DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

JAN 1 2 2012

By _____ Clerk
Deputy Clerk

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. 01-211B**
	)	
	)	
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.

CLAIMANT:
Burley Irrigation District

1/6/12
Travis L. Thompson Date
Attorney for Claimant

CLAIMANT/OBJECTOR/RESPONDENT:

Roger D. Ling Date
Attorney for Claimant/Objector/Respondent

OBJECTORS:
Fremont-Madison Irrigation District
Blackfoot Irrigation Company
United Canal Company

1-9-12
Jerry R. Rigby Date
Attorney for Objectors

Twin Falls Canal Company
North Side Canal Company, Ltd.

1/6/12
Travis L. Thompson Date
Attorney for Objectors

City of Pocatello

1/6/12
Sarah A. Klahn Date
Attorney for Objector

OBJECTOR/RESPONDENT:
Bureau of Reclamation

01/10/12
David W. Gehlert Date
Attorney for Objector/Respondent

RESPONDENT:
State of Idaho

1/10/12
Michael C. Orr Date
Attorney for Respondent

IDWR Concurrence:

for 1-11-12
Michael Holliday Date
Water Rights Supervisor

1/12/12
Chris Bromley Date
Deputy Attorney General
Attorney for IDWR

IDAHO DEPARTMENT OF WATER RESOURCES

RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 1-211B

NAME AND ADDRESS: BURLEY IRRIGATION DIST
250 N 100 E
BURLEY ID 83318

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 1,200.000 CFS

The rights listed below are limited to a total combined diversion rate of 1460 cfs from the point of diversion located at T09S R25E S1 SWSESW. Combined Right Nos.: 1-211B, 1-214B, and 1-7 (Burley Irrigation District); and Right Nos. 1-211A, 1-214A, and 1-8 (Minidoka Irrigation District).

The diversions under this right and Right No. 1-211A shall not exceed 1726 cfs. If the demands of Burley Irrigation District and the United States Department of the Interior, Bureau of Reclamation, for and on behalf of the North Side Division of the Minidoka Project (Minidoka Irrigation District) for diversions under this right and Right No. 1-211A exceed 1726 cfs or the flows then available under these rights, the right to divert water under this right by Burley Irrigation District will be reduced to meet the demands of Minidoka Irrigation District for water under this right, but the right under such condition shall not be reduced to less than 38% of the flows then available under this right and Right No. 1-211A.

PRIORITY DATE: 03/26/1903

POINT OF DIVERSION:

T09S R25E S1 SWSESW Within CASSIA County
T10S R22E S19 NWSESE Lot 1 Within CASSIA County
T10S R22E S22 NESENW Within CASSIA County
T10S R24E S30 SWSESE Lot 1 Within CASSIA County

CB PRA JLL MBD DL CA

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/15 11/15	1,200.000 CFS

PLACE OF USE:

47643 ACRES TOTAL

Place of use is within the boundary of Burley Irrigation District pursuant to Section 43-321, 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(3) 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 34,563 acres within the place of use described above in a single irrigation season.

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

~~The Director of the Idaho Department of Water Resources shall determine what part of the water flowing in the Snake River at the 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 30, 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.~~

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.

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

Water is delivered through Minidoka South Side Canal.

Burley Irrigation Dist

Adjudication Recommendations: 1-7, 1-211B, 1-214B

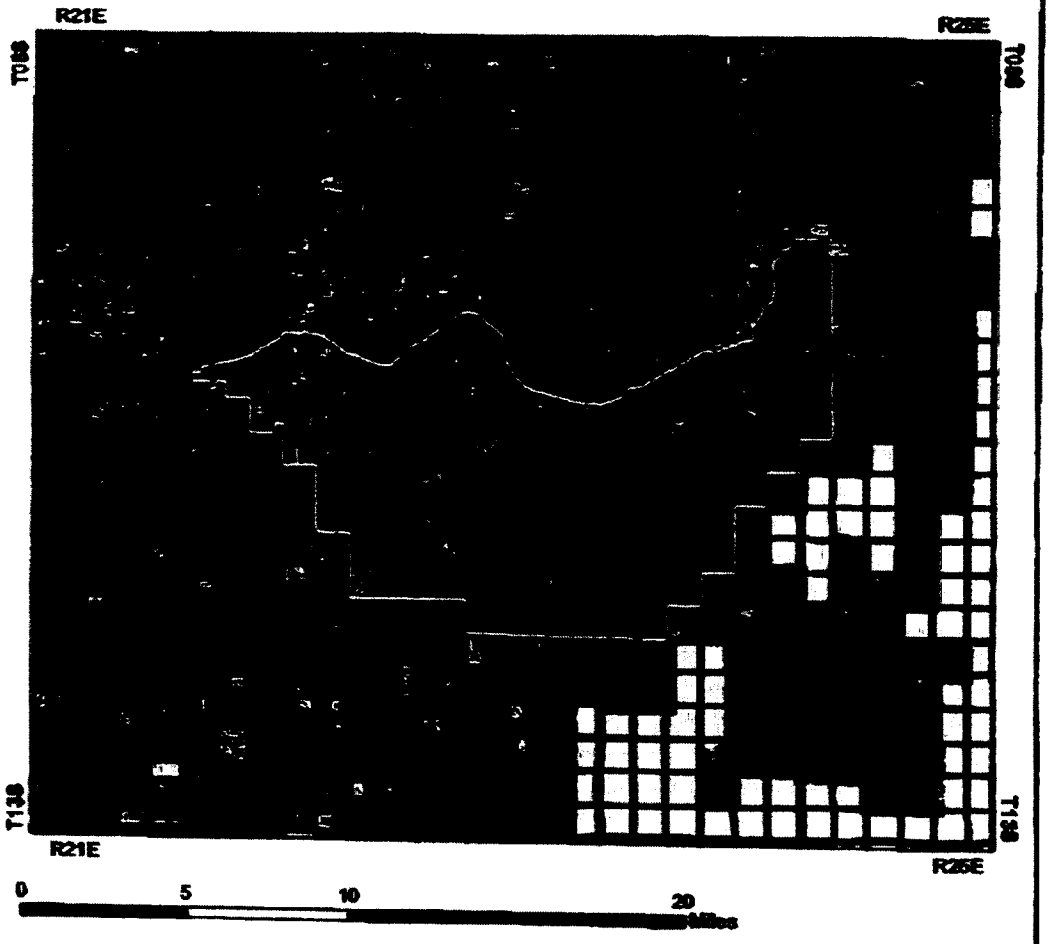
Irrigation Service Area Boundary
GIS Place of Use Illustration

Legend

- Service Area
- State Outline
- Townships
- PLS Sections

Minidoka, Cassia Counties
IDWR Basin 1

Prepared by Egbert, Sandy
On December 20, 2011
1997/98 Aerial Photography



CERTIFICATE OF MAILING

I certify that on January 11, 2012, 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:

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

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

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

BURLEY IRRIGATION DISTRICT
NORTHSIDE CANAL COMPANY, 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

CITY OF POCATELLO
Represented by:
A. DEAN TRANMER
CITY OF POCATELLO
P.O. BOX 4169
POCATELLO, ID 83201

CITY OF POCATELLO
Represented by:
SARAH A. KLAHN
WHITE & JANKOWSKI LLP
KITTREDGE BUILDING
511 16TH ST., STE. 500
DENVER, CO 80202

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

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

Signature of person or attorney