

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 27-12100

NAME AND ADDRESS: MEADOW CREEK RANCH
2330 S DALLIN ST
SALT LAKE CITY UT 84109

MEADOW CREEK RANCH
C/O DAVID BOSEN
2545 W 2400 N
PRESTON ID 83263

SOURCE: SPRING

TRIBUTARY: SINKS

QUANTITY: 0.020 CFS

The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: ~~08/01/1972~~ 08/01/1970

POINT OF
DIVERSION: T04S R42E S33 SENESW Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	05/01 10/31	0.020 CFS

PLACE OF USE: STOCKWATER Within CARIBOU County

T04S R42E S33 NESW

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The quantity of water decreed for this water right is not a determination of historical beneficial use.

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Stockwater use is for 100 cattle.

RECEIVED

AUG 04 2006
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

2006 AUG 3 PM 3 14

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	)	ORDER GRANTING MOTION TO
	)	FILE AMENDED CLAIM AND
Case No. 39576	)	SETTING SUBCASE DEADLINES
	)	AND STATUS CONFERENCE
	)	
	)	SUBCASE NO.: 27-12099 and 27-12100

I. PROCEDURAL BACKGROUND

A *Motion to File Amended Notice of Claim* was filed by Meadow Creek Ranch on May 11, 2006. The *Motion* seeks to amend the notice of claim for this water right by changing the priority date. A hearing was held on the *Motion* on July 25, 2006.

II. STANDARD OF REVIEW

The SRBA Court administrative rules establish that motions to amend claims "shall be freely given when justice so requires." *SRBA Administrative Order 1 (A01)* § 4d (2) (k)

III. FINDINGS

Meadow Creek Ranch explained that the priority date was improperly printed on the notice of claim. There was no opposition to the *Motion*. Therefore, the *Motion to File Amended Notice of Claim* is **granted**.

IT IS ORDERED that the following deadlines shall govern further proceedings:

August 31, 2006	5:00 pm	Deadline to file Amended Director's Report
September 29, 2006	5:00 pm	Deadline to file Objection
October 20, 2006	5:00 pm	Deadline to file Response to Objection

November 1, 2006

11:30 am

Status Conference

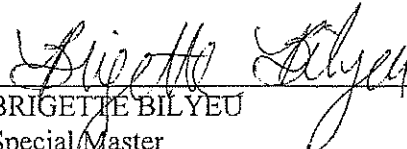
Location: Snake River Basin Adjudication

253 3rd Ave. North

Twin Falls, Idaho 83301

Parties may participate by phone for the Status Conference by dialing 1-225-383-1099 and when prompted enter participant code 926509.

DATED August 3, 2006.


BRIGETTE BILYEU
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING MOTION TO FILE AMENDED CLAIM AND SETTING SUBCASE DEADLINES AND STATUS CONFERENCE was mailed on August 03, 2006, with sufficient first-class postage to the following:

SHOSHONE-BANNOCK TRIBES

Represented by:
JEANETTE WOLFLEY
SPECIAL COUNSEL
SHOSHONE-BANNOCK TRIBE
202 N ARTHUR
POCATELLO, ID 83202
Phone: 208-232-1922

STATE OF IDAHO

Represented by:
NATURAL RESOURCES DIV CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
PO BOX 44449
BOISE, ID 83711-4449

MEADOW CREEK RANCH
C/O DAVID BOSEN
2545 W 2400 N
PRESTON, ID 83263
Phone: 208-852-1726

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

MEADOW CREEK RANCH
2330 S DALLIN ST
SALT LAKE CITY, UT 84109
Phone: 801-467-9512


Deputy Clerk

RECEIVED

JUL 20 2006

DEPARTMENT OF
WATER RESOURCES

2006 JUL 19 PM 03:04
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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	)	NOTICE SETTING HEARING
	)	
Case No. 39576	)	
_____	)	SUBCASE NO: 27-12100

Please be advised that Special Master BRIGETTE BILYEU
has set for hearing the MOTION TO FILE AMENDED NOTICE OF CLAIM.

