



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

December 16, 2009

David W. Gehlert
Natural Resources Section
Environment and Natural Resource Division
U.S. Department of Justice
1961 Stout Street – 8th Floor
Denver, CO 80294

RE: SRBA Subcase No. 01-23A (Southwest Irrigation Dist.)

Dear Dave:

I am enclosing an SF5 for the above-referenced subcas. Please review the document, and if it is acceptable, please sign on the indicated signature line, initial the revised recommendation and return the original SF5 to me. I will obtain the remaining signature and file it with the SRBA Court.

If you should have any questions or comments, please don't hesitate to contact me at (208) 287-4815.

Sincerely,

A handwritten signature in blue ink that reads "Ray Williams".

Ray Williams
Paralegal

Enclosure

**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. 01-23A
	)	
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, *which removes federal public land from the digital boundary*. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT(s)/RESPONDENT(s):
Southwest Irrigation District

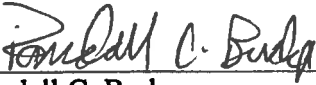


William A. Parsons Date *10/30/09*
Attorney for Claimants/Objectors

OBJECTOR(s):

Aberdeen-American Falls Ground Water District
Bingham Ground Water District
Bonneville-Jefferson Ground Water District
Carey-Valley Ground Water District
Jefferson Clark Ground Water District
Madison Ground Water District
Magic Valley Ground Water District
North Snake Ground Water District

Bureau of Land Management



Randall C. Budge Date 12/11/09
Attorney for Objector(s)

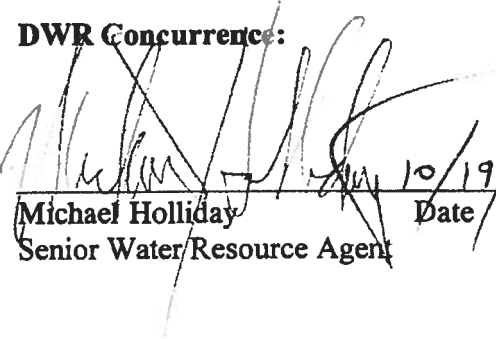
David L. Negri, USDOJ Date
Attorney for Objector

RESPONDENT:

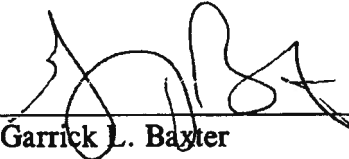
Bureau of Reclamation

David W Gehlert Date
Attorney for Respondent

DWR Concurrence:



Michael Holliday Date 10/19/2009
Senior Water Resource Agent



Garrick L. Baxter Date 10/13/09
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 1-23A

NAME AND ADDRESS: SOUTHWEST IRRIGATION DIST
PO BOX 668
BURLEY ID 83318

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 77.900 CFS
6,725.00 AFY

The annual volume diverted under this right is limited to 6725 acre feet except that any water diverted during flood control operations that result in a release of water past Milner Dam shall not be charged against the seasonal volume limitation.

PRIORITY DATE: 02/06/1895

Use of this right shall be subordinate to all water rights having a priority date earlier than March 21, 1997 diverting from Snake River in the Neeley to Milner reach except to the extent that water available under this right at the Aberdeen Springfield Canal diversion is specifically identified and shown to be delivered in the Neeley-Milner reach.

POINT OF
DIVERSION:

T09S R25E S1 SWSESW Within CASSIA County
T10S R21E S29 SWNESE Lot 8 Within TWIN FALLS County
T10S R21E S29 NESESE Within TWIN FALLS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	77.900 CFS 6,725.00 AFY

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). 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 boundary of Southwest Irrigation District pursuant to Section 43-323, Idaho Code.

MW
JS
RUB

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

This water right is not entitled to call on ground water rights.

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.

This right was originally diverted above Blackfoot before it was acquired by Southwest Irrigation District and transferred downstream to the current points of diversion at Milner Dam and Minidoka Dam. Accordingly, the source of supply for this water right is water arising above Blackfoot.

Handwritten signatures and initials:
MWA
JS
PUB
WMM

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

The Director of the Department of Water Resources retains jurisdiction to determine and assess a delivery loss to prevent injury to existing water rights in Water District 01.

This right does not grant any easement or right-of-way to use diversion and delivery facilities owned by persons other than the right owner.

Water is delivered through Minidoka South Side Canal, Twin Falls Canal, and Milner Irrigation Pumps.

Diversion and use of water under this right shall be regulated by the watermaster of State Water District 01 (Upper Snake River).



