

RECEIVED

DEC 08 2006

DEPARTMENT OF
WATER RESOURCES

12/05/2006

NOTICE OF ERROR

REPLY

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: December 8, 2006.

Water right number: 63-161BU

PIONEER IRRIGATION DISTRICT
PO BOX 426
CALDWELL ID 83606
Telephone Number: (208) 459-3617

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

Point of Diversion; Purpose and Period of Use; Place of Use

- Describe the changes you wish to make in the proposed recommendation:

Point of Diversion: The points of diversion should be identified as follows:

TWP	RNG	SEC	1/4 of	1/4	Lot	County
4N	1E	23	SE	NW		Ada
4N	1W	24	SE	NW		Ada
4N	2W	24	NE	NE		Canyon

Purpose and Period of Use: Modify the following remark by deleting the language that is stricken out:
"Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoirs dated April 1985 and ~~any future amendments or revisions made thereto pursuant to state or federal procedures or law~~; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576."

Place of Use: Increase the number of irrigated acres to 34,204.61.

SCANNED
DEC 11 2006

BOI_MT2:635150.1



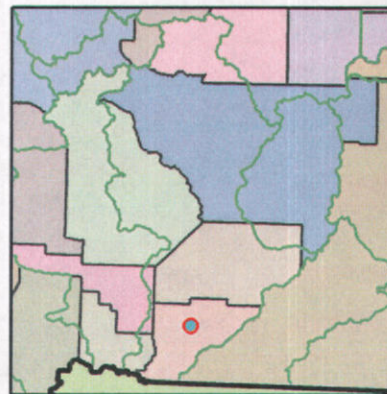
Pioneer Irrigation District

SRBA Recommendations: 63-161BU, 63-224, 63-225, 63-294, 63-295, 63-371, 63-2114, 63-2275, 63-2276, 63-2294, 63-2529, 63-2891, 63-5199, 63-5200, 63-5219, 63-5237, 63-5255, 63-9109, 63-21706, 63-21713, 63-21731, 63-21739, 63-32514, 63-32515

Service Area Boundary
GIS Place of Use Illustration

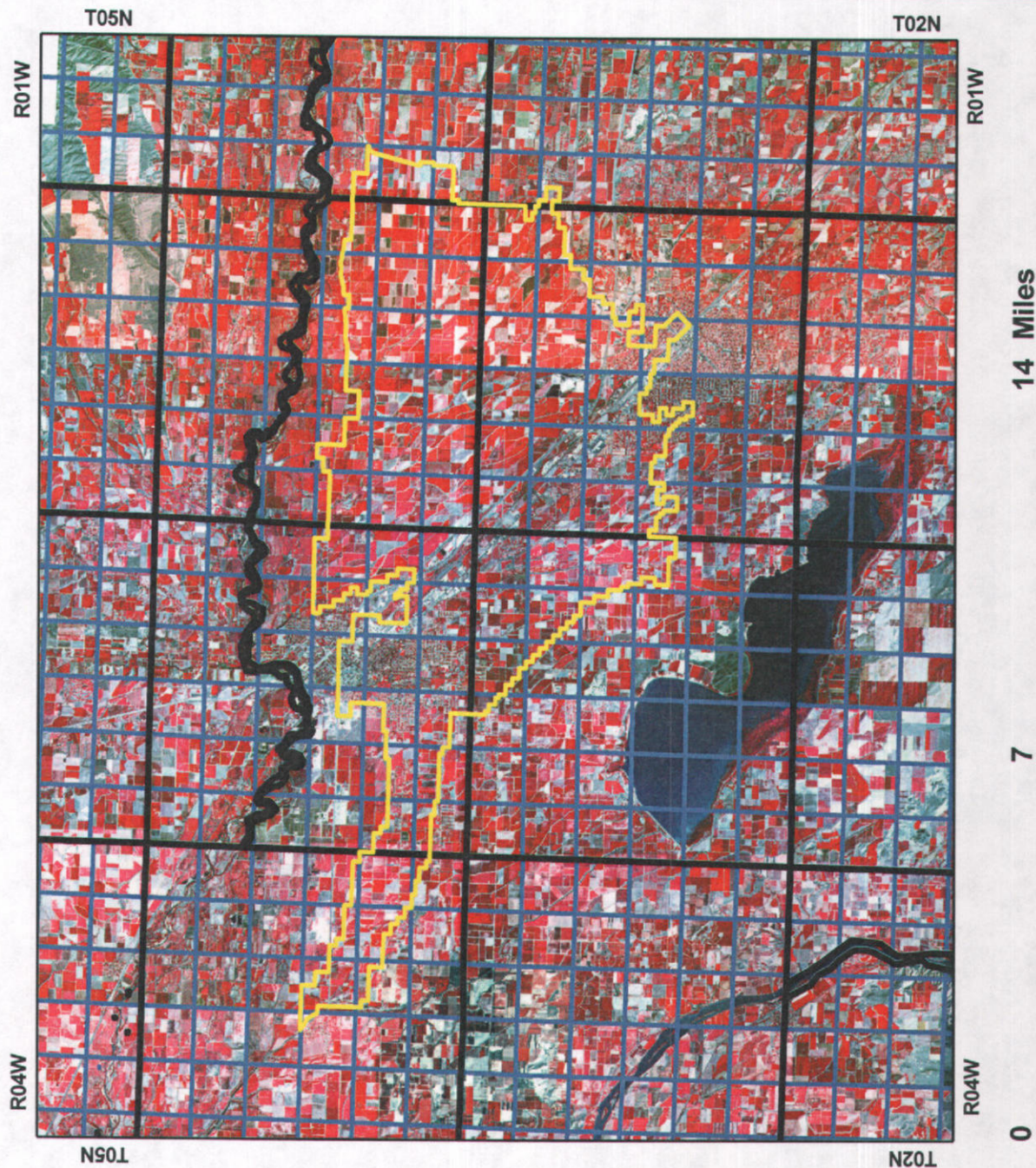
Legend

- Service Area
- Townships
- PLS Sections



Canyon County
IDWR Basin 63

Prepared by A. Warntjes
On Wednesday, November 22, 2006
1987/88 Aerial Photography





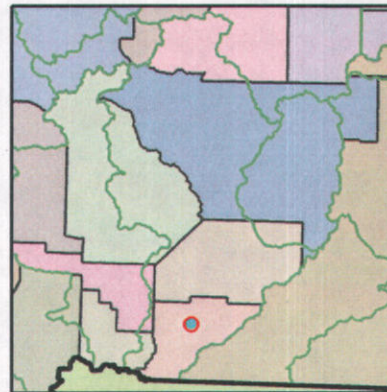
Pioneer Irrigation District

SRBA Recommendations: 63-161BU, 63-224, 63-225, 63-294, 63-295, 63-371, 63-2114, 63-2275, 63-2276, 63-2294, 63-2529, 63-2891, 63-5199, 63-5200, 63-5219, 63-5237, 63-5255, 63-9109, 63-21706, 63-21713, 63-21731, 63-21739, 63-32514, 63-32515

