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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 Nos. 01-23B, 01-297,  |
|                | ) | 35-2543 & 35-4246             |
| Case No. 39576 | ) |                               |
|                | ) | <b>STIPULATION TO RESOLVE</b> |
|                | ) | <b>OBJECTION</b>              |
|                | ) |                               |

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 place of use element should be described as attached, and that this Stipulation resolves the objections filed by the Bureau of Land Management and Bureau of Reclamation. The parties and IDWR acknowledge that the remaining objections to the Amended Director's Report filed by the remaining Objectors are still outstanding. The parties and IDWR have further indicated their concurrence by initialing the attached pages.

**CLAIMANT/OBJECTOR:**

Aberdeen-Springfield Canal Co.

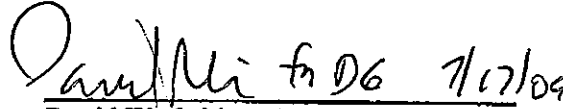
Randall C. Budge 5/4/09  
Randall C. Budge Date  
Attorney for Claimant/Objector

**OBJECTORS:**

Bureau of Land Management

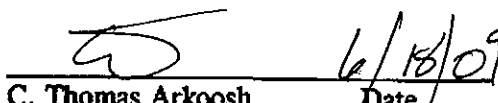
Bureau of Reclamation

  
David L. Negri, USDOJ <sup>for</sup> Date  
Attorney for Objector

  
David W. Gehlert, USDOJ Date  
Attorney for Objector

American Falls Reservoir Dist. #2

Minidoka Irrigation District

  
C. Thomas Arkoosh Date  
Attorney for Objector

  
W. Kent Fletcher Date 5-7-09  
Attorney for Objector

Twin Falls Canal Company  
North Side Canal Company  
Milner Irrigation District  
A & B Irrigation District

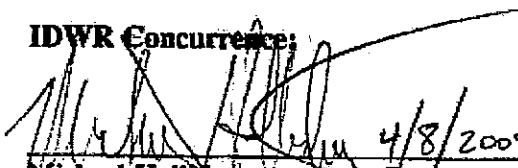
  
Travis L. Thompson Date  
Attorney for Objectors

**RESPONDENT:**

State of Idaho:

  
David J. Barber Date 6/24/2009  
Attorney for Respondent

**IDWR Concurrence:**

  
Michael Holliday Date 4/8/2009  
Senior Water Resource Agent

  
Garrick L. Baxter Date 4/9/09  
Deputy Attorney General  
Attorney for IDWR

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

RIGHT NUMBER: 1-23B

NAME AND ADDRESS: ABERDEEN-SPRINGFIELD CANAL CO  
PO BOX 857  
ABERDEEN ID 83210

SOURCE: SNAKE RIVER

QUANTITY: 1,172.100 CFS

PRIORITY DATE: 02/06/1895

POINT OF DIVERSION:

T01S R36E S34 SENE Lot 14 Within BINGHAM County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u>   | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-------------------------|----------------------|-----------------|
| IRRIGATION              | 04/01 10/31          | 1,172.100 CFS   |
| RECHARGE FOR IRRIGATION | 04/01 10/31          | 389.500 CFS     |

PLACE OF USE:

61,772.6 ACRES TOTAL

Diversion of this right for the purpose of recharge for irrigation is authorized for a maximum of 17,161.6 acres.

The rights listed below are limited to the irrigation of a combined total of 61,772.6 acres in a single irrigation season. Combined Right Nos.: 1-23B, 1-297, 35-2543, and 35-4246.

Place of use is within the area served by Aberdeen-Springfield 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.

The administration of this right is further defined and set forth in the Settlement Agreement Regarding Aberdeen-Springfield Canal Company's Basin 01 Surface Water Rights and Consolidated SRBA Subcase No. 35-2315, recorded as instrument number 563578 in the Bingham County Recorder's Office, Blackfoot, Idaho.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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

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

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

RIGHT NUMBER: 1-297

NAME AND ADDRESS: ABERDEEN-SPRINGFIELD CANAL CO  
PO BOX 857  
ABERDEEN ID 83210

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 230.000 CFS

PRIORITY DATE: 04/01/1939

POINT OF  
DIVERSION:

T01S R36E S34 SENE Lot 14 Within BINGHAM County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 04/01 10/31          | 230.000 CFS     |

PLACE OF USE:

61772.6 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 Aberdeen-Springfield Canal Company.

