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AUG 24 2012

DEPARTMENT OF
WATER RESOURCES

John K. Simpson, ISB #4242
Travis L. Thompson, ISB #6168
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BARKER ROSHOLT & SIMPSON LLP
195 River Vista Place, Suite 204
Twin Falls, Idaho 83301-3029
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*Attorneys for North Side Canal Company and
Twin Falls Canal Company*

**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 Nos. 1-219, 1-10034
	)	
	)	AFFIDAVIT OF TRAVIS L. THOMPSON
Case No. 39576	)	IN SUPPORT OF MOTION FOR PARTIAL
	)	CONSOLIDATION
	)	
	)	
	)	
	)	

STATE OF IDAHO)
) ss.
County of Twin Falls)

TRAVIS L. THOMPSON, being first duly sworn upon oath, deposes and hereby states as follows:

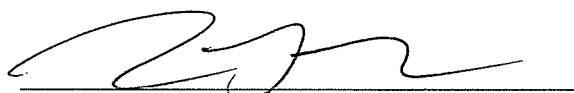
1. I am an attorney representing the North Side Canal Company and Twin Falls Canal Company in the above-captioned matter. I am over the age of 18 and state the following based upon my own personal knowledge.
2. Attached hereto as **Exhibit A** is a true and correct copy of the Amended Director's Report for water right claim 1-219 filed with the SRBA Court on December 21, 2006.

3. Attached hereto as **Exhibit B** is a true and correct copy of the *Unified Stipulation* filed in various subcases on August 20, 2012.

4. Attached hereto as **Exhibit C** is a true and correct copy of the Standard Form 5 and proposed water right description for water right 1-219 circulated to counsel from IDWR on August 17, 2012.

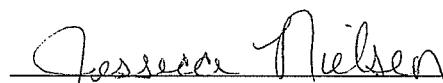
Further you affiant sayeth naught.

DATED this 22nd day of August, 2012.


Travis L. Thompson

SUBSCRIBED AND SWORN to before me this 22 day of August, 2012.




Notary Public for State of Idaho
Residing at Twin Falls, Idaho.
Commission Expires: 4/3/18

CERTIFICATE OF SERVICE

I hereby certify that on the 22nd day of August, 2012, I served a true and correct copy of the foregoing **AFFIDAVIT OF TRAVIS L. THOMPSON IN SUPPORT OF MOTION FOR PARTIAL CONSOLIDATION** 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

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

W. Kent Fletcher
Fletcher Law Office
P.O. Box 248
Burley, ID 83318

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

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

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

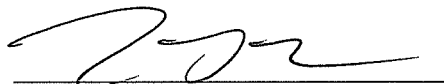

Travis L. Thompson

Exhibit A

12/19/2006

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

RIGHT NUMBER: 1-219

NAME AND ADDRESS: UNITED STATES OF AMERICA ACTING THROUGH
REGIONAL DIRECTOR PN REGION
BUREAU OF RECLAMATION PN-3100
1150 N CURTIS RD STE 100
BOISE ID 83706-1234

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 41,700.00 AFY

Total reservoir capacity is 210,000 acre feet when filled to elevation 4245 and measured at the upstream face of the dam.

PRIORITY DATE: 12/14/1909

POINT OF
DIVERSION:

T09S R25E S1 NENESW Lot 3 Within MINIDOKA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION STORAGE	01/01 12/31	41,700.00 AFY
IRRIGATION FROM STORAGE	03/15 11/15	41,700.00 AFY

PLACE OF USE:

Place of use for irrigation storage is Lake Walcott, provided, however, that water under this right may be temporarily held in the unoccupied space of any of the reservoirs upstream of Milner Dam, located at township 10S, range, 21E, sections 28 and 29, when determined by the Department of Water Resources, the Water District advisory committee, and the United States Bureau of Reclamation that such temporary storage will maximize the storage of water upstream of Milner Dam.

Place of use for irrigation from storage is within the following counties: Minidoka and Cassia.

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.

Although the name of the United States of America acting through the Bureau of Reclamation appears in the Name and Address section of this partial decree, the ownership of this water right is divided. The United States Bureau of Reclamation holds nominal legal title. Beneficial or equitable title to this water right is held in trust by the irrigation organizations, in the quantities and/or percentages specified in the contracts between the Bureau of Reclamation and the irrigation organizations, for the benefit of the landowners entitled to receive distribution of this water from the respective irrigation organizations pursuant to Idaho law. As a matter of law, this interest is appurtenant to the lands within the boundaries of or served by such irrigation organization. The ownership of this water right is derived from law and is not based exclusively on the contracts between the Bureau of Reclamation and the irrigation organizations.

