

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

July 28, 2011

Jerry R. Rigby
25 N. 2nd E
P.O. Box 250
Rexburg, ID 83440-0250

RE: SRBA Subcase Nos. 27-22D (Split into 27-22A & 27-22B) and 27-35D (Split into 27-35A & 27-35B (Eastern Idaho Water Company))

Dear Jerry:

I am enclosing new SF5s for each of the above-referenced water rights. The SF5s for 27-22A and 27-35A vary slightly from the SF5s that I sent previously. Based on discussions between Michael Holliday and Larry Hinderager, the reference to Eastern Idaho Slough was changed to Blackfoot Slough Canal. Also, Mr. Hinderager asked that I send a copy of the SF5s to him, so that he can review them quickly and notify you if they are acceptable. If the SF5s are acceptable, please sign on the indicated signature lines, initial the recommendations and return the original SF5s to me. I will obtain the remaining signatures and make sure the SF5s are filed with the SRBA Court.

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

Sincerely,

A handwritten signature in cursive script that reads "Ray Williams".

Ray Williams
Paralegal

Enclosures

cc: Larry Hinderager

IDWR Concurrence:

Michael Holliday	Date
Water Rights Supervisor	

Andrea L. Courtney	Date
Deputy Attorney General	
Attorney for IDWR	

IDAHO DEPARTMENT OF WATER RESOURCES
CLAIMS / RIGHTS NOT RECOMMENDED

<u>W.R. NUMBER</u>	<u>NAME AND ADDRESS</u>	<u>CLAIM DISPOSITION</u>	<u>REASON</u>
27-22D	EASTERN IDAHO WATER COMPANY 279 N 400 E BLACKFOOT ID 83221	Disallowed	Recommended as Right Nos. 27-22A and 27-22B.

CERTIFICATE OF MAILING

I certify that on _____, 2011, 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:

EASTERN IDAHO WATER COMPANY
Represented by:
JERRY R. RIGBY
25 N. 2ND E.
P.O. BOX 250
REXBURG, ID 83440-0250

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

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

Signature of person or attorney

**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

Case No. 39576

) **Subcase No. 27-22A**

) *Split from 27-22D*

) **STANDARD FORM 5**

) **STIPULATED ELEMENTS OF A
WATER RIGHT**

_____)

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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:

Eastern Idaho Water Company

OBJECTOR:

Bureau of Land Management

Jerry R. Rigby
Attorney for Claimant

Date

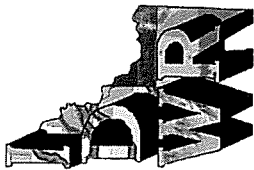
David L. Negri
Attorney for Objector

Date

IDWR Concurrence:

Michael Holliday Date
Water Rights Supervisor

Andrea L. Courtney Date
Deputy Attorney General
Attorney for IDWR



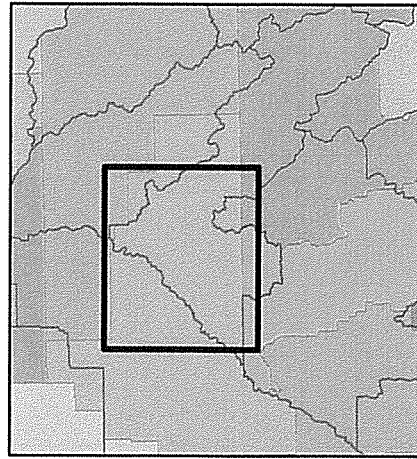
Eastern Idaho Water Company

Adjudication Recommendations: 27-22A, 27-22B, 27-35A, 27-35B

Irrigation Service Area Boundary
GIS Place of Use Illustration

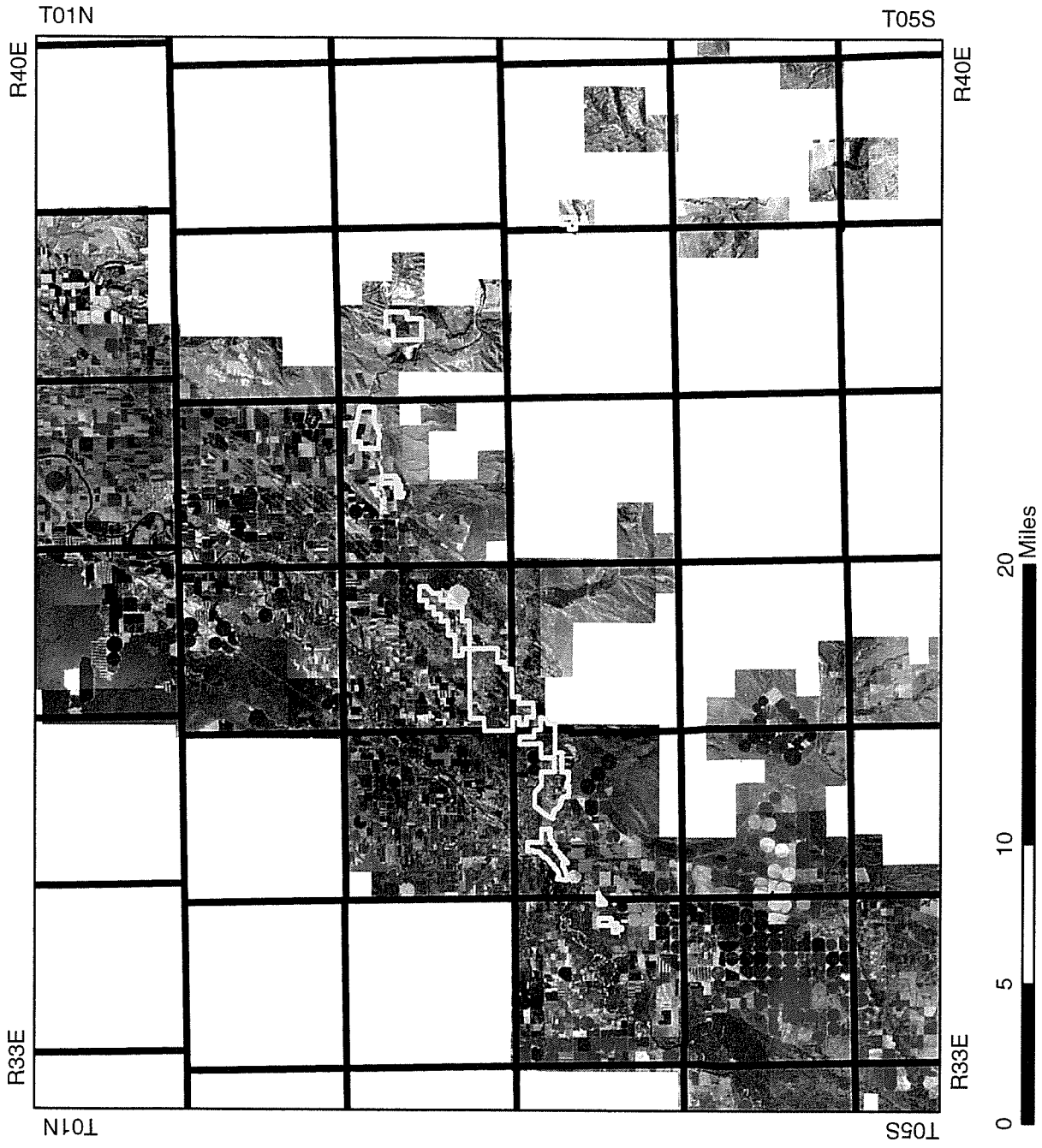
Legend

-  Service Area
-  State Outline
-  Townships



Bingham County
IDWR Basin 27

Prepared by Favreau, Danielle
On June 02, 2011
1987/88 Aerial Photography



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Represented by:
JERRY R. RIGBY
25 N. 2ND E.
P.O. BOX 250
REXBURG, ID 83440-0250

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

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

Signature of person or attorney

**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. 27-22B
	)	<i>Split from 27-22D</i>
	)	
Case No. 39576	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
_____	)	WATER RIGHT

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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:
Eastern Idaho Water Company

OBJECTOR:
Bureau of Land Management

Jerry R. Rigby Date
Attorney for Claimant

David L. Negri Date
Attorney for Objector

IDWR Concurrence:

Michael Holliday
Water Rights Supervisor

Andrea L. Courtney Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 27-22B

NAME AND ADDRESS: EASTERN IDAHO WATER COMPANY
279 N 400 E
BLACKFOOT ID 83221

SOURCE: WOLVERINE CREEK

TRIBUTARY: BLACKFOOT RIVER

QUANTITY: 0.590 CFS

Right Nos. 27-22B and 27-35B are limited to a total combined annual diversion volume of 161 AF.

PRIORITY DATE: 03/25/1880

Pursuant to a call in times of scarcity on Wolverine Creek, this right has a priority date of April 1, 1980.

