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OCT 01 2012

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
SEP 28 2012	
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

Case No. 39576

**ORDER TO SHOW CAUSE &
SUMMONS TO APPEAR**

Subcase No. 01-219
(Lake Walcott)

Subcase Nos. 01-02064, 01-10042
(American Falls)

Subcase Nos. 01-02068, 01-10043
(Palisades)

Subcase Nos. 01-4055, 01-10044, 01-10045
(Jackson Lake)

Subcase Nos. 21-2156, 21-10560
(Island Park)

Subcase No. 21-4155 (Grassy Lake)

I. DESCRIPTIVE SUMMARY

On September 26, 2012, a joint status conference was held in the above referenced subcases before the respective Special Masters.¹ During the status conference, it was reported that an agreement had been reached concerning the above referenced subcases. Participants to

¹ Special Master Terrence A. Dolan is presiding over the Basin 01 subcases and Special Master Brigitte Bilyeu is presiding over the Basin 21 subcases.

the status conference further informed the special masters that a *Stipulation* was filed with the Court on September 25, 2012.² The *Stipulation* was signed by counsel for A&B Irrigation District, American Falls Reservoir District No. 2, Blackfoot Irrigation District, Burley Irrigation District, Fremont-Madison Irrigation District, Idaho Irrigation District, Milner Irrigation District, Minidoka Irrigation District, Northside Canal Company, Twin Falls Canal Company, the Ground Water Districts, the Idaho Power Company, the State of Idaho, and the Idaho Department of Water Resources. A copy of the *Stipulation* is attached hereto as Exhibit 1. The *Stipulation* significantly narrows the contested issues for the trial set to begin on December 10, 2012.

As expressly stated in the *Stipulation*,

Other than: 1) the City of Pocatello's objections, and the responses filed thereto, concerning the Name & Address element, Purpose of Use element, Period of Use element, and Place of Use element for 1-2068, 2) the Idaho Power Company's objection, and the responses filed thereto, concerning the precise wording of the Ownership remark for 1-2064, 3) the City of Pocatello's objection, and the responses filed thereto, concerning the precise wording of the Ownership remark for 1-2068, 4) the objections filed by Northside and Twin Falls canal companies, and A&B, Burley, Falls, Milner, and Minidoka irrigation districts, and the responses filed thereto, concerning a "refill" remark for 1-2064, 1-2068, 1-10042, and 1-10043, 5) further proceedings on the *Amended Order Granting United States' Motion, Certification, and Partial Special Master Report and Recommendation* (Sept. 14, 2012), and 6) any issues arising in the Basin-Wide 17 proceeding or any other storage water right basin-wide issue; the Parties agree, and the Department concurs, that this *Stipulation* and the attached Exhibits is a complete resolution of the water right elements and remarks of the water rights listed in the caption above

Stipulation at 6-7.

² Exhibit L to the *Stipulation* is a water right description for subcase no. 25-7004, Ririe Reservoir. On September 26, 2012, the Court heard the United States Bureau of Reclamation's motion to set aside the partial decree entered by the Court on September 30, 2005 in subcase no. 25-7004. On September 26, 2012, the Court ordered the Idaho Department of Water Resources to issue an Amended Director's Report in subcase no. 25-7004 by September 28, 2012. Because of the required objection period, and as indicated in the caption above, this *Order to Show Cause & Summons to Appear* does not apply to subcase no. 25-7004.

The parties that signed the *Stipulation* agree, and this Court concurs, that, in order to promote judicial economy, and because not all parties to these subcases have signed the *Stipulation*, the Court should initiate proceedings to narrow the issues prior to trial.

II. ORDER TO SHOW CAUSE

Therefore, IT IS HEREBY ORDERED that the parties to these proceedings³ have the opportunity to appear before this Court to show cause why each should not be bound by the *Stipulation* reached through substantial negotiations on the following date:

October 30, 2012

1:30 p.m.

Hearing on Order to Show Cause

Location: Snake River Basin Adjudication

253 3rd Ave. North

Twin Falls, Idaho 83301

Parties may participate by telephone for the Hearing on Order to Show Cause by dialing 215-446-0193 and when prompted enter participation code 926509. Any questions regarding telephone participation, please contact the Clerk's office at (208) 736-3011.

FAILURE TO APPEAR AT THE SHOW CAUSE HEARING WILL NOT RESULT IN CONTEMPT OF COURT. HOWEVER, PARTIES THAT FAIL TO APPEAR AT SAID HEARING WILL BE DEEMED TO HAVE CONSENTED TO THE TERMS OF THE STIPULATION AND WILL BE BOUND BY ITS TERMS. THE STIPULATION IS ATTACHED TO THIS ORDER AS EXHIBIT 1.

The parties are hereby informed that, pursuant to Rule 6(c)(2) of the Idaho Rules of Civil Procedure, any party to these subcases has the right to elect to produce testimony and evidence at this hearing upon the order to show cause, or to cross-examine the adverse party or the adverse

³ These subcases have been involved in active litigation for over six years. SRBA claimants with any interest in the matters concerning the above referenced subcases have had ample time to become involved. All persons who could have filed a claim in the SRBA have previously received first-round and second-round notice of filing requirements. See Idaho Code § 42-1408. These notice procedures meet constitutional due process requirements. *LU Ranching Co. v. U.S.*, 138 Idaho 606 (2003). It is anticipated that no new parties will be allowed to object at this late juncture in the proceedings.

party's affiants, by first giving at least seven (7) days notice to the Court and opposing counsel before the show cause hearing.

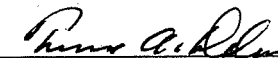
Any party electing to show cause is specifically limited to issues identified in that party's objection(s) and/or response(s) on file with the Court. The show cause proceeding shall not be used to raise new objections.

A copy of this ***Order to Show Cause and Summons to Appear*** shall be served on parties not less than fourteen (14) days prior to the date set for hearing, upon which those parties are required to appear before this Court and show cause why each should not be bound by the Stipulation. Service of this ***Order to Show Cause and Summons to Appear*** shall be made in accordance with I.R.C.P. 5(b) and 6(c)(2).

Dated this 28 day of September 2012.


BRIGETTE BILYEU, Special Master
Snake River Basin Adjudication

Dated this 28 day of September 2012.