Southwest Irrigation Dist

Adjudication Recommendations: 1-23A

JS

Irrigation Service Area Boundary
GIS Place of Use Illustration

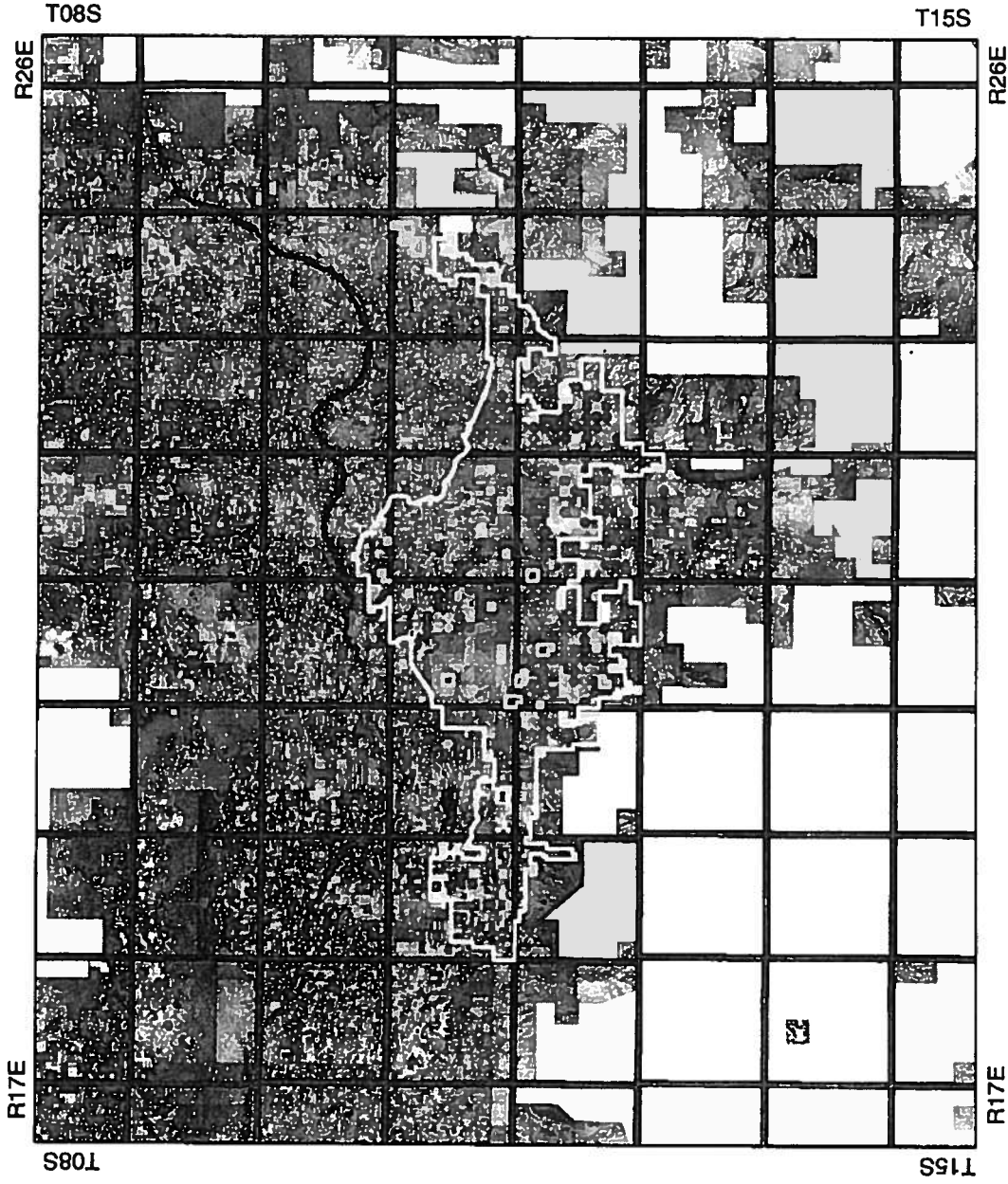
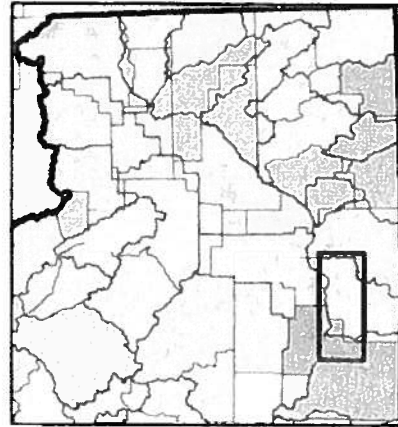
MW

PJB

WAF

Legend

-  Service Area
-  State Outline
-  Townships



Cassia, Twin Falls Counties
IDWR Basin 1

Prepared by Danielle Favreau
On October 09, 2009
1987/88 Aerial Photography

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:

ABERDEEN AMERICAN FALLS GROUND
BINGHAM GROUND WATER DISTRICT
BONNEVILLE JEFFERSON GROUND
CAREY VALLEY GROUND WATER DIST
JEFFERSON CLARK GROUND WATER
MADISON GROUND WATER DISTRICT
MAGIC VALLEY GROUND WATER DIST
NORTH SNAKE GROUND WATER DIST

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

USDI BUREAU OF RECLAMATION
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC O33
BOISE, ID 83724

SOUTHWEST IRRIGATION DIST.
Represented by:
WILLIAM A. PARSONS
137 W 13TH ST.
P.O. BOX 910
BURLEY, ID 83318

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

UNITED STATES OF AMERICA

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

Signature of person or attorney