



DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

JUN 20 2008

By _____ Clerk
Adam S. Christensen Deputy Clerk

Jessie K. Christensen
David P. Claiborne
S. Bryce Farris
Jon C. Gould
David Hammarquist
Charles L. Hovinger **
James P. Kaufman
Jennifer Reid Mahoney
James G. Reid *
Daniel V. Steenson

June 20, 2008

Larry A. Brown
Jacob T. Haseman
Attorney, U.S. Department of Justice
Environment and Natural Resources
Email: jacob.haseman@usdoj.gov
Facsimile: (202) 305-0274

Carter Fritschle
Section Manager Adjudication Bureau
Email: carter.fritschle@idwr.idaho.gov
Facsimile: (208) 287-6700

Nicholas B. Spencer
Attorney for IDWR
Email: nick.spencer@idwr.idaho.gov
Facsimile: (208) 287-6700

Clerk of the Court
Snake River Basin Adjudication
Attn: Janet Connell
Facsimile: (208) 736-2121

Re: Kinghill Irrigation District
Water Right Nos. 37-4112 and 37-21595
Deadline for Standard Form 5

Dear Mr. Haseman, Mr. Frischle, Mr. Spencer and Clerk:

King Hill Irrigation District has reviewed the two enclosed Standard Forms 5 and has raised questions regarding the purpose of use element of water rights 37-4112 and 37-21595. The purpose of this letter is to inform you that I need to investigate the questions raised by King Hill Irrigation District before signing the Standard Form 5.

Thank you.

Sincerely,

Sent without signature to
avoid delay

Daniel V. Steenson

Enclosures

**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.: 37-4112

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/RESPONDENT:

King Hill Irrigation District

OBJECTOR:United States on behalf of the
Bureau of Land Management

Daniel V. Steenson Date
Attorney for King Hill Irrigation District

Larry A. Brown, *LB* Date
Attorney, U.S. Department of Justice
Environment and Natural Resources

IDWR CONCURRENCE:

Carter Fritschle 5-23-08
Carter Fritschle Date
Section Manager Adjudication Bureau

STANDARD FORM 5

IDWR CONCURRENCE:

Nicholas B. Spencer Date
Attorney for IDWR

04/15/2008

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

RIGHT NUMBER: 37-4112

NAME AND ADDRESS: KING HILL IRRIGATION DISTRICT
PO BOX 428
KING HILL ID 83633

SOURCE: MALAD RIVER

TRIBUTARY: SNAKE RIVER

Point of injection into and points of redirection from the Snake River.

QUANTITY: 300.000 CFS

PRIORITY DATE: 03/26/1902

POINT OF
DIVERSION:

T05S R10E S12 NESE Lot 7 Rediversion Within ELMORE County
T05S R10E S28 SSW Lot 7 Rediversion Within ELMORE County
T06S R11E S9 NWSW Lot 6 Rediversion Within ELMORE County
T06S R12E S12 NWSW Lot 7 Rediversion Within TWIN FALLS County
T06S R13E S27 SWSW Lot 2 Injection Within GOODING County
T06S R13E S35 NENW Within GOODING County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
STOCKWATER	01/01 12/31	30.000 CFS
IRRIGATION	03/15 11/15	300.000 CFS

The use of water for irrigation under this right may begin as early as March 1 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water after October 31 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE:

11573 ACRES TOTAL

Place of use is within the boundary of the King Hill Irrigation District pursuant to Section 43-323, Idaho Code.

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)(b). 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.

Right Nos. 37-4112 and 37-21595 are limited to the irrigation of a combined total of 11573 acres in a single irrigation season.

