

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: **A63-00372**
Date Received: 8/ 8/1989
Receipt No: C009156
Received By: _____

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name: BOISE-KUNA IRRIGATION DISTRICT 208-922-5608
Address: 311 S SCHOOL AVE
KUNA ID 83634

OR

Name: NEW YORK IRRIGATION DISTRICT 208-343-2962
Address: 214 BROADWAY AVE
BOISE ID 83706

2. Date of Priority: MAR 23, 1900

3. Source: BOISE RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
02N	03E	3	NW	SW		9	ADA

5. Description of diverting works:

CONCRETE DIVERSION DAM AND HEAD WORKS OF THE NEW YORK CANAL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	58.860		

7. Total Quantity Appropriated is:

58.860 C.F.S. (and/or) A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

MICROFILMED

JUL 25 1994

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
65N	46E	36				IRR	

11. Place of use in counties: SUBSCRIPTION

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

14. Remarks:

THIS WATER CARRIED IN N.Y. CANAL FOR USE ON LANDS UNDER SYSTEM.
SEE FILE FOR DELIVERY INST.-COPY OF DECREE IN FILE.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

PIONEER IRR. DIST.

Decree Plaintiff

AMERICAN DITCH CO.

vs

Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

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JUL 25 1994

State of Idaho)
) SS.
County of _____)

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

MICROFILMED

JUL 25 1994

NOTE:

AMENDED

P.D. per letter

IN THE DISTRICT OF

FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
THE COUNTY OF TWIN FALLS

IN RE THE
OF RIGHT
THE SNAKE

*from Randall
Fredrichs in
A63-86671.
See copy of
decree in this
file.*

ON
ER FROM
SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: **A63-00372**
Date Received: 8/ 8/1989
Receipt No: C009156
Received By: _____

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name: BOISE-KUNA IRRIGATION DISTRICT 208-922-5608
Address: 311 S SCHOOL AVE
KUNA ID 83634

OR

Name: NEW YORK IRRIGATION DISTRICT 208-343-2962
Address: 214 BROADWAY AVE
BOISE ID 83706

2. Date of Priority: MAR 23, 1900

3. Source: BOISE RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	03E	3	SW	NW			ADA
			NW	SW			ADA

5. Description of diverting works:
CONCRETE DIVERSION DAM AND HEAD WORKS OF THE NEW YORK CANAL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	58.860		

7. Total Quantity Appropriated is:
58.860 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

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JUL 25 1994

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
65N	46E	36			IRR	

11. Place of use in counties: SUBSCRIPTION

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

14. Remarks:

THIS WATER CARRIED IN N.Y. CANAL FOR USE ON LANDS UNDER SYSTEM.
SEE FILE FOR DELIVERY INST.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

PIONEER IRR. DIST.

Decree Plaintiff

AMERICAN DITCH CO.

vs Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

MICROFILMED

JUL 25 1994

State of Idaho)
) SS.
County of _____)

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

MICROFILMED
JUL 25 1994

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A63-00372
Date Received: 5/18/1989
Receipt No: 009156
Received By: KAT

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: NEW YORK IRR. DIST.
Address:

Name: BOISE-KUNA IRR. DIST.
Address:

2. Date of Priority: MAR 23, 1900

3. Source: BOISE RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
030	030	030	NW $\frac{1}{4}$ SW $\frac{1}{4}$ & SW $\frac{1}{4}$ NW $\frac{1}{4}$		Ada

5. Description of diverting works:
Concrete diversion dam and head works of New York Canal

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION Supplemental			58.860		

7. Total Quantity Appropriated is:
58.860 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use: Supplemental water to supply carriage loss in the
New York Canal

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
----------	-------	---------	------------	-----	-----	-------

11. Place of use in counties: Ada and Canyon Counties

A63-00372

Page 1

Date: 05/18/89

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JUL 25 1994

12. Do you own the property listed above as place of use? ~~YES~~ NO

13. Other Water Rights Used:

14. Remarks:

THIS WATER CARRIED IN N.Y. CANAL FOR USE ON LANDS UNDER SYSTEM.
SEE FILE FOR DELIVERY INST.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

PIONEER IRR. DIST.

Decree Plaintiff

vs

AMERICAN DITCH CO.

Decree Defendant

Organizations:

I solemnly swear or affirm that I am the attorney of the Boise Kuna Irrigation District, that I have signed the foregoing document in the space below as attorney of the Boise Kuna Irrigation District, and that the statements contained in the document are true and correct.

Randall C. Fredricks
Randall C. Fredricks

Attorney for
TITLE

Boise Kuna Irrigation District
NAME OF ORGANIZATION

I solemnly swear or affirm that I am Chairman of the New York Irrigation District; that I have signed the foregoing document in the space below as Chairman of the New York Irrigation District and that the statements contained in the document are true and correct.

L.L. Murgoitio
L.L. Murgoitio
Chairman
TITLE

New York Irrigation District
NAME OF ORGANIZATION

STATE OF IDAHO)
)
County of Ada)

SLUBSCRIBED AND SWORN TO before me this 3^d day of August, 1989,
1989.

[Signature]
Notary Public for Idaho
Residence: Boise, Idaho
My Commission Expires 10/28/94

MICROFILMED

JUL 25 1994

STATE OF IDAHO)

County of Ada)

SLUBSCRIBED AND SWORN TO before me this 8th day of August,
1989.

Raymond B. Bensen
Notary Public for Idaho

Residence: Boise, Idaho

My Commission Expires 9/23/92



United States Department of the Interior

BUREAU OF RECLAMATION

Pacific Northwest Region
1150 North Curtis Road, Suite 100
Boise, Idaho 83706-1234



RECEIVED

JUN 01 2000

WATER RESOURCES
WESTERN REGION

PN-3323/SRA-6115
WTR-4.00

MAY 31 2000

Mr. Roy Hollifield
President
New York Irrigation District
6616 Overland Road
Boise ID 83709

Subject: Adjustment of Arrowrock Reservoir Storage Capacity

Dear Mr. Hollifield:

A 1997 Sedimentation Survey has determined that the total active capacity of Arrowrock Reservoir has decreased to 272,224 acre-feet (see enclosed table of Arrowrock Reservoir Storage Space dated May 2000). The amount of storage space that is available to New York Irrigation District (District) will now be treated as the equivalent of 26,014 acre-feet.

Under the 1926 Arrowrock Reservoir contracts with the five Boise Project Board of Control districts, the storage capacity available for project lands in the districts has been recognized as 232,264 acre-feet. When distributed in accordance with the acreage agreed upon in the contracts executed in 1990 with the five districts for the repayment of safety of dams costs for Deer Flat Dam, the District's proportionate share under its 1926 contract has been recognized as entitling the District to 25,061 acre-feet. As a result of the decrease in Arrowrock Reservoir storage capacity, 23,804 acre-feet is now available to the District under their 1926 contract, a reduction of 1,257 acre-feet from the amount previously recognized.

The District also has storage rights to an additional 0.8423 percent of the active capacity of Arrowrock Reservoir under Contract No. 7-07-10-W0665, dated June 8, 1987. The amount of storage space that is available to the District under this 1987 contract will now be treated as the equivalent of 2,293 acre-feet, a reduction of 121 acre-feet from the 2,414 previously recognized.

