

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

2007 DEC 18 PM 11 45

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 63-00230M
)
Case No. 39576) ORDER SETTING HEARING ON
) STANDARD FORM 5
)
_____)

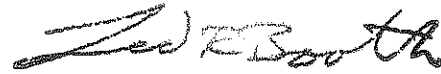
A *Standard Form 5 – Stipulated Elements of a Water Right* was filed for the above-captioned water right on October 26, 2007. Upon a review of the elements of the water right as stipulated therein, this Special Master had a concern that the comment under the “purpose and period of use” element of the right may be internally inconsistent as drafted. For purposes of clarifying the remark, this Special Master proposes the following:

Diversion for irrigation, ~~diversion for irrigation from storage, or diversion for aesthetic, and diversion to 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 the SRBA Case No. 39576. This period of use condition does not apply to irrigation storage or aesthetic storage.

The proposed modifications set forth above are not intended to modify the agreement of the parties in any manner, but rather to ensure that the language used in the partial decree for the water right accurately reflects that agreement.

IT IS ORDERED that hearing on the *Standard Form 5* is set for January 8, 2008, at 3 p.m. (Mountain Time), at the Snake River Basin Adjudication Courthouse, 253 – 3rd Avenue North, Twin Falls, Idaho. Parties may participate by telephone by dialing the number 1-225-383-1099 and when prompted entering code 675342. If you have any difficulty connecting to this call, call the SRBA Court immediately at 208-736-3011.

Dated December 18, 2007.

A handwritten signature in black ink, appearing to read "Ted R. Booth", written over a horizontal line.

THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER SETTING HEARING ON STANDARD FORM 5 was mailed on December 18, 2007, with sufficient first-class postage to the following:

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STATE OF IDAHO

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SETTLERS IRRIGATION DISTRICT

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