



STATE OF IDAHO  
OFFICE OF THE ATTORNEY GENERAL  
LAWRENCE G. WASDEN

March 3, 2008

Clerk of the SRBA Court  
P.O. Box 2707  
Twin Falls, ID 83303-2707

Re: Independent Irrigation Co. 25-4085 & 25-4086

To the Clerk of the SRBA Court:

Partial decrees have been entered for water right nos. 25-4085 and 25-4086 (the "Rights"), and their digital boundaries are on file with the Court. Water right no. 01-80C, which was recently reported in the Director's Report for Basin 01, Part 2, overlaps with the Rights. In preparing the recommendation for 01-80C and after meeting with representatives from the Independent Irrigation Company ("Independent"), it became apparent to the Department that the correct number of acres for the place of use shared by the three rights was less than that reflected in the partial decrees for the Rights. In other words, the place of use partially decreed for the Rights is 3490 acres while the place of use recommended for 01-80C is 1972 acres, and it is the latter amount that should be on all three rights. Independent has indicated it agrees with the Department's assessment that the correct total for the place of use shared by the three rights should be 1972 acres, as was recommended in water right no. 01-80C. Water right no. 01-80C is an uncontested right.

Thus, to be consistent, the Rights should be amended to reflect a place of use which totals 1972 acres. Typically, I would detail the suggested amendments in this letter via a strikethrough and underline format, however, that illustration may prove confusing given the nature of the amendments. For example, changing the number of acres in the place of use affects both the acreage total and a remark in the place of use for the Rights. Also, the partial decrees for the Rights include a provision which references a prospective right in Basin 01 (the overlapping water right no. 01-80C), and that provision is no longer necessary given the procedural status of water right no. 01-80C. Therefore, IDWR respectfully requests the Court set aside the partial decrees previously filed in subcase numbers 25-4085 and 25-4086 and re-issue the partial decrees as shown on the enclosed recommendations. The digital boundaries on file with the Court for the Rights require no correction.

If you have questions about this matter, please contact me at (208) 287-4810.

Sincerely,

  
Andrea L. Courtney

Enclosures

cc: Independent Irrigation Co.  
Michael Holliday

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

RIGHT NUMBER: 25-4085

NAME AND ADDRESS: INDEPENDENT IRRIGATION CO  
755 N 3400 E  
MENAN ID 83434

SOURCE: SCOTTS SLOUGH

TRIBUTARY: SINKS

QUANTITY: 44.000 CFS

PRIORITY DATE: 06/01/1884

POINT OF  
DIVERSION:

T05N R38E S26 NESWNW Within JEFFERSON County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 04/01 10/31          | 44.000 CFS      |
| STOCKWATER            | 01/01 12/31          | 0.140 CFS       |

PLACE OF USE:

1972 ACRES TOTAL

Place of use is within the area served by Independent Irrigation Company.

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

The rights listed below are limited to the irrigation of a combined total of 1972 acres in a single irrigation season. Combined Right Nos.: 1-80C, 25-4085, and 25-4086.

Place of use does not include federal public lands.

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

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.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Use of this right is combined with water from Long Island Irrigation Co.

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

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

RIGHT NUMBER: 25-4086

NAME AND ADDRESS: INDEPENDENT IRRIGATION CO  
755 N 3400 E  
MENAN ID 83434

SOURCE: WASTE WATER

TRIBUTARY: SCOTTS SLOUGH

QUANTITY: 54.000 CFS

PRIORITY DATE: 06/01/1885

POINT OF  
DIVERSION:

T05N R38E S26 NESWNW Within JEFFERSON County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 04/01 10/31          | 54.000 CFS      |
| STOCKWATER            | 01/01 12/31          | 0.140 CFS       |

PLACE OF USE:

1972 ACRES TOTAL

Place of use is within the area served by Independent Irrigation Company.

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

The rights listed below are limited to the irrigation of a combined total of 1972 acres in a single irrigation season. Combined Right Nos.: 1-80C, 25-4085, and 25-4086.

Place of use does not include federal public lands.

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

The quantity of water decreed for this water right for stockwater use 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

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Stockwater use is for 600 range cattle.

Use of this right is combined with water from Long Island Irrigation Co.

The source of this right is waste water originally diverted by Long Island Irrigation Co.