

H0012657

Claim # 29-04101A
2904103
29-10014

WALKER CREEK IRRIGATION ROTATION AGREEMENT

The undersigned water users of Walker Creek, located in Bannock County, Idaho, hereby agree to distribute the water of Walker Creek until such time as the rights and priorities of the parties have been formally adjudicated. The agreed distribution shall be as follows:

(A). If the flow of Walker Creek exceeds .36 cubic foot per second ("cfs"), the waters of Walker Creek shall be distributed by the undersigned users on a 10-day rotation period. The order of delivery and number of hours of use per rotation for each user shall be:

Keith Henrichs - 96 hours

Raymond Girard - 36 hours

Gene Wise - 31 hours

Bob Wardle - 31 hours

Chuck Thompson - 16 hours (Joann Porsy)

Kathy John Shultz - 10 hours

Norman Rademacher - 20 hours permit.

(B). If the water flow of Walker Creek falls below .36cfs, as measured as set forth below, then the above stated 10-day rotation period shall be modified and the undersigned users shall go to a 20-day rotation period. The modification from the 10-day rotation period to the 20-day rotation period will be based on the same acreage as the 10-day rotation period and on the same water allotment of .02cfs/acre/user. The number of hours of use per rotation credited to each user under the 20-day rotation period shall be:

Keith Henrichs - 192 hours

Raymond Girard - 72 hours

Gene Wise - 62 hours

Bob Wardle - 62 hours

Chuck Thompson - 32 hours

John Shultz - 20 hours

Norman Rademacher - 40 hours

The reason for the modification from a 10-day rotation period to a 20-day rotation period when the flow of Walker Creek falls below .36cfs is to allow the parties longer periods of time to irrigate so that they may preserve, in times of low water, their pastures and other appurtenant property. Any of the undersigned users may use the water during their stated turn on each rotation or may pass their turn to another user they so designate. Any such designation shall not effect the designating party's use of the water on the next rotation. Each of the undersigned users is responsible for regulating their headgate at both the beginning and end of their respective turn.

For a determination of which rotation period to use at any particular time, the measurement of the flow of water in Walker Creek shall be done at such time as the water level appears to be approaching .36cfs. Any of the undersigned users may request the Portneuf River water master, if he or she so consents, or some other third person mutually agreed upon by all of the undersigned users to measure the water. If a

disagreement arises as to measurement, any of the undersigned users may request that a Department of Water Resources official measure the flow of water in Walker Creek. Such measurement by a Department of Water Resources official shall be deemed conclusive as to the level of flow in Walker Creek.

All measurements of the flow of Walker Creek used to make any determination under this agreement shall take place at the point of diversion used by water users Wardle, Wise and Girard. Any such measurements shall take place at a consistent hour at each time of measurement. An hour agreed upon by the parties is 10:00 a.m. on the day of measurement, or such consistent time as is convenient to the Portneuf River water master, the mutually agreed upon third party, or the Department of Water Resources official.

This agreement shall be in force and effect during the time period from March 15 through November 15 of each and every year, beginning with March 15, 1989, until an adjudication of the rights of the undersigned water users of Walker Creek is finally and fully completed. All prior agreements among the Walker Creek water users are superceded by this agreement. This agreement is binding on heirs, personal representatives, successors and assigns of any of the undersigned water users.

All of the undersigned, including the Department of Water Resources, agree that no adjudication has been completed on Walker Creek and that this agreement does not have any binding effect on any of the undersigned parties on any future adjudication. This agreement is solely a compromise agreement of a continuing controversy as to the rights and priorities of the parties to the use of Walker Creek and shall be considered solely in that regard. It shall not be considered as an admission in any regard by any of the undersigned parties as to their claims, licenses, permits or other arguments they may have in a subsequent adjudication. It shall not be considered binding, and shall not be used by any of the parties, including the Department of Water Resources, in any adjudication and shall not be considered by any Court in any hearing or other proceeding on an adjudication. All of the parties hereto reserve their objections to the various claims of the other users. The Department of Water Resources acknowledges and understands that the purpose of this agreement is solely for the purpose of a settlement of an on-going controversy. This agreement is a temporary, interim agreement until an adjudication of the rights of the parties can be formally determined.