TUESDAY, JULY 25, 2006 at 09:00 AM (MT)

EASTERN ID STATE FAIRGROUNDS
NEEDLECRAFT BUILDING
97 PARK STREET
BLACKFOOT, ID

Dated: JULY 19, 2006

/S/ JANET CONNELL
Deputy Clerk
Snake River Basin Adjudication

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

Page 1 7/19/06

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the NOTICE SETTING HEARING was mailed on JULY 19, 2006, with sufficient first-class postage to the following:

SHOSHONE-BANNOCK TRIBES

Represented by:
JEANETTE WOLFLEY
SPECIAL COUNSEL
SHOSHONE-BANNOCK TRIBE
202 N ARTHUR
POCATELLO, ID 83202
Phone: 208-232-1922

STATE OF IDAHO

Represented by:
NATURAL RESOURCES DIV CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
PO BOX 44449
BOISE, ID 83711-4449

MEADOW CREEK RANCH

C/O DAVID BOSEN
2545 W 2400 N
PRESTON, ID 83263
Phone: 208-852-1726

DIRECTOR OF IDWR

PO BOX 83720
BOISE, ID 83720-0098

MEADOW CREEK RANCH

2330 S DALLIN ST
SALT LAKE CITY, UT 84109
Phone: 801-467-9512

RECEIVED

MAY 12 2006

DEPARTMENT OF
WATER RESOURCES

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	)	A.	Subcase:	27-12100
	)			(Insert water right number
Case No. 39576	)			From the Objection Form)

STANDARD FORM 2 RESPONSE TO OBJECTION

Please **print or type** the following information:

B. NAME AND ADDRESS OF PERSON RESPONDING

Name: State of Idaho
Address: 700 W. Jefferson, Room 210
P.O. Box 44449
Boise, Idaho 83711-4449
Phone: Work: (208) 334-2400 Home: N/A

Name and Address of Attorney, if any:
 Attorney Name: LAWRENCE G. WASDEN
 Attorney General
 CLIVE J. STRONG
 Deputy Attorney General
 Chief, Natural Resources Division
 DAVID J. BARBER
 Deputy Attorney General
 Attorney Address: Office of the Attorney General
 700 W. Jefferson, Room 210
 P.O. Box 44449
 Boise, ID 83711-4449
 Attorney Phone No. (208) 334-2400
 Idaho State Bar # 2597

C. NAME AND ADDRESS OF PERSON WHO FILED THE OBJECTION TO WHICH YOU ARE RESPONDING

Name: Shoshone-Bannock Tribes
Address: P.O. Box 306
Fort Hall, ID 83203

Name & Address of Attorney, if any:
Jeanette Wolfley
202 N. Arthur
Pocatello, ID 83204

D. I am responding to the objections to the following elements. (Please check the appropriate box(es)).

1. ☐ Name and Address
2. ☐ Source
3. ☒ Quantity
4. ☐ Priority Date
5. ☐ Point(s) of Diversion
6. ☐ Instream Flow Description
7. ☐ Purpose(s) of Use
8. ☒ Period of Year
9. ☐ Place of Use
11. **Recommendation**
 - ☐ This water right should not exist.
 - ☐ This water right was not recommended, but should be recommended with the elements described above.

E.

VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

DAVID J. BARBER, Deputy Attorney General, being first duly sworn, upon oath,
deposes and says:

That the State of Idaho is the party/claimant filing this response as defined by
I.C. §§ 42-1401A(1) and (6), that I am a Deputy Attorney General authorized to represent the
State of Idaho and that I have read this response, know its contents and that the statements are
true to the best of my knowledge and belief.

LAWRENCE G. WASDEN
Attorney General

CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division

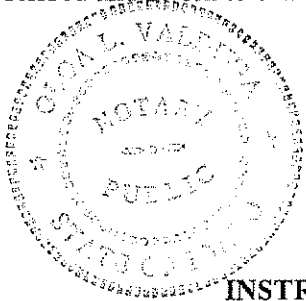
DAVID J. BARBER
Deputy Attorney General



By Attorney signing in representative capacity

Subscribed and sworn to before me on this 11th day of May, 2006

(Insert Date)



Notary Public for IDAHO

Residing at: BOISE, ID

My commission expires: 2/8/2012

INSTRUCTIONS FOR MAILING

You must mail the response, including all attachments, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G.

