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DEPARTMENT OF
WATER RESOURCES

Attorneys for Pioneer Irrigation District

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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

Subcase Nos. 63-00294 and 63-00295

**STIPULATION REGARDING PROPOSED
BRYAN DECREE REMARK**

COME NOW Pioneer Irrigation District ("Pioneer") and the Idaho Department of Water Resources ("IDWR"), by and through undersigned counsel and in response to IDWR's Request for Correction of Error lodged against Pioneer water right nos. 63-00294 and 63-00295 ("Requests"), filed May 29, 2014, and the Court's Notice of Intent to Issue Amended Partial Decree and Notice of Expedited Hearing Thereon, filed May 30, 2014, and hereby acknowledge, agree, and stipulate as follows:

1. In or about August 2012, IDWR discovered what it terms an "error" regarding several then-existing SRBA partial decrees, including the 2009 partial decrees for Pioneer water right nos. 63-00294 and 63-00295. The "error" relates to IDWR's failure to

include/recommend the following proposed subordination remarks within the subject water right partial decrees related to administration of the water rights under what are generally referred to as the Stewart and Bryan Decrees in Administrative Basin 63 (the Boise River Basin):

For Right No. 63-00294:

“Pursuant to a call in times of scarcity, this right is junior to water right nos. 63-00253, 63-00285, 63-00292, 63-00293 and 63-00382B and any future splits of these rights.”

For Right No. 63-00295:

“Pursuant to a call in times of scarcity, this right is junior to water right nos. 63-00253, 63-00292, 63-00293 and 63-00382B and any future splits of these rights.”

2. Pioneer is accepting of the above-quoted remarks being included in amended partial decrees for water right nos. 63-00294 and 63-00295 **provided that** the following additional sentence is included in the proposed remarks:

“This condition does not modify, amend or waive any defenses available to this right to a call in times of scarcity.”

Therefore, the proposed revised remarks for Pioneer’s subject water rights shall read:

For Right No. 63-00294:

“Pursuant to a call in times of scarcity, this right is junior to water right nos. 63-00253, 63-00285, 63-00292, 63-00293 and 63-00382B and any future splits of these rights. This condition does not modify, amend or waive any defenses available to this right to a call in times of scarcity.”

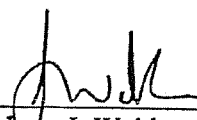
For Right No. 63-00295:

“Pursuant to a call in times of scarcity, this right is junior to water right nos. 63-00253, 63-00292, 63-00293 and 63-00382B and any future splits of these rights. This condition does not modify, amend or waive any defenses available to this right to a call in times of scarcity.”

3. IDWR concurs with, accepts, and agrees to the above-quoted remark revision requested by Pioneer, which is consistent with a result previously negotiated by IDWR with the owner of water right no. 63-00296.

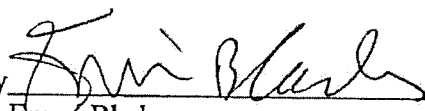
DATED this 8th day of July, 2014.

MOFFATT, THOMAS, BARRETT, ROCK &
FIELDS, CHARTERED

By 
Andrew J. Waldera – Of the Firm
Attorneys for Pioneer Irrigation District

DATED this 9th day of July, 2014.

IDAHO DEPARTMENT OF WATER RESOURCES

By 
Emmi Blades
Deputy Attorney General

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9th day of July, 2014, I caused a true and correct copy of the foregoing **STIPULATION REGARDING PROPOSED BRYAN DECREE REMARK** to be served by the method indicated below, and addressed to the following:

Original to:

Clerk of the District Court
SNAKE RIVER BASIN ADJUDICATION
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

☐ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☒ Facsimile

Copies to:

IDWR Document Repository
P.O. Box 83720
Boise, ID 83720-0098

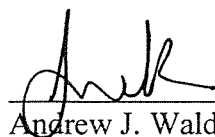
☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

U.S. Department of Justice
Environment & Nat'l Resources Div.
550 W. Fort Street, MSC 033
Boise, ID 83724

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

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

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile



Andrew J. Waldera