The Department of Water Resources agrees that any cease and desist order issued to any of the undersigned

users is hereby terminated. It is further understood that the parties who received cease and desist orders do not admit that the Department of Water Resources had any legal authority to issue the cease and desist orders.

The Department of Water Resources agrees to recognize this agreement and not to intervene in the agreement or interfere with any of the use of the undersigned unless such parties do not abide by the rotation agreement set forth above. The undersigned users understand that the Department of Water Resources cannot view the agreement as revising any water rights the parties may be determined as having in an adjudication, but is solely an interim agreement.

IN WITNESS WHEREOF the undersigned hereby execute this agreement and acknowledge that each clearly understands the terms and conditions stated herein.

Dated: 1-19-89

Keith Henrichs
Keith Henrichs

Dated: 2-5-89

Raymond Girard
Raymond Girard

Dated: 2-4-89

Gene M. Wise
Gene Wise

Dated: 2-4-89

Bob Wardle
Bob Wardle

Dated: 2-4-89

Chuck Thompson
Chuck Thompson

Dated: Feb 6 1989

John Shultz
John Shultz

Dated: Feb 5, 89

Norman Rademacher
Norman Rademacher

Acknowledged and Approved by
the State of Idaho, Department
of Water Resources

Dated: _____

By _____
Norman C. Young
Administrator
Resource Administration Div.
Department of Water Resources

ADDENDUM

The attached Rotation Agreement is incorporated by reference and hereby made a part of the Walker Creek Irrigation Rotation Agreement.

April 16, 1990 Jo Deana had to close Wise, Wardell & Guard head-gate to get our water turn.

All during 1991 irrigation we have to close the Wardell Guard & Wise head-gate.

C THOMSEN

1989

(16)

2 P.M. March 15 TO 6 A.M. March 16
 2 P.M. March 25 TO 6 A.M. March 26
 2 P.M. Apr 4 TO 6 A.M. Apr 5
 2 P.M. Apr 14 TO 6 A.M. Apr 15
 2 P.M. Apr 24 TO 6 A.M. Apr 25
 2 P.M. May 4 TO 6 A.M. May 5
 2 P.M. May 14 TO 6 A.M. May 15
 2 P.M. May 24 TO 6 A.M. May 25
 2 P.M. June 3 TO 6 A.M. June 4
 2 P.M. June 13 TO 6 A.M. June 14
 2 P.M. June 23 TO 6 A.M. June 24
 2 P.M. July 3 TO 6 A.M. July 4
 2 P.M. July 13 TO 6 A.M. July 14
 2 P.M. July 23 TO 6 A.M. July 24
 2 P.M. Aug 2 TO 6 A.M. Aug 3
 2 P.M. Aug 12 TO 6 A.M. Aug 13
 2 P.M. Aug 22 TO 6 A.M. Aug 23
 2 P.M. Sept 1 TO 6 A.M. Sept 2
 2 P.M. Sept 11 TO 6 A.M. Sept 12
 2 P.M. Sept 21 TO 6 A.M. Sept 22
 2 P.M. Oct 1 TO 6 A.M. Oct 2
 2 P.M. Oct 11 TO 6 A.M. Oct 12
 2 P.M. Oct 21 TO 6 A.M. Oct 22
 2 P.M. Oct 31 TO 6 A.M. nov 1
 2 P.M. nov 10 TO 6 A.M. nov 11
 2 P.M. nov 20 TO 6 A.M. nov 21
 2 P.M. nov 30 TO 6 A.M. Dec 1

J SCHULTZ

1989

(12)

