

DEPARTMENT OF
WATER RESOURCES

1. The Parties agree that the following remarks should be included in the partial decrees for the following water rights as set forth below:¹

Remark	Applicable Water Rights
[Upstream Storage—In State] Place of use for storage is [insert name] Reservoir, provided, however, that water under this right may be temporarily held in the unoccupied space of any of the reservoirs upstream of Milner Dam, located at township 10S, range, 21E, sections 28 and 29, when determined by the Water District 01 Watermaster, the Water District 01 advisory committee, and the United States Bureau of Reclamation that such temporary storage will maximize the storage of water upstream of Milner Dam.	01-2064, 01-10042 (American Falls) 01-2068, 01-10043 (Palisades) 21-2156, 21-10560 (Island Park) 01-219 (Lake Walcott) 25-7004 (Ririe)
[Upstream Storage—Out of State] Storage water referenced herein may be temporarily held in the unoccupied space of any of the reservoirs upstream of Milner Dam, located at township 10S, range, 21E, sections 28 and 29, when determined by the Water District 01 Watermaster, the Water District 01 advisory committee, and the United States Bureau of Reclamation that such temporary storage will maximize the storage of water upstream of Milner Dam.	01-4055, 01-10044, 01-10045 (Jackson Lake) 21-4155 (Grassy Lake)
[Permanent Exchange] The spaceholder contracts between the United States Bureau of Reclamation (USBR) and Burley Irrigation District and USBR and North Side Canal Company, respectively, provide for a credit of storage from Jackson Lake reservoir under water rights 01-4055, 01-10044, and 01-10045 to space in American Falls reservoir under water rights 01-2064 upon certain conditions. This determination and calculation of credit, if any, shall be made pursuant to contracts entered into with the USBR for space in American Falls and Jackson Lake reservoirs.	01-2064 (American Falls) 01-4055, 01-10044, 01-10045 (Jackson Lake)

¹ For ease of reference titles in brackets have been provided for each remark but those titles will not be included on the water rights. The Upstream Storage, Permanent Exchange, and MID Exchange remarks are consistent with and based upon provisions of the Palisades Contracts and administration of water rights in Water District 1.

[MID Exchange] Minidoka Irrigation District has the right to make annual exchanges of storage and to designate reservoirs for purposes of delivery and carryover of storage, as described in contract no. 14-06-100-1833 entered into with the U.S. Bureau of Reclamation.	01-4055, 01-10044 (Jackson Lake) 01-2064 (American Falls) 01-219 (Lake Walcott) 01-2068 (Palisades)
[2006 Settlement] The operation, use and administration of this water right is subject to the terms and conditions of the Settlement Agreement signed on February 14, 2006 with Minidoka Irrigation District, Burley Irrigation District, Twin Falls Canal Company, North Side Canal Company, and American Falls Reservoir District #2.	01-2064 (American Falls) 01-10045 (Jackson) 01-2068 (Palisades)

2. Consistent with and based upon the upstream storage, winter power savings and special priority provisions of the Palisades contracts and administration of water rights in Water District 1, the parties hereby stipulate to the elements of water rights 21-2156 and 21-10560 for Island Park Reservoir as set forth in Exhibits A and B, respectively, attached hereto.

3. Consistent with and based upon the upstream storage provisions of the Palisades contracts and administration of water rights in Water District 1, the parties hereby stipulate to the elements of water right 21-4155 for Grassy Lake Reservoir as set forth in Exhibit C attached hereto.

4. Consistent with and based upon the upstream storage, permanent exchange, and MID exchange provisions of the Palisades contracts and administration of water rights in Water District 1, the parties hereby stipulate to the elements of water rights 01-4055, 01-10044, and 01-10045 for Jackson Lake Reservoir as set forth in Exhibits D, E, and F, respectively, attached hereto.

5. The Parties agree the matters in this Stipulation are not severable. The Parties further agree to execute and file such necessary documents with the SRBA Court to implement

this Stipulation, including necessary motions for approval and Standard Form 5s. In the event the SRBA Court does not accept or partially decree all of the water rights with the elements and remarks set forth in this Stipulation, this Stipulation shall be null and void.

6. The Parties agree that this Stipulation has been reached in the process of good faith negotiations for the purpose of resolving legal disputes, including pending litigation, without any determination on the merits. The Parties agree that nothing herein or resulting herefrom shall constitute an admission against interest or be used in any proceeding as legal support or precedent, except as to effectuate this specific stipulation. Each party stands by its claims, objections, and/or responses and intends merely to avoid litigation and settle this matter.