CERTIFICATE OF MAILING

I certify that on this 11th day of May, 2006, I caused to be served the original and copies of this response to the following persons by the indicated methods:

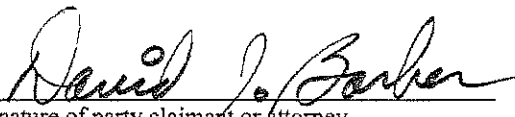
1. Original to: Clerk of the District Court U. S. MAIL
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707
2. One copy to the claimant of the water right at the following addresses:

Claimant Name: David Bosen (Meadow Creek Ranch) U. S. MAIL
Address: 2545 W 2400 N
Preston, ID 83263
3. One copy to the party who filed the objection at the following address:

Name: Shoshone-Bannock Tribes U. S. MAIL
Jeanette Wolfley
Address: 202 N. Arthur
Pocatello, ID 83204
4. Copies to: IDWR Document Depository STATEHOUSE
PO Box 83720 MAIL
Boise, ID 83720-0098

United States Department of Justice U. S. MAIL
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, Idaho 83724

Chief of Natural Resource Division (not applicable)
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449


Signature of party claimant or attorney

RECEIVED

MAY 12 2006

DEPARTMENT OF
WATER RESOURCES

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

) Subcase 27-12-100

) (Insert water right number)

Case 39576

) STANDARD FORM 4

) MOTION TO FILE:

) ☐ LATE NOTICE OF CLAIM

) ☒ AMENDED NOTICE OF CLAIM

INSTRUCTIONS

This form is used to file a late Notice of Claim or an amendment to a Notice of Claim in a reporting area where the Director's Report has been filed. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy on both sides with the even-number pages upside down.

The water right number for your late or amended claim must be indicated above in the blank space following "Subcase." You must use a **separate form for each** late or amended Notice of Claim.

This form has been adopted by the court in **SRBA Administrative Order 1, Rules of Procedure** (amended Sept. 30, 1996), Section 4, which may be consulted for further information.

By filing a *Motion to File a Late Notice of Claim* or a *Motion to File an Amended Notice of Claim*, you certify that it is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and is not filed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

☐ I have read **SRBA Administrative Order 1, Rules of Procedure** (amended Sept. 30, 1996).

My name is DAVE BOSEN MEADOW CREEK RANCH

My address is 2545 WEST 2400 NORTH
PRESTON, ID. 83263

My phone number is: Work _____ Home 208-852-1726

I am an attorney representing _____

My name is _____

My address is _____

My phone number is _____

MOTION TO FILE A LATE NOTICE OF CLAIM

A Motion to File a Late Notice of Claim will require a hearing before the Presiding Judge.

☐ I did not file a Notice of claim to the use of water in the SRBA because:

☐ I filed a Notice of Claim and elected to defer judicial proceedings on my domestic or stock watering use. I desire to reinstate my Notice of Claim for domestic or stock watering use.

☐ I am providing legal and factual documentation for my claimed use of water. You must describe these documents and attach a readable copy. (You do not need to fill this out if you are reinstating a Notice of Claim for domestic or stock watering use, but you **must** attach a copy of your Notice of Claim.)

I have attached:

- ☐ A fully completed Notice of Claim (available from IDWR).
- ☐ A claim filing fee for a domestic and stock watering use. IDWR may charge this fee pursuant to I.C. § 42-1414. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.
- ☐ A claim filing fee and a late claim fee for those claims other than a domestic or stock watering use for which a notice of claim was not filed. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.

Follow these instructions regarding the hearing on this motion.

1. Contact the Clerk of the SRBA Court (208-736-3011) to request a hearing date and time.
2. Fill in the following information:

This motion will be heard on _____
(Insert Date and Time)

at the SRBA courthouse, 253 Third Avenue North, Twin Falls, Idaho.

MOTION TO FILE AN AMENDED NOTICE OF CLAIM

A Motion to File an Amended Notice of Claim may require a hearing before the Presiding Judge or Special Master or may be granted by leave of the court or by written consent of the parties and the Idaho Department of Water Resources. Leave to amend a claim shall be freely given when justice so requires.

☒

I must amend my Notice of Claim to the use of water in the SRBA because:

The priority date was printed incorrectly on original
Notice of Claim.



I am providing legal and factual documentation to support my amended Notice of Claim.
You must describe these documents and attach a readable copy.

I have attached:



An amended Notice of Claim (available from IDWR).



Payment of the following additional fees required by IDWR:

VERIFICATION (Must be completed)

State of UT

County of SALT LAKE

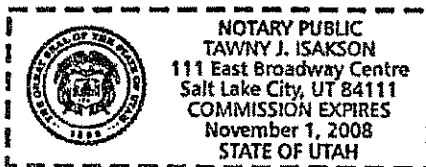
ELAINE ELLIS, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.

