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DEPARTMENT OF
WATER RESOURCES

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Attorneys for A&B Irrigation District, Burley Irrigation District,
Milner Irrigation District, North Side Canal Company, and
Twin Falls Canal Company

**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 Nos. 01-23B
	)	
Case No. 39576	)	AFFIDAVIT OF TRAVIS L. THOMPSON
	)	IN SUPPORT OF OBJECTORS' JOINT MOTION
	)	FOR SUMMARY JUDGMENT
_____	)	

STATE OF IDAHO	)
	) ss.
County of Twin Falls	)

TRAVIS L. THOMPSON, being first duly sworn upon oath, deposes and hereby states as follows:

1. I am an attorney representing A&B Irrigation District, Burley Irrigation District, Milner Irrigation District, North Side Canal Company, and Twin Falls Canal Company, Objectors in the above-referenced subcases. I am over the age of 18 and state the following based upon my own personal knowledge.

2. Attached hereto as **Exhibit A** is a true and correct copy of excerpts of the decree and findings of fact and conclusions of law entered in the *Rexburg Irrigation Company, et al. v. Teton Irrigation Company, et al.* (Fremont County District Court, Sixth Judicial Dist., December 19, 1910) adjudication. The copies were provided to me from the records of Water District 01.

3. Attached hereto as **Exhibit B** is a true and correct copy of the decree entered in the *Aberdeen-Springfield Canal Company et al. v. Henry Eagle* (Fremont County District Court, Seventh Jud. Dist., March 12, 1969) adjudication. The copy was provided to me from the records of IDWR.

4. Attached hereto as **Exhibit C** is a true and correct copy of unsigned excerpts of the Stipulation entered into between the Objectors and Aberdeen-Springfield Canal Company in the *Aberdeen-Springfield Canal Company et al. v. Henry Eagle* (Fremont County District Court, Seventh Jud. Dist., March 12, 1969) adjudication. The unsigned copies were produced from the files of Barker Rosholt & Simpson LLP. It is believed that the signed version of the Stipulation exists and is identical to this exhibit. The affiant is working to obtain a signed copy of the Stipulation, but to date has been unable to locate one. Once a signed copy of the Stipulation is obtained the exhibit will be replaced.

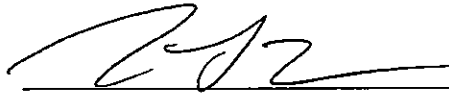
5. Attached hereto as **Exhibit D** is a true and correct copy of excerpts of a May 8, 1990 *Notice of Claim* filed by ASCC for water right 01-23.

6. Attached hereto as **Exhibit E** is a true and correct copy of the *Settlement Agreement Regarding Aberdeen-Springfield Canal Company's Basin 01 Surface Water Rights and Consolidated SRBA Subcase No. 35-2315* entered into between ASCC, IDWR, and the State of Idaho in 2002.

8. Attached hereto as **Exhibit F** is a true and correct copy of the May 15, 2007
Notice of Amended Claim filed by ASCC for water right 01-23B.

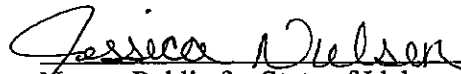
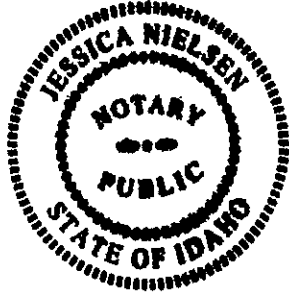
Further you affiant sayeth naught.

DATED this 27th day of March 2009.



Travis L. Thompson

SUBSCRIBED AND SWORN to before me this 27 day of March 2009.



Notary Public for State of Idaho

Residing at Twin Falls, Idaho.

Commission Expires: 4/3/12

CERTIFICATE OF MAILING

I certify that on March 27th, 2009, I mailed the original and copies of the foregoing notice to the following persons:

Clerk of the District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, Idaho 83303-2707

Randy Budge
Racine Olson
P.O. Box 1391
Pocatello, Idaho 83204-1391

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

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

United States Department of Justice
Environment & Natural Resources Division
550 West Fort Street, MSC 033
Boise, Idaho 83724


Travis L. Thompson

Exhibit A

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FEB 27 1911

OFFICE OF STATE ENGINEER

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT
OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF FREMONT.

file 205-a

Burg Irrigation Company, et al.,

PLAINTIFFS,

DECREE.

-VS-

ton Irrigation Canal Company, et al.,

DEFENDANTS.

This cause coming on to be heard this *11th* day of

upon the report of F. J. Cowen, Referee heretofore appointed
the purpose of taking the testimony and making recommendations
Findings of Fact, Conclusions of Law and Decree, to be entered
and the said F. J. Cowen, having filed his report of the
taken, and his recommendations as to Findings of Fact
Conclusions of Law, which have heretofore been adopted, and the
plaintiffs and defendants and cross-complainants appearing
by their respective counsel, and the Court being fully informed
in the premises, and having ordered that judgment be
accordance with the report and recommendations of the said
of the law and the Report and Findings
of law aforesaid,

It is ordered, Adjudged and Decreed, that the several parties
plaintiffs and defendants herein named, do have judgment respectively
right to use, for irrigation and other purposes, the following
of inches of water, each fifty inches thereof to be equivalent
of one cubic foot per second, as prescribed by the law

of Idaho, from the waters of the Snake River and its tributaries
situated in the Counties of Fremont and Bingham, State of Idaho,
their proprieties to date from the time hereinafter named, to-wit:

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A.

