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WATER RESOURCES

929

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Twin Falls Canal Company*

**IN THE 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.: 01-1J, et al.; 01-4046, et**
) **al.; 21-48, et al.; 22-163A, et al.; 35-**
) **2315; 35-2543; 35-4246; 35-2670B; 35-**
) **2670C & 35-2670D**
)
) **SEE ATTACHMENTS A, B, C & D**
)
) **SURFACE WATER COALITION'S**
) **JOINT OPPOSITION TO MOTION**
) **TO FILE AMENDED NOTICE OF**
) **CLAIM**

COMES NOW, American Falls Reservoir District #2, A&B Irrigation District, Burley
Irrigation District, Milner Irrigation District, Minidoka Irrigation District, North Side Canal

Company and Twin Falls Canal Company (collectively “Surface Water Coalition” or “Coalition”), by and through their undersigned attorneys of record, and submit this joint opposition to the *Motion to File Amended Notice of Claim*, filed with this Court by numerous individual water right claimants on August 19, 2010. Since existing law in the SRBA District Court does not allow the claims sought by the individual claimants, there is no “meritorious position.” Hence the motion should be denied.

INTRODUCTION

Pending before this Court is a *Motion to File Amended Notice of Claim* in 228 subcases in Basins 01, 21, 22, 27 and 35.¹ For purposes of this opposition, these proposed amended claims can be divided into two broad groups:

1. Company Claims: The first group consists of proposed amended claims by water delivery entities, such as canal companies, irrigation districts and ditch companies, with surface water rights that seek authorization to divert groundwater under a theory that the ground water is actually “recovered” water from irrigation under surface water rights.

2. Individual Claims: The second group consists of individual ground water claimants within the project boundaries of the aforementioned entities. A list of the individual claims is attached hereto, as Attachment E. These individual claimants seek to amend their claims to have an earlier priority date under a theory that the ground water diverted is actually “recovered” water from irrigation under the company surface water rights. Of the 105 individual water right claims, 79 are based on prior water right licenses issued by the Idaho Department of Water Resources (“Department”). Ex. A to *Arrington Aff.* Some involve a transfer decision by the Department. *Id.* The rest are either based on beneficial use, a decree or are statutory claims. With the exception of 1 water right, all proposed amended claims seek to shift the priority date as much as 98 years earlier than the priority date that was previously licensed and/or claimed.

The law is clear. “Collateral attacks on license or transfer decisions are not appropriate in the SRBA.” *Order on Motion to Dismiss Objections & Request for Attorney Fees*, Subcase Nos. 37-494, *et al* (The Valley Club) (Oct. 10, 2008) (the “*Valley Club Order*”). Yet, the individual claimants disregard existing law in the SRBA by seeking to have this Court authorize amended claims with priority dates senior to their existing prior licenses and/or transferred rights. The

¹ The Coalition’s *Motion to Consolidate Subcases Before Special Master Bilyeu* is also pending before the Court.

claimants have failed to provide any basis in law or fact that would authorize amended claims for water rights that have already had the priority dates administratively determined or confirmed by approved licenses or transfers.

Furthermore, all of the individual claimants seek water rights for the *same water* already claimed under the company claims. There is no basis in the law such a claim. At a minimum, any claim by the individual claimants to the so-called “recaptured” water must be a new waste water claim with a new, junior priority date.

Finally, the only legal basis identified for the proposed amended claims is Idaho Code sections 42-1425 (accomplished transfer) and 42-228 (drainage and recovery wells). Yet, neither of these statutes allows a claim such as those proposed in this case. At a minimum, neither statute allows a water user to move a previously licensed priority date nearly 100-years senior so that the water user may “recapture” surface water under a *separate* water right owned by a *separate* entity.

Changing the priority date of the individual claimants’ water rights to add nearly 100-years of seniority would injure the Coalition’s *currently* senior surface water rights, *per se*. See *Jenkins v. State Dept. of Water Resources*, 103 Idaho 384, 388 (1982) (“to diminish one’s priority works an undeniable injury to that water right holder”); *Amended Master’s Report & Recommendation and Order on Motion to Reconsider*, Subcase No. 29-217, *et al.*, at 19 (Oct. 30, 2007) (“In a prior appropriation system, undermining a priority date is a seminal injury”).