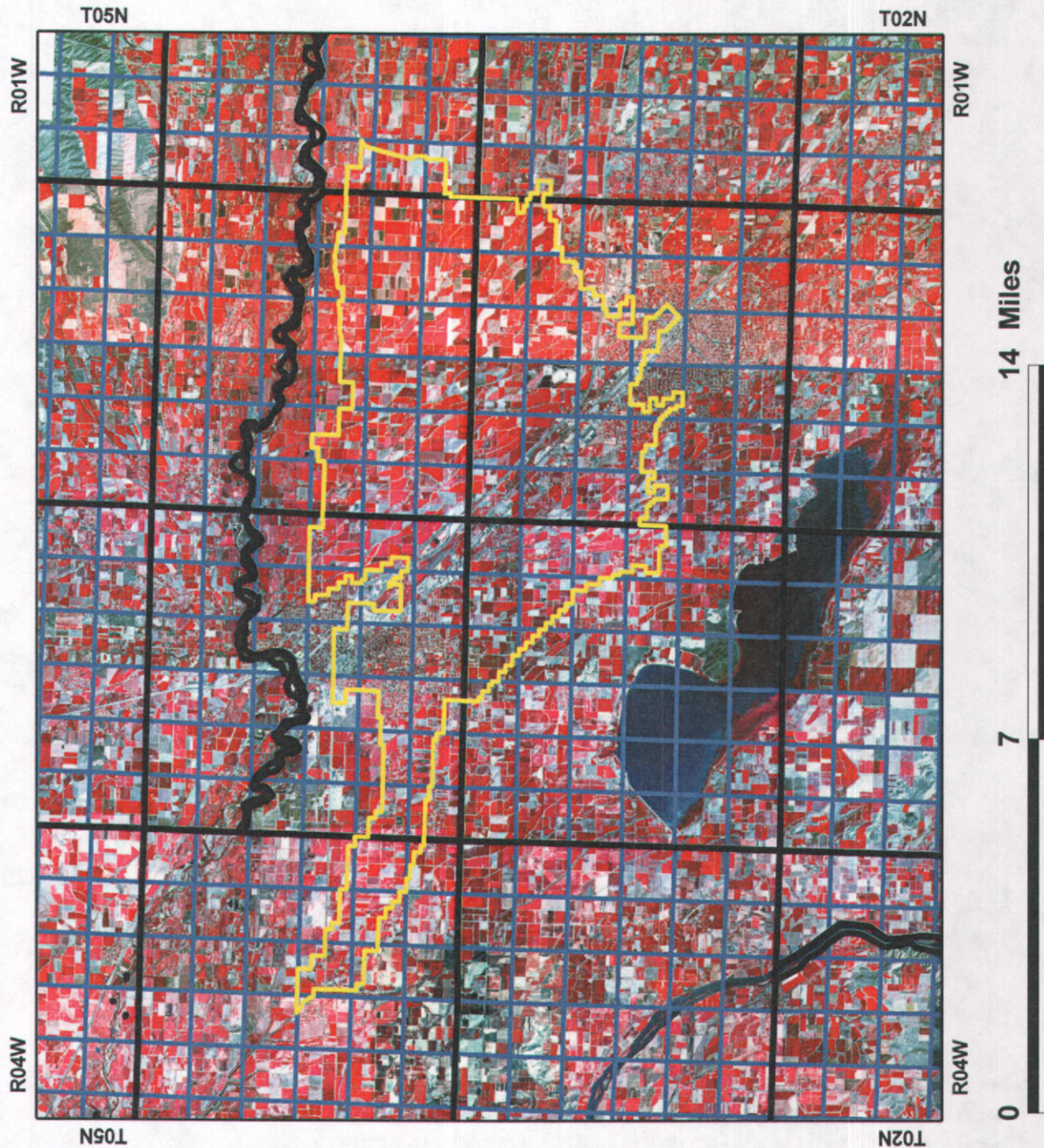
Service Area Boundary
GIS Place of Use Illustration

Legend

- Service Area
- Townships
- PLS Sections



Canyon County
IDWR Basin 63



Prepared by A. Warntjes
On Wednesday, November 22, 2006
1987/88 Aerial Photography

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 63-161BU
Date Received: 5/16/2000
Receipt No: C049167
Received By:

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

PIONEER IRRIGATION DISTRICT Phone: (208)459-3617
PO BOX 426
CALDWELL ID USA 83605

2. Date of Priority: 05/01/1866

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	Type
04N	01E	23	SW	SE	NW	ADA	
04N	02W	24		NE	NE	ADA	
04N	01W	24	SW	SE	NW	ADA	

5. Description of diverting works:

4N 1W Sec. 24 SWSENW - Phyllis Canal Diversion

This point of diversion is a concrete diversion structure with flashboards and one automatic radio gate which controls desired amounts of water from the Boise River. It is located east of Linder Road on the south channel of the Boise River and permits diversion of sufficient amounts of water down the south channel to permit Pioneer Irrigation District to divert its water into the Phyllis Canal.

4N 1E Sec. 23 SWSENW - Eagle Island Diversion

This point of diversion is a concrete diversion structure with flashboards which regulates the flow of the south and north channels of the Boise River. It is located at the east end of Eagle Island and permits diversion of sufficient amounts of water down the south channel of the Boise River to permit Pioneer Irrigation District to divert its water into the Phyllis and Caldwell Highline Canals.

4N 2W Sec. 24 NENE - Caldwell Highline Canal Diversion

This point of diversion is a concrete diversion structure with flashboards which regulates the flow of the south channel of the Boise River. It is located west of Star Road on the south channel of the Boise River and permit diversion of sufficient amounts of water down the south channel to permit Pioneer Irrigation District to divert its water into the Caldwell Highline Canal.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	21.715	

7. Total Quantity Appropriated is:
21.715 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
----------	-------	---------	------------	-----	-----	-------

11. Place of use in counties:

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used: 63-166A, 63-167A, 63-179, 63-224, 63-225, 63-295, 63-295, 63-371, 63-2275, 63-2276, 63-2294, 63-2529, 63-2891, 63-5199, 63-5200, 63-5219, 63-5237, 63-5255, 63-9109, 63-11622, 63-21731, 63-21739

14. Remarks:

FOR IRR. OF LANDS WITHIN THE BOUNDARIES OF THE PIONEER IRR. DIST. 34,047.16 ACRES.

PIONEER IRRIGATION DISTRICT PROVIDES WATER DELIVERY TO THE PRIVATELY OWNED LANDS WITHIN ITS SERVICE AREA.

PLACE OS USE SHOWN IN EXHIBITS A, A(1), A(2), A(3), B, AND C OF CLAIM NO. 63-00224.
| TRANS. 1038.

15. Basis of Claim: Decreed

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 63-00161BU

Date Received

Receipt Number

RECEIVED

MAR 03 2005

WATER RESOURCES
WESTERN REGION

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

Attorney: Scott L. Campbell
Moffatt, Thomas, Barrett,
Rock & Fields, Chartered
P. O. Box 829
Boise, Idaho 83706
(208) 345-2000

Please type or print clearly

1. Name of Claimant (s) Pioneer Irrigation District Phone (208) 459-3617

Mailing Address PO Box 426, Caldwell, Idaho Zip 83606

2. Date of Priority (Only one (1) per claim) May 1, 1866

3. Source of water supply (a) Boise River
which is tributary to (b) Snake River

4. a. Location of existing point of diversion is: Township Range Section ,
1/4 of 1/4 of 1/4, Govt. Lot, B.M., County of Ada

Additional points of diversion if any: Please see Attachment A

b. If Instream flow, beginning point of claimed instream flow is:

Township Range Section , 1/4 of 1/4 of 1/4,

Govt. Lot B.M., County of

ending point is: Township Range Section , 1/4 of 1/4 of

1/4, Govt. Lot B.M., County of

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.

