

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. 63-03614
)
)
) **Standard Form 5**
)
) **STIPULATED ELEMENTS**
) **OF A WATER RIGHT**
Case No. 39576)
_____)

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 the facts, data, expert opinions and law supporting the issuance of a partial decree for the water right.

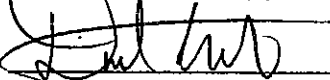
The parties agree that the Snake River Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions 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.

This settlement by the parties to water right no. 63-3614 relating to the title/ownership issues shall in no way be binding upon, set precedence, nor settle any current title/ownership related objections and issues as to the water rights held in the storage facilities located at and above Milner Dam on the Snake River.

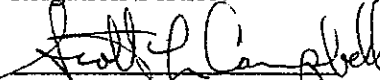
CLAIMANT:

United States on behalf of the
Bureau of Reclamation


David W. Gehlert Date 1/21/09
Attorney, U.S. Department of Justice
Environment and Natural Resources Division

OBJECTOR:

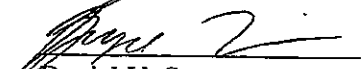
Pioneer Irrigation District, Settlers
Irrigation District


Scott L. Campbell Date 1/20/09
Moffatt, Thomas, Barrett, Rock, and
Fields, Chartered

OBJECTOR:

OBJECTOR:

Nampa and Meridian Irrigation District
New Dry Creek Ditch Company, Boise
Valley Irrigation Ditch Company

 12/29/08

Daniel V. Steenson Date
S. Bryce Farris
Ringert Law Chartered

OBJECTOR :
Farmers Union Ditch Company

Jerry A. Kiser Date
Stoppello and Kiser

IDWR CONCURRENCE:

Date

Boise Project Board of Control

Albert P. Barker Date
Shelley M. Davis
Barker, Rosholt, and Simpson, LLP

RESPONDENT:
Committee of Nine

John K. Simpson Date
Travis L. Thompson
Barker, Rosholt, and Simpson, LLP

IDWR CONCURRENCE:

Date

Nampa and Meridian Irrigation District
New Dry Creek Ditch Company, Boise
Valley Irrigation Ditch Company

Daniel V. Steenson Date
S. Bryce Farris
Ringert Law Chartered

OBJECTOR :
Farmers Union Ditch Company

Jerry A. Kiser Date
Stoppello and Kiser

IDWR CONCURRENCE:

Date

Boise Project Board of Control

Albert P. Barker Date
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RESPONDENT:
Committee of Nine

John K. Simpson Date
Travis L. Thompson
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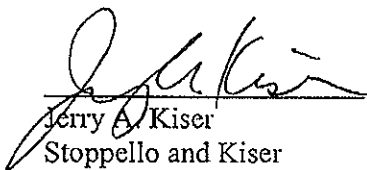
IDWR CONCURRENCE:

Date

Nampa and Meridian Irrigation District
New Dry Creek Ditch Company, Boise
Valley Irrigation Ditch Company

Daniel V. Steenson Date
S. Bryce Farris
Ringert Law Chartered

OBJECTOR :
Farmers Union Ditch Company

 12-29-08

Jerry A. Kiser Date
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Barker, Rosholt, and Simpson, LLP

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Committee of Nine

John K. Simpson Date
Travis L. Thompson
Barker, Rosholt, and Simpson, LLP

IDWR CONCURRENCE:

Date

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

RIGHTS FROM: SOURCE: SOUTH FORK BOISE RIVER

RIGHT NUMBER: 63-03614

NAME & ADDRESS: United States of America
Regional Director PN Region
Bureau of Reclamation
1150 N Curtis Rd Suite 100
Boise, ID 83706-1234

SOURCE: SOUTH FORK BOISE RIVER Tributary: BOISE RIVER

QUANTITY: 493161.00 AFY

TOTAL RESERVOIR CAPACITY IS 493,161 ACRE FEET WHEN FILLED TO ELEVATION 4196.0 FEET AND MEASURED AT THE UPSTREAM FACE OF THE DAM.

