

RECEIVED
SLM ISOMR
AUG 11 2010
9:00 A.M.

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

AUG 25 2010

By

Clerk

Deputy Clerk

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. 63-02878

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.

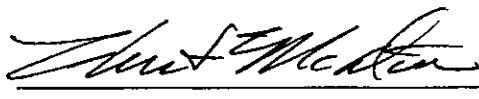
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT

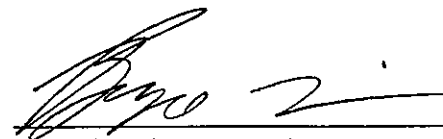
Black Canyon Irrigation District

OBJECTOR

Nampa & Meridian Irrigation District


Black Canyon Irrigation District

Date


Daniel V. Steenson, Attorney

Date

OBJECTOR

W.O., LLC

OBJECTION WITHDRAWN

Dana L. Hofstetter, Attorney

Date

OBJECTOR

United States on behalf of
Bureau of Land Management

David Negri 8/12/10

~~Larry Brown~~ David Negri Date

Attorney, U.S. Department of Justice

Environment and Natural Resources Division

RESPONDENT

United States on behalf of
Bureau of Reclamation

David Gehlert 7/28/10

David Gehlert

Date

Attorney, U.S. Department of Justice

Environment and Natural Resources Division

IDWR Concurrence:

Jan Shute 8-17-10 Nick Spencer 8-13-10

IDWR Agent

Date

Nicholas Spencer

Deputy Attorney General

Date

CERTIFICATE OF MAILING

I certify that on August 24, 2010, 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:

~~W.O. LLC~~

~~Represented by:~~

~~DANA L. HOFSTETTER~~

~~608 WEST FRANKLIN STREET~~

~~BOISE, ID 83702~~

NAMPA & MERIDIAN IRR DIST

Represented by:

~~DANIEL V. STEENSON~~ *Bryce Farri's*

455 S THIRD ST

PO BOX 2773

BOISE, ID 83701-2773

UNITED STATES OF AMERICA

USDI BUREAU OF RECLAMATION

Represented by:

US DEPARTMENT OF JUSTICE

ENVIRONMENT & NATL' RESOURCES

550 WEST FORT STREET, MSC 033

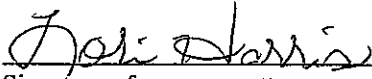
BOISE, ID 83724

BLACK CANYON IRRIGATION DIST

PO BOX 226

NOTUS, ID 83656

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



Signature of person or attorney mailing the form

SF5 Right No. 63-2878

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

RIGHT NUMBER: 63-2878

NAME AND ADDRESS: BLACK CANYON IRRIGATION DIST
PO BOX 226
NOTUS ID 83656

SOURCE: ELIJAH DRAIN TRIBUTARY: BOISE RIVER
 WILSON DRAIN TRIBUTARY: BOISE RIVER

The rate of diversion for this water right from the Elijah Drain is 10.6 cfs
and from the Wilson Drain the rate of diversion is 7.94 cfs.

QUANTITY: 18.540 CFS

PRIORITY DATE: 08/30/1951

POINT OF DIVERSION:

T03N R03W S12 SESE Within CANYON County

T03N R03W S12 SESE Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	18.540 CFS

PLACE OF USE:

62140 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.

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

This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.

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.

This right when combined with Right No. 63-2322 can be used to irrigate up to 6,880.73 acres of the 62,140 acres within the boundary of the Black Canyon Irrigation District.

This water right shall not alter or abrogate any provision of contract executed by the United States or State law regarding Black Canyon Irrigation District or Nampa & Meridian Irrigation District rights and responsibilities to use and make available water developed in drains within their boundaries.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

SF5 Right No. 63-2878

SBF
DAN
NBC
JP



United States Of America Acting Through

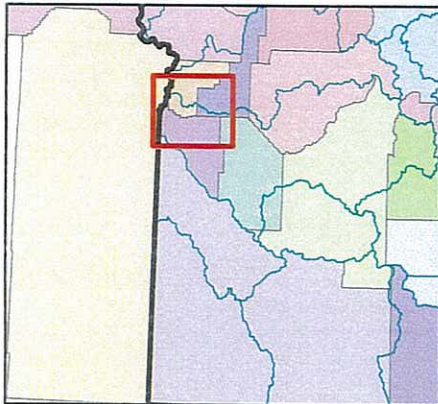
Adjudication Recommendations: 63-2322, 63-2878

