

**SUPPLEMENTAL DIRECTOR'S REPORT
REGARDING SUBCASE NOS. 01-04, 01-10, and 01-209**

In Re SRBA
Twin Falls County Civil Case No. 39576

Report to the SRBA District Court

Prepared by the Idaho Department of Water Resources
Gary Spackman, Interim Director
Carter Fritschle, Manager, Adjudication Section

November 3, 2011

I. INTRODUCTION

In accordance with Idaho Code § 42-1412(4), Administrative Order 1, the Director of the Idaho Department of Water Resources (“Department”) submits this amended Supplemental Director’s Report (“Report”) regarding subcase numbers 01-04, 01-10, and 01-209. This Report was prepared under the supervision of Gary Spackman, Interim Director, and Carter Fritschle, Manager, Adjudication Section. Douglas R. Jones, Technical Engineer 1, Southern Region Office in Twin Falls, and Michael W. Holliday, Water Rights Supervisor, Eastern Region Office in Idaho Falls, have knowledge of the information contained in the Report.

II. SUMMARY OF THE ISSUE

The Twin Falls Canal Company (“TFCC”) holds three previously decreed natural flow rights from the Snake River that authorize diversion of 3,780 cfs. As recommended, TFCC is authorized to irrigate 196,162 acres with its previously decreed water rights. The Department based its recommendations on TFCC’s water right decrees, diversion records, and aerial imagery.

III. FACTUAL AND PROCEDURAL BACKGROUND

On August 11, 1989, TFCC filed claims in the SRBA for water right numbers 01-4, 01-10, and 01-209. On May 15, 2006, the Department recommended those claims to the SRBA District Court in its Director’s Report for Basin 01, Part 1, Irrigation and Other Uses.

A. Water Right No. 01-04

Objections to the Department’s recommendation for 01-04 were filed by TFCC, the Ground Water Districts (“GWD”),¹ and the United States of America, Bureau of Land

¹ On April 23, 2008, the Idaho Ground Water Appropriators, Inc. (“IGWA”) filed a *Motion to Substitute Parties*. On May 28, 2008, the Court issued its *Order Granting IGWA’s Motion for Substitution of Parties* allowing

Management (“BLM”). TFCC objected to the place of use (“POU”) element. BLM also objected to the POU element; asserting that BLM is the owner of a portion of lands located within the claimed place of use.

Pertinent to this proceeding, the GWD objected to the POU element; asserting that, for purposes of a conjunctive administration delivery call, the irrigation requirement should be limited to actual irrigated acres. The GWD also objected that, for purposes of a conjunctive administration delivery call, TFCC’s irrigation requirement, at the head gate, should not exceed 5/8 miner’s inch per acre. Lastly, the Ground Water Districts sought a condition stating that the water right should not be entitled to make a delivery call against junior priority water rights.

While not an objector to this subcase, the City of Pocatello (“Pocatello”) was authorized to participate in this proceeding by this Court’s March 28, 2008 *Order Granting City of Pocatello’s Motion to Participate*.

B. Water Right No. 01-10

Objections to the Department’s recommendation for 01-10 were filed by BLM, GWD, and TFCC. TFCC objected to the POU element and the second paragraph of the other provisions necessary component of the recommendation.² BLM also objected to the POU element; asserting that BLM is the owner of a portion of lands located within the claimed place of use.

Pertinent to this proceeding, the GWD objected to the POU element; asserting that, for purposes of a conjunctive administration delivery call, the irrigation requirement should be limited to actual irrigated acres. The GWD also objected that, for purposes of a conjunctive

Aberdeen-American Falls Ground Water District, Bingham Ground Water District, Bonneville-Jefferson Ground Water District, Carey-Valley Irrigation District, Jefferson-Clark Ground Water District, Madison Ground Water District, Magic Valley Ground Water District, and North Snake Ground Water District (hereinafter referred to as “GWD”) in the place and stead of IGWA.

² It has been agreed upon by the parties and the Department that this provision, regarding the Eagle decree, is not necessary and should be deleted from the recommendation.

administration delivery call, TFCC's irrigation requirement, at the head gate, should not exceed 5/8 miner's inch per acre. Lastly, the Ground Water Districts sought a condition stating that the water right should not be entitled to make a delivery call against junior priority water rights.

While not an objector to this subcase, Pocatello was authorized to participate in this proceeding by this Court's March 28, 2008 *Order Granting City of Pocatello's Motion to Participate* on March 28, 2008.

C. Water Right No. 01-209

An Amended Director's Report was filed on December 21, 2006. The sole purpose of the Amended Director's Report was to add a remark concerning the Minidoka credit.³

Objections to the Department's recommendation for 01-209 were filed by TFCC, GWD, and BLM. TFCC objected to the POU element. BLM also objected to the POU element; asserting that the BLM is the owner of a portion of lands located within the claimed place of use.

Pertinent to this proceeding, the GWD objected to the POU element; asserting that, for purposes of a conjunctive administration delivery call, the irrigation requirement should be limited to actual irrigated acres. The GWD also objected that, for purposes of a conjunctive administration delivery call, TFCC's irrigation requirement, at the head gate, should not exceed 5/8 miner's inch per acre. The GWD sought a condition stating that this water right should not be entitled to make a delivery call against junior priority water rights. Lastly, the GWD sought a condition stating that, for purposes of a conjunctive administration delivery call, consideration should be given to the history and seasonal availability of water diversions.

³ Trial was held on the "Minidoka Credit Remark" on May 18, 2009, and the *Special Master Report and Partial Recommendation* ("Minidoka Credit Remark") was issued on February 2, 2010. The *Order Granting Motion to Alter or Amend and Amended Special Master Report and Recommendation* ("Minidoka Return Flow Credit Remark") was issued on May 7, 2010.

On May 21, 2008, Pocatello was authorized by the Court to broaden its objection beyond the Minidoka credit issue. Pocatello's amended objection took issue with the quantity element of the recommendation. Pocatello asserted that the decreed quantity is a maximum and does not create a guaranteed right to call for the full amount of water at all times between March 15 and November 15. Pocatello also asserted that TFCC should be required to demonstrate that its historical operations were consistent with the claimed amounts in light of crops raised, application methods, weather conditions, and system losses. Thus, the recommended quantity should be reduced if TFCC failed to support its claims. With regard to the POU element, Pocatello stated that the acreage indicated is not based on actual historically irrigated acreage. Conditions should be added requiring proof of actual consistent historical irrigation of the identified area; or in the alternative, acreage should be reduced to reflect actually historically irrigated acreage.

IV. DISCUSSION

A. TFCC's Water Rights

TFCC holds three natural flow rights from the Snake River authorizing diversion of 3,780 cfs. TFCC's most senior right, 01-209 (10/11/1900), was decreed in the case *Twin Falls Canal Company v. Charles N. Foster, et al.* (Fourth Jud. Dist. 1913), and authorizes diversion of 3,000 cfs.⁴ The *Foster* decree described a general place of use for water right 01-209 by Township, Range, and Section.

TFCC's next most senior right (12/22/1915), was originally licensed by the Department on April 5, 1923 as water right 01-2027.⁵ The license authorized the diversion of an additional

⁴ Attached hereto as Attachment 1 is a true and correct excerpted copy of the *Foster* decree.

⁵ Attached hereto as Attachment 2 is a true and correct copy of the license for 01-2027.

600 cfs for irrigation on 5,329 quarter-quarters. In the “Remarks” section of the “Application for Permit,”⁶ it was stated as follows:

NOTE 2. The main canal of the Twin Falls Canal Company System now has a carrying capacity of 3300 second feet. It is the intention to enlarge the same to 3600 second feet. The present appropriation consists of 3000 second feet, with a loss in transmission, making about 2100 second feet available for distribution. The contract right held by water users on the project is 1/80th second foot per acre, measured one half mile from the place of intended use. The number of acres under the canal system at present constructed is about 240,000. About 198,000 acres have contract right (sic). The additional lands intended to be irrigated are about 40,000 acres. The amount herein applied for is necessary to be added to the present water appropriation of the Twin Falls Canal System in order to supply lands now holding contract rights with an ample supply and also to cover lands under the system that have no contract rights.

Two years after the Department issued its license for water right 01-2027, the right was decreed by the federal district court in the case *Woodville Canal Company v. Clark and Edwards Canal and Irrigation Company, A Corporation, et al.* (D. Idaho 1925).⁷ The *Woodville* decree conformed, in part, with the license by authorizing the diversion of 600 cfs under the priority date 12/22/1915. The water right was renumbered from 01-2027 to 01-04. Unlike the license, no place of use was described. The right decreed in *Woodville* was made appurtenant to the lands described in *Foster*. The *Foster* decree was attached to the *Woodville* decree; thereby recognizing TFCC’s senior water right, 01-209.

TFCC’s most junior water right, 01-10 (4/1/1939), was decreed by the court in *Burley Irrigation District et al. v. Henry Eagle* (Fifth Jud. Dist. 1968), and authorizes diversion of 180 cfs.⁸ In *Eagle*, the court specifically referenced the *Foster* and *Woodville* decrees, asserting, “All the parties Plaintiff herein have accepted as binding upon them the provisions of all prior decrees

⁶ Attached hereto as Attachment 3 is a true and correct copy of the application for permit for 01-2027.

⁷ Attached hereto as Attachment 4 is a true and correct excerpted copy of the *Woodville* decree.

⁸ Attached hereto as Attachment 5 is a true and correct excerpted copy of the *Eagle* decree.

which have been entered with respect to the waters of the Snake River and its tributaries above Milner Dam” *Eagle* at 1-2. The *Eagle* decree specifically described TFCC’s water right 01-04 from the *Woodville* decree.

B. The Department’s SRBA Recommendations

On August 11, 1989, TFCC submitted SRBA claims to the Department for 01-04, 01-10, and 01-209. On May 11, 2006, the Department recommended TFCC’s SRBA claims as follows.

i. Period of Use

The standard Period of Use for irrigation for lands located downstream from the boundary between basins 35 and 36 is March 15 to November 15. TFCC is located downstream from the boundary of basins 35 and 36. Therefore, the Department recommended the standard irrigation season, March 15 to November 15.

ii. Place of Use

To determine the POU, the Department reviewed the original claims submitted by TFCC, which sought approximately 201,500 acres for irrigation purposes. The claimed acres were compiled in a notebook and submitted by TFCC with its notices of claim. In reviewing the claims, the Department compared the claimed POU with 1987/1988 National Aerial Photography Program (“NAPP”) images in the Department’s possession. The 1987 photography was taken during two days in June, one day in July, and one day in August. The 1988 photography was taken during one day in August. When there were ambiguities with the 1987/1988 NAPP imagery (due to resolution, rectification, or land use pattern uncertainties), imagery from 1992 and 2004 was examined in order to aid in interpreting what was occurring on the ground. The Department’s POU recommendation is based on the extent of irrigation as of 1987.

In order to analyze the claimed POU, the Department created a basic shape file that incorporated each claimed quarter-quarter (“QQ”). Areas within each QQ that were not or could not be irrigated were removed from the shape. These areas included canyon walls and bottoms, main canal footprints, highways, and county roads. Farmsteads, laterals, access roads, areas near fences, streams, and stackyards were not removed from the shape. Those acres were not removed from the shape because they were often temporary or subject to change in location or character; thus, irrigation could recommence as shareholders’ land use priorities changed. The Department did not analyze in detail which QQs were irrigated by overlapping, private water rights. However, as will be explained below, in certain areas where few acres were claimed, but many acres were irrigated, overlapping private water rights were taken into account.

After removing the above-mentioned acres, the Department then reviewed the shape file to determine the number of acres irrigated in each QQ. In some instances, the number of acres claimed in each QQ were the same as the number of acres the Department found were irrigated. In other instances, the number of claimed acres were greater or lesser than the number of acres the Department found were irrigated in each QQ. In those instances, the Department recommended the number of acres it determined were irrigated.

Attached hereto as Attachment 6 is a “screen shot” of the Department’s POU analysis for TFCC. The underlying NAPP imagery was taken on June 24, 1987. Attachment 6 shows five common examples, found during the review process, of differences between claimed acres and recommended acres. In Example 1, three QQs in Section 35 were claimed, but sixteen QQs were recommended. All of Section 35 was recommended because the unclaimed lands were subsequently identified by TFCC during the review process as having shares transferred there by the city of Twin Falls. During claim review, the Department requested additional information

from TFCC regarding the location of municipal shareholders' claimed irrigation use within city service areas. TFCC responded with updated maps showing irrigated tracts upon which municipal shareholders' shares were transferred with authorization from TFCC.

In Example 2, 63.5 acres were claimed, but no acres were recommended because the imagery showed the lands were not irrigated. Further analysis showed that the lands in question were owned by a federal entity. A closer examination of the original claimed POU revealed that the lands were not in fact claimed. It has since been determined by the Department that it erred at some point in transcribing or data entering the map data into the tabular claim format. It was correct to not recognize irrigation acreage in a circumstance like this as no irrigation was occurring and none was originally claimed.

In Example 3, even though 37 acres were claimed, imagery showed that the entire 40-acre tract was irrigated; therefore, 40 acres were recommended.

In Example 4, even though 36.6 acres were claimed, imagery showed that 32.3 acres irrigated; therefore, 32.3 acres were recommended.

Previously it was mentioned that consideration was given to overlapping, private water rights where fewer acres were claimed and many more were irrigated. Example 5 portrays this circumstance. In Example 5, the Department only recommended as many acres as were claimed. During investigation, it was found that several private water rights were appurtenant to the properties in addition to TFCC shares; therefore, the Department recommended the one acre that was claimed.