Phyllis Canal diversion dam and headworks from the Boise River to the Phyllis Canal and lateral ditches.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For irrigation purposes from 3/15 to 11/15 amount 21.715 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 21.715 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	

Total number of acres irrigated 34,204.61

11. In which county (ies) are lands listed above as place of use located? Ada/Canyon

12. Do you own the property listed above as place of use? Yes _____ No x
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
Please see Attachment B or None (☐)

14. Remarks:

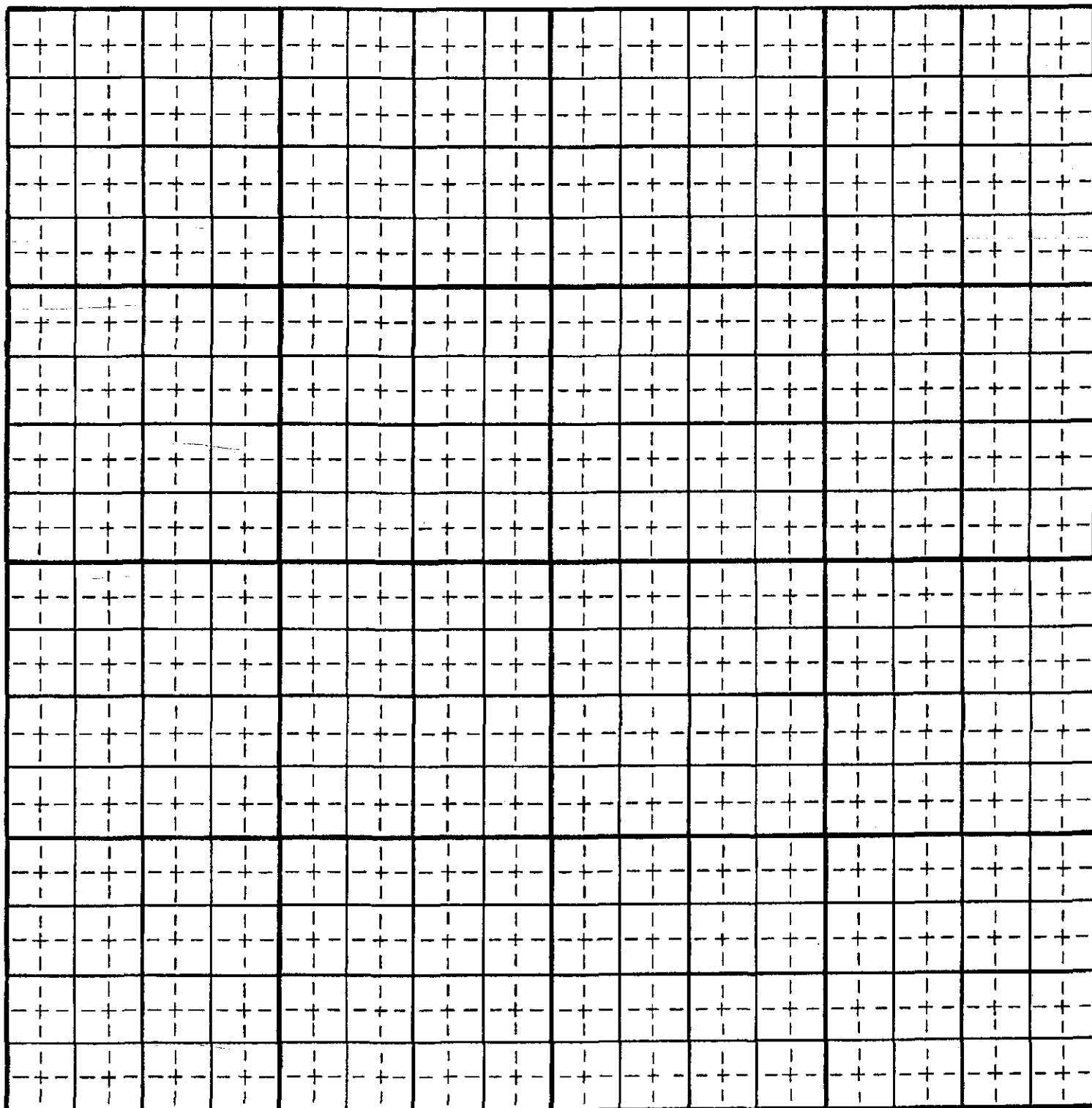
For irrigation of lands under canal system. Claimant is an irrigation district duly organized and existing under the laws of the State of Idaho. Claimant provides water delivery to privately owned lands within its service area.

Last Name Pioneer Irrigation District Ident No. 63-00161BU

BOI_MTI:562084.1

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile Please see attachments to initial claim filing for 63-00224.



15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____

Decree ☒

If applicable provide IDWR Water Right Number 63-00166BU

Court _____ Case Number _____ Decree Date 1/18/1906

Plaintiff vs Defendant Farmers Co-Op Ditch Company v. Riverside Irrigation District

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 2

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____

Date _____

Date _____

For Organizations: I do solemnly swear or affirm that I am President

Title _____

of Pioneer Irrigation District

, that I have signed the foregoing

Organization

document in the space below as President

of Pioneer Irrigation District

Title

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent

Donald E. Saye

Title and Organization President, Pioneer Irrigation District

Date 2/23/05

State of Idaho/or _____)

County of Canyon)

SS.

Subscribed and sworn to before me this

23rd

day of February, 2005

Notary Public

Dawn C. Fowler

Residing at

Boise, Id

My Commission Expires

7/16/2010

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, Scott L. Campbell will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature

Scott L. Campbell

Address Moffatt Thomas, PO Box 829, Boise, Idaho 83701

Date

3/01/05

Last Name Pioneer Irrigation District Ident. Number 63-00161BU

ATTACHMENT A

Points of Diversion:

Eagle Island Diversion:

SW 1/4, SE 1/4, NW 1/4, Section 23, Township 4N, Range 1E, Ada County, Idaho

This point of diversion is a concrete diversion structure with flashboards which regulates the flow of the south and north channels of the Boise River. It is located at the east end of Eagle Island and permits diversion of sufficient amounts of water down the south channel of the Boise River to permit Pioneer Irrigation District to divert its water into the Phyllis and Caldwell Highline Canals.

Phyllis Canal Diversion:

SW 1/4, SE 1/4, NW 1/4, Section 24, Township 4N, Range 1 W, Ada County, Idaho

This point of diversion is a concrete diversion structure with flashboards and one automatic radio gate which controls desired amounts of water from the Boise River. It is located east of Linder Road on the south channel of the Boise River and permits diversion of sufficient amounts of water down the south channel to permit Pioneer Irrigation District to divert its water into the Phyllis Canal.

Caldwell Highline Canal Diversion:

NE 1/4, NE 1/4, Section 24, Township 4N, Range 2W, Ada County, Idaho

This point of diversion is a concrete diversion structure with flashboards which regulates the flow of south channel of the Boise River. It is located west of Star Road on the south channel of the Boise River and permit diversion of sufficient amounts of water down the south channel to permit Pioneer Irrigation District to divert its water into the Caldwell Highline Canal.

