



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

May 8, 2009

Charles Honsinger
P.O. Box 2773
Boise, ID 83701-2773

Re: Subcase Nos.: 02-7090A and 02-7212

Dear Mr. Honsinger:

Enclosed please find the original documents entitled "Standard Form 5 – Stipulated Elements of a Water Right" (commonly referred to as SF 5) for the above referenced subcase nos. for Basin 02.

Please review the recommendations. If all the information is correct, please sign and date the first page of the original and initial the page entitled "Recommendation of Water Rights Acquired Under State Law." After you have signed and initialed the original, **please return the documents to our office in the self addressed stamped envelope** provided for your convenience. Our office will gather the remaining signatures and make sure the documents are subsequently filed with the Court.

If you have any questions regarding this process or the enclosed documents please do not hesitate to call me at 287-4814.

Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Renea Ridgeway".

Renea Ridgeway
Paralegal, IDWR

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 Nos. 02-7090A
	)	
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. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT:
Upper Grand View Canal Company

OBJECTOR:
United States of America
Bureau of Land Management

Charles Honsinger, Attorney Date

David Negri, Attorney Date

IDWR Concurrence:

Donald V. Shaff
Adjudication Bureau Chief

Garrick Baxter
Deputy Attorney General

Date _____

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:

UPPER GRAND VIEW CANAL CO

Represented by:
CHARLES L. HONSINGER
455 S THIRD ST
PO BOX 2773
BOISE, ID 83701-2773
Phone: 208-342-4591

UNITED STATES OF AMERICA

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

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

Signature of person or attorney mailing the form

05/06/2009

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

RIGHT NUMBER: 2-7090A

NAME AND ADDRESS: UPPER GRAND VIEW CANAL CO
PO BOX 9
GRAND VIEW ID 83624

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 2.340 CFS
526.50 AFY

PRIORITY DATE: 08/24/1971

POINT OF
DIVERSION:

T05S R03E S15 SWSE Lot 7 Within OWYHEE County

~~Right 2-7212 is also diverted through the point of diversion described above.~~

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/15 11/15

2.340 CFS
526.50 AFY

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

PLACE OF USE:

1332 ACRES TOTAL

Place of use is within the area served by Upper Grand View Canal Co.

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 right is limited to the irrigation of 117 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 1332 acres in a single irrigation season. Combined Right Nos.: 2-7090A, 2-7212

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

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 - License

This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for irrigation of the lands above.

Right 2-7212 is also diverted through the point of diversion described above.

In Re SRBA	)	Subcase Nos. 02-7212
	)	
Case No. 39576	)	
	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

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.

OBJECTOR:
United States of America
Bureau of Land Management

David Negri, Attorney Date

IDWR Concurrence:

Donald V. Shaff
Adjudication Bureau Chief

Garrick Baxter
Deputy Attorney General

Date

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:

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UPPER GRAND VIEW CANAL CO

Represented by:
CHARLES L. HONSINGER
455 S THIRD ST
PO BOX 2773
BOISE, ID 83701-2773
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UNITED STATES OF AMERICA

Represented by:
US DEPARTMENT OF JUSTICE
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550 WEST FORT STREET, MSC 033
BOISE, ID 83724

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

Signature of person or attorney mailing the form

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

RIGHT NUMBER: 2-7212

NAME AND ADDRESS: UPPER GRAND VIEW CANAL CO
PO BOX 9
GRAND VIEW ID 83624

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 20.700 CFS
6,075.00 AFY

PRIORITY DATE: 08/25/1975

POINT OF
DIVERSION:

T05S R03E S15 SWSE Lot 7 Within OWYHEE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/15 11/15

20.700 CFS
6,075.00 AFY

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

PLACE OF USE:

1332 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 Upper Grand View Canal Co.

This right is limited to the irrigation of 1215 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 1332 acres in a single irrigation season. Combined Right Nos.: 2-7090A, 2-7212

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

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 - License

Right 2-7090A is also diverted through the point of diversion described above.

This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 5.0 afa per acre for irrigation of the lands above.

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.



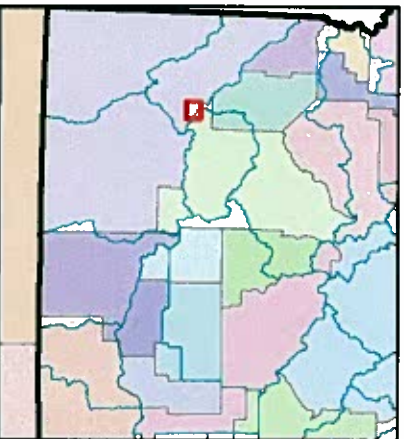
Upper Grand View Canal Co

Adjudication Recommendations: 2-7090A, 2-7212

Irrigation Service Area Boundary
GIS Place of Use Illustration

Legend

- Service Area
- State Outline
- Townships
- PLS Sections
- Quarter Quarters



Owyhee County
IDWR Basin 2

Prepared by Don Shaff
On May 06, 2009
1987/88 Aerial Photography

