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JAN 12 2011

DEPARTMENT OF
WATER RESOURCES

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

In Re SRBA	)	Subcase Nos. 1-23B, 1-297, 35-2543 and
	)	35-4246
Case No. 39576	)	(Aberdeen-Springfield Canal Company)
	)	
	)	
	)	

AFFIDAVIT OF TRAVIS L. THOMPSON

On *Challenge* from Special Master Dolan's April 23, 2010 *Special Master Report* and August 21, 2010 *Order Denying Motion to Alter or Amend*

Honorable Eric J. Wildman, Presiding Judge

W. Kent Fletcher, ISB #2248
FLETCHER LAW OFFICE
P.O. Box 248
Burley, Idaho 83318
Facsimile: (208) 436-6804
Attorneys for A&B Irrigation District et al.

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Telephone: (208) 733-0700
Facsimile: (208) 735-2444
Attorneys for A&B Irrigation District, et al.

(See Service Page for Remaining Counsel)

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

1. I am an attorney representing A&B Irrigation District, Burley Irrigation District, Milner Irrigation District, North Side Canal Company and Twin Falls Canal Company, parties to this proceeding. I am over the age of 18 and state the following based on my personal knowledge.

2. Attached hereto, as Exhibit A, is a true and correct copy of pages from the 1987 Watermaster Report, Water District No. 01.

3. Attached hereto, as Exhibit B, is a true and correct copy of pages from the 1978 Water Distribution and Hydrometric Work District No. 01, Snake River, Idaho.

4. Attached hereto, as Exhibit C, is a true and correct copy of pages from the 1968 Water Distribution and Hydrometric Work District No. 01, Snake River, Idaho.

5. Attached hereto, as Exhibit D, is a true and correct copy of the April 1, 1993 *Notice of Claim to a Water Right* for water right 33-2133, retrieved from the Idaho Department of Water Resources backfile on the Department's website at www.idwr.idaho.gov.

6. Attached hereto, as Exhibit E, is a true and correct copy of excerpts from the final approval for Transfer Nos. 4221 through 4227, retrieved from the backfile for water right 33-2133.

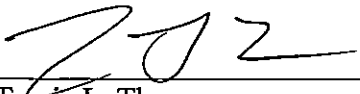
7. Attached hereto, as Exhibit G, is a true and correct copy of a letter dated August 1, 1951, from Mark R. Kulp to C.A. Bottolfsen, retrieved from the backfile for water right 33-2133.

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///

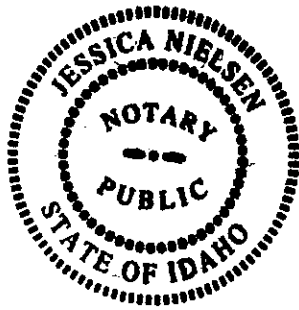
DATED this 11th day of January, 2011.

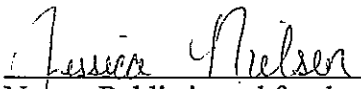
FURTHER YOUR AFFIANT SAYETH NAUGHT



Travis L. Thompson

SUBSCRIBED & SWORN to before me this 11th day of January, 2011.





Notary Public in and for the State of Idaho
My Commission Expires: 4/3/12

CERTIFICATE OF SERVICE

I certify that on January 11, 2011, I served the original and copies of the foregoing to the following persons as indicated:

Original hand delivered to:

Clerk of the District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, Idaho 83303-2707

Copies mailed U.S. mail, postage prepaid, to:

Randy Budge
Racine Olson
P.O. Box 1391
Pocatello, Idaho 83204-1391

IDWR Document Depository
P.O. Box 83720
Boise, Idaho 83720-0098

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

United States Department of Justice
Environment & Natural Resources Division
550 West Fort Street, MSC 033
Boise, Idaho 83724



Travis L. Thompson

Exhibit A

TABLE 7. Major Diversions During 1987 Irrigation Year from
Snake River between Lorenzo and Blackfoot

