



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

November 4, 2004

VIA FED EX

Honorable Barry Wood
624 Main Street
Box 27
Gooding, ID 83330

*Re Marsh Valley Development Objections to Extended Season of Use
Basin 29 Water Rights*

Dear Judge Wood:

Enclosed are some documents that might be helpful in the settlement discussion to be held next week. I sent these same documents and the map to the parties. The first document organizes the parties and issues so we can track what gets settled and which parties are involved in what water right. The other documents detail efforts from prior settlement discussions, including measurement information. The map and the last spreadsheet correspond to each other and show the reaches where measurement information was taken.

Ernie Carlsen from the Idaho Department of Water Resources' Eastern Region office, me and my paralegal, Ray Williams will be attending from the Department. We will also be bringing some larger maps that can be used during the discussion.

If you have any questions, please feel free to call me at (208) 287-4810 or Ernie Carlsen at (208) 525-7161.

Very Truly Yours,

Candice M. McHugh
Deputy Attorney General, IDWR

cc: See Mailing List
Judge Woods

MARSH VALLEY DEVELOPMENT OBJECTIONS

Subcase No.	Parties	Overlapping Water Rights*	Issue(s)	Settlement
29-4364	I. Glenn & Mary Perkins/Ron Jarman	29-10830	Extended season usage	
29-4467	Lava Irrigation Co., Inc./ Jerry Rigby	29-48, 29-10816	Extended season usage Priority Date (Lava)	
29-10816	Lava Irrigation Co., Inc./ Jerry Rigby	29-48, 29-47A, 29-10816, 29-4467	Extended season usage Quantity & Priority Date (Lava)	
29-11277	Lava Irrigation Co., Inc./ Jerry Rigby Portneuf Irrigating Co./Randolph Stone	29-11277	Quantity, Period of Year Season of Use (Lava) Name, Quantity, POU (Portneuf)	
29-11681	USDI/BLM/Larry Brown Colleen Andrus Jim Andrus Kenneth Andrus Kenneth D. Andrus	29-188, 29-187, 29-191, 29-193, 29-11678	Extended season usage Priority Date (Andrus)	BLM/Stip
29-11773	USDI/BLM/Larry Brown Dempsey Irrigation Co. (Earl Smith) Topaz Irrigation Co. (Gene Fagnant)	29-36, 29-37, 29-180	Extended season usage	BLM/Stip.
29-11774	Fish Creek Irrigating Co. (Wallace Whitehead)	N/A	Extended season usage	
29-11775	Carroll & Ione Willmore Estate (Jim Willmore)	29-204, 29-205, 29-206	Extended season usage	
29-13213	Barbara W. Kevan	29-35	Extended season usage	

Subcase No.	Parties	Overlapping Water Rights*	Issue(s)	Settlement
29-13279	Candice Symons Lynden Symons	29-32	Extended season usage	
29-13289	David Lee Losee	N/A	Extended season usage	
29-13299	Lynn W. Stewart Margie H. Stewart	29-207B, 29-214B, 29-215B 29-10774B 29 10776B	Extended season usage	
29-13310	Fagnant & Olson Ranch, LLC	29-2378, 29-183, 29-184	Extended season usage	
29-13318	Portneuf Marsh Valley Canal Co./ Randall Budge USDI/BLM/Larry Brown Portneuf Irrigating Co./Randolph Stone Lava Irrigation Co./Jerry Rigby McCammon Ditch Do./James Spinner	29-52, 29-589, 29-13318, 29-4060, 29-13319	Period of Year (Portneuf Marsh) Period of Use (Portneuf Irr. Co.) Season of Use (Lava) Quantity/Priority Date (McCammon)	BLM/Stip.
29-13320	Carl L. Phillips Nola Rae Phillips	29-30	Extended season usage	
29-13321	Carl L. Phillips Nola Rae Phillips	29-31	Extended season usage	
29-13334	Ronnie D. Tillotson Sherril Tillotson	29-168, 29-178, 29-179, 29-13333	Extended season usage	
29-13363	Indian Falls Property Assn. (Earl Mapes) (Phil Hudgens, Pres.) Indian Falls Water User Assn. (Phil Hudgens)	29-46, 29-12079, 29-12078	Extended season usage	
29-13407	Nathan Casperson Brett Casperson	29-10831, 29-10833, 29-13406	Extended season usage	

