

RECEIVED
JUN 26 2009
DEPARTMENT OF
WATER RESOURCES

John A. Rosholt, ISB #1037
John K. Simpson, ISB #4242
Travis L. Thompson, ISB #6168
Paul L. Arrington, ISB #7198
BARKER ROSHOLT & SIMPSON LLP
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*Attorneys for A&B Irrigation District, Burley
Irrigation District, Milner Irrigation District,
North Side Canal Company and Twin Falls
Canal Company*

**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

)
) Subcase Nos. **Attachment 1**
)

) **SECOND AFFIDAVIT OF**
) **TRAVIS L. THOMPSON IN**
) **SUPPORT OF JOINT MOTIONS**
) **FOR SUMMARY JUDGMENT**
)
)
)

STATE OF IDAHO)
) ss.
County of Twin Falls)

TRAVIS L. THOMPSON, being first duly sworn upon oath, deposes and hereby states as follows:

1. I am an attorney representing A&B, BID, Milner, NSCC, and TFCC in the above-captioned matter. I am over the age of 18 and state the following based upon my own personal knowledge.

2. Attached hereto as Exhibit A is a true and correct copy of the notices published in the *Burley Irrigation District, et al. v. Henry Eagle* proceeding in the *Gooding County Leader* (Gooding County), the *North Side News* (Jerome County), *The Hailey Times* (Blaine County), *The Minidoka County News* (Minidoka County), *The Burley Herald-Bulletin* (Cassia County), the *Lincoln County Journal* (Lincoln County), the *Mountain Home News* (Elmore County), the *Power County Press* (Power County), and the *Times-News* (Twin Falls County).

3. Attached hereto as Exhibit B is a true and correct copy of Idaho Code § 42-1405 as amended by 1915 S.L., ch. 34, § 18, p. 112.

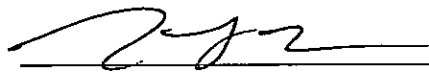
4. Attached hereto as Exhibit C is a true and correct copy of Administrator's Memorandum (*Adjudication Memo #39*) dated October 12, 1999 from the Idaho Department of Water Resources.

5. Attached hereto as Exhibit D is a true and correct copy of excerpts of the transcript of the deposition of Ronald D. Carlson taken in this matter on October 7, 2008.

6. Attached hereto as Exhibit E is a true and correct copy of excerpts of the transcript of the deposition of Anthony Olenichak taken in this matter on October 6, 2008.

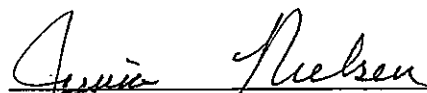
Further you affiant sayeth nought.

DATED this 25th day of June, 2009.


Travis L. Thompson

SUBSCRIBED AND SWORN to before me this 25 day of June, 2009.




Notary Public for State of Idaho
Residing at Twin Falls, Idaho.
Commission Expires: 4/3/12

CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of June, 2009, I served a true and correct copy of the foregoing *Second Affidavit of Travis L. Thompson in Support of Claimants' Joint Motions for Summary Judgment* on the following by the method indicated:

Clerk of the SRBA Court
253 Third Ave. North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

☐ U.S. Mail, Postage Prepaid
☒ Hand Delivery
☐ Overnight Mail
☐ Facsimile
☐ Email

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

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivery
☐ Overnight Mail
☐ Facsimile
☐ Email

United States Department of Justice
Environment & Natural Resources Div.
550 West Fort St., MSC 033
Boise, Idaho 83724

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivery
☐ Overnight Mail
☐ Facsimile
☐ Email

IDWR Repository
P.O. Box 83720
Boise, Idaho 83720-0098

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivery
☐ Overnight Mail
☐ Facsimile
☐ Email

Jerry Rigby
25 N. 2nd E.
P.O. Box 250
Rexburg, Idaho 83440-0250

☐ U.S. Mail, Postage Prepaid
☐ Hand Delivery
☐ Overnight Mail
☐ Facsimile
☒ Email

Robert Harris
1000 Riverwalk Dr., Suite 200
P.O. Box 50130
Idaho Falls, Idaho 83405

☐ U.S. Mail, Postage Prepaid
☐ Hand Delivery
☐ Overnight Mail
☐ Facsimile
☒ Email

Randy C. Budge
Candice M. McHugh
Racine Olson
101 S. Capitol Blvd, Suite 208
Boise, Idaho 83702

☐ U.S. Mail, Postage Prepaid
☐ Hand Delivery
☐ Overnight Mail
☐ Facsimile
☒ Email

Craig Hobday
125 5th Ave.
P.O. Box 176
Gooding, Idaho 83330

☐ U.S. Mail, Postage Prepaid
☐ Hand Delivery
☐ Overnight Mail
☐ Facsimile
☒ Email

Sarah A. Klahn
White & Jankowski, LLP
Kittredge Building
511 16th St., Suite 500
Denver, CO 80202

☐ U.S. Mail, Postage Prepaid
☐ Hand Delivery
☐ Overnight Mail
☐ Facsimile
☒ Email

A. Dean Tranmer
City of Pocatello
P.O. Box 4169
Pocatello, Idaho 83201

☐ U.S. Mail, Postage Prepaid
☐ Hand Delivery
☐ Overnight Mail
☐ Facsimile
☒ Email

William A. Parsons
137 W. 13th St.
P.O. Box 910
Burley, Idaho 83318

☐ U.S. Mail, Postage Prepaid
☐ Hand Delivery
☐ Overnight Mail
☐ Facsimile
☒ Email

Adam T. Devoe
James S. Lochhead
Brownstein, Hyatt & Farber, PC
410 17th Street, 22nd Flr.
Denver, CO 80202

☐ U.S. Mail, Postage Prepaid
☐ Hand Delivery
☐ Overnight Mail
☐ Facsimile
☒ Email

Josephine P. Beeman
409 W. Jefferson St.
Boise, Idaho 83702

☐ U.S. Mail, Postage Prepaid
☐ Hand Delivery
☐ Overnight Mail
☐ Facsimile
☒ Email

Patrick D. Brown
Hutchinson & Brown, LLP
104 Lincoln St.
P.O. Box 207
Twin Falls, Idaho 83303-0207

☐ U.S. Mail, Postage Prepaid
☐ Hand Delivery
☐ Overnight Mail
☐ Facsimile
☒ Email

H. Evan Call
4373 Cold Water Rd.
American Falls, Idaho 83211

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivery
☐ Overnight Mail
☐ Facsimile
☐ Email

Bret Anderson
Robyn Anderson
322 E. Main
Burley, Idaho 83318

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivery
☐ Overnight Mail
☐ Facsimile
☐ Email



Travis L. Thompson

Attachment 1

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1-5
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1-16
1-209
1-210
1-211A
1-211B
1-212
1-213
1-214A
1-214B
1-219
1-2050
1-2061
1-10034
1-10237
1-10238
1-10239
1-10240
1-10241
1-10482

Exhibit A

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

BURLEY IRRIGATION DISTRICT

Plaintiff.....

vs.

HENRY EAGLE, Watermaster,
District No. 36, State of Idaho
Defendant.....

NOTICE

Case No. 21406

You are hereby notified on this date ORDER DIRECTING PUBLICATION OF NOTICE

OF PENDENCY OF ACTION

has been entered in the above entitled case.

Dated February 24, 1967

By Cleo Robinson, Deputy

H. A. LANCASTER,
Clerk of the District Court

cc: Parry, Robertson & Daly
James, Hobdey & Shaw
Nielson & Nielson
Roger D Ling
Holden, Holden & Kidwell

PARRY, ROBERTSON & DALY
RECEIVED

FEB 25 1967

A.M.
8:8:9:10:11:12:1:2:3:4:5:6
P.M.

NOTICE OF PENDENCY OF ACTION

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

BURLEY IRRIGATION DISTRICT, et al,

Plaintiffs,

-vs-

HENRY EAGLE, Watermaster, Water
District No. 36, State of Idaho,

Defendant.

COMPLAINT

NOTICE IS HEREBY GIVEN That on the 21st day of February,
1967, an action was filed in the District Court of the Eleventh Judicial District
in and for the County of Twin Falls, State of Idaho, pursuant to Idaho Code
§ 42-1405 seeking a supplemental adjudication of the waters of Snake River.

This action seeks a court decree which will supplement the existing
water decree in the lower Snake River Valley entitled "Twin Falls Canal
Company, Plaintiff, vs. Charles N. Foster, et al, defendants," entered in
the District Court of the Fourth Judicial District of the State of Idaho, in and
for the County of Twin Falls, on the 20th day of June, 1913, and signed by
District Judge Edward A. Walters.

1. Count One seeks a decree which will adjudicate the waters of
Snake River to the following companies, districts, and persons in the
following amounts (listed below as cubic feet per second of time) and with a
priority date of April 1, 1939:

Burley Irrigation District	163.4
Minidoka Irrigation District	266.6
Milner Low Lift Irrigation District	121
Twin Falls Canal Company	180
Clarence Tilley	7
William Kendell	4
Falls Irrigation District	125
A & B Irrigation District	267
Otis Orten	4

2. Count Two seeks a decree adjudicating the North Side Canal
Company, Ltd., an Idaho corporation, the owners of the following amounts
of the waters of Snake River with their corresponding priority dates:

1 a. Three Hundred (300) cubic feet per second of the
2 waters of Snake River with a priority date of December 23, 1915.

3 b. One Thousand Two Hundred and Sixty (1,260) cubic
4 feet per second of the waters of Snake River with a priority
5 date of August 6, 1920.

6 3. Count Three seeks a decree adjudicating the Twin Falls Canal
7 Company the owner of Six Hundred (600) cubic feet per second of the waters of
8 Snake River with a priority date of December 22, 1915.