Danielle Favreau

Irrigation Service Area Boundary
GIS Place of Use Illustration

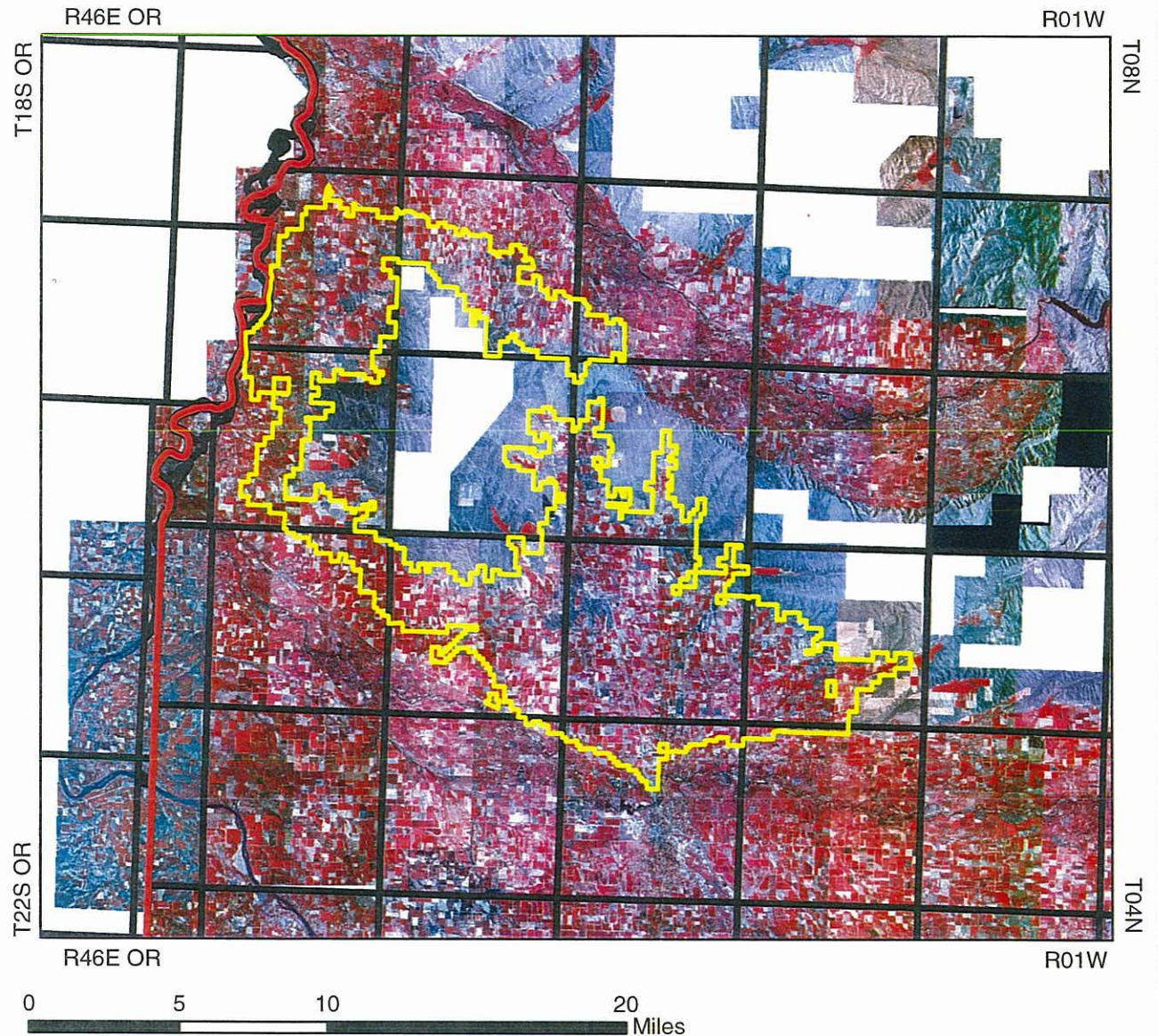
Legend

- Service Area
- State Outline
- Townships



Canyon, Gem, Malheur Or, Payette Counties
IDWR Basin 63

Prepared by Danielle Favreau
On October 08, 2009
1987/88 Aerial Photography





United States Of America Acting Through

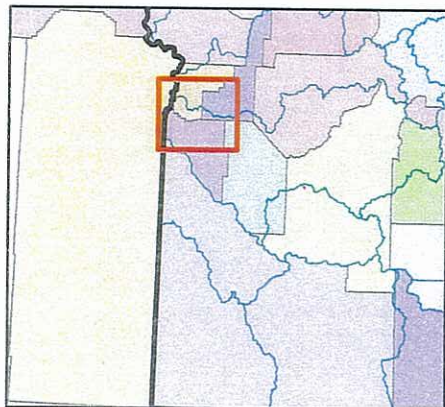
Adjudication Recommendations: 63-2322, 63-2878

Irrigation Service Area Boundary
GIS Place of Use Illustration

Open
ON

Legend

-  Service Area
-  State Outline
-  Townships



Canyon, Gem, Malheur Or, Payette Counties
IDWR Basin 63

Prepared by Danielle Favreau
On October 08, 2009
1987/88 Aerial Photography

