

DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

AUG 29 2012

By _____

Clerk
Deputy Clerk

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. 01-211A
	)	
	)	
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

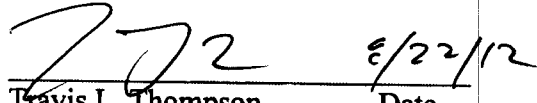
David W. Gehlert 8/27/12
David W. Gehlert Date
Attorney for Claimant/Objector/Respondent

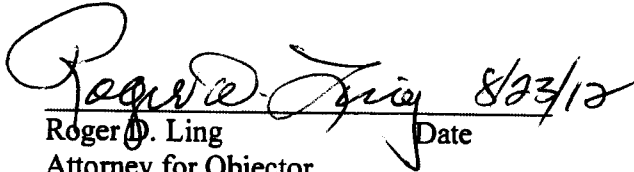
OBJECTORS:

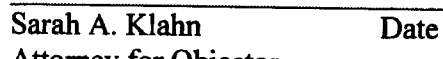
Fremont-Madison Irrigation District
Blackfoot Irrigation Company
United Canal Company

Twin Falls Canal Company
North Side Canal Company


Jerry R. Rigby Date 8-23-12
Attorney for Objectors
Burley Irrigation District


Travis L. Thompson Date 8/22/12
Attorney for Objectors
City of Pocatello


Roger D. Ling Date 8/23/12
Attorney for Objector

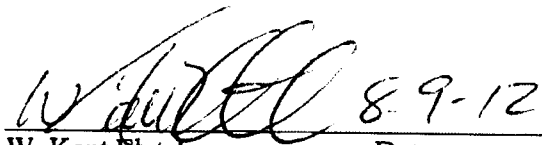

Sarah A. Klahn Date
Attorney for Objector

OBJECTOR/RESPONDENT:

Minidoka Irrigation District

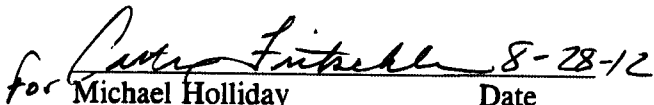
RESPONDENT:

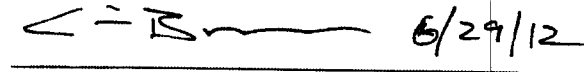
State of Idaho


W. Kent Fletcher Date 8-9-12
Attorney for Objector/Respondent


Michael C. Orr Date 8/15/12
Attorney for Respondent

IDWR Concurrence:

for 
Michael Holliday Date 8-28-12
Water Rights Supervisor


Chris Bromley Date 8/29/12
Deputy Attorney General
Attorney for IDWR

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

 8-22-12

Sarah A. Klahn Date
Attorney for Objector

RESPONDENT:
State of Idaho

 8-9-12

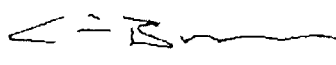
W. Kent Fletcher Date
Attorney for Objector/Respondent

 8/18/12

Michael C. Orr Date
Attorney for Respondent

IDWR Concurrence:

Michael Holliday Date
Water Rights Supervisor

 8/29/12

Chris Bromley Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 1-211A

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:

1,726.000 CFS

The diversions under this right and Right No. 1-211B shall not exceed 1726 cfs. If the demands of Burley Irrigation District and the United States Department of the Interior, Bureau of Reclamation, for and on behalf of the North Side Division of the Minidoka Project (Minidoka Irrigation District) for diversions under this right and Right No. 1-211B exceed 1726 cfs or the flows then available under these rights, the right to divert water under this right by the Bureau of Reclamation will be reduced to meet the demands of Burley Irrigation District for water under this right, but the right under such condition shall not be reduced to less than 62% of the flows then available under this right and Right No. 1-211B.

The rights listed below are limited to a total combined diversion rate of 1460 cfs from the point of diversion located at T09S R25E S1 SESW. Combined Right Nos.: 1-211B, 1-214B, and 1-7 (Burley Irrigation District); and Right Nos. 1-211A, 1-214A, and 1-8 (Minidoka Irrigation District).

The diversions under this right and Right No. 1-211B shall not exceed 1726 cfs. If the demands of Burley Irrigation District and the United States Department of the Interior, Bureau of Reclamation, for and on behalf of the North Side Division of the Minidoka Project (Minidoka Irrigation District) for diversions under this right and Right No. 1-211B exceed 1726 cfs or the flows then available under these rights, the right to divert water under this right by the Bureau of Reclamation shall not exceed 62% of the flows then available under this right and Right No. 1-211B.

PRIORITY DATE:

03/26/1903

POINT OF DIVERSION:

T09S R25E S1 Lot 3 SENW
Within MINIDOKA County

T09S R25E S1 SESW
Within CASSIA County

T09S R25E S1 Lot 3 NENESW
Within MINIDOKA County

T09S R25E S1 SWSESW
Within CASSIA County

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

PURPOSE AND
PERIOD OF USE:

Purpose of use:	Period of use:	Quantity:
IRRIGATION	03/15 11/15	1,726.000 CFS

PLACE OF USE:

75093 ACRES TOTAL

Place of use is within the boundary of Minidoka Irrigation District pursuant to Section 43-323, Idaho Code.

