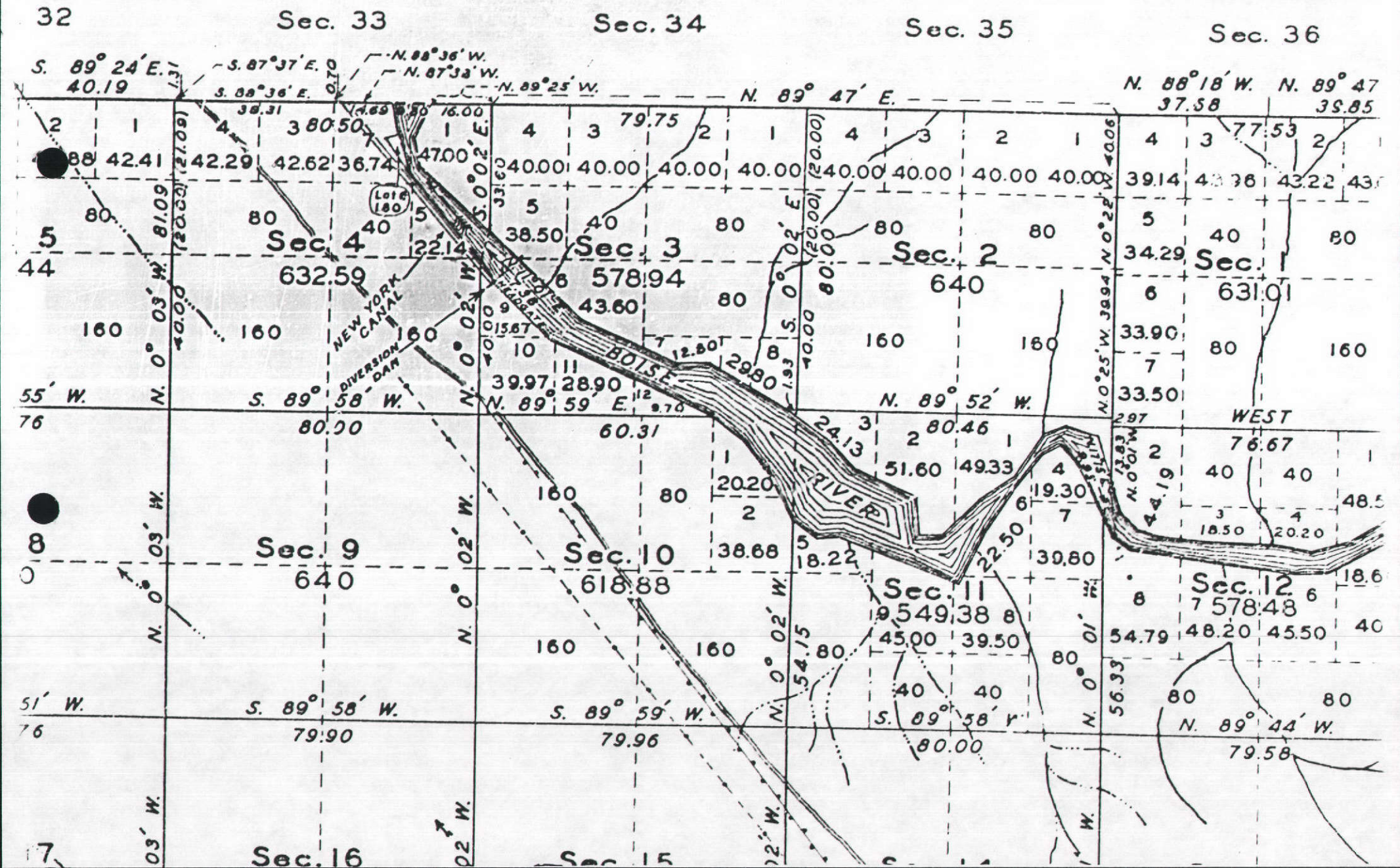


COMPOSITE PLAT OF

RANGE N° 3 EAST, OF THE BOISE MERIDIAN



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: **A63-00367**
Date Received: 7/ 7/1989
Receipt No: X111111
Received By: _____

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name: UNITED STATES OF AMERICA, ACTING THROUGH 208-378-5155
Address: REGIONAL DIRECTOR, PN REGION
BUREAU OF RECLAMATION
1150 N CURTIS RD
BOISE ID *- No per diem* 83706-1234

2. Date of Priority: JUN 15, 1909

3. Source: BOISE RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
02N	03E	3		9	ADA

5. Description of diverting works:
BOISE RIVER DIVERSION DAM/MAIN SOUTH SIDE CANAL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
POWER	01/01	12/31	1500.000		

7. Total Quantity Appropriated is:
1500.000 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
POWER
GENERATING CAPACITY 1500.0 KILOWATTS

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
02N	03E	3		9	POWER	

MICROFILMED
JUL 25 1994

11. Place of use in counties: ADA

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: DECREED

Water Right Number: 4800

Case Number:

Court :

Decree date: / /

PIONEER IRR. DIST.

Decree Plaintiff

AMERICAN DITCH ASSOC.

vs Decree Defendant

16. Signature(s)

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

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

MICROFILMED

JUL 25 1994

State of Idaho)
) SS.
County of _____)

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

MICROFILMED
JUL 25 1994

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: A63-00367
Date Received: 10/19/1988
Receipt No: _____
Received By: _____

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name: UNITED STATES OF AMERICA, ACTING THROUGH 208-334-1165
Address: REGIONAL DIRECTOR, P.N. REGION
BUREAU OF RECLAMATION
BOX 043-550 WEST FORT STREET
BOISE, ID 83724

2. Date of Priority: JUN 15, 1909

3. Source: BOISE RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
02N	03E	3		9	ADA

5. Description of diverting works:
BOISE RIVER DIVERSION DAM/MAIN SOUTH SIDE CANAL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
POWER	01/01	12/31	1500.000		

7. Total Quantity Appropriated is:
1500.000 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
POWER
GENERATING CAPACITY 1500.0 KILOWATTS

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
02N	03E	3		9	POWER	

11. Place of use in counties: ADA

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: DECREED
Water Right Number: 4800
Case Number:
Court :
Decree date:

PIONEER IRR. DIST.
Decree Plaintiff

vs

AMERICAN DITCH ASSOC.
Decree Defendant

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-367

WATER RIGHT NUMBER: 63-367

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	UNITED STATES OF AMERICA ACTING THROUGH USDA FOREST SERVICE 550 W FORT ST MSC 033 BOISE, ID 83724 (208)387-0835

Priority Date: 06/16/1909

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BOISE RIVER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
POWER	/ to /	1,500.000 CFS	
		<u>Total Diversion:</u> 1,500.000 CFS	

Location of Point(s) of Diversion

BOISE RIVER

Place of UseConditions of Approval:Remarks:Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-367

Licensed Date:
Decreed Date: 2/14/1929
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number: 63
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant: American Ditch Assn, et al
Decree Plaintiff: Pioneer Irrigation District
Civil Case Number:
Judicial District: Seventh District
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
----------------	---------------------------	-----------------	---------------------------	-----------------	---------------

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
----------------	------------------------	-----------------	-----------------

Water Supply Bank:

RECEIVED
APR 25 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 63-367
(Insert water right number)

Case No. 39576)

**STANDARD FORM 1
OBJECTION**

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting through the Department of Interior,
Bureau of Reclamation, Regional Director PN Code-3100

Address: 1150 N. Curtis Rd. Suite 100
Boise, Idaho 83706-1234

Daytime Phone: (208) 378-5306 E.Gail McGarry

Name & Address of Attorney, if any:
David W. Gehlert ((303)844-1386)
Trial Attorney, General Litigation Section
Environment and Natural Resource Division
U.S. Department of Justice
1961 Stout Street - 8th Floor
Denver, CO 80294

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTORS REPORT

Name: United States of America Acting Through the Regional Director PN Region

Address: Bureau of Reclamation
1150 N. Curtis Rd. Suite 100
Boise, Idaho 83706-1234

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: There should be no step-down provision that allows the right to cut from 100% to 60%
4. ☒ **Priority Date**
Should be: This right should not be subordinate to all other current and future non-hydropower water rights
5. ☐ **Point(s) of Diversion**
Should be:
6. ☐ **Instream Flow Description**
Should be:
7. ☐ **Purpose(s) of Use**
Should be:
8. ☐ **Period of Year**
Should be:
9. ☐ **Place of Use**
Should be:
11. **I object because:**
 - ☐ This water right should not exist.
 - ☐ This water right was not recommended, but should be recommended with the elements described.

