



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

March 13, 2009

Jerry R. Rigby
25 N. 2nd. E
P.O. Box 250
Rexburg, ID 83440-0250

*RE: SRBA Subcase Nos. 21-12907, 21-12920, 21-12924, 21-12953, 22-571,
22-589B, 22-605, 22-12654, 22-1269522-12696, 22-12697& 22-13342
(Winter Water Canals)*

Dear Jerry:

I am enclosing an SF5 for each of the above-referenced subcases. Please review the documents, and they are acceptable, please sign on the indicated signature lines, initial the revised recommendations and return the original SF5s to me. I will obtain the remaining signatures and file the documents with the SRBA Court.

If you should have any questions or comments, please don't hesitate to contact me at 287-4815.

Sincerely,

A handwritten signature in cursive script that reads "Ray Williams".

Ray Williams
Paralegal

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. 21-12953
	)	
Case No. 39576	)	AMENDED
	)	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. There are no changes to the digital boundary on file with the Court, thus maps and compact disks are not included in this filing.

CLAIMANT:

Southeast Idaho Canal Co.

Jerry R. Rigby	Date
Attorney for Claimant	

OBJECTORS:

American Falls Reservoir District #2

Minidoka Irrigation District

C. Thomas Arkoosh Date
Attorney for Objector

W. Kent Fletcher Date
Attorney for Objector

Twin Falls Canal Company
North Side Canal Company
Milner Irrigation District

A & B Irrigation District
Burley Irrigation District

Travis L. Thompson Date
Attorney for Objector

Roger D. Ling Date
Attorney for Objector

Bureau of Land Management

David L. Negri Date
Attorney for Objector

IDWR Concurrence:

Ernest Carlsen Date
Water Resource Program Manager

Garrick L. Baxter Date
Deputy Attorney General
Attorney for IDWR

RIGHT NUMBER: 21-12953

SOURCE: FALLS RIVER

TRIBUTARY: HENRYS FORK

QUANTITY: 339.840 CFS

POINT OF DIVERSION:

T07N R42E S23 NWSE Rediversion Within FREMONT County

T08N R41E S14 SWSE Lot 3 Within FREMONT County

T08N R42E S20 SESE Lot 8 Within FREMONT County

PLACE OF USE:

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.

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.

This right is a split from former right 21-12943 .

CERTIFICATE OF MAILING

I certify that on _____, 2009, 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:

MILNER IRRIGATION DISTRICT
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

AMERICAN FALLS RESERVOIR DIST. #2
Represented by:
C. THOMAS ARKOOSH
301 MAIN ST.
P.O. BOX 32
GOODING, ID 83330

SOUTHEAST IDAHO CANAL CO.
Represented by:
JERRY R. RIGBY
25 N. 2ND. E.
P.O. BOX 250
REXBURG, ID 83440-0250

A & B IRRIGATION DISTRICT
BURLEY IRRIGATION DISTRICT
Represented by:
ROGER D. LING
615 H ST.
P.O. BOX 396
RUPERT, ID 83350-0396

UNITED STATES OF AMERICA

Represented by:

US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

MINIDOKA IRRIGATION DISTRICT

Represented by:

W. KENT FLETCHER
1200 OVERLAND AVE.
P.O. BOX 248
BURLEY, ID 83318

DIRECTOR OF IDWR

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

Signature of person or attorney mailing the form