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MAY 23 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 No. 01-209
	)	
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; 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.

Twin Falls Canal Company (TFCC), the City of Pocatello (Pocatello), and the Ground Water Districts (Districts) 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 Snake River Basin Adjudication on November 19, 1987. TFCC, Pocatello, and the Districts 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.

TFCC, Pocatello, and the Districts agree that the "diversion rate" element under each water right reflects the maximum authorized rate of diversion under each water right. However, TFCC, Pocatello, and the Districts 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 decreed as 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

Travis L. Thompson 5/3/12
 Date
 Attorney for Twin Falls Canal Co.

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

David L. Negri 5/21/12
 Date
 Attorney for United States

OBJECTOR:

Ground Water Districts

Candice M. McHugh 5/3/12
 Date
 Attorney for Bingham, Bonneville-
 Jefferson, Magic Valley, Madison,
 North Snake, Jefferson-Clark, and
 Aberdeen-American Falls Ground
 Water Districts

RESPONDENT:

State of Idaho

Michael C. Orr 5/11/2012
 Date
 Attorney for State of Idaho

INTERVENOR:

City of Pocatello

A. Dean Tranmer 5/7/12
 Date
 Sarah A. Klahn
 Attorneys for City of Pocatello

RESPONDENT:United States of America Bureau
of Reclamation

David Gehlert 5/21/12
 Date
 Attorney for United States

IDWR CONCURRENCE:

Michael W. Holliday 5-17-12
 Date
 Water Rights Supervisor

ATTORNEY FOR IDWR:

Chris M. Bromley 5/3/12
 Date
 Deputy Attorney General

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

RIGHT NUMBER: 1-209

NAME AND ADDRESS: TWIN FALLS CANAL CO
CO./BRIAN OLIMSTEAD-MANAGER
PO BOX 326
TWIN FALLS ID 83301

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 3,000.000 CFS

PRIORITY DATE: 10/11/1900

POINT OF
DIVERSION:

~~T108 R21E S29 SWNESE Lot 8 Within CASSIA County~~

T108 R21E S29 SWNESE Lot 8 Within TWIN FALLS County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/15 11/15	3,000.000 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 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 water 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.~~

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Water is delivered through Twin Falls Southside Canal.

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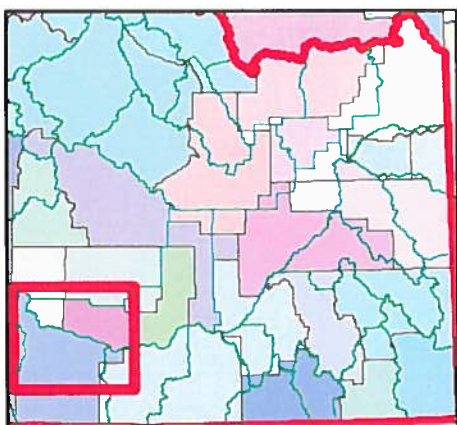