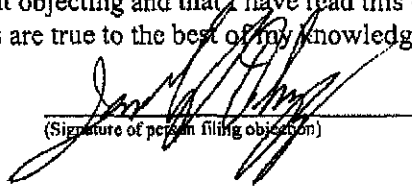
E. REASONS SUPPORTING EACH OBJECTION(S):
Inconsistent with the Decree for this water right.

F. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

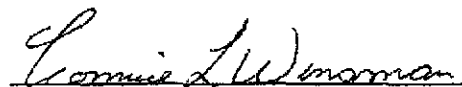
Jerrold D. Gregg, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

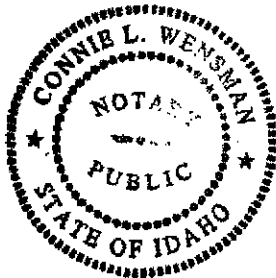
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.


(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:





Notary Public for: Idaho
Residing at: MERIDIAN
My Commission Expires: 10/06/10

INSTRUCTIONS FOR MAILING

You must mail the objection, 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 4-21, 2006, I mailed the original and copies of this objection, 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
P.O. Box 2707
Twin Falls, ID. 83303-2707

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

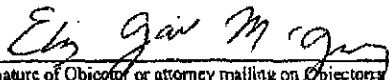
Name: United States of America acting through the Department of Interior,
Bureau of Reclamation, Regional Director PN Code-3100
Address: 1150 N. Curtis Rd. Suite 100
Boise, Idaho 83706-1234

3. Copies to:

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

IDWR Document Depository
P.O. Box 83720
Boise, Idaho 83720-0098

United States Department of Justice
Environment and Natural Resource Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724


Signature of Objector or attorney mailing on Objector's behalf

RECEIVED

NOV 25 2005

11/12/2005

NOTICE OF ERROR
REPLY

WATER RESOURCES
WESTERN REGION

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: November 25, 2005

Water right number: 63-367

UNITED STATES OF AMERICA ACTING THROUGH
REGIONAL DIRECTOR PN REGION CODE PN-3100
BUREAU OF RECLAMATION
1150 N CURTIS RD SUITE 100
BOISE ID 83706-1234
Telephone Number: (208) 378-5306

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

Disagree with remark/condition under quantity.

Disagree with remark/condition under priority date.

2. Describe the changes you wish to make in the proposed recommendation:

Delete the above remarks/conditions.

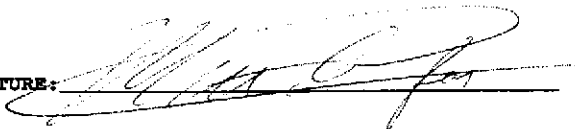
3. Give a brief explanation as to why you disagree with these portions:

The above remarks/conditions do not apply to this water right.

 I AGREE with this proposed recommendation: no changes need to be made.

DATE: 11/25/05

SIGNATURE:



Please print your name: E. Gail McGarry, Program Manager,
Bureau of Reclamation, PN Regional Office

IDWR Regional Office, 2735 Airport Way, Boise, ID 83705 2083342190

11/12/2005

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-367

NAME AND ADDRESS: UNITED STATES OF AMERICA ACTING THROUGH
REGIONAL DIRECTOR PN REGION
BUREAU OF RECLAMATION
1150 N CURTIS RD STE 100
BOISE ID 83706-1234

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 1,500.000 CFS

This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and proceeding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and proceeding to the earliest, shall be reduced to 60 percent of their decreed quantities.

PRIORITY DATE: 06/16/1909

The appropriator shall exercise this right in a manner that recognizes the historic practice that the use of water for power generation is incidental to the rights of others to the use of water for other purposes. The appropriator shall not make a delivery call for hydropower generation except as against junior hydropower rights.

POINT OF DIVERSION:

T02N R03E S3 NWSW Lot 9 Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
POWER	1/01 12/31	1,500.000 CFS

PLACE OF USE: POWER Within ADA County

T02N R03E S3 NWSW Lot 9

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-367 V1

WATER RIGHT NUMBER: 63-367 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	UNITED STATES OF AMERICA ACTING THROUGH REGIONAL DIRECTOR PN REGION BUREAU OF RECLAMATION 1150 N CURTIS RD STE 100 BOISE, ID 83706-1234 (208)378-5322

Priority Date: 06/16/1909

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BOISE RIVER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
POWER	1/01 to 12/31	1,500.000 CFS	
		<u>Total Diversion:</u> 1,500.000 CFS	

Location of Point(s) of Diversion

BOISE RIVER	L9 (NW1/4SW1/4)	Sec. 3, Twp 02N, Rge 03E, B.M.
ADA County		

Place of Use

POWER Within ADA County
T02N R03E S03 Lot 9

Conditions of Approval:

1. 155 This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and proceeding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and proceeding to the earliest, shall be reduced to 60 percent of their decreed quantities.
2. 171 The appropriator shall exercise this right in a manner that recognizes the historic practice that the use of water for power generation is incidental to the rights of others to the use of water for other purposes. The appropriator shall not make a delivery call for hydropower generation except as against junior hydropower rights.
3. This right is a Bryan decreed right in the Boise River decree.
4. C18 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.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-367 V1

Remarks:

Comments:

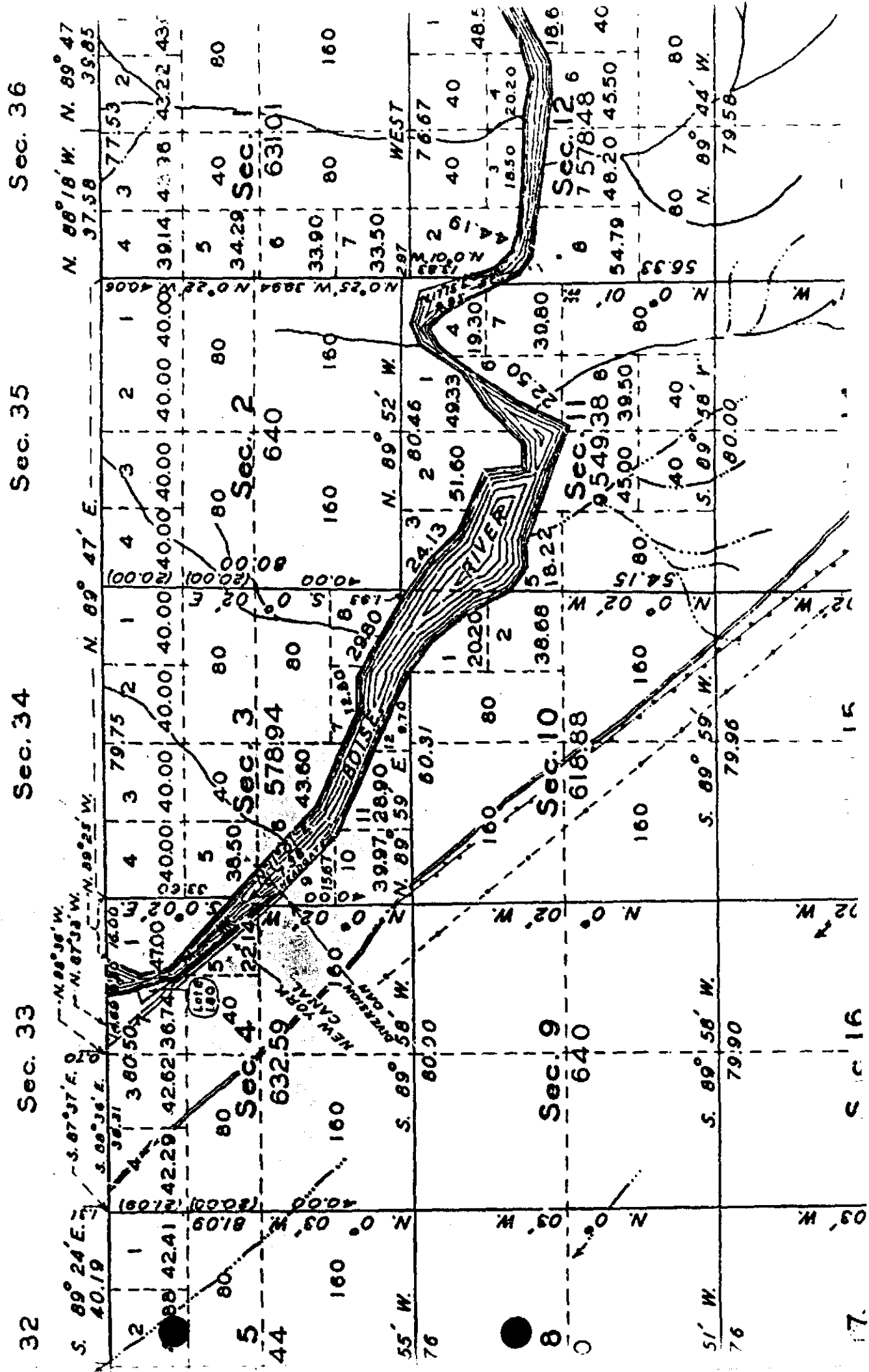
1. jshurte 11/12/2005 Priority date
Comment: The priority date claimed was 6-15-1909 by the claimant, however, the Boise River decree shows it as 6-16-1909. This minor change has been made on this recommendation.