Acuff, J. H.				Watson Slough Irrigation Company.
1 022				
0011 Adams, E. G.	150 inches	June 1, 1895		
Adams, Lot				Wearyrick Ditch Company. and Trego Ditch Company.
22 0149				
00013 Aiken Amos	50 inches.	June 1, 1898.		Fox Creek
0018 22 0150				
0018 Allen, Charles A.	160 inches	June 1, 1896.		Trail Creek
0018 22 0151				
0018 Allen, George W.	220 inches.	May 26, 1900.		Mahogany Creek.
0018 22 0152				
0018 Allen, Isaac T.	50 inches	June 1, 1897.		Cherry Creek. All of the water of Cherry Creek Springs.
1 0032 21 0019	TRANS W 174)			
Almy, O. J.	150 inches.	Sept. 24, 1900		Fall River
Allred, I. H.				Watson Slough Irrigation Company
01 0023				
American Falls Power	62,500 inches.	Feb. 6, 1895.		Sneke River
Canal Company				Anderson Canal Company.
Anderson, A. E.				
01 0001 15 0026 23 0259				
Anderson Canal Company	600 inches.	Nov. 31, 1898		Spring Creek, near Menan
Anderson, Oelia				North Salem Agricultural & Milling Canal Company.
01 0025 22 0153				
Anderson, Charles	40 inches	June 1, 1899.		Teton Creek.
Anderson, Johanna and Neph				Roxanna Canal Company.
01 0026 21 0155				
Anderson, John A.	120 inches	Sept. 1, 1900		Seepage waters from Inde- pendent Canal in 2 1/2 of J. L. Rice, estimated at 120 inches; joint appropriation with Carl F. Lund and J. F. Smith to have all of the water for after same reaches his ranch in sufficient quantity for irrigation and the same to be used thereafter by John A. Anderson, Carl F. Lund and J. F. Smith alternately, each having the use of the same every 5 days
Anderson, Lena, Admr. of Estate of Oscar H. Anderson, deceased.				North Salem Agricultural & Milling Canal Company.
Anderson, Mons H.				(See William Walters.)

MAY 1 1896

Wood, Samuel L.....	\$7.20
Woodmansee, Charles H.....	42.25
Woodmansee-Johnston Ditch.....	90.00
Woods, Frank.....	5.40
Woods, William S.....	9.00
Woodville Canal Company, The...	192.40
Wright, G. G.....	168.95
Wyoming & Darby Ranch Canal Company, Limited.....	62.10
Yeaman, M. B.....	5.40
Yearsley, H. O.....	10.80
Yearsley, John H.....	2.70
Yellowstone Land & Cattle Company.....	18.00
Yellowstone Power & Irrigation Company.....	225.00
Young, Eva W., widow of Eugene H. Young, decd.	4.50
Zimmerman, Zuel.....	8.55

And it is further ordered, that none of the parties heret
their successors in interest, shall be entitled to the use of an
er under the order of the Court herein until the respective
unts as above assessed to be paid to the Clerk of this Court.

Dated December 16th, 1910

J. M. Stevens

District Judge.

County of Idaho,
City of Fremont, SS

I, A. M. Carter, Clerk of the District Court of the Sixth
Judicial District of Idaho, in and for Fremont County, do hereby
certify the foregoing to be a full, true, and correct copy of the record
in the case of Rexburg Irrigation Co., vs., Teton Irrigation Co., and
the same appears on file in my office in the above entitled case.

In Witness Whereof, I have hereunto set my hand and affixed
the seal of said Court, this 24th day of February, 1911.

A. M. Carter
Clerk

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT
OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF FREMONT

.....
Rexburg Irrigation Company, et al.,

PLAINTIFFS, Findings of fact

VS

and

Teton Irrigation Canal Company, et al., Conclusions of law

DEFENDANTS.
.....

1. That the following are corporations, organized and existing under the laws of the State of Idaho, and doing business therein, to-wit:

Blackfoot Irrigation Company.

Boom Creek Canal Company.

Burgess Canal & Irrigating Company.

Butler Island Canal Company.

Butte & Market Lake Canal Company, Limited. The

Canyon Creek Canal & Irrigation Company.

Cedar Point Water Company.

Central Teton Canal Company.

Chester Canal & Irrigation Company, Limited.

Clark & Edwards Canal Company, Limited.

Conant Creek Canal Company.

Consolidated Farmers Canal Company.

Consolidated Feeder Canal Company.

Young, Oscar B.

All of Sec. 15, T 6 N. R. 40 E. S. 16,
Containing 37 acres.

-2-

Limmerrmann, Paul

SE 1/4 of Sec. 23, T 6 N. R. 45 E. S. 16,
and NE 1/4 of Sec. 4, T 6 N. R. 45 E.
S. 16, containing 160 acres.

Titlan, Paul

SW 1/4 of Sec. 1, T 1 N. R. 43 E. S. 16, and SE 1/4 of
Sec. 6, T 1 N. R. 44 E. S. 16, con-
taining 200 acres.

33. That the said lands are arid in character, and require the artificial application of water thereto before they can be successfully cultivated and profitable crops of agricultural products raised thereon.

34. That the said persons for irrigation of their respective tracts of land, and for the irrigation of tract of land lying under the canals of the various appropriators herein, and for domestic and other purposes, the said claimants and their predecessors in interest appropriated, on the respective dates set opposite their names, of the waters of the Snake River and its tributaries, the respective amounts of water set opposite each name, and at the respective times, to-wit:-

Acuff, J. B.

Natron Slough
Irrigation Company.

Adams, E. G.

150 inches

June 1, 1895

Beton River

Adams, Lot

Nearyrick Ditch
Company.

Adams, L. F.

Nearyrick Ditch
Company and Frogoditch
Company.