9 4. Count Four requests that the Court ratify, confirm, approve,
10 and decree binding upon all the parties hereto the following paragraphs which
11 are common to each amended contract entered between the parties hereto and
12 the United States of America Bureau of Reclamation for the Minidoka and
13 Palisades Projects, Idaho, to-wit:

- 14 A. SAVING OF WINTER WATER; SPECIAL STORAGE RIGHT
15 B. CONSENT TO AMERICAN FALLS - JACKSON LAKE EXCHANGE
16 AND RE-DEFINITION OF JACKSON LAKE STORAGE
17 RIGHTS
18 C. TEMPORARY STORAGE AND EXCHANGE OF WATER;
19 RELEASE OF JACKSON LAKE AND PALISADES WATER
20 FOR POWER PRODUCTION
21 D. PRIORITY OF CERTAIN EXISTING AND FUTURE WATER
22 RIGHTS

23 5. Count Five requests that the Court ratify, confirm, approve,
24 and decree the American Falls Reservoir District No. 2 as the owner of
25 23.53 per cent of the active capacity of the American Falls Reservoir and
26 that said district has the right to divert the natural flow of 1,700 cubic feet
27 per second of the waters of Snake River with a priority date of March 30,
28 1921, in any year that American Falls Reservoir is full to capacity on
29 April 30 or fills after that date without said natural flow being charged to
30 storage; and that the Court ratify Article 20 of Contract No. 14-06-W-73,
31 entered between the United States of America and American Falls Reservoir
32 District No. 2.

That this cause will be brought on for hearing in open court on the ____ day of _____, 1967, at which time any party interested may appear and defend against said rights as above set out.

District Judge, Eleventh Judicial
District, County of Twin Falls
Twin Falls, Idaho

PUBLISH March 2nd, 9th, and 16th

which will adjudicate the waters of Snake River to the following companies, districts, and persons in the following amounts (listed below as cubic feet per second of time) with a priority date of April 1, 1939:

Burley Irrigation Dist.163.4
Minidoka Irrigation Dist. 266.6
Milner Low Lift
Irrigation Dist.121
Twin Falls Canal Co.180
Clarence Tilley 7
William Kendall 4
Falls Irrigation Dist.125
A & B Irrigation Dist.267
Otis Orten 4

2. Count Two seeks a decree adjudicating the North Side Canal Company, Ltd., an Idaho corporation, the owners of the following amounts of the waters of Snake River with their corresponding priority dates:

a. Three Hundred (300) cubic feet per second of the waters of Snake River with a priority date of December 23, 1915.

b. One Thousand Two Hundred and Sixty (1,260) cubic feet per second of the waters of Snake River, with a priority date of August 6, 1920.

3. Count Three seeks a decree adjudicating the Twin Falls Canal Company the owner of Six Hundred (600) cubic feet per second of the waters of Snake River with a priority date of December 22, 1915.

4. Count Four requests that the Court ratify, confirm, approve, and decree binding upon all the parties hereto the following paragraphs which are common to each amended contract entered between the parties hereto and the United States of America Bureau of Reclamation for the Minidoka and Palisades Projects, Idaho, to-wit:

A. SAVING OF WINTER WATER; SPECIAL STORAGE RIGHT.

B. CONSENT TO AMERICAN FALLS-JACKSON LAKE EXCHANGE AND RE-DEFINITION OF JACKSON LAKE STORAGE RIGHTS.

C. TEMPORARY STORAGE AND EXCHANGE WATER; RELEASE OF

JACKSON LAKE AND PALISADES WATER FOR POWER PRODUCTION.

D. PRIORITY OF CERTAIN EXISTING AND FUTURE WATER RIGHTS.

5. Count Five requests that the Court ratify, confirm, approve, and decree the American Falls Reservoir District No. 2 as the owner of 23.53 per cent of the active capacity of the American Falls Reservoir and that said district has the right to divert the natural flow of 1,700 cubic feet per second of the waters of Snake River with a priority date of March 30, 1921, in any year that American Falls Reservoir is full to capacity on April 30 or fills after that date without said natural flow being charged to storage; and that the Court ratify Article 20 of Contract No. 14-06-W-73, entered between the United States of America and American Falls Reservoir District No. 2.

That this cause will be brought on for hearing in open court at 2:00 o'clock p.m. on the 20th day of March, 1967, at which time any party interested may appear and defend against said rights as above set out.

/s/ THERON W. WARD
District Judge
Eleventh Judicial District
County of Twin Falls
Twin Falls, Idaho

19-20-21

SS.

Miller, do solemnly swear I am the publisher of THE ADER, a weekly newspaper published once each week that the notice attached

in said newspaper 3 the first publication having

and March day of March, 1967

t publication having been March day of March, 1967 published in the regular very number of the paper id time of publication, and was published in the news-t in the supplement there-

aper has been printed and sly in *Gooding, Gooding* period of more than 78 rst publication of the at-

ORDER DIRECTING PUBLICATION OF NOTICE OF PENDENCY OF ACTION

In the District Court of the Eleventh Judicial District of the State of Idaho, in and for the County of Twin Falls.

BURLEY IRRIGATION DISTRICT et al,

Plaintiffs,

vs.

HENRY EAGLE, Watermaster, Water District No. 36, State of Idaho,

Defendant.

NOTICE IS HEREBY GIVEN That on the 21st day of February, 1967, an action was filed in the District Court of the Eleventh Judicial District in and for the County of Twin Falls, State of Idaho, pursuant to Idaho Code 42-1405 seeking a supplemental adjudication of the waters of Snake River.

This action seeks a court decree which will supplement the existing water decree in the lower Snake River Valley, entitled "Twin Falls Canal Company, Plaintiff, vs. Charles N. Foster, et al, defendants," entered in the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Twin Falls, on the 20th day of June, 1913, and signed by District Judge Edward A. Walters.

1. Count One seeks a decree

Theron W. Ward
Subscribed and sworn to before me this

20 day of March, 1967

John Edlinbarough
Notary Public

5/160

AFFIDAVIT of PUBLICATION

State of Idaho,
County of Jerome

SS.

Alfred P. Deane, being first duly sworn, deposes and says that he is the printer (publisher) of the Jerome North Side News, a newspaper published every week in Jerome, County of Jerome, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once

each week for 3 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication

of said advertisement was on the 2 day of March, 1967, and the date of the last publication was on the 16 day of March, 1967

Subscribed and sworn to before me this 20th

day of March, 1967
(SEAL)

John A. Roschelt
NOTARY PUBLIC

NORTH SIDE NEWS

Jerome, Idaho

COST OF PUBLICATION

Number of Lines in Notice 124
Number of Insertions 3
124 Lines at 15c 19.60
248 Lines at 10c 24.80
TOTAL COST 44.40

BURLEY IRRIGATION DISTRICT, et al.
Plaintiffs.

HENRY EAGLE, Watermaster, Water
District No. 36, State of Idaho, De-
fendant.

NOTICE IS HEREBY GIVEN That on the 21st day of February, 1967, an action was filed in the District Court of the Eleventh Judicial District in and for the County of Twin Falls, State of Idaho, pursuant to Idaho Code Par. 42-1405 seeking a supplemental adjudication of the waters of Snake River.

This action seeks a court decree which will supplement the existing water decree in the lower Snake River Valley, entitled "Twin Falls Canal Company, Plaintiff, vs. Charles N. Foster, et al. defendants," entered in the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Twin Falls, on the 20th day of June, 1913, and signed by District Judge Edward A. Walters.

1. Count One seeks a decree which will adjudicate the waters of Snake River to the following companies, districts, and persons in the following amounts (listed below as cubic feet per second of time) with a priority date of April 1, 1939:

Burley Irrigation District	163.4
Minidoka Irrigation District	266.6
Milner Low Lift	
Irrigation District	121
Twin Falls Canal Company	180
Clarence Tilley	7
William Kendall	4
Falls Irrigation District	125
A & B Irrigation District	267
Otis Orten	4

2. Count Two seeks a decree adjudicating the North Side Canal Company, Ltd., an Idaho corporation, the owners of the following amounts of the waters of Snake River with their corresponding priority dates:

a. Three Hundred (300) cubic feet per second of the waters of Snake River with a priority date of December 23, 1915.

b. One Thousand Two Hundred and Sixty (1,260) cubic feet per second of the water of Snake River with a priority date of August 6, 1920.

3. Count Three seeks a decree adjudicating the Twin Falls Canal Company the owner of Six Hundred (600) cubic feet per second of the waters of Snake River with a priority date of December 22, 1915.

4. Count Four requests that the Court ratify, confirm, approve, and decree binding upon all the parties hereto the following paragraphs which are common to each amended contract entered between the parties hereto and the United States of America Bureau of Reclamation for the Minidoka and Palisades Projects, Idaho, to-wit:

A. SAVING OF WINTER WATER; SPECIAL STORAGE RIGHT

B. CONSENT TO AMERICAN FALLS - JACKSON LAKE EXCHANGE AND RE-DEFINITION OF JACKSON LAKE STORAGE RIGHTS

C. TEMPORARY STORAGE AND EXCHANGE OF WATER; RELEASE OF JACKSON LAKE AND PALISADES WATER FOR POWER PRODUCTION

D. PRIORITY OF CERTAIN EXISTING AND FUTURE WATER RIGHTS

5. Count Five requests that the Court ratify, confirm, approve, and decree the American Falls Reservoir District No. 2 as the owner of 23.53 per cent of the active capacity of the American Falls Reservoir and that said district has the right to divert the natural flow of 1,700 cubic feet per second of the waters of Snake River with a priority date of March 30, 1921, in any year that American Falls is full to capacity on April 30 or fills after that date without said natural flow being charged to storage; and that the Court ratify Article 20 of Contract No. 14-06-W-73, entered between the United States of America and American Falls Reservoir District No. 2.