According to Bureau of Reclamation (Reclamation) records, a total of 27,388 acre-feet of storage space in Arrowrock Reservoir has previously been available to the District. This 27,388 acre-feet consisted of (a) 25,061 acre-feet available under its 1926 contract, (b) 2,414 acre-feet available under its 1987 contract, and (c) a reduction of 87 acre-feet of storage reallocated to Settlers Irrigation District from the District for lands located within Settlers Irrigation District pursuant to an enclosed July 19, 1995, letter from Reclamation.

As a result of the decrease in Arrowrock Reservoir storage capacity, a total of 26,014 acre-feet of storage space is now available to the District, a reduction of 1,374 acre-feet from the total amount previously recognized.

The 1997 Sedimentation Survey determined that in the 82 years the reservoir has been in operation, about 5 percent of the storage space has filled with sediment. The survey further determined that the reservoir has a total active storage capacity of 272,224 acre-feet and a surface area of 3,141 acres at spillway crest elevation 3,216.0 feet.

If you have any questions regarding the adjustment in your contract amount, please contact Jerry Gregg, Area Manager of our Snake River Area Office, at (208) 334-1460.

Sincerely,



J. William McDonald
Regional Director

Enclosures - 2

cc: Mr. Lee Sisco
Boise River Water Master
6616 Overland Road
Boise ID 83709

Idaho Department of Water Resources
1301 N Orchard Street
Boise ID 83706

Mr. Gary Spackman
Manager, Western Regional Office
Idaho Department of Water Resources
2735 Airport Way
Boise ID 83705
(all w/o encls)

Arrowrock Reservoir Storage Space

Current Total Active Storage Space 272,224 acre-feet
(Original Total Active Storage Space 286,660 acre-feet)

(Percent and Acre-feet)

<u>Contractors</u>	<u>Contract No.</u>	<u>Percent</u>	<u>Storage Prior to Sedimentation Survey</u>	<u>Reduction</u>	<u>Storage After Sedimentation Survey</u>
Farmers Co-operative Ditch Co.	Ilr-411	0.42105	1,207	61	1,146
Farmers' Union Ditch Co. Ltd.	Ilr-412	1.02105	2,926	147	2,779
Nampa & Meridian ID	Ilr-414	1.39339	3,994	200	3,794
Pioneer ID	Ilr-94	7.46667	21,399	1,073	20,326
Settlers ID	Ilr-342	0.63158	2,809*	141	2,668
United States Forest Service	7-07-10-W0697	0.06980	<u>200</u>	<u>10</u>	<u>190</u>
Total			32,535	1,632	30,903

* Includes addition of 196 acre-feet served to Boise-Kuna ID lands by Settlers ID and addition of 803 acre-feet reallocated to Settlers ID from the five Boise Project Board of Control irrigation districts pursuant to a July 19, 1995, letter from Reclamation.

Boise Project Board of Control Irrigation Districts

The total active capacity of Arrowrock Reservoir has been adjusted from 286,600 to 272,224 acre-feet. This table indicates the proportionate share of the 232,264 acre-feet for each district under their 1926 contracts when distributed in accordance with the acreage agreed upon by the districts for their 1990 contracts for the repayment of safety of dams costs for Deer Flat Dam. It also includes the storage space available in each of the five districts' 1987 contracts.

(Percent and Acre-feet)

<u>District</u>	<u>Percent</u>	<u>Prior Share of 1926 Contracts</u>	<u>Prior Share per 1987 Contracts</u>	<u>Storage Prior to Sedimentation Survey *</u>	<u>Storage After Sedimentation Survey</u>
Big Bend ID	1.05	2,439	236	2,667	2,533
Boise-Kuna ID	29.64	68,843	6,747	75,156	71,386
Nampa & Meridian ID	24.06	55,883	5,584	61,274	58,201
New York ID	10.79	25,061	2,414	27,388	26,014
Wilder ID	<u>34.46</u>	<u>80,038</u>	<u>7,819</u>	<u>87,580</u>	<u>83,187</u>
Total	100%	232,264	22,800	254,065	241,321

* Includes reduction of 196 acre-feet served to Boise-Kuna ID lands by Settlers ID and reduction of 803 acre-feet reallocated to Settlers ID from the five Boise Project Board of Control irrigation districts pursuant to a July 19, 1995, letter from Reclamation.

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)09/15/94 15:14:59
Page 1

Water Right Number - A63-00372

Prefix Translation: ADJUDICATION CLAIM

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - - + + - - - - Address - - - - - +

*** A - ATTORNEY ***
GIVENS

RAYMOND D

1 - GIVENS PURSLEY WEBB & HUNTLEY
2 - PO BOX 2720
3 -City- BOISE State- ID Zip- 837012720
Phone - 208-342-6571
1 - 815 PARK BLVD STE 270
2 -

FREDRICKS

RANDALL C

City- BOISE State- ID Zip- 837127739
Phone - 208-331-2887
1 - 311 S SCHOOL AVE
2 -*** C - CURRENT OWNER ***
BOISE-KUNA IRRIGATION DISTRICT

NEW YORK IRRIGATION DISTRICT

State- ID Zip- 83634

City- KUNA
Phone - 208-922-5608
1 - 214 BROADWAY AVE
2 -

State- ID Zip- 83706

City- BOISE
Phone - 208-343-2962+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
03/23/1900 14 WESTERN D - DECREED+ - - - - Source - - - - + + - - - - - Tributary - - - - - +
BOISE RIVER SNAKE RIVER+ - - - - - - - - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County

02N 03E 3 NW SW 9 (1) ADA

+ - - - - - - - - - - - Water Use - - - - - Diversion Rate Diversion Volume

Code Description Period From Period To

01 - IRRIGATION

03/15 11/15

58.860

+ - - Total Div. Rate - - + + - - Total Div. Volume - - + + - - Total Consumptive Use - - + + - - KW Usage - - +
58.860 0.0+ - - - - - - - - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County

65N 46E 36 01 IRRIGATION (99) SUBSCRIPTION

Total Acres:

RECEIVED
SEP 15 1994
WATER RESOURCES
WESTERN REGIONMICROFILMED
OCT 02 1996

Water right number - A63-00372 Prefix Translation: ADJUDICATION CLAIM

+ - - Diversion Means - CONCRETE DIVERSION DAM AND HEAD WORKS OF THE NEW YORK CANAL

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - - Remarks - - - - -
THIS WATER CARRIED IN N.Y. CANAL FOR USE ON LANDS UNDER SYSTEM.
SEE FILE FOR DELIVERY INST.-COPY OF DECREE IN FILE.
FIRM CHANGE FOR RANDALL C FREDRICKS REC'D 09/02/94 SS.

+ - - - - - Old Water Right Numbers - - - - -
A6300372

+ - - - - - Conditions of Approval - - - - -
No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - +
PIONEER IRR. DIST. AMERICAN DITCH CO. + - Decree Date - +
00/00/0000

+ - - - - - Comments - - - - -
No Comments Found

+ - - Audit Fields - - +
09/15/94 SSHERMAN

+ - - - - - Adjudication Rights Dates and Flags Area - - - - -
Court Report Filing - 00/00/0000 Field Inspection Made - 00/00/0000 Civil Case Number - 39576
Objection Filed Date - 00/00/0000 Field Inspection Flag - Old Case Number -
Response Filed Date - 00/00/0000 Verified Date - 00/00/0000 Old Judicial District -
Claim Received Date - 08/08/1989 Last Amended Date - 00/00/0000 Temporary Right - P
Receipt Number - C009156 Water District - 63
POU Ownership Flag - Y Federal/State Indicator - S
Name Connector - OR Presumption Flag -
Notice of Error Flag -

MICROFILMED
OCT 02 1996

LAW OFFICES
RANDALL C. FREDRICKS

TELEPHONE (208) 331-2887
FAX (208) 331-2889
STRAND BUILDING SUITE 270
815 PARK BLVD.
BOISE, IDAHO 83712-7739

September 1, 1994

RECEIVED
SEP 2 - 1994
Department of Water Resources

Ms. Sally Sherman
State of Idaho
Department of Water Resources
1301 North Orchard Street
Boise, Idaho 83706-2237

Modified *ALB-26671*
ALB-00312
ALB-08401

Dear Sally:

Re: Address Change
Randall C. Fredricks

A. Sherman
9-15-94

Enclosed, per your request, is a copy of the original letter sent to your office on April 25,
1994, requesting a change of address for the me.