7. The Parties represent and acknowledge that each of the undersigned is authorized to execute this Stipulation on behalf of the party they represent.

FREMONT-MADISON ET AL.

RIGBY ANDRUS & RIGBY CHTD.

 8/20/12
Date
Jerry R. Rigby
Attorneys for Fremont-Madison Irrigation
District, Idaho Irrigation District, and
Blackfoot Irrigation Company

SURFACE WATER COALITION

CAPITOL LAW GROUP PLLC

FLETCHER LAW OFFICE

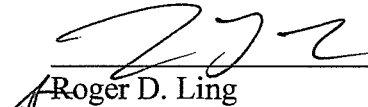
 8/20/12
Date
C. Thomas Arkoosh
Attorneys for American Falls Reservoir
District #2

 8/20/12
Date
W. Kent Fletcher
Attorneys for Minidoka Irrigation District

BARKER ROSHOLT & SIMPSON LLP



Travis L. Thompson
Date 8/20/12
Attorneys for A&B Irrigation District, Burley
Irrigation District, Milner Irrigation District,
North Side Canal Company, and Twin Falls
Canal Company



Roger D. Ling
Date 8/20/12
Attorney for A&B Irrigation District,
Burley Irrigation District, and Falls
Irrigation District

CERTIFICATE OF SERVICE

I certify that on August 20th, 2012, I served true and correct copies of the foregoing UNIFIED STIPULATION as follows:

Via Hand Delivery:

Clerk of the District Court (original + 10 copies)
Snake River Basin Adjudication
253 Third Avenue North
Twin Falls, ID 83303-2707
Phone: 208-736-3011

via First Class U.S. Mail, pre-paid:

C.Thomas Arkoosh
Capitol Law Group, PLLC
P.O. Box 2598
Boise, ID 83701-2598

Roger D. Ling
Ling Law Office
P.O. Box 623
Rupert, ID 83350-0623

John K. Simpson
Travis L. Thompson
Paul L. Arrington
Barker, Rosholt & Simpson, LLP
P.O. Box 485
Twin Falls, ID 83303-0485

Josephine P. Beeman
Beeman & Associates
409 W. Jefferson St.
Boise, ID 83702

James C. Tucker
Idaho Power Company
P.O. Box 70
Boise, ID 83707

Randall C. Budge
Candace M. McHugh
Racine, Olson, Nye, Budge & Bailey, Chtd.
P.O. Box 1391
Pocatello, ID 83204-1391

Adam T. Devoe
Brownstein Hyatt Farber Schreck, PC
410 17th Street, Suite 2200
Denver, CO 80202

Chief, Natural Resources Division
State of Idaho
Office of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449

W. Kent Fletcher
Fletcher Law Office
P. O. Box 248
Burley, ID 83318

United States Department of Justice
Environment and Natural Resources Div.
550 West Fort Street, MSC 033
Boise, ID 83724

Director of IDWR
Idaho Water Center
P.O. Box 83720
Boise, ID 83720-0098

Jerry R. Rigby
Rigby Andrus & Rigby
P.O. Box 250
Rexburg, ID 83440-0250

A handwritten signature in black ink, appearing to read 'T. Thompson', is written over a horizontal line.

Travis L. Thompson

EXHIBIT A

RIGHT NUMBER: 21-2156

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:

Source:

HENRYS FORK

Tributary:

SNAKE RIVER

QUANTITY:

90,000.00 AFY

~~114,000.000 AFY~~

Total reservoir capacity is 135,000 acre feet when filled to elevation 6303 and measured at the upstream face of the dam.

~~Total reservoir capacity is 135,000 acre feet when filled to elevation 6302 and measured at the upstream face of the dam.~~

~~45,000 acre feet of this right is designated as the first to fill as specified in the provisions for winter power operation at the Minidoka powerplant as provided for by Bureau of Reclamation Contract No. 14-06-100-1833, incorporated by reference in the Burley Irrigation Dist. v. Eagle, Supplemental Decree (Idaho 5th Jud. Dist., July 10, 1968) and Aberdeen Springfield Canal Co. v. Eagle, Supplemental Decree (Idaho 7th Jud. Dist., March 12, 1969).~~

PRIORITY DATE: 03/14/1935

POINT OF DIVERSION:

T13N R43E S28 Lot 3
Within FREMONT County

PURPOSE AND
PERIOD OF USE:

Purpose of use:

Period of use:

Quantity:

IRRIGATION STORAGE

01/01 12/31

90,000.00 AFY

~~114,000.00 AFY~~

IRRIGATION FROM STORAGE

04/01 10/31

90,000.00 AFY

~~04/01 11/01~~

~~114,000.00 AFY~~

PLACE OF USE:

Place of use for irrigation from storage is within the boundary of Fremont Madison Irrigation District pursuant to Section 43-323, Idaho Code.