That this cause will be brought on for hearing in open court at 2:00 o'clock P.M. on the 20th day of March, 1967, at which time any party interested may appear and defend against said rights as above set out.

Signed:
THERON W. WARD,
District Judge
Eleventh Judicial District
County of Twin Falls
Twin Falls, Idaho

ORDER DIRECTING
PUBLICATION OF NOTICE
OF PENDENCY OF ACTION

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

BURLEY IRRIGATION DIS-
TRICT, et al.

Plaintiffs,

-VS-

HENRY EAGLE, Watermaster,
Water District No. 36, State of
Idaho,

Defendant.

NOTICE IS HEREBY GIVEN
That on the 21st day of Feb-
ruary, 1967, an action was filed
in the District Court of the
Eleventh Judicial District in
and for the County of Twin
Falls, State of Idaho, pursuant
to Idaho Code paragraph 12-
1405 seeking a supplemental
adjudication of the waters of
Snake River.

This action seeks a court de-
cree which will supplement the
existing water decree in the
lower Snake River Valley, en-
titled "Twin Falls Canal Com-
pany, Plaintiff, vs. Charles N.
Foster, et al. defendants," en-
tered in the District Court of
the Fourth Judicial District of
the State of Idaho, in and for
the County of Twin Falls, on
the 20th day of June, 1913, and
signed by District Judge Ed-
ward A. Walters.

1. Count One seeks a decree
which will adjudicate the wa-
ters of Snake River to the fol-
lowing companies, districts,
and persons in the following a-
mounts (listed below as cubic
feet per second of time) with a
priority date of April 1, 1939:

Burley Irrigation Dis-	163.4
trict	
Minidoka Irrigation Dis-	265.6
trict	
Milner Low Lift Irriga-	121
tion District	
Twin Falls Canal Com-	189
pany	
Clarence Tilley	4
William Kendall	4
Falls Irrigation Dis-	125
trict	
A & B Irrigation Dis-	267
trict	
Otis Orten	4

2. Count Two seeks a decree
adjudicating the North Side
Canal Company, Ltd., an Idaho
corporation, the owners of the
following amounts of the wa-
ters of Snake River with their
corresponding priority dates:

a. Three hundred (300) cu-
bic feet per second of the wa-
ters of Snake River with a pri-
ority date of December 23,
1919.

b. One Thousand Two Hun-
dred and Sixty (1,200) cubic
feet per second of the waters
of Snake River with a priority
date of August 5, 1920.

3. Count Three seeks a de-
cree adjudicating the Twin
Falls Canal Company the own-
er of six hundred (600) cubic
feet per second of the waters
of Snake River with a priority
date of December 23, 1919.

4. Count Four requests that
the Court ratify, confirm, ap-
prove, and decree binding upon
all the parties hereto the fol-
lowing paragraphs which are
common to each amended con-
tract entered between the
parties hereto and the United
States of America Bureau of
Reclamation for the Minidoka
and Fallsades Projects, Idaho,
to-wit:

- A. SAVING OF WINTER
WATER; SPECIAL STOR-
AGE RIGHT
- B. CONVEYANCE TO AMERICAN
FALLS-JACKSON LAKE
EXCHANGE AND RE-DE-
FINITION OF JACKSON
LAKE STORAGE RIGHTS
- C. TEMPORARY STORAGE
AND EXCHANGE OF WA-
TER; RELEASE OF JACK-
SON LAKE AND FALLS-
ADES WATER FOR POW-
ER PRODUCTION
- D. PRIORITY OF CERTAIN
EXISTING AND FUTURE
WATER RIGHTS

5. Count Five requests that
the Court ratify, confirm, ap-
prove, and decree the Ameri-
can Falls Reservoir District
No. 2 as the owner of 23.53
per cent of the active capacity
of the American Falls Reser-
voir and that said district has
the right to divert the natural
flow of 1,700 cubic feet per
second of the waters of Snake
River with a priority date of
March 30, 1921, in any year
that American Falls Reservoir
is full to capacity on April 30
or fills after that date without
said natural flow being charg-
ed to storage; and that the
Court ratify Article 20 of Con-
tract No. 14-06-W-73, entered
between the United States of
America and American Falls
Reservoir District No. 2.

That this cause will be
brought on for hearing in open
court at 2:00 P.M. on
the 20th day of March, 1967,
at which time any party inter-
ested may appear and defend
against said rights as above
set out.

Affidavit of Publication

STATE OF IDAHO, }
County of Blaine, } ss.

BERWYN BURKE, being first duly sworn deposes and says
that he is now and at all times herein mentioned has been the pub-
lisher of The Hailey Times, which is now, and at all times herein
mentioned has been a newspaper as defined in Section 58-106 of the
Idaho Code Annotated as amended by Chapter 38 of the Laws of 1939,
and printed, regularly issued and published weekly at Hailey, in Blaine
County, Idaho, and having a general circulation in said county, and
not less than 200 bona fide subscribers living within said county, and
that said newspaper has been continuously and uninterruptedly so
printed and published as a weekly newspaper in said county during the
period of 78 consecutive weeks prior to the first publication of the an-
nexed true copy and at all times since, and that said annexed true copy
was so published in the regular edition of said newspaper, The Hailey

Times, and not in any supplement thereof, forthree..... con-
secutive weeks commencing with the first publication thereof on the

.....second..... day ofMarch....., 19 67.....
and ending with the last publication thereof on the

.....sixteenth..... day ofMarch....., 19 67.....

Cost of this publication is \$53.05.....

Berwyn Burke
BERWYN BURKE, Publisher.

Subscribed and sworn to before me, this17th..... day
ofMarch....., 19 67.....

[Signature]
Notary Public for Idaho
Residing at Hailey,
Blaine County, Idaho.

The Minidoka County News

RUPERT, IDAHO

AFFIDAVIT OF PUBLICATION

County of Minidoka,)
STATE OF IDAHO,) ss.

Ruth DeThomas, being first
duly sworn, deposes and says that s/he is the

Editor of The Minidoka County
News, a weekly newspaper published at Rupert,
Idaho, in the county aforesaid, and that the paper
is of general circulation therein. Deponent further
states that the printed notice attached hereto was
duly published according to law in the regular
weekly editions of The Minidoka County News

for three consecutive weeks, commencing

with the issue dated 3-2, 1967 and

ending with the issue dated 3-16, 1967

Ruth DeThomas

Subscribed and sworn to before me this

22nd day of March, 1967

Notary Public

Cost of Publication _____

Notary Fee _____

Total Cost _____

Legal Pub

IN THE DISTRICT COURT
OF THE ELEVENTH
JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN
AND FOR THE COUNTY OF

TWIN FALLS
BURLEY IRRIGATION DIS-
TRICT, et al, Plaintiffs, -vs-
HENRY EAGLE, Watermaster,
Water District No. 36, State of
Idaho, Defendant.

ORDER DIRECTING
PUBLICATION OF NOTICE
OF PENDENCY OF ACTION
NOTICE S HEREBY GIVEN
That on the 21st day of Febru-
ary, 1967, an action was filed
in the District Court of the
Eleventh Judicial District in
and for the County of Twin
Falls, State of Idaho, pursuant
to Idaho Code S 42-1405 seek-
ing a supplemental adjudica-
tion of the waters of Snake
River.

This action seeks a court de-
cree which will supplement
the existing water decree in
the lower Snake River Valley,
entitled "Twin Falls Canal
Company, Plaintiff, vs. Char-
les N. Foster, et al, defend-
ants," entered in the District
Court of the Fourth Judicial
District of the State of Idaho,
in and for the County of Twin
Falls, on the 29th day of June,
1913, and entered by District
Judge Edward A. Walters.

1. Count One seeks a decree
which will allocate the wa-
ters of Snake River to the fol-
lowing counties, districts,
and persons in the following
amounts (listed below as cub-
ic feet per second of time)
with a priority date of April 1,
1939:

Burley Irrigation	
District	163.4
Minidoka Irrigation	
District	266.6
Milner Low Lift Irrigation	
District	121.
Twin Falls Canal	
Company	180
Clarence Tilley	7
William Kendall	4
Falls Irrigation District	125
A & B Irrigation District	267
Otis Orten	4

2. Count Two seeks a decree
adjudicating the North Side
Canal Company, Ltd., an Ida-
ho corporation, the owners of
the following amounts of wa-
ters of Snake River with their
corresponding priority dates:

a. Three Hundred (300) cub-
ic feet per second of the wa-
ters of Snake River with a
priority date of December 23,
1915.

b. One Thousand Two Hun-
dred and Sixty (1,260) cubic

The Burley Herald-Bulletin

BURLEY, IDAHO

AFFIDAVIT OF PUBLICATION

County of Cassia,)

STATE OF IDAHO)

Walter W. Schramm, being first

duly sworn, deposes and says that he is the

Editor of Burley Herald-Bulletin, a weekly newspaper published at Burley, Idaho, in the county aforesaid, and that the paper is of general circulation therein. Deponent further states that the printed notice attached hereto was duly published according to law in the regular weekly editions of Burley Herald-Bulletin for

three (3) consecutive weeks, commencing

with the issue dated March 1, 1967, and

ending with the issue dated March 13, 1967.

Subscribed and sworn to before me this

15th day of March, 1967

Ruth Chamberlain Notary Public

My Commission Expires Feb 18 1969

Cost of Publication

Notary fee

Total Cost

LEGAL NOTICE

ORDER DIRECTING
PUBLICATION OF NOTICE
OF PENDING OF ACTION
IN THE DISTRICT COURT OF
THE ELEVENTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS
BURLEY IRRIGATION DISTRICT,
et al, Plaintiffs,

vs.
HENRY EAGLE Watermaster,
Water District No. 36, State of
Idaho, Defendant.