Since there is no basis in the law, the claimants cannot demonstrate any meritorious position. Furthermore, granting the motion would force the Coalition to defend against new water right claims that are not consistent with the well-settled law of the SRBA – thus, prejudicing the Coalition. As such, the motions to amend the individual claims should be denied.

STATEMENT OF FACTS

In 2006, the Director issued his recommendations for the above referenced water rights. Both the company claimants and many of the individual claimants filed *Objections* to the Director's recommendations. Through their *Objections*, the claimants sought to change their previously decreed or licensed water rights by claiming the groundwater they divert is actually "recovered" water from irrigation under separate surface water rights. The Coalition members filed responses in support of the Department's recommendations. Since the parties have not been able to reach a settlement to the Claimant's outstanding *Objections*, they now seek to amend their original claims to reflect their "recaptured" water theory.

A majority of the individual claims are based on a prior license or decree. *See* Attachment E & Ex. A to *Arrington Aff.* Some of those water rights were subsequently confirmed through approved transfer proceedings before the Department. *Id.* The remaining individual claims are either based on beneficial use or are statutory claims. The proposed amended claims seek to change the priority date nearly 100-years prior to the original claim and/or license.

In addition, the individual claimants now seek to re-characterize the groundwater source for the water rights by alleging it is "recovered" water from irrigation under the surface water rights of the company claimants. According to the Claimants' motion, at page 2, the individual claims seek "additional rights of recovery ... of water authorized as 'recharge for irrigation' and/or water resulting from irrigation by the irrigation entity's shareholder/electors within its authorized place of use."

STANDARD OR REVIEW

A motion to file amended notice of claim is reviewed under the same standard as a motion to file late notice of claim. AO1 § 4(D)(2)(d) & (e). Under this standard, a motion to file amended notice of claim is determined pursuant to Civil Rule 55(c). *Id.* The Court, therefore, applies a “good cause” standard, *see* Rule 55(c), which is more lenient than the Rule 60(b) standard, *see McFarland v. Curtis*, 123 Idaho 931, 935 (Ct. App. 1993). The “good cause” standard takes into account the following factors:

- 1) whether the default was willful;
- 2) whether setting aside the judgment would prejudice the opponent.
- 3) as with a Rule 60(b) motion, whether a meritorious position has been presented.

McFarland, 123 Idaho at 936; *see also Order Granting Motions to File Late Notices of Claim* at 1 (Subcase No. 71-10886 et al., July 27, 2005).² Finally, courts must “examine each case in light of the unique facts and circumstances presented.” *Baldwin v. Baldwin*, 114 Idaho 525, 527 (Ct. App. 1988).

ARGUMENT

I. The Individual Claimants Cannot Demonstrate a Meritorious Position

A. A Water User Cannot Collaterally Attack a Prior License or Transfer in the SRBA.

“The law of the case in the SRBA is that a party may not subsequently challenge elements or conditions decided in a license.” *Valley Club Order* at 5; *see also, e.g.*,

² Other jurisdictions apply similar criteria, such as: (1) proof that the default was not willful or culpable; (2) prompt action by the defaulting party to correct the default; (3) the existence of a meritorious defense; (4) an absence of prejudice to the opponent; (5) whether the default resulted from a good faith mistake in following a rule of procedure; (6) the nature of the defendant’s explanation for defaulting; (7) the amount in controversy; (8) the availability of effective alternative sanctions; and (9) whether entry of a default would produce a harsh or unfair result. *See Memorandum Decision and Order on Challenge; Order of Recommitment* at 6 (Subcase No. 47-14633 et al., March 22, 2005).

Memorandum Decision & Order on Motions for Summary Judgment, (Subcase Nos. 63-2529, *et al.*) (June 11, 2009) (attempt to challenge licensed diversion volume “constitutes an impermissible collateral attack on the prior administrative proceedings”); *Memorandum Decision and Order on Challenge; Order on State's Motion to Dismiss Claimant's Notice of Challenge* (Subcase No. 36-8099) (2000) (IDWR license becomes final when the time to appeal it has expired); *Response to United States Motion for Status Conference*, (Subcase No. 03-10022) (2000) (scope of what can be litigated in SRBA is limited and does not include collateral attacks on previously perfected water rights); *Memorandum Decisions & Order On Challenge, Order On State of Idaho's Motion to Dismiss Claimants Notice of Challenge*, (Subcase No. 36-8099) (2000) (collateral attack on IDWR license is not permissible when a party has failed to exhaust administrative remedies); *Order on Challenge of “Facility Volume” Issue & Additional Evidence Issues*, (Subcase Nos. 37-2708, *et al.*) (1999) (the SRBA Court disfavors collateral attacks on licenses).