Place of use does not include federal public lands unless authorized in writing by the United States Bureau of Reclamation.

Place of use for irrigation storage is Island Park Reservoir, provided, however, that water under this right may be temporarily held in the unoccupied space of any of the reservoirs upstream of Milner Dam, located at township 10S, range 21E, sections 28 and 29, when determined by the Water District 01 Watermaster, the Water District 01 advisory committee, and the United States Bureau of Reclamation that such temporary storage will maximize the storage of water upstream of Milner Dam.

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 for irrigation from storage is within the following counties: Fremont, Teton, and Madison.~~

~~Place of use for irrigation storage is Island Park Reservoir.~~

~~Place of use does not include federal public lands~~

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.

~~Although the name of the United States of America acting through the Bureau of Reclamation appears in the Name and Address section of this partial decree, the ownership of this water right is divided. The United States Bureau of Reclamation holds nominal legal title. Beneficial or equitable title to this water right is held in trust by the irrigation organizations, 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 pursuant to Idaho law. As a matter of law, this interest is appurtenant to the lands within the boundaries of or served by such irrigation organization. The ownership of this water right is derived from law and is not based exclusively on the contracts between the Bureau of Reclamation and the irrigation organizations.~~

EXHIBIT B

RIGHT NUMBER: 21-10560

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:

Source:
HENRYS FORK

Tributary:
SNAKE RIVER

QUANTITY:

45,000.000 AFY

21,000.000 AFY

Total reservoir capacity is 135,000 acre feet when filled to elevation 6303 and measured at the upstream face of the dam.

~~Total reservoir capacity is 135,000 acre feet when filled to elevation 6302 and measured at the upstream face of the dam.~~

PRIORITY DATE:

~~06/12/1940~~ 03/29/1921

POINT OF DIVERSION:

T13N R43E S28 Lot 3
Within FREMONT County

PURPOSE AND
PERIOD OF USE:

Purpose of use:	Period of use:	Quantity:
IRRIGATION STORAGE	01/01 12/31	<u>45,000.00 AFY</u>
		<u>21,000.00 AFY</u>
IRRIGATION FROM STORAGE	04/01 10/31	<u>45,000.00 AFY</u>
		<u>21,000.00 AFY</u>

PLACE OF USE:

Place of use does not include federal public lands unless authorized in writing by the United States Bureau of Reclamation.

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 for irrigation storage is Island Park Reservoir, provided, however, that water under this right may be temporarily held in the unoccupied space of any of the reservoirs upstream of Milner Dam, located at township 10S, range 21E, sections 28 and 29, when determined by the Water District 01 Watermaster, the Water District 01 advisory committee, and the United States Bureau of Reclamation that such temporary storage will maximize the storage of water upstream of Milner Dam.

Place of use for irrigation from storage is within the boundary of Fremont Madison Irrigation District pursuant to Section 43-323, Idaho Code.

~~Place of use for irrigation from storage is within the following counties: Fremont, Teton, and Madison.~~

~~Place of use for irrigation storage is Island Park Reservoir.~~

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.

~~Although the name of the United States of America acting through the Bureau of Reclamation appears in the Name and Address section of this partial decree, the ownership of this water right is divided. The United States Bureau of Reclamation holds nominal legal title. Beneficial or equitable title to this water right is held in trust by the irrigation organizations, 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 pursuant to Idaho law. As a matter of law, this interest is appurtenant to the lands within the boundaries of or served by such irrigation organization. The ownership of this water right 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 - Beneficial Use License

This right is designated as the first to fill as specified in the provisions for winter power operation at the Minidoka powerplant as provided for by Bureau of Reclamation Contract No. 14-06-100-1833 incorporated by reference in the Burley Irrigation Dist. v. Eagle, Supplemental Decree (Idaho 5th Jud. Dist., July 10, 1968) and Aberdeen-Springfield Canal Co. v. Eagle, Supplemental Decree (Idaho 7th Jud. Dist., March 12, 1969).

