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DEPARTMENT OF
WATER RESOURCES

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DEPARTMENT OF
WATER RESOURCESDepartment of Water Resources
Eastern Region

DEC 24 2007

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**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. 01-301

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, *which removes federal public land from the digital boundary*. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT:

Butler Island Canal Co.

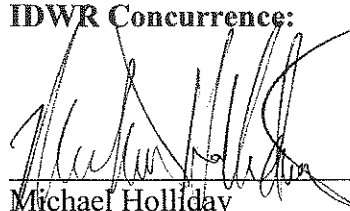
OBJECTOR:United States of America
Bureau of Land Management

Kym Ferguson
By: *KYM FERGUSON*
Title: *president*

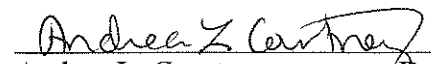
1-2-08 Date

Larry A. Brown 01/08/08
Larry A. Brown, USDOJ Date
Attorney for Objector *AB*

IDWR Concurrence:



Michael Holliday Date
Senior Water Resource Agent 1/2/2008



Andrea L. Courtney Date
Deputy Attorney General 12/19/07
Attorney for IDWR

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

RIGHT NUMBER: 1-301

NAME AND ADDRESS: BUTLER ISLAND CANAL CO
C/O ANN FERGUSON
15533 E RIRIE HWY
RIRIE ID 83443

MAA

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

Water is delivered from the Dry Bed.

QUANTITY: 16.000 CFS

PRIORITY DATE: 04/01/1939

POINT OF
DIVERSION:

T04N R40E S35 NENW Within JEFFERSON County

JF

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	16.000 CFS

PLACE OF USE:

938 ACRES TOTAL

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.

Place of use is within the area served by Butler Island Canal Company.

MB *AN*

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

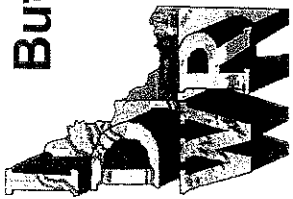
KDF

The delivery of water to this right may be subject to procedures described in the United States Bureau of Reclamation "space holder" contracts and the Burley Irrigation Dist. v. Eagle, Supplemental Decree (Idaho 5th Jud. Dist., July 10, 1968) and Aberdeen-Springfield Canal Co. v. Eagle, Supplemental Decree (Idaho 7th Jud. Dist., March 12, 1969) together with the natural-flow and storage deliveries as calculated by the Idaho Department of Water Resources.

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 Butler Island Canal.