Based on the Department's review, it was determined that TFCC's POU as of 1987 was 196,162 acres.

iii. Point of Diversion

TFCC diverts water from the Snake River at the Twin Falls Southside Canal, located in Twin Falls County. The recommendations for 01-04 and 01-10 reflect this fact. The recommendation for 01-209 has the correct legal description for the point of diversion, but states that the location of the diversion is in Cassia County. The recommendation for 01-209 should be corrected to reflect that the point of diversion is located in Twin Falls County.

iv. Priority Date

The previous decrees established the priority dates for TFCC's claimed water rights: 01-209 (10/11/1900); 01-04 (12/22/1915); and, 01-10 (4/1/1939). Water District 01 delivery records show delivery in accordance with the previously decreed priority dates. Therefore, the Department recommended the previously decreed priority dates.

v. Purpose of Use

TFCC diverts water for use by its shareholders for irrigation; therefore, the Department recommended irrigation as the purpose of use.

vi. Quantity

TFCC previously decreed water rights authorize a combined diversion of 3,780 cfs. Water District 01 delivery records show historical delivery of TFCC's three previously decreed water rights, in amounts consistent with the prior decrees. Therefore, the diversion rates were recommended as claimed and previously decreed.

vii. Source

The Snake River was recommended as the source for these water rights because the prior decrees established that TFCC is authorized to divert water from the Snake River. Water District 01 delivery records show delivery of Snake River water to TFCC.

C. The Surface Water Coalition Delivery Call

On January 14, 2005, seven irrigation entities referred to as the Surface Water Coalition (“SWC”)⁹ filed a letter and petition for delivery call with former Director Karl J. Dreher, seeking conjunctive administration of ground water rights diverting from the Eastern Snake Plain Aquifer. TFCC is part of the SWC. On May 15, 2006, the Director’s Report for Basin 01 was filed with the SRBA. The Director’s Report for Basin 01 contained the recommendations for TFCC.

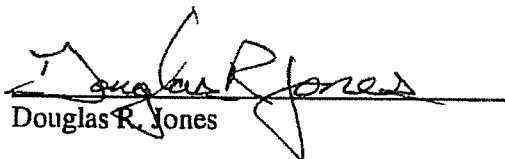
Since the filing of the Director’s Report for Basin 01, the Director has been conjunctively administering ground water and surface water rights in response to the SWC delivery call. Subsequent to the filing of the Director’s Report for Basin 01, an administrative and judicial record was created in response to the SWC delivery call. Part of the SWC delivery call is on appeal before the Idaho Supreme Court in Docket No. 38191-2010. Pending the outcome of the Supreme Court case, other issues stayed on judicial review before the Honorable Eric. J. Wildman in Case No. 2010-382 will be addressed. The Director’s SRBA recommendations for the water rights held by TFCC did not take into consideration the administrative or judicial records.

⁹ The SWC is made up of the A&B Irrigation District, American Falls Reservoir District No. 2, Burley Irrigation District, Milner Irrigation District, Minidoka Irrigation District, North Side Canal Company, and TFCC.

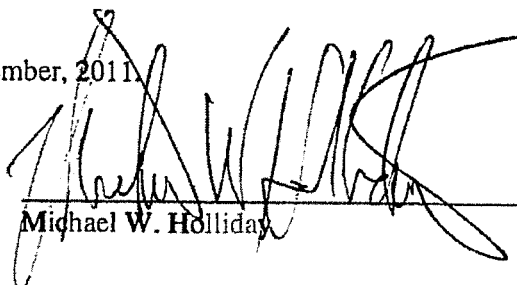
IV. CONCLUSION

The Department's recommendation for subcase numbers 01-04, 01-10, and 01-209 are based on the *Foster*, *Woodville*, and *Eagle* decrees, and the place of use as of 1987. The Department respectfully requests that the Court partially decree TFCC's rights as recommended.

Submitted this 3rd day of November, 2011.


Douglas R. Jones

Submitted this 3RD day of November, 2011.


Michael W. Holliday

CERTIFICATE OF SERVICE

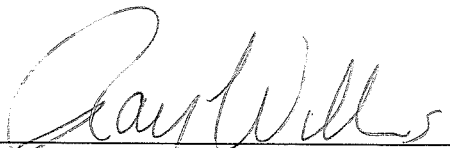
I HEREBY CERTIFY that I served a true and correct copy of the following described document on the persons listed below by United States mail with the correct postage affixed thereto on this 3rd day of November, 2011.

Document Served:

Supplemental Director's Report Regarding Subcase Nos. 01-04, 01-10, and 01-209.

Persons Served:

John K. Simpson Travis L. Thompson Paul L. Arrington BARKER ROSHOLT & SIMPSON LLP P.O. Box 485 Twin Falls, ID 83303	Randall C. Budge Candice M. McHugh Thomas J. Budge RACINE OLSON P.O. Box 1391 Pocatello, ID 83204-1391	Sarah A. Klahn Mitra M. Pemberton WHITE JANKOWSKI 511 16 th St., Ste. 500 Denver, CO 80202
Dean A. Tranmer City of Pocatello P.O. Box 4169 Pocatello, ID 83205	Jerry R. Rigby RIGBY ANDRUS & RIGBY 25 North 2 nd East Rexburg, ID 83440	Robert L. Harris HOLDEN KIDWELL 1000 Riverwalk Dr. P.O. Box 50130 Idaho Falls, ID 83405-0130
Clive J. Strong OFFICE OF THE ATTY GENERAL 700 W. State St., 2 nd Flr. P.O. Box 83720-0010 Boise, ID 83720	David W. Gehlert U.S. DEPT of JUSTICE 999 18 th St., S. Terrace, Ste. 370 Denver, CO 80202	IDWR Document Depository 322 E. Front Street P.O. Box 83720-0098 Boise, ID 83720


Idaho Department of Water Resources

ATTACHMENT 1

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT, STATE OF IDAHO,

IN AND FOR THE COUNTY OF TWIN FALLS.

.....
TWIN FALLS CANAL COMPANY,
A corporation, Plaintiff,

Vs.

CHARLES N. FOSTER, et al,
Defendants.
.....

Writ of Habeas Corpus
STIPULATION.

WHEREAS, The Twin Falls North Side Land & Water Company and the North Side Canal Company, Limited, when in entering into this stipulation are desirous of giving their reasons for the same, which are as follows, to-wit:

1. A contract has been entered into between the Kuhn Irrigation and Canal Company, the Twin Falls Canal Company and the United States for the storage of water at Jackson Lake Reservoir in which contract it is provided that the priority claimed by the Twin Falls North Side Land and Water Company by virtues of the Perrine Water Filing of June 25, 1900, for 3,000 second feet of the waters of Snake River should not be enforced as against the Minidoka Project and in lieu thereof that the canal of said company should receive certain stored water.

2. The circumstances under which the tracts of land under the canal of the Twin Falls Canal Company and the Twin Falls North Side Land & Water Company were developed would make it inequitable for the Twin Falls North Side Land & Water Company to claim a priority over the Twin Falls Canal Company.

For these reasons as between these parties and owing to their contractual relations this stipulation and decree is agreed to, the Twin Falls North Side Land and Water Company and the North Side Canal Company not weiving as to any other canals than the canals of the Twin Falls Canal Company and the Minidoka Project, its right to a priority of June 25, 1900, to which it claims a valid right.

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Said reason is given for the purpose of making a record of the same and not for the purpose of affecting any of the terms and conditions of this stipulation.

The Twin Falls North Side Canal Company, Limited, for itself stipulates that the Right No. 2, B., in the annexed decree shall be used on what is known as the First Segregation under the said Company's canal and on only 32,000 acres in said segregation.

NOW, THEREFORE, it is hereby stipulated and agreed that the attached form of judgment shall be entered in the above entitled cause of action, and that the making and filing of Findings of Fact and Conclusions of Law are hereby waived.

Dated June 13, 1913.

A. M. Bowen, Cavanah, Blake & MacLane,
Attorneys for Plaintiff.

C. H. Lingenfelter and B. E. Stoutemyer,
Attorneys for certain defendants.

S. R. Hays,
Attorneys for certain defendants.

John E. Williams,
Attorney for certain defendants.

C. O. Longley,
Attorney for certain defendants.

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

.....
TWIN FALLS CANAL COMPANY, Plaintiff, .

Vs. .

CHARLES N. FOSTER, et al, Defendants. .
.....

D E C R E E .

This cause having come on to be heard this 13th day of June, 1913, upon the amended complaint of the plaintiff, the Twin Falls Canal Company; the answer and cross-complaint of the Twin Falls North Side Land & Water Company, a Delaware corporation, and the North Side Canal Company, an Idaho corporation; the answer and cross-complaint, Asabel S. Abbott, Josie N. Acuff, and others, claiming rights in the Snake River by reason of the Minidoka Reclamation Project of the United States (as filed by C. H. Lingenfelter and S. L. Tipton and B. E. Stoutemyer, attorneys), including the Secretary of the Interior of the United States and P. M. Fogg, Engineer employed by the United States in charge of the Minidoka dam on the Snake River; the answer and cross-complaint of John Rohling, A. Kennedy, and others, (as filed by J. C. Rogers, Attorney), also claiming rights by reason of said Minidoka Reclamation Project; the answer and cross-complaint of J. H. Day, Clarence E. Williams, and others (filed by C. O. Longley, Attorney); the answer and cross-complaint in intervention of Charles W. Arthur; and the answer of Oscar F. Anderson; Cavenah, Blake, and MacLane and A. M. Bowen appearing as counsel for the plaintiffs, S. H. Hays, appearing as counsel for the defendants, the Twin Falls North Side Land & Water Company, and the North Side Canal Company, C. H. Lingenfelter and B. E. Stoutemyer appearing as counsel for the Secretary of Interior and for P. M. Fogg and other defendants represented by them, J. C. Rogers appearing for the defendants represented by him, C. O. Longley appearing as counsel for the defendants represented by him, John E. Williams appearing for the defendant, C. W. Arthur; and all other defendants herein having been regularly served with summons and not answering or

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in the Sections 5 and 6 and 8 in Twp. 9 S., Range 15 E., and Sec. 1, Twp. 9 E., Range 14 E. B. M., in the following amount, from the following date: 2 second feet from the 1st day of November, 1889 hereby designated as Right No. 1.

1 209

WATER RIGHT NO. 2.

~~01-1889~~ That the plaintiff, TWIN FALLS CANAL COMPANY be and it is hereby awarded the use of said waters of the natural flow of said Snake River diverted at the Milner Dam on the South Side of the Snake River, through what is commonly known as the Twin Falls South Side Canal, for use upon the lands lying in Twin Falls County, Idaho, South of the Snake River and East of Little Salmon River, to-wit: Sections 27, 28, 29, 30, 31, 32, 33, 34 in Township Ten (10) South, Range Twenty-one (21) East of Boise Meridian; Sections 31, 34, 35, 36, 25, in Township Ten (10) South Range Twenty (20) East of Boise Meridian; Sections 2, 3, 4, 5, 6, 7, 8, 9, 17, 18, 19, 20, in Township Eleven (11) South, Range Twenty (20) East of Boise Meridian, Sections 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, in Township Ten (10) South, Range Nineteen (19) East of Boise Meridian; Sections 1, 12, 13 in Township Eleven (11) South, Range Nineteen (19) East of Boise Meridian; Sections 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, in Township Ten (10) South, Range Eighteen (18) East of Boise Meridian, Sections Nos. One (1) to Thirty-three (33) inclusive in Township Eleven (11) South, Range Eighteen (18) East of Boise Meridian; Sections Nos. Twenty-nine (29) to Thirty-six (36) inclusive, in Township nine (9) South, Range Seventeen (17) East of Boise Meridian; All of said Township in Township Ten South (10 S.) Range Seventeen (17) East of Boise Meridian; Sections Nos. One (1) to Fifteen (15) inclusive and Section Twenty-four (24) in Township Eleven (11) South, Range Seventeen (17), East of Boise Meridian; Sections Sixteen (16) to Thirty-six (36) inclusive in Township Nine (9) South, Range Sixteen (16) East of Boise Meridian; Sections Nos. One (1) to Thirty-six (36) inclusive in Township Ten (10) South Range Sixteen (16) East of Boise Meridian; Sections 1, 2, 12, in Township Eleven (11) South, Range Sixteen (16) East of Boise Meridian; Sections Nos. Five (5) to Thirty-six

(36) inclusive in Township Nine (9) South, Range Fifteen (15) East of Boise Meridian; Sections Nos. One (1) to Thirty-six (36) inclusive in Township Ten (10) South, Range Fifteen (15) East of Boise Meridian; Sections 5, 6, 7, in Township Eleven (11) South, Range Fifteen (15) East of Boise Meridian; Sections Twenty-eight (28) to Thirty-three (33) inclusive, Township Eight (8) South, Range Fourteen (14) East of Boise Meridian; Sections Four (4) to thirty-six inclusive, and Section One (1) Township Nine (9) South, Range Fourteen (14) East of Boise Meridian; Sections Nos. One (1) to Thirty-six (36), inclusive in Township Ten (10) South, Range Fourteen (14) East of Boise Meridian; Sections One (1) to Twelve (12) inclusive, and Seventeen (17) to Twenty (20) inclusive in Township Eleven (11) South, Range Fourteen (14) East of Boise Meridian; Sections 1, 12, 13, 14, 23, 24, 25, 36, in Township Nine (9) South, Range Thirteen (13) East of Boise Meridian; Sections 1, 2, 10, ³⁴11, 12, 13, 14, 15, 16, 22, 23, 21, 24, 25, 26, 27, 28, 33, ³⁴35, 36, in Township Ten (10) South, Range Thirteen (13) East of Boise Meridian; Sections 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 24, in Township Eleven (11) South, Range Thirteen (13) East of Boise Meridian; All of Township Nine (9) South, Range 18 East of Boise Meridian; and all other lands lying North of the Main and Highline canals of the plaintiff's canal system, South of said Snake River and East of said Little Salmon River; in the following amount from the following date: 3,000 second feet from October 11, 1900, and hereby designated

1 210 Right No. 2A.

