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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 No. 63-03618
	)	
	)	STATE OF IDAHO'S EXHIBIT LIST WITH
	)	ATTACHED EXHIBITS
Case No. 39576	)	
	)	
	)	
	)	

The State of Idaho, through counsel, submits the following Exhibit List.

Idaho Exhibit 1: A true and certified copy of application no. R-35086 for a permit to appropriate and store the public waters of the State of Idaho, which is attached hereto as Attachment I.

Idaho Exhibit 2: A true and certified copy of notice of application no. R-35086 for permit to appropriate and store the public waters of the State of Idaho, which is attached hereto as Attachment II.

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COPY

RESPECTFULLY SUBMITTED this 14th day of November 2007.

STATE OF IDAHO
LAWRENCE G. WASDEN
ATTORNEY GENERAL

CLIVE J. STRONG
DEPUTY ATTORNEY GENERAL
CHIEF, NATURAL RESOURCES DIVISION



DAVID J. BARBER
Deputy Attorney General
Natural Resources Division

CERTIFICATE OF SERVICE

I certify that on this 14th day of November 2007, I caused to be served the original and/or copy of the STATE OF IDAHO'S EXHIBIT LIST WITH ATTACHED EXHIBITS on each of the following persons by the indicated method:

1. One Original to:

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

- ☐ U.S. Mail, postage prepaid
☒ Hand Delivery
☐ Federal Express
☐ Facsimile: _____
☐ Statehouse Mail

2. Copies to:

Honorable John Melanson
SRBA District Court Judge
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

- ☐ U.S. Mail, postage prepaid
☒ Hand Delivery
☐ Federal Express
☐ Facsimile: _____
☐ Statehouse Mail

Canyon County Water Company,
Farmers Union Ditch Company, Ltd,
Middleton Irrigation Association, and
Middleton Mill Ditch Company
c/o Jerry A. Kiser
STOPPELLO & KISER
620 W. Hays St.
Boise, ID 83702

- ☒ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Federal Express
☐ Facsimile: _____
☐ Statehouse Mail

Pioneer Irrigation District and Settlers
Irrigation District
c/o Scott L. Campbell
MOFFAT THOMAS BARRETT
ROCK & FIELDS
101 S. Capitol Blvd, 10th Floor
PO Box 829
Boise, ID 83701-0829

- ☒ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Federal Express
☐ Facsimile: _____
☐ Statehouse Mail

Boise Project Board of Control,
New York Irrigation District,
Wilder Irrigation District, Boise-
Kuna Irrigation District, and
Big Bend Irrigation District
c/o Albert P. Barker
BARKER ROSHOLT & SIMPSON
LLP.
1010 West Jefferson, Suite 102
PO Box 2139
Boise, ID 83701-2139

- ☒ U.S. Mail, postage prepaid
- ☐ Hand Delivery
- ☐ Federal Express
- ☐ Facsimile: _____
- ☐ Statehouse Mail

Nampa & Meridian Irrigation District
c/o Daniel V. Steenson
RINGERT CLARK CHARTERED
455 S. Third St.
P.O. Box 2773
Boise, ID 83701-2773

- ☒ U.S. Mail, postage prepaid
- ☐ Hand Delivery
- ☐ Federal Express
- ☐ Facsimile: _____
- ☐ Statehouse Mail

City of Boise and Ada County
c/o Robert A. Maynard
PERKINS COIE LLP
251 East Front Street, Suite 400
Boise, ID 83702-7310

- ☒ U.S. Mail, postage prepaid
- ☐ Hand Delivery
- ☐ Federal Express
- ☐ Facsimile: _____
- ☐ Statehouse Mail

United States Department of Justice
Environment and Natural Resource
Division
550 West Fort Street, MSC 033
Boise, ID 83724

- ☒ U.S. Mail, postage prepaid
- ☐ Hand Delivery
- ☐ Federal Express
- ☐ Facsimile: _____
- ☐ Statehouse Mail

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

- ☐ U.S. Mail, postage prepaid
- ☐ Hand Delivery
- ☐ Federal Express
- ☐ Facsimile: _____
- ☒ Statehouse Mail

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

Not Applicable

A handwritten signature in cursive script, reading "David J. Barber", written over a horizontal line.