TERRENCE A. DOLAN, Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER TO SHOW CAUSE AND SUMMONS TO APPEAR was mailed on September 28, 2012, with sufficient first-class postage to the following:

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Represented by:

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IDAHO POWER COMPANY

Represented by:

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BROWNSTEIN HYATT & FARBER PC
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PIONEER IRR DIST

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AMERICAN FALLS SPACEHOLDERS

BLACKFOOT IRRIGATION CO
FREMONT-MADISON IRRIGATION
JERRY R RIGBY
UNITED CANAL CO

Represented by:

JERRY R RIGBY
25 N 2ND E
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(Certificate of mailing continued)

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

MINIDOKA IRRIGATION DISTRICT

Represented by:
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1200 OVERLAND AVE
PO BOX 248
BURLEY, ID 83318-0248
Phone: 208-678-3250

BONNEVILLE-JEFFERSON GROUND - *Rep. by Randall Budge*
WATER DISTRICT

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

UNITED STATES OF AMERICA
REGIONAL DIRECTOR PN REGION
BUREAU OF RECLAMATION
1150 N CURTIS RD STE 100
BOISE, ID 83706-1234
Phone: 208-378-5322


Deputy Clerk

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

SEP 25 2012

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

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Subcase No. 01-219
(Lake Walcott)

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Subcase Nos. 01-4055, 01-10044, 01-10045
(Jackson Lake)

Subcase Nos. 21-2156, 21-10560
(Island Park)

Subcase No. 21-4155 (Grassy Lake)

Subcase No. 25-7004 (Ririe)

STIPULATION

The undersigned parties and the Idaho Department of Water Resources (“Department”)¹ (collectively, the “Parties”), by and through their counsel of record, hereby stipulate and agree as follows:

¹ The Department is not a “party” to the Snake River Basin Adjudication, but is included in the collective reference for convenience only. The Director signs this stipulation on behalf of the Department pursuant to his role as an independent expert and technical assistant to the Court. See Idaho Code § 42-1401B.

1. The following remarks should be included on the partial decrees for the following water rights:²

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 as supervised by the Director of the Department of Water Resources, 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.	01-219 (Lake Walcott) 01-2064, 01-10042 (American Falls) 01-2068, 01-10043 (Palisades) 21-2156, 21-10560 (Island Park) 25-7004 (Ririe)³
[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 as supervised by the Director of the Department of Water Resources, 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)
[No Modification] This decree does not alter, amend, or modify the contracts entered into between the various federal contractors and the United States Bureau of Reclamation, as amended, in connection with the Palisades project and the Minidoka project, which contracts remain binding among the parties.	01-10042 (American Falls) 01-10043 (Palisades) 21-2156, 21-10560 (Island Park) 21-4155 (Grassy Lake) 25-7004 (Ririe)

² For ease of reference titles in brackets have been provided for each remark but those titles will not be included on the water rights.

³ On September 30, 2005, the Court entered a partial decree for Ririe reservoir. On August 29, 2012, counsel for the United States Bureau of Reclamation moved to set aside the partial decree. A hearing on the motion to set aside the partial decree is scheduled for September 12, 2012.

[No Modification to Storage Exchanges] This decree does not alter, amend, or modify the contracts entered into between the various federal contractors and the United States Bureau of Reclamation, as amended, including but not limited to the contractual storage exchanges, in connection with the Palisades project and the Minidoka project, which contracts remain binding among the parties.	01-219 (Lake Walcott) 01-2064 (American Falls) 01-2068 (Palisades) 01-4055, 01-10044, 01-10045 (Jackson Lake)
[2006 Settlement/Minidoka Credit] 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) 01-2068 (Palisades) 01-10045 (Jackson)
[Allocation of Storage] The allocation of storage to federal contractors and the location of that storage, including carryover storage, in the reservoir system shall be determined by the United States Bureau of Reclamation pursuant to federal reclamation law and contracts entered into between the United States and federal contractors. The Water District 01 Watermaster as supervised by the Director of the Department of Water Resources shall distribute the stored water in accordance with allocation instructions from the United States Bureau of Reclamation. "Reservoir system" shall mean all Federal reservoirs on the Snake River and its tributaries down to and including Lake Walcott, which store and distribute water pursuant to water right nos. 01-00219, 01-2064, 01-2068, 01-04055, 01-10042, 01-10043, 01-10044, 01-10045, 21-02156, 21-04155, 21-10560, 25-07004.	01-219 (Lake Walcott) 01-2064, 01-10042 (American Falls) 01-2068, 01-10043 (Palisades) 01-4055, 01-10044, 01-10045 (Jackson Lake) 21-2156, 21-10560 (Island Park) 21-4155 (Grassy Lake) 25-7004 (Ririe)

[Ownership]⁴ 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.	01-219 (Lake Walcott) 01-10042 (American Falls) 01-10043 (Palisades) 01-4055, 01-10044, 01-10045 (Jackson Lake) 21-2156, 21-10560 (Island Park) 21-4155 (Grassy Lake) 25-7004 (Ririe)
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2. Consistent with the temporary upstream, annual, and permanent storage exchange provisions in the Palisades Contracts⁵, and historic administration of water rights in Water District 01, the Parties hereby stipulate to, and the Department concurs with, the elements of water right 01-219 for Lake Walcott Reservoir as set forth in Exhibit A and attached hereto.

3. Consistent with the temporary upstream, annual, and permanent storage exchange provisions in the Palisades Contracts, and historic administration of water rights in Water District 01, the Parties hereby stipulate to, and the Department concurs with, the elements of water right 01-2064 for American Falls Reservoir as set forth in Exhibit B and attached hereto. As indicated by the bracketed language “[insert ownership remark]” in Exhibit B, the Idaho Power Company has not resolved its objection concerning the precise wording of the Ownership remark for 1-

⁴ The Idaho Power Company has not resolved its objection concerning the precise wording of the Ownership remark for 1-2064 (American Falls Reservoir). The City of Pocatello has not resolved its objection concerning the precise wording of the Ownership remark for 1-2068 (Palisades Reservoir). The City of Pocatello has not resolved its objection concerning the Name & Address element for 1-2068 (Palisades Reservoir). This Stipulation does resolve the Name & Address element and Ownership remark for the American Falls Reservoir and Palisades Reservoir winter water savings rights, 1-10042 and 1-10043, respectively.

⁵ “Palisades Contracts” is a short-hand reference to the collection of individual contracts entered into between the United States Bureau of Reclamation and the spaceholders.

2064.

4. Consistent with the winter water savings and special priority provisions, the temporary upstream, annual, and permanent storage exchange provisions in the Palisades Contracts, and historic administration of water rights in Water District 01, the Parties hereby stipulate to, and the Department concurs with, the elements of water right 01-10042 for American Falls Reservoir as set forth in Exhibit C and attached hereto.