POINT OF
DIVERSION:

T02S R38E S10 SWSW Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

0.590 CFS

PLACE OF USE:

2607 ACRES TOTAL

Place of use is within the area served by Eastern Idaho Water 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.

Right Nos. 27-22B and 27-35B are limited to the irrigation of a combined total of 46 acres in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 2607 acres in a single irrigation season. Combined Right Nos.: 27-22A, 27-22B, 27-35A, and 27-35B.

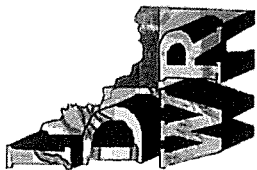
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

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

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 27.



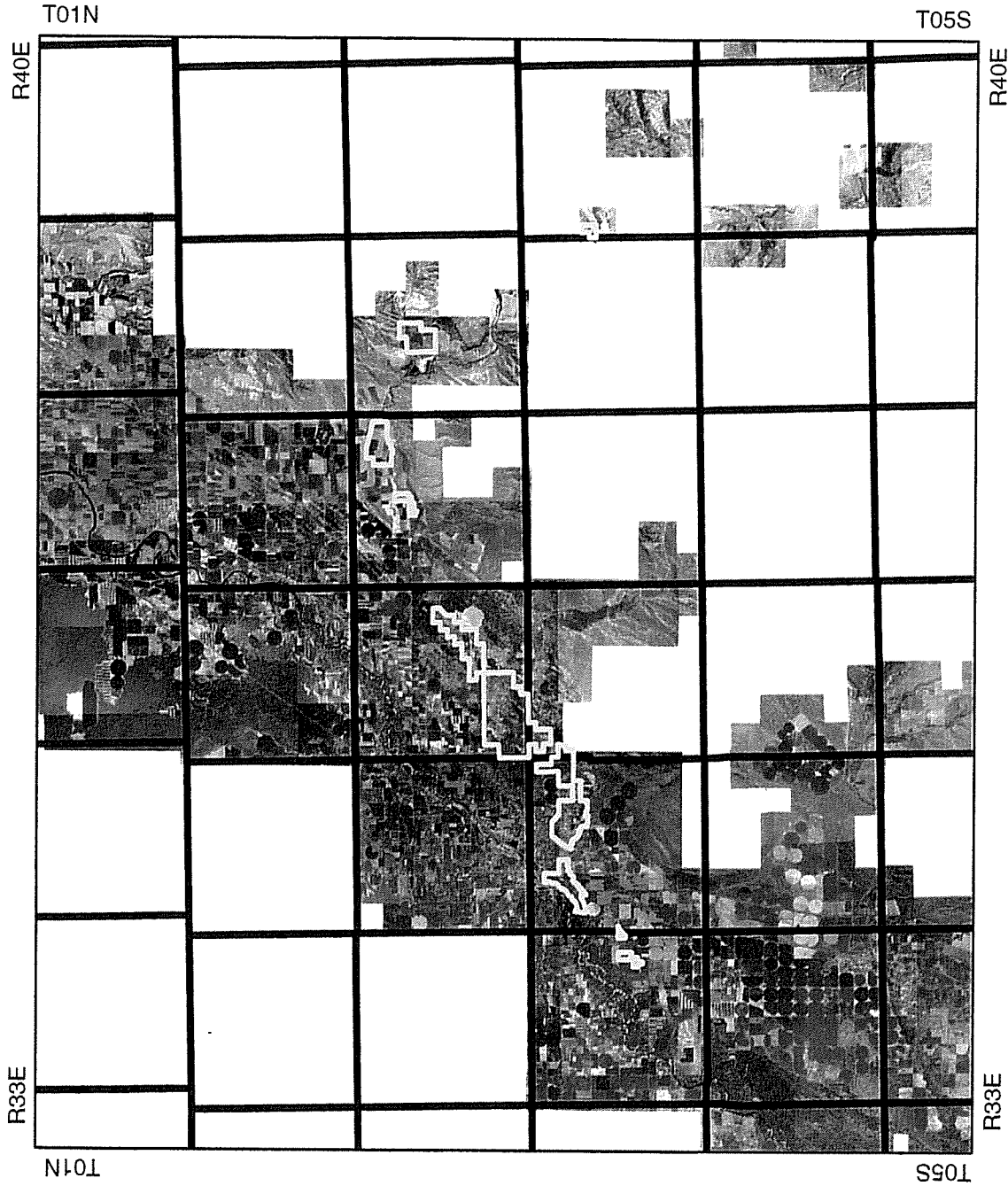
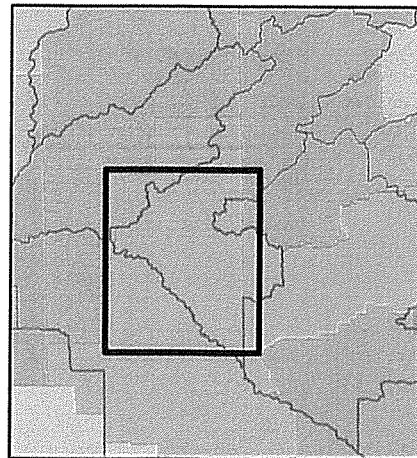
Eastern Idaho Water Company