This same “law of the case” prohibits collateral attacks to water rights confirmed through transfer proceedings. *Valley Club Order* at 5. (“Collateral attacks of transfers should be disfavored in the SRBA just as collateral attacks of licenses”). Under this Court’s prior decisions, therefore, the individual claimants are barred from attempting to amend the priority date of their license to one that is nearly 100-years prior to the licensed priority date since these elements were decided and/or confirmed through licensing or transfer proceedings. *Id.* The same restriction applies to prior decrees. *See* I.C. § 42-1420 (decreed entered in a general adjudication “shall be conclusive as to the nature and extent of all water rights in the adjudicated water system”).³

³ This does not mean that the SRBA Court is prevented from changing the elements of a previously decreed, licensed and/or transferred water right. Indeed, such elements may be altered based on modifications that occur

As discussed in the *Valley Club Order*, the statutes governing licensing and transfer proceedings require the filing of an application and posting of notice. *See* Idaho Code §§ 42-203A (license/permit) & 42-222 (transfer). They each provide an opportunity to protest the license/transfer and to have an administrative hearing before the Department. *Id.* Finally, a party may seek judicial review of the final agency decision. *Id.* In addition, prior to issuing a license, a water user seeking a license must submit proof that the water has been applied to beneficial use. I.C. § 42-217. This includes a description of the “extent of the use” and the “source of the water used.” *Id.* A final decision by the Director in a license/transfer proceeding is an appealable decision.

The individual claimants are barred from now collaterally attacking these final administrative decisions in the SRBA through amended claims. Yet, ignoring this law, they have proposed to amend their claims in such a manner as to add nearly 100-years of priority to their now junior status water rights. Since there is no basis in the law for such a claim, there is no meritorious position and the motion to amend the claims based on prior decrees, licenses or transfers should be denied.

B. The Individual Claimants Claim the Same Water as the Company Claims.

The individual claimants seek to amend all 105 of the individual claims, including priority dates that are as much as 98 years senior as compared to the licenses and/or original claims, so that they can attempt to “recover” the water authorized as “recharge for irrigation” under the company claims and/or “water resulting from irrigation by the irrigation entity’s

after the judicial or administrative decision. *See State v. Hagerman Water Right Owners, Inc.*, 30 Idaho 736, 741 (1997) (Director may consider post adjudication factors such as forfeiture and abandonment); *AFRD#2, et al. v. IDWR, et al.*, 143 Idaho 862 (2007) (the elements of a prior decree may be altered for purposes of administration due to “post adjudication factors”). However, in this case, the individual claimants are seeking to change the priority date of their water rights to nearly 100-year *before* the prior decree, license and/or transfer decision.

shareholder/electors within its authorized place of use.” *Motion* at 2. This attempted claim fails for at least the following reasons.

First, under the proposed amended claims filed by the Company claimants, water is being sought for “recharge for irrigation” under the same priority date as the other beneficial uses. Through their separate proposed amended claims, the Individual claimants seek to divert this *same water* – identified as water that may be “authorized as ‘recharge for irrigation’” – with the *same priority date* as the Company claims. There is no legal basis for the individual claimants to claim this water a second time.

Second, the claim for “water resulting from irrigation” is simply a claim for seep or waste water. Such a claim must be filed as a separate, new, water right claim and must be based on the individual factual circumstances of each claim. Here, the individual claims seek priority dates identical to the companies’ priority dates – in some cases, as much as 98 years senior to the priority dates set forth in the license, transfer and/or original claim. The implication of such a claim is that the water was diverted and put to beneficial use *under the individual claims* at that time. Yet, there is no assertion that water under the individual claims was ever put to beneficial use prior to the license and/or the priority dates that were originally claimed. Indeed, there is no claim that the groundwater wells were even drilled at that time.

Importantly, the claimants admit that the amended individual claims are “not necessarily required.” *Motion* at 2. It is unlikely that the individual claimants would develop a water right, use it for over 100-years and then assert to the SRBA Court that the claims are “not necessarily required.”

