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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

Case No. 39576

Subcase No. 01-302

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.

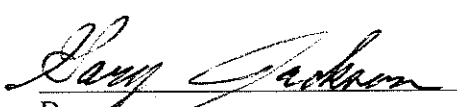
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached, *which removes federal public land from the digital boundary*. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

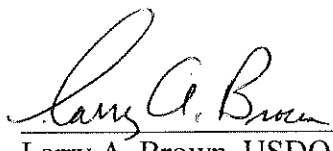
CLAIMANT:

Butte & Market Lake Canal Co.

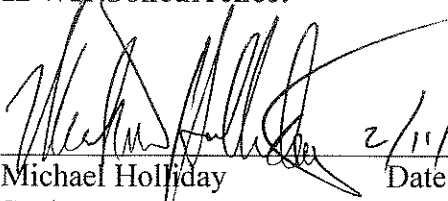
OBJECTOR:

United States of America
Bureau of Land Management

 2-19-08
By: _____ Date
Title: *Canal Manager*

 2/25/08
Larry A. Brown, USDOJ Date
Attorney for Objector *MB*

IDWR Concurrence:



Michael Holliday 2/11/2008
Senior Water Resource Agent Date



Andrea L. Courtney 4/5/08
Deputy Attorney General Date
Attorney for IDWR

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

RIGHT NUMBER: 1-302

NAME AND ADDRESS: BUTTE & MARKET LAKE CANAL CO
C/O MARIE WELLS
PO BOX 283
ROBERTS ID 83444

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 120.000 CFS

PRIORITY DATE: 04/01/1939

POINT OF
DIVERSION:

T05N R38E S22 NWNW Within MADISON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

120.000 CFS

PLACE OF USE:

19505 20479 ACRES TOTAL

Place of use is within the area served by Butte & Market Lake Canal Company.

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.

The rights listed below are limited to the irrigation of a combined total of 19,505 20,479 acres in a single irrigation season. Combined Right Nos.: 1-80B, 1-302, 1-10036, and 35-2927.

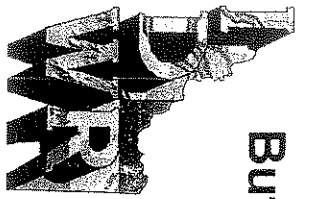
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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 Butte & Market Lake Canal.



Butte & Market Lake Canal Co

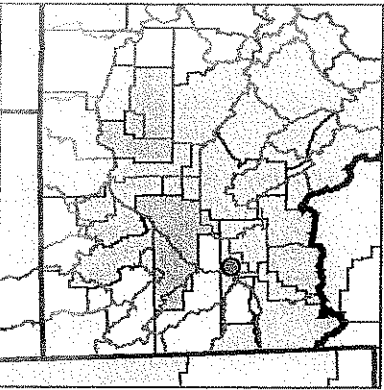
SRBA Recommendations: 1-80B, 1-302, 1-10036