Allen, Amos	50 inches	June 1, 1898	Fox Creek
Allen, Charles A.-	160 inches	June 1, 1896	Trail Creek
Allen, George W.	220 inches	May 26, 1900	Hahogany Creek
Allen, Isaac F	50 inches	June 1, 1897	Cherry Creek. All the water of Cherry Creek Springs.
Almy, C. J.	150 inches	Sept 24, 1900	Fall River
Allred, I. H.			Watson Slough Irrigation Company
American Falls Power & Canal Company	62,500 inches	Feb. 6, 1895	Snake River
Anderson, A. B.			Anderson Canal Company
Anderson Canal Company	600 inches	Nov. 31, 1898	Spring Creek near Menan.
Anderson, Selia			North Salem Agri- cultural & Milling Canal Company.
Anderson, Charles	50 inches	June 1, 1899	Tato Creek
Anderson, Johanna and Ralph			Boxana Canal Company.
Anderson, John A	150 inches	Sept 1, 1900	1/3 of seepage waters from Independent Canal in field of L.J. Rice, collected at 120 in.
Anderson, Lena, Alex of estate of Oscar E. Anderson, deceased			North Salem Agricultur- al & Milling Canal Company.
Anderson, Mond E			See William Walters.
Anderson, Mrs Hogan			North Salem Agricultur- al & Milling Canal Company.
Anderson, Otto	200 inches	June 1, 1898	Bannock Jim Slough.
Andrews, L.	150 inches	June 1, 1890	Grove Creek
Andrews, L. W.	40 inches		Water of springs on place.

their respective canals to their present full carrying capacity, from the month of February in each year until the first day of July in each year; their right to the same to date from the same time respectively as their decreed rights to a continuous flow herein; but after the first day of July of each and every year they are entitled to use only such amounts as have been herein decreed to them as a continuous flow.

Respectfully submitted,

F. J. Cowen,

Referee.

Note;

Before these are adopted, I desire to submit some proposed changes in reference to the Great Feeder and Little Feeder systems.

F. J. Cowen,

Referee.

Exhibit B

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT,
STATE OF IDAHO, COUNTY OF FREMONT

ABERDEEN-SPRINGFIELD CANAL COMPANY, et als,

Plaintiff.

VS

HENRY EAGLE, WATERMASTER DISTRICT # 36

Defendant,

SUPPLEMENTAL DECREE

March 12, 1969

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IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE STATE OF

IDAHO, IN AND FOR THE COUNTY OF FREMONT

ABERDEEN-SPRINGFIELD CANAL COMPANY, a corporation;
 REBECCA HOLDEN, a widow; BLACKFOOT IRRIGATION CO., a
 corporation; BRAMWELL DITCH CO., a corporation; BUTLER
 ISLAND CANAL CO., a corporation; BUTTE & MARKET LAKE
 CANAL CO., a corporation; CLARK & EDWARDS CANAL CO.,
 a corporation; CORBETT SLOUGH DITCH CO., a corporation;
 DANSEIN DITCH CO., a corporation; DILTS IRRIGATION CO.,
 LTD., a corporation; DEMEY FOX; HARRISON CANAL &
 IRRIGATION CO., a corporation; MARVON M. NEWBY; IDAHO
 IRRIGATION DISTRICT, an irrigation district organized
 and existing under the laws of the State of Idaho;
 MARVIN M. JOHNSON; WILLIAM S. HOLDEN; TED BLOSCHE
 MARVEL JACKSON and V. E. HIER; LABELLE IRRIGATION
 CO., a corporation; LIBERTY PARK IRRIGATION CO., a
 corporation; LONG ISLAND IRRIGATION CO., a corporation;
 ROBERT D. MACKAY; JOHN L. NELSON, ADRIAN NELSON, ERVEN
 SCOTT, VELMA ANDERSON and LAURA ANDERSON; NEW SWEDEN
 IRRIGATION DISTRICT, an irrigation district organized
 and existing under the laws of the State of Idaho;
 CARL JOHNSON; UTAH-IDAHO SUGAR CO., a corporation;
 PROGRESSIVE IRRIGATION DISTRICT, a corporation; REID
 CANAL CO., a corporation; RIVERSIDE DITCH CO., a cor-
 poration; SHATTUCK IRRIGATION CO., a corporation; SAM
 SAKAGUCHI; SNAKE RIVER VALLEY IRRIGATION DISTRICT, an
 irrigation district organized and existing under the
 laws of the State of Idaho; TEXAS SLOUGH IRRIGATING
 CANAL CO., a corporation; R. DUWAYNE SCOTT; WEST
 LABELLE IRRIGATION CO., a corporation; ENTERPRISE
 IRRIGATION DISTRICT, an irrigation district organized
 and existing under the laws of the State of Idaho;
 RALPH D. MILLER; FARMERS FRIEND CANAL CO., a corpora-
 tion; SALEM UNION CANAL CO., a corporation; EGIN
 IRRIGATING CO., a corporation; INDEPENDENT CANAL CO., LTD.
 a corporation; JAMES A. CROFT; PINCOCK-BYINGTON CANAL
 CO. a corporation; PINCOCK-GARNER DITCH COMPANY, a
 corporation; FALL RIVER IRRIGATION CO., a corporation;
 ST. ANTHONY UNION CANAL CO., a corporation, CONSOLIDAT-
 ED FARMERS CANAL COMPANY, a corporation; WILFORD IRRI-
 GATION & MFG. CO., a corporation; D. F. RICHARDS; D.V.
 HAGENBARTH; AL FRAZIER; SAUREY-SOMMER DITCH by LeRoy
 Saurey; FARMERS OWN DITCH CO., a corporation; TETON
 IRRIGATION & MFG. CO., a corporation; GEORGE BAUER,
 BENJAMIN STEWART, ANDREW STEWART, ANNIE WRIGHT, BOYD
 HOLLIST and ALICE P. BIRCH, operating as Stewart Canal;
 BURLEY IRRIGATION DISTRICT, an irrigation district
 organized and existing under the laws of the State of
 Idaho; MINIDOKA IRRIGATION DISTRICT, an irrigation
 district organized and existing under the laws of the
 State of Idaho; MILNER LOW-LIFT IRRIGATION DISTRICT,
 an irrigation district organized and existing under the
 laws of the State of Idaho; TWIN FALLS CANAL COMPANY,
 a corporation; CLARENCE H. TILLEY; WILLIAM KENDALL;
 FALLS IRRIGATION DISTRICT, an irrigation district
 organized and existing under the laws of the State
 of Idaho; A & B IRRIGATION DISTRICT, an irrigation
 district organized and existing under the laws of
 the State of Idaho; OTIS ORTEN; AMERICAN FALLS RESER-
 VOIR DISTRICT, an irrigation district organized and
 existing under the laws of the State of Idaho.