Name	Total Diverted (acre-feet)	Area Irrigated (acres)	Ac-ft/ac Diverted
Butte & Market Lake	71,700	20,000	3.6
Bear Trap	5,143	(a)	-
Osgood	12,400	5,610	2.2
Kennedy (inc. Clements)	4,802	2,200	2.2
Great Western & Porter	219,300	30,220	7.3
Idaho	333,600 (b)	35,850	9.3
Woodville	21,500	2,350	9.1
SNAKE RIVER VALLEY	185,800	20,790	8.9
Reservation	159,500 (c)	54,770	2.9
Blackfoot	121,800	15,000	8.1
New Lava Side	40,900	6,000	6.8
Peoples	101,700	20,000	5.1
Aberdeen	329,300	63,000	5.2
Corbett	51,200	6,000	8.5
Nielson-Hansen	3,130	460	6.8
Riverside	39,400	5,000	7.9
Danskin	63,200	8,000	7.9
Trego	25,700	1,620	15.9
Wearyrick	17,400	1,600	10.9
Watson	34,100	3,000	11.4
Parsons	11,200	930	12.0
TOTAL	1,852,775	302,400	6.1 (d)

(a) Acreage not determined.

(b) Received additional 7,567 acre-feet from Willow Creek, not included.

(c) Received additional water from Blackfoot River, not included.

(d) Does not include diversions with unknown acreages.

Exhibit B

Miscellaneous measurements of various canals and streams in the headwater areas are shown in Tables 78-81 of the Appendix.

Diversions by Snake River Canals

The sixty-one Snake River canals shown in Table 6 normally divert over 80% of the water used in Water District 1. During 1978, these canals diverted 6,335,900 acre-feet of the 7,530,400 used in the district or 84% of the total.

These main river canals diverted about 13% more water than in 1977. Of the 3,137,000 acre-feet diverted by lower valley canals (below Neeley), 598,500 acre-feet or 19% was stored water. Upper valley main canals diverted 3,198,800 acre-feet of which 257,900 acre-feet, or 8% was stored water.

TABLE 6

TOTAL DIVERSIONS ARE THROUGH SEPTEMBER 30, 1978

(Canals in downstream order from Heise)

<u>Canal</u>	<u>Diversions (acre-feet)</u>	<u>Acres Irrigated</u>	<u>Acre-Feet Per Acre</u>
Riley	6,212	900	6.9
Progressive Irrigation District	228,378	33,000	6.9
Farmers Friend (NF)	104,407	10,500	9.9
Enterprise Canal	55,817	5,200	10.7
Butler	11,220	1,100	10.2
Ross and Rand	839	145	5.8
Cheney (includes Steele)	4,415	323	13.7
Harrison	157,012	13,000	12.1
Rudy Irrig. Co. (includes Boomer)	80,198	5,000	16.0
Lowder	18,196	1,000	18.2
Kite & Nord	2,116	210	10.1
Burgess	260,422	22,000	11.8
Clark & Edwards	6,371	1,940	3.3
Labelle Irrigation	29,704	3,000	9.9
Rigby	56,362	4,000	14.1
Dilts	9,207	620	14.8
Island	51,102	5,500	9.3
West LaBelle & Long Island	134,168	10,500	12.8
Parks & Lewisville	101,909	8,500	12.0
North Rigby	16,427	1,400	11.7
White	1,382	110	12.6
Bramwell	1,684	470	3.6
Ellis	492	70	7.0
Nelson	1,089	55	19.8
Mattson-Craig	3,864	485	8.0

TABLE 6 - Total Diversions are Through September 30, 1978 (continued)