This right is a combination of all of former right no. 21-2157 and 24,000 acre-feet of right no. 21-2156.

EXHIBIT C

RIGHT NUMBER: 21-4155

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

SOURCE: CASCADE CREEK
GRASSY SPRING

TRIBUTARY: FALL RIVER
TRIBUTARY: FALLS RIVER

QUANTITY: 15,204.00 AFY

The quantity for this water right represents the maximum quantity of storage water that may be put to beneficial use under this right after the storage released from Grassy Lake enters the state of Idaho must be determined by the state of Wyoming. The listing of this element is for informational purposes only.

PRIORITY DATE: 02/13/1936

The priority date for this water right represents the priority associated with the storage water put to beneficial use under this right after storage released from Grassy Lake enters the state of Idaho must be determined by the state of Wyoming. The listing of this element is for informational purposes only.

POINT OF
DIVERSION:

T09N R46E S17 NESW Lot 3 Within FREMONT County

~~T09N R46E S17 NESW Lot 3 Within FREMONT County~~

~~The point of diversion for this water right is in Teton County, Wyoming, lot 4 ssw, sec. 8, T. 48N, R. 116W, 6th PM.~~

The point of diversion shown above is where the conveyance system enters Idaho, recognizing, however, the storage water is physically stored in and released from Grassy Lake which is located within the state of Wyoming.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION STORAGE	01/01 12/31	15,204.00 AFY
IRRIGATION FROM STORAGE	04/01 10/31	15,204.00 AFY

PLACE OF USE:

Place of use for irrigation from storage is within the following counties: Fremont, Madison, and Teton boundary of Fremont-Madison Irrigation District pursuant to Section 43-323, Idaho Code.

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 storage of water for irrigation purposes occurs within the state of Wyoming pursuant to the laws of that state and consistent with federal law, which provides for the operation of the Minidoka Project consistent with existing federal law and contracts entered into between spaceholders and the United States.

Storage water referenced herein may be temporarily held in the unoccupied space of any of the reservoirs upstream of Milner Dam, located at township 10S, range, 21E, sections 28 and 29, when determined by the Water District 01 Watermaster, the Water District 01 advisory committee, and the United States Bureau of Reclamation that such temporary storage will maximize the storage of water upstream of Milner Dam.

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.

~~Although the name of the United States of America acting through the Bureau of Reclamation appears in the Name and Address section of this partial decree, the ownership of this water right is divided. The United States Bureau of Reclamation holds nominal legal title. Beneficial or equitable title to this water right is held in trust by the irrigation organizations, 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 pursuant to Idaho law. As a matter of law, this interest is appurtenant to the lands within the boundaries of or served by such irrigation organization. The ownership of this water right is derived from law and organization. The ownership of this water right 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 - Beneficial Use

~~Place of use is within the boundaries of Fremont-Madison Irrigation District.~~
The storage water right in Wyoming is recorded as Wyoming Certificated Water Right No. P4136 R.

EXHIBIT D

RIGHT NUMBER: 1-4055

NAME AND ADDRESS:

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

SOURCE:

Source:
SNAKE RIVER

Tributary:
COLUMBIA RIVER

QUANTITY:

~~299,000.000 AFY~~ 298,981.00 AFY

The quantity for this water right represents the maximum quantity of storage water that may be put to beneficial use under this right after storage released from Jackson Lake Reservoir enters the state of Idaho. must be determined by the state of Wyoming. The listing of this element is for informational purposes only.

PRIORITY DATE:

08/23/1906

The priority date for this water right represents the priority associated with the storage water put to beneficial use under this right after storage released from Jackson Lake Reservoir enters the state of Idaho. listing of this element is for informational purposes only.

POINT OF DIVERSION:

T03S R46E S10 SWNE
Within BONNEVILLE County

The point of diversion shown above is where the Snake River enters the state of Idaho, recognizing, however, the storage water is physically stored in and released from Jackson Lake Reservoir which is located within the state of Wyoming.

~~The point of diversion is at the outlet of Jackson Lake Reservoir Dam.~~

~~The point of diversion for this water right is in Wyoming, T46N, R114W, S18, SESW, P.M.~~

The point of diversion shown above is where the Snake River enters Idaho, recognizing, however, the storage water is physically in and released from Jackson Lake Reservoir which is located within the state of Wyoming.