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 waters 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Exhibit B

In Re SRBA	)	Subcase Nos. 01-02064, 01-10042
	)	(American Falls)
Case No. 39576	)	
	)	Subcase Nos. 01-02068, 01-10043
	)	(Palisades)
	)	
	)	Subcase Nos. 01-4055, 01-10044, 01-10045
	)	(Jackson Lake)
	)	
	)	Subcase No. 01-219
	)	(Lake Walcott)
	)	
	)	Subcase Nos. 21-2156, 21-10560
	)	(Island Park)
	)	
	)	Subcase No. 21-4155 (Grassy Lake)
	)	
	)	Subcase No. 25-7004 (Ririe)
	)	
	)	
	)	UNIFIED
	)	STIPULATION
	)	
	)	

Page 1

1. The Parties agree that the following remarks should be included in the partial decrees for the following water rights as set forth below:¹

Remark	Applicable Water Rights
[Upstream Storage—In State] Place of use for storage is [insert name] Reservoir, provided, however, that water under this right may be temporarily held in the unoccupied space of any of the reservoirs upstream of Milner Dam, located at township 10S, range, 21E, sections 28 and 29, when determined by the Water District 01 Watermaster, the Water District 01 advisory committee, and the United States Bureau of Reclamation that such temporary storage will maximize the storage of water upstream of Milner Dam.	01-2064, 01-10042 (American Falls) 01-2068, 01-10043 (Palisades) 21-2156, 21-10560 (Island Park) 01-219 (Lake Walcott) 25-7004 (Ririe)
[Upstream Storage—Out of State] Storage water referenced herein may be temporarily held in the unoccupied space of any of the reservoirs upstream of Milner Dam, located at township 10S, range, 21E, sections 28 and 29, when determined by the Water District 01 Watermaster, the Water District 01 advisory committee, and the United States Bureau of Reclamation that such temporary storage will maximize the storage of water upstream of Milner Dam.	01-4055, 01-10044, 01-10045 (Jackson Lake) 21-4155 (Grassy Lake)
[Permanent Exchange] The spaceholder contracts between the United States Bureau of Reclamation (USBR) and Burley Irrigation District and USBR and North Side Canal Company, respectively, provide for a credit of storage from Jackson Lake reservoir under water rights 01-4055, 01-10044, and 01-10045 to space in American Falls reservoir under water rights 01-2064 upon certain conditions. This determination and calculation of credit, if any, shall be made pursuant to contracts entered into with the USBR for space in American Falls and Jackson Lake reservoirs.	01-2064 (American Falls) 01-4055, 01-10044, 01-10045 (Jackson Lake)

¹ For ease of reference titles in brackets have been provided for each remark but those titles will not be included on the water rights. The Upstream Storage, Permanent Exchange, and MID Exchange remarks are consistent with and based upon provisions of the Palisades Contracts and administration of water rights in Water District 1.

[MID Exchange] Minidoka Irrigation District has the right to make annual exchanges of storage and to designate reservoirs for purposes of delivery and carryover of storage, as described in contract no. 14-06-100-1833 entered into with the U.S. Bureau of Reclamation.	01-4055, 01-10044 (Jackson Lake) 01-2064 (American Falls) 01-219 (Lake Walcott) 01-2068 (Palisades)
[2006 Settlement] 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.	01-2064 (American Falls) 01-10045 (Jackson) 01-2068 (Palisades)

2. Consistent with and based upon the upstream storage, winter power savings and special priority provisions of the Palisades contracts and administration of water rights in Water District 1, the parties hereby stipulate to the elements of water rights 21-2156 and 21-10560 for Island Park Reservoir as set forth in Exhibits A and B, respectively, attached hereto.

3. Consistent with and based upon the upstream storage provisions of the Palisades contracts and administration of water rights in Water District 1, the parties hereby stipulate to the elements of water right 21-4155 for Grassy Lake Reservoir as set forth in Exhibit C attached hereto.

4. Consistent with and based upon the upstream storage, permanent exchange, and MID exchange provisions of the Palisades contracts and administration of water rights in Water District 1, the parties hereby stipulate to the elements of water rights 01-4055, 01-10044, and 01-10045 for Jackson Lake Reservoir as set forth in Exhibits D, E, and F, respectively, attached hereto.

5. The Parties agree the matters in this Stipulation are not severable. The Parties further agree to execute and file such necessary documents with the SRBA Court to implement

6. The Parties agree that this Stipulation has been reached in the process of good faith negotiations for the purpose of resolving legal disputes, including pending litigation, without any determination on the merits. The Parties agree that nothing herein or resulting herefrom shall constitute an admission against interest or be used in any proceeding as legal support or precedent, except as to effectuate this specific stipulation. Each party stands by its claims, objections, and/or responses and intends merely to avoid litigation and settle this matter.

FREMONT-MADISON ET AL.



 Jerry R. Rigby
 Attorneys for Fremont-Madison Irrigation
 District, Idaho Irrigation District, and
 Blackfoot Irrigation Company

2/20/12

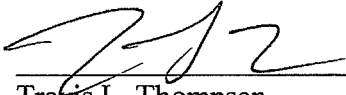
 Date

FLETCHER LAW OFFICE

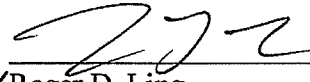

W. Kent Fletcher
Attorneys for Minidoka Irrigation District

6/20/12
Date

BARKER ROSHOLT & SIMPSON LLP



Travis L. Thompson Date
Attorneys for A&B Irrigation District, Burley
Irrigation District, Milner Irrigation District,
North Side Canal Company, and Twin Falls
Canal Company