5. Consistent with the temporary upstream, annual, and permanent storage exchange provisions in the Palisades Contracts, and historic administration of water rights in Water District 01, and with the exception of the City of Pocatello, the Parties hereby stipulate to, and the Department concurs with, the elements of water right 01-2068 for Palisades Reservoir as set forth in Exhibit D and attached hereto. The City of Pocatello maintains its objections to the following elements: Name & Address, Purpose of Use, Period of Year, and Place of Use. As indicated by the bracketed language “[insert ownership remark]” in Exhibit D, the City of Pocatello has not resolved its objection concerning the precise wording of the Ownership remark for 1-2068.

6. Consistent with the winter water savings and special priority provisions, the temporary upstream, annual, and permanent storage exchange provisions in the Palisades Contracts, and historic administration of water rights in Water District 01, the Parties hereby stipulate to, and the Department concurs with, the elements of water right 01-10043 for Palisades Reservoir as set forth in Exhibit E and attached hereto.

7. Consistent with the temporary upstream, annual, and permanent storage exchange provisions in the Palisades Contracts, and historic administration of water rights in Water District 01, the Parties hereby stipulate to, and the Department concurs with, the elements of water rights

01-4055, 01-1044, and 01-10045 for Jackson Lake Reservoir as set forth in Exhibits F, G, and H, respectively, and attached hereto.

8. Consistent with the winter water savings and special priority provisions, the temporary upstream, annual, and permanent storage exchange provisions in the Palisades Contracts, and historic administration of water rights in Water District 01, the Parties hereby stipulate to, and the Department concurs with, the elements of water rights 21-2156 and 21-10560 for Island Park Reservoir as set forth in Exhibits I and J, respectively, and attached hereto.

9. Consistent with the temporary upstream storage provisions in the Palisades Contracts and historic administration of water rights in Water District 01, the Parties hereby stipulate to the elements of water right 21-4155 for Grassy Lake Reservoir as set forth in Exhibit K and attached hereto.

10. Consistent with the temporary upstream storage provisions in the Palisades Contracts and historic administration of water rights in Water District 01, the Parties hereby stipulate to the elements of water right 25-7004 for Ririe Reservoir as set forth in Exhibit L and attached hereto.

11. Other than: 1) the City of Pocatello's objections, and the responses filed thereto, concerning the Name & Address element, Purpose of Use element, Period of Use element, and Place of Use element for 1-2068, 2) the Idaho Power Company's objection, and the responses filed thereto, concerning the precise wording of the Ownership remark for 1-2064, 3) the City of Pocatello's objection, and the responses filed thereto, concerning the precise wording of the Ownership remark for and 1-2068, 4) the objections filed by Northside and Twin Falls canal companies, and A&B, Burley, Falls, Milner, and Minidoka irrigation districts, and the responses filed thereto, concerning a "refill" remark for 1-2064, 1-2068, 1-10042, and 1-10043, 5) further

proceedings on the *Amended Order Granting United States' Motion, Certification, and Partial Special Master Report and Recommendation* (Sept. 14, 2012), and 6) any issues arising in the Basin-Wide 17 proceeding or any other storage water right basin-wide issue; the Parties agree, and the Department concurs, that this Stipulation and the attached Exhibits is a complete resolution of the water right elements and remarks of the water rights listed in the caption above.

12. The water right descriptions for 1-10042 and 1-10043, as attached to this Stipulation as Exhibits C and E, supersede and replace the agreement set forth in Paragraph A.1.a in the *Stipulation to Resolve Certain Objections*, filed with the Court on January 26, 2012 (Subcase Nos. 1-2064 et al.). This stipulation supersedes and replaces the agreement set forth in the *Unified Stipulation*, filed with the Court on August 22, 2012 (Subcase Nos. 1-2064 et al.).

13. The Parties agree, and the Department concurs, 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, and the Department concurs, 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. The claims, objections, and responses filed in the above referenced subcases identify the parties to the individual subcases.

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

IDAHO POWER COMPANY


James C. Taylor
Attorneys for Idaho Power Company

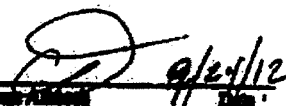
9/24/12
Date

FREMONT-MADISON ET AL.
RODNEY ABERNETHY & RODNEY CHYD.


Rodney Abernethy
Attorneys for Fremont-Madison Irrigation
District, Idaho Irrigation District, and
Blackfoot Irrigation Company

9-27-12
Date

CAPTIVE LAW GROUP PLLC


C. Thomas Aldrich
Attorneys for American Falls Reservoir
District #1

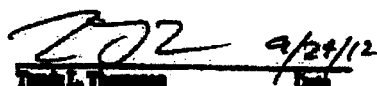
9/24/12
Date

FLETCHER LAW OFFICE

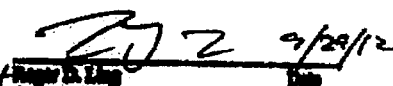

W. Kent Fletcher
Attorneys for Minidoka Irrigation District

9/24/12
Date

BANKER ROBERTS & GIBSON LLP


Thane J. Thompson
Attorneys for ADS Irrigation District, Burley
Irrigation District, Milner Irrigation District,
Hatch #10 Canal Company, and Twin Falls
Canal Company

9/24/12
Date


Roger E. Long
Attorneys for ADS Irrigation District,
Burley Irrigation District, and Falls
Irrigation District

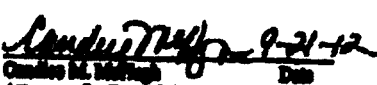
9/24/12
Date

IDAHO ATTORNEY GENERAL'S OFFICE


Michael C. Orr
Deputy Attorney General

Date

RACHEL CLOSWORTH BUDGE & BAILEY


Candice M. McHugh
Attorneys for Ground Water Districts

Date

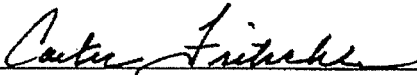
STIPULATION

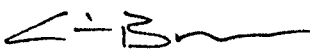
Page 8

BEEMAN & ASSOCIATES, PC

Josephine P. Beeman Date
Attorneys for City of Pocatello

IDAHO DEPARTMENT OF WATER RESOURCES

for  9-24-12
Gary Spackman Date
Director

 9/25/12
Chris M. Bromley Date
Deputy Attorney General, IDWR

CERTIFICATE OF SERVICE

I certify that on September 25, 2012, I served true and correct copies of the foregoing STIPULATION as follows:

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

Clerk of the District Court - HAND-DELIVERED
Snake River Basin Adjudication
253 Third Avenue North
Twin Falls, ID 83303-2707

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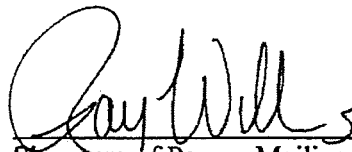
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Chief, Natural Resources Division
State of Idaho
Office of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resources Div.
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Boise, ID 83724

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



Signature of Person Mailing this Document

EXHIBIT A
(Lake Walcott, 1-219)

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

9/5/2012

RIGHT NUMBER: 1-219

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:
SNAKE RIVER

Tributary:
COLUMBIA RIVER

QUANTITY:

95,200.000 AFY ~~41,700.000 AFY~~

Total reservoir capacity is 210,000 acre feet when filled to elevation 4245 and measured at the upstream face of the dam.

