



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

December 27, 2011

Michael C. Orr
Deputy Attorney General
Office of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449

Sent via Statehouse Mail

RE: SRBA Subcase Nos. 01-13 & 01-2061

Dear Michael:

I am enclosing a Standard Form 5 ("SF5") for each of the above-referenced subcases. Please review the documents, and if they are acceptable to you, please sign on the indicated signature lines, initial the revised recommendations and return the originals to me. I will circulate the SF5s for the remaining signatures and subsequent filing with the SRBA Court.

If you should have any questions or comments, please feel free to contact me at 287-4815.

Sincerely,

A handwritten signature in black ink that reads "Ray Williams". The signature is fluid and cursive.

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. 01-13
	)	
Case No. 39576	)	
	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

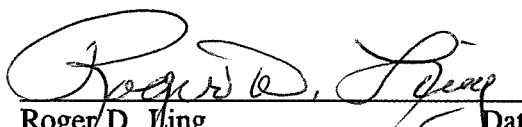
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary 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/OBJECTOR/RESPONDENT:

Falls Irrigation District

	12/20/11
Roger D. Ling	Date
Attorney for Claimant/Objector/Respondent	

OBJECTOR:

Bureau of Land Management

OBJECTOR/RESPONDENT:

Bureau of Reclamation

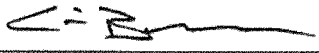
David L. Negri Date
Attorney for Objector

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

State of Idaho

Michael C. Orr Date
Attorney for Respondent**IDWR Concurrence:**

Michael Holliday Date
Water Right Supervisor

 12/8/11
Chris M. Bromley Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 1-13

NAME AND ADDRESS: FALLS IRRIGATION DISTRICT
310 VALDEZ ST
AMERICAN FALLS ID 83211

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 125.000 CFS

PRIORITY DATE: 04/01/1939

POINT OF
DIVERSION:

T07S R31E S30 SWSE Within POWER County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	125.000 CFS

PLACE OF USE:

12621 ACRES TOTAL

Place of use is within the boundary of Falls Irrigation District pursuant to Section 43-323, Idaho Code.

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.

This right is limited to the irrigation of 6250 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 12,621 acres in a single irrigation season. Combined right nos. 01-13, 01-2061, 29-2262, 29-2267, 29-2288, 29-2306, 29-2307, 29-2310, 29-2341, 29-2380, 29-2568, 29-2614, 29-11167, 29-11168, 29-11169, 29-13388, 29-13389, 29-13426, 29-13427.

Place of use does not include federal public lands unless authorized in writing by the United States Bureau of Land Management or Bureau of Reclamation.

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 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~~

LB
MS

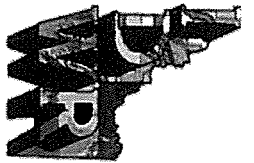
~~the Idaho Department of Water Resources.~~

CB

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Water is delivered through Michaud Canal at American Falls.