Very truly yours,

DICTATED BY MR. FREDRICKS AND
MAILED WITHOUT SIGNATURE IN
HIS ABSENCE TO AVOID DELAY

Randall C. Fredricks

RCF:rif

RECEIVED
SEP 15 1994
WATER RESOURCES
WESTERN REGION

MICROFILMED
OCT 02 1996

LAW OFFICES
RANDALL C. FREDRICKS

COPY

TELEPHONE (208) 331-2887
FAX (208) 331-2889
STRAND BUILDING SUITE 270
815 PARK BLVD.
BOISE, IDAHO 83712-7739

April 25, 1994

FILE

State of Idaho
Department of Water Resources
1301 North Orchard Street
Boise, Idaho 83706-2237

RECEIVED

SEP 15 1994

WATER RESOURCES
WESTERN REGION

To Whom it may Concern:

Re: Address Change

Please change my mailing address as shown on the enclosed envelope. Please forward
to all concerned departments.

Very truly yours,


Randall C. Fredricks

RCF:rlf

MICROFILMED
OCT 02 1996

RECEIVED

JUN 09 1994

Department of Water Resources

COSHO, HUMPHREY, GREENER & WELSH, P.A.

LOUIS H. COSHO
HOWARD HUMPHREY
JACK S. GJORDING
RICHARD H. GREENER
STANLEY W. WELSH
MAX A. EIDEN
FREDRIC V. SHOEMAKER
CHRISTOPHER BURKE
RORY R. JONES
JOSEPH M. MEIER
DAVID M. PENNY
ROBERT W. TALBOY
CRISTY CONE PENNY
SCOTT A. TSCHIRGI
NANCY JO HOPKINS
TORE BEAL GWARTNEY
PHIL E. De ANGELI

COUNSELORS AND ATTORNEYS AT LAW

CARNEGIE BUILDING

815 WEST WASHINGTON STREET

BOISE, IDAHO 83702

DALE CLEMONS (1911-1983)

OFFICE ADMINISTRATOR
KRISTINE THOMSEN

TELEPHONE
(208) 344-7811

FAX
(208) 338-3290

ALFA •
AMERICAN LAW FIRM
ASSOCIATION

June 8, 1994

RECEIVED

SEP 15 1994

WATER ALLOCATION
WESTERN REGION

Mr. Donald V. Shaft
Department of Water Resources
1301 North Orchard St.
Statehouse Mail
Boise, Idaho 83720-9000

RE: Snake River Basin Adjudication (SRBA)
New York Irrigation District Claim #A63-26671
Blue Valley Mobile Home Park Claim #A63-08401
Boise-Kuna Irrigation District Claims #A63-00372,
A63-00161E & A63-00161AA

Dear Mr. Shaft:

This will acknowledge receipt of your letter of May 25, 1994, requesting confirmation that this firm is no longer representing the above named claimants, but that Mr. Randall C. Fredricks, formerly of this firm, is the correct counsel of record. Please accept this letter as such confirmation that this firm is no longer representing these claimants, and that Mr. Fredricks is, in fact, the attorney for each.

If you need any further clarification, please do not hesitate in contacting me.

Very truly yours,



Max A. Eiden

MAE:jo

pc: Randall C. Fredricks

MICROFILMED
OCT 02 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

May 25, 1994

Can you
COSHO HUMPHREY GREENER AND WELSH
815 W WASHINGTON ST
BOISE ID 83702

Re: Snake River Basin Adjudication (SRBA)
New York Irrigation District Claim #A63-26671
Blue Valley Mobile Home Park Claim #A63-08401
Boise-Kuna Irrigation District Claims #A63-00372,
A63-00161E & A63-00161AA

IDWR has received correspondence from Randall C. Fredricks requesting we update our records to reflect his new address. The claims referenced above show Mr. Fredricks as the attorney associated with your firm. Before IDWR can change the name and address to which notices are sent, IDWR needs written confirmation from you that your firm is no longer representing these claimants.

Please note the claim numbers on your correspondence to us. Thank you for taking care of this matter.

Sincerely,

Donald V. Shaff
Manager, Adjudication Section

DVS:ss:state:tf

cc: Randall C. Fredricks

(331-2887) (Roberto-Sec'y)

9-17-94 will send cc of this ltr
re address change.

MICROFILMED
OCT 02 1996

below the amount necessary to supply said 75 percent of the water rights as decreed in said "Stewart Decree", then the various rights beginning with the latest and proceeding to the earliest, as aforesaid, shall be reduced to 60 percent of the amount specified in the "Stewart Decree", and 60 percent of the amount decreed in the "Stewart Decree" is hereby fixed and determined as the highest duty of water for year 1919.

Bryan Decree:

- CAM -
In the SEVENTH JUDICIAL DISTRICT of the State of Idaho, Judge E. L. Bryan signed a decree on February 14, 1929, in the case of PIONEER IRRIGATION DISTRICT vs. AMERICAN DITCH ASSOCIATION, et al, commonly referred to as the "Flood Water Suit", or "Bryan Decree". All rights decreed in this case are made subsequent to the "Stewart Decree. This case was appealed to the Supreme Court where it was upheld as to some of the rights involved but remanded to the District Court for retrial on the question of the duty of water and also for the purpose of determing certain other rights.

On January 30, 1932, Judge A. O. Sutton signed an order temporarily establishing the various rights in the "Flood Water Suit" and providing for a duty of water similar to the "Sliding Scale" in the Stewart Decree. On June 23, 1933, Judge Chas. E. Winstead of the THIRD JUDICIAL DISTRICT, sitting as Judge in the SEVENTH JUDICIAL DISTRICT for the State of Idaho, signed a continuing order making the order of Judge Sutton for 1932 effective for 1933 and continuing. This order has remained in effect since that time.

Chart #1 shows the condensed "Stewart Decree", listing right holders, priority dates and the amount decreed. Chart #2 shows the Intervenorrs in the "Stewart Decree", showing the owner, priority date and amount decreed.

MICROFILMED

JUL 25 1994

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE STATE
OF IDAHO IN AND FOR CANYON COUNTY.

PIONEER IRRIGATION DISTRICT,

Plaintiff,

v.

AMERICAN DITCH COMPANY et al.,

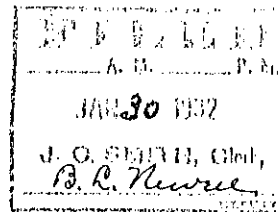
Defendants,

and

UNITED STATES OF AMERICA,

Intervener.

ORDER
FOR DISTRIBUTION OF WATERS OF
BOISE RIVER
FOR 1932.



