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DEPARTMENT OF
WATER RESOURCES

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. 01-10509

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.

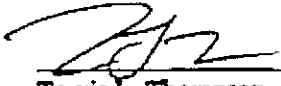
Following trial on the SRBA claim the parties and the IDWR agreed to the following stipulated SF-5 for approval by the Court. The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

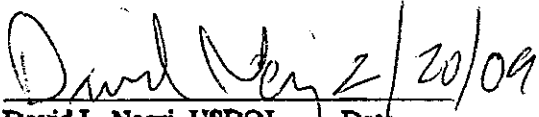
CLAIMANT(s)/OBJECTOR(s):

Twin Falls Canal Company
North Side Canal Company

OBJECTOR:

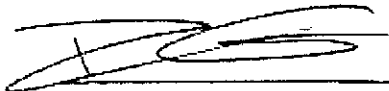
Bureau of Land Management

 1/13/09
Travis L. Thompson Date
Attorney for Claimants/ Objectors

 2/20/09
David L. Negri, USDOJ Date
Attorney for Objector

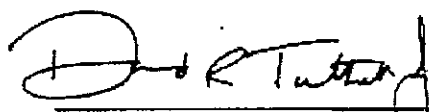
RESPONDENT:

State of Idaho



David L. Stanish Date 1/16/2009

IDWR Concurrence:



David R. Tuthill, Jr. Date 1/14/2009
Director, IDWR



Garrick L. Baxter Date 1/14/09
Deputy Attorney General
Attorney for IDWR

12/6/2008

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

RIGHT NUMBER: 1-10509

NAME AND ADDRESS: TWIN FALLS CANAL CO
PO BOX 326
TWIN FALLS ID 83301

NORTH SIDE CANAL CO LTD
921 N LINCOLN AVE
JEROME ID 83338

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 24,400.00 AFY

This right provides for maintaining a water surface elevation of 4133.72 feet measured at the upstream face of the dam consistent with the March 25, 1919 Judgment entered by Judge District in the U.S. District Court case Twin Falls Canal Co. v. Twin Falls Land & Water Co. et al.

The volume delivered for irrigation under this right shall be limited to actual physical drawdown of Milner Reservoir at the end of the irrigation season between water-surface elevations of 4,133.72 and 4,130.72 feet.

PRIORITY DATE: 06/24/1913 03/01/1905

POINT OF
DIVERSION:

T10S R21E S28 S90W Within TWIN FALLS County
T10S R21E S28 S90W Within JEROME County
T10S R21E S28 N90W Within TWIN FALLS County
T10S R21E S29 N90E Within TWIN FALLS County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION STORAGE	01/01 12/31	24,400.00 AFY
IRRIGATION FROM STORAGE	03/15 11/15	24,400.00 AFY

This right is for checking and impounding the waters of the Snake River at Milner Dam.

PLACE OF USE:

Place of use for irrigation from storage is within the boundaries of Twin Falls Canal Company and North Side Canal Company.

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

Irrigation from Storage is limited to delivery during the final days of the irrigation season, subject to irrigation demand, diversion limitations and reservoir operations. Irrigation from Storage is available to meet the irrigation needs of Twin Falls Canal Company and North Side Canal Company near the end of the irrigation season when their natural flow water rights at Milner Dam are not sufficient to fill their diversions.

The right holder may reduce, as necessary, the water surface elevation to facilitate maintenance and repair on Milner Dam and appurtenant structures.

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

Twin Falls Canal Company has 6/11ths ownership interest in this right and North Side Canal Company has 5/11ths ownership interest in this right.

Points of diversion listed above describe the location of Milner Dam.

Place of use for irrigation storage is Milner Reservoir.

The right holder may reduce, as necessary, the water surface elevation to facilitate maintenance and repair on Milner Dam and appurtenant structures.