NOTICE IS HEREBY GIVEN
That on the 21st day of February,
1967, an action was filed in the
District Court of the Eleventh Judicial
District, in and for the County of
Idaho, pursuant to Idaho Code 42-1405
seeking a supplemental adjudication
of the waters of Snake River.

This action seeks a court decree
which will supplement the existing
water decree in the lower
Snake River Valley, entitled
"Twin Falls Canal Company, Plaintiff,
vs. Charles N. Foster, et al, defendants," entered in the
District Court of the Fourth Judicial
District of the State of Idaho, in and
for the County of Twin Falls, on the 20th
day of June, 1913, and signed by District
Judge Edward A. Walters.

1. Count One seeks a decree
which will adjudicate the waters of
Snake River to the following
companies, districts, and persons
in the following amounts (listed
below as cubic feet per second of
time) with a priority date of
April 1, 1939:

Burley Irrigation District	163.4
Mindoka Irrigation District	286.6
Milner Low Lift Irrigation District	121
Twin Falls Canal Company	180
Clarence Tilley	7
William Kendell	4
Falls Irrigation District	125
A & B Irrigation District	267
Ous Orten	4

2. Count Two seeks a decree
adjudicating the North Side Canal
Company, Ltd., an Idaho corporation,
the owners of the following
amounts of the waters of Snake
River with their corresponding
priority dates:

a. Three Hundred (300) cubic
feet per second of the waters of
Snake River with a priority date
of December 23, 1915.

b. One Thousand Two Hundred
and Sixty (1,260) cubic feet per
second of the waters of Snake
River with a priority date of
August 6, 1920.

3. Count Three seeks a decree
adjudicating the Twin Falls Canal
Company the owner of Six
Hundred (600) cubic feet per second
of the waters of Snake River
with a priority date of December
22, 1915.

4. Count Four requests that the
Court ratify, confirm, approve,
and decree binding upon all the
parties hereto the following paragraphs
which are common to each
unamended contract entered between
the parties hereto and the United
States of America Bureau of Reclamation
for the Mindoka and
Palisades Projects, Idaho to-wit:

A. SAVING OF WINTER WATER
AND SPECIAL STORAGE RIGHT
B. CONSOLIDATION OF AMERICAN
FALLS-JACKSON LAKE EXCHANGE
AND RE-DEFINITION OF
STORAGE RIGHTS
C. TEMPORARY STORAGE AND
EXCHANGE OF WATER, RELEASE
OF JACKSON LAKE AND
PALISADES WATER FOR
POWER PRODUCTION
D. PRIORITY OF CERTAIN EXISTING
AND FUTURE WATER RIGHTS.

5. Count Five requests that the
Court ratify, confirm, approve,
and decree the American Falls
Reservoir District No. 2 as the
owner of 23.53 per cent of the
effective capacity of the American
Falls Reservoir and that said district
has the right to divert the
natural flow of 1,700 cubic feet
per second of the waters of Snake
River with a priority date of
March 30, 1921 in any year that
American Falls Reservoir is full
to capacity on April 30 or fills
after that date without said natural
flow being charged to storage
and that the Court ratify Article
20 of Contract No. 14-35-W-73,
entered between the United
States of America and American
Falls Reservoir District No. 2.

That this cause will be brought
on for hearing in open court at
2:00 o'clock P.M. on the 20th day
of March, 1967, at which time any
party interested may appear and
defend against said rights as
above set out.

/s/ THOMAS W. WARD
District Judge
Eleventh Judicial District
County of Twin Falls
Twin Falls Idaho
Published in the Burley Herald
March 1, 6, 13, 1967.

Order Directing
Publication of Notice
Of Pendency Of
Action

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

BURLEY IRRIGATION DISTRICT,
et al, Plaintiffs,

—VS—
HENRY EAGLE, Watermaster,
Water District No. 36, State of
Idaho, Defendant.

NOTICE IS HEREBY GIVEN
That on the 21st day of February,
1967, an action was filed in the
District Court of the Eleventh Ju-
dicial District in and for the Coun-
ty of Twin Falls, State of Idaho,
pursuant to Idaho Code 42-1405
seeking a supplemental adjudica-

tion of the waters of Snake River.
This action seeks a court decree
which will supplement the exist-
ing water decree in the lower
Snake River Valley, entitled "Twin
Snake Canal Company, Plaintiff,
vs. Charles N. Foster, et al, de-
fendants," entered in the District
Court of the Fourth Judicial Dis-
trict of the State of Idaho, in and
for the County of Twin Falls, on
the 20th day of June, 1913, and
signed by District Judge Edward
A. Walters.

1. Count One seeks a decree
which will adjudicate the waters
of Snake River to the following
companies, districts, and persons
in the following amounts (listed be-
low as cubic feet per second of
time) with a priority date of April
1, 1939:

Burley Irrigation District 163.4
Minidoka Irrigation District 266.6
Milner Low Lift Irriga-
tion District 121

Twin Falls Canal Company 180
Clarence Tilley 7
William Kendall 4
Falls Irrigation District 125
A & B Irrigation District 257
Otis Orten 4

2. Count Two seeks a decree ad-
judicating the North Side Canal
Company, Ltd., an Idaho corpora-
tion, the owners of the following
amounts of the waters of Snake
River with their corresponding
priority dates:

a. Three Hundred (300) cubic
feet per second of the waters of
Snake River with a priority date
of December 23, 1915.

b. One Thousand Two Hundred
and Sixty (1,260) cubic feet per
second of the waters of Snake
River with a priority date of Au-
gust 6, 1920.

3. Count Three seeks a decree ad-
judicating the Twin Falls Canal
Company the owner of Six Hun-
dred (600) Cubic feet per second of
the waters of Snake River with a
priority date of December 22, 1915.

4. Count Four requests that the
Court ratify, confirm, approve, and
decree binding upon all the parties
hereto the following paragraphs
which are common to each amend-
ed contract entered between the
parties hereto and the United
States of America Bureau of Rec-
lamation for the Minidoka and
Palisades Projects, Idaho, to-wit:

A. SAVINGS OF WINTER WA-
TER: SPECIAL STORAGE RIGHT
B. CONSENT TO AMERICAN
FALLS — JACKSON LAKE EX-
CHANGE AND RE-DEFINITION
OF JACKSON LAKE STORAGE
RIGHTS

C. TEMPORARY STORAGE AND
EXCHANGE OF WATER: RE-
LEASE OF JACKSON LAKE AND
PALISADES WATER FOR POWER
PRODUCTION

D. PRIORITY OF CERTAIN EX-
ISTING AND FUTURE WATER
RIGHTS

5. Count Five requests that the
Court ratify, confirm, approve, and
decree the American Falls Reser-
voir District No. 2 as the owner of
23.53 per cent of the active capa-
city of the American Falls Reser-
voir and that said district has the
right to divert the natural flow of
1,700 cubic feet per second of the
waters of Snake River with a
priority date of March 30, 1921, in
any year that American Falls Re-
servoir is full to capacity on April
30 or fills after that date without
said natural flow being charged to
said storage; and that the Court ratify
Article 20 of Contract No. 14-06-W-
between the United

AFFIDAVIT OF PUBLICATION

LINCOLN COUNTY JOURNAL
SHOSHONE, IDAHO

John H. George,
being first duly sworn, says that he is the
Publisher of
the Lincoln County Journal, a newspaper published
weekly at Shoshone, Idaho, having legal publication
rights within the State of Idaho, and that the notice,
a true copy of which is hereto attached, was
published in said newspaper for 3
consecutive weeks, beginning with the issue of

March 2, 1967
and ending with the issue of

March 9, 1967
John H. George

Subscribed and sworn to before me this

16th day of March, 1967

James M. Pearson
Notary Public, Shoshone, Idaho

ORDER DIRECTING PUBLICA-
TION OF NOTICE OF PEN-
DENCY OF ACTION

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

BURLEY IRRIGATION DIST-
RICT, et al,

Plaintiffs,

vs-

HENRY EAGLE, Watermaster,
Water District No. 36, State of
Idaho,

Defendant.

NOTICE IS HEREBY GIVEN
That on the 21st day of February,
1967, an action was filed in the
District Court of the Eleventh
Judicial District in and for the
County of Twin Falls, State of
Idaho, pursuant to Idaho Code
S 42-1405 seeking a supplemental
adjudication of the waters of
Snake River.

This action seeks a court decree
which will supplement the existing
water decree in the lower Snake
River Valley, entitled "Twin Falls
Canal Company, Plaintiff, vs.
Charles N. Foster, et al, defend-
ants," entered in the District
Court of the Fourth Judicial Dis-
trict of the State of Idaho, in and
for the County of Twin Falls, on
the 20th day of June, 1913, and
signed by District Judge Edward
A. Walters.

1. Count One seeks a decree
which will adjudicate the waters
of Snake River to the following
companies, districts, and persons
in the following amounts (listed
below as cubic feet per second of
time) with a priority date of April
1, 1939:

Burley Irrigation	
District	163.4
Mindoka Irrigation	
District	266.6
Millner Low Lift	
Irrigation District	121
Twin Falls Canal	
Company	180
Clarence Tilley	7
William Kendall	4
Falls Irrigation	
District	125
A & B Irrigation	
District	267
Otis Orten	4

2. Count Two seeks a decree
adjudicating the North Side Canal
Company, Ltd., an Idaho Corpora-
tion the owner of the following
amounts of the waters of Snake
River with their corresponding
priority dates:

a. Three Hundred (300) cubic
feet per second of the waters
of Snake River with a priority
date of December 23, 1915.

b. One Thousand Two Hun-
dred and Sixty (1,260) cubic
feet per second of the waters
of Snake River with a priority
date of August 6, 1920.

