



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

October 16, 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 Nos. 21-10921 & 21-12889

Dear Dave:

I am enclosing an SF5 for each of the above-referenced subcases. Please review the documents, and if they are acceptable, please sign on the indicated signature lines, initial the recommendations and have the SF5s filed 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 black ink that reads 'Ray Williams'.

Ray Williams
Paralegal

Enclosures

Department of Water Resources
Eastern Region

**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. 21-10921

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:

North Fremont County Cemetery Maint.

Jerry R. Rigby

Date _____

Attorney for Claimant/Objector

OBJECTOR(s):

**Fremont-Madison Irrigation District
North Fremont Canal Systems, Inc.**

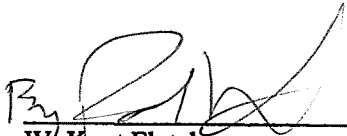
Jerry R. Rigby

Date _____

Attorney for Objectors

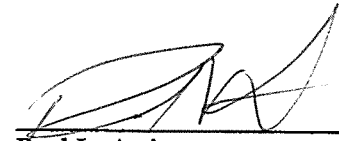
RESPONDENTS:

Minidoka Irrigation District


W. Kent Fletcher
Attorney for Respondent

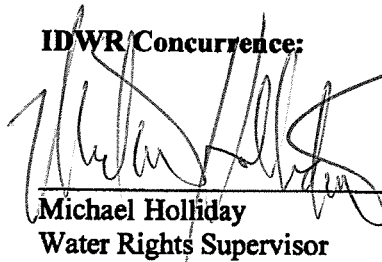
9/23/12
Date

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


Paul L. Arrington
Attorney for Respondents

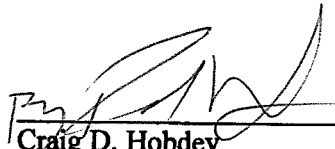
9/23/12
Date

IDWR Concurrence:


Michael Holliday
Water Rights Supervisor

10/1/12
Date

American Falls Reservoir District #2

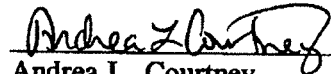

Craig D. Hobdey
Attorney for Respondent

9/23/12
Date

Bureau of Reclamation

David W. Gehlert
Attorney for Respondent

Date


Andrea L. Courtney
Deputy Attorney General
Attorney for IDWR

9/13/12
Date

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

RIGHT NUMBER: 21-10921

NAME AND ADDRESS:

NORTH FREMONT COUNTY CEMETERY
MAINT
C/O JAMES HARRELL
PO BOX 670
ASHTON ID 83420

SOURCE:

Source:
GROUND WATER

Tributary:

QUANTITY:

0.440 CFS
38.500 AFY

~~0.220 CFS~~

MNA

PRIORITY DATE:

12/31/1955

A7C PLA

POINT OF DIVERSION:

T09N R43E S30 Lot 4 SWSW
Within FREMONT County

JR

PURPOSE AND
PERIOD OF USE:

Purpose of use:

Period of use:

Quantity:

IRRIGATION

04/15 10/15

0.440 CFS 38.50 AFY

~~05/15 10/15~~

~~-0.220 CFS-~~

PLACE OF USE:

IRRIGATION within FREMONT County
T09N R43E S30 Lot 4 SWSW 11.0

11 ACRES TOTAL

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 - Beneficial Use

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

NORTH FREMONT CANAL SYSTEMS, INC.
FREMONT MADISON IRR. DIST.
FREMONT COUNTY DIST. 4 PARKER CEMETERY

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

**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. 21-12889
)
)

Case No. 39576

) STANDARD FORM 5
)
)

) STIPULATED ELEMENTS OF A
) WATER RIGHT
)

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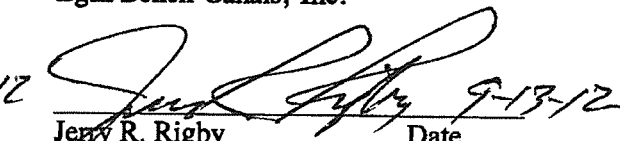
CLAIMANT/OBJECTOR:

Fremont County Dist. 4 Parker Cemetery

OBJECTOR(s):

Fremont-Madison Irrigation District
Egin Bench Canals, Inc.


Jerry R. Rigby Date 9-13-12
Attorney for Claimant/Objector

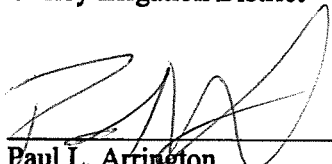

Jerry R. Rigby Date 9-13-12
Attorney for Objectors

RESPONDENTS:

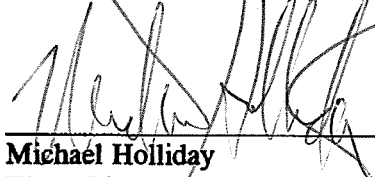
Minidoka Irrigation District

By  9/24/12
W. Kent Fletcher Date
Attorney for Respondent

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

 9/24/12
Paul L. Arrington Date
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IDWR Concurrence:

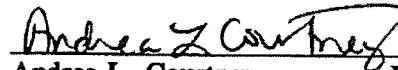
 10/1/12
Michael Holliday Date
Water Rights Supervisor

American Falls Reservoir District #2

By  9/24/12
Craig D. Hobdey Date
Attorney for Respondent

Bureau of Reclamation

David W. Gehlert Date
Attorney for Respondent

 9/13/12
Andrea L. Courtney Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 21-12889

NAME AND ADDRESS: FREMONT COUNTY DISTRICT 4 PARKER CEMETERY
PO BOX 195
PARKER ID 83438

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.920 CFS 0.320 CFS
56.00 AFY

PRIORITY DATE: 04/01/1935

POINT OF
DIVERSION:

T07N R40E S5 SENE Within FREMONT County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

0.320 CFS 0.920 CFS
56.00 AFY

PLACE OF USE: IRRIGATION in FREMONT County

T07N R40E S05 SENE 16.00

16 ACRES TOTAL

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

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AMERICAN FALLS RESERVOIR DIST. #2

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Signature of person or attorney