

RECEIVED 1-7

JAN 11 2012

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 Nos. 1-213

Case No. 39576

STANDARD FORM 5

STIPULATED ELEMENTS OF A
WATER RIGHT

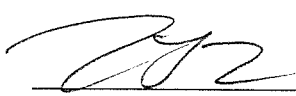
This form is used to report the stipulated elements of one water right acquired under state law. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert 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; and 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.

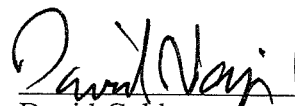
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT:

North Side Canal Company, Ltd.

OBJECTOR:United States of America Bureau of
Reclamation
Travis L. Thompson12/19/11
Date

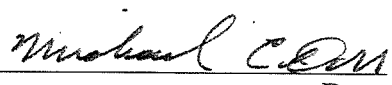
Attorney for North Side Canal Co., Ltd.


David Gehlert06/19/12
Date

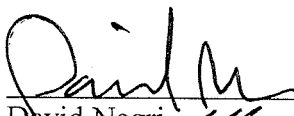
Attorney for United States

RESPONDENT:

State of Idaho

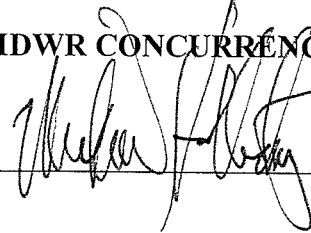
OBJECTOR:United States of America Bureau of
Land Management
Michael C. Brown1/3/2012
Date

Attorney for State of Idaho

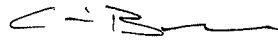

David Negri1/9/12
Date

Attorney for United States

IDWR CONCURRENCE:


Date 12/19/2011

ATTORNEY FOR IDWR:


Chris Bromley Date 12/23/11

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

RIGHT NUMBER: 1-213

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

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 350.000 CFS

PRIORITY DATE: 06/16/1908

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	350.000 CFS

PLACE OF USE:

154067 ACRES TOTAL 158200 ACRES TOTAL

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.

Place of use is within the area served by North Side 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.

Use of the rights listed below is limited to the irrigation of a combined total of 154,067 acres in a single irrigation season. Combined Right Nos.: 1-5, 1-16, 1-210, 1-212, and 1-213.

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

The remainder of this right was forfeited for non-use from 1976 to 1990.

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 operation, use and administration of this water right is subject to the terms and conditions of the Settlement Agreement signed on February 14, 2006 with Minidoka Irrigation District, Burley Irrigation District, Twin Falls Canal Company, North Side Canal Company and American Falls Reservoir District #2.

~~The Director of the Idaho Department of Water Resources shall determine what part of the water flowing in the Snake River at the~~

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

~~Minidoka and Milner Dams is storage waters and what part is natural
flow. The amount of natural flow shall be determined as such natural
flow would be, if unaffected by the diversions or acts of the parties to
Twin Falls Canal Co v Foster, Decree (4th Jud. Dist., Twin Falls Co., June
20, 1913). The natural flow to which the Twin Falls Canal Company and
the Northside Canal Company are entitled shall be measured at the Milner
Dam.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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

Right No. 1-10488 is an enlargement of this right pursuant to Section
42-1426, Idaho Code.