PRIORITY DATE: 12/14/1909

POINT OF DIVERSION:

T09S R25E S1 Lot 3 NESW
Within MINIDOKA & CASSIA Counties
~~T09S R25E S1 Lot 3 NENESW~~
~~Within MINIDOKA County~~

PURPOSE AND
PERIOD OF USE:

Purpose of use:	Period of use:	Quantity:
IRRIGATION STORAGE	01/01 12/31	<u>95,200.00 AFY</u> 41,700.00 AFY
IRRIGATION FROM STORAGE	03/15 11/15	<u>95,200.00 AFY</u> 41,700.00 AFY

PLACE OF USE:

Place of use for irrigation from storage is within the following counties:
Minidoka and Cassia.

Place of use for storage is Lake Walcott, 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 as supervised by the Director of the Department of Water Resources, 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 storage is Lake Walcott, 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 Department of Water Resources, the Water District advisory committee, and the United States Bureau of Reclamation that such temporary storage will maximize the storage of water upstream of Milner Dam.~~

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

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

This decree does not alter, amend, or modify the contracts entered into between the various federal contractors and the United States Bureau of Reclamation, as amended, including but not limited to the contractual storage exchanges, in connection with the Palisades project and the Minidoka project, which contracts remain binding among the parties.

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 allocation of storage to federal contractors and the location of that storage, including carryover storage, in the reservoir system shall be determined by the United States Bureau of Reclamation pursuant to federal reclamation law and contracts entered into between the United States and federal contractors. The Water District 01 Watermaster as supervised by the Director of the Department of Water Resources shall distribute the stored water in accordance with allocation instructions from the United States Bureau of Reclamation. "Reservoir system" shall mean all Federal reservoirs on the Snake River and its tributaries down to and including Lake Walcott, which store and distribute water pursuant to water right nos. 1-219, 1-2064, 1-2068, 1-4055, 1-10042, 1-10043, 1-10044, 1-10045, 21-2156, 21-4155, 21-10560, and 25-7004.

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.

~~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.~~

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

~~The Director of the Idaho Department of Water Resources shall determine what part of the water flowing in the Snake River at the Minidoka and Milner Dams is storage waters and what part is natural flow. The amount of natural flow shall be determined as such natural flow would be, if unaffected by the diversions or acts of the parties to Twin Falls Canal Co v Foster, Decree (4th Jud. Dist., Twin Falls Co., June 20, 1913). The natural flow to which the Twin Falls Canal Company and the Northside Canal Company are entitled shall be measured at the Milner Dam.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

EXHIBIT B
(American Falls
Reservoir, 1-2064)

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

9/20/2012

RIGHT NUMBER: 1-2064

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:

SNAKE RIVER

Tributary:

COLUMBIA RIVER

QUANTITY:

1,540,600.000 AFY

~~1,672,590.000 AFY~~

The American Falls Reservoir was originally licensed for a total quantity of 1,700,000 acre-feet. For purposes of administration, however, water right nos. 1-2064 and 1-10042 shall be limited to a total combined quantity equal to the active capacity of the water volume storable in American Falls Reservoir when filled to elevation 4354.5 and measured at the upstream face of the dam.

~~Total reservoir capacity is 1,672,590 acre feet when filled to elevation 4354.5 and measured at the upstream face of the dam.~~

PRIORITY DATE: 03/30/1921

~~The appropriator shall exercise this right in a manner that recognizes the historic practice that the use of water for power generation is incidental to the rights of others to the use of water for other purposes. The appropriator shall not make a delivery call for hydropower generation except as against junior hydropower rights.~~

POINT OF DIVERSION:

T07S R31E S30 SWSE
Within POWER County

PURPOSE AND
PERIOD OF USE:

Purpose of use:

Period of use:

Quantity:

IRRIGATION STORAGE

01/01 12/31

1,495,600.00 AFY

~~1,628,316.00 AFY~~

IRRIGATION FROM STORAGE

03/15 11/15

1,495,600.00 AFY

~~1,628,316.00 AFY~~

POWER STORAGE

01/01 12/31

45,000.00 AFY

~~295,163.00 AFY~~

POWER FROM STORAGE

01/01 12/31

45,000.00 AFY

~~295,163.00 AFY~~

~~The diversion and release of storage for power purposes under this water right is subject to those conditions contained in contract nos. Ilr-733 and Ilr-801 between the United State Bureau of Reclamation and Idaho Power Company.~~

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

PLACE OF USE:

Place of use for storage is American Falls 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 as supervised by the Director of the Department of Water Resources, 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 following counties: Fremont, Madison, Jefferson, Bonneville, Bingham, Bannock, Power, Minidoka, Cassia, Lincoln, Jerome, Twin Falls, Gooding, Teton, and Elmore.

~~Place of use for irrigation storage and power storage is American Falls 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 Department of Water Resources, the Water District 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 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:

[Insert ownership remark]

The allocation of storage to federal contractors and the location of that storage, including carryover storage, in the reservoir system shall be determined by the United States Bureau of Reclamation pursuant to federal reclamation law and contracts entered into between the United States and federal contractors. The Water District 01 Watermaster as supervised by the Director of the Department of Water Resources shall distribute the stored water in accordance with allocation instructions from the United States Bureau of Reclamation. "Reservoir system" shall mean all Federal reservoirs on the Snake River and its tributaries down to and including Lake Walcott, which store and distribute water pursuant to water right nos. 1-219, 1-2064, 1-2068, 1-4055, 1-10042, 1-10043, 1-10044, 1-10045, 21-2156, 21-4155, 21-10560, and 25-7004.

This decree does not alter, amend, or modify the contracts entered into between the various federal contractors and the United States Bureau of Reclamation, as amended, including but not limited to the contractual storage exchanges, in connection with the Palisades project and the Minidoka project, which contracts remain binding among the parties.

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.