On this 30th day of January, 1932, counsel for all parties being present in court, on motion of the plaintiff and no one objecting thereto, the court hereby enters the following order:

IT IS HEREBY ORDERED that from and after the date hereof, all waters of the Boise River involved in this suit, shall be distributed during the year 1932 to the following named parties, in accordance with the following priorities, and in the amounts shown after each respectively, subject, however, to the sliding scale hereinafter set forth:

- 63-0297 — Farmers Union Ditch Co., Ltd., 54.46 second feet, with date of priority, July 2, 1894;
- 63-0372 — New York Irrigation District and Boise Kuna Irrigation District, successors to New York Canal Co., 58.86 second feet, with date of priority March 23, 1900;
- 63-0301 — United States of America, 1354.58 second feet, with date of priority, December 14, 1903;
- 63-0294 — Pioneer Irrigation District, 306.56 second feet, with date of priority, April 1, 1905;
- 63-0296 — Farmers Co-Operative Ditch Co., 154.45 second feet with date of priority, April 1, 1905;

-1-

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JUL 25 1994

Decree # XXIX

- 63-0298 - South Boise Mutual Ditch Co., 5.4 second feet,
with date of priority, April 1, 1905;
- 63-0295 - Pioneer Irrigation District, 54.5 second feet,
with date of priority, April 1, 1908;
- 63-0373 - United States of America, 292.5 second feet,
with date of priority, April 1, 1909;
- 63-0302 - United States of America, 634 second feet,
with date of priority, June 18, 1909;
- 63-0299 - Riverside Irrigation District, 63.78 second feet,
with date of priority, April 1, 1910;
- 63-0303 - United States of America, 8000 second feet,
with date of priority January 13, 1911 for storage
in Arrow Rock Reservoir, provided that the Arrow Rock
Reservoir ^{right} of the United States under date of priority
of January 13, 1911, shall not be subject to cut until
the flow of Boise River is insufficient to supply the
said right and all rights prior thereto, and that
after the flow of Boise River becomes insufficient to
supply the said right, and all rights prior thereto,
then the said Arrow Rock right shall be cut in its
entirety before any right prior thereto shall be cut.
- 63-0300 - Riverside Irrigation District, 17.7 second feet,
with date of priority, April 1, 1914.

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IT IF FURTHER ORDERED, That the said respective parties shall receive 100 per cent of the above amount until the natural flow of the waters of Boise River shall decrease so that all the rights cannot receive 100 per cent, at which time the various rights shall first be cut to 75 per cent of the said amounts, as the natural flow of the river decreases, beginning with the latest rights and preceding to the earliest rights in the order of their said priorities, and after all of the said rights shall have been reduced to a 75 per cent of the said amounts, should the natural flow of the waters of the river decrease below the amount necessary to supply said 75 per cent of the said rights, then the various rights, beginning with the latest and preceding to the earliest, as aforesaid, shall be reduced to 60 per cent of the said specified amounts. Sixty per cent of the said specified amounts is hereby fixed and determined as the highest duty of water for the year 1932.

IT IS FURTHER ORDERED, That the waters of Boise River shall be diverted for beneficial use and not wasted, and in case any user is diverting water over and above the amount that he is actually putting to beneficial use, the amount diverted by him shall be reduced to the amount actually put to a beneficial use.

This order is made without prejudice to the contentions of any party hereto and without prejudice to the determination by the court of the ultimate rights of the parties hereto.

Dated at Caldwell, Idaho, this 30th day of January, 1932.


District Judge.



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

April 20, 1992

CECIL D. ANDRUS
GOVERNOR

Randall C. Fredricks, Attorney
815 W. Washington
Boise, ID 83702

R. KEITH HIGGINSON
DIRECTOR

Raymond D. Givens, Attorney
277 North 6th
Boise, ID 83701

Gentlemen:

In the review of the Notices of Claim to a Water Right submitted on behalf of the Boise-Kuna Irrigation District and New York Irrigation District it was found that more information is needed before these claims can be considered legally filed and processed in preparation for future court decree.

These claims were submitted based on Boise River decreed Water Right No.'s 63-00161AA, 63-00161E and 63-00372. There is a question concerning the locations claimed for the point of diversion on both claims. The claim filed for Water Right No. 63-00372, now Claim No. A63-00372, lists the diversion point as the SW1/4NW1/4, NW1/4SW1/4, Sec. 030, Twp. 030, Rge. 030, and the claim filed for Water Right No.'s 63-00161AA and 63-00161E, now Claim No. A63-26671, lists the SW1/4NW1/4, NW1/4SW1/4, Sec. 11, Twp. 2N, Rge. 3E. For your review, we are enclosing a copy of both claims as originally filed, along with a copy of the computer generated claim for each. Also enclosed are the orthophotoquad and Government Lot maps for this area showing the location of the diversion point for the New York Canal. This point is located within Lot 9(NW1/4SW1/4), Sec. 3, Twp. 2N, Rge. 3E. Please review these maps and let us know what legal description is the correct point of diversion.

The information needed concerns the place of use portion of these water rights and the initial filing fee required in order for the claims to be considered legally filed. Under Rule 10,5,10 of the Adjudication Rules and Regulations(copy enclosed) concerning minimum requirements needed to file an adjudication claim, it states that the total number of acres irrigated within an irrigation district are required at the time the claim is filed, and that these acres must be listed by 40-acre tract(1/41/4). Therefore, the number of acres irrigated within the Boise-Kuna and New York Irrigation Districts by quarter-quarter, section, township and range, along with a map outlining the boundaries of these irrigation districts must be submitted for the claims before processing can continue. For all irrigation claims there is a \$50 per claim filing fee plus \$1 per acre for each irrigated acre claimed. The \$50 flat fee per claim was previously paid when the claims were filed, however, the \$1 per acre fee was not paid at that time and is required before these claims are considered legally filed.

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Please submit the above required information and fees within 30 days from the date of this letter in order to prevent the return of these claims. If there is a problem in getting this information within the 30 day time period, then either a letter or phone call is needed to set up a time period more suitable. If you have any questions concerning the above required information or fees, do not hesitate to contact this office.

Sincerely,


JAN SHURTE
Water Rights Supervisor
Adjudication Section

JS:j
Enclosures

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JUL 25 1994

The annual volume of consumptive use for instream uses and for domestic and/or stock watering uses meeting the definition of Rule 4,1. is generally deemed de minimus.

- 10,5,9. Description of non-irrigation uses.
Non-irrigation uses shall be fully described at item (9) of the form.

For domestic uses, the number of households served shall be described; for stock watering uses, the type of stock and number of each type of stock shall be described. The claimant shall also state whether the stock watering use is in-stream, or whether water is diverted from the source for stock watering, or both.

- 10,5,10. Place of use.

The place of use for each purpose for which water is claimed shall be listed at item (10) of the form, except that the place of use for instream flows for public purposes need not be listed if the place of use is fully described as the stream between the beginning and ending points listed as the points of diversion.

The number of acres irrigated shall be described by entering the appropriate numbers in the appropriate boxes for each forty acre tract or government lot on the form. For other uses, a symbol or letter corresponding to the purpose for which water is claimed shall be placed in the appropriate box for each forty acre tract or government lot on the form.

Claims for an irrigation project where the canals constructed cover an area of twenty-five thousand (25,000) acres or more, or irrigation districts organized and existing as such under the laws of the state of Idaho, shall be accompanied by a map showing the boundaries of the project or irrigation district, shall state the total number of acres irrigated within the boundaries of the project or irrigations district, and for purposes of determining fees, the number of acres irrigated shall be described by forty acre tract or government lot.

- 10,5,11. County of place of use.

The county(ies) in which the place(s) of use is (are) located shall be listed at item (11) of the form.

