

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-303

WATER RIGHT NUMBER: 63-303

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	UNITED STATES OF AMERICA ACTING THROUGH REGIONAL DIRECTOR PN REGION BUREAU OF RECLAMATION PN-3100 1150 N CURTIS RD STE 100 BOISE, ID 83706-1234 (208)378-5306

Priority Date: 01/13/1911

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BOISE RIVER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION STORAGE	01/01 to 12/31		271,600.00 AF
IRRIGATION FROM STORAGE	03/15 to 11/15		271,600.00 AF
	<u>Total Diversion:</u>		271,600.00 AF

Location of Point(s) of Diversion

BOISE RIVER	L7 (NW1/4SE1/4)	Sec. 13, Twp 03N, Rge 04E, B.M.
BOISE County		
BOISE RIVER	L5 (SW1/4NE1/4)	Sec. 13, Twp 03N, Rge 04E, B.M.
BOISE County		

Place of UseConditions of Approval:

1. TOTAL RESERVOIR CAPACITY IS 286,600 ACRE FEET WHEN FILLED TO ELEVATION 3216 AND MEASURED AT THE UPSTREAM FACE OF THE DAM
2. C18 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.
3. THE PLACE OF USE IS WITHIN THE BOISE FEDERAL RECLAMATION PROJECT WITHIN ADA, CANYON, BOISE, ELMORE COUNTIES, IDAHO, AND MALHEUR COUNTY, OREGON (BIG BEND IRRIGATION DISTRICT).
4. 200 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 appurtenant 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.

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 63-303

Remarks:

Comments:

1. sbock 6/11/2002 changes

Comment: Changes made to recommendation based on june 10 02 memo in file.

2. jshurte 9/12/2002 Removal of Remark

Comment: Per the BOR the following remark was removed from this recommendation, "Arrowrock, Anderson, Lucky Peak, Lake Lowell and Hubbard reservoirs are operated as one system in accordance with the Federal Reclamation Act of August 24, 1954, ch. 909, 68 Stat. 794."

3. dshaff 7/3/2007 Ownership in Decree

Comment: Condition 200 created from the partial decree replaces Condition 173 that was in the recommendation.

SubCase:

SubCase Number: 63-303

Class: 2

SF5 Filed Date:

Special Master Recom Signed Date:

Attorney Assigned:

Adjudication Agent: Jan Shurte

Basis of Claim: Decreed

Date Filed: 1/14/2003 Objection Status: Active

Date Filed: 1/30/2003 Objection Status: Active

Date Filed: 1/30/2003 Objection Status: Active

Date Filed: 1/31/2003 Objection Status: Active

Date Filed: 1/31/2003 Objection Status: Active

Water Supply Bank:

C. NAME AND ADDRESS OF PERSON WHO FILED THE OBJECTION TO WHICH YOU ARE RESPONDING

Name: Albert Barker
Attorney for Boise Project Board of Control
Address: Barker Rosholt & Simpson
P.O. Box 2139
Boise, Idaho 83701-2139

D. I am responding to the objections to the following elements. (Please check the appropriate box(es)).

- 1. ☒ Name and Address:
- 2. ☐ Source:
- 3. ☐ Quantity:
- 4. ☐ Priority Date:
- 5. ☒ Point(s) of Diversion:
- 6. ☐ Instream Flow Description:
- 7. ☐ Purpose(s) of Use:
- 8. ☐ Period of Year:
- 9. ☒ Place of Use:

11. Recommendation:

- ☐ This water right should not exist.
- ☐ This water right not being recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING RESPONSES: The respondents herein support the position asserted by the objector in that the Director's Report recommendation does not adequately recognize the ownership interest the beneficial users have in this water right.

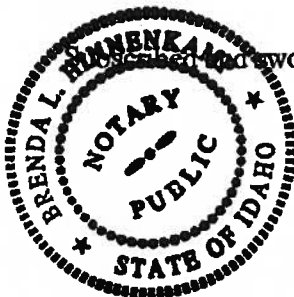
F. VERIFICATION (Must be Completed)

State of IDAHO)
)ss.
County of Ada)

John K. Simpson, duly sworn, upon oath, deposes and says:

That I am the party/claimant filing this response as defined by I.C. § 42-1401A(1) and (6) or that I am the attorney for the party/claimant responding and that I have read this response, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing response)



(Attorney signing in representative capacity)

sworn to before me on: April 1, 2003.

Brenda L. Hinnerkamp
NOTARY PUBLIC FOR IDAHO
Residing at: Boise, Idaho
My commission expires: 9/2004

INSTRUCTIONS FOR MAILING

You must mail the response, including all attachments, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

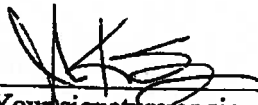
I hereby certify that on the 1 day of April, 2003, I mailed the original and copies of this response, including all attachments, to the following persons:

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. One copy to the claimant of the water right at the following address:
Name: United States of America acting through
Regional Director PN Region
Bureau of Reclamation
Address: 1150 North Curtis Road, Suite 100
Boise, Idaho 83706-1234
3. One copy to the party who filed the objection at the following address:
Name: Albert Barker
Attorney for Boise Project Board of Control
Address: 205 North 10th Street, Ste 520
Boise, Idaho 83701
4. Copies to:
IDWR Document Depository
PO Box 83720
Boise, Idaho 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
P.O. Box 44449

Boise, Idaho 83711-4449

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



Your signature or signature of attorney
mailing on your behalf



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RECEIVED

FEB 4 - 2003

Department of Water Resources

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

In Re SRBA)

A. Subcase 63-303

(Insert water right number)

Case No. 39576)

**STANDARD FORM 1
OBJECTION**

_____)
Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting through the Department of Interior,
Bureau of Reclamation Attn: 3100

Address: 1150 N. Curtis Rd. Suite 100
Boise, Idaho 83706-1234

Daytime Phone: (208) 378-5306 E. Gail McGarry

Name & Address of Attorney, if any:
David W. Gehlert (303) 312-7352
Trial Attorney, General Litigation Section
Environment and Natural Resource Division
U.S. Department of Justice
999 18th Street, Suite N945
Denver CO, 80202

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: United States of America acting through the Department of Interior,
Bureau of Reclamation Attn: 3100

Address: 1150 N. Curtis Rd. Suite 100
Boise, Idaho 83706-1234

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be:
2. ☐ **Source**
Should be:
3. ☐ **Quantity**
Should be:
4. ☐ **Priority Date**
Should be:
5. ☐ **Point(s) of Diversion**
Should be:
6. ☐ **Instream Flow Description**
Should be:
7. ☐ **Purpose(s) of Use**
Should be:
8. ☐ **Period of Year**
Should be:
9. ☒ **Place of Use**
Should be: Place of Use should also include Payette County.

11. **I object because:**

- ☐ This water right should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described.

E. REASONS SUPPORTING EACH OBJECTION(S)

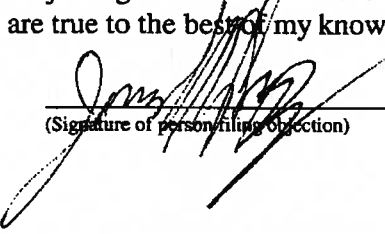
Place of use should also include Payette County. Contractors with the Bureau of Reclamation who rely on water within the Boise Federal Reclamation Project also are within Payette County.

F. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

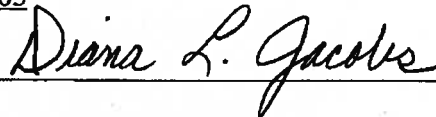
Jerrold D. Gregg, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.


(Signature of person filing objection)

(Attorney signing in representative capacity)

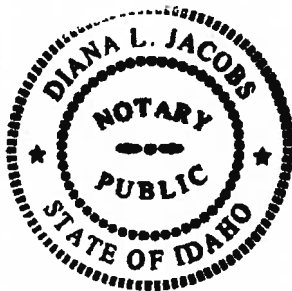
Subscribed and sworn to before me on: January 30, 2003



Notary Public for: Idaho

Residing at: Boise

My Commission Expires: 5-23-06



INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on Jan 31, 2003, I mailed the original and copies of this objection, 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, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

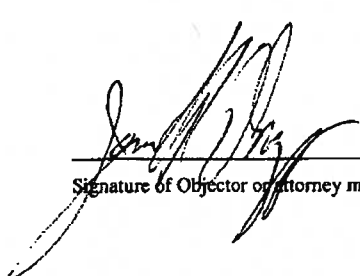
Name: United States of America acting through the Department of Interior,
Bureau of Reclamation Attn: 3100
Address: 1150 N. Curtis Rd. Suite 100
Boise, Idaho 83706-1234

3. Copies to:

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

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

United States Department of Justice
Environment and Natural Resource Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724



Signature of Objector or attorney mailing on Objector's behalf

Page 1

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☒ **Name and Address**

Should be: The equitable title of the beneficial users, the landowners represented by the New York Irrigation District, Nampa & Meridian Irrigation District, Wilder Irrigation District, Boise-Kuna Irrigation District, and Big Bend Irrigation District should also be recognized.

2. ☐ **Source**

Should be:

3. ☐ **Quantity**

Should be:

4. ☐ **Priority Date**

Should be:

5. ☒ **Point(s) of Diversion**

Should be: Specifically reference the diversion systems of the Irrigation districts

6. ☐ **Instream Flow Description**

Should be:

7. ☐ **Purpose(s) of Use**

Should be:

8. ☐ **Period of Year**

Should be:

9. ☒ **Place of Use**

Should be: Specific to the lands within the New York, Nampa & Meridian, Wilder, Boise-Kuna and Big Bend Irrigation Districts

11. **I object because:**

☐ This water right should not exist.

☐ This water right was not recommended, but should be recommended with the elements described.

E. REASONS SUPPORTING EACH OBJECTION(S): The Director's Report recommendation does not recognize the beneficial users of this water right as specified in the contracts between the objectors and claimant.

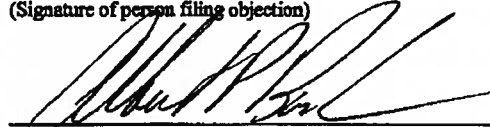
F. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

Albert P. Barker, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

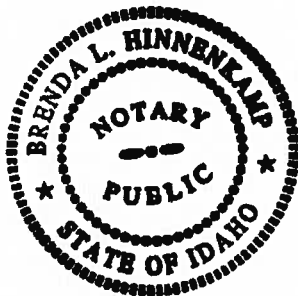
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)



(Attorney signing in representative capacity)

Subscribed and sworn to before me on: January 30, 2003



Brenda L. Hinnenkamp
Brenda L. Hinnenkamp
Notary Public for: Idaho
Residing at: Boise
My Commission Expires: 9/11/2004

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. FAX filings will not be accepted. You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

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1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID. 83303-2707

2. One copy to the claimant of the water right at the following address:

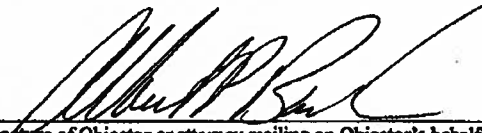
Name: United States of America acting through
Regional Director of PN Region
Bureau of Reclamation
Address: 1150 N. Curtis Road, Suite 100
Boise, Idaho 83706-1234

3. Copies to:

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

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

United States Department of Justice
Environment and Natural Resource Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724



Signature of Objector or attorney mailing on Objector's behalf

RECEIVED

JAN 31 2003

Department of Water Resources

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

In Re SRBA

Case No. 39576



Subcase 63-00303

(Insert water right number)

STANDARD FORM 1
OBJECTION

AMENDED

Please fill in the following information:



NAME AND ADDRESS OF PERSON OBJECTING

Name: Pioneer Irrigation District

Address: P.O. Box 426

Caldwell, ID 83606

Daytime Phone: 208-459-3617

Name & Address of Attorney, if any:

Scott Campbell & Angela Schaer Kaufmann

Moffatt Thomas Barrett Rock & Fields Chtd.

P.O. Box 829, Boise, ID 83701-0829



CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Pioneer Irrigation District

Address: P.O. Box 426

Caldwell, ID 83606

D I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☒ **Name and Address**
Should be: See Attachment A

2. ☐ **Source**
Should be: _____

3. ☒ **Quantity**
Should be: See Attachment A

4. ☐ **Priority Date**
Should be: _____

5. ☐ **Point(s) of Diversion**
Should be: _____

6. ☐ **Instream Flow Description**
Should be: _____

7. ☒ **Purpose(s) of Use**
Should be: See Attachment A

8. ☐ **Period of Year**
Should be: _____

9. ☒ **Place of Use**
Should be: See Attachment A

11. **I object because:**

☐ This water right should not exist.

☐ This water right was not recommended, but should be recommended with the elements described above.

E **REASONS SUPPORTING OBJECTION(S):** See Attachment A



VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

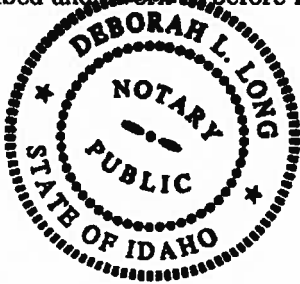
Angela Schaer Kaufmann, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

Angela Schaer Kaufmann
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: January 30, 2003



Deborah Long
Notary Public for Idaho

Residing at: Boise, Idaho

My Commission Expires: 10/10/07

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.



CERTIFICATE OF MAILING

I certify that on January 30, 2003, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

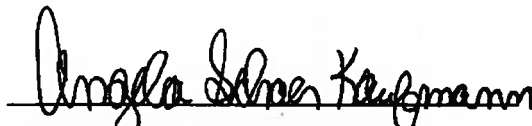
Name: Pioneer Irrigation District
Address: P.O. Box 426
Caldwell, ID 83606

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724


Signature of Objector or attorney
mailing on Objector's behalf

ATTACHMENT A
63-00303

Pioneer Irrigation District ("Pioneer") has a contract with the Bureau of Reclamation for irrigation storage water from Arrowrock Reservoir. Pioneer has a right to use 21018 acre feet of water from Arrowrock Reservoir to irrigate 35350.5 acres owned by landholders within Pioneer's service area. The Idaho Department of Water Resources has recommended that Pioneer's water right claim for that amount of water, 63-05262A, be disallowed.