Subcase No.	Parties	Overlapping Water Rights*	Issue(s)	Settlement
29-13521	Evelee & Robert Rush/Jerry Rigby	29-13511, 29-13513, 29-13515 29-13517, 29-13519	Extended season usage	
29-13535	Jason & Amber Hall/Jerry Rigby	29-13538, 29-13541, 29-13544, 29-13547 29-13550, 29-13553	Extended season usage	
29-13536	Natalie & Russell Gunter/Jerry Rigby Fagnant & Olson, LLC (Frances Fagnant)	29-13539, 29-13542, 29-13545, 29-13548 29-13551, 29-12554	Extended season usage	
29-13580	Max Hall/Jerry Rigby	29-13587, 29-13593, 29-13599, 29-13605 29-13611, 29-13617	Extended season usage	
29-13581	Jeffrey Harris	29-13588, 29-13594, 29-13600, 29-13606 29-13612, 29-13618	Extended season usage	
29-13582	Jeffrey Harris	29-13589, 29-13595, 29-13601, 29-13607 29-13613, 29-13619	Extended season usage	
29-13583	Jeffrey Harris	29-13590, 29-13596, 29-13602, 29-13608 29-13614, 29-13620	Extended season usage	
29-13584	Lana Naef Larry Naef	29-13591, 29-13597, 29-13603, 29-13609 29-13615, 29-13621	Extended season usage	
29-13586	Roben Hull/Jerry Rigby	29-13592, 29-13598, 29-13604, 29-13610 29-13616, 29-13622	Extended season usage	
Contested overlapping rights are shown in bold and italicized typeface.				

Listing of water rights in Basin 29 with early and late season irrigation use sharing August 7, 1932 priority date.

