

RECEIVED
JAN 21 2009
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. 63-02420
	)	
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.

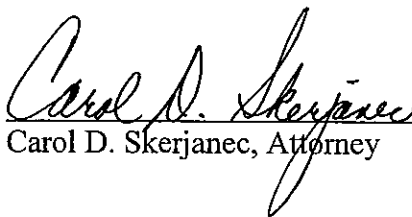
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

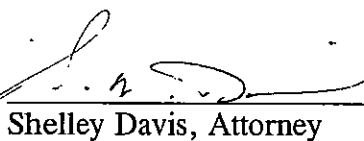
CLAIMANT

Reynolds Irrigation District

OBJECTOR

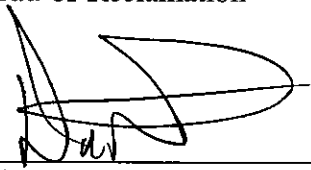
Boise Kuna Irrigation District


Carol D. Skerjanec, Attorney
12.23.08
Date


Shelley Davis, Attorney
12/31/08
Date

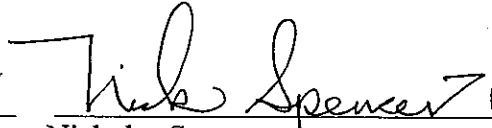
RESPONDENT

United States on behalf of
Bureau of Reclamation



David Gehlert 1/15/07 Date
Attorney, U.S. Department of Justice
Environment and Natural Resources Division

IDWR Concurrence:

 12-12-08 Date
IDWR Agent
 1-7-09 Date
Nicholas Spencer
Deputy Attorney General

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

RIGHT NUMBER: 63-2420

NAME AND ADDRESS: REYNOLDS IRRIGATION DIST
PO BOX 12
MELBA ID 83641

SOURCE: WARM SPRINGS CREEK

TRIBUTARY: SNAKE RIVER

The source of this right lies within the boundaries of the Boise-Kuna Irrigation District. To the extent any waste waters of the Boise-Kuna Irrigation District enter the irrigation system of the Reynolds Irrigation District, the continued provision of those waste waters may be discontinued at any time.

QUANTITY: 23.560 CFS

The rate of div. shall not at any time exceed the rate of injection.

The rate of div. shall be limited to a max. of 31.28 cfs.

PRIORITY DATE: 03/08/1929

POINT OF DIVERSION:

T01S R02W S3 SWSE Within CANYON County

T01S R02W S3 SESE Within CANYON County

T01S R02W S9 NENE Within CANYON County

T01S R02W S9 SWNE Within CANYON County

T01S R02W S10 NWNW Within CANYON County

T01S R02W S17 NENW Lot 5 Rediversion Within OWYHEE County

PURPOSE AND
PERIOD OF USE:PURPOSE OF USEPERIOD OF USEQUANTITY

IRRIGATION

4/01 11/01

23.560 CFS

The use of water for irrigation under this right may begin as early as March 1 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before April 1 and after November 1 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE:

1388 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.

This right when combined with Right Nos. 02-2027, 63-306, and 63-359 can be used to irrigate up to 1388 acres within the boundary of the Reynolds Irrigation District.

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

Measuring devices of a type approved by the dept. shall be installed & maintained at the pts. of div., rediversion & injection. These measuring devices shall be accessible & subject to control by the dept., watermaster of Water Dist. 63T & watermaster of Water District 02 at such time as such District may be formed.

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 - License


NBS

DK



CERTIFICATE OF MAILING

I certify that on FEBRUARY 15, 2009, 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:

REYNOLDS IRRIGATION DIST

Represented by:
CAROL D. SKERJANEC
PO BOX 220
VALE, OR 97918

BOISE KUNA IRRIGATION DIST

Represented by:
SHELLEY M DAVIS
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139

USDI BUREAU OF RECLAMATION

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

DIRECTOR OF IDWR

PO BOX 83720
BOISE, ID 83720-0098

A handwritten signature in black ink, consisting of a large, stylized 'S' or 'G' shape with a long horizontal stroke extending to the right.

Signature of person or attorney mailing the form