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APR 13 2012

DEPARTMENT OF
WATER RESOURCES

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Attorneys for City of Pocatello

Attorneys for Twin Falls Canal Company

**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 Nos. 1-4, 1-10 and 1-209

**JOINT STIPULATION TO
WITHDRAW OBJECTIONS**

Twin Falls Canal Company ("TFCC"), the City of Pocatello ("Pocatello"), and the Aberdeen-American Falls Ground Water District, Bingham Ground Water District, Bonneville-Jefferson Ground Water District, Jefferson-Clark Ground Water District, Madison Ground Water District, Magic Valley Ground Water District, and the North Snake Ground Water District

(collectively the "Ground Water Districts"), by and through their respective counsel of record, hereby jointly stipulate to withdraw their respective Objections to the water rights of TFCC filed in the above referenced subcases, subject to the following conditions:

1. Proposed Standard Form 5s ("SF5s") are attached hereto as Exhibit A.
2. Water right numbers 1-4, 1-10 and 1-209 are partially decreed with the elements recommended in the Director's Reports dated May 11, 2006 for each water right.
3. The order approving this stipulation for water right numbers 1-4, 1-10 and 1-209 contains the following statements:

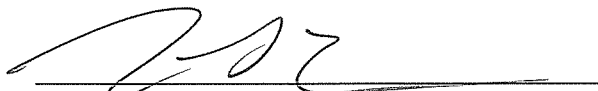
a. Evidence relating to water right use after November 19, 1987 was not at issue in the Adjudication. These water rights are decreed in the Snake River Basin Adjudication based on the extent of beneficial use that existed prior to or at the time of the commencement of the Adjudication on November 19, 1987. The parties agree that issues related to conjunctive administration (including factors identified in IDAPA 37.03.11.42), as they exist after November 19, 1987, were not at issue in these subcases.

b. The "diversion rate" element under each water right reflects the maximum authorized rate of diversion under each water right. However, the parties agree that crop water demand can vary over the course of the irrigation season, or from season to season, meaning that the maximum authorized diversion rate may or may not be required over the entire course of a particular irrigation season.

c. That the other parties to these sub-cases also stipulate to entry of partial decrees on terms consistent with the May 11, 2006 Director's Report.

DATED this 6th day of April 2012.

BARKER ROSHOLT & SIMPSON, LLP

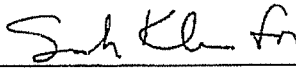


John K. Simpson
Travis L. Thompson
Paul L. Arrington

Attorneys for Twin Falls Canal Company

DATED this 7th day of April 2012.

CITY OF POCA TELLO ATTORNEY'S OFFICE

By 
A. Dean Tranmer

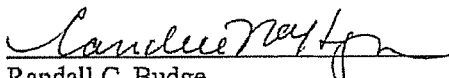
WHITE & JANKOWSKI, LLP

By 
Sarah A. Klahn

Attorneys for the City of Pocatello

DATED this 12th day of April 2012.

RACINE OLSON NYE BUDGE & BAILEY,CHTD.


Randall C. Budge
Candice M. McHugh
T.J. Budge

Attorneys for the Ground Water Districts

CERTIFICATE OF SERVICE

I hereby certify that on the 12th day of April, 2012, I served a true and correct copy of the foregoing **JOINT STIPULATION TO WITHDRAW OBJECTIONS** on the person(s) listed below, by U.S. Mail, and electronic mail if available:

Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

U.S. Bureau of Reclamation
Regional Director, PN Region
1150 N. Curtis Rd., Ste. 100
Boise, ID 83706-1234

Randall C. Budge
Candice M. McHugh
T.J. Budge
Racine Olson
101 S. Capitol Blvd, Suite 300
Boise, ID 83702

U.S. Department of Justice
Division of Env. & Natural Resources
550 W. Fort Street, MSC 033
Boise, ID 83706-1234

Idaho Attorney General's Office
Natural Resources Division
P.O. Box 44449
Boise, ID 83711-4449

A. Dean Tranmer
P.O. Box 4169
Pocatello, Idaho 83201

Sarah Klahn
Mitra Pemberton
White & Jankowski
511 16th St., Suite 500
Denver, CO 80202

