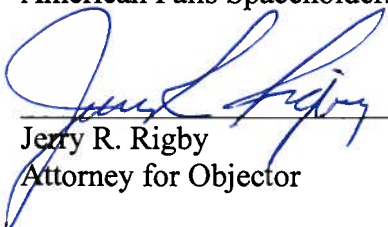




**OBJECTOR:**

American Falls Spaceholders

  
\_\_\_\_\_  
Jerry R. Rigby  
Attorney for Objector

1-21-10  
Date

**IDWR CONCURRENCE:**

  
\_\_\_\_\_  
Carter Fritschle  
Water Rights Adjudication  
Section Manager

1-25-10  
Date

**IDWR CONCURRENCE:**

  
\_\_\_\_\_  
Garrick L. Baxter  
Deputy Attorney General  
Attorney for IDWR

1-21-10  
Date

## CERTIFICATE OF SERVICE

I certify that on this \_\_\_\_ day of \_\_\_\_\_ 2010, I caused to be served the original and copies of the **STANDARD FORM 5** on the following persons by the methods indicated:

1. Original to:

CLERK OF THE DISTRICT COURT  
SNAKE RIVER BASIN ADJUDICATION  
253 THIRD AVENUE NORTH  
PO BOX 2707  
TWIN FALLS, ID 83303-2707

- ☐ U.S. Mail, postage prepaid
- ☐ Hand Delivery
- ☐ Federal Express
- ☐ Facsimile: (208) 736-2121
- ☐ Statehouse Mail

2. Copies to:

IDAHO POWER COMPANY  
Represented by:  
JAMES C TUCKER  
IDAHO POWER CO  
PO BOX 70  
BOISE, ID 83707

- ☐ U.S. Mail, postage prepaid
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JIM LOCHHEAD  
BROWNSTEIN HYATT ET AL  
410 17TH STREET, SUITE 2200  
DENVER, CO 80202

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ABERDEEN AMERICAN FALLS GWD  
BINGHAM GWD  
BONNEVILLE JEFFERSON GWD  
CAREY VALLEY GWD  
IGWA INC  
JEFFERSON CLARK GWD  
MADISON GWD  
MAGIC VALLEY GWD  
NORTH SNAKE GWD

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Represented by:  
CANDICE MCHUGH  
RACINE, OLSON, NYE, BUDGE &  
BAILEY, CHTD.  
101 CAPITOL BLVD., STE. 208  
BOISE, ID 83702

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

- ☐ U.S. Mail, postage prepaid
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- ☐ Federal Express
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- ☐ Statehouse Mail

UNITED STATES OF AMERICA  
REGIONAL DIRECTOR PN REGION  
BUREAU OF RECLAMATION PN-3100  
1150 N CURTIS RD STE 100  
BOISE, ID 83706-1234

- ☐ U.S. Mail, postage prepaid
- ☐ Hand Delivery
- ☐ Federal Express
- ☐ Facsimile: \_\_\_\_\_
- ☐ Statehouse Mail

STATE OF IDAHO  
Represented by:  
NATURAL RESOURCES DIV. CHIEF  
STATE OF IDAHO  
ATTORNEY GENERAL'S OFFICE  
P.O. BOX 44449  
BOISE, ID 83711-4499

- ☐ U.S. Mail, postage prepaid
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AMERICAN FALLS SPACEHOLDERS  
Represented by:  
JERRY R. RIGBY  
RIGBY, ANDRUS & MOELLER  
P.O. BOX 250  
REXBURG, ID 83440

- ☐ U.S. Mail, postage prepaid
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IDWR DOCUMENT DEPOSITORY  
PO BOX 83720  
BOISE, ID 83720-0098