Roger D. Ling Date
Attorney for A&B Irrigation District,
Burley Irrigation District, and Falls
Irrigation District

CERTIFICATE OF SERVICE

I certify that on August 20th, 2012, I served true and correct copies of the foregoing UNIFIED STIPULATION as follows:

Via Hand Delivery:

Clerk of the District Court (original + 10 copies)
Snake River Basin Adjudication
253 Third Avenue North
Twin Falls, ID 83303-2707
Phone: 208-736-3011

via First Class U.S. Mail, pre-paid:

C.Thomas Arkoosh
Capitol Law Group, PLLC
P.O. Box 2598
Boise, ID 83701-2598

Roger D. Ling
Ling Law Office
P.O. Box 623
Rupert, ID 83350-0623

John K. Simpson
Travis L. Thompson
Paul L. Arrington
Barker, Rosholt & Simpson, LLP
P.O. Box 485
Twin Falls, ID 83303-0485

Josephine P. Beeman
Beeman & Associates
409 W. Jefferson St.
Boise, ID 83702

James C. Tucker
Idaho Power Company
P.O. Box 70
Boise, ID 83707

Randall C. Budge
Candace M. McHugh
Racine, Olson, Nye, Budge & Bailey, Chtd.
P.O. Box 1391
Pocatello, ID 83204-1391

Adam T. Devoe
Brownstein Hyatt Farber Schreck, PC
410 17th Street, Suite 2200
Denver, CO 80202

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

W. Kent Fletcher
Fletcher Law Office
P. O. Box 248
Burley, ID 83318

United States Department of Justice
Environment and Natural Resources Div.
550 West Fort Street, MSC 033
Boise, ID 83724

Director of IDWR
Idaho Water Center
P.O. Box 83720
Boise, ID 83720-0098

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

A handwritten signature in black ink, appearing to read 'T. Thompson', is written over a horizontal line.

Travis L. Thompson

EXHIBIT A

RIGHT NUMBER: 21-2156

NAME AND ADDRESS:

UNITED STATES OF AMERICA ACTING
THROUGH BUREAU OF RECLAMATION
REGIONAL DIRECTOR PN CODE-3100
1150 N CURTIS RD STE 100
BOISE ID 83706-1234

SOURCE:

Source:
HENRYS FORK

Tributary:
SNAKE RIVER

QUANTITY:

90,000.00 AFY

~~114,000.000 AFY~~

Total reservoir capacity is 135,000 acre feet when filled to elevation 6303 and measured at the upstream face of the dam.

~~Total reservoir capacity is 135,000 acre feet when filled to elevation 6302 and measured at the upstream face of the dam.~~

~~45,000 acre feet of this right is designated as the first to fill as specified in the provisions for winter power operation at the Minidoka powerplant as provided for by Bureau of Reclamation Contract No. 14-06-100-1933, incorporated by reference in 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).~~

PRIORITY DATE: 03/14/1935

POINT OF DIVERSION:

T13N R43E S28 Lot 3
Within FREMONT County

PURPOSE AND
PERIOD OF USE:

Purpose of use:	Period of use:	Quantity:
IRRIGATION STORAGE	01/01 12/31	90,000.00 AFY
		114,000.00 AFY
IRRIGATION FROM STORAGE	04/01 10/31	90,000.00 AFY
	04/01 11/01	114,000.00 AFY

PLACE OF USE:

Place of use for irrigation from storage is within the boundary of Fremont Madison Irrigation District pursuant to Section 43-323, Idaho Code.

Place of use does not include federal public lands unless authorized in writing by the United States Bureau of Reclamation.

Place of use for irrigation storage is Island Park Reservoir, provided, however, that water under this right may be temporarily held in the unoccupied space of any of the reservoirs upstream of Milner Dam, located at township 10S, range 21E, sections 28 and 29, when determined by the Water District 01 Watermaster, the Water District 01 advisory committee, and the United States Bureau of Reclamation that such temporary storage will maximize the storage of water upstream of Milner Dam.

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 for irrigation from storage is within the following counties: Fremont, Teton, and Madison.~~

~~Place of use for irrigation storage is Island Park Reservoir.~~

~~Place of use does not include federal public lands~~

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 name of the United States of America acting through the Bureau of Reclamation appears in the Name and Address sections of this partial decree. However, as a matter of Idaho Constitutional and Statutory Law, title to the use of the water is held by the consumers or users of the water. The irrigation organizations act on behalf of the consumers or users to administer the use of the water for the landowners in the quantities and/or percentages specified in the contracts between the Bureau of Reclamation and the irrigation organizations for the benefit of the landowners entitled to receive distribution of this water from the respective irrigation organizations. The interest of the consumers or users of the water is appurtenant to the lands within the boundaries of or served by such irrigation organizations, and that interest is derived from law and is not based exclusively on the contracts between the Bureau of Reclamation and the irrigation organizations.

