



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WARDEN

September 5, 2007

Arcadia Reservoir & Canal Co Ltd.
c/o George Nedrow
1361 N 3125 E
Ashton, ID 83420

RE: Subcase Nos. 21-8 and 21-13009

Dear Mr. Nedrow:

Enclosed please find documents entitled "Standard Form 5 – Stipulated Elements of A Water Right" (commonly referred to as SF 5) which have revised recommendations attached. Pursuant to the objections, IDWR revised its recommendations to the water rights.

Please review the new recommendations, which are attached to the SF 5s. If all the information is correct, please sign and date the first pages of the originals and **initial the changes** on the pages entitled "*Idaho Department of Water Resources Recommended Water Rights Acquired Under State Law*". After you have signed and initialed the originals, please return them to me. The SRBA Court set a deadline of September 21, 2007 in which to file the Standard Forms 5.

If you have any questions regarding the enclosed documents, please do not hesitate to call me at: 287-4814.

Sincerely,

Becky J. Harvey
Becky J. Harvey
Paralegal

/bh
Enclosures

cc via email Trent Galbraith, IDWR Water Agent

**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. 21-8**
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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.

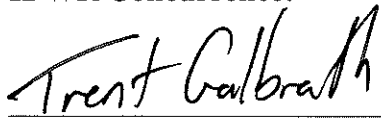
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT(s)/OBJECTOR(s):
Arcadia Reservoir & Canal Co Ltd

George Nedrow
authorized representative

Date

IDWR Concurrence:

 8-9-07

Trent Galbraith
IDWR Water Resource Agent

Date

Nicholas B. Spencer
Deputy Attorney General

Date

CERTIFICATE OF MAILING

I certify that on _____, 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:

Arcadia Reservoir & Canal Co Ltd
c/o George Nedrow
1361 N 3125 E
Ashton, ID 83420

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

Signature of person mailing the form

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

RIGHT NUMBER: 21-8

NAME AND ADDRESS: ARCADIA RESERVOIR & CANAL CO LTD
C/O GEORGE NEDROW
1361 N 3125 EAST
ASHTON ID 83420

SOURCE: UPPER SAND CREEK

TRIBUTARY: ~~HENRY'S FORK~~ SINKS

QUANTITY: 6.700 CFS
1,182.000 AFY

Right Nos. 21-00008 and 21-13009 are limited to a total combined diversion rate of 6.7 cfs and to a total combined annual diversion volume of 1182 AF.

PRIORITY DATE: 05/15/1890

POINT OF DIVERSION:

~~T09N R41E S2 NWNWNW Within FREMONT County~~
~~T09N R41E S2 NWNWNW Injection Within FREMONT County~~
~~T09N R41E S2 SENESW Injection Within FREMONT County~~
~~T09N R41E S2 SENESW Within FREMONT County~~
~~T09N R41E S14 SENWSE Rediversion Within FREMONT County~~
T09N R41E S2 SWNWNW Lot 4 Within FREMONT County
T09N R41E S2 SESWNW Injection Within FREMONT County
T09N R41E S2 NESW Rediversion Within FREMONT County
T09N R41E S14 SENWSE Rediversion Within FREMONT County
T09N R41E S24 SWSESW Rediversion Within FREMONT County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION STORAGE	01/01 12/31	1,182.00 AFY
IRRIGATION FROM STORAGE	04/01 10/31	1,182.00 AFY
IRRIGATION	04/01 10/31	6.700 CFS

PLACE OF USE:

2893.9 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.

Place of use is within the area served by Arcadia Reservoir & Canal Co. Ltd..

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

SF5: 21-8

**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

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Subcase No. 21-13009

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(s)/OBJECTOR(s):

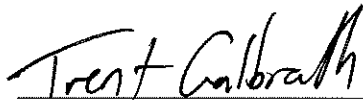
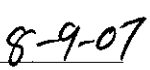
Arcadia Reservoir & Canal Co Ltd

George Nedrow
authorized representative

Date

STANDARD FORM 5 – 21-13009

IDWR Concurrence:

Trent Galbraith
IDWR Water Resource Agent

Date

Nicholas B. Spencer
Deputy Attorney General

Date

CERTIFICATE OF MAILING

I certify that on _____, 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:

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253 Third Avenue North
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Arcadia Reservoir & Canal Co Ltd
c/o George Nedrow
1361 N 3125 E
Ashton, ID 83420

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

Signature of person mailing the form

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

RIGHT NUMBER: 21-13009

NAME AND ADDRESS: ARCADIA RESERVOIR & CANAL CO LTD
C/O GEORGE NEDROW
1361 N 3125 EAST
ASHTON ID 83420

SOURCE: PINE CREEK
UPPER SAND CREEK

TRIBUTARY: SAND CREEK
TRIBUTARY: ~~HENRY'S FORK~~ SINKS

QUANTITY: 4.000 CFS
1,182.000 AFY

Right Nos. 21-00008 and 21-13009 are limited to a total combined diversion rate of 6.7 cfs and to a total combined annual diversion volume of 1182 AF.

PRIORITY DATE: 05/18/1890
POINT OF DIVERSION:

~~T09N R41E S2 NWNESE Within FREMONT County~~
~~T09N R41E S2 NWNESE Within FREMONT County~~
~~T09N R41E S14 SENWSE Within FREMONT County~~
~~T09N R42E S32 NWSWNW Within FREMONT County~~
T09N R41E S2 SWNNW Lot 4 Within FREMONT County
T09N R41E S2 NESW Injection Within FREMONT County
T09N R41E S2 NESW Within FREMONT County
T09N R41E S2 NESW Rediversion Within FREMONT County
T09N R41E S14 SENWSE Rediversion Within FREMONT County
T09N R41E S14 SENWSE Rediversion Within FREMONT County
T09N R41E S24 SWSESW Rediversion Within FREMONT County
T09N R41E S24 SWSESW Rediversion Within FREMONT County
T09N R42E S32 NWSWNW Injection Within FREMONT County

The dam on Lower Arcadia Reservoir located in T09N R41E S2 NESW is a point of diversion for Pine Creek water a point of rediversion for Upper Sand Creek water and a point of injection for both.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	4.000 CFS
STOCKWATER STORAGE	01/01 12/31	1,182.00 AFY
STOCKWATER FROM STORAGE	01/01 12/31	1,182.00 AFY

PLACE OF USE:

Place of use is within the area served by Arcadia Reservoir & Canal Co. Ltd..

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

SF5: 21-13009