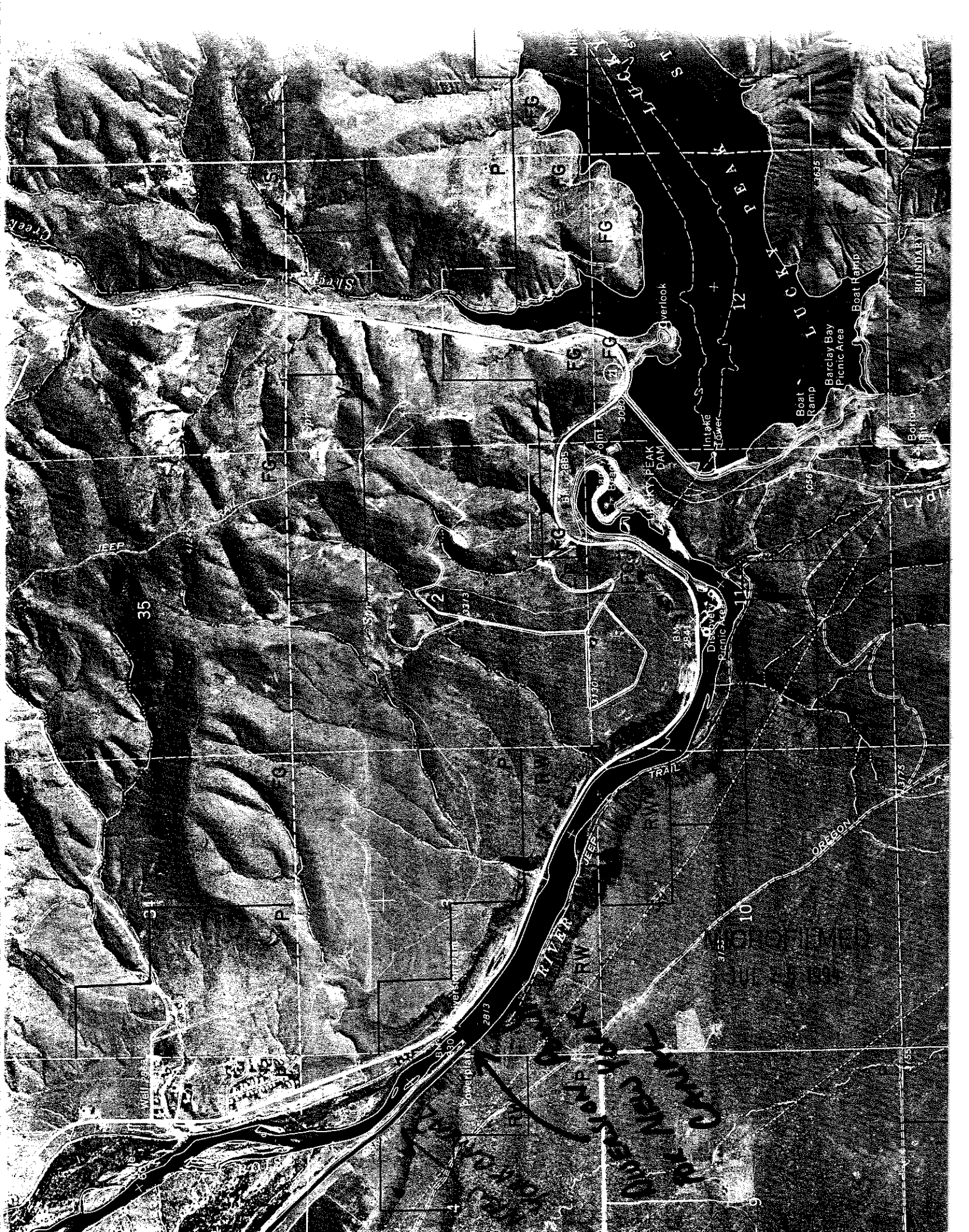
- 10,5,12. Authority to assert claim.

The claimant shall indicate at item (12) of the form whether the claimant is the owner of the place(s) of use.

If the claimant is not the owner of the place(s) of use, the claimant shall describe in the remarks section of the form the claimant's authority to assert the claim. Unless the claimant is a water delivery organization, the claimant shall also state the name, address, and phone number of the owner(s) of the place of use in the remarks section of the form.

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COMPOSITE PLAT OF

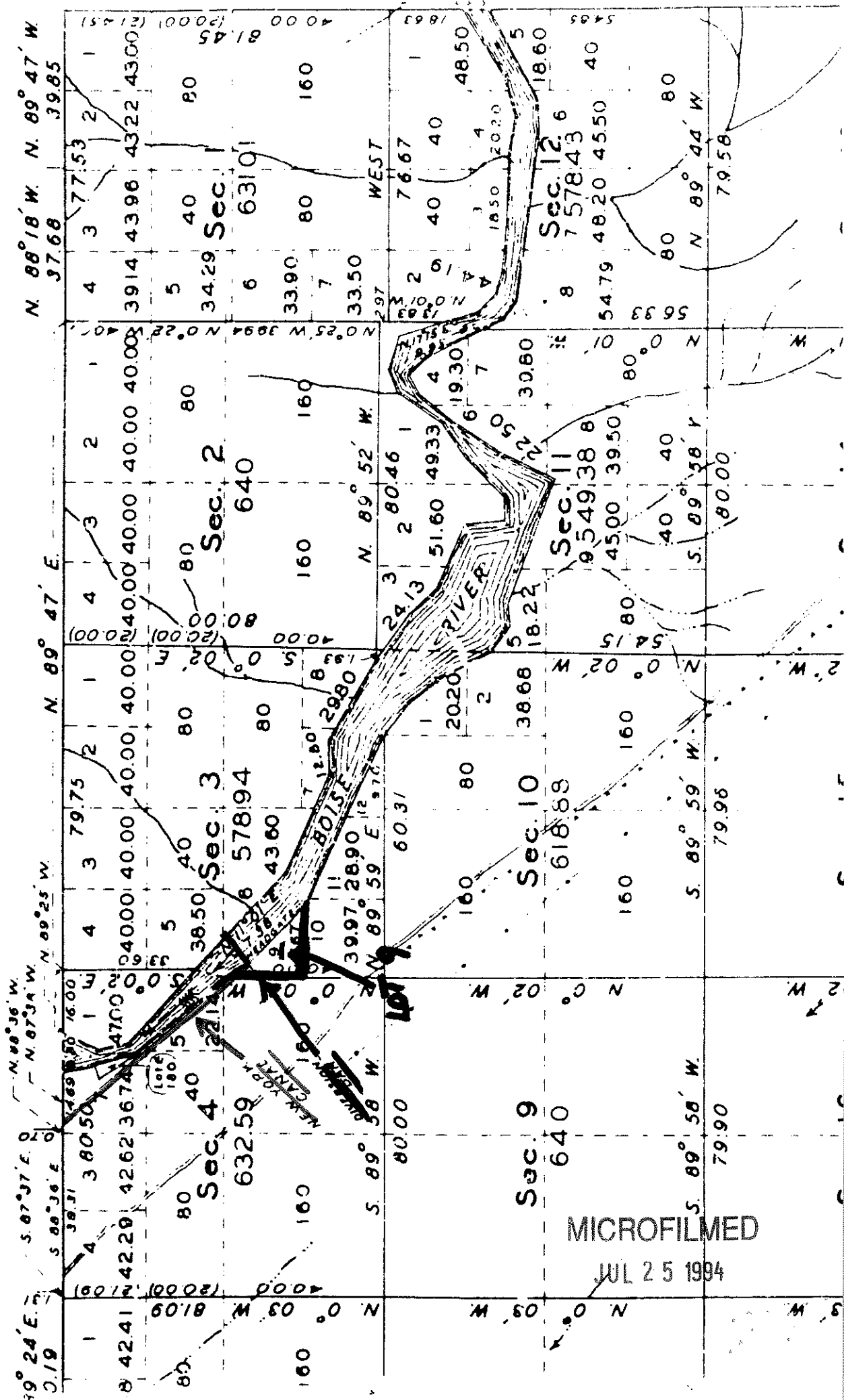
RANGE No 3 EAST, OF THE BOISE MERIDIAN

Sec. 33

Sec. 34

Sec. 35

Sec. 36



Water Right Number - 63-00372

Adj. Flag Translation: Standard Water Right Number Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - - - + - - - - Address - - - - - +

