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DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
AUG - 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.: 21-148A
	)	
Case No. 39576	)	
	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

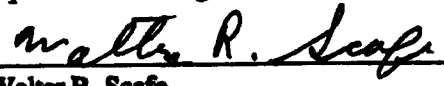
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary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

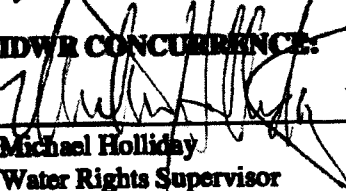
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT/OBJECTOR:
Boom Creek Canal Co.


Jerry R. Rigby Date
Attorney for Boom Creek Canal Co.

RESPONDENT:
Squirrel Creek Irrigation


Walter R. Scafe
President, Squirrel Creek Irrigation

IDWR CONCURRENCE:


Michael Holliday Date
Water Rights Supervisor

IDWR CONCURRENCE:


Andrea L. Courtney Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 21-148A

NAME AND ADDRESS:

BOOM CREEK CANAL CO
PO BOX 754
ASHTON ID 83420

SOURCE:

Source:
BOONE CREEK

Tributary:

FALL RIVER

Point of injection into and point of rediversion from Squirrel Creek.

QUANTITY:

10.000 CFS
2,865.000 AFY

Right Nos. 21-148A and 21-13126 are limited to a total combined diversion rate of 10 cfs.

ATC

PRIORITY DATE:

09/15/1901

POINT OF DIVERSION:

T08N R44E S3 SWSW Rediversion
Within FREMONT County

T08N R44E S17 NWSW Rediversion
Within FREMONT County

T08N R46E S5 Lot 6 SWSE
Within FREMONT County

T08N R46E S5 Lot 6 SWSE Injection
Within FREMONT County

MNH

The point of diversion for this water right is in Wyoming, T47N R118W S2 NWSW, 6th Principal Meridian. The point of injection for this water right is in Wyoming, T47N R118W S10, 6th Principal Meridian. The points of diversion and injection shown above is where the conveyance system enters Idaho.

PURPOSE AND
PERIOD OF USE:

Purpose of use:	Period of use:	Quantity:
IRRIGATION	04/01 10/31	10.000 CFS 2,865.00 AFY

PLACE OF USE:

2577 ACRES TOTAL

1826-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.

This right is limited to the irrigation of 955 acres within the place of use described above in a single irrigation season.

Place of use is within the area served by Boom Creek Canal Company.

JCR

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

Right Nos. 21-148A and 21-13126 are limited to the irrigation of a combined total of 2577 acres in a single irrigation season.

~~This right is limited to the irrigation of a specific 955 acres within the 1826 acre place of use authorized by this right in a single irrigation season. The specific 955 acres to be irrigated by the right holder shall be identified prior to use by submittal of a land list and a representative electronic shape file or by submittal of a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 955 acres to be irrigated within the 1826 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.~~

ATZ

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

Water rediverted from Squirrel Creek will be regulated under Idaho priorities.

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

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 1.

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversions.

Right No. 21-13126 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.

Water is delivered through Boom Creek Pump and Marshbarger Pump.

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

MWA

JRR

n-Rd

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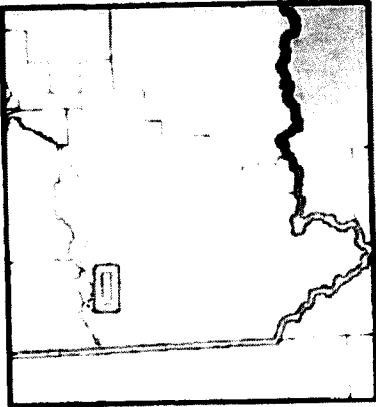