Canal	Diversions (acre-feet)	Acres Irrigated	Acre-Feet Per Acre
Sunnydell	43,505	3,780	11.5
Lenroot	40,500	3,100	13.1
Reid	56,162	5,500	10.2
Texas Feeder	60,960	10,000	6.1
Hill-Pettinger	1,388	200	6.9
Nelson-Corey	1,841	270	6.8
Butte & Market Lake	68,757	20,000	3.4
Osgood	15,872	6,210(a)	2.6
Kennedy	3,943	2,200	1.8
Bear Island & Smith	1,180	330	3.6
Great Western & Porter	198,133	30,220	6.6
Idaho	272,789	35,850	7.6
Woodville	20,112	2,350	8.6
Snake River Valley	166,616	20,790	8.0
Reservation	135,730(b)	54,770	2.5
Blackfoot	100,211	15,000	6.7
New Lava Side	32,174	6,000	5.4
Peoples	98,061	20,000	4.9
Aberdeen	283,876	63,000	4.5
Corbett	46,318	6,000	7.7
Nielsen-Hansen	2,606	460	5.7
Riverside	33,447	5,000	6.7
Danskin	58,009	8,000	7.3
Trego	18,700	1,620	11.5
Wearyrick	17,528	1,600	11.0
Watson	33,160	3,000	11.1
Parsons	14,811	930	15.9
Ft. Hall Michaud Canal	29,459	14,819	2.0
Falls Irrig. District	25,686	7,868	3.3
Minidoka Irrig. District	421,763	72,000	5.9
Burley Irrigation District	235,486	48,000	4.9
A & B Irrigation District	49,105	14,520	3.4
Milner Low Lift	56,188	13,470	4.2
Reservoir District #2, Gooding	386,846	63,700(c)	6.1
North Side Canal	1,003,362	160,000	6.3
Twin Falls Canal Company	958,647	202,700	4.7
Total	6,335,925	1,052,285	6.0

(a) Water pumped from wells for about 600 acres of this land.

(b) Supplements main supply from the Blackfoot River.

(c) Acreage includes 691 acres of non-project land supplied from canal.

Exhibit C

Diversions by Snake River canals, 1968 - continued

Canals	Diversions (acre-feet)	Acres Irrigated	Acre-feet per acre
Butte & Market Lake	75,930	20,000	3.8
Osgood	9,680 (c)	6,210 (c)	1.6
Bear Island & Smith	840	330	2.5
Idaho	265,800 (a)	35,850	7.4
Kennedy	8,300	2,700	3.1
Great Western & Porter	207,200	30,220 (d)	6.6
Kellar	0	0	0
Woodville	24,890	2,350	10.6
Snow River Valley	185,400 (a)	20,790	8.9
Reservation	86,740 (e)	54,773	1.6
Blackfoot	101,200	15,000	6.8
New Lava Side	40,540	6,000	6.8
Peoples	119,400	20,000	6.0
Aberdeen	339,300	63,000	5.4
Corbett	49,030	6,000	8.2
Nielsen-Hansen	3,140	460	6.8
Riverside	33,450	5,000	6.7
Danskin	50,200	6,000	8.4
Trego	19,690	1,620	12.1
Wearrick	18,580	1,600	11.6
Watson	32,640	3,000	10.9
Parsons	14,290	930	15.3
Fort Hall Michaud Canal	26,910 (f)	8,693 (f)	3.1
Falls Irrig. Dist.	20,930 (g)	7,211 (g)	3.0
Minidoka Irrig. Dist.	423,300	72,000	5.9
Burley Irr. Dist.	290,100	48,000	6.1
A&B Irrigation Dist.	47,310	14,520	3.3
Twin Falls Canal Co.	1,090,000	202,700	5.4
North Side Canal Co.	1,093,000	160,000	6.8
Milner Low Lift	60,510	13,470 (h)	4.5
Gooding	473,100	63,700	7.4
Total	6,619,320	1,041,975	6.4

(a) Received additional water from Willow and Sand Creeks

(b) Used additional water from Willow Creek early in season

(c) Water pumped from wells for about 600 acres of this land

(d) Includes 7,680 acres outside New Sweden District to which water was delivered.

(e) Received additional water from Sand Creek & Blackfoot R.