- ☐ Federal Express
  - ☐ Facsimile: \_\_\_\_\_
  - ☐ Statehouse Mail
-

01/07/2010

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

RIGHT NUMBER: 1-2017

NAME AND ADDRESS: IDAHO POWER CO  
PO BOX 70  
BOISE ID 83707

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 1,400.000 CFS

~~The quantity of water for this right and Right Nos. 01-2017, 01-2032 and 01-10383 when combined together is limited to 100 CFS beginning April 1, increasing uniformly to 2500 CFS on May 1, and continuing at that amount to September 15 inclusive, then decreasing uniformly to 100 CFS on October 31, and none from November 1 to March 31 inclusive.~~

PRIORITY DATE: 09/03/1908

The right for the use of water acquired under this right shall be junior and subordinate to all other rights for the use of water within the State of Idaho with a priority date later in time than the priority of this right and shall not give rise to any claim against any future rights for the use of water within the State of Idaho initiated later in time than the priority of this right.

POINT OF  
DIVERSION:

T07S R31E S30 SWSE Lot 12 Within POWER County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u>                                  | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|--------------------------------------------------------|----------------------|-----------------|
| POWER                                                  | 04/01 10/31          | 1,400.000 CFS   |
| Power generation is at the American Falls Power Plant. |                      |                 |

PLACE OF USE: POWER in POWER County

T07S R31E S30 Lot 12 SWSE

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.

~~As provided in the Contract Between the United States of America and the Idaho Power Company Relative to Power Rights at American Falls, Idaho, dated June 15, 1923, Idaho Power Company limited its power water rights on the Snake River at whatever point and in whatever counties the same may be located insofar as and no farther than the rights allowed and granted to the United States to store and use water.~~

~~The remainder of this right was conveyed to the United States by the Contract Between the United States of America and the Idaho Power Company Relative to Power Rights at American Falls, Idaho, dated June 15, 1923, also identified in the United States records as Symbol ILR-733, and the deeds recorded as instrument numbers 31019, 31020, 31021 and 38454 as on file at the recorders office in Power County, Idaho.~~

~~As a condition of the accomplished transfer, the project shall be operated in such manner as will not conflict with the future depletion in flow of the waters of the Snake River and its tributaries, or prevent or interfere with the future upstream diversion and use of such waters for the irrigation of lands and other beneficial consumptive uses in the Snake River watershed.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

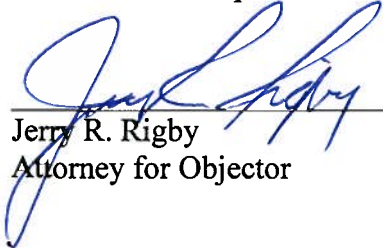
Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.



**OBJECTOR:**

American Falls Spaceholders

  
Jerry R. Rigby  
Attorney for Objector

1-21-10  
Date

**IDWR CONCURRENCE:**

  
Carter Fritschle  
Water Rights Adjudication  
Section Manager

1-25-10  
Date

**IDWR CONCURRENCE:**

  
Garrick L. Baxter  
Deputy Attorney General  
Attorney for IDWR

1/21/2010  
Date

## CERTIFICATE OF SERVICE

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ENVIRONMENT & NATL' RESOURCES  
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Represented by:  
NATURAL RESOURCES DIV. CHIEF  
STATE OF IDAHO  
ATTORNEY GENERAL'S OFFICE  
P.O. BOX 44449  
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JERRY R. RIGBY  
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P.O. BOX 250  
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IDWR DOCUMENT DEPOSITORY  
PO BOX 83720  
BOISE, ID 83720-0098

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- ☐ Facsimile: \_\_\_\_\_
- ☐ Statehouse Mail

01/07/2010

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

RIGHT NUMBER: 1-2032

NAME AND ADDRESS: IDAHO POWER CO  
PO BOX 70  
BOISE ID 83707

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 236.000 CFS

~~The quantity of water for this right and Right Nos. 01-2017, 01-2032 and 01-10383 when combined together is limited to 100 CFS beginning April 1, increasing uniformly to 2500 CFS on May 1, and continuing at that amount to September 15 inclusive, then decreasing uniformly to 100 CFS on October 31, and none from November 1 to March 31 inclusive.~~

PRIORITY DATE: 03/08/1919

The right for the use of water acquired under this right shall be junior and subordinate to all other rights for the use of water within the State of Idaho with a priority date later in time than the priority of this right and shall not give rise to any claim against any future rights for the use of water within the State of Idaho initiated later in time than the priority of this right.