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AMERICAN FALLS RESERVOIR DISTRICT

NO. 2 an irrigation district organized and existing)
under the laws of the State of Idaho; NORTH SIDE CANAL)
COMPANY, a corporation; BURGESS CANAL & IRRIGATING)
CO., a corporation; CRAIG MATTSON CANAL CO., a corpor-)
ation; ENTERPRISE CANAL CO., LTD, a corporation; FOOD)
MACHINERY & CHEMICAL CORP., a corporation; ISLAND)
IRRIGATION COMPANY, a corporation; J. R. SIMPLOT CO.,)
a corporation; THE LENROOT CANAL CO., . a corpora-)
tion LOWDER SLOUGH CANAL CO., LTD., a corporation;)
THE MARTIN CANAL CO., a corporation; THE NEW LAVA)
SIDE DITCH CO., a corporation; NORTH RIGBY IRRIGA-)
TION & CANAL CO., a corporation; OWNERS MUTUAL IRRIGA-)
TION CO., a corporation; PARKS & LEWISVILLE IRRIGA-)
TION CO., A corporation; PARSONS DITCH CO., a corpora-)
tion; PEOPLES CANAL & IRRIGATION CO. a corpora-)
tion; CITY OF POCA TELLO, a municipal corporation of)
the State of Idaho; POPLAR IRRIGATION DISTRICT, an)
irrigation district organized and existing under the)
laws of the State of Idaho; THE RIGBY CANAL & IRRIGA-)
TING CO., a corporation; RUDY IRRIGATION CANAL CO.,)
a corporation; SUNNYDELL IRRIGATION DISTRICT, an)
irrigation district organized and existing under the)
laws of the State of Idaho; THE TREGO DITCH CO., a)
corporation; WATSON SLOUGH DITCH & IRRIGATION CO.,)
LTD., a corporation; WEARYRICK DITCH CO., a corpora-)
tion; WEST SIDE MUTUAL CANAL CO., a corporation;)
WOODVILLE CANAL CO., a corporation; and PALISADES)
WATER USERS INC., a corporation,)

Plaintiffs,

-vs-

HENRY EAGLE, Watermaster, Water District No. 36
State of Idaho,

Defendant.

RECORDED
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This matter having come on regularly before the court and the court having made and entered its Findings of Fact and Conclusions of Law directing that Decree be entered accordingly, and good cause appearing therefor,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

I

That the rights hereinafter decreed in Paragraph III shall be supplemental to the decrees entered in the cases of Woodville Canal Co. v. Clark & Edwards Canal & Irrigation Company, et al., in the District Court of the United States for the District of Idaho, Eastern Division, on June 25, 1929, Twin Falls Canal Company v. Charles N. Foster, et al., in the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Twin Falls, on June 20, 1913, and Rexburg Irrigation Company, et al., v. Teton Irrigation Canal Company, et al., in the District Court of the Sixth Judicial District of the State of Idaho, in and for the County of Fremont, on December 16, 1910, and said Decrees and the Findings of Fact and Conclusions of Law upon which they are based are binding upon all plaintiffs herein.

II

That the following parties have the right to divert and use, for irrigation and other purposes, the waters of the Snake River and its tributaries, which rights were originally decreed to said parties in the said Woodville Decree, and they shall have the right to divert and use such waters in the amounts and with the priority dates listed, which water shall be diverted at the points and be appurtenant to the lands described herein:

A. BURGESS CANAL & IRRIGATING CO.

1 6249 TRANS # 5103

That the Burgess Canal & Irrigating Co. (Burgess Canal & Irrigating Company*) is entitled to divert and use the waters of Snake River in the amount of 10,000 miner's inches with a

* As the name appears in the Woodville Decree, similarly indicated in the following paragraphs II-A through II-FF

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confirmed by all other parties plaintiff in amendatory and supplemental contracts, a copy of which pertinent Paragraphs is attached hereto as Exhibit E and by this reference is made a part hereof as though set out in full herein, is hereby ratified, confirmed and approved.

VII

That the Memorandum of Agreement between the Bureau of Reclamation and the Bureau of Indian Affairs, a copy of the pertinent provisions of which is attached hereto as Exhibit F and by this reference is made a part hereof as though set out in full herein, is hereby ratified, confirmed and approved.

Done this 12th day of March, 1969

/s/ Willard C. Burton
District Judge

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Exhibit C

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE STATE
OF IDAHO, IN AND FOR THE COUNTY OF FREMONT

ABERDEEN-SPRINGFIELD CANAL
COMPANY, a corporation, et al.,
Plaintiffs,

vs.

HENRY EAGLE, Watermaster,
Water District No. 36,
State of Idaho,
Defendant.