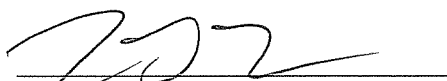

Travis L. Thompson

Exhibit A

**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. 1-4
	)	
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 agree that evidence relating to water right use after November 19, 1987 was not at issue in these subcases. These water rights are decreed based on the extent of beneficial use that existed prior to or at the time of the commencement of the Adjudication on November 19, 1987. The parties further agree that issues related to conjunctive administration (including factors identified in IDAPA 37.03.11.42), as they exist after November 19, 1987, were not at issue in these subcases.

The parties agree that the "diversion rate" element under each water right reflects the maximum authorized rate of diversion under each water right. However, the parties agree that crop water demand can vary over the course of the irrigation season, or from season to season, meaning that the maximum authorized diversion rate may or may not be required over the entire course of a particular irrigation season.

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:
Twin Falls Canal Company

OBJECTOR/RESPONDENT:
United States of America Bureau of
Land Management

Travis L. Thompson Date
Attorney for Twin Falls Canal Company

David Negri Date
Attorney for United States

OBJECTOR:

Ground Water Districts

RESPONDENT:

State of Idaho

Candice M. McHugh Date
Attorney for Bingham, Bonneville-
Jefferson, Magic Valley, Madison,
North Snake, Jefferson-Clark, and
Aberdeen-American Falls
Ground Water Districts

Michael Orr Date
Attorney for State of Idaho

INTERVENOR:

City of Pocatello

RESPONDENT:

United States of America Bureau of
Reclamation

A. Dean Tranmer Date
Sarah A. Klahn
Attorneys for City of Pocatello

David Gehlert Date
Attorney for United States

IDWR CONCURRENCE:**ATTORNEY FOR IDWR:**

Date

Chris Bromley Date

CERTIFICATE OF MAILING

I certify that on _____, 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, ID 83303-2707

2. Copies to:

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

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

Candice McHugh
Racine Olson
101 S. Capitol Blvd., Ste 208
Boise, Idaho 83702

A. Dean Tranmer
City of Pocatello
P.O. Box 4169
Pocatello, Idaho 83205

United States Department of Justice
Environment & Natural Resources Division
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

Sarah Klahn
Mitra Pemberton
White & Jankowski LLP
511 16th St., Suite 500
Denver, Colorado 80202

Travis L. Thompson

05/11/2006

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

RIGHT NUMBER: 1-4
NAME AND ADDRESS: TWIN FALLS CANAL CO
PO BOX 326
TWIN FALLS ID 83303-0326
SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER
QUANTITY: 600.000 CFS
PRIORITY DATE: 12/22/1915
POINT OF
DIVERSION: T10S R21E S29 SWNESE Lot 8 Within TWIN FALLS County
PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	3/15 11/15	600.000 CFS

PLACE OF USE:

196162 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 Twin Falls Canal Company.

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 - Decreed

Water is delivered through Twin Falls Southside Canal.

**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. 1-10
	)	
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 agree that evidence relating to water right use after November 19, 1987 was not at issue in these subcases. These water rights are decreed based on the extent of beneficial use that existed prior to or at the time of the commencement of the Adjudication on November 19, 1987. The parties further agree that issues related to conjunctive administration (including factors identified in IDAPA 37.03.11.42), as they exist after November 19, 1987, were not at issue in these subcases.

The parties agree that the "diversion rate" element under each water right reflects the maximum authorized rate of diversion under each water right. However, the parties agree that crop water demand can vary over the course of the irrigation season, or from season to season, meaning that the maximum authorized diversion rate may or may not be required over the entire course of a particular irrigation season.