Elaine Ellis, ptwr
Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on 05-08-06
(Insert Date)



Tawny J. Isakson
Notary Public for Salt Lake Utah
Residing at: 111 E Broadway Centre
My Commission expires: 11-1-08 SLE, 1
84111

INSTRUCTIONS FOR MAILING

You must mail this form, including all attachments, to the Clerk of the SRBA Court. **FAX filings will not be accepted by the SRBA Clerk of the Court.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on May 10, ²⁰⁰⁶~~2005~~, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

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 and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

3. If you are filing an amended Notice of Claim in a subcase being heard before the Presiding Judge or a Special Master, you must serve a copy on all parties to that subcase.

(Insert Names/address of parties)

Shawn Ellis, ptnr
Signature of person or attorney mailing the form

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 27-12100
Date Received: 8/30/2005
Receipt No:
Received By:

AMENDED

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

MEADOW CREEK RANCH Phone: (801)467-9512

2330 S DALLIN ST
SALT LAKE CITY UT USA 84109

MEADOW CREEK RANCH Phone: (208)852-1726

C/O DAVID BOSEN
2545 W 2400 N
PRESTON ID USA 83263

2. Date of Priority: ~~08/01/1972~~ 08/01/1970

3. Source: SPRING Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04S	42E	33	SE NE SW	CARIBOU	

5. Description of diverting works:

METAL BARREL HEAD BOX 2 INCH STEEL PIPE 30 FT TO FIRE AND CEMENT TROUGH APPRX 3
FT DEEP 6 FT X 6 FT ACROSS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
STOCKWATER	05/01	10/31	0.02	

7. Total Quantity Appropriated is:
0.02 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04S	42E	33	NE	SE	STOCKWATER	

11. Place of use in counties: CARIBOU

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

13. Other Water Rights Used:

14. Remarks:

Stockwater use is for 100 cattle.

15. Basis of Claim: Beneficial Use

16. Signature(s) *Elaine Ellis, ptm*

(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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am ELAINE ELLIS, PARTNER of
Title
MEADOW CREEK RANCH, that I have signed the foregoing
Organization
document in the space below as PARTNER of
Title
MEADOW CREEK RANCH and that the statements contained in the
Organization
foregoing document are true and correct.

Elaine Ellis, Partner
Signature of Authorized Agent

MEADOW CREEK RANCH
Title and Organization

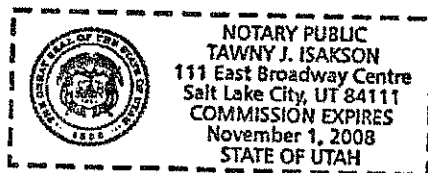
5/8/06
Date

State of ~~Idaho~~ Utah)
County of Salt Lake) SS.

Subscribed and sworn (or affirmed) before me this 8th day
of May 2006

Tawny J. Isakson
Notary Public

Residing at 111 E. Broadway Centre
My commission Expires 11-1-08 SLC, Utah
84111



AFFIDAVIT OF CRAIG CORBETT

STATE OF IDAHO)
) ss
COUNTY OF CARIBOU)

COMES NOW, CRAIG CORBETT being duly sworn upon oath, and deposes and says as follows:

1. My name is Craig Corbett, and I reside at 509 North Main Street, Grace, Idaho 83241.
2. My family owned and operated Meadow Creek Ranch from 1960 through 1978.
3. While owning and operating Meadow Creek Ranch, my family has utilized the following water rights for stock water, domestic use, and for irrigation:

27-74	27-12099
27-102	27-12100
27-12096	25-14173
27-12097	25-14174
27-12098	

4. During the period from 1970 through 1978, I worked on the above-referenced ranch, was familiar with and was personally involved with the use of the above-described water rights, and know of my own personal knowledge that said water rights were used on Meadow Creek Ranch for stock water, domestic use, and for irrigation purposes.

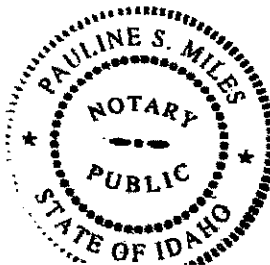
5. I make this Affidavit based on my own knowledge and personal experience with the ownership and operation of Meadow Creek Ranch and the above-described water rights, and use thereof.