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	11/1/2005 1:06:33 PM	jshurte			Active
Contacts	11/12/2005 1:27:30 PM	jshurte			Active
Priority Date	11/12/2005 2:13:39 PM	jshurte			Active
POD	11/12/2005 2:14:05 PM	jshurte			Active
Source	11/12/2005 2:37:10 PM	jshurte			Active
POU	11/12/2005 2:37:38 PM	jshurte			Active
Season	11/12/2005 2:41:12 PM	jshurte			Active
Quantity	11/12/2005 2:41:47 PM	jshurte			Active
Summary			11/12/2005	jshurte	Active
Use	11/12/2005 2:57:54 PM	jshurte			Active

Water Supply Bank:

RANGE N° 3 EAST, OF THE BOISE MERIDI/



Shurte, Jan

From: Shaff, Don
Sent: Monday, October 24, 2005 1:58 PM
To: Tuthill, Dave; Shurte, Jan
Cc: Carlsen, Ernie; Hamlin Nygard, Susan; Fritschle, Carter; Robischon, Steve
Subject: RE: hydropower language

The Condition below for the junior delivery status of hydropower rights has been added as Code 171 with a Priority Date category.

Don Shaff
(208)287-4921
don.shaff@idwr.idaho.gov

-----Original Message-----

From: Tuthill, Dave
Sent: Monday, October 24, 2005 8:30 AM
To: Shurte, Jan; Shaff, Don
Cc: Carlsen, Ernie; Hamlin Nygard, Susan
Subject: RE: hydropower language

Jan, it looks like you were not a recipient of this decision that was made on the hydropower language. Thanks for asking!

Don, if we have not yet created a standard condition with this language, could we please do so?

Thanks, Dave

-----Original Message-----

From: Spencer, Nick
Sent: Tuesday, October 04, 2005 3:54 PM
To: Holliday, Michael
Cc: Carlsen, Ernie; Tuthill, Dave; Hamlin Nygard, Susan
Subject: hydropower language

It appears that Dave, Susan, and I are now all in agreement on the language to insert into the hydropower rights we previously have discussed. The language is as follows:

The appropriator shall exercise this right in a manner that recognizes the historic practice that the use of water for power generation is incidental to the rights of others to the use of water for other purposes. The appropriator shall not make a delivery call for hydropower generation except as against junior hydropower rights.

Unless it turns out that I am jumping the gun, and you hear instructions to the contrary from Dave, I believe it now is okay to insert this language into the rights in question. If anybody sees anything in this language that causes acute heartburn notify Susan or me immediately because we need to discuss and resolve it ASAP. NBS

Shurte, Jan

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Sent: Monday, October 24, 2005 8:30 AM
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Cc: Carlsen, Ernie; Hamlin Nygard, Susan
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Thanks, Dave

-----Original Message-----

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Sent: Tuesday, October 04, 2005 3:54 PM
To: Holliday, Michael
Cc: Carlsen, Ernie; Tuthill, Dave; Hamlin Nygard, Susan
Subject: hydropower language

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RECEIVED

JUN 02 2005

WATER RESOURCES
WESTERN REGION

RECEIVED

MAY 27 2005

Department of Water Resources

Albert P. Barker, ISB #2867
BARKER ROSHOLT & SIMPSON LLP
205 N. 10th Street, Ste 520
P.O. Box 2139
Boise, Idaho 83701-2139
Telephone: (208) 336-0700
Facsimile: (208) 344-6034

Attorneys for Luck Peak Power Plant Project, a dba for
Boise-Kuna Irrigation District, Nampa & Meridian Irrigation District, Wilder Irrigation
District, and Big Bend Irrigation District; and Seattle City Light

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF THE UNITED	)	MOTION TO WITHDRAW
STATES BUREAU OF RECLAMATION	)	PETITION FOR DECLARATORY
WATER RIGHT NO. 63-367	)	RULING ON STATUS OF WATER
	)	RIGHT NO. 63-367
	)	

COMES NOW, Petitioner LUCKY PEAK POWER PLANT PROJECT, a dba
for: Boise-Kuna Irrigation District, Nampa & Meridian Irrigation District, Wilder
Irrigation District, and Big Bend Irrigation District and Seattle City Light, the operator
and power purchaser of power from the Lucky Peak Power Plant Project, and hereby
makes this motion to withdraw its Petition for a Declaratory Ruling on the Status of
Water Right No. 63-367.

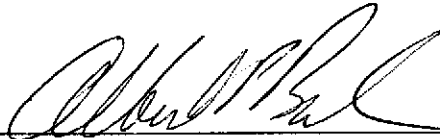
The Petition was filed on March 11, 2003, requesting the Department of Water
Resources to hear and resolve the Lucky Peak Power Plant Project's dispute with the
Bureau of Reclamation concerning water right no. 63-367. On the same day, the Lucky
Peak Power Plant Project and the Bureau of Reclamation entered into a Stipulation to
Stay proceedings in the contested case pending an amicable resolution of the dispute

among the parties. The Idaho Department of Water Resources recognized the parties stipulation in a letter dated March 19, 2003.

The Lucky Peak Power Plant Project and the Bureau of Reclamation have entered into an Agreement that resolves their disagreement related to water right No. 63-367, and for that reason, requests this tribunal dismiss the above-entitled contested case.

Dated this 26 day of May, 2005.

BARKER ROSHOLT & SIMPSON LLP

A handwritten signature in black ink, appearing to read 'Albert P. Barker', is written over a horizontal line.

Albert P. Barker
Attorneys for Lucky Peak Power Plant Project

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the foregoing MOTION TO WITHDRAW PETITION FOR DECLARATORY RULING ON STATUS OF WATER RIGHT NO. 63-367 was served by U.S. mail, postage prepaid, on this 26 day of May, 2005, to the following parties:

Nick Crawford
Idaho Department of Water Resources
322 E Front Street
PO Box 83720
Boise, ID 83720-0098

Jerry Gregg, Area Manager
United States Bureau of Reclamation
Snake River Office
230 Collins Road
Boise, Idaho 83702-4520

Alexandra Viscusi
Solicitor's Office
Bureau of Reclamation
550 W. Fort Street
MSC 020
Boise, Idaho 83724-0020



Albert P. Barker

LMS 10001
63 0302

1062.08 second feet from Dec 14, 1900
634.00 " " " June 16 1909

Sutton Order drawn

1-30-1932,

And subsequent
continuation

by Eumstead

filed June 23,

1933. Watermaster

records indicate

that 1354.58 cfs

are delivered

under this order,

as defined in

the Sutton Order

D.R.T

1-27-83

That subject to the awards made in

→ said Decree it is entitled to (1500.00 second

63-0367

feet from June 16, 1909 for power purposes only at

the Government power plant at its diversion dam

at the head of the New York Canal; and to

63 0302

8000.00 second feet from January 13,

1911, for storage in Arrowrock Reservoir during the

flood water season only and thereafter to be drawn

out and used in the irrigation of lands of the

Boise Project, and other lands entitled to the same.

