

|                                       |              |
|---------------------------------------|--------------|
| DISTRICT COURT - SRBA                 |              |
| Fifth Judicial District               |              |
| County of Twin Falls - State of Idaho |              |
| SEP - 6 2011                          |              |
| 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. 63-2212      |
|                | ) |                          |
| Case No. 39576 | ) | STANDARD FORM 5          |
|                | ) |                          |
|                | ) | STIPULATED ELEMENTS OF A |
|                | ) | WATER RIGHT              |

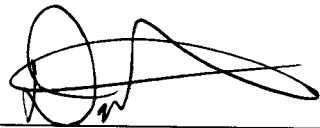
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary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

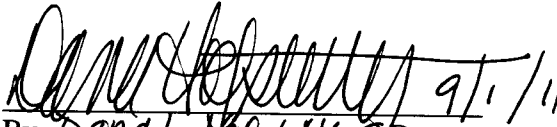
The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions 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:**  
Bureau of Reclamation

**OBJECTOR:**  
Ray Obendorf

  
\_\_\_\_\_  
David W. Gehlert      7/21/11  
Attorney for Claimant      Date

  
\_\_\_\_\_  
By: Dana L. Mosher      9/1/11  
Title: Attorney for Ray Obendorf      Date

**IDWR Concurrence:**

**Jan Shurte**  
**Water Right Supervisor**

Nicholas B. Spencer  
Deputy Attorney General  
Attorney for IDWR

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

RIGHT NUMBER: 63-2212

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

SOURCE: PIPE GULCH DRAW CREEK

TRIBUTARY: BOISE RIVER

QUANTITY: 10.000 CFS

PRIORITY DATE: 07/07/1913

POINT OF DIVERSION:

T04N R04W S16 NWSE Within CANYON County

PURPOSE AND  
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/01 11/15

10.000 CFS

PLACE OF USE:

10158 ACRES TOTAL

Place of Use is land within the Riverside Irrigation District.

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 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.

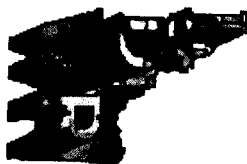
The name of the United States of America acting through the Bureau of Reclamation appears in the Name and Address sections of this partial decree. However, as a matter of Idaho Constitutional and Statutory Law, title to the use of the water is held by the consumers or users of the water. The irrigation 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

NBS

*[Handwritten signature]*  
*[Handwritten initials]*  
*[Handwritten signature]*



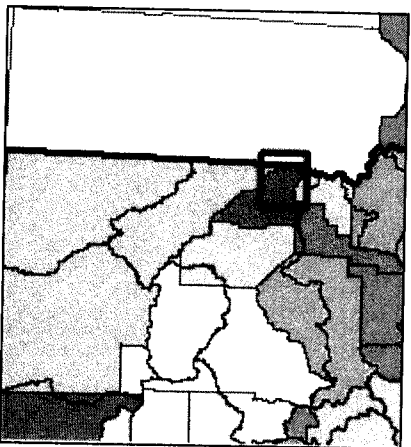
# United States Of America Acting Through BOR