DATED this 4th day of May, 2006.


CRAIG CORBETT

SUBSCRIBED AND SWORN to before me this 4th day of May, 2006.


NOTARY PUBLIC FOR IDAHO
Residing at: Grace Idaho
My Commission Expires: 04/09/09



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

A. Subcase: 27-12100

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Shoshone-Bannock Tribes

Address: P O Box 306

Fort Hall, ID 83203

Daytime Phone: (208) 239-4580

Name & Address of Attorney, if any:

Jeanette Wolfley

202 N. Arthur

Pocatello, ID 83204

C CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: David Bosen (Meadow Creek Ranch)

Address: 2545 W 2400 N

Preston, ID 83263

D I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be:
2. ☐ **Source**
Should be:
3. ☒ **Quantity**
Should be: Volumetric diversion limit should be included in water right
4. ☐ **Priority Date**
Should be:
5. ☐ **Point of Diversion**
Should be:
6. ☐ **Instream Flow Beginning and Ending Point**
Should be:
7. ☐ **Purpose(s) of Use**
Should be:
8. ☒ **Period of Year**
Should be: End on July 1
9. ☐ **Place of Use**
Should be:
10. ☐ **I object because:**
☐ This water right Should not exist.
☐ This water right was not recommended, but Should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTIONS(S): See Attachment.

F. VERIFICATION (must be completed)

State of Idaho)
)ss.
County of Bingham)

Jeanette Wolfley, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

Jeanette Wolfley
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: 03/09/06

GLENICE E TETON
NOTARY PUBLIC
STATE OF IDAHO

Glenice E. Teton
Notary Public for Idaho
Residing at: Bingham, Idaho
My Commission Expires: 12/13/06

G.

CERTIFICATE OF MAILING

I certify that on 3/9, 2006 I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

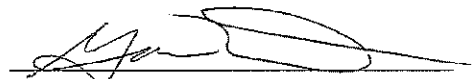
Name: David Bosen (Meadow Creek Ranch)
Address: 2545 W 2400 N
Preston, ID 83263

3. Copies to:

IDWR Document Depository
PO Box 83720 Boise, ID
83720-0098

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

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


Signature of objector or attorney
Mailing on Objector's behalf

ATTACHMENT

E. REASON SUPPORTING OBJECTIONS(S)

3. Quantity

The Idaho Department of Water Resources Director's Report recommends a total annual diversion volume for some, but not all, water rights in Basin 27. This recommended water right has no volumetric diversion limit defined. In 1995, the water rights of the Shoshone-Bannock Tribes in the Blackfoot River Basin were quantified on a volumetric basis. Pursuant to the 1995 Partial Final Consent Decree Determining the Rights of the Shoshone-Bannock Tribes to the Use of Water in the Upper Snake River Basin (August 2, 1995), all water rights in the Blackfoot River system (Basin 27) are to be quantified on a volumetric basis as opposed to the rate of diversion and length of irrigation season. In water right No. 27-11375, the Shoshone-Bannock Tribes and United States agreed to subordinate the exercise of their surface water rights in the Blackfoot River to those water users diverting water prior to January 1, 1990. This subordination was based upon an estimate that the total annual diversion volume of these non-Indian water rights would not exceed 45,000 acre-feet per year. Therefore, in order to comply with the 1995 Partial Consent Decree of this Court, it is necessary that all water right decrees issued by the Court in Basin 27 include a total annual diversion volume limit measured in acre-feet per year.

8. Period of Year

The water rights of the Shoshone-Bannock Tribes were quantified in the 1995 Partial Final Consent Decree Determining the Rights of the Shoshone-Bannock Tribes to the Use of Water in the Upper Snake River Basin (August 2, 1995). In water right No. 27-11375, the Shoshone-Bannock Tribes and United States agreed to subordinate the exercise of their water rights in the Blackfoot River to those water users diverting water prior to January 1, 1990. This subordination was based upon an estimate that the total annual diversion volume of these non-Indian water rights would not exceed 45,000 acre-feet per year. It was understood by the parties to the negotiation that diversions in the upper elevations of Basin 27 are limited by the availability of runoff, which lasts to July 1 of each year. The source of water serving this water right is not available for use past July 1. The period of use should be revised to match the period of water availability, and as such should terminate on July 1.