Dated February 14th, 1929

Ed L. Bryan
District Judge

Entered and Filed
9:30 A.M. Feb 16, 1929
Myrtle Bernard, Clerk
Rose Edwards, Deputy

11-529
Compared

Albert P. Barker, ISB #2867
BARKER ROSHOLT & SIMPSON LLP
205 N. 10th Street, Ste 520
P.O. Box 2139
Boise, Idaho 83701-2139
Telephone: (208) 336-0700
Facsimile: (208) 344-6034

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MAR 11 2003

Department of Water Resources

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MAR 13 2003

WATER RESOURCES
WESTERN REGION

Attorneys for Luck Peak Power Plant Project
Boise-Kuna Irrigation District, Nampa & Meridian Irrigation District, Wilder Irrigation
District, Big Bend Irrigation District and Seattle City Light

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

LUCKY PEAK POWER PLANT PROJECT)	STIPULATION FOR STAY OF
PETITION FOR DECLARATORY)	PROCEEDINGS
RULING ON THE STATUS OF WATER)	
RIGHT 63-367)	
_____)	

COMES NOW, the Petitioner, Lucky Peak Power Plant Project, and Respondent United States Department of Interior, Bureau of Reclamation, by and through their respective attorneys of record, and hereby stipulate and agree that the Department shall hold in abeyance any final action, including a ruling on the Petition for Declaratory Ruling filed by the Lucky Peak Power Plant Project with respect to Water Right No. 63-367, on the grounds that Petitioner and Respondent have been in active negotiations concerning the matters raised in this protest. The Petitioner and Respondent believe that they may be able to reach a resolution of this protest without requiring a decision from the Department of Water Resources. However, to preserve the parties' respective rights and duties, the Lucky Peak Power Plant Project has filed this protest prior to any

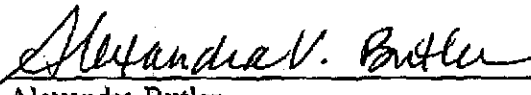
prior to any resumption of use of the water right by Respondent. Consequently, Petitioner and Respondent request the Department hold the matter in abeyance for a period of one year, or at least establish a lengthy discovery and ADR schedule prior to any hearing date.

Either party may withdraw from the Stipulation at any time and seek action by the Department on the Petition by filing notice with the Department and the other party, requesting a hearing on the Petition.

Dated this 11th day of March, 2003

BARKER ROSHOLT & SIMPSON LLP


Albert P. Barker
Attorneys for Lucky Peak Power Plant Project


Alexandra Butler
United States Department of Interior
Solicitor's Office
Attorney for the United States Department of
Interior, Bureau of Reclamation

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing STIPULATION FOR STAY OF PROCEEDINGS was served by the method indicated below to the following parties:

Gary Spackman
Idaho Department of Water Resources
1301 N. Orchard
Boise, ID 83706

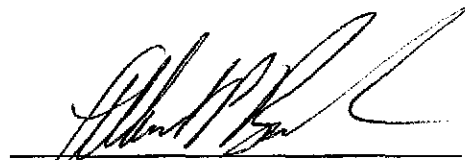
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☒ U.S. Mail
☐ Facsimile

Jerry Gregg, Area Manager
United States Bureau of Reclamation
Snake River Office
214 Broadway Avenue
Boise, Idaho 83702-7298

☐ Hand Delivery
☒ U.S. Mail
☐ Facsimile

Alexandra Butler
Solicitor's Office
Bureau of Reclamation
550 W. Fort Street
MSC 020
Boise, Idaho 83724-0020

☐ Hand Delivery
☒ U.S. Mail
☐ Facsimile


Albert P. Barker

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MAR 11 2003

Department of Water Resources

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205 N. 10th Street, Ste 520
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Telephone: (208) 336-0700
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Attorneys for Luck Peak Power Plant Project, a dba for
Boise-Kuna Irrigation District, Nampa & Meridian Irrigation District, Wilder Irrigation
District, and Big Bend Irrigation District; and Seattle City Light

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF THE UNITED	)	
STATES BUREAU OF RECLAMATION	)	PETITION FOR DECLARATORY
WATER RIGHT NO. 63-367	)	RULING ON STATUS OF WATER
	)	RIGHT NO. 63-367
	)	

Petitioner LUCKY PEAK POWER PLANT PROJECT, a dba for: Boise-Kuna
Irrigation District, Nampa & Meridian Irrigation District, Wilder Irrigation District, and
Big Bend Irrigation District and Seattle City Light, the operator and power purchaser of
power from the Lucky Peak Power Plant Project, hereby petitions for a declaratory ruling
on the status of the United States Bureau of Reclamation's water right no. 63-367. The
Bureau of Reclamation originally held water right no. 63-367 for the use of up to 1,500
(cfs) from the Boise River for power purposes at its Diversion Dam power plant.

This petition is brought pursuant to the Idaho Administrative Procedure Act, I.C.
§ 67-5232, the Rules of Procedure of the Idaho Department of Water Resources, IDAPA
37.01.01, and all other applicable authority.

In support of this Petition, Petitioner alleges as follows:

1. LUCKY PEAK POWER PLANT PROJECT ("Lucky Peak"), located approximately two miles upstream from Diversion Dam, is licensed to and jointly operated by Boise-Kuna Irrigation, Nampa & Meridian Irrigation District, Wilder Irrigation District, and Big Bend Irrigation District. New York Irrigation District transferred its interest in the license and project to the other Districts in exchange for a royalty payment from the generation of the Lucky Peak Power Plant Project. Seattle City Light purchases the output and operates the Lucky Peak Power Plant Project under a Power Purchase and Sale agreement between the four districts and the City of Seattle. Representatives from the irrigation districts and the City of Seattle comprise of a Steering Committee that oversees the operation of the Lucky Peak Power Plant Project. In addition to their interests at the Lucky Peak Power Plant Project, the four irrigation districts and New York Irrigation District are responsible for the operation and maintenance of Diversion Dam, including the entire transferred works and the New York Canal. By contract with the United States, the operation and maintenance of the irrigation works is handled by the Boise Project Board of Control.

2. The United States originally constructed Diversion Dam in 1908, and completed the power plant in 1912. In order to operate the power plant at Diversion Dam, the Bureau acquired a state water right (no. 63-367) for power purposes with a priority date of June 15, 1909. In December 2001, the Bureau issued a draft environmental assessment ("EA") on the proposed rehabilitation of the power plant at Diversion Dam. The Bureau proposes to rehabilitate and resume operation of the power plant in partnership with the Bonneville Power Administration ("BPA"). See EA at 1. As part of the proposed action, the Bureau plans to operate the rehabilitated Diversion

Dam structure by raising the elevation of the pool behind Diversion Dam approximately 2.4 feet. *See id.* at 7. Because of the close proximity between Lucky Peak and Diversion Dam, the tail water elevation of Lucky Peak will also be raised 2.4 feet. This proposed increase will significantly reduce the output from Lucky Peak, a 101 MW facility, in order to slightly increase production at Diversion Dam, a proposed 2275 kW facility. Although the Bureau anticipates resuming power production at Diversion Dam, plans for obtaining a water right to operate the power plant, or discussing the status of the power plant's prior water right (water right no. 63-367), are noticeably absent from the Bureau's EA. According to the EA, the Diversion Dam power plant was placed on "ready-reserve status" in 1982. *See id.*

3. The Idaho Administrative Procedure Act, I.C. § 67-5232, and the Department's rules of procedures, IDAPA 37.01.01.402.01, allow any person to petition the Department to issue a declaratory ruling on the applicability of statutory provisions that it administers. Idaho Code § 42-222(2) provides that a water right shall be lost and forfeited by failing to put it to beneficial use for a term of five (5) years. Water right no. 63-367 is no longer valid based upon I.C. § 42-222(2). By the Bureau's own admission, the prior water right for power purposes at Diversion Dam (water right no. 63-367) has not been put to beneficial use since at least 1982. *See EA at 1.* Nonuse of water right no. 63-367 for 20 years certainly presents a case for statutory forfeiture, and indicates elements of common law abandonment as well. While the Bureau is preparing to rehabilitate and operate the power plant at Diversion Dam, it has failed to even apply for a water right to cover the proposed use. Resumption of the use of this water right, at least at the elevations proposed by the Bureau, will harm the Districts and Lucky Peak.