Civil No. 6117

STIPULATION

It is hereby stipulated and agreed, by and between the parties
hereto, as follows:

I

(a) That the priority of rights to the use of the waters of
the Snake River and its tributaries with points of diversion at
or upstream from Milner Dam have been determined by decrees of
Courts of competent jurisdiction, including but not limited to the
decrees in the cases entitled Rexburg Irrigation Company, et al. vs.
Teton Irrigation Canal Company, et al., entered in the District Court
of the Sixth Judicial District of the State of Idaho, in and for
the County of Fremont, on the 19th day of December, 1910, herein-
after referred to as the "Rexburg Decree," and Woodville Canal
Company vs. Clark and Edwards Canal & Irrigation Company, et al.,
entered in the District Court of the United States for the District
of Idaho, Eastern Division, on the 25th day of June, 1929, herein-
after referred to as the "Woodville Decree," and that thereafter
and after said decrees, numerous persons have acquired rights to
use of the waters of said Snake River and its tributaries with
points of diversion at or upstream from Milner Dam.

(b) That the parties plaintiff herein are persons who have so acquired such water rights and that they have brought this action under and pursuant to the provisions of Idaho Code Section 42-1405.

II

That all the parties plaintiff herein do hereby accept as binding upon them the provisions of all prior valid decrees, which have been entered with respect to the waters of Snake River and its tributaries above Milner Dam, including, particularly, but not limited to the Rexburg Decree and the Woodville Decree, mentioned in the preceding paragraph, and that decree entered in the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Twin Falls on June 20, 1913, in the case entitled Twin Falls Canal Company v. Charles N. Foster, et al., hereinafter called the "Foster Decree;" and, it is further agreed that this court may decree to certain parties plaintiff the following rights to the use of the waters of the Snake River and its tributaries, which waters have been, and will continue to be, diverted, distributed and used beneficially for the production of agricultural crops, and which waters were decreed to them in the said Woodville Decree:

A. BURGESS CANAL & IRRIGATING CO.

That the Burgess Canal & Irrigating Co. (Burgess Canal & Irrigating Company*) is entitled to divert and use the waters of Snake River in the amount of 10,000 miner's inches with a

* As the name appears in the Woodville Decree, similarly indicated in the following paragraphs II-A through II-FF.

herein stipulated to be decreed shall not in any way change, alter, vary, or diminish any and all other water rights possessed or owned by the parties hereto or appurtenant to the lands hereinafter described.

IX

That all of the parties to this action to whom water rights are stipulated to be decreed have constructed, operated, and now control and maintain all necessary diversion dams, canals, laterals and distribution systems adequate to divert and distribute to the proper lands all of the waters herein stipulated to be decreed to them, in addition to all other water rights owned by the said parties.

X

That all of the supplemental waters herein agreed to be decreed are required for and have been beneficially used for the production of agricultural crops and associated domestic uses upon the lands to which they are stipulated to be decreed and have been beneficially used in such manner, and such supplemental waters shall not be transferrable, other than as provided by law, to any lands other than those lands hereinafter described.

XI

That it is the desire of the parties plaintiff hereto that all of their undecreed flood water rights acquired by diversion and application to beneficial use be enumerated and decreed in this action. This will greatly aid and assist in managing and distributing the waters of the Snake River and its tributaries above Milner Dam.

XII

That the award of the so-called flood water rights to parties plaintiff to this action, claiming them with a priority date of April 1, 1939, will not injure or impair the rights of any other parties and is intended to be a valid and binding settlement of all the claims of right, title and interest of the various parties plaintiff herein to the said flood waters.

XIII

That the parties hereinafter listed in this paragraph are entitled to divert and use, pro rata, the waters of the Snake River and its tributaries, all with the same priority date of April 1, 1939, at the points of diversion and for use upon the hereinafter described lands, as follows:

A. ABERDEEN-SPRINGFIELD CANAL COMPANY

That Aberdeen-Springfield Canal Company shall have the right to divert and use 230.0 cubic feet of water per second at the following point of diversion and upon the following described lands:

Point of Diversion

Northwest Quarter of Section 34, Township 1 South,
Range 36 E.B.M.

Lands to Which Appurtenant

Township 2 South, Range 33 E.B.M.

Section 35	E $\frac{1}{2}$	W $\frac{1}{2}$
Section 36	E $\frac{1}{2}$	W $\frac{1}{2}$

Township 2 South, Range 34 E.B.M.

Section 23	W $\frac{1}{2}$	
Section 27	E $\frac{1}{2}$	
Section 28	W $\frac{1}{2}$	
Section 29	S $\frac{1}{2}$	
Section 31	E $\frac{1}{2}$	W $\frac{1}{2}$
Section 32	E $\frac{1}{2}$	W $\frac{1}{2}$

exhibits attached hereto are and shall be binding upon all of the parties plaintiff herein and that the provisions thereof shall be stated in and so provided in the Decree to be entered herein.

XV

Findings of Fact and Conclusions of Law in conformity herewith may be entered by the court.

XVI

That a Decree in conformity with this Stipulation, in form and content as set out in attached Exhibit G, may be entered forthwith without additional notice to the parties hereto.

DATED this _____ day of February, 1969.