PRIORITY DATE: 12-09-1940

POINT OF DIVERSION: T01S R08E S01 LOT 4 (NWSE) Within Elmore County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation Storage	01-01 TO 12-31	487961.00 AFY
Irrigation from Storage	03-15 TO 11-15	487961.00 AFY
Industrial Storage	01-01 TO 12-31	5200.00 AFY
Industrial from Storage	01-01 TO 12-31	5200.00 AFY
Power Storage	01-01 TO 12-31	493161.00 AFY
Power from Storage	01-01 TO 12-31	493161.00 AFY
Municipal Storage	01-01 TO 12-31	5200.00 AFY
Municipal from Storage	01-01 TO 12-31	5200.00 AFY

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 MARCH 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

493,161 ACRE-FEET FOR POWER THAT CAN BE GENERATED BY THE RELEASE OF 487,961 ACRE-FEET OF WATER FOR IRRIGATION AND 5,200 ACRE-FEET FOR INDUSTRIAL AND MUNICIPAL PURPOSES.

PLACE OF USE: THE PLACE OF USE IS WITHIN THE BOISE FEDERAL RECLAMATION PROJECT WITHIN ADA, CANYON, ELMORE COUNTIES, IDAHO AND MALHEUR COUNTY OREGON (BIG BEND IRRIGATION DISTRICT).

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

THE NAME OF THE UNITED STATES OF AMERICA ACTING THROUGH THE BUREAU OF RECLAMATION APPEARS IN THE NAME AND ADDRESS SECTIONS OF THIS PARTIAL DECREE. HOWEVER AS A MATTER OF IDAHO CONSTITUTIONAL AND STATUTORY LAW, TITLE TO THE USE OF THE WATER IS HELD BY THE CONSUMERS OR USERS OF THE WATER. THE IRRIGATION ORGANIZATIONS ACT ON BEHALF OF THE CONSUMERS OR USERS TO ADMINISTER THE USE OF THE WATER FOR THE LANDOWNERS IN THE QUANTITIES AND/OR PERCENTAGES SPECIFIED IN THE CONTRACTS BETWEEN THE BUREAU OF RECLAMATION AND THE IRRIGATION ORGANIZATIONS FOR THE BENEFIT OF THE LANDOWNERS ENTITLED TO RECEIVE DISTRIBUTION OF THIS WATER FROM THE RESPECTIVE IRRIGATION ORGANIZATIONS. THE INTEREST OF THE CONSUMERS OR USERS OF THE WATER IS APPURTENANT TO THE LANDS WITHIN THE BOUNDARIES OF OR SERVED BY SUCH IRRIGATION ORGANIZATIONS, AND THAT INTEREST IS DERIVED FROM LAW AND IS NOT BASED EXCLUSIVELY ON THE CONTRACTS BETWEEN THE BUREAU OF RECLAMATION AND THE IRRIGATION ORGANIZATIONS.

Explanatory Material: Basis of Claim - License

CERTIFICATE OF MAILING

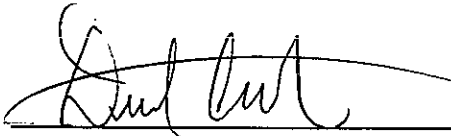
I certify that on JAN. 21, 2008⁹, I mailed the original and copies of this form, including all attachments, postage prepaid and addressed as follows:

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:

Idaho Department of Water Resources IDWR Document Depository P. O. Box 83720 Boise, Idaho 83720-0098	U.S. Department of Justice Depository Environment and Natural Resources Div. 550 West Fort Street, MSC 033 Boise ID 83724
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3. Copies to all parties to the subcase (insert names and addresses):

Albert P. Barker Shelley M. Davis John K. Simpson Barker, Rosholt & Simpson LLP P.O. Box 2139 Boise, ID 83701-2139	Daniel V. Steenson S. Bryce Farris Ringert Clark Chartered P.O. Box 2773 Boise, ID 83701-2773
Travis L. Thompson Barker, Rosholt & Simpson LLP P.O. Box 485 Twin Falls, ID 83303-0485	Jerry A. Kiser Stoppelo and Kiser 620 West Hayes Boise, ID 83702
Scott L. Campbell Moffatt Thomas Barrett Rock & Fields, Chtd. P.O. Box 829 Boise, ID 83701-0829	 _____ David W. Gehlert