

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

SEP - 3 2010

By _____

Clerk
Deputy Clerk

**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. 21-12962
	)	
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:
Egin Bench Canals, Inc.


Jerry Rigby, Attorney Date 8-2-10

OBJECTOR:
The United States of America
Bureau of Land Management


David L. Negri Date 8/2/10

OBJECTOR:
Twin Falls Canal Company


Travis L. Thompson, Attorney 8/18/10
Date

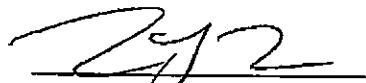
OBJECTOR:
Milner Irrigation District


Travis L. Thompson, Attorney 8/18/10
Date

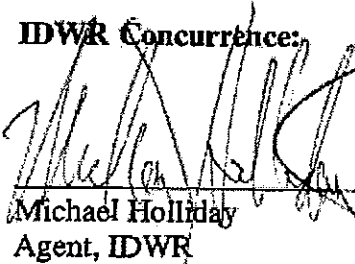
OBJECTOR:
Burley Irrigation District


Roger D. Ling, Attorney 8/18/10
Date

OBJECTOR:


W. Kent Fletcher, Attorney 8/18/10
Date

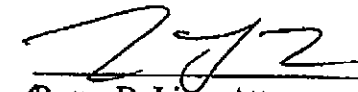
IDWR Concurrence:


Michael Holliday 8/31/2010
Agent, IDWR Date

OBJECTOR:
North Side Canal Co., Ltd.

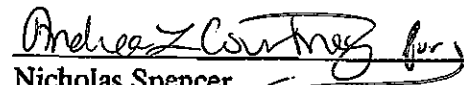

Travis L. Thompson, Attorney 8/18/10
Date

OBJECTOR:
A & B Irrigation District


Roger D. Ling, Attorney 8/18/10
Date

OBJECTOR:
American Falls Reservoir


E. Thomas Arkoosh, Attorney 8/18/10
Date


Nicholas Spencer 8/31/10
Deputy Attorney General Date

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

RIGHT NUMBER: 21-12962

NAME AND ADDRESS:

EGIN BENCH CANALS INC
PO BOX 15
ST ANTHONY ID 83445

JLR

SOURCE:

Source:
HENRYS FORK

Tributary:
SNAKE RIVER

Dw
20

QUANTITY: 120.000 CFS

Right Nos. 21-12961 and 21-12962 are limited to a total combined diversion rate of 220 cfs.

PRIORITY DATE: 02/09/1897

POINT OF DIVERSION:

T08N R41E S14 Lot 4 NWSE
Within FREMONT County

AK

MNG

PURPOSE AND
PERIOD OF USE:

Purpose of use:	Period of use:	Quantity:
IRRIGATION	<u>07/02 10/31</u> ~~07/02 10/31~~	120.000 CFS
STOCKWATER	01/01 12/31	25.000 CFS
~~GROUND WATER RECHARGE~~	~~11/01 03/31~~	~~65.000 CFS~~
<u>SUBIRRIGATION</u>	<u>11/01 03/31</u>	<u>65.000 CFS</u>

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:

SUBIRRIGATION Same as IRRIGATION

STOCKWATER Same as IRRIGATION

30102 ACRES TOTAL

4130 ACRES TOTAL

Right Nos. 21-12961 and 21-12962 are limited to the irrigation of a combined total of 3690 acres in a single irrigation season.

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

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 Last Chance Canal.

This right is old Right No. 1-96.

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

CERTIFICATE OF MAILING

I certify that on September 2, 2010, 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
Represented by:
BARKER, ROSHOLT & SIMPSON LLP
113 MAIN AVE W, STE 303
PO BOX 485
TWIN FALLS, ID 83303-0485

AMERICAN FALLS RESERVOIR
Represented by:
C THOMAS ARKOOSH
CAPITOL LAW GROUP, PLLC
301 MAIN ST
PO BOX 32
GOODING, ID 83330

EGIN BENCH CANALS INC
Represented by:
JERRY R. RIGBY
25 N 2ND E
PO BOX 250
REXBURG, ID 83440-0250

A & B IRRIGATION DISTRICT
BURLEY IRRIGATION DISTRICT

Represented by:
ROGER D LING
615 H ST
PO BOX 396
RUPERT, ID 83350-0396

NORTH SIDE CANAL CO LTD
TWIN FALLS CANAL COMPANY

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

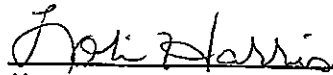
UNITED STATES OF AMERICA

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
PO BOX 248
BURLEY, ID 83318

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



Signature of person mailing the form