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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

JUN - 8 2009

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

Clerk

Deputy Clerk

In Re SRBA

Subcase Nos. 02-2209E

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/OBJECTOR:

City of Glenss Ferry

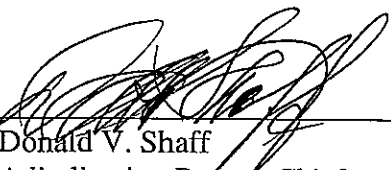
Bruce Smith 6/1/09

Bruce Smith, Attorney

Date

STANDARD FORM 5 - 02-2209E

IDWR Concurrence:


Donald V. Shaff
Adjudication Bureau Chief

6-04-09
Date


Garrick Baxter
Deputy Attorney General

6/4/09
Date

CERTIFICATE OF MAILING

I certify that on 6/5, 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:

CITY OF GLENNS FERRY IDAHO
Represented by:
BRUCE M. SMITH
950 W BANNOCK STE 520
BOISE, ID 83702

CITY OF GLENNS FERRY IDAHO
Represented by:
CARL J WITHROE
950 W BANNOCK ST STE 520
BOISE, ID 83702

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

CITY OF GLENNS FERRY
204 E 2ND AVE
PO BOX 910
GLENNS FERRY, ID 83623-0910



Signature of person or attorney mailing the form

01/20/2009

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

RIGHT NUMBER: 2-2209E

NAME AND ADDRESS: CITY OF GLENNS FERRY
PO BOX 910
GLENNS FERRY ID 83623-0910

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 2.400 CFS
401.70 AFY

~~USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 98.24 CFS. COMBINED RIGHT NOS.: 2-103, 2-4021,
AND ALL PARTS OF BASE RIGHT 2-2209 INCLUDING 2-2209E, 2-2209G,
2-2209E, 2-10187, 2-10189, 2-10191, 2-10196, 2-10208, & 2-10209.~~

The total instantaneous diversion of water from all points of diversion under
Transfer 5125 shall not exceed 2.40 cfs, nor a total combined annual volume
of 401.7 af.

PRIORITY DATE: 02/25/1963

POINT OF
DIVERSION:

T05S R10E S28 SWNW Lot 7 Within ELMORE County
T05S R10E S32 SENW Lot 3 Within ELMORE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

MUNICIPAL

04/01 10/31

2.400 CFS
401.70 AFY

PLACE OF USE:

Place of use is within the City of Glenns Ferry and surrounding service
area.

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 - License

THIS RIGHT IS A SPLIT FROM FORMER CLAIM 2-2209A.

Prior to diversion of water under this approval, the right holder shall provide
a means of measurement acceptable to the Department from all authorized
points of diversion which will allow determination of the total rate of
diversion.

After specific notification by the department, the right holder shall use
measuring devices or shall enter into an agreement with the department to
determine the amount of water diverted from power records and shall
annually report the information to the department.

Approval of Transfer 5125 does not grant any right-of-way or easement for
use of a delivery system owned by person(s) other than the right owner.

Failure of the right holder to comply with the conditions of Transfer 5125 is
cause for the Director to rescind approval of the transfer.