Pioneer has filed or will file an objection to that recommendation, and further objects to the recommendation for SRBA Claim Number 63-303, because the Idaho Department of Water Resources has indicated that claim number 63-5262A has been recommended as 63-303. Pioneer asserts an ownership interest in 63-0303 to the extent that water right, as recommended, includes 63-5262A. This ownership interest is a full ownership interest, in accordance with Idaho law, the Reclamation Act of 1902, 43 U.S.C. § 372, and the United States Supreme Court decision in *Ickes v. Fox*, 300 U.S. 82, 57 S.Ct. 412, 416-17 (1937). In the alternative, Pioneer asserts a beneficial ownership interest, with the United States holding only nominal legal title.

In order to properly define and administer this right, there must be, at a minimum, a remark which provides that any storage change to any element of this right be undertaken in accordance with the transfer proceedings of Idaho law, with the permission of Pioneer Irrigation District as to its portion of the water right, and that any uncontracted space be made available for irrigation use.

RECEIVED

JAN 30 2003

Department of Water Resources

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

In Re SRBA

Subcase No. 63-303

Case No. 39576

**STANDARD FORM 1
OBJECTION**

NAME AND ADDRESS OF PERSON OBJECTING

Name: Farmers Cooperative Ditch Company
Address: P.O. Box 420
Parma, ID 83660
Daytime Phone: (208) 722-7330

Name & Address of Attorney:

Daniel V. Steenson
S. Bryce Farris
Ringert Clark, Chartered
P.O. Box 2773
Boise, ID 83701
(208) 342-4591

CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: United States of America Acting Through
Regional Director PN Region
Bureau of Reclamation
Address: 1150 N. Curtis Rd., Suite 100
Boise, ID 83706-1234

COPY

I object to the following elements as recommended in the Director's Report.

1. **X Name and Address**
Should be: See Attachment A.
2. **Source**
Should be:
3. **X Quantity**
Should be: See Attachment A.
4. **Priority Date**
Should be:
5. **Point(s) of Diversion**
Should be:
6. **Instream Flow Description**
Should be:
7. **X Purpose(s) of Use**
Should be: See Attachment A.
8. **Period of Year**
Should be:
9. **X Place of Use**
Should be: See Attachment A.
10. **I object because:**

This water right should not exist.

This water right was not recommended, but should be recommended with the elements as described above.

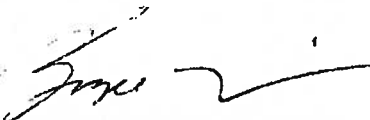
REASONS SUPPORTING OBJECTION(S):
See Attachment A.

VERIFICATION

State of Idaho)
) ss.
County of Ada)

S. Boyle Ferris, duly sworn, upon oath, deposes and says:

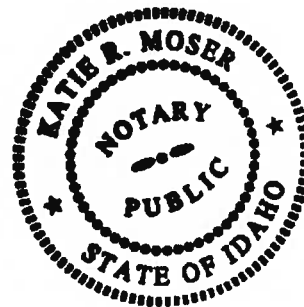
That I am the party/claimant filing this objection, as defined by I. C. §§ 42-1401A (1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.



(Attorney signing in representative capacity)

Subscribed and sworn to before me
on: 1/29/03

Katie R. Moser
Notary Public for State of Idaho
Residing at: Boise, Idaho
My Commission Expires: 2/20/08



CERTIFICATE OF MAILING

I certify that on January 25th, 2003, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the Claimant of the water right at the following address:

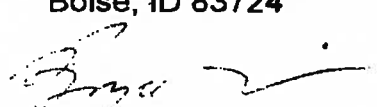
United States of America Acting Through
Regional Director PN Region
Bureau of Reclamation
1150 N. Curtis Rd., Suite 100
Boise, ID 83706-1234

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of Objector or attorney
mailing on Objector's behalf

ATTACHMENT A

63-303

1. Ownership, Quantity, Place of Use. The Idaho Department of Water Resources (IDWR) has recommended this right in the name of the United States Department of Interior, Bureau of Reclamation (Reclamation). However, Farmers Cooperative Ditch Company (Farmers) is the owner of 1,227 acre feet of this water right based upon the fact that this portion of the right was perfected by beneficial use on lands within Farmers' boundaries, and is therefore appurtenant to those lands. Farmers' position is in accordance with Idaho Law, the Reclamation Act of 1902, 43 U.S.C. § 372, and is supported by case law holding that a water right developed under the Reclamation Act is appurtenant to the land, and the landowners are the owners of the water right. *Ickes v. Fox*, 300 U.S. 82 (1937). Consistent with these authorities, Farmers has filed SRBA Claim no. 63-303A, seeking a decree of 1,227 acre feet of this water right in Farmers' name, appurtenant to lands within Farmers' boundaries. Issuance of such a decree to Farmers will require that 1,227 acre feet not be included in the decree for Water Right Number 63-303.

In the alternative, at a minimum under these authorities, Farmers is the beneficial owner of the water right and Reclamation holds only nominal legal title. If the court decrees the water right to Reclamation in this manner the decree must state that Reclamation holds legal title in name only, and Farmers is the beneficial owner of 1,227 acre feet, appurtenant to lands within Farmers' boundaries.

2. Purpose of Use. In order to properly define and administer this water right, there must be: a remark which provides that any change to the elements of this water right requires a transfer pursuant to Idaho law; a remark which requires Farmers' approval of any change to Farmers' portion of this right (1,227 acre feet); and a remark which requires that uncontracted space be made available for irrigation use.

RECEIVED

JAN 30 2003

Department of Water Resources

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

In Re SRBA

Subcase No. 63-303

Case No. 39576

STANDARD FORM 1
OBJECTION

NAME AND ADDRESS OF PERSON OBJECTING

Name: Nampa & Meridian Irrigation District
Address: 1503 First Street South
Nampa, ID 83651
Daytime Phone: (208) 466-7861

Name & Address of Attorney:

Daniel V. Steenson
S. Bryce Farris
Ringert Clark, Chartered
P.O. Box 2773
Boise, ID 83701
(208) 342-4591

CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTORS'S REPORT

Name: United States of America Acting Through
Regional Director PN Region
Bureau of Reclamation
Address: 1150 N. Curtis Rd., Suite 100
Boise, ID 83706-1234

COPY

VERIFICATION

State of Idaho)
) ss.
County of Ada)

S. Bryce Farris, duly sworn, upon oath, deposes and says:

That I am the party/claimant filing this objection, as defined by I. C. §§ 42-1401A (1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

[Signature]
(Attorney signing in representative capacity)

Subscribed and sworn to before me
on: 1/29/03



Katie R. Moser
Notary Public for State of Idaho
Residing at: Boise, Idaho
My Commission Expires: 2/20/08

CERTIFICATE OF MAILING

I certify that on JANUARY 25th, 2003, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the Claimant of the water right at the following address:

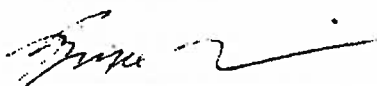
United States of America Acting Through
Regional Director PN Region
Bureau of Reclamation
1150 N. Curtis Rd., Suite 100
Boise, ID 83706-1234

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of Objector or attorney
mailing on Objector's behalf

ATTACHMENT A

63-303

1. Ownership, Quantity, Place of Use. The Idaho Department of Water Resources (IDWR) has recommended this right in the name of the United States Department of Interior, Bureau of Reclamation (Reclamation). However, Nampa & Meridian Irrigation District (NMID) is the owner of 65,461 acre feet of this water right based upon the fact that this portion of the right was perfected by beneficial use on lands within NMID's boundaries, and is therefore appurtenant to those lands. NMID's position is in accordance with Idaho Law, the Reclamation Act of 1902, 43 U.S.C. § 372, and is supported by case law holding that a water right developed under the Reclamation Act is appurtenant to the land, and the landowners are the owners of the water right. *Ickes v. Fox*, 300 U.S. 82 (1937). Consistent with these authorities, NMID has filed SRBA Claim no. 63-5262C, seeking a decree of 65,461 acre feet of this water right in NMID's name, appurtenant to lands within NMID's boundaries. Issuance of such a decree to NMID will require that 65,461 acre feet not be included in the decree for Water Right Number 63-303.

In the alternative, at a minimum under these authorities, NMID is the beneficial owner of the water right and Reclamation holds only nominal legal title. If the court decrees the water right to Reclamation in this manner the decree must state that Reclamation holds legal title in name only, and NMID is the beneficial owner of 65,461 acre feet, appurtenant to lands within NMID's boundaries.

2. Purpose of Use. In order to properly define and administer this water right, there must be: a remark which provides that any change to the elements of this water right requires a transfer pursuant to Idaho law; a remark which requires NMID's approval of any change to NMID's portion of this right (65,461 acre feet); and a remark which requires that uncontracted space be made available for irrigation use.

Moffatt Thomas

MOFFATT THOMAS BARRETT ROCK & FIELDS, CHTD.

RECEIVED

JAN 14 2003

Boise
Idaho Falls
Pocatello

Department of Water Resources

US Bank Plaza Building
101 S Capitol Blvd 10th Fl
PO Box 829
Boise Idaho 83701 0829

January 13, 2003

208 345 2000
800 422 2889
208 385 5384 Fax
www.moffatt.com

Eugene C. Thomas	Glenna M. Christensen	C. Clayton Gill
John W. Barrett	Gerald T. Husch	David P. Gardner
R. B. Rock	Scott L. Campbell	Casey C. Robertson
Richard C. Fields	Michael G. McPeck	Julian E. Gabiola
Robert E. Bakes	Kirk R. Helvie	Angela Schaer Kaufmann
John S. Simko	Robert B. Burns	Benjamin H. Schwartz
John C. Ward	James C. Dale	Bradley J. Dixon
D. James Manning	Michael E. Thomas	Keasa L. Hollister
Gary T. Dance	Patricia M. Olsson	Mark C. Peterson
Larry C. Hunter	James C. deGlee	Andrew J. Waldera
Morgan W. Richards	Bradley J. Williams	Shawn C. Nunley
Mark A. Ellison	Lee Radford	
Randall A. Peterman	Michael O. Roe	Willis C. Moffatt,
Mark S. Prusynski	David S. Jensen	1907-1980
Stephen R. Thomas	James L. Martin	

Clerk of the Court
SRBA District Court
P.O. Box 2707
Twin Falls, ID 83303-2707

Re: Basin 63 Objections
MTBR&F File No. 18946.26

Dear Court Clerk:

Please find enclosed an original and one copy of the Standard Form 1 Objections on behalf of the following Irrigation Districts and subcase numbers.

Pioneer Irrigation District

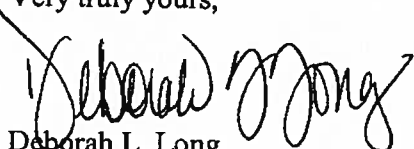
63-00303
63-03614
63-03614A
63-03618
63-03618A
63-05262A

Settlers Irrigation District

63-00303
63-03614
63-03614B
63-03618
63-03618B
63-05262B

Please conform and return one copy of each in the envelope provided. Thank you for your attention.

Very truly yours,


Deborah L. Long

Administrative Assistant to Scott L. Campbell
and Angela Schaer Kaufmann
SLC/ASK/dll
Enclosures

RECEIVED

JAN 14 2003

Department of Water Resources

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

In Re SRBA

Case No. 39576

A. Subcase 63-00303

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Pioneer Irrigation District

Address: P.O. Box 426

Caldwell, ID 83606

Daytime Phone: 208-459-3617

Name & Address of Attorney, if any:

Scott Campbell & Angela Schaer Kaufmann

Moffatt Thomas Barrett Rock & Fields, Chtd

P.O. Box 829, Boise, ID 83701-0829

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Pioneer Irrigation District

Address: P.O. Box 426

Caldwell, ID 83606

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☒ **Name and Address**
Should be: See Attachment A
2. ☐ **Source**
Should be: _____
3. ☒ **Quantity**
Should be: See Attachment A
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point(s) of Diversion**
Should be: _____
6. ☐ **Instream Flow Description**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☒ **Place of Use**
Should be: See Attachment A

11. **I object because:**

- ☐ This water right should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTION(S):** See Attachment A

F.

VERIFICATION (Must be Completed)

State of Idaho)
County of Ada) ss.

Angela Schaefer Kaufmann, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

Angela Schaefer Kaufmann
(Attorney signing in representative capacity)

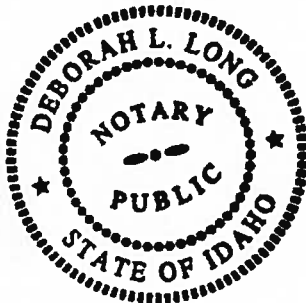
Subscribed and sworn to before me on:

January 13, 2003

Deborah W. Long
Notary Public for Idaho

Residing at: Boise

My Commission Expires: 10/10/07



INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on January 13, 2003, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

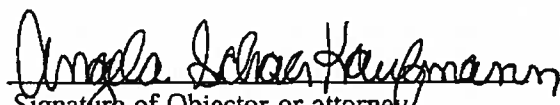
Name: Pioneer Irrigation District
Address: P.O. Box 426
Caldwell, ID 83606

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724


Signature of Objector or attorney
mailing on Objector's behalf

ATTACHMENT A
63-303

Pioneer Irrigation District ("Pioneer") has a contract with the Bureau of Reclamation for irrigation storage water from Arrowrock Reservoir. Pioneer has a right to use 21018 acre feet of water from Arrowrock Reservoir to irrigate 35350.5 acres owned by landholders within Pioneer's service area. The Idaho Department of Water Resources has recommended that Pioneer's water right claim for that amount of water, 63-05262A, be disallowed.

