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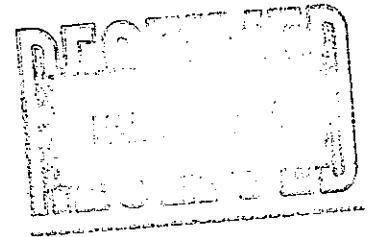
JUN 09 2009

DEPARTMENT OF
WATER RESOURCES

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MAY 04 2009

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. 22-605

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.

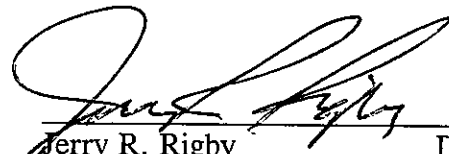
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

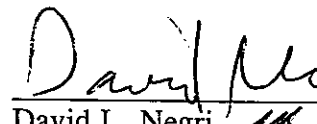
CLAIMANT/OBJECTOR:

Island Ward Canal Company.

OBJECTORS:

Bureau of Land Management


Jerry R. Rigby 3-18-09 Date
Attorney for Claimant/Objector


David L. Negri 6/8/09 Date
Attorney for Objector

Bureau of Reclamation

American Falls Reservoir District #2

Twin Falls Canal Company
North Side Canal Company
Milner Irrigation District

RESPONDENTS:

Bingham Ground Water District
Aberdeen-American Falls Ground Water Dist.
Bonnevill-Jefferson Ground Water Dist.
Jefferson Clark Ground Water District
Magic Valley Ground Water District
North Snake Ground Water District
Southwest Irrigation District

Idaho Power Company

Minidoka Irrigation District

A & B Irrigation District
Burley Irrigation District

State of Idaho

Michael C. Orr 5.22.09
Michael C. Orr Date
Attorney for Respondent

IDWR Concurrence:

Ernest Carlsen 6-1-09
Ernest Carlsen Date
Water Resource Program Manager

Garrick L. Baxter 6/4/09
Garrick L. Baxter Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 22-605

NAME AND ADDRESS: ISLAND WARD CANAL CO
3441 ROBISON DR
REXBURG ID 83440

SOURCE: TETON RIVER

TRIBUTARY: HENRYS FORK

QUANTITY: 100.000 CFS

PRIORITY DATE: 01/23/1901

POINT OF DIVERSION:

T06N R40E S6 NESENE Within MADISON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	100.000 CFS
~~GROUNDWATER RECHARGE~~ SUB-IRRIGATION	11/01 03/01	20.000 CFS
STOCKWATER	03/01 12/01	0.330 CFS

Sub-irrigation is authorized between 11/1 and 3/31 consistent with the practices described in the Rexburg Irr. Co. v. Teton Irr. Co. Decree (including paragraph 31).

PLACE OF USE:

1728.7 ACRES TOTAL

Place of use is within the area served by Island Ward Canal Company.

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.

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 - Decreed

Water is delivered through Island Ward Canal.