4. Idaho Code § 67-5232(3) and IDAPA 37.01.01.402 require the Department to issue an order on this petition. Since the Bureau's proposed rehabilitation action is estimated to cost \$6.6 million, and construction is expected to begin in 2002, it is in the interest of all parties, including the Department, to have the validity of water right no. 63-367 resolved in a timely manner. Furthermore, Lucky Peak has a particular interest in this proceeding due to the potential impact on its generation. Whereas the decision on the water right's validity may ultimately affect the Bureau's proposed plan of action, a ruling on this petition will conserve time and resources that may be needlessly wasted should construction begin. At the least it will force the Bureau to follow state law and begin the process of filing an application for permit before it begins rehabilitation of a power plant for which it has no water right.

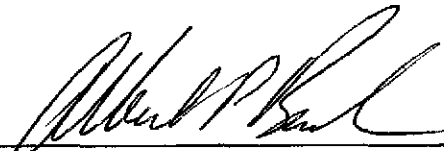
5. Lucky Peak requests that a hearing on this be held.

WHEREFORE Lucky Peak respectfully prays:

- 1) That the Department issue an order determining that water right no. 63-367 has been forfeited and/or abandoned; or
- 2) That the Department set a hearing date on this petition.

Respectfully submitted this 11th day of March, 2003.

BARKER ROSHOLT & SIMPSON LLP



Albert P. Barker
Attorneys for Lucky Peak Power Plant Project

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing PETITION FOR DECLARATORY RULING ON STATUS OF WATER RIGHT NO. 63-367 was served by the method indicated below to the following parties:

Gary Spackman
Idaho Department of Water Resources
1301 N. Orchard
Boise, ID 83706

☒ Hand Delivery
☐ U.S. Mail
☐ Facsimile

Jerry Gregg, Area Manager
United States Bureau of Reclamation
Snake River Office
214 Broadway Avenue
Boise, Idaho 83702-7298

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Alexandra Butler
Solicitor's Office
Bureau of Reclamation
550 W. Fort Street
MSC 020
Boise, Idaho 83724-0020

☐ Hand Delivery
☒ U.S. Mail
☐ Facsimile


Albert P. Barker

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-367

WATER RIGHT NUMBER: 63-367

Owner Type Name and Address

Also Known As BOR

, ID

Current Owner UNITED STATES OF AMERICA ACTING THROUGH
 REGIONAL DIRECTOR PN REGION CODE PN-3100
 BUREAU OF RECLAMATION
 1150 N CURTIS RD SUITE 100
 BOISE, ID 83706-5155
 (208) 378-5306

Also Known As US DEPT OF INTERIOR
 BUREAU OF RECLAMATION
 PN REGIONAL OFFICE
 1150 N CURTIS RD SUITE 100
 BOISE, ID 837065155

Priority Date: 06/15/1909

Basis: Decreed

Status: Active

Source

BOISE RIVER

Tributary

SNAKE RIVER

Beneficial Use

POWER

From To

1/01 to 12/31

Diversion Rate

1,500.000 CFS

Annual Volume

Total Diversion: 1,500.000
 CFS

Location of Point(s) of Diversion

BOISE RIVER

L9

Sec. 3, Twp 02N, Rge 03E, B.M.

ADA County

Place of Use

POWER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	03E	3																	

Total Acres: 0

Conditions of Approval:Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-367

Comments:

Dates and Other Information:

Claim Received Date: 7/7/1989

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal: S

Owner Name Connector:

Water District Number: 63

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Bryce A. Contor
Senior Water Resource Agent
Idaho Department of Water Resources
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1728

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JUN 15 2001

Department of Water Resources
Eastern Region

RECEIVED

JUN 20 2001

WATER RESOURCES
WESTERN REGION

June 14, 2001

As per your request, attached is the list of water right claims that need to have an address change. Some of these are in basins that have been reported out. Some have been disallowed. Should you need further refinement of the list let me know. Thanks!

Dala Walton (208) 678-0461 ext. 23

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CHANGE IN ADDRESS

JUN 15 2001

This form is solely for purposes of notifying IDWR of a ^{Department of Water Resources} ~~change of~~ address of an adjudication claim. _{Eastern Region}

[X] Water Right Number(s): See attached list

[] Old Mailing Address: United States of America Acting through
Regional Director, PN Region
Bureau of Reclamation
Box 043-550 West Fort St.
Boise ID 83724

[X] New Mailing Address: United States of America Acting through
Regional Director PN Region Code PN-3100
Bureau of Reclamation
1150 N Curtis Rd Suite 100
Boise ID 83706-5155

[X] Telephone Number: (208) 378-5306 Gail McGarry

[X] Signature of Claimant: Lela S. Walton

[X] Date: 6/14/01

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: By:

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: By:

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JUN 20 2001

WATER RESOURCES
WESTERN REGION

CLAIM NO.	FEATURE (PRIORITY DATE/EVIDENCE)	QUANTITY	Page 1
	(L = License, D = Decree, IC1 = IC 42-1409, IC2 = IC 42-243, S = Statutory)	c.f.s.	a.f.

BOISE PROJECT - ARROWROCK DIVISION

A02-02378	Marsing Job Corps Diversion (07/28/1965 L)	0.23	
	Irrigation	0.10	
	Domestic	0.13	
A63-05264	Lake Lowell Bank Storage (03/27/1909 S)		11,000
	Irrigation Storage		11,000
	Irrigation from Storage		11,000
A63-04868	Lake Lowell Storage (03/27/1909 S)		190,100
	Irrigation Storage		
	190,100		
	Irrigation from Storage		177,100
	Diversion to Storage	2,800	
A63-07340	Lake Lowell Recreation Area Well (11/01/1968 L)	0.25	
	Irrigation	0.25	
	Domestic	0.25	
A63-03618	Lucky Peak Reservoir Storage (01/01/1955 P)		307,000
	Irrigation Storage		140,750
	Irrigation from Storage		140,750
	Minimum Instream Flow Storage		152,300
	Minimum Instream Flow from Storage		152,300
	Flood Control Storage		13,950
A63-05263	Lucky Peak Reservoir Bank Storage (01/01/1955 S)		17,000
	Irrigation Storage		17,000
	Irrigation from Storage		17,000
A63-02106	Five Mile Creek Diversion (04/28/1909 L)	10.0	
	Irrigation	9.96	
	Domestic	0.04	
A63-02109	Mason Creek Diversion (06/02/1909 L)	104.8	
	Irrigation	104.8	
A63-02212	Pipe Gulch Diversion (07/07/1913 L)	10.0	
	Irrigation	10.0	
A63-02322	Wilson and Elijah Slough Diversion (10/04/1918 L)	120.0	

CLAIM NO.	FEATURE (PRIORITY DATE/EVIDENCE)	QUANTITY	Page 2
	(L = License, D = Decree, IC1 = IC 42-1409, IC2 = IC 42-243, S = Statutory)	c.f.s.	a.f.
	Irrigation	120.0	
A63-02158	Arrowrock Reservoir Diversion (01/13/1911 L)	8,000	
	Irrigation	8,000	
A63-03613	Arrowrock Reservoir Storage (06/25/1938 L)		15,000
	Irrigation Storage		15,000
	Irrigation from Storage		15,000
A63-05262	Arrowrock Reservoir Storage (01/13/1911 S)		288,600
	Irrigation Storage		288,600
	Irrigation from Storage		288,600
	Power Storage		288,600
	Power from Storage		288,600
A63-05261	Anderson Ranch Reservoir Bank Storage (12/09/1940 S)		30,000
	Irrigation Storage		30,000
	Irrigation from Storage		30,000
	Power Storage		30,000
	Power from Storage		30,000
A63-03614	Anderson Ranch Reservoir Storage (12/09/1940 L)		493,161
	Irrigation Storage		487,961
	Irrigation from Storage		458,961
	Power Storage		493,161
	Power from Storage		464,161
	Municipal Storage		5,200
	Municipal from Storage		5,200
A63-00301	Boise Diversion Dam Diversion (12/14/1903 D)	1,354.58	
	Irrigation	1,354.58	
A63-00302	Boise Diversion Dam Diversion (06/16/1909 D)	634	
	Irrigation	634	
A63-02388	Boise Diversion Dam Diversion (08/18/1924 L)	300	
	Irrigation	300	
A63-00251	Boise Diversion Dam Diversion (03/23/1900 D)	219.1	
	Irrigation	219.1	