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 delivery of water to this right may be subject to procedures described in the United States Bureau of Reclamation "space holder" contracts and 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,~~

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

~~1969) together with the natural flow and storage deliveries as calculated by the Idaho Department of Water Resources.~~

~~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.~~

~~A portion of this right is designated as the first to fill for the benefit of the contract holders as provided in the provisions for saving winter water as recognized 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).~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Right no. 1-2064 has been split into water right nos. 1-2064 and 1-10042.

Pursuant to the last survey conducted by the United States Bureau of Reclamation in 1977, the current active storage capacity of the American Falls Reservoir was 1,672,590 acre feet (1,515,760 acre feet under water right no. 1-2064 and 156,830 acre feet under water right no. 1-10042).

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

Storage for power under this right is 2.6471% of the active storage capacity of the reservoir, which is approximately 45,000 acre-feet.

EXHIBIT C
(American Falls Reservoir
WWS, 1-10042)

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

9/20/2012

RIGHT NUMBER: 1-10042

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: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 159,400.00 AFY

The American Falls Reservoir was originally licensed for a total quantity of 1,700,000 acre-feet. For purposes of administration, however, water right nos. 1-2064 and 1-10042 shall be limited to a total combined quantity equal to the active capacity of the water volume storable in American Falls Reservoir when filled to elevation 4354.5 and measured at the upstream face of the dam.

PRIORITY DATE: 03/30/1921

The storage of water under this right shall be administered with a priority date of 03/29/1921.

POINT OF
DIVERSION:

T07S R31E S30 SWSE Within POWER County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION FROM STORAGE	03/15 11/15	159,400.00 AFY
IRRIGATION STORAGE	01/01 12/31	159,400.00 AFY

PLACE OF USE:

Place of use for storage is American Falls 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 as supervised by the Director of the Department of Water Resources, 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 following counties: Fremont, Madison, Jefferson, Bonneville, Bingham, Bannock, Power, Minidoka, Cassia, Lincoln, Jerome, Twin Falls, Gooding, Teton, and Elmore.

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.

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

This decree does not alter, amend, or modify the contracts entered into between various federal contractors and the United States Bureau of Reclamation, as amended, in connection with the Palisades project and the Minidoka project, which contracts remain binding among the parties.

The allocation of storage to federal contractors and the location of that storage, including carryover storage, in the reservoir system shall be determined by the United States Bureau of Reclamation pursuant to federal reclamation law and contracts entered into between the United States and federal contractors. The Water District 01 Watermaster as supervised by the Director of the Department of Water Resources shall distribute the stored water in accordance with allocation instructions from the United States Bureau of Reclamation. "Reservoir system" shall mean all Federal reservoirs on the Snake River and its tributaries down to and including Lake Walcott, which store and distribute water pursuant to water right nos. 1-219, 1-2064, 1-2068, 1-4055, 1-10042, 1-10043, 1-10044, 1-10045, 21-2156, 21-4155, 21-10560, and 25-7004.

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

Pursuant to the last survey conducted by the United States Bureau of Reclamation in 1977, the current active storage capacity of the American Falls Reservoir was 1,672,590 acre feet (1,515,760 acre feet under water right no. 1-2064 and 156,830 acre feet under water right no. 1-10042).

Right no. 1-2064 has been split into water right nos. 1-2064 and 1-10042.

EXHIBIT D
(Palisades Reservoir, 1-2068)

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

9/20/2012

RIGHT NUMBER: 1-2068

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:

Tributary:

SNAKE RIVER

COLUMBIA RIVER

QUANTITY:

940,400.000 AFY

1,200,000.000 AFY

Total reservoir active capacity is 1,200,000 acre feet when filled to elevation 5620 and measured at the upstream face of the dam.

PRIORITY DATE:

07/28/1939

~~The appropriator shall exercise this right in a manner that recognizes the historic practice that the use of water for power generation is incidental to the rights of others to the use of water for other purposes. The appropriator shall not make a delivery call for hydropower generation except as against junior hydropower rights.~~

The United States, after consultation with the Watermaster and the Water District 1 Advisory Committee, may release stored water from Jackson Lake and Palisades reservoirs for the maintenance of power production at Palisades Dam powerplant and may store such water in American Falls Reservoir. The release of such water will be confined, however, when it appears to the Secretary that American Falls, Palisades, and Jackson Lake reservoirs will fail to fill, to not more than 1,000 cfs for minimum firm power production and that amount which can be stored in American Falls Reservoir; and no such release shall be made that will preclude the later delivery of water, by exchange or otherwise, to the upper valley entities entitled thereto. "Upper valley entities" shall mean those reservoir spaceholders diverting from the Snake River and its tributaries above American Falls Dam.

POINT OF DIVERSION:

~~T01S R45E S17 Lot 1 NENE
Within BONNEVILLE County
T01S R45E S17 Lot 2 NWNE
Within BONNEVILLE County
T01S R45E S17 Lot 3 SWNE
Within BONNEVILLE County~~

T01S R45E S17 SENE
Within BONNEVILLE County

~~T01S R45E S17 Lot 4 SENE
Within BONNEVILLE County~~

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

PURPOSE AND PERIOD OF USE:	Purpose of use:	Period of use:	Quantity:
IRRIGATION STORAGE	01/01 12/31	940,400.00 AFY	
		1,200,000.00 AFY	
IRRIGATION FROM STORAGE	03/15 11/15	940,400.00 AFY	
		1,200,000.00 AFY	
POWER STORAGE	01/01 12/31	940,400.00 AFY	
		1,200,000.00 AFY	
POWER FROM STORAGE	01/01 12/31	940,400.00 AFY	
		1,200,000.00 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.~~

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, Teton, and Elmore.

Place of use for storage is Palisades 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 as supervised
by the Director of the Department of Water Resources, 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 storage and power storage is Palisades 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 Department
of Water Resources, the Water District advisory committee, and the United States
Bureau of Reclamation that such temporary storage will maximize the storage of
water upstream of Milner Dam.~~

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

The allocation of storage to federal contractors and the location of that
storage, including carryover storage, in the reservoir system shall be
determined by the United States Bureau of Reclamation pursuant to
federal reclamation law and contracts entered into between the United
States and federal contractors. The Water District 01 Watermaster as
supervised by the Director of the Department of Water Resources shall
distribute the stored water in accordance with allocation instructions from
the United States Bureau of Reclamation. "Reservoir system" shall mean
all Federal reservoirs on the Snake River and its tributaries down to and
including Lake Walcott, which store and distribute water pursuant to
water right nos. 1-219, 1-2064, 1-2068, 1-4055, 1-10042, 1-10043,
1-10044, 1-10045, 21-2156, 21-4155, 21-10560, and 25-7004.

