfere with any future upstream diversion and use of the waters of the Snake River and its tributaries above the backwater created by said dam for the irrigation of lands or other consumptive beneficial uses in the Snake River watershed.

This permit has been issued subject to Section 42-207, Idaho Code. In the event of its sale, transfer, assignment, or its being mortgaged, without a compliance with the provisions of this section, it shall be cancelled and revoked by the Director of the Department of Water Resources.

This right is conditioned upon completion of the appropriation in accordance with the statutory procedure for appropriation of water rights. This right remains subject to all conditions set forth in the permit upon which this right is based, and will be subject to all conditions set forth in the license issued by IDWR upon completion of the statutory appropriation process.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Permit

HP LaserJet 3100
Printer Fax Copier Scanner

SEND CONFIRMATION REPORT for
WATER RESOURCES
2082876701
Nov-20-07 3:37PM

Job	Start Time	Usage	Phone Number or ID	Type	Pages/Mode	Status
473	11 20 3:36PM	0'57"	31	Send	4 4 EC144	Completed
Total		0'57"	Pages Sent: 4	Pages Printed: 0		

IN THE DISTRICT COURT OF THE NINTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Subcase No. 03-7838

Case No. 04-76

DRAFT
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 salience of a partial decree. The Presiding Judge or Neutral Master will conduct the 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 is not the introduction of the parties and subject matter to enter a partial decree for this water right. The parties have been serving with sufficient process, according to the law, and that they have appeared, participated, 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 draft communication. The parties and IDWR have further indicated their concurrence by including each of the attached pages.

CLAIMANT/RESPONSE:

Case Project 101

RESPONSE/FILE:

State of Idaho


John K. Thompson
Attorney

Date


Michael J. ...
Deputy Attorney General

DRAFT STANDARD FORM 5

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