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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. 01-10036

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:

Butte & Market Lake Canal Co.

OBJECTOR:

United States of America
Bureau of Land Management

By:

Title:

Darry Jackson
Canal Manager

Date

2-19-08

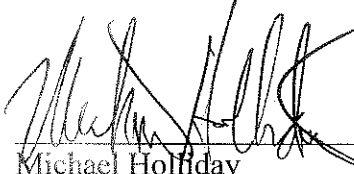
Larry A. Brown
Larry A. Brown, USDOJ

Attorney for Objector

Date

2/25/08

IDWR Concurrence:


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


Andrea L. Courtney 2/5/08
Deputy Attorney General Date
Attorney for IDWR

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

RIGHT NUMBER: 1-10036

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: 350.790 CFS

PRIORITY DATE: 10/16/1890

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

350.790 CFS

PLACE OF USE:

19505 20479 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 Butte & Market Lake Canal Company.

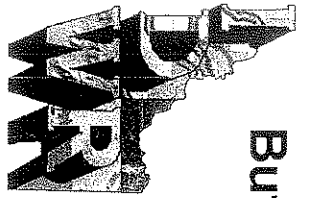
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

Water is delivered through Butte & Market Lake Canal.

This right is a combination of old Right Nos. 1-36B, 1-36L, and 1-51 less Transfer 267.



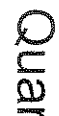
Butte & Market Lake Canal Co

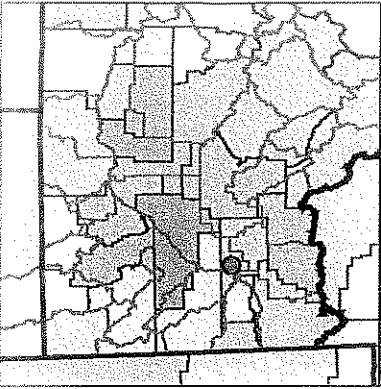
SRBA Recommendations: 1-80B, 1-302, 1-10036

MB
MWA
EL
2003

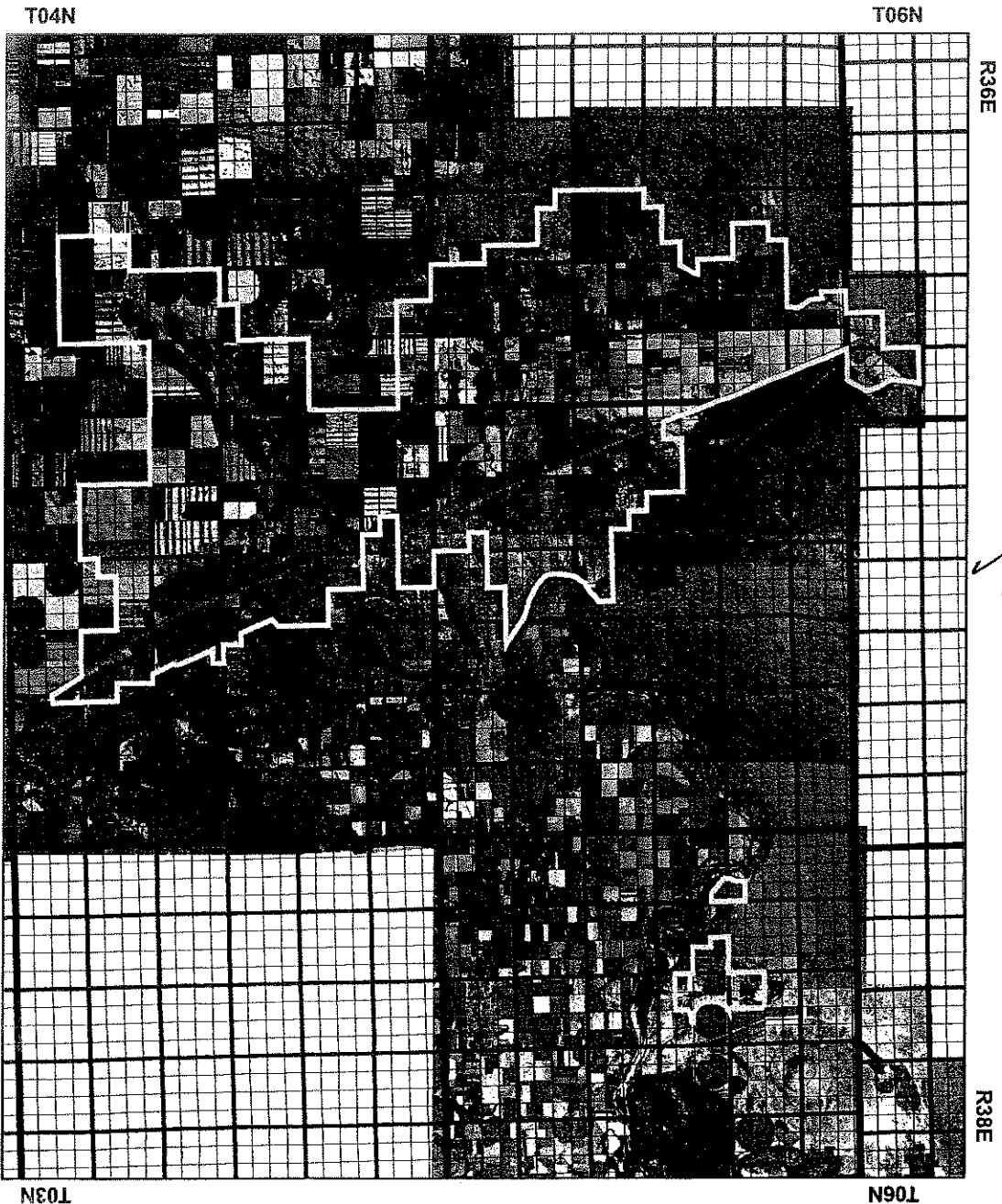
Service Area Boundary
GIS Place of Use Illustration