PURPOSE AND
PERIOD OF USE:

Purpose of use	Period of use:	Quantity:
----------------	----------------	-----------

IRRIGATION STORAGE	01/01 12/31	299,000.00 AFY
--------------------	-------------	----------------

IRRIGATION FROM STORAGE	03/15 11/15	299,000.000 AFY 298,981.00 AFY
-------------------------	-------------	---

PLACE OF USE:

Place of use for irrigation from storage is within the following counties: Fremont, Madison, Jefferson, Bonneville, Bingham, Bannock, Power, Minidoka, Cassia, Lincoln, Jerome, Twin Falls, Gooding, and Elmore.

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

The storage of water for irrigation purposes occurs within the state of Wyoming pursuant to laws of that state and consistent with federal law, which provides for the operation of the Minidoka Project consistent with existing federal law and contracts entered into between spaceholders and the United States.

Storage water referenced herein may be temporarily held in the unoccupied space of any of the reservoirs upstream of Milner Dam, located at township 10S, range, 21E, sections 28 and 29, when determined by the Water District 01 Watermaster, the Water District 01 advisory committee, and the United States Bureau of Reclamation that such temporary storage will maximize the storage of water upstream of Milner Dam.

The spaceholder contracts between the United States Bureau of Reclamation (USBR) and Burley Irrigation District and USBR and North Side Canal Company, respectively, provide for a credit of storage from Jackson Lake reservoir under water rights 01-4055, 01-10044, and 01-10045 to space in American Falls reservoir under water rights 01-2064 upon certain conditions. This determination and calculation of credit, if any, shall be made pursuant to contracts entered into with the USBR for space in American Falls and Jackson Lake reservoirs.

Minidoka Irrigation District has the right to make annual exchanges of storage and to designate reservoirs for purposes of delivery and carryover of storage, as described in contract no. 14-06-100-1833 entered into with the U.S. Bureau of Reclamation.

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.

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 - Beneficial Use

The storage water right in Wyoming is recorded as The State of Wyoming Certificate of Construction of Reservoir, Certificate No. R-6, Permit No. 894 Res.

EXHIBIT E

RIGHT NUMBER: 1-10044

NAME AND ADDRESS:

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

SOURCE:

Source:
SNAKE RIVER

Tributary:

COLUMBIA RIVER

QUANTITY:

~~93,900.000 AFY~~ 138,829 AFY

The quantity for this water right represents the maximum quantity of storage water that may be put to beneficial use under this right after storage released from Jackson Lake Reservoir enters the state of Idaho. ~~must be determined by the state of Wyoming. The listing of this element is for informational purposes only.~~

PRIORITY DATE:

08/18/1910

The priority date for this water right represents the priority associated with the storage water put to beneficial use under this right after storage released from Jackson Lake Reservoir enters the state of Idaho. ~~listing of this element is for informational purposes only.~~

POINT OF DIVERSION:

T03S R46E S10 SWNE
Within BONNEVILLE County

The point of diversion shown above is where the Snake River enters the state of Idaho, recognizing, however, the storage water is physically stored in and released from Jackson Lake Reservoir which is located within the state of Wyoming.

~~The point of diversion is at the outlet of Jackson Lake Reservoir Dam.~~

~~The point of diversion for this water right is in Wyoming, T46N, R114W, S18, SESW, P.M.~~

The point of diversion shown above is where the Snake River enters Idaho, recognizing, however, the storage water is physically in and released from Jackson Lake Reservoir which is located within the state of Wyoming.

PURPOSE AND
PERIOD OF USE:

Purpose of use	Period of use:	Quantity:
----------------	----------------	-----------

IRRIGATION STORAGE	01/01 12/31	93,900.000 AFY
--------------------	-------------	----------------

IRRIGATION FROM STORAGE	03/15 11/15	93,900.000 AFY 138,829 AFY
-------------------------	-------------	---------------------------------------

PLACE OF USE:

Place of use for irrigation from storage is within the following counties: Fremont, Madison, Jefferson, Bonneville, Bingham, Bannock, Power, Minidoka, Cassia, Lincoln, Jerome, Twin Falls, Gooding, and Elmore.

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

The storage of water for irrigation purposes occurs within the state of Wyoming pursuant to laws of that state and consistent with federal law, which provides for the operation of the Minidoka Project consistent with existing federal law and contracts entered into between spaceholders and the United States.

Storage water referenced herein may be temporarily held in the unoccupied space of any of the reservoirs upstream of Milner Dam, located at township 10S, range, 21E, sections 28 and 29, when determined by the Water District 01 Watermaster, the Water District 01 advisory committee, and the United States Bureau of Reclamation that such temporary storage will maximize the storage of water upstream of Milner Dam.