Furthermore, although many of the proposed amended claims list the licenses as the basis for the amended claims, they now claim a priority date nearly 100-years senior in priority. To

obtain a license, the individual claimants were required to follow statutory procedures, including filing an application with the Department and prove up beneficial use of any issued permit. *See supra*. Subsequently, the individual claimants submitted claims in the SRBA Court, under oath, that had a priority date consistent with the licensed priority date.⁴ It is unlikely that the individual claimants would have acquired licenses and claimed water rights in the SRBA with junior priority dates had they actually put this waste water to beneficial use at an earlier date.

Accordingly, since there is no basis for these claims, the motion to amend the 105 individual claims should be denied.

C. The Cited Statutory Authority Does Not Support the Amended Claims.

The only statutory authority cited by the Claimants to support their motion is Idaho Code sections 42-1425 and 42-228. Neither statute authorizes a claimant to alter an established priority date for a water right, regardless if the claim is based on a license or on beneficial use.

Section 42-1425 only applies to “any change of place of use, point of diversion, nature or purpose of use or period of use of a water right.” *Id.* at § 42-1425(2). It does *not* apply to an attempt to change the priority of a water right, particularly in this case where the Claimants seek to turn back the clock on their licensed priority dates by as much as 100 years. Likewise, section 42-228 does not allow a water user to enhance the priority of a water right. Since there is no statutory basis for a claim that seeks to enhance the priority of a water right, there can be no meritorious position demonstrated and the motion to amend the individual claims should be denied.

⁴ Since a majority of the individual claims have a licensed and/or originally claimed priority date that is after 1963, any new claim for a waste water right must comply with the licensing statute procedures. I.C. § 42-229.

II. The Coalition Will Be Prejudiced if the Court Grants the Claimants' Motion.

The Coalition will be prejudiced by a decision from the Court granting the motion to amend the individual claims. As discussed above, there is no legal basis for an amended claim that seeks to enhance the priority of a water right claimed in the SRBA. As such, should the Court grant the motion, the Coalition will be forced to defend against a claim that should not exist. The Department will be forced to spend resources reviewing and issuing recommendations for a claim that, again, should not exist. Furthermore, whether the Department's subsequent recommendation grants or denies the earlier priority date, it is likely that a party (or parties) will object – thus forcing the Court, Coalition and other parties to defend against a claim that has no legal basis. Such prejudice demands denial of the motion to amend.

The Coalition's ability to participate in these proceedings – by filings objections and/or responses and participating in motions practice and an eventual trial – does not remedy this prejudice. By granting this motion, the Court would prejudice the Coalition by forcing it to participate in future proceedings and spend its time and money to defend the law – law that has already been established by the SRBA Court. The law is clear and any decision contrary to the law prejudices the Coalition.

Finally, changing the priority date of these water rights would cause *per se* prejudice to the water rights that would no longer have a senior priority. *See Jenkins, supra* (“to diminish one's priority works an undeniable injury to that water right holder”); *Amended Master's Report & Recommendation and Order on Motion to Reconsider*, Subcase No. 29-217, *et al.*, at 19 (Oct. 30, 2007) (“In a prior appropriation system, undermining a priority date is a seminal injury”).

III. The Coalition Will Address its Objection to the Company Claims During Future Proceedings.

While the Coalition objects to the motion to amend the Company Claims, it will address those objections in future proceedings. The Coalition's primary objection is to the company claimants' attempts to claim water with a beneficial use identified as "Recharge for Irrigation." The issue of whether or not a water user can claim a water right with a purpose of use identified as "Recharge for Irrigation" that pre-dates the 1974 amendments to the Idaho Code, wherein recharge was first recognized as a beneficial use for limited purposes, is pending before the Presiding Judge on a *Challenge* by the Coalition to the *Special Master's Report* in Subcases 01-23B, *et al.*

CONCLUSION

A water use cannot go behind a license or transfer in the SRBA Court and seek an earlier priority date. Likewise, the attempt, by the individual claimants, to claim water that is being claimed under the company claims cannot stand. If the individual claimants desire to develop a waste water right, they must follow the statutory licensing procedures. The law on these points is clear and has been confirmed through multiple SRBA decisions. As such, granting the claimants motion and forcing the Coalition to defend the law would prejudice the Coalition. As such, the Claimants' motion should be denied.

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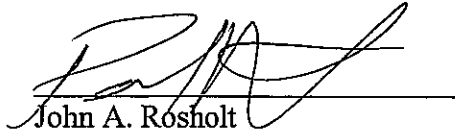
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Dated this 29th day of September, 2010.