The rights listed below are limited to the irrigation of a combined total of 61,772.6 acres in a single irrigation season. Combined Right Nos.: 1-23B, 1-297, 35-2543, and 35-4246.

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

The delivery of water to this right may be subject to procedures described in the United States Bureau of Reclamation "space holder" contracts and the Burley Irrigation Dist. v. Eagle, Supplemental Decree (Idaho 5th Jud. Dist., July 10, 1968) and Aberdeen-Springfield Canal Co. v. Eagle, Supplemental Decree (Idaho 7th Jud. Dist., March 12, 1969) together with the natural-flow and storage deliveries as calculated by the Idaho Department of Water Resources.

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

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

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

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

RIGHT NUMBER: 35-2543

NAME AND ADDRESS: ABERDEEN-SPRINGFIELD CANAL CO  
PO BOX 857  
ABERDEEN ID 83210

SOURCE: GROUND WATER

QUANTITY: 6.000 CFS  
2,547.00 AFY

PRIORITY DATE: 08/07/1958

POINT OF  
DIVERSION:

T05S R31E S11 NWNE SW Within BINGHAM County

PURPOSE AND  
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

6.000 CFS  
2,547.00 AFY

PLACE OF USE:

61772.6 ACRES TOTAL

Place of use is within the area served by Aberdeen-Springfield 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.

The rights listed below are limited to the irrigation of a combined total of 61,772.6 acres in a single irrigation season. Combined Right Nos.: 1-23B, 1-297, 35-2543, and 35-4246.

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

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

RIGHT NUMBER: 35-4246

NAME AND ADDRESS: ABERDEEN-SPRINGFIELD CANAL CO  
PO BOX 857  
ABERDEEN ID 83210

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 2.440 CFS  
155.00 APY

PRIORITY DATE: 10/15/1934

POINT OF  
DIVERSION:

T06S R31E S4 SWNW Within BINGHAM County

PURPOSE AND  
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

2.440 CFS  
155.00 APY

PLACE OF USE:

61772.6 ACRES TOTAL

Place of use is within the area served by Aberdeen-Springfield 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.

The rights listed below are limited to the irrigation of a combined total of 61,772.6 acres in a single irrigation season. Combined Right Nos.: 1-23B, 1-297, 35-2543, and 35-4246.