6 A.M. March 16 TO 4 P.M. March 16
 6 A.M. March 26 TO 4 P.M. March 26
 6 A.M. Apr 5 TO 4 P.M. Apr 5
 6 A.M. Apr 15 TO 4 P.M. Apr 15
 6 A.M. Apr 25 TO 4 P.M. Apr 25
 6 A.M. May 5 TO 4 P.M. May 5
 6 A.M. May 15 TO 4 P.M. May 15
 6 A.M. May 25 TO 4 P.M. May 25
 6 A.M. June 4 TO 4 P.M. June 4
 6 A.M. June 14 TO 4 P.M. June 14
 6 A.M. June 24 TO 4 P.M. June 24
 6 A.M. July 4 TO 4 P.M. July 4
 6 A.M. July 14 TO 4 P.M. July 14
 6 A.M. July 24 TO 4 P.M. July 24
 6 A.M. Aug 3 TO 4 P.M. Aug 3
 6 A.M. Aug 13 TO 4 P.M. Aug 13
 6 A.M. Aug 23 TO 4 P.M. Aug 23
 6 A.M. Sept 2 TO 4 P.M. Sept 2
 6 A.M. Sept 12 TO 4 P.M. Sept 12
 6 A.M. Sept 22 TO 4 P.M. Sept 22
 6 A.M. Oct 2 TO 4 P.M. Oct 2
 6 A.M. Oct 12 TO 4 P.M. Oct 12
 6 A.M. Oct 22 TO 4 P.M. Oct 22
 6 A.M. nov 1 TO 4 P.M. nov 1
 6 A.M. nov 11 TO 4 P.M. nov 11
 6 A.M. nov 21 TO 4 P.M. nov 21
 6 A.M. Dec 1 TO 4 P.M. Dec 1

N RADEMACHER

1989

(20)

4 P.M. March 16	TO 12 NOON March 17
4 P.M. March 26	TO 12 NOON March 27
4 P.M. Apr 5	TO 12 NOON Apr 6
4 P.M. Apr 15	TO 12 NOON Apr 16
4 P.M. Apr 25	TO 12 NOON Apr 26
4 P.M. May 5	TO 12 NOON May 6
4 P.M. May 15	TO 12 NOON May 16
4 P.M. May 25	TO 12 NOON May 26
4 P.M. June 4	TO 12 NOON June 5
4 P.M. June 14	TO 12 NOON June 15
4 P.M. June 24	TO 12 NOON June 25
4 P.M. July 4	TO 12 NOON July 5
4 P.M. July 14	TO 12 NOON July 15
4 P.M. July 24	TO 12 NOON July 25
4 P.M. Aug 3	TO 12 NOON Aug 4
4 P.M. Aug 13	TO 12 NOON Aug 14
4 P.M. Aug 23	TO 12 NOON Aug 24
4 P.M. Sept 2	TO 12 NOON Sept 3
4 P.M. Sept 12	TO 12 NOON Sept 13
4 P.M. Sept 22	TO 12 NOON Sept 23
4 P.M. Oct 2	TO 12 NOON Oct 3
4 P.M. Oct 12	TO 12 NOON Oct 13
4 P.M. Oct 22	TO 12 NOON Oct 23
4 P.M. Nov 1	TO 12 NOON Nov 2
4 P.M. Nov 11	TO 12 NOON Nov 12
4 P.M. Nov 21	TO 12 NOON Nov 22
4 P.M. Dec 1	TO 12 NOON Dec 2

Begin

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K HENRICH

1989

(20)