DAVID J. BARBER
Deputy Attorney General

Copy of application on file & mailed 12/17/55 to State Engineer.

Address all communications to

(Form No. 2)

P. O.

APPLICATION FOR PERMIT

To Construct a Reservoir and Appropriate and Store
The Public Waters of the State of Idaho

Application No. R.....

Permit No. R.....

1. Name of Applicant: **United States of America, acting through the Bureau of Reclamation**

Postoffice address: **P. O. Box 937** ~~xxxxxx~~ **Boise** State **Idaho**

I. If applicant is a corporation, give:

(a) Date and place of incorporation: **Applicant is the United States Government, acting**

(b) Amount of Capital Stock: **pursuant to the provisions of the act of June 17, 1902**

(c) Amount paid in: **(\$32 Stat. 388) and acts amendatory thereof or supplementary**

(d) Names and addresses of directors: **thereto.**

II. The financial resources of the corporation are:

(a) Cash on hand: **Receipts in the Reclamation Fund from the sale of Public lands,**

(b) Treasury Stock: **Mineral leases, etc., and appropriations made by the Congress.**

(c) Bonds to be issued: \$

(d) Other resources:

2. Quantity of water to be stored: **337,000** acre feet per annum

3. Source of water supply is **Boise** ~~(River)~~ ~~(Snake)~~ a tributary

of **Snake**
intake tower to the

1. The outlet of the proposed reservoir is located **S60°20'W 2300** feet, distant from the **NE**
(bearing)
corner of Section **11**, Township **2N**, Range **3E**, B. M. and is in the **SE** $\frac{1}{4}$ of **NE** $\frac{1}{4}$
of Section **11**, Township **2N**, Range **3E**, B. M. County of **Ada**

5. Fill out either (a) or (b)

(a) The reservoir is located in the channel of **Boise** ~~(Snake)~~ (River)

(b) The reservoir is to be filled through a feeder canal, the point of diversion for which is located

feet, distant from the corner of Section Township Range (bearing)

B. M., and is in the $\frac{1}{4}$ of $\frac{1}{4}$ of Section Township Range B. M.

width at bottom feet, width at top feet, depth of water feet; average grade

per mile feet; Capacity, cubic feet per second.

6. (a) The area of the high water line of the reservoir **2,850** acres.

(b) The reservoir capacity **337,000 (total capacity); 273,200 (usable storage)** acre feet.

Height of crest of dam **340** feet, length ~~of crest~~ **1,700** feet, length at bottom **variable** feet, size of

outlet **23** inside diameter, the existing **Lucky Peak Dam** and is earth and gravel fill. The dam is to be constructed of materials as follows: **rolled**

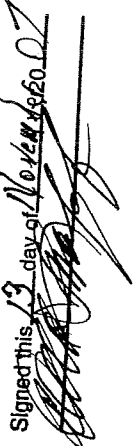
If height of dam will exceed 10 feet or capacity of reservoir will exceed 100 acre feet, plans must be approved

by Department of Reclamation, before beginning construction.

8. (a) Will water stored in reservoir be diverted to canal or aqueduct, thence to land to be irrigated without com-

peting with natural flow of **Boise** ~~(River)~~ **No**

The foregoing is a true and certified copy of
the document on file at the department of
Water Resources.

Signed this **13** day of **November** 1955.


0-1183

Lot 9 ~~containing~~ of Section 3, Township 54, Range 35 B. M.

10. Water is to be used for irrigation and power for irrigation purposes.

(a) Point of use of water $85^{\circ} 20' W$ /feet distant from NE Corner of Section 11
(bearing)
Township 20, Range 3E, B. M. and is in the SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 11
Township 20, Range 3E, B. M.

(c) Water is to be returned to Boris Creek (River) Area at a point
of the main water course
(bearing) N 60° E for about 1/2 mile

12. Water stored in accordance with this Permit will be carried to place of use through a canal heretofore constructed or enlarged, as described in Permit No. 1500-C, 1600-B, which is hereby referred to and made a part hereof.

14. Height of diversion dam: 52 feet, length at top 500 feet, length at bottom 400 feet. The dam

is ~~now~~ constructed of materials as follows: rubble concrete. Diversion will be by pumping from pool behind Boies Diversion Dam and through the existing New York Canal.