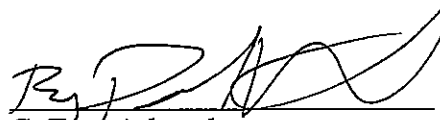
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CERTIFICATE OF SERVICE

I hereby certify that on the 29th day of September, 2010, I served a true and correct copy of the foregoing **COALITION'S OPPOSITION TO MOTION TO FILE AMENDED NOTICE OF CLAIM** on the person(s) listed below, in the manner indicated:

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☐ Email

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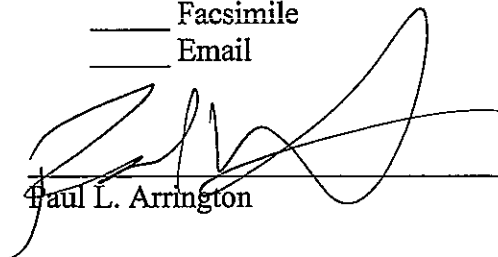
☒ U.S. Mail, Postage Prepaid
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☐ Email


Paul L. Arrington

ATTACHMENT A

01-00001J	01-00141	01-00260	01-10050
01-00002A	01-00146A	01-00261	01-10057
01-00047E	01-00146B	01-00263	01-10060
01-00048	01-00147	01-00264	01-10062
01-00052A	01-00148	01-00266	01-10091
01-00052B	01-00157A	01-00298	01-10092
01-00053A	01-00157B	01-00304	01-10471
01-00092A	01-00158B	01-00306	01-10472
01-00092B	01-00193A	01-00324	01-10474
01-00116BB	01-00193B	01-04061	01-10475
01-00131A	01-00232	01-10046	01-10476
01-00132A	01-00247	01-10048	01-10477
01-00133A	01-00259	01-10049	

ATTACHMENT B

01-04046

01-04047

01-04049

01-04051

ATTACHMENT C

21-00048	21-07050	21-12923
21-00049	21-07060	21-12934
21-00060B	21-07089	21-12946
21-00073B	21-07104	21-12952
21-00073D	21-07138	21-12954
21-00073F	21-07152	21-12955
21-00073J	21-07170	21-12957
21-00075	21-07173	21-12961
21-00109C	21-07175	21-13018
21-00141	21-07194	21-13019
21-00148	21-07300A	22-02303B
21-00159	21-07564	22-07022
21-00165	21-10286	22-07032
21-02000	21-10463	22-07198
21-02035	21-10527	22-07225
21-02037	21-10560	22-07324
21-02103	21-10890	22-07593
21-02118	21-10892	22-07672
21-02119	21-10921	22-13505
21-02121	21-10930	22-13506
21-02122	21-10944	27-02125A
21-02129	21-11088	27-02126
21-02154	21-12358	27-07005
21-02156	21-12858	27-07065
21-02161	21-12889	27-07089
21-04114	21-12896	27-07093
21-04155	21-12902	27-07095
21-07007	21-12908	27-07098
21-07024	21-12910	27-07260
21-07027	21-12911	27-07306
21-07033	21-12912	27-07315
21-07046	21-12919	27-7561
21-07049	21-12921	

ATTACHMENT D

22-00163A	22-00660	22-11004
22-00195	22-00673	22-11044
22-00196	22-02131	22-11070
22-00205	22-02147	22-11185
22-00207A	22-02171	22-11259
22-00235	22-02180	22-11260
22-00344	22-02192	22-11329
22-00354	22-02200	22-11666
22-00421	22-02222	22-12520
22-00422	22-02226	22-12647
22-00454	22-02287	22-12656
22-00455	22-02294	22-13164
22-00456	22-07015	22-13165
22-00457	22-07035	22-13343
22-00469	22-07057	22-13344
22-00476	22-07174	22-13347
22-00477	22-07190	22-13388
22-00492	22-07204	22-13412
22-00512	22-07207B	22-13461
22-00513	22-07236	22-13466
22-00514	22-07259	22-13467
22-00537C	22-07269	22-13468
22-00538C	22-07276	22-13469
22-00549	22-07287	22-13470
22-00591	22-07326	22-13471
22-00592	22-07440	22-13472
22-00593	22-10170	22-13475
22-00594	22-10775	22-13480
22-00656	22-10904	22-13522
22-00658	22-10906	22-13592
22-00659	22-11003	

