



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

November 9, 2011

Randall C. Budge
201 E. Center, Suite A2
P.O. Box 1391
Pocatello, ID 83402-1391

*RE: SRBA Subcase Nos. 01-23B, 01-297, 35-2546 & 35-4246
(Aberdeen-Springfield Canal Company)*

Dear Randy:

I am enclosing an SF5 for each of the above-referenced subcases. Please review the documents, and if they are acceptable, please sign on the indicated signature lines and initial the revised recommendations. Please return the original SF5s to me after signature, and I will obtain the remaining signatures and file them 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

**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. 01-23B
	)	
	)	
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 as per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages. No changes have been made to the digital boundary on file with the Court, thus no updated digital boundary is attached.

CLAIMANT/ OBJECTOR:

Aberdeen-Springfield Canal Company

Randall C. Budge Date
Attorney for Claimant/Objector

OBJECTOR(S):

Bureau of Reclamation

Bureau of Land Management

David W. Gehlert Date
Attorney for Objector

American Falls Reservoir Dist. #2

David L. Negri Date
Attorney for Objector

Minidoka Irrigation District

Craig D. Hobbley Date
Attorney for ObjectorNorth Side Canal Company, Ltd.
Twin Falls Canal Company
Milner Irrigation District
A & B Irrigation District
Burley Irrigation District

W. Kent Fletcher Date
Attorney for Objector

Travis L. Thompson Date
Attorney for Objectors**RESPONDENT:**

State of Idaho

Harriet A. Hensley Date
Attorney for Respondent**IDWR Concurrence:**

Michael Holliday Date
Water Rights Supervisor

Chris M. Bromley Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 1-23B

NAME AND ADDRESS: ABERDEEN-SPRINGFIELD CANAL CO
PO BOX 857
ABERDEEN ID 83210

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 1,172.100 CFS

PRIORITY DATE: 02/06/1895

POINT OF DIVERSION:

T01S R36E S34 SENE Lot 14 Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	1,172.100 CFS
RECHARGE FOR IRRIGATION	04/01 10/31	389.500 CFS

PLACE OF USE:

61,772.6 ACRES TOTAL

~~Diversion of this right for the purpose of recharge for irrigation is authorized for a maximum of 17,161.6 acres.~~

The rights listed below are limited to the irrigation of a combined total of 61,772.6 acres in a single irrigation season. Combined Right Nos.: 1-23B, 1-297, 35-2543, and 35-4246.

Place of use is within the area served by Aberdeen-Springfield 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.

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.

~~The administration of this right is further defined and set forth in the Settlement Agreement Regarding Aberdeen-Springfield Canal Company's Basin-01 Surface Water Rights and Consolidated SRBA Subcase No. 35-2315, recorded as instrument number 563578 in the Bingham County Recorder's Office, Blackfoot, Idaho.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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

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

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

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:

AMERICAN FALLS RESERVOIR DIST. #2
Represented by:
CRAIG D. HOBDEY
125 5TH AVE.
P.O. BOX 176
GOODING, ID 83330

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

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

A & B IRRIGATION DISTRICT
BURLEY IRRIGATION DISTRICT
MILNER IRRIGATION DISTRICT
NORTH SIDE CANAL CO., LTD
TWIN FALLS CANAL COMPANY
Represented by:
TRAVIS L THOMPSON
113 MAIN AVE. W., STE 303
P.O. BOX 485
TWIN FALLS, ID 83303-0485

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

MINIDOKA IRRIGATION DISTRICT
Represented by:
W. KENT FLETCHER
1200 OVERLAND AVE.
P.O. BOX 248
BURLEY, ID 83318

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. 01-297
	)	
	)	
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 as per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages. No changes have been made to the digital boundary on file with the Court, thus no updated digital boundary is attached.

CLAIMANT/OBJECTOR:

Aberdeen-Springfield Canal Company

Randall C. Budge Date
Attorney for Claimant/Objector

OBJECTOR(S):

Bureau of Land Management

Minidoka Irrigation District

David L. Negri Date
Attorney for Objector

American Falls Reservoir Dist. #2

W. Kent Fletcher Date
Attorney for ObjectorNorth Side Canal Company, Ltd.
Twin Falls Canal Company
Milner Irrigation District
A & B Irrigation District
Burley Irrigation District

Craig D. Hobdey Date
Attorney for Objector

Travis L. Thompson Date
Attorney for Objectors**RESPONDENT:**

State of Idaho

OBJECTOR/RESPONDENT:

Bureau of Reclamation

Harriet A. Hensley Date
Attorney for Respondent

David W. Gehlert Date
Attorney for Objector/Respondent**IDWR Concurrence:**

Michael Holliday Date
Water Rights Supervisor

Chris M. Bromley Date
Deputy Attorney General
Attorney for IDWR

RIGHT NUMBER: 1-297

NAME AND ADDRESS: ABERDEEN-SPRINGFIELD CANAL CO
PO BOX 857
ABERDEEN ID 83210

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 230.000 CFS

PRIORITY DATE: 04/01/1939

POINT OF
DIVERSION: T01S R36E S34 SENE Lot 14 Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	230.000 CFS

PLACE OF USE:

61772.6 ACRES TOTAL

Place of use is within the area served by Aberdeen-Springfield 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 61,772.6 acres in a single irrigation season. Combined Right Nos.:1-23B, 1-297, 35-2543, and 35-4246.

