

Williams, Ray

From: Williams, Ray
Sent: Thursday, March 06, 2008 11:49 AM
To: 'emcgarry@pn.usbr.gov'
Cc: Courtney, Andrea; Baxter, Garrick; david.gehlert@usdoj.gov
Subject: 01-59, 01-60 & 01-233 (Enterprize Canal Co.)

Gail,

The signed SF5s, color maps and compact discs are ready for the BOR to pick up in IDWR's reception area.

Thanks,

Ray Williams

RECEIVED

FEB 28 2008

Department of Water Resources
Eastern Region

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. 01-233

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.

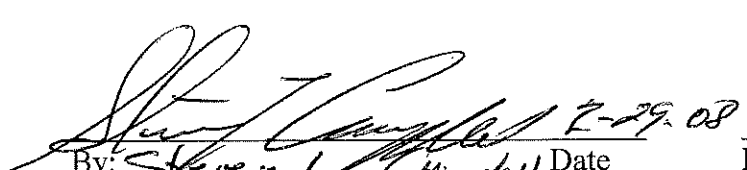
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached, *which removes federal public land from the digital boundary*. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT:

Enterprize Canal Co., LTD

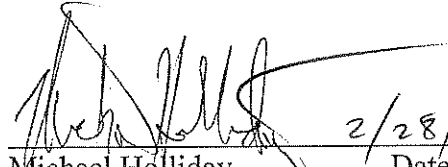
OBJECTOR:

United States of America
Bureau of Reclamation

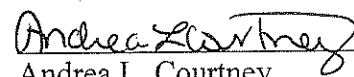
By:  Date 2-29-08
Title: Vice President

David W. Gehlert, USDOJ Date
Attorney for Objector

IDWR Concurrence:



Michael Holliday 2/28/2008
Senior Water Resource Agent Date



Andrea L. Courtney 2/25/08
Deputy Attorney General Date
Attorney for IDWR

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

RIGHT NUMBER: 1-233

NAME AND ADDRESS: ENTERPRIZE CANAL CO LTD
PO BOX 225
RIRIE ID 83443

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 62.000 CFS

PRIORITY DATE: 01/22/1916

POINT OF
DIVERSION:

T04N R40E S36 NESWSE Within JEFFERSON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

62.000 CFS

PLACE OF USE:

5436 ACRES TOTAL

Place of use is within the area served by ~~Enterprise~~ Enterprise Canal Company.

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.

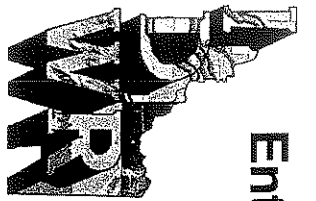
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Water is delivered through ~~Enterprise~~ Enterprise Canal.

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.



