

1
2 IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT FOR THE
3 STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS.

4
5 BURLEY IRRIGATION DISTRICT, et al,)
6 Plaintiffs,)
7 vs.)
8 HENRY EAGLE, Watermaster, Water)
9 District No. 33, State of Idaho,)
10 Defendant.)

SUPPLEMENTAL DECREE
DISTRICT COURT

Fifth Judicial District
County of Twin Falls, State of Idaho

FILED JUL 10 1968

H. A. LANCASTER

Clerk
Deputy Clerk

11 This matter having come on regularly before the Court and the
12 Court having made and entered its Findings of Fact and Conclusions of Law
13 herein directing that Decree be entered accordingly and good cause appearing
14 therefor,

15 IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

16 1. That the rights hereinafter decreed shall be supplemental to
17 the decrees entered in the cases of Woodville Canal Co. v. Clark & Edwards
18 Canal & Irrigation Company, et al, in the District Court of the United States
19 for the District of Idaho, Eastern Division, on June 25, 1929, Twin Falls Canal
20 Company v. Charles W. Foster, et al, in the District Court of the Fourth
21 Judicial District of the State of Idaho, in and for the County of Twin Falls, on
22 June 20, 1913, Rexburg Irrigation Company, et al. v. Teton Irrigation Canal
23 Company, et al, in the District Court of the Sixth Judicial District of the State
24 of Idaho, in and for the County of Fremont, on December 13, 1910, and said
25 Decrees and the Findings of Fact and Conclusions of Law upon which they are
26 based are binding upon all plaintiffs herein.

27 2. That the parties hereinafter named have the right to divert
28 use, for irrigation and other purposes, the waters of the Snake River in the
29 amounts and with the priority dates listed, which water shall be diverted to
30 the point and be appurtenant to the lands described herein:

31 A. Twin Falls Canal Company.

32 600 cubic feet per second (being the right recognized in paragraph 1)

of the Woodville Decree) with a priority date of December 22, 1915.

Point of Diversion

At Milner Dam on the South side of Snake River (in the Northeast Quarter of the Southeast Quarter (NE 1/4 SE 1/4) of Section 29, Township 10 South, Range 21, E. B. M.)

Lands to Which Appurtenant

The lands lying in Twin Falls County, Idaho, South of the Snake River and East of Little Salmon River, to-wit: Sections 29, 30, 31, 32, in Township Ten (10) South, Range Twenty-one (21) East of Boise Meridian; Sections 31, 34, 35, 36, 25, in Township Ten (10) South, Range Twenty (20) East of Boise Meridian; Sections 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, in Township Ten (10) South, Range Nineteen (19) East of Boise Meridian; Sections 1, 12, 13 in Township Eleven (11) South, Range Nineteen (19) East of Boise Meridian; Sections 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36 in Township Ten (10) South, Range Eighteen (18) East of Boise Meridian; Sections One (1) to Thirty-three (33) inclusive in Township Eleven (11) South, Range Eighteen (18) East of Boise Meridian; Sections Twenty-nine (29) to Thirty-six (36) inclusive, in Township Nine (9) South, Range Seventeen (17) East of Boise Meridian; All of said Township, in Township Ten (10) South, Range Seventeen (17) East of Boise Meridian; Section Nos. One (1) to Fifteen (15) inclusive and Section Twenty-four (24) in Township Eleven (11) South, Range Seventeen (17) East of Boise Meridian; Sections Sixteen (16) to Thirty-six (36) inclusive in Township Nine (9) South, Range Sixteen (16) East of Boise Meridian; Section Nos. One (1) to Thirty-six (36) inclusive in Twp. Ten (10) South, Range Sixteen (16) East of Boise Meridian; Sections 1, 2, 12 in Township Eleven (11) South, Range Sixteen (16) East of Boise Meridian; Section Nos. Five (5) to Thirty-six (36) inclusive in Township Nine (9) South, Range Fifteen (15) East of Boise Meridian; Section Nos. One (1) to Thirty-six (36) inclusive in Township Ten (10) South, Range Fifteen (15) East of Boise Meridian; Sections 5, 6, 7 in Township Eleven (11) South, Range