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 operation, use and administration of this water right is subject to the
terms and conditions of the Settlement Agreement signed on February 14,

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

2006 with Minidoka Irrigation District, Burley Irrigation District, Twin Falls Canal Company, North Side Canal Company and American Falls Reservoir District #2.

This decree does not alter, amend, or modify the contracts entered into between the various federal contractors and the United States Bureau of Reclamation, as amended, including but not limited to the contractual storage exchanges, in connection with the Palisades project and the Minidoka project, which contracts remain binding among the parties.

[Insert ownership remark]

~~The delivery of water to this right may be subject to procedures described in the United States Bureau of Reclamation "space holder" contracts and 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) together with the natural flow and storage deliveries as calculated by the Idaho Department of Water Resources.~~

~~A portion of this right is designated as the first to fill for the benefit of the contract holders as provided in the provisions for saving winter water as recognized 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).~~

~~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 - License

Right no. 1-2068 has been split into water right nos. 1-2068 and 1-10043.

EXHIBIT E
(Palisades Reservoir
WWS, 1-10043)

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

9/20/2012

RIGHT NUMBER: 1-10043

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: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 259,600.00 AFY

Total reservoir active capacity is 1,200,000 acre feet when filled to elevation 5620 and measured at the upstream face of the dam.

PRIORITY DATE: 07/28/1939

The United States, after consultation with the Watermaster and the Water District 1 Advisory Committee, may release stored water from Jackson Lake and Palisades reservoirs for the maintenance of power production at Palisades Dam powerplant and may store such water in American Falls Reservoir. The release of such water will be confined, however, when it appears to the Secretary that American Falls, Palisades, and Jackson Lake reservoirs will fail to fill, to not more than 1,000 cfs for minimum firm power production and that amount which can be stored in American Falls Reservoir; and no such release shall be made that will preclude the later delivery of water, by exchange or otherwise, to the upper valley entities entitled thereto. "Upper valley entities" shall mean those reservoir spaceholders diverting from the Snake River and its tributaries above American Falls Dam.

The storage of water under this right shall be administered with a priority date of 03/29/1921.

POINT OF
DIVERSION:

T01S R45E S17 SENE Within BONNEVILLE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION STORAGE	01/01 12/31	259,600.00 AFY
IRRIGATION FROM STORAGE	03/15 11/15	259,600.00 AFY
POWER STORAGE	01/01 12/31	259,600.00 AFY
POWER FROM STORAGE	01/01 12/31	259,600.00 AFY

PLACE OF USE:

Place of use for storage is Palisades 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 as supervised by the Director of the Department of Water Resources, 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 following counties: Fremont, Madison, Jefferson, Bonneville, Bingham, Bannock, Power, Minidoka, Cassia, Lincoln, Jerome, Twin Falls, Gooding, Teton, and Elmore.

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

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

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 decree does not alter, amend, or modify the contracts entered into between various federal contractors and the United States Bureau of Reclamation, as amended, in connection with the Palisades project and the Minidoka project, which contracts remain binding among the parties.

The allocation of storage to federal contractors and the location of that storage, including carryover storage, in the reservoir system shall be determined by the United States Bureau of Reclamation pursuant to federal reclamation law and contracts entered into between the United States and federal contractors. The Water District 01 Watermaster as supervised by the Director of the Department of Water Resources shall distribute the stored water in accordance with allocation instructions from the United States Bureau of Reclamation. "Reservoir system" shall mean all Federal reservoirs on the Snake River and its tributaries down to and including Lake Walcott, which store and distribute water pursuant to water right nos. 1-219, 1-2064, 1-2068, 1-4055, 1-10042, 1-10043, 1-10044, 1-10045, 21-2156, 21-4155, 21-10560, and 25-7004.

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

Right no. 1-2068 has been split into water right nos. 1-2068 and 1-10043.

EXHIBIT F
(Jackson Lake, 1-4055)

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

9/20/2012

RIGHT NUMBER: 1-4055

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:
SNAKE RIVER

Tributary:
COLUMBIA RIVER

QUANTITY: 298,981.000 AFY ~~299,000.000 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 Jackson Lake enters the State of Idaho.

~~The quantity for this water right 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 enters the State of Idaho.

~~The priority date for this water right must be determined by the state of Wyoming. The 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 which is located within the State of Wyoming.

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

~~The point of diversion for this water right is in Wyoming, T45N, R114W, S18, SESW, P.M.~~

~~The point of diversion shown above is where the Snake River enters Idaho.~~

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	-299,000.00 AFY
		<u>298,981.00 AFY</u>

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, Teton, and Elmore.

~~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.~~

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

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.

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 allocation of storage to federal contractors and the location of that storage, including carryover storage, in the reservoir system shall be determined by the United States Bureau of Reclamation pursuant to federal reclamation law and contracts entered into between the United States and federal contractors. The Water District 01 Watermaster as supervised by the Director of the Department of Water Resources shall distribute the stored water in accordance with allocation instructions from the United States Bureau of Reclamation. "Reservoir system" shall mean all Federal reservoirs on the Snake River and its tributaries down to and including Lake Walcott, which store and distribute water pursuant to water right nos. 1-219, 1-2064, 1-2068, 1-4055, 1-10042, 1-10043, 1-10044, 1-10045, 21-2156, 21-4155, 21-10560, and 25-7004.

This decree does not alter, amend, or modify the contracts entered into between the various federal contractors and the United States Bureau of Reclamation, as amended, including but not limited to the contractual storage exchanges, in connection with the Palisades project and the Minidoka project, which contracts remain binding among the parties.

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 as supervised by the Director of the Department of Water Resources, 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 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.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use ~~BASIS OF CLAIM - License~~

Water is stored in Jackson Lake in the State of Wyoming pursuant to Certificate No. R-6, Permit Nos. 894 Res., 1903 Res., 2185 Res., 2894 Res., and 2895 Res.

EXHIBIT G
(Jackson Lake, 1-10044)

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

9/20/2012

RIGHT NUMBER: 1-10044

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:
SNAKE RIVER

Tributary:

COLUMBIA RIVER

QUANTITY: 138,829.000 AFY 93,990.000 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 Jackson Lake enters the State of Idaho.

~~The quantity for this water right 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 enters the State of Idaho.

~~The priority date for this water right must be determined by the state of Wyoming. The 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 which is located within the State of Wyoming.