HOLDEN, HOLDEN & KIDWELL

By _____

Attorneys for Plaintiffs;
Aberdeen-Springfield Canal
Company, Rebecca Holden,
Blackfoot Irrigation Co.,
Bramwell Ditch Co., Butler
Island Canal Co., Butte &
Market Lake Canal Co.,
Clark & Edwards Canal Co.,
Corbett Slough Ditch Co.,
Danskin Ditch Co., Dilts
Irrigation Co., Ltd., Dewey Fox,
Harrison Canal & Irrigation Co.,
Marvon M. Newby, Idaho Irrigation
District, Marvin M. Johnson,
William S. Holden, Ted Bloesch,
Marvel Johnson and V. E. Hier,
LaBelle Irrigation Co., Liberty
Park Irrigation Co., Long
Island Irrigation Co., Robert D.
Mackay, John L. Nelson, Adrian
Nelson, Erven Scott, Velma
Anderson and Laura Anderson,
New Sweden Irrigation District,
Carl Johnson, Utah-Idaho Sugar Co.,
Progressive Irrigation District,
Reid Canal Co., Riverside Ditch
Co., Shattuck Irrigation Co., Sam
Sakaguchi, Snake River Valley
Irrigation District, Texas Slough

Irrigating Canal Co., R. DuWayne
Scott, West LaBelle Irrigation
Co., Enterprise Irrigation
District, Ralph D. Miller,
Farmers Friend Canal Co., Salem
Union Canal Co., Egin Irrigating
Co., Independent Canal Co., Ltd.,
James A. Croft, Pincock-Byington
Canal Co., Pincock-Garner Ditch
Company, Fall River Irrigation
Co., St. Anthony Union Canal Co.,
Consolidated Farmers Canal
Company, Wilford Irrigation &
Mfg., Co., D. F. Richards, D. V.
Hagenbarth, Al Frazier, Saurey-
Sommer Ditch by LeRoy Saurey,
Farmers Own Ditch Co., Teton
Irrigation & Mfg. Co., George
Bauer, Benjamin Stewart, Andrew
Stewart, Annie Wright, Boyd
Hollist and Alice P. Birch,
operating as Stewart Canal,
Burgess Canal & Irrigating Co.,
Craig Mattson Canal Co.,
Enterprise Canal Co., Ltd.,
Food Machinery & Chemical Corp.,
Island Irrigation Company, J. R.
Simplot Co., The Lenroot Canal
Co., Lowder Slough Canal Co., Ltd.,
The Martin Canal Co., The New
Lava Side Ditch Co., North Rigby
Irrigation & Canal Co., Owners
Mutual Irrigation Co., Parks &
Lewisville Irrigation Co.,
Parsons Ditch Co., Peoples Canal
& Irrigation Co., City of
Pocatello, Poplar Irrigation
District, The Rigby Canal &
Irrigating Co., Rudy Irrigation
Canal Co., Sunnydell Irrigation
District, The Trego Ditch Co.,
Watson Slough Ditch & Irrigation
Co., Ltd., Wearywick Ditch Co.,
West Side Mutual Canal Co.,
Woodville Canal Co., and Palisades
Water Users, Inc.

PARRY, ROBERTSON & DALY

By

Attorneys for Plaintiffs,
Twin Falls Canal Company, North
Side Canal Company, A & B
Irrigation District, Falls
Irrigation District, American
Falls Irrigation District,
Clarence H. Tilley, William
Kendell, and Otis Orton.

JAMES, HOBDEY & SHAW

By _____
Attorneys for Plaintiff,
American Falls Reservoir
District No. 2.

NIELSON & NIELSON

By _____
Attorneys for Plaintiffs,
Burley Irrigation District and
Milner Low Lift Irrigation
District.

ROGER D. LING

Attorney for Plaintiff,
Minidoka Irrigation District.

Exhibit D

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576 Z₀
Ident. Number: A01-00023 Z₁
Date Received: 5-8-90
Receipt No: ED14259
Received By: Z₂

MAY - 7 1990

Department of Water Resources
Eastern District Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: Aberdeen-Springfield Canal Co. Phone: (208) 397-4193
Address: P.O. Box Y
Aberdeen, Idaho 83210

2. Date of Priority: February 6, 1895

3. Source: Snake River Trib. to: Columbia

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
1S	36 EBM	34	NW	SE	SW		Bingham

5. Description of diversion works:

Main canal diversion from Snake River and system of canals
and laterals for delivery of water to lands within the
service area of Aberdeen-Springfield Canal Company

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or) A.F.
Irrigation	April 1	Nov. 1	1,250	

7. Total Quantity Claimed is:

1,250 (C.F.S.) (and/or) (Acre Feet)

8. Total consumptive use claimed is:

177,540 Acre Feet Per Annum.

9. Non-irrigation uses:

De minimus

MICROFILMED
OCT 16 1992

10. Description of place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
----------	-------	---------	------------	-----	-----	-------

See attachment consisting of seven pages

Total number of acres irrigated. 59,180

11. In which county (ies) are lands listed above as place of use located?

Bingham and Power

12. Do you own the property listed above as place of use? NO

13. Other water rights used at the same place and for the same purposes as described above.

Rights pursuant to Contracts with Bureau of Reclamation for stored water in the States of Wyoming and Idaho; License R269, License R670, Decree of March 3, 1969, License 35-2543, and Statutory Claim, 35-4246.

14. Remarks:

Water rights held in the name of claimant and the Bureau of Reclamation, Department of Interior, United States of America, are held for the benefit of shareholders of Aberdeen-Springfield Canal Company.

15. Basis of Claim: Rexburg Decree of December 19, 1910
Water Right Number: Decree

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication."

(b.) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: One consisting of seven pages.

For Organizations:

I do solemnly swear or affirm that I am _____ President _____ (Title), of Aberdeen-Springfield Canal Company (Organization), that I have signed the foregoing document in the space below as President _____ (Title) of Aberdeen-Springfield Canal Company

MICROFILMED

Last Name Aberdeen-Springfield Canal Co.

Ident. No. OCT 16 1992

(Organization) and that the statements contained in the foregoing document are true and correct.

William P. R.
Signature of Authorized Agent

President-Aberdeen-Springfield
Canal Co.
Title and Organization

May 4, 1990
Date

State of Idaho)
) ss.
County of Bingham)

Subscribed and sworn (or affirmed) before me this 4th day of May, 1990.