Adjudication Recommendations: 27-22A, 27-22B, 27-35A, 27-35B

Irrigation Service Area Boundary
GIS Place of Use Illustration

Legend

-  Service Area
-  State Outline
-  Townships



Bingham County
IDWR Basin 27

Prepared by Favreau, Danielle
On June 02, 2011
1987/88 Aerial Photography

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EASTERN IDAHO WATER COMPANY

Represented by:
JERRY R. RIGBY
25 N. 2ND E.
P.O. BOX 250
REXBURG, ID 83440-0250

UNITED STATES OF AMERICA

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

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

Signature of person or attorney

**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. 27-35D
	)	<i>Split into 27-35A & 27-35B</i>
Case No. 39576	)	
	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
_____	)	WATER RIGHT

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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 disallowed. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT:
Eastern Idaho Water Company

OBJECTOR:
Bureau of Land Management

Jerry R. Rigby Date
Attorney for Claimant

David L. Negri Date
Attorney for Objector

IDWR Concurrence:

Michael Holliday	Date
Water Rights Supervisor	

Andrea L. Courtney	Date
Deputy Attorney General	
Attorney for IDWR	

IDAHO DEPARTMENT OF WATER RESOURCES
CLAIMS / RIGHTS NOT RECOMMENDED

<u>W.R. NUMBER</u>	<u>NAME AND ADDRESS</u>	<u>CLAIM DISPOSITION</u>	<u>REASON</u>
27-35D	EASTERN IDAHO WATER COMPANY 279 N 400 E BLACKFOOT ID 83221	Disallowed	Recommended as Right Nos. 27-35A and 27-35B.

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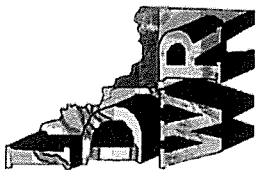
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Water Rights Supervisor