Twin Falls Canal Co

Adjudication Recommendations: 1-4, 1-10, 1-209

Irrigation Service Area Boundary
GIS Place of Use Illustration

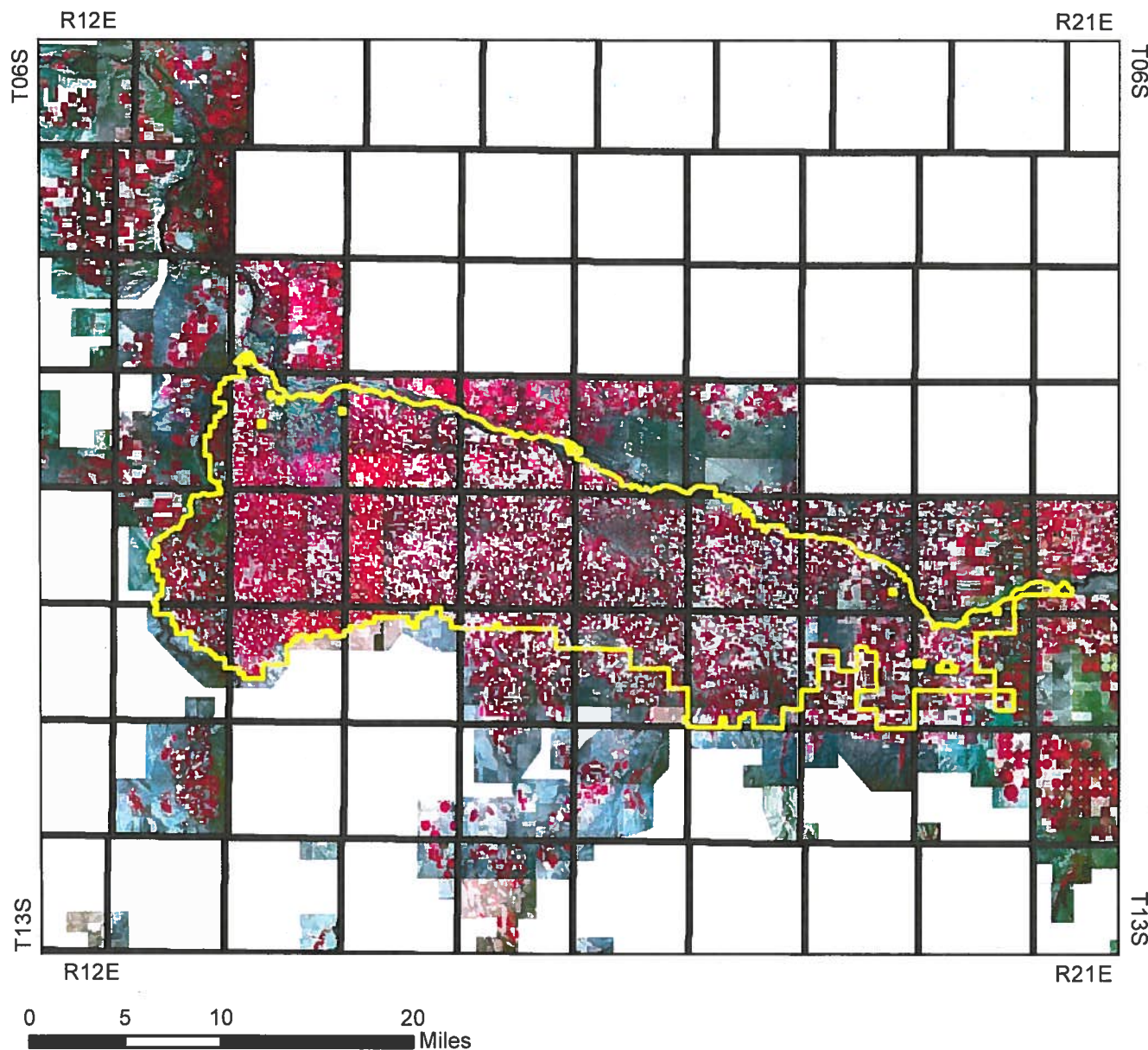
-  Service Area
-  State Outline
-  Townships



Gooding, Twin Falls, Jerome, Cassia Counties

IDWR Basin 1

Prepared by Favreau, Danielle
On May 18, 2012



CERTIFICATE OF MAILING

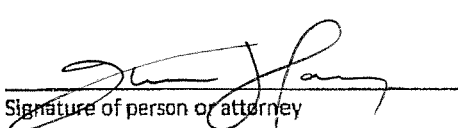
I certify that on May 22nd, 2012, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

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:

A. DEAN TRANMER CITY OF POCA TELLO PO BOX 4169 POCA TELLO, ID 83201	STATE OF IDAHO Represented by: NATURAL RESOURCES DIVISION CHIEF STATE OF IDAHO ATTORNEY GENERAL'S OFFICE PO BOX 44449 BOISE, ID 83711-4449
SARAH A. KLAHN WHITE & JANKOWSKI LLP 511 16TH ST., STE 500 DENVER, CO 80202	RANDALL C BUDGE 201 E CENTER, STE. A2 P.O. BOX 1391 POCA TELLO, ID 83204-1391
TRAVIS L THOMPSON 113 MAIN AVE. W., STE 303 P.O. BOX 485 TWIN FALLS, ID 83303-0485	UNITED STATES OF AMERICA USDI BUREAU OF RECLAMATION Represented by: US DEPARTMENT OF JUSTICE ENVIRONMENT & NATL' RESOURCES 550 WEST FORT STREET, MSC 033 BOISE, ID 83724
DIRECTOR OF IDWR P.O. BOX 83720 BOISE, ID 83720-0098	


Signature of person or attorney