(SEAL)

Rogers D. Ling
Notary Public for Idaho
Residing at: Rupert, Idaho
My Commission Expires: 10/30/94

17. Notice of Appearance:

Notice is hereby given that I, Roger D. Ling, will be acting as attorney at law on behalf of the claimant signing the above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature: Rogers D. Ling

Roger D. Ling

Address: P. O. Box 396, Rupert, ID 83350

Date: May 4, 1990

MICROFILMED

OCT 16 1992

Last Name Aberdeen-Springfield Canal Co.

Ident. No. _____

Exhibit E

**SETTLEMENT AGREEMENT REGARDING
ABERDEEN-SPRINGFIELD CANAL COMPANY'S BASIN 01 SURFACE
WATER RIGHTS and CONSOLIDATED SRBA SUBCASE NO. 35-2315**

DESCRIPTIVE SUMMARY

This Settlement Agreement ("Agreement") is made by the State of Idaho, the Aberdeen-Springfield Canal Company, and the Idaho Department of Water Resources and is made in reference to the following facts.

RECITALS OF FACT

- A. The Aberdeen-Springfield Canal Company objected to over one hundred recommendations for ground water rights in Basin 35 submitted to the Snake River Basin Adjudication ("SRBA") District Court by the Idaho Department of Water Resources (Consolidated Subcase No. 35-2315). The consolidated subcase is currently pending before the SRBA District Court and a trial is scheduled for April 22, 2002.
- B. This Agreement addresses the future recommendations of the Idaho Department of Water Resources to the SRBA District Court regarding the surface water rights of the Aberdeen-Springfield Canal Company in Basin 01 and the issues in Consolidated Subcase No. 35-2315.
- C. The issues in Consolidated Subcase No. 35-2315 relate to Aberdeen-Springfield Canal Company's surface water rights in Basin 01. In order to fully implement this Agreement and to resolve the issues in Consolidated Subcase No. 35-2315, the Idaho Department of Water Resources must file with the SRBA District Court its recommendations for the surface water rights in Basin 01. Since the Idaho Department of Water Resources is not scheduled to report its

EXHIBIT "B"

recommendations for the water rights in Basin 01 until late 2002, a stay of proceedings under Consolidated Subcase No. 35-02315 is needed.

In consideration of the promises stated in this Agreement, the parties agree as follows:

1. Definitions

- A. The term "Canal Company" means Aberdeen-Springfield Canal Company, P.O. Box Y, Aberdeen, Idaho, 83210.
- B. The term "IDWR" means the Idaho Department of Water Resources, 1301 N. Orchard St, Boise, Idaho, 83706.

2. Recommendations of the Director

- A. In the Director's Report for Basin 01, IDWR will recommend the place of use for the Canal Company's surface water rights from the Snake River to include both lands that were irrigated with the Canal Company's surface water rights, as of 1987, as well as lands that were originally irrigated with the Canal Company's surface water rights but as of 1987 were irrigated solely by ground water, so long as the Canal Company's water rights remained appurtenant to lands irrigated by ground water and such lands continued to pay assessments to the Canal Company. IDWR will recommend all of the acreage for lands to which the Canal Company's surface water rights are appurtenant and irrigated by shareholders using either surface water or ground water, as of 1987, as being authorized to divert and use surface water under the Canal Company's water rights.

B. In the Director's Report for Basin 01, IDWR will recommend "irrigation" and "recharge for irrigation" as the purposes of use for the Canal Company's Basin 01 surface water rights. IDWR will recommend "recharge for irrigation" as a change in purpose of use under the accomplished transfer provision of Idaho Code § 42-1425. IDWR will consider use of stored water for "recharge for irrigation" as being a valid irrigation use under the existing licenses and subsequent decreed right of the U. S. Bureau of Reclamation.

C. In the Director's Report for Basin 01, IDWR will recommend that the place of use pursuant to (A) be subdivided into two parts as follows. (1) the acreage irrigated directly by surface water (including acreage with supplemental ground water irrigation) as of 1987; and (2) the acreage originally irrigated by surface water for which authorization to divert surface water for direct irrigation continues but for which the additional purpose of use "recharge for irrigation" has been added as an accomplished transfer. IDWR will recommend the acreage from (1) as the minimum place of use authorized for direct irrigation using surface water and the sum of (1) and (2) as the maximum place of use authorized for direct irrigation using surface water. The acreage from (2) will be recommended as the place of use eligible for the mitigation credits described in paragraph E below. IDWR will recommend the place of use for the accomplished change to "recharge for irrigation" as consisting of the entire service area of the Canal Company.

D. In the Director's Report for Basin 01, IDWR will recommend the maximum quantity of water (diversion rate) historically diverted and beneficially used for the combined use of "irrigation" and "recharge for irrigation," as of 1987. IDWR will recommend the diversion rate in three components: (1) the minimum diversion rate for direct surface water irrigation will be the diversion rate associated with acreage directly irrigated with surface water as of 1987

(including acreage with supplemental ground water rights) and will be determined as the total recommended diversion rate multiplied by the acreage directly irrigated with surface water as of 1987 divided by the total acreage originally irrigated with surface water; (2) the maximum diversion rate for direct surface water irrigation will be equal to the total recommended diversion rate; and (3) the maximum diversion rate for "recharge for irrigation" will be equal to the diversion rate from (1) subtracted from the total recommended diversion rate. The intent of this calculation together with (C) is to maximize the acreage authorized for direct surface water irrigation while fixing the maximum quantity of surface water that can be used for "recharge for irrigation" as an accomplished transfer.