3. Count Three seeks a decree
adjudicating the Twin Falls Canal
Company the owner of Six Hun-
dred (600) cubic feet per second
of the waters of Snake River with
a priority date of December 22,
1915.

4. Count Four requests that the
Court ratify, confirm, approve,
and decree binding upon all the
parties hereto the following para-
graphs which are common to each
amended contract entered be-
tween the parties hereto and the
United States of America Bureau
of Reclamation for the Mindoka
and Palisades Projects, Idaho, to-
wit:

A. SAVING OF WINTER
WATER; SPECIAL STORAGE
RIGHT

B. CONSENT TO AMERI-
CAN FALLS - JACKSON
LAKE EXCHANGE AND RE-
DEFINITION OF JACKSON
LAKE STORAGE RIGHTS

C. TEMPORARY STORAGE
AND EXCHANGE OF WAT-
ER; RELEASE OF JACKSON
LAKE AND PALISADES
WATER FOR POWER PRO-
DUCTION

D. PRIORITY OF CERTAIN
EXISTING AND FUTURE
WATER RIGHTS

5. Count Five requests that the
Court ratify, confirm, approve,
and decree the American Falls
Reservoir District No. 2 as the
owner of 23.53 per cent of the
active capacity of the American
Falls Reservoir and that said dis-
trict has the right to divert the
natural flow of 1,700 cubic feet
per second of the waters of Snake
River with a priority date of
March 30, 1921, in any year that
American Falls Reservoir is full
to capacity on April 30 or fills
after that date without said nat-
ural flow being charged to storage;
and that the Court ratify Article
20 of Contract No. 14-06-W-73,
entered between the United States
of America and American Falls
Reservoir District No. 2.

That this cause will be brought
on for hearing in open court at
2:00 o'clock P.M. on the 20th day
of March, 1967, at which time any
party interested may appear and
defend against said rights as above
set out.

/s/ THERON W. WARD
District Judge,
Eleventh Judicial
District
County of Twin Falls
Twin Falls, Idaho

First publication March 2, 1967
Last publication March 16, 1967

Affidavit of Publication

County of Elmore } ss.
STATE OF IDAHO }

I, Lloyd S. Waters do
solemnly swear that I am the foreman, or
publisher of the

MOUNTAIN HOME NEWS

a weekly newspaper of general circulation,
published once a week at MOUNTAIN HOME,
IDAHO, that the notice attached hereto and
which is a part of the proof of publication
thereof, was published in said newspaper for

.....³..... consecutive weeks, the first publica-

tion having been made on the ..^{9th}..... day

of ...March....., 19..67., and
the last publication having been made on the

.....^{16th}..... day of ...March.....

19..67....; every Thursday issue of the paper
during the period and time of publication and
that the notice was published in the newspaper
proper and not in a supplement thereof.

And I further swear that the said MOUN-
TAIN HOME NEWS has been continuously and
uninterruptedly published in said Elmore County
during a period of 78 consecutive weeks prior
to the first publication of the attached notice.

Lloyd S. Waters

Subscribed and sworn to me this ..^{16th}.....

day of ...March....., 19..67..

.....Jane L. Lathrop.....
Notary Public

STATE OF IDAHO,
COUNTY OF POWER. } ss.

Phyllis Ringe being first duly sworn
on oath, states:

That she is the principal clerk of the printer
of the Power County Press, a newspaper of general circulation
in Power County, Idaho, published weekly at American Falls
in said County; that said newspaper has been published in said
County uninterruptedly and continuously for over seventy-
eight consecutive weeks, prior to the first publication of the
annexed notice or advertisement:

That the annexed notice or advertisement was published as
per clipping attached in the regular and entire edition of said

newspaper and not in any supplement thereof for 3
successive weekly issues thereof, the date of the first publica-
tion being the 2nd day of March, 1967
the date of last publication being the

16th day of March, 1967.

(Signed) Phyllis Ringe

Subscribed and sworn to before me this

17 day of March, 1967.

Notary Public, residing at American Falls,
Idaho.

My Commission expires the

(SEAL)

22 day of October, 1967.

LEGAL NOTICE

Published in The Power County
Press March 2, 9 and 16, 1967

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

ORDER DIRECTING PUBLICA-
TION OF NOTICE OF
PENDENCY OF ACTION

BURLEY IRRIGATION DIS-

TRICT, et al, Plaintiffs, -vs-
HENRY EAGLE, Watermaster,
Water District No. 36, State of
Idaho,
Defendant.

NOTICE IS HEREBY GIVEN
That on the 21st day of February
1967, an action was filed in the
District Court of the Eleventh
Judicial District in and for
the County of Twin Falls, State
of Idaho, pursuant to Idaho Code
42-1405 seeking a supplemental
adjudication of the waters of
Snake River.

This action seeks a court
decree which will supplement
the existing water decree in
the lower Snake River Valley
entitled "Twin Falls Canal
Company, Plaintiff, vs. Charles
N. Foster, et al, defendants,"
entered in the District Court
of the Fourth Judicial District
of the State of Idaho, in and
for the County of Twin Falls,
on the 20th day of June, 1913,
and signed by District Judge
Edward A. Walters.

1. Count One seeks a decree
which will adjudicate the waters
of Snake River to the following
companies, districts, and
persons in the following
amounts (listed below as cubic
feet per second of time) with
a priority date of April 1, 1939:

Burley Irrigation District 163.4
Minidoka Irrigation District
266.6

Milner Low Life Irrigation
District 121

Twin Falls Canal Company 180
Clarence Tilley 7
William Kendall 4
Falls Irrigation District 125
A & B Irrigation District 267
Otis Orten 4

2. Count Two seeks a decree
adjudicating the North Side
Canal Company, Ltd., an Idaho
corporation, the owners of the
following amounts of the waters
of Snake River with their
corresponding priority dates:

a. Three Hundred (300) cubic
feet per second of the waters
of Snake River with a priority
date of December 23, 1915.

b. One Thousand Two
Hundred and Sixty (1,260) cubic
feet per second of the waters
of Snake River with a priority
date of August 6, 1920.

3. Count Three seeks a
decree adjudicating the Twin

Falls Canal Company the owner
of Six Hundred (600) cubic feet
per second of the waters of
Snake River with a priority date
of December 22, 1915.

4. Count Four requests that
the Court ratify, confirm,
approve, and decree binding
upon all the parties hereto the
following paragraphs which are

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

BURLEY IRRIGATION DISTRICT, et al, Plaintiffs, vs. HENRY EAGLE, Watermaster, Water District No. 36, State of Idaho, Defendant.

NOTICE IS HEREBY GIVEN That on the 21st day of February, 1967, an action was filed in the District Court of the Eleventh Judicial District in and for the County of Twin Falls, State of Idaho, pursuant to Idaho Code No. 42-1405 seeking a supplemental adjudication of the waters of Snake River.

This action seeks a court decree which will supplement the existing water decree in the lower Snake River Valley, entitled "Twin Falls Canal Company, Plaintiff, vs. Charles N. Foster, et al, defendants," entered in the District of the Fourth Judicial District of the State of Idaho, in and for the County of Twin Falls, on the 20th day of June, 1913, and signed by District Judge Edward A. Walters.

1. Count One seeks a decree which will adjudicate the waters of Snake River to the following companies, districts, and persons in the following amounts (listed below as cubic feet per second of time) with a priority date of April 1, 1939:
a. Burley Irrigation District, 163.4;
Mindoka Irrigation District, 266.6;
Milner Low Lift Irrigation District, 121;
Twin Falls Canal Company, 180;
Clarence Tilley, 7; William Kendall, 4; Falls Irrigation District, 125; A & B Irrigation District, 267; Otis Orten, 4.
2. Count Two seeks a decree adjudicating the North Side Canal Company, Ltd., an Idaho corporation, the owners of the following amounts of the waters of Snake River with their corresponding priority dates:

a. Three Hundred (300) cubic feet per second of the waters of Snake River with a priority date of December 23, 1915.
b. One Thousand Two Hundred and Sixty (1,260) cubic feet per second of the waters of Snake River with a priority date of August 6, 1920.

3. Count Three seeks a decree adjudicating the Twin Falls Canal Company the owner of Six Hundred (600) cubic feet per second of the waters of Snake River with a priority date of December 22, 1915.

4. Count Four requests that the Court ratify, confirm, approve, and decree binding upon all the parties hereto the following paragraphs which are common to each amended contract entered between the parties hereto and the United States of America Bureau of Reclamation for the Mindoka and Palisades Projects, Idaho, to-wit:

A. SAVING OF WINTER WATER; SPECIAL STORAGE RIGHT

B. CONSENT TO AMERICAN FALLS JACKSON LAKE EXCHANGE AND RE-DEFINITION OF JACKSON LAKE STORAGE RIGHTS

C. TEMPORARY STORAGE AND EXCHANGE OF WATER; RELEASE OF JACKSON LAKE AND PALISADES WATER FOR POWER PRODUCTION

D. PRIORITY OF CERTAIN EXISTING AND FUTURE WATER RIGHTS

5. Count Five requests that the Court ratify, confirm, approve, and decree the American Falls Reservoir District No. 2 as the owner of 23.53 per cent of the active capacity of the American Falls Reservoir and that said district has the right to divert the natural flow of 1,700 cubic feet per second of the waters of Snake River with a priority date of March 30, 1921, in any year that American Falls Reservoir is full to capacity on April 30 or fills after that date without said natural flow being charged to storage; and that the Court ratify Article 20 of Contract No. 14-06-W-73, entered between the United States of America and American Falls Reservoir District No. 2.

That this cause will be brought on for hearing in open court at 2:00 o'clock P.M. on the 20th day of March, 1967, at which time any party interested may appear and defend against said rights as above set out.