12 NOON March 17	TO 12 NOON March 21
12 NOON March 27	TO 12 NOON March 31
12 NOON Apr 6	TO 12 NOON Apr 10
12 NOON Apr 16	TO 12 NOON Apr 20
12 NOON Apr 26	TO 12 NOON Apr 30
12 NOON May 6	TO 12 NOON May 10
12 NOON May 16	TO 12 NOON May 20
12 NOON May 26	TO 12 NOON May 30
12 NOON June 5	TO 12 NOON June 9
12 NOON June 15	TO 12 NOON June 19
12 NOON June 25	TO 12 NOON June 29
12 July 5	TO 12 NOON July 9
12 July 15	TO 12 NOON July 19
12 NOON July 25	TO 12 NOON July 29
12 NOON Aug 4	TO 12 NOON Aug 8
12 NOON Aug 14	TO 12 NOON Aug 18
12 NOON Aug 24	TO 12 NOON Aug 28
12 NOON Sept 3	TO 12 NOON Sept 7
12 NOON Sept 13	TO 12 NOON Sept 17
12 NOON Oct 3	TO 12 NOON Oct 7
12 NOON Oct 13	TO 12 NOON Oct 17
12 NOON Oct 23	TO 12 NOON Oct 27
12 NOON Nov 2	TO 12 NOON Nov 6
12 NOON Nov 12	TO 12 NOON Nov 16
12 NOON Nov 22	TO 12 NOON Nov 26
12 NOON Dec 2	TO 12 NOON Dec 6

B. WARDLE

1989

(31)

12 NOON March 21 TO 7 P.M. March 22
 12 NOON March 31 TO 7 P.M. Apr 1
 12 NOON Apr 10 TO 7 P.M. Apr 11
 12 NOON Apr 20 TO 7 P.M. Apr 21
 12 NOON Apr 30 TO 7 P.M. May 1
 12 NOON May 10 TO 7 P.M. May 11
 12 NOON May 20 TO 7 P.M. May 21
 12 NOON May 30 TO 7 P.M. May 31
 12 NOON June 9 TO 7 P.M. June 10
 12 NOON June 19 TO 7 P.M. June 20
 12 NOON June 29 TO 7 P.M. June 30
 12 NOON July 9 TO 7 P.M. July 10
 12 NOON July 19 TO 7 P.M. July 20
 12 NOON July 29 TO 7 P.M. July 30
 12 NOON Aug 8 TO 7 P.M. Aug 9
 12 NOON Aug 18 TO 7 P.M. Aug 19
 12 NOON Aug 28 TO 7 P.M. Aug 29
 12 NOON Sept 7 TO 7 P.M. Sept 8
 12 NOON Sept 17 TO 7 P.M. Sept 18
 12 NOON Sept 27 TO 7 P.M. Sept 28
 12 NOON Oct 7 TO 7 P.M. Oct 8
 12 NOON Oct 17 TO 7 P.M. Oct 18
 12 NOON Oct 27 TO 7 P.M. Oct 28
 12 NOON Nov 6 TO 7 P.M. Nov 7
 12 NOON Nov 16 TO 7 P.M. Nov 17
 12 NOON Nov 26 TO 7 P.M. Nov 27
 12 NOON Dec 6 TO 7 P.M. Dec 7

ENC

R. GIFFARD

1989

(36)

7 P.M. March 21 TO 7 A.M. March 24
 7 P.M. Apr 1 TO 7 A.M. Apr 3
 7 P.M. Apr 11 TO 7 A.M. Apr 13
 7 P.M. Apr 21 TO 7 A.M. Apr 23
 7 P.M. May 1 TO 7 A.M. May 3
 7 P.M. May 11 TO 7 A.M. May 13
 7 P.M. May 21 TO 7 A.M. May 23
 7 P.M. May 31 TO 7 A.M. June 2
 7 P.M. June 10 TO 7 A.M. June 12
 7 P.M. June 20 TO 7 A.M. June 22
 7 P.M. June 30 TO 7 A.M. July 2
 7 P.M. July 10 TO 7 A.M. July 12
 7 P.M. July 20 TO 7 A.M. July 22
 7 P.M. July 30 TO 7 A.M. Aug 1
 7 P.M. Aug 10 TO 7 A.M. Aug 12
 7 P.M. Aug 20 TO 7 A.M. Aug 22
 7 P.M. Aug 30 TO 7 A.M. Aug 31
 7 P.M. Sept 10 TO 7 A.M. Sept 12
 7 P.M. Sept 20 TO 7 A.M. Sept 22
 7 P.M. Sept 30 TO 7 A.M. Sept 30
 7 P.M. Oct 10 TO 7 A.M. Oct 12
 7 P.M. Oct 20 TO 7 A.M. Oct 22
 7 P.M. Oct 30 TO 7 A.M. Oct 30
 7 P.M. Nov 9 TO 7 A.M. Nov 9
 7 P.M. Nov 19 TO 7 A.M. Nov 19
 7 P.M. Nov 29 TO 7 A.M. Nov 29