CLAIM NO.	FEATURE (PRIORITY DATE/EVIDENCE)	QUANTITY	Page 3
	(L = License, D = Decree, IC1 = IC 42-1409, IC2 = IC 42-243, S = Statutory)	c.f.s.	a.f.
A63-00367	Boise Diversion Dam Power (06/15/1909 D)	1,500	
	Power	1,500	
A63-00373	Boise Diversion Dam Diversion (04/01/1909 D)	292.5	
	Irrigation	292.5	
BOISE PROJECT-PAYETTE DIVISION			
A65-02288	Black Canyon Dam Diversion (05/14/1921 D)	1,300	
	Power	1,300	
A65-02433	Black Canyon Dam Diversion (09/19/1938 D)	1,200	
	Irrigation	1,200	
A65-09481	Black Canyon Dam Diversion (04/01/1926 D)	300	
	Power	300	
A65-09486	C-Line Pumping Plant Well (06/01/1946 D)	0.04	
	Domestic	0.04	
A65-09487	Black Canyon Dam Well (06/01/1924 D)	0.04	
	Domestic	0.04	
A65-09488	Black Canyon Dam Well (06/01/1924 D)	0.04	
	Domestic	0.04	
A65-11412	Black Canyon Dam Emmett I.D. Pumps (03/15/1924 IC2)	220	
	Power	220	
A65-02927A	Cascade Reservoir Storage (12/24/1937 D)	745,200	
	Irrigation Storage	745,200	
	Irrigation from Storage	745,200	
	Power Storage	745,200	
	Power from Storage	745,200	
A65-02927B	Cascade Reservoir Storage - Municipal (12/24/1937 D)	2,500	
	Municipal Storage	2,500	
	Municipal from Storage	2,500	
A65-03105A	Willow Creek Diversion (06/01/1889 D)	0.98	
	Irrigation	0.98	

CLAIM NO.	FEATURE (PRIORITY DATE/EVIDENCE) (L = License, D = Decree, IC1 = IC 42-1409, IC2 = IC 42-243, S = Statutory)	QUANTITY c.f.s.	Page 4 a.f.
A65-03106	Willow Creek Diversion (05/10/1891 D) Irrigation	0.44 0.44	
A65-03108A	Willow Creek Diversion (05/10/1891 D) Irrigation	1.16 1.16	
A65-03111F	Rock (Richards) Creek Diversion (06/01/1894 D) Irrigation	0.40 0.40	
A65-03142	Arling Creek Diversion (03/20/1892 D) Irrigation	3.70 3.70	
A65-03143	Arling Creek Diversion (05/22/1897 D) Irrigation	4.0 4.0	
A65-11350	Duck Creek Diversion (07/01/1900 D) Irrigation	3.82 3.82	
A65-11351	Unnamed Stream Diversion (07/01/1900 D) Irrigation	4.82 4.82	
A65-11353	Gibson Creek Diversion (07/01/1900 D) Irrigation	0.28 0.28	
A65-11354	Unnamed Stream Diversion (07/01/1900 D) Irrigation	3.60 3.60	
A65-11361	Rock Creek Diversion (07/01/1900 D) Irrigation	1.74 1.74	
A65-07794	Duck Creek Recreation Well (01/05/1977 D) Domestic	0.04 0.04	
A65-07795	Poison Creek Recreation Well (01/05/1977 D) Domestic	0.04 0.04	
A65-07796	Sugarloaf Recreation Well (01/05/1977 D) Domestic	0.02 0.02	
A65-02917	Deadwood Reservoir Power Storage (12/31/1926 D) Power Storage Power from Storage		163,000 163,000 163,000

CLAIM NO.	FEATURE (PRIORITY DATE/EVIDENCE)	QUANTITY	Page 5
	(L = License, D = Decree, IC1 = IC 42-1409, IC2 = IC 42-243, S = Statutory)	c.f.s.	a.f.

A65-09483	Deadwood Reservoir Irrigation Storage (12/31/1926 D)	173,000
	Irrigation Storage	173,000
	Irrigation from Storage	173,000

A65-09485	Deadwood Reservoir Headquarters Well (06/01/1929 D)	0.32
	Domestic	0.32

A77-10114	Johnson Creek Diversion to Deadwood Reservoir (09/01/1936 IC2)	3,500
	Irrigation Storage	3,500
	Irrigation from Storage	3,500
	Power Storage	3,500
	Power from Storage	3,500

LEWISTON ORCHARDS PROJECT

A85-00016	Sweetwater Creek Diversion (07/14/1904 D)	87.8
	Irrigation	87.8
	Domestic	87.8

A85-02049	Waha Lake Diversion (05/26/1915 L)	10.0
	Irrigation	10.0
	Domestic	10.0
	Waha Lake Diversion (05/26/1915 L)	4,000
	Irrigation Storage	4,000
	Irrigation from Storage	4,000
	Domestic Storage	4,000
	Domestic from Storage	4,000

A85-02065	Webb Creek Diversion (01/30/1924 L)	40.0
	Irrigation	40.0
	Domestic	40.0

A85-02146	Webb Creek-Soldiers Meadow Reservoir (05/24/1922 L)	2,000
	Irrigation Storage	2,000
	Irrigation from Storage	2,000
	Domestic Storage	2,000
	Domestic from Storage	2,000

A85-02147	Captain John (Browns) Creek Diversion (12/04/1934 L)	20.0
	Irrigation	20.0
	Domestic	20.0

CLAIM NO.	FEATURE (PRIORITY DATE/EVIDENCE)	QUANTITY	Page 6
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A85-04483	Manns Lake/Sweetwater Creek (06/01/1907 S)	10,500
	Irrigation Storage	8,000
	Irrigation from Storage	8,000
	Stockwater Storage	1,000
	Stockwater from Storage	1,000
	Industrial Storage	1,500
	Industrial from Storage	1,500
	Municipal Storage	1,500
	Municipal from Storage	1,500
	Fire Protection Storage	1,000
	Fire Protection from Storage	1,000
A85-11087	West Fork Sweetwater Creek Diversion (05/26/1915 S)	20.0
	Irrigation Storage	20.0
	Irrigation from Storage	10.0
	Domestic Storage	20.0
	Domestic from Storage	10.0

LITTLE WOOD RIVER PROJECT

A37-02783	Little Wood Dam - Storage (04/10/1959 L)	1,000
	Irrigation Storage	1,000
	Irrigation from Storage	1,000
A37-12888	Little Wood Dam - Wells - Recreation (09/30/1976 S)	0.56
	Irrigation	0.12
	Domestic	0.44

MANN CREEK PROJECT

A67-02386	Mann Creek Reservoir Storage (12/14/1940 L)	10,000
	Irrigation Storage	10,000
	Irrigation from Storage	8,390
A67-02389	Mann Creek Reservoir Storage (01/30/1964 L)	2,950
	Irrigation Storage	2,950
	Irrigation from Storage	2,950
A67-04553	Mann Creek Reservoir Storage (12/14/1940 S)	1,000
	Irrigation Storage	1,000
	Irrigation from Storage	1,000

CLAIM NO.	FEATURE (PRIORITY DATE/EVIDENCE)	QUANTITY	Page 7
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MICHAUD FLATS PROJECT
FALLS IRRIGATION DISTRICT

A01-02061	Falls Irrigation District - Pumping plant (06/11/1956 L) Irrigation	153 153	
A01-04051	Falls Irrigation District - Recharge Storage (04/01/1958 IC2) Groundwater Recharge Storage		11,000 11,000
A29-02262	Falls Irrigation District - Well E (01/24/1946 L) Irrigation	2.2 2.2	
A29-02288	Falls Irrigation District - Well G (05/19/1950 L) Irrigation	2.57 2.57	
A29-02306	Falls Irrigation District - Well B (07/02/1951 L) Irrigation	2.85 2.85	
A29-02307	Falls Irrigation District - Well F (07/02/1951 L) Irrigation	2.20 2.2	
A29-02310	Falls Irrigation District - Well Q (12/22/1951 L) Irrigation	1.25 1.25	
A29-02341	Falls Irrigation District - Well M (10/29/1953 L) Irrigation	2.61 2.61	
A29-02380	Falls Irrigation District - 17 Wells (06/11/1956 L) Irrigation	44.61 44.61	
A29-02567	Falls Irrigation District - Well C (01/15/1952 L) Irrigation	2.45 2.45	
A29-02568	Falls Irrigation District - Well P (04/07/1955 L) Irrigation	3.79 3.79	
A29-02571	Falls Irrigation District - Well H (06/18/1950 L) Irrigation	2.23 2.23	
A29-10047	Falls Irrigation District - Ditchrider's House (01/01/1956 IC1) Irrigation Domestic	0.07 0.03 0.04	

CLAIM NO.	FEATURE (PRIORITY DATE/EVIDENCE)	QUANTITY	Page 8
	(L = License, D = Decree, IC1 = IC 42-1409, IC2 = IC 42-243, S = Statutory)	c.f.s.	a.f.

