

Deputy Clerk

OBJECTORS:

Producers Irrigation Company
Independent Water Users of Mud Lake
Mud Lake Water Users, Inc.
Monteview Canal Company
Jefferson Irrigation District

Bureau of Reclamation

Robert L. Harris 3/12/12
Robert L. Harris Date
Attorney for Objectors

David W. Gehlert for D6 3/12/12
David W. Gehlert Date
Attorney for Objector

Bureau of Land Management

David L. Negri 3/12/12
David L. Negri Date
Attorney for Objector

RESPONDENT:

State of Idaho

Michael C. Orr 3/12/2012
Michael C. Orr Date
Attorney for Respondent

IDWR Concurrence:

Carter Fritschle 3-9-12
Carter Fritschle Date
Manager, Adjudication Section

Chris Bromley 3/9/12
Chris Bromley Date
Deputy Attorney General
Attorney for IDWR

3/09/2012

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 1-6

NAME AND ADDRESS: AMERICAN FALLS RESERVOIR DIST-02
400 N 2ND ST
BOISE ID 83725

UNITED STATES OF AMERICA ACTING THROUGH
BUREAU OF RECLAMATION
REGIONAL DIRECTOR PM CODE-3100
1150 N CHURCH RD STE 102
BOISE ID 83726-1214

CIS
CF
Red
MCO
DN

SOURCE: SNARE RIVER
QUANTITY: 1,700.000 CFS

TRIBUTARY: COLUMBIA RIVER

The right to divert as natural flow during each irrigation season under this water right, having a March 30, 1921, priority, as follows: From May 1 of each irrigation season continuing during that season so long as there is natural flow available for that priority, the first 1,700 cubic feet per second of flow to be available one-half (1/2) to American Falls Reservoir District No. 2 and one-half (1/2) to American Falls Reservoir, except that in any year in which American Falls Reservoir is full to capacity on April 30 or fills after that date, taking into account any water that may be temporarily stored to its credit in upstream reservoirs, all water diverted by American Falls Reservoir District No. 2 within the maximum of 1,700 cubic feet per second during the year prior to the initial storage draft on American Falls Reservoir after the reservoir finally fills in that year shall be considered as natural flow under water right No. 1-6. Nothing herein shall prevent American Falls Reservoir District No. 2 from diverting water under said license prior to May 1 of a given irrigation season but all such diversions shall be charged as storage in the event the reservoir is not full on April 30 of that season or does not fill after April 30 of that season.

PRIORITY DATE: 03/30/1921

POINT OF
DIVERSION:

T108 R21E S28 SNOW Lot 5 Within JEROME County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/15 11/15	1,700.000 CFS

PLACE OF USE:

101903 ACRES TOTAL

Place of use is within the boundary of American Falls Reservoir District No. 2 pursuant to Section 43-323, Idaho Code.

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

This right is limited to the irrigation of 62,361 acres within the place of use described above in a single irrigation season.

3/09/2012

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

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

Rights have also been claimed to water from Basin 37 for the same purpose of use at the same place of use described above, which will be included in a Directors Report to be filed at a later date. Any water rights recommended in the Basin 37 report for the same purpose of use at the same place of use described above will contain combined use limitations for this right and the Basin 37 rights.

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

~~The name of the United States of America acting through the Bureau of Reclamation appears in the Name and Address sections of this partial decree. However, as a matter of Idaho Constitutional and Statutory law, title to the use of the water is held by the consumers or users of the water. The irrigation organizations act on behalf of the consumers or users to administer the use of the water for the landowners in the quantities and/or percentages specified in the contracts between the Bureau of Reclamation and the irrigation organizations for the benefit of the landowners entitled to receive distribution of this water from the respective irrigation organizations. The interest of the consumers or users of the water is subordinate to the lands within the boundaries of or served by such irrigation organizations, and that interest is derived from law and is not based exclusively on the contracts between the Bureau of Reclamation and the irrigation organizations.~~

~~The delivery of water to this right may be subject to procedures described in the United States Bureau of Reclamation License-holder contracts and the Burley Irrigation Dist. v. Eagle, Supplemental Decree (Idaho 7th Jud. Dist., July 18, 1968) and Aberdeen-Springfield Canal Co. v. Eagle, Supplemental Decree (Idaho 7th Jud. Dist., March 28, 1968) together with the natural flow and storage deliveries as calculated by the Idaho Department of Water Resources.~~

CT
CB
Fuf
MCO
DN

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Water is delivered through Milner Gooding canal.