The spaceholder contracts between the United States Bureau of Reclamation (USBR) and Burley Irrigation District and USBR and North Side Canal Company, respectively, provide for a credit of storage from Jackson Lake reservoir under water rights 01-4055, 01-10044, and 01-10045 to space in American Falls reservoir under water rights 01-2064 upon certain conditions. This determination and calculation of credit, if any, shall be made pursuant to contracts entered into with the USBR for space in American Falls and Jackson Lake reservoirs.

Minidoka Irrigation District has the right to make annual exchanges of storage and to designate reservoirs for purposes of delivery and carryover of storage, as described in contract no. 14-06-100-1833 entered into with the U.S. Bureau of Reclamation.

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.

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 - Beneficial Use

The storage water right in Wyoming is recorded as The State of Wyoming Certificate of Construction of Reservoir, Certificate No. R-6, Permit No. 894 Res.

EXHIBIT F

RIGHT NUMBER: 1-10045

NAME AND ADDRESS:

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

SOURCE:

Source:

Tributary:

SNAKE RIVER

COLUMBIA RIVER

QUANTITY:

~~100,000.000 AFY~~ 409,190.00 AFY

The quantity for this water right represents the maximum quantity of storage water that may be put to beneficial use under this right after storage released from Jackson Lake Reservoir enters the state of Idaho. must be determined by the state of Wyoming. The listing of this element is for informational purposes only.

PRIORITY DATE:

05/24/1913

The priority date for this water right represents the priority associated with the storage water put to beneficial use under this right after storage released from Jackson Lake Reservoir enters the state of Idaho. listing of this element is for informational purposes only.

POINT OF DIVERSION:

T03S R46E S10 SWNE
Within BONNEVILLE County

The point of diversion shown above is where the Snake River enters the state of Idaho, recognizing, however, the storage water is physically stored in and released from Jackson Lake Reservoir which is located within the state of Wyoming.

The point of diversion is at the outlet of Jackson Lake Reservoir Dam.

The point of diversion for this water right is in Wyoming, T46N, R114W, S18, SESW, P.M.

The point of diversion shown above is where the Snake River enters Idaho, recognizing, however, the storage water is physically in and released from Jackson Lake Reservoir which is located within the state of Wyoming.

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION STORAGE 01/01 12/31 100,000.000 AFY

IRRIGATION FROM STORAGE 03/15 11/15 ~~100,000.000 AFY~~ 409,190.00 AFY

PLACE OF USE:

Place of use for irrigation from storage is within the following counties: Fremont, Madison, Jefferson, Bonneville, Bingham, Bannock, Power, Minidoka, Cassia, Lincoln, Jerome, Twin Falls, Gooding, and Elmore.

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

This water right is also recorded as The State of Wyoming Certificate of Construction of Reservoir, Certificate No. R-6, Permit No. 894 Res.

The storage of water for irrigation purposes occurs within the state of Wyoming pursuant to laws of that state and consistent with federal law, which provides for the operation of the Minidoka Project consistent with existing federal law and contracts entered into between placeholders and the United States.

Storage water referenced herein may be temporarily held in the unoccupied space of any of the reservoirs upstream of Milner Dam, located at township 10S, range, 21E, sections 28 and 29, when determined by the Water District 01 Watermaster, the Water District 01 advisory committee, and the United States Bureau of Reclamation that such temporary storage will maximize the storage of water upstream of Milner Dam.

The placeholder contracts between the United States Bureau of Reclamation (USBR) and Burley Irrigation District and USBR and North Side Canal Company, respectively, provide for a credit of storage from Jackson Lake reservoir under water rights 01-4055, 01-10044, and 01-10045 to space in American Falls reservoir under water rights 01-2064 upon certain conditions. This determination and calculation of credit, if any, shall be made pursuant to contracts entered into with the USBR for space in American Falls and Jackson Lake reservoirs.

The operation, use and administration of this water right is subject to the terms and conditions of the Settlement Agreement signed on February 14, 2006 with Minidoka Irrigation District, Burley Irrigation District, Twin Falls Canal Company, North Side Canal Company, and American Falls Reservoir District #2.

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.

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 - Beneficial Use

The storage water right in Wyoming is recorded as The State of Wyoming Certificate of Construction of Reservoir, Certificate No. R-6, Permit No. 894 Res.