ATTACHMENT B

13. Describe any other water rights used at the same place and for the same purposes as described above:

63-00161BU

63-00166A

63-00167A

63-00179

63-00224

63-00225

63-00294

63-00295

63-00371

63-02275

63-02276

63-02294

63-02529

63-02891

63-05199

63-05200

63-05219

63-05237

63-05255

63-09109

63-11622

63-21731

63-21739

RECEIVED

JUN 09 2000

WATER RESOURCES
WESTERN REGION

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: A63-00161BU

Date Received: 5/16/2000

Receipt No: C049167

Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: PIONEER IRRIGATION DISTRICT
Address: PO BOX 426
CALDWELL ID 83606
208-459-3617
2. Date of Priority: MAY 1, 1866
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
04N	01W	24		NE	NW		ADA
5. Description of diverting works:
PHYLLIS CANAL
6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	21.715		
7. Total Quantity Appropriated is:
21.715 C.F.S. (and/or) A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:
10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
----------	-------	---------	--------	-----	-----	-----	-------
11. Place of use in counties:
12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:

63-00371, 63-00224, 63-00225

14. Remarks:

FOR IRR. OF LANDS WITHIN THE BOUNDARIES OF THE PIONEER IRR. DIST.
34,047.16 ACRES.

PIONEER IRRIGATION DISTRICT PROVIDES WATER DELIVERY TO THE
PRIVATELY OWNED LANDS WITHIN ITS SERVICE AREA.

PLACE OS USE SHOWN IN EXHIBITS A, A(1), A(2), A(3), B, AND C OF
CLAIM NO. 63-00224.

|
TRANS. 1038.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

FARMERS CO-OP DITCH CO.

Decree Plaintiff

RIVERSIDE IRR. DIST.

vs Decree Defendant

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 467-0016131A
Date Received 5-16-00
Receipt Number 2049167

RECEIVED

MAY 16 2000

Department of Water Resources

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please send all notices
and correspondence to:

Scott L. Campbell
Elam & Burke
PO Box 1539
Boise ID 83701

Please type or print clearly

1. Name of Claimant (s) Pioneer Irrigation District Phone (208) 459-3617

Mailing Address PO Box 426, Caldwell, Idaho Zip 83606

2. Date of Priority (Only one (1) per claim) May 1, 1866

3. Source of water supply (a) Boise River
which is tributary to (b) Snake River

4. a. Location of existing point of diversion is: Township 4N. Range 1W. Section 24,
1/4 of NE 1/4 of NW 1/4, Govt. Lot, B.M., County of Ada

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

1/4; Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Phyllis Canal diversion dam and
headworks to Phyllis Canal and lateral ditches.

(acre feet)

For _____ purposes from _____ to _____ amount _____ or _____

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.)

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

[illegible]

Total number of acres irrigated 34,047.16

If your answer is No, describe in Remarks below the authority you have to claim this water right.

or None ()

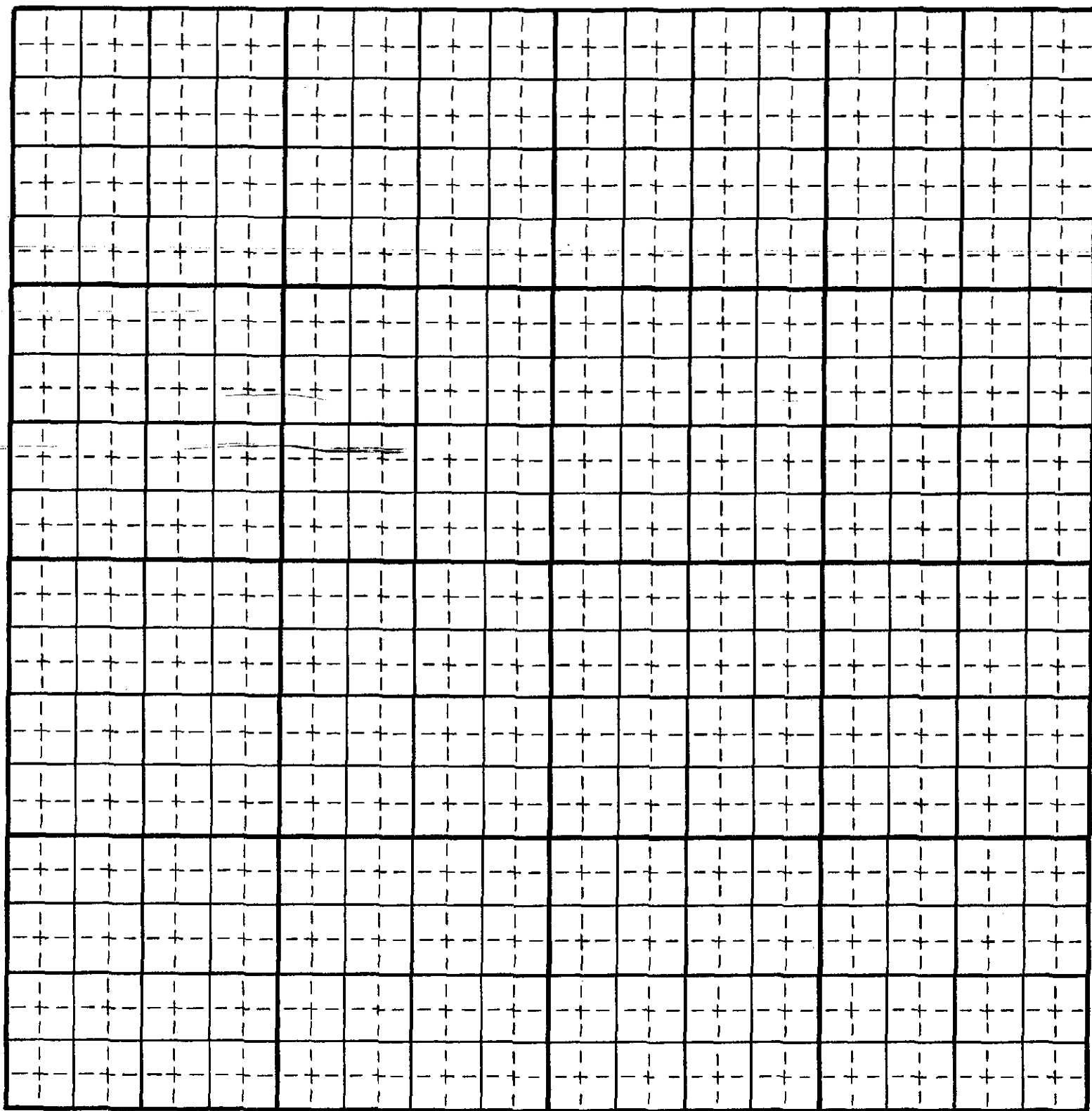
14. Remarks: Pioneer Irrigation District provides water delivery to the privately
owned lands within its service area.

Copies: White -State, Yellow-Claimant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

See Exhibits A, A(1), A(2), A(3), B, and C of Claim No. 63-00224.



Last Name Pioneer Irrigation District Ident No.

63-0016184

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree XX
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant Stewart Decree

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 XX
wish to receive and pay a small annual fee for monthly copies of the docket sheet.
Number of attachments -0-

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true
and correct.

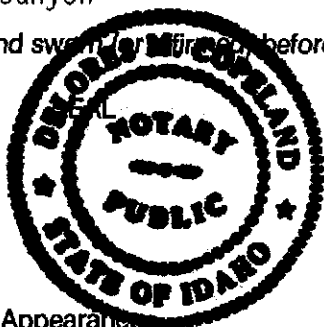
Signature of Claimant (s) _____ Date _____
_____ Date _____

For Organizations: I do solemnly swear or affirm that I am President _____
of Pioneer Irrigation District _____, that I have signed the foregoing
document in the space below as President _____ of Pioneer Irrigation District _____
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent John M. Owen
Title and Organization President, Pioneer Irrigation District Date 5-9-00

State of Idaho/or _____)
County of Canyon) SS.