Pioneer has filed or will file an objection to that recommendation, and further objects to the recommendation for SRBA Claim Number 63-303, because the Idaho Department of Water Resources has indicated that claim number 63-5262A has been recommended as 63-303. Pioneer asserts an ownership interest in 63-0303 to the extent that water right, as recommended, includes 63-5262A. This ownership interest is a full ownership interest, in accordance with Idaho law, the Reclamation Act of 1902, 43 U.S.C. § 372, and the United States Supreme Court decision in *Ickes v. Fox*, 300 U.S. 82, 57 S.Ct. 412, 416-17 (1937). In the alternative, Pioneer asserts a beneficial ownership interest.

RECEIVED

JAN 31 2003

Department of Water Resources

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

In Re SRBA

Case No. 39576

A

Subcase 63-00303

(Insert water right number)

STANDARD FORM 1
OBJECTION

AMENDED

Please fill in the following information:

B

NAME AND ADDRESS OF PERSON OBJECTING

Name: Settlers Irrigation District

Address: P.O. Box 7571

Boise, ID 83707

Daytime Phone: 208-344-2471

Name & Address of Attorney, if any:

Scott Campbell & Angela Schaer Kaufmann

Moffatt Thomas Barrett Rock & Fields Chtd.

P.O. Box 829, Boise, ID 83701-0829

C

CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Settler Irrigation District

Address: P.O. Box 7571

Boise, ID 83707

D I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☒ **Name and Address**
Should be: See Attachment A
2. ☐ **Source**
Should be: _____
3. ☒ **Quantity**
Should be: See Attachment A
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point(s) of Diversion**
Should be: _____
6. ☐ **Instream Flow Description**
Should be: _____
7. ☒ **Purpose(s) of Use**
Should be: See Attachment A
8. ☐ **Period of Year**
Should be: _____
9. ☒ **Place of Use**
Should be: See Attachment A

11. I object because:

- ☐ This water right should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described above.

E **REASONS SUPPORTING OBJECTION(S):** See Attachment A



VERIFICATION (Must be Completed)

State of Idaho)
)ss.
County of Ada)

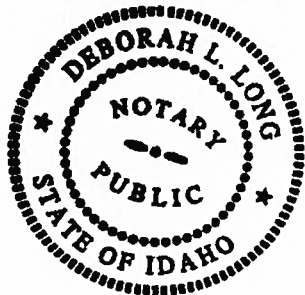
Angela Schaer Kaufmann, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

Angela Schaer Kaufmann
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: January 30, 2003



Deborah L. Long
Notary Public for Idaho
Residing at: Boise, Idaho
My Commission Expires: 10/10/07

INSTRUCTIONS FOR MAILING

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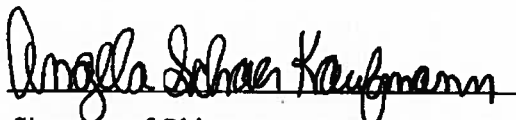
Name: Settlers Irrigation District
Address: P.O. Box 7571
Boise, ID 83707

3. Copies to:

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PO Box 83720
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Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724


Signature of Objector or attorney
mailing on Objector's behalf

ATTACHMENT A
63-00303

Settlers Irrigation District ("Settlers") has a contract with the Bureau of Reclamation for irrigation storage water from Arrowrock Reservoir. Settlers has a right to use 1778 acre feet of water from Arrowrock Reservoir to irrigate 12,322 acres owned by landholders within Settlers's service area. The Idaho Department of Water Resources has recommended that Settlers' water right claim for that amount of water, 63-5262B, be disallowed.

Settlers has filed or will file an objection to that recommendation, and further objects to the recommendation for SRBA Claim Number 63-303, because the Idaho Department of Water Resources has indicated that claim number 63-5262B has been recommended as 63-303. Settlers asserts an ownership interest in 63-0303 to the extent that water right, as recommended, includes 63-5262B. This ownership interest is a full ownership interest, in accordance with Idaho law, the Reclamation Act of 1902, 43 U.S.C. § 372, and the United States Supreme Court decision in *Ickes v. Fox*, 300 U.S. 82, 57 S.Ct. 412, 416-17 (1937). In the alternative, Settlers asserts a beneficial ownership interest, with the United States holding only nominal legal title.

In order to properly define and administer this right, there must be, at a minimum, a remark which provides that any storage change to any element of this right be undertaken in accordance with the transfer proceedings of Idaho law, with the permission of Settlers Irrigation District as to its portion of the water right, and that any uncontracted space be made available for irrigation use.

RECEIVED

JAN 14 2003

Department of Water Resources

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

In Re SRBA

Case No. 39576

A. Subcase 63-00303

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

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Boise, ID 83707

Daytime Phone: 208-344-2471

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Scott Campbell & Angela Schaer Kaufmann

Moffatt Thomas Barrett Rock & Fields, Chtd

P.O. Box 829, Boise, ID 83701-0829

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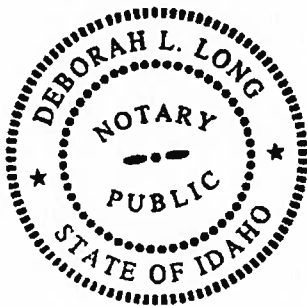
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(Signature of person filing objection)

Angela Schaefer Kaufmann
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

January 13, 2003



Deborah Long
Notary Public for Idaho

Residing at: Boise

My Commission Expires: 10/10/07

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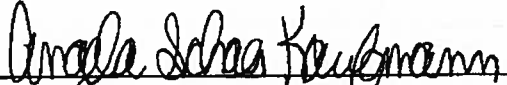
Name: Settlers Irrigation District
Address: P.O. Box 7571
Boise, ID 83707

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724


Signature of Objector or attorney
mailing on Objector's behalf

ATTACHMENT A
63-303

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Settlers has filed or will file an objection to that recommendation, and further objects to the recommendation for SRBA Claim Number 63-303, because the Idaho Department of Water Resources has indicated that claim number 63-5262B has been recommended as 63-303. Settlers asserts an ownership interest in 63-0303 to the extent that water right, as recommended, includes 63-5262B. This ownership interest is a full ownership interest, in accordance with Idaho law, the Reclamation Act of 1902, 43 U.S.C. § 372, and the United States Supreme Court decision in *Ickes v. Fox*, 300 U.S. 82, 57 S.Ct. 412, 416-17 (1937). In the alternative, Settlers asserts a beneficial ownership interest.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-303 V1

WATER RIGHT NUMBER: 63-303 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	UNITED STATES OF AMERICA ACTING THROUGH REGIONAL DIRECTOR PN REGION BUREAU OF RECLAMATION 1150 N CURTIS RD SUITE 100 BOISE, ID 83706-1234 (208)378-5322

Priority Date: 01/13/1911

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BOISE RIVER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION STORAGE	01/01	to 12/31		271,600.00 AF
IRRIGATION FROM STORAGE	03/15	to 11/15		271,600.00 AF
	<u>Total Diversion:</u>			271,600.00 AF

Location of Point(s) of Diversion

BOISE RIVER	L7 NW1/4SE1/4	Sec. 13, Twp 03N, Rge 04E, B.M.
BOISE County		
BOISE RIVER	L5 SW1/4NE1/4	Sec. 13, Twp 03N, Rge 04E, B.M.
BOISE County		

Place of UseConditions of Approval:

1. C18 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.

Remarks:

1. Quantity TOTAL RESERVOIR CAPACITY IS 286,600 ACRE FEET WHEN FILLED TO ELEVATION 3216 AND MEASURED AT THE UPSTREAM FACE OF THE DAM
2. Place of Use - Irrigation THE PLACE OF USE IS WITHIN THE BOISE FEDERAL RECLAMATION PROJECT WITHIN ADA, CANYON, BOISE, EL MORE COUNTIES, IDAHO, AND MAL HEUR COUNTY, OREGON (BIG BEND IRRIGATION DISTRICT).

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-303 V1

Comments:

1. sbock 6/11/2002 changes

Comment: Changes made to recommendation based on june 10 02 memo in file.

2. jshurte 9/12/2002 Removal of Remark

Comment: Per the BOR the following remark was removed from this recommendation, "Arrowrock, Anderson, Lucky Peak, Lake Lowell and Hubbard reservoirs are operated as one system in accordance with the Federal Reclamation Act of August 24, 1954, ch. 909, 68 Stat. 794."

Dates and Other Information:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Defendant:

Plaintiff:

Civil Case Number:

Judicial District:

Notice of Error Flag: NONE RECEIVED

State or Federal: S

Owner Name Connector: OR

Water District Number: 63

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

08/12/2002

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-303

NAME AND ADDRESS: UNITED STATES OF AMERICA ACTING THROUGH
REGIONAL DIRECTOR PN REGION
BUREAU OF RECLAMATION
1150 N CURTIS RD SUITE 100
BOISE ID 83706-1234

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 271,600.0 AFY

TOTAL RESERVOIR CAPACITY IS 286,600 ACRE FEET WHEN FILLED TO ELEVATION
3216 AND MEASURED AT THE UPSTREAM FACE OF THE DAM

PRIORITY DATE: 01/13/1911

POINT OF DIVERSION:

T03N R04E S13 SWNE Lot 5 Within BOISE County

T03N R04E S13 NWSE Lot 7 Within BOISE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION STORAGE	01/01 12/31	271,600.00 AFY
IRRIGATION FROM STORAGE	03/15 11/15	271,600.00 AFY

PLACE OF USE:

THE PLACE OF USE IS WITHIN THE BOISE FEDERAL RECLAMATION PROJECT WITHIN
ADA, CANYON, BOISE, ELMORE COUNTIES, IDAHO, AND MALHEUR COUNTY,
OREGON (BIG BEND IRRIGATION DISTRICT).

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

ARROWROCK, ANDERSON, LUCKY PEAK, LAKE LOWELL AND HUBBARD
RESERVOIRS ARE OPERATED AS ONE SYSTEM IN ACCORDANCE WITH
FEDERAL RECLAMATION ACT OF AUGUST 24, 1954, CH. 909, 58 STAT.
794.

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.

EXPLANATORY MATERIAL: Decreed

06/11/2002

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-303

NAME AND ADDRESS: UNITED STATES OF AMERICA ACTING THROUGH
REGIONAL DIRECTOR PN REGION
BUREAU OF RECLAMATION
1150 N CURTIS RD SUITE 100
BOISE ID 83706-1234

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 271,600.0 AFY

TOTAL RESERVOIR CAPACITY IS 286,600 ACRE FEET WHEN FILLED TO ELEVATION
3216 AND MEASURED AT THE UPSTREAM FACE OF THE DAM

PRIORITY DATE: 01/13/1911

POINT OF DIVERSION:

T03N R04E S13 SWNE Lot 5 Within BOISE County

T03N R04E S13 NWSE Lot 7 Within BOISE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION STORAGE	01/01 12/31	271,600.00 AFY
IRRIGATION FROM STORAGE	03/01 11/15	271,600.00 AFY

PLACE OF USE:

3-15 to 11-15

THE PLACE OF USE IS WITHIN THE BOISE FEDERAL RECLAMATION PROJECT WITHIN
ADA, CANYON, BOISE, ELMORE COUNTIES, IDAHO, AND MALHEUR COUNTY,
OREGON (BIG BEND IRRIGATION DISTRICT).

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

ARROWROCK, ANDERSON, LUCKY PEAK, LAKE LOWELL AND HUBBARD
RESERVOIRS ARE OPERATED AS ONE SYSTEM IN ACCORDANCE WITH
FEDERAL RECLAMATION ACT OF AUGUST 24, 1954, CH. 909, 58 STAT.
794.

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.

EXPLANATORY MATERIAL: Decreed

Date: 6-10-02

To: Sue Bock for Mel Schulte

From: Jan Shurte

Subject: Claim No. 63-303, 63-3613 & 63-5262 Arrowrock Reservoir Notice of Error meeting with the BOR

Per meeting with BOR on May 20th – Dave Tuthill & Jan Shurte

63-303 – Arrowrock Reservoir
Item No. 2

A – Ok to change zipcode.

B - Ok to leave as acre foot amount. BOR wanted us to talk with Lee Sisco and see if changing from 8,000 cfs to 271,600 AFY made any difference and he said no. BOR had no problem with the AFY amount rather than the cfs amount either.
→ **AFY OK.**

C – Change to "The place of use is within the Boise Federal Reclamation Project within Ada, Canyon, Boise, Elmore Counties, Idaho, and Malheur County, Oregon (Big Bend Irrigation District)".

D – Add general remark "Arrowrock, Anderson, Lucky Peak, Lake Lowell and Hubbard reservoirs are operated as one system in accordance with Federal Reclamation Act of August 24, 1954, ch. 909, 58 Stat. 794."

E – This remark should not be included. This remark is included in the Distribution decree from the Boise River decree. However, BOR agreed that if we kept the 271,600 AFY amount rather than the 8,000 cfs amount this remark should be omitted. Do not include at this time.

Water Right No. 63-3613 – Arrowrock Reservoir

A – Ok to change zipcode.

B – Ok to change quantity remark as shown on NOE.

C – Change to "The place of use is within the Boise Federal Reclamation Project within Ada, Canyon, Boise and Elmore Counties, Idaho and Malheur County, Oregon (Big Bend Irrigation District)."

D – Ok to reduce to 3-15 to 11-15.

E – Add General Remark "Arrowrock, Anderson, Lucky Peak, Lake Lowell and Hubbard reservoirs are operated as one system in accordance with the Federal Reclamation Act of August 24, 1954, ch. 909, 68 Stat. 794."

Water Right No. 63-5262 – Disallowed Arrowrock Res right

Ok to leave as disallowed and recommended as 63-303. This was originally filed as the storage right for Arrowrock. However, when 63-303 was changed from 8,000 cfs to 271,600 af this right was no longer needed. The bank storage portion of it the BOR are willing to let go also.

Notice of Error Mtg – 4-29-02

63-3614 – Anderson Ranch

A, B, C – ok to change

D – Jan & Dave will discuss with BOR in meeting on 5-20-02 - ? on how water gets to Payette & Gem County (BCID?) and Big Bend – New York Canal – Lake Lowell?

