

**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 No. 21-12902

**STIPULATION TO RESOLVE
USDI-BLM OBJECTION**

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 claimant, Southeast Idaho Canal Co., objector, USDI-BLM, and IDWR agree and stipulate that the place of use element of this water right should be described per the attached recommendation. The parties and IDWR further agree and stipulate that the attached is an accurate digital depiction of the boundary for Southeast Idaho Canal Co. produced by IDWR. This stipulation resolves only the USDI-BLM's objection to the irrigated acres within the place of use.

CLAIMANT(s):

Southeast Idaho Canal Company

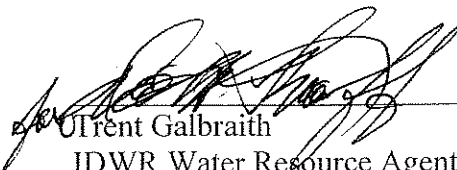
 8-31-07
Authorized Signature Date

OBJECTOR(s):

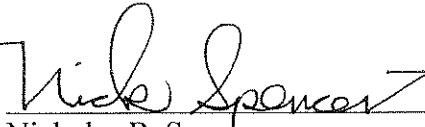
USDI-BLM

 9/17/2007
Larry A. Brown Fwp Date
Attorney for the US Dept of Justice

IDWR Concurrence:


Trent Galbraith
IDWR Water Resource Agent

9-11-07
Date


Nicholas B. Spencer
Deputy Attorney General
Attorney for IDWR

9-11-07
Date

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

RIGHT NUMBER: 21-12902

NAME AND ADDRESS: SOUTHEAST IDAHO CANAL CO
PO BOX 15
ST ANTHONY ID 83445

SOURCE: HENRYS FORK

TRIBUTARY: SNAKE RIVER

QUANTITY: 11.000 CFS

PRIORITY DATE: 01/22/1916

POINT OF
DIVERSION:

T08N R41E S33 NWNE Within FREMONT County

Rights 21-12902, 21-12920, 21-12907, 21-12955, 21-12954 are diverted
through the point(s) of diversion described above.

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

11.000 CFS

PLACE OF USE:

16274.8 ACRES TOTAL

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:

The remainder of this right was forfeited for non-use from 1950 to 1987.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

CERTIFICATE OF MAILING

I certify that on 9/17, 2007, 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:**

United States of America
US Dept of Justice
Environment and Natural Resources
550 West Fort Street, MSC 033
Boise, ID 83724

Egin Bench Canals Inc
Southeast Idaho Canal Company
PO Box 15
St. Anthony, ID 83445

C Thomas Arkoosh
301 Main St
PO Box 32
Gooding, ID 83330

State of Idaho
Natural Resources Div Chief
Attorney General's Office
PO Box 44449
Boise, ID 83711-4449

Travis L Thompson
113 Main Ave W, Ste 303
PO Box 485
Twin Falls, ID 83303-0485

IDWR Repository
P.O. Box 83720
Boise, ID 83720

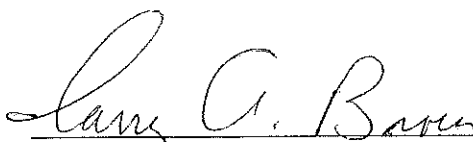
David W Gehlert
US Dept of Justice, Natural Resources Sec
Environment and Natural Resources
1961 Stout St – 8th Floor
Denver CP 80294

Jerry Rigby
25 N 2nd E
PO Box 250
Rexburg, ID 83440-0250

John Simpson
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PO Box 2139
Boise, ID 83701-2139

Roger Ling
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PO Box 396
Rupert, ID 83350-0396

W Kent Fletcher
1200 Overland Ave
PO Box 248
Burley, ID 83318



Signature of person mailing the form



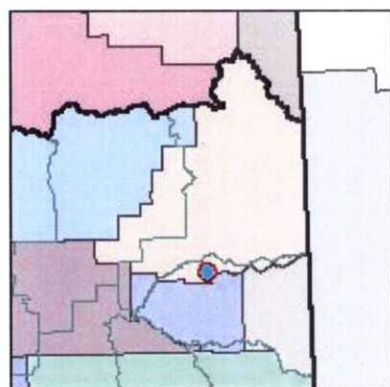
Southeast Idaho Canal Co

SRBA Recommendations: 21-12902, 21-12907, 21-12911, 21-12919, 21-12920, 21-12953, 21-12954, 21-12955, 21-12956