(If height will exceed 10 feet, plans must be approved by Department of Reclamation, before beginning construction.)

15. Size of headgate: ~~None~~ ~~XXXXXXXXXX~~ ~~None~~ Discharge line to Millcreek
Unit is 60" in diameter.

16. Diversion Canal: Width at bottom 40 feet, width at water line 67 feet, depth of water 4 feet

feet, Dimensions of Flume

Diameter of Pipe inches; Length of Conduit miles. Average grade
per mile feet

17.	Estimated cost of Worker Storage Worker's	Constructed	Worker's Constructed in part
18.	Time required for construction of		Pumping plant \$585,000.00

18. Time required for completion of work

19. Time required for complete application of water to proposed beneficial use is _____ days.

20. The land to be irrigated is described in the following tabulation: (see below)

(Give Irrigable acreage in each 40-acre subdivision.)

TWP.	RANGE	SEC.	NE¼		NW¼		SW¼		SE¼					
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼
20.			There is attached and made a part hereof a tabulation of the area to be irrigated in the Hillcrest Unit. This tabulation is based upon preliminary surveys and will be adjusted in the course of final design and construction. Lower Park stored water will also be utilized on Boise Project lands, as set out in Water License No. 54626. Water arrangements described in section 31.											

Total Number of Acres to be Irrigated

4-1153

Total Number of Acres to be Irrigated

21. Existing rights and or valid permits appurtenant to lands described in Sec. 20 and 21, later Licenses No. R-698 and Water License No. R-698; No. R-552, No. 430, No. 7180, No. 1800, No. 16098 and other small rights privately held and held by the United States.

Remarks: Water secured under this permit will be used to supplement the existing right under Water License No. R-698 for the lands described in the tabulation made a part of section 20. These lands constitute the Hillcrest Unit of the Mountain Home Division of the Snake River Project and will be served by pumping from behind Boise Diversion Dam. ~~Whereby~~ A portion of the Lucky Peak stored water will be diverted into the New York Canal and will be used to serve land tabulated in Water License No. R-698. This use will be under an appropriate exchange agreement and the water stored under Water License No. R-698 in Anderson Ranch Reservoir and so exchanged, will be used in the Mountain Home area by diversion into the Long Tom Tunnel from the South Fork of the Boise River about five miles downstream from Anderson Ranch Dam at a point in the northwest quarter of the northwest quarter (NW 1/4 NW 1/4) of section seventeen (17), township one (1) south, range eight (8) east, Boise meridian. It is contemplated that the specific area to be irrigated by this exchange arrangement will be described when a filing for the Long Tom Tunnel diversion is submitted prior to its construction. In the meantime, the Lucky Peak storage water will be utilized through an appropriate contract with the Boise Project Board of Control as supplemental water for the project lands. Lucky Peak storage could provide water for only about 14,400 acres of new previously unirrigated land, and the bringing of the new land under irrigation will be possible only through completion of the exchange arrangements discussed above.

BE IT KNOWN That the undersigned hereby makes application for permit to construct a reservoir and store and appropriate the public waters of Idaho as herein set forth and that the project is hereby made a part of this application.

UNITED STATES OF AMERICA

April 1938

Boise, Idaho

W. E. Nelson, Regional Director Agent

Affidavit of Permission to Store and Appropriate the Water of Springs

(Not to be used when spring is situated on lands owned by applicant)

I, _____, of _____ County of _____ State of _____ do hereby certify that I am the owner or licensee of the land in which the spring mentioned in the application is located, to-wit: _____ and that I do hereby grant unto _____ permission to file on the said spring as set forth in the foregoing application for permit to construct reservoir and store and appropriate the water from said spring.

STATE OF IDAHO,

County of _____

On this _____ day of _____, 19____, before me, a Notary Public for the State of Idaho, residing at _____, personally appeared _____

known to me to be the person whose name _____ subscribed to the foregoing certificate and acknowledged to me that he executed the same.

Witness my hand and seal, the day and year in this certificate first so written.

Notary Public

My commission expires _____

Approval of State Reclamation Engineer

The number of this permit is R

Recorded in book R

page

Approved

This is to certify that I have examined the within application for a permit to construct a reservoir and store and appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitation and conditions.