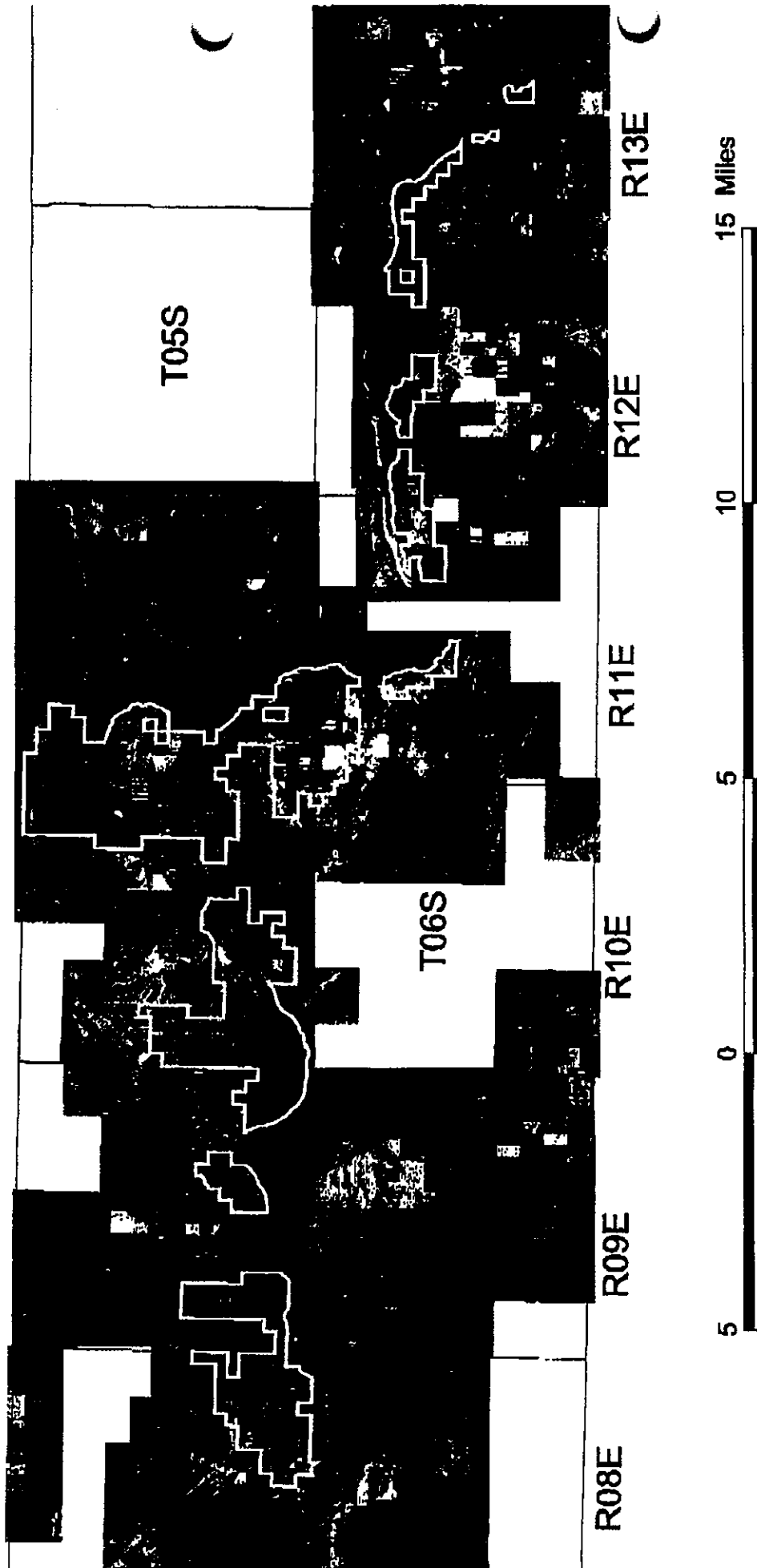
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The remainder of this right was sold to the Malada Power Company on March 13, 1908.

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

37-4112 & 37-21595 - King Hill Irrigation District Service Area



T05S R08E, T05S R09E, T05S R10E & T05S R11E
 T06S R08E, T06S R09E, T06S R10E, T06S R11E, T06S R12E & T06S R13E

Map prepared by: Carter Fritschle
 Date prepared: 10/20/05 - Revised 05/22/08
 1987-1988 NAPP photography
 Idaho Department of Water Resources

CERTIFICATE OF SERVICE

I certify that on _____, 2008, I caused to be served true and correct copies of this Standard Form 5, to the following persons, in the manner indicated 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, ID 83303-2707

☐ Overnight Mail
☐ Regular Mail
☐ Hand-Delivered
☐ Facsimile

2. Copies to:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

☐ Overnight Mail
☐ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Daniel V. Steenson
Ringert Clark
P.O. Box 2773
Boise, ID 83701-2773

☐ Overnight Mail
☐ Regular Mail
☐ Hand-Delivered
☐ Facsimile

U.S. Dept. of Justice
Environment & Nat'l Resources Div.
550 W. Fort St. MSC 033
Boise, ID 83724

☐ Overnight Mail
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Signature of person or attorney mailing the form

**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.: 37-21595

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STANDARD FORM 5

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CLAIMANT/RESPONDENT:

King Hill Irrigation District

OBJECTOR:

United States on behalf of the
Bureau of Land Management

Daniel V. Steenson Date
Attorney for King Hill Irrigation District

Larry A. Brown, ~~10~~ Date _____
Attorney, U.S. Department of Justice
Environment and Natural Resources

IDWR CONCURRENCE:

Carter Fritschle 5-23-08
Carter Fritschle Date
Section Manager Adjudication Bureau

STANDARD FORM 5

IDWR CONCURRENCE:

Nicholas B. Spencer
Attorney for IDWR

04/15/2008

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

RIGHT NUMBER: 37-21595

NAME AND ADDRESS: KING HILL IRRIGATION DISTRICT
PO BOX 428
KING HILL ID 83633

SOURCE: MALAD RIVER

TRIBUTARY: SNAKE RIVER

Point of injection into and points of redirection from the Snake River

QUANTITY: 70.000 CFS

PRIORITY DATE: 04/01/1909

POINT OF
DIVERSION:

T05S R10E S12 NESE Lot 7 Rediversion Within GOODING County
T05S R10E S28 SWNW Lot 7 Rediversion Within GOODING County
T06S R11E S9 NWSW Lot 6 Rediversion Within GOODING County
T06S R12E S12 NWSW Lot 7 Rediversion Within GOODING County
T06S R13E S27 SWSW Lot 2 Injection Within GOODING County
T06S R13E S35 NENW Within GOODING County

PURPOSE AND
PERIOD OF USE:PURPOSE OF USEPERIOD OF USEQUANTITY

IRRIGATION

03/01 10/31

70.000 CFS

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Place of use is within the boundary of the King Hill Irrigation District pursuant to Section 43-323, Idaho Code.

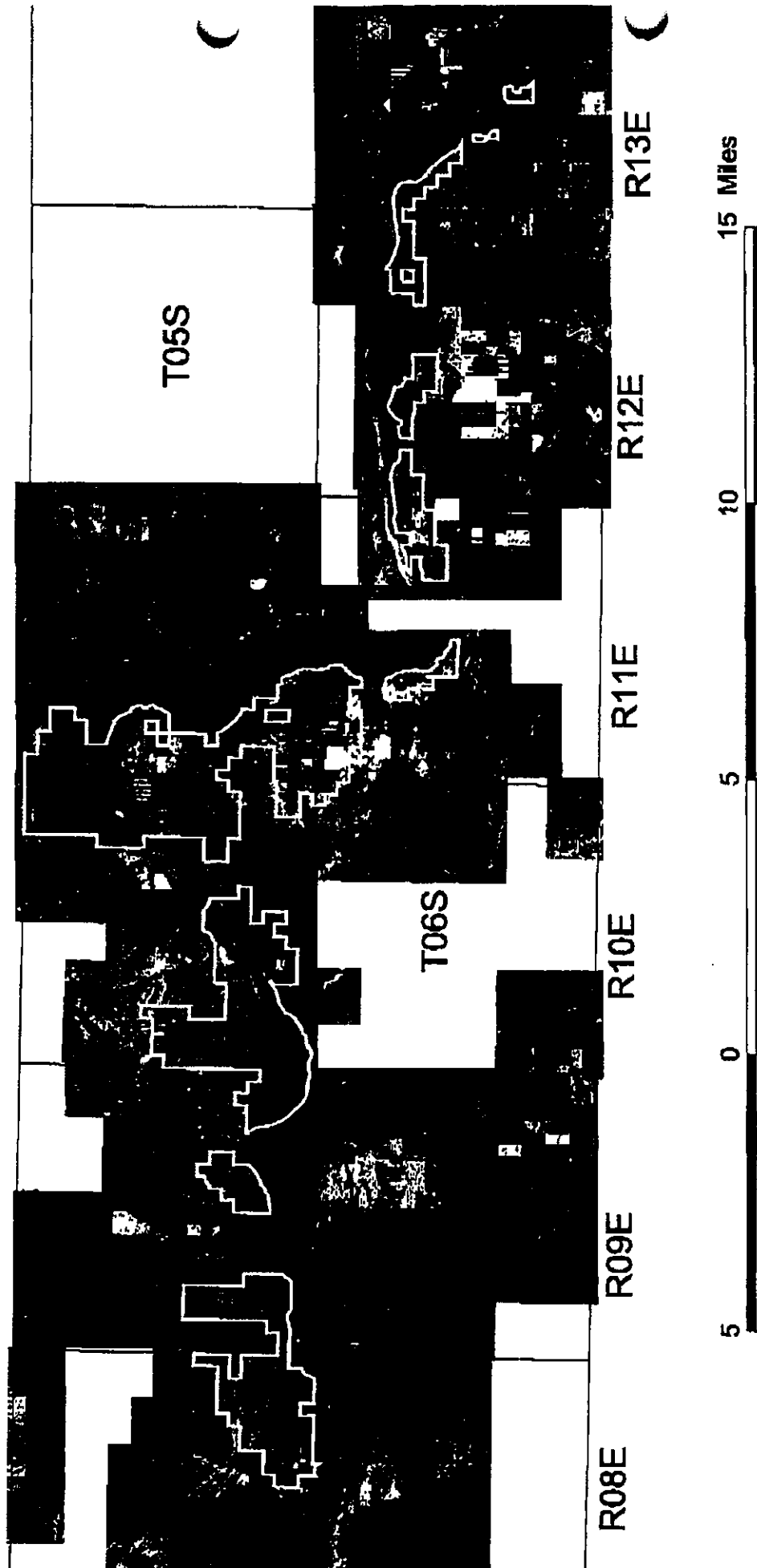
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This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of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

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Map prepared by: Carter Fritschle
Date prepared: 10/20/05 - Revised 05/22/08
1987-1988 NAPP photography
Idaho Department of Water Resources

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Signature of person or attorney mailing the form