E. Existing ground water rights used for irrigation within the service area of the Canal Company on lands paying assessments to the Canal Company and to which the Canal Company's surface water rights have remained appurtenant will be given mitigation credit for the amount of water recharged against ground water depletions arising from the authorized diversion and use of ground water. The volume of water credited for mitigation in each year must be determined from measurements and accounting. Depletions resulting from ground water diversions eligible for mitigation credits, as described above, will be considered to have been mitigated in any year to the extent to which the recharge documented through measurements and accounting equals or exceeds ground water depletions in the same year. Mitigation credits will accrue only to the extent that surface water is diverted for recharge in a given year and will not carry over to future years. The amount credited for mitigation will be calculated as: (1) the amount of surface water diverted; (2) less the measured returns to the Snake River through wasteways or drains; (3) less 0.02 cfs multiplied by the number of acres irrigated with surface water (including those acres using supplemental ground water), multiplied by 1.98 acre

feet/cfs/day, multiplied by 214 days (the irrigation season), and multiplied by an appropriate factor (less than 1) to account for the Canal Company not constantly diverting the maximum amount needed for surface water irrigation throughout the entire irrigation season.

3. Duties of the Canal Companies

A. Upon execution of this Agreement, the Canal Company shall request a stay from the SRBA District Court in Consolidated Subcase No. 35-2315. The State of Idaho and IDWR will support this request and provide the SRBA District Court with the appropriate level of explanation, as needed.

B. Once IDWR has filed its recommendations for the Canal Company's Basin 01 water rights as set forth in section 2 above and the SRBA District Court has issued partial decrees consistent with this Agreement, the Canal Company will withdraw all objections associated with the Consolidated Subcase No. 35-2315.

4. Action by the District Court

The parties acknowledge that the execution of this Agreement will not automatically result in approval by the SRBA District Court of IDWR's recommendation for the Canal Company's Basin 01 water rights and that a further hearing may be necessary.

5. Governing Law

Both parties agree that this Agreement shall be governed by, and construed in accordance with, the laws of the State of Idaho.

6. Entire Agreement

A. This Agreement sets forth all the covenants, promises, provisions, agreements, conditions, and understandings between the parties, and there are no covenants, provisions, promises, agreements, conditions, or understandings, either oral or written, between them other than are herein set forth.

B. This Agreement has been reached in the process of good faith negotiations for the purpose of resolving legal disputes, including pending litigation, and all parties agree that no offers and/or compromises made in the course thereof shall be construed as admissions against interest or be used in any legal proceeding.

7. Successors

This Agreement shall bind and inure to the benefit of the respective successors of the parties.

8. Effect of Section Headings

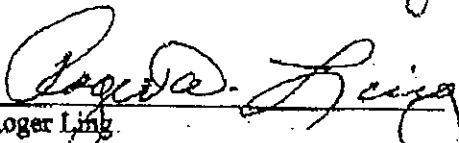
The section headings appearing in this Agreement are not to be construed as interpretations of the text but are inserted for convenience and reference only.

9. Duplicate Originals

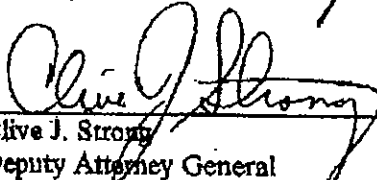
This Agreement is executed in duplicate. Each of the two Agreements with an original signature of each party shall be an original.

IN WITNESS WHEREOF the parties executed this Agreement on the date following
their respective signatures.

Entered into this 31st day of May, 2002.


Roger Ling
Attorney for Aberdeen-Springfield Canal Company

Entered into this 7th day of June, 2002.


Clive J. Strong
Deputy Attorney General
Chief, Natural Resource Division
Attorney for the State of Idaho

Entered into this 5th day of June, 2002.

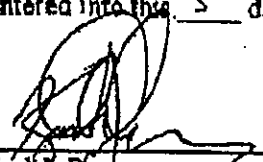

Karl J. Dreher
Director, Idaho Department of Water Resources

Exhibit F

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 1-23B
Date Received: 1/31/2002
Receipt No:
Received By:

NOTICE OF AMENDED CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

ABERDEEN-SPRINGFIELD CANAL CO Phone: (208)397-4192
PO BOX 857
ABERDEEN ID USA 83210

2. Date of Priority: 02/06/1895

3. Source: SNAKE RIVER Trib. to: COLUMBIA RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
01S	36E	34	NW SE SW	BINGHAM	

5. Description of diverting works:

MAIN CANAL DIVERSION TO A SYSTEM OF CANALS

6. Water is used for the following purposes:

Purpose	From To	C.F.S.	(or) A.F.A
IRRIGATION	04/01 11/01	1172.1	
177540			

7. Total Quantity Appropriated is:
1172.1 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. 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). A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

Total Acres 61,772.6

11. Place of use in counties: BINGHAM, POWER

12. Do you own the property listed above as place of use? No
1-23B 04/23/2007

13. Other Water Rights Used: 1-297, 35-2543 and 35-4246

14. Remarks:

Water is delivered through Aberdeen-Springfield Canal Company.

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 01-23.

15. Basis of Claim: Decreed

16. Signature(s)

Number of attachments: 1

For Organizations:

I do solemnly swear or affirm that I am Secretary of
Title
ABERDEEN-SPRINGFIELD CANAL CO, that I have signed the foregoing
document in the space below as Secretary of
Title
ABERDEEN-SPRINGFIELD CANAL CO and that the statements contained in the
foregoing document are true and correct.

[Signature]
Signature of Authorized Agent

Secretary, Aberdeen-Springfield Canal Company
Title and Organization

May 15, 2007
Date

State of Idaho)
County of Bannock) SS.

Subscribed and sworn (or affirmed) before me this 15th of MAY 2007

Randall C. Budge

Notary Public

Residing at Pocatello, Id.

My commission Expires 10-11-2012