A29-02614A	Falls Irrigation District - Well K (02/16/1953 L) Irrigation	1.56 1.56	
A01-02060	A&B Irrigation District - Unit A Pumping Plant (04/01/1939 L) Irrigation	270 270	
A01-04049	A&B Irrigation District - Recharge Storage (09/09/1948 IC2) Groundwater Recharge Storage Domestic		297,500 291,500 6,000

MINIDOKA/UPPER SNAKE RIVER PROJECT

A&B IRRIGATION DISTRICT

A01-04060	A&B Irrigation District - Unit A - Expansion (04/01/1939 IC2) Irrigation		3,370 3,370
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A36-02080	A&B Irrigation District - Wells - Unit B (09/09/1948 L) Irrigation	1,100 1,100	
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A36-04265	A&B Irrigation District - Unit B - Expansion (04/20/1971 IC2)		11,893
(A36-15127)	Irrigation		11,893
(A36-15192)			
(A36-15193)			
(A36-15194)			
(A36-15195)			
(A36-15196)			

A01-00284	American Falls Dam - Diversion (03/30/1921 D) Irrigation Storage	8,000 8,000	
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A01-02064	American Falls Dam - Storage (03/30/21 L)		1,540,600
	Irrigation Storage		1,540,600
	Irrigation from Storage		1,540,600
	Power Storage		1,540,600
	Power from Storage		1,540,600

A01-04052	American Falls Dam - Refill (06/16/1944 IC2)		115,000
	Irrigation Storage		115,000
	Irrigation from Storage		115,000
	Power Storage		115,000
	Power from Storage		115,000

CLAIM NO.	FEATURE (PRIORITY DATE/EVIDENCE)	QUANTITY	Page 9
	(L = License, D = Decree, IC1 = IC 42-1409, IC2 = IC 42-243, S = Statutory)	c.f.s.	a.f.
A01-10042	American Falls Dam - Storage - winter water savings (03/29/21 L)	159,400	
	Irrigation Storage	159,400	
	Irrigation from Storage	159,400	
	Power Storage	159,400	
	Power from Storage	159,400	
A01-10053	American Falls Dam - Bank Storage (03/30/1921 L)	100,000	
	Irrigation Storage	100,000	
	Irrigation from Storage	100,000	
	Power Storage	100,000	
	Power from Storage	100,000	
A29-10045	American Falls Dam - Visitor Center (03/31/1976 IC1)	0.04	
	Domestic	0.04	
A29-10046	American Falls Dam Seagull Bay Recreation Area (03/01/1971 IC1)		0.04
	Domestic	0.04	
A35-10358	American Falls Dam - Sportsman's Park Rec. Area (01/25/1979 IC1)		1.0
	Irrigation	0.96	
	Domestic	0.04	
MINIDOKA/UPPER SNAKE RIVER PROJECT			
A01-04047	Burley Irrigation District - Recharge Storage (06/19/1909 IC2)	1,500,000	
	Groundwater Recharge Storage	1,500,000	
A45-00512	Burley Irrigation District - Marsh Creek (04/09/1909 D)	150	
	Irrigation	150	
A45-10389	Burley Irrigation District - Well - Domestic (06/19/1909 IC1)	0.12	
	Domestic	0.12	
A45-10390	Burley Irrigation District - Well - Domestic (06/19/1909 IC1)	0.24	
	Domestic	0.24	
A45-10391	Burley Irrigation District - Well - Domestic (06/19/1909 IC1)	0.08	
	Domestic	0.08	
A21-00024	Fremont-Madison Irrigation District - Diversion (05/10/1889 D)	6.0	
	Irrigation	6.0	

CLAIM NO.	FEATURE (PRIORITY DATE/EVIDENCE)	QUANTITY Page 10	
	(L = License, D = Decree, IC1 = IC 42-1409, IC2 = IC 42-243, S = Statutory)	c.f.s.	a.f.
A21-00026	Fremont-Madison Irrigation District - Diversion (05/10/1889 D) Irrigation	3.0 3.0	
A21-00027	Fremont-Madison Irrigation District - Diversion (05/10/1889 D) Irrigation	3.0 3.0	
A21-00120	Fremont-Madison Irrigation District - Diversion (09/20/1901 D) Irrigation	1.6 1.6	
A21-00121	Fremont-Madison Irrigation District - Diversion (06/01/1893 D) Irrigation	1.0 1.0	
A21-00122	Fremont-Madison Irrigation District - Diversion (06/01/1901 D) Irrigation	0.8 0.8	
A21-00123	Fremont-Madison Irrigation District - Diversion (06/01/1901 D) Irrigation	0.8 0.8	
A21-00124	Fremont-Madison Irrigation District - Diversion (09/20/1901 D) Irrigation	1.0 1.0	
A21-00125	Fremont-Madison Irrigation District - Diversion (06/01/1901 D) Irrigation	0.8 0.8	
A21-00126	Fremont-Madison Irrigation District - Diversion (06/01/1900 D) Irrigation	2.2 2.2	
A21-04155	Grassy Lake Dam - Stateline Delivery (02/13/1936 IC2) Irrigation Storage Irrigation from Storage Power Storage Power from Storage		15,204 15,204 15,204 15,204 15,204
A21-02156	Island Park Dam - Storage (03/14/1935 L) Irrigation Storage Irrigation from Storage Power Storage Power from Storage		90,000 90,000 90,000 90,000 90,000
A21-04156	Island Park Dam - Refill (11/15/1938 IC2) Irrigation Storage Irrigation from Storage		135,000 135,000 135,000

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	(L = License, D = Decree, IC1 = IC 42-1409, IC2 = IC 42-243, S = Statutory)	c.f.s.	a.f.
	Power Storage	135,000	
	Power from Storage	135,000	
A21-04157	Island Park Dam - Bank Storage (11/15/1938 IC2)	40,000	
	Irrigation Storage	40,000	
	Irrigation from Storage	40,000	
	Power Storage	40,000	
	Power from Storage	40,000	
A21-10560	Island Park Dam - Storage - winter water savings (03/29/1921 L)	45,000	
	Irrigation Storage	45,000	
	Irrigation from Storage	45,000	
	Power Storage	45,000	
	Power from Storage	45,000	
A21-10601	Island Park Dam - Well - Domestic (12/31/1938 IC1)	0.04	
	Domestic	0.04	
A01-04055	Jackson Lake Dam - Stateline Delivery (08/23/1906 WY L, IC2)	298.981	
	Irrigation Storage	298.981	
	Irrigation from Storage	298.981	
	Power Storage	1,415,000	
	Power from Storage	1,415,000	
A01-10044	Jackson Lake Dam - Stateline Delivery (08/18/1910 WY L, IC2)	138,829	
	Irrigation Storage	138,829	
	Irrigation from Storage	138,829	
A01-10045	Jackson Lake Dam - Stateline Delivery (05/24/1913 WY L, IC2)	409,190	
	Irrigation Storage	409,190	
	Irrigation from Storage	409,190	
UNNUMBERED(A)	Jackson Lake Dam - Bank Storage (04/01/1907 WY L, IC2)	27,000	
	Irrigation Storage	27,000	
	Irrigation from Storage	27,000	
UNNUMBERED(B)	Jackson Lake Dam - Bank Storage (04/01/1912 WY L, IC2)	12,000	
	Irrigation Storage	12,000	
	Irrigation from Storage	12,000	
UNNUMBERED(C)	Jackson Lake Dam - Bank Storage (04/01/1917 WY L, IC2)	29,000	
	Irrigation Storage	29,000	