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



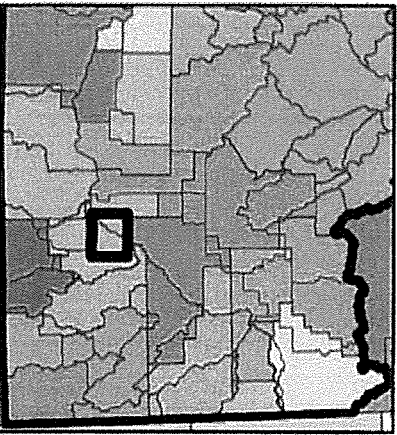
Falls Irrigation District

Adjudication Recommendations: 1-13, 1-2061

Irrigation Service Area Boundary
GIS Place of Use Illustration

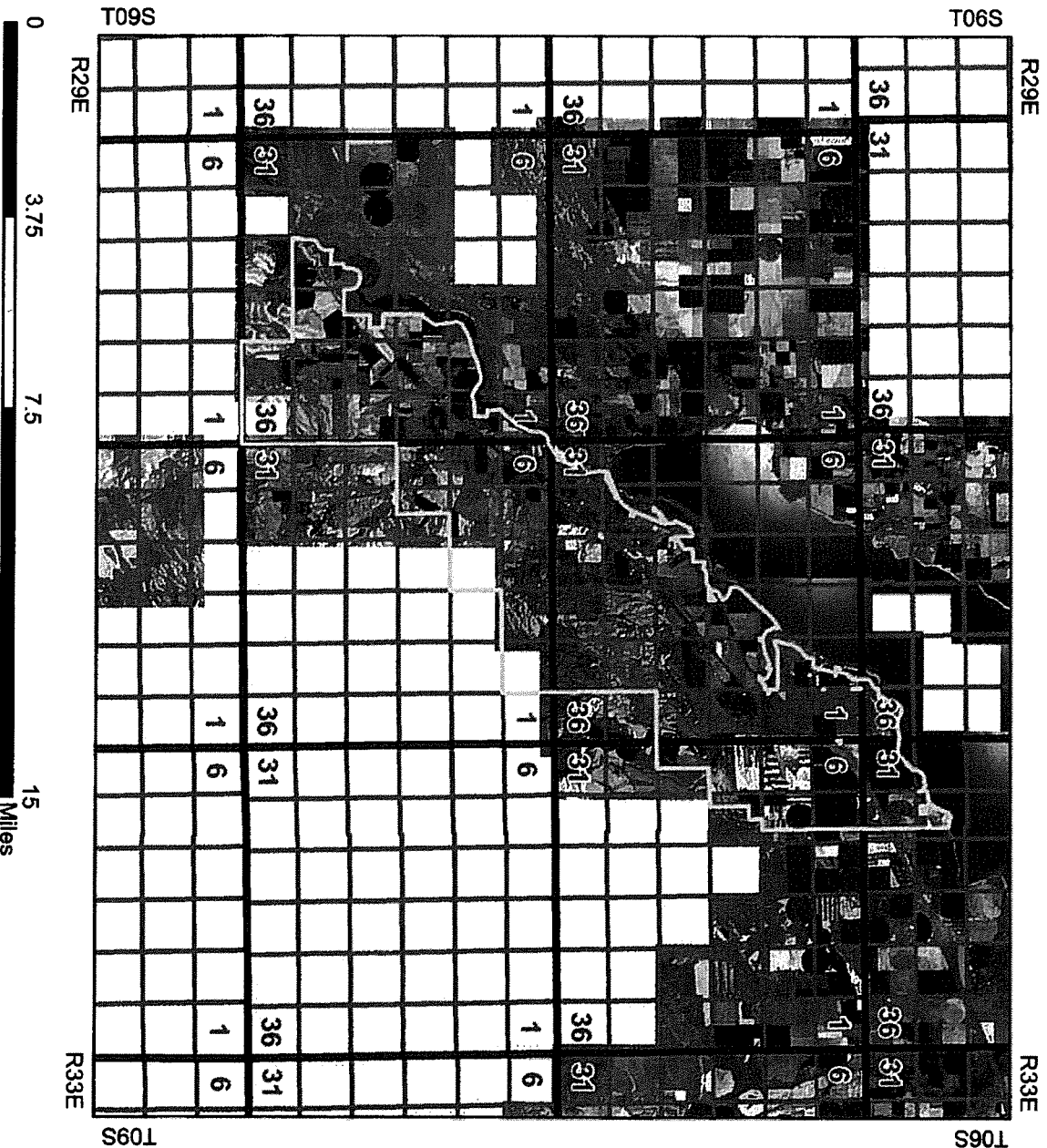
Legend

- Service Area
- State Outline
- Townships
- PLS Sections



Power County
IDWR Basin 1

Prepared by Favreau, Danielle
On October 31, 2011
1987/88 Aerial Photography



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:

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

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

FALLS IRRIGATION DISTRICT
Represented by:
ROGER D. LING
615 H ST.
P.O. BOX 396
RUPERT, ID 83350-0396

IDWR REPOSITORY
P.O. BOX 83720
BOISE, ID 83720-0098

Signature of person or attorney mailing the form

**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. 01-2061
	)	
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.