(s) THERON W. WARD
District Judge
Eleventh Judicial District
County of Twin Falls
Twin Falls, Idaho

PUBLISH March 2nd, 9th, and 16th, 1967

ATTORNEY OF PUBLIC COUNSEL

STATE OF IDAHO,
COUNTY OF TWIN FALLS

ss.

No. 12437

I, Mable L. Beach, being first duly sworn upon oath depose and say that I am Business Manager of the TIMES-NEWS, published daily, except Saturday, at Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for three consecutive Thursday, commencing with the issue dated May 2, 1967, and ending with the issue dated May 16, 1967.

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since such consolidation, has been published as a daily newspaper except Saturday, under said name in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho, to be published weekly, will be published; and that at the head of the editorial column of said combined newspapers, and in each issue thereof, Thursday is announced as the day on which said legal notices will be published.

Subscribed and sworn to before me this 16th day of

March, 1967

W. W. Winters
Notary Public in and for the County of Twin Falls,
State of Idaho, residing at Twin Falls, Idaho.

Exhibit B

expense is incurred, and said State Engineer shall make up a sworn statement of the costs of such headgates, flumes or measuring devices, which shall be presented to the board of county commissioners at their first regular meeting after the performance of such work, and said county commissioners shall present a bill of costs to the owners of said ditch or ditches; *Provided*, that if the owner of any such ditch or ditches shall refuse or neglect for ten days after the presentation of such bill of costs to pay the same, or any other charge made against such ditch or the owner thereof under the provisions of this chapter, the State Engineer shall order the headgate of such ditch closed and locked, and such headgate shall remain closed and locked until such charge or charges shall be paid."

Sec. 17. That Section 3283. of the Revised Codes of Idaho, be and the same is hereby amended to read as follows:

"Sec. 3283. The State Engineer shall, in the distribution of water from the streams to the canals, be governed by this title."

Sec. 18. That Chapter 224, Laws of 1911, page 708, be and the same is hereby amended to read as follows:

"Sec. 1. Where the priority rights upon any stream, canal or reservoir in this State shall have been determined by decree of any court of competent jurisdiction, and thereafter it shall appear that any person or corporation having the right to the use of any part of said water was not included in said decree as a party thereto, and said right was not determined thereby, or that any person who subsequent thereto has acquired any right to the use of such waters, any such person or corporation may have such right adjudicated in the following manner:

He may bring an action in the district court of the county wherein such decree was entered against the water master having charge of the distribution of the water of said stream, canal or reservoir in which said party claims an interest, or if there be no water master thereof, then against the State Engineer; that the said party shall in his complaint, set out his own right as he is now required to do in cases involving the right of priority of use of water, and he shall further set forth his acceptance as binding upon him of the said decree and the findings of fact and conclusions of law upon which it is based. Thereupon summons shall issue out of said court in said cause and be served upon said defendant. That the plaintiff in said action shall cause to be published once a week for not less

than three weeks a notice of the pendency and purpose of said action in such newspaper or newspapers as the judge of said district court may order, which notice shall contain the title of the court and the cause, the name of the stream, canal or reservoir in the waters of which said plaintiff claims an interest, the date of priority claimed by him and the date and hour of the first hearing of the first plaintiff and the first defendant of the decree theretofore entered, fixing the permanent rights in said stream, canal or reservoir. That after the expiration of the time fixed by said order, said cause may be brought on for hearing in open court, and any party interested may appear and defend against said right. The court by its decree in said action shall determine the rights of said plaintiff in accordance with the proof submitted but subject to the terms of the original decree heretofore referred to; *Provided*, that the right thus established shall not be deemed adjudicated, but prima facie merely, and may be attacked by suit brought in a court of competent jurisdiction at any time by any person deeming himself aggrieved thereby. The court shall charge all costs arising under said action to the party bringing the same, unless defendant, personally, shall be guilty of mismanagement or had faith in the action or defense. Whereupon water shall be distributed to him in accordance therewith and in the same manner as though he had had his said right included in said decree. The plaintiff, any party to said original decree, or any person interested, may appeal from the decree entered in the action hereby authorized to be brought, and the statutes governing new trial and appeal and the procedure in connection therewith shall govern so far as applicable; *Provided, however*, if the plaintiff appeals or moves for a new trial, notice thereof and of the date fixed for the settlement of any reporters transcript, bill of exceptions, or any other matter required to be settled, shall be served by the publication of such notice or notices for three weeks in such newspaper as the judge of said district may by order direct. That the proposed draft of such reporters transcript, or other matter required to be settled, or bill of exceptions shall be filed with the clerk of said court and such filing shall be sufficient service thereof. The transcript and briefs upon appeal shall be served as in other civil cases."

Sec. 19. An emergency existing therefor, this Act shall be in force and take effect from and after its passage and approval.

Approved March 8, 1915.

Exhibit C

ADMINISTRATOR'S MEMORANDUM

To: Water Management Division
Adjudication Bureau

Application Processing Memo #52
Licensing Memo #9
Transfer Processing Memo #16
Adjudication Memo #39

From: Norman C. Young

Re: STANDARDS FOR IRRIGATION CONSUMPTIVE USE REQUIREMENTS,
IRRIGATION FIELD HEADGATE REQUIREMENTS, AND IRRIGATION SEASON OF
USE

Date: October 12, 1999

A new 1:1,000,000 scale map of the "Irrigation Season of Use" (map at end of memo) presents a new standard for use in water right adjudication and water right licenses, permits, and transfers. A reduced reproduction of the map is attached to this memo; the reduced reproduction is for illustrative purpose only. The official version of the map is in digital format and can be accessed by contacting the Adjudication Bureau. A full-size copy of the map is available in the SRBA map case.

The 1:1,000,000 scale map of the state of Idaho dated December 1991 and entitled "Consumptive Irrigation Requirement, Field Headgate Requirement and Season of Use" (map at end of memo) is still necessary for the Consumptive Irrigation and Field Headgate Requirements. A reduced reproduction of the map is also attached to this memo; the reduced reproduction is for illustrative purpose only. An official copy of the map is available in the SRBA map case.

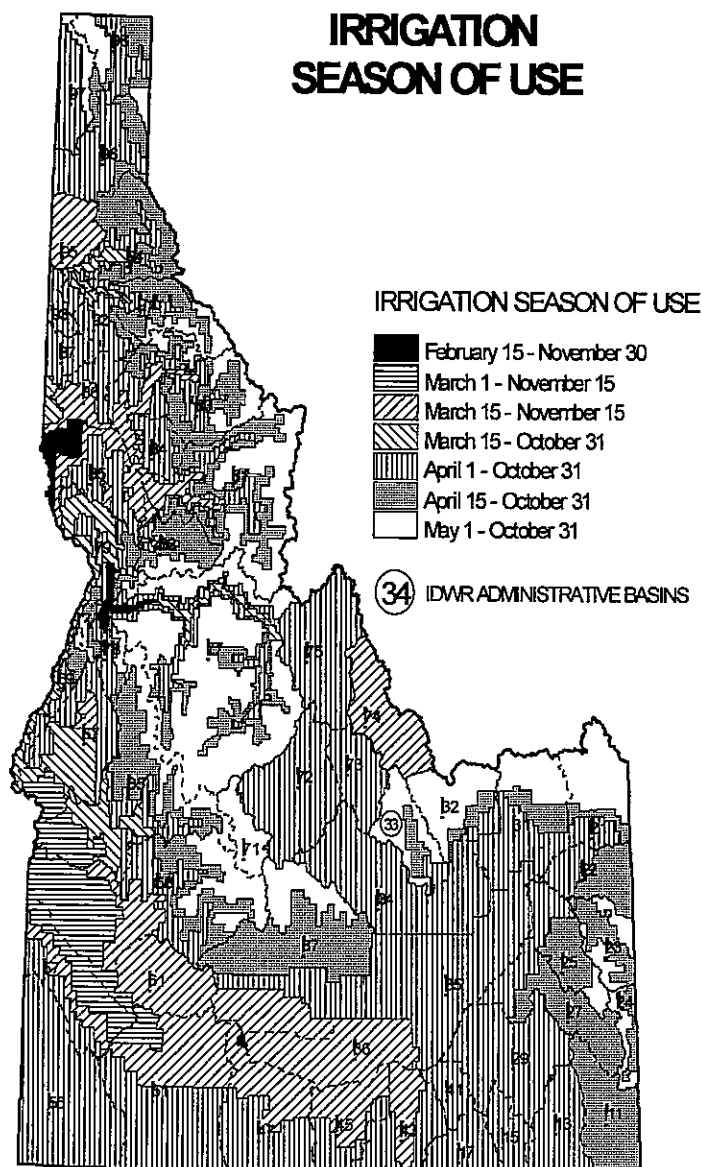
The purpose of these maps is to provide consistent standards in a simple format. Further information concerning the foundation for these standards is available from Jeff Peppersack.

The standard season from the new map is to be used for a new permit regardless of the season stated on the application unless it can be shown to the satisfaction of the director that a different season of use is necessary. Likewise, the standard season from the new map is to be used for a new license regardless of the season stated on the permit unless it can be shown to the satisfaction of the director that a different season of use is necessary.

For a transfer of a license or decreed water right, the transfer approval should retain the licensed or decreed season. However, when the new standard season is longer than the licensed or decreed season, an approval condition like the following may be added:

The period of use for the irrigation described in this approval may be extended to a beginning date of new standard and an ending date of new standard provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before licensed or decreed date and after licensed or decreed date is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.

The standard season from the new map is to be used for recommendations in the SRBA as described in the Claim Investigation Handbook.



