

Water Right No. 01-0211B

Quantity:

This right should be for 1,200 cfs from the Snake River with a priority of March 26, 1903, for use on the lands of Burley Irrigation District. (1200 cfs of 1726 cfs per Deed from U.S.) The right is subject to a remark or other provision, which should provide:

The diversions under this right and Water Right No. 01-0211A shall not exceed 1,726 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 Water Right No. 01-0211A exceed 1,726 cfs or the flows then available under these rights, the right to divert water under this right by Burley Irrigation District will be reduced to meet the demands of Minidoka Irrigation District for water under this right, but the right under such condition shall not be reduced to less than 38% of the flows then available under this right and Water right No. 01-0211A.

Place of Use:

This right should be limited to the irrigation of 47,818 acres within the place of use described in a single irrigation season, not the 34,563 acres shown in the Preliminary Recommendation. The place of use is justified under the following:

1. The right to use natural flow right of 1726 cfs for the irrigation of all irrigable lands within the Burley Irrigation District and Minidoka Irrigation District. was established by Water License No. 66 granted to the Secretary of Interior by the State Engineer of the State of Idaho on December 20, 1912. The license states in part: "... I hereby grant this license to the United States Reclamation Service in trust for the use and benefit of all parties who have established or who may hereafter establish a right to participate in such use and benefit, confirming a perpetual water right dating from March 26, 1903, to the use of 1726 cubic feet per second of time, or so much thereof as may be necessary for irrigation and domestic purposes, . . ." (Emphasis added.)
2. This right to use this natural flow right upon the lands within Minidoka Irrigation District and Burley Irrigation District was confirmed by the Foster Decree of June 20, 1913, Right No. 3, in which the court decreed: "... the Secretary of the Interior is hereby awarded the use of the water of the natural flow of the Snake River diverted at Minidoka Dam for use upon the lands lying in the Minidoka Project under the canals of the Minidoka Project in Minidoka and Cassia Counties, Idaho, in the following amount from the following date: 1726 second feet from March 26, 1903, hereby designated as the right No. 3." (Emphasis added.)

The Foster Decree further provides in part: "It is further ORDERED, ADJUDGED AND DECREED that the rights and priorities hereinbefore determined and awarded be and the same are each of them quieted and confirmed as against each and every party hereto; and furthermore that each and all claims to the waters of the Snake River by each or all aforesaid parties adverse to the rights herein awarded and determined, be and they are hereby held for nought and such parties forever barred from asserting same."

Water Right No. 01-0214B

Quantity:

This right should be for 544 cfs from the Snake River with a priority of August 6, 1908, for use on the lands of Burley Irrigation District. The right is subject to a remark or other provision, which should provide:

The diversions under this right and Water Right No. 01-0214A shall not exceed 1,000 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 Water Right No. 01-0214A exceed 1,000 cfs or the flows then available under these rights, the right to divert water under this right by Burley Irrigation District will be reduced to meet the demands of Minidoka Irrigation District for water under this right, but the right under such condition shall not be reduced to less than 38% of the flows available under this right and Water Right No. 01-0214A.

*60%
full at peak 12%*

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