~~of 1900~~ That the defendants, The TWIN FALLS NORTH SIDE LAND & WATER COMPANY and the NORTH SIDE CANAL COMPANY, LIMITED, be and are hereby awarded the use of said waters of the natural flow of said Snake River diverted from a point on said Snake River at the Milner Dam on the North Side of the Snake River, through what is commonly known as the North Side Twin Falls Canal, for use upon lands lying on the North Side of Snake River and between said river and the following described lines; Commencing at a point where the West line of Section Three (3), Township Ten (10) South, Range Eighteen (18) East, B.M.; running thence North to the Northwest corner of Section Twenty-seven (27) in said township; thence East to the Northeast corner, Section Twenty-five (25), Township Nine (9) South, Range

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decree
finding & directing
description of p/w.

a Misdemeanor', the amount of the natural flow to be determined as such natural flow would be, if unaffected by the diversions or acts of the parties hereto or any or either of them or by the release of stored water, the natural flow to which the Twin Falls Projects are entitled to be measured to them at the Milner Dam."

It is further ORDERED, ADJUDGED AND DECREED that the rights and priorities hereinbefore determined and awarded be and the same are each of them quieted and conformed as against each and every party hereto; and furthermore that each and all claims to the waters of the Snake River by each or all of said parties, adverse to the rights herein awarded and determined, be and they are hereby held for naught and such parties forever barred from asserting same.

Done in open Court this 20th day of June, 1913, By the Court.

Edward A. Walters,
District Judge.

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ATTACHMENT 2

Copy

STATE OF IDAHO

License and Certificate of Water Right

Water License No. 11888

Amount 600 second feet

Water District No. 10-A

Priority 12-22-1915

THIS IS TO CERTIFY that George E. Harlan of Twin Falls, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated December 22, 1915; that Permit No. 11888 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 600 second feet, was issued thereunder on March 16, 1921, showing that said works were completed on the 29th day of May, 1920; and that on the 10th day of January, 1923, Twin Falls Canal Company of Twin Falls, State of Idaho, made proof to the satisfaction of the Commissioner of Reclamation of Idaho, of a right to the use of the waters of Snake River, a tributary of Columbia River, for the purpose of irrigation, under Use Permit No. 11888 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Engineer of Idaho and entered of record in Volume 6 of Licenses, at page 5044, on the 5th day of April, 1923.

The right hereby confirmed dates from December 22, 1915;

The Point of Diversion is located at Milner Dam, south end of which bears North 31° 2' West 1484 feet from Corner common to Sections 28, 29, 32 and 33, Township 10 South, Range 31 East, Boise Meridian, County of Cassia.

That the amount of water to which such right is entitled, and hereby confirmed, for the purpose aforesaid, is limited to an

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amount actually needed and beneficially used for said purposes,
and shall not exceed 600 cubic feet per second.

Description and location of use:

Township 8 South, Range 14 East, B. M.

Sec. 31 East 1/2-SE $\frac{1}{4}$
32 SW $\frac{1}{4}$ SW $\frac{1}{4}$
33 Lot 7

Township 9 South, Range 13 East, B. M.

Sec. 1 Lot 5, NE $\frac{1}{4}$ SE $\frac{1}{4}$; S $\frac{1}{2}$ SE $\frac{1}{4}$
12 NE $\frac{1}{4}$; SE $\frac{1}{4}$ NW $\frac{1}{4}$; E $\frac{1}{2}$ SE $\frac{1}{4}$
13 NE $\frac{1}{4}$; SE $\frac{1}{4}$ NW $\frac{1}{4}$; NE $\frac{1}{4}$ SW $\frac{1}{4}$; S $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$
24 All
23 SE $\frac{1}{4}$ NE $\frac{1}{4}$; E $\frac{1}{2}$ SE $\frac{1}{4}$
25 NW $\frac{1}{4}$; N $\frac{1}{2}$ SW $\frac{1}{4}$
26 NE $\frac{1}{4}$ NE $\frac{1}{4}$
36 E $\frac{1}{2}$ SW $\frac{1}{4}$; SE $\frac{1}{4}$

Township 9 South, Range 14 East, B. M.

Sec. 1 Lot 9
5 W $\frac{1}{2}$ -W $\frac{1}{2}$ -E $\frac{1}{2}$
6 Lot 1; S $\frac{1}{2}$ NE $\frac{1}{4}$; S $\frac{1}{2}$ NW $\frac{1}{4}$; S $\frac{1}{2}$ Section.
7 All
8 W $\frac{1}{2}$ W $\frac{1}{2}$; NE $\frac{1}{4}$ NW $\frac{1}{4}$
10 S $\frac{1}{2}$ NE $\frac{1}{4}$
11 SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$; SE $\frac{1}{4}$
12 NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$
13 NE $\frac{1}{4}$; E $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, SE $\frac{1}{4}$
14 NE $\frac{1}{4}$; N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$
15 N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$; NW $\frac{1}{4}$ SE $\frac{1}{4}$; S $\frac{1}{2}$ SE $\frac{1}{4}$
16 E $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$; S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$; SE $\frac{1}{4}$
17 NW $\frac{1}{4}$; N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$
18 NE $\frac{1}{4}$; NW $\frac{1}{4}$; N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$; Entire SE $\frac{1}{4}$
19 NE $\frac{1}{4}$; NW $\frac{1}{4}$ NW $\frac{1}{4}$; S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$; SE $\frac{1}{4}$
20 NE $\frac{1}{4}$; NW $\frac{1}{4}$ NW $\frac{1}{4}$; S $\frac{1}{2}$ NW $\frac{1}{4}$; SW $\frac{1}{4}$; SE $\frac{1}{4}$
21 W $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$; NE $\frac{1}{4}$ SE $\frac{1}{4}$
22 N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$; S $\frac{1}{2}$ SW $\frac{1}{4}$; NE $\frac{1}{4}$ SE $\frac{1}{4}$
23 N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$; S $\frac{1}{2}$ NW $\frac{1}{4}$; NE $\frac{1}{4}$ SE $\frac{1}{4}$
24 N $\frac{1}{2}$ of Section; E $\frac{1}{2}$ SW $\frac{1}{4}$; SE $\frac{1}{4}$
25 All
26 NE $\frac{1}{4}$ NE $\frac{1}{4}$; S $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$; S $\frac{1}{2}$ of Section
27 E $\frac{1}{2}$ NE $\frac{1}{4}$; NE $\frac{1}{4}$ SW $\frac{1}{4}$; S $\frac{1}{2}$ SW $\frac{1}{4}$; SE $\frac{1}{4}$
28 S $\frac{1}{2}$ NE $\frac{1}{4}$; NE $\frac{1}{4}$; S $\frac{1}{2}$ of Section
29 All
30 NE $\frac{1}{4}$; E $\frac{1}{2}$ NW $\frac{1}{4}$; S $\frac{1}{2}$ of Section
31 All
32 All
33 All
34 All
35 All
36 All

Township 9 South, Range 15 East

Sec. 12 Lot 5; SW-SW
11 E $\frac{1}{2}$ SW; SW-SW; Lot 4
10 SW; Lot 8, S $\frac{1}{2}$ SE
9 Lot 2; S $\frac{1}{2}$ of Section
8 S $\frac{1}{2}$ -NE; NW $\frac{1}{2}$; S $\frac{1}{2}$ of Section
7 NE $\frac{1}{2}$; N $\frac{1}{2}$ -NW; SE-NW; NE-SW; S $\frac{1}{2}$ -SW; SE $\frac{1}{2}$
18 NE $\frac{1}{2}$; N $\frac{1}{2}$ -NW; SW $\frac{1}{2}$ NW; SW $\frac{1}{2}$; SE $\frac{1}{2}$
17 All
16 All
15 All
14 SE-NE; NW-NW; S $\frac{1}{2}$ -NW; SW $\frac{1}{2}$; E $\frac{1}{2}$ -SE
13 NW-NE; S $\frac{1}{2}$ -NE; NW $\frac{1}{2}$; S $\frac{1}{2}$ of Section
24 All
23 E $\frac{1}{2}$ -NE; NW $\frac{1}{2}$; SW $\frac{1}{2}$; NE $\frac{1}{2}$ -SE
22 All
21 All
20 All
19 All
30 All
29 All
28 All
27 All
26 All
25 All
31 All
32 All
33 All
34 All
35 All
36 E $\frac{1}{2}$ -NE; NW $\frac{1}{2}$; S $\frac{1}{2}$ of section

Township 9 South, Range 16 East

Sec. 16 Lots 5 and 6
17 Lots 5, 6, 7, and 8
18 Lot 3 and 4; SE $\frac{1}{2}$ -NW; SW $\frac{1}{2}$; SW-SE; Lots 6 & 9
19 All
20 All
21 All
22 Lots 3 & 4; S $\frac{1}{2}$ of Section
23 Lots 2, 3, 4, & 5, SW-SW
25 S $\frac{1}{2}$ -NE; SW-NW; Entire S $\frac{1}{2}$
26 All
27 All
28 All
29 All
30 All
31 All
32 All
33 All
34 All
35 All
36 All

Township 9 South, Range 17 East

Sec. 29 NW-SW; S₂¹-SW; S₂¹-SE
30 SW-NE; S₂¹-NW; S₂¹ of Section
31 All
32 All
33 W₂¹-NW; S₂¹ entire
34 Lots 3 and 4; S₂¹-SW; Lots 5 and 6
35 Lots 5, 6, 7, 8 and 9

Township 10 South, Range 13 East

Sec. 1 NE₂¹; SE-NW; Entire S₂¹
2 E₂¹-SW; SE₂¹
10 NE-SE; S₂¹-SE
11 NE; S₂¹-NW; SW₂¹; N₂¹-SE; SW-SE
12 NE₂¹; E₂¹-NW; NW-NW; NE-SW; N₂¹-SE; SE-SE
13 E₂¹-NE; SE-SW; SE₂¹
14 N₂¹-NW; SW-NW; NW-SW; S₂¹-SW
15 NE₂¹; S₂¹-NW; Entire S₂¹
16 SE-NE; NE-SE; S₂¹-SE
21 NE₂¹; E₂¹-SE
22 All
23 All
24 Entire N₂¹; SW₂¹; NW-SE; S₂¹-SE
25 NW-NE; S₂¹-NE; NW₂¹; SW₂¹; SE₂¹
26 All
27 All
28 E₂¹-E₂¹
33 E₂¹-NE; SE₂¹
34 All
35 All
36 All

Township 10 South, Range 14 East

Sec. 1 All
2 All
3 All
4 All
5 All
6 All
7 All
8 All
9 All
10 All
11 All
12 All
13 All
14 All
15 All
16 All
17 All
18 All
19 NE; N₂¹-NW; S₂¹-SW
20 Entire N₂¹; N₂¹-SW; SE-SW; SE₂¹
21 All
22 All
23 All
24 All
25 All

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Township 10 South, Range 14 East (Cont.)

Sec. 26 All
27 All
28 All
29 NE $\frac{1}{4}$: E $\frac{1}{2}$ -NW; Entire S $\frac{1}{2}$
30 S $\frac{1}{2}$ -NW; Entire S $\frac{1}{2}$
31 All
32 All
33 All
34 All
35 All
36. All

Township 10 South, Range 15 East

All of Township 10 South, Range 15, except SE-NW Sec. 34

Township 10 South, Range 16 East

All of Township 10 South, Range 16 Except SW-SE Sec. 34

Township 10 South, Range 17 East

Sec. 1 S $\frac{1}{2}$ -NW; S $\frac{1}{2}$ of Section
2 All
3 All
4 All
5 All
6 All
7 All
8 All
9 All
10 All
11 All
12 All
13 All
14 All
15 All
16 All
17 All
18 All
Entire S $\frac{1}{2}$ of Township 10, Range 17

Township 10 South, Range 18 East

Sec. 4 NW-SW; S $\frac{1}{2}$ -SW; SW $\frac{1}{4}$ -SE $\frac{1}{4}$
5 Entire S $\frac{1}{2}$
6 SW-NE; Entire S $\frac{1}{2}$
7 All
8 All
9 All
10 SW-NW; NW-SW; S $\frac{1}{2}$ -SW; SE $\frac{1}{4}$
11 NE-SW; S $\frac{1}{2}$ -SW; SE $\frac{1}{4}$
12 SW-SW;
13 All
14 All
15 All
16 All
17 All
18 All
The entire S $\frac{1}{2}$ of Township 10

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Township 10 South, Range 19 East

Sec. 15 Lot 2
16 Lots 4 & 5; SW $\frac{1}{4}$; NW-SE; SW-SE; Lot 10
17 Lots 3, 4, 5 & 6; S $\frac{1}{2}$ NE; S $\frac{1}{2}$ NW; Entire S $\frac{1}{2}$ of Sec.
18 All
19 All
20 All
21 N $\frac{1}{2}$ -NE; SW-NE; NW $\frac{1}{4}$; N $\frac{1}{2}$ -SW; NW-SE
22 NE $\frac{1}{4}$; N $\frac{1}{2}$ -NW; SE-NW; W $\frac{1}{2}$ -SW; NE-SE
23 Lots 3 and 4, Entire S $\frac{1}{2}$ of Section
24 Lot 2;
25 Lot 3; NW $\frac{1}{4}$; SW $\frac{1}{4}$; Lots 6 and 7.
26 E $\frac{1}{2}$ -NE; NE-SE
29 N $\frac{1}{2}$ -NE; N $\frac{1}{2}$ -NW; SW-NW
30 All
31 NW-NE; NW $\frac{1}{4}$; Lots 3 and 4
36 W $\frac{1}{2}$ -NE; Lot 3; E $\frac{1}{2}$ -NW; SE $\frac{1}{4}$

Township 10 South, Range 20 East

Sec. 26 Lot 3
25 Lots 5, 6, 7 and 8, S $\frac{1}{2}$ -SE
31 Lots 4, 8, 9 and 10
33 Lot 4,
34 Lots 5, 6, 7 and 8;
35 Lots 1, 5, 6 and 7, SE-NE; NE-SW
36 NW-NW

Township 11 South, Range 13 East

Sec. 1 All
2 All
3 Entire N $\frac{1}{2}$; N $\frac{1}{2}$ -SW; SE-SW; N $\frac{1}{2}$ -SE; SE-SE
10 NE-NW
11 NE $\frac{1}{4}$; N $\frac{1}{2}$ -NW; SW $\frac{1}{4}$ -NW; E $\frac{1}{2}$ -SW; SE $\frac{1}{4}$
12 All
13 N $\frac{1}{2}$ -entire
14 NE-NE