AK
MB
[Signature]
JH

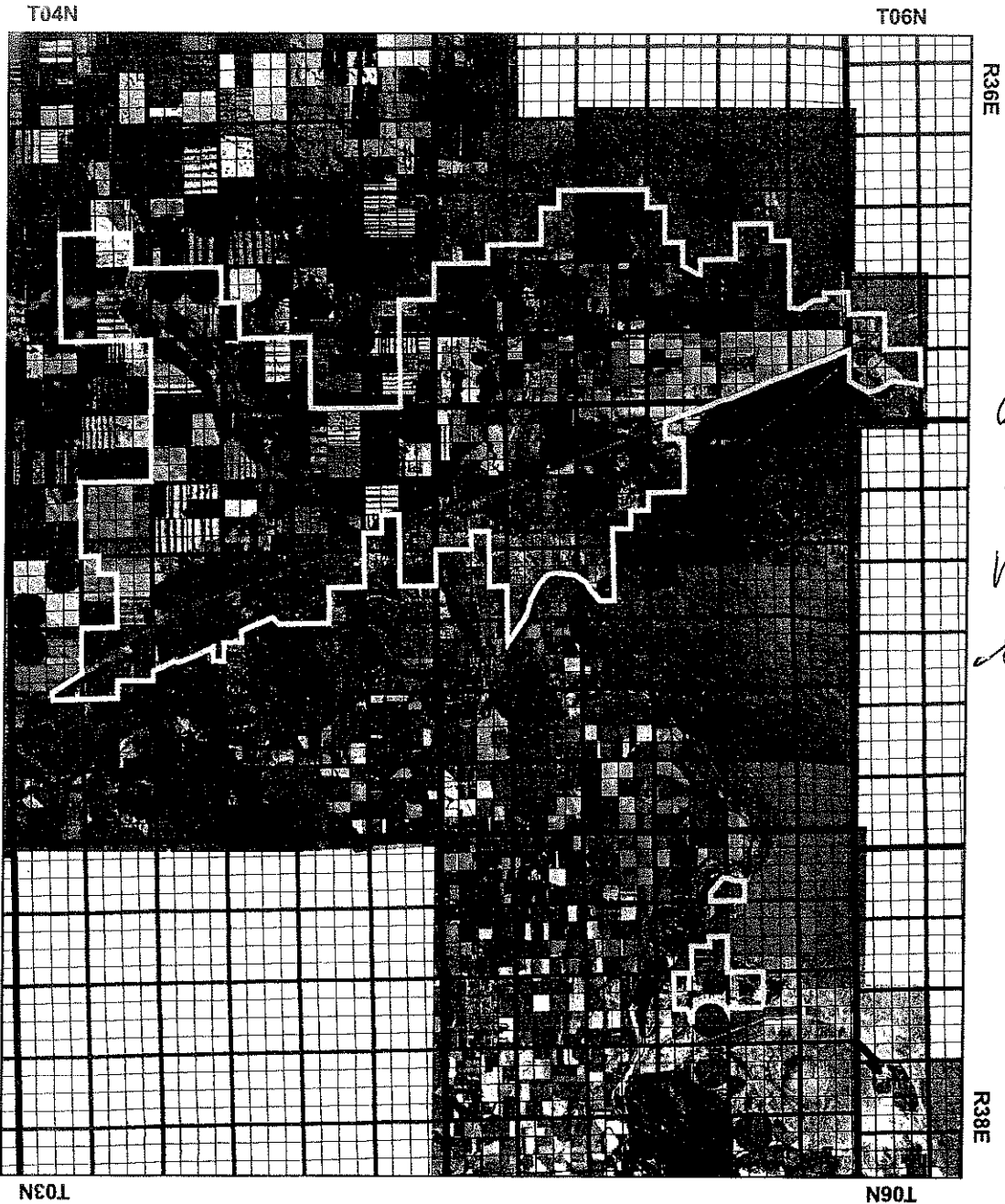
Service Area Boundary
GIS Place of Use Illustration

Legend

- Service Area
- Townships
- PLS Sections
- Quarter Quarters



Jefferson County
IDWR Basin 1



Prepared by D. Favreau
On Tuesday, February 5, 2008
1987/88 Aerial Photography

CERTIFICATE OF MAILING

I certify that on Feb. 25, 2008, 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:

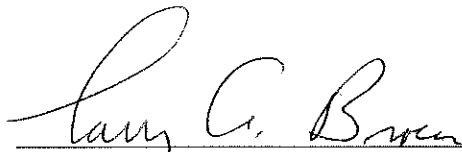
CLERK OF THE DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
253 THIRD AVENUE NORTH
P.O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

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

BUTTE & MARKET LAKE CANAL CO
C/O MARIE WELLS
P.O. BOX 283
ROBERTS, ID 83444

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



Signature of person or attorney mailing the form



Butte & Market Lake Canal Co

SRBA Recommendations: 1-80B, 1-302, 1-10036

Handwritten signatures and initials in blue ink.

Handwritten initials in blue ink.