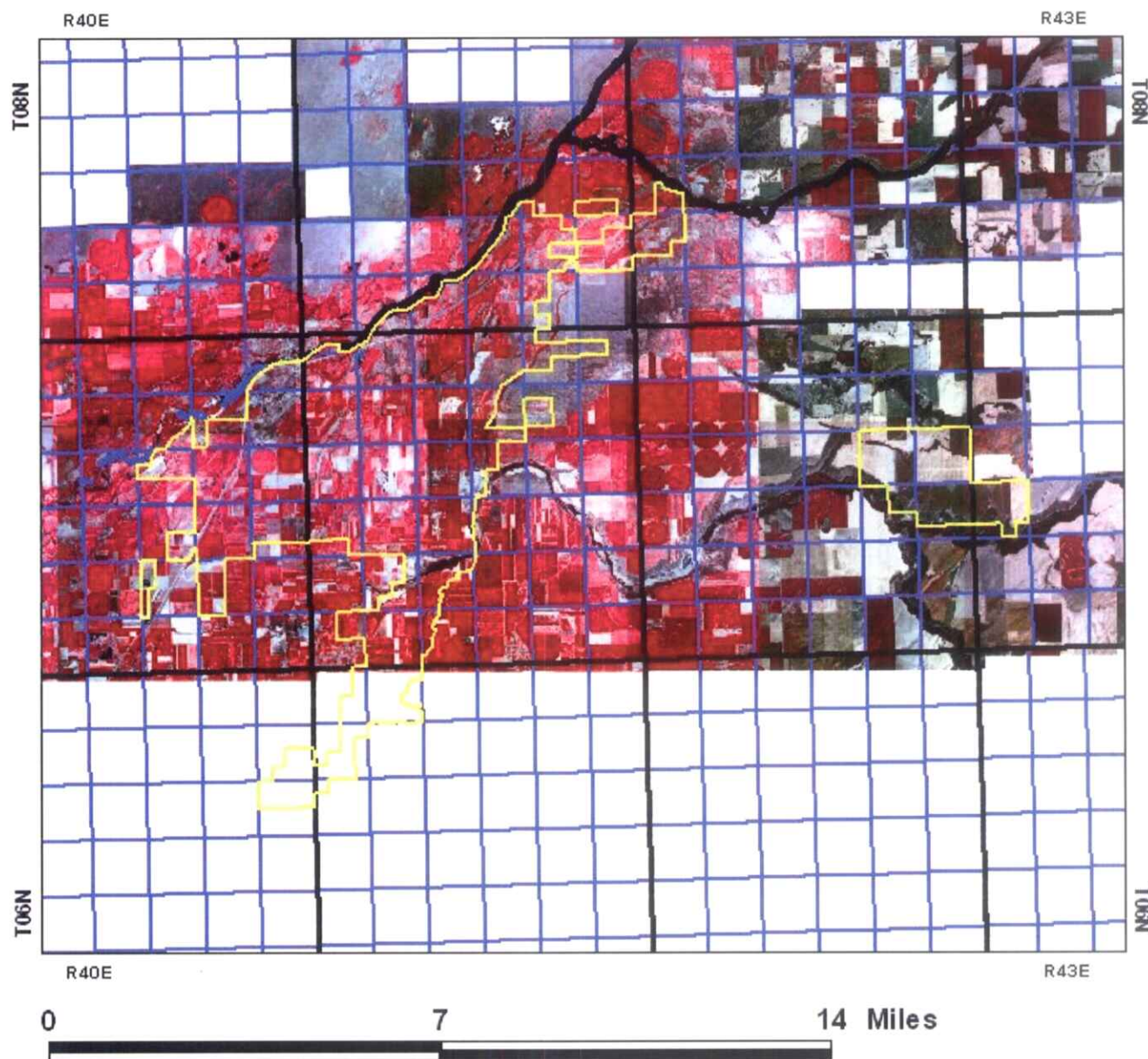
Service Area Boundary
GIS Place of Use Illustration

Legend

-  Service Area
-  Townships
-  PLS Sections



Fremont, Madison Counties
IDWR Basin 21



Prepared by D. Favreau
On Friday, September 14, 2007
1987/88 Aerial Photography