E – Same as above – subordination clause – difficult not to include.

Remark – concerning all reservoirs operating as one can be in explanatory remarks.

63-3618 – Lucky Peak

A – ok

B – Dave will talk with allocations about adding to license.

C – Dave will talk with allocations concerning amendment approved 1990 to change to streamflow maintenance – is it because database has no streamflow maintenance use code? Try to talk with them about making a use code. This one will be ok.

D - Same as 63-3614.

2nd half of D – Covered in licensing remarks concerning location of streamflow maintenance.

E – Ok as an explanatory remark.

F – Not ok to add – Purpose of Use – Recreation storage is not meant for irrigation of state parks in and around Lucky Peak.

63-303 – Arrowrock Reservoir - 271,600 af - 1911

A – ok

B – Need to discuss with Lee Sisco in May 8th meeting. Is 8,000 cfs necessary on claim for delivery of the right.

C – Will talk with BOR in meeting on 5-20.

D – Explanatory Remark – ok

E – Need to discuss the 8,000 cfs delivery with Lee and then look at this remark from the Bryan decree – distribution remark.

63-3613 – Arrowrock Reservoir – 15,000 af – 1938

A & B – Ok

C – Will discuss at 5-20 meeting with BOR

D – Ok to change season of use shorter – 3-15 to 11-15

E - Ok as explanatory remark

63-5262 – 286,600 af – 1911 – Disallowed and recommended as 63-303

If 63-303 is determined to be recommended back to the 8,000 cfs, then this right can be recommended to cover the af amount for storage.

If it is recommended then:

A & B – Ok

C – Will talk about at 5-20 BOR meeting

D - Ok for explanatory remark.

RECEIVED

APR 05 2002

WATER RESOURCES
WESTERN REGION

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: April 5 2002

Water right number: 63-303

UNITED STATES OF AMERICA ACTING THROUGH
REGIONAL DIRECTOR PN REGION CODE PN-3100
BUREAU OF RECLAMATION
1150 N CURTIS RD SUITE 100
BOISE ID 83706-1234
Telephone Number: (208) 378-5306

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

A) Name and Address, B) Quantity, C) Place of Use, D) Other provisions necessary for definition or administration of this water right, and E) Explanatory Material

2. Describe the changes you wish to make in the proposed recommendation:

A) Zip code should be 83706-1234.

B) Quantity should be 8,000 cfs.

C) Place of Use remark Should be changed to "The place of use is within the Boise Federal Reclamation Project within Ada, Canyon, ~~Payette~~, ^{Boise} ~~Cam~~ Counties, Idaho, and Malheur County, Oregon (Big Bend Irrigation District)." ^{Hubbards}

D) Remark should be added which reads "Arrowrock, Anderson, and Lucky Peak reservoirs are operated as one system in accordance with the Act of August 24, 1954, ch. 909, 68 Stat. 794."

E) The following remark should be added providing for the Order for Distribution of Waters of Boise River established in the Bryan Decree: "The USA 8000 second feet with priority date of January 13, 1911 for storage [in conjunction with water right 63-5262] in Arrowrock Reservoir provided that the right shall not be subject to cut until the flow of the Boise River is insufficient to supply the said right, and all rights prior thereto, and that after the flow of Boise River becomes insufficient to supply the said right, and all rights prior thereto, then the said Arrowrock right shall be cut in its entirety before any right prior thereto shall be cut."

3. Give a brief explanation as to why you disagree with these portions:

A) Zip code is wrong

B) Bryan Decreed amount is 8,000 cfs. The Director's recommendation should be consistent with the Bryan Decree. The United States has filed a constitutional claim for its historic storage in the reservoir under water right no. 63-5262.

C) Federal project water from this reservoir is also used on lands within the Payette Division of the Boise Federal Reclamation Project, pursuant to the Act of August 24, 1954, ch. 909, 68 Stat. 794.

D) Arrowrock, Anderson, and Lucky Peak are operated as one system as authorized by federal law, as recognized by contracts with spaceholders in the reservoirs, and as administered by the Idaho State Watermaster for Water District 63.

E) This language from the Bryan Decree is necessary to administer the 8,000 cfs decreed water right.

I AGREE with this proposed recommendation: no changes need to be made.

DATE: 4-5-02

SIGNATURE: E. Gail McGarry

Please print your name: E. Gail McGarry, Program Manager,
Water Rights & Acquisitions

IDWR Regional Office, 2735 Airport Way, Boise, ID 83705, (208) 334-2190

02/28/2002

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-303

NAME AND ADDRESS: UNITED STATES OF AMERICA ACTING THROUGH
REGIONAL DIRECTOR PN REGION CODE PN-3100
BUREAU OF RECLAMATION
1150 N CURTIS RD SUITE 100
BOISE ID 837065155

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 271,600.0 AFY

TOTAL RESERVOIR CAPACITY IS 286,600 ACRE FEET WHEN FILLED TO ELEVATION
3216 AND MEASURED AT THE UPSTREAM FACE OF THE DAM

PRIORITY DATE: 01/13/1911

POINT OF DIVERSION:

T03N R04E S13 SWNE Lot 5 Within BOISE County

T03N R04E S13 NWSE Lot 7 Within BOISE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION STORAGE	01/01 12/31	271,600.00 AFY
IRRIGATION FROM STORAGE	03/01 11/15	271,600.00 AFY

PLACE OF USE:

THE PLACE OF USE IS WITHIN THE SERVICE AREA OF ARROWROCK DIVISION OF
THE BOISE FEDERAL RECLAMATION PROJECT WITHIN ADA AND CANYON
COUNTIES.

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

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.

EXPLANATORY MATERIAL: Decreed

THIS RIGHT HAS BEEN CONVERTED FROM AN 8000 CFS FLOW RIGHT TO A
271600 AF STORAGE RIGHT TO REFLECT THE HISTORICAL NATURE OF
THE ARROWROCK DAM AND RESERVOIR FACILITY.

Schulte, Mel

From: Tuthill, Dave
Sent: Wednesday, February 27, 2002 5:39 PM
To: Spencer, Nick
Cc: Hamlin Nygard, Susan; Schulte, Mel; Shaff, Don; Shurte, Jan
Subject: RE: Arrowrock Reservoir water right

Nick,

Rather than to come and talk with you about this, I will reply by email so that we can include all in the loop.

Since you have raised several good questions, I will address each in turn.

1. How do we know that this instantaneous flow rate, with a relatively junior priority date, when delivered in priority, will produce a volumetric quantity precisely sufficient to fill the reservoir to its original capacity one time per season?

The flow rate of 8,000 cfs includes contributions from the North, South and Middle Forks of the Boise River. To place this flow in perspective, consider that the 100 year flood flow of the Boise River through Boise is about 16,700 cfs. This flow includes all of the outflow from Arrowrock, plus Mores Creek. The normal high flow of the Boise River through town is about 6,500 cfs. My guess is that the 8,000 cfs was computed at the time the reservoir was designed as the average annual high flow in the unregulated river.

Whether the water right is shown as a flow rate or as a storage volume does not make a difference from my perspective, relative to delivery and protection of senior rights. Regardless of the rate of flow at which water is stored, if a 1911 water right is on, storage can occur (at 8,000 cfs the reservoir would fill in less than 3 weeks). If the water is needed to fill pre-1911 water rights, the storage is off.

Regarding the fills per season, we have used the policy throughout the state for these large reservoirs that they get one fill under their priority -- more can be stored if water is available to fill all priorities. This prevents a senior reservoir from continuing to fill and release all season long.

2. Or in fact do we know if this flow rate typically produces less than that quantity, or typically produces enough to fill the reservoir more than once? It seems to me that the total deliverable volume of this right would have to fluctuate from year to year depending on the weather.

Because this is the senior storage right on a basin that produces about 2,000,000 af each year (on average), most of which (all but Mores Creek) flows through the reservoir, Arrowrock can be expected to fill most (if not all) years. The limitation on this storage -- the true measure of the right-- is the storage volume, not the rate of flow.

3. While it is indeed odd to have a storage right without a volumetric limitation on it, we have one here that has been decreed for 70 years; can we convert the instantaneous diversion rate into a volumetric quantity without either enlarging or shrinking its historical quantity?

Back when this water right was first recorded, IDWR's predecessor agency routinely recorded storage water rights with flow rates -- they really did not have a good mechanism for showing diversions volumetrically. I see this conversion as merely updating the way that we describe the right -- the right is not really changing. Don says that we used this same technique on Mackay Reservoir in the Big Lost. (As I recall, Carter has also mentioned this).

Do these responses help?

Dave

286,600 AF @ 8000 cfs = 18.06 days
271,600 AF @ 8000 cfs = 17.12

-----Original Message-----

From: Spencer, Nick
Sent: Wednesday, February 27, 2002 9:59 AM
To: Tuthill, Dave
Cc: Hamlin Nygard, Susan; Schulte, Mel; Shaff, Don; Shurte, Jan
Subject: RE: Arrowrock Reservoir water right

Dave, my initial concern may be based on no more than my lack of knowledge of the operation of the Boise system and typical flows on the Middle Fork and South Fork above Arrowrock. But my concern is this: how do we know that

this instantaneous flow rate, with a relatively junior priority date, when delivered in priority, will produce a volumetric quantity precisely sufficient to fill the reservoir to its original capacity one time per season? Or in fact do we know if this flow rate typically produces less than that quantity, or typically produces enough to fill the reservoir more than once? It seems to me that the total deliverable volume of this right would have to fluctuate from year to year depending on the weather. While it is indeed odd to have a storage right without a volumetric limitation on it, we have one here that has been decreed for 70 years; can we convert the instantaneous diversion rate into a volumetric quantity without either enlarging or shrinking its historical quantity? NBS

-----Original Message-----

From: Tuthill, Dave
Sent: Wednesday, February 27, 2002 8:48 AM
To: Shurte, Jan; Spencer, Nick; Shaff, Don; Hamlin Nygard, Susan; Schulte, Mel
Subject: RE: Arrowrock Reservoir water right

Jan and others,

I am thinking that perhaps now is the time to *convert* the 8000 cfs water right in Arrowrock to a volume amount. The priority language in the decree amounts to nothing different from simply a 1/13/1911 priority water right. How would the recipients of this email feel about our converting the 8000 cfs to the volume of storage built at that time? We should discuss this with our contact at BOR -- Gail McGarry, Manager of Water Rights and Aquisitions, ~~878-5886~~. I called and spoke to Mel briefly about this -- he is planning to call Gail and investigate. We could show in explanatory provisions the genesis of the conversion, but this provides an opportunity to clear up this issue (which has always been a lingering question). Any concerns about this perspective?

378-5306

Dave

-----Original Message-----

From: Shurte, Jan
Sent: Tuesday, February 26, 2002 5:46 PM
To: Spencer, Nick; Tuthill, Dave; Shaff, Don; Hamlin Nygard, Susan
Cc: Shurte, Jan
Subject: Arrowrock Reservoir water right

In looking through the Boise River decree I did find a water right for Arrowrock. It is 63-303 and it is for 8000 cfs (no af amount) for use on lands in the Boise Valley. It is the only water right with a diversion point above the New York canal. I don't know if this makes a difference in all of our research, however, I had said I didn't believe there were any above the diversion dam and had to let you know I was wrong. Nick mentioned Arrowrock and I thought ah-oh. If you look at 63-F and in the Judge Sutton decree dated 1-30-1932 the Arrowrock right also states, "8000 second feet, with date of priority January 13, 1911, for storage in Arrow Rock Reservoir, provided that the Arrow Rock reservoir right of the United States under date of priority of January 13, 1911, shall not be subject to cut until the flow of Boise River is insufficient to supply the said right and all rights prior thereto, and that after the flow of the Boise River becomes insufficient to supply the said right, and all rights prior thereto, then the said Arrow Rock right shall be cut in its entirety before any right prior thereto shall be cut". This received the 63-303 number in the decree, but it is based on an old license 63-2158 that was superceded by the decree. Whether all of this makes a difference or not, I don't know. Just thought I'd clarify it. Thanks for working through all of this!

Jan

SRA-6434
WTR-4.10

Mr. David Tuthill, Chief
Adjudication Bureau
Idaho Department of Water Resources
1301 N. Orchard
Boise ID 83706

Dear Mr. Tuthill:

Subject: Snake River Basin Adjudication Basin 63 - Bank Storage Claim Nos. A63-05264
Lake Lowell, A63-05263 Lucky Peak Reservoir, A63-05261 Anderson Ranch Reservoir,
and Arrowrock Reservoir Storage Claim No. A63-05262

The subject claims were filed to memorialize historic operations and physical conditions existing at Lake Lowell, Lucky Peak Reservoir, Anderson Ranch Reservoir, and Arrowrock Reservoir. These bank storage claims and bank storage component included in the Arrowrock Reservoir storage claim are based on the fact that as the reservoir fills, water is stored in or saturates the banks surrounding the reservoir. Although this water is necessary to fill the reservoir, it does not actually go into the reservoir except for some percentage that drains back when the reservoir is drawn down. As a result, the amount of water actually necessary to fill the reservoir is greater than the capacity of the reservoir. We filed for bank storage claims based upon water right License No. R-269 that awarded the same for Reclamation's storage water at American Falls Reservoir.

However, as we discussed at our meeting, if we can accomplish the same result through a remark that allows us to calculate the fill at the face of the dam as has been the historic operating practice, we are willing to withdraw our bank storage claims. Therefore, to administer Bureau of Reclamation reservoirs in accordance with such historic practice, a remark would be necessary in the SRBA decree to reflect what the practice has been. The following language, in our opinion, captures and preserves the operational flux described above:

TOTAL RESERVOIR CAPACITY IS _____ ACREFEET WHEN FILLED TO
ELEVATION ____.' AND MEASURED AT THE UPSTREAM FACE OF THE DAM.