CLAIM NO.	FEATURE (PRIORITY DATE/EVIDENCE)	QUANTITY	Page 12
	(L = License. D = Decree. IC1 = IC 42-1409. IC2 = IC 42-243. S = Statutory)	c.f.s.	a.f.
	Irrigation from Storage		29,000
UNNUMBERED(D)	Jackson Lake Dam - Second Fill (04/01/1917 WY L, IC2)		500,000
	Irrigation Storage		500,000
	Irrigation from Storage		500,000
A01-02040	Milner-Gooding Canal (03/30/1921 L)	1,700	
	Irrigation	1,700	
A36-11119	Milner-Gooding - Hunt Site Ditchrider's House (12/31/1947 IC1)	0.07	
	Irrigation	0.03	
	Domestic	0.04	
A36-11120	Milner-Gooding - Ditchrider's House (12/31/1947 IC1)	0.07	
	Irrigation	0.03	
	Domestic	0.04	
A01-00211A	Minidoka Dam Minidoka/Burley Irrigation Districts (03/26/1903 D)		1,726
	Irrigation	1,726	
A01-00214A	Minidoka Dam Minidoka/Burley Irrigation Districts (08/06/1908 D)		1,000
	Irrigation	1,000	
A01-00217	Minidoka Dam - Power (06/15/1909 D)	2,500	
	Power	2,500	
A01-00218	Minidoka Dam - Power (07/01/1912 D)	200	
	Power	200	
A01-00219	Minidoka Dam Minidoka/Burley Irrigation District (12/14/1909 D)	2,500	
	Irrigation Storage	2,500	
A01-02016	Minidoka Dam Minidoka/Burley Irrigation District (06/16/1911 L)	888	
	Irrigation	888	
A01-04024	Minidoka Dam - Unit 6 Powerplant (06/16/1927 IC2)	825	
	Power	825	
A01-04025	Minidoka Dam - Unit 7 Powerplant (05/07/1942 IC2)	1,700	
	Power	1,700	
A01-04048	Minidoka Dam - Park Irrigation (12/14/1909 IC2)		2.8

CLAIM NO.	FEATURE (PRIORITY DATE/EVIDENCE)	QUANTITY	Page 13
	(L = License, D = Decree, IC1 = IC 42-1409, IC2 = IC 42-243, S = Statutory)	c.f.s.	a.f.
	Irrigation	2.8	
A01-04050	Minidoka Dam - Bank Storage (04/01/1907 IC2)	30,000	
	Irrigation Storage	30,000	
	Irrigation from Storage	30,000	
	Power Storage	30,000	
	Power from Storage	30,000	
A01-10034	Minidoka Dam - Storage Minidoka/Burley Irrigation Dists (12/14/1909 D)	210,200	
	Irrigation Storage	210,200	
	Irrigation from Storage	95,200	
	Power Storage	210,200	
	Power from Storage	210,200	
A36-11114	Minidoka Dam - Spring (06/15/1909 IC2)	0.04	
	Domestic	0.04	
A36-11115	Minidoka Dam - Well (04/01/1907 IC2)	0.48	
	Irrigation	0.44	
	Domestic	0.04	
A36-11118	Minidoka Dam - Well (04/01/1907 IC2)	0.44	
	Irrigation	0.44	
A01-04046	Minidoka Irrigation District - Recharge Storage (04/01/1907 IC2)	2,700,000	
	Groundwater Recharge Storage	2,700,000	
A01-02068	Palisades Dam - Storage (07/28/1939 L)	1,141,400	
	Irrigation Storage	1,141,400	
	Irrigation from Storage	1,097,400	
	Power Storage	1,141,400	
	Power from Storage	1,141,400	
A01-04053	Palisades Dam - Well (06/01/1948 S)	0.31	
	Irrigation	0.31	
	Domestic	0.31	
A01-04054	Palisades Dam - Power (02/27/1957 IC2)	9,000	
	Power	9,000	
A01-04056	Palisades Dam - Refill (05/03/1957 IC2)	1,200,000	

CLAIM NO.	FEATURE (PRIORITY DATE/EVIDENCE)	QUANTITY	Page 14
	(L = License, D = Decree, IC1 = IC 42-1409, IC2 = IC 42-243, S = Statutory)	c.f.s.	a.f.
	Irrigation Storage	1,200,000	
	Irrigation from Storage	1,200,000	
	Power Storage	1,200,000	
	Power from Storage	1,200,000	
A01-04057	Palisades Dam - Bank Storage (07/03/1957 IC2)	185,000	
	Irrigation Storage	185,000	
	Irrigation from Storage	92,000	
	Power Storage	185,000	
	Power from Storage	92,000	
A01-10043	Palisades Dam - Storage - winter water savings (03/29/1921 L)	259,600	
	Irrigation Storage	259,600	
	Irrigation from Storage	259,600	
	Power Storage	259,600	
	Power from Storage	259,600	
A23-04073	Palisades Dam - Well (06/01/1948 IC2)	0.40	
	Domestic	0.40	
A23-10062	Palisades Dam - Well (06/01/1948 IC1)	0.04	
	Domestic	0.04	
A25-07004	Ririe Dam - Storage *****PERMIT***** (03/18/1975 P)	90,500	
	Irrigation Storage	90,500	
	Irrigation from Storage	86,500	
	Power Storage	90,500	
	Power from Storage	86,500	
A25-07008	Ririe Dam - Well - Domestic (05/04/1970 L)	0.04	
	Domestic	0.04	
A25-07135	Ririe Dam - Spring (09/13/1977 L)	0.01	
	Domestic	0.01	
A25-07201	Ririe Dam - Well - Park (08/11/1980 L)	0.14	
	Irrigation	0.08	
	Domestic	0.14	
A25-12222	Ririe Dam - Well (07/31/1987 S)	0.44	
	Irrigation	0.40	

CLAIM NO.	FEATURE (PRIORITY DATE/EVIDENCE)	QUANTITY
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		c.f.s. a.f.
	Domestic	0.04
A22-07022	Teton Dam - Wells *****PERMIT***** (04/23/1969 P)	80.88
	Irrigation	80.88
A22-07062	Teton Dam - Well - Domestic (01/05/1973 L)	0.06
	Domestic	0.06
A25-12223	Tex Creek - Spring - Cove Creek (01/01/1918 IC1)	0.08
	Stockwater	0.04
	Wildlife	0.04
A25-12224	Tex Creek - Spring - Cove Creek (01/01/1918 IC1)	0.02
	Stockwater	0.01
	Wildlife	0.01
A25-12225	Tex Creek - Spring - Indian Fork (01/01/1918 IC1)	0.08
	Stockwater	0.04
	Wildlife	0.04
A25-12226	Tex Creek - Spring - Hayshed Creek/Indian Fork (01/01/1918 IC1)	0.02
	Stockwater	0.01
	Wildlife	0.01
A25-12227	Tex Creek - Spring - Willow Springs (01/01/1918 IC1)	0.02
	Stockwater	0.01
	Wildlife	0.01
A25-12228	Tex Creek - Spring - Pipe Creek (01/01/1918 IC1)	0.02
	Irrigation	0.01
	Domestic	0.01
A25-12229	Tex Creek - Spring - Spring Creek (01/01/1918 IC1)	0.02
	Stockwater	0.01
	Wildlife	0.01
A25-12231	Tex Creek - Spring Dog Tooth/Blue Creek (01/01/1918 IC1)	0.04
	Stockwater	0.02
	Wildlife	0.02
A25-12234	Tex Creek - Indian Creek (01/01/1918 IC1)	0.04

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	Irrigation	0.03
	Wildlife	0.01
A25-12236	Tex Creek - Pond - Trail Creek (01/01/1918 IC1)	0.05
	Irrigation	0.03
	Stockwater	0.01
	Wildlife	0.01
A25-12238	Tex Creek - Well - Domestic (01/01/1985 IC1)	0.04
	Domestic	0.04
OWYHEE PROJECT-IDAHO-OREGON UNIT		
A57-10807	Succor Creek Diversion - (Owyhee Reservoir) (04/11/1935 S)	30.0
	Irrigation	30.0

ADJUDICATION MEMORANDUM

CLAIM NO: A02-02378

SUBJECT: Map/claim #5

EMPLOYEE: *[Signature]*

DATE: 11-16-93

Map for claims listed below are filed in A02-02378
A63-00251, A63-00301, A63-00302, A63-00367
A63-00373, A63-02106, A63-02109, A63-02158
A63-02212, A63-02322, A63-03613, A63-03614
A63-03618, A63-04868, A63-05261, A63-05262
A63-05263, A63-05264, A63-07340, A65-02288
A65-02433, A65-02917, A65-09481, A65-09483
A65-09485, A65-09486, A65-09487, A65-09488
A65-11412, A67-02384, A67-02389, A67-04553
A77-10114

MICROFILMED

JUL 25 1994