~~Although the name of the United States of America acting through the Bureau of Reclamation appears in the Name and Address section of this partial decree, the ownership of this water right is divided. The United States Bureau of Reclamation holds nominal legal title. Beneficial or equitable title to this water right is held in trust by the irrigation organizations, in the quantities and/or percentages specified in the contracts between the Bureau of Reclamation and the irrigation organizations, for the benefit of the landowners entitled to receive distribution of this water from the respective irrigation organizations pursuant to Idaho law. As a matter of law, this interest is appurtenant to the lands within the boundaries of or served by such irrigation organization. The ownership of this water right is derived from law and is not based exclusively on the contracts between the Bureau of Reclamation and the irrigation organizations.~~

EXHIBIT B

RIGHT NUMBER: 21-10560

NAME AND ADDRESS:

UNITED STATES OF AMERICA ACTING
THROUGH BUREAU OF RECLAMATION
REGIONAL DIRECTOR PN CODE-3100
1150 N CURTIS RD STE 100
BOISE ID 83706-1234

SOURCE:

Source:
HENRYS FORK

Tributary:
SNAKE RIVER

QUANTITY:

45,000.000 AFY

~~21,000.000 AFY~~

Total reservoir capacity is 135,000 acre feet when filled to elevation 6303 and measured at the upstream face of the dam.

~~Total reservoir capacity is 135,000 acre feet when filled to elevation 6302 and measured at the upstream face of the dam.~~

PRIORITY DATE: ~~06/12/1940~~ 03/29/1921

POINT OF DIVERSION:

T13N R43E S28 Lot 3
Within FREMONT County

PURPOSE AND
PERIOD OF USE:

Purpose of use:	Period of use:	Quantity:
IRRIGATION STORAGE	01/01 12/31	<u>45,000.00 AFY</u>
		<u>21,000.00 AFY</u>
IRRIGATION FROM STORAGE	04/01 10/31	<u>45,000.00 AFY</u>
		<u>21,000.00 AFY</u>

PLACE OF USE:

Place of use does not include federal public lands unless authorized in writing by the United States Bureau of Reclamation.

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 for irrigation storage is Island Park Reservoir, provided, however, that water under this right may be temporarily held in the unoccupied space of any of the reservoirs upstream of Milner Dam, located at township 10S, range 21E, sections 28 and 29, when determined by the Water District 01 Watermaster, the Water District 01 advisory committee, and the United States Bureau of Reclamation that such temporary storage will maximize the storage of water upstream of Milner Dam.

Place of use for irrigation from storage is within the boundary of Fremont Madison Irrigation District pursuant to Section 43-323, Idaho Code.

~~Place of use for irrigation from storage is within the following counties: Fremont, Teton, and Madison.~~

~~Place of use for irrigation storage is Island Park Reservoir.~~

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 name of the United States of America acting through the Bureau of Reclamation appears in the Name and Address sections of this partial decree. However, as a matter of Idaho Constitutional and Statutory Law, title to the use of the water is held by the consumers or users of the water. The irrigation organizations act on behalf of the consumers or users to administer the use of the water for the landowners in the quantities and/or percentages specified in the contracts between the Bureau of Reclamation and the irrigation organizations for the benefit of the landowners entitled to receive distribution of this water from the respective irrigation organizations. The interest of the consumers or users of the water is appurtenant to the lands within the boundaries of or served by such irrigation organizations, and that interest is derived from law and is not based exclusively on the contracts between the Bureau of Reclamation and the irrigation organizations.

~~Although the name of the United States of America acting through the Bureau of Reclamation appears in the Name and Address section of this partial decree, the ownership of this water right is divided. The United States Bureau of Reclamation holds nominal legal title. Beneficial or equitable title to this water right is held in trust by the irrigation organizations, in the quantities and/or percentages specified in the contracts between the Bureau of Reclamation and the irrigation organizations, for the benefit of the landowners entitled to receive distribution of this water from the respective irrigation organizations pursuant to Idaho law. As a matter of law, this interest is appurtenant to the lands within the boundaries of or served by such irrigation organization. The ownership of this water right is derived from law and is not based exclusively on the contracts between the Bureau of Reclamation and the irrigation organizations.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use License

This right is designated as the first to fill as specified in the provisions for winter power operation at the Minidoka powerplant as provided for by Bureau of Reclamation Contract No. 14-06-100-1833 incorporated by reference in 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).

This right is a combination of all of former right no. 21-2157 and 24,000 acre-feet of right no. 21-2156.

EXHIBIT C

RIGHT NUMBER: 21-4155

NAME AND ADDRESS: UNITED STATES OF AMERICA ACTING THROUGH
REGIONAL DIRECTOR PN REGION
BUREAU OF RECLAMATION
1150 N CURTIS RD STE 100
BOISE ID 83706-1234

SOURCE: CASCADE CREEK
GRASSY SPRING

TRIBUTARY: FALL RIVER
TRIBUTARY: FALLS RIVER

QUANTITY: 15,204.00 AFY

The quantity for this water right represents the maximum quantity of storage water that may be put to beneficial use under this right after the storage released from Grassy Lake enters the state of Idaho must be determined by the state of Wyoming. The listing of this element is for informational purposes only.

PRIORITY DATE: 02/13/1936

The priority date for this water right represents the priority associated with the storage water put to beneficial use under this right after storage released from Grassy Lake enters the state of Idaho must be determined by the state of Wyoming. The listing of this element is for informational purposes only.