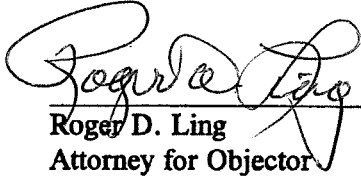
CLAIMANT/OBJECTOR/RESPONDENT:
Bureau of Reclamation

David W. Gehlert	Date
Attorney for Claimant/Objector/Respondent	

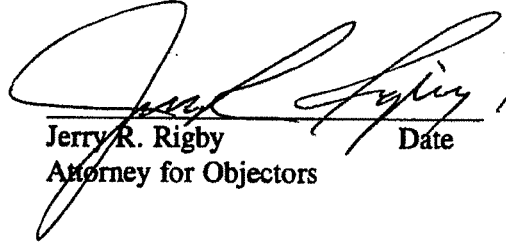
OBJECTOR(s):

Falls Irrigation District

Fremont-Madison Irrigation District
Blackfoot Irrigation Company
United Canal Company

 12/29/11

Roger D. Ling Date
Attorney for Objector

 12-9-11

Jerry R. Rigby Date
Attorney for Objectors

RESPONDENT:

State of Idaho

Michael C. Orr Date
Attorney for Respondent

IDWR Concurrence:

Michael Holliday Date
Water Right Supervisor

 12/8/11

Chris M. Bromley Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 1-2061

NAME AND ADDRESS: UNITED STATES OF AMERICA ACTING THROUGH
BUREAU OF RECLAMATION
REGIONAL DIRECTOR PN CODE-3100
1150 N CURTIS RD STE 100
BOISE ID 83706-1234

The beneficial use of the water represented hereby is for the landowners within the Falls Irrigation District pursuant to Contract No. 14-06-100-851, dated December 9, 1955 (as may be supplemented or amended) between the United States of America through the U.S. Bureau of Reclamation and the Falls Irrigation District for irrigation and other permitted purposes as authorized by the Act of August 31, 1954, Ch. 1159, 68 Stat. 1026, of the Michaud Flats Project.

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 153.000 CFS
27,121.50 AFY

diversion Use of this right with Right No. 1-13 is limited to a total combined rate of 153 cfs.

PRIORITY DATE: 06/11/1956

POINT OF
DIVERSION:

T07S R31E S30 SWSE Within POWER County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	153.000 CFS 27,121.50 AFY

PLACE OF USE:

12621 ACRES TOTAL

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Use of this right with Right No. 1-13 is limited to the irrigation of a combined total of 7843 acres in a single irrigation season.

This right is limited to the irrigation of 7843 acres within the place of use described above in a single irrigation season.

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

12,621 acres in a single irrigation season. Combined right nos. 01-13, 01-2061, 29-2262, 29-2267, 29-2288, 29-2306, 29-2307, 29-2310, 29-2341, 29-2380, 29-2568, 29-2614, 29-11167, 29-11168, 29-11169, 29-13388, 29-13389, 29-13426, 29-13427.

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.

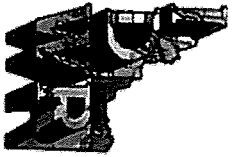
CB *[Signature]*
[Signature]

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Water is delivered through Michaud Canal at American Falls.

Use of water under this water right will be regulated by the watermaster of State Water District No. 01, Snake River.

A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.



Falls Irrigation District

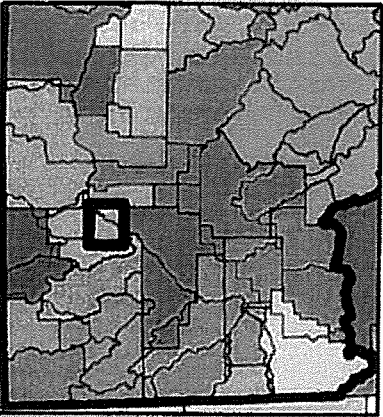
Adjudication Recommendations: 1-13, 1-2061

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Irrigation Service Area Boundary
GIS Place of Use Illustration