Subscribed and sworn to before me this _____



9 day of May 2000
Notary Public Delores M. Copeland
Residing at Caldwell, Id.
My Commission Expires 10-21-2004

Please Print Name

17. Notice of Appearance
Notice is hereby given that I, Scott L. Campbell will be acting as attorney at law on behalf
of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above
should be mailed to me at the address listed below.

Signature Scott L. Campbell

Address Elam & Burke, PO Box 1539, Boise, ID 83701

Date 5/9/2000

Last Name Pioneer Irrigation District Number A63-00/4/BU

Copies White-State, Yellow-Claimant

RECEIVED

AUG 22 2001

DEPARTMENT OF

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 63-161BU

(Insert water right number
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: E. Gail McGarry
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 ID 83706 -1234
Daytime Phone: (208) 378-5306

Name & Address of Attorney, if any:

David W. Gehlert (303) 844-1386 Trial Attorney,
Natural Resources Section
Environment and Natural Resource Division
U.S. Department of Justice
1961 Stout Street – 8th Floor
Denver CO 80294

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

Name: Pioneer Irrigation District
Address: P. O. Box 426
Caldwell, ID 83606

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. X Purpose(s) of Use
8. X Period of Year
9. ☐ Place of Use
10. 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)
County of Ada) ss.

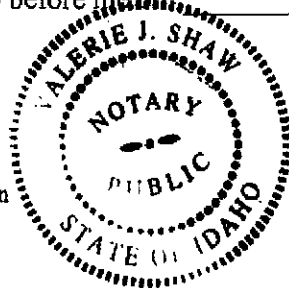
Celestino Tajova, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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

Celestino P. Tajova
(Signature of person filing response)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: AUG 20 2007



Valerie J. Shaw
Notary Public for: Idaho
Residing at: Meridian
My Commission Expires: 6.02.2012

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.

F. CERTIFICATE OF MAILING

I certify that on Aug. 20, 2007, I mailed the original and copies of this response, including all attachments, to the following persons:

1. Original to:

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

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

Name: Pioneer Irrigation District
Address: P. O. Box 426
Caldwell, ID 83606

3. One copy to the party who filed the objection at the following address:

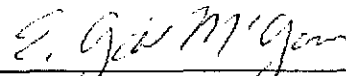
Name: Scott L. Campbell
Address: Moffatt Thomas
P. O. Box 829, Boise, ID 83701
Attorney for Pioneer Irrigation District

4. 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 & Natural Resource Division
550 West Fort Street, MSC 033
Boise ID 83724



Your signature or signature of attorney
mailing on your behalf

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 63-00161BU

(Insert water right number)

**STANDARD FORM 1
OBJECTION**

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Pioneer Irrigation District

Address: PO Box 426

Caldwell Idaho 83606

Daytime Phone: (208) 459-3617

Name & Address of Attorney, if any:

Scott L. Campbell

Moffatt Thomas Barrett Rock & Fields

PO Box 829, Boise, Idaho 83701

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

Name: Pioneer Irrigation District

Address: PO Box 426

Caldwell Idaho 83606

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

1. ☒ **Name and Address** Zip code should be 83606
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☐ **Quantity**
Should be: _____
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point(s) of Diversion**
Should be: _____
6. ☐ **Instream Flow Description**
Should be: _____
7. ☒ **Purpose(s) of Use** Please see Attachment 1 hereto.
Should be: _____
8. ☒ **Period of Year** Please see Attachment 1 hereto.
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 above.

E. REASONS SUPPORTING OBJECTION(S):

Please see Attachment 2 hereto.

F

VERIFICATION (Must be Completed)

State of Idaho)
County of Ada) ss.

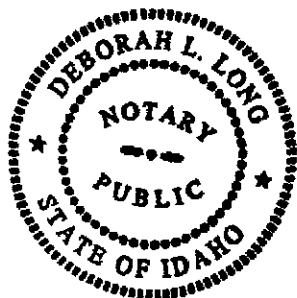
Scott L. Campbell, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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)

Scott L. Campbell
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: 6/19/07



Deborah Long
Notary Public for Idaho

Residing at: Boise

My Commission Expires: 10/10/07

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.

C.

CERTIFICATE OF MAILING

I certify that on June 19, 2007, 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:

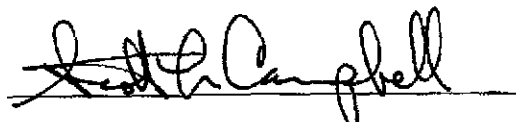
Name: Pioneer Irrigation District
Address: PO Box 426
Caldwell, Idaho 83606

3. 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


mailing on Objector's behalf

**ATTACHMENT 1 TO
STANDARD FORM 1 – OBJECTION
SUBCASE 63-00161BU**

Pioneer Irrigation District is objecting to inclusion of the following underlined language set forth in the remark under the Purpose and Period of Use element, as reflected on the Director's Report:

Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being release for flood control by the Untied States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoir dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Luck Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.

**ATTACHMENT 2 TO
STANDARD FORM 1 – OBJECTION
SUBCASE 63-00161BU**

Reasons Supporting Objection(s)

Name and Address:

The Director's Report incorrectly identifies the zip code as 83605. The correct zip code is 83606.

Purpose of Use and Period of Year:

The remark, as drafted, may allow for the unilateral modification to the Memorandum of Agreement of 1953 and the Water Control Manual of 1985 based upon the passage of future state and federal laws and procedures that may threaten to undermine or abrogate the very purposes (irrigation and flood control) for which these facilities were developed, paid by, and operated for the benefit of the various irrigation entities.

12/13/2006

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

RIGHT NUMBER: 63-161BU
NAME AND ADDRESS: PIONEER IRRIGATION DISTRICT
PO BOX 426
CALDWELL ID 83605
SOURCE: BOISE RIVER TRIBUTARY: SNAKE RIVER
QUANTITY: 21.715 CFS
PRIORITY DATE: 05/01/1866
POINT OF DIVERSION:

T04N R01E S23 SENW Within ADA County
T04N R01W S24 SENW Within ADA County
T04N R02W S24 NENE Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	21.715 CFS

Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoirs dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.

PLACE OF USE:

34204.61 ACRES TOTAL

This right can be used to irrigate up to 34,204.61 acres within the boundary of the Pioneer Irrigation District.

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.

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

This right is designated as No. 30 in the Stewart Decree and the Boise Water Distribution Report.

RECEIVED

12/05/2006

NOTICE OF ERROR

REPLY

DEC 06 2006
DEPARTMENT OF
WATER RESOURCES

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: December 8, 2006.

Water right number: 63-161BU

PIONEER IRRIGATION DISTRICT
PO BOX 426
CALDWELL ID 83606
Telephone Number: (208) 459-3617

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

Point of Diversion; Purpose and Period of Use; Place of Use

- Describe the changes you wish to make in the proposed recommendation:

Point of Diversion: The points of diversion should be identified as follows:

TWP	RNG	SEC	1/4 of	1/4	Lot	County
4N	1E	23	SE	NW		Ada
4N	1W	24	SE	NW		Ada
4N	2W	24	NE	NE		Canyon

Purpose and Period of Use: Modify the following remark by deleting the language that is stricken out:
"Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoirs dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576."

Place of Use: Increase the number of irrigated acres to 34,204.61.

SCANNED
DEC 11 2006

BOI_MITZ:825150.1

Place of Use: Remove the following remark: "This right can be used to irrigate up to 24, 556 acres within the boundary of the Pioneer Irrigation District."

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

Point of Diversion: The Points of Diversion are incorrect in the Preliminary Recommendation.