G WISE

1989

(31)

7 A.M. March 24	TO 2 P.M. March 25
7 A.M. Apr 3	TO 2 P.M. Apr 4
7 A.M. Apr 13	TO 2 P.M. Apr 14
7 A.M. Apr 23	TO 2 P.M. Apr 24
7 A.M. May 3	TO 2 P.M. May 4
7 A.M. May 13	TO 2 P.M. May 14
7 A.M. May 23	TO 2 P.M. May 24
7 A.M. June 2	TO 2 P.M. June 3
7 A.M. June 12	TO 2 P.M. June 13
7 A.M. June 22	TO 2 P.M. June 23
7 A.M. July 2	TO 2 P.M. July 3
7 A.M. July 12	TO 2 P.M. July 13
7 A.M. July 22	TO 2 P.M. July 23
7 A.M. Aug 1	TO 2 P.M. Aug 2
7 A.M. Aug 11	TO 2 P.M. Aug 12
7 A.M. Aug 21	TO 2 P.M. Aug 22
7 A.M. Aug 31	TO 2 P.M. Sept 1
7 A.M. Sept 10	TO 2 P.M. Sept 11
7 A.M. Sept 20	TO 2 P.M. Sept 21
7 A.M. Sept 30	TO 2 P.M. Oct 1
7 A.M. Oct 10	TO 2 P.M. Oct 11
7 A.M. Oct 20	TO 2 P.M. Oct 21
7 A.M. Oct 30	TO 2 P.M. Oct 31
7 A.M. Nov 9	TO 2 P.M. Nov 10
7 A.M. Nov 19	TO 2 P.M. Nov 20
7 A.M. Nov 29	TO 2 P.M. Nov 30
7 A.M. Dec 9	TO 2 P.M. Dec 10

C THOMSEN

1989

(32)

10 A.M. March 15	TO 6 P.M. March 16
10 A.M. Apr 4	TO 6 P.M. Apr 5
10 A.M. Apr 24	TO 6 P.M. Apr 25
10 A.M. May 14	TO 6 P.M. May 15
10 A.M. June 3	TO 6 P.M. June 4
10 A.M. June 23	TO 6 P.M. June 24
10 A.M. July 13	TO 6 P.M. July 14
10 A.M. Aug 2	TO 6 P.M. Aug 3
10 A.M. Aug 22	TO 6 P.M. Aug 23
10 A.M. Sept 11	TO 6 P.M. Sept 12
10 A.M. Oct 1	TO 6 P.M. Oct 2
10 A.M. Oct 21	TO 6 P.M. Oct 22
10 A.M. nov 10	TO 6 P.M. nov 11
10 A.M. nov 30	TO 6 P.M. Dec 1

N RADEMACHER

1989

(40)

6 P.M. March 16	TO 10 A.M. March 18
6 P.M. Apr 5	TO 10 A.M. Apr 7
6 P.M. Apr 25	TO 10 A.M. Apr 27
6 P.M. May 15	TO 10 A.M. May 17
6 P.M. June 4	TO 10 A.M. June 6
6 P.M. June 24	TO 10 A.M. June 26
6 P.M. July 14	TO 10 A.M. July 16
6 P.M. Aug 3	TO 10 A.M. Aug 5
6 P.M. Aug 23	TO 10 A.M. Aug 25
6 P.M. Sept 12	TO 10 A.M. Sept 14
6 P.M. Oct 2	TO 10 A.M. Oct 4
6 P.M. Oct 22	TO 10 A.M. Oct 24
6 P.M. nov 11	TO 10 A.M. nov 13
6 P.M. Dec 1	TO 10 A.M. Dec 3