~~The point of diversion for this water right is in Wyoming, T45N, R114W, S18, SESEW, P.M.~~

~~The point of diversion shown above is where the Snake River enters Idaho.~~

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

PURPOSE AND
PERIOD OF USE:

Purpose of use:	Period of use:	Quantity:
IRRIGATION STORAGE	01/01 12/31	93,990.00 AFY
IRRIGATION FROM STORAGE	03/15 11/15	93,990.00 AFY
		138,829.00 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.~~

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, Teton, and Elmore.

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

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

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 as supervised by the Director of the Department of Water Resources, 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.

This decree does not alter, amend, or modify the contracts entered into between the various federal contractors and the United States Bureau of Reclamation, as amended, including but not limited to the contractual storage exchanges, in connection with the Palisades project and the Minidoka project, which contracts remain binding among the parties.

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.

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.

The allocation of storage to federal contractors and the location of that storage, including carryover storage, in the reservoir system shall be determined by the United States Bureau of Reclamation pursuant to federal reclamation law and contracts entered into between the United States and federal contractors. The Water District 01 Watermaster as supervised by the Director of the Department of Water Resources shall distribute the stored water in accordance with allocation instructions from the United States Bureau of Reclamation. "Reservoir system" shall mean all Federal reservoirs on the Snake River and its tributaries down to and including Lake Walcott, which store and distribute water pursuant to water right nos. 1-219, 1-2064, 1-2068, 1-4055, 1-10042, 1-10043, 1-10044, 1-10045, 21-2156, 21-4155, 21-10560, and 25-7004.

~~This water right is also recorded as The State of Wyoming Certificate of Construction of Reservoir, Certificate No. R-6, Permit No. 1903 Res.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use ~~BASIS OF CLAIM - Licensee~~

Water is stored in Jackson Lake in the State of Wyoming pursuant to Certificate No. R-6, Permit Nos. 894 Res., 1903 Res., 2185 Res., 2894 Res., and 2895 Res.

EXHIBIT H
(Jackson Lake, 1-10045)

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

9/20/2012

RIGHT NUMBER: 1-10045

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:
SNAKE RIVER

Tributary:
COLUMBIA RIVER

QUANTITY:

409,190.000 AFY

~~100,000.000 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 Jackson Lake enters the State of Idaho.

~~The quantity for this water right 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 enters the State of Idaho.

~~The priority date for this water right must be determined by the state of Wyoming. The 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 which is located within the State of Wyoming.

~~The point of diversion for this water right is in Wyoming, T45N, R114W, S18, SESEW, P.M.~~

~~The point of diversion shown above is where the Snake River enters Idaho.~~

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

PURPOSE AND
PERIOD OF USE:

Purpose of use:	Period of use:	Quantity:
IRRIGATION STORAGE	01/01 12/31	100,000.00 AFY
IRRIGATION FROM STORAGE	03/15 11/15	100,000.00 AFY
		<u>409,190.00 AFY</u>

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.~~

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

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, Teton, and Elmore.

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.

This decree does not alter, amend, or modify the contracts entered into between the various federal contractors and the United States Bureau of Reclamation, as amended, including but not limited to the contractual storage exchanges, in connection with the Palisades project and the Minidoka project, which contracts remain binding among the parties.

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 as supervised by the Director of the Department of Water Resources, 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 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.

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.

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 allocation of storage to federal contractors and the location of that storage, including carryover storage, in the reservoir system shall be determined by the United States Bureau of Reclamation pursuant to federal reclamation law and contracts entered into between the United States and federal contractors. The Water District 01 Watermaster as supervised by the Director of the Department of Water Resources shall distribute the stored water in accordance with allocation instructions from the United States Bureau of Reclamation. "Reservoir system" shall mean all Federal reservoirs on the Snake River and its tributaries down to and including Lake Walcott, which store and distribute water pursuant to water right nos. 1-219, 1-2064, 1-2068, 1-4055, 1-10042, 1-10043, 1-10044, 1-10045, 21-2156, 21-4155, 21-10560, and 25-7004.

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

~~This water right is also recorded as The State of Wyoming Certificate of
Construction of Reservoir, Certificate No. R-6, Permit No. 2895 Res.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use ~~BASIS OF CLAIM - Licensee~~

Water is stored in Jackson Lake in the State of Wyoming pursuant to Certificate
No. R-6, Permit Nos. 894 Res., 1903 Res., 2185 Res., 2894 Res., and 2895 Res.

EXHIBIT I
(Island Park Reservoir, 21-2156)

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

9/5/2012

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:

90,000.000 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.

~~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).~~

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

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	<u>90,000.00 AFY</u> 114,000.00 AFY
IRRIGATION FROM STORAGE	04/01 10/31	<u>90,000.00 AFY</u>
	04/01 11/01	114,000.00 AFY

PLACE OF USE:

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

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

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

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 as supervised by the Director of the Department of Water Resources, 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 storage is Island Park Reservoir.~~

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

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

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

The allocation of storage to federal contractors and the location of that storage, including carryover storage, in the reservoir system shall be determined by the United States Bureau of Reclamation pursuant to federal reclamation law and contracts entered into between the United States and federal contractors. The Water District 01 Watermaster as supervised by the Director of the Department of Water Resources shall distribute the stored water in accordance with allocation instructions from the United States Bureau of Reclamation. "Reservoir system" shall mean all Federal reservoirs on the Snake River and its tributaries down to and including Lake Walcott, which store and distribute water pursuant to water right nos. 1-219, 1-2064, 1-2068, 1-4055, 1-10042, 1-10043, 1-10044, 1-10045, 21-2156, 21-4155, 21-10560, and 25-7004.

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.

This decree does not alter, amend, or modify the contracts entered into between various federal contractors and the United States Bureau of Reclamation, as amended, in connection with the Palisades project and the Minidoka project, which contracts remain binding among the parties.

~~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~~

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

~~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.~~

~~A portion of this right is designated as the first to fill as provided in the provisions for winter power operation at the Minidoka powerplant as recognized 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).~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

~~Place of use is also known as Fremont Madison Irrigation District.~~

EXHIBIT J
(Island Park Reservoir, 21-10560)

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

9/5/2012

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

The storage of water under this right shall be administered with a priority date of 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

45,000.00 AFY

~~21,000.00 AFY~~

IRRIGATION FROM STORAGE

04/01 10/31

45,000.00 AFY

~~21,000.00 AFY~~

PLACE OF USE:

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 as supervised by the Director of the Department of Water Resources, 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 does not include federal public lands unless authorized in writing by the United States Bureau of Reclamation.

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

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

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.

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

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.

