

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

**Case No. 39576**

**Subcase No. 01-2061**

# 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

Power Notes for D6 1/26/12

David W. Gehlert

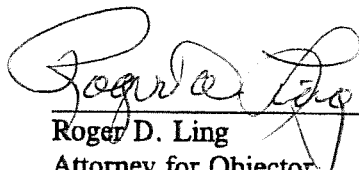
Date \_\_\_\_\_

Attorney for Claimant/Objector/Respondent

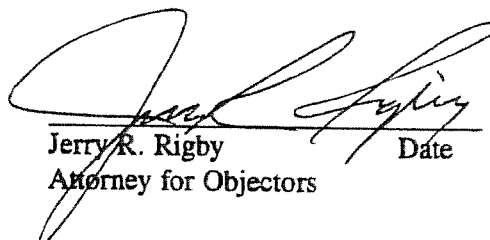
**OBJECTOR(s):**

Falls Irrigation District

Fremont-Madison Irrigation District  
Blackfoot Irrigation Company  
United Canal Company

  
Roger D. Ling  
Attorney for Objector

12/30/11  
Date

  
Jerry R. Rigby  
Attorney for Objectors

12-9-11  
Date

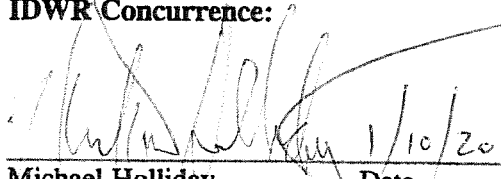
**RESPONDENT:**

State of Idaho

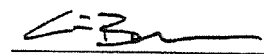
  
Michael C. Orr  
Attorney for Respondent

12/30/2011  
Date

**IDWR Concurrence:**

  
Michael Holliday  
Water Right Supervisor

1/10/2012  
Date

  
Chris M. Bromley  
Deputy Attorney General  
Attorney for IDWR

12/8/11  
Date

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:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

153.000 CFS  
27,121.50 AFY

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.

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.

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.

CB *[Signature]*  
JLR MCO  
*[Signature]*  
DN



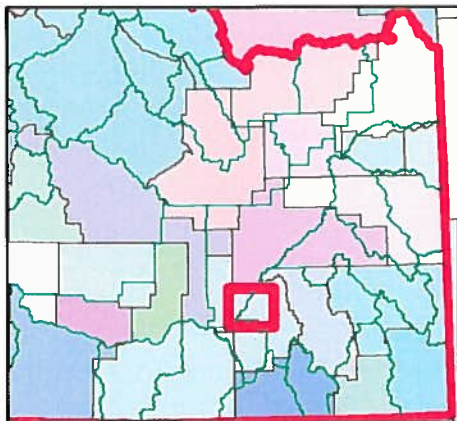
# Falls Irrigation District

Adjudication Recommendations: 1-13, 1-2061

Irrigation Service Area Boundary  
GIS Place of Use Illustration

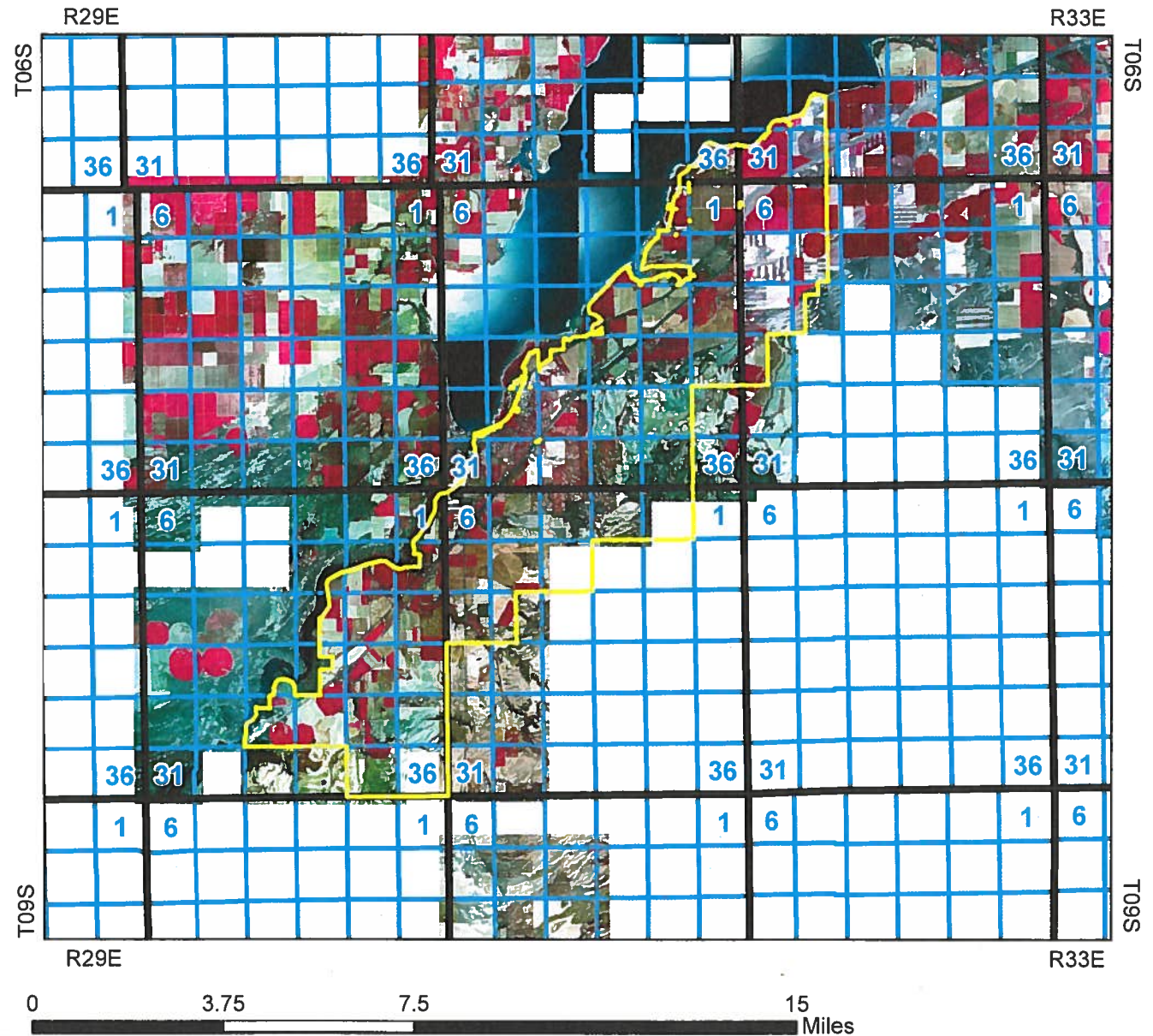
## Legend

-  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 01/26, <sup>2012</sup>~~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

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

Brandon Anderson