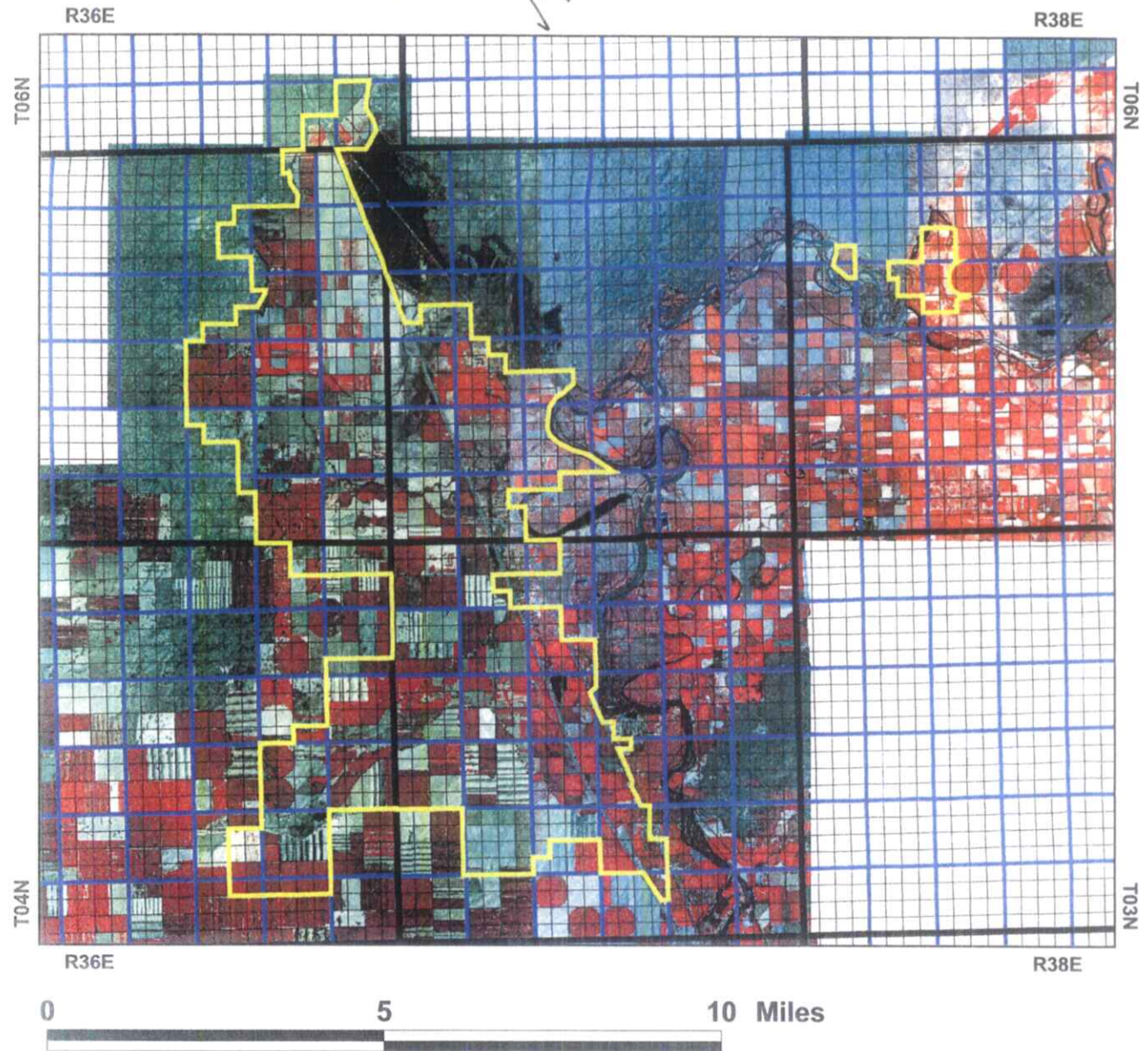
Service Area Boundary
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Jefferson County
IDWR Basin 1



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