POINT OF  
DIVERSION:

T07S R31E S30 SWSE Lot 12 Within POWER County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u>                                  | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|--------------------------------------------------------|----------------------|-----------------|
| POWER                                                  | 04/01 10/31          | 236.000 CFS     |
| Power generation is at the American Falls Power Plant. |                      |                 |

PLACE OF USE: POWER in POWER County

T07S R31E S30 Lot 12 SWSE

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.

~~As provided in the Contract Between the United States of America and the Idaho Power Company Relative to Power Rights at American Falls, Idaho, dated June 15, 1923, Idaho Power Company limited its power water rights on the Snake River at whatever point and in whatever counties the same may be located insofar as and no farther than the rights allowed and granted to the United States to store and use water.~~

~~The remainder of this right was conveyed to the United States by the Contract Between the United States of America and the Idaho Power Company Relative to Power Rights at American Falls, Idaho, dated June 15, 1923, also identified in the United States records as Symbol ILR-733, and the deeds recorded as instrument numbers 31019, 31020, 31021 and 38454 as on file at the recorders office in Power County, Idaho.~~

~~As a condition of the accomplished transfer, the project shall be~~

~~operated in such manner as will not conflict with the future depletion in  
flow of the waters of the Snake River and its tributaries, or prevent or  
interfere with the future upstream diversion and use of such waters for  
the irrigation of lands and other beneficial consumptive uses in the  
Snake River watershed.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Right includes accomplished change in place of use pursuant to Section  
42-1425, Idaho Code.

Right includes accomplished change in point of diversion pursuant to Section  
42-1425, Idaho Code.

Subcase No. 01-02046

# STANDARD FORM 5

Case No. 39576

## STIPULATED ELEMENTS OF A WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law. 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; and 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 decreed as described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.**

**CLAIMANT/OBJECTOR:**

Idaho Power Company

**OBJECTOR:**

State of Idaho

James C. Tucker  
Attorney for Claimant/Objector

David I. Stanish  
Deputy Attorney General  
Attorney for Objector

**OBJECTOR:**

U.S. Bureau of Reclamation

**OBJECTOR:**

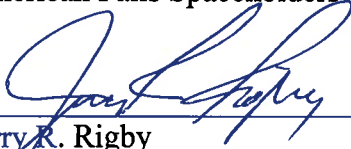
## Ground Water Districts

David W. Gehlert  
Attorney for Objector

Candice M. McHugh  
Attorney for Objector

**OBJECTOR:**

American Falls Spaceholders

  
\_\_\_\_\_  
Jerry R. Rigby  
Attorney for Objector

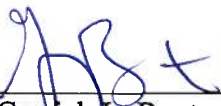
1-21-10  
Date

**IDWR CONCURRENCE:**

  
\_\_\_\_\_  
Carter Fritschle  
Water Rights Adjudication  
Section Manager

1-25-10  
Date

**IDWR CONCURRENCE:**

  
\_\_\_\_\_  
Garrick L. Baxter  
Deputy Attorney General  
Attorney for IDWR

1/21/2010  
Date

## CERTIFICATE OF SERVICE

I certify that on this \_\_\_\_ day of \_\_\_\_\_ 2010, I caused to be served the original and copies of the **STANDARD FORM 5** on the following persons by the methods indicated:

1. Original to:

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PO BOX 2707  
TWIN FALLS, ID 83303-2707

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IDAHO POWER COMPANY  
Represented by:  
JAMES C TUCKER  
IDAHO POWER CO  
PO BOX 70  
BOISE, ID 83707