CONSUMPTIVE IRRIGATION REQUIREMENT, FIELD HEADGATE REQUIREMENT

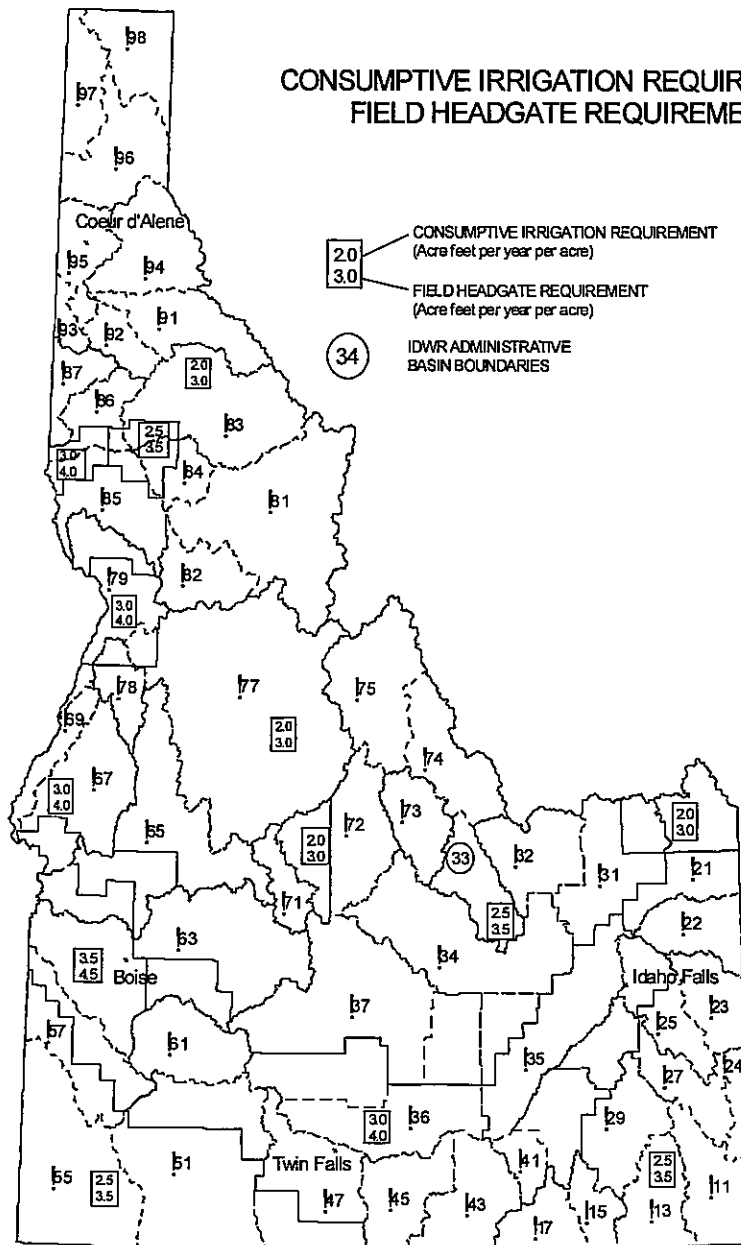


Exhibit D

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) Subcase No. 1-6
)

DEPOSITION OF RONALD DEAN CARLSON

OCTOBER 7, 2008

REPORTED BY:

JEFF LaMAR, C.S.R. No. 640

Notary Public

1 talk "junior," we're talking about natural flow,
2 not storage -- "in the reaches of the river
3 located below Blackfoot."

4 Q. Okay. So water delivered after June
5 or July in most years under the 1903 right or the
6 1908 right in August, September, October, that is
7 not natural-flow water?

8 A. That is natural-flow water.

9 Q. Okay. So if in most years we can show
10 you that 1903 water is delivered in August,
11 September, or October --

12 A. Uh-huh.

13 Q. -- would you agree that this is a
14 false statement?

15 A. No.

16 Q. Why would this not be a false
17 statement?

18 A. All that says -- all that says is that
19 the river no longer is -- breaks at Blackfoot, and
20 you again have a demand that you can make -- place
21 on the river above Blackfoot. And so the return
22 flows and all those things that are coming in
23 upstream from Blackfoot now get distributed
24 without reference to Blackfoot.

25 Q. But those are natural flows; correct?

1 A. They are.

2 Q. And those natural flows consist then
3 not of spring runoff, do they?

4 A. Yeah, what they consist of then is the
5 fact that people upstream and downstream are
6 curtailing their water use, and so the water
7 rights are no longer demanding that water. And to
8 the extent that you can use it downstream, you get
9 to use it.

10 Q. And they're not made up of runoff --

11 A. Well --

12 Q. -- of spring runoff at that point;
13 correct?

14 A. That's correct.

15 Q. And they're not made up of snowmelt;
16 correct?

17 A. That's correct.

18 Q. They're made up of whatever is in the
19 river at that time?

20 A. That's -- that is true.

21 Q. So this statement is not correct, this
22 statement is a false statement; isn't that true?
23 There is water available to deliver to junior
24 water rights in the reaches of the river below
25 Blackfoot?

1 A. There are some years when there is
2 water available late in the season that can be
3 delivered to junior water rights.

4 Q. Did you examine water delivery records
5 from, say, 1960 through 1976 when you prepared
6 this affidavit?

7 A. I've reviewed those records. I don't
8 know if I did it for this affidavit.

9 Q. Okay. Under water right 1-211A, which
10 is the 1903 priority date, can you disagree with
11 my representation that that water right was
12 delivered 16 out of 17 years during that time
13 period, in August, September, and October?

14 A. Yeah, as a matter of fact, the
15 process -- well, it wasn't delivered because the
16 river wasn't on regulation. It was just a
17 free-for-all for water. So after September 15th,
18 the watermaster usually just says that water --
19 the river is no longer on regulation.

20 Q. So when you say it wasn't delivered,
21 you're saying that the water district doesn't have
22 any records of that?

23 A. No. What I'm saying is that the
24 watermaster at that point allowed whoever wanted
25 to take water and use it, sort of as a

1 free-for-all.

2 Q. But would you disagree that water
3 represented by those rights was diverted by those
4 entities during those years?

5 A. Oh, sure.

6 Q. In August, September, and October?

7 A. Well --

8 Q. Not every year in August, September,
9 October. I'm not trying to mislead you there.
10 But some years all three months?

11 A. Absolutely.

12 Q. Some years September, October? Some
13 years August, September? So water would be
14 available for delivery during that time,
15 natural-flow water to those entities; correct?

16 A. That's correct.

17 Q. So what you think the director should
18 do or the watermaster or someone in the process of
19 administering water is try to determine what makes
20 up the supply of water in the river; correct?

21 A. No. I -- I'm not even sure that I
22 believe that. I just think there need to be
23 appropriate conditions on certain water rights
24 that limit their ability to make a call against
25 other water users.

13 years August, September? So water would be
14 available for delivery during that time,
15 natural-flow water to those entities; correct?
16 A. That's correct.

Carlson Deposition Tr. pp. 98-101. *See* Ex. D to *Second Thompson Aff.*

GWD's other witness, Anthony Olenichak, disagrees that a recommendation or comment
as requested by GWD is necessary:

Olenichak Deposition p. 75

15 Do you agree with the ground water
16 district's assertion in this case that some kind
17 of notation needs to be made on these water
18 rights?
19 A. No.
20 Q. Why doesn't that need to happen?
21 A. When Water District 1 calculates the
22 amount of natural flow each day, we deliver that
23 based on priority date. There's no distinction
24 between what is high water, whether it's computed
25 from spring water, from snowmelt. We simply

p. 76

1 deliver according to the priorities and the amount
2 of water in the river system each day.

Olenichak Depo. Tr. pp. 75-76. *See* Ex. E to *Second Thompson Aff.*

In addition, GWD did not accurately state Mr. Olenichak's definition of a "high
water right in his affidavit and has not accurately represented it to the Court:

Olenichak Depo, p. 70

6 Q. Do you consider the 1903 right a
7 high-water right under your definition?
8 A. I would not.
9 Q. You do not?
10 A. No.
11 Q. And why don't you?
12 A. I think from most water users I talk
13 to, generally 1916 is a high-water right. Once
14 you start getting down below or more senior to
15 1916 -- for instance, the 1905s, 1903s -- I think
16 in most years you could probably, especially in

Exhibit E

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) Subcase No. 1-6
)

DEPOSITION OF ANTHONY OLENICHAK

OCTOBER 6, 2008

REPORTED BY:

JEFF LaMAR, C.S.R. No. 640

Notary Public

1 possibly.

2 Q. Okay. Did you do any examination of
3 when those rights had been delivered before you
4 signed this affidavit?

5 A. No.

6 Q. Do you consider the 1903 right a
7 high-water right under your definition?

8 A. I would not.

9 Q. You do not?

10 A. No.

11 Q. And why don't you?

12 A. I think from most water users I talk
13 to, generally 1916 is a high-water right. Once
14 you start getting down below or more senior to
15 1916 -- for instance, the 1905s, 1903s -- I think
16 in most years you could probably, especially in
17 the lower valley, irrigate a crop with those water
18 rights.

19 And from my definition of a high-water
20 right, it would be -- a high-water right would
21 have to be insufficient to raise a crop, in most
22 years.

23 Q. And when you're talking about 1916,
24 you're talking about systemwide on the entire
25 Upper Snake --

1 talking about water rights with priority dates of
2 1916 and after?

3 A. Well, specifically, the water rights
4 listed in paragraph 12 is what I was referring to.
5 And I believe they are all junior to 1916.

