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DISTRICT COURT - SRBA  
TWIN FALLS 80134H0  
FILED                       
2009 DEC 7 PM 1 47

**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. 47-42A  
)

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:**  
Cedar Canal Company

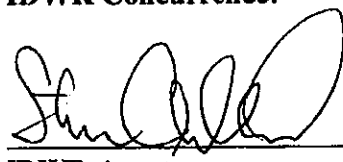
**OBJECTOR:**  
United States of America  
Bureau of Land Management

Lee Beckett 12/16/09  
Date

David Negri 10/1/09  
David Negri, Attorney DN Date

STANDARD FORM 5 - 47-42A

**IDWR Concurrence:**

  
IDWR Agent

11/23/09  
Date

  
Nicholas Spencer  
Deputy Attorney General

11/23/09  
Date

**CERTIFICATE OF MAILING**

I certify that on December 3, 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:

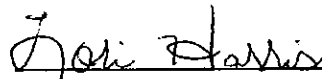
Clerk of the District Court  
Snake River Basin Adjudication  
253 Third Avenue North  
P. O. Box 2707  
Twin Falls, Idaho 83303-2707

2. Copies to:

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

CEDAR CANAL CO  
PO BOX 525  
TWIN FALLS, ID 83303-0525

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



Signature of person or attorney mailing the form

09/29/2009

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

RIGHT NUMBER: 47-42A

NAME AND ADDRESS: CEDAR CANAL CO  
PO BOX 525  
TWIN FALLS ID 83303-0525

SOURCE: CEDAR CREEK

TRIBUTARY: SALMON FALLS CREEK

QUANTITY: 25.500 CFS

The diversion rate for this right includes a conveyance loss of up to 8.5 cfs. The appropriator is limited to the actual diversion rate necessary to deliver 17 cfs to the point of measurement at the canal split in T12S R13E Sec 34 NWSE provided the total diversion rate does not exceed 25.5 cfs.

PRIORITY DATE: 05/01/1894

POINT OF DIVERSION:

T13S R14E S29 SWNWSE Within TWIN FALLS County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| STOCKWATER            | 11/01 03/15          | 20.000 CFS      |
| IRRIGATION            | 04/15 10/10          | 25.500 CFS      |

PLACE OF USE:

4698 ACRES TOTAL

This right is limited to the irrigation of 4698 acres within the boundary of the Cedar 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 4698 acres in a single irrigation season. Combined Right Nos.: 47-42A & 47-14737.

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

Stockwater use is for 2500 range cattle.

Use of this right is combined with water right 47-14737 from Cedar Mesa Reservoir and Canal Company on 4143 acres within the place of use described above.



# Cedar Canal Co

Adjudication Recommendations: 47-42A

Irrigation Service Area Boundary  
GIS Place of Use Illustration

## Legend

Service Area

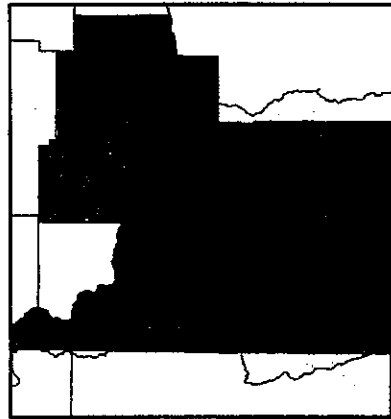


State Outline

Townships

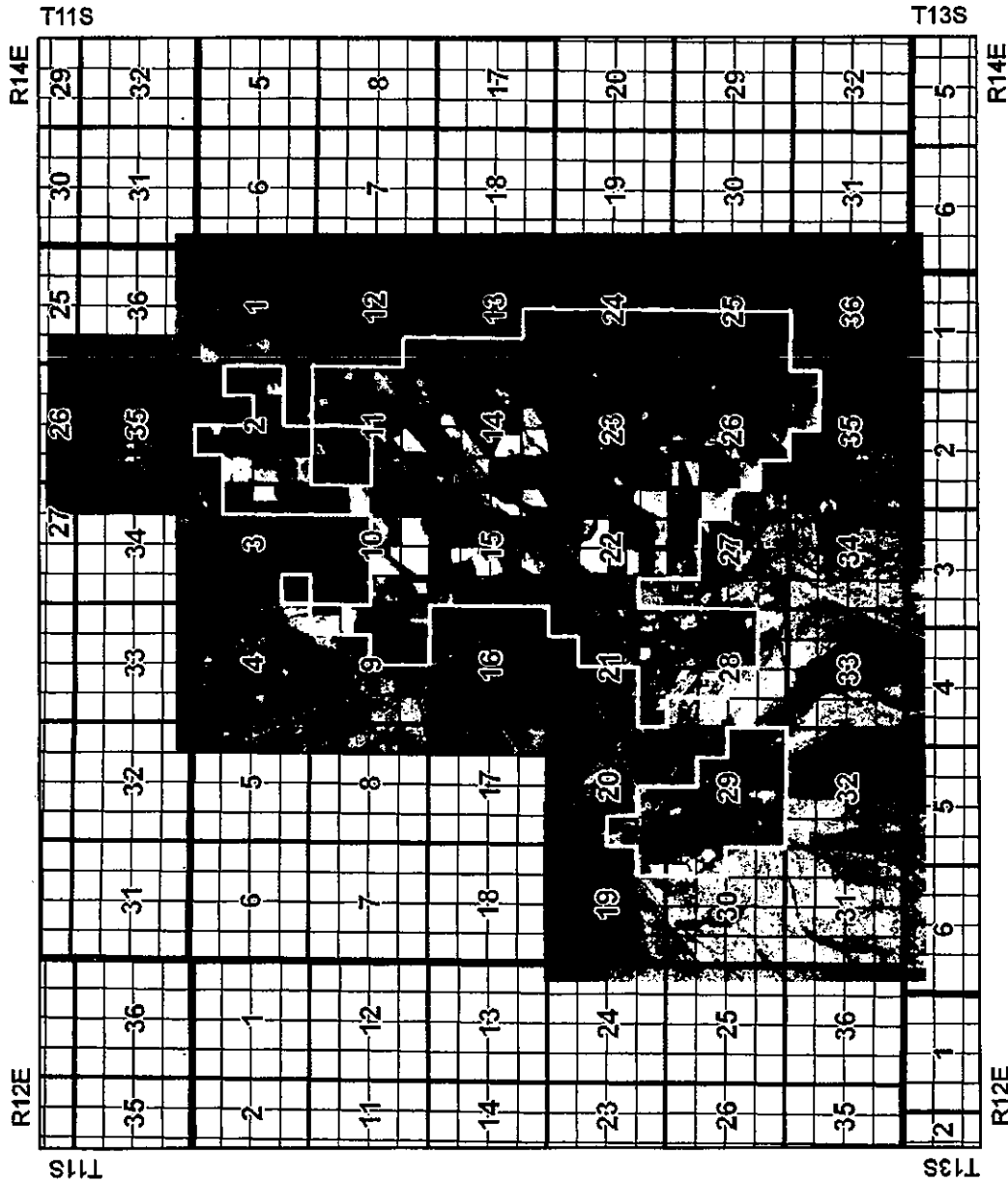
PLS Sections

Quarter Quarters



Twin Falls County  
IDWR Basin 47

Prepared by Danielle Favreau  
On September 30, 2009  
1987/88 Aerial Photography



0 1.5 3 6 Miles

*Handwritten notes:*  
OK  
IR  
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