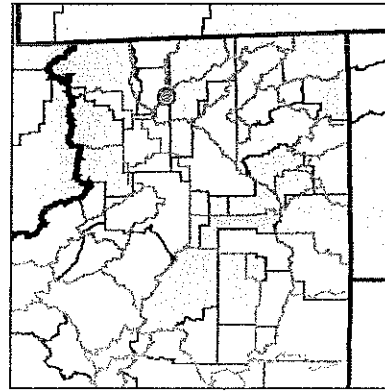
Butler Island Canal Co

SRBA Recommendations: 1-35AC, 1-231, 1-301

Service Area Boundary
GIS Place of Use Illustration

Legend

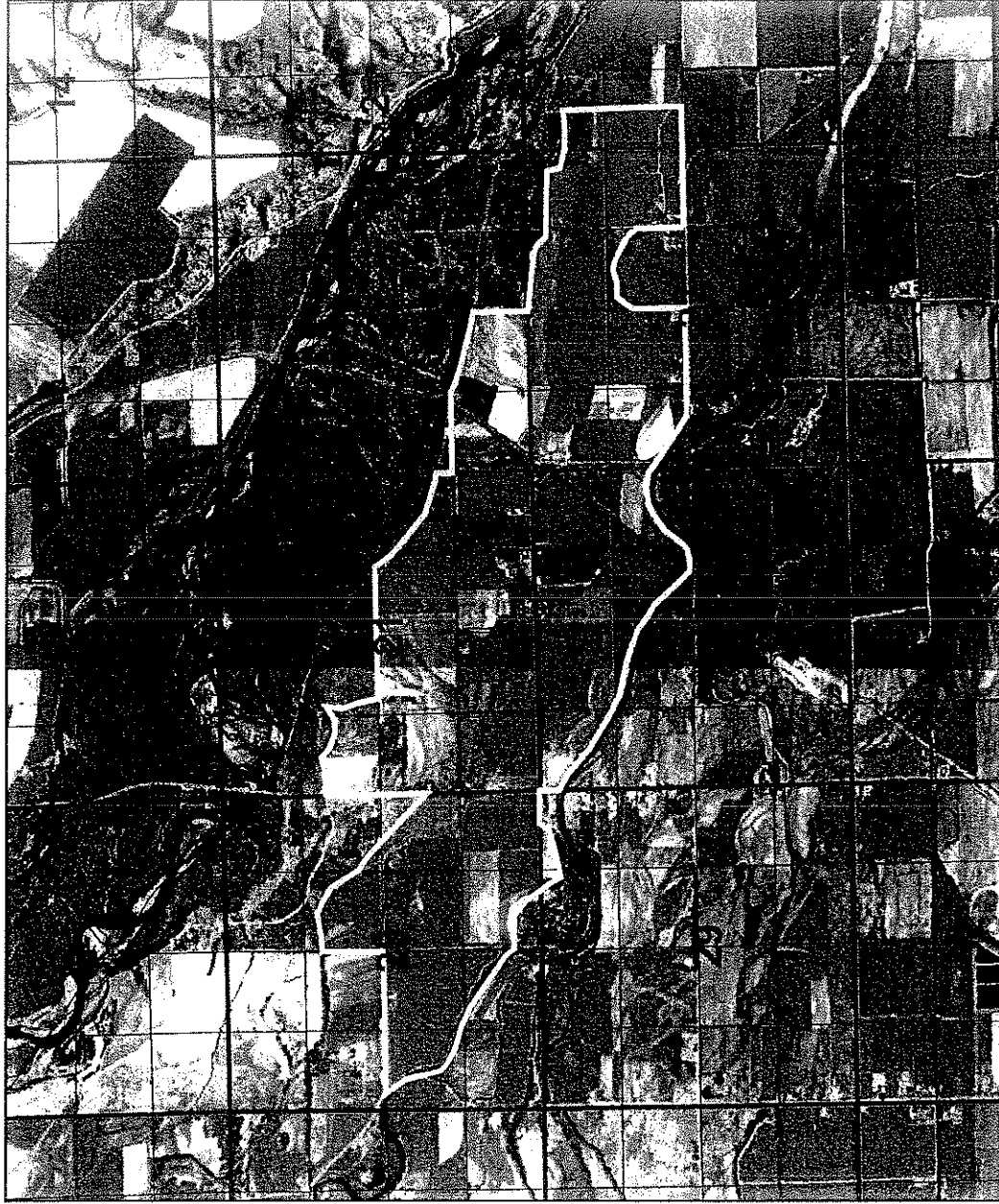
Service Area
Townships
PLS Sections
Quarter Quarters



Jefferson, Madison Counties
IDWR Basin 1

Prepared by D. Favreau
On Wednesday, December 19, 2007
1987/88 Aerial Photography

R40E



T04N



0 1 2 Miles



Handwritten signatures and initials: MW, JS

CERTIFICATE OF MAILING

I certify that on 01/08/, 2008^{YHS}, 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:

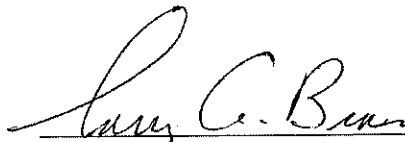
CLERK OF THE DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
253 THIRD AVENUE NORTH
P. O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

2. Copies to:

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

BUTLER ISLAND CANAL CO.
C/O ANN FERGUSON
15533 E. RIRIE HWY
RIRIE, ID 83443

DIRECTOR OF IDWR
P.O. BOX 83720
BOISE, ID 83720-0098



Signature of person or attorney mailing the form