Fifteen (15) East of Boise Meridian; Sections Twenty-eight (28) to Thirty-three (33) inclusive, in Twp. Eight (8) South, Range Fourteen (14) East of Boise Meridian; Sections Four (4) to Thirty-six (36) inclusive, and Section One (1) in Twp. Nine (9) South, Range Fourteen (14) East of Boise Meridian; Section Nos. One (1) to Thirty-six (36) inclusive, in Twp. Ten (10) South, Range Fourteen (14) East of Boise Meridian; Sections One (1) to Twelve (12) inclusive, and Seventeen (17) to Twenty (20) inclusive in Township Eleven (11) South, Range Fourteen (14) East of Boise Meridian; Sections 1, 12, 13, 14, 23, 24, 25, 26, 36 in Township Nine (9) South, Range Thirteen (13) East of Boise Meridian; Sections 1, 2, 10, 11, 12, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, 28, 33, 34, 35, 36 in Township Ten (10) South, Range Thirteen (13) East of Boise Meridian; Sections 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 24 in Township Eleven (11) South, Range Thirteen (13) East of Boise Meridian; and all other lands lying North of the Main and Highline Canals of the plaintiff's canal system, South of said Snake River and East of said Little Salmon River.

1 Township 11 South, Range 20, E. B. M.:
2 Section 30: That part of the N 1/2 of the NE 1/4 lying
3 north and below Milner Low Lift main canal.

4 Township 11 South, Range 20, E. B. M.:
5 Section 29: That part of the N 1/2 of the NW 1/4, and
6 that part of the N 1/2 of the NE 1/4 lying north and
7 below Milner Low Lift main canal.

8 Township 11 South, Range 20, E. B. M.:
9 Section 28: That part of the N 1/2 of the NW 1/4, and
10 that part of the NE 1/4 lying north and below Milner
11 Low Lift main canal.

12 D. Twin Falls Canal Company.

13 180.0 cubic feet of water per second.

14 Point of Diversion

15 At Milner Dam on the South side of Snake River (in the
16 Northeast Quarter of the Southeast Quarter (NE 1/4
17 SE 1/4) of Section Twenty-nine (29), Township Ten
18 (10) South, Range Twenty-one (21) E. B. M.

19 Lands to Which Appurtenant

20 The lands described in detail in Paragraph XIII (a)
21 foregoing.

22 E. Clarence Tilley.

23 7.00 cubic feet of water per second.

24 Point of Diversion

25 Southeast corner of the Southwest Quarter of the North-
26 west Quarter (SW 1/4 NW 1/4), Section Twelve (12),
27 Township Eight (8) South, Range Thirty (30) E. B. M.

28 Lands to Which Appurtenant

29 Tax No. 18, described as commencing at a point 83 rods
30 and 1.5 feet West of the Northeast Corner of the North-
31 east Quarter of Section Fourteen, Township Eight South,
32 Range Thirty East of the Boise Meridian, thence running
West along the North line of said Section Fourteen 22
rods and 12 feet, thence South 20 rods, thence East 22
rods and 12 feet, thence North 20 rods, more or less, to
the North line of said Section Fourteen, and place of
beginning.

33 Tax No. 6, described as beginning at a point 20 feet
34 North of the Southeast Corner of Lot 4, Section Eleven,
35 Township Eight South, Range Thirty East of the Boise
36 Meridian, thence running West parrallel to the South line
37 440 feet, thence North 1074 feet, to the South line of
38 Snake River, thence North 71° 37' East along South line
39 of River 464 feet to the East line of Lot 4, thence North
40 75° 54' East 657 feet, thence South 1400 feet to the South
41 line of Lot 3, thence West 637 feet, thence North 20 feet
42 to the place of beginning.