Purpose and Period of Use: This water right is a right which was decreed in the name of the Pioneer Irrigation District by virtue of the "Stewart Decree," dated 1/18/1906 in the case of Farmers Co-Op Ditch Co. v. Riverside Irrigation District, et al. This remark was not contained in the Stewart Decree.

Place of Use: This water right is used within the service boundaries of the Pioneer Irrigation District, which total an amount of 34,204.61 irrigated acres, and should not be limited to the irrigation of 24,556 acres.

Place of Use: This water right is a right which was decreed in the name of the Pioneer Irrigation District by virtue of the "Stewart Decree," dated 1/18/1906 in the case of Farmers Co-Op Ditch Co. v. Riverside Irrigation District, et al. This remark was not contained in the Stewart Decree.

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

DATE: 12/8/6

SIGNATURE:



Please print your name:

Scott L. Campbell
Moffatt, Thomas, Barrett, Rock & Fields, Chartered
PO Box 8729
Boise, Idaho 83701

Counsel of record for Pioneer Irrigation District

IDWR Regional Office, 2735 Airport Way, Boise, ID 83705, 208-334-2190

acreage changed 12-13-06
Basin 63
Pioneer Irrigation District
alew

44	63	161	BU	Decreed	Active	1866-05-01	21.72		BOISE RIVER	IRRIGATION	PIONEER IRRIGATION DI	wrAdjudicationRecommendation
44	63	166	A	Disallowed	Disallowed	1866-07-03	15.4		BOISE RIVER	IRRIGATION	PIONEER IRRIGATION DI	wrAdjudicationRecommendation
44	63	167	A	Disallowed	Disallowed	1880-10-29	27.6		BOISE RIVER	IRRIGATION	PIONEER IRRIGATION DI	wrAdjudicationRecommendation
44	63	179	A	Disallowed	Disallowed	1869-06-01	37.2		BOISE RIVER	IRRIGATION	PIONEER IRRIGATION DI	wrAdjudicationRecommendation
44	63	224		Decreed	Active	1890-09-01	200		BOISE RIVER	IRRIGATION	PIONEER IRRIGATION DI	wrAdjudicationRecommendation
44	63	225		Decreed	Active	4/1/1904	56.34		BOISE RIVER	IRRIGATION	PIONEER IRRIGATION DI	wrAdjudicationRecommendation
44	63	294		Decreed	Active	4/1/1905	306.56		BOISE RIVER	IRRIGATION	PIONEER IRRIGATION DI	wrAdjudicationRecommendation
44	63	295		Decreed	Active	4/1/1908	54.5		BOISE RIVER	IRRIGATION	PIONEER IRRIGATION DI	wrAdjudicationRecommendation
44	63	371		Decreed	Active	1884-06-01	53.1		BOISE RIVER	IRRIGATION	PIONEER IRRIGATION DI	wrAdjudicationRecommendation
44	63	2114		License	Active	10/15/1909	8.64		INDIAN CREEK	IRRIGATION	PIONEER IRRIGATION DI	wrAdjudicationRecommendation
44	63	2275		License	Active	9/8/1915	60		WILSON DRAIN	IRRIGATION	PIONEER IRRIGATION DI	wrAdjudicationRecommendation
44	63	2276		License	Active	9/8/1915	43		MASON CREEK	IRRIGATION	PIONEER IRRIGATION DI	wrAdjudicationRecommendation
44	63	2294		License	Active	4/3/1916	50		FIVEMILE CREEK	IRRIGATION	PIONEER IRRIGATION DI	wrAdjudicationRecommendation
44	63	2529		License	Active	12/21/1936	87.1		GROUND WATER	IRRIGATION	PIONEER IRRIGATION DI	wrAdjudicationRecommendation
44	63	2891		License	Active	1/23/1952	10		WILSON DRAIN	IRRIGATION	PIONEER IRRIGATION DI	wrAdjudicationRecommendation
44	63	3614	A	License	Disallowed	12/9/1940			BOISE RIVER	IRRIGATION, IRR	PIONEER IRRIGATION DI	wrAdjudicationRecommendation
44	63	3618	A	License	Disallowed	1/1/1955		16000	BOISE RIVER	IRRIGATION, IRR	PIONEER IRRIGATION DI	wrAdjudicationRecommendation
44	63	5199		Beneficial	Active	10/15/1950	3.8		GROUND WATER	IRRIGATION	PIONEER IRRIGATION DI	wrAdjudicationRecommendation
44	63	5200		Beneficial	Active	6/18/1958	7.56	4031.5	GROUND WATER	IRRIGATION	PIONEER IRRIGATION DI	wrAdjudicationRecommendation
44	63	5219		Beneficial	Active	8/1/1961	18		INDIAN CREEK	IRRIGATION	PIONEER IRRIGATION DI	wrAdjudicationRecommendation
44	63	5237		Beneficial	Active	8/15/1929	16		INDIAN CREEK	IRRIGATION	PIONEER IRRIGATION DI	wrAdjudicationRecommendation
44	63	5255		Beneficial	Active	5/24/1920	2.17		INDIAN CREEK	IRRIGATION	PIONEER IRRIGATION DI	wrAdjudicationRecommendation
44	63	5262	A	Beneficial	Disallowed	1/13/1911		21018	BOISE RIVER	IRRIGATION, IRR	PIONEER IRRIGATION DI	wrAdjudicationRecommendation
44	63	9109		License	Active	1/25/1978	5.04	2539.8	GROUND WATER	IRRIGATION	PIONEER IRRIGATION DI	wrAdjudicationRecommendation
44	63	10169		License	Closed	8/1/1983	0.04	2.4	GROUND WATER	DOMESTIC	PIONEER IRRIGATION DI	wrAdjudicationRecommendation
44	63	21706		Beneficial	Active	4/1/1961	1		BOISE RIVER	IRRIGATION	PIONEER IRRIGATION DI	wrAdjudicationRecommendation
44	63	21713		Beneficial	Active	4/1/1913	4.4		PIPE GULCH DR	IRRIGATION	PIONEER IRRIGATION DI	wrAdjudicationRecommendation
44	63	21714		Beneficial	Active	10/3/1963	0.04		GROUND WATER	DOMESTIC	PIONEER IRRIGATION DI	wrAdjudicationRecommendation
44	63	21716		Beneficial	Closed	3/7/1939	0.04		GROUND WATER	DOMESTIC	PIONEER IRRIGATION DI	wrAdjudicationRecommendation
44	63	21731		Beneficial	Active	6/1/1918	100		FIVEMILE CREEK	IRRIGATION	PIONEER IRRIGATION DI	wrAdjudicationRecommendation
44	63	21739		Beneficial	Active	5/1/1957	10		ELIJAH DRAIN	IRRIGATION	PIONEER IRRIGATION DI	wrAdjudicationRecommendation
44	63	32493		Disallowed	Disallowed	6/1/1944	0.54		GROUND WATER	IRRIGATION	PIONEER IRRIGATION DI	wrAdjudicationRecommendation
44	63	32496		License	Active	2/11/1977	0.44	117	GROUND WATER	IRRIGATION	PIONEER IRRIGATION DI	wrAdjudicationRecommendation
44	63	32513		Beneficial	Disallowed	1/23/1953	3		WILSON SLOUGH	IRRIGATION	PIONEER IRRIGATION DI	wrAdjudicationRecommendation
44	63	32514		Beneficial	Active	4/3/1917	35		FIVE MILE CREEK	IRRIGATION	PIONEER IRRIGATION DI	wrAdjudicationRecommendation
44	63	32515		Beneficial	Active	5/1/1935	53		MASON CREEK	IRRIGATION	PIONEER IRRIGATION DI	wrAdjudicationRecommendation