(f) An additional 1,541 acre-feet was pumped from wells for irrigation of another 1,338 acres.

(g) Acreage includes 1,024 acres of non-project land supplied from canal. An additional 222 acres supplied from wells by private users and 3,524 acres of project land were irrigated by pumping 6,565 acre-feet from wells.

(h) Also delivered water to 645 acres outside the district.

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

CIVIL CASE NUMBER: 39576

APR 21 1993

Ident. Number: A33-02133

Date Received: 4/ 1/1993

Receipt No: E018401

Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: SAGEWILLOW INC
Address: C/O HOLDEN KIDWELL HAHN CRAPO
PO BOX 50130
IDAHO FALLS ID 83405

208-523-0620

2. Date of Priority: JUN 22, 1949

3. Source: LITTLE LOST RIVER
BIG SPRING CREEK

Trib. to: SINKS
LITTLE LOST RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07N	27E	2	SW	NE			BUTTE
		12	SE	NW			BUTTE
	28E	5	NW	SW			BUTTE

5. Description of diverting works:

CONCRETE HEADGATE WITH DITCHES. 17 SMALL PONDS IMPOUNDED BY DIKES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION STORAGE	04/01	11/01			2960.00
STOCKWATER	04/01	11/01	0.040		

7. Total Quantity Appropriated is:

C.F.S. (and/or) 2960.00 A.F.A.

8. Total consumptive use is 2960.0 Acre Feet Per Annum.

9. Non-irrigation uses:

STOCKWATER, 900 RANGE CATTLE

MICROFILMED

APR 15 1994

10. Place of Use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres			
07N	27E	12	NW	NE		IRR	40.0			
			SW	NE		IRR	40.0			
			SE	NE		IRR	40.0			
			NE	NW		IRR	40.0			
			SE	NW		IRR	40.0			
			NE	SW		IRR	30.0			
			SE	SW		IRR	20.0			
			NE	SE		IRR	40.0			
			NW	SE		IRR	40.0			
			SW	SE		IRR	30.0			
			SE	SE		IRR	40.0			
			Section Acres						400.0	
			28E	7	13	NE	NE		IRR	20.0
Section Acres						20.0				
SW	NE					IRR	40.0			
SE	NE					IRR	40.0			
SW	NW					IRR	40.0			
SE	NW					IRR	40.0			
NE	SW					IRR	40.0			
NW	SW					IRR	40.0			
SW	SW					IRR	40.0			
SE	SW					IRR	40.0			
NE	SE					IRR	40.0			
NW	SE					IRR	40.0			
SW	SE					IRR	40.0			
SE	SE		IRR	40.0						
Section Acres						480.0				
		8	SW	NW		IRR	40.0			
			SE	NW		IRR	40.0			
			NE	SW		IRR	40.0			
			NW	SW		IRR	40.0			
			SW	SW		IRR	40.0			
			SE	SW		IRR	40.0			
			Section Acres						240.0	
			18			NE	NE		IRR	40.0
						NW	NE		IRR	40.0
						SW	NE		IRR	40.0
						SE	NE		IRR	40.0
						NE	NW		IRR	40.0
						NW	NW		IRR	35.0

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APR 15 1994

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07N	28E	18	SW	NW		IRR	10.0
			SE	NW		IRR	35.0
			NW	SW		IRR	5.0
			NE	SE		IRR	35.0
			NW	SE		IRR	20.0

Section Acres 340.0

Total Acres 1480.0

11. Place of use in counties: BUTTE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

14. Remarks:

DIVERSION WORKS CONTINUED

IN ADDITION, WATER PUMPED FROM A NUMBER OF APPLICANT'S WELLS IS OFTEN USED TO AUGMENT THE WATERS FROM THE SURFACE SOURCES TO KEEP WATER IN THE PONDS TO PROVIDE THE ROOT ZONE STORAGE EFFECT DURING DROUTH TIMES.