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IGWA INC  
JEFFERSON CLARK GWD  
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MAGIC VALLEY GWD  
NORTH SNAKE GWD  
Represented by:  
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BAILEY, CHTD.  
101 CAPITOL BLVD., STE. 208  
BOISE, ID 83702

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USDI BUREAU OF RECLAMATION  
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US DEPARTMENT OF JUSTICE  
ENVIRONMENT & NATL' RESOURCES  
550 WEST FORT STREET, MSC 033  
BOISE, ID 83724

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UNITED STATES OF AMERICA  
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STATE OF IDAHO  
Represented by:  
NATURAL RESOURCES DIV. CHIEF  
STATE OF IDAHO  
ATTORNEY GENERAL'S OFFICE  
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IDWR DOCUMENT DEPOSITORY  
PO BOX 83720  
BOISE, ID 83720-0098

- ☐ Federal Express
  - ☐ Facsimile: \_\_\_\_\_
  - ☐ Statehouse Mail
-

01/07/2010

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

RIGHT NUMBER: 1-2046

NAME AND ADDRESS: IDAHO POWER CO  
PO BOX 70  
BOISE ID 83707

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 2,000.000 CFS

PRIORITY DATE: 10/15/1926

The right for the use of water acquired under this right shall be junior and subordinate to all other rights for the use of water within the State of Idaho with a priority date later in time than the priority of this right and shall not give rise to any claim against any future rights for the use of water within the State of Idaho initiated later in time than the priority of this right.

POINT OF  
DIVERSION:

T07S R31E S30 SWSE Lot 12 Within POWER County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u>                                  | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|--------------------------------------------------------|----------------------|-----------------|
| POWER                                                  | 01/01 12/31          | 2,000.000 CFS   |
| Power generation is at the American Falls Power Plant. |                      |                 |

PLACE OF USE: POWER in POWER County

T07S R31E S30 Lot 12 SWSE

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.

~~As provided in the Contract Between the United States of America and the Idaho Power Company Relative to Power Rights at American Falls, Idaho, dated June 15, 1923, Idaho Power Company limited its power water rights on the Snake River at whatever point and in whatever counties the same may be located insofar as and no farther than the rights allowed and granted to the United States to store and use water.~~

~~As a condition of the accomplished transfer, the project shall be operated in such manner as will not conflict with the future depletion in flow of the waters of the Snake River and its tributaries, or prevent or interfere with the future upstream diversion and use of such waters for the irrigation of lands and other beneficial consumptive uses in the Snake River watershed.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

Subcase No. 01-10382

# 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. 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; and 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 decreed as described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.**

**CLAIMANT/OBJECTOR:**

Idaho Power Company

**OBJECTOR:**

State of Idaho

James C. Tucker

Attorney for Claimant/Objector

Date \_\_\_\_\_

David I. Stanish

Deputy Attorney General  
Attorney for Objector

Date \_\_\_\_\_

**OBJECTOR:**

U.S. Bureau of Reclamation

**OBJECTOR:**

## Ground Water Districts

David W. Gehlert

Attorney for Objector

Date \_\_\_\_\_

---

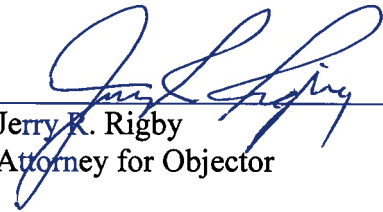
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Date \_\_\_\_\_

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

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UNITED STATES OF AMERICA  
REGIONAL DIRECTOR PN REGION  
BUREAU OF RECLAMATION PN-3100  
1150 N CURTIS RD STE 100  
BOISE, ID 83706-1234

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STATE OF IDAHO  
Represented by:  
NATURAL RESOURCES DIV. CHIEF  
STATE OF IDAHO  
ATTORNEY GENERAL'S OFFICE  
P.O. BOX 44449  
BOISE, ID 83711-4499