Pioneer Irrigation District

SRBA Recommendations: 63-161BU, 63-224, 63-225, 63-294, 63-295, 63-371, 63-2114, 63-2275, 63-2276, 63-2294, 63-2529, 63-2891, 63-5199, 63-5200, 63-5219, 63-5237, 63-5255, 63-9109, 63-21706, 63-21713, 63-21731, 63-21739, 63-32514, 63-32515

Service Area Boundary
GIS Place of Use Illustration

Legend

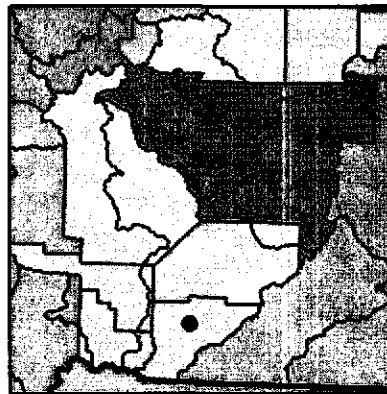
Service Area



Townships



PLS Sections



Canyon County
IDWR Basin 63

Prepared by A. Warrtjes
On Wednesday, November 22, 2006
1987/88 Aerial Photography





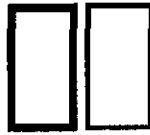
Pioneer Irrigation District

SRBA Recommendations: 63-161BU, 63-224, 63-225, 63-294, 63-295, 63-371, 63-2114, 63-2275, 63-2276, 63-2294, 63-2529, 63-2891, 63-5199, 63-5200, 63-5219, 63-5237, 63-5255, 63-9109, 63-21706, 63-21713, 63-21731, 63-21739, 63-32514, 63-32515

Service Area Boundary
GIS Place of Use Illustration

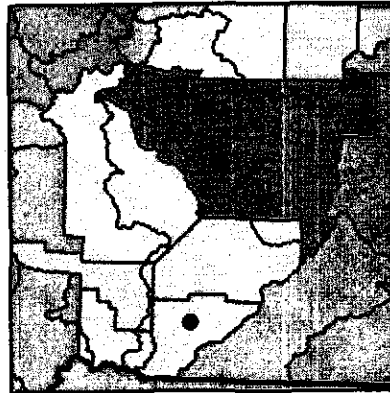
Legend

Service Area



Townships

PLS Sections



Canyon County
IDWR Basin 63

Prepared by A. Warntjes
On Wednesday, November 22, 2006
1987/88 Aerial Photography



Basin 63
Pioneer Irrigation District Selection File

Basin	Sequence	Suffix
63	161	BU
63	166	A
63	167	A
63	179	A
63	224	
63	225	
63	294	
63	295	
63	371	
63	2114	
63	2275	
63	2276	
63	2294	
63	2529	
63	2891	
63	5199	
63	5200	
63	5219	
63	5237	
63	5255	
63	9109	
63	21706	
63	21713	
63	21714	
63	21731	
63	21739	
63	32513	
63	32514	
63	32515	

11/22/2006

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

RIGHT NUMBER: 63-161BU

NAME AND ADDRESS: PIONEER IRRIGATION DISTRICT
PO BOX 426
CALDWELL ID 83605

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 21.715 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: 05/01/1866

POINT OF DIVERSION:

T04N R01E S23 SENW Within ADA County

T04N R01W S24 SENW Within ADA County

T04N R02W S24 NENE Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	21.715 CFS
Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoirs dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.		

PLACE OF USE: 24556 ACRES TOTAL

11/22/2006

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

This right can be used to irrigate up to 24,556 acres within the boundary of the Pioneer Irrigation District.

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.

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

This right is designated as No. 30 in the Stewart Decree and the Boise Water Distribution Report.

09/05/2006

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

RIGHT NUMBER: 63-161BU
NAME AND ADDRESS: PIONEER IRRIGATION DISTRICT
PO BOX 426
CALDWELL ID 83605
SOURCE: BOISE RIVER TRIBUTARY: SNAKE RIVER
QUANTITY: 21.715 CFS

For irr. of lands within the boundaries of the Pioneer Irr. Dist. Div.
Rate=21.715 cfs.
Trans. 1038.

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: 05/01/1866

POINT OF DIVERSION:

T04N R01E S23 SWSNW Within ADA County
T04N R01W S24 SWSNW Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	21.715 CFS

Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoirs dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.

PLACE OF USE:

24556 ACRES TOTAL

09/05/2006

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

This right can be used to irrigate up to 24,556 acres within the boundary of the Pioneer Irrigation District.

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.

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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

This right is designated as No. 30 in the Stewart Decree and the Boise Water Distribution Report.

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

XXVIII.

That the defendants JOSEPH PENNAULT and RICHARD Z. JOHNSON be, and they are hereby awarded the use of the waters of Boise River, diverted from a point on the north bank of said river about four miles above Boise City, through what is known as the Walling, or Boise Valley Water Ditch, for use upon the town lots and lands lying under said ditch for irrigating and domestic purposes, in the following amount and from the following date;

63 0161 2500 inches, from May 1, 1866; and hereby designated as Right No 30.

T 654 873 990
694 890 991
701 906 1010
702 917 1011
712 918 1012
713 940 1012
720 976 1017
737 977 1038
739 979 1038
753 980 1038
764 989 1038
823 989 1038
849

And that said defendants be awarded, for power purposes only, the use of said waters in the following amount from the following date, and it is hereby ordered that the quantity of water so awarded for power purposes shall be used for such purposes only, and after such use shall be returned to Boise River;

63 0162 10000 inches, from July 1, 1877; and hereby designated as Right No 66 And be adjudged to pay \$875.00 costs in addition to the costs incurred by them.

~~XXXX~~. XXIX.

That the defendant WILLIAM P. KENNEDY be, and he is hereby awarded the use of the waters of Boise River, diverted from said river at a point in the SW 1/4 of Sec. 17, T. 4 N. R. 1 W. B.M., for use upon the E. 1/2 of NE 1/4 and lot 1 of Sec. 13, and SE 1/4 of SE 1/4 of Sec. 13, T. 4 N. R. 2 W. B.M., in the following amount and from the following date;

63 0163 230 inches, from June 1, 1866; and hereby designated as Right No 31 And be adjudged to pay \$9.10 costs in addition to the costs incurred by him.

~~XXXX~~. XXX.

That the defendants FRANK L. LEONARD, EDNA E. LEONARD, J. S. D. MANVILLE and ESTATE OF ALBERT SHERWIN, be and they are hereby awarded the use of the waters of Boise River, diverted from a point on the south side of said river in Sec. 15, T. 3 N. R. 2 E. B.M., at a point a short distance east of the NW corner of said section; also at a point on Sec. 9, a short distance west of said section corner, and also a short distance below on said Section 9, all in T. 3 N. R. 2 E. B.M., for use upon an irregular shaped tract of land in Lot G, and W. 1/2 of SE 1/4 of Sec. 9, T. 3 N. R. 2 E. B.M., and an irregular tract in the N. 1/2 and the SE 1/4 of Sec. 9, T. 3 N. R. 1 E. B.M., in the following amount and from the following date;

63 0164 176 inches, from June 1, 1866 and hereby designated as Right No 39.

T-1879 1306 1855

And be adjudged to pay \$12.25 costs in addition to the costs incurred by them.

Boise
Idaho Falls
Pocatello
Twin Falls

Moffatt Thomas

MOFFATT THOMAS BARRETT ROCK & FIELDS, CHTD.