Andrea L. Courtney Date
Deputy Attorney General
Attorney for IDWR



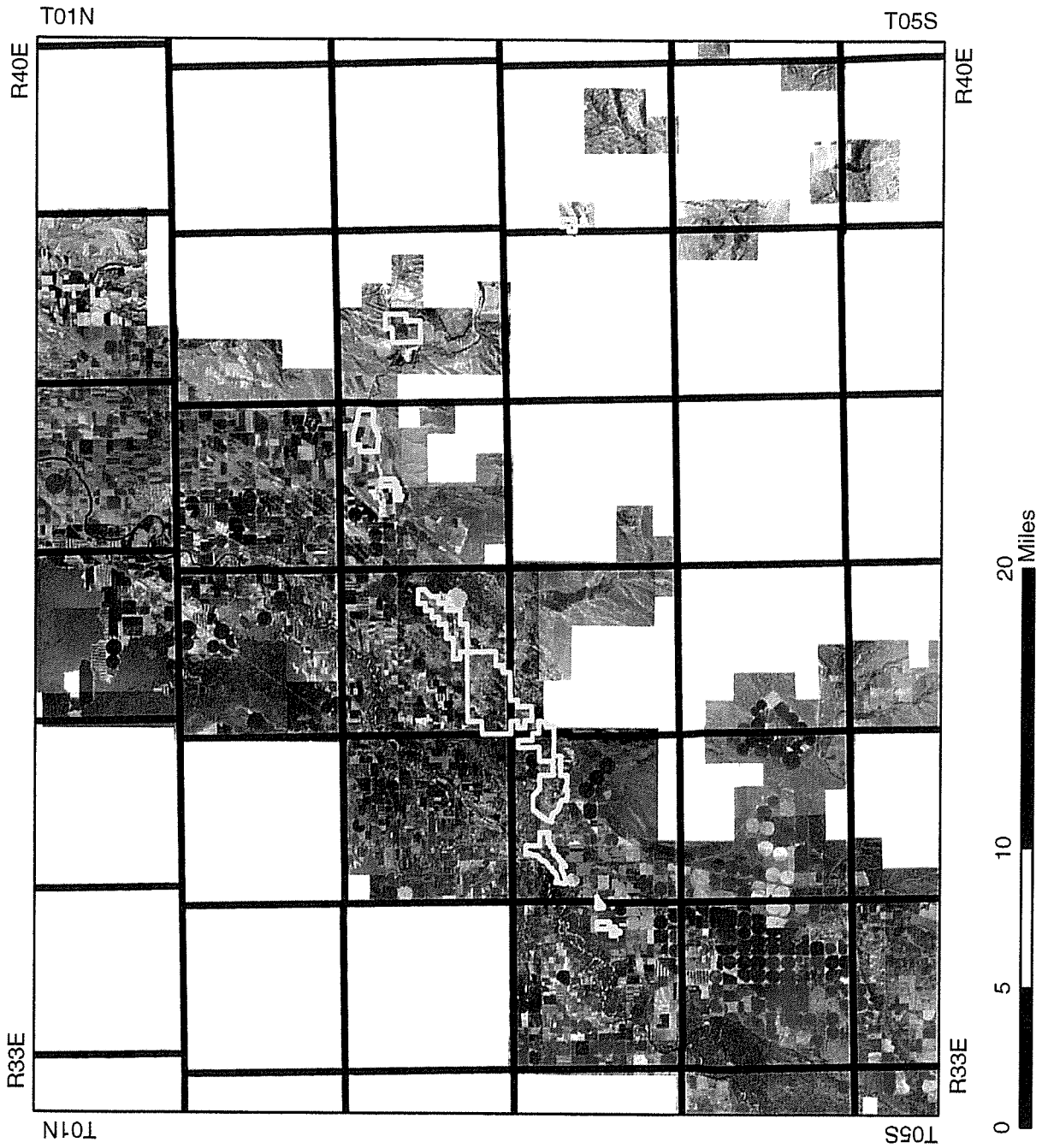
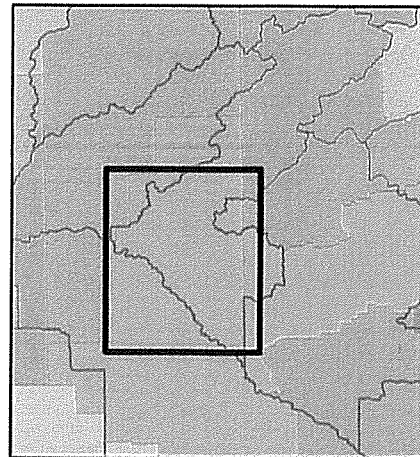
Eastern Idaho Water Company

Adjudication Recommendations: 27-22A, 27-22B, 27-35A, 27-35B

Irrigation Service Area Boundary
GIS Place of Use Illustration

Legend

-  Service Area
-  State Outline
-  Townships



Bingham County
IDWR Basin 27

Prepared by Favreau, Danielle
On June 02, 2011
1987/88 Aerial Photography

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OBJECTOR:
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Jerry R. Rigby Date
Attorney for Claimant

David L. Negri Date
Attorney for Objector

IDWR Concurrence:

Michael Holliday	Date
Water Rights Supervisor	

Andrea L. Courtney	Date
Deputy Attorney General	
Attorney for IDWR	

RIGHT NUMBER: 27-35B

SOURCE: WOLVERINE CREEK

QUANTITY: 0.330 CFS

PRIORITY DATE: 10/01/1885

T02S R38E S10 SWSW Within BINGHAM County

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

0.330 CFS

PLACE OF USE:

2607 ACRES TOTAL

Place of use is within the area served by Eastern Idaho Water 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.

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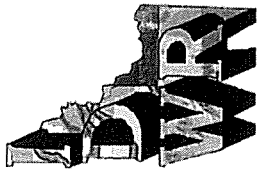
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 27.