This right is limited to the irrigation of 56,392 acres within the place of use described above in a single irrigation season.

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 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.

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.

~~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~~

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

~~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

Water is delivered through Minidoka North Side Canal and Minidoka South Side Canal.

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

RIGHT NUMBER: 1-211A

NAME AND ADDRESS:

UNITED STATES OF AMERICA ACTING
THROUGH
BUREAU OF RECLAMATION
REGIONAL DIRECTOR PN CODE-3130
1150 N CURTIS RD STE 100
BOISE ID 83706-1234

SOURCE:

Source:
SNAKE RIVER

Tributary:

COLUMBIA RIVER

QUANTITY:

1,726.000 CFS

The diversions under this right and Right No. 1-211B shall not exceed 1726 cfs. If the demands of Burley Irrigation District and the United States Department of the Interior, Bureau of Reclamation, for and on behalf of the North Side Division of the Minidoka Project (Minidoka Irrigation District) for diversions under this right and Right No. 1-211B exceed 1726 cfs or the flows then available under these rights, the right to divert water under this right by the Bureau of Reclamation will be reduced to meet the demands of Burley Irrigation District for water under this right, but the right under such condition shall not be reduced to less than 62% of the flows then available under this right and Right No. 1-211B.

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PRIORITY DATE:

03/26/1903

POINT OF DIVERSION:

T09S R25E S1 Lot 3 SE1/4
Within MINIDOKA County

T09S R25E S1 Lot 3 NW1/4
Within MINIDOKA County

T09S R25E S1 SESW
Within CASSIA County

T09S R25E S1 SW1/4
Within CASSIA County

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

PURPOSE AND
PERIOD OF USE:

Purpose of use:

Period of use:

Quantity:

IRRIGATION

03/15 11/15

1,726,000 CFS

PLACE OF USE:

75093 ACRES TOTAL

Place of use is within the boundary of Minidoka Irrigation District pursuant to Section 43-323, Idaho Code.

This right is limited to the irrigation of 56,392 acres within the place of use described above in a single irrigation season.

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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, 1st Falls Canal Company, North Snake Canal Company and American Falls Reservoir District #2.

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

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EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Water is delivered through Minidoka North Side Canal and Minidoka South Side Canal.

CERTIFICATE OF MAILING

I certify that on August 28, 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:

BLACKFOOT IRRIGATION COMPANY
FREMONT-MADISON IRRIGATION DISTRICT
UNITED CANAL COMPANY

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

CITY OF POCA TELLO
Represented by:
A. DEAN TRANMER
CITY OF POCA TELLO
P.O. BOX 4169
POCA TELLO, ID 83201

BURLEY IRRIGATION DISTRICT
Represented by:
ROGER D LING
615 H ST
PO BOX 396
RUPERT, ID 83350-0396

USDI BUREAU OF RECLAMATION

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

CITY OF POCA TELLO

Represented by:
SARAH A. KLAHN
WHITE & JANKOWSKI LLP
KIT TREDGE BUILDING
511 16TH ST., STE. 500
DENVER, CO 80202

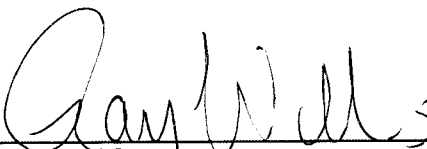
NORTH SIDE CANAL CO., LTD.
TWIN FALLS CANAL COMPANY

Represented by:
TRAVIS L. THOMPSON
113 ~~MAIN~~ AVE. W., STE. 303 195 River Vista Pl.; Ste. 204
~~P.O. BOX 485~~
TWIN FALLS, ID 83303-0485 83301-3029

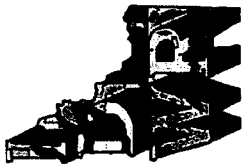
MINIDOKA IRRIGATION DISTRICT

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

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098



Signature of person or attorney

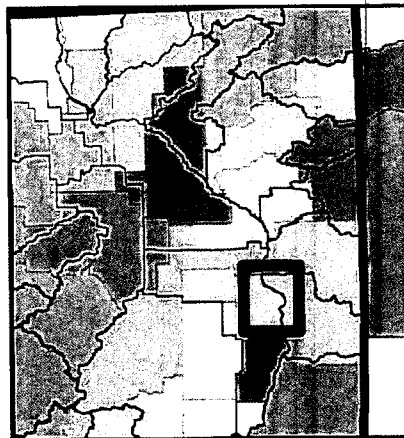


United States Of America Acting Through BOR

Adjudication Recommendations: 1-211A, 1-214A

Irrigation Service Area Boundary
GIS Place of Use Illustration

- Service Area
- State Outline
 - Townships
 - PLS Sections



Cassia, Minidoka Counties
IDWR Basin 1

Prepared by Favreau, Danielle
On June 29, 2012
1987/88 Aerial Photography