We request that you consider this language for inclusion as a remark on the Bureau of Reclamation SRBA claims for storage rights in reservoirs in Basin 63. If you concur with this

2

language, please sign the concurrence line below and fax to Gail McGarry (378-5305). We will

immediately send a separate request that you accept our withdrawal of Reclamation's bank storage claims, and we will provide the capacity and elevation for each reservoir. If you have any questions, please contact me.

Sincerely,

Jerrold D. Gregg
Area Manger

Concurrence:

Chief, Adjudication Bureau
Idaho Department of Water Resources

Date

cc: Kathleen Carr
Office of the Field Solicitor
Federal Bldg - Rm 365
550 W Fort
Boise ID 83724

David Gehlert, General Litigation Section
Environmental and Natural Resources Division
U. S. Department of Justice
999 18th Street, Suite 1005, North Tower,
Denver, CO 80202

bc: PN-3100 (McGarry); SRA-6434 (Walton)

Arrowrock 3216' @ 286,600 AF

Anderson 4206' @ 493,200 AF

Jacksy Peak 3078 @ 307,000 AF

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-303

WATER RIGHT NUMBER: 63-303

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	UNITED STATES OF AMERICA 550 W FORT ST MSC 033 BOISE, ID 83724

Priority Date: 01/13/1911

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BOISE RIVER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION STORAGE	/	to /		
IRRIGATION	/	to /	8,000.000 CFS	
	<u>Total Diversion:</u>		8,000.000 CFS	

Location of Point(s) of Diversion

BOISE RIVER

Place of UseConditions of Approval:Remarks:

1. General STORAGE IN ARROWROCK RESERVOIR.
SEE FILE FOR DELIVERY INST.

Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-2158

WATER RIGHT NUMBER: 63-2158

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	US DEPT OF INTERIOR
	, ZZ

Priority Date:

Basis:

Status: See Remarks

<u>Source</u>	<u>Tributary</u>
---------------	------------------

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
-----------------------	-----------------------	-----------------------	----------------------

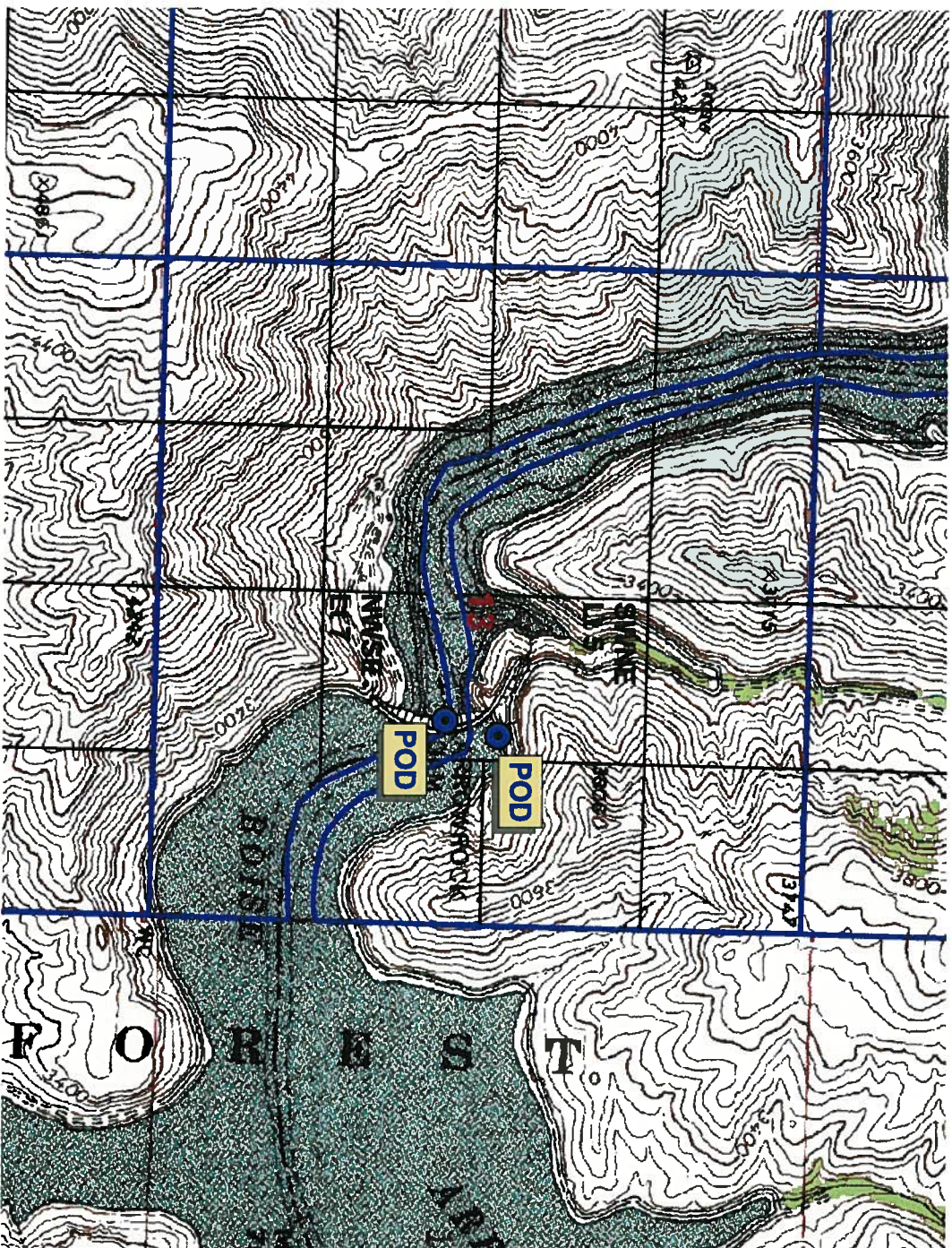
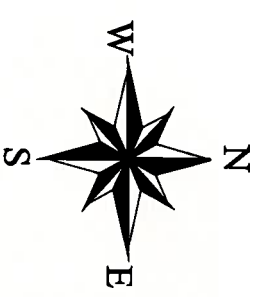
Total Diversion:Location of Point(s) of DiversionPlace of UseConditions of Approval:Remarks:

1. General SUPERCEDED BY DECREE. SEE RT. 63-0303.

Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

T03N, R04E, S13



1987 NAPP PHOTO

● POINT OF DIVERSION

□ PLACE OF USE

□ 1/4 1/4 LINES

□ SECTION LINES

6 ACRES

6 SECTION NUMBERS

CLAIM(S): 63-303 & 63-3613

OWNER(S): US DEPT. OF INTERIOR
BUR. OF RECLAMATION

DATE: FEBRUARY 5, 2002

by: Mel Schulte



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

September 28, 1994

U.S. Dept. of Interior
Bureau of Reclamation
PN Regional Office
1150 N. Curtis Rd.
Boise, ID 837061234

Re: Identification Number Change for a Notice of Claim in the
Snake River Basin Adjudication (SRBA)
Boise County - Claim No. A63-00303

Dear Claimant,

The identification number of your Notice of Claim to a Water Right has been changed from A63-02158 to A63-00303. The claim you filed based on licensed right 63-02158 was superceded by a previous decree and renumbered 63-00303. The Idaho Department of Water Resources assigns identification numbers to claims that will allow processing without duplication or confusion; this change does not affect your claim in any other way.

Enclosed is a computer-generated copy of your claim with the new identification number. Refer to this record number in any future inquiries or correspondence. Please do not hesitate to contact this office, if you have any questions.

Sincerely,

Roxanne McCarthy
Sr. Water Resource Agent
Adjudication Bureau

cc: Dept. of Justice

RM:rm:west

Enclosures:

profile report A63-00303

MICROFILMED

OCT 02 1996

ADJUDICATION MEMORANDUM

CLAIM NO: A02-02378

SUBJECT: Map/claim #5

EMPLOYEE: ~~200~~

DATE: 11-16-93

Map for claims listed below are filed in A02-02378
A63-00251, A63-00301, A63-00302, A63-00367
A63-00373, A63-02106, A63-02109, A63-02158
A63-02212, A63-02322, A63-03613, A63-03614
A63-03618, A63-04868, A63-05261, A63-05262
A63-05263, A63-05264, A63-07340, A65-02288
A65-02433, A65-02917, A65-09481, A65-09483
A65-09485, A65-09486, A65-09487, A65-09488
A65-11412, A67-02384, A67-02389, A67-04553
A77-10114

MICROFILMED
OCT 02 1996

DECREEES

Stewart Decree:

The old water rights from the Boise River are included in the decree in the case of FARMERS COOPERATIVE DITCH COMPANY, a Corporation, vs. RIVERSIDE IRRIGATION DISTRICT, LTD., a Corporation, et al, signed by District Judge George H. Stewart, January 18, 1906, commonly referred to as the "Stewart Decree". This case was appealed to the Supreme Court and affirmed as to priorities and acreage, but remanded to the District Court for the sole and only purpose of determining the duty of water. In 1914 testimony was taken before the Court as to the duty of water and was transcribed, which consists of approximately 2,630 typewritten pages. The final decree of the Court as to the duty of water has never been entered. However, Judge E. L. Bryan, Judge of the District Court of the Seventh Judicial District of the State of Idaho, issued a continuing order on May 31, 1919, which is still in effect, providing for the distribution of waters of the Boise River in the following manner, to-wit:

"The various rights, as adjudicated in the so-called "Stewart Decree", shall receive 100 percent, until the natural flow of the waters of the Boise River shall decrease, until all the rights in said decree cannot receive 100 percent, at which time the various rights as adjudicated in the so-called "Stewart Decree" shall first be cut to 75 percent of the amount of water decreed by the "Stewart Decree" as the natural flow of the Boise River decreases, beginning with the latest right and proceeding to the earliest rights in the order fixed in said "Stewart Decree", and after all of the rights shall have been reduced to 75 percent of the amount fixed in the "Stewart Decree", should the natural flow of the waters in the Boise River decrease

from: Water Distribution of
Boise River, District 63,
1990 by Lee Sisis, water
master.

7th JUD. DI.
CANYON C

DEPT. HAS
ASSUMED
1" AVE
STANDARD

below the amount necessary to supply said 75 percent of the water rights as decreed in said "Stewart Decree", then the various rights beginning with the latest and proceeding to the earliest, as aforesaid, shall be reduced to 60 percent of the amount specified in the "Stewart Decree", and 60 percent of the amount decreed in the "Stewart Decree" is hereby fixed and determined as the highest duty of water for year 1919.

Bryan Decree:

- Canyon Co -
In the SEVENTH JUDICIAL DISTRICT of the State of Idaho, Judge E. L. Bryan signed a decree on February 14, 1929, in the case of PIONEER IRRIGATION DISTRICT vs. AMERICAN DITCH ASSOCIATION, et al, commonly referred to as the "Flood Water Suit", or "Bryan Decree". All rights decreed in this case are made subsequent to the "Stewart Decree. This case was appealed to the Supreme Court where it was upheld as to some of the rights involved but remanded to the District Court for retrial on the question of the duty of water and also for the purpose of determing certain other rights.

On January 30, 1932, Judge A. O. Sutton signed an order temporarily establishing the various rights in the "Flood Water Suit" and providing for a duty of water similar to the "Sliding Scale" in the Stewart Decree. On June 23, 1933, Judge Chas. E. Winstead of the THIRD JUDICIAL DISTRICT, sitting as Judge in the SEVENTH JUDICIAL DISTRICT for the State of Idaho, signed a continuing order making the order of Judge Sutton for 1932 effective for 1933 and continuing. This order has remained in effect since that time.

Chart #1 shows the condensed "Stewart Decree", listing right holders, priority dates and the amount decreed. Chart #2 shows the Intervenorrs in the "Stewart Decree", showing the owner, priority date and amount decreed.

The Stewart and Bryan Decrees are also grouped under the canal name for ease in locating the current right owner, Chart #3.

Chart #4 shows the 60%, 75% and 100% flows required to satisfy the order of Judge Bryan for the Stewart Decree. Also, Chart #5 shows the same thing for the Bryan Decree.

(29)

✓ 637

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

PIONEER IRRIGATION DISTRICT,
An Irrigation District,

Plaintiff

vs

AMERICAN DITCH ASSOCIATION,
a corporation,

BOISE CITY CANAL COMPANY,
a corporation,

BOISE RAPID TRANSIT COMPANY
a Corporation

BOISE VALLEY IRRIGATING DITCH
COMPANY, a Corporation,

BARBER LUMBER COMPANY, a
Corperation,

CANYON DITCH COMPANY, a
Corperation,

CANYON COUNTY CANAL COMPANY,
a Corporation,

CANYON COUNTY WATER COMPANY,
A Corporation,

CANYON COUNTY IRRIGATION COMPANY,
a Corporation,

CANYON IRRIGATION COMPANY, a
Corperation,

DRY CREEK DITCH COMPANY, a
Corperation,

EUREKA DITCH COMPANY, A
Corperation,

EUREKA DITCH COMPANY NO. 2,
a Corporation,

EUREKA WATER COMPANY, a
Corperation,

DECREE

Pioneer 1707
Canals for domestic purposes and for use upon lands lying under the same in the following amounts from the following dates:

63 0294	306.56	second feet from April 1, 1905
63 0295	54.5	" " " " 1, 1908

FARMERS' CO-OPERATIVE DITCH COMPANY

That, subject to the awards made in the Stewart Decree, the defendant Farmers' Co-Operative Ditch Company is entitled to and is hereby awarded the ^{said} use of the waters of the Boise River diverted through its canal commonly known as the Farmers' Co-Operative Canal for domestic purposes and for use upon lands lying under the same in the following amount from the following date:

63 0296	154.455	second feet from April 1, 1908
---------	---------	--------------------------------

NEW YORK IRRIGATION DISTRICT
BOISE-KUNA IRRIGATION DISTRICT

That neither the defendant New York Irrigation District nor the defendant Boise-Kuna Irrigation District is entitled to any waters whatsoever (in addition to that awarded thereunder in the Stewart Decree) under or by virtue of the water filing of W.C. Annett made on March 23, 1900.