North Side Canal Co/Twin Falls Canal Co

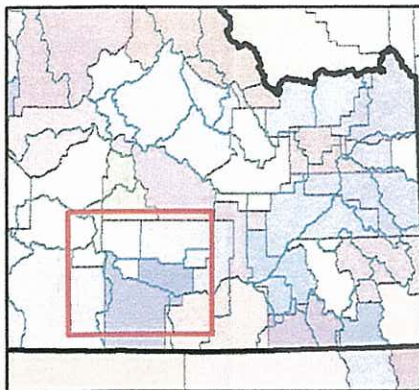
SRBA Recommendations: 1-10509

Handwritten notes: 2, 10, 707

Service Area Boundary
GIS Place of Use Illustration

Legend

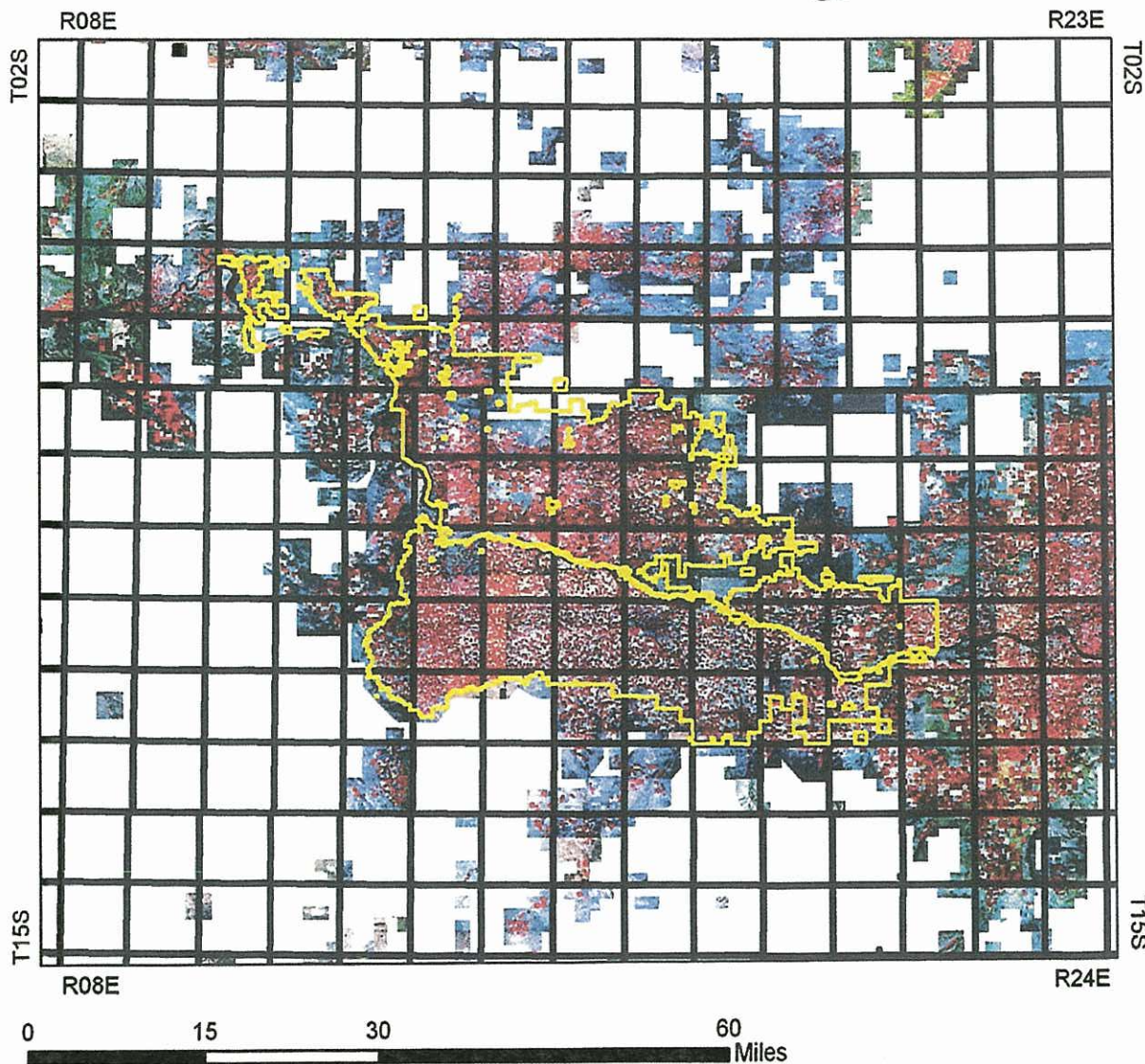
- Service Area
- State Outline
- Townships



Cassia, Elmore, Gooding, Jerome,
Lincoln, Twin Falls Counties

IDWR Basin 1

Prepared by Danielle Favreau
On January 26, 2009
1987/88 Aerial Photography



CERTIFICATE OF MAILING

I certify that on 02-20⁹, 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 SIDE CANAL COMPANY
TWIN FALLS CANAL COMPANY
Represented by:
BARKER, ROSHOLT & SIMPSON LLP
113 MAIN AVE. W., STE 303
P.O. BOX 485
TWIN FALLS, ID 83303-0485

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

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

TWIN FALLS CANAL CO
P.O. BOX 326
TWIN FALLS, ID 83303-0326

NORTH SIDE CANAL CO LTD
921 N. LINCOLN AVE.
JEROME, ID 83338

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



Signature of person or attorney mailing the form