



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

May 16, 2008

Lowder Sough Canal Co.
C/O Lois Poole
4483 E 400 N
Rigby, ID 83442

David W. Gehlert
Natural Resources Section
Environment & Nat'l Resources Div.
U.S. Department of Justice
1961 Stout Street – 8th Floor
Denver, CO 80294

RE: SRBA Subcase No. 01-119 (Lowder Sough Canal Co.)

Dear Lois & David:

Enclosed for your consideration is a draft recommendation that that may resolve the Bureau of Reclamation's objection to this water right. I wanted to provide you with the proposal prior to the status conference on May 29.

If you should have any questions or comments, please don't hesitate to contact me at (208) 287-4811.

Sincerely,

A handwritten signature in black ink, appearing to read "G. Baxter".

Garrick L. Baxter
Deputy Attorney General, IDWR

cc: Gail McGarry
Lyle Swank
Michael Holliday
Tony Olenichak

RIGHT NUMBER: 1-119

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

Water is delivered from the Dry Bed.

QUANTITY: 26.000 CFS

PRIORITY DATE: 06/01/1890

POINT OF
DIVERSION: T04N R40E S29 NENENW Within JEFFERSON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	10.000 CFS
IRRIGATION	04/01 10/31	26.000 CFS

PLACE OF USE:

987 ACRES TOTAL

Place of use is within the area served by Lowder Slough Canal Company.

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

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

Diversion of this right is restricted to exclude 150 consecutive days during the period from November 1 through April 30 pursuant to United States Contract No. 14-06-W-34 between the United States and Lower Slough Canal Company, Ltd. or as such contract may be amended, unless the United States agrees in writing not to enforce the winter water savings provision of the contract for a given period of time.

~~Diversion of this right for stockwater upurposed between November 1 and April 30 is subject to the provisions for saving water as recognized in the Burley Irrigation Dist. V. Eagle, Supplemental Decree (Idaho 5th Jud. Dist., July 10, 1968) and Aberdeen-Springfield Canal Co. vs. Eagle, Supplemental Decree (Idaho 7th Judicial Dist., March 12, 1969).~~

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

Stockwater use is for 980 range cattle and 320 dairy cattle.

Water is delivered through Lowder Slough Canal.