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

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

705

CB

MWA

mco

DA



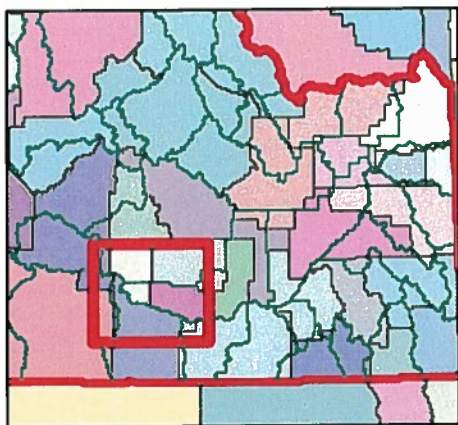
North Side Canal Co Ltd

Adjudication Recommendations: 1-5, 1-16, 1-210, 1-212, 1-213, 1-10488, 37-507

Irrigation Service Area Boundary
GIS Place of Use Illustration

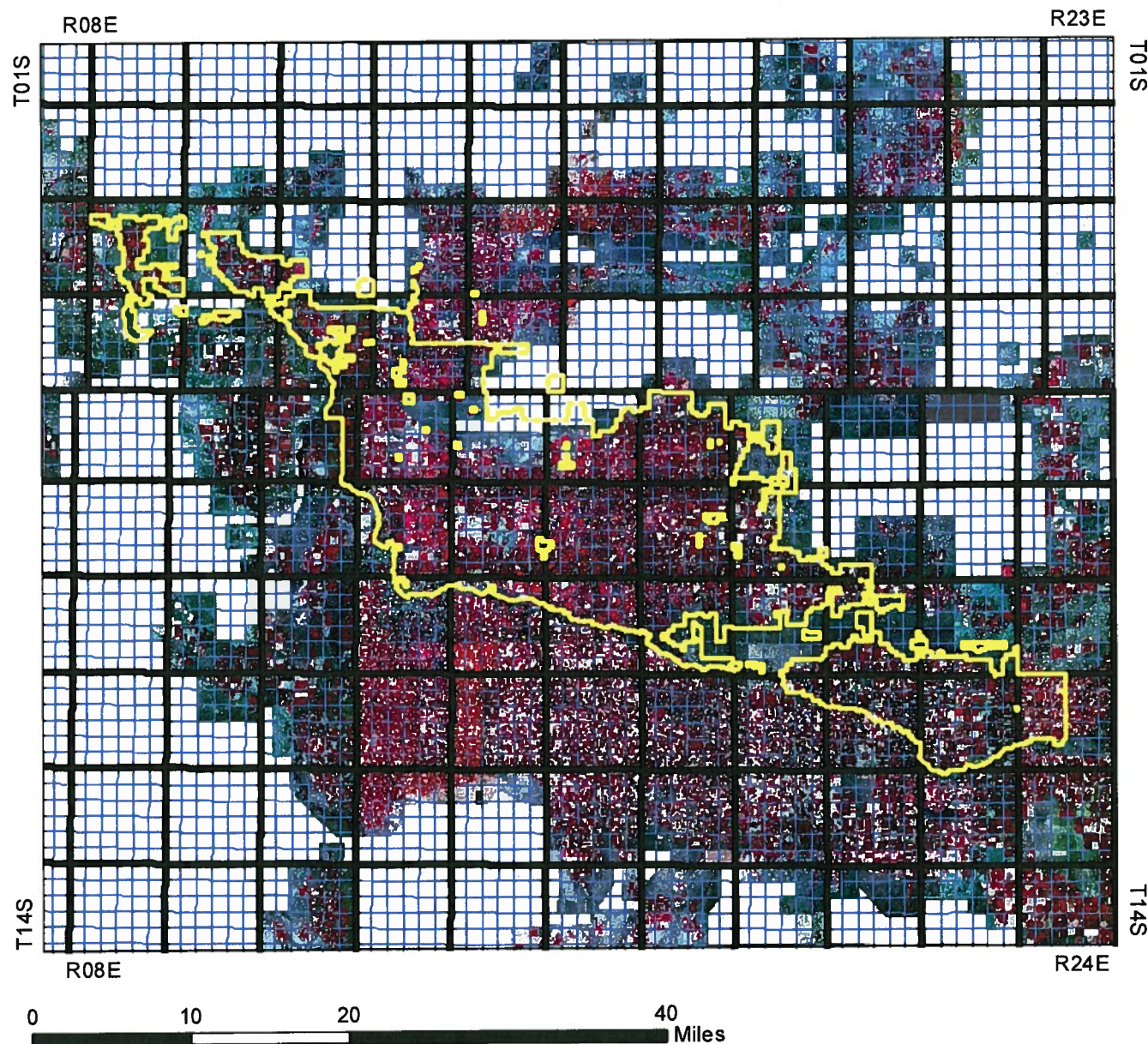
Legend

-  Service Area
-  State Outline
-  Townships
-  PLS Sections



Elmore, Gooding, Lincoln,
Twin Falls, Jerome Counties
IDWR Basin 1

Prepared by Egbert, Sandy
On December 21, 2011
1987/88 Aerial Photography



CERTIFICATE OF MAILING

I certify that on January 10th, 2012, I mailed the original and copies of this form, including all attachments, 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. Copy to:

Natural Resources Division Chief
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, Idaho 83711-4449

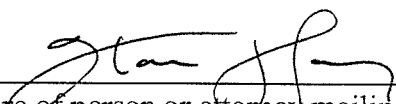
IDWR Document Depository
P. O. Box 83720
Boise, Idaho 83720-0098

North Side Canal CO LTD
921 N Lincoln Ave
Jerome, ID 83338

Travis L. Thompson
Barker, Rosholt & Simpson, LLP
P.O. Box 485
Twin Falls, ID 83303-0485

U.S., Department of Justice
Environment and Natural Resources
Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724

E. Gail McGarry
United States, Department of Interior
Bureau of Reclamation
1150 N Curtis Road, Suite 100
Boise, Idaho 83706-1234



Signature of person or attorney mailing the form