POINT OF

DIVERSION:

T09N R46E S17 NESW Lot 3 Within FREMONT County

~~T09N R46E S17 NESW Lot 3 Within FREMONT County~~

~~The point of diversion for this water right is in Teton County, Wyoming, lot 4 sww, sec. 8, T. 48N, R. 116W, 6th PM.~~

The point of diversion shown above is where the conveyance system enters Idaho, recognizing, however, the storage water is physically stored in and released from Grassy Lake which is located within the state of Wyoming.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION STORAGE	01/01 12/31	15,204.00 AFY
IRRIGATION FROM STORAGE	04/01 10/31	15,204.00 AFY

PLACE OF USE:

Place of use for irrigation from storage is within the following counties: Fremont, Madison, and Teton boundary of Fremont-Madison Irrigation District pursuant to Section 43-323, Idaho Code.

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 storage of water for irrigation purposes occurs within the state of Wyoming pursuant to the laws of that state and consistent with federal law, which provides for the operation of the Minidoka Project consistent with existing federal law and contracts entered into between spaceholders and the United States.

Storage water referenced herein may be temporarily held in the unoccupied space of any of the reservoirs upstream of Milner Dam, located at township 10S, range, 21E, sections 28 and 29, when determined by the Water District 01 Watermaster, the Water District 01 advisory committee, and the United States Bureau of Reclamation that such temporary storage will maximize the storage of water upstream of Milner Dam.

The name of the United States of America acting through the Bureau of Reclamation appears in the Name and Address sections of this partial decree. However, as a matter of Idaho Constitutional and Statutory Law, title to the use of the water is held by the consumers or users of the water. The irrigation organizations act on behalf of the consumers or users to administer the use of the water for the landowners in the quantities and/or percentages specified in the contracts between the Bureau of Reclamation and the irrigation organizations for the benefit of the landowners entitled to receive distribution of this water from the respective irrigation organizations. The interest of the consumers or users of the water is appurtenant to the lands within the boundaries of or served by such irrigation organizations, and that interest is derived from law and is not based exclusively on the contracts between the Bureau of Reclamation and the irrigation organizations.

~~Although the name of the United States of America acting through the Bureau of Reclamation appears in the Name and Address section of this partial decree, the ownership of this water right is divided. The United States Bureau of Reclamation holds nominal legal title. Beneficial or equitable title to this water right is held in trust by the irrigation organizations, in the quantities and/or percentages specified in the contracts between the Bureau of Reclamation and the irrigation organizations, for the benefit of the landowners entitled to receive distribution of this water from the respective irrigation organizations pursuant to Idaho law. As a matter of law, this interest is appurtenant to the lands within the boundaries of or served by such irrigation organization. The ownership of this water right is derived from law and organization. The ownership of this water right is derived from law and is not based exclusively on the contracts between the Bureau of Reclamation and the irrigation organizations.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

~~Place of use is within the boundaries of Fremont Madison Irrigation District.~~
The storage water right in Wyoming is recorded as Wyoming Certificated Water Right No. P4136
R.

EXHIBIT D

RIGHT NUMBER: 1-4055

NAME AND ADDRESS:

UNITED STATES OF AMERICA ACTING
THROUGH
REGIONAL DIRECTOR PN REGION
BUREAU OF RECLAMATION PN-3100
1150 N CURTIS RD STE 100
BOISE ID 83706-1234

SOURCE:

Source:
SNAKE RIVER

Tributary:

COLUMBIA RIVER

QUANTITY:

~~299,000.000 AFY~~ 298,981.00 AFY

The quantity for this water right represents the maximum quantity of storage water that may be put to beneficial use under this right after storage released from Jackson Lake Reservoir enters the state of Idaho. must be determined by the state of Wyoming. The listing of this element is for informational purposes only.

PRIORITY DATE:

08/23/1906

The priority date for this water right represents the priority associated with the storage water put to beneficial use under this right after storage released from Jackson Lake Reservoir enters the state of Idaho. listing of this element is for informational purposes only.

POINT OF DIVERSION:

T03S R46E S10 SWNE
Within BONNEVILLE County

The point of diversion shown above is where the Snake River enters the state of Idaho, recognizing, however, the storage water is physically stored in and released from Jackson Lake Reservoir which is located within the state of Wyoming.

~~The point of diversion is at the outlet of Jackson Lake Reservoir Dam.~~

~~The point of diversion for this water right is in Wyoming, T46N, R114W, S18, SESW, P.M.~~

The point of diversion shown above is where the Snake River enters Idaho, recognizing, however, the storage water is physically in and released from Jackson Lake Reservoir which is located within the state of Wyoming.

PURPOSE AND
PERIOD OF USE:

Purpose of use	Period of use:	Quantity:
----------------	----------------	-----------

IRRIGATION STORAGE	01/01 12/31	299,000.00 AFY
--------------------	-------------	----------------

IRRIGATION FROM STORAGE	03/15 11/15	299,000.000 AFY 298,981.00 AFY
-------------------------	-------------	---

PLACE OF USE:

Place of use for irrigation from storage is within the following counties: Fremont, Madison, Jefferson, Bonneville, Bingham, Bannock, Power, Minidoka, Cassia, Lincoln, Jerome, Twin Falls, Gooding, and Elmore.

