

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: 29-11344
)
)

Case No. 39576

) STIPULATION TO RESOLVE
) OBJECTION
)
)
)
)

This form is used to report the stipulated elements of one water right acquired under state law. 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; and 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 claimant and IDWR agree and stipulate that the stipulation will resolve the objection by the City of Pocatello to the following element(s):

point of diversion.

The claimants and IDWR acknowledge that the other objections filed by the City of Pocatello to any other elements and/or general provisions and the related responses are still outstanding. The claimant, respondents and IDWR have further indicated their concurrence by their signatures below and by initialing each of the attached pages.

CLAIMANT/OBJECTOR:

RESPONDENT:

Josephine P. Beeman
City of Pocatello

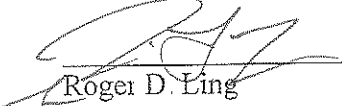
5/31/2006
Date

Peter C. Allen
United States

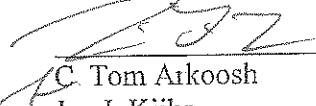
5/19/2006
Date

RESPONDENTS:

A & B Irrigation District
Burley Irrigation District

 9/7/06
Roger D. Ling Date

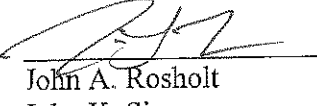
American Falls Reservoir District #2

 9/7/06
C. Tom Arkoosh Date
Jay J. Kiiha

Minidoka Irrigation District

 9/7/06
W. Kent Fletcher Date

Milner Irrigation District
North Side Canal Company
Twin Falls Canal Company

 9/7/06
John A. Rosholt Date
John K. Simpson
Travis L. Thompson
Paul L. Arrington

RESPONDENT:

David Barber 3/16/2005
State of Idaho Date

IDWR CONCURRENCE:

Carter Fritschle 6-8-06 Candice M. McHugh 6/7/06
Carter Fritschle Date Candice M. McHugh Date
Adjudication Supervisor, IDWR Attorney for IDWR

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

RIGHT NUMBER: 29-11344
NAME AND ADDRESS: CITY OF POCATELLO
PO BOX 4169
POCATELLO ID 83205

POINT OF
DIVERSION: T06S R33E S10 NESE Within POWER County
~~T06S R33E S10 NESE Within POWER County~~
~~T06S R33E S15 SWNE Within POWER County~~

8m² at 300

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

~~To the extent necessary for administration, water was first appropriated or used from:
Pocatello Well No. 35 located in T06S, R33E, S10, NESE,
on 6/13/1978 in the amount of 3.34 cfs.
Pocatello Well No. 39 located in T06S, R33E, S15, SWNE,
on 12/31/1940 in the amount of 2.20 cfs.
Pocatello Well No. 40 located in T06S, R33E, S10, NESE,
on 12/31/1942 in the amount of 1.92 cfs.~~

CERTIFICATE OF SERVICE

I certify that on September 19, 2006, 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:

AMERICAN FALLS RESERVOIR
Represented by:
C. THOMAS ARKOOSH
301 MAIN STREET
PO BOX 32
GOODING, ID 83330

AMERICAN FALLS RESERVOIR
Represented by:
DAVID HEIDA
116 4TH AVE W
PO BOX 32
GOODING, ID 83330

CITY OF POCATELLO
Represented by:
JOSEPHINE P. BEEMAN
409 WEST JEFFERSON STREET
BOISE, ID 83702

STATE OF IDAHO
Represented by:
NATURAL RESOURCES DIV CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
PO BOX 44449
BOISE, ID 83711-4449

A & B IRRIGATION DISTRICT
BURLEY IRRIGATION DISTRICT

Represented by:
ROGER D LING
615 H ST
PO BOX 396
RUPERT, ID 83350-0396

CITY OF POCA TELLO

Represented by:
SARAH A KLAHN
WHITE & JANKOWSKI LLP
KIT TREDGE BUILDING
511 16TH ST STE 500
DENVER, CO 80202

MILNER IRRIGATION DISTRICT
NORTH SIDE CANAL COMPANY
TWIN FALLS CANAL COMPANY

Represented by:
TRAVIS L THOMPSON
113 MAIN AVE W, STE 303
TWIN FALLS, ID 83301-6167

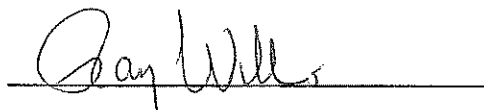
UNITED STATES OF AMERICA

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NAT'L RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

MINIDOKA IRRIGATION DISTRICT

Represented by:
W. KENT FLETCHER
PO BOX 248
BURLEY, ID 83318

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

A handwritten signature in cursive script, appearing to read "Jay Williams", is written over a horizontal line.