Last Name: TWIN FALLS CANAL					STATE	
First Name	W N	W or Right No.	Priority Date	Source	Total Diversion	Use Code Desc
TWIN FALLS CANAL CO.						
C A01-00004			12/22/1915	SNAKE RIVER	600.000	01 IRR
C A01-00010			04/01/1939	SNAKE RIVER	180.000	01 IRR
C A01-02064A			03/30/1921	SNAKE RIVER	1185.000	02 IRR S
C A01-10042A			03/29/1921	SNAKE RIVER	150000.000	03 IRR FS
C A01-10045A			05/24/1913	JACKSON LAK	97183.000	02 IRR S
C A47-04376			03/15/1912	SNAKE RIVER	306.000	03 IRR FS
C A01-00209Z0			10/11/1900	GROUNDWATER		01 IRR
				SNAKE RIVER	3000.000	04 STOCK
						01 IRR
						02 IRR S
						03 IRR FS

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Department of Water Resources
Southern Region Office

Source	Last Name	First Name	O W N	W r Right No.	Priority Date	Source	Total Diversion	STATE Use Code Desc
TWIN FALLS CANAL COMPANY								
C	A45-11895				08/20/1982	GROUNDWATER	0.040	43 DOMESTIC
C	A47-14954				11/20/1982	GROUNDWATER	0.040	43 DOMESTIC
C	A45-11896				05/20/1905	GROUNDWATER	0.040	43 DOMESTIC
C	A47-14953				05/20/1930	GROUNDWATER	0.080	43 DOMESTIC
								04 STOCK

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S E L	First Name	O W N	W r Right No.	Priority Date	Source	Total Diversion	STATE Use Code Desc
Last Name: NORTH SIDE CANAL							
NORTH SIDE CANAL COMPANY LTD							
		C	36-14904	03/15/1950		0.040	04 STOCK
		C	36-14905	03/20/1948	GROUNDWATER	0.040	43 DOMEST
		C	36-14903	10/20/1948	GROUNDWATER	0.040	04 STOCK
		C	36-14901	01/30/1943	GROUNDWATER	0.040	43 DOMEST
		C	36-14902	11/11/1957	GROUNDWATER	0.040	04 STOCK
							43 DOMEST
							04 STOCK
NORTH SIDE CANAL COMPANY LTD.							
		C	A01-00005	12/23/1915	SNAKE RIVER	300.000	01 IRR
		C	A01-00016	08/06/1920	SNAKE RIVER	1260.000	01 IRR
		C	A01-00210Z0	10/11/1900	SNAKE RIVER	400.000	01 IRR
							02 IRR S
							03 IRR FS

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+ American Falls Res. Dist = A01-00006

Last Name: NORTH SIDE CANAL		STATE	
First Name	W N	W r	Priority
Name	N	Rig. c No.	Date
Source	Total Diversion	Use Code	Desc
NORTH SIDE CANAL COMPANY LTD.			
C A37-04240	03/01/1910	BIG WOOD RI	25.000
		SILVER CREE	04 STOCK
C A37-04241	03/01/1910	LITTLE WOOD	10.000
		SILVER CREE	04 STOCK
C A01-00212Z0	10/07/1905	SNAKE RIVER	2250.000
			01 IRR
			02 IRR S
C A01-00215	06/02/1909	SNAKE RIVER	500.000
C A01-10043A	03/29/1921	SNAKE RIVER	116600.000
			01 IRR
			02 IRR S
C A01-10053A	03/30/1921	SNAKE RIVER	108980.000
			03 IRR FS
			02 IRR S
			03 IRR FS

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STATE	First Name	Owner	Right No.	Priority Date	Source	Total Diversion	Use Code	Desc
	NORTH SIDE CANAL COMPANY LTD.							
	C A01-00213		06/16/1908	SNAKE RIVER	890.000	01	IRR	
	C A01-00220		06/29/1910	SNAKE RIVER	3000.000	01	IRR	
	C A01-02064C		03/30/1921	SNAKE RIVER	387814.000	02	IRR	S
	C A01-10042B		03/29/1921	SNAKE RIVER	9400.000	03	IRR	FS
	C A01-10045B		05/24/1913	SNAKE RIVER	312007.000	02	IRR	S
	C A37-13378		03/20/1948	GROUNDWATER	0.040	03	IRR	FS
	C A37-13379		05/12/1956	GROUNDWATER	0.040	43	DOMEST	
	C A37-13380		06/02/1955	GROUNDWATER	0.040	04	STOCK	
	C A37-00507		06/15/1890	BIG WOOD RI	15.000	43	DOMEST	
						04	STOCK	
						01	IRR	

