



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

August 3, 2012

Harriet Hensley
Deputy Attorney General
Office of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449

Sent via Statehouse Mail

RE: SRBA Subcase No. 22-11329 (Saurey-Sommer Canal Company)

Dear Harriet:

I am enclosing a Standard Form 5 ("SF5") for the above-referenced subcase. Please review the document, and if it is acceptable to you, please sign on the indicated signature line, initial the revised recommendation and return the original to me. I will obtain the final signature and file the SF5 with the SRBA Court.

If you should have any questions or comments, please feel free to contact me at 287-4815.

Sincerely,

A handwritten signature in cursive script that reads "Ray Williams".

Ray Williams
Paralegal

Enclosure

**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. 22-11329
	)	
	)	
Case No. 39576	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

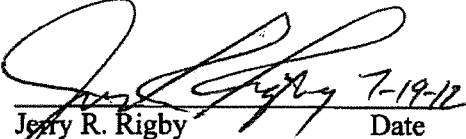
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary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

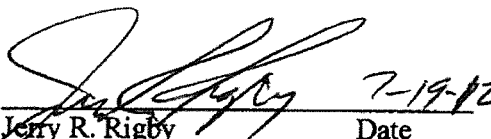
The parties and IDWR agree and stipulate that the elements of this water right should be described as per the attached. Please note that there are no changes to the digital boundary which was filed with the proposed Amended Director's Report on April 24, 2012, thus no updated digital boundary is included with this filing. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT/OBJECTOR:
Saurey-Sommer Canal Company

OBJECTOR:
Fremont-Madison Irrigation District



Jerry R. Rigby Date
Attorney for Claimant/Objector



Jerry R. Rigby Date
Attorney for Claimant

RESPONDENTS:

Twin Falls Canal Company
Milner Irrigation District
A & B Irrigation District
North Side Canal Company
Burley Irrigation District

State of Idaho



Paul L. Arrington Date 7/26/12
Attorney for Respondents

Harriet Hensely Date
Attorney for Respondent

IDWR Concurrence:

Michael Holliday Date
Water Rights Supervisor



Andrea L. Courtney Date 7/19/12
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 22-11329

NAME AND ADDRESS: SAUREY-SOMMER CANAL COMPANY
C/O DON HARRIS
4431 N 2000 W
REXBURG ID 83440

SOURCE: TETON RIVER

TRIBUTARY: HENRYS FORK

QUANTITY: 27.000 CFS

PRIORITY DATE: 10/17/1885

POINT OF
DIVERSION:

T07N R39E S35 SESE Within MADISON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

27.000 CFS

PLACE OF USE:

350 ACRES TOTAL

Place of use is within the area served by Saurey Sommer 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.

The rights listed below are limited to the irrigation of a combined total of 350 acres in a single irrigation season. Combined Right Nos.: 22-660 and 22-11329.

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 Saurey-Sommer Ditch.

This right is a combination of old Right Nos.: 22-7, 22-8, and 22-9.

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

CERTIFICATE OF MAILING

I certify that on _____, 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:

MILNER IRRIGATION DISTRICT
NORTH SIDE CANAL COMPANY
TWIN FALLS CANAL COMPANY
MILNER IRRIGATION DISTRICT
A & B IRRIGATION DISTRICT

Represented by:
PAUL L. ARRINGTON
195 RIVER VISTA PL., SUITE 204
TWIN FALLS, ID 83301-3029

SAUREY-SOMMER CANAL CO.
FREMONT MADISON IRR. DIST.

Represented by:
JERRY R. RIGBY
25 N. 2ND E.
P.O. BOX 250
REXBURG, ID 83440-0250

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