**ATTACHMENT E
INDIVIDUAL CLAIMS**

WR#	Basis	Original Claim		Amended Claim	
		Div. Rate	Priority	Div. Rate	Priority
21-02103	License	1.2	2/6/1951	0.86	6/1/1892
21-02118	License	0.31	3/21/1961	0.31	6/1/1892
21-02119	License	0.49	3/21/1961	0.49	6/1/1892
21-02121	License	1.13	6/8/1961	1.13	6/1/1892
21-02122	License	1.83	7/7/1961	1.83	4/25/1885
21-02129	License	1.7	7/31/1962	1.7	6/1/1892
21-07007	License	3.78	12/2/1968	3.78	4/25/1885
21-07024	License	2.69	4/25/1973	2.69	4/25/1885
21-07027	License	2.58	8/3/1973	2.58	4/25/1885
21-07033	License	2.85	10/15/1973	2.85	4/25/1885
21-07046	License	1.56	7/13/1974	1.56	4/25/1885
21-07049	License	0.15	8/7/1974	0.1	4/25/1885
21-07050	License	1.44	8/5/1974	1.32	4/25/1885
21-07060	License	2.52	12/2/1974	2.52	4/25/1885
21-07089	License	1.92	5/13/1976	1.92	4/25/1885
21-07104	License	2.29	2/16/1977	2.29	4/25/1885
21-07138	License	2.4	9/9/1977	2.4	4/25/1885
21-07152	License	3.4	5/18/1978	3.4	6/1/1890
21-07170	License	2.44	5/29/1979	2.44	4/25/1885
21-07173	License	3.21	6/11/1979	3.21	4/25/1885
21-07175	License	0.05	6/21/1979	0.05	6/1/1892
21-07194	License	2.57	3/25/1980	2.57	4/25/1885
21-07300A	License	0.07	5/4/1982	0.07	6/1/1892
21-07564	License/Tx	11.69	1/17/1966	11.69	4/25/1885
21-12858	License (21-7001)	0.71	8/17/1967	0.71	6/1/1892
21-13018	License (21-7300)	0.02	5/4/1982	0.02	6/1/1892
21-13019	License (21-7300)	0.82	5/4/1982	0.82	6/1/1892
22-02131	License	2.6	2/14/1949	2.58	6/1/1900
22-02147	License	0.16	1/7/1953	0.16	6/1/1892
22-02171	License	2.66	12/2/1958	2.66	6/12/1903
22-02180	License	3.1	7/19/1960	3.1	6/1/1900
22-02192	License	4.02	11/15/1960	4.02	6/12/1903
22-02200	License	2.7	5/14/1961	2.7	6/1/1900
22-02222	License	1.47	4/23/1962	1.47	6/1/1900
22-02226	License	1.9	3/28/1963	1.9	6/1/1900
22-02287	License	2.07	2/17/1967	2.07	6/1/1900
22-02294	License	4.86	4/27/1960	4.86	6/12/1903
22-02303B	License	3	6/25/1953	2.28	6/10/1883
22-07015	License	6.7	10/29/1968	6.7	6/1/1900
22-07032	License	1.73	3/13/1970	1.73	6/10/1883
22-07035	License	2.6	6/1/1970	2.6	6/12/1903