FARMERS' UNION DITCH COMPANY

That, subject to the awards made in the said Stewart Decree, the defendant Farmers' Union Ditch Company is entitled to and is hereby awarded the said use of the waters of the Boise River diverted through its canal commonly known as the Farmers' Union Canal for domestic purposes and for use upon lands lying

under the same in the following amount from the following date;

54.46 second feet from July 2, 1894.

63 0297

SOUTH BOISE MUTUAL DITCH COMPANY

That, subject to the awards made in the said Stewart Decree, the defendant South Boise Mutual Ditch Company is entitled to and is hereby awarded the said use of the waters of the Boise River diverted through its canal commonly known as the South Boise Mutual Canal for domestic purposes and for use of lands lying below the same in the following amount from the following date:

63 0298

5.4 second feet from April 1, 1905

RIVERSIDE IRRIGATION DISTRICT, LIMITED.

That, subject to the awards made in the said Stewart Decree, the defendant Riverside Irrigation District. Limited, is entitled to and is hereby awarded the said use of the waters of the Boise River diverted through its canal commonly known as the Riverside Canal for domestic purposes and for use upon lands lying under the same in the following amounts from the following dates;

63 0298

63.78 second feet from April 1, 1910

63 0300

17.70 " " " " 1, 1914

UNITED STATES OF AMERICA

That the intervenor United States of America is not entitled to any waters whatsoever (in addition to that awarded thereunder in the Stewart Decree) under or by virtue of the water filing of W.C.

Annett made on March 23, 1900/ but subject to the awards made in the said Stewart Decree it is entitled to the use of the waters of said Boise River diverted through what is commonly known as the New York Canal for domestic purposes and (except as herein specifically limited) for use of lands lying under the same in the following amounts from the following dates:

[63 0301	1062.08 second feet from Dec 14, 1903]	superseded by
63 0302	634.00 " " " June 16 1909	Sutton Order dated 1-30-1932,

That subject to the awards made in said Decree it is entitled to (1500.00 second feet from June 16, 1909 for power purposes only at the Government power plant at its diversion dam at the head of the New York Canal; and to 63 0302 8000.00 second feet from January 13, 1911, for storage in Arrowrock Reservoir during the flood water season only and thereafter to be drawn out and used in the irrigation of lands of the Boise Project, and other lands entitled to the same.

And subsequent continuation by Evinstead filed June 23, 1933. Watermaster records indicate that 1354.58 cfs are delivered under this order as defined in the Sutton Order D.R. 1-27-83

Dated February 14th, 1929

Ed L. Bryan
District Judge

Entered and Filed
9:30 A.M. Feb 16, 1929
Myrtle Bernard, Clerk
Rose Edwards, Deputy

11-529
Compared

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE STATE
OF IDAHO IN AND FOR CANYON COUNTY.

PIONEER IRRIGATION DISTRICT,

Plaintiff,

v.

AMERICAN DITCH COMPANY et al.,

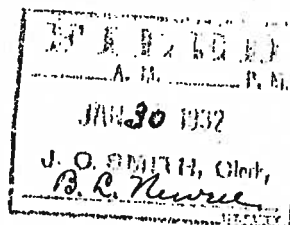
Defendants,

and

UNITED STATES OF AMERICA,

Intervener.

ORDER
FOR DISTRIBUTION OF WATERS OF
BOISE RIVER
FOR 1932.



On this 30th day of January, 1932, counsel for all parties being present in court, on motion of the plaintiff and no one objecting thereto, the court hereby enters the following order:

IT IS HEREBY ORDERED that from and after the date hereof, all waters of the Boise River involved in this suit, shall be distributed during the year 1932 to the following named parties, in accordance with the following priorities, and in the amounts shown after each respectively, subject, however, to the sliding scale hereinafter set forth:

- 63-0297 — Farmers Union Ditch Co., Ltd., 54.46 second feet, with date of priority, July 2, 1904;
- 63-0372 — New York Irrigation District and Boise River Irrigation District, successors to New York Canal Co., 58.86 second feet, with date of priority March 23, 1900;
- 63-0301 — United States of America, 1354.58 second feet, with date of priority, December 14, 1903;
- 63-0294 — Pioneer Irrigation District, 506.56 second feet, with date of priority, April 1, 1905;
- 63-0296 — Farmers Co-operative Ditch Co., 154.45 second feet with date of priority, April 1, 1900;

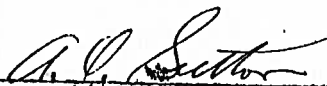
- 63-0298 - South Boise Mutual Ditch Co., 5.4 second feet,
with date of priority, April 1, 1905;
- 63-0295 - Pioneer Irrigation District, 54.5 second feet,
with date of priority, April 1, 1908;
- 63-0373 - United States of America, 292.5 second feet,
with date of priority, April 1, 1909;
- 63-0302 - United States of America, 634 second feet,
with date of priority, June 16, 1909;
- 63-0299 - Riverside Irrigation District, 63.78 second feet,
with date of priority, April 1, 1910;
- 63-0303 - United States of America, 6000 second feet,
with date of priority January 13, 1911 for storage
in Arrow Rock Reservoir, provided that the Arrow Rock
Reservoir, of the United States under date of priority
of January 13, 1911, shall not be subject to cut until
the flow of Boise River is insufficient to supply the
said right and all rights prior thereto, and that
after the flow of Boise River becomes insufficient to
supply the said right, and all rights prior thereto,
then the said Arrow Rock right shall be cut in its
entirety before any right prior thereto shall be cut.
- 63-0300 - Riverside Irrigation District, 17.7 second feet,
with date of priority, April 1, 1914.

IT IF FURTHER ORDERED, That the said respective parties shall receive 100 per cent of the above amount until the natural flow of the waters of Boise River shall decrease so that all the rights cannot receive 100 per cent, at which time the various rights shall first be cut to 75 per cent of the said amounts, as the natural flow of the river decreases, beginning with the latest rights and preceding to the earliest rights in the order of their said priorities, and after all of the said rights shall have been reduced to a 75 per cent of the said amounts, should the natural flow of the waters of the river decrease below the amount necessary to supply said 75 per cent of the said rights, then the various rights, beginning with the latest and preceding to the earliest, as aforesaid, shall be reduced to 60 per cent of the said specified amounts. Sixty per cent of the said specified amounts is hereby fixed and determined as the highest duty of water for the year 1932.

IT IS FURTHER ORDERED, That the waters of Boise River shall be diverted for beneficial use and not wasted, and in case any user is diverting water over and above the amount that he is actually putting to beneficial use, the amount diverted by him shall be reduced to the amount actually put to a beneficial use.

This order is made without prejudice to the contentions of any party hereto and without prejudice to the determination by the court of the ultimate rights of the parties hereto.

Dated at Caldwell, Idaho, this 30th day of January, 1932.



District Judge.

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A63-00303
Date Received: 9/26/1989
Receipt No: X111111
Received By: _____

**COPY FOR
YOUR FILES**

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

**COPY FOR
YOUR FILES**

1. Name: US DEPT OF INTERIOR
Address: BUREAU OF RECLAMATION
PN REGIONAL OFFICE
1150 N CURTIS RD
BOISE ID 83706-1234 208-378-5155

OR

Name: UNITED STATES OF AMERICA, ACTING THROUGH
Address: REGIONAL DIRECTOR, PN REGION 208-378-5155
BUREAU OF RECLAMATION
1150 N CURTIS RD
BOISE ID 83706-1234

OR

Name: HAUGRUD, JACK OR G GARVER OR D ZANE 202-272-4134
Address: US DEPT OF JUSTICE
ENV & NR DIV GEN LIT SEC
PO BOX 663
WASHINGTON DC 20044-0663

2. Date of Priority: JAN 13, 1911

3. Source: BOISE RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
03N	04E	13		5	BOISE
				7	BOISE

5. Description of diverting works:
ARROWROCK DAM OUTLET WORKS AND SPILLWAY

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	8000.000		

7. Total Quantity Appropriated is:
8000.000 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 562215.0 Acre Feet Per Annum.
9. Non-irrigation uses:
10. Place of Use:
- | Township | Range | Section | 1/4 of 1/4 | Lot | Use | Acres |
|----------|-------|---------|------------|-----|-----|-------|
|----------|-------|---------|------------|-----|-----|-------|
11. Place of use in counties:
12. Do you own the property listed above as place of use? YES
13. Other Water Rights Used:
63-03613, 63-02004, 63-05262, 63-02109
14. Remarks:
P/U IS LANDS IN THE BOISE FEDERAL RECLAMATION PROJECT IN ADA AND CANYON COUNTIES.
224,886 IRR AC--FULL SERVICE & SUPPLEMENTAL SUPPLY
SURFACE STORAGE-- 271,600 ac-ft
BANK STORAGE-- 17,000 ac-ft
1911 PRIORITY RT 63-5262-- 288,600 ac-ft
1938 PRIORITY RT 63-3613-- 15,000 ac-ft
TOTAL RESERVOIR CAPACITY-- 303,600 ac-ft
15. Basis of Claim: DECREED
- Case Number:
- Court :
- Decree date: / /
- | | | |
|---------------------------|----|---------------------------|
| <u>PIONEER IRR. DIST.</u> | | <u>AMERICAN DITCH CO.</u> |
| Decree Plaintiff | vs | Decree Defendant |

Bryce A. Contor
Senior Water Resource Agent
Idaho Department of Water Resources
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1728

RECEIVED
JUN 15 2001
Department of Water Resources
Eastern Region

RECEIVED
JUN 20 2001
WATER RESOURCES
WESTERN REGION

June 14, 2001

As per your request, attached is the list of water right claims that need to have an address change. Some of these are in basins that have been reported out. Some have been disallowed. Should you need further refinement of the list let me know. Thanks!

Dala Walton (208) 678-0461 ext. 23

RECEIVED

CHANGE IN ADDRESS

JUN 15 2001

This form is solely for purposes of notifying IDWR of a change in address of an adjudication claim. Department of Water Resources
Eastern Region

[X] Water Right Number(s): See attached list

[] Old Mailing Address: United States of America Acting through
Regional Director, PN Region
Bureau of Reclamation
Box 043-550 West Fort St.
Boise ID 83724

[X] New Mailing Address: United States of America Acting through
Regional Director PN Region Code PN-3100
Bureau of Reclamation
1150 N Curtis Rd Suite 100
Boise ID 83706-5155

[X] Telephone Number: (208) 378-5306 Gail McGarry

[X] Signature of Claimant: Shala S. Walton

[X] Date: 6/14/01

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: By:

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: By:

RECEIVED

JUN 20 2001

WATER RESOURCES
WESTERN REGION

CLAIM NO. FEATURE (PRIORITY DATE/EVIDENCE)
 (L = License, D = Decree, IC1 = IC 42-1409, IC2 = IC 42-243, S = Statutory)

QUANTITY Page 1
 c.f.s. a.f.

BOISE PROJECT - ARROWROCK DIVISION

A02-02378	Marsing Job Corps Diversion (07/28/1965 L)	0.23	
	Irrigation	0.10	
	Domestic	0.13	
A63-05264	Lake Lowell Bank Storage (03/27/1909 S)		11,000
	Irrigation Storage		11,000
	Irrigation from Storage		11,000
A63-04868	Lake Lowell Storage (03/27/1909 S)		190,100
	Irrigation Storage		190,100
	Irrigation from Storage		177,100
	Diversion to Storage	2,800	
A63-07340	Lake Lowell Recreation Area Well (11/01/1968 L)	0.25	
	Irrigation	0.25	
	Domestic	0.25	
A63-03618	Lucky Peak Reservoir Storage (01/01/1955 P)		307,000
	Irrigation Storage		140,750
	Irrigation from Storage		140,750
	Minimum Instream Flow Storage		152,300
	Minimum Instream Flow from Storage		152,300
	Flood Control Storage		13,950
A63-05263	Lucky Peak Reservoir Bank Storage (01/01/1955 S)		17,000
	Irrigation Storage		17,000
	Irrigation from Storage		17,000
A63-02106	Five Mile Creek Diversion (04/28/1909 L)	10.0	
	Irrigation	9.96	
	Domestic	0.04	
A63-02109	Mason Creek Diversion (06/02/1909 L)	104.8	
	Irrigation	104.8	
A63-02212	Pipe Gulch Diversion (07/07/1913 L)	10.0	
	Irrigation	10.0	
A63-02322	Wilson and Elijah Slough Diversion (10/04/1918 L)	120.0	

CLAIM NO.	FEATURE (PRIORITY DATE/EVIDENCE) (L = License, D = Decree, IC1 = IC 42-1409, IC2 = IC 42-243, S = Statutory)	QUANTITY Page 2 c.f.s. a.f.
	Irrigation	120.0
A63-02158	Arrowrock Reservoir Diversion (01/13/1911 L) Irrigation	8,000 8,000
A63-03613	Arrowrock Reservoir Storage (06/25/1938 L) Irrigation Storage Irrigation from Storage	15,000 15,000 15,000
A63-05262	Arrowrock Reservoir Storage (01/13/1911 S) Irrigation Storage Irrigation from Storage Power Storage Power from Storage	288,600 288,600 288,600 288,600 288,600
A63-05261	Anderson Ranch Reservoir Bank Storage (12/09/1940 S) Irrigation Storage Irrigation from Storage Power Storage Power from Storage	30,000 30,000 30,000 30,000 30,000
A63-03614	Anderson Ranch Reservoir Storage (12/09/1940 L) Irrigation Storage Irrigation from Storage Power Storage Power from Storage Municipal Storage Municipal from Storage	493,161 487,961 458,961 493,161 464,161 5,200 5,200
A63-00301	Boise Diversion Dam Diversion (12/14/1903 D) Irrigation	1,354.58 1,354.58
A63-00302	Boise Diversion Dam Diversion (06/16/1909 D) Irrigation	634 634
A63-02388	Boise Diversion Dam Diversion (08/18/1924 L) Irrigation	300 300
A63-00251	Boise Diversion Dam Diversion (03/23/1900 D) Irrigation	219.1 219.1