Eugene C. Thomas
John W. Barrett
R. B. Rock
Richard C. Fields
Robert E. Bakes
John S. Simko
John C. Ward
D. James Manning
Gary T. Dance
Larry C. Hunter
Randall A. Peterman
Mark S. Prusynski
Stephen R. Thomas
Glenna M. Christensen
Gerald T. Husch
Scott L. Campbell

Robert B. Burns
James C. Dale
Michael E. Thomas
Patricia M. Olsson
James C. deGlee
Bradley J. Williams
Lee Radford
Michael O. Roe
David S. Jensen
James L. Martin
C. Clayton Gill
David P. Gardner
John O. Fitzgerald, II
Julian E. Gabiola
Angela Schaefer Kaufmann
Michael W. McGraham

Kimberly D. Evans Ross
Jon A. Stenquist
Eric M. Barzee
Valerie N. Charles
Bradley J. Dixon
Jason G. Murray
Mark C. Peterson
Andrew J. Waldera
Tyler J. Anderson
Russell G. Metcalf

Morgan W. Richards, *of counsel*

Willis C. Moffatt, 1907-1980
Kirk R. Helvie, 1956-2003

March 2, 2005

US Bank Plaza Building
101 S Capitol Blvd 10th Fl
PO Box 829
Boise Idaho 83701 0829

208 345 2000
800 422 2889
208 385 5384 Fax
www.moffatt.com

RECEIVED

MAR 03 2005

WATER RESOURCES
WESTERN REGION

Idaho Department of Water Resources
Western Region Office
2735 Airport Way
Boise, Idaho 83705

Re: Pioneer Irrigation District - Amended Adjudication Claims
MTBR&F File No. 18946.6

Dear Sir or Madam:

Enclosed for filing please find amended notices of claim for the following water rights, which we are submitting on behalf of the Pioneer Irrigation District: 63-00161BU, 63-00166A, 63-00167A, 63-00179, 63-00224, 63-00225, 63-00294, 63-00295, 63-00371, 63-02275, 63-02276, 63-02294, 63-02529, 63-02891, 63-05199, 63-05200, 63-05219, 63-05237, 63-05255, 63-09109, 63-21731, and 63-21739. Also enclosed is a copy of each amended claim. Please receive stamp the copies and return them in the enclosed self-addressed, stamped envelope. ✓ DB

Thank you for your attention to this matter. If you have any questions, please do not hesitate to contact me.

Sincerely,



Tiffany M. Hudak
Paralegal

/tmh

Enclosures

cc: Pioneer Irrigation District (w/o encls.)

ELAM & BURKE
A Professional Association
ATTORNEYS AND COUNSELORS AT LAW
KEY FINANCIAL CENTER
702 WEST IDAHO
POST OFFICE BOX 1539
BOISE, IDAHO 83701

TELEPHONE
208-343-5454
FACSIMILE

SCOTT L. CAMPBELL

208-384-5844

May 15, 2000

RECEIVED

MAY 16 2000

Department of Water Resources

Karl E. Dreher, P.E.
Director
Idaho Department of Water Resources
1301 North Orchard Street
Boise, ID 83706-2237

Re: Pioneer Irrigation District - Filing of Notice of Claim to a Water Right

Dear Mr. Dreher:

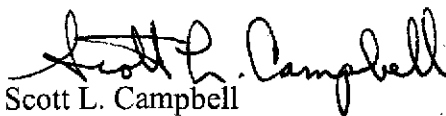
Enclosed please find the original and one copy of a Notice of Claim to a Water Right which our office prepared on behalf of the Pioneer Irrigation District. I have also enclosed an additional copy of the Claim for to be date-stamped and returned in the enclosed self-addressed, stamped envelope.

I have also enclosed the applicable filing fee of \$50.00 and the late filing fee of \$50.00, for a total of \$100.00.

If you have any questions, please do not hesitate to contact me. Thank you for your assistance in this matter.

Very truly yours,

ELAM & BURKE
A Professional Association


Scott L. Campbell

SLC:thm G:\Dap\WPDATA\1002\27\00006-dreher.wpd
encl.
cc: client (w/encl.)



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

April 19, 2000

Bryan Donaldson
JUB Engineers Inc.
212 10th Ave. South
Nampa, Idaho 83651

Re: Caldwell Irrigation Lateral District / Pioneer Irrigation District – Points of Diversion

Dear Bryan:

In December 1999, you wrote me a letter describing a proposed change in the delivery of water to the Caldwell Irrigation Lateral District (the Lateral District). The Lateral District receives its water from Pioneer Irrigation District (Pioneer). Water right filings with the Idaho Department of Water Resources (IDWR) by Pioneer describe several sources of water, although most of its water is diverted from the Boise River. The Lateral District is experiencing difficulties with deliveries of its water through the traditional delivery systems. Your letter proposes that Pioneer discharge some of the Lateral District's water into Wilson Drain. The water would flow downstream into Indian Creek, a natural stream channel. The Lateral District proposes to pump the Pioneer water from Indian Creek at two new points of diversion on Indian Creek. I understood your letter to be asking what IDWR may require before Pioneer water could be discharged into Wilson Drain and subsequently rediverted from Indian Creek.

I responded by letter in January 2000, suggesting that "Pioneer Irrigation District/Caldwell Irrigation Lateral District file the appropriate application for transfer to add a point of diversion to water rights of Pioneer Irrigation District." We subsequently discussed the filing of an application for transfer in this office.

Following our conversation, I read the language of Idaho Code § 42-105, which addresses the commingling of diverted water in a natural stream and the rediversion of the water from the natural stream at a downstream location. The statute reads as follows:

The water that a person is entitled to divert by reason of a valid water right may be turned into the channel of a natural waterway and mingled with its water, and then reclaimed, but in reclaiming the water so mingled, the amount of water to which prior appropriators may be entitled shall not be diminished, and due allowance shall be made for loss by evaporation and seepage. The use of natural waterways to commingle and reclaim water shall be subject at all times to the supervision and control of the director of the department of water resources and shall be subject to the regulation of the watermaster within an established water

63-00161 PL2 FILE
(BU) FYI

Bryan Donaldson
April 19, 2000
Page 2

district. The amounts of water turned into or diverted from all natural waterways are subject to the requirement of measurement and reporting.

The language recognizes the ability of a water user to commingle water with waters of a natural stream channel but does not describe a process for addressing issues of injury, evaporation, seepage, water measurement, reporting, and watermaster control. IDWR interprets the statute to mean that a wateruser may commingle and reclaim the water from a natural stream without filing an application for transfer with IDWR. As a result, **Caldwell Irrigation Lateral District/Pioneer Irrigation District may commingle Pioneer water with Wilson Drain and Indian Creek water and subsequently reclaim the Pioneer water from Indian Creek without adding a point of diversion to any existing water rights through the transfer process.** The Lateral District may be required to diminish its rediversions in the future for evaporation, seepage, or other losses, and may be required to measure and report diversions, particularly if a watermaster regulates the diversions from Indian Creek in the future.

Because the proposed points of diversion will not be authorized by a water right, the Lateral District will be required to obtain stream channel alteration permits for any construction or maintenance below the ordinary high water mark at the location of the discharge to Wilson Drain and the two locations of recapture from Indian Creek. If you have further questions, I'd be happy to discuss them with you.

Respectfully,



Gary Spackman

cc. Norm Young
Phil Rassier
Glen Saxton
Ron Carlson
Allan Merritt
Shelley Keen
Scott Campbell