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

The storage of water for irrigation purposes occurs within the state of Wyoming pursuant to laws of that state and consistent with federal law, which provides for the operation of the Minidoka Project consistent with existing federal law and contracts entered into between spaceholders and the United States.

Storage water referenced herein may be temporarily held in the unoccupied space of any of the reservoirs upstream of Milner Dam, located at township 10S, range, 21E, sections 28 and 29, when determined by the Water District 01 Watermaster, the Water District 01 advisory committee, and the United States Bureau of Reclamation that such temporary storage will maximize the storage of water upstream of Milner Dam.

The spaceholder contracts between the United States Bureau of Reclamation (USBR) and Burley Irrigation District and USBR and North Side Canal Company, respectively, provide for a credit of storage from Jackson Lake reservoir under water rights 01-4055, 01-10044, and 01-10045 to space in American Falls reservoir under water rights 01-2064 upon certain conditions. This determination and calculation of credit, if any, shall be made pursuant to contracts entered into with the USBR for space in American Falls and Jackson Lake reservoirs.

Minidoka Irrigation District has the right to make annual exchanges of storage and to designate reservoirs for purposes of delivery and carryover of storage, as described in contract no. 14-06-100-1833 entered into with the U.S. Bureau of Reclamation.

The name of the United States of America acting through the Bureau of Reclamation appears in the Name and Address sections of this partial decree. However, as a matter of Idaho Constitutional and Statutory Law, title to the use of the water is held by the consumers or users of the water. The irrigation organizations act on behalf of the consumers or users to administer the use of the water for the landowners in the quantities and/or percentages specified in the contracts between the Bureau of Reclamation and the irrigation organizations for the benefit of the landowners entitled to receive distribution of this water from the respective irrigation organizations. The interest of the consumers or users of the water is appurtenant to the lands within the boundaries of or served by such irrigation organizations, and that interest is derived from law and is not based exclusively on the contracts between the Bureau of Reclamation and the irrigation organizations.

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 - Beneficial Use

The storage water right in Wyoming is recorded as The State of Wyoming Certificate of Construction of Reservoir, Certificate No. R-6, Permit No. 894 Res.

EXHIBIT E

RIGHT NUMBER: 1-10044

NAME AND ADDRESS:

UNITED STATES OF AMERICA ACTING
THROUGH
REGIONAL DIRECTOR PN REGION
BUREAU OF RECLAMATION PN-3100
1150 N CURTIS RD STE 100
BOISE ID 83706-1234

SOURCE:

Source:
SNAKE RIVER

Tributary:

COLUMBIA RIVER

QUANTITY:

~~93,900,000 AFY~~ 138,829 AFY

The quantity for this water right represents the maximum quantity of storage water that may be put to beneficial use under this right after storage released from Jackson Lake Reservoir enters the state of Idaho. must be determined by the state of Wyoming. The listing of this element is for informational purposes only.

PRIORITY DATE:

08/18/1910

The priority date for this water right represents the priority associated with the storage water put to beneficial use under this right after storage released from Jackson Lake Reservoir enters the state of Idaho. listing of this element is for informational purposes only.

POINT OF DIVERSION:

T03S R46E S10 SWNE
Within BONNEVILLE County

The point of diversion shown above is where the Snake River enters the state of Idaho, recognizing, however, the storage water is physically stored in and released from Jackson Lake Reservoir which is located within the state of Wyoming.

~~The point of diversion is at the outlet of Jackson Lake Reservoir Dam.~~

~~The point of diversion for this water right is in Wyoming, T46N, R114W, S18, SESW, P.M.~~

The point of diversion shown above is where the Snake River enters Idaho, recognizing, however, the storage water is physically in and released from Jackson Lake Reservoir which is located within the state of Wyoming.

PURPOSE AND
PERIOD OF USE:

Purpose of use Period of use: Quantity:

~~IRRIGATION STORAGE 01/01 12/31 93,900,000 AFY~~

IRRIGATION FROM STORAGE 03/15 11/15 ~~93,900,000 AFY~~ 138,829 AFY

PLACE OF USE:

Place of use for irrigation from storage is within the following counties:
Fremont, Madison, Jefferson, Bonneville, Bingham, Bannock, Power, Minidoka,
Cassia, Lincoln, Jerome, Twin Falls, Gooding, and Elmore.

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

The storage of water for irrigation purposes occurs within the state of Wyoming pursuant to laws of that state and consistent with federal law, which provides for the operation of the Minidoka Project consistent with existing federal law and contracts entered into between spaceholders and the United States.

Storage water referenced herein may be temporarily held in the unoccupied space of any of the reservoirs upstream of Milner Dam, located at township 10S, range, 21E, sections 28 and 29, when determined by the Water District 01 Watermaster, the Water District 01 advisory committee, and the United States Bureau of Reclamation that such temporary storage will maximize the storage of water upstream of Milner Dam.

