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WATER RESOURCES
WESTERN REGION

BEFORE THE DIRECTOR OF THE
IDAHO DEPARTMENT OF WATER RESOURCES

IN THE MATTER OF APPLICATION)
FOR EXCHANGE # 75007 IN THE NAME OF)
IDAHO WATER RESOURCE BOARD &) STIPULATION
U.S. BUREAU OF RECLAMATION)
_____)

The undersigned applicants and protestors, by and through their respective attorneys,
hereby stipulate and agree as follows:

1. On August 11, 2008, the Idaho Water Resource Board and the U.S. Bureau of Reclamation (Reclamation) filed with the Idaho Department of Water Resources (IDWR) Application for Exchange No. 75007.
2. This application was protested by Minidoka Irrigation District, Tamarack Resort, American Falls Reservoir District No. 2, A&B Irrigation District, Burley Irrigation District, Twin Falls Canal Company, North Side Canal Company and Milner Irrigation District.
3. On April 14, 2009, Tamarack Resort withdrew its protest to the application.
4. The Applicants filed the above-captioned application for exchange to replace water acquired or stored and released for flow augmentation purposes pursuant to Idaho Code § 42-1763B and the terms of the Nez Perce Water Rights Settlement Agreement in the Upper Snake River Basin with water stored in Cascade Reservoir under water right number 65-2927A.
5. The proposed exchange requests authorization to allow up to 2,800 acre-feet of water accrued to Black Canyon Irrigation District's storage space to be exchanged for an equal amount of water in the Upper Snake River Basin. The Water Resource Board would acquire and lease the Black Canyon Irrigation District water and it would deliver up to the 2,800 acre-feet to the

Snake River for flow augmentation purposes as provided by a Memorandum of Agreement, No. 1425-08MA 1S7123 and dated May 16, 2008, between the Reclamation and the Idaho Water Resource Board.

6. The Board would utilize the 2,800 acre-feet of exchanged water in the Upper Snake River Basin for beneficial purposes as recognized by state law.

7. The proposed exchange proposes an end date of December 31, 2034.

8. The parties hereto stipulate and agree that the protests of the parties remaining hereto will be resolved provided Reclamation agrees to exchange only its uncontracted water in its reservoirs in the Upper Snake River Basin with that water acquired by the Idaho Water Resource Board from Black Canyon Irrigation District.

9. Therefore, Reclamation agrees to settle these protests by using only its uncontracted storage water for the exchange. Reclamation and the Idaho Water Resource Board agree that IDWR will condition the exchange approval accordingly. In the event the exchange approval is not so conditioned, this Stipulation will be null and void.

10. This stipulation as represented herein is the entire agreement between the parties as to this protest. It supersedes and replaces all prior negotiations, agreements, promises or representations whether written or oral in regards to this protest.

11. The Protestants have settled their protests under the unique factual circumstances and for the limited purposes identified in this Stipulation. The Protestants reserve all rights to protest future exchange applications, and do not waive any claims or defenses by entering into this Stipulation as against any future exchange applications filed by Reclamation or the Water Resource Board for the same or similar purposes.

11. The parties hereto represent and affirm that the signatories to this Stipulation are legally authorized to bind the parties to this matter.

DATED this 2nd day of ~~May~~ ^{June}, 2009.

**STATE OF IDAHO
for Idaho Water Resource Board**

By: David J. Barber

U.S. BUREAU OF RECLAMATION

By: Terrold D. Gregg, Manager
~~Tim Personius, Acting Regional Director~~ Snake River Area Office
Pacific Northwest Region

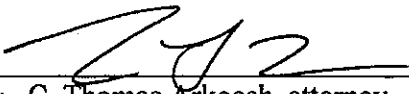
**A&B IRRIGATION DISTRICT, BURLEY
IRRIGATION DISTRICT, MILNER IRRIGATION
DISTRICT, NORTH SIDE CANAL COMPANY,
TWIN FALLS CANAL COMPANY**

By: Travis L. Thompson
Travis L. Thompson, attorney

MINIDOKA IRRIGATION DISTRICT

By: W. Kent Fletcher
W. Kent Fletcher, attorney

AMERICAN FALLS RESERVOIR DIST. #2

By: 
C. Thomas Arkoosh, attorney

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WATER RESOURCES
WESTERN REGIONCERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of ^{June}~~May~~, 2009, I caused to be served a true and correct copy of the foregoing by postage prepaid U.S. mail, and addressed to the following:

Dave Tuthill

Director

Idaho Department of Water Resources

322 East Front Street.

Boise, ID 83720-0098

☒ U.S. Mail
☐ Facsimile
☐ Overnight Mail
☐ Hand Delivery

1 John Westra ← *Original*
Western Regional Manager
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

☒ U.S. Mail
☐ Facsimile
☐ Overnight Mail
☐ Hand Delivery

2 Brian Patton, State Office
Idaho Water Resource Board
PO Box 83720
Boise, ID 83720-0098

☒ U.S. Mail
☐ Facsimile
☐ Overnight Mail
☐ Hand Delivery

David J. Barber
Office of Attorney general
Natural Resources Division
PO Box 83720-0010

☒ U.S. Mail
☐ Facsimile
☐ Overnight Mail
☐ Hand Delivery

3 Kathleen Marion Carr
U.S. Department of the Interior
Office of the Field Solicitor
960 Broadway, Suite 400
Boise, ID 83706

☒ U.S. Mail
☐ Facsimile
☐ Overnight Mail
☐ Hand Delivery

4 American Falls Reservoir District #2
c/o Capitol Law Group PLLC
Attn: C. Thomas Arkoosh
PO Box 32
Gooding, ID 83330

☒ U.S. Mail
☐ Facsimile
☐ Overnight Mail
☐ Hand Delivery

A&B Irrigation District
Burley Irrigation District
Twin Falls Canal Company
North Side Canal Company
c/o Barker Rosholt & Simpson LLP
Attn: Travis Thompson
PO Box 485
Twin Falls, ID 83303-0485

☒ U.S. Mail
☐ Facsimile
☐ Overnight Mail
☐ Hand Delivery

Lyle Swank
Watermaster, District 01
900 N. Skyline Drive, Suite A
Idaho Falls, ID 83402-1718

☒ U.S. Mail
☐ Facsimile
☐ Overnight Mail
☐ Hand Delivery

Ron Shurtleff
Watermaster, District 65
102 N. Main Street
Payette, ID 83441

☒ U.S. Mail
☐ Facsimile
☐ Overnight Mail
☐ Hand Delivery

Black Canyon Irrigation District
Attn: Dennis Heaps
PO Box 226
Notus, ID 83656

☒ U.S. Mail
☐ Facsimile
☐ Overnight Mail
☐ Hand Delivery