Adjudication Recommendations: 63-2212, 63-32579

Irrigation Service Area Boundary  
GIS Place of Use Illustration

## Legend

-  Service Area
-  State Outline
-  Townships
-  PLS Sections



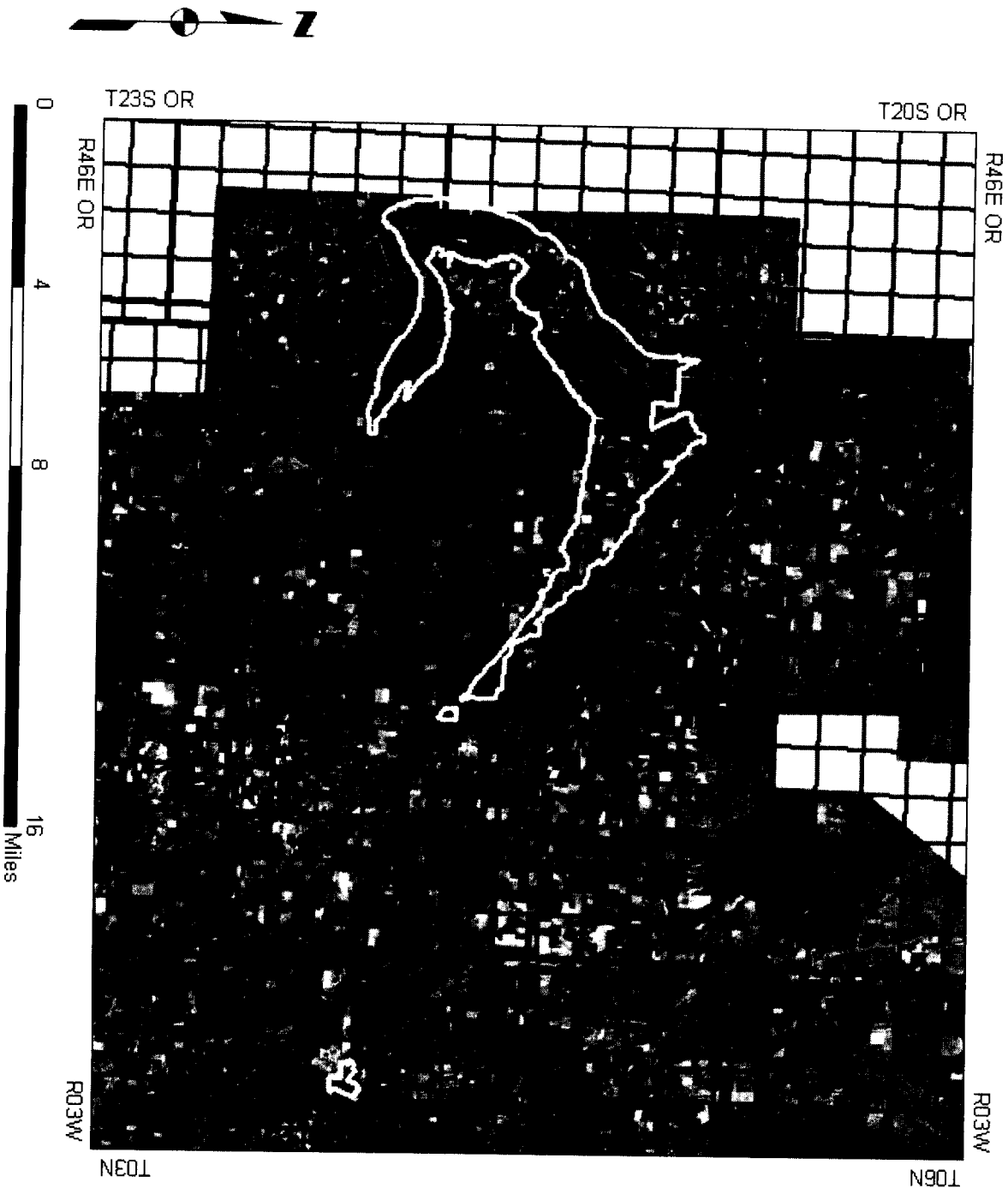
Canyon, Malheur Or Counties

IDWR Basin 63

Prepared by Favreau, Danielle

On May 03, 2011

1987/88 Aerial Photography



## CERTIFICATE OF MAILING

I certify that on September 6, 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:

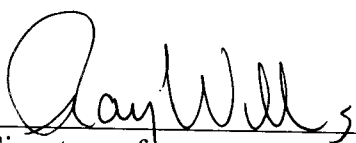
Clerk of the District Court  
Snake River Basin Adjudication  
253 Third Avenue North  
P. O. Box 2707  
Twin Falls, Idaho 83303-2707

2. Copies to:

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

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

  
\_\_\_\_\_  
Signature of person or attorney mailing the form