15. Basis of Claim: LICENSE

Water Right Number: R833

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

MICROFILMED

APR 15 1994

For Organizations:

I do solemnly swear or affirm that I am SECRETARY of
Title
SAGEWILLON, INC., that I have signed the foregoing
Organization
document in the space below as SECRETARY of
Title
the CORPORATION and that the statements contained in the
Organization
foregoing document are true and correct.

[Signature]
Signature of Authorized Agent

SECRETARY / SAGEWILLON, INC.
Title and Organization

4-16-93

Date

State of Idaho)
County of BLAINE) SS.

Subscribed and sworn (or affirmed) before me this 16th day
of APRIL 19 93

[Signature]
Notary Public

Seal

Residing at Ketchum, Idaho

My Commission Expires 8/8/96

17. Notice of Appearance:

Notice is hereby given that I, Kent W. Foster will be
Print Name

acting as attorney at law on behalf of the claimant signing above, and that
all notices required by law to be mailed by the director to the claimant
signing above should be mailed to me at the address listed below.

Signature [Signature]

Address P.O. Box 50130, Idaho Falls ID 83405

Date April 21, 1993

MICROFILMED

APR 15 1994

Exhibit E

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NOS. 4221 THRU 4227

This is to certify that: SAGEWILLOW INC
 C/O KENT FOSTER
 HOLDEN KIDWELL HAHN & CRAPO
 PO BOX 50130
 IDAHO FALLS ID 83405-0130
 (208)523-0620

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
33-69	AJC/Decreed	06/01/1908	3.20 cfs	N/A	160	655	BIG SPRING CREEK LITTLE LOST RIVER
33-70	AJC/Decreed	10/01/1906	2.80 cfs	N/A	140	655	BIG SPRING CREEK LITTLE LOST RIVER
33-71	AJC/Decreed	03/15/1909	3.20 cfs	N/A	160	655	BIG SPRING CREEK LITTLE LOST RIVER
33-72	AJC/Decreed	05/01/1908	0.80 cfs	N/A	40	655	BIG SPRING CREEK LITTLE LOST RIVER
33-73	AJC/Decreed	04/01/1912	6.40 cfs	N/A	N/A	655	BIG SPRING CREEK LITTLE LOST RIVER
33-74	AJC/Decreed	08/06/1913	1.60 cfs	N/A	N/A	655	BIG SPRING CREEK LITTLE LOST RIVER
33-76	AJC/Decreed	04/01/1913	6.80 cfs	N/A	N/A	655	BIG SPRING CREEK LITTLE LOST RIVER
33-78	AJC/Decreed	10/15/1913	3.20 cfs	N/A	N/A	655	BIG SPRING CREEK LITTLE LOST RIVER
33-79	AJC/Decreed	04/01/1912	1.60 cfs	N/A	N/A	655	BIG SPRING CREEK LITTLE LOST RIVER
33-80	AJC/Decreed	05/01/1908	0.80 cfs	N/A	40	655	BIG SPRING CREEK LITTLE LOST RIVER
33-81	AJC/Decreed	05/01/1908	0.80 cfs	N/A	40	655	BIG SPRING CREEK LITTLE LOST RIVER
33-82	AJC/Decreed	05/01/1908	0.80 cfs	N/A	40	655	BIG SPRING CREEK LITTLE LOST RIVER
33-2133	AJC/License	06/22/1949	N/A	2960.0 af	N/A	1,436	BIG SPRING CREEK LITTLE LOST RIVER
33-2057	AJC/License	02/01/1950	24.00 cfs	5190.5 af	1,483	1,816	GROUND WATER
33-2083	AJC/License	08/23/1957	5.00 cfs	1983.0 af	1,483	1,816	GROUND WATER
33-2086	AJC/License	01/12/1959	4.00 cfs	910.0 af	260	1,816	GROUND WATER
33-2091	AJC/License	01/22/1960	0.99 cfs	255.5 af	73	1,816	GROUND WATER
33-7018	AJC/License	09/12/1972	3.26 cfs	489.0 af	163	1,816	GROUND WATER
33-2007	AJC/License	02/15/1909	2.90 cfs	N/A	N/A	145	LITTLE LOST RIVER
33-2008	AJC/License	06/12/1909	6.40 cfs	N/A	N/A	320	SPRING CREEK
33-2090	AJC/License	12/21/1959	5.93 cfs	960.0 af	N/A	320	GROUND WATER