Township 11 South, Range 14 East

Sec. 1 All
2 All
3 All
4 All
5 NE-NE; S $\frac{1}{2}$ -NE; NW $\frac{1}{4}$; entire S $\frac{1}{2}$ of Section
6 All
7 All
8 All
9 All
10 Entire N $\frac{1}{2}$; N $\frac{1}{2}$ -SW; SW-SW
11 N $\frac{1}{2}$ -NE; SE-NE; NW $\frac{1}{4}$; NW-SW
12 N $\frac{1}{2}$ -NE; SW-NE; NW $\frac{1}{4}$; S $\frac{1}{2}$ -SE
16 NW-NW
17 N $\frac{1}{2}$ -NE; SW-NE; NW $\frac{1}{4}$; N $\frac{1}{2}$ -SW; SW-SW
18 All
19 E $\frac{1}{2}$ -NE; NW $\frac{1}{4}$
20 NW $\frac{1}{4}$

Township 11 South, Range 15 East

Sec. 5 Entire N $\frac{1}{2}$
6 All
7 NW-NW

Township 11 South, Range 16 East

Sec. 1 All
2 NE $\frac{1}{2}$; N $\frac{1}{2}$ -NW; SE-NW
12 N $\frac{1}{2}$ -NE

Township 11 South, Range 17 East

Sec. 1 All
2 All
3 All
4 All
5 All
6 All
7 N $\frac{1}{2}$ -N $\frac{1}{2}$
8 N $\frac{1}{2}$ -N $\frac{1}{2}$
9 N $\frac{1}{2}$ -N $\frac{1}{2}$; S $\frac{1}{2}$ -NE
10 All
11 All
12 All
13 All
14 NE $\frac{1}{2}$; N $\frac{1}{2}$ -NW; N $\frac{1}{2}$ -SE; SE-SE
15 N $\frac{1}{2}$ -NE
24 NE-NE; S $\frac{1}{2}$ -NE

Township 11 South, Range 18 East

Sec. 1 Lot 2; SW-NE; NW $\frac{1}{4}$; SW $\frac{1}{4}$
2 All
3 All
4 All
5 All
6 All
7 All
8 All
9 All
10 All
11 All
12 Entire W $\frac{1}{2}$ of Section W $\frac{1}{2}$ -SE
13 N $\frac{1}{2}$ -entire of section; SW; W $\frac{1}{2}$ -SE
14 Entire E $\frac{1}{2}$
15 NW-NE; entire W $\frac{1}{2}$ of section
16 All
17 N $\frac{1}{2}$ -NE; SW-NE; NW $\frac{1}{4}$; Entire S $\frac{1}{2}$ of section
18 All
19 NE $\frac{1}{4}$; E $\frac{1}{2}$ -NW; W $\frac{1}{2}$ -SE; SE-SE
20 N $\frac{1}{2}$ -N $\frac{1}{2}$; SE-NE; N $\frac{1}{2}$ -S $\frac{1}{2}$; S $\frac{1}{2}$ -SW; SE-SE
21 N $\frac{1}{2}$ -N $\frac{1}{2}$; SE $\frac{1}{4}$
22 N $\frac{1}{2}$ -NW; SW-SW
23 NE $\frac{1}{4}$; NE-SE
24 W $\frac{1}{2}$ -NW; NW-SW
25 NW $\frac{1}{4}$
26 SE-NE; NW $\frac{1}{4}$; NW-SW

Township 11 South, Range 18 East (Cont.)

Sec. 27 NE $\frac{1}{4}$; SW $\frac{1}{4}$; N $\frac{1}{2}$ -SE
28 All
29 NE $\frac{1}{4}$; N $\frac{1}{2}$ NW; SW-NW; W $\frac{1}{2}$ -SW; SE-SW; E $\frac{1}{2}$ -SE
30 N $\frac{1}{2}$ -NE; SW-NE; NW-SE
32 E $\frac{1}{2}$ -NE; N $\frac{1}{2}$ -NW
33 N $\frac{1}{2}$ -NE; SW-NE; NW $\frac{1}{4}$

Township 11 South, Range 19 East

Sec. 1 NE $\frac{1}{4}$; SE $\frac{1}{4}$
12 NE $\frac{1}{4}$; N $\frac{1}{2}$ -SE; SE-SE
13 E $\frac{1}{2}$ -NE; NE-SE

Township 11 South, Range 20 East

Sec. 3 Lots 3 and 4, SW-NW
4 NE $\frac{1}{4}$; N $\frac{1}{2}$ SW; SW-SW; NW-SE
5 Lots 3 and 4, S $\frac{1}{2}$ -SW; S $\frac{1}{2}$ -SE
6 Lots 2,3,4,5,6, SE-NW; NE-SW; Lot 7; SE-SW; W $\frac{1}{2}$ SE; SE-SE
7 All
8 NE; Entire W $\frac{1}{2}$ of section
17 NW $\frac{1}{4}$
18 N $\frac{1}{2}$ of section; N $\frac{1}{2}$ -SE
19 N $\frac{1}{2}$ -N $\frac{1}{2}$
20 N $\frac{1}{2}$ -N $\frac{1}{2}$

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the Commissioner of Reclamation, affixed at Boise, Idaho, this 5th day of April, 1923.

Commissioner of Reclamation

ATTACHMENT 3

No. 17169

APPLICATION FOR PERMIT 01-2027 **TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO**

1. Name of applicant: Geo. E. Harlan,

Postoffice address: Twin Falls

County Twin Falls

State: Idaho

I. If applicant is a corporation, give

(a) Date and place of incorporation:

(b) The amount of capital stock:

(c) The amount paid in:

(d) Names and addresses of directors:

II. The financial resources of the applicant are: (a) Cash on hand:

(b) Treasury stock:

(c) Bonds to be issued:

(d) Other resources:

2. The quantity of water claimed is Six hundred (600) cubic feet per second.

3. Source of water supply: Snake River

4. Location of point of diversion: Milner Dam, Twin Falls County, Idaho, South end of which bears N. 31° 2' W. 1484 ft. from the corner common to Secs. 28, 29, 32, and 33, Twp. 10, S. R. 21 E.B.M.

~~County of~~

5. To be used for: Irrigation.

I. Irrigation and domestic use: (a) Amount of land to be irrigated:

282,000 acres.

(b) In the following legal subdivisions: See Note 1.

II. Mining, milling, power, manufacturing, transportation or other purposes:

(a) At what point:

(b) Amount of power to be generated:

H. P. under ft. head

(c) Is water to be returned to any stream?
point of return:

(d) If so, name stream and locate

6. Estimated cost of works: \$280,000.00

7. Description of works for diversion:

I. Kind of works: Canals, flumes, pipes and pumps and dam, some of which are now constructed.

II. Dimensions of works:

(a) Height of dam 85. feet, length of dam at top abt. 1000 feet,

length of dam at bottom 1000 feet. Material used in construction: Earth and rock fill, same being already constructed and used as apart of the Twin Falls Canal System.

(b) Capacity of reservoir -- acres feet. (c) Size of headgate, width 80 feet,

Height 10 feet. (d) Conduit Ditch width at bottom 80 feet,

width at water line 120 feet, depth of water 10 feet; diameter of pipe

(See Note 3) inches; average grade per mile is .75 feet. Length of conduit is 75 miles, and it crosses the following quarter sections: (See Note 3.)

8. The time required for the completion of the construction of such work is 5 years.

9. Time required for the complete application of the water to the proposed use is 2 additional years.

BE IT KNOWN That the undersigned hereby makes application for a permit to appropriate the public waters of the State of Idaho as herein set forth.

George E. Harlan

Applicant.

By A.M. Bowen.

Agent.

Date of first receipt at office of State Engineer 4:30 P.M. Dec. 22, 1915.

Returned to applicant for correction

Corrected application received

APPROVAL OF STATE ENGINEER

The number of this permit is 11888

Recorded in Book 40 Page 11888 Approved January 10, 1916.

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$1200.00 to be filed on or before March 10, 1916.

Work to begin on or before and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before July 10, 1918

The whole of said work to be completed on or before January 10, 1921.

Beneficial use of water appropriated in accordance herewith, to be made on or before January 10, 1923.

Witness my hand this 10th day of January, 1916.

J.H. SMITH.

State Engineer.

Remarks:

NOTE 1: The lands, intended to be irrigated by the water here applied for consist of all the land lying South of the Snake River and North of the main and high land canals of the Twin Falls Canal System in said Twin Falls County and East of the Salmon River; also other lands not now covered by the said canal system, all of which will be irrigated by the use of the present Twin Falls Canal System and an additional system of pumps, canals, ditches, flumes and other irrigation works. A complete list of lands to be irrigated is annexed hereto.

NOTE 2. The main canal of the Twin Falls Canal System now has a carrying capacity of 3300 second feet. It is the intention to enlarge the same to 3600 second feet. The present appropriation consists of 3000 second feet, with a loss in transmission, making about 2100 second feet available for distribution. The contract right held by water users on the project is 1/80th second foot per acre, measured one half mile from the place of intended use. The number of acres under the canal system as at present constructed is about 240,000. About 198,000 acres have contract right. The additional lands intended to be irrigated are about 40,000 acres. The amount herein applied for is necessary to be added to the present water appropriation of the Twin Falls Canal System in order to supply lands now holding contract rights with an ample supply and also to cover lands under the system that have no contract rights.

NOTE 3. Main canal to cover the new lands has a width at bottom of 20 ft.; width at water line, 50 ft; depth of water 5 ft.; average grade per mile, 2 ft. and it crosses the following quarter section:

Twp. 10 S., R. 19 E.: SE $\frac{1}{4}$ Sec. 21; NE $\frac{1}{4}$ and SE $\frac{1}{4}$ Sec. 28; SW $\frac{1}{4}$ Sec. 31; NE $\frac{1}{4}$ and SE $\frac{1}{4}$ Sec. 32; NW $\frac{1}{4}$ and NE $\frac{1}{4}$ Sec. 33; NW $\frac{1}{4}$, NE $\frac{1}{4}$ and SE $\frac{1}{4}$ Sec. 34; and SW $\frac{1}{4}$ Sec. 35.

Twp. 11 S., R. 19 E.: SW $\frac{1}{4}$ Sec. 1; SE $\frac{1}{4}$, SW $\frac{1}{4}$ and NW $\frac{1}{4}$ Sec. 2; NE $\frac{1}{4}$, SE $\frac{1}{4}$, SW $\frac{1}{4}$ and NW $\frac{1}{4}$ Sec. 5, NE $\frac{1}{4}$, and NW $\frac{1}{4}$, Sec. 6; SE $\frac{1}{4}$ Sec. 8; SW $\frac{1}{4}$ Sec. 9; NW $\frac{1}{4}$, and SW $\frac{1}{4}$ Sec. 11; NE $\frac{1}{4}$, SE $\frac{1}{4}$, and SW $\frac{1}{4}$ Sec. 15; SE $\frac{1}{4}$, SW $\frac{1}{4}$, and NW $\frac{1}{4}$ Sec. 16; NE $\frac{1}{4}$ and NW $\frac{1}{4}$ Sec. 17; NE $\frac{1}{4}$ and NW $\frac{1}{4}$ Sec. 18; SE $\frac{1}{4}$ and SW $\frac{1}{4}$ Sec. 19; NE $\frac{1}{4}$, SE $\frac{1}{4}$ and SW $\frac{1}{4}$ Sec. 20; NW $\frac{1}{4}$ Sec. 21; NE $\frac{1}{4}$ Sec. 22; NW $\frac{1}{4}$ and NE $\frac{1}{4}$ Sec. 23; NW $\frac{1}{4}$, NE $\frac{1}{4}$, SE $\frac{1}{4}$ and SW $\frac{1}{4}$ Sec. 24; NW $\frac{1}{4}$ Sec. 25; SE $\frac{1}{4}$, SW $\frac{1}{4}$ and NW $\frac{1}{4}$ Sec. 26; SW $\frac{1}{4}$ Sec. 28; NE $\frac{1}{4}$ Sec. 29; SE $\frac{1}{4}$ Sec. 31, SW $\frac{1}{4}$ and SE $\frac{1}{4}$ Sec. 32; NW $\frac{1}{4}$ and SW $\frac{1}{4}$ Sec. 33; SW $\frac{1}{4}$ and SE $\frac{1}{4}$ Sec. 34; NW $\frac{1}{4}$, SW $\frac{1}{4}$ and SE $\frac{1}{4}$ Sec. 35; SW $\frac{1}{4}$ Sec. 36.

Twp. 12 S., R. 19 E: NE $\frac{1}{4}$ and NW $\frac{1}{4}$ Sec. 1; NW $\frac{1}{4}$ Sec. 3; NE $\frac{1}{4}$ and NW $\frac{1}{4}$ Sec. 4; NE $\frac{1}{4}$ Sec. 5; NE $\frac{1}{4}$ Sec. 6.