*** C - CURRENT OWNER ***
NEW YORK IRRIGATION DISTRICT

- 1 -
- 2 -
- 3 -

State- ID Zip-

City-
Phone - 208-000-0000

- 1 -
- 2 -
- 3 -

State- ID Zip-

City-
Phone - 208-000-0000

BOISE KUNA IRRIGATION DISTRICT

+ - - Priority Date - - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
03/23/1900 14 D - DECREED

+ - - Source - - - - - + + - - - - - Tributary - - - - - +
BOISE RIVER SNAKE RIVER

+ - - - - - - - - - - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County Stream Index (Blank if no Index Code)

+ - - - - - - - - - - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION

58.860

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
58.860

+ - - - - - - - - - - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County

Total Acres:

- + - - Diversion Means -
- + - - Non-Irrigation Use -
- + - - Other Rights for Same Use -

+ - - - - - - - - - - - - - Remarks - - - - - +
THIS WATER CARRIED IN N.Y. CANAL FOR USE ON LANDS UNDER SYSTEM.
SEE FILE FOR DELIVERY INST.

+ - - - - - - - - - - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers found.

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JUL 25 1994

Microfilm Roll Number -

JUL 25 1994

RECEIVED
JAN 08 1992

Department of Water Resources

RANDALL C. FREDRICKS
COSHO, HUMPHREY, GREENER & WELSH, P.A.
Attorneys at Law
Carnegie Building
815 West Washington Street
Boise, Idaho 83702
Telephone: (208)344-7811
Fax: (208)338-3290
CHGW No. 351-

ATTORNEYS FOR BOISE KUNA
IRRIGATION DISTRICT

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re the General Adjudication)
of Rights to the Use of Water)
from the Snake River Basin Water)
System)

Case No. 39576

The State of Idaho, ex rel. R.)
Keith Higginson in his official)
capacity as Director of the Idaho)
Department of Water Resources,)

NOTICE OF APPEARANCE

Petitioner,)

vs.)

The United States; the State of)
Idaho; and all claimants to the)
use of water from the Snake River)
Basin Water System.)

SUMMARY DESCRIPTION

NOTICE OF APPEARANCE OF RANDALL C. FREDRICKS OF THE FIRM OF
COSHO, HUMPHREY, GREENER & WELSH, P.A., AS ATTORNEYS FOR BOISE-
KUNA IRRIGATION DISTRICT.

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JUL 25 1994

COSHO, HUMPHREY, GREENER & WELSH, P.A.
COUNSELORS AND ATTORNEYS AT LAW
CARNEGIE BUILDING
815 WEST WASHINGTON STREET
BOISE, IDAHO 83702

1
2 TO: PETITIONER, AND ITS ATTORNEYS OF RECORD:

3 PLEASE TAKE NOTICE That Randall C. Fredricks of the firm of
4 Cosho, Humphrey, Greener & Welsh, P.A. hereby enters the
5 appearance of said firm as attorneys of record for BOISE-KUNA
6 IRRIGATION DISTRICT in the above entitled action.

7 DATED this 3 day of January, 1992.

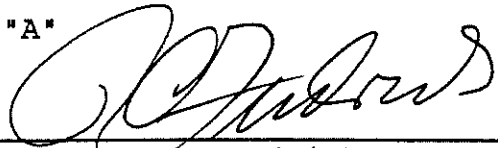
8 COSHO, HUMPHREY, GREENER & WELSH, P.A.

9 by 
10 Randall C. Fredricks
11 Attorneys for Boise Kuna
12 Irrigation District
13

14 CERTIFICATE OF MAILING

15 I HEREBY CERTIFY That a true and correct copy of the
16 foregoing documents was mailed, postage prepaid, to the
following this 7th day of January, 1992:

17 SEE ATTACHMENT "A"

18 
19 Randall C. Fredricks
20
21
22
23
24
25
26

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JUL 25 1994

ATTACHMENT "A"

| | | |
|----|---------------------------------|---------------------------------|
| 1 | | |
| 2 | Roger D. Ling | Albert P. Barker |
| 3 | Ling Nielsen & Robinson | Don A. Olowinski |
| 4 | P. O. Box 396 | Steven R. Ormiston |
| 5 | Rupert, Idaho 83350 | Hawley, Troxell, Ennis & Hawley |
| 6 | Craig R. Zaiss, Esq. | P. O. Box 1617 |
| 7 | P. O. Box 628 | Boise, Idaho 83701 |
| 8 | Parma, Idaho 83660 | Raymond D. Givens |
| 9 | Scott L. Campbell | Jeffrey C. Fereday |
| 10 | Elam, Burke & Boyd | Givens, Pursley, Webb & Huntley |
| 11 | P. O. Box 1539 | P. O. Box 2720 |
| 12 | Boise, Idaho 83701 | Boise, Idaho 83701 |
| 13 | Bruce M. Smith | William F. Ringert |
| 14 | Rosholt, Robertson & Tucker, | David Hammerquist |
| 15 | Chtd. | Ringert Clark Harrington Reid |
| 16 | P. O. Box 2139 | Christenson & Kaufman Chtd |
| 17 | Boise, Idaho 83701 | P. O. Box 2773 |
| 18 | Peter G. Monson | Boise, Idaho 83701 |
| 19 | Indian Resources Section | John A. Rosholt |
| 20 | Environment & Natural Resources | James C. Tucker |
| 21 | Division | Rosholt Robertson & Tucker, |
| 22 | U. S. Department of Justice | Chtd. |
| 23 | P. O. Box 44378 | P. O. Box 1906 |
| 24 | Washington, D.C. 20026 | Twin Falls, Idaho 83303 |
| 25 | Rebecca Craven | Jeanette Wolfley |
| 26 | Elliott L. Moffett | Candy L. Jackson |
| | Douglas R. Nash | Tribal Attorneys Office |
| | Danial C. Picard | Shoshone-Bannock Tribes |
| | Nez Perce Tribe | P. O. Box 36 |
| | P. O. Box 365 | Fort Hall, Idaho 83203 |
| | Lapwai, Idaho 83540 | Wayne B. Slaughter, Jr. |
| | Roy L. Eiguren | Terry T. Uhling |
| | Josephine P. Beeman | J. R. Simplot Company |
| | Davis, Wright, Tremaine | P. O. Box 912 |
| | Suite 700 | Pocatello, Idaho 83204 |
| | 702 West Idaho Street | Kent W. Foster |
| | Boise, Idaho 83702 | Holden, Kidwell Hahn & Crapo |
| | Cecil D. Hobdey | P. O. Box 50130 |
| | Hobdey & Hobdey | Idaho Falls, Idaho 83405 |
| | P. O. Box 176 | James Annest |
| | Gooding, Idaho 83330 | P. O. Box 686 |
| | | Burley, Idaho 83318 |