Bond in the sum of \$, to be filed on or before

Work to begin on or before and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

One-fifth of the work above specified to be completed on or before

The whole of said work to be completed on or before

Beneficial use of water stored in accordance herewith, to be made on or before

Witness my hand this day of , 19

State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, , Governor of the State of Idaho, and , Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho and caused the Great Seal of the State of Idaho to be hereunto affixed, this day of , 19

Countersigned:

STATE OF IDAHO

By , Secretary of State.

By , Governor.

No. R STORAGE PERMIT Date of first receipt at office of State Reclamation Engineer Returned to applicant for correction Corrected application received Fees, \$ Paid. FILING FEES FOR STORAGE PERMITS: For the first 250 acres-feet \$5.00 For each additional 250 acres-feet, or fraction thereof \$0.25 - FOR NORMAL FLOW PERMITS: For the first Second foot \$5.00 For each additional second foot or fraction thereof \$0.35

The foregoing is a true and certified copy of the document on file at the department of Water Resources.

Signed this 13 day of Nov, 20 07

RECEIVED

STATE OF IDAHO, }
COUNTY OF ADA } ss.

Edith Ferguson

, being duly sworn,
deposes and says: That she is the Principal Clerk of The Idaho
Daily Statesman, a daily newspaper printed and published at
Boise, Ada County, State of Idaho, and having a general circula-
tion therein and which said newspaper has been continuously
and uninterruptedly published in said County during a period of
twelve consecutive months prior to the first publication of the
notice, a copy of which is attached hereto; that said notice was
published in the regular Monday edition of The Idaho Daily
Statesman in conformity with Sec. 60-108, Idaho Code, for

three consecutive weekly insertions

beginning with the issue of December 23, 19 57,

and ending with the issue of January 6, 19 58.

Edith Ferguson, Principal Clerk

Subscribed and sworn to before me this 10th day of

January, 19 58.

Notary Public for Idaho, Residing at Boise, Idaho.

STATE OF IDAHO DEPARTMENT
OF RECLAMATION
NOTICE OF APPLICATION FOR
PERMIT TO APPROPRIATE AND
STORE THE PUBLIC WATERS OF
THE STATE OF IDAHO IN AC-
CORDANCE WITH THE PROVI-
SIONS OF SECTION 42-203, IDAHO
CODE.

NOTICE IS HEREBY GIVEN, that
the United States of America, act-
ing through the Bureau of Reclama-
tion by H. T. Nelson, Regional Di-
rector, P. O. Box 937, Boise, Idaho,
has made application No. R-35086 on
December 18, 1957 to appropriate 307,
000 acre feet of water to be stored
in the channel of Boise river by the
Lucky Peak Dam.

That the point of outlet is located
S-6° 20' West 2300 feet distant from
the NE corner of Section 11, Town-
ship 2 North, Range 3 East and is
in the SE¼ of the NE¼ of Section
11, Township 2 North, Range 3 East,
County of Ada.

That the lands proposed to be ir-
rigated are lands under the Mountain
Home Project, Hillcrest Project and
the Boise Project in Elmore, Ada
and Canyon Counties, Idaho, more
fully described in the application on
file in the Department of Reclama-
tion, Boise, Idaho.

That any protests against the ap-
proval of this application must be
filed in the Department of Reclama-
tion at Boise, Idaho, within forty
(40) days from the date of this no-
tice, and such protest shall state the
name and address of the protestant,
and shall clearly set forth his ob-
jections to the approval of said ap-
plication.

Dated this 18th day of December,
1957.

State Reclamation Engineer.
MARK R. KULP

Date of first publication, Decem-
ber 23, 1957.

Date of last publication, January
6, 1958.

Late date for protest, January 27,
1958.

SERVICE OF THE FOREGOING,
by copy is hereby acknowledged, this
19th day of December, 1957.

UNITED STATES OF AMERICA
BUREAU OF RECLAMATION

STATE OF IDAHO

By /s/ H. T. NELSON

H. T. NELSON

Its Regional Director.

St-Dec. 23, 30, 1957, Jan. 6, 1958.

The foregoing is a true and certified copy of
the document on file at the department of
Water Resources.

Signed this 17 day of Nov, 20 07

[Signature]