Twp. 10 S., R. 20 E: SW $\frac{1}{4}$ Sec. 36;

Twp. 11 S., R. 20 E: NE $\frac{1}{4}$ Sec. 1; SE $\frac{1}{4}$ Sec. 10; SW $\frac{1}{4}$ and SE $\frac{1}{4}$ Sec. 11; SW $\frac{1}{4}$ and SE $\frac{1}{4}$ Sec. 12; SE $\frac{1}{4}$ Sec. 13; SW $\frac{1}{4}$, NW $\frac{1}{4}$, and NE $\frac{1}{4}$ Sec. 15; NW $\frac{1}{4}$, NE $\frac{1}{4}$, SE $\frac{1}{4}$, and SW $\frac{1}{4}$ Sec. 16; NW $\frac{1}{4}$ and SW $\frac{1}{4}$ Sec. 21; NE $\frac{1}{4}$ Sec. 22; NW $\frac{1}{4}$ and NE $\frac{1}{4}$ Sec. 23, NW $\frac{1}{4}$, SW $\frac{1}{4}$, SE $\frac{1}{4}$ and NE $\frac{1}{4}$ Sec. 24; NE $\frac{1}{4}$ and SE $\frac{1}{4}$ Sec. 26; SW $\frac{1}{4}$ Sec. 27; SE $\frac{1}{4}$, NE $\frac{1}{4}$ and NW $\frac{1}{4}$ Sec. 28; SE $\frac{1}{4}$ and SW $\frac{1}{4}$ Sec. 29; NE $\frac{1}{4}$ and SE $\frac{1}{4}$ Sec. 32; NW $\frac{1}{4}$, SW $\frac{1}{4}$, SE $\frac{1}{4}$ and NE $\frac{1}{4}$ Sec. 34; NW $\frac{1}{4}$ and NE $\frac{1}{4}$ Sec. 35;

Twp. 12 S., R. 20 E. NW $\frac{1}{4}$ Sec. 3; NE $\frac{1}{4}$, SE $\frac{1}{4}$ and SW $\frac{1}{4}$ Sec. 4; NE $\frac{1}{4}$ SE $\frac{1}{4}$ and SW $\frac{1}{4}$ Sec. 5; SE $\frac{1}{4}$, NE $\frac{1}{4}$, NW $\frac{1}{4}$ and SW $\frac{1}{4}$ Sec. 6.

Twp. 10 S., R. 21 E. SW $\frac{1}{4}$ Sec. 29; NW $\frac{1}{4}$, SW $\frac{1}{4}$ and SE $\frac{1}{4}$ Sec. 32; SE $\frac{1}{4}$ Sec. 33; SW $\frac{1}{4}$ and NW $\frac{1}{4}$ Sec. 34;

Twp. 11 S., R. 21 E. NE $\frac{1}{4}$ and NW $\frac{1}{4}$ Sec. 4; NE $\frac{1}{4}$, NW $\frac{1}{4}$ and SW $\frac{1}{4}$ Sec. 5; NW $\frac{1}{4}$, SW $\frac{1}{4}$, SE $\frac{1}{4}$ and NE $\frac{1}{4}$ Sec. 6;

And on the original Twin Falls Tract as shown by the map filed with this application.

LIST OF LANDS TO BE IRRIGATED:

Twp. 9 S., R. 13 E. : E $\frac{1}{2}$ SE $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 1; E $\frac{1}{2}$ and E $\frac{1}{2}$ W $\frac{1}{2}$ Sec. 12, all of Secs. 13, 24, and 25; E $\frac{1}{2}$ and N $\frac{1}{2}$ NW $\frac{1}{4}$ and SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 36.

Twp. 10 S., R. 13 E. : E $\frac{1}{2}$ and SW $\frac{1}{4}$ Sec. 1; SE $\frac{1}{4}$ and E $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 2; E $\frac{1}{2}$ SE $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 10; all of Secs. 11 to 15 inc. SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 16; SW $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ and E $\frac{1}{2}$ Sec. 21; all of Secs. 22 to 27 inc., NW $\frac{1}{4}$ and E $\frac{1}{2}$ Sec. 28; E $\frac{1}{2}$ SW $\frac{1}{4}$ and E $\frac{1}{2}$ Sec. 33; and all of Secs. 34, 35, and 36.

Twp. 11 S., R. 13 E. : All of Secs. 1, 2, and 3; E $\frac{1}{2}$ NW $\frac{1}{4}$ and E $\frac{1}{2}$ Sec. 4; NW $\frac{1}{4}$ and E $\frac{1}{2}$ Sec. 10; all of Secs. 11 and 12, N $\frac{1}{2}$ and N $\frac{1}{2}$ S $\frac{1}{2}$ Sec. 13; N $\frac{1}{2}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ Sec. 14;

Twp. 8 S., R. 14 E. : E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, and NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 31; all of Sec. 32 and W $\frac{1}{2}$ of W $\frac{1}{2}$ Sec. 33.

Twp. 9 S., R. 14 E. : W $\frac{1}{2}$ of W $\frac{1}{2}$ Sec. 4; all of Secs. 5 to 9 inc.; S $\frac{1}{2}$ N $\frac{1}{2}$ and S $\frac{1}{2}$ Sec. 10; S $\frac{1}{2}$ N $\frac{1}{2}$ and S $\frac{1}{2}$ Sec. 11; all of Secs. 12 to 36 inc.

Twp. 10 S., R. 14 E. Entire.

Twp. 11 S., R. 14 E. : All of Secs. 1 to 8 inc.; SW $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ S $\frac{1}{2}$ and N $\frac{1}{2}$ Sec. 9; NW $\frac{1}{4}$ SW $\frac{1}{4}$ and N $\frac{1}{2}$ Sec. 10; NW $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ and N $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 11;

Twp. 9 S., R. 15 E. S $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 5; S $\frac{1}{2}$ S $\frac{1}{2}$ Sec. 6; All of Sec. 7; SE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$; NW $\frac{1}{4}$ and S $\frac{1}{2}$ Sec. 8; S $\frac{1}{2}$ Sec. 9; S $\frac{1}{2}$ Sec. 10; S $\frac{1}{2}$ Sec. 11; NW $\frac{1}{4}$ SW $\frac{1}{4}$ and S $\frac{1}{2}$ S $\frac{1}{2}$ Sec. 12; and all of Secs. 15 to 36 inc.

Twp. 10 S., R. 15 E. All of Secs. 1 to 26 inc.; N $\frac{1}{2}$ SW $\frac{1}{4}$; SE $\frac{1}{4}$; and N $\frac{1}{2}$ Sec. 27; N $\frac{1}{2}$ SE $\frac{1}{4}$; SW $\frac{1}{4}$ and N $\frac{1}{2}$ Sec. 28; all of Secs. 29, 30 and 31; NW $\frac{1}{4}$ SE $\frac{1}{4}$; SW $\frac{1}{4}$; and N $\frac{1}{2}$ Sec. 32; N $\frac{1}{2}$ NW $\frac{1}{4}$ Sec. 33; N $\frac{1}{2}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ Sec. 35; S $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 36.

Twp. 9 S., R. 16 E. S $\frac{1}{2}$ S $\frac{1}{2}$ Sec. 17; W $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 18; all of Secs. 19, 20 and 21; SW $\frac{1}{4}$ NW $\frac{1}{4}$ and S $\frac{1}{2}$ Sec. 22; N $\frac{1}{2}$ SW $\frac{1}{4}$ and S $\frac{1}{2}$ S $\frac{1}{2}$ Sec. 23; all of Secs. 25 to 36 inc.

Twp. 10 S., R. 16 E. All of Secs. 1 to 30 inc. N $\frac{1}{2}$ NW $\frac{1}{4}$; N $\frac{1}{2}$ NE $\frac{1}{4}$; and SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 31; N $\frac{1}{2}$ SW $\frac{1}{4}$; SE $\frac{1}{4}$; and N $\frac{1}{2}$ Sec. 32; and all of Secs. 33 to 36 inc.

Twp. 11 S., R. 16 E. ; N $\frac{1}{2}$ SW $\frac{1}{4}$; SE $\frac{1}{4}$ SW $\frac{1}{4}$; NW $\frac{1}{4}$; and E $\frac{1}{2}$ Sec. 1; E $\frac{1}{2}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ Sec. 2; N $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 12;

Twp 9 S., R. 17 E. S $\frac{1}{2}$ S $\frac{1}{2}$ Sec. 29; S $\frac{1}{2}$ NW $\frac{1}{4}$ and S $\frac{1}{2}$ Sec. 30; all of Secs. 31 and 32; SE $\frac{1}{4}$ and W $\frac{1}{2}$, Sec. 33; N $\frac{1}{2}$ SW $\frac{1}{4}$ and S $\frac{1}{2}$ S $\frac{1}{2}$ Sec. 34; S $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 35; and S $\frac{1}{2}$ S $\frac{1}{2}$ Sec. 36.

Twp. 10 S., R. 17 E. Entire.

Twp. 11 S., R. 17 E. All of Secs. 1 to 6 inc.; N $\frac{1}{2}$ N $\frac{1}{2}$ Sec. 7; N $\frac{1}{2}$ N $\frac{1}{2}$ Sec. 8; N $\frac{1}{2}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ Sec. 9; all of Secs. 10 to 13 inc. N $\frac{1}{2}$ NW $\frac{1}{4}$; NE $\frac{1}{4}$ and N $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 14.

Twp. 10 S., R. 18 E. W $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 3; S $\frac{1}{2}$ NE $\frac{1}{4}$; NW $\frac{1}{4}$ and S $\frac{1}{2}$ Sec. 4; all of Secs. 5 to 9 inc. S $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, and S $\frac{1}{2}$ Sec. 10; S $\frac{1}{2}$ N $\frac{1}{2}$ and S $\frac{1}{2}$ Sec. 11; NW $\frac{1}{4}$ SW $\frac{1}{4}$; S $\frac{1}{2}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 12; and all of Secs. 13 to 36 inc.

Twp. 11 S., R. 18 E. : All of Secs. 1 to 18 inc.; N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ and E $\frac{1}{2}$ Sec. 19; all of Secs. 20 to 23 inc. N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ and N $\frac{1}{2}$ Sec. 24; N $\frac{1}{2}$ SE $\frac{1}{4}$; SW $\frac{1}{4}$ and N $\frac{1}{2}$ Sec. 27; all of Secs. 28 and 29; E $\frac{1}{2}$ Sec. 30; N $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 31; N $\frac{1}{2}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ Sec. 32; NE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, and NW $\frac{1}{4}$, Sec. 33;

Twp. 10 S., R. 19 E. : S $\frac{1}{2}$ NW $\frac{1}{4}$ and S $\frac{1}{2}$ Sec. 16; all of Secs. 17 to 22 inc. S $\frac{1}{2}$ NW $\frac{1}{4}$ and S $\frac{1}{2}$ Sec. 23; SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 24; SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ and W $\frac{1}{2}$ Sec. 25; all of Secs. 26 to 31 inc. N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, and W $\frac{1}{2}$ Sec. 32; NW $\frac{1}{4}$ NW $\frac{1}{4}$, and N $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 33; N $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 34; and all of Secs. 35, and 36.

- Twp. 11 S. R. 19 E.: All of Sec. 1; $E\frac{1}{2}$ $W\frac{1}{2}$, and $E\frac{1}{2}$ Sec. 2; $W\frac{1}{2}$ $NE\frac{1}{4}$, $NW\frac{1}{4}$, $N\frac{1}{2}$ $SW\frac{1}{2}$, $SW\frac{1}{2}$, $SW\frac{1}{2}$, and $NW\frac{1}{2}$ $SE\frac{1}{4}$ Sec. 5; All of Secs. 6 and 7; $SW\frac{1}{4}$ $NE\frac{1}{4}$, $NW\frac{1}{4}$ $SE\frac{1}{4}$, $S\frac{1}{2}$ $SE\frac{1}{4}$, and $W\frac{1}{2}$ Sec. 8; $E\frac{1}{2}$ $W\frac{1}{2}$ and $E\frac{1}{2}$ Sec. 11; all of Secs. 12, 13 and 14; $SE\frac{1}{4}$ $NE\frac{1}{4}$, and $S\frac{1}{2}$ Sec. 15; $S\frac{1}{2}$ Sec. 1 all of secs. 17 to 28 inc.; $E\frac{1}{2}$ $NW\frac{1}{4}$, $SW\frac{1}{4}$, and $E\frac{1}{2}$ Sec. 29; $E\frac{1}{2}$ $SE\frac{1}{4}$, and $NW\frac{1}{4}$ $NE\frac{1}{4}$, Sec. 30; $SW\frac{1}{4}$ and $E\frac{1}{2}$ Sec. 31; all of secs. 32 and 33; $NE\frac{1}{4}$, $N\frac{1}{2}$ $SE\frac{1}{4}$, and $W\frac{1}{2}$ Sec. 34; $N\frac{1}{2}$ Sec. 35; $N\frac{1}{2}$ $S\frac{1}{2}$, $SE\frac{1}{4}$ $SE\frac{1}{4}$ and $N\frac{1}{2}$ Sec. 36.
- Twp. 10 S., R. 20 E.: $SE\frac{1}{4}$ and $S\frac{1}{2}$ $SW\frac{1}{2}$ Sec. 25; $S\frac{1}{2}$ $S\frac{1}{2}$, Sec. 34; $NE\frac{1}{4}$ $NE\frac{1}{4}$, $S\frac{1}{2}$ $NE\frac{1}{4}$ and $S\frac{1}{2}$ Sec. 35; and all of Sec. 36;
- Twp. 11 S., R. 20 E.: All of Secs. 1, 2 and 3; $SW\frac{1}{4}$ and $E\frac{1}{2}$ Sec. 4; $S\frac{1}{2}$ Sec. 5; $W\frac{1}{2}$ $NE\frac{1}{4}$, $SE\frac{1}{4}$ and $W\frac{1}{2}$ Sec. 6; all of Secs. 7 to 15 inc. $NW\frac{1}{4}$, $N\frac{1}{2}$ $SW\frac{1}{2}$, $SE\frac{1}{4}$ $SW\frac{1}{4}$, and $E\frac{1}{2}$ Sec. 16; $N\frac{1}{2}$ Sec. 17 $N\frac{1}{2}$ Sec. 18; all of Secs. 19 to 24 inc.; all of secs. 26 to 29 inc.; $E\frac{1}{2}$ $E\frac{1}{2}$, $SW\frac{1}{4}$ $SE\frac{1}{4}$, and $NW\frac{1}{4}$ $NW\frac{1}{4}$, Sec. 30; $E\frac{1}{2}$ $NW\frac{1}{4}$, $NE\frac{1}{4}$ $SW\frac{1}{4}$, and $E\frac{1}{2}$ Sec. 31; all of secs. 32, 32 and 34.
- Twp. 10 S., R. 21 E.: $W\frac{1}{2}$ Sec. 27; $S\frac{1}{2}$ Sec. 28; $SE\frac{1}{4}$ Sec. 29; $S\frac{1}{2}$ Sec. 30; all of Secs. 31, 32 and 33; and $W\frac{1}{2}$ Sec. 34;
- Twp. 11 S., R. 21 E. All of Sec. 6;

I, George E. HARLAN, holder of permit No. 11888, granted by the State Engineer of the State of Idaho, upon my application for the use of the waters of Snake River, do hereby assign, set over, and deliver the same and all my right, title claim and interest in and to the same to the Twin Falls Canal Company.
Dated February 20, 1916.