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



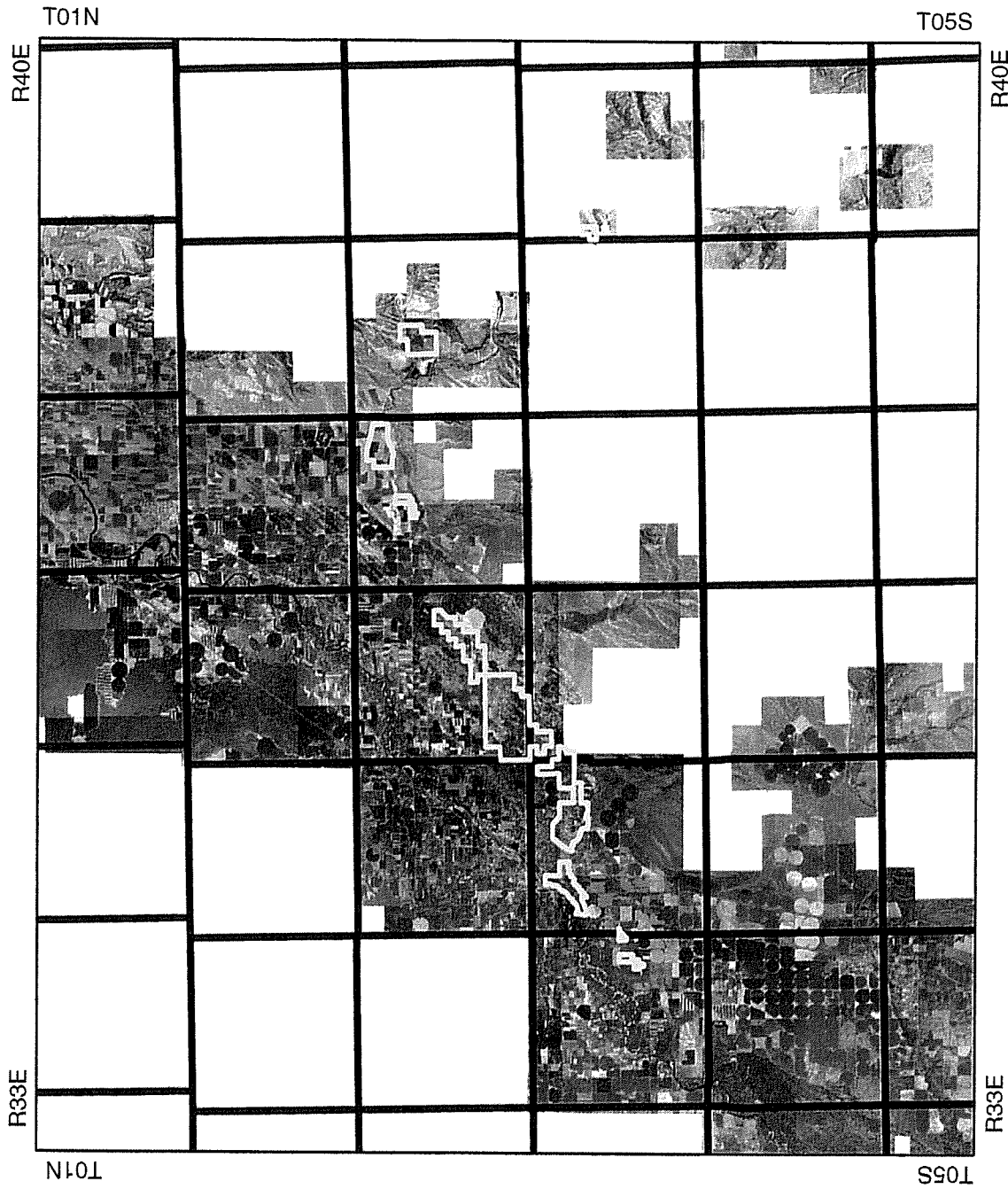
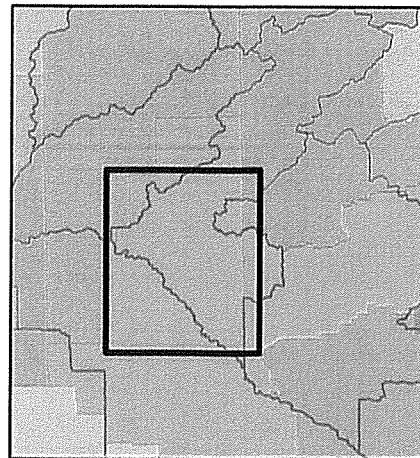
Eastern Idaho Water Company

Adjudication Recommendations: 27-22A, 27-22B, 27-35A, 27-35B

Irrigation Service Area Boundary
GIS Place of Use Illustration

Legend

-  Service Area
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0 5 10 20 Miles

Bingham County
IDWR Basin 27

Prepared by Favreau, Danielle
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