Enterprize Canal Co Ltd

SRBA Recommendations: 1-59, 1-60, 1-233

MW

Service Area Boundary
GIS Place of Use Illustration

SLC

ATC

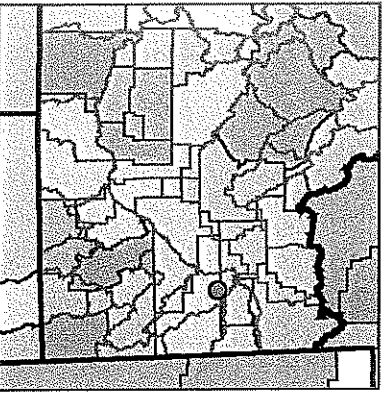
Legend

Service Area

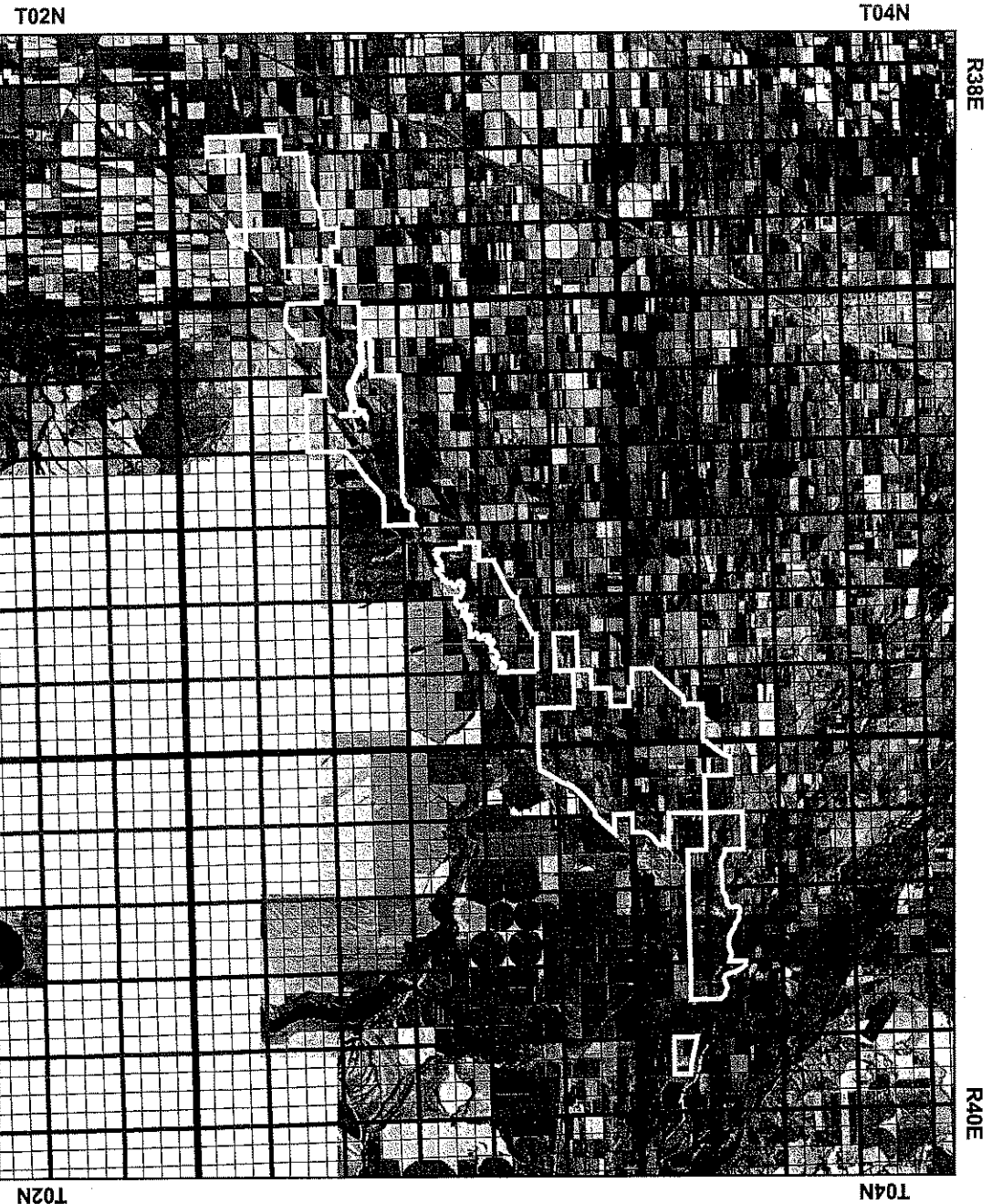
Townships

PLS Sections

Quarter Quarters



Bonneville, Jefferson Counties
IDWR Basin 1



0 5 10 Miles

Prepared by D. Favreau
On Friday, February 22, 2008
1987/88 Aerial Photography

CERTIFICATE OF MAILING

I certify that on _____, 2008, 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:

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

ENTERPRIZE CANAL CO., LTD.
P.O. BOX 225
RIRIE, ID 83443

IDWR REPOSITORY
P.O. BOX 83720
BOISE, ID 83720-0098

Signature of person or attorney mailing the form