

Hand to
D.O. on
9-09-09

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	Subcase No. 63-32514
	)	
Case No. 39576	)	
	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

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

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

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT/OBJECTOR:

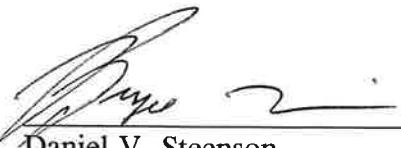
Pioneer Irrigation District

OBJECTOR:

Nampa & Meridian Irrigation District

 7/30/09

Scott L. Campbell Date
Attorney for Claimant/Objector

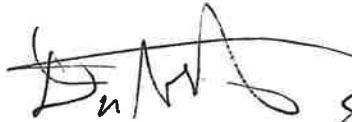
 8/28/09

Daniel V. Steenson Date
Attorney for Objector

STANDARD FORM 5 – 63-32514

RESPONDENT:

Bureau of Reclamation


8/24/09

David W. Gehlert

Date

Attorney for Respondent

IDWR Concurrence:


9-9-09
Jan Shurte Date
Water Rights Supervisor


2-11-09
Nicholas B. Spencer Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 63-32514

NAME AND ADDRESS: PIONEER IRRIGATION DISTRICT
PO BOX 426
CALDWELL ID 83606 83605

SOURCE: FIVE MILE CREEK

TRIBUTARY: BOISE RIVER

QUANTITY: 35.000 CFS

PRIORITY DATE: 05/01/1935

POINT OF DIVERSION:

T04N R02W S27 SESE Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	35.000 CFS

PLACE OF USE:

34204.61 ACRES TOTAL

This right is limited to the irrigation of 34,204.61 acres within the boundary of the Pioneer Irrigation District.

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

This water right shall not alter or abrogate any provision of contract executed by the United States or State law regarding Pioneer Irrigation District or Nampa & Meridian Irrigation District rights and responsibilities to use and make available water developed in drains within their boundaries.

PK
NBS
DW
SBK

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

CERTIFICATE OF MAILING

I certify that on _____, 2009, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

CLERK OF THE DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
253 THIRD AVENUE NORTH
P.O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

2. Copies to:

PIONEER IRRIGATION DISTRICT
Represented by:
SCOTT L. CAMPBELL
101 S. CAPITOL BLVD. 10TH FLOOR
P.O. BOX 829
BOISE, ID 83701-0829

USDI BUREAU OF RECLAMATION
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

NAMPA & MERIDIAN IRR DIST
Represented by:
DANIEL V. STEENSON
455 S. THIRD ST.
P.O. BOX 2773
BOISE, ID 83701-2773

DIRECTOR OF IDWR
P.O. BOX 83720
BOISE, ID 83720-0098

Signature of person or attorney mailing the form

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-32514 V1

WATER RIGHT NUMBER: 63-32514 V1

<u>Owner Type</u>	<u>Name and Address</u>
Attorney	SCOTT L CAMPBELL MOFFATT THOMAS BARRETT ROCK & FIELDS CHTD PO BOX 829 BOISE, ID 83701-0829 (208) 345-2000
Current Owner	PIONEER IRRIGATION DISTRICT PO BOX 426 CALDWELL, ID 83606 (208) 459-3617

→ 05 to 06

Priority Date: 05/01/1935

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
FIVE MILE CREEK	BOISE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	35.000 CFS	
	<u>Total Diversion:</u>	35.000 CFS	

Location of Point(s) of Diversion

FIVE MILE CREEK	SE1/4SE1/4	Sec. 27, Twp 04N, Rge 02W, B.M.
ADA County		

Place of UseConditions of Approval:

1. 188 This right is limited to the irrigation of 34,204.61 acres within the boundary of the Pioneer Irrigation District.
2. C18 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.
3. 135 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.

Remarks:Comments:

NM10 LANG - See attached

Shurte, Jan

From: Bryce Farris [bryce@ringertlaw.com]
Sent: Friday, June 13, 2008 11:13 AM
To: Shurte, Jan; Spencer, Nick; Scott Campbell
Cc: emcgarry@pn.usbr.gov; Dan Steenson
Subject: RE: Settlement for Pioneer's Drain SRBA Claims

Scott, Nick and Jan:

This e-mail is to follow up our conversation earlier this morning regarding the above-referenced matter. Nampa & Meridian Irrigation District and Pioneer Irrigation District have agreed to the following remark to be included in Pioneer's drain claims:

"This water right shall not alter or abrogate any provision of contract executed by the United States or State law regarding Pioneer Irrigation District's or Nampa & Meridian Irrigation District's rights and responsibilities to use and make available water developed in drains within their boundaries."

The water rights to which Nampa & Meridian has filed objections are as follows: 63-02114, 63-02275, 63-02276, 63-02294, 63-02891, 63-05219, 63-05237, 63-05255, 63-21731, 63-21739, 63-32514 and 63-32515.

For those rights that there is no other objection as to quantity, preparation of a SF5 would be appropriate. For those rights that there remains a quantity objection by Pioneer, I have reviewed the examples provided by Nick and I am agreeable to resolving Nampa & Meridian's objections now via a Stipulation to Resolve Objection.

Gail: I believe BOR has filed Responses in these sub-cases. Could you please weigh in on whether BOR has any objection to the resolution and language proposed in this e-mail?

Thanks, Bryce

→ language OK
NMID
2294
32514

10/14/2008