The spaceholder contracts between the United States Bureau of Reclamation (USBR) and Burley Irrigation District and USBR and North Side Canal Company, respectively, provide for a credit of storage from Jackson Lake reservoir under water rights 01-4055, 01-10044, and 01-10045 to space in American Falls reservoir under water rights 01-2064 upon certain conditions. This determination and calculation of credit, if any, shall be made pursuant to contracts entered into with the USBR for space in American Falls and Jackson Lake reservoirs.

Minidoka Irrigation District has the right to make annual exchanges of storage and to designate reservoirs for purposes of delivery and carryover of storage, as described in contract no. 14-06-100-1833 entered into with the U.S. Bureau of Reclamation.

The name of the United States of America acting through the Bureau of Reclamation appears in the Name and Address sections of this partial decree. However, as a matter of Idaho Constitutional and Statutory Law, title to the use of the water is held by the consumers or users of the water. The irrigation organizations act on behalf of the consumers or users to administer the use of the water for the landowners in the quantities and/or percentages specified in the contracts between the Bureau of Reclamation and the irrigation organizations for the benefit of the landowners entitled to receive distribution of this water from the respective irrigation organizations. The interest of the consumers or users of the water is appurtenant to the lands within the boundaries of or served by such irrigation organizations, and that interest is derived from law and is not based exclusively on the contracts between the Bureau of Reclamation and the irrigation organizations.

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 - Beneficial Use

The storage water right in Wyoming is recorded as The State of Wyoming Certificate of Construction of Reservoir, Certificate No. R-6, Permit No. 894 Res.

EXHIBIT F

RIGHT NUMBER: 1-10045

NAME AND ADDRESS:

UNITED STATES OF AMERICA ACTING
THROUGH
REGIONAL DIRECTOR PN REGION
BUREAU OF RECLAMATION PN-3100
1150 N CURTIS RD STE 100
BOISE ID 83706-1234

SOURCE:

Source:
SNAKE RIVER

Tributary:

COLUMBIA RIVER

QUANTITY:

~~100,000,000 AFY~~ 409,190.00 AFY

The quantity for this water right represents the maximum quantity of storage water that may be put to beneficial use under this right after storage released from Jackson Lake Reservoir enters the state of Idaho. must be determined by the state of Wyoming. The listing of this element is for informational purposes only.

PRIORITY DATE:

05/24/1913

The priority date for this water right represents the priority associated with the storage water put to beneficial use under this right after storage released from Jackson Lake Reservoir enters the state of Idaho. listing of this element is for informational purposes only.

POINT OF DIVERSION:

T03S R46E S10 SWNE
Within BONNEVILLE County

The point of diversion shown above is where the Snake River enters the state of Idaho, recognizing, however, the storage water is physically stored in and released from Jackson Lake Reservoir which is located within the state of Wyoming.

~~The point of diversion is at the outlet of Jackson Lake Reservoir Dam.~~

~~The point of diversion for this water right is in Wyoming, T46N, R114W, S18, SESW, P.M.~~

The point of diversion shown above is where the Snake River enters Idaho, recognizing, however, the storage water is physically in and released from Jackson Lake Reservoir which is located within the state of Wyoming.

PURPOSE AND
PERIOD OF USE:

Purpose of use	Period of use:	Quantity:
----------------	----------------	-----------

IRRIGATION STORAGE	01/01 12/31	100,000,000 AFY
-------------------------------	------------------------	----------------------------

IRRIGATION FROM STORAGE	03/15 11/15	100,000,000 AFY 409,190.00 AFY
-------------------------	-------------	---

PLACE OF USE:

Place of use for irrigation from storage is within the following counties:
Fremont, Madison, Jefferson, Bonneville, Bingham, Bannock, Power, Minidoka,
Cassia, Lincoln, Jerome, Twin Falls, Gooding, and Elmore.

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

This water right is also recorded as The State of Wyoming Certificate of Construction of Reservoir, Certificate No. R-6, Permit No. 894 Res.

The storage of water for irrigation purposes occurs within the state of Wyoming pursuant to laws of that state and consistent with federal law, which provides for the operation of the Minidoka Project consistent with existing federal law and contracts entered into between spaceholders and the United States.

Storage water referenced herein may be temporarily held in the unoccupied space of any of the reservoirs upstream of Milner Dam, located at township 10S, range, 21E, sections 28 and 29, when determined by the Water District 01 Watermaster, the Water District 01 advisory committee, and the United States Bureau of Reclamation that such temporary storage will maximize the storage of water upstream of Milner Dam.

The spaceholder contracts between the United States Bureau of Reclamation (USBR) and Burley Irrigation District and USBR and North Side Canal Company, respectively, provide for a credit of storage from Jackson Lake reservoir under water rights 01-4055, 01-10044, and 01-10045 to space in American Falls reservoir under water rights 01-2064 upon certain conditions. This determination and calculation of credit, if any, shall be made pursuant to contracts entered into with the USBR for space in American Falls and Jackson Lake reservoirs.

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.