6 Q. So when you were making these
7 comments, you weren't referring to Minidoka
8 Irrigation District's 1903 right or 1908 right?
9 You weren't referring to Burley Irrigation
10 District's 1903 right or 1908 right or any of Twin
11 Falls rights? It could be through all these. But
12 the bottom line is you're only referring to the
13 1916 --

14 A. The only rights I was referring to was
15 the ones listed in 12.

16 Q. Okay. And do you happen to know off
17 the top of your head the priority dates for those
18 rights?

19 A. If I recall, I think most of them were
20 1965, 1940, in that range.

21 Q. Okay. Now, two of the rights that are
22 listed on here deal with Lake Walcott storage:
23 1-219 and 1-10034. They're both listed on the
24 attachment to your affidavit. And I'm not trying
25 to sandbag you here if you didn't realize that

1 A. Yes.

2 Q. -- as the cutoff date for that?

3 Did you tell that information to
4 Candice McHugh?

5 A. Yes.

6 Q. I didn't see that in your affidavit.

7 Is there some reason that date isn't
8 in your affidavit?

9 A. No. Every word I said is not in the
10 affidavit.

11 Q. Did you cut out some words or did she
12 cut out some words?

13 A. I gave her a long, general explanation
14 of what my definition of a high-water right. She
15 sent this back to me. I reviewed it. And it was
16 within what I had defined, and I signed the
17 affidavit.

18 Q. So these water rights that are on this
19 attached list with priority dates before 1916 you
20 would not consider high-water rights?

21 A. I would not consider -- generally,
22 1916 is where I draw the line for a high-water
23 right.

24 Q. Okay. So when you're talking about
25 high-water rights in this affidavit, you're

1 Lake Walcott storage was stuck in here for some
2 reason.

3 I assume -- well, why don't you tell
4 me. Do you believe that Lake Walcott storage
5 rights are high-water rights?

6 A. What are the priorities on that water
7 right?

8 Q. The 1-219 is December 14, 1909, and
9 the one on 10034 is March 15, 1911.

10 A. No, I wouldn't consider those a
11 high-water right.

12 Q. Do you know whether the Lake Walcott
13 storage rights are delivered every year?

14 A. They are.

15 Q. Do you know off the top of your head
16 roughly how much storage there is at Lake Walcott?

17 A. Approximately 90,000 acre-feet of
18 active storage.

19 Q. And how is that handled in the
20 accounting program -- do you know? -- the delivery
21 of Lake Walcott storage?

22 A. Yes. The gains upstream of Lake
23 Walcott Dam, if sufficient to fill the 1909
24 priority, would go towards filling the Lake
25 Walcott storage account with a maximum of 2500 cfs

1 per day, I believe.

2 Q. And is that handled on a daily basis
3 in the accounting program like other storage
4 rights?

5 A. Yes.

6 Q. And when -- is the water taken out of
7 Lake Walcott handled -- is it handled different in
8 the program than other storage rights in the
9 system?

10 A. No.

11 Q. So -- so it's -- as it's taken out of
12 the reservoir and delivered, it shows up on a
13 daily basis under the accounting program?

14 A. Not as it's being delivered. As it's
15 accruing storage. Once it is filled, the canals
16 that have the rights to that storage are allocated
17 100 percent, or minus evaporation losses.

18 And then the first storage that they
19 use comes out of that Lake Walcott account. Now,
20 physically, Lake Walcott remains full through most
21 of the irrigation season, and the water is
22 exchanged from an upstream reservoir, generally.

23 Q. Okay. Now, in Ron Carlson's
24 affidavit, he claims that the March 1911 right has
25 never been delivered out of Lake Walcott.

1 deliver according to the priorities and the amount
2 of water in the river system each day.

3 Q. One of the concerns that is expressed
4 by the ground water users is that if some kind of
5 comment isn't made on these water rights that
6 there's a possibility to enlarge these water
7 rights.

8 Is that possible under the water right
9 accounting system?

10 A. I don't know. If it's anything in
11 addition to what we currently have, then that
12 could be an enlargement.

13 Q. Okay. What do you mean if it's
14 anything in addition?

15 A. If it's anything in addition to the
16 water rights we're currently delivering in the
17 water right accounting --

18 Q. Uh-huh.

19 A. -- that would be an enlargement.

20 Q. Well, under your accounting system, as
21 I understand it now, you're taking these off by
22 priority as dependent upon how much water is in
23 the river; correct?

24 A. Correct.

25 Q. Okay. So as long as these water

1 Are you familiar with that statement?

2 A. I'm not aware of a 1911 water right.

3 Q. Well, that's the 1 -- 1-10034 that I
4 was talking to you about. That's March of 1911.
5 It's for 53,500. It's a component of the 90,000
6 you were talking about.

7 A. I'm not familiar with that right. I
8 was under the assumption the entire right for Lake
9 Walcott was 1909.

10 Q. Okay. So you believe the whole 90,000
11 is under the 1909 right?

12 A. I thought it was.

13 Q. Okay. Maybe that explains the
14 problem.

15 Do you agree with the ground water
16 district's assertion in this case that some kind
17 of notation needs to be made on these water
18 rights?

19 A. No.

20 Q. Why doesn't that need to happen?

21 A. When Water District 1 calculates the
22 amount of natural flow each day, we deliver that
23 based on priority date. There's no distinction
24 between what is high water, whether it's computed
25 from spring water, from snowmelt. We simply

1 rights are shown in your accounting system under
2 the existing priority dates and under their
3 existing diversion amounts, you would simply track
4 them in that program as they're diverted; correct?

5 A. Yes.

6 Q. Okay. When -- I wanted to jump back
7 to that statement you made earlier that you feel
8 the cutoff date for a high-water right under your
9 terminology is 1916.

10 When this affidavit was sent to you
11 and that 1916 date wasn't in there, did that
12 trouble you?

13 A. No, because, like I also said, it can
14 vary depending on where you're at in the basin.
15 In Willow Creek anything junior to an 1885
16 priority would be a high-water right.

17 1916, that's generally what I hear
18 mostly from water users in the Upper Snake. And
19 so that's kind of the priority I've adopted as the
20 general definition of a high-water right.

21 Q. But in this case you knew all these
22 water rights were out of the Snake River, didn't
23 you?

24 A. All these in No. 12, yes.

25 Q. Well, you didn't know that the ones on

1 the attachment were on the Snake River?

2 A. I didn't know that the subcase
3 referred to the water rights in my affidavit.

4 Q. Okay. So I don't want to beat this
5 into the ground, but your affidavit is only
6 addressing the water rights in paragraph 12?

7 A. Yes.

8 Q. Only those water rights?

9 A. Yes.

10 Q. And you have no intention to address
11 any of the other water rights listed on Exhibit A
12 to your affidavit?

13 A. Correct.

14 Q. Okay. I see. I see. The Exhibit A
15 was attached simply because it's part of the
16 pleading in this case; is that correct? That's
17 the caption of the case?

18 A. I thought the purpose of my affidavit
19 was for these rights she listed in the affidavit
20 only.

21 MR. FLETCHER: Okay. I don't think I have
22 any other questions. Thanks.

23 MR. ARKOOSH: I have a few. Would you like
24 to break or would you like to proceed?

25 THE WITNESS: I'm fine. I want to

1 natural-flow rights, if I recall.

2 Do you recall that discussion?

3 A. Yes.

4 Q. And you said you were aware of the 1-6
5 right and had participated in the recommendation
6 to the SRBA court for the 1-6 right.

7 Do you recall that?

8 A. Yes.

9 Q. And you said you were familiar with
10 the Eagle decree when you talked to Mr. Fletcher.

11 Do you recall that?

12 A. Yes.

13 Q. And so the 1-6 right is described in
14 Eagle decree; is that correct?

15 A. Correct.

16 Q. Okay. And I'll paraphrase -- or I've
17 got it here as part of the record. I can read it.
18 But would you generally agree with me that what
19 the 1-6 right has in its description is the
20 benefit of the following language? It says that
21 "All water diverted by American Falls Reservoir
22 District No. 2 within the maximum of 1700 cubic
23 feet per second during the year prior to the
24 initial storage draft on American Falls Reservoir
25 after the storage finally fills in that year shall

1 continue.

2

3 EXAMINATION

4 BY MR. ARKOOSH:

5 Q. I'm Tom Arkoosh for American Falls
6 Reservoir District No. 2, Mr. Olenichak. And I
7 wanted to visit with you, more than anything,
8 about some of the questions that have been asked
9 here previously.

10 Mr. Fletcher asked you whether you
11 believe that these rights -- these rights, as I
12 now understand it, listed in Exhibit 12 are the
13 only rights you're addressing -- need some
14 notation, and you said no.

15 Do you know whether the Department has
16 a policy or whether the Department believes those
17 rights need a notation?

18 A. I don't know what the Department
19 thinks.

20 Q. Okay. You have not discussed that
21 with anybody --

22 A. I have not.

23 Q. -- in the Department?

24 Mr. Simpson talked to you about
25 allocated storage and unallocated storage and

1 be considered natural flow." Do you recall that
2 language?

3 A. Yes.

4 Q. Okay. And do you understand what that
5 language means?

6 A. Yes.

7 Q. Okay. Could you paraphrase what it
8 means, because it is a fairly convoluted sentence?
9 Is it possible for you to paraphrase that?

10 A. Yes. Prior to when American Falls
11 Reservoir storage account fills, the 1700 cfs
12 right is split half to American Falls Reservoir
13 District No. 2 and half to the American Falls
14 storage account.

15 Once the American Falls Reservoir
16 storage account fills, then the 850 cfs is no
17 longer required by American Falls storage holders,
18 and the American Falls Reservoir District No. 2
19 can start diverting 1700 cfs of natural flow until
20 the initial draft of American Falls Reservoir or
21 the 1921 priority gets cut.

22 Q. Okay. So let me paraphrase it a
23 different way and see if I'm saying the same
24 thing.

25 The 1700 is split until we learn