

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

August 3, 2012

David W. Gehlert
Natural Resources Section
Environment and Natural Resource Division
U.S. Department of Justice
999 18th Street, South Terrace, Suite 370
Denver, CO 80202

RE: SRBA Subcase No. 21-12934 (Egin Bench Canals, Inc.)

Dear Dave:

I am enclosing an SF5 for the above-referenced subcase. Please review the document, and if it is acceptable, please sign on the indicated signature line, initial the recommendation and return the original SF5 to me. I obtain the final signature and file the SF5 with the SRBA Court.

If you should have any questions or comments, please don't hesitate to contact me at (208) 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. 21-12934
	)	
	)	
Case No. 39576	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

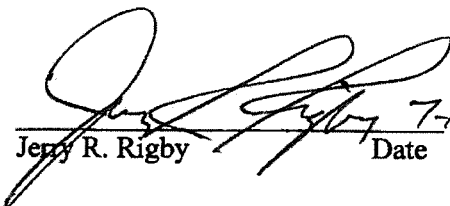
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary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

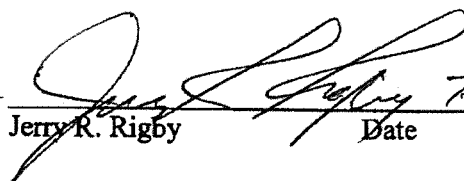
The parties and IDWR agree and stipulate that the elements of this water right should be described as per the attached. Please note that there are no changes to the digital boundary which was filed with the Amended Director's Report on December 17, 2010, thus no updated digital boundary is included with this filing. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT/OBJECTOR:
Egin Bench Canals, Inc.

OBJECTOR:
Fremont-Madison Irrigation District



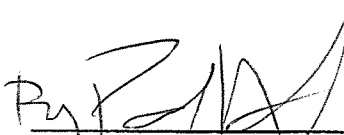
Jerry R. Rigby Date 7-18-12



Jerry R. Rigby Date 7-18-12

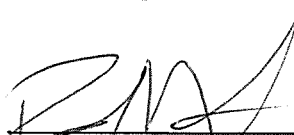
RESPONDENTS:

Minidoka Irrigation District


W. Kent Fletcher
Attorney for Respondent

7/30/12
Date

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


Paul L. Arrington
Attorney for Respondents

7/30/12
Date

American Falls Reservoir District #2


Craig D. Hobbey
Attorney for Respondent

7/30/12
Date

Bureau of Reclamation

David W. Gehlert
Attorney for Respondent

Date

IDWR Concurrence:

Michael Holliday
Water Rights Supervisor

Date


Andrea L. Courtney
Deputy Attorney General
Attorney for IDWR

7/18/12
Date

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

RIGHT NUMBER: 21-12934

NAME AND ADDRESS: EGIN BENCH CANALS INC
PO BOX 15
ST ANTHONY ID 83445

SOURCE: HENRYS FORK

TRIBUTARY: SNAKE RIVER

QUANTITY: 200.000 CFS

PRIORITY DATE: 03/01/1890

POINT OF
DIVERSION:

T07N R40E S1 SENE Lot 8 Within FREMONT County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	08/02 10/31	100.000 CFS
	04/01 07/01	200.000 CFS
	07/02 07/16	100.000 CFS
	07/17 08/01	200.000 CFS

PLACE OF USE:

30102 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.

The rights listed below are limited to the irrigation of a combined total of 6103 acres in a single irrigation season. Combined Right Nos.: 21-12897, 21-12934, and 21-12912.

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 Egin Canal.

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

This right is old Right No. 1-58.

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

EGIN BENCH CANALS, INC.
FREMONT MADISON IRR. DIST.

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

USDI BUREAU OF RECLAMATION

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATURAL RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

MINIDOKA IRRIGATION DISTRICT

Represented by:
W. KENT FLETCHER
1200 OVERLAND AVE.
P.O. BOX 248
BURLEY, ID 83318

AMERICAN FALLS RESERVOIR DIST. #2

Represented by:
CRAIG D. HOBDEY
125 5TH AVE.
P.O. BOX 176
GOODING, ID 83330

DIRECTOR OF IDWR
P.O. BOX 83720
BOISE, ID 83720-0098

Signature of person or attorney