CLAIM NO.	FEATURE (PRIORITY DATE/EVIDENCE) (L = License, D = Decree, IC1 = IC 42-1409, IC2 = IC 42-243, S = Statutory)	QUANTITY c.f.s.	Page 3 a.f.
A63-00367	Boise Diversion Dam Power (06/15/1909 D) Power	1,500 1,500	
A63-00373	Boise Diversion Dam Diversion (04/01/1909 D) Irrigation	292.5 292.5	
BOISE PROJECT-PAYETTE DIVISION			
A65-02288	Black Canyon Dam Diversion (05/14/1921 D) Power	1,300 1,300	
A65-02433	Black Canyon Dam Diversion (09/19/1938 D) Irrigation	1,200 1,200	
A65-09481	Black Canyon Dam Diversion (04/01/1926 D) Power	300 300	
A65-09486	C-Line Pumping Plant Well (06/01/1946 D) Domestic	0.04 0.04	
A65-09487	Black Canyon Dam Well (06/01/1924 D) Domestic	0.04 0.04	
A65-09488	Black Canyon Dam Well (06/01/1924 D) Domestic	0.04 0.04	
A65-11412	Black Canyon Dam Emmett I.D. Pumps (03/15/1924 IC2) Power	220 220	
A65-02927A	Cascade Reservoir Storage (12/24/1937 D) Irrigation Storage Irrigation from Storage Power Storage Power from Storage	745,200 745,200 745,200 745,200 745,200	
A65-02927B	Cascade Reservoir Storage - Municipal (12/24/1937 D) Municipal Storage Municipal from Storage	2,500 2,500 2,500	
A65-03105A	Willow Creek Diversion (06/01/1889 D) Irrigation	0.98 0.98	

CLAIM NO.	FEATURE (PRIORITY DATE/EVIDENCE) (L = License, D = Decree, IC1 = IC 42-1409, IC2 = IC 42-243, S = Statutory)	QUANTITY Page 4	
		c.f.s.	a.f.
A65-03106	Willow Creek Diversion (05/10/1891 D) Irrigation	0.44 0.44	
A65-03108A	Willow Creek Diversion (05/10/1891 D) Irrigation	1.16 1.16	
A65-03111F	Rock (Richards) Creek Diversion (06/01/1894 D) Irrigation	0.40 0.40	
A65-03142	Arling Creek Diversion (03/20/1892 D) Irrigation	3.70 3.70	
A65-03143	Arling Creek Diversion (05/22/1897 D) Irrigation	4.0 4.0	
A65-11350	Duck Creek Diversion (07/01/1900 D) Irrigation	3.82 3.82	
A65-11351	Unnamed Stream Diversion (07/01/1900 D) Irrigation	4.82 4.82	
A65-11353	Gibson Creek Diversion (07/01/1900 D) Irrigation	0.28 0.28	
A65-11354	Unnamed Stream Diversion (07/01/1900 D) Irrigation	3.60 3.60	
A65-11361	Rock Creek Diversion (07/01/1900 D) Irrigation	1.74 1.74	
A65-07794	Duck Creek Recreation Well (01/05/1977 D) Domestic	0.04 0.04	
A65-07795	Poison Creek Recreation Well (01/05/1977 D) Domestic	0.04 0.04	
A65-07796	Sugarloaf Recreation Well (01/05/1977 D) Domestic	0.02 0.02	
A65-02917	Deadwood Reservoir Power Storage (12/31/1926 D) Power Storage Power from Storage		163,000 163,000 163,000

CLAIM NO.	FEATURE (PRIORITY DATE/EVIDENCE)	QUANTITY	Page 5
	(L = License, D = Decree, IC1 = IC 42-1409, IC2 = IC 42-243, S = Statutory)	c.f.s.	a.f.

A65-09483	Deadwood Reservoir Irrigation Storage (12/31/1926 D)		173,000
	Irrigation Storage		173,000
	Irrigation from Storage		173,000
A65-09485	Deadwood Reservoir Headquarters Well (06/01/1929 D)	0.32	
	Domestic	0.32	
A77-10114	Johnson Creek Diversion to Deadwood Reservoir (09/01/1936 IC2)		3,500
	Irrigation Storage		3,500
	Irrigation from Storage		3,500
	Power Storage		3,500
	Power from Storage		3,500

LEWISTON ORCHARDS PROJECT

A85-00016	Sweetwater Creek Diversion (07/14/1904 D)	87.8	
	Irrigation	87.8	
	Domestic	87.8	
A85-02049	Waha Lake Diversion (05/26/1915 L)	10.0	
	Irrigation	10.0	
	Domestic	10.0	
	Waha Lake Diversion (05/26/1915 L)		4,000
	Irrigation Storage		4,000
	Irrigation from Storage		4,000
	Domestic Storage		4,000
	Domestic from Storage		4,000
A85-02065	Webb Creek Diversion (01/30/1924 L)	40.0	
	Irrigation	40.0	
	Domestic	40.0	
A85-02146	Webb Creek-Soldiers Meadow Reservoir (05/24/1922 L)		2,000
	Irrigation Storage		2,000
	Irrigation from Storage		2,000
	Domestic Storage		2,000
	Domestic from Storage		2,000
A85-02147	Captain John (Browns) Creek Diversion (12/04/1934 L)	20.0	
	Irrigation	20.0	
	Domestic	20.0	

CLAIM NO.

FEATURE (PRIORITY DATE/EVIDENCE)

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QUANTITY Page 6
c.f.s. a.f.

A85-04483	Manns Lake/Sweetwater Creek (06/01/1907 S)	10,500
	Irrigation Storage	8,000
	Irrigation from Storage	8,000
	Stockwater Storage	1,000
	Stockwater from Storage	1,000
	Industrial Storage	1,500
	Industrial from Storage	1,500
	Municipal Storage	1,500
	Municipal from Storage	1,500
	Fire Protection Storage	1,000
	Fire Protection from Storage	1,000
A85-11087	West Fork Sweetwater Creek Diversion (05/26/1915 S)	20.0
	Irrigation Storage	20.0
	Irrigation from Storage	10.0
	Domestic Storage	20.0
	Domestic from Storage	10.0

LITTLE WOOD RIVER PROJECT

A37-02783	Little Wood Dam - Storage (04/10/1959 L)	1,000
	Irrigation Storage	1,000
	Irrigation from Storage	1,000
A37-12888	Little Wood Dam - Wells - Recreation (09/30/1976 S)	0.56
	Irrigation	0.12
	Domestic	0.44

MANN CREEK PROJECT

A67-02386	Mann Creek Reservoir Storage (12/14/1940 L)	10,000
	Irrigation Storage	10,000
	Irrigation from Storage	8,390
A67-02389	Mann Creek Reservoir Storage (01/30/1964 L)	2,950
	Irrigation Storage	2,950
	Irrigation from Storage	2,950
A67-04553	Mann Creek Reservoir Storage (12/14/1940 S)	1,000
	Irrigation Storage	1,000
	Irrigation from Storage	1,000

CLAIM NO.	FEATURE (PRIORITY DATE/EVIDENCE)	QUANTITY	Page 7
	(L = License, D = Decree, IC1 = IC 42-1409, IC2 = IC 42-243, S = Statutory)	c.f.s.	a.f.

MICHAUD FLATS PROJECT
FALLS IRRIGATION DISTRICT

A01-02061	Falls Irrigation District - Pumping plant (06/11/1956 L) Irrigation	153 153	
A01-04051	Falls Irrigation District - Recharge Storage (04/01/1958 IC2) Groundwater Recharge Storage		11,000 11,000
A29-02262	Falls Irrigation District - Well E (01/24/1946 L) Irrigation	2.2 2.2	
A29-02288	Falls Irrigation District - Well G (05/19/1950 L) Irrigation	2.57 2.57	
A29-02306	Falls Irrigation District - Well B (07/02/1951 L) Irrigation	2.85 2.85	
A29-02307	Falls Irrigation District - Well F (07/02/1951 L) Irrigation	2.20 2.2	
A29-02310	Falls Irrigation District - Well Q (12/22/1951 L) Irrigation	1.25 1.25	
A29-02341	Falls Irrigation District - Well M (10/29/1953 L) Irrigation	2.61 2.61	
A29-02380	Falls Irrigation District - 17 Wells (06/11/1956 L) Irrigation	44.61 44.61	
A29-02567	Falls Irrigation District - Well C (01/15/1952 L) Irrigation	2.45 2.45	
A29-02568	Falls Irrigation District - Well P (04/07/1955 L) Irrigation	3.79 3.79	
A29-02571	Falls Irrigation District - Well H (06/18/1950 L) Irrigation	2.23 2.23	
A29-10047	Falls Irrigation District - Ditchrider's House (01/01/1956 IC1) Irrigation Domestic	0.07 0.03 0.04	

CLAIM NO.	FEATURE (PRIORITY DATE/EVIDENCE)	QUANTITY	Page 8
	(L = License, D = Decree, IC1 = IC 42-1409, IC2 = IC 42-243, S = Statutory)	c.f.s.	a.f.

A29-02614A	Falls Irrigation District - Well K (02/16/1953 L)	1.56	
	Irrigation	1.56	
A01-02060	A&B Irrigation District - Unit A Pumping Plant (04/01/1939 L)	270	
	Irrigation	270	
A01-04049	A&B Irrigation District - Recharge Storage (09/09/1948 IC2)		297,500
	Groundwater Recharge Storage		291,500
	Domestic		6,000

MINIDOKA/UPPER SNAKE RIVER PROJECT

A&B IRRIGATION DISTRICT

A01-04060	A&B Irrigation District - Unit A - Expansion (04/01/1939 IC2)		3,370
	Irrigation		3,370

A36-02080	A&B Irrigation District - Wells - Unit B (09/09/1948 L)	1,100	
	Irrigation	1,100	

A36-04265	A&B Irrigation District - Unit B - Expansion (04/20/1971 IC2)		11,893
(A36-15127)	Irrigation		11,893
(A36-15192)			
(A36-15193)			
(A36-15194)			
(A36-15195)			
(A36-15196)			

A01-00284	American Falls Dam - Diversion (03/30/1921 D)	8,000	
	Irrigation Storage	8,000	

A01-02064	American Falls Dam - Storage (03/30/21 L)		1,540,600
	Irrigation Storage		1,540,600
	Irrigation from Storage		1,540,600
	Power Storage		1,540,600
	Power from Storage		1,540,600

A01-04052	American Falls Dam - Refill (06/16/1944 IC2)		115,000
	Irrigation Storage		115,000
	Irrigation from Storage		115,000
	Power Storage		115,000
	Power from Storage		115,000

CLAIM NO.	FEATURE (PRIORITY DATE/EVIDENCE)	QUANTITY	Page 9
	(L = License, D = Decree, IC1 = IC 42-1409, IC2 = IC 42-243, S = Statutory)	c.f.s.	a.f.

A01-10042	American Falls Dam - Storage - winter water savings (03/29/21 L)	159,400	
	Irrigation Storage	159,400	
	Irrigation from Storage	159,400	
	Power Storage	159,400	
	Power from Storage	159,400	

A01-10053	American Falls Dam - Bank Storage (03/30/1921 L)	100,000	
	Irrigation Storage	100,000	
	Irrigation from Storage	100,000	
	Power Storage	100,000	
	Power from Storage	100,000	

A29-10045	American Falls Dam - Visitor Center (03/31/1976 IC1)	0.04	
	Domestic	0.04	

A29-10046	American Falls Dam Seagull Bay Recreation Area (03/01/1971 IC1)	0.04	0.04
	Domestic	0.04	

A35-10358	American Falls Dam - Sportsman's Park Rec. Area (01/25/1979 IC1)		1.0
	Irrigation	0.96	
	Domestic	0.04	

MINIDOKA/UPPER SNAKE RIVER PROJECT

A01-04047	Burley Irrigation District - Recharge Storage (06/19/1909 IC2)	1,500,000	
	Groundwater Recharge Storage	1,500,000	

A45-00512	Burley Irrigation District - Marsh Creek (04/09/1909 D)	150	
	Irrigation	150	

A45-10389	Burley Irrigation District - Well - Domestic (06/19/1909 IC1)	0.12	
	Domestic	0.12	

A45-10390	Burley Irrigation District - Well - Domestic (06/19/1909 IC1)	0.24	
	Domestic	0.24	

A45-10391	Burley Irrigation District - Well - Domestic (06/19/1909 IC1)	0.08	
	Domestic	0.08	

A21-00024	Fremont-Madison Irrigation District - Diversion (05/10/1889 D)	6.0	
	Irrigation	6.0	

CLAIM NO.	FEATURE (PRIORITY DATE/EVIDENCE) (L = License, D = Decree, IC1 = IC 42-1409, IC2 = IC 42-243, S = Statutory)	QUANTITY Page 10	
		c.f.s.	a.f.
A21-00026	Fremont-Madison Irrigation District - Diversion (05/10/1889 D) Irrigation	3.0 3.0	
A21-00027	Fremont-Madison Irrigation District - Diversion (05/10/1889 D) Irrigation	3.0 3.0	
A21-00120	Fremont-Madison Irrigation District - Diversion (09/20/1901 D) Irrigation	1.6 1.6	
A21-00121	Fremont-Madison Irrigation District - Diversion (06/01/1893 D) Irrigation	1.0 1.0	
A21-00122	Fremont-Madison Irrigation District - Diversion (06/01/1901 D) Irrigation	0.8 0.8	
A21-00123	Fremont-Madison Irrigation District - Diversion (06/01/1901 D) Irrigation	0.8 0.8	
A21-00124	Fremont-Madison Irrigation District - Diversion (09/20/1901 D) Irrigation	1.0 1.0	
A21-00125	Fremont-Madison Irrigation District - Diversion (06/01/1901 D) Irrigation	0.8 0.8	
A21-00126	Fremont-Madison Irrigation District - Diversion (06/01/1900 D) Irrigation	2.2 2.2	
A21-04155	Grassy Lake Dam - Stateline Delivery (02/13/1936 IC2) Irrigation Storage Irrigation from Storage Power Storage Power from Storage		15,204 15,204 15,204 15,204 15,204
A21-02156	Island Park Dam - Storage (03/14/1935 L) Irrigation Storage Irrigation from Storage Power Storage Power from Storage		90,000 90,000 90,000 90,000 90,000
A21-04156	Island Park Dam - Refill (11/15/1938 IC2) Irrigation Storage Irrigation from Storage		135,000 135,000 135,000