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:

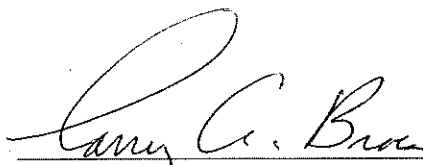
CLERK OF THE DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
253 THIRD AVENUE NORTH
P.O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

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 notes:
JF
ATC
MB
W

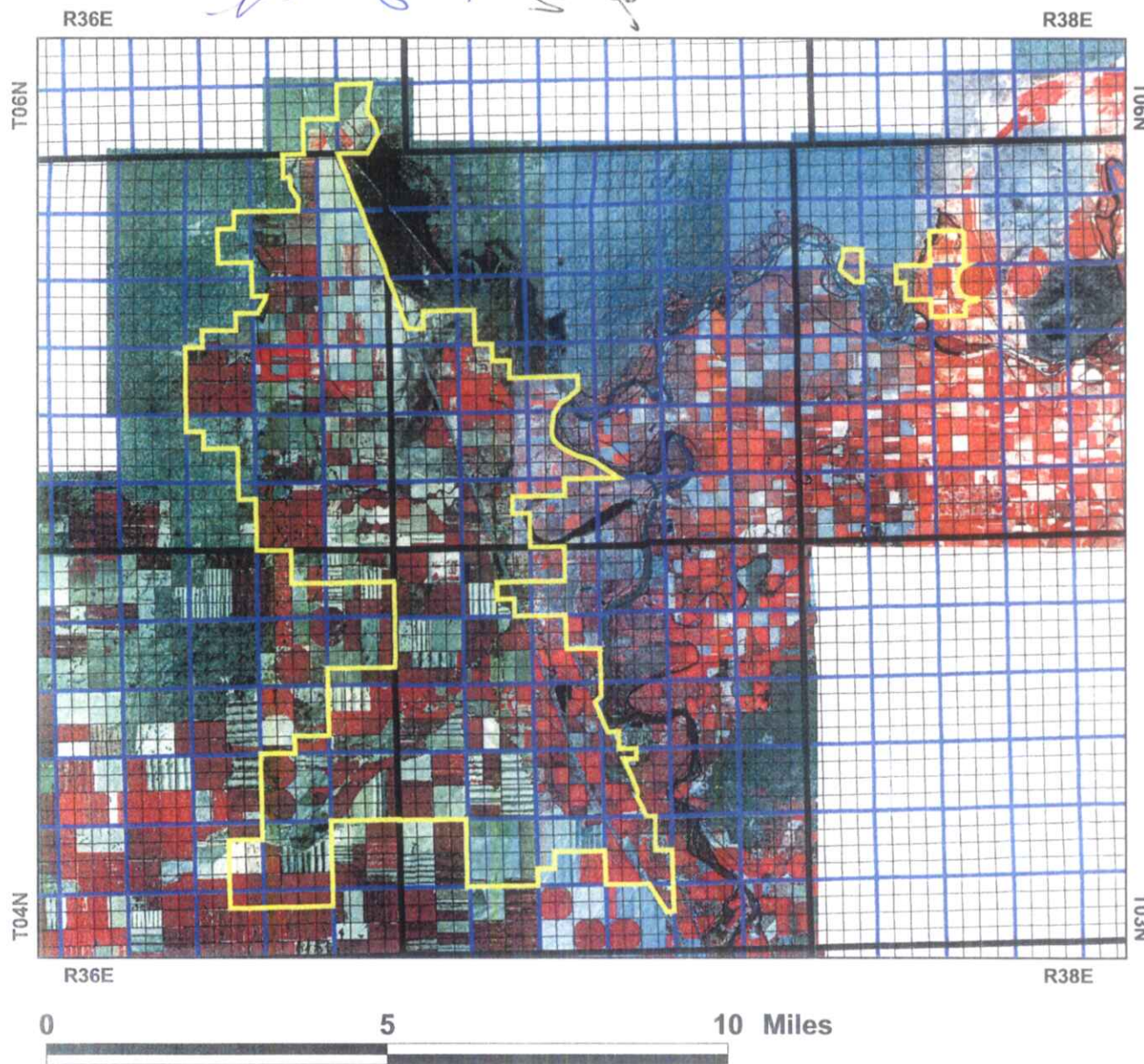
Service Area Boundary
GIS Place of Use Illustration

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IDWR Basin 1



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