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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

2009 JUN 8 AM 10 55

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.: 45-512

STANDARD FORM 5

STIPULATED ELEMENTS OF A
WATER RIGHT

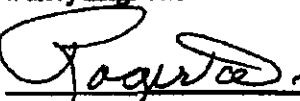
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary 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:

Burley Irrigation District


Roger D. Ling Date 10/1/08
Attorney for Burley Irrigation District

OBJECTOR:

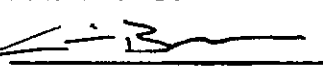
United States on behalf of the
Bureau of Land Management


David L. Negri Date 10/3/08
Attorney, U.S. Department of Justice
Environment and Natural Resources Div.

IDWR CONCURRENCE:


Douglas Jones Date 9/22/08
Engineer, Technical 1

IDWR CONCURRENCE:


Christopher M. Bromley Date 6/3/09
Deputy Attorney General
Attorney for IDWR

Standard Form 5

Subcase No. 45-512

09/30/2008

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

RIGHT NUMBER: 45-512

NAME AND ADDRESS: BOWLEY IRRIGATION DIST
250 E 100 S
BOWLEY ID 83318

SOURCE: MARSH CREEK

TRIBUTARY: SNAKE RIVER

Bowley Irrigation District uses the channel of Marsh Creek within its boundaries as a part of its water delivery system used to deliver water diverted under its water rights to lands included in the irrigation district.

QUANTITY: 150,000 CFS

PRIORITY DATE: 06/03/1909

POINT OF
DIVERSION:

7188 R25E S30 SESESE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/15 11/15

150,000 CFS

PLACE OF USE:

47643 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 42-2023(2) and authorized pursuant to I.C. Section 42-1411(2)(b). 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 5th 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 IS LIMITED TO THE IRRIGATION OF 41,203 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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



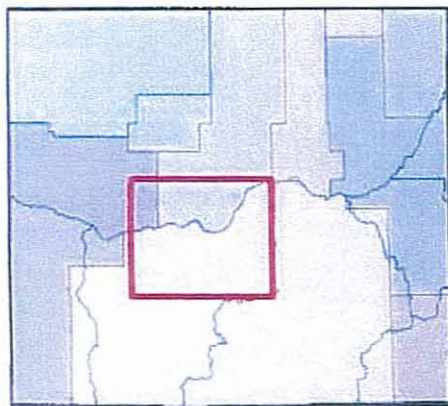
Burley Irrigation Dist

SRBA Recommendations: 45-512

Service Area Boundary
GIS Place of Use Illustration

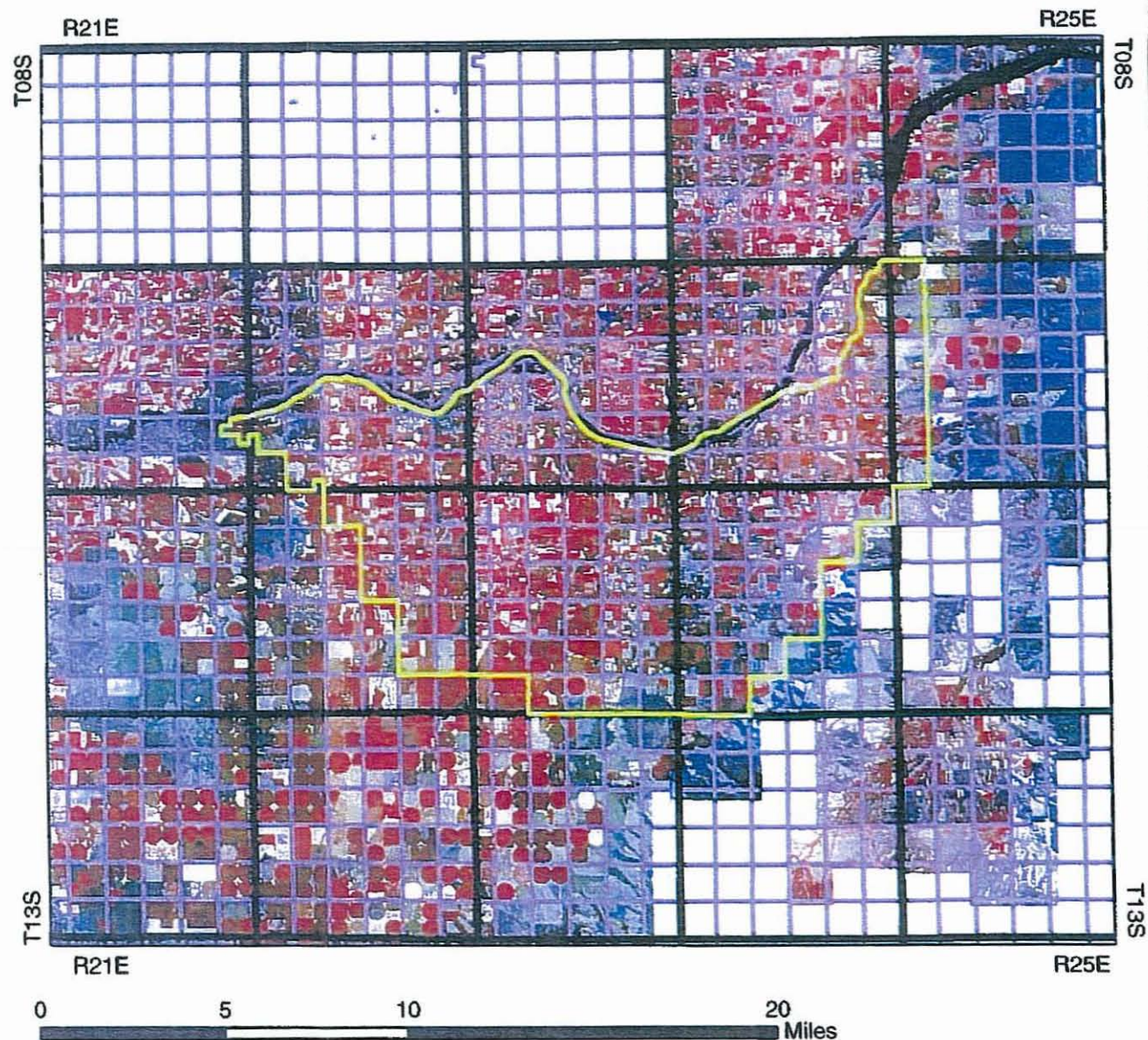
Legend

- Service Area
- Townships
- PLS Sections



Cassia, Minidoka Counties
IDWR Basin 45

Prepared by Danielle Favreau
On Monday, May 19, 2008
1987/88 Aerial Photography



CERTIFICATE OF SERVICE

I certify that on June 3rd, 2008, I caused to be served true and correct copies of this Standard Form 5, to the following persons, in the manner indicated 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, ID 83303-2707

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

2. Copies to:

U.S. Department of Justice
Environment & Nat'l Resources Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, ID 83724

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Roger D. Ling
Robinson Assoc.
P.O. Box 396
Rupert, ID 83350

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

IDWR Document Repository
P.O. Box 83720
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Signature of person or attorney mailing the form