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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 No. 01-10488
	)	
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 enlargement water right should be described per the attached. This SF5 does not resolve North Side Canal Company's digital boundary, which is at-issue in other proceedings. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

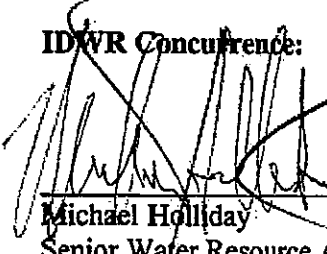
CLAIMANT/OBJECTOR:
North Side Canal Company, LTD

RESPONDENT:
State of Idaho

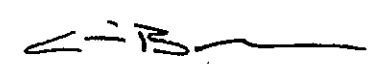
 10/12/10
Travis L. Thompson Date
Attorney for Claimant/Objector

 10/8/10
David I. Stanish Date
Attorney for Respondent

IDWR Concurrence:


Michael Holliday
Senior Water Resource Agent

10/8/2010
Date


Chris Bromley
Deputy Attorney General
Attorney for IDWR

10/8/10
Date

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

RIGHT NUMBER: 1-10488

NAME AND ADDRESS: NORTH SIDE CANAL CO LTD
921 N LINCOLN AVE
JEROME ID 83338

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 82.660 CFS ~~27.94 CFS~~

The rights listed below are limited to a total combined diversion rate of 4132 cfs. Combined Right Nos.: 1-5, 1-16, 1-210, 1-212, 1-213, and 1-10488.

PRIORITY DATE: 03/17/1987

This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.

POINT OF
DIVERSION:

T10S R21E S22 SESE Within JEROME County
T10S R21E S28 SWNW Lot 5 Within JEROME County
T10S R21E S28 SWSNW Lot 5 Within JEROME County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	~~27.94 CFS~~ <u>82.660 CFS</u>

PLACE OF USE:

~~155464~~ 158200 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 North Side Canal Company.

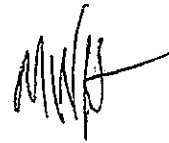
~~The rights listed below are limited to the irrigation of a combined total of~~

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

~~155,464 acres in a single irrigation season. Combined Right Nos.: 1-5, 1-16, 1-210, 1-212, 1-213, 1-10488 and 37-507.~~

The rights listed below are limited to the irrigation of a combined total of 158,200 acres in a single irrigation season. Combined Right Nos.: 1-5, 1-16, 1-210, 1-212, 1-213, 1-10488 and 37-507.

Place of use does not include federal public lands.


CB
PS
707

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.

This right is based upon an enlargement of Right Nos. 1-5, 1-16, 1-210, 1-212, and 1-213 pursuant to Section 42-1426, Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Water is delivered through North Side Main Canal, Milner Gooding Canal, and P A Lateral.

~~This right is for an enlargement of 1397 acres within the place of use described for this right.~~

This right is for an enlargement of 4133 acres within the place of use described for this right.

CERTIFICATE OF MAILING

I certify that on October 12, 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:

DIRECTOR OF IDWR
P.O. BOX 83720
BOISE, ID 83720-0098

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

NORTH SIDE CANAL CO.
NORTH SIDE CANAL CO LTD
Represented by:
TRAVIS L. THOMPSON
113 MAIN AVE. W., STE. 303
PO.. BOX 485
TWIN FALLS, ID 83303-0485



Signature of person or attorney mailing the form