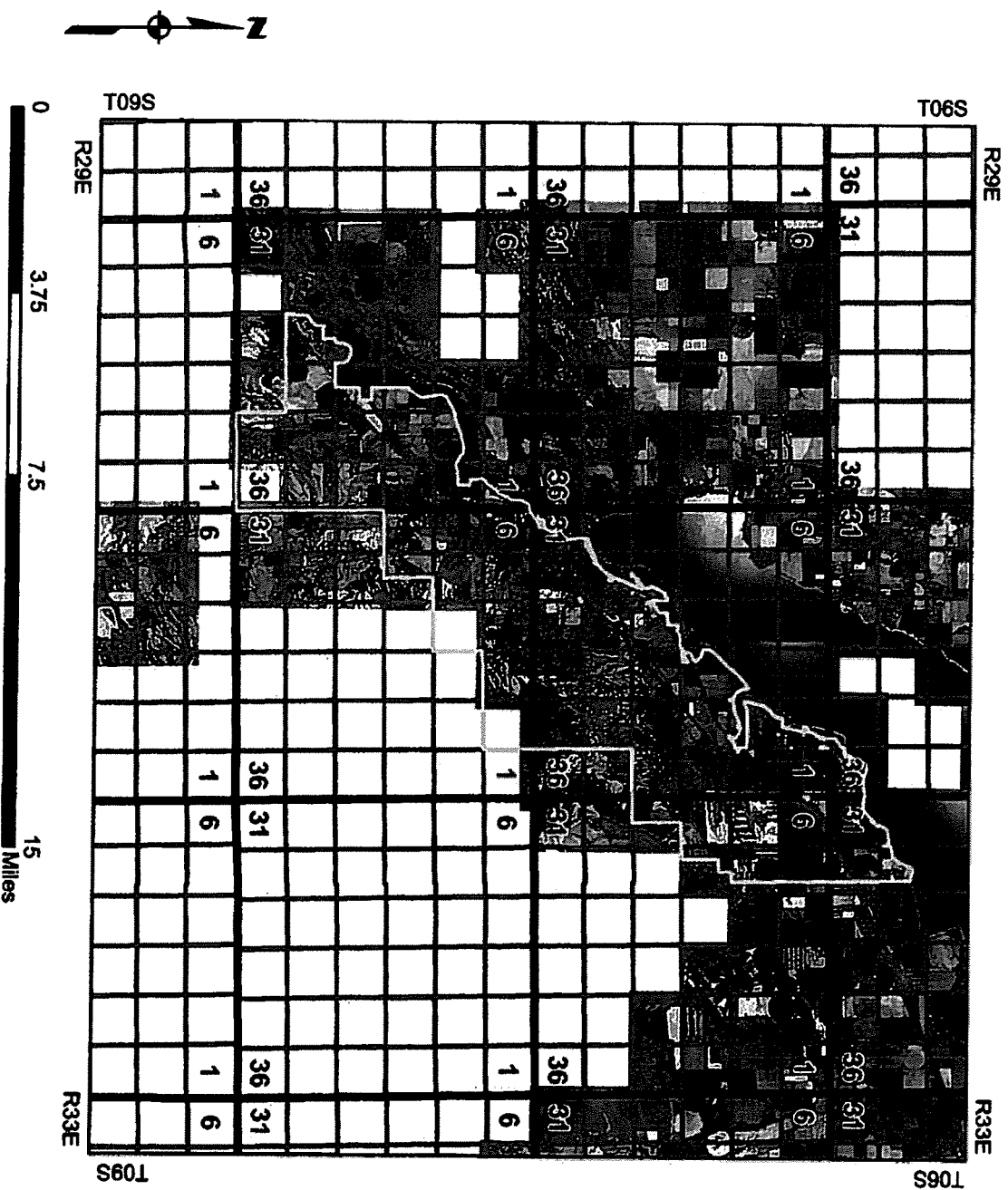
Legend

- Service Area
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Power County
IDWR Basin 1

Prepared by Favreau, Danielle
On October 31, 2011
1987/88 Aerial Photography



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TWIN FALLS, IDAHO 83303-2707

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ENVIRONMENT & NATURAL RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

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

FALLS IRRIGATION DISTRICT
Represented by:
ROGER D. LING
615 H ST.
P.O. BOX 396
RUPERT, ID 83350-0396

BLACKFOOT IRRIGATION CO
FREMONT-MADISON IRRIGATION
UNITED CANAL CO
Represented by:
JERRY R. RIGBY
25 N 2ND E
PO BOX 250
REXBURG, ID 83440-0250

IDWR REPOSITORY
P.O. BOX 83720
BOISE, ID 83720-0098