CLAIM NO.	FEATURE (PRIORITY DATE/EVIDENCE) (L = License, D = Decree, IC1 = IC 42-1409, IC2 = IC 42-243, S = Statutory)	QUANTITY Page 11	
		c.f.s.	a.f.
	Power Storage		135,000
	Power from Storage		135,000
A21-04157	Island Park Dam - Bank Storage (11/15/1938 IC2)		40,000
	Irrigation Storage		40,000
	Irrigation from Storage		40,000
	Power Storage		40,000
	Power from Storage		40,000
A21-10560	Island Park Dam - Storage - winter water savings (03/29/1921 L)		45,000
	Irrigation Storage		45,000
	Irrigation from Storage		45,000
	Power Storage		45,000
	Power from Storage		45,000
A21-10601	Island Park Dam - Well - Domestic (12/31/1938 IC1)	0.04	
	Domestic	0.04	
A01-04055	Jackson Lake Dam - Stateline Delivery (08/23/1906 WY L, IC2)	298,981	
	Irrigation Storage		298,981
	Irrigation from Storage		298,981
	Power Storage		1,415,000
	Power from Storage		1,415,000
A01-10044	Jackson Lake Dam - Stateline Delivery (08/18/1910 WY L, IC2)		138,829
	Irrigation Storage		138,829
	Irrigation from Storage		138,829
A01-10045	Jackson Lake Dam - Stateline Delivery (05/24/1913 WY L, IC2)		409,190
	Irrigation Storage		409,190
	Irrigation from Storage		409,190
UNNUMBERED(A)	Jackson Lake Dam - Bank Storage (04/01/1907 WY L, IC2)		27,000
	Irrigation Storage		27,000
	Irrigation from Storage		27,000
UNNUMBERED(B)	Jackson Lake Dam - Bank Storage (04/01/1912 WY L, IC2)		12,000
	Irrigation Storage		12,000
	Irrigation from Storage		12,000
UNNUMBERED(C)	Jackson Lake Dam - Bank Storage (04/01/1917 WY L, IC2)		29,000
	Irrigation Storage		29,000

CLAIM NO.	FEATURE (PRIORITY DATE/EVIDENCE)	QUANTITY	Page 12
	(L = License, D = Decree, IC1 = IC 42-1409, IC2 = IC 42-243, S = Statutory)	c.f.s.	a.f.
	Irrigation from Storage		29,000
UNNUMBERED(D)	Jackson Lake Dam - Second Fill (04/01/1917 WY L, IC2)		500,000
	Irrigation Storage		500,000
	Irrigation from Storage		500,000
A01-02040	Milner-Gooding Canal (03/30/1921 L)	1,700	
	Irrigation	1,700	
A36-11119	Milner-Gooding - Hunt Site Ditchrider's House (12/31/1947 IC1)	0.07	
	Irrigation	0.03	
	Domestic	0.04	
A36-11120	Milner-Gooding - Ditchrider's House (12/31/1947 IC1)	0.07	
	Irrigation	0.03	
	Domestic	0.04	
A01-00211A	Minidoka Dam Minidoka/Burley Irrigation Districts (03/26/1903 D)		1,726
	Irrigation	1,726	
A01-00214A	Minidoka Dam Minidoka/Burley Irrigation Districts (08/06/1908 D)		1,000
	Irrigation	1,000	
A01-00217	Minidoka Dam - Power (06/15/1909 D)	2,500	
	Power	2,500	
A01-00218	Minidoka Dam - Power (07/01/1912 D)	200	
	Power	200	
A01-00219	Minidoka Dam Minidoka/Burley Irrigation District (12/14/1909 D)	2,500	
	Irrigation Storage	2,500	
A01-02016	Minidoka Dam Minidoka/Burley Irrigation District (06/16/1911 L)	888	
	Irrigation	888	
A01-04024	Minidoka Dam - Unit 6 Powerplant (06/16/1927 IC2)	825	
	Power	825	
A01-04025	Minidoka Dam - Unit 7 Powerplant (05/07/1942 IC2)	1,700	
	Power	1,700	
A01-04048	Minidoka Dam - Park Irrigation (12/14/1909 IC2)		2.8

CLAIM NO.

FEATURE (PRIORITY DATE/EVIDENCE)

(L = License, D = Decree, IC1 = IC 42-1409, IC2 = IC 42-243, S = Statutory)

QUANTITY Page 13

c.f.s. a.f.

Irrigation

2.8

A01-04050

Minidoka Dam - Bank Storage (04/01/1907 IC2)

30,000

Irrigation Storage

30,000

Irrigation from Storage

30,000

Power Storage

30,000

Power from Storage

30,000

A01-10034

Minidoka Dam - Storage Minidoka/Burley Irrigation Dists (12/14/1909 D)

210,200

Irrigation Storage

210,200

Irrigation from Storage

95,200

Power Storage

210,200

Power from Storage

210,200

A36-11114

Minidoka Dam - Spring (06/15/1909 IC2)

0.04

Domestic

0.04

A36-11115

Minidoka Dam - Well (04/01/1907 IC2)

0.48

Irrigation

0.44

Domestic

0.04

A36-11118

Minidoka Dam - Well (04/01/1907 IC2)

0.44

Irrigation

0.44

A01-04046

Minidoka Irrigation District - Recharge Storage (04/01/1907 IC2)

2,700,000

Groundwater Recharge Storage

2,700,000

A01-02068

Palisades Dam - Storage (07/28/1939 L)

1,141,400

Irrigation Storage

1,141,400

Irrigation from Storage

1,097,400

Power Storage

1,141,400

Power from Storage

1,141,400

A01-04053

Palisades Dam - Well (06/01/1948 S)

0.31

Irrigation

0.31

Domestic

0.31

A01-04054

Palisades Dam - Power (02/27/1957 IC2)

9,000

Power

9,000

A01-04056

Palisades Dam - Refill (05/03/1957 IC2)

1,200,000

CLAIM NO.	FEATURE (PRIORITY DATE/EVIDENCE) (L = License, D = Decree, IC1 = IC 42-1409, IC2 = IC 42-243, S = Statutory)	QUANTITY Page 15	
		c.f.s.	a.f.
	Domestic	0.04	
A22-07022	Teton Dam - Wells *****PERMIT***** (04/23/1969 P) Irrigation	80.88 80.88	
A22-07062	Teton Dam - Well - Domestic (01/05/1973 L) Domestic	0.06 0.06	
A25-12223	Tex Creek - Spring - Cove Creek (01/01/1918 IC1) Stockwater Wildlife	0.08 0.04 0.04	
A25-12224	Tex Creek - Spring - Cove Creek (01/01/1918 IC1) Stockwater Wildlife	0.02 0.01 0.01	
A25-12225	Tex Creek - Spring - Indian Fork (01/01/1918 IC1) Stockwater Wildlife	0.08 0.04 0.04	
A25-12226	Tex Creek - Spring - Hayshed Creek/Indian Fork (01/01/1918 IC1) Stockwater Wildlife	0.02 0.01 0.01	
A25-12227	Tex Creek - Spring - Willow Springs (01/01/1918 IC1) Stockwater Wildlife	0.02 0.01 0.01	
A25-12228	Tex Creek - Spring - Pipe Creek (01/01/1918 IC1) Irrigation Domestic	0.02 0.01 0.01	
A25-12229	Tex Creek - Spring - Spring Creek (01/01/1918 IC1) Stockwater Wildlife	0.02 0.01 0.01	
A25-12231	Tex Creek - Spring Dog Tooth/Blue Creek (01/01/1918 IC1) Stockwater Wildlife	0.04 0.02 0.02	
A25-12234	Tex Creek - Indian Creek (01/01/1918 IC1)	0.04	

CLAIM NO.	FEATURE (PRIORITY DATE/EVIDENCE)	QUANTITY	Page 14
	(L = License, D = Decree, IC1 = IC 42-1409, IC2 = IC 42-243, S = Statutory)	c.f.s.	a.f.
	Irrigation Storage	1,200,000	
	Irrigation from Storage	1,200,000	
	Power Storage	1,200,000	
	Power from Storage	1,200,000	
A01-04057	Palisades Dam - Bank Storage (07/03/1957 IC2)	185,000	
	Irrigation Storage	185,000	
	Irrigation from Storage	92,000	
	Power Storage	185,000	
	Power from Storage	92,000	
A01-10043	Palisades Dam - Storage - winter water savings (03/29/1921 L)	259,600	
	Irrigation Storage	259,600	
	Irrigation from Storage	259,600	
	Power Storage	259,600	
	Power from Storage	259,600	
A23-04073	Palisades Dam - Well (06/01/1948 IC2)	0.40	
	Domestic	0.40	
A23-10062	Palisades Dam - Well (06/01/1948 IC1)	0.04	
	Domestic	0.04	
A25-07004	Ririe Dam - Storage *****PERMIT***** (03/18/1975 P)	90,500	
	Irrigation Storage	90,500	
	Irrigation from Storage	86,500	
	Power Storage	90,500	
	Power from Storage	86,500	
A25-07008	Ririe Dam - Well - Domestic (05/04/1970 L)	0.04	
	Domestic	0.04	
A25-07135	Ririe Dam - Spring (09/13/1977 L)	0.01	
	Domestic	0.01	
A25-07201	Ririe Dam - Well - Park (08/11/1980 L)	0.14	
	Irrigation	0.08	
	Domestic	0.14	
A25-12222	Ririe Dam - Well (07/31/1987 S)	0.44	
	Irrigation	0.40	

CLAIM NO.	FEATURE (PRIORITY DATE/EVIDENCE)	QUANTITY	Page 16
	(L = License, D = Decree, IC1 = IC 42-1409, IC2 = IC 42-243, S = Statutory)	c.f.s.	a.f.

	Irrigation	0.03	
	Wildlife	0.01	

A25-12236	Tex Creek - Pond - Trail Creek (01/01/1918 IC1)	0.05	
	Irrigation	0.03	
	Stockwater	0.01	
	Wildlife	0.01	

A25-12238	Tex Creek - Well - Domestic (01/01/1985 IC1)	0.04	
	Domestic	0.04	

OWYHEE PROJECT-IDAHO-OREGON UNIT

A57-10807	Succor Creek Diversion - (Owyhee Reservoir) (04/11/1935 S)	30.0	
	Irrigation	30.0	

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

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

CIVIL CASE NUMBER: 39576

RE-NUMBERED TO: A63-00303
Ident. Number: ~~A63-02158~~
Date Received: 8/11/1989
Receipt No: X111111
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: UNITED STATES OF AMERICA, ACTING THROUGH 208-378-5155
Address: REGIONAL DIRECTOR, PN REGION
BUREAU OF RECLAMATION
1150 N CURTIS RD
BOISE ID 83706-1234

2. Date of Priority: JAN 13, 1911

3. Source: BOISE RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
03N	04E	13		5	BOISE
				7	BOISE

5. Description of diverting works:
ARROWROCK DAM OUTLET WORKS & SPILLWAY

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	8000.000		

7. Total Quantity Appropriated is:
8000.000 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 562215.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
----------	-------	---------	------------	-----	-----	-------

11. Place of use in counties:

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:

63-3613, 63-2004, 63-5262, 63-2109

14. Remarks:

P/U IS LANDS IN THE BOISE FEDERAL RECLAMATION PROJECT IN ADA AND CANYON COUNTIES.

224,886 IRR AC--FULL SERVICE & SUPPLEMENTAL SUPPLY

SURFACE STORAGE-- 271,600 ac-ft

BANK STORAGE-- 17,000 ac-ft

1911 PRIORITY RT 63-5262-- 288,600 ac-ft

1938 PRIORITY RT 63-3613-- 15,000 ac-ft

TOTAL RESERVOIR CAPACITY-- 303,600 ac-ft

15. Basis of Claim: LICENSE

Water Right Number: 7180

16. Signature(s)

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

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day

of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

MICROFILMED
OCT 02 1996

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A63-02158

Date Received: 7/27/1988

Receipt No: _____

Received By: _____

RECEIVED
JUL 07 1989

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name: UNITED STATES OF AMERICA, ACTING THROUGH 208-334-1165
Address: REGIONAL DIRECTOR, P.N. REGION
BUREAU OF RECLAMATION
BOX 043-550 WEST FORT STREET
BOISE, ID 83724

2. Date of Priority: JAN 13, 1911

3. Source: BOISE RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
03N	04E	13		5	BOISE
				7	BOISE

5. Description of diverting works:
ARROWROCK DAM OUTLET WORKS & SPILLWAY

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	8000.000		

7. Total Quantity Appropriated is:
8000.000 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 562215.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
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11. Place of use in counties:

A63-02158

Page 1

Date: 05/09/89

MICROFILMED
OCT 02 1996

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:
63-3613, 63-2004, 63-5262, 63-2109

14. Remarks:

P/U IS LANDS IN THE BOISE FEDERAL RECLAMATION PROJECT IN ADA AND CANYON COUNTIES.

224,886 IRR AC--FULL SERVICE & SUPPLEMENTAL SUPPLY

SURFACE STORAGE-- 271,600 ac-ft

BANK STORAGE-- 17,000 ac-ft

1911 PRIORITY RT 63-5262-- 288,600 ac-ft

1938 PRIORITY RT 63-3613-- 15,000 ac-ft

TOTAL RESERVOIR CAPACITY-- 303,600 ac-ft

15. Basis of Claim: LICENSE
Water Right Number: 7180

MICROFILMED
OCT 02 1996