C SCHULTZ

1989

(40)

10 A.M. March 16	TO 6 A.M. March 18
10 A.M. Apr 5	TO 6 A.M. Apr 7
10 A.M. Apr 25	TO 6 A.M. Apr 27
10 A.M. May 15	TO 6 A.M. May 17
10 A.M. June 4	TO 6 A.M. June 6
10 A.M. June 24	TO 6 A.M. June 26
10 A.M. July 14	TO 6 A.M. July 16
10 A.M. Aug 3	TO 6 A.M. Aug 5
10 A.M. Aug 23	TO 6 A.M. Aug 25
10 A.M. Sept 14	TO 6 A.M. Sept 16
10 A.M. Oct 4	TO 6 A.M. Oct 6
10 A.M. Oct 24	TO 6 A.M. Oct 26
10 A.M. nov 13	TO 6 A.M. nov 15
10 A.M. Dec 3	TO 6 A.M. Dec 5

K HENRICHS

1989

(192)

6 A.M. March 19	TO	6 A.M. March 27
6 A.M. Apr 8	TO	6 A.M. Apr 16
6 A.M. Apr 28	TO	6 A.M. May 6
6 A.M. May 18	TO	6 A.M. May 26
6 A.M. June 7	TO	6 A.M. June 15
6 A.M. June 27	TO	6 A.M. July 5
6 A.M. July 17	TO	6 A.M. July 25
6 A.M. Aug 6	TO	6 A.M. Aug 14
6 A.M. Aug 26	TO	6 A.M. Sept 3
6 A.M. Sept 15	TO	6 A.M. Sept 23
6 A.M. Oct 5	TO	6 A.M. Oct 13
6 A.M. Oct 25	TO	6 A.M. Nov 2
6 A.M. Nov 14	TO	6 A.M. Nov 22
6 A.M. Dec 4	TO	6 A.M. Dec 12

Remember
using over
water later
Day got caught
Called Harold
1991

Aug 26. 09⁹
Shelf X Work
using on water
for 11 hrs!
Sept 15 no
water at 7:2
also go to work
31-24
1-24
2-24
3-24

B WADDE

1989

(62)

6 A.M. March 27	TO	8 P.M. March 29
6 A.M. Apr 16	TO	8 P.M. Apr 18
6 A.M. May 6	TO	8 P.M. May 8
6 A.M. May 26	TO	8 P.M. May 26
6 A.M. June 15	TO	8 P.M. June 17
6 A.M. July 5	TO	8 P.M. July 7
6 A.M. July 25	TO	8 P.M. July 27
6 A.M. Aug 14	TO	8 P.M. Aug 16
6 A.M. Sept 3	TO	8 P.M. Sept 5
6 A.M. Sept 23	TO	8 P.M. Sept 25
6 A.M. Oct 13	TO	8 P.M. Oct 15
6 A.M. Nov 2	TO	8 P.M. Nov 4
6 A.M. Nov 22	TO	8 P.M. Nov 24
6 A.M. Dec 12	TO	8 P.M. Dec 14

B STAFF

1989

(71)

8 P.M. March 19	TO	8 P.M. March 21
8 P.M. Apr 18	TO	8 P.M. Apr 20
8 P.M. May 8	TO	8 P.M. May 10
8 P.M. May 26	TO	8 P.M. May 28
8 P.M. June 17	TO	8 P.M. June 19
8 P.M. July 7	TO	8 P.M. July 9
8 P.M. July 27	TO	8 P.M. July 29
8 P.M. Aug 16	TO	8 P.M. Aug 18
8 P.M. Sept 5	TO	8 P.M. Sept 7
8 P.M. Sept 25	TO	8 P.M. Sept 27
8 P.M. Oct 15	TO	8 P.M. Oct 17
8 P.M. Nov 4	TO	8 P.M. Nov 6
8 P.M. Nov 24	TO	8 P.M. Nov 26
8 P.M. Dec 14	TO	8 P.M. Dec 16

6
3
9