1 Blair J. Grover
2 Grover & Walker, Chtd.
3 P. O. Box 36
4 Rigby, Idaho 83442
5
6 Larry Sullivan
7 Schroeder, Hutchens & Sullivan
8 P. O. Box 220
9 Vale, Oregon 97918
10
11 Douglas R. Whipple
12 Byington, Holloway, Whipple &
13 Jones, Chtd.
14 P. O. Box 188
15 Burley, Idaho 83318
16
17 Richard A. Cummings
18 Meulman, Miller, Strother &
19 Cummings
20 P. O. Box 955
21 Boise, Idaho 83701
22
23 Carolyn M. Minder
24 Snake River Basin Adjudication
25 7283 Obsidian
26 Boise, Idaho 83709
27
28 Steven L. Herndon
29 Legal Department
30 Idaho Power Company
31 P. O. Box 70
32 Boise, Idaho 83707
33
34 Bert L. Osborn
35 P. O. Box 158
36 Payette, Idaho 83661
37
38 John D. Hansen
39 Hansen, Beard, St. Clair,
40 Peterson & Sullivan, Chtd.
41 P. O. Box 51718
42 Idaho Falls, Idaho 83405
43
44 David B. Shaw, Chief
45 Adjudication Bureau
46 Idaho Department of Water
47 Resources
48 1301 North Orchard
49 Boise, Idaho 83706
50

W. Kent Fletcher
Parsons, Smith, Stone &
Fletcher
P. O. Box 910
Burley, Idaho 83318

Albert M. Franco
Franco, Asia, Bensussen & Coe
Suite 1300
720 Olive Way
Seattle, Washington 98101

Marilyn Broek, P.E.
1316 West Hays
Boise, Idaho 83702

Dana L. Hofstetter
Holland & Hart
P. O. Box 2517
Boise, Idaho 83701

Jack Hockberger
U. S. Department of Interior
Room 462, Federal Building
550 West Fort Street
Boise, Idaho 83724

Robert T. Anderson
Native American Rights Fund
310 "K" Street, Suite 708
Anchorage, Alaska 99501

W. Kim Claussen
Legal Department
City of Pocatello
P. O. Box 4169
Pocatello, Idaho 83205

Kenneth S. Gallant
Associate Professor
College of Law
University of Idaho
Moscow, Idaho 83843

Janet O'Crowley
Committee for Idaho's High
Desert
P. O. Box 664
Picabo, Idaho 83348

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JUL 25 1994

1 Lynn R. Collins
2 Regional Solicitor
3 U. S. Department of Interior
4 Suite 6201, Federal Building
5 Salt Lake City, Utah 84138
6
7 Patrick D. Costello
8 Park Costello & Burkett
9 P. O. Box 547
10 Boise, Idaho 83701
11
12 John M. Barker
13 Route 4, Box 422
14 Buhl, Idaho 83316
15
16 Gary Ebert
17 P. O. Box S
18 Ontario, Oregon 97914
19
20 Doug Grant
21 College of Law
22 University of Idaho
23 Moscow, Idaho 83843
24
25 Don F. Pickett
26 Route 1, Box 80
Oakley, Idaho 83346
Lorraine Bodi
Office of General Counsel
NOAA
7600 Sand Point Way N. E.
Seattle, Washington 98115
Gary L. Boyle
USDA Forest Service
324 25th Street
Ogden, Utah 84401
Lester Edelman
U. S. Army Corp of Engineers
Room 8220
10 Massachusetts Avenue, N. W.
Washington, D.C. 20001

Maurice O. Ellsworth
U. S. Attorney
Federal Building, Box 37
550 West Fort Street
Boise, Idaho 83724
Fred Lyons, Clerk
Supreme Court Building
451 West State Street
Boise, Idaho 83720
Edward Jiran
Department of Energy
Room 6H065
1000 Independence Avenue, S. W.
Washington, D.C. 20585
Clive Strong
Office of the Idaho Attorney
General
Room 210, Statehouse
Boise, Idaho 83720
John Lindskold
General Litigation Section
U. S. Department of Justice
P. O. Drawer 3607
Denver, Colorado 80294
Brian H. Collins
North 2222 Monroe
Spokane, Washington 99205
Robert D. Dellwo
601 West Riverside, No. 1900
Spokane, Washington 99201
Mark Eissler
Office of General Counsel
Bonneville Power Administration
P. O. Box 3621
Portland, Oregon 97208
Bill Lloyd
CH₂M Hill
P. O. Box 8748
Boise, Idaho 83707

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JUL 25 1994

1 Don L. Roberts
City Attorney
P. O. Box 617
2 Lewiston, Idaho 83501

3 Larry Echohawk
Idaho Attorney General
4 Room 210, Statehouse
Boise, Idaho 83720

5 Phillip Kaufman
6 Veterans Administration
810 Vermont Avenue, N. W.
7 Washington, D. C. 20420

8 Division of Renewable Resources
Bureau of Land Management
9 Idaho State Office
3380 Americana Terrace
10 Boise, Idaho 83706

11 Richard Moen
12 Assistant Regional Counsel
General Services Administration
GSA Center
13 Auburn, Washington 98001

14 Rebecca Ranson
15 Assistant Division Counsel
U. S. Army Corps of Engineers
P. O. Box 2870
16 Portland, Oregon 97208

17 John D. Ross, III
18 P. O. Box 554
Pocatello, Idaho 83204

19 Stuart Shelton
20 Department of Agriculture
2407 S. Building
21 14th and Independence Avenue,
N. W.
22 Washington, D. C. 20250

Vic Conrad
Water Specialist
J. R. Simplot
P. O. Box 27
Boise, Idaho 83707

Carolyn Seneca Steele
Underwood & Steele, Chtd.
P. O. Box 387
Boise, Idaho 83701

The Honorable Darla Williamson
Judge, Magistrate Division
Valley County Courthouse
Cascade, Idaho 83611

Ralph W. Tarr
Department of Interior
18th and "C" Streets, N. W.
Washington D. C. 20420

Barbara Scott-Brier
U. S. Department of Interior
Suite 607
500 N. E. Multnomah Street
Portland, Oregon 97232

Silver King Limited
2560 South Cole Road
Boise, Idaho 83709

James P. Speck
Hogue, Speck & Aanestad
P. O. Box 987
Ketchum, Idaho 83340

Ed Thomas
Bureau of Reclamation
550 West Fort Street
Boise, Idaho 83724

U. S. Department of Justice
Environment and Natural
Resources Division
550 West Fort Street, Box 33
Boise, Idaho 83724

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JUL 25 1994

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SEP 22 1998

WATER RESOURCES
WESTERN REGION

RECEIVED

SEP 17 1998

Department of Water Resources

Albert P. Barker
Richard B. Burleigh
HAWLEY TROXELL ENNIS & HAWLEY LLP
P.O. Box 1617
Boise, Idaho 83701
Telephone: (208) 344-6000
Fax: (208) 342-3829

Attorneys for Irrigation Districts

A63-00372 } B-K
+ A63-26671 } changed.
to 9.22.98
OK, your SEARCH
WAS CORRECT
JEC

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

Case No. 39576

NOTICE OF APPEARANCE

PLEASE TAKE NOTICE that Albert P. Barker hereby enters
his appearance on behalf of the Boise-Kuna Irrigation District,
the New York Irrigation District, the Wilder Irrigation District,
and the Big Bend Irrigation District, in the above-entitled
action and in the subcases resulting from this action. Please
substitute Albert P. Barker for Don A. Olowinski as counsel of
record.