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Last Name: NORTH SIDE CANAL		STATE					
First Name	W N	W r Right No.	Priority Date	Source	Total Diversion	Use Code	Desc
NORTH SIDE CANAL COMPANY LTD							
C	A36-14904	03/15/1950	GROUNDWATER	0.040	43	DOMEST	
C	A36-14900	03/02/1949	GROUNDWATER	0.040	04	STOCK	
C	A36-14901	01/30/1943	GROUNDWATER	0.040	43	DOMEST	
C	A36-14902	11/11/1957	GROUNDWATER	0.040	04	STOCK	
C	A36-14903	10/20/1948	GROUNDWATER	0.040	43	DOMEST	
C	A36-14905	03/20/1948	GROUNDWATER	0.040	04	STOCK	
C	36-14900	03/02/1949	GROUNDWATER	0.040	43	DOMEST	
C	36-14904	03/15/1950	GROUNDWATER	0.040	04	STOCK	
					43	DOMEST	

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1 John A. Rosholt
2 Gary D. Slette
3 ROSHOLT, ROBERTSON & TUCKER
4 P. O. Box 1906
5 Twin Falls, Idaho 83303-1906
6 Telephone: (208) 734-0700
7 4742p/shs/1-2-92

8
9 IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
10 STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

11 * * * * *

12 In Re the General Adjudication)
13 of Rights to the Use of Water)
14 from the Snake River Basin)
15 Water System.)

CASE NO: 39576

16 The State of Idaho, ex rel.)
17 A. Kenneth Dunn in his official)
18 capacity as director of the)
19 Idaho Department of Water)
20 Resources,)

NOTICE OF
APPEARANCE

21 Petitioner,)
22 vs.)

23 The United States; the State)
24 of Idaho; and all claimants)
25 to the use of water from the)
26 Snake River Basin Water System,)

27 Defendants.)
28

* * * * *

24 COME NOW, TWIN FALLS CANAL COMPANY, NORTH SIDE CANAL
25 COMPANY, LTD. and AMERICAN FALLS RESERVOIR DISTRICT, by and
26 through their attorneys, John A. Rosholt and Gary D. Slette of
27
28

1 the firm of ROSHOLT, ROBERTSON & TUCKER, and, pursuant to Order
2 of this Court entered December 17, 1991, enter their appearance
3 in the above-captioned case.

4 DATED this 2nd day of January, 1992.

5 ROSHOLT, ROBERTSON & TUCKER
6 P. O. Box 1906
7 Twin Falls, ID 83303-1906

8 *John A. Rosholt*

9 JOHN A. ROSHOLT

10 *Gary D. Slette*
11 GARY D. SLETTE

12 CERTIFICATE OF MAILING

13 I hereby certify that on this 2nd day of January,
14 1992, I caused to be served a true copy of the foregoing NOTICE
15 OF APPEARANCE by the method indicated below, and addressed to
16 each of the following:

16 Larry Echohawk
17 Attorney General
18 State of Idaho
19 Statehouse, Room 210
20 Boise, Idaho 83720

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

19 David Shaw
20 Adjudication Bureau Chief
21 Idaho Department of Water
22 Resources
23 1301 North Orchard
24 Statehouse Mail
25 Boise, Idaho 83720 (6 copies)

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1 Peter C. Monson, Esq.
2 Assistant Attorney General
3 U.S. Department of Justice
4 Land and Natural Resources
5 Division
6 Indian Resources Section,
7 Rm. 6317
8 P. O. Box 44378
9 Washington, D.C. 20026-4378

✓

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6 Don A. Olowinski
7 HAWLEY, TROXELL, ENNIS
8 & HAWLEY
9 P. O. Box 1617
10 Boise, Idaho 83701

✓

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Telecopy (Fax)

John A. Rosholt

JOHN A. ROSHOLT