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AMERICAN FALLS SPACEHOLDERS  
Represented by:  
JERRY R. RIGBY  
RIGBY, ANDRUS & MOELLER  
P.O. BOX 250  
REXBURG, ID 83440

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IDWR DOCUMENT DEPOSITORY  
PO BOX 83720  
BOISE, ID 83720-0098

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01/07/2010

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

RIGHT NUMBER: 1-10382

NAME AND ADDRESS: IDAHO POWER CO  
PO BOX 70  
BOISE ID 83707

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 253.000 CFS

~~The quantity of water for this right and Right Nos. 01-2017, 01-2032 and 01-10383 when combined together is limited to 100 CFS beginning April 1, increasing uniformly to 2500 CFS on May 1, and continuing at that amount to September 15 inclusive, then decreasing uniformly to 100 CFS on October 31, and none from November 1 to March 31 inclusive.~~

PRIORITY DATE: 07/15/1901

The right for the use of water acquired under this right shall be junior and subordinate to all other rights for the use of water within the State of Idaho with a priority date later in time than the priority of this right and shall not give rise to any claim against any future rights for the use of water within the State of Idaho initiated later in time than the priority of this right.

POINT OF  
DIVERSION:

T07S R31E S30 SWSE Lot 12 Within POWER County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u>                                  | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|--------------------------------------------------------|----------------------|-----------------|
| POWER                                                  | 04/01 10/31          | 253.000 CFS     |
| Power generation is at the American Falls Power Plant. |                      |                 |

PLACE OF USE: POWER in POWER County

T07S R31E S30 Lot 12 SWSE

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.

~~As provided in the Contract Between the United States of America and the Idaho Power Company Relative to Power Rights at American Falls, Idaho, dated June 15, 1923, Idaho Power Company limited its power water rights on the Snake River at whatever point and in whatever counties the same may be located insofar as and no farther than the rights allowed and granted to the United States to store and use water.~~

~~The remainder of this right was conveyed to the United States by the Contract Between the United States of America and the Idaho Power Company Relative to Power Rights at American Falls, Idaho, dated June 15, 1923, also identified in the United States records as Symbol ILR-733, and the deeds recorded as instrument numbers 31019, 31020, 31021 and 38454 as on file at the recorders office in Power County, Idaho.~~

~~As a condition of the accomplished transfer, the project shall be~~

~~operated in such manner as will not conflict with the future depletion in flow of the waters of the Snake River and its tributaries, or prevent or interfere with the future upstream diversion and use of such waters for the irrigation of lands and other beneficial consumptive uses in the Snake River watershed.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

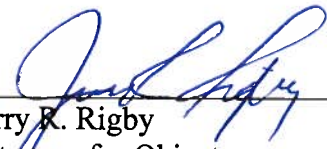
Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.



**OBJECTOR:**

American Falls Spaceholders

  
\_\_\_\_\_  
Jerry R. Rigby  
Attorney for Objector

1-21-10

Date

**IDWR CONCURRENCE:**

  
\_\_\_\_\_  
Carter Fritschle  
Water Rights Adjudication  
Section Manager

1-25-10

Date

**IDWR CONCURRENCE:**

  
\_\_\_\_\_  
Garrick L. Baxter  
Deputy Attorney General  
Attorney for IDWR

1/21/2010

Date

## CERTIFICATE OF SERVICE

I certify that on this \_\_\_\_ day of \_\_\_\_\_ 2010, I caused to be served the original and copies of the **STANDARD FORM 5** on the following persons by the methods indicated:

1. Original to:

CLERK OF THE DISTRICT COURT  
SNAKE RIVER BASIN ADJUDICATION  
253 THIRD AVENUE NORTH  
PO BOX 2707  
TWIN FALLS, ID 83303-2707

- ☐ U.S. Mail, postage prepaid
- ☐ Hand Delivery
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- ☐ Facsimile: (208) 736-2121
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2. Copies to:

IDAHO POWER COMPANY  
Represented by:  
JAMES C TUCKER  
IDAHO POWER CO  
PO BOX 70  
BOISE, ID 83707

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CANDICE MCHUGH  
RACINE, OLSON, NYE, BUDGE &  
BAILEY, CHTD.  
101 CAPITOL BLVD., STE. 208  
BOISE, ID 83702

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USDI BUREAU OF RECLAMATION  
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US DEPARTMENT OF JUSTICE  
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STATE OF IDAHO  
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01/07/2010

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

RIGHT NUMBER: 1-10383

NAME AND ADDRESS: IDAHO POWER CO  
PO BOX 70  
BOISE ID 83707

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 611.000 CFS

~~The quantity of water for this right and Right Nos. 01-2017, 01-2032 and 01-10383 when combined together is limited to 100 CFS beginning April 1, increasing uniformly to 2500 CFS on May 1, and continuing at that amount to September 15 inclusive, then decreasing uniformly to 100 CFS on October 31, and none from November 1 to March 31 inclusive.~~

PRIORITY DATE: 08/01/1901

The right for the use of water acquired under this right shall be junior and subordinate to all other rights for the use of water within the State of Idaho with a priority date later in time than the priority of this right and shall not give rise to any claim against any future rights for the use of water within the State of Idaho initiated later in time than the priority of this right.

POINT OF  
DIVERSION:

T07S R31E S30 SWSE Lot 12 Within POWER County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u>                                  | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|--------------------------------------------------------|----------------------|-----------------|
| POWER                                                  | 04/01 10/31          | 611.000 CFS     |
| Power generation is at the American Falls Power Plant. |                      |                 |

PLACE OF USE: POWER in POWER County

T07S R31E S30 Lot 12 SWSE

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.

~~As provided in the Contract Between the United States of America and the Idaho Power Company Relative to Power Rights at American Falls, Idaho, dated June 15, 1923, Idaho Power Company limited its power water rights on the Snake River at whatever point and in whatever counties the same may be located insofar as and no farther than the rights allowed and granted to the United States to store and use water.~~

~~The remainder of this right was conveyed to the United States by the Contract Between the United States of America and the Idaho Power Company Relative to Power Rights at American Falls, Idaho, dated June 15, 1923, also identified in the United States records as Symbol ILR-733, and the deeds recorded as instrument numbers 31019, 31020, 31021 and 38454 as on file at the recorders office in Power County, Idaho.~~

~~As a condition of the accomplished transfer, the project shall be operated in such manner as will not conflict with the future depletion in flow of the waters of the Snake River and its tributaries, or prevent or interfere with the future upstream diversion and use of such waters for the irrigation of lands and other beneficial consumptive uses in the Snake River watershed.~~



EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

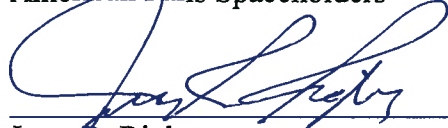
Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.





**OBJECTOR:**

American Falls Spaceholders

  
\_\_\_\_\_  
Jerry R. Rigby  
Attorney for Objector

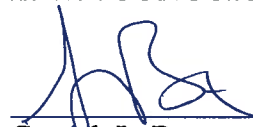
1-20-10  
Date

**IDWR CONCURRENCE:**

  
\_\_\_\_\_  
Carter Fritschle  
Water Rights Adjudication  
Section Manager

1-25-10  
Date

**IDWR CONCURRENCE:**

  
\_\_\_\_\_  
Garrick L. Baxter  
Deputy Attorney General  
Attorney for IDWR

1-21-2010  
Date

## CERTIFICATE OF SERVICE

I certify that on this \_\_\_\_ day of \_\_\_\_\_ 2010, I caused to be served the original and copies of the **STANDARD FORM 5** on the following persons by the methods indicated:

1. Original to:

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PO BOX 2707  
TWIN FALLS, ID 83303-2707

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2. Copies to:

IDAHO POWER COMPANY  
Represented by:  
JAMES C TUCKER  
IDAHO POWER CO  
PO BOX 70  
BOISE, ID 83707

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IDAHO POWER COMPANY  
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JIM LOCHHEAD  
BROWNSTEIN HYATT ET AL  
410 17TH STREET, SUITE 2200  
DENVER, CO 80202

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BINGHAM GWD  
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CAREY VALLEY GWD  
IGWA INC  
JEFFERSON CLARK GWD  
MADISON GWD  
MAGIC VALLEY GWD  
NORTH SNAKE GWD  
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CANDICE MCHUGH  
RACINE, OLSON, NYE, BUDGE &  
BAILEY, CHTD.  
101 CAPITOL BLVD., STE. 208  
BOISE, ID 83702

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USDI BUREAU OF RECLAMATION  
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550 WEST FORT STREET, MSC 033  
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STATE OF IDAHO  
Represented by:  
NATURAL RESOURCES DIV. CHIEF  
STATE OF IDAHO  
ATTORNEY GENERAL'S OFFICE  
P.O. BOX 44449  
BOISE, ID 83711-4499

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AMERICAN FALLS SPACEHOLDERS  
Represented by:  
JERRY R. RIGBY  
RIGBY, ANDRUS & MOELLER  
P.O. BOX 250  
REXBURG, ID 83440

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IDWR DOCUMENT DEPOSITORY  
PO BOX 83720  
BOISE, ID 83720-0098

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  - ☐ Facsimile: \_\_\_\_\_
  - ☐ Statehouse Mail
-

01/07/2010

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

---

RIGHT NUMBER: 1-10384

NAME AND ADDRESS: IDAHO POWER CO  
PO BOX 70  
BOISE ID 83707

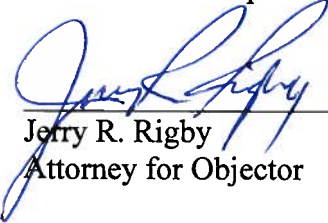
Disallowed: Recommended as Right Nos. 1-10531 and 1-10532.

*JS*  
*JLL* *CD*  
*JB*



**OBJECTOR:**

American Falls Spaceholders

 1-21-10  
Jerry R. Rigby Date  
Attorney for Objector

**IDWR CONCURRENCE:**

 1-25-10  
Carter Fritschle Date  
Water Rights Adjudication  
Section Manager

**IDWR CONCURRENCE:**

 1-21-2010  
Garrick L. Baxter Date  
Deputy Attorney General  
Attorney for IDWR

## CERTIFICATE OF SERVICE

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UNITED STATES OF AMERICA  
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PO BOX 83720  
BOISE, ID 83720-0098

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  - ☐ Statehouse Mail
-

01/07/2010

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

RIGHT NUMBER: 1-10531

NAME AND ADDRESS: IDAHO POWER CO  
PO BOX 70  
BOISE ID 83707

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 6,000.000 CFS

~~The quantity of water for this right is limited to 3500 CFS beginning September 16, increasing uniformly to 6000 CFS on November 1, and continuing at that amount to March 31 inclusive, then decreasing uniformly to 3500 CFS on May 1.~~

PRIORITY DATE: 04/13/1926

The right for the use of water acquired under this right shall be junior and subordinate to all other rights for the use of water within the State of Idaho with a priority date later in time than the priority of this right and shall not give rise to any claim against any future rights for the use of water within the State of Idaho initiated later in time than the priority of this right.

POINT OF  
DIVERSION:

T07S R31E S30 SWSE Lot 12 Within POWER County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u>               | <u>QUANTITY</u> |
|-----------------------|------------------------------------|-----------------|
| POWER                 | <del>09/16</del> 04/30 11/01 03/31 | 6,000.000 CFS   |
|                       | <del>05/01</del> 09/15 04/01 10/31 | 3,500.000 CFS   |

Power generation is at the American Falls Power Plant.