Respectfully submitted this 16th day of September,
1998.

HAWLEY TROXELL ENNIS & HAWLEY LLP

By

Albert P. Barker

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16th day of September, 1998, I caused to be served a true copy of the foregoing NOTICE OF APPEARANCE, by the method indicated below, and addressed to each of the following:

The Snake River Basin
Adjudication, Court Clerk
P.O. Box 2707
Twin Falls, Idaho 83303

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy

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

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy

United States Department of
Justice
Environment and Natural
Resources
Division
550 W. Fort Street, MSC 033
Boise, Idaho 83724

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy

and all counsel of record per the attached Court Service List for Expedited Hearings:

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy


Albert P. Barker

**COURT CERTIFICATE OF MAILING
FOR EXPEDITED HEARINGS**

July 8, 1998

James Annest
1742 Overland Ave
PO Box 686
Burley, ID 83318

C Thomas Arkoosh
116 - 4th Ave W
PO Box 32
Gooding, ID 83330

Josephine P Beeman
Dana L Hofstetter
Beeman & Hofstetter
608 W Franklin (83702)
PO Box 1427
Boise, ID 83701-1427

Cliff S Bentz
Yturri Rose Burnham
Bentz & Helfrich
PO Box 450
Fruitland, ID 83619

William J Brockman
3500 East 2900 North
Kimberly, ID 83341

Patrick D. Brown
Parker Warr & Brown
812 Shoshone Street East
Twin Falls, ID 83301

Randall C Budge
Racine Olson Nye Cooper &
Budge Chtd
201 East Center, Ste 2A
PO Box 1391
Pocatello, ID 83204-1391

Heidi Gudgell
Dave Cummings
Nez Perce Tribal Executive Committee
Office of Legal Counsel
PO Box 305
Lapwai, ID 83540-0305

Scott L Campbell
Elam & Burke PA
702 W Idaho St, 10th Fl
PO Box 1539
Boise, ID 83701-1539

Richard A Cummings
999 Main Street, Ste 911
PO Box 1545
Boise, ID 83701

Douglas A Donohue
812 - 12th Ave S, Ste E
Nampa, ID 83651

Robert Eldredge, Esq.
Attorney at Law
836 East Center, Suite C
Pocatello, ID 83201

Murray D Feldman
Holland & Hart
101 S Capitol Blvd, Ste 1400
PO Box 2527
Boise, ID 83701

Jeffrey C Fereday, Michael C Creamer
Christopher H Meyer, Roy L Eiguren
Raymond D Givens
Givens Pursley LLP
277 N 6th St, Ste 200
PO Box 2720
Boise, ID 83701-2720

W Kent Fletcher
Fletcher Law Office
1200 Overland Avenue
PO Box 248
Burley, ID 83318-0248

Brad A Flinders
Stunz Fonda Nichols Kiyuna
Horton & Flinders LLP
106 Main St
PO Box 1565
Nyssa, OR 97913

Kent W Foster
Holden Kidwell Hahn & Crapo PLLC
330 Shoup Ave
PO Box 50130
Idaho Falls, ID 83405-0130

William T Goodman
Goodman & Bollar Chtd
717 - 7th St
PO Box D
Rupert, ID 83350

Blair J Grover
Grover & Archibald
215 Farnsworth Wy
PO Box 36
Rigby, ID 83442-0036

John D Hansen
C Timothy Hopkins
Teresa L Sturm
Hopkins Roden Crockett
Hansen & Hoopes
428 Park Ave
PO Box 51219
Idaho Falls, ID 83405-1219

Richard L Harris
1023 Arthur St
PO Box 1438
Caldwell, ID 83606

John C Hepworth
John T Lezamiz
Hepworth Lezamiz & Hohnhorst Chtd
133 Shoshone St N (83301)
PO Box 389
Twin Falls, ID 83303-0389

Cecil D Hobdey
Hobdey & Hobdey
125 - 5th Ave W
PO Box 176
Gooding, ID 83330

Terry G Hogue
Hogue & Dunlap, L.L.P
PO Box 460
Hailey, ID 83333

William R Hollifield
Hollifield & Bevan PA
249 - 3rd Ave E
PO Box 66 (83301)
Twin Falls, ID 83303-0066

Matt J Howard
216 W State St
Boise, ID 83702

Lawrence J Jensen
Holland & Hart
215 S State St, Ste 500
Salt Lake City, UT 84111-2346

John Paul Kennedy
1385 Yale Ave
Salt Lake City, UT 84105

Ron Kerl
Server Gasser & Kerl
2043 E Center
PO Box 6009
Pocatello, ID 83205-6009

Roger D Ling
Ling Nielsen & Robinson
615 H St
PO Box 396
Rupert, ID 83350

Don B Miller
Steven C Moore
Native American Rights Fund
1506 Broadway
Boulder, CO 80302

Michael Mirande
Bogle & Gates PLLC
Two Union Square
601 Union Street
Seattle, WA 98101-2346

Don A Olowinski
Albert P Barker
Richard B Burleigh
Hawley Troxell Ennis & Hawley
877 W Main St, Ste 1000
PO Box 1617
Boise, ID 83701

Bert L Osborn
26 S 9th St
PO Box 158
Payette, ID 83661

William A Parsons
Parsons Smith Stone & Fletcher
137 W 13th St
PO Box 910
Burley, ID 83318

Mark Potter
Susan Potter
220 Willow Lane
Hagerman, ID 83332

Leonard A. Rifkind
Michael O. Glass
Rifkind Law Firm
110 Tiburon Blvd., Suite 203
Mill Valley, CA 94941

Jerry R Rigby
Ray W Rigby
Gregory W Moeller
Rigby Thatcher Andrus Rigby
Kam & Moeller Chtd
25 N 2nd E
PO Box 250
Rexburg, ID 83440-0250

William F Ringert
PO Box 105
Hammett, ID 83627

Daniel V Steenson
Ringert Clark Chtd
455 S 3rd St
PO Box 2773
Boise, ID 83701-2773

John A Rosholt
James C Tucker
Bruce M Smith
Norman Semanko
Patrick D Madigan
Rosholt Robertson & Tucker Chtd
142 - 3rd Ave N
PO Box 1906
Twin Falls, ID 83303-1906

Ronald I Schindler
Thomas E Root
Root & Schindler
410 - 17th St, Ste 460
Denver, CO 80202

James P Speck
Speck & Aanestad
120 East Ave
PO Box 987
Ketchum, ID 83340

Larry A Sullivan
280 A Street E
PO Box 220
Vale, OR 97918

Lary C Walker
Walker Law Offices
232 E Main St
PO Box 828
Weiser, ID 83672

Douglas R Whipple
Byington Holloway
Whipple & Jones Chtd
111 W 15th St
PO Box 188
Burley, ID 83318

Jeanette Wolfley
Candy L Jackson
Shoshone-Bannock Tribes
PO Box 306
Fort Hall, ID 83203

Gray Young
Terry T Uhling
Shawn Del Ysursa
J R Simplot Company
999 Main St, 13th Fl
PO Box 27
Boise, ID 83707

Craig R Zaiss
305 Grove St
PO Box 628
Parma, ID 83660-0628

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

United States Department of Justice
Environment & Natural Resources Div
550 W Fort St, MSC 033
Boise, ID 83724

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