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

The delivery of water to this right may be subject to procedures described in the United States Bureau of Reclamation "space holder" contracts and the Burley Irrigation Dist. v. Eagle, Supplemental Decree (Idaho 5th Jud. Dist., July 10, 1968) and Aberdeen-Springfield Canal Co. v. Eagle, Supplemental Decree (Idaho 7th Jud. Dist., March 12, 1969) together with the natural flow and storage deliveries as calculated by the Idaho Department of Water Resources.

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 point of diversion pursuant to Section 42-1425, Idaho Code.

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

CERTIFICATE OF MAILING

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253 THIRD AVENUE NORTH
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Represented by:
CRAIG D. HOBDEY
125 5TH AVE.
P.O. BOX 176
GOODING, ID 83330

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

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

A & B IRRIGATION DISTRICT
BURLEY IRRIGATION DISTRICT
MILNER IRRIGATION DISTRICT
NORTH SIDE CANAL CO., LTD
TWIN FALLS CANAL COMPANY
Represented by:
TRAVIS L THOMPSON
113 MAIN AVE. W., ST.E 303
P.O. BOX 485
TWIN FALLS, ID 83303-0485

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ENVIRONMENT & NATL' RESOURCES
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MINIDOKA IRRIGATION DISTRICT
Represented by:
W. KENT FLETCHER
1200 OVERLAND AVE.
P.O. BOX 248
BURLEY, ID 83318

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. 35-2543
	)	
	)	
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 as per the attached, which reflects no changes from the Director's Report. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages. No changes have been made to the digital boundary on file with the Court, thus no updated digital boundary is attached.

CLAIMANT/OBJECTOR:

Aberdeen-Springfield Canal Company

Randall C. Budge	Date
Attorney for Claimant/Objector	

OBJECTOR(S):

Bureau of Land Management

Minidoka Irrigation District

David L. Negri Date
Attorney for Objector

American Falls Reservoir Dist. #2

W. Kent Fletcher Date
Attorney for ObjectorNorth Side Canal Company, Ltd.
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Milner Irrigation District
A & B Irrigation District
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Craig D. Hobday Date
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Travis L. Thompson Date
Attorney for Objectors**RESPONDENT:**

State of Idaho

Harriet A. Hensley Date
Attorney for Respondent**IDWR Concurrence:**

Michael Holliday Date
Water Rights Supervisor

Chris M. Bromley Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 35-2543

NAME AND ADDRESS: ABERDEEN-SPRINGFIELD CANAL CO
PO BOX 857
ABERDEEN ID 83210

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 6.000 CFS
2,547.00 AFY

PRIORITY DATE: 08/07/1958

POINT OF
DIVERSION:

T05S R31E S11 NWNESW Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

6.000 CFS
2,547.00 AFY

PLACE OF USE:

61772.6 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 Aberdeen-Springfield Canal Company.

The rights listed below are limited to the irrigation of a combined total of 61,772.6 acres in a single irrigation season. Combined Right Nos.: 1-23B, 1-297, 35-2543, and 35-4246.

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 - License

CERTIFICATE OF MAILING

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GOODING, ID 83330

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ATTORNEY GENERAL'S OFFICE
P.O. BOX 44449
BOISE, ID 83711-4449

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

A & B IRRIGATION DISTRICT
BURLEY IRRIGATION DISTRICT
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NORTH SIDE CANAL CO., LTD
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TRAVIS L THOMPSON
113 MAIN AVE. W., ST.E 303
P.O. 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 O33
BOISE, ID 83724

MINIDOKA IRRIGATION DISTRICT

Represented by:

W. KENT FLETCHER
1200 OVERLAND AVE.
P.O. BOX 248
BURLEY, ID 83318

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. 35-4246
	)	
	)	
Case No. 39576	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

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CLAIMANT/ OBJECTOR:

Aberdeen-Springfield Canal Company

Randall C. Budge Date
Attorney for Claimant/Objector

OBJECTOR(S):

Bureau of Land Management

Minidoka Irrigation District

David L. Negri Date
Attorney for Objector

W. Kent Fletcher Date
Attorney for Objector

American Falls Reservoir Dist. #2

North Side Canal Company, Ltd.
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Milner Irrigation District
A & B Irrigation District
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Craig D. Hobdey Date
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Attorney for Objectors

RESPONDENT:

State of Idaho

Harriet A. Hensley Date
Attorney for Respondent

IDWR Concurrence:

Michael Holliday Date
Water Rights Supervisor

Chris M. Bromley Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 35-4246

NAME AND ADDRESS: ABERDEEN-SPRINGFIELD CANAL CO
PO BOX 857
ABERDEEN ID 83210

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 2.440 CFS
155.00 AFY

PRIORITY DATE: 10/15/1934

POINT OF
DIVERSION:

T06S R31E S4 SWNW Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	2.440 CFS 155.00 AFY

PLACE OF USE:

61772.6 ACRES TOTAL

Place of use is within the area served by Aberdeen-Springfield 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 61,772.6 acres in a single irrigation season. Combined Right Nos.: 1-23B, 1-297, 35-2543, and 35-4246.

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 - Beneficial Use

CERTIFICATE OF MAILING

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1. Original to:

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