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NOS. 4221 THRU 4227

Purpose of Transfer (Changes Proposed)

<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
NO	YES	YES	YES	NO	NO

Summary of Water Rights After the Approved Change

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
33-69	33-69	3.20 cfs	N/A	160	648.8		N/A	N/A	N/A	N/A
33-70	33-70	2.80 cfs	N/A	140	648.8		N/A	N/A	N/A	N/A
33-71	33-71	3.20 cfs	N/A	160	648.8		N/A	N/A	N/A	N/A
33-72	33-72	0.80 cfs	N/A	40	648.8		N/A	N/A	N/A	N/A
33-73	33-73	6.40 cfs	N/A	N/A	648.8		N/A	N/A	N/A	N/A
33-74	33-74	1.60 cfs	N/A	N/A	648.8		N/A	N/A	N/A	N/A
33-76	33-76	6.80 cfs	N/A	N/A	648.8		N/A	N/A	N/A	N/A
33-78	33-78	3.20 cfs	N/A	N/A	648.8		N/A	N/A	N/A	N/A
33-79	33-79	1.60 cfs	N/A	N/A	648.8		N/A	N/A	N/A	N/A
33-80	33-80	0.80 cfs	N/A	40	648.8		N/A	N/A	N/A	N/A
33-81	33-81	0.80 cfs	N/A	40	648.8		N/A	N/A	N/A	N/A
33-82	33-82	0.80 cfs	N/A	40	648.8		N/A	N/A	N/A	N/A
33-2133	33-2133	9.88 cfs	2960.0 af	N/A	1436.1		N/A	N/A	N/A	N/A
33-2057	33-2057	24.00 cfs	5190.5 af	1483	1816		N/A	N/A	N/A	N/A
33-2083	33-2083	5.00 cfs	1983.0 af	1483	1816		N/A	N/A	N/A	N/A
33-2086	33-2086	4.00 cfs	910.0 af	260	1816		N/A	N/A	N/A	N/A
33-2091	33-2091	0.99 cfs	255.5 af	73	1816		N/A	N/A	N/A	N/A
33-7018	33-7018	3.26 cfs	489.0 af	163	1816		N/A	N/A	N/A	N/A
33-2007	33-2007	N/A	N/A	N/A	N/A (Superceded)		N/A	N/A	N/A	N/A
33-2008	33-2008	N/A	N/A	N/A	N/A (Superceded)		N/A	N/A	N/A	N/A
33-2090	33-2090	N/A	N/A	N/A	N/A (Forfeited)		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		67.19 cfs	N/A	3019.8	3019.8		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

WATER RIGHT NO. 33-2133
As Modified by Transfer Nos. 4221 thru 4227

In accordance with the approval of Transfer Nos. 4221 thru 4227, Water Right No. 33-2133 is now described as follows.

Right Holder: SAGEWILLOW INC
 C/O KENT FOSTER
 HOLDEN KIDWELL HAHN & CRAPO
 PO BOX 50130
 IDAHO FALLS ID 83405-0130

Priority Date: June 22, 1949

Source: LITTLE LOST RIVER
 BIG SPRING CREEK

Tributary: SINKS
 LITTLE LOST RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
GROUND WATER RECHARGE	11/01	to 4/01	9.88 cfs	2,960.0 AF
IRRIGATION				2,960.0 AF
				2,960.0 AF

LOCATION OF POINT(S) OF DIVERSION:

LITTLE LOST RIVER	SWSENE	Sec. 2 Twp 07N Rge 27E BUTTE County
LITTLE LOST RIVER	NESWNW	Sec. 12 Twp 07N Rge 27E BUTTE County
BIG SPRING CREEK	NENWSW	Sec. 5 Twp 07N Rge 28E BUTTE County

PLACE OF USE: GROUND WATER RECHARGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N 27E 12				X													
07N 28E 7							X		X	X	X						
07N 27E 18		X	X	X		X							X				

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N 27E 1											2.0						2.0
07N 27E 12		21.0	40.0	35.0	36.0	30.0	6.9	26.0	32.0			30.0	40.0	32.0	27.0	39.0	394.9
07N 27E 13	32.0	34.0			2.1												68.1
07N 28E 7	2.1		35.0	40.0			35.0	38.0	40.0	39.0	39.0	40.0	40.0	40.0	40.0	40.0	468.1
07N 28E 8					5.0	13.0	40.0	20.0		40.0	32.0						150.0
07N 28E 18	40.0	40.0	40.0	40.0	40.0	39.0	28.0	36.0					34.0	16.0			353.0
						L1	L2										

Total Acres: 1436.1

WATER RIGHT NO. 33-2133
As Modified by Transfer Nos. 4221 thru 4227

CONDITIONS OF APPROVAL

1. Right 33-2133 is for non-irrigation season diversion of the above referenced sources for ground water recharge purposes to provide water for mitigation and sub-irrigation during the irrigation season. Water may not be diverted for direct irrigation under Right 33-2133.
2. Rights 33-69, 33-70, 33-71, 33-72, 33-73, 33-74, 33-76, 33-78, 33-79, 33-80, 33-81, and 33-82 overlap 268.0 acres within the 1483.0 acres authorized under Rights 33-2057 and 33-2083; and overlap 382.0 acres within the 1436.1 acre place of use described under Right 33-2133.
3. Rights 33-69, 33-70, 33-71, 33-72, 33-73, 33-74, 33-76, 33-78, 33-79, 33-80, 33-81, 33-82, 33-2057, 33-2083, 33-2086, 33-2091, 33-2133 and 33-7018 when combined shall not exceed the irrigation of 3019.8 acres.
4. Continued diversion of water under the resumed portions of Rights 33-2057 and 33-2083 (301 acres), and Right 33-2091 (73 acres) are deemed mitigated by, and therefore are expressly contingent upon, continued diversion of winter water use under this right to the extent water is available for diversion under this water right.
5. The total instantaneous diversion of water from all points of diversion under Rights 33-2133 shall not exceed 9.88 cfs, nor a total combined annual volume of 2960.0 af
6. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 33.
7. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Exhibit F

August 1, 1951

Re: Permit No. R-833
L. R. Hawley

Mr. C. A. Bottolfson
Arco, Idaho

Dear Mr. Bottolfson:

We acknowledge receipt of your letter of July 28, 1951, enclosing depositions of L. R. Hawley and two witnesses in Proof of Completion of Works and Beneficial Use under Permit No. R-833.

We have had no formal protests on the above permit.

All permits issued by the Department are subject to existing rights and the Hawley Permit No. R-833 is valid with a priority of June 22, 1949, meaning that it cannot interfere with rights of earlier priority. This would be true regardless of the date when the Watermaster is called into service. The Watermaster is called on each year at the request of three water users and the obvious recourse of the other water users would be to call on the Watermaster.

Limits could be written into the License but except for some common good like the preservation of fish, the relative priorities give the other water users adequate protection.

The Little Lost River Decree defines the irrigation season as from April 1 to November 1, and implies a storage season as November 1 to April 1, but local custom, weather conditions and extraordinary conditions modify the actual beginning and end of the season.

The winter spreading of the water under Permit No. R-833 should materially improve ground water storage and the application for permit was approved on the basis of root zone storage alone without claim for ground water storage for subsequent withdrawal by pumping.

Thanks for the information about the informal protests. I think they can be worked out locally within existing law.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

MRK:bh

P-833