Boom Creek Canal Co

Adjudication Recommendations: 21-148A, 21-13126

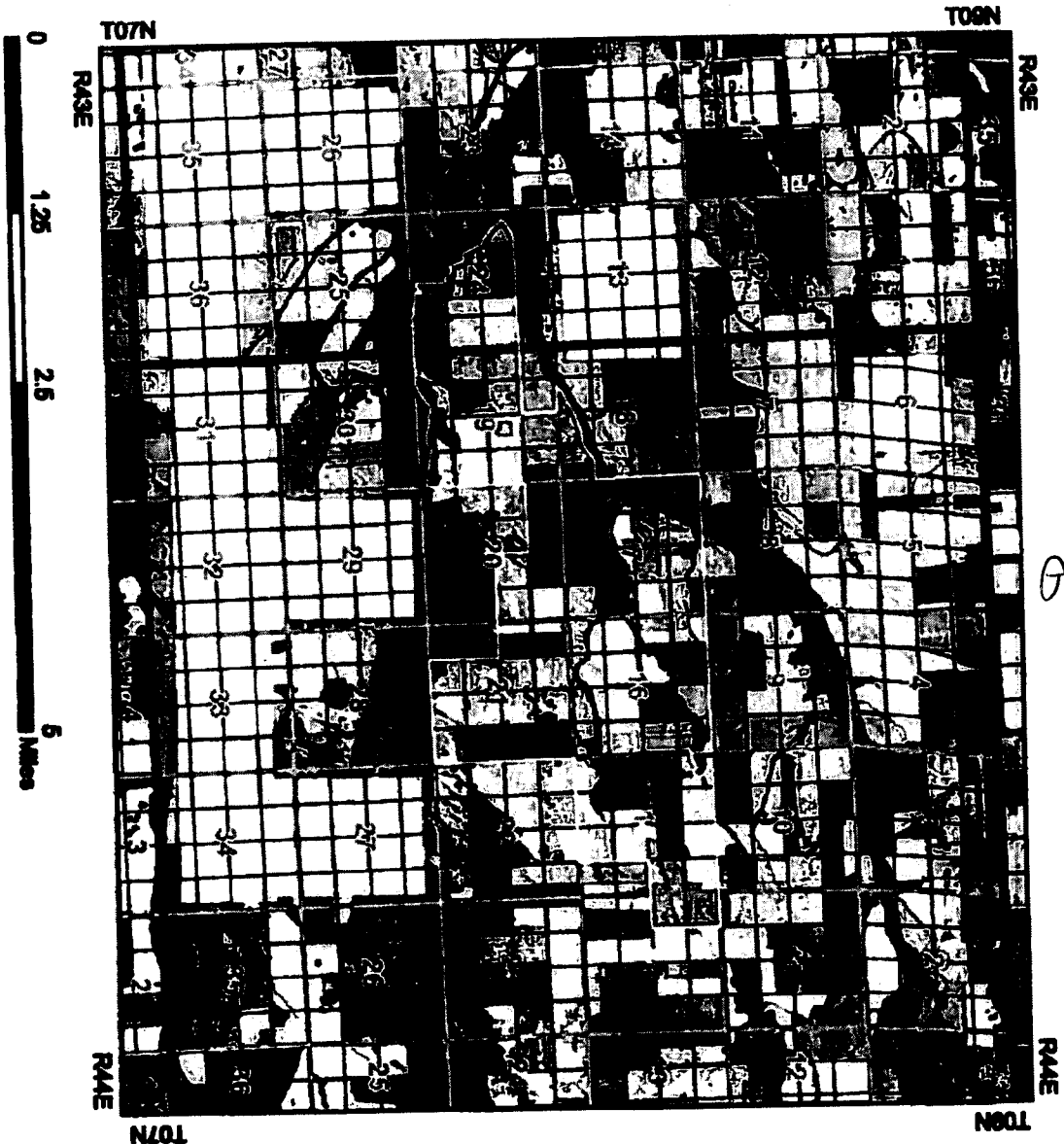
Irrigation Service Area Boundary
GIS Piece of Use Illustration

- ☐ Service Area
- ☐ State Outline
- ☐ Township
- ☐ PLS Sections
- ☐ Quarter Quarters



Fremont County
IDWR Basin 21

Prepared by Favreau, Daniels
On June 26, 2012
1987/88 Aerial Photography



ATL

MAH

WRS

CERTIFICATE OF SERVICE

I certify that on July 31, 2012, I caused to be served true and correct copies of this Standard Form 5, to the following persons, in the manner indicated 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

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

2. Copies to:

IDWR Document Repository
P.O. Box 83720
Boise, ID 83720-0098

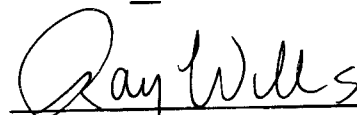
☐ Overnight Mail
☐ Regular Mail
☒ Hand-Delivered
☐ Facsimile

Jerry R. Rigby
Rigby, Andrus & Rigby, Chtd.
P.O. Box 250
Rexburg, ID 83440-0250

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Walter R. Scafe
Squirrel Creek Irrigation Company
Box 611
Ashton, ID 83420

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile



Signature of person or attorney mailing the form