

STATE OF IDAHO  
OFFICE OF THE ATTORNEY GENERAL  
LAWRENCE G. WASDEN

May 5, 2011

Albert P. Barker  
1010 West Jefferson, Suite 102  
P.O. Box 2139  
Boise, ID 83701-2139

*RE: SRBA Subcase No. 63-2106 (Bureau of Reclamation)*

Dear Mr. Barker:

I am enclosing an SF5 for the above-referenced subcase. Please review the document, and if it is acceptable, please sign on the indicated signature line, initial the revised recommendation and return the original SF5 to me. I will attempt to obtain the remaining signature and file the document with the SRBA Court.

If you should have any questions or comments, please don't hesitate to contact me at 287-4815.

Sincerely,

A handwritten signature in black ink that reads "Ray Williams".

Ray Williams  
Paralegal

Enclosure

**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. 63-2106      |
|                | ) |                          |
| Case No. 39576 | ) | STANDARD FORM 5          |
|                | ) |                          |
|                | ) | STIPULATED ELEMENTS OF A |
|                | ) | WATER RIGHT              |

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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:**

Bureau of Reclamation



David W. Gehlert  
Attorney for Claimant

Date

4/25/11

**OBJECTOR/RESPONDENT:**

Ray Obendorf

By:  
Title:

Date

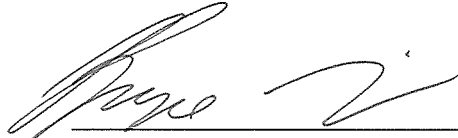
**OBJECTOR(s):**

Boise Project Board of Control

Nampa & Meridian Irrigation District

\_\_\_\_\_  
Albert P. Barker  
Attorney for Objector

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
S. Bryce Farris  
Attorney for Objector

5/2/11

\_\_\_\_\_  
Date

**IDWR Concurrence:**

  
\_\_\_\_\_  
Jan Shurte  
Water Right Supervisor

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Nicholas B. Spencer  
Deputy Attorney General  
Attorney for IDWR

\_\_\_\_\_  
Date

4-7-11

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

RIGHT NUMBER: 63-2106

NAME AND ADDRESS: UNITED STATES OF AMERICA ACTING THROUGH  
BUREAU OF RECLAMATION  
REGIONAL DIRECTOR PN CODE-3100  
1150 N CURTIS RD STE 100  
BOISE ID 83706-1234

*SBF*  
*NBS*  
*Dk*

SOURCE: FIVEMILE CREEK

TRIBUTARY: BOISE RIVER

QUANTITY: 10.000 CFS

PRIORITY DATE: 04/28/1909

POINT OF DIVERSION:

T03N R01E S24 NESW Within ADA County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 03/01 11/15          | 9.960 CFS       |
| DOMESTIC              | 01/01 12/31          | 0.040 CFS       |

PLACE OF USE:

167000 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.

Place of Use is 195,526 irrigated acres within the following irrigation district boundaries: Boise-Kuna Irrigation District, Nampa-Meridian Irrigation District, Wilder Irrigation District, New York Irrigation District, and the 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.

SBF

J  
NBS  
PK

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

## CERTIFICATE OF MAILING

I certify that on \_\_\_\_\_, 2011, 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:

BOISE PROJECT BOARD OF CONTROL

Represented by:  
ALBERT P. BARKER  
1010 W. JEFFERSON, STE. 102  
P.O. BOX 2139  
BOISE, ID 83701-2139

RAY OBENDORF

Represented by:  
DANA L. HOFSTETTER  
608 WEST FRANKLIN STREET  
BOISE, ID 83702

NAMPA & MERIDIAN IRRIGATION DISTRICT

Represented by:  
S. BRYCE FARRIS  
RINGERT LAW CHARTERED  
455 S. THIRD ST.  
P.O. BOX 2773  
BOISE, ID 83701-2773

UNITED STATES OF AMERICA

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

DIRECTOR OF IDWR

P.O. BOX 83720  
BOISE, ID 83720-0098

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Signature of person or attorney mailing the form