George E. HARLAN.

State of Idaho
County of Twin Falls, S S:

On this 9th day of March 1916, personally appeared before me, W.O. Taylor, a Notary Public, in and for Twin Falls County, State of Idaho, George E. Harlan, the signer of the above and foregoing assignment, and duly acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and notarial seal this 8th day of March, 1916.

W.O. Taylor.

Notary Public.

(SEAL)

Received and filed for record in the office of the State Engineer at Boise, Idaho, at 9:00 A.M. March, 10, 1916.

J.H. Smith,

State Engineer.

Proof Completion of Works made: May 29, 1920.
 Certificate of completion of works issued: March 16, 1921.

Permit No. 11888

CERTIFICATE OF COMPLETION OF WORKS.

TO ALL WHOM IT MAY CONCERN:

This is to certify that Twin Falls Canal Company, of Twin Falls, County of Twin Falls, and State of Idaho, the holder of Permit No. 11888, issued upon Application No. 17169, bearing date of priority of December 22, 1915, authorizing the diversion of 600 second feet of the waters of Snake River, County of Twin Falls, State of Idaho, for irrigation and domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 600 second feet of the waters Snake River; that the point of diversion of said waters is at Milner Dam, in Twin Falls County, Idaho, and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: (See List of Lands Attached.)

Witness my hand this 16th day of March, A. D. 1921.

W. G. SWENDSEN,
 Commissioner of Reclamation.

EXHIBIT "A"

LIST OF LANDS TO BE IRRIGATED.

Twp. 9 S., R. 13 E; E $\frac{1}{2}$ SE $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 1; E $\frac{1}{2}$ and E $\frac{1}{2}$ W $\frac{1}{2}$ Sec. 12, all of Secs. 13, 24 and 25; E $\frac{1}{2}$ and N $\frac{1}{2}$ NW $\frac{1}{4}$ and SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 36.

Twp. 10 S., R. 13 E; E $\frac{1}{2}$ and SW $\frac{1}{4}$ Sec. 1; SE $\frac{1}{4}$ and E $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 2; E $\frac{1}{2}$ SE $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 10; all of Secs. 11 to 15, inc.; SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 16; SW $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{2}$ and E $\frac{1}{2}$ Sec. 21; all of Secs 22 to 27, inc.; NW $\frac{1}{2}$ and E $\frac{1}{2}$ Sec. 28; E $\frac{1}{2}$ SW $\frac{1}{4}$ and E $\frac{1}{2}$ Sec. 33; and all of Secs 34, 35 and 36.

Twp. 11 S., R. 13 E: All of Secs. 1, 2 and 3; E $\frac{1}{2}$ NW $\frac{1}{2}$ and E $\frac{1}{2}$ Sec. 4; NW $\frac{1}{4}$ and E $\frac{1}{2}$ Sec. 10; all of Secs. 11 and 12, N $\frac{1}{2}$ and N $\frac{1}{2}$ S $\frac{1}{2}$ Sec. 13; N $\frac{1}{2}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ Sec. 14;

Twp. 8 S., R. 14 E; E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 31; all of Sec. 32 and W $\frac{1}{2}$ of W $\frac{1}{2}$ Sec. 33;

Twp. 9 S., R. 14 E: W $\frac{1}{2}$ of W $\frac{1}{2}$ Sec. 4; all of Secs. 5 to 9, inc.; S $\frac{1}{2}$ N $\frac{1}{2}$ and S $\frac{1}{2}$ Sec. 10; S $\frac{1}{2}$ N $\frac{1}{2}$ and S $\frac{1}{2}$ Sec. 11; all of Secs. 12 to 36, inc.

Twp. 10 S., R. 14 E: Entire.

Twp. 11 S., R. 14 E: All of Secs. 1 to 8, inc.; SW $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ S $\frac{1}{2}$ and N $\frac{1}{2}$ Sec. 9; NW $\frac{1}{4}$ SW $\frac{1}{4}$ and N $\frac{1}{2}$ Sec. 10; NW $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ and N $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 11;

Twp. 9 S., R. 15 E: S $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 5; S $\frac{1}{2}$ S $\frac{1}{2}$ Sec. 6; All of Sec. 7; SE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$; NW $\frac{1}{2}$ and S $\frac{1}{2}$ Sec. 8; S $\frac{1}{2}$ Sec. 9; S $\frac{1}{2}$ Sec. 10; S $\frac{1}{2}$ Sec. 11; NW $\frac{1}{2}$ SW $\frac{1}{4}$ and S $\frac{1}{2}$ S $\frac{1}{2}$ Sec. 12; and all of Secs. 13 to 36, inc.

Twp. 10 S., R. 15 E: All of Secs. 1 to 26, inc.; N $\frac{1}{2}$ SW $\frac{1}{4}$; SE $\frac{1}{4}$; and N $\frac{1}{2}$ Sec. 27; N $\frac{1}{2}$ SE $\frac{1}{4}$; SW $\frac{1}{4}$ and N $\frac{1}{2}$ Sec. 28; all of Secs. 29, 30 and 31; NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$; and N $\frac{1}{2}$ Sec. 32; N $\frac{1}{2}$ NW $\frac{1}{4}$ Sec. 33; N $\frac{1}{2}$ NW $\frac{1}{2}$ and NE $\frac{1}{4}$ Sec. 35; S $\frac{1}{2}$ NW $\frac{1}{4}$ Sec. 36.

Twp. 9 S., R. 16 E: S $\frac{1}{2}$ S $\frac{1}{2}$ Sec. 17; W $\frac{1}{2}$ NW $\frac{1}{2}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 18; all of Secs. 19, 20 and 21; SW $\frac{1}{4}$ NW $\frac{1}{2}$ and S $\frac{1}{2}$ Sec. 22; N $\frac{1}{2}$ SW $\frac{1}{4}$ and S $\frac{1}{2}$ S $\frac{1}{2}$ Sec. 23; all of Secs. 25 to 36, inc.

Twp. 10 S., R. 16 E: all of Secs. 1 to 30, inc.; N $\frac{1}{2}$ NW $\frac{1}{2}$; N $\frac{1}{2}$ NE $\frac{1}{4}$; and SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 31; N $\frac{1}{2}$ SW $\frac{1}{4}$; SE $\frac{1}{4}$; and N $\frac{1}{2}$ Sec. 32; and all of Secs. 33 to 36, inc.

Twp. 11 S., R. 16 E: N $\frac{1}{2}$ SW $\frac{1}{4}$; SE $\frac{1}{4}$ SW $\frac{1}{4}$; NW $\frac{1}{4}$; and E $\frac{1}{2}$ Sec. 1; E $\frac{1}{2}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ Sec. 2; N $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 12.

Twp. 9 S., R. 17 E: S $\frac{1}{2}$ S $\frac{1}{2}$ Sec. 29; S $\frac{1}{2}$ NW $\frac{1}{4}$ and S $\frac{1}{2}$ Sec. 30; all of Secs. 31 and 32; SE $\frac{1}{4}$ and W $\frac{1}{2}$ Sec. 33; N $\frac{1}{2}$ SW $\frac{1}{4}$ and S $\frac{1}{2}$ S $\frac{1}{2}$ Sec. 34; S $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 35; and S $\frac{1}{2}$ S $\frac{1}{2}$ Sec. 36.

Twp. 10 S., R. 17 E: Entire.

Twp. 11 S., R. 17 E: All of Secs. 1 to 6, inc.; N $\frac{1}{2}$ N $\frac{1}{2}$ Sec. 7; N $\frac{1}{2}$ N $\frac{1}{2}$ Sec. 8; N $\frac{1}{2}$ NW $\frac{1}{2}$ and NE $\frac{1}{4}$ Sec. 9; all of Secs. 10 to 13, inc. N $\frac{1}{2}$ NW $\frac{1}{4}$; NE $\frac{1}{4}$ and N $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 14.

Twp. 10 S., R. 18 E: W $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 3; S $\frac{1}{2}$ NE $\frac{1}{4}$; NW $\frac{1}{4}$ and S $\frac{1}{2}$ Sec. 4; all of Secs. 5 to 9, inc.; S $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{2}$ and S $\frac{1}{2}$ Sec. 10; S $\frac{1}{2}$ N $\frac{1}{2}$ and S $\frac{1}{2}$ Sec. 11; NW $\frac{1}{2}$ SW $\frac{1}{4}$; S $\frac{1}{2}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 12, and all of Secs. 13 to 36, inc.

Twp. 11 S., R. 18 E: all of Sec. 1 to 18, inc.; $N\frac{1}{2}NW\frac{1}{4}$, SENW and $E\frac{1}{2}$ of Sec. 19; all of Secs. 20 to 23, inc.; $SW\frac{1}{4}$, $W\frac{1}{2}NW\frac{1}{4}$ of Sec. 24; $N\frac{1}{2}SE\frac{1}{4}$, $SW\frac{1}{4}$ and $N\frac{1}{2}$ of Sec. 27; all of Secs. 28 and 29; $E\frac{1}{2}$ of Sec. 30; $N\frac{1}{2}NE\frac{1}{4}$ Sec. 31; $N\frac{1}{2}NW\frac{1}{4}$ and $NE\frac{1}{4}$ Sec. 32; NENE, $W\frac{1}{2}NE$ and $NW\frac{1}{4}$ Sec. 3

Twp. 10 S., R. 19 E: $S\frac{1}{2}NW$ and $S\frac{1}{2}$ Sec. 16; all of Secs. 17, 18, 19 and 20; $N\frac{1}{2}NE$, SWNE, $NW\frac{1}{4}$ and $N\frac{1}{2}SW\frac{1}{4}$ Sec. 21; $N\frac{1}{2}N\frac{1}{2}$, $S\frac{1}{2}NE$, SENW, $N\frac{1}{2}SE$ and SESE Sec. 22; $S\frac{1}{2}NW\frac{1}{4}$ and $S\frac{1}{2}$ Sec. 23; SWSW Sec. 24; $W\frac{1}{2}SE$ and $W\frac{1}{2}$ Sec. 25; $E\frac{1}{2}$ Sec. 26; $N\frac{1}{2}N\frac{1}{2}$ and SWNW Sec. 29; all of Sec. 30; $NW\frac{1}{4}$, NWNE, $W\frac{1}{2}$ Sec. 31;

Twp. 11 S., R. 19 E: $S\frac{1}{2}$ Sec. 1; $NE\frac{1}{4}$, $E\frac{1}{2}SE$, NWSE Sec. 12; $E\frac{1}{2}NE$ Sec. 13;

Twp. 10 S., R. 20 E: $SE\frac{1}{4}$, $S\frac{1}{2}SW$ Sec. 25; $S\frac{1}{2}S\frac{1}{2}$ Sec. 34; NENE, $S\frac{1}{2}NE$, SENW, $N\frac{1}{2}SW$ and SWSW Sec. 35; NWNW Sec. 36;

Twp. 11 S., R. 20 E: $N\frac{1}{2}NW$ and SWNW Sec. 3; $NE\frac{1}{4}$, SENW, $N\frac{1}{2}SW$, SWSW and NWSE Sec. 4; $S\frac{1}{2}$ Sec. 5; $W\frac{1}{2}NW\frac{1}{4}$, $SE\frac{1}{4}$ and $W\frac{1}{2}$ Sec. 6; all of Sec. 7; $W\frac{1}{2}$, $NE\frac{1}{4}$ and $W\frac{1}{2}SE\frac{1}{4}$ Sec. 8; NWNW Sec. 9; $NW\frac{1}{4}$ Sec. 17; $N\frac{1}{2}$ Sec. 18; $N\frac{1}{2}N\frac{1}{2}$ Sec. 19; $N\frac{1}{2}N\frac{1}{2}$ Sec. 20.

Twp. 10 S., R. 21 E: $N\frac{1}{2}SW$, NWSE Sec. 29; $S\frac{1}{2}NW$, $N\frac{1}{2}SW$ and $N\frac{1}{2}$ Sec. 30;

LICENSE ISSUED FOR 600 SEC. FT.

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ATTACHMENT 4

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
DISTRICT OF IDAHO, EASTERN DIVISION.

WOODVILLE CANAL COMPANY,
A CORPORATION,

Plaintiff,

vs.

CLARK AND EDWARDS CANAL AND
IRRIGATION COMPANY, A CORPORATION,
ET AL,

Defendants.

