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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: 63-32579
Date Received:
Receipt No:
Received By:

DEC 12 2006

RECEIVED
TWIN FALLS

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

d.e.
ps 12-12-06

1. Name: UNITED STATES OF AMERICA, ACTING THROUGH
Address: REGIONAL DIRECTOR, P.N. REGION CODE 3100
BUREAU OF RECLAMATION
1150 NORTH CURTIS ROAD SUITE 100
BOISE, ID 83706-1234 208-378-5306

2. Date of Priority: FEB 28, 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 03 NW SW ADA

5. Description of diverting works:
BOISE DIVERSION DAM, NEW YORK CANAL TO HUBBARD DAM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION STORAGE	01/01	12/31			4060.0
IRRIGATION FROM STORAGE	03/15	11/15			4060.0
GROUND WATER RECHARGE	01/01	12/31	100.00		

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

TOTAL RESERVOIR CAPACITY IS 4060.0 ACRE FEET WHEN FILLED TO ELEVATION
2776 AND MEASURED AT THE UPSTREAM FACE OF THE DAM.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
GROUND WATER RECHARGE

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10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
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THE PLACE OF USE IS WITHIN ADA, CANYON, GEM COUNTIES, IDAHO AND MALHEUR COUNTY, OREGON (BIG BEND IRRIGATION DISTRICT).

11. Place of use in counties: ADA, CANYON, GEM COUNTIES, IDAHO AND MALHEUR COUNTY, OREGON (BIG BEND IRRIGATION DISTRICT).

12. Do you own the property listed above as place of use? The United States holds a flowage easement for the place of storage.

13. Other Water Rights Used: 63-251, 63-301, 63-302, 63-303, 63-373, 63-2106, 63-2109, 63-2212, 63-2322, 63-2388, 63-3613, 63-3614, 63-3618, 63-4868

14. Remarks: FILLING THE RESERVOIR TO ELEVATION 2771 WITH A QUANTITY OF 2053 ACRE FEET AS A ROUTINE IRRIGATION PRACTICE HAS BEEN UPHELD BY THE IDAHO SUPREME COURT. SEE E.G., MCKAY V. BOISE PROJECT BOARD OF CONTROL, 141 IDAHO 463 (2005). EMERGENCY OPERATION MAY REQUIRE FILLING TO ELEVATION 2776. ID.

15. Basis of Claim: BENEFICIAL USE

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

For Organizations: I do solemnly swear or affirm that I am Snake River Area Office Manager
Title
of The Bureau of Reclamation, that I have signed the foregoing
Organization
document in the space below as Manager of Snake River Area Office, Bureau of Reclamation
Title Organization

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

Signature of Authorized Agent [Signature]

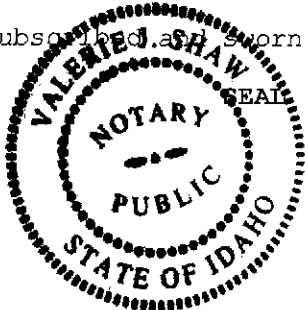
Title and Organization Manager, Snake River Area Office, Bureau of Reclamation

Date 12/8/2006

State of Idaho)

County of Ada)

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



Notary Public Valerie J Shaw

Residing at Meridian

My Commission Expires 6.2.2012

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, 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 blow.

Signature _____

Address _____

Last Name _____ Ident. Number _____

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JUL 02 2007

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

Case 39576

A. Subcase 63-32579
(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Ray Obendorf

Address: 24034 Batt Corner Road
Parma, Idaho 83660

Daytime Phone: (208) 482-7397

Name & Address of Attorney, if any:

Dana L. Hofstetter

Hofstetter Law Office, LLC

608 West Franklin Street

Boise, Idaho 83702

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

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

Bureau of Reclamation PN-3100

Address: 1150 N Curtis Road, Suite 100
Boise, ID 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: Consistent with *United States of America v. Pioneer Irrigation Dist.*, Idaho Supreme Court Case No. 31790 (March 9, 2007)
2. ☐ **Source**
Should be: _____
3. ☐ **Quantity**
Should be: _____
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point of Diversion**
Should be: _____
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☐ **Place of Use**
Should be: _____
10. **I object because:**
 - ☐ This water right should not exist.
 - ☐ This water right was not recommended, but should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTION(S):** *United States of America v. Pioneer Irrigation Dist.*, Idaho Supreme Court Case No. 31790 (March 9, 2007) applies.

F.

VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

Dana L. Hofstetter, 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

Dana Hofstetter
Attorney signing in representative capacity

Subscribed and sworn to before me on: 29 June 2007

Notary Public for the State of Idaho

Residing at: Kuna, ID

My Commission expires: 3-5-13



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 June 29, 2007, I filed the original with the SRBA Court and mailed copies of this Objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court (*via U.S. Mail*)
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: United States of America Acting Through Regional Director
Bureau of Reclamation PN-3100
Address: 1150 N Curtis Road, Suite 100
Boise, ID 83706-1234

3. Copies to:

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

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

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


Signature of Objector or attorney
mailing on Objector's behalf

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-32579 V1

WATER RIGHT NUMBER: 63-32579 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 PN-3100 1150 N CURTIS RD STE 100 BOISE, ID 83706-1234 (208)378-5306

Priority Date: 02/15/1929
Basis: Beneficial Use
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>
IRRIGATION STORAGE	01/01	12/31		4,060.00 AF
IRRIGATION FROM STORAGE	03/01	11/15		4,060.00 AF

Total Diversion: 100.000 CFS

*needs to be deleted.
ORT recommendation.*

Location of Point(s) of Diversion

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

Place of Use

Conditions of Approval:

1. 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.
2. 127 Place of use in counties: Ada, Canyon, Gem Counties, Idaho and Malheur County, Oregon.

Remarks:

Comments:

1. dtuthill 12/14/2006 Priority Date
Comment: Priority date is that day after the Bryan Decree.

DAM SUMMARY INVENTORY SHEET

HUBBARD

63 - 2004

Printed: Mar 18, 2005

Updated: Mar 18, 2005

STATUS	A	OUTLET GATE CONDITION	GD
Basin	63	LAST OUTLET EXAM	
DAM NUMBER	2004	OUTLET INSP INTERVAL	
FEDERAL ID NUMBER	ID00376	DEFICIENCY:	
DAM NAME	HUBBARD	IDF	PMF
COUNTY	ADA	IDF MAGNITUDE	16200 Cfs
STREAM	BOISE RIVER (OS)	RELEASE CAPACITY	193 Cfs
REGION	W	OVERALL COND	GD
PURPOSE	I	MAINTENANCE	ROUTINE
RISK CATEGORY	1	INSPECTION DATE	5/3/2004 Mo/Yr
SIZE CATEGORY	1	CERT ISSUE DATE	9/9/2004 Mo/dd/yr
Q Q SECTION	SENE	STORAGE AUTH DATE	09/09/2004 Mo/dd/yr
SECTION	17	STORAGE EXP DATE	01/01/9999 Mo/dd/yr
TOWNSHIP	02N	SURVEY DATE	Mo/dd/yr
RANGE	01E	CALL UP DATE	4/1/2007 Mo/dd/yr
LATITUDE DEC	43.512	INSP INTERVAL	2 Yr
LONGITUDE DEC	116.3585	PHASE 1 INSP DATE	
DAM TYPE	EARTH	OPERATION PLAN	A
STORAGE CAPACITY	4060 AcFT	STATIC STABILITY	
HEIGHT	19 Ft	SEISMIC STABILITY	N
DRAINAGE AREA	9 SqMi	RESTRICTED	Y
RESERVOIR AREA	450 Ac	BOND	NA
YEAR COMPLETED	1902	JOINT INSPECTION	USBR
CREST ELEVATION	2730 Msl	QUAD NUMBER	X58
CREST LENGTH	6000 Ft	QUAD NAME	CLOVERDALE
SPILLWAY TYPE	ERCHAN	DAM OWNER	U S BUREAU OF RECLAMATION
SPILLWAY DEPTH	4 Ft	ADDRESS-1	PN REGIONAL OFFICE
SPILLWAY CAPACITY	0 Cfs	ADDRESS-2	1150 N CURTIS RD
SPILLWAY CONDITION	GD	CITY	BOISE
SPILLWAY GATE COND	NA	STATE	ID
OUTLET TYPE	CNBOX	ZIP CODE	83706
OUTLET SIZE	0 In	ZIP SUFFIX	1234
OUTLET CAPACITY	193 Cfs	PHONE	3785330
OUTLET CONDITION	GD	AREA COD	208

GEN_REMARK NO CHANGED FROM 63-XX03. ALL BUT 2 SQMI OF DRAINAGE AREA INTERCEPTED BY NEW YORK CANAL. RESV FILLED THRU FEEDER DITCH FROM NEW YORK CANAL. PMF VOL = 1530 ACFT CAN BE STORED IN RESV WITH 1.1' FB.

TEC_REMARK SPILLWAY IS LOW AREA ON RIGHT ABUTMENT. SPILLWAY CAPACITY IS WITH 4.0' FREEBOARD. OUTLET IS 3.0' x 4.0' BOX CULVERT WITH 30" CONCRETE PIPE EXTENSION ON DOWNSTREAM END AND 3' x 3' SLIDE GATE ON UPSTREAM END.

RESTRICT THE DAM AND RESERVOIR SHALL BE OPERATED IN ACCORDANCE WITH THE STANDING OPERATING PROCEDURES DEVELOPED FOR THE PROJECT, INCLUDING RESTRICTING THE MAXIMUM LEVEL OF THE RESERVOIR TO GAUGE HEIGHT 65.0 FEET.

ALT_CONT SEE SOP IN LIBRARY FOR ALTERNATE CONTACTS.

BOND_SUM

DEFICIENCY ITEM