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 allocation of storage to federal contractors and the location of that storage, including carryover storage, in the reservoir system shall be determined by the United States Bureau of Reclamation pursuant to federal reclamation law and contracts entered into between the United States and federal contractors. The Water District 01 Watermaster as supervised by the Director of the Department of Water Resources shall distribute the stored water in accordance with allocation instructions from the United States Bureau of Reclamation. "Reservoir system" shall mean all Federal reservoirs on the Snake River and its tributaries down to and including Lake Walcott, which store and distribute water pursuant to water right nos. 1-219, 1-2064, 1-2068, 1-4055, 1-10042, 1-10043, 1-10044, 1-10045, 21-2156, 21-4155, 21-10560, and 25-7004.

This decree does not alter, amend, or modify the contracts entered into between various federal contractors and the United States Bureau of Reclamation, as amended, in connection with the Palisades project and the Minidoka project, which contracts remain binding among the parties.

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.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

While the United States has the privilege to use 2,700 cfs for the development of power under water right nos. 1-217 and 1-218, it will be the objective of the United States in the operation of the Minidoka powerplant to limit the exercise of water right nos. 1-217 and 1-218 for power production at the Minidoka powerplant whenever operation of the Minidoka powerplant to the full extent of these water rights for power production would result in loss of water otherwise storable in the reservoir system. Accordingly, except as it is determined by the Secretary that additional water may be passed through Minidoka Dam without the loss of water that could be stored in the reservoir system, the United States will limit the release of water through the Minidoka Dam. To the extent that it is practicable to do so, the Watermaster and the Water District 1 Advisory Committee will be informed in advance of any plans for the release of water in excess of the foregoing limitation. "Reservoir system" shall mean all Federal reservoirs on the Snake River and its tributaries down to and including Lake Walcott, which store and distribute water pursuant to water right nos. 1-219, 1-2064, 1-2068, 1-4055, 1-10042, 1-10043, 1-10044, 1-10045, 21-2156, 21-4155, 21-10560, and 25-7004.

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.

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

Place of use is also known as Fremont Irrigation District.

EXHIBIT K
(Grassy Lake Reservoir, 21-4155)

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

9/10/2012

RIGHT NUMBER: 21-4155

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:
CASCADE CREEK

Tributary:
FALL RIVER

Source:
GRASSY SPRING

Tributary:
~~FALLS RIVER~~
FALL RIVER

QUANTITY:

15,204.000 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.

~~The quantity for this water right 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.

~~The priority date for this water right must be determined by the state of Wyoming. The listing of this element is for informational purposes only.~~

POINT OF DIVERSION:

T09N R46E S17 Lot 3
Within FREMONT County

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

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

~~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.~~

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

PURPOSE AND
PERIOD OF USE:

Purpose of use:	Period of use:	Quantity:
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 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.

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, Madison, and Teton.

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 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.

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.

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 as supervised by the Director of the Department of Water Resources, 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.

This decree does not alter, amend, or modify the contracts entered into between various federal contractors and the United States Bureau of Reclamation, as amended, in connection with the Palisades project and the Minidoka project, which contracts remain binding among the parties.

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

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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.

The allocation of storage to federal contractors and the location of that storage, including carryover storage, in the reservoir system shall be determined by the United States Bureau of Reclamation pursuant to federal reclamation law and contracts entered into between the United States and federal contractors. The Water District 01 Watermaster as supervised by the Director of the Department of Water Resources shall distribute the stored water in accordance with allocation instructions from the United States Bureau of Reclamation. "Reservoir system" shall mean all Federal reservoirs on the Snake River and its tributaries down to and including Lake Walcott, which store and distribute water pursuant to water right nos. 1-219, 1-2064, 1-2068, 1-4055, 1-10042, 1-10043, 1-10044, 1-10045, 21-2156, 21-4155, 21-10560, and 25-7004.

~~This water right is also recorded as Wyoming Certificated Water Right No. P4126-R.~~

~~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

~~Place of use is within the boundaries of Fremont-Madison Irrigation District.~~

This water right is also recorded as Wyoming Certificated Water Right No. 4631-R.

EXHIBIT L
(Ririe Reservoir, 25-7004)

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED
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9/5/2012

RIGHT NUMBER: 25-7004

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:

WILLOW CREEK

Tributary:

SNAKE RIVER

QUANTITY:

90,500.000 AFY

The reservoir storage capacity is 90,500 acre feet when filled to elevation 5112.8 and measured at the upstream face of the dam.

PRIORITY DATE:

06/16/1969

POINT OF DIVERSION:

T03N R40E S22 NWNW
Within BONNEVILLE County

PURPOSE AND
PERIOD OF USE:

Purpose of use:	Period of use:	Quantity:
IRRIGATION STORAGE	01/01 12/31	80,500.00 AFY
IRRIGATION FROM STORAGE	04/01 10/31	80,500.00 AFY
WILDLIFE STORAGE	01/01 12/31	10,000.00 AFY

PLACE OF USE:

Place of use for irrigation storage and wildlife storage is Ririe Reservoir.

Place of use for storage is Ririe 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 as supervised by the Director of the Department of Water Resources, 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 place of use for irrigation from storage is upon lands located along the Snake River and its tributaries in Eastern Idaho within the Minidoka Federal Reclamation Project as listed in Storage Contract 4-07-10-W0999 dated March 31, 1994, between the United States and Mitigation, Inc.

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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.

The allocation of storage to federal contractors and the location of that storage, including carryover storage, in the reservoir system shall be determined by the United States Bureau of Reclamation pursuant to federal reclamation law and contracts entered into between the United States and federal contractors. The Water District 01 Watermaster as supervised by the Director of the Department of Water Resources shall distribute the stored water in accordance with allocation instructions from the United States Bureau of Reclamation. "Reservoir system" shall mean all Federal reservoirs on the Snake River and its tributaries down to and including Lake Walcott, which store and distribute water pursuant to water right nos. 1-219, 1-2064, 1-2068, 1-4055, 1-10042, 1-10043, 1-10044, 1-10045, 21-2156, 21-4155, 21-10560, and 25-7004.

This decree does not alter, amend, or modify the contracts entered into between various federal contractors and the United States Bureau of Reclamation, as amended, in connection with the Palisades project and the Minidoka project, which contracts remain binding among the parties.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Wildlife storage (inactive storage) shall not be released from storage for a beneficial use.

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 01.

The storage of water under this right is contingent upon continued certification by the Department of Water Resources under the dam safety provisions of the Idaho Code, authorizing storage.

Permanent measuring devices must be maintained in such a manner that the amount of water entering the reservoir and the amount of water released from the reservoir can be measured.

Water stored under this right and conveyed to downstream lands is subject to a shrinkage loss as determined by the watermaster.