DECREE 661

This cause came on to be heard this 25th day of June, 1929, Paul T. Peterson of Idaho Falls, Idaho, appearing for the Plaintiff and F. L. Soule of St. Anthony, Idaho, appearing for the Defendant and Cross Complainant North Fork Reservoir Company, John F. MacLane of Salt Lake City, Utah and Clency St. Clair of Idaho Falls, Idaho, appearing for the Defendant and Cross Complainant Utah Power & Light Co., F. A. Miller of St. Anthony, Idaho and B. H. Miller of Idaho Falls, Idaho, appearing for the Defendants and Cross Complainants Enterprise Irrigation District, Roxanna Canal Company, Farmers Friend Canal Company, Ltd., and Consolidated Farmers Canal Company, C. W. Poole of Rexburg, Idaho, appearing for the Defendants and Cross Complainants City of Rexburg and Rexburg Irrigation Co., Geo. H. Lowe of Ogden, Utah, appearing for the Defendant and Cross Complainant Twin Groves Canal and Irrigation Co., B. E. Stoutemyer, District Counsel for the United States Reclamation Service of Portland, Oregon, and H. E. Ray, United States District Attorney for the District of Idaho appearing for the Defendants The Secretary of the Interior of the United States, S. T. Lowe of Burley, Idaho, appearing for the Defendants and Cross Complainants Minidoka Irrigation District and Burley Irrigation District, James R. Bothwell of Twin Falls, Idaho appearing for the defendants Twin Falls Canal Company and American Falls Reservoir District, Walters, Parry & Thoman, C. A. Parry of Twin Falls, Idaho and A. B. Barclay of Jerome, Idaho, appearing for the Defendants North Side Canal Company, F. J. Cowen of Blackfoot, Idaho appearing for the Defendants and Cross Complainants Peoples Canal Co., Watson Slough Ditch Company, Danskin Ditch Co., and New Lavaside Canal Co., N. D. Jackson of St. Anthony, Idaho, appearing for the Defendants and Cross Complainants Wm. B. Reyburn, William Kooch and Fannie B. Proufert, O. A. Johannesen of Idaho Falls, Idaho appearing for himself as a Defendant and for the Defendants Long Island Canal Company and Independent Irrigation Company and Otto E. McCutcheon of Idaho Falls, Idaho, appearing for the following named Defendants, J. H. Stone Ditch, Butler Island Canal Company, Enterprise Canal Company, Clark and Edwards Canal and Irrigating Company, Dilts LaBelle Irrigation Company, Lowder Slough Canal Company, North Rigby Irrigation Canal Company, West LaBelle Irrigation Company, Parks and Lewisville Irrigation Company, Progressive Irrigation District, Kite and Nord Ditch Company, White Ditch, Rudy Canal and Irrigation Company, LaBelle Irrigation Company, Cheney Ditch, Farmers Friend Irrigation Company, Burgess Canal and Irrigating Company, Snake River Valley Irrigation District, Reid Canal Company, Texas Slough Irrigation Canal Company,

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It is understood, however, that each of the parties to this stipulation reserves the right to contest any and all claims of any and all parties who do not join in this stipulation.

4
It is further stipulated and agreed that there shall be decreed in the above entitled cause of action, to the Secretary of the Interior of the United States, and his successors in office, for use upon the various projects which have heretofore or may hereafter become entitled to the same by reason of contracts with the United States therefor, the water filed upon by the United States in connection with the construction of the American Falls Reservoir under permit number 15134, and reservoir permit number R-269, under date of priority of March 30th, 1921, the amount of water to be decreed to the Secretary of the Interior of the United States and his successor in office for such use under said date of priority of March 30th, 1921, to be One Million Seven Hundred Thousand (1,700,000) acre-feet per annum for storage in the American Falls Reservoir and Eight Thousand (8,000) second feet for direct diversion. It is understood and agreed that paragraph two hereof does not apply to the said rights of priority of March 30, 1921, provided for in this paragraph or the rights decreed in the Foster and Rexburg decrees.

5
The rights decreed to the parties to this stipulation or their predecessors in interest in that certain decree commonly known as the Foster decree and in that certain decree commonly known as the Rexburg decree, both as to the dates of priority and amounts of the rights are recognized and binding upon all of the parties of this stipulation, to the same extent as if the said rights included in the said Foster decree had been included in the said Rexburg decree and the said rights in the Rexburg decree had been included in the Foster decree, and it is agreed that all of the provisions of both decrees shall be considered binding upon all of the parties to this stipulation, but all the parties to this stipulation reserve the right to contest each and every right claimed by parties who do not join in this stipulation.

6
It is further stipulated and agreed that there is at present an action pending in the United States District Court in and for the District of Idaho, Southern Division, wherein the North Side Canal Company, Limited, is plaintiff, and Twin Falls Canal Company, et al., are defendants, which said action is being brought to alter or change certain provisions of the Foster Decree to give and allow North Side Canal Company, Limited, in addition to the maximum right of 3000 cubic feet per second, provided in the Foster decree, a further and additional right of 300 cubic feet to be diverted at Milner Dam with a priority of December 23, 1915; and that there is at present pending an action in the District Court of the Eleventh Judicial District of the State of Idaho, in and for the County of Twin Falls, wherein Twin Falls Canal Company is plaintiff and G. Clyde Baldwin, et al., are defendants in which a decree is sought to be entered giving and granting unto the said Twin Falls Canal Company, in addition to the right granted it under the Foster decree, a further right of 600 cubic feet per second, to be diverted at Milner Dam, with a priority date of December 22, 1915.

And it is stipulated and agreed that said rights in this paragraph above mentioned and each of them, shall be for the purpose of this stipulation, and the decree to be entered herein deemed to be of the same force and effect as if they had been included in the original Foster Decree; and that wherever the term "Foster Decree" is used herein, it shall be deemed to include the two rights in this paragraph above mentioned and that

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said rights shall have any and all rights and privileges herein granted to the other rights enumerated in the said Foster decree, and that said rights shall be decreed herein as follows:

Twin Falls Canal Co., 600 sec. ft., priority date, Dec. 22, 1915.

North Side Canal Co., 300 sec. ft., priority date, Dec. 23, 1915.

7

It is further stipulated and agreed that nothing herein contained shall be deemed to in any way waive, limit, change or vary any right or rights that the North Side Canal Company, Limited, may obtain under that certain permit No. 15001, with a priority date of August 6, 1920, for the diversion of 1500 cubic feet per second of time of the waters of Snake River at or near Milner Dam, (which said permit is claimed to be a valid and subsisting permit at this time), if, as and when actual diversions are made thereunder or proofs are submitted thereunder or license issued thereon, in conformity with the Statutes of the State of Idaho.

8

It is stipulated and agreed that the rights of contract holders and any others beneficially interested, now or hereafter claiming or having storage reservoir rights in American Falls Reservoir shall not be affected or determined by the decree to be entered in this action, as to the use to be made of the waters decreed, under such decree, to the Secretary of the Interior under permits described in paragraph No. 4, of this stipulation, the same being permits No. 15134 and R-269.

9

Should the proposed reservoir at Bechler Meadows be constructed nothing herein contained will be construed to determine the extent of the rights or priorities under permits No. 15134 and R-269 as against the said Bechler Meadows Reservoir but that question shall be left for further determination.

Paul T. Peterson, Attorney for Plaintiff, Woodville Canal Company.

F. L. Soule, Attorney for Defendant and Cross Complainant, North Fork Reservoir Company.

John F. MacLane and Clency St. Clair, Attorneys for Defendant and Cross Complainant, Utah Power & Light Co.

F. A. Miller & B. H. Miller, Attorneys for Defendant and Cross Complainant, Enterprise Irrigation District, Roxana Canal Company, Farmers Friend Canal Co., and Consolidated Farmers Canal Co.

C. W. Poole, Attorney for Defendant and Cross Complainant, City of Rexburg and Rexburg Irrigation Co.

Geo. H. Lowe, Attorney for Defendant and Cross Complainant, Twin Groves Canal and Irrigation Co.

B. E. Stoutemyer, H. E. Ray, Attorneys for Defendant, The Secretary of the Interior of the United States.

S. T. Lowe, Attorney for Defendants, Minidoka Irrigation District and Burley Irrigation District.

James R. Bothwell, Attorney for Defendant, Twin Falls Canal Company.

Walters, Parry & Thoman, A. B. Barclay, Attorneys for Defendant, North Side Canal Company.

F. J. Cowen, Attorney for Defendant, Peoples Canal Co., Watson Slough Ditch Co., Danskin Ditch Co., New Lavaside Canal Co.

N. D. Jackson, Attorney for Defendant, Wm. B. Reyburn.

N. D. Jackson, Attorney for Defendants, William Kooch and Fannie B. Preufert.

James R. Bothwell, Attorney for Defendant, American Falls Reservoir District.

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designated by the Commissioner of Reclamation of the State of Idaho as application No. 22927, and water permit No. 16190 issued January 30th, 1925, by the Commissioner of Reclamation of the State of Idaho, to be diverted by means of a dam located in the channel of Snake River, the center of which bears south 60° 44' W. 2399 feet from the quarter section corner on the North boundary line of Section 15, Township 1 North, Range 37 East Boise Base and Meridian, for use at the Geim State power plant, and returned to the channel of said stream at a point which bears south 55° 34' W. 7014 feet from the quarter section corner on the North boundary line of Section 15, Township 1 North, Range 37 East Boise Base and Meridian.

All of the rights hereby awarded and decreed are made subject to the terms of the stipulation incorporated herein and made a part hereof.

To the Secretary of the Interior of the United States of America, and his successor in office, for use upon the various projects which have heretofore or may hereafter become entitled to the same by reason of contracts with the United States therefor, the water filed upon by the United States in connection with the construction of the American Falls Reservoir under permit number 15134, and reservoir permit number R-269, under date of priority of March 30th, 1921, the amount of water to be decreed to the Secretary of the Interior of the United States and his successors in office for such use under said date of priority of March 30th, 1921, to be one million seven hundred thousand (1,700,000) acre-feet per annum for storage in the American Falls Reservoir and eight thousand (8,000) second-feet for direct diversion. It is understood and agreed that paragraph two of the stipulation herein does not apply to the said rights of priority of March 30, 1921, provided for in this paragraph or the rights decreed in the Foster and Rexburg decrees.

Further ordered, adjudged and decreed that the rights decreed to the parties who joined in the foregoing stipulation, or their predecessors in interest in that certain decree commonly known as the Foster Decree, and in that certain decree commonly known as the Rexburg Decree, both as to the dates of priority and the amounts of the rights are recognized and binding upon all of the parties who signed said stipulation to the same extent as if the said rights included in the said Foster Decree had been included in the said Rexburg Decree, and said rights in the Rexburg Decree had been included in the Foster Decree; and that as between the parties to the said stipulation, it is ordered, adjudged and decreed that all of the provisions of both decrees shall be considered binding upon said parties.

Further ordered, adjudged and decreed that there be and there be hereby awarded to the Twin Falls Canal Company 600 cubic feet per second of the waters of Snake River to be diverted at the Milner Dam, with a priority date of December 22nd, 1915; and there is hereby awarded to the defendant and cross complainant, North Side Canal Company, 300 cubic feet per second of the waters of Snake River to be diverted at the Milner Dam, with a priority date of December 22nd, 1915. The right to use the waters hereby awarded to said Twin Falls Canal Company and North Side Canal Company are hereby made appurtenances of the lands irrigated by the respective canals as described in the said Foster Decree.

Further ordered, adjudged and decreed that the rights decreed to the several parties in the said decree known as the Foster Decree, copy of which is hereto attached and made a part hereof, are recognized and confirmed by all parties to this action; and that the said Foster Decree is hereby made a part of this decree and all the provisions thereof are hereby declared to be binding upon all of the parties to this action; the rights therein decreed to be subject, however, to such rights as were decreed under the said Rexburg Decree under dates of priority earlier than the

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priorities awarded under the said Foster Decree; that a copy of said Rexburg Decree is hereto attached and made a part hereof, and the said Rexburg Decree, and all the provisions thereof are hereby declared to be binding upon all of the parties to this action, subject, however, to such rights of priority date as were established in the said Foster Decree.

And it is further ordered, adjudged and decreed that all the rights and priorities awarded both in the Foster Decree and the Rexburg Decree be subject to all the terms and conditions set out in the said decrees as if hereby co-related and combined as one decree, and all the rights awarded in both decrees shall be considered binding upon all the parties to this action and shall be given effect in the amounts and under the respective dates of priority awarded in each of said decrees, with the same force and effect as if all of such rights described in the Foster Decree and the Rexburg Decree respectively, in their respective amounts and respective priorities, had been awarded in single decree.

Nothing herein contained shall be deemed to in any way waive, limit, change or vary any right or rights that the North Side Canal Company, Limited, may obtain under that certain permit No. 15001, with a priority date of August 6, 1920, for the diversion of 1500 cubic feet per second of time of the waters of Snake River at or near Milner Dam, (which said permit is claimed to be a valid and subsisting permit at this time) if, as and when actual diversions are made thereunder or proofs are submitted thereunder or license issued thereon, in conformity with the Statutes of the State of Idaho.

The Foster Decree, to which reference is made herein, includes a decree dated June 20th, 1913, signed by Edward A. Walters, District Judge, and an amendment thereto, dated September 12th, 1916, signed by Wm. A. Babcock, District Judge, and is annexed hereto marked Exhibits "A" and "B." The Rexburg Decree aforesaid is annexed hereto as Exhibit "C." (See Decree File #01-B)

The court retains jurisdiction of the cause for one year for the purpose of making corrections to this decree. By agreement of counsel, and it is hereby ordered, that the defaults of the Idaho Irrigation District and the Aberdeen-Springfield Canal Company, are hereby entered.

Each party shall pay his own costs.

There is hereby decreed to defendant and cross complainant William P. Curteman 150 inches of the waters of Duck Creek under State of Idaho license No. 12778, priority date Aug. 17th, 1912, for use on the following described lands: S½ SE¼, NE¼ of SE¼, Section 23; NW¼ SW¼, Section 24, Tp. 15 N., R. 42 E. B. M.

Done in open court this 25th day of June, 1929.

CHARLES C. CAVANAH,
District Judge.

EXHIBIT A

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

TWIN FALLS CANAL COMPANY,
Plaintiff,

vs.

CHARLES N. FOSTER, ET AL.,
Defendants.

DECREE

This cause having come on to be heard this 13th day of June, 1913, upon the amended complaint of the plaintiff, the Twin Falls Canal Company; the answer and cross complaint of the Twin Falls North Side Land and Water Company, a Delaware corporation, and the North Side Canal

Company, an Idaho corporation, by reason of the filing by C. H. (attorneys), including P. M. Fogg, on Minidoka dam John Rohling, (ney), also claim the answer and others (filed in intervention) Anderson, Cave counsel for the defendants. The North Side Canal Company, appearing as co-defendant, C. W. A. early served was heretofore and cross-examination support of the defendant and certain sentencing and awarded; the decision of this being fully a

Ordered,
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ATTACHMENT 5

Department of Reclamation

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

BURLEY IRRIGATION DISTRICT, et al,)

Plaintiffs, **DISTRICT COURT**
Fifth Judicial District
County of Twin Falls, State of Idaho

FINDINGS OF FACT

vs.