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 - Beneficial Use



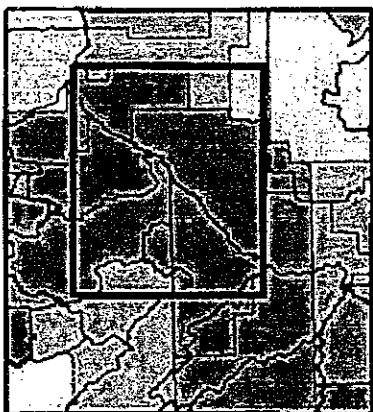
# Aberdeen-Springfield Canal Co

Adjudication Recommendations: 1-23B, 1-297, 35-2543, 35-4246

Service Area Boundary  
GIS Place of Use Illustration

## Legend

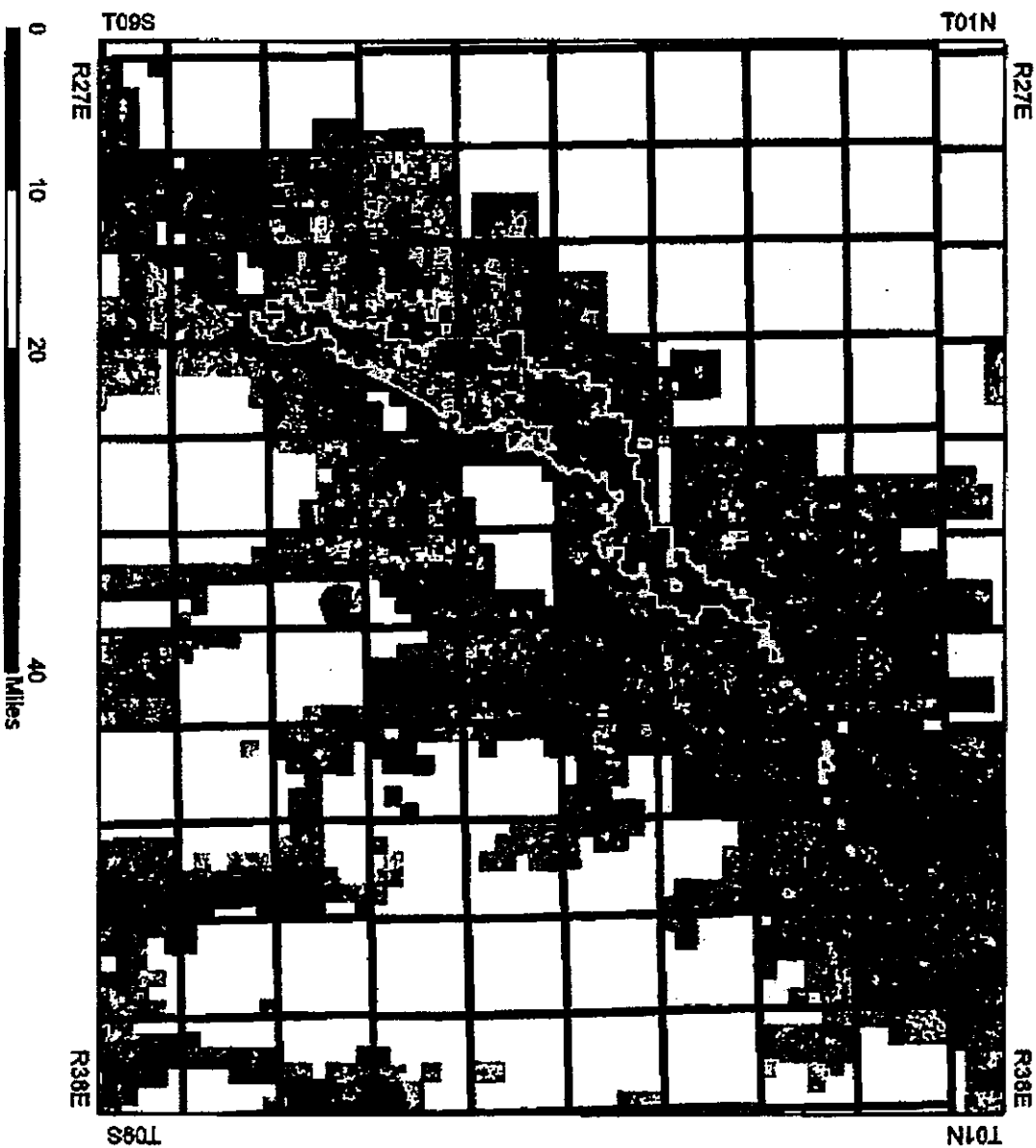
- Service Area
- State Outline
- Townships



Bingham, Power Counties

IDWR Basin 35

Prepared by Sandy Egbert  
On April 07, 2009  
1987/88 Aerial Photography



## CERTIFICATE OF MAILING

I certify that on July 20, 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:  
AMERICAN FALLS RESERVOIR

Represented by:  
C. THOMAS ARKOOSH  
301 MAIN ST.  
P.O. BOX 32  
GOODING, ID 83330

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

ABERDEEN-SPRINGFIELD CANAL CO.

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  
MILNER IRRIGATION DISTRICT  
NORTH SIDE CANAL COMPANY  
TWIN FALLS CANAL COMPANY

Represented by:  
TRAVIS L. THOMPSON  
113 MAIN AVE W, STE. 303  
P.O. BOX 485  
TWIN FALLS, ID 83303-0485

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



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Signature of person or attorney mailing the form