**ATTACHMENT E
INDIVIDUAL CLAIMS**

WR#	Basis	Original Claim		Amended Claim	
		Div. Rate	Priority	Div. Rate	Priority
22-07057	License	0.95	5/23/1972	0.95	6/12/1903
22-07174	License	3.88	1/23/1976	3.88	6/1/1900
22-07190	License	2.8	7/30/1976	2.8	6/12/1903
22-07198	License	2.5	10/18/1976	2.5	6/10/1883
22-07204	License	2.75	1/13/1977	2.75	6/1/1900
22-07207B	License	2.05	2/9/1977	2.05	6/12/1903
22-07225	License	2.92	4/11/1977	2.88	3/1/1883
22-07236	License	0.8	5/13/1977	0.8	6/12/1903
22-07259	License	2.2	9/9/1977	2.2	6/1/1900
22-07269	License	1.52	2/21/1978	1.52	6/1/1900
22-07287	License	5.12	1/16/1979	5.12	6/1/1900
22-07324	License	0.09	3/25/1980	0.09	1/23/1901
22-07326	License	4.11	5/9/1980	4.11	6/12/1903
22-07440	License	4.8	5/17/1983	4.8	6/1/1900
22-07593	License	0.09	8/25/1988	0.09	3/1/1883
22-07672	License	4.76	4/16/1990	4.76	3/1/1883
22-13466	License (22-10129)	3.7	2/25/1961	3.7	6/1/1900
22-13467	License (22-10129)	2.57	8/19/1965	2.57	6/1/1900
22-13468	License (22-10129)	1.47	4/25/1966	1.47	6/1/1900
22-13469	License (22-10129)	4.15	12/3/1968	4.15	6/1/1900
22-13470	License (22-10129)	0.1	11/26/1971	0.1	6/1/1900
22-13471	License (22-10129)	0.15	10/29/1975	0.15	6/1/1900
22-13472	License (22-10129)	7	5/6/1977	7	6/1/1900
27-02125A	License/Tx	1.52	12/27/1961	1.52	7/10/1889
27-02126	License	4.74	8/11/1961	4.74	7/10/1889
27-07005	License	0.36	8/7/1968	0.41	7/10/1889
27-07065	License	0.28	11/9/1976	0.28	7/10/1889
27-07089	License	3	6/3/1977	3	7/10/1889
27-07093	License	0.54	6/24/1977	0.54	7/10/1889
27-07095	License	1.77	7/20/1977	1.77	7/10/1889
27-07098	License	1.78	7/11/1977	1.78	7/10/1889
27-07260	License	0.42	3/6/1981	0.42	7/10/1889
27-07306	License	3.7	3/24/1982	3.7	7/10/1889
27-07315	License	2.79	5/11/1982	2.79	7/10/1889
27-07561	License/Tx	1.12	5/2/1977	1.12	7/10/1889
35-02670B	License	0.68	6/22/1961	0.64	3/6/1885
35-02670C	License	1.18	6/22/1961	1.18	3/6/1885
35-02670D	License	1.91	6/22/1961	1.91	3/6/1885

**ATTACHMENT E
INDIVIDUAL CLAIMS**

WR#	Basis	Original Claim		Amended Claim	
		Div. Rate	Priority	Div. Rate	Priority
21-04114	Statutory Claim	0.06	5/6/1913	0.06	4/25/1885
21-10286	Beneficial Use	0.27	5/1/1971	0.27	6/1/1892
21-10463	Beneficial Use	0.18	7/1/1950	0.18	6/1/1892
21-10527	Beneficial Use	1.96	4/1/1978	1.7	6/1/1892
21-10890	Beneficial Use	0.7	5/10/1950	0.7	6/1/1892
21-10892	Beneficial Use	0.42	5/12/1950	0.28	6/1/1892
21-10921	Beneficial Use	1.5	12/31/1955	1.5	6/1/1892
21-10930	Beneficial Use	0.72	4/1/1975	0.72	4/25/1885
21-11004	Decreed	4	5/23/1889	0.04	6/12/1903
21-12358	Beneficial Use	3.2	4/1/1948	3.2	6/1/1892
21-12889	Beneficial Use	0.96	4/1/1935	0.96	4/25/1885
21-12952	Beneficial Use	0.6	6/1/1977	0.6	4/25/1885
21-12957	Beneficial Use	0.07	12/3/1974	0.28	4/25/1885
22-10170	Beneficial Use	0.24	6/15/1960	0.2	3/1/1883
22-10775	Beneficial Use	7.84	4/1/1974	5.6	6/1/1900
22-11003	Beneficial Use	0.29	4/1/1968	0.29	6/12/1903
22-11044	Beneficial Use	0.08	9/1/1977	0.04	6/12/1903
22-11070	Beneficial Use	1.4	6/1/1978	1.08	6/1/1900
22-11185	Beneficial Use	2	4/23/1967	0.12	6/1/1900
22-12520	Beneficial Use	0.23	12/31/1951	0.23	6/12/1903
22-12656	Beneficial Use	0.38	1/17/1979	0.38	6/1/1900
22-13461	Beneficial Use	0.3	7/20/1960	0.3	6/1/1900
22-13475	Beneficial Use	0.72	4/1/1975	0.12	6/1/1900
22-13480	Beneficial Use	1.3	6/7/1983	0.54	6/12/1903
22-13522	Beneficial Use	0.09	3/25/1980	0.06	1/23/1901
22-13592	Beneficial Use	0.1	4/1/1987	0.1	6/1/1889