AND

HENRY EAGLE, Watermaster, Water
District No. 36, State of Idaho, By P. LANCASTER
Defendant.)
Clock
Deputy Clerk

FILED JUL 10 1968
P. LANCASTER
Deputy Clerk

This matter having come on regularly before the Court and it
appearing that the defendant has filed herein a disclaimer of any interest
adverse to the plaintiffs and proof having been submitted in the form of a
Stipulation by all of the plaintiffs and the Court, being fully advised in the
premises, makes and enters the following:

FINDINGS OF FACT

I.

(a) The priority of the right to use waters of the Snake River and
its tributaries with points of diversion at or upstream from Milner Dam
have been determined by decrees of Courts of competent jurisdiction (including
but not limited to the decree in the case entitled Twin Falls Canal Company
v. Charles N. Foster, et al, entered in the District Court of the Fourth
Judicial District Court of the State of Idaho, in and for the County of Twin
Falls on June 20, 1913, hereafter called "Foster Decree") and thereafter
numerous parties have acquired rights to the use of the waters of said
Snake River and its tributaries with points of diversion at Milner Dam or
above.

(b) The parties Plaintiff herein are persons who have so acquired
such water rights and that they have brought this action under and pursuant to
provisions of Idaho Code Section 42-1405.

II.

All the parties Plaintiff herein have accepted as binding upon them

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1 the provisions of all prior decrees which have been entered with respect to the
2 waters of Snake River and its tributaries above Milner Dam, including, parti-
3 cularly, but not limited to (1) The Foster decree mentioned in the preceding
4 paragraph ; (2) The decree entered in the District Court of the Sixth Judicial
5 District of the State of Idaho in and for the County of Fremont in the case
6 entitled Rexburg Irrigation Company, et al, vs. Teton Irrigation Canal Company,
7 et al, filed December 16, 1910, (hereinafter "Rexburg Decree"); and (3) The
8 decree entered in that certain case entitled Woodville Canal Company vs. Clark
9 and Edwards Canal and Irrigation Company, et al, in the District Court of the
10 United States for the District of Idaho, Eastern Division, on June 25, 1929,
11 (hereinafter "Woodville Decree") and all other prior valid decrees of such water.

12
13 III.

14 (a) Defendant, Henry Eagle, is now and has been at all times since
15 March 3, 1959, the duly qualified and acting Watermaster of Water District
16 No. 36 of the State of Idaho; said District being duly created and existing under
17 the laws of the State of Idaho for the purpose of distributing the waters within its
18 boundaries, including all of the waters referred to and affected by this action.

19 (b) All of the lands of the parties Plaintiff hereinafter described
20 are located within the boundaries of, and irrigated by the waters of Snake River
21 and its tributaries within, said Water District No. 36.

22
23 IV.

24 Proper and sufficient notice of the pendency and purpose of the
25 above- entitled action was published in newspapers having general circulation in
26 the counties of Power, Cassia, Minidoka, Twin Falls, Jerome, Blaine, Gooding,
27 Lincoln and Elmore, Idaho, and that all provisions of Idaho Code Section
28 42- 1405 relating to notice and publication of notice have been complied with.

29
30 V.

31 The Plaintiffs herein comprise all persons diverting water from,
32 and claiming or asserting rights to divert water from, the Snake River and its
33 tributaries above Milner Dam and within the boundaries of said Water District

RECORDED
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1 No. 36, according to the records and files of defendant Henry Eagle; and
2 comprise, collectively, all presently known parties who are or will be affected
3 by the entry of the Decree entered herein.

4
5 VI.

6 (a) Plaintiffs herein have over a period of many years, cooperated,
7 planned and worked for a common, fair, equitable and just plan designed to
8 result in the most efficient, fair and complete beneficial use of all the waters of
9 the Snake River and its tributaries.

10 (b) Such cooperative planning and adjustment of rights, then,
11 present and future, became and was particularly necessary prior to, and in
12 connection with the planning for the Palisades Reservoir, the securing of
13 Congressional authorization and appropriation for said reservoir and the irri-
14 gation projects related thereto and authorized in connection therewith, including
15 particularly, but not limited to, the irrigation project, known as the Minidoka
16 North Side Extension, hereinafter particularly described as being owned and
17 operated by the A & B Irrigation District.

18 (c) In connection with the establishment of the water rights for
19 said Palisades Reservoir, it was particularly necessary for the parties
20 Plaintiff to agree among themselves, and avoid extensive, expensive and delaying
21 litigation by so agreeing upon a common priority date for those persons who
22 were using, or were making plans to construct projects and perfect rights to
23 use, the so-called "Flood Water Rights," being those waters of the river which
24 were only available during periods of high flow; and which the parties Plaintiff
25 had been using to the best of their ability and to the extent of their irrigation
26 works, or were planning to use as projects were constructed; and that the
27 parties Plaintiff did at such time agree on a common priority date of April 1,
28 1939, for such rights, which said agreement has been acted upon by all of the
29 parties Plaintiff hereto continuously, and deliveries have been made in
30 accordance therewith by defendant Henry Eagle.

31 (d) It was also known and agreed that as a result of the construction
32 of Palisades Reservoir, it would be to the best interests of all water users to

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1 A. TWIN FALLS CANAL COMPANY

2 Twin Falls Canal Company shall have the right to divert and use
3 600 cubic feet per second (being the right recognized in paragraph 6 of the
4 Woodville Decree) with a priority date of December 22, 1915.

5 B. NORTH SIDE CANAL COMPANY

6 North Side Canal Company shall have the right to divert and use
7 300 cubic feet per second (being the right recognized in paragraph 6 of the
8 Woodville Decree) with a priority date of December 23, 1915.

9 C. NORTH SIDE CANAL COMPANY

10 North Side Canal Company shall have the right to divert and use
11 1260 cubic feet per second (being the right recognized in paragraph 7 of the
12 Woodville Decree) with a priority date of August 6, 1920.

13 D. AMERICAN FALLS RESERVOIR DISTRICT NO. 2

14 American Falls Reservoir District No. 2 is entitled to have the
15 right to divert as natural flow during each irrigation season under water
16 license No. 15134, having a March 30, 1921, priority, as follows: From May 1
17 of each irrigation season continuing during that season so long as there is
18 natural flow available for that priority, the first 1,700 cubic feet per second of
19 flow to be available one-half (1/2) to American Falls Reservoir District No. 2
20 and one-half (1/2) to American Falls Reservoir, except that in any year in
21 which American Falls Reservoir is full to capacity on April 30 or fills after that
22 date, taking into account any water that may be temporarily stored to its credit
23 in upstream reservoirs, all water diverted by American Falls Reservoir
24 District No. 2 within the maximum of 1,700 cubic feet per second during the
25 year prior to the initial storage draft on American Falls Reservoir after the
26 reservoir finally fills in that year shall be considered as natural flow under
27 water license No. 15134. Nothing herein shall prevent American Falls
28 Reservoir District No. 2 from diverting water under said license prior to
29 May 1 of a given irrigation season but all such diversions shall be charged as
30 storage in the event the reservoir is not full on April 30 of that season or does
31 not fill after April 30 of that season.

APPROVED
MAY 13 1996

1 Water available at American Falls Reservoir for the March 30,
2 1921, priority under water license No. 15134, other than that to be available to
3 American Falls Reservoir District No. 2 as above provided, to be available for
4 storage in American Falls Reservoir.

5
6 II.

7 The following parties are entitled to divert and use, pro rata, the
8 waters of the Snake River in the amounts listed, with the same priority date of
9 April 1, 1939, which water shall be diverted at the point and be appurtenant to
10 the lands described in the Decree made and entered of even date herewith:

11 A. BURLEY IRRIGATION DISTRICT

12 The Burley Irrigation District shall have the right to divert and use
13 163.4 cubic feet per second.

14 B. MINIDOKA IRRIGATION DISTRICT

15 The Minidoka Irrigation District shall have the right to divert and
16 use 266.60 cubic feet per second.

17 C. MILNER LOW-LIFT IRRIGATION DISTRICT

18 The Milner Low-Lift Irrigation District shall have the right to
19 divert and use 121.00 cubic feet per second.

20 D. TWIN FALLS CANAL COMPANY

21 The Twin Falls Canal Company shall have the right to divert and
22 use 180 cubic feet per second.

23 E. CLARENCE TILLEY

24 Clarence Tilley shall have the right to divert and use 7.0 cubic
25 feet per second.

26 F. WILLIAM KENDALL

27 William Kendall shall have the right to divert and use 4.00 cubic
28 feet per second.

29 G. FALLS IRRIGATION DISTRICT

30 The Falls Irrigation District shall have the right to divert and use
31 125.00 cubic feet per second.

32 H. A & B IRRIGATION DISTRICT

The A & B Irrigation District shall have the right to divert and use
267.00 cubic feet per second.

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1 I. OTIS ORTON

2 Otis Orton shall have the right to divert and use 4.00 cubic
3 feet per second.

4 III.

5 The contracts between the individual parties and the United States
6 of America, Bureau of Reclamation, and the Memorandum of Agreement between
7 the Bureau of Indian Affairs and the Bureau of Reclamation are valid and binding
8 upon the parties thereto, and constitute a scheme or plan for the administration
9 of the Snake River and as such, are binding upon all persons claiming rights to
10 the use of the waters of the Snake River and its tributaries above Milner Dam.

11 IV.

12 Let Decree be entered accordingly.

13 Done this 10th day of July, 1968.

14 S. Theron W. Ward
15 District Judge

16 State of Idaho } ss.
17 County of Twin Falls }

18 I hereby certify the foregoing to be a full, true and correct
19 copy of the original on file in the above entitled action.

20 H. A. LANCASTER

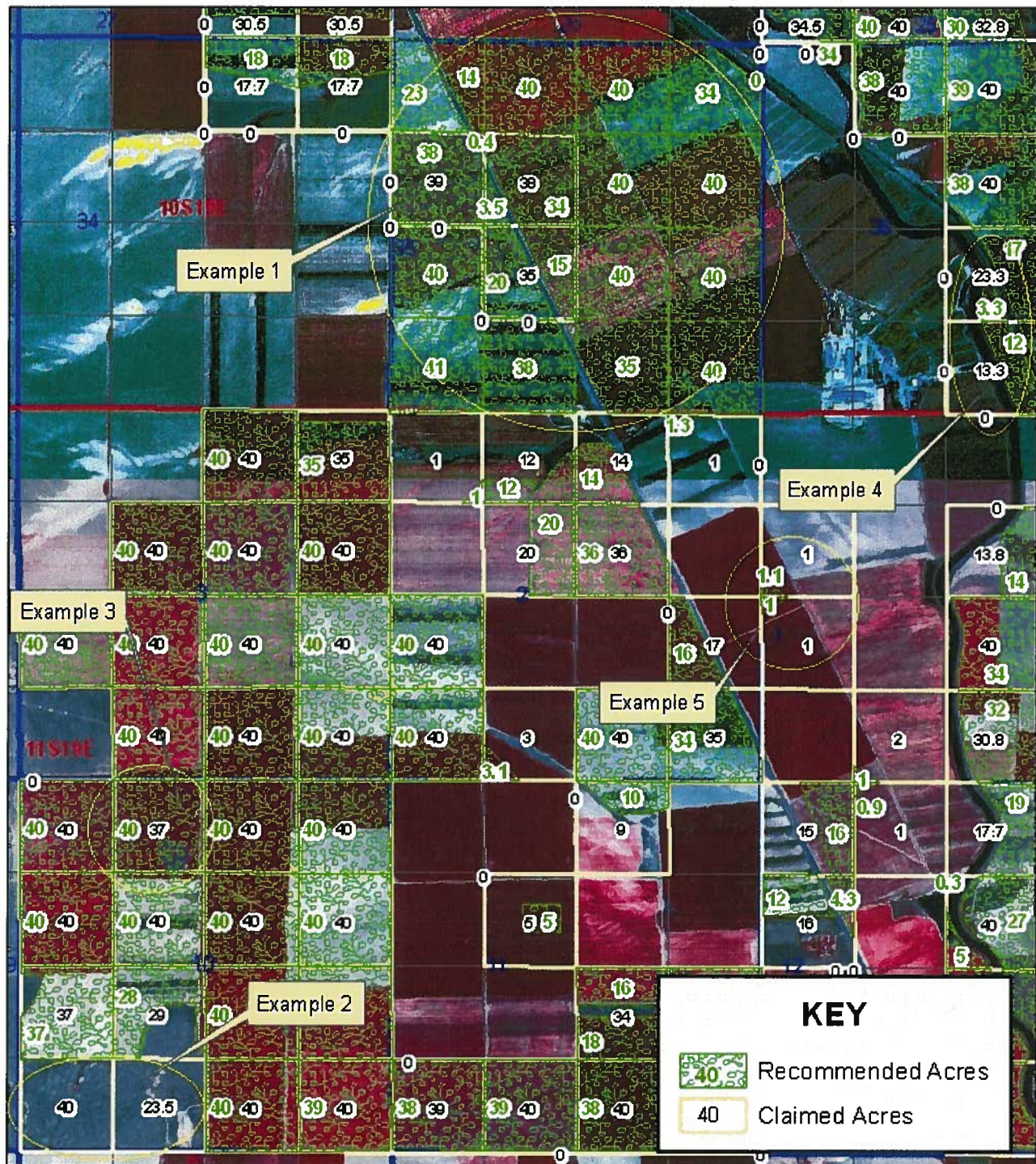
21 Clerk of the District Court

22 Quinn Wilson
23 Deputy

MAY 13 1996

ATTACHMENT 6

IDAHO DEPARTMENT OF WATER RESOURCES



Twin Falls Canal Company Place of Use Review

Example 1: City of Twin Falls' shares designated place of use (Not all QQs claimed).

Example 2: Claimed acres but no irrigation detected, none recommended.

Example 3: Recommended more acres than claimed.

Example 4: Recommended fewer acres than claimed.

Example 5: Overlapping, private water right with few acres claimed.

Supplemental Director's Report
Imagery: 6/24/1987 NAPP
Douglas Jones
10-20-2011