PLACE OF USE: POWER in POWER County

T07S R31E S30 Lot 12 SWSE

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.

~~As provided in the Contract Between the United States of America and the Idaho Power Company Relative to Power Rights at American Falls, Idaho, dated June 15, 1923, Idaho Power Company limited its power water rights on the Snake River at whatever point and in whatever counties the same may be located insofar as and no farther than the rights allowed and granted to the United States to store and use water.~~

~~As a condition of the accomplished transfer, the project shall be operated in such manner as will not conflict with the future depletion in flow of the waters of the Snake River and its tributaries, or prevent or interfere with the future upstream diversion and use of such waters for the irrigation of lands and other beneficial consumptive uses in the Snake River watershed.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

PS  
JH  
AB c4

Subcase No. 01-10532

# 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. 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; and 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 decreed as described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.**

**CLAIMANT/OBJECTOR:**

Idaho Power Company

**OBJECTOR:**

State of Idaho

James C. Tucker

Attorney for Claimant/Objector

Date \_\_\_\_\_

David I. Stanish

Deputy Attorney General  
Attorney for Objector

Date \_\_\_\_\_

**OBJECTOR:**

U.S. Bureau of Reclamation

**OBJECTOR:**

## Ground Water Districts

David W. Gehlert

Attorney for Objector

Date \_\_\_\_\_

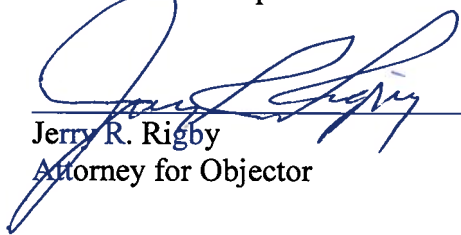
Candice M. McHugh

Attorney for Objector

Date \_\_\_\_\_

**OBJECTOR:**

American Falls Spaceholders

  
Jerry R. Rigby  
Attorney for Objector

1-21-10  
Date

**IDWR CONCURRENCE:**

  
Carter Fritschle  
Water Rights Adjudication  
Section Manager

1-25-10  
Date

**IDWR CONCURRENCE:**

  
Garrick L. Baxter  
Deputy Attorney General  
Attorney for IDWR

1-21-2010  
Date

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2. Copies to:

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JAMES C TUCKER  
IDAHO POWER CO  
PO BOX 70  
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STATE OF IDAHO  
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NATURAL RESOURCES DIV. CHIEF  
STATE OF IDAHO  
ATTORNEY GENERAL'S OFFICE  
P.O. BOX 44449  
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-

01/07/2010

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

RIGHT NUMBER: 1-10532

NAME AND ADDRESS: IDAHO POWER CO  
PO BOX 70  
BOISE ID 83707

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 1,000.000 CFS

PRIORITY DATE: 05/08/1936

The right for the use of water acquired under this right shall be junior and subordinate to all other rights for the use of water within the State of Idaho with a priority date later in time than the priority of this right and shall not give rise to any claim against any future rights for the use of water within the State of Idaho initiated later in time than the priority of this right.

POINT OF

DIVERSION: T07S R31E S30 SWSE Lot 12 Within POWER County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

POWER

01/01 12/31

1,000.000 CFS

Power generation is at the American Falls Power Plant.

PLACE OF USE: POWER in POWER County

T07S R31E S30 Lot 12 SWSE

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.

~~As provided in the Contract Between the United States of America and the Idaho Power Company Relative to Power Rights at American Falls, Idaho, dated June 15, 1923, Idaho Power Company limited its power water rights on the Snake River at whatever point and in whatever counties the same may be located insofar as and no farther than the rights allowed and granted to the United States to store and use water.~~

~~As a condition of the accomplished transfer, the project shall be operated in such manner as will not conflict with the future depletion in flow of the waters of the Snake River and its tributaries, or prevent or interfere with the future upstream diversion and use of such waters for the irrigation of lands and other beneficial consumptive uses in the Snake River watershed.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.