



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

September 19, 2008

North Rigby Irrigation & Canal Co. Inc.
Attn: Robert Goody
3791 E 500 N
Rigby, ID 83442

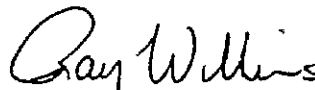
RE: SRBA Subcase No: 01-138 (North Rigby Irrigation & Canal Co, Inc.)

Dear Mr. Goody:

I am enclosing a Standard Form 5 ("SF5") for the above-referenced subcase. The SF5 is the form required by the Snake River Basin Adjudication ("SRBA") Court to settle water right disputes. Please review the document, and if it meets your approval, please sign on the indicated signature line, initial the revised recommendation and return the original document to me in the self-addressed stamped envelope that I have enclosed for your convenience. I will obtain the remaining signatures and file the SF5 with the SRBA Court.

If you should have any questions or comments, please feel free to contact me at 287-4815.

Sincerely,


Ray Williams
Paralegal

Enclosure

RESPONDENT:

State of Idaho

David I. Stanish Date
Attorney for Respondent

IDWR Concurrence:

Michael Holliday Date
Senior Water Resource Agent

Garrick L. Baxter Date
Deputy Attorney General
Attorney for IDWR

RIGHT NUMBER: 1-138

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

Water is delivered from the Dry Bed.

QUANTITY: 50.000 CFS

PRIORITY DATE: 06/10/1883

POINT OF
DIVERSION:

T04N R39E S9 SWNW Within JEFFERSON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	50.000 CFS
STOCKWATER	01/01 12/31	13.000 CFS

PLACE OF USE:

1005 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 North Rigby Irrigation & Canal Company.

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

~~Diversion of this right for stockwater purposes between November 1 and April 30 is subject to the provisions for saving winter water as recognized in the Burley Irrigation Dist. v. Eagle, Supplemental Decree (Idaho 5th Jud. Dist., July 10, 1968) and Aberdeen-Springfield Canal Co. v. Eagle, Supplemental Decree (Idaho 7th Jud. Dist., March 12, 1969).~~

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.

Diversion of this right is restricted to exclude 150 consecutive days during the period from November 1 through April 30 pursuant to United States Contract No. 14-06-W-43 between the United States and North Rigby Irrigation and Canal Company, Inc. or as such contract may be amended, unless the United States agrees in writing not to enforce the winter water savings provision of the contract for a given period of time.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Water is delivered through North Rigby Canal.

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:

NORTH RIGBY IRRIGATION & CANAL CO., INC.
C/O ROBERT GOODY
3791 E 500 N
RIGBY, ID 83442

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

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

DIRECTOR OF IDWR
P.O. BOX 83720
BOISE, ID 83720-0098

Signature of person or attorney mailing the form