

2009 JUN 19 AM 10 01

**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. 47-7360

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:

OBJECTORS:

Twin Falls Canal Company



Gary Miller Date 6-7-09


Paul Arrington, Attorney
Per Paul Arrington
6/15/2009
Date

RESPONDENT:

IGWA, Inc.

~~_____
Randall C. Budge, Attorney~~

~~_____
Date~~

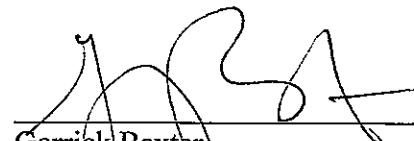
IDWR Concurrence:



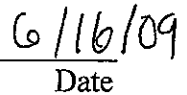
Donald V. Shaff
Adjudication Bureau Chief



Date



Garrick Baxter
Deputy Attorney General



Date

CERTIFICATE OF MAILING

I certify that on June 18, 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

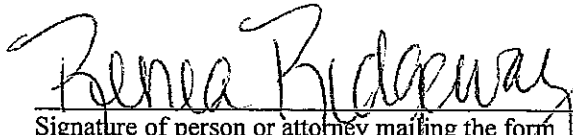
2. Copies to:

TWIN FALLS CANAL COMPANY
Represented by:
BARKER, ROSHOLT & SIMPSON LLP
113 MAIN AVE W, STE 303
PO BOX 485
TWIN FALLS, ID 83303-0485

~~IGWA INC
Represented by:
RANDALL C BUDGE
201 E CENTER, STE A2
PO BOX 1391
POCATELLO, ID 83204-1391~~

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

GARY MILLER
PO BOX 923
TWIN FALLS, ID 83303


Signature of person or attorney mailing the form

05/12/2009

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

RIGHT NUMBER: 47-7360

NAME AND ADDRESS: GARY MILLER
PO BOX 923
TWIN FALLS ID 83303

SOURCE: SLAUGHTERHOUSE DRAW CREEK TRIBUTARY: ROCK CREEK

QUANTITY: 22.000 CFS

PRIORITY DATE: 12/21/1976

POINT OF
DIVERSION:

T10S R17E S17 SESWSW Within TWIN FALLS County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
FISH PROPAGATION	01/01 12/31	22.000 CFS

PLACE OF USE: FISH PROPAGATION in TWIN FALLS County

T10S R17E S17 SWSW

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.

The operation, use and administration of this water right is subject to the terms and conditions of the agreement with Twin Falls Canal Company recorded in the Twin Falls County Records Office as Instrument No 2009-010267.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License