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:
Twin Falls Canal Company

OBJECTOR/RESPONDENT:
United States of America Bureau of
Land Management

Travis L. Thompson Date
Attorney for Twin Falls Canal Company

David Negri Date
Attorney for United States

OBJECTOR:

Ground Water Districts

RESPONDENT:

State of Idaho

Candice M. McHugh Date
Attorney for Bingham, Bonneville-
Jefferson, Magic Valley, Madison,
North Snake, Jefferson-Clark, and
Aberdeen-American Falls
Ground Water Districts

Michael Orr Date
Attorney for State of Idaho

INTERVENOR:

City of Pocatello

RESPONDENT:

United States of America Bureau of
Reclamation

A. Dean Tranmer Date
Sarah A. Klahn
Attorneys for City of Pocatello

David Gehlert Date
Attorney for United States

IDWR CONCURRENCE:**ATTORNEY FOR IDWR:**

Date

Chris Bromley Date

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1. Original to:

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253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

2. Copies to:

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

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

Candice McHugh
Racine Olson
101 S. Capitol Blvd., Ste 208
Boise, Idaho 83702

A. Dean Tranmer
City of Pocatello
P.O. Box 4169
Pocatello, Idaho 83205

United States Department of Justice
Environment & Natural Resources Division
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

Sarah Klahn
Mitra Pemberton
White & Jankowski LLP
511 16th St., Suite 500
Denver, Colorado 80202

Travis L. Thompson

05/11/2006

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

RIGHT NUMBER: 1-10
NAME AND ADDRESS: TWIN FALLS CANAL CO
PO BOX 326
TWIN FALLS ID 83303-0326
SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER
QUANTITY: 180.000 CFS
PRIORITY DATE: 04/01/1939
POINT OF
DIVERSION: T10S R21E S29 SWNESE Lot 8 Within TWIN FALLS County
PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	180.000 CFS

PLACE OF USE:

196162 ACRES TOTAL

Place of use is within the area served by Twin Falls 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 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Water is delivered through Twin Falls Southside Canal.

CERTIFICATE OF MAILING

I certify that on _____, 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
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Boise, Idaho 83711-4449

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Boise, Idaho 83706-1234

Sarah Klahn
Mitra Pemberton
White & Jankowski LLP
511 16th St., Suite 500
Denver, Colorado 80202

Travis L. Thompson

**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. 1-209
	)	
Case No. 39576	)	
	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

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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 agree that evidence relating to water right use after November 19, 1987 was not at issue in these subcases. These water rights are decreed based on the extent of beneficial use that existed prior to or at the time of the commencement of the Adjudication on November 19, 1987. The parties further agree that issues related to conjunctive administration (including factors identified in IDAPA 37.03.11.42), as they exist after November 19, 1987, were not at issue in these subcases.

The parties agree that the "diversion rate" element under each water right reflects the maximum authorized rate of diversion under each water right. However, the parties agree that crop water demand can vary over the course of the irrigation season, or from season to season, meaning that the maximum authorized diversion rate may or may not be required over the entire course of a particular irrigation season.

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:
Twin Falls Canal Company

OBJECTOR/RESPONDENT:
United States of America Bureau of
Land Management

Travis L. Thompson Date
Attorney for Twin Falls Canal Company

David Negri Date
Attorney for United States

Ground Water Districts

OBJECTOR:

City of Pocatello

IDWR CONCURRENCE:

Date _____

State of Idaho

RESPONDENT:

ATTORNEY FOR IDWR:

Chris Bromley Date

CERTIFICATE OF MAILING

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State of Idaho Attorney General's
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P.O. Box 44449
Boise, Idaho 83711-4449

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Boise, Idaho 83706-1234

Sarah Klahn
Mitra Pemberton
White & Jankowski LLP
511 16th St., Suite 500
Denver, Colorado 80202

Travis L. Thompson

05/11/2006

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

RIGHT NUMBER: 1-209
NAME AND ADDRESS: TWIN FALLS CANAL CO
PO BOX 326
TWIN FALLS ID 83303-0326
SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER
QUANTITY: 3,000.000 CFS
PRIORITY DATE: 10/11/1900
POINT OF
DIVERSION: T10S R21E S29 SWNESE Lot 8 Within CASSIA County
PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	3,000.000 CFS

PLACE OF USE:

196162 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 Twin Falls Canal Company.

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 - Decreed

Water is delivered through Twin Falls Southside Canal.