Water Right No.	Priority Date	Rate(cfs)	Acres Irrigated	cfs per acre	Source	Water Use(s)	Owner(s)	Point of Diversion, and Reach
29 11773	8/7/1932	32	1429.8	0.022	PORTNEUF RIVER	IRRIGATION	DEMPSEY IRRIGATING CO; TOPAZ IRRIGATION CO	1,1
29 13213	8/7/1932	0.05	7.7	0.006	PORTNEUF RIVER	IRRIGATION	KEVAN, BARBARA W	1,1
29 13279	8/7/1932	0.3	18.7	0.016	PORTNEUF RIVER	IRRIGATION	SYMONS, CANDICE; SYMONS, LYNDEN	1,1
29 13289	8/7/1932	0.06	3	0.020	DEMPSEY CREEK	IRRIGATION, STOCKWATER	LOSEE, DAVID LEE	1,1
29 13334	8/7/1932	2.94	184	0.016	EAST CREEK	IRRIGATION	TILLOTSON, RONNIE D; TILLOTSON, SHERRIL	3,3
29 4364	8/7/1932	0.26	23	0.011	WEST CREEK	IRRIGATION, STOCKWATER	PERKINS, I GLENN; PERKINS, MARY D	4,4
29 13363	8/7/1932	2.88	144	0.020	PORTNEUF RIVER	IRRIGATION	INDIAN FALLS PROPERTY ASSN; INDIAN FALLS WATER U	5,5
29 11774	8/7/1932	6	243.3	0.025	FISH CREEK	IRRIGATION	FISH CREEK IRRIGATING CO	6,1
29 13310	8/7/1932	1.2	76	0.016	DEMPSEY CREEK	IRRIGATION	FAGNANT & OLSON RANCH LLC	7,7
29 13407	8/7/1932	1.2	179.7	0.007	DEMPSEY CREEK	IRRIGATION, STOCKWATER	CASPERSON, BRETT; CASPERSON, NATILAN	8,3
29 11681	8/7/1932	6.55	327.4	0.020	EAST BOB SMITH CREEK, SPRINGS	IRRIGATION	ANDRUS, COLLEEN L; ANDRUS, JIM; ANDRUS, KENNETH	9,3
29 13299	8/7/1932	0.1	8	0.013	WEST BOB SMITH CREEK	IRRIGATION, STOCKWATER	STEWART, LYNN W; STEWART, MARGIE H	10,10
29 13521	8/7/1932	0.1	7.8	0.013	WEST BOB SMITH CREEK	IRRIGATION, STOCKWATER	RUSH, EVELEE HILL; RUSH, ROBERT E	11&12,15
29 13535	8/7/1932	0.06	5	0.012	WEST BOB SMITH CREEK	IRRIGATION, STOCKWATER	HALL, AMBER; HALL, JASON	11&12,15
29 13536	8/7/1932	0.06	11.7	0.005	WEST BOB SMITH CREEK	IRRIGATION, STOCKWATER	GUNTER, NATALIE; GUNTER, RUSSELL	11&12,15
29 13580	8/7/1932	2.67	222.4	0.012	WEST BOB SMITH CREEK	IRRIGATION, STOCKWATER	HALL, MAX W	11&12,15
29 13581	8/7/1932	0.1	8.6	0.012	WEST BOB SMITH CREEK	IRRIGATION, STOCKWATER	HARRIS, JEFFERY F	11&12,15
29 13582	8/7/1932	0.1	8.7	0.011	WEST BOB SMITH CREEK	IRRIGATION, STOCKWATER	HARRIS, JEFFERY F	11&12,15
29 13583	8/7/1932	0.11	8.8	0.013	WEST BOB SMITH CREEK	IRRIGATION, STOCKWATER	HARRIS, JEFFERY F	11&12,15
29 13584	8/7/1932	0.08	6.2	0.013	WEST BOB SMITH CREEK	IRRIGATION, STOCKWATER	NAEF, LANA; NAEF, LARRY	11&12,15
29 13586	8/7/1932	0.1	8.3	0.012	WEST BOB SMITH CREEK	IRRIGATION, STOCKWATER	HULL, ROBIN	11&12,15
29 11277	8/7/1932	55	3117.6	0.018	PORTNEUF RIVER	IRRIGATION, STOCKWATER	PORTNEUF IRRIGATING CO	11&12,15
29 13318	8/7/1932	176.85	5103.2	0.035	PORTNEUF RIVER	IRRIGATION	PORTNEUF MARSH VALLEY CANAL CO LTD	13,13
29 4467	8/7/1932	20.5	614.8	0.033	PORTNEUF RIVER	IRRIGATION, STOCKWATER	LAVA IRRIGATION CO INC	13,13
29 10816	8/7/1932	2.26	Same		PORTNEUF RIVER	IRRIGATION, STOCKWATER	LAVA IRRIGATION CO INC	14,1
29 11775	8/7/1932	1.61	121.4	0.013	WEST BOB SMITH CREEK	IRRIGATION, STOCKWATER	CARROLL AND IONE WILLMORE ESTATE	14,1
29 13311	8/7/1932	50	2794.5	0.018	PORTNEUF RIVER	IRRIGATION, STOCKWATER	MC CAMMON DITCH CO LTD	15,15
29 13317	8/7/1932	18.95	947.5	0.020	PORTNEUF RIVER	IRRIGATION	MC CAMMON DITCH CO LTD	16,13
Total		382.09						

Portneuf Point no. 2 on the attached map is not a point of diversion location, rather, it depicts the location of where water from the hydropower plant goes back into the river.

Portneuf River and Tributaries
Late Irrigation Season Water Rights with
Priority Date of 8/7, 1932

Map Prepared by D. Tuthill, Aug 10, 2004