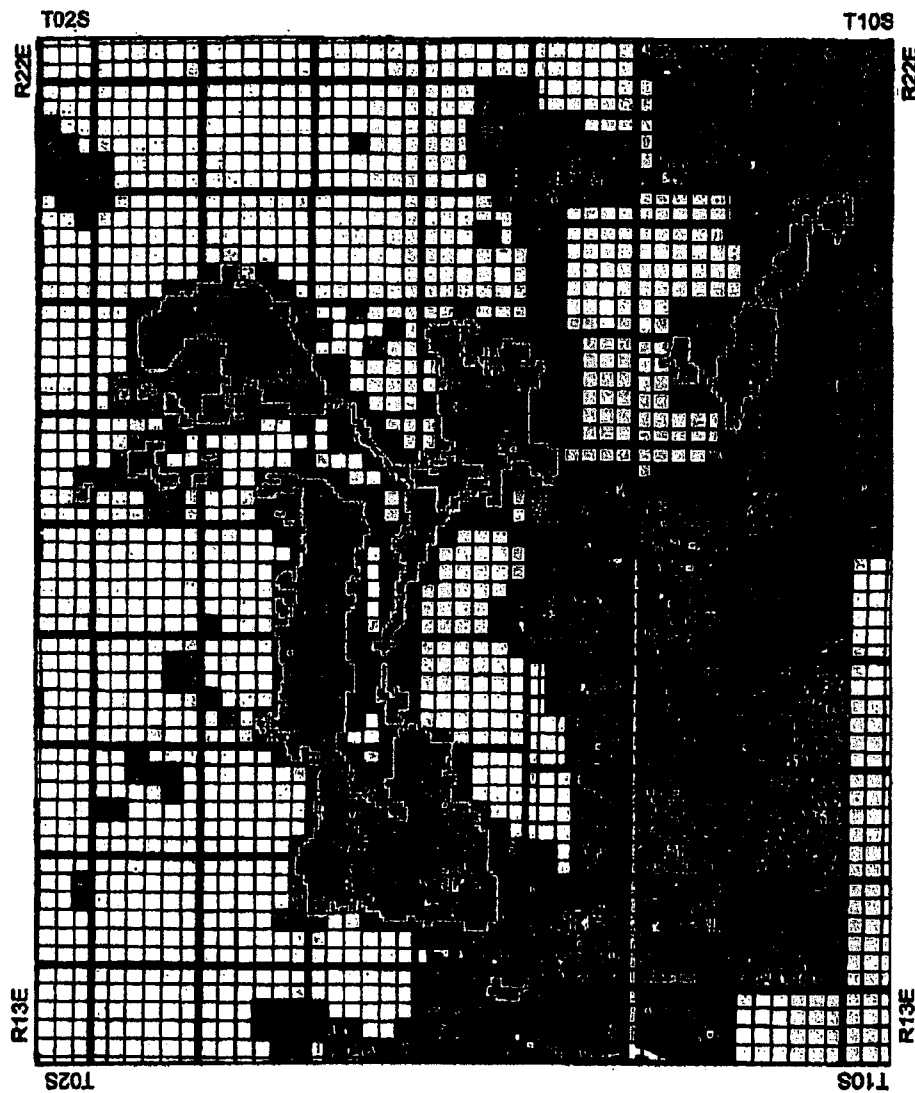
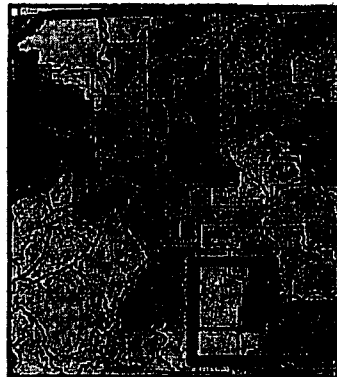
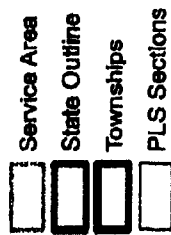
This right was originally licensed as no. 15124 and claimed in the Snake River Basin Adjudication as 1-02040.

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.



Adjudication Recommendations: 1-6

Irrigation Service Area Boundary GIS Place of Use Illustration



Gooding, Lincoln, Jerome, Blaine Counties
IDWR Basin 1

Prepared by Favreau, Danielle
On March 06, 2012

CERTIFICATE OF MAILING

I certify that on MARCH 12, 2012, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

CLERK OF THE DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
253 THIRD AVENUE NORTH
P. O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

2. Copies to:

STATE OF IDAHO
Represented by:
NATURAL RESOURCES DIVISION CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
P.O. BOX 44449
BOISE, ID 83711-4449

INDEPENDENT WATER USERS OF MUD LAKE
JEFFERSON IRRIGATION DISTRICT
MONTEVIEW CANAL COMPANY
MUD LAKE WATER USERS, INC.
PRODUCERS IRRIGATION COMPANY
Represented by:
ROBERT L. HARRIS
1000 RIVERWALK DR., STE. 200
P.O. BOX 50130
IDAHO FALLS, ID 83405

UNITED STATES OF AMERICA
USDI BUREAU OF RECLAMATION
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATLURAL RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

AMERICAN FALLS RESERVOIR DIST. #2

Represented by:
C THOMAS ARKOOSH
CAPITOL LAW GROUP, PLLC
301 MAIN ST
PO BOX 32
GOODING, ID 83330



Signature of person or attorney