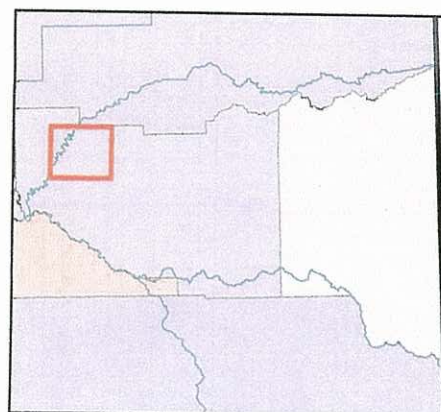
Island Ward Canal Co

Adjudication Recommendations: 22-605

Service Area Boundary
GIS Place of Use Illustration

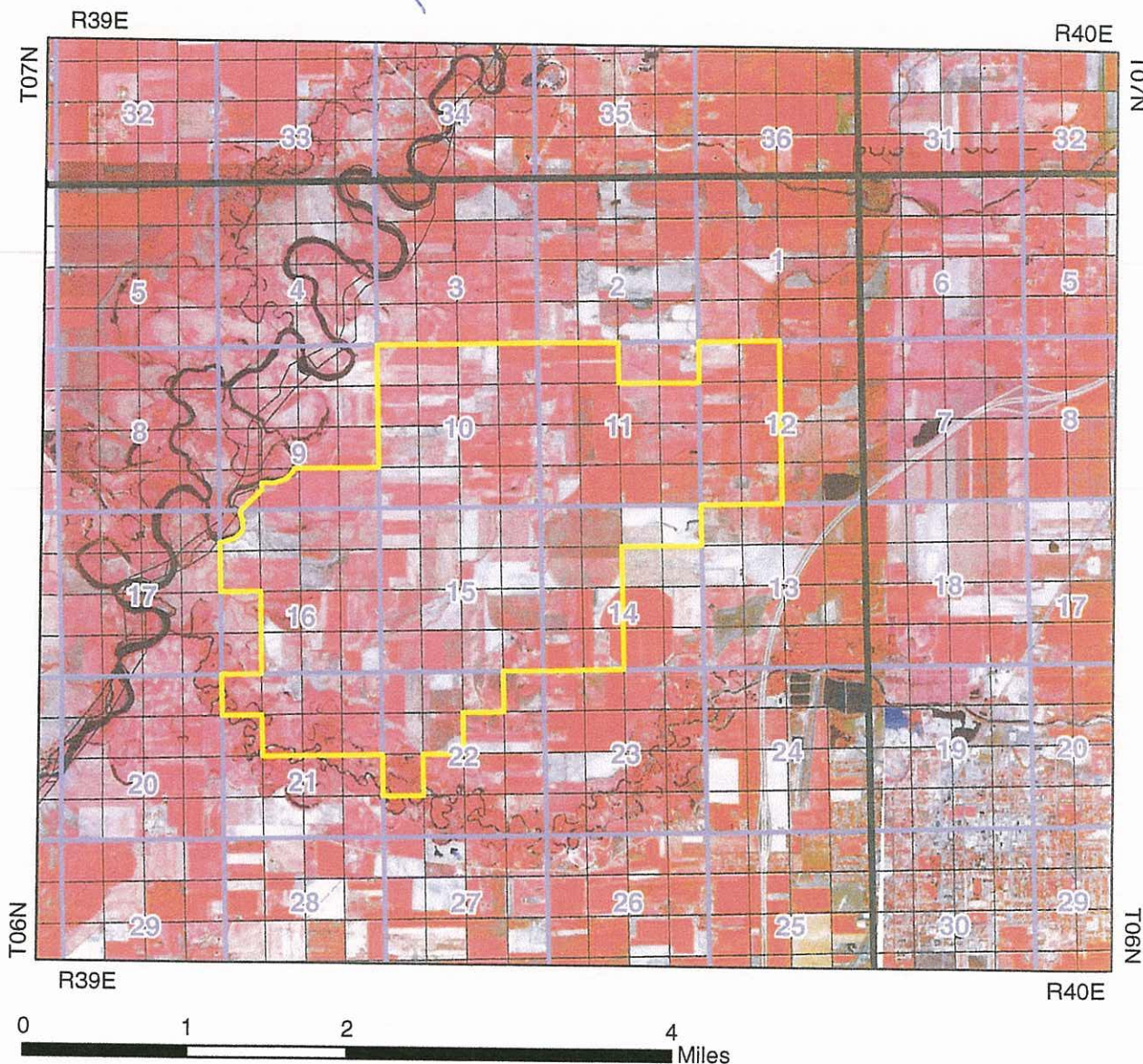
Legend

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



Madison County
IDWR Basin 22

Prepared by Danielle Favreau
On March 12, 2009
1987/88 Aerial Photography



CERTIFICATE OF MAILING

I certify that on 6/08, 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

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

IDAHO POWER COMPANY
Represented by:
JOHN K SIMPSON
1010 W. JEFFERSON, STE. 102
P.O. BOX 2139
BOISE, ID 83701-2139

STATE OF IDAHO

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

BINGHAM GROUND WATER DIST ETAL

Represented by:
RANDALL C. BUDGE
201 E CENTER, STE A2
P.O. BOX 1391
POCATELLO, ID 83204-1391

A & B IRRIGATION DISTRICT
BURLEY IRRIGATION DISTRICT

Represented by:
ROGER D. LING
615 H ST.
P.O. BOX 396
RUPERT, ID 83350-0396
Phone: 208-436-4717

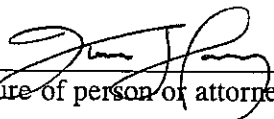
UNITED STATES OF AMERICA
USDI BUREAU OF RECLAMATION

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