The name of the United States of America acting through the Bureau of Reclamation appears in the Name and Address sections of this partial decree. However, as a matter of Idaho Constitutional and Statutory Law, title to the use of the water is held by the consumers or users of the water. The irrigation organizations act on behalf of the consumers or users to administer the use of the water for the landowners in the quantities and/or percentages specified in the contracts between the Bureau of Reclamation and the irrigation organizations for the benefit of the landowners entitled to receive distribution of this water from the respective irrigation organizations. The interest of the consumers or users of the water is appurtenant to the lands within the boundaries of or served by such irrigation organizations, and that interest is derived from law and is not based exclusively on the contracts between the Bureau of Reclamation and the irrigation organizations.

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 - Beneficial Use

The storage water right in Wyoming is recorded as The State of Wyoming Certificate of Construction of Reservoir, Certificate No. R-6, Permit No. 894 Res.

Exhibit C

RECEIVED

JUL 3 - 2012

Fletcher Law Office

**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. 01-219
	)	
	)	
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. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT/ OBJECTOR/RESPONDENT:

Bureau of Reclamation

David W. Gehlert Date
Attorney for Claimant/Objector/Respondent

OBJECTORS:

Fremont-Madison Irrigation District
Blackfoot Irrigation Company
United Canal Company

Twin Falls Canal Company
North Side Canal Company

Jerry R. Rigby Date
Attorney for Objectors

Burley Irrigation District

Travis L. Thompson Date
Attorney for Objectors

City of Pocatello

Roger D. Ling Date
Attorney for Objector

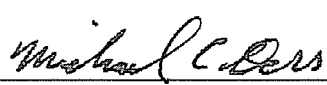
OBJECTOR/RESPONDENT:
Minidoka Irrigation District

Sarah A. Klahn Date
Attorney for Objector

RESPONDENT:
State of Idaho

 8-9-12

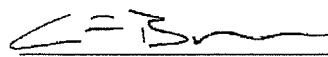
W. Kent Fletcher Date
Attorney for Objector/Respondent

 8/15/12

Michael C. Orr Date
Attorney for Respondent

IDWR Concurrence:

Michael Holliday Date
Water Rights Supervisor

 6/29/12

Chris Bromley Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 1-219

NAME AND ADDRESS:

UNITED STATES OF AMERICA ACTING
THROUGH
BUREAU OF RECLAMATION
REGIONAL DIRECTOR PN CODE-3100
1150 N CURTIS RD STE 100
BOISE ID 83706-1234

SOURCE:

Source:
SNAKE RIVER

Tributary:

COLUMBIA RIVER

QUANTITY:

95,200 AFY

~~41,700 AFY~~

Total reservoir capacity is 210,000 acre feet when filled to elevation 4245 and measured at the upstream face of the dam.

PRIORITY DATE:

12/14/1909

POINT OF DIVERSION:

~~T09S R25E S1 Lot 3 NENESEW~~
~~Within MINIDOKA County~~

T09S R25E S1 Lot 3 NESW
Within MINIDOKA County ^{ES}
and Cassia

CR
WKF
1460

PURPOSE AND
PERIOD OF USE:

Purpose of use:	Period of use:	Quantity:
IRRIGATION STORAGE	01/01 12/31	<u>95,200 AFY</u> 41,700 AFY
IRRIGATION FROM STORAGE	03/15 11/15	<u>95,200 AFY</u> 41,700 AFY

PLACE OF USE:

Place of use for irrigation storage is Lake Walcott, provided, however, that water under this right may be temporarily held in the unoccupied space of any of the reservoirs upstream of Milner Dam, located at township 10S, range, 21E, sections 28 and 29, when determined by the Department of Water Resources, the Water District advisory committee, and the United States Bureau of Reclamation that such temporary storage will maximize the storage of water upstream of Milner Dam.

Place of use for irrigation from storage is within the following counties: Minidoka and Cassia.

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

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

The name of the United States of America acting through the Bureau of Reclamation appears in the Name and Address sections of this partial decree. However, as a matter of Idaho Constitutional and Statutory Law, title to the use of the water is held by the consumers or users of the water. The irrigation organizations act on behalf of the consumers or users to administer the use of the water for the landowners in the quantities and/or percentages specified in the contracts between the Bureau of Reclamation and the irrigation organizations for the benefit of the landowners entitled to receive distribution of this water from the respective irrigation organizations. The interest of the consumers or users of the water is appurtenant to the lands within the boundaries of or served by such irrigation organizations, and that interest is derived from law and is not based exclusively on the contracts between the Bureau of Reclamation and the irrigation organizations.

CR
C/K
MEO

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.

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.

~~Although the name of the United States of America acting through the Bureau of Reclamation appears in the Name and Address section of this partial decree, the ownership of this water right is divided. The United States Bureau of Reclamation holds nominal legal title. Beneficial or equitable title to this water right is held in trust by the irrigation organizations, in the quantities and/or percentages specified in the contracts between the Bureau of Reclamation and the irrigation organizations, for the benefit of the landowners entitled to receive distribution of this water from the respective irrigation organizations pursuant to Idaho law. As a matter of law, this interest is appurtenant to the lands within the boundaries of or served by such irrigation organization. The ownership of this water right is derived from law and is not based exclusively on the contracts between the Bureau of Reclamation and the irrigation organizations.~~

~~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 waters 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.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed