1-2164, 1-2168 et al

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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	See Attachment A
Case No. 39576	**STATE OF IDAHO'S RESPONSE TO MOTION FOR LEAVE TO FILE AMICUS BRIEF**

The State of Idaho ("State"), by and through its counsel of record hereby submits this response in opposition to the motion to file an amicus brief filed by Black Canyon

Irrigation District, New York Irrigation District, Pioneer Irrigation District, Nampa & Meridian Irrigation District, and the Boise Project Board of Control ("Movants").

INTRODUCTION

The *Motion for Leave to File Amicus Brief: State of Idaho's Motion Concerning "Refill" of Bureau of Reclamation Storage Rights* (Jun. 8, 2012) ("*Amicus Motion*") is untimely, seeks to disrupt the briefing schedule, mischaracterizes the issues before this Court, and fails to demonstrate that the Movants have a legally cognizable interest in the subordinated "refill" ruling sought by the *State Of Idaho's Motion For Partial Summary Judgment* (Jan. 25, 2012) ("*State's Motion*"), or that the *State's Motion* has state-wide implications. The *Amicus Motion* is based largely upon contentions that a water right to divert natural flow into a federal reservoir authorizes continuous priority diversions whenever the reservoir is not physically full, regardless of how much water has been diverted into the reservoir over the course of the year, and regardless of the annual volume authorized in the "quantity" element of the water right. The priority "refill" asserted by Movants is contrary to settled Idaho law and would have far reaching and disruptive effects. The *Amicus Motion* also asserts the subordinated "refill" ruling sought by the *State's Motion* raises wholly new and unexpected issues that the Movants must be allowed to address. *See "Brief Of Amicus Curiae Re: State Of Idaho's Motion For Partial Summary Judgment Concerning "Refill" Of Bureau Of Reclamation Storage Rights* (Jun. 8, 2012) ("*Amicus Statement*") at 1 (arguing the State "has raised a new position for the first time in the multi-decade history of the SRBA."). The record amply demonstrates there is nothing new about the "refill" issues presented in this subcase.

FACTS

State Reclamation Engineer R. Keith Higginson issued Watermaster Art Larsen of Water District No. 1 formal instructions in 1970 that American Falls should not be allowed to "refill" under the 1921 priority of the license: "Once filled each season, American Falls Reservoir should not be allowed to refill at the expense of junior water users."[1]

> Once American Falls Reservoir has been filled either physically or with upstream credits, storage should be restricted to filling all junior rights. Therefore, the practice of filling American Falls Reservoir with a subsequent drawdown and then calling on water in other reservoirs to refill American Falls, should not be allowed to continue.[2]

This principle was expressly reaffirmed in the 1978 watermaster's report, which discussed a number of improvements to Water District No. 1 administration and procedures: "Each of the reservoir rights can be filled only to the maximum volume specified in the right. . . . This prevents a second fill at the expense of later rights,"[3] but "the reservoir [is allowed] to refill as long as there is water in excess of all other rights."[4]

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[1] *Affidavit Of Michael C. Orr* (Feb. 21, 201) ("Orr Aff."), Exhibit 49 at 1-2 (Letter from R. Keith Higginson, State Reclamation Engineer, to Mr. Art Larsen, Wastermaster, Water District No. 36) (Mar. 6, 1970).

[2] *Id.* The Bureau's District Counsel B.E. Stoutemyer had reached the same conclusion some thirty-six years earlier. In a August 24, 1934 letter to the Chief Engineer addressing the question of priority "refill," Stoutemyer said:

> the state officers administering the Snake river will no doubt be governed by the amount set out in the Woodville decree and would decline to close down any headgates of any later reservoirs after the American Falls reservoir has received its decreed amount of 1,700,000 acre-feet. . . . in my opinion we could not secure more than 1,800,000 acre-feet under our priority of 1921 . . . .

Orr Aff., Exhibit 59 at 1. Like the license, the Woodville Decree had also defined the American Falls water right as in terms of a quantity "per annum." Orr Aff., Exhibit 16 at 27 ("Woodville Decree").

[3] Orr Aff., Exhibit 51 at 15 (WATER DISTRIBUTION AND HYDROMETRIC WORK, DISTRICT NO. 01, SNAKE RIVER, IDAHO, 1978).

[4] *Id.* at 30. The updates were part of a water-user driven response to the 1977 drought, which had exposed a number of problems in administrative practices and procedures. *See State of Idaho's Memorandum In Support Of Motion For Partial Summary Judgment* (Feb. 21, 2012) ("*State's Opening Brief*"), at 43.

In a 1979 Committee of Nine meeting, the Director explained: "Once a right is filled on paper, even if water has been released and additional space is available, the priorities of the reservoirs are considered to no longer be in effect."[5]

In 1983, the Bureau filed statutory claims with the Department for storage "refill" water rights at American Falls Reservoir, Palisades Reservoir and Island Park Reservoir, based upon historic beneficial use, pursuant to Idaho Code § 42-243.[6] The Bureau also filed a statutory storage "refill" claim for Arrowrock Reservoir (but not for any of its other reservoirs in Basin 63 or Basin 65).[7] These statutory "refill" claims were numbered 1-4052, 1-4056, 21-4156, and 63-5262, and the Bureau also claimed them in the SRBA.[8] The Department recommended disallowance of the SRBA "refill" claims. All of the Bureau's statutory "refill" claims were decreed disallowed by this Court – including the Arrowrock "refill"claim, 63-5262.[9] Pioneer Irrigation District, one of the parties seeking amicus status in this subcase on the basis of an asserted "refill" interest in Arrowrock Reservoir, executed the "Notice of Clarification" that was filed in Consolidated Subcase No. 91-63 on June 25, 2003, and stated it "did not seek to reopen" the Arrowrock "refill" claim.[10]

The Bureau's primary SRBA claim for Arrowrock Reservoir (63-303) sought a diversion rate – 8,000 cfs – rather than an annual volume, based upon the decree entered in *Pioneer Irrigation District v. American Ditch Company*.[11] The Department recommended the claim for an "annual volume" of 271,000 acre-feet rather than the

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[5] Orr Aff., Exhibit 52 at 1 (Minutes Of Committee Of Nine Meeting) (Sept. 21, 1979).
[6] *Second Affidavit Of Michael C. Orr* (Jun. 19, 2010) ("Second Orr Aff."), Exhibit 21 at 35.
[7] Second Orr Aff., Exhibit 4 at 1.
[8] *See* Second Orr Aff., Exhibits 19, 21, 23.
[9] *See Subcase Nos. 1-4052, 1-4056, 21-4156, 63-5262.*
[10] Second Orr Aff., Exhibit 24 at 2.
[11] Second Orr Aff., Exhibit 3 at 8.

continuous diversion rate claimed,[12] in large part because "[r]egarding 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."[13] The water right was decreed by this Court with the annual volume recommended by the Department (271,600 "AFY," or acre-feet per year) rather than with a continuous diversion rate.[14]

While the Bureau's initial SRBA claims for water rights to divert into American Falls Reservoir (1-2064) and Palisades Reservoir (1-2068) did not mention any "refill" claim (although the Bureau had filed separate "refill" claims under 1-4052 and 1-4056), , the Bureau filed amended claims in 2006 asserting: "This water right includes the right to refill under the priority date of this water right to satisfy the United States' storage contracts."[15] The Bureau's amended claims did not quantify the amount of the claimed "refill,"[16] and the Director's Reports for Subcase Nos. 1-2064 and 1-2068 did not mention "refill."

The Bureau in 2007 filed objections to the Director's Reports asserting, among other things, that the partial decrees should include remarks recognizing the right to "refill" in priority: "The following remark should be included under [the 'Quantity'] element: 'This water right includes the right to refill under the priority date of this water

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[12] Second Orr Aff., Exhibit 3 at 1.
[13] Second Orr Aff., Exhibit 3 at 4.
[14] *See Subcase No. 63-303.*
[15] Second Orr Aff., Exhibit 13 at 1; *id.* Exhibit 14 at 1
[16] Since 2009, the Department's administrative rules governing the sufficiency of general adjudication claims have required that "if the [storage water right] is for a licensed or decreed right that includes refill, the total amount of water claimed during the calendar year and the entire period during which diversion to storage or impoundment occurs shall be indicated." IDAPA 37.03.01.060.02.f.ii.

right to satisfy the United States' storage contracts.'"[17] While the Bureau's amended claims relied on the water right licenses as the basis for the priority "refill" claim, the Bureau's objections stated that the priority "refill" claim was based on historic practice: "A remark for refill under [the 'Quantity'] element is necessary to preserve the historical practice of maximizing the water resources above Milner Dam for use by Reclamation contractors."[18] One member of the Surface Water Coalition, Minidoka Irrigation District, also filed objections in 2007 that asserted the partial decrees "should include the right to refill the reservoir in priority."[19]

The parties engaged in protracted settlement negotiations but were unable to fully resolve any of the disputed matters,[20] and pursuant to this Special Master's order of December 15, 2011, both the State and the Surface Water Coalition filed statements of the issues after the negotiations concluded. While both statements identified "refill" as an issue,[21] only the Coalition's statement asserted that a "refill" remark was necessary: "A remark should be added regarding Reclamation's right to refill the storage under the same priority to satisfy spaceholder contracts."[22]

The State filed a motion for partial summary judgment on January 25, 2012 that also sought a "refill" remark.[23] The State's proposed remark avoids the ambiguous term "refill," and seeks a ruling that the storing of "additional water" after the annual volume limit of the water right has been reached is subordinate to all existing and future water

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[17] Second Orr Aff., Exhibit 15 at 2, 8.
[18] Second Orr Aff., Exhibit 15 at 4, 9
[19] Second Orr Aff., Exhibit 16 at 3, 7.
[20] Most of the parties, including the State, the Bureau and the members of Surface Water Coalition, executed a *Stipulation To Resolve Certain Objections* (Jan. 26, 2012), but this document did not address the question of "refill" priority.
[21] Second Orr Aff., Exhibit 17 at 2; *id.*, Exhibit 18 at 2.
[22] Second Orr Aff., Exhibit 18 at 2.
[23] *State Of Idaho's Motion For Partial Summary Judgment* (Jan. 25, 2012), at 2.

rights. The initial briefing schedule called for the opening brief to be filed on February 21, responses on April 16, replies on May 3, and set a hearing for May 17. After the State's opening brief and the response briefs had been filed, the schedule was extended by an order entered May 1 pursuant to an unopposed motion. Under the amended schedule, the State's reply brief is to be filed June 29 and the hearing is set for July 12.

On June 8, 2012, the Movants filed the *Amicus Motion* and a petition to designate a basin-wide issue on whether Idaho law requires water rights for storage purposes to have a remark authorizing "refill" of reservoir space vacated by flood control operations.[24]

STANDARD OF REVIEW

The Court has discretion to grant an amicus petition and to specify the manner of appearance. *See State v. U.S.*, 134 Idaho 106, 110, 996 P.2d 806, 810 (2000). The rationale for allowing amicus curiae submissions is that an interest or viewpoint is not adequately represented or the amicus "has unique information or perspective that can help the court beyond the help that the lawyers for the parties are able to provide." *Ryan v. Commodity Futures Trading Comm'n,* 125 F.3d 1062, 1063 (7th Cir. 1997). An amicus is a "friend of the court, not friend of a party." *Id.* Amicus briefs that "duplicate the arguments made in the litigant's brief . . . are an abuse" that "should not be allowed." *Id.* Further, an amicus "must take a case as he finds it without attempting to inject new issues or to tailor the case to suit his needs." *Bogert v. Kinzer*, 93 Idaho 515, 517, 465 P.2d 639, 642 (1970).

[24] *Petition To Designate Basin-Wide Issue* (Jun. 8, 2012).

ARGUMENT

I. The State's Motion For Summary Judgment Seeks To Resolve The Dispute Over Whether "Refill" Is In Priority Or Subordinated.

The "refill" count of the State's summary judgment motion proposes a remark that would resolve two substantive issues clearly in dispute by: (1) reaffirming that the "quantity" elements of the water rights to divert natural flow into the American Falls and Palisades Reservoirs are annual limits on the amount of water appropriated for storage purposes under those rights, and (2) reaffirming that additional water may be stored after the annual volume limit has been reached, but only if all other water rights are satisfied.[25] These are the core issues raised by the State's *Motion.*

The State's *Motion* proposed to resolve these issues via a remark because it was undisputed a "refill" remark was necessary: the Bureau and Coalition asserted "refill" remarks were necessary before the *State's Motion* was filed – in the Bureau's case five years before the State filed its motion. The Bureau's objections, which have been on file since 2007, expressly assert: "The following remark should be included under [the Quantity] element: 'This water right includes the right to refill under the priority date of this water right to satisfy the United States' storage contracts.'"[26] The Bureau's objections further asserted: "A remark for refill under [the 'Quantity'] element is necessary to preserve the historical practice of maximizing the water resources above

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[25] The State's proposed "refill" remark is as follows:

> This right is filled for a given irrigation season when the total quantity of water that has been accumulated to storage under this right equals the decreed quantity. Additional water may be stored under this right but such additional storage is incidental and subordinate to all existing and future water rights.

State Of Idaho's Motion For Partial Summary Judgment (Jan. 25. 2012), at 2.

[26] Orr Aff., Exhibit 15 at 7, 8 (underlining added).

Milner Dam for use by Reclamation contractors."[27] The *Surface Water Coalition's Statement Of Issues/Proposed Trial Schedules*, filed on January 19, 2012, also contends a "refill" remark is necessary: "A remark should be added regarding Reclamation's right to refill the storage under the same priority to satisfy spaceholder contracts."[28]

In short, there was no dispute over whether a "refill" remark was necessary at the time the State filed its *Motion*: the only dispute was over quantity and priority with respect to "refill." Subsequently, after the State filed its opening brief, the Bureau and the Coalition appear to have backpedaled somewhat and now may be suggesting that no "refill" remark is necessary. Be that as it may, they have not withdrawn or amended their objections or statements of issues: their positions of record remain that a "refill" remark is necessary to resolve the question of the priority of "refill." More importantly, there is no question that the central issues of the State's *Motion*—the definition of "fill" and the priority of "refill"—remain in dispute. They are important issues that must be addressed and resolved regardless of whether a "refill" remark is "necessary."

The position of the Bureau, the Coalition and the Movants is that a water right to divert natural flow into a federal reservoir is not limited to the amount of water recited in the "quantity" element of the water right. This position is flatly contrary to the most basic principles of the prior appropriation doctrine as established by Idaho law. Under the Idaho Code, "quantity" is an element of a water right, with the same status and significance as the priority date. Idaho Code § 42-1411(2); *see Memorandum Decision And Order On Challenge, Subcase Nos. 74-15051, et al ("High Flow" Claims)* ("*Lemhi*

[27] Second Orr Aff., Exhibit 15 at 4, 9 (underlining added).
[28] Second Orr Aff., Exhibit 18 at 2 (underlining added).

High Flows Order"), at 17 (stating that quantity and priority are the "'essential elements'") (quoting *State v. ICL*, 131 Idaho 329, 333, 955 P.2d 1108, 1112 (1998)).

Idaho water rights must be defined "in terms of quantity of water per year." *A&B Irr. Dist.*, 131 Idaho at 416, 958 P.2d at 573; *Lemhi High Flows Order* at 10. This requirement "is essential to the establishment and granting of a water right." *Id.* Language that effectively eliminates the quantity element "vitiates the existence of a legal water right." *State v. ICL*, 131 Idaho 329, 333, 955 P.2d 1108, 1112 (1998). It is critical that the "quantity" element establish the amount of water appropriated with certainty and not be "vague and fluctuating": "[I]f the decree awards an uncertain amount of water to one appropriator whose needs are vague and fluctuating, it is likely that he will waste water and yet have the power to prevent others from putting the surplus to any beneficial use." *Village of Peck v. Denison*, 92 Idaho 747, 750, 450 P.2d 310, 313 (1969).

The Movants' priority "refill" contention violates all of these standards by claiming the decreed amount may be "refilled" under the priority of the base right whenever space becomes available in a reservoir for any reason whatsoever – regardless of how much water has already been diverted into the reservoir under the right. *Amicus Brief* at 6. There simply is no "quantity" element that the Watermaster or other water users can enforce, and no legal protection for junior appropriators.[29]

Thus, while the legal question at the heart of the *State's Motion* certainly has state-wide application, its resolution does not require a basin-wide issue or any other type of special proceeding, anymore than a basin-wide proceeding would be necessary to

[29] This point is discussed in this memorandum only for purposes of demonstrating that the principal issue raised by the *State's Motion* is fundamentally a question of the quantity of an appropriation, not whether a "refill" remark is "necessary." The State's reply brief will discuss the quantity problem in more detail, and will also address various other issues raised by the Bureau and the Coalition in support of their priority "refill" claims but not addressed herein.

determine whether a 100 cfs water right for irrigation use is entitled to divert more than 100 cfs in priority. The principle has broad application but so do many questions of law. The mere fact that the claims to priority "refill" asserted in this violate such a basic prior appropriation principle hardly means that the proceedings should be delayed, expanded, or moved to a basin-wide-issue. To the contrary, it means the proceedings should continue expeditiously.

II. The Amicus Motion Is Based On A Mischaracterization Of The State's Motion For Summary Judgment.

The Movants seek to participate by raising a strawman: they recharacterize the State's arguments as an attempt to shut down all storage "refill" operations and opportunities unless the applicable water rights include a "refill" remark. The Movants argue the State's position is that a "refill" remark is "an absolute necessity," that even subordinated "refill" is flatly prohibited without a "refill" remark, and that without a "refill" remark, flows historically used to backfill reservoir space vacated by releases for flood control or other purposes must "just run down the river, uncaptured." *Amicus Brief* at 3.

The State has never asserted anything of the sort, nor are these extreme contentions the "logical conclusion" of the State's summary judgment motion. *Id.*[30] To the contrary, the State's opening brief recognizes and discusses the considerable benefits of storage "refill," *State's Opening Brief* at 16-19, and one of the purposes of the *State's*

[30] As pointed out in the State's opening summary judgment brief, it is not inconceivable that a legal challenge could be mounted to "refill" operations in the absence of a remark. *Memorandum In Support Of State Of Idaho's Motion For Partial Summary Judgment* (Feb. 21, 2012) ("*State's Opening Brief*"), at 18. Water District No. 1 Program Manager Tony Olenichak stated in his deposition that this argument has been raised in Water District No. 1. Orr Aff., Exhibit 9 at 29, 41, 59 (Transcript of "Deposition of Anthony Olenichak, February 9, 2012").

Motion was to ensure that historic "refill" operations could continue.[31] It is ironic that the Movants attack the State for seeking to resolve the question of "refill" priority through a remark when it was the Bureau and the Coalition that originally insisted on a "refill" remark. The contention that the *State's Motion* seeks to prevent "refill" and promote the waste of water bears no relation to the State's actual positions and arguments. The Movants' contentions are nothing more than overblown hyperbole.

III. The Movants Have No Cognizable Interest In The State's Summary Judgment Motion Because It Is Undisputed That The State's Proposed Remark Is Consistent With Water Rights Administration In Water District No. 63 And Water District No. 65.

The Movants' alleged interest in this proceeding consists of the "potential implications" of the State's position that "refill" should be subordinated to all existing and future water rights rather than in priority. *Amicus Motion* at 2. The Movants argue the State's summary judgment motion "has the potential to affect already licensed and partially decreed storage rights in Bureau of Reclamation reservoirs throughout the State of Idaho," *id.*, such as the federal reservoirs in Water District No. 63 and Water District No. 65, which have been partially decreed. The Movants further argue that the water rights for these reservoirs have historically been "refilled" under the original priority of the base rights: "The [priority 'refill'] remark requested by the Bureau and the Surface Water Coalition is consistent with the historical operation concerning administration of American Falls and Palisades reservoirs, as well as the reservoirs on the Boise and Payette rivers, and is supported by the law of Idaho." *Amicus Brief* at 5.

These assertions are completely unsupported by any legal authority or facts in the record. Further, the Movants' assertions that the water rights for the federal reservoirs in

[31] Orr Aff., Exhibit 9 at 58.

the Water District No. 63, Water District No. 65 and Water District No. 1 have historically been administered with priority "refill" is flatly contrary to the undisputed record of how water rights are actually administered in those districts. The Watermasters for Water District No. 63 and Water District No. 65 unequivocally endorse the State's subordinated "refill" remark as fully consistent with historic practice and Idaho law:

> 4. As I understand and administer the water rights for the federal reservoirs in Water District No. [63 or 65], those water rights are limited to the annual volume decreed by the SRBA District Court, and they are no longer in priority after the quantities of water diverted into the reservoirs under their water rights reaches the annual volumes decreed by the Court. Additional water may be and often is stored in the reservoirs after the annual volume has been reached, but only if all other water rights have also been filled.
>
> 5. I have reviewed the *State Of Idaho's Motion For Partial Summary Judgment* which was filed on January 25, 2012, in the SRBA proceedings for the water rights for American Falls Reservoir (subcase no. 01-2068) and Palisades Reservoir (subcase no. 01-2068). The "refill" remark that the State of Idaho proposed in that motion is consistent with how the water rights for the federal reservoirs in Water District No. [63 or 65] have been administered during my tenure as Watermaster.

Affidavit Of Rex R. Barrie, Watermaster, Water District No. 63 (Jun. 18, 2012), at 2; *Affidavit Of Ron Shrtleff, Watermaster, Water District No. 63* (Jun. 18, 2012), at 2. The Department Hydrologist responsible for the water right accounting and storage allocation programs for Water District No. 63 and Water District No. 65 also has confirmed that the State's subordinated "refill" remark is consistent with the water rights accounting in those districts:

> 3. I have reviewed the *State Of Idaho's Motion For Partial Summary Judgment* which was filed on January 25, 2012, in the SRBA proceedings for the water rights for American Falls Reservoir (subcase no. 01-2068) and Palisades Reservoir (subcase no. 01-2068). The "refill" remark that the State of Idaho proposed in that motion is consistent with how the water rights for the federal reservoirs in the Boise River system and the Payette River system have been accounted for under the

> accounting programs for both of those systems during the entire period I have been responsible for running those programs.

Affidavit Of Elizabeth Anne Cresto (Jun. 18, 2012), at 2. Moreover, the Program Manager for Water District No. 1, Tony Olenichak, confirmed repeatedly in his deposition that the State's subordinated "refill" remark is entirely consistent with both current and historic practice in Water District No. 1.[32] This is not surprising as Mr. Olenichak participated in the drafting of the State's proposed remark because the State sought a remark that would continue the "refill" status quo.[33]

In short, there is simply no basis for the argument that the Movants have an interest in the State's motion for summary judgment on the priority of "refill." The *State's Motion* poses no threat to the current and historic administration of water rights to divert natural flow into the federal reservoirs in Water District No. 63 and Water District No. 65. The subordinated "refill" of the State's summary judgment motion is fully consistent with water rights administration in those water districts, and also in Water District No. 1. The State's summary judgment motion would only continue the status quo – which is what the Movants claim to seek. For the same reason, the Movants' miscellaneous arguments regarding subjects such as "paper fill," flood control, storage allocations and distributions controlled by federal spaceholder contracts rather than state law-based water rights, and various other assertions, are simply inapplicable and unavailing.

Further, while in Water District No. 1 the argument has been raised (but <u>not</u> by the State) that even the historic practice of subordinate "refill," (which by definition harms no other water rights) is not authorized unless specifically authorized by the decree

[32] *See, e.g.,* Orr Aff., Exhibit 9 at 28-29, 30, 104, 116, 128-29.
[33] Orr Aff., Exhibit 9 at 58.

or some other legal authority,[34] it does not appear that any such concern exists in Water District No. 63 or Water District No. 65. The Movants have not alleged that any such challenges have been mounted or such arguments raised, and the State is not aware of any. In the absence of such a challenge, the existing practice of subordinate "refill" certainly can continue without the need for any authorizing remark in the water rights, as it has for many years.

Finally, should the Movants conclude that their interests would be better protected if the water rights include a subordinate "refill" remark such as that proposed in the *State's Motion*, they have an administrative remedy and can seek such protection through a request to the Department. The same is true for all of the licensed and/or decreed water rights that the Movants argue may potentially be impacted by the *State's Motion.* Administrative remedies are readily available for such water rights outside of the SRBA, and in any event the subordinated "refill" ruling sought by the *State's Motion* is consistent with historic "refill" operations at all of the large federal reclamation reservoirs in the State. The Movants' shrill warnings of impending disaster under the *State's Motion* have no basis in fact or law.

IV. The Amicus Curiae Motion Is Untimely And Will Disrupt The Proceedings.

Movants' request for leave to file an amicus brief also comes far too late in this proceeding. *See* I.R.C.P. 24(b); *State v. U.S.*, 134 Idaho 106, 111, 996 P.2d 806, 812 (2000). The *State of Idaho's Motion for Summary Judgment* was filed on January 25, 2012, almost six months ago. The briefing schedule on the State's motion has already been extended once, there are only 10 days left in the briefing schedule, and the only brief that remains to be filed is the State of Idaho's reply brief.

[34] Orr Aff., Exhibit 9 at 29, 41, 59 (Transcript of "Deposition of Anthony Olenichak, February 9, 2012").

Movants have not represented they have a merits brief ready to be filed nor when they would be prepared to file. Granting the *Amicus Motion* would require extending the briefing schedule, which would run contrary to the fundamental requirement that amicus must take the case as they find it and seek to change the schedule or the issues. The State is entitled to have its motion briefed and argued under the current schedule, particularly when the Movants have not offered any new information or any unique perspective that would assist the Court or the parties. The Movants' arguments are merely an amalgam of various contentions the Bureau and the Coalition have made in previous briefing. The briefing of the Bureau and the Coalition adequately represent any interest Movants may have in overturning the historic practice of subordinated "refill" in favor of priority "refill." The Movants are situated similarly to the members of the Coalition, and their present arguments are simply cumulative assertions that add nothing to the proceedings.

Further, the Movants have offered no plausible explanation for their delay in filing. The record belies the Movants' claim that the State raised an entirely new issue its summary judgment motion. The question of whether a remark is necessary to resolve the question of the priority of "refill" was first more than five year ago in the objections the Bureau filed in Subcase nos. 1-2064 and 1-2068, which expressly stated: "The following remark should be included under [the 'Quantity'] element: 'This water right includes the right to refill under the priority date of this water right to satisfy the United States' storage contracts. . . . A remark for refill under [the 'Quantity'] element is necessary to preserve the historical practice of maximizing the water resources above Milner Dam for use by Reclamation contractors."[35]

[35] Second Orr Aff., Exhibit 15 at 2, 4, 8, 9.

The substantive issues of what constitutes the "fill" of a water right to divert natural flow into the federal reservoirs, and the priority of subsequent "refill," also were nothing new. As discussed previously, these questions were squarely raised and resolved forty-two years ago, and since then the Bureau has repeatedly and unsuccessfully sought to establish rights to priority "refill" – including at Arrowrock, one of Basin 63 reservoirs that the Movants claim never involved any "refill" issues. Finally, it is undisputed that the State's proposed subordinate "refill" remark is consistent with current and historic administration of the water rights to divert natural flow into the federal reservoirs in Water District No. 63, Water District No. 65 and Water District No. 1.

CONCLUSION

For the reasons discussed herein, the *Amicus Motion* should be denied.

Respectfully submitted this 19th day of June 2012.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19TH day of June 2012, I caused the foregoing STATE OF IDAHO'S RESPONSE TO MOTION FOR LEAVE TO FILE AMICUS BRIEF to be filed with the Court and true and correct copies served on the following parties by the methods indicated:

1. Original to:

Clerk Of The District Court Snake River Basin Adjudication 253 Third Avenue North PO Box 2707 Twin Falls, ID 83303-2707	☐ U.S. Mail, postage prepaid ☒ Hand Delivery ☐ Federal Express ☐ Facsimile: (208) 736-2121 Phone: (208) 736-3011

2. Copies to:

Special Master Terrence A. Dolan Case Administrator Diana Delaney Snake River Basin Adjudication 253 Third Avenue North PO Box 2707 Twin Falls, ID 83303-2707	☐ U.S. Mail, postage prepaid ☒ Hand Delivery ☐ Federal Express ☐ Facsimile: (208) 736-2121 ☒ E-Mail: tdolan@id.courts.net ☒ E-Mail: ddelaney@id.courts.net Phone: (208) 736-3011
James C. Tucker Idaho Power Co 1221 W. Idaho St. P.O. Box 70 Boise, ID 83707	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☒ Federal Express Priority Overnight ☐ Facsimile: ☒ E-Mail: JTucker@idahopower.com Phone: 388-2112
Adam DeVoe Brownstein, Hyatt, Farber, Schreck 410 17th Street, Suite 2200 Denver, CO 80202	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☒ Federal Express Priority Overnight ☐ Facsimile: ☒ E-Mail: adevoe@bhfs.com

C. Thomas Arkoosh 301 Main St P.O. Box 32 Gooding, ID 83330	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☒ Federal Express Priority Overnight ☐ Facsimile: ☒ E-Mail: tarkoosh@capitollawgroup.com Phone: (208) 934-8872
Roger D Ling 615 H St P.O. Box 396 Rupert, ID 83350-0396	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☒ Federal Express Priority Overnight ☐ Facsimile: ☒ E-Mail: rdl@idlawfirm.com Phone: (208) 436-4717
Candice McHugh Racine, Olson, Nye, Budge & Bailey, Chtd. 101 Capitol Blvd., Ste. 300 Boise, ID 83702	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☒ Federal Express Priority Overnight ☐ Facsimile: _____ ☒ E-Mail: cmm@racinelaw.net Phone: 395-0011
Randall C. Budge 221 E. Center, Ste. A2 P.O. Box 1391 Pocatello, ID 83204-1391	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☒ Federal Express Priority Overnight ☐ Facsimile: _____ ☒ E-Mail: rcb@racinelaw.net Phone: (208) 232-6101
Travis L Thompson 113 Main Ave W., Ste 303 P.O. Box 485 Twin Falls, ID 83303-0485	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☒ Federal Express Priority Overnight ☐ Facsimile: _____ ☒ E-Mail: tlt@idahowaters.com Phone: (208) 733-0700

Paul L. Arrington 113 Main Ave. W., Ste 303 P.O. Box 485 Twin Falls, ID 83303-0485	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☒ Federal Express Priority Overnight ☐ Facsimile: _____ ☒ E-Mail: pla@idahowaters.com Phone: (208) 733-0700
John K. Simpson 1010 W. Jefferson, Ste 102 P.O. Box 2139 Boise, ID 83701-2139	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☒ Federal Express Priority Overnight ☐ Facsimile: _____ ☒ E-Mail: jks@idahowaters.com Phone: 336-0700
W. Kent Fletcher Fletcher Law Office 1200 Overland Ave P.O. Box 248 Burley, ID 83318	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☒ Federal Express Priority Overnight ☐ Facsimile: _____ ☒ E-Mail: wkf@pmt.org Phone: (208) 678-3250
David Gehlert US Department Of Justice 999 18th Street, South Terrace, Ste. 370 Denver, CO 80202	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☒ Federal Express Priority Overnight ☐ Facsimile: _____ ☒ E-Mail: david.gehlert@usdoj.gov Phone: (303) 844-1386
USDI Bureau Of Reclamation Represented By: US Department Of Justice Environment & Nat'l Resources 550 West Fort Street, MSC 033 Boise, ID 83724	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☐ Federal Express Priority Overnight ☐ Facsimile: _____ ☐ E-Mail:
United States Of America Regional Director Pn Region Bureau Of Reclamation Pn-3100	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☒ Federal Express Priority

1150 N Curtis Rd Ste 100 Boise, ID 83706-1234	Overnight ☐ Facsimile: _____ ☒ E-Mail: mhoward@usbr.gov
American Falls Reservoir Represented by: Craig D. Hobdey 125 5th Ave. P.O. Box 176 Gooding, ID 83330	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☒ Federal Express Priority Overnight ☐ Facsimile: _____ ☒ E-Mail: hobdeycraig@gmail.com ☐ Statehouse Mail Phone: (208) 934-4429
American Falls Spaceholders New Sweden Irrigation Dist. Represented by: Jerry R. Rigby 25 N. 2nd E. P.O. Box 250 Rexburg, ID 83440-0250	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☒ Federal Express Priority Overnight ☐ Facsimile: _____ ☐ E-Mail: ☐ Statehouse Mail Phone: (208) 356-3633
Josephine P. Beeman Beeman & Associates, P.C. 409 W Jefferson St Boise, ID 83702	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☒ Federal Express Priority Overnight ☐ Facsimile: _____ ☒ E-Mail: jo.beeman@beemanlaw.com Phone: 331-0950
State Of Idaho Represented By: Natural Resources Div. Chief State Of Idaho Attorney General's Office P.O. Box 44449 Boise, ID 83711-4449	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☐ Federal Express ☐ Facsimile: _____ ☐ E-Mail: ☒ Not applicable
IDWR Document Depository P.O. Box 83720 Boise, ID 83720-0098	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☐ Federal Express ☐ Facsimile: _____ ☐ E-Mail: ☒ Statehouse Mail

Scott L. Campbell 101 S. Capitol Blvd. 10th Fl. P.O. Box 829 Boise, ID 83701-0829	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☒ Federal Express Priority Overnight ☐ Facsimile: _____ ☒ E-Mail: slc@moffatt.com ☐ Statehouse Mail Phone: 345-2000
Charles F. McDevitt 420 W. Bannock St. P.O. Box 2564 Boise, ID 83701-0829	☒ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☐ Federal Express Priority Overnight ☐ Facsimile: _____ ☐ E-Mail: chas@mcdevitt-miller.com ☐ Statehouse Mail Phone: 343-7500
Albert P. Baker Shelly Davis 1010 W. Jefferson, Ste. 102 P.O. Box 2139 Boise, ID 83701-2139	☒ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☐ Federal Express Priority Overnight ☐ Facsimile: _____ ☐ E-Mail: apb@idahowaters.com ☐ Statehouse Mail Phone: 336-0700

Olga L. Valdivia
Legal Assistant

ATTACHMENT A

01-02064
01-02064A
01-02064E
01-02064F
01-02064L
01-10042
01-10042A
01-10042B
01-10053A
01-10190
(American Falls Subcases)

01-02068
01-02068D
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01-10389
(Palisades Subcases)

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JUN 20 2012
DEPT. OF WATER RESOURCES

LAWRENCE G. WASDEN
Attorney General

CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division

MICHAEL C. ORR (ISB # 6720)
Deputy Attorney General
Natural Resources Division

700 West State Street – 2nd Floor
P.O. Box 44449
Boise, ID 83711-4449
(208) 334-2400

Attorneys for the State of Idaho

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 Nos. See Attachment A
	)	**AFFIDAVIT OF REX R. BARRIE, WATERMASTER, WATER DISTRICT NO. 63**

STATE OF IDAHO)
) ss.
COUNTY OF BLAINE)

REX R. BARRIE, being first duly sworn upon oath, deposes and states as follows:

1. I am over the age of eighteen and the facts stated below are based on my personal knowledge.

2. I am employed by Water District No. 63. I have been appointed by the Director, Idaho Department of Water Resources as Watermaster for Water District No. 63, which includes Basin 63 and the Boise River. I have been the Watermaster for Water District No. 63 since 2008.

3. As Watermaster for Water District No. 63, I am responsible for administering the water rights on the Boise River system, including the water rights for the federal reservoirs at Anderson Ranch, Arrowrock, and Lucky Peak.

4. As I understand and administer the water rights for the federal reservoirs in Water District No. 63, those water rights are limited to the annual volume decreed by the SRBA District Court, and they are no longer in priority after the quantities of water diverted into the reservoirs under their water rights reaches the annual volumes decreed by the Court. Additional water may be and often is stored in the reservoirs after the annual volume has been reached, but only if all other water rights have also been filled.

5. I have reviewed the *State Of Idaho's Motion For Partial Summary Judgment* which was filed on January 25, 2012, in the SRBA proceedings for the water rights for American Falls Reservoir (subcase no. 01-2068) and Palisades Reservoir (subcase no. 01-2068). The "refill" remark that the State of Idaho proposed in that motion is consistent with how the water rights for the federal reservoirs in Water District No. 63 have been administered during my tenure as Watermaster.

///

///

///

Further your affiant sayeth naught.

DATED this 18 day of June 2012.

REX R. BARRIE

SUBSCRIBED AND SWORN to before me this 18th day of June 2012.

CAROLYN LONGHURST NOTARY PUBLIC STATE OF IDAHO

Notary Public for Idaho
Residing at: Blaine County
My commission expires: 9/7/17

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19TH day of June 2012, I caused the foregoing AFFIDAVIT OF REX R. BARRIE, WATERMASTER, WATER DISTRICT NO. 63 to be filed with the Court and true and correct copies served on the following parties by the methods indicated:

1. Original to:

Clerk Of The District Court Snake River Basin Adjudication 253 Third Avenue North PO Box 2707 Twin Falls, ID 83303-2707	☐ U.S. Mail, postage prepaid ☒ Hand Delivery ☐ Federal Express ☐ Facsimile: (208) 736-2121 Phone: (208) 736-3011

2. Copies to:

Special Master Terrence A. Dolan Case Administrator Diana Delaney Snake River Basin Adjudication 253 Third Avenue North PO Box 2707 Twin Falls, ID 83303-2707	☐ U.S. Mail, postage prepaid ☒ Hand Delivery ☐ Federal Express ☐ Facsimile: (208) 736-2121 ☒ E-Mail: tdolan@id.courts.net ☒ E-Mail: ddelaney@id.courts.net Phone: (208) 736-3011
James C. Tucker Idaho Power Co 1221 W. Idaho St. P.O. Box 70 Boise, ID 83707	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☒ Federal Express Priority Overnight ☐ Facsimile: ☒ E-Mail: JTucker@idahopower.com Phone: 388-2112
Adam DeVoe Brownstein, Hyatt, Farber, Schreck 410 17th Street, Suite 2200 Denver, CO 80202	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☒ Federal Express Priority Overnight ☐ Facsimile: ☒ E-Mail: adevoe@bhfs.com

C. Thomas Arkoosh 301 Main St P.O. Box 32 Gooding, ID 83330	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☒ Federal Express Priority Overnight ☐ Facsimile: ☒ E-Mail: tarkoosh@capitollawgroup.com Phone: (208) 934-8872
Roger D Ling 615 H St P.O. Box 396 Rupert, ID 83350-0396	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☒ Federal Express Priority Overnight ☐ Facsimile: ☒ E-Mail: rdl@idlawfirm.com Phone: (208) 436-4717
Candice McHugh Racine, Olson, Nye, Budge & Bailey, Chtd. 101 Capitol Blvd., Ste. 300 Boise, ID 83702	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☒ Federal Express Priority Overnight ☐ Facsimile: _____ ☒ E-Mail: cmm@racinelaw.net Phone: 395-0011
Randall C. Budge 221 E. Center, Ste. A2 P.O. Box 1391 Pocatello, ID 83204-1391	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☒ Federal Express Priority Overnight ☐ Facsimile: _____ ☒ E-Mail: rcb@racinelaw.net Phone: (208) 232-6101
Travis L Thompson 113 Main Ave W., Ste 303 P.O. Box 485 Twin Falls, ID 83303-0485	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☒ Federal Express Priority Overnight ☐ Facsimile: _____ ☒ E-Mail: tlt@idahowaters.com Phone: (208) 733-0700
Paul L. Arrington 113 Main Ave. W., Ste 303	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery

P.O. Box 485 Twin Falls, ID 83303-0485	☒ Federal Express Priority Overnight ☐ Facsimile: _____ ☒ E-Mail: pla@idahowaters.com Phone: (208) 733-0700
John K. Simpson 1010 W. Jefferson, Ste 102 P.O. Box 2139 Boise, ID 83701-2139	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☒ Federal Express Priority Overnight ☐ Facsimile: _____ ☒ E-Mail: jks@idahowaters.com Phone: 336-0700
W. Kent Fletcher Fletcher Law Office 1200 Overland Ave P.O. Box 248 Burley, ID 83318	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☒ Federal Express Priority Overnight ☐ Facsimile: _____ ☒ E-Mail: wkf@pmt.org Phone: (208) 678-3250
David Gehlert US Department Of Justice 999 18th Street, South Terrace, Ste. 370 Denver, CO 80202	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☒ Federal Express Priority Overnight ☐ Facsimile: _____ ☒ E-Mail: david.gehlert@usdoj.gov Phone: (303) 844-1386
USDI Bureau Of Reclamation Represented By: US Department Of Justice Environment & Nat'l Resources 550 West Fort Street, MSC O33 Boise, ID 83724	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☐ Federal Express Priority Overnight ☐ Facsimile: _____ ☐ E-Mail:
United States Of America Regional Director Pn Region Bureau Of Reclamation Pn-3100 1150 N Curtis Rd Ste 100 Boise, ID 83706-1234	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☒ Federal Express Priority Overnight ☐ Facsimile: _____

	☒ E-Mail: mhoward@usbr.gov
American Falls Reservoir Represented by: Craig D. Hobdey 125 5th Ave. P.O. Box 176 Gooding, ID 83330	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☒ Federal Express Priority Overnight ☐ Facsimile: _____ ☒ E-Mail: hobdeycraig@gmail.com ☐ Statehouse Mail Phone: (208) 934-4429
American Falls Spaceholders New Sweden Irrigation Dist. Represented by: Jerry R. Rigby 25 N. 2nd E. P.O. Box 250 Rexburg, ID 83440-0250	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☒ Federal Express Priority Overnight ☐ Facsimile: _____ ☐ E-Mail: ☐ Statehouse Mail Phone: (208) 356-3633
Josephine P. Beeman Beeman & Associates, P.C. 409 W Jefferson St Boise, ID 83702	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☒ Federal Express Priority Overnight ☐ Facsimile: _____ ☒ E-Mail: jo.beeman@beemanlaw.com Phone: 331-0950
State Of Idaho Represented By: Natural Resources Div. Chief State Of Idaho Attorney General's Office P.O. Box 44449 Boise, ID 83711-4449	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☐ Federal Express ☐ Facsimile: _____ ☐ E-Mail: ☒ Not applicable
IDWR Document Depository P.O. Box 83720 Boise, ID 83720-0098	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☐ Federal Express ☐ Facsimile: _____ ☐ E-Mail: ☒ Statehouse Mail
Scott L. Campbell	☐ U.S. Mail, Postage Prepaid

101 S. Capitol Blvd. 10th Fl. P.O. Box 829 Boise, ID 83701-0829	☐ Hand Delivery ☒ Federal Express Priority Overnight ☐ Facsimile: _____ ☒ E-Mail: slc@moffatt.com ☐ Statehouse Mail Phone: 345-2000
Charles F. McDevitt 420 W. Bannock St. P.O. Box 2564 Boise, ID 83701-0829	☒ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☐ Federal Express Priority Overnight ☐ Facsimile: _____ ☐ E-Mail: chas@mcdevitt-miller.com ☐ Statehouse Mail Phone: 343-7500
Albert P. Baker Shelly Davis 1010 W. Jefferson, Ste. 102 P.O. Box 2139 Boise, ID 83701-2139	☒ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☐ Federal Express Priority Overnight ☐ Facsimile: _____ ☐ E-Mail: apb@idahowaters.com ☐ Statehouse Mail Phone: 336-0700

Olga L. Valdivia
Legal Assistant

ATTACHMENT A

01-02064
01-02064A
01-02064E
01-02064F
01-02064L
01-10042
01-10042A
01-10042B
01-10053A
01-10190
(American Falls Subcases)

01-02068
01-02068D
01-02068E
01-02068F
01-02068M
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01-10191
01-10389
(Palisades Subcases)

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DEPT. OF WATER RESOURCES

LAWRENCE G. WASDEN
Attorney General

CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division

MICHAEL C. ORR (ISB # 6720)
Deputy Attorney General
Natural Resources Division

700 West State Street – 2nd Floor
P.O. Box 44449
Boise, ID 83711-4449
(208) 334-2400

Attorneys for the State of Idaho

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 Nos. See Attachment A
	)	**AFFIDAVIT OF RON SHURTLEFF, WATERMASTER, WATER DISTRICT NO. 65**

STATE OF IDAHO)
) ss.
COUNTY OF BLAINE)

RON SHURTLEFF, being first duly sworn upon oath, deposes and states as follows:

1. I am over the age of eighteen and the facts stated below are based on my personal knowledge.

2. I am employed by Water District No. 65. I have been appointed by the Director, Idaho Department of Water Resources as Watermaster for Water District No. 65, which includes Basin 65 and the Payette River. I have been the Watermaster for Water District No. 65 since 2002.

3. As Watermaster for Water District No. 65, I am responsible for administering the water rights on the Payette River system, including the water rights for the federal reservoirs at Cascade and Deadwood.

4. As I understand and administer the water rights for the federal reservoirs in Water District No. 65, those water rights are limited to the annual volume decreed by the SRBA District Court, and they are no longer in priority after the quantities of water diverted into the reservoirs under their water rights reaches the annual volumes decreed by the Court. Additional water may be and often is stored in the reservoirs after the annual volume has been reached, but only if all other water rights have also been filled.

5. I have reviewed the *State Of Idaho's Motion For Partial Summary Judgment* which was filed on January 25, 2012, in the SRBA proceedings for the water rights for American Falls Reservoir (subcase no. 01-2068) and Palisades Reservoir (subcase no. 01-2068). The "refill" remark that the State of Idaho proposed in that motion is consistent with how the water rights for the federal reservoirs in Water District No. 65 have been administered during my tenure as Watermaster.

///

///

///

Further your affiant sayeth naught.

DATED this 18th day of June 2012.

RON SHURTLEFF

SUBSCRIBED AND SWORN to before me this 18th day of June 2012.

CAROLYN LONGHURST NOTARY PUBLIC STATE OF IDAHO

Notary Public for Idaho
Residing at: Blaine County
My commission expires: 9/1/17

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19TH day of June 2012, I caused the foregoing AFFIDAVIT OF RON SHURTLEFF, WATERMASTER, WATER DISTRICT NO. 65 to be filed with the Court and true and correct copies served on the following parties by the methods indicated:

1. Original to:

Clerk Of The District Court Snake River Basin Adjudication 253 Third Avenue North PO Box 2707 Twin Falls, ID 83303-2707	☐ U.S. Mail, postage prepaid ☒ Hand Delivery ☐ Federal Express ☐ Facsimile: (208) 736-2121 Phone: (208) 736-3011

2. Copies to:

Special Master Terrence A. Dolan Case Administrator Diana Delaney Snake River Basin Adjudication 253 Third Avenue North PO Box 2707 Twin Falls, ID 83303-2707	☐ U.S. Mail, postage prepaid ☒ Hand Delivery ☐ Federal Express ☐ Facsimile: (208) 736-2121 ☒ E-Mail: tdolan@id.courts.net ☒ E-Mail: ddelaney@id.courts.net Phone: (208) 736-3011
James C. Tucker Idaho Power Co 1221 W. Idaho St. P.O. Box 70 Boise, ID 83707	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☒ Federal Express Priority Overnight ☐ Facsimile: ☒ E-Mail: JTucker@idahopower.com Phone: 388-2112
Adam DeVoe Brownstein, Hyatt, Farber, Schreck 410 17th Street, Suite 2200 Denver, CO 80202	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☒ Federal Express Priority Overnight ☐ Facsimile: ☒ E-Mail: adevoe@bhfs.com

C. Thomas Arkoosh 301 Main St P.O. Box 32 Gooding, ID 83330	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☒ Federal Express Priority Overnight ☐ Facsimile: ☒ E-Mail: tarkoosh@capitollawgroup.com Phone: (208) 934-8872
Roger D Ling 615 H St P.O. Box 396 Rupert, ID 83350-0396	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☒ Federal Express Priority Overnight ☐ Facsimile: ☒ E-Mail: rdl@idlawfirm.com Phone: (208) 436-4717
Candice McHugh Racine, Olson, Nye, Budge & Bailey, Chtd. 101 Capitol Blvd., Ste. 300 Boise, ID 83702	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☒ Federal Express Priority Overnight ☐ Facsimile: _____ ☒ E-Mail: cmm@racinelaw.net Phone: 395-0011
Randall C. Budge 221 E. Center, Ste. A2 P.O. Box 1391 Pocatello, ID 83204-1391	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☒ Federal Express Priority Overnight ☐ Facsimile: _____ ☒ E-Mail: rcb@racinelaw.net Phone: (208) 232-6101
Travis L Thompson 113 Main Ave W., Ste 303 P.O. Box 485 Twin Falls, ID 83303-0485	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☒ Federal Express Priority Overnight ☐ Facsimile: _____ ☒ E-Mail: tlt@idahowaters.com Phone: (208) 733-0700
Paul L. Arrington 113 Main Ave. W., Ste 303	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery

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John K. Simpson 1010 W. Jefferson, Ste 102 P.O. Box 2139 Boise, ID 83701-2139	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☒ Federal Express Priority Overnight ☐ Facsimile: _____ ☒ E-Mail: jks@idahowaters.com Phone: 336-0700
W. Kent Fletcher Fletcher Law Office 1200 Overland Ave P.O. Box 248 Burley, ID 83318	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☒ Federal Express Priority Overnight ☐ Facsimile: _____ ☒ E-Mail: wkf@pmt.org Phone: (208) 678-3250
David Gehlert US Department Of Justice 999 18th Street, South Terrace, Ste. 370 Denver, CO 80202	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☒ Federal Express Priority Overnight ☐ Facsimile: _____ ☒ E-Mail: david.gehlert@usdoj.gov Phone: (303) 844-1386
USDI Bureau Of Reclamation Represented By: US Department Of Justice Environment & Nat'l Resources 550 West Fort Street, MSC 033 Boise, ID 83724	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☐ Federal Express Priority Overnight ☐ Facsimile: _____ ☐ E-Mail:
United States Of America Regional Director Pn Region Bureau Of Reclamation Pn-3100 1150 N Curtis Rd Ste 100 Boise, ID 83706-1234	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☒ Federal Express Priority Overnight ☐ Facsimile: _____

	☒ E-Mail: mhoward@usbr.gov
American Falls Reservoir Represented by: Craig D. Hobdey 125 5th Ave. P.O. Box 176 Gooding, ID 83330	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☒ Federal Express Priority Overnight ☐ Facsimile: _____ ☒ E-Mail: hobdeycraig@gmail.com ☐ Statehouse Mail Phone: (208) 934-4429
American Falls Spaceholders New Sweden Irrigation Dist. Represented by: Jerry R. Rigby 25 N. 2nd E. P.O. Box 250 Rexburg, ID 83440-0250	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☒ Federal Express Priority Overnight ☐ Facsimile: _____ ☐ E-Mail: ☐ Statehouse Mail Phone: (208) 356-3633
Josephine P. Beeman Beeman & Associates, P.C. 409 W Jefferson St Boise, ID 83702	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☒ Federal Express Priority Overnight ☐ Facsimile: _____ ☒ E-Mail: jo.beeman@beemanlaw.com Phone: 331-0950
State Of Idaho Represented By: Natural Resources Div. Chief State Of Idaho Attorney General's Office P.O. Box 44449 Boise, ID 83711-4449	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☐ Federal Express ☐ Facsimile: _____ ☐ E-Mail: ☒ Not applicable
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Scott L. Campbell	☐ U.S. Mail, Postage Prepaid

101 S. Capitol Blvd. 10th Fl. P.O. Box 829 Boise, ID 83701-0829	☐ Hand Delivery ☒ Federal Express Priority Overnight ☐ Facsimile: _____ ☒ E-Mail: slc@moffatt.com ☐ Statehouse Mail Phone: 345-2000
Charles F. McDevitt 420 W. Bannock St. P.O. Box 2564 Boise, ID 83701-0829	☒ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☐ Federal Express Priority Overnight ☐ Facsimile: _____ ☐ E-Mail: chas@mcdevitt-miller.com ☐ Statehouse Mail Phone: 343-7500
Albert P. Baker Shelly Davis 1010 W. Jefferson, Ste. 102 P.O. Box 2139 Boise, ID 83701-2139	☒ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☐ Federal Express Priority Overnight ☐ Facsimile: _____ ☐ E-Mail: apb@idahowaters.com ☐ Statehouse Mail Phone: 336-0700

Olga L. Valdivia
Legal Assistant

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01-02068E
01-02068F
01-02068M
01-02068Y
01-10043
01-10043A
01-10043E
01-10191
01-10389
(Palisades Subcases)

1-2064, 1-2068
AA

RECEIVED
JUN 20 2012
DEPT. OF WATER RESOURCES

COPY

LAWRENCE G. WASDEN
Attorney General

CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division

MICHAEL C. ORR (ISB # 6720)
Deputy Attorney General
Natural Resources Division

700 West State Street – 2nd Floor
P.O. Box 44449
Boise, ID 83711-4449
(208) 334-2400

Attorneys for the State of Idaho

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 Nos. See Attachment A
	)	**AFFIDAVIT OF ELIZABETH ANNE CRESTO**

STATE OF IDAHO)
) ss.
COUNTY OF ADA)

ELIZABTH ANNE CRESTO, being first duly sworn upon oath, deposes and states as follows:

1. I am over the age of eighteen and the facts stated below are based on my personal knowledge.

2. I have been employed by the Idaho Department of Water Resources ("Department") as a surface water hydrologist since 2004. My current position is Technical Hydrologist. My job responsibilities include running the water rights accounting program and the storage allocations program for the Boise River system and also the water rights accounting program and the storage allocations program for the Payette River system. I have been responsible for running these programs since 2005.

3. I have reviewed the *State Of Idaho's Motion For Partial Summary Judgment* which was filed on January 25, 2012, in the SRBA proceedings for the water rights for American Falls Reservoir (subcase no. 01-2068) and Palisades Reservoir (subcase no. 01-2068). The "refill" remark that the State of Idaho proposed in that motion is consistent with how the water rights for the federal reservoirs in the Boise River system and the Payette River system have been accounted for under the accounting programs for both of those systems during the entire period I have been responsible for running those programs.

4. I have reviewed the "Affidavit of Robert J. Sutter" which was filed in SRBA Subcase No. 63-3618 on February 12, 2008, and the description of the water rights and storage accounting programs therein is consistent with the current accounting for the Boise River system and the Payette River system.

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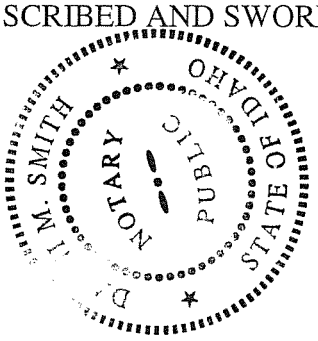
///

Further your affiant sayeth naught.

DATED this 18th day of June 2012.

Elizabeth A Cresto
ELIZABETH ANNE CRESTO

SUBSCRIBED AND SWORN to before me this 18th day of June 2012.



Dawn M Smith
Notary Public for Idaho
Residing at: Boise ID
My commission expires: Dec 12, 2012

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19TH day of June 2012, I caused the foregoing AFFIDAVIT OF ELIZABETH ANNE CRESTO to be filed with the Court and true and correct copies served on the following parties by the methods indicated:

1. Original to:

Clerk Of The District Court Snake River Basin Adjudication 253 Third Avenue North PO Box 2707 Twin Falls, ID 83303-2707	☐ U.S. Mail, postage prepaid ☒ Hand Delivery ☐ Federal Express ☐ Facsimile: (208) 736-2121 Phone: (208) 736-3011

2. Copies to:

Special Master Terrence A. Dolan Case Administrator Diana Delaney Snake River Basin Adjudication 253 Third Avenue North PO Box 2707 Twin Falls, ID 83303-2707	☐ U.S. Mail, postage prepaid ☒ Hand Delivery ☐ Federal Express ☐ Facsimile: (208) 736-2121 ☒ E-Mail: tdolan@id.courts.net ☒ E-Mail: ddelaney@id.courts.net Phone: (208) 736-3011
James C. Tucker Idaho Power Co 1221 W. Idaho St. P.O. Box 70 Boise, ID 83707	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☒ Federal Express Priority Overnight ☐ Facsimile: ☒ E-Mail: JTucker@idahopower.com Phone: 388-2112
Adam DeVoe Brownstein, Hyatt, Farber, Schreck 410 17th Street, Suite 2200 Denver, CO 80202	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☒ Federal Express Priority Overnight ☐ Facsimile: ☒ E-Mail: adevoe@bhfs.com

C. Thomas Arkoosh 301 Main St P.O. Box 32 Gooding, ID 83330	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☒ Federal Express Priority Overnight ☐ Facsimile: ☒ E-Mail: tarkoosh@capitollawgroup.com Phone: (208) 934-8872
Roger D Ling 615 H St P.O. Box 396 Rupert, ID 83350-0396	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☒ Federal Express Priority Overnight ☐ Facsimile: ☒ E-Mail: rdl@idlawfirm.com Phone: (208) 436-4717
Candice McHugh Racine, Olson, Nye, Budge & Bailey, Chtd. 101 Capitol Blvd., Ste. 300 Boise, ID 83702	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☒ Federal Express Priority Overnight ☐ Facsimile: _____ ☒ E-Mail: cmm@racinelaw.net Phone: 395-0011
Randall C. Budge 221 E. Center, Ste. A2 P.O. Box 1391 Pocatello, ID 83204-1391	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☒ Federal Express Priority Overnight ☐ Facsimile: _____ ☒ E-Mail: rcb@racinelaw.net Phone: (208) 232-6101
Travis L Thompson 113 Main Ave W., Ste 303 P.O. Box 485 Twin Falls, ID 83303-0485	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☒ Federal Express Priority Overnight ☐ Facsimile: _____ ☒ E-Mail: tlt@idahowaters.com Phone: (208) 733-0700
Paul L. Arrington 113 Main Ave. W., Ste 303 P.O. Box 485	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☒ Federal Express Priority

Twin Falls, ID 83303-0485	Overnight ☐ Facsimile: _____ ☒ E-Mail: pla@idahowaters.com Phone: (208) 733-0700
John K. Simpson 1010 W. Jefferson, Ste 102 P.O. Box 2139 Boise, ID 83701-2139	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☒ Federal Express Priority Overnight ☐ Facsimile: _____ ☒ E-Mail: jks@idahowaters.com Phone: 336-0700
W. Kent Fletcher Fletcher Law Office 1200 Overland Ave P.O. Box 248 Burley, ID 83318	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☒ Federal Express Priority Overnight ☐ Facsimile: _____ ☒ E-Mail: wkf@pmt.org Phone: (208) 678-3250
David Gehlert US Department Of Justice 999 18th Street, South Terrace, Ste. 370 Denver, CO 80202	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☒ Federal Express Priority Overnight ☐ Facsimile: _____ ☒ E-Mail: david.gehlert@usdoj.gov Phone: (303) 844-1386
USDI Bureau Of Reclamation Represented By: US Department Of Justice Environment & Nat'l Resources 550 West Fort Street, MSC O33 Boise, ID 83724	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☐ Federal Express Priority Overnight ☐ Facsimile: _____ ☐ E-Mail:
United States Of America Regional Director Pn Region Bureau Of Reclamation Pn-3100 1150 N Curtis Rd Ste 100 Boise, ID 83706-1234	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☒ Federal Express Priority Overnight ☐ Facsimile: _____ ☒ E-Mail: mhoward@usbr.gov

American Falls Reservoir Represented by: Craig D. Hobdey 125 5th Ave. P.O. Box 176 Gooding, ID 83330	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☒ Federal Express Priority Overnight ☐ Facsimile: _____ ☒ E-Mail: hobdeycraig@gmail.com ☐ Statehouse Mail Phone: (208) 934-4429
American Falls Spaceholders New Sweden Irrigation Dist. Represented by: Jerry R. Rigby 25 N. 2nd E. P.O. Box 250 Rexburg, ID 83440-0250	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☒ Federal Express Priority Overnight ☐ Facsimile: _____ ☐ E-Mail: ☐ Statehouse Mail Phone: (208) 356-3633
Josephine P. Beeman Beeman & Associates, P.C. 409 W Jefferson St Boise, ID 83702	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☒ Federal Express Priority Overnight ☐ Facsimile: _____ ☒ E-Mail: jo.beeman@beemanlaw.com Phone: 331-0950
State Of Idaho Represented By: Natural Resources Div. Chief State Of Idaho Attorney General's Office P.O. Box 44449 Boise, ID 83711-4449	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☐ Federal Express ☐ Facsimile: _____ ☐ E-Mail: ☒ Not applicable
IDWR Document Depository P.O. Box 83720 Boise, ID 83720-0098	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☐ Federal Express ☐ Facsimile: _____ ☐ E-Mail: ☒ Statehouse Mail
Scott L. Campbell 101 S. Capitol Blvd. 10th Fl.	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery

P.O. Box 829 Boise, ID 83701-0829	☒ Federal Express Priority Overnight ☐ Facsimile: _____ ☒ E-Mail: slc@moffatt.com ☐ Statehouse Mail Phone: 345-2000
Charles F. McDevitt 420 W. Bannock St. P.O. Box 2564 Boise, ID 83701-0829	☒ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☐ Federal Express Priority Overnight ☐ Facsimile: _____ ☐ E-Mail: chas@mcdevitt-miller.com ☐ Statehouse Mail Phone: 343-7500
Albert P. Baker Shelly Davis 1010 W. Jefferson, Ste. 102 P.O. Box 2139 Boise, ID 83701-2139	☒ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☐ Federal Express Priority Overnight ☐ Facsimile: _____ ☐ E-Mail: apb@idahowaters.com ☐ Statehouse Mail Phone: 336-0700

Olga L. Valdivia
Legal Assistant

ATTACHMENT A

01-02064
01-02064A
01-02064E
01-02064F
01-02064L
01-10042
01-10042A
01-10042B
01-10053A
01-10190
(American Falls Subcases)

01-02068
01-02068D
01-02068E
01-02068F
01-02068M
01-02068Y
01-10043
01-10043A
01-10043E
01-10191
01-10389
(Palisades Subcases)

1-2064, 1,2068
orl

COPY

LAWRENCE G. WASDEN
Attorney General

CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division

MICHAEL C. ORR (ISB # 6720)
Deputy Attorney General
Natural Resources Division

700 West State Street – 2nd Floor
P.O. Box 44449
Boise, ID 83711-4449
(208) 334-2400

Attorneys for the State of Idaho

RECEIVED
JUN 20 2012
DEPT. 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 Nos. See Attachment A
	SECOND AFFIDAVIT OF MICHAEL C. ORR

STATE OF IDAHO)
) ss.
COUNTY OF ADA)

MICHAEL C. ORR, being first duly sworn upon his oath, deposes and states that:

1. I am a Deputy Attorney General in the Idaho Office of the Attorney General and one of the attorneys of record for the State of Idaho in the above-entitled

proceedings.

2. The following is based upon my own personal knowledge.

3. Attached hereto as the individual exhibits identified below are true and correct copies of the following:

a. **Exhibit 1**: true and correct copies of excerpted pages of the "Water Right Back File" available on website of the Idaho Department of Water Resources at http://www.idwr.idaho.gov/apps/ExtSearch/SearchWRAJ.asp ("Department's website") under the "Related Documents" for Subcase No. 65-9483;

b. **Exhibit 2**: true and correct copies of excerpted pages of the "Water Right Back File - License" available on the Department's website under the "Related Documents" for Subcase No. 65-2927;

c. **Exhibit 3**: true and correct copies of excerpted pages of the "Adjudication Claim Back File" available on the Department's website under the "Related Documents" for Subcase No. 63-303;

d. **Exhibit 4**: true and correct copies of excerpted pages of the "Water Right Back File" available on the Department's website under the "Related Documents" for Subcase No. 63-5262;

e. **Exhibit 5**: true and correct copies of excerpted pages of the "Water Right Back File" available on the Department's website under the "Related Documents" for Subcase No. 63-3613;

f. **Exhibit 6**: true and correct copies of excerpted pages of the "Water Right Back File" available on the Department's website under the "Related Documents"

for Subcase No. 63-3614;

g. **Exhibit 7**: true and correct copies of excerpted pages of the "Water Right Back File" available on the Department's website under the "Related Documents" for Subcase No. 63-3618;

h. **Exhibit 8**: a true and correct copy of the "Response Brief In Support Of United States' Motion For Summary Judgment" filed in Subcase No. 63-3618 on November 14, 2007;

i. **Exhibit 9**: a true and correct copy of the "Affidavit of Robert J. Sutter" filed by the United States in Subcase No. 63-3618 on February 14, 2008;

j. **Exhibit 10**: a true and correct copy of the "Reply Brief In Support Of United States' Motion For Summary Judgment," filed in Subcase No. 63-3618 on February 14, 2008;

k. **Exhibit 11**: true and correct copies of excerpted pages of the "Adjudication Back File" and "Notice of Error" available on the Department's website under the "Related Documents" for Subcase No. 01-0284;

l. **Exhibit 12**: true and correct copies of excerpted pages of the "Adjudication Back File," "Water Right Back File" and "Notice of Error" available on the Department's website under the "Related Documents" for Subcase No. 01-2040;

m. **Exhibit 13**: true and correct copies of excerpted pages of the "Amended Notice of Claim" and "Notice of Error" available on the Department's website under the "Related Documents" for Subcase No. 01-2064;

n. **Exhibit 14**: true and correct copies of excerpted pages of the "Amended Notice

of Claim" and "Notice of Error" available on the Department's website under the "Related Documents" for Subcase No. 01-2068;

o. **Exhibit 15**: true and correct copies of the Standard Form 1 Objections filed by the United States in Subcase Nos. 01-2064 and 01-2068;

p. **Exhibit 16**: true and correct copies of the Standard Form 1 Objections filed by Minidoka Irrigation District in Subcase Nos. 01-2064 and 01-2068;

q. **Exhibit 17**: a true and correct copy of the *State Of Idaho's Statement Of Remaining Issues* filed in the above-captioned subcases on January 19, 2012;

r. **Exhibit 18**: a true and correct copy of the *Surface Water Coalition's Statement Of Issues/Proposed Trial Schedules* filed in the above-captioned subcases on January 19, 2012;

s. **Exhibit 19**: true and correct copies of excerpted pages of the "Adjudication Back File," "Notice of Error" and "Proof of Priority" available on the Department's website under the "Related Documents" for Subcase No. 01-4052;

t. **Exhibit 20**: true and correct copies of excerpted pages of the "Adjudication Back File," "Water Right Back File" and "Notice of Claim" available on the Department's website under the "Related Documents" for Subcase No. 01-4055;

u. **Exhibit 21**: true and correct copies of excerpted pages of the "Notice of Claim," "Proof of Priority" and "Water Right Back File" available on the Department's website under the "Related Documents" for Subcase No. 01-4056;

v. **Exhibit 22**: true and correct copies of excerpted pages of the "Backfile Water Right File" available on the Department's website under the "Related Documents" for Subcase No. 21-2156; and

w. **Exhibit 23**: true and correct copies of excerpted pages of the "Adjudication Claim Back File," "Evidence of Priority" and "Letter to IDWR" available on the Department's website under the "Related Documents" for Subcase No. 21-4156;

x. **Exhibit 24**: a true and correct copy of the "Notice of Clarification" filed in Consolidated Subcase No. 91-63 on June 25, 2003;

y. **Exhibit 25**: a true and correct copy of "*A Description of Bureau of Reclamation System Operation of the Boise and Payette Rivers*," by the United States Bureau of Reclamation, Boise, Idaho, November 1996 (revised December 1997);

z. **Exhibit 26**: a true and correct copy of "*A Description of Bureau of Reclamation System Operations Above Milner Dam*," by the United States Bureau of Reclamation, Boise, Idaho, January 1996.

aa. Exhibit 27: printouts that I caused to be made from the following website maintained by the United States Bureau of Reclamation: http://www.usbr.gov/pn/hydromet/select.html

Further your affiant sayeth naught.

///

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///

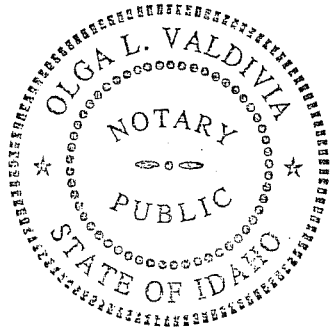
///

DATED this 18TH day of June 2012.

Michael C Orr

MICHAEL C. ORR

SUBSCRIBED AND SWORN to before me this 18th day of June 2012.



Notary Public for Idaho
Residing at: Boise
My commission expires: 2/8/2018

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19TH day of June 2012, I caused the foregoing SECOND AFFIDAVIT OF MICHAEL C. ORR to be filed with the Court and true and correct copies served on the following parties by the methods indicated:

1. Original to:

Clerk Of The District Court Snake River Basin Adjudication 253 Third Avenue North PO Box 2707 Twin Falls, ID 83303-2707	☐ U.S. Mail, postage prepaid ☒ Hand Delivery ☐ Federal Express ☐ Facsimile: (208) 736-2121 Phone: (208) 736-3011

2. Copies to:

Special Master Terrence A. Dolan Case Administrator Diana Delaney Snake River Basin Adjudication 253 Third Avenue North PO Box 2707 Twin Falls, ID 83303-2707	☐ U.S. Mail, postage prepaid ☒ Hand Delivery ☐ Federal Express ☐ Facsimile: (208) 736-2121 ☒ E-Mail: tdolan@id.courts.net ☒ E-Mail: ddelaney@id.courts.net Phone: (208) 736-3011
James C. Tucker Idaho Power Co 1221 W. Idaho St. P.O. Box 70 Boise, ID 83707	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☒ Federal Express Priority Overnight ☐ Facsimile: ☒ E-Mail: JTucker@idahopower.com Phone: 388-2112
Adam DeVoe Brownstein, Hyatt, Farber, Schreck 410 17th Street, Suite 2200 Denver, CO 80202	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☒ Federal Express Priority Overnight ☐ Facsimile: ☒ E-Mail: adevoe@bhfs.com

C. Thomas Arkoosh 301 Main St P.O. Box 32 Gooding, ID 83330	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☒ Federal Express Priority Overnight ☐ Facsimile: ☒ E-Mail: tarkoosh@capitollawgroup.com Phone: (208) 934-8872
Roger D Ling 615 H St P.O. Box 396 Rupert, ID 83350-0396	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☒ Federal Express Priority Overnight ☐ Facsimile: ☒ E-Mail: rdl@idlawfirm.com Phone: (208) 436-4717
Candice McHugh Racine, Olson, Nye, Budge & Bailey, Chtd. 101 Capitol Blvd., Ste. 300 Boise, ID 83702	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☒ Federal Express Priority Overnight ☐ Facsimile: _____ ☒ E-Mail: cmm@racinelaw.net Phone: 395-0011
Randall C. Budge 221 E. Center, Ste. A2 P.O. Box 1391 Pocatello, ID 83204-1391	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☒ Federal Express Priority Overnight ☐ Facsimile: _____ ☒ E-Mail: rcb@racinelaw.net Phone: (208) 232-6101
Travis L Thompson 113 Main Ave W., Ste 303 P.O. Box 485 Twin Falls, ID 83303-0485	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☒ Federal Express Priority Overnight ☐ Facsimile: _____ ☒ E-Mail: tlt@idahowaters.com Phone: (208) 733-0700
Paul L. Arrington 113 Main Ave. W., Ste 303 P.O. Box 485	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☒ Federal Express Priority

Twin Falls, ID 83303-0485	Overnight ☐ Facsimile: _____ ☒ E-Mail: pla@idahowaters.com Phone: (208) 733-0700
John K. Simpson 1010 W. Jefferson, Ste 102 P.O. Box 2139 Boise, ID 83701-2139	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☒ Federal Express Priority Overnight ☐ Facsimile: _____ ☒ E-Mail: jks@idahowaters.com Phone: 336-0700
W. Kent Fletcher Fletcher Law Office 1200 Overland Ave P.O. Box 248 Burley, ID 83318	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☒ Federal Express Priority Overnight ☐ Facsimile: _____ ☒ E-Mail: wkf@pmt.org Phone: (208) 678-3250
David Gehlert US Department Of Justice 999 18th Street, South Terrace, Ste. 370 Denver, CO 80202	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☒ Federal Express Priority Overnight ☐ Facsimile: _____ ☒ E-Mail: david.gehlert@usdoj.gov Phone: (303) 844-1386
USDI Bureau Of Reclamation Represented By: US Department Of Justice Environment & Nat'l Resources 550 West Fort Street, MSC 033 Boise, ID 83724	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☐ Federal Express Priority Overnight ☐ Facsimile: _____ ☐ E-Mail:
United States Of America Regional Director Pn Region Bureau Of Reclamation Pn-3100 1150 N Curtis Rd Ste 100 Boise, ID 83706-1234	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☒ Federal Express Priority Overnight ☐ Facsimile: _____ ☒ E-Mail: mhoward@usbr.gov

American Falls Reservoir Represented by: Craig D. Hobdey 125 5th Ave. P.O. Box 176 Gooding, ID 83330	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☒ Federal Express Priority Overnight ☐ Facsimile: _____ ☒ E-Mail: hobdeycraig@gmail.com ☐ Statehouse Mail Phone: (208) 934-4429
American Falls Spaceholders New Sweden Irrigation Dist. Represented by: Jerry R. Rigby 25 N. 2nd E. P.O. Box 250 Rexburg, ID 83440-0250	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☒ Federal Express Priority Overnight ☐ Facsimile: _____ ☐ E-Mail: ☐ Statehouse Mail Phone: (208) 356-3633
Josephine P. Beeman Beeman & Associates, P.C. 409 W Jefferson St Boise, ID 83702	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☒ Federal Express Priority Overnight ☐ Facsimile: _____ ☒ E-Mail: jo.beeman@beemanlaw.com Phone: 331-0950
State Of Idaho Represented By: Natural Resources Div. Chief State Of Idaho Attorney General's Office P.O. Box 44449 Boise, ID 83711-4449	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☐ Federal Express ☐ Facsimile: _____ ☐ E-Mail: ☒ Not applicable
IDWR Document Depository P.O. Box 83720 Boise, ID 83720-0098	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☐ Federal Express ☐ Facsimile: _____ ☐ E-Mail: ☒ Statehouse Mail
Scott L. Campbell 101 S. Capitol Blvd. 10th Fl.	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery

P.O. Box 829 Boise, ID 83701-0829	☒ Federal Express Priority Overnight ☐ Facsimile: _____ ☒ E-Mail: slc@moffatt.com ☐ Statehouse Mail Phone: 345-2000
Charles F. McDevitt 420 W. Bannock St. P.O. Box 2564 Boise, ID 83701-0829	☒ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☐ Federal Express Priority Overnight ☐ Facsimile: _____ ☐ E-Mail: chas@mcdevitt-miller.com ☐ Statehouse Mail Phone: 343-7500
Albert P. Baker Shelly Davis 1010 W. Jefferson, Ste. 102 P.O. Box 2139 Boise, ID 83701-2139	☒ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☐ Federal Express Priority Overnight ☐ Facsimile: _____ ☐ E-Mail: apb@idahowaters.com ☐ Statehouse Mail Phone: 336-0700

Olga L. Valdivia
Legal Assistant

ATTACHMENT A

01-02064
01-02064A
01-02064E
01-02064F
01-02064L
01-10042
01-10042A
01-10042B
01-10053A
01-10190
(American Falls Subcases)

01-02068
01-02068D
01-02068E
01-02068F
01-02068M
01-02068Y
01-10043
01-10043A
01-10043E
01-10191
01-10389
(Palisades Subcases)

Form 222
9/93

COPY

Transfer No. 4288

RECEIVED
FEB 0 1 1994
WATER RESOURCES
WESTERN REGION

RECEIVED
FEB 2 3 1994
Department of Water Resources

RECEIVED
JAN 3 1 1994
Department of Water Resource

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of applicant United States of America, Acting through the Regional Director, Pacific Northwest Region, Bureau of Reclamation Phone 208-378-5322

Post Office address 1150 North Curtis Road, Boise, Idaho 83706-1234

DESCRIPTION OF RIGHT(S) AFTER THE REQUESTED CHANGE

Right Number	Priority	Amount (cfs/ac-ft)	Nature of use	Period of Use	Volume
65-9483B	12-31-1926	25.400	See Attached	1-1 to 12-31	
				to	
				to	
				to	

Total amount of water being transferred _____ cubic feet/second and/or 25.400 acre-feet per annum.

Source of water Deadwood River tributary to South Fork of the Payette River

Point(s) of Diversion: *(If additional space is needed, use back of Part 2)*

Ident No.	Gov't Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Pod Flag	Local name for diversion
			SW	SE	8	11N	7E	Valley		Deadwood Dam and Reservoir

Lands irrigated or Place(s) of Use: *(If additional space is needed, use back of Part 2)*

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
Utilizing Deadwood Reservoir and downstream channels to the stateline																			

Total acres _____

PART 2

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 65-09483

STAGE: DECREED

BENEFICIAL USE	PERIOD OF USE	DIVERSION RATE	ANNUAL VOLUME
IRRIGATION FROM ST	04/01 to 11/01		163000.0 AF

SOURCE

DEADWOOD RESERVOIR

Priority: 12/31/1926

LOCATION OF POINT(S) OF DIVERSION: SWSE , Sec. 8, Township 11N, Range 07E
VALLEY County

PLACE OF USE: See Remarks

CONDITIONS/REMARKS:

1. PLACE OF USE IS 65540 ACRES IN THE PAYETTE RIVER VALLEY.

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

John W. Keys, III
(Signature of applicant)
Regional Director BCR

Subscribed and sworn to before me this 28 day of JANUARY, 199 4.

Nancy Dinsmoor
(Notary Public)

My commission expires April 1, 1998

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No.(s)

_____

_____

_____

_____

_____

_____

_____

Witness my hand this _____ day of _____, 199 ___.

_____
Director

FOR DEPARTMENT USE ONLY

Fee $50.00 Receipt Date 01-31-94 Receipt No. CC29527 Receipted By DLS

Published in _____

_____

Pub. dates _____

Watermaster recommendation requested on _____ date received _____

Field exam conducted (required for statutory claims) _____

Protest filed by: _____

Hearing held by: _____

Recommended for Approval _____ Denial _____

by _____

Vault
Deadwood file
65-9483

United States Department of the Interior

BUREAU OF RECLAMATION
Pacific Northwest Region
1150 North Curtis Road, Suite 100
Boise, Idaho 83706-1234

IN REPLY
REFER TO
PN-3323
WTR-4.00

FEB 04 2002

RECEIVED
FEB - 5 2002
Department of Water Resources

Mr. Todd B. and Mrs. Pamela J. Taylor
9353 N Highway 52
Horseshoe Bend ID 83629

Subject: Deadwood Reservoir Storage Contract No. 029D101340

Dear Mr. and Mrs. Taylor:

Enclosed for your records is a fully executed original of Deadwood Reservoir Storage Contract No. 029D101340 which replaces the remaining portion of Contract No. 14-06-100-6928 (which was with John S. and Barbara J. Curtis). Thank you for completing the contract document.

Sec. 31001.(i) of the Debt Collection Improvement Act of 1996 (Chapter 10 of Pub. L. 104-134) requires each contractor with an agency of the United States to furnish their taxpayer identifying number and each agency to disclose to that contractor its intent to use such number for purposes of collecting and reporting on any delinquent amounts arising out of such contractor's relationship with the Government.

Because you are a contractor with the United States under this Deadwood Reservoir contract, we are required to ask that you provide your taxpayer identifying number (social security number or employer identification number) in the enclosed postage-paid envelope.

Your assistance is appreciated. Should you have any questions, please contact Larry Parsons at the above address (Attention: PN-3323) or telephone (208) 378-5346.

Sincerely,

Ryan M. Patterson
Program Manager
Lands and Repayment

Enclosures - 2

cc: Director
Idaho State Department of Water Resources
1301 N Orchard Street
Boise ID 83706
(each w/copy of enclosed contract)

Watermaster
102 N Main Street
Payette ID 83661

PN Draft 7/2/01
Contract No. 029D101340

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION

Boise Project, Idaho

CONTRACT FOR DEADWOOD RESERVOIR STORAGE

THIS CONTRACT, made this 4th day of February, 2002, pursuant to the act of Congress approved June 17, 1902 (32 Stat. 388) and acts amendatory thereof or supplementary thereto which acts are commonly known and referred to as the Federal Reclamation Laws, between the UNITED STATES OF AMERICA, hereinafter referred to as the United States, represented by the officer executing this contract, hereinafter referred to as the Contracting Officer, and TODD B. TAYLOR and PAMELA J. TAYLOR, hereinafter referred to as the Contractor;

WITNESSETH, THAT:

EXPLANATORY RECITALS

2. WHEREAS, because the United States has heretofore constructed, pursuant to the Federal Reclamation laws, Deadwood Dam and Reservoir on the Deadwood River, known as Deadwood Reservoir, for the impounding and storage of water for irrigation purposes; and

3. WHEREAS, the United States entered into Contract No. 14-06-100-6928 with John S. and Barbara J. Curtis on February 2, 1971, for stored water accruing to the equivalent of 350 acre-feet of the active storage capacity of Deadwood Reservoir, Boise Project, Idaho, and on November 12, 1982, Alva B. and Coline P. McConnel were assigned a portion of Contract No.

14-06-100-6928 for stored water accruing to the equivalent of 258 acre-feet of the active storage capacity of Deadwood Reservoir; and

4. WHEREAS, the Contractor has acquired the lands hereinafter described which have been receiving stored water from Deadwood Reservoir pursuant to the terms and conditions of the assignment and contract, and have requested that all of John S. and Barbara J. Curtis right, title, and interest in and to Contract No. 14-06-100-6928 be transferred to the Contractor;

NOW, THEREFORE, in consideration of the premises and the payment by the Contractor to the United States of the charges in the manner hereinafter provided, it is agreed:

TERMINATIONS

5. The remaining portion of Contract No. 14-06-100-6928 with John S. and Barbara J. Curtis is being replaced by this contract and is no longer of any force and effect. The other portion of Contract No. 14-06-100-6928 was assigned to Alva B. and Coline P. McConnel and was subsequently replaced by Contract No. 9-07-10-W1230.

TERM OF CONTRACT

6. This contract shall become effective upon its execution by the Contracting Officer and shall remain in effect as long as the Contractor pays to the United States, in full, each annual operation and maintenance charge and any and all other amounts owing to the United States under this contract.

DEADWOOD RESERVOIR STORAGE CAPACITY TO BE AVAILABLE TO THE CONTRACTOR

7. The United States will operate and maintain the Deadwood Reservoir, and beginning with the first irrigation season after the execution of this contract, will make available

to the Contractor stored water accruing to five hundred seventy-one ten thousandths percent (.0571%) of the active capacity of that reservoir within the limits and on the terms and conditions provided in this contract. This percentage shall, so long as the reservoir has an active capacity of 161,000 acre- feet, be treated as the equivalent of 92 acre-feet of active capacity. The latter figure may, however, be adjusted from time to time by the Contracting Officer whenever there are determinations that the active capacity is other than above stated.

PLACE OF DELIVERY AND MEASUREMENT
AND OF USE OF WATER

8. (a) Water for the purposes hereof shall be made available at the outlet works of Deadwood Reservoir and shall be delivered to the Contractor and measured at that point. The Contractor shall receive said water at said point and shall be wholly responsible for taking said water at that point and diverting, conveying, and utilizing it. The water to be delivered hereunder is to be diverted at:

> by pumping from the Payette River. The pump will be located on the north side of the Payette River near the northwest corner of the NE1/4NW1/4 of section 22, T. 7 N., R. 1 E., B.M., Idaho.

by means of a device satisfactory to the State officer in charge of the distribution of water from Payette River. Such device shall be furnished, installed, and maintained by and at the expense of the Contractor, but it shall be and remain at all times under the control of the State-appointed watermaster whose representative may at all times have access to it over any lands of the Contractor. The Contractor will stand his proportionate share of all losses incurred in running the stored water from the place of measurement and delivery, Deadwood Dam, to the place of diversion and losses of water from seepage, evaporation, or other cause, below said point of

measurement at Deadwood Dam, shall be borne by the Contractor. Until dependable and economical methods of loss determination are employed for measurement of such losses, the loss between the points of delivery and diversion shall be figured at five (5) percent.

(b) Water made available to the Contractor pursuant to the terms of this contract shall be used for the irrigation of the land of the Contractor described as follows:

T. 7 N., R. 1 E., Boise meridian, Idaho
Section 15 - Part of SW¼SW¼
Part of Government Lot 3 SE¼SW¼
Part of NW¼SW¼
Section 16 - Part of SE¼SE¼
Part of NE¼SE¼
Section 21 - Part of Government Lot 1 NE¼NE¼
Section 22 - NW¼NW¼

RATE OF DELIVERY OF WATER

9. Subject to the provisions of this contract, the water to be delivered to the Contractor shall be turned out as required by the Contractor during the irrigation season at a rate not in excess of the available outlet capacity of Deadwood Reservoir, having consideration for delivery requirements of other contractors for space in Deadwood Reservoir. The Contractor shall, to the extent practicable, submit to the Contracting Officer, in advance of the storage use season, a schedule of probable water requirements. Changes in such schedule may be made only upon sufficient advance notice, at least three (3) days, to the Contracting Officer to allow him to adjust releases to meet the new schedules. The Contractor shall conform his diversions to the control of the stream as established by the State watermaster.

OPERATION AND MAINTENANCE CHARGE

10. (a) The Contractor shall pay to the United States perpetually in advance on or before April 1 of each year, beginning with April 1, 2002, the estimated cost of operation and maintenance of Deadwood Reservoir as is properly apportionable to the Contractor's right to stored water as provided herein, such cost to be estimated by the Contracting Officer: Provided, That the minimum annual operation and maintenance charge shall be not less than $50, and that the minimum annual charge shall be subject to future adjustment. Payment shall be made on the basis of notices sent by the Contracting Officer to the Contractor which shall make such adjustments as are necessary for overcollection or undercollection in previous years. The Contractor's proportionate part of the cost of operation and maintenance each year shall be the costs of operating and maintaining Deadwood Dam and Reservoir, exclusive of costs determined to be required to repair defects or deterioration existing prior to the effective date of this contract, that are determined to be properly apportionable to the Contractor's capacity in that reservoir, the Contractor's share of total costs by reason of this capacity not to exceed 0.0571 percent (0.0571%): Provided, That the minimum annual operation and maintenance charge shall not be less that $50. The minimum annual charge shall be reviewed by the Contracting Officer and revised from time to time to cover costs to the United States.

(b) The costs which make up the obligation to be paid by the Contractor to the United States under this contract shall embrace all expenditures of whatsoever nature or kind in relation to the function for which the charge is made, including, but without limitation by reason of this enumeration, cost of surveys and investigations, labor, property, material and equipment, engineering, legal work, superintendence, administration, overhead, general expenses, inspection, special services, and damage claims of all kinds, whether or not involving the negligence of officers,

agents, or employees of the United States. The Contracting Officer's determination as to what costs are properly chargeable under this contract, the amount thereof, and the classification of those charges for repayment purposes shall be conclusive.

(c) All payments from the Contractor to the United States under this contract shall be made by the medium requested by the United States. The required medium of payment may include checks, wire transfers, or other types of payment specified by the United States. Except when otherwise specified by the United States, all payments shall be made by check.

CONTRACT PREPARATION ASSIGNMENT FEE

11. (a) Upon execution of this contract, a $100 fee for the preparation of this contract is due and payable by the Contractor to the United States.

(b) All future contract actions, including new contracts, contract amendments, supplements, and assignments will be charged a $100 fee: Provided, That the fee shall be reviewed by the Contracting Officer and revised from time to time to cover costs to the United States.

WATER SUPPLY

12. (a) As of the date of this contract, the United States holds permit No. R-403, dated December 31, 1926, issued by the State of Idaho to the United States for the storage of 163,000 acre-feet per annum of the waters of Deadwood River in Deadwood Reservoir. The total active capacity of Deadwood Dam and Reservoir as of the date of this contract is understood to be not less than 161,000 acre-feet. The Contractor's storage rights shall comprise 0.0571 percent (0.0571%) of the total active capacity, which percentage so long as the total active capacity is not less than 161,000 acre-feet, is equivalent to approximately 92 acre-feet. The United States will operate Deadwood Dam and Reservoir so as to store under existing storage rights all available water, and during each

irrigation season the United States will make available to the Contractor for irrigation the Contractor's proportionate share of the stored water that accrues in each water year to the entire active capacity, together with stored water carried over to the credit of the Contractor's share of that capacity from prior water years.

(b) The Contractor may hold over in Deadwood Reservoir water from prior water years, subject to these limitations: (1) water may be held only to the extent that the total amount of Deadwood stored water held to the credit of the Contractor for any irrigation season shall not exceed the amount which can be stored in the Contractor's proportionate part of the total active capacity of that reservoir; and (2) whatever water is held for the credit of the Contractor in Deadwood Reservoir as holdover water shall no longer be accounted for as holdover water as of any date of spilling of the reservoir.

(c) All space in Deadwood Reservoir shall be operated with like priority as to storage rights; and the United States reserves the privilege of granting to others holdover rights and of itself exercising such holdover rights as to any unsold space that are not inconsistent with the rights granted to the Contractor under this contract. While the Contractor's storage water rights are defined in terms of active capacity in Deadwood Reservoir, the United States shall have the right, without change in the Contractor's obligations with respect to storage rights, to store water accrued to those rights in any storage capacity available to it on the Payette River so long as delivery for the Contractor of all stored water to which it is entitled under this contract is not in any way impaired. In determining the amount of stored water available, losses incidental to storage will be prorated equally over all water in storage in a given reservoir; and, in determining the amount of stored water

delivered, the point of measurement shall be the outlet works of the reservoir from which the delivery is made.

(d) Any and all diversions made by the Contractor shall be made out of his own rights to natural flow and stored water without encroachment upon any stored water released by the United States for others or for itself, including releases for power production at Black Canyon Dam. Any and all natural flow water entitlements or stored water releases, now or hereafter acquired, for diversion below Black Canyon Dam, shall be permitted to pass over or through Black Canyon Dam. It is understood, moreover, that time and use may result in some decrease in the efficiency and capacity of the Deadwood Reservoir, and that the United States does not guarantee the continuation of present capacities and under no conditions shall the United States, or its officers, agents, or employees, be liable in damage or on account of any such decreases or any alleged shortage or mistake in the amount of water delivered.

(e) While the Deadwood Reservoir is being operated and maintained by the United States, it will operate the reservoir to the end of delivering all the water to which the Contractor is entitled under this contract and on such schedule of deliveries as shall be agreed to between the Contractor and the officer in charge of the reservoir, within the capacity limits of the reservoir and having regard for other existing rights which must be supplied therefrom. Deliveries of stored water shall be limited at any time to the amount which can be delivered by means of the Contractor's proportionate share of the outlet capacity, taking into account the requirement of passing through the reservoir water belonging to prior rights and the physical limitation of the existing outlet works. In the event the distribution of the waters of the Payette River becomes the responsibility of a State watermaster or other official of the State of Idaho, arrangements shall be made between such State

official, the Contracting Officer, and the Contractor concerning the schedule of deliveries as to stored water hereunder. Should the Contractor feel aggrieved on account of any alleged shortage in the water supply delivered by the United States hereunder, or on account of any alleged mistake or inaccuracies in the division of water among the parties entitled to receive water from the Deadwood Reservoir, such party shall at once report to the Contracting Officer such alleged shortage or error in the division or delivery of water, and he shall cause such complaint to be investigated, and if he finds that the proper proportionate share of the available water supply to which the Contractor is entitled is not being delivered to the Contractor, he will correct the delivery so far as the United States has control of such delivery and distribution, so that the correct proportionate share, as nearly as practicable, to which the Contractor is entitled, will be delivered to or for the Contractor. If the Contractor is dissatisfied with the decision of the Contracting Officer, the Contractor may apply to the Secretary of the Interior for an order for the correction of any alleged error in the delivery or division of water from said works; but neither the United States nor its officers or agents shall be liable in damages on account of any such alleged shortage or mistake in the delivery or division of water from the said works.

UNITED STATES NOT LIABLE FOR WATER SHORTAGE OR INTERRUPTIONS

13. No liability shall accrue against the United States or any of its officers, agents, or employees for damage, direct or indirect, arising by reason of shortages in the quantity of water available from Deadwood Reservoir or interruptions in water deliveries to lands of the Contractor resulting from drought, inaccuracy in distribution, hostile diversion, prior or superior claims, accident to or failure of facilities of the United States, whether or not attributable to negligence of

officers, agents, or employees of the United States, or other causes of whatsoever kind. Nor shall the Contractor's obligations to the United States under this contract be reduced by reason of such shortages or interruptions.

CHARGES FOR DELINQUENT PAYMENTS

14. (a) The Contractor shall be subject to interest, administrative and penalty charges on delinquent installments or payments, pursuant to section 11 of the Debt Collection Act of 1982 (Public Law 97-365). When a payment is not received within 30 days of the due date, the Contractor shall pay an interest charge for each day the payment is delinquent beyond the due date. When a payment becomes 60 days delinquent, the Contractor shall pay an administrative charge to cover additional costs of billing and processing the delinquent payment. When a payment is delinquent 90 days or more, the Contractor shall pay an additional penalty charge of 6 percent per year for each day the payment is delinquent beyond the due date. Further, the Contractor shall pay any fees incurred for debt collection services associated with a delinquent payment.

(b) The interest charge rate shall be the greater of the rate prescribed quarterly in the Federal Register by the Department of the Treasury for application to overdue payments, or the interest rate of 0.5 percent per month prescribed by section 6 of the Reclamation Project Act of 1939 (Public Law 76-260). The interest charge rate shall be determined as of the due date and remain fixed for the duration of the delinquent period.

(c) When a partial payment on a delinquent account is received, the amount received shall be applied first to the penalty and administrative charges, second, to the accrued interest, and third to the overdue payment.

REFUSAL OF WATER IN CASE OF DEFAULT; TERMINATION

15. No water shall be delivered to the Contractor during any year until all charges herein provided to be paid as of that year shall have been fully paid. Should the Contractor be in arrears on any charge under this contract twelve (12) months, the Contracting Officer may, sixty (60) days after giving notice by certified mail of intent to terminate and if the Contractor has not paid the arrears, terminate this contract by notice in writing to the Contractor, and the Contractor thereafter shall have no further right or interest in this contract or the water supply provided hereunder. The Contractor, for himself, his successors and assigns, and all or any persons claiming under or through

the Contractor, expressly consents and agrees that after such termination by the Contracting Officer, all rights to receive water from said reservoir, either by reason of this contract or by reason of the previous delivery of water hereunder, shall thereupon terminate and revest in the United States, as fully and completely as if no contract had ever been made and no water had ever been furnished from said reservoir. In case of such termination, the payments heretofore made by the Contractor under this contract shall be deemed the rental price of the use theretofore allowed the Contractor of said reservoir capacity for the storage of said water, and the Contractor acknowledges that such payments are no more than a reasonable rental of the proportionate part of the reservoir space used as herein provided for furnishing said stored water. The provisions of this article are not exclusive and shall not in any manner hinder the United States from exercising any other remedy to enforce collection of the moneys payable hereunder.

COMPLIANCE WITH RECLAMATION LAWS

16. The parties agree that the delivery of irrigation water or the use of Federal facilities pursuant to this contract is subject to Reclamation law, as amended and supplemented, including, but not limited to, the Reclamation Reform Act of 1982 (Public Law 97-293).

TITLE TO REMAIN IN UNITED STATES

17. The title to, management, and control of Deadwood Reservoir shall remain in the United States until otherwise provided by the Congress.

BOOKS, RECORDS AND REPORTS

18. The Contractor shall establish and maintain accounts and other books and records pertaining to administration of the terms and conditions of this contract, including: land-use (crop census), landownership, land-leasing and water-use data; and other matters that the Contracting Officer may require. Reports thereon shall be furnished to the Contracting Officer in such form and on such date or dates as the Contracting Officer may require. Subject to applicable Federal laws and regulations, each party to this contract shall have the right during office hours to examine and make copies of the other party's books and records relating to matters covered by this contract.

ASSIGNMENT LIMITED--SUCCESSORS AND ASSIGNS OBLIGATED

19. The provisions of this contract shall apply to and bind the successors and assigns of the parties hereto, but no assignment or transfer of this contract or any right or interest therein shall be valid until approved in writing by the Contracting Officer.

OFFICIALS NOT TO BENEFIT

20. No Member of or Delegate to Congress, Resident Commissioner or official of the Contractor shall benefit from this contract other than as a water user or landowner in the same manner as other water users or landowners.

CONTINGENT ON APPROPRIATION OR ALLOTMENT OF FUNDS

21. The expenditure or advance of any money or the performance of any obligation of the United States under this contract shall be contingent upon appropriation or allotment of funds. Absence of appropriation or allotment of funds shall not relieve the Contractor from any obligations under this contract. No liability shall accrue to the United States in case funds are not appropriated or allotted.

NOTICES

22. Any notice, demand, or request authorized or required by this contract shall be deemed to have been given, on behalf of the Contractor, when mailed, postage prepaid, or delivered to the Regional Director, PN Region, Bureau of Reclamation, 1150 North Curtis Road, Suite 100, Boise, Idaho 83706-1234, and on behalf of the United States, when mailed, postage prepaid, or delivered to Todd B. and Pamela J. Taylor, 9353 N. Hwy 52, Horseshoe Bend ID 83629. The designation of the addressee or the address may be changed by notice given in the same manner as provided in this article for other notices.

QUALITY OF WATER

23. The operation and maintenance of project facilities shall be performed in such manner as is practicable to maintain the quality of raw water made available through such facilities at the highest level reasonably attainable, as determined by the Contracting Officer. The United States does not warrant the quality of water and is under no obligation to construct or furnish water treatment facilities to maintain or better the quality of water.

WATER AND AIR POLLUTION CONTROL

24. The Contractor, in carrying out this contract, shall comply with all applicable water and air pollution laws and regulations of the United States and the State of Idaho and shall obtain all required permits or licenses from the appropriate Federal, State, or local authorities.

WATER CONSERVATION

25. Prior to the delivery of water provided from or conveyed through federally constructed or federally financed facilities pursuant to this contract, the Contractor shall develop an effective water conservation program acceptable to the Contracting Officer. The water conservation program shall contain definite water conservation objectives, appropriate economically feasible water conservation measures, and time schedules for meeting those objectives. At subsequent 5-year intervals, the Contractor shall submit a report on the results of the program to the Contracting Officer for review. Based on the conclusions of the review, the Contracting Officer and the Contractor shall consult and agree to continue or to revise the existing water conservation program.

EQUAL OPPORTUNITY

26. During the performance of this contract, the Contractor agrees as follows:

(a) The Contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The Contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to, the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Contracting Officer setting forth the provisions of this nondiscrimination clause.

(b) The Contractor will, in all solicitations or advertisements for employees placed by or on behalf of the Contractor, state that all qualified applicants will receive consideration for employment without discrimination because of race, color, religion, sex, or national origin.

(c) The Contractor will send to each labor union or representative of workers with which it has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the Contracting Officer, advising the said labor union or workers' representative of the Contractor's commitments under Section 202 of Executive Order 11246 of September 24, 1965, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(d) The Contractor will comply with all provisions of Executive Order No. 11246 of September 24, 1965, as amended, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(e) The Contractor will furnish all information and reports required by said amended Executive Order and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to its books, records, and accounts by the Contracting Officer and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(f) In the event of the Contractor's noncompliance with the nondiscrimination clauses of this contract or with any of the such rules, regulations, or orders, this contract may be canceled, terminated, or suspended, in whole or in part, and the Contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in said amended Executive Order, and such other sanctions may be imposed and remedies invoked as provided in said Executive Order, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(g) The Contractor will include the provisions of paragraphs (a) through (g) in every subcontract or purchase order unless exempted by the rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of said amended Executive Order, so that such provisions will be binding upon each subcontractor or vendor. The Contractor will take such action with respect to any subcontract or purchase order as may be directed by the Secretary of Labor as a means of enforcing such provisions, including sanctions for noncompliance: Provided, however, That in the event the Contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

COMPLIANCE WITH CIVIL RIGHTS LAWS AND REGULATIONS

27. (a) The Contractor shall comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d), Section 504 of the Rehabilitation Act of 1975 (P.L. 93-112, as amended), the Age Discrimination Act of 1975 (42 U.S.C. 6101, et seq.) and any other applicable civil rights laws, as well as with their respective implementing regulations and guidelines imposed by the U.S. Department of the Interior and/or Bureau of Reclamation.

(b) These statutes require that no person in the United States shall, on the grounds of race, color, national origin, handicap, or age, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving financial assistance from the Bureau of Reclamation. By executing this contract, the Contractor agrees to immediately take any measures necessary to implement this obligation, including permitting officials of the United States to inspect premises, programs, and documents.

(c) The Contractor makes this agreement in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property discounts or other Federal financial assistance extended after the date hereof to the Contractor by the Bureau of Reclamation, including installment payments after such date on account of arrangements for Federal financial assistance which were approved before such date. The Contractor recognizes and agrees that such Federal assistance will be extended in reliance on the representations and agreements made in this article, and that the United States reserves the right to seek judicial enforcement thereof.

IN WITNESS WHEREOF, the parties hereto have caused this contract to be executed the day and year first above written.

CONTRACTOR

Todd B. Taylor

Pamela J. Taylor

UNITED STATES OF AMERICA

Program Manager, Lands and Repayment
Bureau of Reclamation
1150 N. Curtis Road Suite 100
Boise ID 83706-1234

STATE OF IDAHO)
: ss
County of ADA)

SIGNED BEFORE ME
11/29/02
Barbara Cunningha

On this 21ST day of DECEMBER, 20 01, before me, a notary public, personally appeared TODD TAYLOR and PAMELA J. TAYLOR known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged that they are the legal owners of the property for which a water supply is to be provided under the contract and have executed this contract as their free and voluntary act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal as of the day and year first above written.

(SEAL)

Barbara Cunningham
Notary Public in and for the
State of IDAHO
Residing at: ADA COUNTY
My commission expires: 7/5/07

* * * * * * * * * *

STATE OF IDAHO)
: ss
County of Ada)

On this 4 day of February, 2002, personally appeared before me Ryan M. Patterson, to me known to be the official of the UNITED STATES OF AMERICA that executed the within and foregoing instrument and acknowledged said instrument to be the free and voluntary act and deed of said United States, for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute said instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal as of the day and year first above written.

(SEAL)

Diana L. Jacobs
Notary Public in and for the
State of IDAHO
Residing at: Boise
My commission expires: 5-23-06

United States Department of the Interior

BUREAU OF RECLAMATION
PACIFIC NORTHWEST REGION
FEDERAL BUILDING & U.S. COURTHOUSE
[illegible]3-550 WEST FORT STREET
[illegible]ISE, IDAHO 83724-0043

TAKE PRIDE IN AMERICA

IN REPLY REFER TO
PN 440

RECEIVED
MAR 2 9 1990
MAR 28 1990
Department of Water Resources

Ms. Carol MacGregor
1109 Warm Springs Avenue
Boise ID 83712

Subject: Contract No. 0-07-10-W0784 for Deadwood Reservoir Storage Space (Repayment Contract) #65-9483

Dear Ms. MacGregor:

Enclosed for your records is an original copy of Contract No. 0-07-10-W0784. The contract provides to you the Deadwood Reservoir storage space rights and obligations formerly held by the MacGregor Land and Livestock Company. Future billings will be sent to your current address.

Contract article 18 provides that the delivery of water is subject to Reclamation law, including the discretionary provisions of the Reclamation Reform Act of 1982. Since your total landholding which receives Reclamation project water is greater than 40 acres, acreage limitation forms must be completed and up to date.

If your ownership or leasing arrangements change in some way, you must notify our Central Snake Projects Office (which handles Contract No. 0-07-10-W0784 in lieu of an irrigation district), either verbally or in writing, within 15 days of the change and submit new certification form(s) within 30 days of that change. If your ownership and leasing arrangements do not change, you are required to verify annually in writing that your current certification remains valid.

MICROFILMED
JUN 26 1992

Pursuant to contract article 27, we have also enclosed a water conservation plan in the form of a questionnaire. Completing the questionnaire and returning it to our office will constitute an approved water conservation plan.

If you have any questions, please contact our office.

Sincerely,

[illegible] PEDDE

Regional Director

Act

Enclosures 2

cc: Director
Idaho State Department of Water Resources
1301 North Orchard
Boise ID 83720

Mr. Barry Marcus
Attorney at Law
737 North 7th Street
Boise ID 83702-5595
(with copy of contract)

MICROFILMED
JUN 26 1992

B-27
USBR-PN Reg
REV. 5/81

United States
Department of the Interior
BUREAU OF RECLAMATION
PACIFIC NORTHWEST REGIONAL OFFICE

Payette Division - Boise Project, Idaho
(Project or office)

RECORD OF EXECUTION OF CONTRACT

Contractor Ms. Carol MacGregor
Contract No. 0-07-10-W0784 Date of contract March 21, 1990
Estimated amount involved $ Remaining construction charge obligation of $1,878.50
Purpose To replace and combine the contract rights and obligations in Deadwood Reservoir Contract Nos. 14-06-100-1646 and 8-07-10-W0709 into a single new contract executed with a new owner.

Remarks:

Place Boise, Idaho Date MAR 16 1990

1. Contract transmitted to Field Solicitor for legal approval.

Acting Richard M Rigby, Regional Supervisor of Water, Power and Lands
(Title)

Place Boise, Idaho Date 3/20/90

2. Contract given legal approval.

Field Solicitor

3. Contract executed and transmitted to the following:

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Original contract PN 360
Duplicate original to contractor
Copy to: PN 440 (2), 933 (V.R.)
Field Solicitor, Boise ID
Project Superintendent, Boise ID
Director, Idaho State Dept. of Water Resources, 1301 North Orchard, Boise ID 83720

PN Draft 9/30/87
Revised 3/14/89
Revised 12/4/89
Contract No. 0-07-10-W0784

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION

Boise Project, Idaho

CONTRACT FOR DEADWOOD RESERVOIR STORAGE

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PN Draft 9/30/87
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UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION

Boise Project, Idaho

CONTRACT FOR DEADWOOD RESERVOIR STORAGE

THIS CONTRACT, made this 21st of March, 1990, pursuant to the act of Congress approved June 17, 1902 (32 Stat. 388) and acts amendatory thereof or supplementary thereto which acts are commonly known and referred to as the Federal Reclamation Laws, between the UNITED STATES OF AMERICA, hereinafter referred to as the United States, represented by the officer executing this contract, hereinafter referred to as the Contracting Officer, and CAROL MACGREGOR, hereinafter referred to as the Contractor;

WITNESSETH, THAT:

EXPLANATORY RECITALS

2. WHEREAS, because the United States has heretofore constructed, pursuant to the Federal Reclamation laws, Deadwood Dam and Reservoir on the Deadwood River, known as Deadwood Reservoir, for the impounding and storage of water for irrigation purposes; and

3. WHEREAS, the MacGregor Land and Livestock Company on May 2, 1960, was assigned Contract No. 14-06-100-1646, dated December 10, 1958, for stored water accruing to 330 acre-feet of the active storage capacity of Deadwood Reservoir, Boise Project, Idaho; and

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Recitals 2,

4. WHEREAS, the MacGregor Land and Livestock Company executed Contract No. 8-07-10-W0709, dated August 26, 1988, for stored water accruing to 550 acre-feet of the active storage capacity of Deadwood Reservoir; and

5. WHEREAS, the Contractor is now the owner of lands hereinafter described, for which a supply of water stored in Deadwood Reservoir is desired to be secured from the United States;

NOW, THEREFORE, in consideration of the premises and the payment by the Contractor to the United States of the charges in the manner hereinafter provided, it is agreed:

TERMINATIONS

6. Contract No. 14-06-100-1646, dated December 10, 1958, and Contract No. 8-07-10-W0709, dated August 26, 1988, are being replaced by this contract and are no longer of any force and effect.

TERM OF CONTRACT

7. This contract shall become effective upon its execution by the Contracting Officer and shall remain in effect as long as the Contractor pays to the United States, in full, each annual installment of the construction charge obligation and any and all other amounts owing to the United States under this contract.

DEADWOOD RESERVOIR STORAGE CAPACITY TO BE AVAILABLE TO THE CONTRACTOR

8. The United States will operate and maintain the Deadwood Reservoir, and beginning with the first irrigation season after the execution of this contract, will make available to the Contractor stored water accruing to five thousand four hundred sixty-five ten thousandths percent

Recitals 4, 5
Articles 6, 7

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(.5465%) of the active capacity of that reservoir within the limits and on the terms and conditions provided in this contract. This percentage shall, so long as the reservoir has an active capacity of 161,000 acre-feet, be treated as the equivalent of 880 acre-feet of active capacity. The latter figure may, however, be adjusted from time to time by the Contracting Officer whenever there are determinations that the active capacity is other than above stated.

PLACE OF DELIVERY AND MEASUREMENT AND OF USE OF WATER

9. (a) Water for the purposes hereof shall be made available at the outlet works of Deadwood Reservoir and shall be delivered to the Contractor and measured at that point. The Contractor shall receive said water at said point and shall be wholly responsible for taking said water at that point and diverting, conveying, and utilizing it. The water to be delivered hereunder is to be diverted at:

SW1/4NE1/4 of section 25, T. 7 N., R. 1 W., Boise meridian, Idaho
and at
NW1/4NE1/4 (lot 1) of section 25, T. 7 N., R. 1 W., Boise meridian, Idaho
and at
Lots 4 and 5 of section 19, T. 7 N., R. 1 E., Boise meridian, Idaho

by means of a device satisfactory to the State officer in charge of the distribution of water from Payette River. Such device shall be furnished, installed, and maintained by and at the expense of the Contractor, but it shall be and remain at all times under the control of the State-appointed watermaster whose representative may at all times have access to it over any lands of the Contractor. The Contractor will stand his proportionate share of all losses incurred in running the stored water from the place of measurement and delivery, Deadwood Dam, to the place of diversion and

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losses of water from seepage, evaporation, or other cause, below said point of measurement at Deadwood Dam, shall be borne by the Contractor. Until dependable and economical methods of loss determination are employed for measurement of such losses, the loss between the points of delivery and diversion shall be figured at five (5) percent.

(b) Water made available to the Contractor pursuant to the terms of this contract shall be used for the irrigation of the land of the Contractor described as follows:

T. 7 N., R. 1 W., Boise meridian, Idaho
Section 24 - Lots 4, 5, 6, and 7
Section 25 - Lot 1, NE1/4NE1/4, S1/2NE1/4, and N1/2SE1/4
T. 7 N., R. 1 E., Boise meridian, Idaho
Section 19 - Lot 4 and SW1/4SE1/4
Section 30 - Lot 1 and W1/2NE1/4 and E1/2NW1/4

(c) The United States hereby permits the contractor, at the contractor's own expense to install and maintain pumping devices on lots 4 and 5 of section 19, T. 7 N., R. 1 E., B.M., for the purpose of pumping from the Black Canyon Reservoir water to which the contractor is entitled under permits with the State of Idaho and storage provided herein, to irrigate the land described in article 9(b) above.

RATE OF DELIVERY OF WATER

10. Subject to the provisions of this contract, the water to be delivered to the Contractor shall be turned out as required by the Contractor during the irrigation season at a rate not in excess of the available outlet capacity of Deadwood Reservoir, having consideration for delivery requirements of other contractors for space in Deadwood Reservoir. The Contractor shall, to the extent practicable, submit to the Contracting Officer, in advance of the storage use season, a schedule of

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probable water requirements. Changes in such schedule may be made only upon sufficient advance notice, at least three (3) days, to the Contracting Officer to allow him to adjust releases to meet the new schedules. The Contractor shall conform her diversions to the priority of her water rights lawfully administered by the State watermaster.

CONSTRUCTION CHARGE

11. For the right to obtain stored water as herein provided, the Contractor shall pay to the United States the proportionate part of the construction cost of Deadwood Reservoir properly allocable to such right which is the sum of seven thousand five hundred fifteen dollars and twenty cents ($7,515.20), and this amount is established as the Contractor's construction charge obligation. Payments totaling $5,636.70 collected under contracts numbered 14-06-100-1646 and 8-07-10-W0709 are available for application towards the construction charge obligation, leaving a remaining obligation of $1,878.50. The Contractor shall pay to the United States the remaining construction charge obligation in 10 successive annual installments of $187.85 each, the first of which shall be due December 31, 1989, and each December 31 thereafter until the remaining construction charge obligation shall have been fully paid.

OPERATION AND MAINTENANCE CHARGE

12. (a) In addition to the construction charge established in article 11, the Contractor shall pay to the United States in advance on or before April 1 of each year so long as this agreement is in effect, beginning with April 1, 1990, the estimated cost of operation and maintenance of Deadwood Reservoir as is properly apportionable to the Contractor's right to stored water as provided herein, such cost to be estimated by the Contracting Officer:

Articles 11, 12 APPROVED
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Provided, That the minimum annual operation and maintenance charge shall be not less than $50, and that the minimum annual charge shall be subject to future adjustment. Payment shall be made on the basis of notices sent by the Contracting Officer to the Contractor which shall make such adjustments as are necessary for overcollection or undercollection in previous years. The Contractor's proportionate part of the cost of operation and maintenance each year shall be the costs of operating and maintaining Deadwood Dam and Reservoir, exclusive of costs determined to be required to repair defects or deterioration existing prior to the effective date of this contract, that are determined to be properly apportionable to the Contractor's capacity in that reservoir, the Contractor's share of total costs by reason of this capacity not to exceed 0.5465 percent (0.5465%): Provided, That the minimum annual operation and maintenance charge shall not be less that $50. The minimum annual charge shall be reviewed by the Contracting Officer and revised from time to time to cover costs to the United States.

(b) The costs which make up the obligation to be paid by the Contractor to the United States under this contract shall embrace all expenditures of whatsoever nature or kind in relation to the function for which the charge is made, including, but without limitation by reason of this enumeration, cost of surveys and investigations, labor, property, material and equipment, engineering, legal work, superintendence, administration, overhead, general expenses, inspection, special services, and damage claims of all kinds, whether or not involving the negligence of officers, agents, or employees of the United States. The Contracting

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Officer's determination as to what costs are properly chargeable under this contract, the amount thereof, and the classification of those charges for repayment purposes shall be conclusive.

(c) All payments from the Contractor to the United States under this contract shall be made by the medium requested by the United States. The required medium of payment may include checks, wire transfers, or other types of payment specified by the United States. Except when otherwise specified by the United States, all payments shall be made by check.

CONTRACT PREPARATION ASSIGNMENT FEE

13. (a) Upon execution of this contract, a $100 fee for the preparation of this contract is due and payable by the Contractor to the United States.

(b) All future contract actions, including new contracts, contract amendments, supplements, and assignments will be charged a $100 fee: Provided, That the fee shall be reviewed by the Contracting Officer and revised from time to time to cover costs to the United States.

WATER SUPPLY

14. (a) As of the date of this contract, the United States holds permit No. R-403, dated December 31, 1926, issued by the State of Idaho to the United States for the storage of 163,000 acre-feet per annum of the waters of Deadwood River in Deadwood Reservoir. The total active capacity of Deadwood Dam and Reservoir as of the date of this contract is understood to be not less than 161,000 acre-feet. The Contractor's storage rights shall comprise 0.5465 percent (0.5465%) of the total active capacity, which percentage so long as the total active capacity is not

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less than 161,000 acre-feet, is equivalent to approximately 880 acre-feet. The United States will operate Deadwood Dam and Reservoir so as to store under existing storage rights all available water, and during each irrigation season the United States will make available to the Contractor for irrigation the Contractor's proportionate share of the stored water that accrues in each water year to the entire active capacity, together with stored water carried over to the credit of the Contractor's share of that capacity from prior water years.

(b) The Contractor may hold over in Deadwood Reservoir water from prior water years, subject to these limitations: (1) water may be held only to the extent that the total amount of Deadwood stored water held to the credit of the Contractor for any irrigation season shall not exceed the amount which can be stored in the Contractor's proportionate part of the total active capacity of that reservoir; and (2) whatever water is held for the credit of the Contractor in Deadwood Reservoir as holdover water shall no longer be accounted for as holdover water as of any date of spilling of the reservoir.

(c) All space in Deadwood Reservoir shall be operated with like priority as to storage rights; and the United States reserves the privilege of granting to others holdover rights and of itself exercising such holdover rights as to any unsold space that are not inconsistent with the rights granted to the Contractor under this contract. While the Contractor's storage water rights are defined in terms of active capacity in Deadwood Reservoir, the United States shall have the right, without change in the Contractor's obligations with respect to storage rights, to

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Article 12 (Continued)

store water accrued to those rights in any storage capacity available to it on the Payette River so long as delivery for the Contractor of all stored water to which it is entitled under this contract is not in any way impaired. In determining the amount of stored water available, losses incidental to storage will be prorated equally over all water in storage in a given reservoir; and, in determining the amount of stored water delivered, the point of measurement shall be the outlet works of the reservoir from which the delivery is made.

(d) Any and all diversions made by the Contractor shall be made out of her own rights to natural flow and stored water without encroachment upon any stored water released by the United States for others or for itself, including releases for power production at Black Canyon Dam. Any and all natural flow water entitlements or stored water releases, now or hereafter acquired, for diversion below Black Canyon Dam, shall be permitted to pass over or through Black Canyon Dam. It is understood, moreover, that time and use may result in some decrease in the efficiency and capacity of the Deadwood Reservoir, and that the United States does not guarantee the continuation of present capacities and under no conditions shall the United States, or its officers, agents, or employees, be liable in damage or on account of any such decreases or any alleged shortage or mistake in the amount of water delivered.

(e) While the Deadwood Reservoir is being operated and maintained by the United States, it will operate the reservoir to the end of delivering all the water to which the Contractor is entitled under this contract and on such schedule of deliveries as shall be agreed to between

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the Contractor and the officer in charge of the reservoir, within the capacity limits of the reservoir and having regard for other existing rights which must be supplied therefrom. Deliveries of stored water shall be limited at any time to the amount which can be delivered by means of the Contractor's proportionate share of the outlet capacity, taking into account the requirement of passing through the reservoir water belonging to prior rights and the physical limitation of the existing outlet works. In the event the distribution of the waters of the Payette River becomes the responsibility of a State watermaster or other official of the State of Idaho, arrangements shall be made between such State official, the Contracting Officer, and the Contractor concerning the schedule of deliveries as to stored water hereunder. Should the Contractor feel aggrieved on account of any alleged shortage in the water supply delivered by the United States hereunder, or on account of any alleged mistake or inaccuracies in the division of water among the parties entitled to receive water from the Deadwood Reservoir, such party shall at once report to the Contracting Officer such alleged shortage or error in the division or delivery of water, and he shall cause such complaint to be investigated, and if he finds that the proper proportionate share of the available water supply to which the Contractor is entitled is not being delivered to the Contractor, he will correct the delivery so far as the United States has control of such delivery and distribution, so that the correct proportionate share, as nearly as practicable, to which the Contractor is entitled, will be delivered to or for the Contractor. If the Contractor is dissatisfied with the decision of the Contracting Officer,

Article 14 (Continued)

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the Contractor may apply to the Secretary of the Interior for an order for the correction of any alleged error in the delivery or division of water from said works; but neither the United States nor its officers or agents shall be liable in damages on account of any such alleged shortage or mistake in the delivery or division of water from the said works.

UNITED STATES NOT LIABLE FOR WATER SHORTAGE OR INTERRUPTIONS

15. No liability shall accrue against the United States or any of its officers, agents, or employees for damage, direct or indirect, arising by reason of shortages in the quantity of water available from Deadwood Reservoir or interruptions in water deliveries to lands of the Contractor resulting from drought, inaccuracy in distribution, hostile diversion, prior or superior claims, accident to or failure of facilities of the United States, whether or not attributable to negligence of officers, agents, or employees of the United States, or other causes of whatsoever kind. Nor shall the Contractor's obligations to the United States under this contract be reduced by reason of such shortages or interruptions.

CHARGES FOR DELINQUENT PAYMENTS

16. (a) The Contractor shall be subject to interest, administrative and penalty charges on delinquent installments or payments, pursuant to section 11 of the Debt Collection Act of 1982 (Public Law 97-365). When a payment is not received within 30 days of the due date, the Contractor shall pay an interest charge for each day the payment is delinquent beyond the due date. When a payment becomes 60 days delinquent, the Contractor shall pay an administrative charge to cover additional costs of billing and processing the delinquent payment. When a payment is delinquent 90 days or more, the Contractor shall pay an additional penalty charge of 6 percent per year for each day the payment is delinquent beyond the due date. Further, the Contractor shall pay any fees incurred for debt collection services associated with a delinquent payment.

(b) The interest charge rate shall be the greater of the rate prescribed quarterly in the Federal Register by the Department of the

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Treasury for application to overdue payments, or the interest rate of 0.5 percent per month prescribed by section 6 of the Reclamation Project Act of 1939 (Public Law 76-260). The interest charge rate shall be determined as of the due date and remain fixed for the duration of the delinquent period.

(c) When a partial payment on a delinquent account is received, the amount received shall be applied first to the penalty and administrative charges, second, to the accrued interest, and third to the overdue payment.

REFUSAL OF WATER IN CASE OF DEFAULT; TERMINATION

17. No water shall be delivered to the Contractor during any year until all charges herein provided to be paid as of that year shall have been fully paid. Should the Contractor be in arrears on any charge under this contract twelve (12) months, the Contracting Officer may, sixty (60) days after giving notice by certified mail of intent to terminate and if the Contractor has not paid the arrears, terminate this contract by notice in writing to the Contractor, and the Contractor thereafter shall have no further right or interest in this contract or the water supply provided hereunder. The Contractor, for herself, her successors and assigns, and all or any persons claiming under or through the Contractor, expressly consents and agrees that after such termination by the Contracting Officer, all rights to receive water from said reservoir, either by reason of this contract or by reason of the previous delivery of water hereunder, shall thereupon terminate and revest in the United States, as fully and completely as if no contract had ever been made and no water had ever been furnished from said reservoir. In case of such termination, the payments heretofore made by the Contractor under this contract shall be deemed the rental price of the use theretofore allowed the Contractor of said reservoir capacity for the storage of said water, and the Contractor

acknowledges that such payments are no more than a reasonable rental of the proportionate part of the reservoir space used as herein provided for furnishing said stored water. The provisions of this article are not exclusive and shall not in any manner hinder the United States from exercising any other remedy to enforce collection of the moneys payable hereunder.

COMPLIANCE WITH RECLAMATION LAWS

18. The parties agree that the delivery of irrigation water or the use of Federal facilities pursuant to this contract is subject to Reclamation law, as amended and supplemented, including, but not limited to, the Reclamation Reform Act of 1982 (Public Law 97-293).

TITLE TO REMAIN IN UNITED STATES

19. The title to, management, and control of Deadwood Reservoir shall remain in the United States until otherwise provided by the Congress.

BOOKS, RECORDS AND REPORTS

20. The Contractor shall establish and maintain accounts and other books and records pertaining to administration of the terms and conditions of this contract, including: land-use (crop census), landownership, land-leasing and water-use data; and other matters that the Contracting Officer may require. Reports thereon shall be furnished to the Contracting Officer in such form and on such date or dates as the Contracting Officer may require. Subject to applicable Federal laws and regulations, each party to this contract shall have the right during office hours to examine and make copies of the other party's books and records relating to matters covered by this contract.

ASSIGNMENT LIMITED--SUCCESSORS AND ASSIGNS OBLIGATED

21. The provisions of this contract shall apply to and bind the successors and assigns of the parties hereto, but no assignment or transfer of this contract or any right or interest therein shall be valid until approved in writing by the Contracting Officer.

OFFICIALS NOT TO BENEFIT

22. No Member of or Delegate to Congress, Resident Commissioner or official of the Contractor shall benefit from this contract other than as a water user or landowner in the same manner as other water users or landowners.

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CONTINGENT ON APPROPRIATION OR ALLOTMENT OF FUNDS

23. The expenditure or advance of any money or the performance of any obligation of the United States under this contract shall be contingent upon appropriation or allotment of funds. Absence of appropriation or allotment of funds shall not relieve the Contractor from any obligations under this contract. No liability shall accrue to the United States in case funds are not appropriated or allotted.

NOTICES

24. Any notice, demand, or request authorized or required by this contract shall be deemed to have been given, on behalf of the Contractor, when mailed, postage prepaid, or delivered to the Regional Director, PN Region, Bureau of Reclamation, Box 043, 550 West Fort Street, Boise, Idaho 83724, and on behalf of the United States, when mailed, postage prepaid, or delivered to Carol MacGregor, 1109 Warm Springs Avenue, Boise, Idaho 83712. The designation of the addressee or the address may be changed by notice given in the same manner as provided in this article for other notices.

QUALITY OF WATER

25. The operation and maintenance of project facilities shall be performed in such manner as is practicable to maintain the quality of raw water made available through such facilities at the highest level reasonably attainable, as determined by the Contracting Officer. The United States does not warrant the quality of water and is under no obligation to construct or furnish water treatment facilities to maintain or better the quality of water.

WATER AND AIR POLLUTION CONTROL

26. The Contractor, in carrying out this contract, shall comply with all applicable water and air pollution laws and regulations of the United States and the State of Idaho and shall obtain all required permits or licenses from the appropriate Federal, State, or local authorities.

WATER CONSERVATION

27. Prior to the delivery of water provided from or conveyed through federally constructed or federally financed facilities pursuant to this contract, the Contractor shall develop an effective water conservation program acceptable to the Contracting Officer. The water conservation program shall contain definite water conservation objectives, appropriate economically feasible water conservation measures, and time schedules for meeting those objectives. At subsequent 5-year intervals, the Contractor shall submit a report on the results of the program to the Contracting Officer for review. Based on the conclusions of the review, the Contracting Officer and the Contractor shall consult and agree to continue or to revise the existing water conservation program.

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EQUAL OPPORTUNITY

28. During the performance of this contract, the Contractor agrees as follows:

(a) The Contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The Contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to, the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Contracting Officer setting forth the provisions of this nondiscrimination clause.

(b) The Contractor will, in all solicitations or advertisements for employees placed by or on behalf of the Contractor, state that all qualified applicants will receive consideration for employment without discrimination because of race, color, religion, sex, or national origin.

(c) The Contractor will send to each labor union or representative of workers with which it has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the Contracting Officer, advising the said labor union or workers' representative of the Contractor's commitments under Section 202 of Executive Order 11246 of September 24, 1965, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(d) The Contractor will comply with all provisions of Executive Order No. 11246 of September 24, 1965, as amended, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(e) The Contractor will furnish all information and reports required by said amended Executive Order and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to its books, records, and accounts by the Contracting Officer and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(f) In the event of the Contractor's noncompliance with the nondiscrimination clauses of this contract or with any of the such rules, regulations, or orders, this contract may be canceled, terminated, or suspended, in whole or in part, and the Contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in said amended Executive Order, and such other sanctions may be imposed and remedies invoked as provided in said Executive Order, or by

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rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(g) The Contractor will include the provisions of paragraphs (a) through (g) in every subcontract or purchase order unless exempted by the rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of said amended Executive Order, so that such provisions will be binding upon each subcontractor or vendor. The Contractor will take such action with respect to any subcontract or purchase order as may be directed by the Secretary of Labor as a means of enforcing such provisions, including sanctions for noncompliance: Provided, however, That in the event the Contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

COMPLIANCE WITH CIVIL RIGHTS LAWS AND REGULATIONS

29. (a) The Contractor shall comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d), Section 504 of the Rehabilitation Act of 1975 (P.L. 93-112, as amended), the Age Discrimination Act of 1975 (42 U.S.C. 6101, et seq.) and any other applicable civil rights laws, as well as with their respective implementing regulations and guidelines imposed by the U.S. Department of the Interior and/or Bureau of Reclamation.

(b) These statutes require that no person in the United States shall, on the grounds of race, color, national origin, handicap, or age, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving financial assistance from the Bureau of Reclamation. By executing this contract, the Contractor agrees to immediately take any measures necessary to implement this obligation, including permitting officials of the United States to inspect premises, programs, and documents.

(c) The Contractor makes this agreement in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property discounts or other Federal financial assistance extended after the date hereof to the Contractor by the Bureau of Reclamation, including installment payments after such date on account of arrangements for Federal financial assistance which were approved before such date. The Contractor recognizes and agrees that such Federal assistance will be extended in reliance on the representations and agreements made in this article, and that the United States reserves the right to seek judicial enforcement thereof.

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PRIVACY ACT COMPLIANCE

30. (a) The Contractor shall comply with the Privacy Act of 1974 (5 U.S.C. 522a) (the Act) and the Department of the Interior rules and regulations under the Act (43 CFR 2.45 et seq.) in maintaining landholder acreage certification and reporting records, required to be submitted to the Contractor for compliance with sections 206 and 228 of the Reclamation Reform Act of 1982 (96 Stat. 1266), and the pursuant to 43 CFR 426.10.

(b) With respect to the application and administration of the criminal penalty provisions of the Act (5 U.S.C. 552a[i]), the Contractor and the Contractor's employees responsible for maintaining the certification and reporting records referenced in (a) above are considered to be employees of the Department of the Interior. See 5 U.S.C. 522a(m).

(c) The Contracting Officer or a designated representative shall provide the Contractor with current copies of the Interior Department Privacy Act regulations and the Bureau of Reclamation Federal Register Privacy Act System of Records Notice (Acreage Limitation--Interior, Reclamation-31) which govern the maintenance, safeguarding, and disclosure of information contained in the landholders' certification and reporting records.

(d) The Contracting Officer shall designate a full-time employee of the Bureau of Reclamation to be the System Manager who shall be responsible for making decisions on denials pursuant to 43 CFR 2.61 and 2.64, and amendment requests pursuant to 43 CFR 2.72. The Contractor is authorized to grant requests by individuals for access to their own records.

(e) The Contractor shall forward promptly to the System Manager each proposed denial of access under 43 CFR 2.64, and each request for amendment of records filed under 43 CFR 2.71; notify the requester accordingly of such referral; and provide the System Manager with information and records necessary to prepare an appropriate response to the requester. These requirements do not apply to the certification and reporting forms filed pursuant to 43 CFR 426.10, unless the requester elects to cite the Privacy Act as a basis for the request.

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IN WITNESS WHEREOF, the parties hereto have caused this contract to be executed the day and year first above written.

THE UNITED STATES OF AMERICA

By Kenneth R. Peddle
ACTING
Regional Director, PN Region
Bureau of Reclamation
Box 043 - 550 West Fort Street
Boise, Idaho 83724

CONTRACTOR

By Carol MacGregor
Carol MacGregor
1109 Warm Springs Avenue
Boise, Idaho 83712

RECORDED FILED
JUN 26 1982

STATE OF IDAHO)
: ss
County of Ada)

On this 21st day of March, 1990, personally appeared before me Kenneth K. Redde, to me known to be the official of the United States of America that executed the within and foregoing instrument and acknowledged said instrument to be the free and voluntary act and deed of said United States, for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute said instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal as of the day and year first above written.

Diana L. Jacobs
Notary Public in and for the
State of Idaho
Residing at Boise

(SEAL)

My commission expires: 5-23-94

* * * * * * * * * *

STATE OF IDAHO)
: ss
County of Ada)

On this 13 day of Feb., 1990, before me, Barry Marcus, a Notary Public, personally appeared Carol MacGregor, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal as of the day and year first above written.

Barry Marcus
Notary Public in and for the
State of Idaho
Residing at Boise

(SEAL)

My commission expires: 6/5/91

FILED
JUN 26 1992

7513

State of Idaho
License and Certificate of Water Right

Water License No. R-646 /65-2927 Amount 700,000 Ac. Ft.

Water District No. Priority December 24, 1937

THIS IS TO CERTIFY that UNITED STATES OF AMERICA, BUREAU OF RECLAMATION of Boise, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated December 3, 19 37; that Permit No. R-646 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 700,000 acre feet, was issued thereunder on May 20, 19 54, showing that said works were completed on the 24th day of June, 19 52; and that on the 27th day of July, 19 62, UNITED STATES OF AMERICA, BUREAU OF RECLAMATION of Boise, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of North Fork Payette River, a tributary of Payette River, for the purpose of irrigation and power, under Use Permit No. R-646 of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 12 of Licenses at page 7513, on the 7th day of November, 19 62;

The right hereby confirmed dates from December 24, 19 37;

The Point of Diversion is located NE¼NE¼ (being lots 1 & 5) in the -- ¼ -- ¼, Sec. 26, Tp. 14 N, R. 3 E., B. M. Valley County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 700,000 acre feet per annum.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
			Lands adjacent to and below the Cascade Reservoir, furnished a full or supplemental supply by diversion from the Payette River, all located in Valley, Boise, Gem, Payette, Washington, Canyon and Ada Counties (total 150,000 acres)		

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 7th day of November, 19 62.

/s/ RALPH W. THOMAS
Deputy State Reclamation Engineer.

(SEAL)

65 2927

Bureau of Reclamation
P. O. Box 937, Boise, Idaho

65-29.

NOTICE OF WATER FILINGS UNDER
H. B. 293, 1935 SESSION LAWS

Notice 3-9 19 38
Publication 4-1, 4-8, 4-15 19 38
Date for Protest 4-18 19 38

IF PROTESTED

Notice of Hearing 19
Hearing 19
Date Filed 19

APPLICATION FOR PERMIT

To Construct a Reservoir and Store and Appropriate
The Public Waters of the State of Idaho

Application No. R 25893
Permit No. R 646

1. Name of Applicant: United States of America, acting through R. J. Newell, Construction Engineer, Bureau of Reclamation
Postoffice address: Boise County Ada State Idaho

I. If applicant is a corporation, give:

(a) Date and place of incorporation:

(b) Amount of Capital Stock: $

(c) Amount paid in: $

(d) Names and addresses of directors:

The applicant is the United States Government, acting under the provisions of the Act of Congress of June 17, 1902 (32 Stat. 388) known as the Reclamation Act and acts of Congress supplementary thereto and amendatory thereof.

II. The financial resources of the ~~corporation~~ applicant available for Reclamation purposes are receipts in the Reclamation Fund from sales of public land, mineral leases, etc., and other appropriations made by Congr

(a) Cash on hand: $

(b) Treasury Stock: $

(c) Bonds to be issued: $

(d) Other resources:

2. Quantity of water to be stored: 700,000 acre feet per annum.

3. Source of water supply is North Fork of /Payette River ~~(Creek, River, Spring)~~ a tributary of Payette River.

4. The outlet of the proposed reservoir is located S. 31° W. (bearing) /811 feet, distant from the /northeast corner of Section 26, Township 14 N., Range 3 E., B. M. and is in the NE ¼ of NE ¼ of Section 26, Township 14 N., Range 3 E., B. M. County of Valley

5. Fill out either (a) or (b).

(a) The reservoir is located in the channel of North Fork of Payette River ~~(Creek, River)~~.

(b) The reservoir is to be filled through a feeder canal, the point of diversion for which is located (bearing) feet distant from the corner of Section, Township, Range, B. M., and is in the ¼ of ¼ of Section, Township, Range, B. M.; width at bottom feet, width at top feet, depth of water feet; average grade per mile feet; Capacity cubic feet per second.

6. (a) The area of the high water line of the reservoir is 26,480 acres.

(b) The reservoir capacity is 700,000 acre feet.

7. Height of reservoir dam 100 feet, length at top 670 feet, length at bottom 160 feet, size of outlet not /determined feet by feet. The dam is to be constructed of materials as follows: either earth and rock fill or concrete.

(If height will exceed 10 feet, plans must be approved by Department of Reclamation, before beginning construction.)

8. (a) Will water stored in reservoir be diverted to canal or acqueduct, thence to land to be irrigated without commingling with natural flow of Payette River ~~(Creek, River)~~ ? No.

(b) Water stored in reservoir will be carried in the channel of North Fork Payette ~~(Creek)~~ (River,) a distance of 25½ miles to point of diversion located S. 44° 45' E. (bearing), 370 feet, distant from the /northeast corner of Section 26 Township 11 N., Range 3 E., B. M., and in the /Lot 1 ¼ of ¼ of Section 26, Township 11 N., Range 3 E., B. M.

9. Amount of water claimed from (Creek) (River) (Spring) in addition to that stored in reservoir cubic feet per second.

10. Water is to be used for Irrigation and power purposes.

11. If for mining, milling, power or manufacturing purposes give:

(a) Point of use of water S. 32° E. (bearing) /1100 feet, distant from north /quarter Corner of Section 20, Township 10 N., Range 4 E. B. M. and is in the NW ¼ of NE ¼ of Section 20, Township 10 N., Range 4 E., B. M.

(b) Amount of power generated: 55,000 H. P., under 800 feet head.

(c) Water is to be returned to Scriver ~~(Creek)~~ at a point S. 32° E. (bearing) 1100 feet distant from the north/quarter corner of Section 20, Township 10 N., Range 4 E., B. M., in the NW ¼ of NE ¼ of Section 20, Township 10 N., Range 4 E. B. M.

12. Water stored in accordance with this Permit will be carried to place of use through a canal heretofore constructed under the terms of Permit No. , which is hereby referred to and made a part hereof.

13. Kind of diversion works: Low diversion dam and tunnel (Dam, canal, flume, pipe, etc.)

14. Height of diversion dam: feet, length at top feet, length at bottom feet. The dam is to be constructed of materials as follows: Not designed but probably a concrete dam to raise the water about 10 feet.

(If height will exceed 10 feet, plans must be approved by Department of Reclamation, before beginning construction.)

15. Size of headgate: Width not /designed feet, Height feet. Capacity 1000 sec. ft.

16. Diversion Canal: Width at bottom Not /designed feet, width at water line feet, depth of water feet, Dimensions of Flume
A tunnel and penstock about six miles in length and with 1000 sec. ft. capacity.
Diameter of Pipe inches; Length of Conduit miles. Average grade per mile feet.

17. Estimated cost of Works: Storage Works: $ 3,000,000 Diversion Works: $ $3,000,000

18. Time required for completion of work five years.

19. Time required for complete application of water to proposed beneficial use is 10 years.

20. The land to be irrigated is described in the following tabulation:

(Give Irrigable acreage in each 40-acre subdivision.)

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
4N	2W	5	13	10			21	30											74
		6	39	10	8	7		33											97
4N	3W	1	40	40	37	29	40	40	39		8								312
		2	40	17	37	40	38	40	36	16	3	29	3		13	10			322
		3	40	40	35	30	39	40	40	26	4	39	40	7	38	37	27	30	512
		4	37	40	40	37	37	37	39	39	40	40	40	40	37	40	40	37	620
		5	40	40	40	40	40	40	40	40	40	40	35	40	40	40	40	40	635
		6	40	40	40	40	40	40	39	40	16	11			40	40	10	31	467
		8	38	10		12													60
		9	35	34	40	31	40	40	31	40	13				32	35		29	400
		16	18	16	6	24													64
4N	4W	1	39	15	26	38	34	24											176
		2	8																8
5N	2W	17						4	6	7	39	30	39	36			9		170
		18		23	21	12	12	18	39	39	38	32	37	36	37	34	39	32	449
		19	39	39	40	27	36	39	39	40	40	40	40	40	16	39	38	30	582
		20	28	29	30	7	34	39	40	40	35	39	35	34		10	20	23	443
		21											20		3	16	18	13	70
		22											10	10					20
		27	27	37	31	30	39	40	39	33		8							284

Continued.

Total Number of Acres to be Irrigated

Remarks: See after land description.

BE IT KNOWN That the undersigned hereby makes application for permit to construct a reservoir and store and appropriate the public waters of Idaho as herein set forth, and that the enclosed map is hereby made a part of this application.

United States of America Applicant.
Department of the Interior
Bureau of Reclamation
By R. J. NEWELL, Agent Agent.

Date of first receipt at office of Commissioner of Reclamation 4:00 P. M., Dec. 3, 1937
Returned to applicant for correction Dec. 31, 1937
Corrected application received Mar. 1, 1938

APPROVAL OF COMMISSIONER OF RECLAMATION

The number of this permit is R 646
Recorded in book R 2, page 646 Approved July 6, 1938

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

Bond in the sum of $ 1,000.00, to be filed on or before September 4, 1938

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

One fifth of the work above specified to be completed on or before January 6, ~~1941~~ 1943

The whole of said work to be completed on or before July 6, ~~1943~~ 1948 1953.

Beneficial use of water stored in accordance herewith, to be made on or before July 6, 1953

Witness my hand this 6th day of June, 19 38.

R. W. FARIS
Commissioner of Reclamation.

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
9N	5W	34	40	40	40	40									40			40	240
		35	40	40	40	40	40	40	40	40	40	40	40	26	20	35	6		527
		36						38	22										60
10N	5W	3											16						16
		4		7	8		36	35	40	38	40	40	40	40	9	37	40	36	446
		5	30	15		26								40			40		151
		8	20	20															40
		9	40	40	23	40	40	40	20						37	3		10	283
		10			3		12	39	40	33	40	40	37	40		25	40	18	367
		14							10			18		5			23	6	62
		15	26	40	40	35	40	17		23	5				37	32	7	7	309
		23	35	23	40	40				3					40	26	4	22	233
		24						8	29		4	40	39	37					157
		25		18	29	4	40	9	17	40	40	34	37	40	5	40	40	12	405
		36	8	40	40	28	40	33	29	40	40	32	37	40	29	40	40	16	532
																		Total Acreage	174,148

Remarks: Description of Plan of Irrigation and Power Development

All water developed by storage at the site described on North Fork of Payette River above the town of Cascade is to be used for both irrigation and power. It is proposed to divert a portion, or all, of the storage water from the North Fork of Payette River near Smith's Ferry, by tunnel, to Scriver Creek, a tributary of the Middle Fork of Payette River, and to construct a power plant on Scriver Creek. Water so diverted would be returned to the Payette River via Scriver Creek, Middle Fork and South Fork. It is proposed to use the water for irrigation of lands in the Payette Valley below the confluence of the North Fork and South Fork of Payette River and other lands lying outside the Payette Valley which can be reached by gravity or pumping from existing works and those at present under construction by the U. S. Bureau of Reclamation. The construction of 700,000 acre-feet of storage capacity is not planned to produce 700,000 acre-feet of water each and every year. It is proposed to operate the reservoir as a "carryover" storage reservoir producing materially less than 700,000 acre-feet of water per annum. It is necessary to provide storage capacity far in excess of the annual requirement in order to have available for use, in years of low runoff, the quantity required for power and irrigation purposes.

The right to the use of water from the Cascade Reservoir on the above described lands under the various old canals in the Payette Valley and under the Farmers Cooperative Ditch in the Boise Valley will be conditional upon the making of suitable contracts by the districts and companies representing the owners of the above described lands for a share of the stored water supply provided from Cascade Reservoir and the payment of the agreed part or proportion of the cost thereof on the terms and in the manner required by the provisions of the Federal reclamation laws. Any part of the water supply available from the Cascade Reservoir not required or not subscribed and paid for by the Payette Valley canal companies and irrigation districts will ultimately be diverted to the Boise Valley by means of a canal having its head on the South Fork of the Payette River a short distance below Garden Valley and will be conveyed through a system of tunnels and canals to a point where the same can be dropped into the Boise River above the Government diversion dam and will be used in the irrigation of or in providing a supplemental water supply for lands under the Government Boise reclamation project and under the various old canals in the Boise Valley, including the following:

All lands in the following irrigation districts:

New York Irrigation District
Boise-Kuna Irrigation District
Nampa & Meridian Irrigation District
Wilder Irrigation District
Big Bend Irrigation District;

located in townships:

T. 3 N., R. 3 E., B.M.
T. 3 N., R. 2 E., B.M.
T. 2 , 3, & 4 N., R. 1 E., B.M.
T. 1 S. and 1, 2, 3, 4 N., R. 1 W., B.M.
T. 1 S., and 1, 2, 3, 4 N., R. 2 W., B.M.
T. 2, 3, & 4 N., R. 3 W., B.M.
T. 2, 3, & 4 N., R. 4 W., B.M.
T. 3, 4, 5 N., R. 5 W., B.M.
T. 4 & 5 N., R. 6 W., B.M.
T. 21 & 22 S., R. 47 E., Willamette Meridian
T. 21 & 22 S., R. 46 E., Willamette Meridian;

and containing 166,937 irrigable acres.

In testimony whereof, we, BARZILLA W. CLARK, Governor of the State of Idaho, and IRA H. MASTERS, Secretary of State of the State of Idaho, have hereunto caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed this 6th day of July, 1938.

(SEAL)

STATE OF IDAHO

Countersigned:
By IRA H. MASTERS
Secretary of State

By BARZILLA W. CLARK
Governor

PERMIT NO. R-646
CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that UNITED STATES OF AMERICA, Acting through Bureau of Reclamation of Boise, County of Ada and State of Idaho, the holder of Permit No. R-646, issued upon Application No. R-25893, bearing date of priority of December 3, 1937 authorizing the construction of a reservoir, with the right to appropriate and store 700,000 acre feet per annum of the waters of North fork Payette River a tributary of Payette River, in the County of Valley State of Idaho, for irrigation ~~and power purposes~~, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works set out and described in said Permit; that said works include a dam and reservoir adequate for the storage of 700,000 acre feet of water per annum, with adequate diversion works and conduit to the reservoir, and a conduit capable of conducting said water to the place of intended use; that the point of outlet of said reservoir is located in the NE¼ of the NE¼ of Section 26, Township 14 N., Range 3 E., and that the place of use, or the lands proposed to be irrigated by the use of said water, are described as follows, to-wit: Lands within the Payette and Boise River valleys, in Valley, Gem, Payette, Canyon and Ada Counties.

Witness my hand this 20th day of May, 1954.

MARK R. KULP
State Reclamation Engineer

Proof of completion of works made June 24, 1952
Certificate of Completion of Works issued May 20, 1954

APPLICATION FOR AMENDMENT
LAND LIST
Permit No. R-646

Comes now the United States of America, acting through M.B. Austin, Acting Regional Director, Bureau of Reclamation, Box 937, Boise, Idaho, and represents to the State Reclamation Engineer of the State of Idaho:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho, No. R-646, and requests that the list of lands to be irrigated, as described in said permit, be changed to read as follows:

Lands adjacent to the Cascade Reservoir; lands below Cascade Dam furnished a full or supplemental supply by diversions from the Payette River; all located in Valley, Boise, Gem, Payette, Washington, Canyon and Ada Counties (totaling approximately 150,000 acres).

That an additional mount of water is not asked for, and that the rights of others will not be adversely affected by such change.

Signed at Boise, Idaho, this 20th day of June, 1962.

s/ M. B. AUSTIN
Acting Regional Director

Date of Receipt at office of Department of Reclamation June 21, 1962

APPROVAL OF STATE RECLAMATION ENGINEER

I, RALPH W. THOMAS, Deputy State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to Appropriate the Public Waters of the State of Idaho, No. R-646. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

s/ RALPH W. THOMAS
Deputy State Reclamation Engineer

Recorded: June 21, 1962

LICENSE ISSUED FOR 700,000 Acre SEC. FT.
page 7513

United States Department of the Interior

RECEIVED
DEC 28 1988
Department of Water Resources

BUREAU OF RECLAMATION
PACIFIC NORTHWEST REGION
FEDERAL BUILDING & U.S. COURTHOUSE
BOX 043-550 WEST FORT STREET
BOISE, IDAHO 83724-0043

IN REPLY
REFER TO:
PN 440

DEC 27 1988

Michael J. and Faye L. Lowe
P.O. Box 182
Horseshoe Bend ID 83629

Subject: Contract No. 8-07-10-W0727 (Repayment Contract)

Dear Mr. and Mrs. Lowe:

Enclosed for your records is an original executed copy of Contract No. 8-07-10-W0727, dated December 16, 1988, which transfers to you the Cascade Reservoir storage space formerly held by John and Donna Thornton under Contract No. 2-07-10-W0447. Future billings will be sent to your current address.

Sincerely,

Kenneth R. Peddle

ACTING Regional Director

Enclosure

cc: Director
Idaho State Department
of Water Resources
Statehouse
Boise ID 83720
(w/copy of encl)

PN Draft 7/26/88

Contract No. 8-07-10-W0727

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION

Boise Project, Idaho

CONTRACT FOR CASCADE RESERVOIR STORAGE

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PN Draft 7/26/88

Contract No.8-07-10-W0727

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION

Boise Project, Idaho

CONTRACT FOR CASCADE RESERVOIR STORAGE

THIS CONTRACT, made this 16 day of December, 1988, pursuant to the Act of Congress approved June 17, 1902 (32 Stat. 388), and acts amendatory thereof or supplementary thereto, including the Act of February 21, 1911 (36 Stat. 925), all of which acts are commonly known and referred to as the Federal Reclamation Laws, between the UNITED STATES OF AMERICA, hereinafter referred to as the United States, represented by the Contracting Officer executing this contract, and Michael J. and Faye L. Lowe, husband and wife, hereinafter referred to as the Contractor,

WITNESSETH, THAT:

Explanatory Recitals

2. WHEREAS, the United States, through its Bureau of Reclamation, has constructed and is operating Cascade Dam and Reservoir for the impounding and storage of water for irrigation of the Payette Division, Boise, Project, Idaho; constructed under the authority of provisions contained in the Interior Department Appropriation Act of 1942; and

3. WHEREAS, the Contractor has acquired certain lands which received stored water from Cascade Reservoir pursuant to the terms and conditions of Contract No. 14-06-100-6630, dated December 3, 1969, between the United States and Nelson R. and Marjorie Mabee, which contract was terminated effected January 19, 1981; and

Recitals 2, 3

4. WHEREAS, the proportionate part of the construction cost of the Cascade Reservoir allocable to the storage water provided herein has been paid pursuant to the provisions of Contract No. 14-06-100-6630, dated December 3, 1969; and

5. WHEREAS, the execution of Contract No. 2-07-10-W0447, dated January 11, 1982, effected an assignment of a proportionate share of the stored water originally provided under Contract No. 14-06-100-6630 to John E. and Donna J. Thornton to irrigate a portion of the lands originally designated to be irrigated by Contract No. 14-06-100-6630; and

6. WHEREAS, the Contractor has acquired the lands which have been receiving stored water from Cascade Reservoir pursuant to the terms and conditions of Contract No. 2-07-10-W0447, dated January 11, 1982, between the United States and John E. and Donna J. Thornton; and

7. WHEREAS, the Contractor is the owner of lands hereinafter described, for which a supply of water stored in Cascade Reservoir is desired to be secured from the United States;

NOW, THEREFORE, in consideration of the premises and the payment by the Contractor to the United States of the charges in the manner hereinafter provided, it is agreed by and between the parties hereto as follows:

Term of Contract and Termination of Prior Contract

8. This contract shall become effective upon its execution by the Contracting Officer, and shall remain in effect as long as the Contractor pays to the United States, any and all amounts owing to the United States under this contract: Provided, however, that it may be terminated at any time by mutual consent of the parties hereto. Contract No. 2-07-10-W0447, dated

Recitals 4, 5, 6, 7
Article 8

January 11, 1982, between the United States and the Thorntons is being replaced by this contract and is no longer of any force and effect.

Storage Capacity Available to Contractor

9. Beginning with the first irrigation season after execution of this contract, the United States will make available to the Contractor stored water accuring to eight thousandths percent (.008%) of the remaining 525,000 acre-feet capacity of the Cascade Reservoir within the limits and on the terms and conditions provided in this contract. This percentage shall, so long as the Cascade Reservoir has an active capacity of 650,000 acre-feet, be treated as the equivalent of 40 acre-feet. The latter figure may, however, be adjusted from time to time by the Contracting Officer whenever there are determinations that the active capacity is other than above stated. The designation of the remaining capacity of Cascade Reservoir and the relative rights to stored water as between the remaining capacity of the reservoir and the preferred capacity of the reservoir are those provided in Article 12.

Place of Delivery and Measurement and Use of Water

10. (a) Water for the purposes hereof shall be made available at the outlet works of Cascade Reservoir and shall be delivered to the Contractor and measured at that point. The Contractor shall receive said water at said point and shall be wholly responsible for taking said water at that point and diverting, conveying, and utilizing it.

The water to be delivered hereunder during the irrigation season is to be diverted from the Payette River at the Montour Farmer's Ditch Diversion Dam within the NW1/4 of Section 25, Township 7 North, Range 1 East, Boise Meridian, Idaho, by means of a device and in a manner satisfactory to the

State Officer in charge of the distribution of water from the Payette River. The diversion facilities shall be furnished, installed, and maintained by and at the expense of the Contractor, but shall be and remain at all times under the control of the State Officer whose representative may at all times have access to it over any lands of the Contractor. The Contractor will stand his proportionate share of all losses incurred in running the stored water from place of measurement and delivery, Cascade Dam, to the place of diversion, and losses of water from seepage, evaporation, or other cause below said point of measurement at Cascade Dam shall be borne by the Contractor. Until dependable and economical methods of loss determination are employed for measurement of such losses, the loss between the points of delivery and diversion shall be figured at five (5) percent.

(b) Water made available to the Contract pursuant to the terms of this contract shall be used for the irrigation of the land of the Contract described as follows:

> Beginning at the quarter corner between Sections 22 and 27, Township 7 North, Range 1 East, Boise Meridian, Idaho, thence southerly to the center-north sixteenth corner of Section 27, thence westerly to the center-east-northwest one sixty-fourth corner of said Section 27, thence northeasterly along a diagonal line to the point of beginning, comprising 10 acres, more or less.

Rate of Delivery of Water

11. (a) Subject to the provisions of this contract, the water to be delivered to the Contractor shall be turned out as required by the Contractor during the irrigation season at a rate not in excess of the available outlet

capacity of Cascade Reservoir, having consideration for delivery requirements of other contractors for space in Cascade Reservoir. The Contractor shall, to the extent practicable, submit to the Contracting Officer, in advance of the storage use season, a schedule of probable water requirements. Changes in such schedule may be made only upon sufficient advance notice, at least three (3) days, to the Contracting Officer to allow him to adjust releases to meet the new schedules. The Contractor shall conform his diversions to the control of the stream as established by the State Officer.

(b) The Contractor shall use all practical methods to insure the economical and beneficial use of water.

Water Supply

12. (a) The water supply for irrigation of lands described in this contract is water to be stored in Cascade Reservoir under rights as defined in this contract. The United States has been issued State of Idaho Water License No. R-646 with a priority date of December 3, 1937, for the storage and beneficial use of 700,000 acre-feet per annum of the water of the North Fork of the Payette River in Cascade Reservoir. The total capacity of Cascade Dam and Reservoir is the capacity above elevation 4787.5 feet above sea level (USGS datum), which capacity as of the date of this contract is understood to be not less than 650,000 acre-feet. Of that total active capacity, there has been made available as "preferred capacity" nineteen and twenty-three one-hundreths percent (19.23%), and as "remaining capacity" eighty and seventy-seven one-hundreths percent (80.77%), with relative rights as described in this article. These percentages are the equivalent of 125,000 acre-feet of preferred capacity and 525,000 acre-feet of remaining capacity so

long as the active capacity of the reservoir is not less than 650,000 acre-feet. As provided in Article 9, the Contractor's storage rights shall comprise eight thousandths percent (.008%) of the remaining capacity.

(b) The United States will operate Cascade Dam and Reservoir so as to store under existing storage rights all available water, and will credit the first inflow stored during each water year to the preferred capacity therein; and during each irrigation season the United States will make available to the holder of the rights to the preferred capacity the water therein, in accordance with the applicable provisions of the amendatory contract between the United States of America and the Black Canyon Irrigation District, dated September 2, 1954, Contract No. 14-06-W-70. The Contractor's rights to participate in the stored water accruing to its share of the remaining capacity shall be subject to the requirements of Contract No. 14-06-W-70 concerning the operation of the preferred capacity.

The Contract may hold over in Cascade Reservoir water from prior years, subject to these limitations:

(1) Water may be held only to the extent that the total amount of Cascade stored water held to the credit of the Contractor for any irrigation season shall not exceed the amount which can be stored in the Contractor's proportionate part of the total active capacity of that reservoir. Water held to the credit of the Contractor may include stored water temporarily held in Cascade Reservoir which the Contract may now or in the future have entitlements to based on storage rights in upstream reservoirs; and

(2) Whatever water is held for the credit of the Contractor in Cascade Reservoir as holdover water shall no longer be accounted for as holdover water as of any date of spilling of the reservoir.

(c) Except for the preference status of the preferred capacity as to the first inflow of each water year, all space in Cascade Reservoir shall be operated with like priority as to storage rights; and the Untied States reserves the privilege of granting to others holdover rights and of itself exercising such holdover rights as to any unsold space that are not inconsistent with the rights granted to the Contractor under this contract. While the Contractor's storage rights are defined in terms of active capacity in Cascade Reservoir, the United States shall have the right, without change in the Contractor's obligations with respect to storage rights, to store water accrued to those rights in any storage capacity available to it on the Payette River so long as delivery for the Contractor of all stored water to which he is entitled under this contract is not in anywise impaired. In determining the amount of stored water available, losses incidental to storage will be prorated equally over all water in storage in a given reservoir; and, in determining the amount of stored water, the point of measurement shall be the outlet works of the reservoir from which delivery is made.

(d) In the event the distribution of the waters of the Payette River becomes the responsibility of the State Watermaster or other official of the State of Idaho, arrangements may be made between such state official and the officer of the United States in charge of Cascade Dam and Reservoir concerning the schedule of delivery of stored water hereunder. Whatever costs of distribution by the state official are chargeable to the Contractor's water supply shall be paid by the Contractor.

Artilce 12 (continued)

United States Not Liable For Water

Shortages Or Interruptions

13. No liability shall accrue against the United States or any of its officers, agents, or employees for damage, direct or indirect, arising by reason of shortages in the quantity of water available from Cascade Reservoir or interruptions in water deliveries to land of the Contractor resulting from drought, inaccuracy in distribution, hostile diversion, prior or superior claims, accident to or failure of facilities of the United States, whether or not attributable to negligence of officers, agents, or employees of the United States, or other causes of whatsoever kind. Nor shall the Contractor's obligations to the United States under this contract be reduced by reason of such shortages or interruptions.

Operation and Maintenance Charge

14. (a) The Contractor shall pay to the United States, so long as this contract remains in effect and in advance on or before April 1 of each year, the estimated cost of operation and maintenance of Cascade Reservoir as is properly apportionable to the Contractor's right to stored water, as provided herein, such cost to be estimated by the Contracting Officer. The Contractor's share of annual operation and maintenance cost is five thousandths percent (.005%) of the total annual operation and maintenance costs of Cascade Reservoir: Provided, however, That the minimum annual operation and maintenance charge shall not be less than $50. This minimum annual charge shall be reviewed by the Contracting Officer and revised from time to time to cover costs to the Untied States.

(b) Payment for calendar year 1989 and thereafter will be due on April 1 of each year.

(c) Whenever, in the opinion of the Contracting Officer, fund so advanced will be inadequate to operate and maintain Cascade Reservoir, he may give a supplemental operation charge notice stating therein the amount of the Contractor's share of additional funds required, and the Contract shall advance that additional amount on or before the date specified in the supplemental notice. If funds advanced by the Contractor under this article exceed the Contractor's share of the actual cost of the operation and maintenance of Cascade Reservoir for the year for which advanced, the surplus shall be credited on the operation and maintenance charges to become due for succeeding years: Provides, however, That the minimum annual operation and maintenance charge shall not be less than $50.

(d) All payments from the Contractor to the United States under this contract shall be made by the medium requested by the United States. The required medium of payment may include checks, wire transfers, or other types of payment specified by the United States. Except when otherwise specified by the United States, all payments shall be made by check.

Elements of Contract Charges

15. The costs which make up the operation and maintenance obligations to be paid by the Contractor to the United States under this contract shall embrace all expenditures of whatsoever nature or kind in relation to the function for which the charge is made, including, but without limitation by reason of the enumeration, cost of surveys and investigations, labor,

property, material and equipment, engineering, legal work, superintendence, administration, overhead, general expenses, inspections, special services, and damage claims of all kinds, whether or not involving the negligence of officers, agents, or employees of the United States. The Contracting Officer's determination as to what costs are properly chargeable, the amount thereof, and the classification of those charges for repayment purposes shall be conclusive.

Contract Preparation Assignment Fee

16. (a) Upon execution of this contract, a $100 fee for the preparation of this contract is due and payable by the Contractor to the United States.

(b) All future contract actions, including new contracts, contract amendments, supplements, and assignments will be charged a $100 fee; Provided, That the fee shall be reviewed by the Contracting Officer and revised from time to time to cover costs to the United States.

Refusal of Water in Case of Default; Termination

17. No water shall be delivered to the Contractor during any year until all charges herein provided to be paid as of that year shall have been fully paid. Should the Contractor be in arrears on any charge under this contract for a period of 30 days, the Contracting Officer may, at his option, terminate this contract by notice in writing to the Contractor, and the Contractor thereafter shall have no further right or interest in this contract or the stored water provided hereunder. The Contractor, for himself, his successors and assigns, and all or any persons claiming under or through the Contractor, expressly consents and agrees that after such termination by the Contracting Officer, all rights to receive water from said Cascade Reservoir, either by reason of this contract or by reason of the previous delivery of water

hereunder, shall thereupon terminate and revest in the United States, as fully and completely as if no contract had ever been made and no water had ever been furnished from said Cascade Reservoir. In case of such termination, the payments heretofore made by the Contractor under this contract shall be deemed the rental price of the use theretofore allowed the Contractor of said reservoir capacity for the storage of said water, and the Contractor acknowledges that such payments are no more than a reasonable rental of the proportionate part of the reservoir space used as herein provided for furnishing said stored water. The provisions of this article are not exclusive and shall not any any manner hinder the United States from exercising any other remedy to enforce collection of the monies payable hereunder.

Title to Remain in United States

18. The title to, management, and control of Cascade Reservoir shall remain in the United States until otherwise provided by the Congress.

Consolidation of Contracting Entities

19. The Contractor, if not an irrigation district, water supply company, or similar water user organization, agrees that should such an entity be organized that is acceptable to the Contracting Officer and capable to serve Contractor's lands from the Cascade Reservoir, this contract shall automatically terminate and rights and responsibilities thereunder shall rest in said organization: Provided, however, That each member shall preserve the water entitlements represented by the existing contracts.

Charges for Delinquent Payments

20. (a) The Contractor shall be subject to interest, administrative, and penalty charges on delinquent installments or payments, pursuant to section 11 of the Debt Collection Act of 1982 (Public Law 97-365). When a payment is not received within 30 days of the due date, the Contractor shall pay an interest charge for each day the payment is delinquent beyond the due date. When a payment becomes 60 days delinquent, the Contractor shall pay an administrative charge to cover additional costs of billing and processing the delinquent payment. When a payment is delinquent 90 days or more, the Contractor shall pay an additional penalty charge of 6 percent per year for each day the payment is delinquent beyond the due date. Further, the Contractor shall pay any fees incurred for debt collection services associated with a delinquent payment.

(b) The interest charge rate shall be the greater of the rate prescribed quarterly in the Federal Register by the Department of the Treasury for application to overdue payments, or the interest rate of 0.5 percent per month prescribed by section 6 of the Reclamation Project Act of 1939 (Public Law 76-260). The interest charge rate shall be determined as of the due date and remain fixed for the duration of the delinquent period.

(c) When a partial payment on a delinquent account is received, the amount received shall be applied first to the penalty and administrative charges, second, to the accrued interest, and third to the overdue payment.

Compliance with Reclamation Laws

21. The parties agree that the delivery of irrigation water or the use of Federal facilities pursuant to this contract is subject to Reclamation law, as amended and supplemented, including, but not limited to, the Reclamation Reform Act of 1982 (Public Law 97-293).

Books, Records, and Reports

22. The Contractor shall establish and maintain accounts and other books and records pertaining to administration of the terms and conditions of this contract, including: land use (crop census), landownership, land leasing and water use data; and other matters that the Contracting Officer may require. Reports thereon shall be furnished to the Contracting Officer in such form and such date or dates as the Contracting Officer may require. Subject to applicable Federal laws and regulations, each party to this contract shall have the right during office hours to examine and make copies of the other party's books and records relating to matters covered by this contract.

Assignment Limited--Successors and Assigns Obligated

23. The provisions of this contract shall apply to and bind the successors and assigns of the parties hereto, but no assignment or transfer of this contract or any right or interest therein shall be valid until approved in writing by the Contracting Officer.

Officials Not To Benefit

24. No Member of or Delegate to Congress, Resident Commissioner, or official of the Contractor shall benefit from this contract other than as a water user or landowner in the same manner as other water users or landowners.

Contingent on Appropriation or Allotment of Funds

25. The expenditure or advance of any money or the performance of any obligation of the United States under this contract shall be contingent upon appropriation or allotment of funds. Absence of appropriation or allotment of funds shall not relieve the Contractor from any obligations under this contract. No liability shall accrue to the United States in case funds are not appropriated or allotted.

Notices

26. Any notice, demand, or request authorized or required by this contract shall be deemed to have been given, on behalf of the Contractor, when mailed, postage prepaid, or delivered to the Regional Director, PN Region, Bureau of Reclamation, Box 043, 550 West Fort Street, Boise, Idaho 83724, and on behalf of the United States, when mailed, postage prepaid, or delivered to Michael J. and Faye L. Lowe, P.O. Box 182, Horseshoe Bend, Idaho 83629. The designation of the addressee or the address may be changed by notice given in the same manner as provided in this article for other notices.

Quality of Water

27. The operation and maintenance of project facilities shall be performed in such manner as is practicable to maintain the quality of raw water made available through such facilities at the highest level reasonably attainable, as determined by the Contracting Officer. The United States does not warrant the quality of water and is under no obligation to construct or furnish water treatment facilities to maintain or better the quality of water.

Water and Air Pollution Control

28. The Contractor, in carrying out this contract, shall comply with all applicable water and air pollution laws and regulations of the United States and the State of Idaho and shall obtain all required permits or licenses from the appropriate Federal, State, or local authorities.

Water Conservation

29. Prior to the delivery of water provided from or conveyed through federally constructed or federally financed facilities pursuant to this contract, the Contractor shall develop an effective water conservation program acceptable to the Contracting Officer. The water conservation program shall contain definite water conservation objectives, appropriate economically feasible water conservation measures, and time schedules for meeting those

objectives. At subsequent 5-year intervals, the Contractor shall submit a report on the results of the program to the Contracting Officer for review. Based on the conclusions of the review, the Contracting Officer and the Contractor shall consult and agree to continue or to revise the existing water conservation program.

Equal Opportunity

30. During the performance of this contract, the Contractor agrees as follows:

(a) The Contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The Contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to, the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Contracting Office setting forth the provisions of this nondiscrimination clause.

(b) The Contractor will, in all solicitations or advertisements for employees placed by or on behalf of the Contractor, state that all qualified applicants will receive consideration for employment without discrimination because of race, color, religion, sex, or national origin.

(c) The Contractor will send to each labor union or representative of workers with which it has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the Contracting Officer, advising the said labor union or workers' representative of the Contractor's commitments under Section 202 of Executive Order 11246 of September 24, 1965, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(d) The Contractor will comply with all provisions of Executive Order No. 11246 of September 24, 1965, as amended, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(e) The Contractor will furnish all information and reports required by said amended Executive Order and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to its books, records, and accounts by the Contracting Officer and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(f) In the event of the Contractor's noncompliance with the nondiscrimination clauses of this contract or with any of the such rules, regulations, or orders, this contract may be canceled, terminated, or suspended, in whole or in part, and the Contractor may be declared ineligible for further

Government contracts in accordance with procedures authorized in said amended Executive Order, and such other sanctions may be imposed and remedies invoked as provided in said Executive Order, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(g) The Contractor will include the provisions of paragraphs (a) through (g) in every subcontract or purchase order unless exempted by the rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of said amended Executive Order, so that such provisions will be binding upon each subcontractor or vendor. The Contractor will take such action with respect to any subcontract or purchase order as may be directed by the Secretary of Labor as a means of enforcing such provisions, including sanctions for noncompliance: Provided, however, That in the event the Contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

Compliance with Civil Rights Laws and Regulations

31. (a) The Contractor shall comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d), Section 504 of the Rehabilitation Act of 1975 (Public Law 93-112, as amended), the Age Discrimination Act of 1975 (42 U.S.C. 6101, et seq.) and any other applicable civil rights laws, as well as with their respective implementing regulations and guidelines imposed by the U.S. Department of the Interior and/or Bureau of Reclamation.

(b) These statutes require that no person in the United States shall, on the grounds of race, color, national origin, handicap, or age, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving financial assistance from the Bureau of Reclamation. By executing this contract, the Contractor agrees to immediately take any measures necessary to implement this obligation, including permitting officials of the United States to inspect premises, programs, and documents.

(c) The Contractor makes this agreement in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property discounts or other Federal financial assistance extended after the date hereof to the Contractor by the Bureau of Reclamation, including installment payments after such date on account of arrangements for Federal financial assistance which were approved before such date. The Contractor recognizes and agrees that such Federal assistance will be extended in reliance on the representations and agreements made in this article, and that the United States reserves the right to seek judicial enforcement thereof.

IN WITNESS WHEREOF, the parties hereto have caused this contract to be executed the day and year first above written.

UNITED STATES OF AMERICA

By John W. Keys, III
Regional Director, PN Region
Bureau of Reclamation
Box 043 - 550 West Fort Street
Boise, Idaho 83724

CONTRACTOR

By

STATE OF IDAHO)
: ss.
County of ~~Ada~~ E.)

On this 16th day of December, 1988, personally appeared before me John W. Kuyo, III, known to me to be the official of the United States of America that executed the within and foregoing instrument and acknowledged said instrument to be the free and voluntary act and deed of said United States, for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute said instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal as of the day and year first above written.

Diana L. Jacobs
Notary Public in and for the
State of Idaho
Residing at Boise
My commission expires: 5-23-94

(SEAL)

* * * * * * * * * *

STATE OF IDAHO)
: ss
County of Boise)

On this 22 day of Sept., 1988, before me, Sandra Seibel, a Notary Public, personally appeared Michael J. Lowe and Jane Lowe, individuals described in and who executed the within and foregoing instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal as of the day and year first above written.

Sandra Seibel
Notary Public in and for the
State of Idaho
Residing at Horseshoe Bend
My commission expires: 2/10/92

(SEAL)

November 7, 1962

RE: Permit No. R-646

M. B. Austin, Acting Regional Director
Bureau of Reclamation
Box 937
Boise, Idaho

Dear Mr. Austin:

Enclosed is License and Certificate of Water Right for storage of 700,000 acre feet per annum of waters of North Fork Payette River.

There is no fee as the fees were paid under other water rights.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rule
Chief Clerk

EPR:mr

Enc. license

R-646

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

NOTICE OF APPLICATION TO STORE AND APPROPIATE WATER IN ACCORDANCE WITH THE PROVISIONS OF HOUSE BILL 293, 1935 SESSION LAWS

NOTICE IS HEREBY GIVEN That on the 3rd day of December, 1937, the UNITED STATES OF AMERICA, Acting through R. J. Newell, Construction Engineer, Bureau of Reclamation, Boise, Idaho, made application No. R-25893 to store and appropriate 700,000 acre feet per annum of the waters of the North Fork of the Payette River for irrigation and power purposes.

That the point of outlet of the proposed reservoir is to be located S. 31° West 811 feet from the NE corner of Sec. 26, T. 14 N., R. 3 E., B.M., and is in the NE¼NE¼ of Sec. 26, T. 14 N., R. 3E., B. M., County of Valley.

That the proposed point of use of the water to be used for power purposes is located S. 32° E. 1100 feet from the N¼ corner of Sec. 20, T. 10 N., R. 4E., B. M., in the NW¼ NE¼ of Sec. 20, T. 10 N., R. 4E., B. M.

That the water is to be returned to Scriver Creek at a point S. 32° E 1100 feet from the N¼ corner of Sec. 20, T. 10N., R. 4E., B. M. in the NW¼NE¼ of Sec. 20, T. 10N., R. 4E., B. M.

That the point of diversion of the stored water to be used for irrigation purposes is located S. 44° 45' E. 370 feet from the NE corner of Sec. 26, T. 11 N., R. 3E., B. M., in lot 1 of Sec. 26, T. 11N., R. 3E., B. M.

That the lands to be irrigated under said application are described as follows, to-wit:

N½ NE¼, N½NW¼, Sec.5; NE¼, NW¼ NW¼, Sec. 6, T. 4 N., R. 2 W., B. M.

NE¼, N½ NW¼, SW¼ NW¼, NE¼ SW¼. Secton 1; N½, N½SW¼, SW¼SW¼, N½SE¼, Sec. 2; All Sec. 3, 4, & 5; N½N½SW¼, SE¼ Sec. 6; N½NE¼, SE¼NE¼, Sec. 8; N½, NE¼SW¼, N½SE¼, SE¼SE¼, Sec. 9; NE¼, Sec. 16, T. 4N., R. 3W., B. M.

NE¼, N½NW¼, Sec. 1; NE¼ NE¼, Sec. 2, T. 4 N., R., 4 W., B. M.

W½NW¼, SE¼ NW¼, SW¼, SW¼SE¼ Sec. 17; NW¼NE¼, S½NE¼, NW¼, S½, Sec. 18; All Sec. 19; N½, SW¼, NW¼, SE¼, S½ SE¼, Section 20; SW¼SW¼, SE¼, Sec. 21; S½ SW¼, Sec. 22; N½, NW¼ SW¼, Sec. 27; All Sec. 28, 29 and 30, N½, SW¼, N½ SE¼, SE¼ SE¼, Sec. 31; All Sec. 32; W½ NW¼, SW¼, NW¼ SE¼, Sec. 33, T. 5 N., R. 2 W., B. M.

S½; Sec. 1; W½SW¼, Sec. 2; All Sec. 3, 4, 5, 6, 7, 8, 9, and 10; NE¼ NE¼, S½ NE¼, S½, Sec. 11, NW¼, NW¼ SW¼, SE¼ SW¼, SW¼SE¼, Sec. 12; N½, SW¼, N½ SE¼, SW¼ SE¼, Sec. 13; All Sec. 14, 15, and 16; NE¼, NW¼ NW¼, S½ NW¼, S½ Sec. 17; N½ NE¼, SW¼ NE¼, NW¼, E½ SW¼, SE¼, Sec. 18; All Sec. 19, 20, 21, 22, 23, 24, 25, 26, and 27; N½, SW¼, NE¼ SE¼, S½ SE¼, Sec. 28; All Sec. 29, 30, 31, 32, 33, 34, 35, and 36, T. 5 N., R. 3 W., B. M.

All Sec. 1 and 2; NE¼, NW¼ NW¼, S½ NW¼, S½, Sec. 3; All Sec. 4; NW¼ NE¼, S½ NE¼; NW¼, S½, Sec. 5; All Sec. 6, 7, 8, 9, 10, 11, 12, and 13; N½, NW¼ SW¼, S½ SW¼, SE¼, Sec. 14; All Sec. 15, 16, 17, and 18; N½ NE¼, Sec. 19; NE¼ NE¼, N½ NW¼, Sec. 20; NE¼ NE¼, S½ NE¼, SE¼ NW¼, SW¼, N½ SE¼, SW¼ SE¼, Sec. 21; All Sec. 22, 23, 24, 25, and 26; NE¼, N½ NW¼, SE¼, Sec. 27; NW¼ NW¼, Sec. 28; N½ NE¼, Sec. 29; N½, NE¼ SW¼, Sec. 35; All Sec. 36, T. 5 N., R. 4 W., B. M.

All Sec. 1; N½, N½ SW¼, N½ SE¼, SE¼ SE¼, Sec. 2; NE¼, N½NW¼, SE¼ NW¼, 11; All Sec. 12, 13, and 14; NE¼, N½ NW¼, SE¼ NW¼, E½ SW¼, N½ SE¼, SE¼ SE¼, Sec. 15; W½ NE¼, NE¼ NW¼, SW¼, N½ SE¼, SW¼ SE¼, Sec. 16; N½ NE¼, SW¼ NE¼, NW¼, SW¼, NW¼ SE¼, S½ SE¼, Sec. 17; All Sec. 18; N½ NE¼, NE¼ NW¼, Sec. 19; N½ NE¼, SE¼ NE¼, N½ NW¼, Sec. 20; NW¼ NE¼, S½ NE¼, NW¼, N½ SW¼, SE¼ SW¼, SE¼, Sec. 21; NE¼ NE¼, S½ NE¼, SW¼ NW¼, S½, Sec. 22; All Sec. 23 and 24; N½, Sec. 25; N½ Sec. 26; NE¼ NE¼, S½ NE¼, N½ NW¼, SE¼ NW¼, Sec. 27; NE¼ NE¼, Sec. 28, T. 6 N., R. 2 W., B. M.

All Sec. 1, 2, and 3; N½, N½ SW¼, SE¼ SW¼, SE¼, Sec. 4; N½ NE¼, SE¼ NE¼, NE¼ SE¼, Sec. 5; NW¼ NE¼, NW¼, NW¼ SW¼, Sec. 6; S½ NE¼, E½ SW¼, NW¼ SE¼, S½ SE¼, Sec. 7; N½ NE¼, SE¼ NE¼, NE¼ NW¼, Sec. 9; N½, NE¼ SW¼, SE¼, Sec. 10; all Sec. 11; NE¼, N½ NW¼, SE¼ NW¼, S½, Sec. 12; N½, NE¼ SW¼, N½ SE¼, SE¼ SE¼, Sec. 13; N½ NE¼, SE¼ NE¼, E½ SE¼, Sec. 21; NW¼, W½ SW¼, Sec. 22; W½ NW¼, N½ SW¼, SW¼ SW¼, Sec. 27; NE¼, Sec. 28; W½ NW¼, N½ SW¼, SW¼ SW¼, E½ SE¼, Sec. 29; All Sec. 30 & 31; NE¼ NE¼, S½ NE¼, NW¼, S½, Sec. 32; NE¼ NE¼, S½ NE¼, NW¼, S½, Sec. 33; S½ NE¼, NW¼, S½, Sec. 34; NW¼ NE¼, NW¼, NW¼ SW¼, Sec. 35, T. 6 N., R. 3 W., B. M.

N½ NW¼, SE¼ NW¼, E½ SW¼, NW¼ SE¼, S½ SE¼, Sec. 3; NE¼, SE¼ NW¼, NE¼ SW¼, NE¼ SE¼, Sec. 4; SE¼ SE¼, Sec. 8; SE¼ NE¼, NE¼ SW¼, S½ SW¼, SE¼, Sec. 9; All Sec. 10; S½ NE¼, S½ NW¼, S½, Sec. 11; SW¼ NW¼, NW¼ SW¼, S½ SW¼, SE¼, Sec. 12; N½, N½ SW¼, SE¼ SW¼, SE¼, Sec. 13; All Sec. 14; NE¼, NE¼ NW¼, S½ NW¼, S½, Sec. 15; S½ NE¼, N½ NW¼, SE¼ NW¼, NE¼ SW¼, SE¼, Sec. 16; NE¼, N½ NW¼, SE¼ NW¼, NE¼ SW¼, SE¼, Sec. 22; All Sec. 23; NE¼, NE¼ NW¼, S½ NW¼, S½, Sec. 24; All Sec. 25 and 26; N½, SW¼, S½ SE¼, Sec. 27; NE¼, SE¼ NW¼, E½ SE¼, Sec. 28; NW¼ SW¼, S½ SW¼, Sec. 29; NW¼ NW¼, S½ NW¼, SW¼, E½ SE¼, Sec. 31; W½, Sec. 32; SW¼ SW¼, S½ SE¼, Sec. 33; N½, E½ SW¼, SE¼, Sec. 34; All Sec. 35 and 36, T. 6 N., R. 4 W., B. M.

N½, N½ SW¼, NW¼ SE¼, Sec. 1; N½, SW¼, N½ SE¼, Sec. 2; All Sec. 3 and 4; N½, Sec. 5; NE¼, NE¼ NW¼, E½ SW¼, SE¼, Sec. 9; N½ NE¼, SW¼ NE¼, W½, N½ SE¼, SW¼ SE¼, Sec. 10; S½ NE¼, NW¼, Sec. 11; NW¼ NE¼, S½ NE¼, W½, N½ NE¼, SE¼ NW¼, SW¼, Sec. 15; NE¼, E½ NW¼, S½, Sec. 16; NE¼ NE¼, S½ NE¼, SE¼, Sec. 20; All Sec. 21; SW¼ NE¼, NW¼, SW¼, Sec. 22; S½ NE¼, SE¼ SW¼, SE¼, Sec. 25; NE¼ NW¼, W½ NW¼, SE¼ SW¼, W½ SE¼, Sec. 27; N½, SW¼, SW¼ SE¼, Sec. 28; NE¼, SE¼ NW¼, S½, Sec. 29; N½ NE¼, NE¼ NW¼, Sec. 32; NE¼, N½ NW¼, SE¼ NW¼, SE¼, Sec. 33; NW¼ NE¼, S½ NE¼, NW¼, S½ NE¼, NW¼, SW¼ NW¼, S½, Sec. 34; NE¼, SE¼ NW¼, S½, Sec. 35; All Sec. 36 T. 6 N., R. 5 W., B. M.

SE¼ NW¼, E½ SW¼, Sec. 22; NW¼ NE¼, S½ NE¼, NW¼, S½, Sec. 27; SW¼ NE¼, SW¼ NW¼, S½, Sec. 28; All Sec. 29, 30, 31, and 32; N½, N½ SW¼, SW¼ SW¼, SE¼ NE¼, N½ NW¼, SE¼ NW¼, SW¼, N½ SE¼, SE¼ SW¼, Sec. 20; NE¼, NE¼ NW¼, S½ SW¼, SE¼, Sec. 21; NE¼, N½ NW¼, SE¼ NW¼, SW¼, N½ SE¼, SW¼ SE¼, Sec. 22; All Sec. 23, and 24; N½, N½ SW¼, SE¼ SW¼, SE¼, Sec. 25; N½, SW¼, N½ SE¼, Sec. 26; All Sec. 27 and 28, W½ NE¼, NW¼, S½, Sec. 29; All Sec. 30 and 31; N½ NE¼, SE¼ NW¼, S½, Sec. 32; All Sec. 33, 34 and 35; NE¼ NE¼, S½ NE¼, NW¼, N½ SW¼, NW¼ SE¼, S½ SE¼, Sec. 36, T. 7 N., R. 3 W., B. M.

N½, S½ SW¼, SE¼, Sec. 1; N½ NE¼, NW¼, S½, Sec. 2; All Sec. 3; N½, N½ SW¼, SW¼ SW¼, S½ SE¼, Sec. 4; All Sec. 5, 6, 7, 8, 9, 10, and 11; NE¼ NE¼, S½ NE¼, NW¼, S½, Sec. 12; All Sec. 13, 14, 15, 16, 17, and 18; N½ NE¼, W½ SW¼, Sec. 19; NE¼, N½ NW¼, SE¼ NW¼, NE¼ SW¼, SE¼, Sec. 20; All Sec. 21, 22, 23, 24, 25, 26, and 27; N½, N½ SW¼, N½ SE¼, SE¼ SE¼, Sec. 28; E½ NE¼, NE¼ SE¼, Sec. 29; NW¼ NW¼, S½ NW¼, SW¼, Sec. 30; N½ NW¼, SW¼ NW¼, SW¼, Sec. 31; NE¼ SW¼, NW¼ SE¼, S½ SE¼, Sec. 33; N½ NE¼, SW¼ NE¼, NW¼, SW¼, Sec. 34; N½, N½ SE¼, SE¼ SE¼, Sec. 35; All Sec. 36, T. 7 N., R. 4 W., B. M.

All Sec. 1, 2, 3, and 4; NE¼, SE½, Sec. 5; E½ NE¼, SE¼, Sec. 8; All of Sec. 9, 10, 11, and 12; N½, SW¼, N½ SE¼, SW¼ SE¼, Sec. 13; All Sec. 14, 15, and 16; E½ NE¼, NE¼ NW¼, S½ NW¼, Sec. 17; NE¼, E½ SE¼, Sec. 20; All Sec. 21, 22, 23, 24, and 25; NE¼ NE¼, S½ NE¼, NW¼, S½, Sec. 26; All Sec. 27, 28; E½ NE¼, E½ SE¼, Sec. 29; All Sec. 30; NE¼, SE¼ NW¼, S½, Sec. 32; All Sec. 33, 34, and 35; N½, SW¼, N½ SE¼, SW¼ SE¼, Sec. 36, T. 7 N. R. 5 W., B. M.

S½ SW¼, Sec. 7; SW¼ NW¼, NW¼ SW¼, Sec. 16; S½ NW¼, S½ Sec. 17; N½, SW¼, Sec. 18; SW¼ NW¼, S½, Sec. 19; N½ NE¼ SW¼, S½ SW¼, SE¼, Sec. 20; SW¼ NW¼, S½, Sec. 21; SW¼ SW¼, Sec. 22; SE¼ SW¼, NE¼ SE¼, S½ SE¼, Sec. 24; N½ NE¼, SW¼ NE¼, NE¼ NW¼, S½ NW¼, N½ SW¼, SW¼ SW¼, Sec. 25; S½ NE¼, S½ NW¼, S½, Sec. 26; NE¼, N½ NW¼, SE¼ NW¼, S½, Sec. 27; S½ NW¼, S½, Sec. 28; All Sec. 29 and 30; N½, SW¼, N½ SE¼, SW¼ SE¼, Sec. 31; All Sec. 32 and 33; N½, SW¼, NW¼ SE¼, S½ SE¼, Sec. 34; N½, N½ SW¼, SE¼ SW¼, SE¼, Sec. 35; NW¼, S½, Sec. 36, T. 8 N., R. 4 W., B. M.

NW¼ NW¼, NW¼ SW¼, S½ SW¼, S½ SE¼, Sec. 2; All Sec. 3; N½, SW¼, N½ SE¼, SW¼ SE¼, Sec. 4; N½, N½ SW¼, SE¼ SW¼, SE¼, Sec. 6; NE¼, E½ NW¼, NE¼ SE¼, Sec. 8; All Sec. 9; N½, NE¼ SW¼, SW¼ SW¼, SE¼, Sec. 10; All Sec. 11; NW¼ NW¼, S½ NW¼, SW¼, NW¼ SE¼, S½ SE¼, Sec. 12; All Sec. 13; N½, NW¼ SW¼, S½ SW¼, SE¼, Sec. 14; S½ NE¼, W½, NE¼ SE¼, S½ SE¼, Sec. 15; NE¼, NE¼ NW¼, NE¼ SE¼, Section 16; NE¼, NW¼ NW¼ S½ NW¼, S½, Sec. 22; All Sec. 23; NE¼, NE¼ NW¼, S½ NW¼, S½, Sec. 24; All Sec. 25 and 26; NW¼, S½, Sec. 27; All Sec. 34, 35, and 36, T. 8 N., R. 5 W., B. M.

N½ NE¼, SW¼ NE¼, W½, W½ SE¼, Sec. 1; E½ NE¼, SE¼, Sec. 2; NE¼, E½ NW¼, S½, Sec. 11; NE¼, W½ NW¼, S½ SW¼, SW¼ SE¼, Sec. 12; NW¼, N½ SW¼, SW¼ SE¼, Sec. 13; All Sec. 14; E½ NE¼, E½ SE¼, Sec. 15; E½ NE¼, S½, Sec. 22; All Sec. 23; W½, Sec. 24; NW¼, NW¼ SW¼, S½ SW¼ Sec. 25; All Sec. 26 & 27; NE¼, SE¼ NW¼, NE¼ SW¼, S½ SW¼, Sec. 28; SE¼ SW¼, S½ SE¼, Sec. 29; NE¼, NE¼ NW¼, S½ NW¼, S¼, Sec. 32; W¼ SW¼, Sec.

said application.

DATED THIS 9th day of March, 1938.

R. W. FARIS
Commissioner of Reclamation

Date of First publication.
April 1, 1938.
Date of last publication:
April 15, 1938.
Last date for protest: April 18, 1938.

SERVICE of the foregoing by copy is hereby admitted this 22 day of March, 1938.

R. J. Newell
Applicant.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-303 V1

WATER RIGHT NUMBER: 63-303 V1

Owner Type	Name and Address
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

Source	Tributary
BOISE RIVER	SNAKE RIVER

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

Location of Point(s) of Diversion

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

Place of Use

Conditions 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, ELMORE COUNTIES, IDAHO, AND MALHEUR 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

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~~, ~~Gem~~ Boise Elmore Counties, Idaho, and Malheur County, Oregon (Big Bend Irrigation District)."
D) Remark should be added which reads "Arrowrock, Anderson, and Lucky Peak reservoirs (Lake Lowell, Arrowrock) 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

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 addrress each in turn.

1. How do we know that this instantaneous flow rate, with a relatively junior priority date, when dellvered 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 delivable 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?

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

Dave

-----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 it's 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 delivable 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, ~~378-5306~~. 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 alwasy 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 _____ ACRE-FEET 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

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 Date
Idaho Department of Water Resources

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)

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 208-378-5155
   Address: BUREAU OF RECLAMATION
   PN REGIONAL OFFICE
   1150 N CURTIS RD
   BOISE ID 83706-1234

   OR

   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

   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		

MICROFILMED
OCT 02 1996

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: / /

PIONEER IRR. DIST. (Decree Plaintiff) vs AMERICAN DITCH CO. (Decree Defendant)

MICROFILMED
OCT 0 2 1996

CLAIM NO.	FEATURE (PRIORITY DATE/EVIDENCE) (L = License, D = Decree, IC1 = IC 42-1409, IC2 = IC 42-243, S = Statutory)	QUANTITY 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 c.f.s.	a.f.
	Irrigation	120.0	
A63-02158	Arrowrock Reservoir Diversion (01/13/1911 L)	8,000	
	Irrigation	8,000	
A63-03613	Arrowrock Reservoir Storage (06/25/1938 L)		15,000
	Irrigation Storage		15,000
	Irrigation from Storage		15,000
A63-05262	Arrowrock Reservoir Storage (01/13/1911 S)		288,600
	Irrigation Storage		288,600
	Irrigation from Storage		288,600
	Power Storage		288,600
	Power from Storage		288,600
A63-05261	Anderson Ranch Reservoir Bank Storage (12/09/1940 S)		30,000
	Irrigation Storage		30,000
	Irrigation from Storage		30,000
	Power Storage		30,000
	Power from Storage		30,000
A63-03614	Anderson Ranch Reservoir Storage (12/09/1940 L)		493,161
	Irrigation Storage		487,961
	Irrigation from Storage		458,961
	Power Storage		493,161
	Power from Storage		464,161
	Municipal Storage		5,200
	Municipal from Storage		5,200
A63-00301	Boise Diversion Dam Diversion (12/14/1903 D)	1,354.58	
	Irrigation	1,354.58	
A63-00302	Boise Diversion Dam Diversion (06/16/1909 D)	634	
	Irrigation	634	
A63-02388	Boise Diversion Dam Diversion (08/18/1924 L)	300	
	Irrigation	300	
A63-00251	Boise Diversion Dam Diversion (03/23/1900 D)	219.1	
	Irrigation	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.	a.f.
A63-00367	Boise Diversion Dam Power (06/15/1909 D)	1,500	
	Power	1,500	
A63-00373	Boise Diversion Dam Diversion (04/01/1909 D)	292.5	
	Irrigation	292.5	
BOISE PROJECT-PAYETTE DIVISION			
A65-02288	Black Canyon Dam Diversion (05/14/1921 D)	1,300	
	Power	1,300	
A65-02433	Black Canyon Dam Diversion (09/19/1938 D)	1,200	
	Irrigation	1,200	
A65-09481	Black Canyon Dam Diversion (04/01/1926 D)	300	
	Power	300	
A65-09486	C-Line Pumping Plant Well (06/01/1946 D)	0.04	
	Domestic	0.04	
A65-09487	Black Canyon Dam Well (06/01/1924 D)	0.04	
	Domestic	0.04	
A65-09488	Black Canyon Dam Well (06/01/1924 D)	0.04	
	Domestic	0.04	
A65-11412	Black Canyon Dam Emmett I.D. Pumps (03/15/1924 IC2)	220	
	Power	220	
A65-02927A	Cascade Reservoir Storage (12/24/1937 D)		745,200
	Irrigation Storage		745,200
	Irrigation from Storage		745,200
	Power Storage		745,200
	Power from Storage		745,200
A65-02927B	Cascade Reservoir Storage - Municipal (12/24/1937 D)		2,500
	Municipal Storage		2,500
	Municipal from Storage		2,500
A65-03105A	Willow Creek Diversion (06/01/1889 D)	0.98	
	Irrigation	0.98	

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

CLAIM NO.	FEATURE (PRIORITY DATE/EVIDENCE) (L = License, D = Decree, IC1 = IC 42-1409, IC2 = IC 42-243, S = Statutory)	QUANTITY 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) (L = License, D = Decree, IC1 = IC 42-1409, IC2 = IC 42-243, S = Statutory)	QUANTITY c.f.s.	Page 6 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) (L = License, D = Decree, IC1 = IC 42-1409, IC2 = IC 42-243, S = Statutory)	QUANTITY c.f.s.	a.f.
MICHAUD FLATS PROJECT FALLS IRRIGATION DISTRICT			
A01-02061	Falls Irrigation District - Pumping plant (06/11/1956 L)	153	
	Irrigation	153	
A01-04051	Falls Irrigation District - Recharge Storage (04/01/1958 IC2)		11,000
	Groundwater Recharge Storage		11,000
A29-02262	Falls Irrigation District - Well E (01/24/1946 L)	2.2	
	Irrigation	2.2	
A29-02288	Falls Irrigation District - Well G (05/19/1950 L)	2.57	
	Irrigation	2.57	
A29-02306	Falls Irrigation District - Well B (07/02/1951 L)	2.85	
	Irrigation	2.85	
A29-02307	Falls Irrigation District - Well F (07/02/1951 L)	2.20	
	Irrigation	2.2	
A29-02310	Falls Irrigation District - Well Q (12/22/1951 L)	1.25	
	Irrigation	1.25	
A29-02341	Falls Irrigation District - Well M (10/29/1953 L)	2.61	
	Irrigation	2.61	
A29-02380	Falls Irrigation District - 17 Wells (06/11/1956 L)	44.61	
	Irrigation	44.61	
A29-02567	Falls Irrigation District - Well C (01/15/1952 L)	2.45	
	Irrigation	2.45	
A29-02568	Falls Irrigation District - Well P (04/07/1955 L)	3.79	
	Irrigation	3.79	
A29-02571	Falls Irrigation District - Well H (06/18/1950 L)	2.23	
	Irrigation	2.23	
A29-10047	Falls Irrigation District - Ditchrider's House (01/01/1956 IC1)	0.07	
	Irrigation	0.03	
	Domestic	0.04	

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

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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
	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	

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A21-00026	Fremont-Madison Irrigation District - Diversion (05/10/1889 D)	3.0	
	Irrigation	3.0	
A21-00027	Fremont-Madison Irrigation District - Diversion (05/10/1889 D)	3.0	
	Irrigation	3.0	
A21-00120	Fremont-Madison Irrigation District - Diversion (09/20/1901 D)	1.6	
	Irrigation	1.6	
A21-00121	Fremont-Madison Irrigation District - Diversion (06/01/1893 D)	1.0	
	Irrigation	1.0	
A21-00122	Fremont-Madison Irrigation District - Diversion (06/01/1901 D)	0.8	
	Irrigation	0.8	
A21-00123	Fremont-Madison Irrigation District - Diversion (06/01/1901 D)	0.8	
	Irrigation	0.8	
A21-00124	Fremont-Madison Irrigation District - Diversion (09/20/1901 D)	1.0	
	Irrigation	1.0	
A21-00125	Fremont-Madison Irrigation District - Diversion (06/01/1901 D)	0.8	
	Irrigation	0.8	
A21-00126	Fremont-Madison Irrigation District - Diversion (06/01/1900 D)	2.2	
	Irrigation	2.2	
A21-04155	Grassy Lake Dam - Stateline Delivery (02/13/1936 IC2)		15,204
	Irrigation Storage		15,204
	Irrigation from Storage		15,204
	Power Storage		15,204
	Power from Storage		15,204
A21-02156	Island Park Dam - Storage (03/14/1935 L)		90,000
	Irrigation Storage		90,000
	Irrigation from Storage		90,000
	Power Storage		90,000
	Power from Storage		90,000
A21-04156	Island Park Dam - Refill (11/15/1938 IC2)		135,000
	Irrigation Storage		135,000
	Irrigation from Storage		135,000

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	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

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	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	

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	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

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	Domestic	0.04	
A22-07022	Teton Dam - Wells *****PERMIT***** (04/23/1969 P)	80.88	
	Irrigation	80.88	
A22-07062	Teton Dam - Well - Domestic (01/05/1973 L)	0.06	
	Domestic	0.06	
A25-12223	Tex Creek - Spring - Cove Creek (01/01/1918 IC1)	0.08	
	Stockwater	0.04	
	Wildlife	0.04	
A25-12224	Tex Creek - Spring - Cove Creek (01/01/1918 IC1)	0.02	
	Stockwater	0.01	
	Wildlife	0.01	
A25-12225	Tex Creek - Spring - Indian Fork (01/01/1918 IC1)	0.08	
	Stockwater	0.04	
	Wildlife	0.04	
A25-12226	Tex Creek - Spring - Hayshed Creek/Indian Fork (01/01/1918 IC1)	0.02	
	Stockwater	0.01	
	Wildlife	0.01	
A25-12227	Tex Creek - Spring - Willow Springs (01/01/1918 IC1)	0.02	
	Stockwater	0.01	
	Wildlife	0.01	
A25-12228	Tex Creek - Spring - Pipe Creek (01/01/1918 IC1)	0.02	
	Irrigation	0.01	
	Domestic	0.01	
A25-12229	Tex Creek - Spring - Spring Creek (01/01/1918 IC1)	0.02	
	Stockwater	0.01	
	Wildlife	0.01	
A25-12231	Tex Creek - Spring Dog Tooth/Blue Creek (01/01/1918 IC1)	0.04	
	Stockwater	0.02	
	Wildlife	0.02	
A25-12234	Tex Creek - Indian Creek (01/01/1918 IC1)	0.04	

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

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

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)
) SS.
County of _____)

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

of _____ 19 _____

_____
Notary Public

Seal

Residing at _____

My Commission Expires _____

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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

RECEIVED
JUL 07 1989

Ident. Number: A63-02158
Date Received: 7/27/1988
Receipt No: _____
Received By: _____

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

11. Place of use in counties:

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

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OCT 0 2 1996

Form No. 243
9/81

Claim No. 63-5262

Boise Project
Arrow Rock Reservoir
Bank Storage
Second Fill

RECEIVED
JUL 5 1983
Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
CLAIM TO A WATER RIGHT

RECEIVED
JUN 30 1983
Department of Water Resources

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that The United States of America cating through the Regional Director Pacific Northwest Region, Bureau of Reclamation (Name of Claimant)
Federal Building and U.S. Courthouse
Box 043-550 West Fort Street, Boise, Idaho 83724 (Mailing Address) (Zip Code) Telephone No. (208) 334-1908

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) January 13, 1911

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
Boise River tributary to Snake River

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

	(cfs, af)	(Domestic, Irrigation, Stock, Etc.)		(Both dates inclusive) (Mo., Day)		(Mo., Day)
Quantity	303,600 af.	Use irrigation from S	Period of Use From	Mar. 15	To	Nov. 15
Quantity	303,600 AF	Use Storage for Fill	Period of Use From	1	To	12/31
Quantity		Use	Period of Use From		To	
Quantity		Use	Period of Use From		To	
Quantity		Use	Period of Use From		To	

(4) 303,600 af (cfs, af) TOTAL QUANTITY USED.

(5) A) Point of diversion: (Location of point where water is diverted from its source)
NW ¼ SE ¼, Sec. 13 Twp. 3 N. Rge. 4 E. B.M., County of Boise
Additional points of diversion:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Reservoir - total capacity 303,600

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
					AS DESCRIBED IN LICENSE NO's 7180 and R-652														
					R-652 - LANDS LOCATED IN ADA & CANYON CO.														

No. of acres

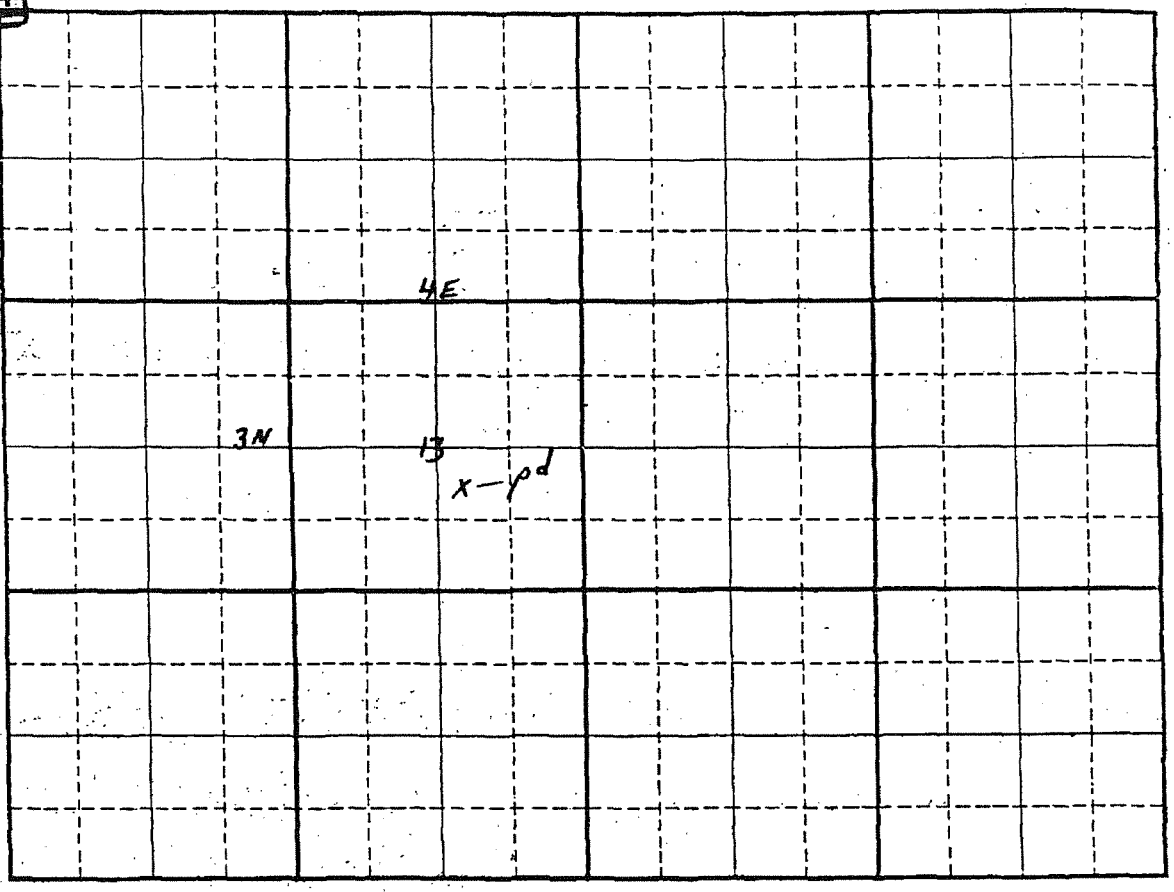
B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

NOTE: Include here the type and number of stock watered:

(7) If you are claiming water as a member of an organization, list name of organization: United States of America

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(8) Remarks Claim is for 17,000 acre-feet of reservoir capacity from bank storage and 286,600 acre-feet refill or second fill of reservoir capacity during some water years.



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
) ss.
County of Ada)

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

John W. Keys, III
Acting Regional Director (Claimant)

Sworn to before me this 30th day of June, 1983.

E. L. Thomas
Notary Public
Residing at Boise

My commission expires L.S.-e

FOR DEPARTMENT USE ONLY

Received by	SLL	7-5-83 Date	6/30/83	Exception filed by:	Fowarded to claimant by: Date
Prelim. check by	JG	Date	12/22/83		
$30.00 fee received by	SLL	Date	6/30/83	30059	
Published in	The Idaho World				
Dates	1/25 & 2/1/84				

STATE OF IDAHO,
County of Boise

Candace Jennings being duly sworn, deposes and says: that he is the manager and principal clerk of THE IDAHO WORLD, a weekly newspaper published at Idaho City, in the County of Boise and State of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Idaho City; that the advertisement, a copy of which is hereto attached, was published in said newspaper once a week for ...2.... consecutive weeks in the entire and regular issue of every number of said paper during the period and time of publication and was published in the newspaper and not a supplement; that said paper has been established and regularly and continuously published for more than seventy-eight weeks past previous to the first publication of this notice. Such notice was published in the issue beginning with

...1-25...., 19 84 and ending with the issue of ...2-1....

19 84

Candace Jennings

Subscribed and sworn to before me this 3 day of Feb. 1984

Notary Public

Wednesday, Febr

LEGAL NOTICES

NOTICE OF CLAIMS TO WATER RIGHTS

The following claim(s) have been filed on water rights created by diversion and beneficial use:

63-5250

BLUM, JAN
HC 33 BOX 2057, BOISE, ID 83706
Source: ROBIE CREEK, SOUTH FORK trib. to ROBIE CREEK
Priority Date: 04/01/1925
Diversion Pt: SESW LOT 04 Sec 31 T 04N R 04E
Use: IRRIGATION (0.02 CFS)
In: LOT 04 (SWSW) SESW Sec 31 T 04N R 04E FOR 2 ACRES

63-5251

POTE, JR., WM. W. H.
POTE, MARY LOU
HC 33 BOX 2057, BOISE, ID 83706
Source: ROBIE CREEK, SOUTH FORK trib. to ROBIE CREEK
Priority Date: 04/01/1960
Diversion Pt: SESW LOT 04 Sec 31 T 04N R 04E
Use: IRRIGATION (0.02 CFS)
In: LOT 04 (SWSW) SESW Sec 31 T 04N R 04E FOR 2 ACRES

63-5253

NEALE, CLIFFORD
GARDNER, BARBARA ANN
P.O. BOX 74, IDAHO CITY, ID 83631
Source: GREGORY GULCH STRLAM trib. to MORES CREEK
TOLLGATE GULCH trib. to MORES CREEK
Priority Date: 04/01/1971
Diversion Pt: LOT 04 LOT 05 Sec 04 T 06N R 05E
Use: IRRIGATION (0.02 CFS)
DOMESTIC (0.04 CFS)
In: LOT 05 (NWNW) Sec 04 T 05N R 05E FOR 1 ACRES

63-5262

U.S. DEPT. OF INTERIOR
BUREAU OF RECLAMATION, FEDERAL BLDG., BOX 043-550 W. FORT ST., BOISE, ID 83724
Source: BOISE RIVER trib. to SNAKE RIVER
Priority Date: 01/13/1911
Diversion Pt: NWSE Sec 13 T 03N R 04E
Use: IRRIGATION STORAGE (303000.0 AF)
IRRIGATION FROM STORAGE (303000.0 AF)
P/U: Within the lands of Arrow Rock Res.

Exceptions to a claim may be filed with the Director, Dept. of Water Resources, Western Region, Statehouse, Boise, Idaho 83720.
KEN DUNN, Dir.

Published in the Idaho World in Idaho City, Idaho on January 25 and February 1, 1984.

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
Western Region

Statehouse
Boise, Idaho 83720
(208) 334-2190

FEBRUARY 15, 1984

U.S. DEPT. OF INTERIOR
BUREAU OF RECLAMATION
FEDERAL BLDG.
BOX 043-550 W. FORT ST.
BOISE ID 83724

RE: Claim No. 63-5262

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,

DAVID B. SHAW
Western Region Supervisor

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Enclosure

63-5262

U.S. DEPT. OF INTERIOR

BUREAU OF RECLAMATION, FEDERAL BLDG., BOX 043-550 W. FORT ST., BOISE, ID 83724

Source: BOISE RIVER trib. to SNAKE RIVER

Priority Date: 01/13/1911

Diversion Pt: NWSE Sec 13 T 03N R 04E

Use: IRRIGATION STORAGE (303600.0 AF)
IRRIGATION FROM STORAGE (303600.0 AF)

P/U: Within the lands of Arrow Rock Res.

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STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Notice of Application to Store and Appropriate Water in Accordance With The Provisions of House Bill 282, 1935 Session Laws.

Notice is hereby given that on the 25th day of June, 1938, the United States of America, acting through R. J. Newell, Construction Engineer, Bureau of Reclamation, Boise, Idaho, made Application No. R-25886 to store and appropriate 15,000 acre feet per annum of the waters of the Boise River for irrigation and domestic purposes.

That the point of outlet of the reservoir is at Arrowrock Dam, in the NW¼SE¼ of Section 13, T. 3 N., R. 4 E., B. M., Counties of Boise and Elmore.

That the point of diversion of the stored water is in NW¼ SW¼ of Section 3, T. 2 N., R. 3 E., B. M.

That the lands to be irrigated under said application are described as follows, to-wit:

N½ NE¼, SE¼ NE¼, Sec. 5; N½ NE¼, E½ NW¼, Sec. 6, T. 1 N., R. 1 E., B. M.

All Sec. 1 & 2; N½, SW¼, N½ SE ¼, Sec. 3; All Sec. 4, 5, 6 & 7; N½, SW¼, N½ SE¼, SW¼ SE¼ Sec. 8; All Sec. 9; SW¼ NE¼, W½, W½ SE ¼, SE¼ SE¼, Sec. 10; NE¼ NE¼, NE¼ NW¼, Sec. 11; N½ NE¼, N½ NW¼, Sec. 12; N½ NE¼, SW¼ NE ¼, NW¼, NW¼ SW¼, Sec. 15; NE ¼, E½ NW¼, NE¼ SW¼, S½ SW¼, N½ SE¼, SW¼ SE¼, Sec. 16; W½ NE¼, NW¼, S½, Sec. 17; All Sec. 18, 19 & 20; NW¼ NE¼, W ½, Sec. 21; W½, NW¼ SE¼, S½ SE ¼, Sec. 28; All Sec. 29, 30, 31 & 32; N½, SW¼, N½ SE¼, SW¼ SE¼, Sec. 33; SW¼ NW¼, SW¼, Sec. 34, T. 2 N., R. 1 E., B. M.

All Sec. 1, 2, & 3; N½, Sec. 4; All Sec. 5 & 6; E½, N½ NW¼, SW¼ NW¼, Sec. 7; All Sec. 8; S½, Sec. NW¼, S½ SW¼, Sec. 7; All Sec. 8; S

Sec. 32; T. 3 N., R. 2 E., B. M.

S½ NW¼, SW¼, S½ SE¼, Sec. 31, T. 4 N., R. 2 E., B. M.

NW¼ NE¼, Sec. 4, T. 2 N., R. 3 E., B. M.

NE¼ SW¼, SE¼ SW¼, SE¼, Sec. 19; NW¼ SW¼, S½ SW¼, SW¼ SE¼, Sec. 20; SW¼ NW¼, SW¼, Sec. 28; NW¼ NE¼, S½ NE¼, NW ¼, N½ SW¼, SE¼ SW¼, SE¼, Sec. 29; E½ NE¼, SW¼ NW¼, N½ SW ¼, N½ SE¼, Sec. 30; W½ NE¼, NE ¼ NW¼, Sec. 32; SW¼ NW¼, N½ SW¼, SE¼ SW¼, SW¼ SE¼, Sec. 33, T. 3 N., R. 3 E., B. M.

SW¼ NW¼, W½ SW¼, Sec. 5; S-W¼ NE¼, NW¼, S½ Sec. 6; N½ N-E¼, SW¼ NE¼, W½, W½ SE¼, Sec. 7; W½, SW¼ SE¼, Sec. 18; NW¼ NE¼, S½ NE¼, NW¼, S½ Sec. 19; SW¼ NW¼, SW¼, Sec. 20; NW¼ NE¼, NW¼, NW¼ SW¼, Sec. 29; All Sec. 30; W½ NE¼, NE¼ NW ¼, Sec. 31, T. 1 S., R. 1 W. B. M.

S½ NE¼, NW¼, S½ Sec. 5; N½, N½ SW¼, N½ SE¼, Sec. 6; SE¼ SE¼, Sec. 7; NW¼ NE¼, NE¼ NW ¼, S½ SW¼, Sec. 8; N½ NW¼, Sec. 17; NE¼ NE¼, S½ NE¼, S½ SW¼, N½ SE¼, SW¼ SE¼, Sec. 18; NW¼ NE¼, NW¼, N½ SW¼, SW¼ SW¼, Sec. 19; NW¼, W½ SW¼, Sec. 30; T. 1 N., R. 1 W., B. M.

All Sec. 1, 2, 3, 4, 5, 6, 7, 8, 9 & 10; SE¼ NE¼, NW¼ NW¼, S½ NW¼, S½, Sec. 11; NE¼, NE¼ NW¼, S½ NW¼, S½, Sec. 12; All Sec. 13; 14, 15, 16, 17, 18, 19 20, 21, 22, 23, 24 & 25; NE¼ NE¼, S½ NE¼, S½ N-W¼, S½, Sec. 26; All Sec. 27, 28, 29, 30, 31, 32 & 33; N½ NE¼, NW¼, N ½ SW¼, Sec. 34; N½ NE¼, NE¼ NW¼, Sec. 35; NE¼, N½ NW¼, SE ¼ NW¼, SE¼, Sec. 36; T. 2 N., R. 1 W., B. M.

All Sec. 1; NE¼, W½ NW¼, S½, Sec. 2; All Sec. 3 & 4; E½ NE¼, N-W¼, S½, Sec. 5, 6, 7, 8, 9, 10 & 11; N ½, SW¼, NW¼ SE¼, S½ SE¼, Sec. 12; All Sec. 13, 14, 15, 16, 17, 17, 19, 20, 21, 22, 23, 24, 25, 26 27, 28, 29, 30, 31, 32, 33, 34 & 35; N½, SW¼, NW¼ SE¼, S½ SE¼, Sec. 36, T. 3 N., R. 1 W., B. M.

S½ SE¼, Sec. 20; NE¼ SW¼, 12; All Sec. 13, 14, 15, 16, 17, 18, 19, Sec. 21; NE¼ SE¼, SW¼ NE¼, NW ¼ SE¼, Sec. 23; N½ NE¼, SW¼, Sec 27; E½ NE¼, E½ SE¼ Sec. 28; NE ¼, Sec. 29; S½ NE¼, SE¼ NW¼, S ½, Sec. 31; S½ NE¼, S½ NW¼, S½, Sec. 32; NW¼ NE¼, S½ NE¼, S½ NW¼, S½, Sec. 33; NW¼ NE¼, NW¼, S½, Sec. 34; SW¼, S½ SE¼, Sec. 35; NW¼ NE¼, NE¼ NW¼, S½ NW¼, SW¼ SW¼, SE¼, Sec 36, T. 4 N., R. 1 W., B. M.

All Sec. 1 & 2; NE¼, E½ NW¼, NE¼ SW¼, S½ SW¼, SE¼, Sec. 3; NE¼, NE¼ NW¼, S½ NW¼, N½ S-W¼, SE¼ SW¼, N½ SE¼, SW¼ S-E¼, Sec. 10; NE¼, N½ NW¼, E½ SW¼, SE¼, Sec. 11; All Sec. 12 & 13; E½, NE¼ NW¼, SW¼, Sec. 14; E½, N½ NW¼, SE¼ NW¼, Sec. 15; NE¼ NE¼, Sec. 22; NE¼, W½ NW ¼, N½ SE¼, Sec. 23; N½, E½ SW¼, SE¼, Sec. 24; NE¼, NE¼ NW¼, S ½ NW¼, N½ SE¼, SE¼ SE¼, Sec 25; N½ NE¼, SE¼ NE¼, Sec. 26, T 1 S., R. 2 W., B. M.

All Sec. 1; E½ NE¼, NW¼, S½, Sec. 2; NE¼ SE¼, S½ SE¼, Sec. 3; NW¼, N½ SW¼, SE¼ SW¼, Sec. 4; NE¼, E½ NW¼, Sec. 5; NE¼, E½ NW¼, NE¼ SW¼, N½ SE¼, SE¼ SE¼, Sec. 9; E½, NW¼ NW¼, S½ NW¼, SW¼, Sec. 10; N½ NE¼, SW ¼ NE¼, W½, SW¼ SE¼, Sec. 11; NW¼ SW¼, S½ SW¼, Sec. 13; NW ¼ NE¼, S½ NE¼, W½, SE¼, Sec 14; All Sec. 15; E½ NE¼, Sec. 16; SE¼ NE¼, E½ SE¼, Sec. 21; All Sec. 22, 23, 24 & 25; E½, N½ NW¼ S½ SW¼, Sec. 26; SW¼ NE¼, NW ¼, S½, Sec. 27; E½ NE¼, E½ SE¼ Sec. 28; N½, N½ SW¼, SE¼, Sec 34; All Sec. 35; N½ NE¼, SW¼ NE ¼, NW¼, S½, Sec. 36, T. 1 N., R. 2 W., B. M.

N½, SW¼, NE¼ SE¼, S½ SE¼ Sec. 1; All Sec. 2, 3 & 4; N½, E½ SW ¼, SE¼, Sec. 5; E½, NE¼ Sec. 6; NW¼, SW¼, S½ SW¼ SW¼, SE¼, Sec. 7; N½ NE¼ SE¼ NE¼, NE¼ SE¼, Sec. 8; N½, N½ SW¼, SE¼, Sec. 9; All Sec. 10; N½, N½ SW¼, SE¼ SW¼, SE¼, Sec. 11; All Sec. 13, 13 14 & 15; NE¼, SE¼ NW¼, S½, Sec 16; SE¼ NE¼, NW¼ NW¼, S½ NW ¼, S½, Sec. 17; All Sec. 18, 19, 20, 21; N½, SW¼, N½ SE¼, Sec. 22; N½ N½ SW¼, SE¼ SW¼, SE¼, Sec 23; All Sec. 24 & 25; NE¼ NE¼ NW¼, E½ SW¼, SE¼ Sec. 26; SW¼ NW¼ NE¼, NW ¼ NW¼, S½ NW¼, ¼, NW ¼ SE¼, Sec. 27; All Sec. 28, 29 & 30, N½ NE¼, SE¼ NE¼, Sec. 31; N½, N½ SW¼, SE¼ SW¼, SE¼, Sec 32; All Sec. 33; W½ NW¼, NE¼ SE ¼, Sec. 34; All Sec. 35 & 36, T. 2N. R. 2 W., B. M.

SE¼ SW¼, S½ SE¼, Sec. 11; S½ NE¼, S½, Sec. 12; All Secc. 13; S½ NE¼, E½ NW¼, S½, Sec. 19; S½ NW¼, S½, Sec. 20; All Sec. 24, 25, 29 & 30; NE¼, N½ NW¼, SE¼ NW ¼, NE¼ SW¼, N½ SE¼, SE¼, Sec 31; All Sec. 32 & 33; S½, Sec. 34; All Sec. 35 & 36; T. 3 N., R. 2 W., B. M.

S½ SW¼, S½ SE¼, Sec. 2; S½ Sec. 3; NW¼ NE¼, S½ NE¼, NW¼, N½ SW¼, SW¼ SW¼, SE¼, Sec. 4; All Sec. 5 & 6; N½, SW¼, N½ SE¼, Sec. 7; N½ NE¼, SW¼ NE¼, N½ NW¼, SE¼ NW¼, Sec. 8; N½, N½ SW¼, W½ SE¼, Sec. 9; N½ NE¼, N ½, NW¼, Sec. 10; NE¼, N½ NW¼, SE¼ W½, NE¼ SE¼, Sec. 11; SW ¼ NE¼, NW¼, N½ SW¼, SE¼ SW ¼, SE¼, Sec. 12; NE¼ NE¼, S½ N

S½, Sec 32; SW¼ NW¼, W½ SW¼, Sec. 23; NW¼ NE¼, NE¼ NW¼, N W½ SE¼, Sec. 36, T. 3 N., R. 3 W., B. M.

NW¼ NW¼, S½ NW¼, Sec. 4; All Sec. 4; All Sec. 5; N½, N½ SW¼, SE ¼, Sec. 6; N½ NE¼, SE¼ NE¼, Sec S½, Sec. 32; SW¼, W½ SE½, Sec. 8; NW¼ NE¼, S½ NE¼, NW¼, NE ¼ SW¼, N½ SE¼, SE¼ SE¼, Sec. 9; SW¼ NW¼, Sec. 15; E½ NE½, 18; S½ NE¼, S½ NW¼, S½, Sec. 31; S½, 32; SW¼, W½ SE¼, Sec. 33, T. 4 N., R. 3 W., B. M.

SW¼ SW¼, Sec. 19; SW¼, SW¼ SE¼, Sec. 30; NW¼ NE¼, S½ NE¼, NW¼, S½, Sec. 31; SW¼, NW¼ SE ¼, S½ SE¼, Sec. 32, T. 5 N., R. 3 W., B. M.

All Sec. 1; N½, N½ SW¼, SE¼, Sec. 2; NE¼ NE¼, Sec. 3; E¼, Sec 11; All Sec. 12 & 13; E½, E½ ...W½, NE¼ SW¼, Sec. 14; E½, Sec. 23; N ½ NE¼, SW¼ NE¼, W½, SW¼ S E¼, Sec. 24; W½ NE¼, W½, W½ S E¼, Sec. 25; NE¼, NE¼ SE¼, Sec. 26; NE¼, N½ NW¼, SE¼ NW¼, N ½ SE¼, Sec. 36, T. 2 N., R. 4 W., B. M.

W½ NW¼, NW¼, S½, Sec. 1; All Sec. 2 3; E½, N½ NW¼, SE¼ NW¼, NE¼ SW¼, Sec. 4; SW¼ NW¼, N½ SW¼, Sec. 5; S½ NE¼, S½ NW¼, S½, Sec. 6; All Sec. 7; NW¼, S½, Sec. 8; N½ NE¼, SE¼ NE¼, NE¼ SW¼, S½ SW¼, SE¼, Sec. 9; N½ NE¼ SW¼, S½ SW¼, SE¼, Sec. 10, All Sec. 11, 12 & 13; N½, SW¼, W½ SE¼, Sec. 14; All Sec. 15 & 16; N½ NE¼ SW¼, N½ SE¼, SE¼ SE¼ Sec. 17; NW¼ NE¼, S½ NE¼, N½ NW¼, SE¼ NW¼, Sec. 18; NE¼, N ½ NW¼, SE¼ NW¼, N½ SE¼ Sec. 21; All Sec. 22; W½ NE¼, W½, W½ SE¼, Sec. 23; E½, NE¼ NW¼, S½ NW¼, N½ SW¼, Sec. 24; NE¼ NE¼, NW¼ SW¼, S½ SW¼, S½ SE¼, Sec. 25; W½ NE¼, NW¼, S½ Sec. 26; E½, N½ NW¼, SE¼ NW¼ Sec. 27; NE¼, E½ SE¼, Sec. 34; All Sec. 35 & 36, T. 3 N., R. 4 W., B. M.

NE¼, N½ NW¼, Sec. 1; NE¼ NE ¼, Sec. 2; SW¼ SW¼, Sec. 6; S½ N E¼, NW¼, S½, Sec. 7; NW¼ SW¼ S½ SW¼, SW¼ SE¼, Sec. 8; SW¼ SW¼, Sec. 15; S½ NW¼, S½, Sec. 16; All Sec. 17, 18, 19 & 20; S½ NE¼ NW¼, S½, Sec. 21; SW¼ NW¼, W½ SW¼, Sec. 22; SW¼, NW¼ SE¼, S½ SE¼, Sec. 26; S½ NE¼, NW¼, S½, Sec. 27; All Sec. 28 & 29; N½, W½ SW¼, SE¼, Sec. 30; N½, N½ SW¼, SE¼, Sec. 31; N½, N½ SW¼, N½ SE¼, SE¼ SE¼, Sec. 32; All Sec. 33; N½ NW¼, SW ¼ NE¼, W½, NW¼ SE¼, S½ SE¼, Sec. 34; N½ NE¼, SE¼ NE¼, N½ NW¼, NE¼ SW¼, S½ SW¼, SE¼, Sec. 35; NW¼ NE ¼, S½ NE¼, NW¼, S½, Sec. 36, T. 4 N., R. 4 W., B. M.

S½ SW¼, Sec. 12; N½ NW¼, Sec. 13; N½, NW¼ SW¼, Sec. 14; NE¼ NE¼, S½ NE¼, NW¼ S½ Sec. 15; S½ SE¼, S... 20; NE¼ NE¼, S½ N E¼, SE¼ NW¼, SW¼, N½ SE¼, S E¼ SE¼, Sec. 21; S½ NE¼, NW¼, S½, Sec. 22; S½, Sec. 23; SE¼ SW¼, NE¼ SE¼, S½ SE¼, Sec. 24; All Sec. 25 & 26; E½, N½ NW¼, Sec. 27; N½ NE¼, Sec. 29; N½, NE¼ SW¼, W½ SE¼, Sec. 35; All Sec. 36, T. 5 N., R. 4 W., B. M.

W½ NW¼, S½, Sec. 1; All Sec. 2; N½, NE¼ SW¼, SE¼, Sec. 3; N½ NE¼, SE¼ NE¼, Sec. 4; E½ NE¼, Sec. 10; N½, N½ SW¼, SE¼ SW¼, SE¼, Sec. 11; All Sec. 12; N½, Sec. 13; N½ NE¼, Sec. 14, T. 3 N., R. 5 W., B. M.

SW¼ NE¼, NW¼, S½, Sec. 1; All Sec. 2, 3, & 4; N½, NW¼ SW¼, S½ SW¼, SE¼, Sec. 5; All Sec. 6, 7, 8, 9, 10, 11, 12 & 13; N½, N½ SW¼, SE¼ SW¼, SE¼, Sec. 14; N½, N½ SW¼, SW¼ SW¼, SE¼, Sec. 15; All Sec. 16, 17 & 18; N½ NE¼, N½ NW¼, Sec. 19; N½, E½ SW¼, SE¼, Sec. 20; All Sec. 21, 22, 23, 24, 25 & 26; NW¼ NE¼, S½ NE¼, NW¼, S ½, Sec. 27; All Sec. 28; E½, Sec. 29; N½ NE¼, SE¼ NE¼, NE¼ SE¼, Sec. 32; All Sec. 33; N½, N½ SW¼ SW¼ SW¼, N½ SE¼, Sec. 34; All Sec. 35 & 36; T. 4 N., R. 5 W., B. M. NE¼, NE¼ NW¼, S½ NW¼, S½, SW¼, NW¼ SE¼, S½ SE¼, Sec. 28; SW¼ NW¼, S½, Sec. 29; S½ NE¼, S½ NW¼, S½, Sec. 30; All Sec. 31, 32, 33, & 34; S½ NW¼, SW¼, NW¼ SE¼, S½ SE¼, Sec. 35, T. 5 N., R. 5 W., B. M.

Sec. 1; NE¼ NW¼, SE¼ SW¼, E½ Sec. ; NE¼ NW¼, SE¼ SW¼, E½ SE¼, Sec. 2; NE¼, E½ NW¼, NE¼ SW¼, N½ SE¼, Sec. 11; All Sec. 12; NE¼, N½ NW¼, SE¼ NW¼, NE¼ SW¼, N½ SE¼, SE¼ SE¼, Sec. 13; T. 4 N., R. 6 W., B. M.

S½ NE¼, S½ SW¼, SE¼, Sec. NE¼ NE¼, S½ NE¼, SE¼ NW E½ SW¼, SE¼, Sec. 35; N½, SW¼, SW¼ SW¼, E½ SE¼, 36; T. 5 N., R. 6 W., B. M.

S½ SE¼, Sec. 24; NE¼, S½ ¼, S½, Sec. 25; E½ Sec. 25; NE¼, SE¼, Sec. 35; All sec. 36 21 S., R. 46 E., W. M. (State of Oregon)

NW¼ NW¼, Sec. 1; NE¼, Sec T. 22 S., R. 46 E., W. M. (State Oregon)

S½ SW¼, Sec. 19; W½, Sec. W½, Sec. 31, T. 21 S., R. 47 E., M. (State of Oregon)

That any protests against the approval of this application must filed in the Department of Reclamation within forty (40) days of the of this notice; such protest shall s the name and address of the protestant and shall clearly set forth objections to the approval of the application.

Dated this 25 day of August, 193

L. W. FARIS
Commissioner of Reclamati

Date of first publication: Sept. 1,
Date of last publication: Sept. 15,
Last date for protest. October 4,

SERVICE of the foregoing, by c is hereby admitted this 30th day August, 1938.

R. J. NEWELL,
Construction Engineer, Applica

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Notice of Application to Store and Appropriate Water In Accordance With The Provisions of House Bill 293, 1935 Session Laws.

Notice is hereby given that on the 25th day of June, 1938, the United States of America, acting through R. J. Newell, Construction Engineer, Bureau of Reclamation, Boise, Idaho, made Application No. R-25988 to store and appropriate 15,000 acre feet per annum of the waters of the Boise River for irrigation and domestic purposes.

That the point of outlet of the reservoir is at Arrowrock Dam, in the NW¼ SE¼ of Section 13, T. 3 N., R. 4 E., B. M., Counties of Boise and Elmore.

That the point of diversion of the stored water is in NW¼ SW¼ of Section 3, T. 2 N., R. 3 E., B. M.

That the lands to be irrigated under said application are described as follows, to-wit:

N½ NE¼, SE¼ NE¼, Sec. 5; N½ NE¼, E½ NW¼, Sec. 6, T. 1 N., R. 1 E., B. M.

All Sec. 1 & 2; N½, SW¼, N½ SE ¼, Sec. 3; All Sec. 4, 5, 6 & 7; N½, SW¼, N½ SE¼, SW¼ SE¼ Sec. 8; All Sec. 9; SW¼ NE¼, W½, W½ SE ¼, SE¼ SE¼, Sec. 10; NE¼ NE¼, NE¼ NW¼, Sec. 11; N½ NE¼, N½ NW¼, Sec. 12; N½ NE¼, N½ ¼, NW¼, NW¼ SW¼ Sec. 15; NE ¼, E½ NW¼, NE¼ SW¼, S½ SW¼, N½ SE¼, SW¼ SE¼, Sec. 16; W½ NE¼, NW¼, S½, Sec. 17; All Sec. 18, 19 & 20; NW¼ NE¼, W ½, Sec. 21; W½, NW¼ SE¼, S½ SE ¼, Sec. 28; All Sec. 29, 30, 31 & 32; N½ SW¼, N½ SE¼, SW¼ SE¼, Sec. 33; SW¼ NW¼, SW¼, Sec. 34, T. 2 N., R. 1 E., B. M.

All Sec. 1, 2, & 3; N½, Sec. 4; All Sec. 5 & 6; E½, N½ NW¼, SW¼ NW¼, Sec. 7; All Sec. 8; S½, Sec. ½, Sec. 9; All Sec. 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23 & 24; N½, N½ SW¼, SW¼ SW¼, N½ SE ¼, SW¼ SE¼, Sec. 25; All Sec. 26, 27, 28, 29 & 30; E½, N½ NW¼, NE¼ SW¼, S½ SW¼, Sec. 31; All Sec. 32, 33, 34 & 35; W½ NW¼, SW¼, SW¼ SE¼, Sec. 36, T. 3 N., R. 1 E., B. M.

NW¼ SW¼, S½ SW¼, SW¼ SE ¼, Sec. 25; SE¼ NW¼, NE¼ SW¼, S½ SW¼, SE¼, Sec. 26; S½, Sec. 31; NE¼, N½ NW¼, S½, Sec. 34; All Sec. 35; NW¼ NE¼, S½ NE¼, NW ¼, S½, Sec. 36, T. 4 N., R. 1 E., B. M.

SW¼ NW¼, W½ SW¼, Sec. 5; NW¼ NW¼, Sec. 7, T. 2 N., R. 2 E., B. M.

SW¼, S½ SE¼, Sec. 5; All Sec. 6 & 7; S½ SW¼, Sec. 12; W½ NE¼, N½ NW¼, SE¼ NW¼, NE¼ SW¼, W½ SE¼, Sec. 13; SW¼ NW¼, SW ¼, SW¼ SE¼, Sec. 15; All Sec. 16; NW¼ SW¼, S½ SW¼, SE¼, Sec. 17; All Sec. 18, 19 & 20; N½, N½ SW¼, SE¼ SW¼, SE¼, Sec. 21; W ½ NE¼, W½, SE¼, Sec. 22; S½ Sec. 23; NW¼ SW¼, S½ SW¼, S½ SE¼, ½ NE¼, W½, SE¼, Sec. 22; S½ Sec. Sec. 24; N½, N½ SW¼, N½ SE¼, Sec. 25; N½, N½ SW¼, N½ SE¼, Sec. 26; NE¼, N½ NW¼, SE¼ NW ¼, Sec. 27; NE¼ NE¼, Sec. 28; NW ¼ NE¼, N½ NW¼, Sec. 29; All Sec. 30; N½ NE¼, Sec. 31; NW¼ NW¼,

SE¼, S½ SE¼, Sec. 36, T. 3 N., R. 1 W., B. M.

S½ SE¼, Sec. 20; NE¼ SW¼, 12; All Sec. 13, 14, 15, 16, 17, 18, 19, Sec. 21; NE¼ SE¼, SW¼ NE¼ NW ¼ SE¼, Sec. 23; N½ NE¼, SW¼ Sec 27; E½ NE¼, E½ SE¼ Sec. 28; NE ¼, Sec. 29; S½ NE¼, SE¼ NW¼, S ½, Sec. 31; S½ NE¼, S½ NW¼, S½, Sec. 32; NW¼ NE¼, S½ NE¼, S½ NW¼, S½, Sec. 33; NW¼ NE¼, NW¼, S½, Sec. 34; SW¼, S½ SE¼, Sec. 35; NW¼ NE¼, NE¼ NW¼, S½ NW¼, SW¼ SW¼, SE¼, Sec. 36, T. 4 N., R. 1 W., B. M.

All Sec. 1 & 2; NE¼, E½ NW¼, NE¼ SW¼, S½ SW¼, SE¼, Sec. 3, NE¼, NE¼ NW¼, S½ NW¼, N½ S- W¼, SE¼ SW¼, N½ SE¼, SW¼ S- E¼, Sec. 10; NE¼, N½ NW¼, E½ SW¼, SE¼, Sec. 11; All Sec. 12 & 13; E½, NE¼ NW¼, SW¼, Sec. 14; E½, N½ NW¼, SE¼ NW¼, Sec. 15; NE¼ NE¼, Sec. 22; NE¼, W½ NW ¼, N½ SE¼, Sec. 23; N½, E½ SW¼, SE¼, Sec. 24; NE¼, NE¼ NW¼, S ½ NW¼, N½ SE¼, SE¼ SE¼, Sec 25; N½ NE¼, SE¼ NE¼, Sec. 26, T. 1 S., R. 2 W., B. M.

All Sec. 1; E½ NE¼, NW¼, S½, Sec. 2; NE¼ SE¼, S½ SE¼, Sec. 3; NW¼, N½ SW¼, SE¼ SW¼, Sec. 4; NE¼, E½ NW¼, Sec. 5; NE¼, E½ NW¼, NE¼ SW¼, N½ SE¼, SE¼ SE¼, Sec. 9; E½, NW¼ NW¼, S½ NW¼, SW¼, Sec. 10; N½ NE¼, SE ¼ NE¼, W½, SW¼ SE¼, Sec. 11; NW¼, SW¼, S½ SW¼, Sec. 13; NW ¼, NE¼, S½ NE¼, W½, SE¼, Sec 14; All Sec. 15; E½ NE¼, Sec. 16; SE¼ NE¼, E½ SE¼, Sec. 21; All Sec. 22, 23, 24 & 25; E½, N½ NW¼, S½ SW¼, Sec. 26; SW¼ NE¼, NW ¼, S½, Sec. 27; E½ NE¼, E½ SE¼ Sec. 28; N½, N½ SW¼, SE¼, Sec. 34; All Sec. 35; N½ NE¼, SW¼ NE ¼, NW¼, S½, Sec. 36, T. 1 N., R. 2 W., B. M.

N½, SW¼, NE¼ SE¼, S½ SE¼, Sec. 1; All Sec. 2, 3 & 4; N½, E½ SW ¼, SE¼, Sec. 5; E½ NE¼, Sec. 6; NW¼ SW¼, S½ SW¼, SW¼ SE¼, Sec. 7; N½ NE¼, SE¼ NE¼, NE¼ SE¼, Sec. 8; N½, N½ SW¼, SE¼, Sec. 9; All Sec. 10; N½, N½ SW¼, SE¼, SW¼, SE¼, Sec. 11; All Sec. 12, 13, 14 & 15; NE¼, SE¼ NW¼, S½, Sec. 16; SE¼ NE¼, NW¼ NW¼, S½, Sec. ¼, S½, Sec. 17; All Sec. 18, 19, 20, 21; N½, SW¼, N½ SE¼, Sec. 22; N½ SW¼, SE¼ SW¼, SE¼, Sec 23; All Sec. 24 & 25; NE¼ NE¼ NW¼, E½ SW¼, SE¼ Sec. 26; SW¼ NW¼ NE¼, NW ¼ NW¼, S½ NW¼, ¼, NW ¼ SE¼, Sec. 27; All Sec. 28, 29 & 30; N½ NE¼, SE¼ NE¼, Sec. 31; N½, N½ SW¼, SE¼ SW¼, SE¼, Sec 32; All Sec. 33; W½ NW¼, NE¼ SE ¼, Sec. 34; All Sec. 35 & 36, T. 2N., R. 2 W., B. M.

SE¼ SW¼, S½ SE¼, Sec. 11; S½ NE¼, S½, Sec. 12; All Sec. 13; S½ NE¼, E½ NW¼, S½, Sec. 19; S½ NW¼, S½, Sec. 20; All Sec. 24, 25, 29 & 30; NE¼, N½ NW¼, SE¼ NW ¼, NE¼ SW¼, N½ SE¼, SE¼ Sec. 31; All Sec. 32 & 33; S½, Sec. 34; All Sec. 35 & 36; T. 3 N., R. 2 W., B. M.

S½ SW¼, S½ SE¼, Sec. 2; S½ Sec. 3; NW¼ NE¼, S½ NE¼, NW¼, N½ SW¼, SW¼ SW¼, SE¼, Sec. 4; All Sec. 5 & 6; N½, SW¼, N½ SE¼, Sec. 7; N½ NE¼, SW¼ NE¼, N½ NW¼, SE¼ NW¼, Sec. 8; N½, N½ SW¼, W½ SE¼, Sec. 9; N½ NE¼, N ½, NW¼, Sec. 10; NE¼, N½ NW¼, SE¼ W¼, NE¼ SE¼, Sec. 11; SW ½ NE¼, NW¼, N½ SW¼, SE¼ SW ¼, SE¼, Sec. 12; NE¼ NE¼, S½ N E½, N½ SE¼, SE¼ SE¼, Sec. 13; SW¼ SW¼, Sec. 17; NW¼ NE¼, S ½ NE¼, NW¼, S½, Sec. 18; N½ NE¼ SE¼, Sec. 19; NW¼, N½ SW ¼, Sec. 20; E½ NE¼, SE¼ SW¼, NE¼ SE¼, S½ SE¼, Sec. 24; NE¼, E½ NW¼, N½ SW¼, Sec. 25; NW ¼ SW¼, Sec. 34, T. 2 N., R. 3 W., B. M.

NW¼ SW¼, S½ SW¼, Sec. 3; NW ¼ NE¼, S½ NE¼, NW¼, S½, Sec. 4; All Sec. 5; NE¼, NW¼ SW¼, S½ SW¼, E½ SE¼, Sec. 6; NW¼ NE¼, S½ NE¼, NW¼, S½, Sec. 7; S ½SW ½SW ½AS ½N ½N E¼, Sec. 8; N½, SW¼, N½ SE ¼, Sec. 9; NW¼, NE¼, SW¼, S½ NE ¼ NW¼, NE¼ SW¼, SE¼, Sec. 10; NW¼ SW¼, S½ SW¼, Sec. 11; S W½ SW¼, Sec. 13; NW¼ NE¼, S½ NE¼, NW¼, S½, Sec. 14; E½ NE¼, Sec. 15; N½ NW¼, SW¼ NW¼, NW ¼ SW¼, Sec. 16; NE¼, NW¼ NW¼, S½ NW¼, NW¼ SW¼, N½ SE¼, Sec. 17; All Sec. 18; N½ NE¼, SW ½ NE¼, W½, NW¼ SE¼, Sec. 19; N½, E½ SW¼, SE¼, Sec. 23; N½ NW¼, SW¼ NW¼, SW¼, NW¼ SE¼, S½ SE¼, Sec. 24; All Sec. 25; E½, Sec. 26; SE¼ S W¼, SW¼ SE¼, Sec. 29; W ½ NW¼, SW¼, S½ SE¼, Sec. 30; N½ NE¼, Sec. 31; NW¼ NW¼, All Sec. 31; NW¼ NE¼, SE¼ NE¼,

Sec. 35 & 36, T. 3 N., R. 4 W., B. M.

NE¼, N½ ... ¼, Sec. 1; NE¼ NE ¼, Sec. 2; S ... W¼, Sec. 6; S½ N E¼, NW¼, ... Sec. 7; NW¼ SW¼ S½ SW¼, SW ... SE¼, Sec. 8; SW¼ SW¼, Sec. 15; S½ NW¼, S½, Sec. 16; All Sec. 17, 18, 19 & 20; S½ NE¼ NW¼, S½, Sec. 21; SW¼ NW¼, W½ SW¼, Sec. 22; SW¼, NW¼ SE¼, S½ SE¼, Sec. 26; S½ NE¼, NW¼ S½, Sec. 27; All Sec. 28 & 29; N½, W½ SW¼, SE¼, Sec. 30; N½, N½ SW¼, SE¼, Sec. 31; N½, N½ SW¼, N½ SE¼, SE¼ SE¼, Sec. 32; All Sec. 33; N½ NW¼, SW ¼ NE¼, W½, NW¼ SE¼, S½ SE¼, Sec. 34; N½ NE¼, SE¼ NE¼, N½ NW¼, NE¼ SW¼, S½ SW¼, SE¼, Sec. 35; NW¼ NE ¼, S½ NE¼, NW¼, S½, Sec. 36, T. 4 N., R. 4 W., B. M.

S½ SW¼, Sec. 12; N½ NW¼, Sec. 13; N½, NW¼ SW¼, Sec. 14; NE¼ NE¼, S½ NE¼, NW¼ S½ Sec. 15; S½ SE¼, Sec. 20; NE¼ NE¼, S½ N E¼, SE¼ NW¼, SW¼, N½ SE¼, S ½ SE¼, Sec. 21; S½ NE¼, NW¼, S½, Sec. 22; S½, Sec. 23; SE¼ SW¼, NE¼ SE¼, S½ SE¼, Sec. 24; All Sec. 25 & 26; E½, N½ NW¼, Sec. 27; N½ NE¼, Sec. 29; N½, NE¼ SW¼, W½ SE¼, Sec. 35; All Sec. 36, T. 5 N., R. 4 W., B. M.

STATE OF IDAHO DEPARTMENT OF RECLAMATION

NOTICE OF APPLICATION TO STORE AND APPROPRIATE WATER IN ACCORDANCE WITH THE PROVISIONS OF HOUSE BILL 293, 1925 SESSION LAWS

Notice is hereby given that on the 25th day of June, 1928, the United States of America, acting through R. J. Newell, Construction Engineer, Bureau of Reclamation, Boise, Idaho, made Application No. R-25986 to store and appropriate 15,000 acre feet per annum of the waters of the Boise River for irrigation and domestic purposes.

That the point of outlet of the reservoir is at Arrowrock Dam, in the NW¼SE¼ of Section 13, T. 3 N., R. 4 E., B. M., Counties of Boise and Elmore.

That the point of diversion of the stored water is in the NW¼SW¼ of Section 3, T. 3 N., R. 2 E., B. M.

That the lands to be irrigated under said application are described as follows, to-wit:

N½NE¼, SE¼NE¼, Sec. 5; N½NE¼, E½NW¼, Sec. 6, T. 1 N., R. 1 E., B. M.

All Sec. 1 & 2; N½, SW¼, N½SE¼, Sec. 3; All Sec. 4, 5, 6 & 7; N½, SW¼, N½SE¼, SW¼SE¼, Sec. 8; All Sec. 9; SW¼NE¼, W½, W½SE¼, SE¼SE¼, Sec. 10; NE¼NE¼, NE¼NW¼, Sec. 11; N¼NE¼, N½NW¼, Sec. 12; N½NE¼, SW¼NE¼, NW¼, NW¼SW¼, Sec. 15; NE¼, E½NW¼, NE¼SW¼, S½SW¼, N½SE¼, SW¼SE¼, Sec. 16; W½NE¼, NW¼, S½, Sec. 17; All Sec. 18, 19, & 20; NW¼NE¼, W½, Sec. 21; W½, NW¼SE¼, S½SE¼; Sec. 28; All Sec. 29, 30, 31, & 32; N½, SW¼, N½SE¼, SW¼SE¼, Sec. 33; SW¼NW¼, SW¼; Sec. 34; T. 2 N., R. 1 E., B. M.

All Sec. 1, 2, & 3; N½, Sec. 4; All Sec. 5 & 6; E½, N½NW¼, SW¼NW¼, S½SW¼, Sec. 7; All Sec. 8; S½, Sec. 9; All Sec. 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, & 24; N½SW¼, SW¼SW¼, N½SE¼, SW¼SE¼, Sec. 25; All Sec. 26, 27, 28, 29, & 30; E½, N½NW¼, NE¼SW¼, S½SW¼, Sec. 31; All Sec. 32, 33, 34, & 35; W½NW¼, SW¼, SW¼SE¼, Sec. 36, T. 3 N., R. 1 E., B. M.

NW¼SW¼, S½SW¼, SW¼SE¼, Sec. 25; SE¼NW¼, NE¼SW¼, S½SW¼, SE¼, Sec. 26; S½, Sec. 31; NE¼, N½NW¼, S½, Sec. 34; All Sec. 35; NW¼NE¼, E½N E¼, NW¼, S½, Sec. 36, T. 4 N., R. 1 E., B. M.

SW¼NW¼, W½SW¼, Sec. 6; NW¼NW¼, Sec. 7, T. 2 N., R. 2 E., B. M.

SW¼, S½SE¼, Sec. 5; All Sec. 6 & 7; S½SW¼, Sec. 12; W½NE¼, N½NW¼, SE¼NW¼, NE¼SW¼, W½SE¼, Sec. 13; SW¼NW¼, SW¼, SW¼SE¼, Sec. 15; All Sec. 16; NW¼SW¼, S½SW¼, SE¼, Sec. 17; All Sec. 18, 19, & 20; N½, N½SW¼, SE¼SW¼, SE¼, Sec. 21; W½NE¼, W½, SE¼, Sec. 22; S½, Sec. 23; NW¼SW¼, S½SW¼, S½SE¼, Sec. 24; N½, N½SW¼, N½SE¼, Sec. 25; N½, N¼SW¼, N½SE¼, Sec. 26; NE¼, N½NW¼, SE¼NW¼, Sec. 27; N E¼NE¼, Sec. 28; NW¼NE¼, N½NW¼, Sec. 29, All Sec. 30; N¼N E¼, Sec. 31; NW¼NW¼, Sec. 32, T. 3 N., R. 2 E., B. M.

S½NW¼, SW¼, S½SE¼, Sec. 31, T. 4 N., R. 2 E., B. M.

NW¼NE¼, Sec. 4, T. 2 N., R. 3 E., B. M.

NE¼SW¼, SE¼SW¼, SE¼, Sec. 19; NW¼SW¼, S½SW¼, S W¼SE¼, Sec. 30; SW¼NW¼, S W¼, Sec. 31; NW¼NE¼, S½NE ¼, NW¼, N½SW¼, SE¼SW¼, S E¼, Sec. 29; E½NE¼, SW¼NW ¼, N½SW¼, N½SE¼, Sec. 30; W½NE¼, NE¼NW¼, Sec. 32; S W¼NW¼, N½SW¼, SE¼SW¼, Sec. 36, T. 2 N., R. 1 W., B. M.

All Sec. 1; NE¼, W½NW¼, S½, Sec. 2; All Sec. 3 & 4; E½NE¼, NW¼, S½, Sec. 5; All Sec. 6, 7, 8, 9, 10, & 11; N½, SW¼, NW¼SE ¼, S½SE¼, Sec. 12; All Sec. 13; 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, & 35; N½, SW¼, NW ¼SE¼, S½SE¼, Sec. 36, T. 2 N., R. 1 W., B. M.

S½SE¼, Sec. 20; NE¼SW¼, Sec. 21; NE¼SE¼, Sec. 22; SW¼ NE¼, NW¼SE¼, Sec. 23; N½NE ¼, SW¼, Sec. 27; E½NE¼, E½S E¼, Sec. 28; NE¼, Sec. 29; S½NE ¼, SE¼NW¼, S½, Sec. 31; S½NE ¼, S½NW¼, S½, Sec. 32; NW¼ NE¼, S½NE¼, S½NW¼, S½, Sec. 33; NW¼NE¼, NW¼, S½ Sec. 34; SW¼, S½SE¼, Sec. 35; NW¼NE¼, NE¼NW¼, S½NW¼ SW¼SW¼, SE¼, Sec. 36, T. 4 N., R. 1 W., B. M.

All Sec. 1 & 2; NE¼, E½NW¼, NE¼SW¼, S½SW¼, SE¼, Sec. 3; NE¼, NE¼NW¼, S½NW¼, N ½SW¼, SE¼SW¼, N½SE¼, SW ¼SE¼, Sec. 10; NE¼, N½NW¼, E½SW¼, SE¼, Sec. 11; All Sec. 12 & 13; E½, NE¼NW¼, SW¼, Sec. 14; E½, N½NW¼, SE¼NW ¼, Sec. 15; NE¼NE¼, Sec. 22, N E¼, W½NW¼, N½SE¼, Sec. 23; N¼, E½SW¼, SE¼, Sec. 24; NE ¼, NE¼NW¼, S½NW¼, N½SE ¼, SE¼SE¼, Sec. 25; N¼NE¼, SE¼NE¼, Sec. 26, T. 1 S., R. 2 W., B. M.

All Sec. 1; E½NE¼, NW¼, S½, Sec. 2; NE¼SE¼, S½SE¼, Sec. 3; NW¼, N½SW¼, SE¼SW¼, Sec. 4; NE¼, E½NW¼, Sec. 5; N E¼, E½NW¼, NE¼SW¼, N½S E¼, SE¼SE¼, Sec. 8; E½, NW ¼NW¼, S½NW¼, SW¼, Sec. 10; N½NE¼, SW¼NE¼, W½, S W½SE¼, Sec. 11; NW¼SW¼, S ½SW¼, Sec. 13; NW¼NE¼, S½ NE¼, W½, SE¼, Sec. 14; All Sec. 15; E½NE¼, Sec. 16; SE¼NE¼, E½SE¼, Sec. 21; All Sec. 22, 23, 24, & 25; E½, N½NW¼, S½SW ¼, Sec. 26; SW¼NE¼, NW¼, S ½, Sec. 27; E½NE¼; E½SE¼, Sec. 28; N½, N½SW¼, SE¼, Sec. 34; All Sec. 35; N½NE¼, SW¼N E¼, NW¼, S½, Sec. 36, T. 1 N., R. 2 W., B. M.

N½, SW¼, NE¼SE¼, S½SE¼, Sec. 1; All Sec. 2, 3, & 4; N½, E½ SW¼, SE¼, Sec. 5; E½NE¼, Sec. 8; NW¼SW¼, S½SW¼, SW¼S E¼, Sec. 7; N½NE¼, SE¼NE¼, NE¼SE¼, Sec. 8; N½, N½SW¼, SE¼, Sec. 9; All Sec. 10; N½, N ½SW¼, S½SE¼, SE¼, Sec. 11; All Sec. 13, 12, 14, & 15; NE ¼, SE¼NW¼, S½, Sec. 16; SE¼ NE¼, NW¼NW¼, S½NW¼, S½, Sec. 17; All Sec. 18, 19, 20, 21; N ½, SW¼, N½SE¼, Sec. 22; N¼, N½SW¼, SE¼SW¼, SE¼, Sec. 23; All Sec. 24 & 25; NE¼, NE¼ NW¼, E½SW¼, SE¼, Sec. 26; S W¼NE¼, NW¼NW¼, S½NW¼, SW¼, NW¼SE¼, Sec. 27; All Sec. 28, 29, & 30; N½NE¼, SE¼ NE¼, Sec. 31; N½, N½SW¼, SE ¼SW¼, SE¼, Sec. 32; All Sec. 33; W½NW¼, NE¼SE¼, Sec. 34; All Sec. 35 & 36, T. 2 N., R. 2 W., B. M.

SE¼SW¼, S½SE¼, Sec. 11; S ½NE¼, S½, Sec. 12; All Sec. 13; S¼NE¼, S½NW¼, S½, Sec. 19; S¼NW¼, S½, Sec. 20; All Sec. 24, 25, 29, & 30; NE¼, N½NW¼, SE¼NW¼, NE¼SW¼, N½SE¼, S½SE¼, Sec. 31; All Sec. 32 & 33; S½, Sec. 34; All Sec. 35 & 36, T. 3 N., R. 2 W., B. M.

S½SW¼, S½SE¼, Sec. 2; S½, Sec. 3; NW¼NE¼, S½NE¼, NW ¼; N½SW¼, SW¼SW¼, SE¼, Sec. 4; All Sec. 5 & 6; N½, SW¼, N½SE¼, Sec. 7; N½NE¼, SW¼ NE¼, N½NW¼, SE¼NW¼, Sec. 8; N½, N½SW¼, W½SE¼, Sec. 9; N½NE¼, N½NW¼, Sec. 10; NE¼, N½NW¼, SE¼NW¼, NE ¼SE¼, Sec. 11; SW¼NE¼, NW ¼, N½SW¼, SE¼SW¼, SE¼, Sec. 13; NE¼NE¼, S½NE¼, N½ SE¼, SE¼SW¼, Sec. 13; SW¼S W¼, Sec. 17; NW¼NE¼, S½NE ¼, NW¼, S½, Sec. 18; N½, NE ¼SE¼, Sec. 19; NW¼, N½SW¼, Sec. 20; E½NE¼, SE¼SW¼, NE ¼SE¼, S½SE¼, Sec. 24; NE¼, E½NW¼, N½SW¼, Sec. 25; NW ¼SW¼, Sec. 34; T. 2 N., R. 3 W., B. M.

NW¼SW¼, S½SW¼, Sec. 4; NW¼NE¼, S¼NE¼, NW¼, S½, Sec. 4; All Sec. 5; NE¼, NW¼SW ¼, S½SW¼, E½SE¼, Sec. 6; N W¼NE¼, S½NE¼, NW¼, S½, Sec. 7; N½, N½SW¼, SW¼SW ¼, SE¼, Sec. 8; N½, SW¼, N½ E½, SE¼SE¼, Sec. 9; All Sec. 10; N½, N½SW¼, SE¼SW¼, SE¼, Sec. 11; NW¼NE¼, NE¼NW¼, Sec. 12; All Sec. 13; N½NE¼, N½NW¼, Sec. 14; All Sec. 15; N½, N½SW¼, SE¼SW¼, SE¼, Sec. 16; All Sec. 17; NE¼, E½NW¼, Sec. 18; All Sec. 19; N½, N½SW¼, SE¼SW¼, SE¼, Sec. 20; All Sec. 21; N½, N½SW¼, SE¼SW¼, SE¼, Sec. 22; All Sec. 23; N½, N½SW¼, SE¼SW¼, SE¼, Sec. 24; All Sec. 25; N½, N½SW¼, SE¼SW¼, SE¼, Sec. 26; All Sec. 27; N½, N½SW¼, SE¼SW¼, SE¼, Sec. 28; All Sec. 29; N½, N½SW¼, SE¼SW¼, SE¼, Sec. 30; All Sec. 31; N½, N½SW¼, SE¼SW¼, SE¼, Sec. 32; All Sec. 33; N½, N½SW¼, SE¼SW¼, SE¼, Sec. 34; All Sec. 35; N½, N½SW¼, SE¼SW¼, SE¼, Sec. 36, T. 3 N., R. 3 W., B. M.

All Sec. 1; N½, E½SW¼, SE¼, Sec. 2; NE¼NE¼, Sec. 3; E½, Sec. 11; All Sec. 12 & 13; E½, E½ NW¼, NE¼SW¼, Sec. 14; E½, Sec. 23; N½NE¼, SW¼NE¼, W ½, SW¼SE¼, Sec. 24; W½NE¼, W½, W½SE¼, Sec. 25; NE¼, NE ¼SE¼, Sec. 26; NE¼, N½NW¼, SE¼NW¼, N½SE¼, Sec. 35, T. 2 N., R. 4 W., B. M.

W½NE¼, NW¼, S½, Sec. 1; All Sec. 2 & 3; E½, N½NW¼, SE ¼NW¼, NE¼SW¼, Sec. 4; SW¼ NW¼, N½SW¼, Sec. 5; S½NE ¼, S½NW¼, S½, Sec. 6; All Sec. 7; NW¼, S½, Sec. 8; N½NE¼, S E¼NE¼, NE¼SW¼, S½SW¼, E E¼, Sec. 9; N½, NE¼SW¼, S½S W¼, SE¼, Sec. 10; All Sec. 11, 12, & 13; N½, SW¼, W½SE¼, Sec. 14; All Sec. 15 & 16; N½, NE¼SW¼, N½SE¼, SE¾SE¼, Sec. 17; NW ¼NE¼, S½NE¼, N½NW¼, SE¼ NW¼, Sec. 18; NE¼, N½NW¼, SE¼NW¼, N½SE¼, Sec. 21; All Sec. 22; W½NE¼, W½, W½SE ¼, Sec. 23; E½, NE¼NW¼, S½ NW¼, N½SW¼, Sec. 24; NE¼N E¼, NW¼SW¼, S½SW¼, S½SE ¼, Sec. 25; W½NE¼, NW¼, S½, Sec. 26; E½, N¼NW¼, SE¼NW ¼, Sec. 27; NE¼, E½SE¼, Sec. 34; All Sec. 35 & 36, T. 3 N., R. 4 W. B. M.

NE¼, N½NW¼, Sec. 1; NE¼ NE¼, Sec. 2; SW¼SW¼, Sec. 6, S½NE¼, NW¼, S½, Sec. 7; NW ¼SW¼, S½SW¼, SW¼SE¼, Sec. 8; SW¼SW¼, Sec. 15; S½N W¼, S½, Sec. 16; All Sec. 17, 18, 19, & 20; S½NE¼, NW¼, S½, Sec. 21; SW¼NW¼, W½SW¼, Sec. 24; SW¼, NW¼SE¼, S½SE ¼, Sec. 26; S½NE¼, NW¼, S½, Sec. 27; All Sec. 28 & 29; N½, W ½SW¼, SE¼, Sec. 30; N½, N½ SW¼, SE¼, Sec. 31; N½, N½SW ¼, N½SE¼, SE¼SE½, Sec. 32; All Sec. 33; N½NE¼, SW¼NE¼, W½, NW¼SE¼, S½SE¼, Sec. 34; N½NE¼, SE¼NE¼, N½NW¼, NE¼SW¼, S½SW¼, SE¼, Sec. 35; NW¼NE¼, S½NE¼, NW¼, S½, Sec. 36, T. 4 N., R. 4 W., B. M.

S½SW¼, Sec. 12; N½NW¼, Sec. 13; N½, NW¼SW¼, Sec. 14; NE¼NE¼, S½NE¼, S½NW¼, S ½, Sec. 15; S½SE¼, Sec. 20; NE ¼NE¼, S½NE¼, SE¼NW¼, SW ¼, N½SE¼, SE¼SE¼, Sec. 21; S½NE¼, NW¼, S½, Sec. 22; S½, Sec. 23; SE¼SW¼, NE¼SE¼, S ½SE¼, Sec. 24; All Sec. 25 & 26; E½, N¼NW¼, Sec. 27; N½NE¼, Sec. 28; N½, NE¼SW¼, W½SE ¼, Sec. 35; All Sec. 36, T. 5 N., R. 4 W. B. M.

W½NW¼, S½, Sec. 1; All Sec. 2; N½, NE¼SW¼, SE¼, Sec. 3; N½NE¼, SE¼NE¼, Sec. 4; E½ NE¼, Sec. 10; N½, N¼SW¼, SE ¼SW¼, SE¼, Sec. 11; All Sec. 12; N½, Sec. 13; N½NE¼, Sec. 14; T. 2 N., R. 5 W., B. M.

SW¼NE¼, NW¼, S½, Sec. 1; All Sec. 2, 3, & 4; N½, NW¼SW ¼, S½SW¼, SE¼, Sec. 5; All Sec. 6, 7, 8, 9, 10, 11, 12, & 13; N ½, N½SW¼, SE¼SW¼, SE¼, Sec. 14; N½, N¼SW¼, SW¼SW ¼, SE¼, Sec. 15; All Sec. 16, 17, & 18; N¼NE¼, N½NW¼, Sec. 19; N½, E½SW¼, SE¼, Sec. 20; All Sec. 21, 22, 23, 24, 25, & 26; NW¼ NE¼, S½NE¼, NW¼, S½, Sec. 27; All Sec. 28; E½, Sec. 29; N½ NE¼, SE¼NE¼, NE¼SE¼, Sec. 32; All Sec. 33; N½, N½SW¼, S W¼SW¼, N½SE¼, Sec. 34; All Sec. 35 & 36, T. 4 N., R. 5 W., B. M.

NW¼SW¼, S½SW¼, Sec. 27; SW¼, NW¼SE¼, S½SE¼, Sec. 28; SW¼NW¼, S½, Sec. 29; S½ NE¼, S¼NW¼, S½, Sec. 30; All Sec. 31, 32, 33, & 34; S¼NW¼, S W¼, NW¼SE¼, S½SE¼, Sec. 35, T. 5 N., R. 5 W., B. M.

NE¼, NE¼NW¼, S½NW¼, S ½, Sec. 1; NE¼NW¼, SE¼SW¼, E½SE¼, Sec. 2; NE¼, E½NW¼, NE¼SW¼, N½SE¼, Sec. 11; All Sec. 12; NE¼, N½NW¼, SE¼N W½, NE¼SW¼, N½SE¼, SE¼ SE¼, Sec. 13, T. 6 N., R. 6 W., B. M.

S½NE¼, S½SW¼, SE¼, Sec. 25; NE¼NE¼, S½NE¼, SE¼NW ¼, E½SW¼, SE¼, Sec. 26; N½, N½SW¼, SW¼SW¼, E½SE¼, Sec. 35, T. 5 N., R. 6 W., B. M.

SE¼SE¼, Sec. 24; NE¼, S½ NW¼, S½, Sec. 25; E½, Sec. 26; E½NE¼, SE¼, Sec. 35; All Sec. 36, T. 21 S., R. 46 E. W. M. (State of Oregon).

NW¼NW¼, Sec. 1; NE¼, Sec. 2, T. 22 S., R. 46 E. W. M. (State of Oregon).

S½SW¼, Sec. 19; W½, Sec. 30;

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date of this notice; such protest shall state the name and address of the protestant and shall clearly set forth his objections to the approval of the said application.

DATED This 25th day of August, 1928.

R. W. Faris,
Commissioner of Reclamation.

Date of First publication: Sept. 2, 1928.

Date of last publication: Sept. 16, 1928.

Last date for protest: October 4, 1928.

SERVICE of the foregoing, by copy, is hereby admitted this 30th day of August, 1928.

R. J. Newell,
Applicant.

AFFIDA

STATE OF IDAHO,)
County of Valley,)

..... deposes and says that he
NEWS; that the said pul
at Cascade, in the Coun
general circulation therein,
and uninterruptedly publis

seventy-eight consecutive
..... Sept. .....
newspaper under the provis
newspapers, and that the n

was published in the regul

consecutive times, beginnin
19..28., and ending with t

Subscribed and sworn

County of Valley, and the
..... September .....

[SEAL]

My commiss

State of Idaho
License and Certificate of Water Right

Water License No. R-652 Amount 15,000 acre feet

Water District No. Priority June 25, 1938

THIS IS TO CERTIFY that U. S. A. BUREAU OF RECLAMATION

of Boise, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated June 25, 1938; that Permit No. R-652 was issued under said application; that Certificate of Completion of works, with a storage capacity of 15,000 acre feet, was issued thereunder on March 10, 1944, showing that said works were completed on the 10th day of September, 1943; and that on the 22nd day of October, 1953,

U. S. A. BUREAU OF RECLAMATION

of Boise, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to the storage and use the waters of Boise River, for the purpose of irrigation and domestic use, under Use Permit No. R-652 of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 9 of Licenses at page 5474, on the 29th day of March, 1955;

The right hereby confirmed dates from June 25, 1938;

The Point of outlet is located

In the NW ¼ SE ¼ Sec. 13, Tp. 3 N., R. 4 E., B. M. Boise County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 15,000 acre feet per annum.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
			Lands of the Boise federal reclamation project in Ada and Canyon Counties.		

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 29th day of March, 1955.

MARK R. KULP
State Reclamation Engineer.

(SEAL)

63 3613

...OF WATER FILINGS UNDER ...SION LAWS

Aug. 25, 1938
Sept. 1, 8, & 15, 1938
Sept. 2, 9, & 16, 1938
Oct. 4, 1938

...F PROTESTED

... Hearing ..... 19..
... Filed .....

Bureau of Reclamation
Box 937, Boise, Idaho

13-3613

APPLICATION FOR PERMIT

To Construct a Reservoir and Store and Appropriate
The Public Waters of the State of Idaho

Application No. R 25986
Permit No. R 652

1. Name of Applicant: United States of America, acting through its agent, R. J. Newell, Construction Engineer, Bureau of Reclamation,
Postoffice address: P. O. Box 937, Boise County Ada State Idaho

I. If applicant is a corporation, give:

(a) Date and place of incorporation:

(b) Amount of Capital Stock: $

(c) Amount paid in: $

(d) Names and addresses of directors:

The applicant is the United States Government, acting under the provisions of the Act of Congress of June 17, 1902 (32 Stat., 388), known as the Reclamation Act, and acts of Congress supplementary thereto and amendatory thereof, and also the Act of Congress of April 8, 1935 (49 Stat., 115) known as the Emergency Relief Appropriation Act of 1935.

II. The financial resources of the ~~corporation~~ applicant available for Reclamation purposes are receipts in the Reclamation Fund from sales of public land, mineral leases, etc., and other appropriations made by Congress.

(a) Cash on hand: $

(b) Treasury Stock: $

(c) Bonds to be issued: $

(d) Other resources:

2. Quantity of water to be stored: fifteen thousand (15,000) acre feet per annum.

3. Source of water supply is Boise River ~~tributary~~, a tributary of Snake River.

4. The outlet of the proposed reservoir is located at Arrowrock Dam (bearing) feet, distant from the corner of Section , Township , Range , B. M. and is in the NW ¼ of SE ¼ of Section 13 , Township 3 N. , Range 4 E. , B. M. Counties of Boise & Elmore.

5. Fill out either (a) or (b).

(a) The reservoir is located in the channel of Boise River (Creek) (River).

(b) The reservoir is to be filled through a feeder canal, the point of diversion for which is located (bearing) feet distant from the corner of Section , Township , Range , B. M., and is in the ¼ of ¼ of Section , Township , Range , B. M.; width at bottom feet, width at top feet, depth of water feet; average grade per mile feet; Capacity cubic feet per second.

6. (a) The area of the high water line of the reservoir is acres.

(b) The reservoir capacity is fifteen thousand (15,000) acre feet.
additional capacity added by enlargement of Arrowrock Reservoir

7. Height of reservoir dam feet, length at top feet, length at bottom feet, size of outlet feet by feet. The dam is to be constructed of materials as follows:

(If height will exceed 10 feet, plans must be approved by Department of Reclamation, before beginning construction.)

8. (a) Will water stored in reservoir be diverted to canal or acqueduct, thence to land to be irrigated without commingling with natural flow of Boise River ~~tributary~~ ? No.

(b) Water stored in reservoir will be carried in the channel of Boise River ~~tributary~~, a distance of about 16 miles to point of diversion located (bearing) feet, distant from the corner of Section Township , Range , B. M., and in the ¼ of ¼ of Section , Township , Range B. M.

9. Amount of water claimed from (Creek) (River) (Spring) in addition to that stored in reservoir cubic feet per second.

10. Water is to be used for irrigation and domestic purposes.

11. If for mining, milling, power or manufacturing purposes give:

(a) Point of use of water (bearing) feet, distant from Corner of Section , Township , Range B. M. and is in the ¼ of ¼ of Section , Township , Range , B. M.

(b) Amount of power generated: H. P., under feet head.

(c) Water is to be returned to (Creek) (River) (Spring) at a point (bearing) feet distant from the corner of Section , Township , Range , B. M., in the ¼ of ¼ of Section , Township , Range B. M.

12. Water stored in accordance with this Permit will be carried to place of use through a canal heretofore constructed under the terms of Permit No. , which is hereby referred to and made a part hereof.

Twp.	Range	Sec.	NE¼ NE¼	NE¼ NW¼	NE¼ SW¼	NE¼ SE¼	NW¼ NE¼	NW¼ NW¼	NW¼ SW¼	NW¼ SE¼	SW¼ NE¼	SW¼ NW¼	SW¼ SW¼	SW¼ SE¼	SE¼ NE¼	SE¼ NW¼	SE¼ SW¼	SE¼ SE¼	Totals
5N	5W	27										4	38	8					50
		28									15	31	38	32		1	26	21	164
		29							5		3	23	38	23	30	36	39	38	235
		30			15	3			19	16	39	39	27	36	34	39	37	35	339
		31	38	38	38	37	36	25	35	37	35	3	32	37	37	37	39	39	543
		32	37	39	38	38	26	37	39	29	37	36	37	31	39	38	39	38	578
		33	39	38	37	38	37	39	39	37	37	39	38	39	37	39	37	39	609
		34	1	26	37	22	31	35	39	38	39	39	38	38	27	38	38	38	524
		35							16	2	23	37	39	39		2	30	12	200
4N	6W	1	35	34	39	39	19		13	39	40	26	38	38	39	40	39	36	514
		2					21							1	2			23	47
		11	35	13	33	37	32			40	19				34	28			271
		12	37	37	22	30	38	39	39	40	39	38	35	35	10	20	39	32	530
		13	31	38	20	35	33	8		12	5				39	24		11	256
5N	6W	25			1	16							4	15	39	24	38	36	173
		35	14		19	36				1	32			38	35	35	21	16	247
		36	36	38	31	36	39	34	38	34	22	33	2		6			10	359
	(Oregon)	24																19	19
21S	46E	25	35	1	34	38			22	15	36	36	37	40	38	36	38	37	443
		26	13	1	20	37									23	22	25	37	178
		35	18			23									36	29	33	21	160
		36	37	38	28	31	38	38	39	40	38	17	10	27	26	40	16	4	467
22S	46E	1						10											10
		2	30	29	1	6													66
21S	47E	19											34	20					54
		30					31	38	39	30	21	38	36	23					256
		31					27	38	39	30	28	36	2	1					201
																	TOTAL ACREAGE		197,593

In testimony whereof, we, BARZILLA W. CLARK, Governor of the State of Idaho, and IRA H. MASTERS, Secretary of State of the State of Idaho, have hereunto caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed this 22nd day of October, 1938.

STATE OF IDAHO

(SEAL)

By BARZILLA W. CLARK
Governor

Countersigned:

By IRA H. MASTERS
Secretary of State

PERMIT NO. R-652

CERTIFICATE OF COMPLETION OF RESERVOIR AND RIGHT TO STORE WATER

Amount 15,000 Acre Feet Priority June 25,1938

This is to certify that United States of America, acting through its agent, R. J. Newell, Construction Engineer, Bureau of Reclamation, of Boise, County of Ada, and State of Idaho, the holder of Permit No. R-652, issued upon Application No. R-25986, bearing date of priority of June 25, 1938, authorizing the construction of a reservoir and the right to store the waters of Boise River, a tributary of Snake River, Counties of Boise and Elmore, State of Idaho, for irrigation and domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works as set out and described in said Permit; that said works are adequate for the storage of 15,000 acre feet of water annually; that the location of the outlet of said reservoir is in the NW¼ of SE¼ of Section 13, Township 3 North, Range 4 East, Boise Meridian; that a right to store the said waters has been perfected in accordance with the laws of the State of Idaho and is hereby confirmed by the State Reclamation Engineer and entered of record in Volume R-2 of Permits, at page 652, records of the Department of Reclamation, on the 10th day of March, 1944; that the right hereby confirmed dates from June 25, 1938; and that the amount of water to which said right by this certificate is entitled to store annually shall not exceed 15,000 acre feet.

Witness the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 10th day of March, A. D. 1944.

(SEAL)

JAMES SPOFFORD
State Reclamation Engineer

LICENSE ISSUED FOR 5000 ACRE ~~SEC. FT.~~

Pg. 5474

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION

R-652

Boise, Idaho
September 28, 1938

RECEIVED
SEP 29 1938

Mr. R. W. Faris
Commissioner of Reclamation
State of Idaho
Boise, Idaho

Dear Mr. Faris:

Reference is made to Application No. R-25986 made by the United States of America on June 25, 1938, to store and appropriate 15,000 acre-feet per annum of the waters of the Boise River at Arrowrock Dam for irrigation and domestic purposes.

Transmitted herewith are proofs of publication of the notice as required by State law, which were submitted by the Cascade News and Glenns Ferry Gazette.

Very truly yours,

R. J. NEWELL
Construction Engineer

Encs.

R-652

1-13-41
1-23-41 to 2/6/41
2-22-41

63-3614 R-698

APPLICATION FOR PERMIT

To Construct a Reservoir and Store and Appropriate
The Public Waters of the State of Idaho

Application No. R 26522
Permit No. R 698

1. Name of Applicant: UNITED STATES OF AMERICA, acting through R. J. Newell, U. S. Bureau of Reclamation, Boise, Idaho

Postoffice address: Boise County Ada State Idaho

I. If applicant is a corporation, give: The applicant is the United States Government, acting under provision of the Act of
(a) Date and place of incorporation Congress of June 17, 1902 (32 Stat. 388) known as the Reclamation Act and Acts of (b) Amount of Capital Stock: $ thereto and amendatory thereof.
Congress supplementary

(c) Amount paid in: $ (d) Names and addresses of directors:

applicant

II. The financial resources of the ~~corporation~~ are:

(a) Cash on hand: $ (b) Treasury Stock: $

(c) Bonds to be issued: $ (d) Other resources: Receipts in the Reclamation Fund from the sale of public lands, mineral leases, etc., and other appropriations made by Congress.

2. Quantity of water to be stored: 500,000 acre feet per annum.

3. Source of water supply is South Fork Boise (~~Creek~~) (River) (~~Spring~~), a tributary of Snake River.

4. The outlet of the proposed reservoir is located N790, W2070 (bearing) Lot 4 feet, distant from the SW corner of Section 6, Township 1 S, Range 9 E, B. M. and is in the ~~¼ of ¼ of~~ Section 1, Township 1 S, Range 8 E, B. M. County of Elmore

5. Fill out either (a) or (b).

(a) The reservoir is located in the channel of South Fork Boise (~~Creek~~) (River).

(b) The reservoir is to be filled through a feeder canal, the point of diversion for which is located (bearing) feet distant from the corner of Section, Township, Range, B. M., and is in the ¼ of ¼ of Section, Township, Range, B. M.; width at bottom feet, width at top feet, depth of water feet; average grade per mile feet; Capacity cubic feet per second.

6. (a) The area of the high water line of the reservoir is 4600 acres.

(b) The reservoir capacity is 500,000 acre feet.

7. Height of reservoir dam 400 feet, length at top 1400 feet, length at bottom 150 feet, size of outlet 2-96" valves ~~feet by~~ feet. The dam is to be constructed of materials as follows: Earthfill, rock blanket

(If height will exceed 10 feet, plans must be approved by Department of Reclamation, before beginning construction.)

8. (a) Will water stored in reservoir be diverted to canal or acqueduct, thence to land to be irrigated without commingling with natural flow of South Fork Boise (~~Creek~~) (River) ? No

(b) Water stored in reservoir will be carried in the channel of Boise (~~Creek~~) (River,) a distance of 50 miles to point of diversion located (bearing) as present Boise River Diversion Dam, ~~feet, distant from the~~ Lot 9 ~~corner of Section~~ 3 Township 2 N, Range 3 E, B. M., and in the ¼ of ¼ of Section, Township, Range B. M.

9. Amount of water claimed from (Creek) (River) (Spring) in addition to that stored in reservoir cubic feet per second.

10. Water is to be used for irrigation and power purposes.

11. If for mining, milling, power or manufacturing purposes give:

(a) Point of use of water N790, W2070 (bearing) Lot 4 feet, distant from SW Corner of Section 6, Township 1 S, Range 9 E B. M. and is in the ~~¼ of ¼ of~~ Section 1, Township 1 S, Range 8 E, B. M.

(b) Amount of power generated: 20,000KW H.P., under 324 feet head.

(c) Water is to be returned to South Fork Boise (~~Creek~~) (River) (~~Spring~~) at a point N790, W2120 (bearing) feet distant from the SW Lot 4 corner of Section 6, Township 1 S, Range 9 E, B. M., in ~~the ¼ of ¼ of~~ Section 1, Township 1 S, Range 8 E B. M.

12. Water stored in accordance with this Permit will be carried to place of use through a canal heretofore constructed under the terms of Permit No. , which is hereby referred to and made a part hereof.

R- 698

13. Kind of diversion works: rubble concrete weir dam (Dam, canal, flume, pipe, etc.)

14. Height of diversion dam: 52 feet, length at top 500 feet, length at bottom 400 feet. The dam is constructed of materials as follows: rubble concrete

(If height will exceed 10 feet, plans must be approved by Department of Reclamation, before beginning construction.)

15. Size of headgate: Width 8-5'X6' gates feet, Height feet.

16. Diversion Canal: Width at bottom 40 feet, width at water line 67 feet, depth of water 9 feet, Dimensions of Flume

Diameter of Pipe inches; Length of Conduit miles. Average grade per mile feet.

17. Estimated cost of Works: Storage Works: $ 10.300,000. Diversion Works: $ constructed.

18. Time required for completion of work ten (10) years. This comes under the proviso in Section 41-204, I.C.A., applicable to reservoirs of more than 200,000 acre-feet capacity. A suitable showin comply with said proviso will be made.

19. Time required for complete application of water to proposed beneficial use is fifteen years from the date of the appr of this application.

20. The land to be irrigated is described in the following tabulation: Lands of the Boise Federal Irrigation project, a more detailed descrption of which will be furnished as soon as it is known which districts will subscribe for the Anderson Ranch Reservoir.

(Give Irrigable acreage in each 40-acre subdivision.)

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total Number of Acres to be Irrigated 275,756

Remarks:

BE IT KNOWN That the undersigned hereby makes application for permit to construct a reservoir and store and appropriate the public waters of Idaho as herein set forth, and that the enclosed map is hereby made a part of this application.

United States of America
Applicant.

By R. J. Newell, Construction Engineer of U. S. Bureau of Reclamation, Boise, Idaho.
Agent.

Date of first receipt at office of Commissioner of Reclamation 3:40 P. M., Dec. 9, 1940

Returned to applicant for correction

Corrected application received

APPROVAL OF COMMISSIONER OF RECLAMATION

The number of this permit is R 698

Recorded in book R 3, page R698 Approved February 25, 1941

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

Bond in the sum of $ 1,000.00, to be filed on or before April 26, 1941.

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

One fifth of the work above specified to be completed on or before February 25, 1946

The whole of said work to be completed on or before February 25, 1951.

Beneficial use of water stored in accordance herewith, to be made on or before February 25, 1956.

Witness my hand this 25th day of February, 19 41.

E.V. BERG.
Commissioner of Reclamation.

5886

State of Idaho
License and Certificate of Water Right

493,161 ac.ft. for irrigation and such power as can be generated by use of water released

Water License No. R-698 Amount for irrigation use.

Water District No. Priority December 9, 1940

THIS IS TO CERTIFY that UNITED STATES OF AMERICA (Bureau of Reclamation)

of Boise, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated December 9, 19 40; that Permit No. R-698 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 493,161 acre feet, was issued thereunder on August 30, 19 52, showing that said works were completed on the 6th day of February, 19 51; and that on the 21st day of February, 19 56, The U. S. Bureau of Reclamation

of Boise, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of South Fork Boise River, a tributary of Snake River, for the purpose of Irrigation and Power, under Use Permit No. R-698 of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 9 of Licenses at page 5886, on the 17th day of December, 1956;

The right hereby confirmed dates from December 9, 19 40;

The Point of Diversion is located

in the Lot ¼ 4 ¼ Sec. 1, Tp. 1 S., R. 8 E., B. M. County Elmore

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 493,161 acre feet

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
			Irrigation of cultivated lands of the Boise Federal Reclamation Project in Ada and Canyon counties as more particularly described in Certificate of Completion of Works issued in connection with Permit No. R-698, including all lands		

[redacted]

Townships 1,2,3,4,5 N., Range 1 E., B.M.
" 2,3,4 N. " 2 " " "
" 2 & 3 N. " 3 " " "
" 1 S. " 1 W. " "
" 1,2,3,4,5 N. " 1 " " "
" 1 S. " 2 " " "
" 1,2,3, 4 N. " 2 " " "
" 2,3,4, 5 N. " 3 " " "
" 2,3,4, 5 N. " 4 " " "
" 3,4,5, 6 N. " 5 " " "
" 4,5, 6 N. " 6 " " "
" 21 & 22 S. " 46 E. W.M. (Willamette-Meridian)
" 21 S. " 47 " " "

Corrected 9/27/57 Mark R. Kulp

17th day of December, 19 56.

Mark R. Kulp /s/
State Reclamation Engineer.

(SEAL)

63 3614

AFFIDAVIT OF R. J. NEWELL

STATE OF IDAHO)
) ss.
COUNTY OF ADA)

R. H. Newell, being first duly sworn, deposes and says:

That he is an irrigation engineer and has been employed in irrigation engineering work by the United States Bureau of Reclamation for more than 16 years last past. That he is now employed by the United States as the engineer in charge of the Boise Reclamation project, which includes the proposed Anderson Ranch Reservoir.

That affiant is familiar with the work involved in organizing, financing, and constructing the said reservoir and the time which may reasonably be required for the completion thereof, and is also familiar with the work heretofore done by the United States under permit no. R-698 toward the construction of said reservoir, and the amount expended thereon by the United States.

An affiant further deposes and says that the time stated in permit no. R-698 is needed for completion of works under said permit on account of the time required for organizing, financing, and constructing works of the very large size involved under said permit.

That the said permit no. R-698 involves the construction of a reservoir of more than two hundred thousand (200,000) acre-feet capacity, namely, the Anderson Ranch Reservoir, having a capacity as set out in said permit of about five hundred thousand (500,000) acre-feet.

That the United States has actually expended toward the construction of said reservoir (including expenditures for the purchase of rights of way and property in connection therewith) more than one hundred thousand ($100,000) dollars.

R. J. NEWELL /s/

SEAL Subscribed and sworn to before me this 12th day of January, 1942.

W. H. VERNON /s/
Notary Public, residing at Boise, Idaho.
My commission expires January 24, 1945.

Recorded in the Department of Reclamation this 13th day of January, 1942.

E. V. BERG /s/, Commissioner of Reclamation.

CERTIFICATE OF COMPLETION OF WORKS

To All Whom It May Concern:

This is to certify that UNITED STATES OF AMERICA, Acting through the Bureau of Reclamation of Boise, County of Ada, and State of Idaho, the holder of Permit No. R-698, issued upon Application No. R-26522, bearing date of priority of December 9, 1940, authorizing the construction of a reservoir, with the right to appropriate and store 500,000 acre feet per annum of the waters of Boise River a tributary of Snake River, in the County of Elmore, State of Idaho, for irrigation and power purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works set out and described in said Permit; that said works include a dam and reservoir adequate for the storage of 493,161 acre feet of water per annum, with adequate diversion works and conduit to the reservoir, and a conduit capable of conducting said water to the place of intended use; that the point of outlet of said reservoir is located in Lot 4 of Section 1, Township 1 South, Range 8 East, and that the place of use, or the lands proposed to be irrigated by the use of said water, are described as follows, to-wit: Supplemental irrigation land in the following townships: Twps. 1,2,3,4,5 N., Rge. 1 E., B.M. Twps. 2,3,4 N., Rge. 2 E., B.M. Twps. 2 & 3 N., Rge. 3 E., B.M. Twp. 1 S., Rge. 1 W., B.M. Twps. 1,2,3,4,5,N. Rge. 1 W., B.M. Twp. 1 S., Rge. 2 W., B.M. Twps. 1,2,3,4,N., Rge. 2 W., B.M. Twps. 2,3,4,5 N. Rge. 3 W., B.M. Twps. 2,3,4,5 N., Rge. 4 W.,B.M. Twps. 3,4,5,6 N., Rge. 5 W., B.M. Twps. 4,5,6 N., Rge. 6 W., B.M.
Also Twps. 21 and 22 S., Rge. 46 E., and Twp. 21 S., Rge. 47 E., Willamette Meridian.

Witness my hand this 30th day of August, 1952.

MARK R. KULP
State Reclamation Engineer

Proof of completion of works made February 6, 1951.
Certificate of completion of works issued August 30, 1952.

LICENSE ISSUED FOR 493.16 AC. FT.
Pg-5886

Affidavit of Publication

County of Elmore } ss.
STATE OF IDAHO }

I, Robert M. Cooley do solemnly swear that I am the foreman, the publisher of the

MOUNTAIN HOME NEWS

a weekly newspaper of general circulation, published once a week at MOUNTAIN HOME, IDAHO, that the notice attached hereto and which is a part of the proof of publication thereof, was published in said newspaper for 4 consecutive weeks, the first publication having been made on the 4th day of January, 19 51, and the last publication having been made on the 25th day of January, 19 51; every number of the paper during the period and time of publication and that the notice was published in the newspaper proper and not in a supplement thereof.

And I further swear that the said MOUNTAIN HOME NEWS (formerly Mountain Home Republican) has been continuously and uninterruptedly published in said Elmore County during a period of 78 consecutive weeks prior to the first publication of the attached notice.

Robert M. Cooley

Subscribed and sworn to me this 26th day of January, 19 51.

Mary J. Desmond
Notary Public

NOTICE FOR PUBLICATION

Notice is hereby given that at 10:00 A. M., on the 6th day of February, 1951, at Boise, County of Ada, State of Idaho, before W. L. Vernon, a notary public for Idaho, proof will be submitted of the completion of works for the storage of 500,000 acre feet per annum of the waters of South Fork of the Boise River, a tributary of Snake River, in accordance with the terms and conditions of a certain permit heretofore issued by the Commissioner of Reclamation of the State of Idaho.

1. The name of the person or corporation holding said permit is United States of America acting through the Bureau of Reclamation.
2. The postoffice address of such person or principal place of business of such corporations is P. O. Box 937, Boise, County of Ada, State of Idaho.
3. The number of such permit is R-698, and the date set for the completion of such work is February 25, 1951.
4. Said water is to be used for irrigation and Power purposes.
5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of storing in accordance with the plans accompanying the application for such permit, is 500,000 acre feet per annum.
6. The amount of lands for which said water is available is 275,766 acres, located in:

Township 1 N., Range 1 E.; Township 2 N., Range 1 E.; Township 3 N., Range 1 E.; Township 4 N., Range 1 E.; Township 5 N., Range 1 E.; Township 2 N., Range 2 E.; Township 3 N., Range 2 E.; Township 4 N., Range 2 E.; Township 2 N., Range 3 E.; Township 3 N., Range 3 E.; Township 4 N., Range 3 E.; Township 5 N., Range 3 E.; Township 2 N., Range 4 E.; Township 3 N., Range 4 E.; Township 4 N., Range 4 E.; Township 5 N., Range 4 E.; Township 3 N., Range 5 E.; Township 4 N., Range 5 E.; Township 5 N., Range 5 E.; Township 6 N., Range 5 E.; Township 4 N., Range 6 E.; Township 5 N., Range 6 E.; Township 6 N., Range 6 E. all Boise Meridian (Idaho); and Township 21 S., Range 46 E.; Township 22 S., Range 46 E.; Township 21 S., Range 47 E. all Willamette Meridian (Oregon).

MARK R. KULP
State Reclamation Engineer
First publication Jan. 4, 1951.
Last publication Jan. 25, 1951.

R-698



UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
P. O. Box 937 - Boise, Idaho
February 21, 1946

Mr. Mark R. Kulp
State Reclamation Engineer
State House, Boise, Idaho

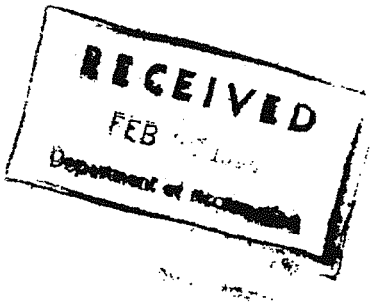
My dear Mr. Kulp: Re: Application for permit to store 500,000 acre feet per annum in the Anderson Ranch Reservoir on the South Fork of the Boise River - Boise project.

Please refer to permit R-698 approved on February 25, 1941 by E. V. Berg, Commissioner of Reclamation, and approving our application R-26522 for the permit to store 500,000 acre feet per annum in the Anderson Ranch Reservoir on the South Fork of the Boise River.

Since the date of the permit the United States has prosecuted the construction of the reservoir diligently and more than one-fifth of the work has been completed on or before February 25, 1946, required by the permit.

Very truly yours,

W. W. Johnston
Acting Regional Director



R-698

such completion, and the amount of water which said works are capable of storing in accordance with the plans accompanying the application for such permit, is 500,000 acre feet per annum.

6. The amount of lands for which said water is available is 275,766 acres, located in:

Township 1 N., Range 1 E.; Township 2 N., Range 1 E.; Township 3 N., Range 1 E.; Township 4 N., Range 1 E.; Township 5 N., Range 1 E.; Township 2 N., Range 2 E.; Township 3 N., Range 2 E.; Township 4 N., Range 2 E.; Township 2 N., Range 3 E.; Township 3 N., Range 3 E.; Township 1 N., Range 1 W.; Township 1 S., Range 1 W.; Township 2 N., Range 1 W.; Township 3 N., Range 1 W.; Township 4 N., Range 1 W.; Township 5 N., Range 1 W.; Township 1 S., Range 2 W.; Township 1 N., Range 2 W.; Township 2 N., Range 2 W.; Township 3 N., Range 2 W.; Township 4 N., Range 2 W.; Township 2 N., Range 3 W.; Township 3 N., Range 3 W.; Township 4 N., Range 3 W.; Township 5 N., Range 3 W.; Township 2 N., Range 4 W.; Township 3 N., Range 4 W.; Township 4 N., Range 4 W.; Township 5 N., Range 4 W.; Township 3 N., Range 5 W.; Township 4 N., Range 5 W.; Township 5 N., Range 5 W.; Township 4 N., Range 6 W.; Township 5 N., Range 6 W.; Township 6 N., Range 6 W.; Township 6 N., Range 6 W. all Boise Meridian (Idaho); and Township 21 S., Range 46 E.; Township 21 S., Range 46 E.; Township 21 S., Range 47 E. all Willamette Meridian (Oregon).

MARK R. KULP
State Reclamation Engineer

First publication Jan. 4, 1951.
Last publication Jan. 25, 1951.

NOTICE

A. J. Comstock and Spencer Cal
well, residents of Mountain Ho
Idaho hereby give notice that
partnership of Comstock and Cal
doing business under the name o
Nu-Way Builders Supply, a reta
iness and the Nu-Way Builders
eral building contractors, is
disolved and that no credit
allowed the partnership from
on.

You are further notified
Comstock is contracting
business under his own
credit, and that Spenc
is doing business under
the Nu-Way Builder's
his own credit.

First publication Dece
Last publication Janu

NOTICE FOR P

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UNITED
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EMENT FOR BIDS

hereby given that sealed
or the furnishing of one
oiled slack coal, size 1 5/8
vered at the high school
will be received by the Board
tees of Mountain Home In-
nt School District No. 6. El-
County, Idaho at the office of
Clerk of the Board at Mountain
e on or before the 8th day of
uary, 1951 at the hour of 8:30
M.

The right is reserved to reject any
nd all bids, or to accept the bid or
bids deemed best for said school dist-
rict.

Pauline Anderson, Clerk
Mtn. Home Independent
School District No. 6

First publication Dec. 28, 1950.
Last publication Jan. 4, 1951.

NOTICE FOR PUBLICATION

Notice is hereby given that at 10:00 A. M., on the 6th day of February, 1951, at Boise, County of Ada, State of Idaho, before W. L. Vernon, a notary public for Idaho, proof will be submitted of the completion of works for the storage of 500,000 acre feet per annum of the waters of South Fork of the Boise River, a tributary of Snake River, in accordance with the terms and conditions of a certain permit heretofore issued by the Commissioner of Reclamation of the State of Idaho.

1. The name of the person or corporation holding said permit is United States of America acting through the Bureau of Reclamation.

2. The postoffice address of such person or principal place of business of such corporations is P. O. Box 937, Boise, County of Ada, State of Idaho.

3. The number of such permit is R-698, and the date set for the completion of such work is February 25, 1951.

4. Said water is to be used for Irrigation and Power purposes.

5. Said works of diversion will be fully completed on the date set for

RECEIVED
JAN 28 1941
Department of Reclamation

ANDERSON RANCH RESERVOIR CONTRACT

Anderson Ranch Reservoir is situated on the South Fork of the Boise River approximately 20 miles upstream from the backwaters of Arrowrock. The dam will be earth fill, built to an elevation of approximately 340 feet above the bed of the river. Its base at the river bed will be nearly one half mile in thickness. The cross section of the proposed Anderson Ranch Dam is approximately 10 times that of the Lower Deer Flat Embankment, and its construction will require about 8,500,000 cubic yards of material. Being a multiple purpose dam it will serve for irrigation, flood control and power.

Capacity of the proposed dam is dedicated as follows:

Reserved by the United States as dead storage and removable storage for power purposes	75,000 ac.ft. of space
For irrigation and flood control	380,000 " " " "
For flood control only	45,000 " " " "
Total capacity as proposed	500,000 acre feet

Estimated Costs

Anderson Ranch Dam	$10,300,000
Power Plant	2,400,000
Changes at Arrowrock for flood control	400,000
Total Estimated Cost	$13,100,000

Allotment of Costs

Charged to irrigation	$ 4,650,000
Charged to flood control	5,050,000
Charged against power	3,400,000
	$13,100,000

B-3-16

The contracts require the New York Irrigation District, the Nampa & Meridian Irrigation District, the Boise-Kuna Irrigation District and the Wilder Irrigation District to assume the entire obligation of the Anderson Reservoir changeable to Irrigation. The Secretary of the Interior reserves the right to sell 11.2% of the 380,000 acre foot space to other irrigation districts or canal companies in the Boise Valley. Under the present plans no new land will be irrigated. Included in the 11.2% will be the lands of wateruser organizations that own 11% of the present capacity of Arrowrock.

Allotment of Space to Districts

Outside districts in Boise Valley-11.2% of total		42,560 a. f.
New York District -	11.05% of balance	37,287 a. f.
Nampa & Meridian Dist.	25.03% of balance	84,461 a. f.
Boise-Kuna District	30.21% of balance	101,940 a. f.
Wilder District	33.71% of balance	113,752 a. f.
		380,000 a. f.

Repayment of the cost of Anderson Ranch Reservoir is to be completed in 40 years from the time 275,000 acre feet of water is available. Payments are to be combined with the unaccrued amounts payable on Arrowrock Dam resurfacing and the present construction charges, to make as nearly as possible a combined payment of 40 equal annual installments. Adjustments are to be made after the first 10 years of payment on the Anderson Ranch Dam. Repayment of the cost of resurfacing Arrowrock Dam has not yet begun. In 1939 Congress approved repayment of the recent Arrowrock construction to be made in 20 annual installments. Such payments would amount to 18 cents per acre over a 20-year period but combined with Anderson Ranch Dam payments would be the same as if they were reduced to 9 cents per acre over a 40-year period.

Districts that will pay out on their present construction obligation in less than 40 years after starting payments on Anderson Dam will receive a reduction on the Anderson payments during the time they are completing their original payments.

Amount of Districts Obligation (Provided Anderson Dam is built for the estimated cost).

New York District	11.05%	or	$ 513,825
Nampa & Meridian District	25.03%	or	1,163,895
Boise-Kuna District	30.21%	or	1,404,765
Wilder District	33.71%	or	1,567,515
	100.00%		$ 4,650,000

The above costs will be reduced by 11.8% when the outside districts take their water. The contract also allows for a possible 10% increase in the estimated cost of the dam.

The construction cost on a straight 40-year repayment plan will amount to 63 cents per acre, however the cost in each district will vary depending upon the amount that has been repaid on present construction obligations.

Water stored in the space allotted to each district will be held solely for that district and if not used, carried over to the next year. Each districts' storage in Anderson Reservoir may be as much as twice the amount for which they have space, provided such storage does not interfere with any other districts' rights. All water stored in Anderson may be wasted if snow surveys indicate possibility of spring floods.

To prevent wasting of water and to secure better flood control, provision has been made to hold Arrowrock and Deer Flat storage in Anderson Reservoir, should it be desirable to do so, or Anderson Water in Arrowrock.

Providing all four districts accept their contracts, no water will

go to any lands not now in cultivation. Provision has been made in the contract so that the Bureau of Reclamation can, at some time in the future, substitute Payette or Salmon River for storage in Anderson Reservoir if such substitution can be made. The Districts will receive the benefit of any savings in cost but in no case will they pay more than the cost of Anderson water.

The contract provides that, "It is understood and agreed that if Anderson Ranch Reservoir is to be effective in reducing water shortages in dry cycles, it is essential that the District take every reasonable measure to effect economical and efficient use of water by every water user within the District; and the District agrees to take such measures. It is further understood and agreed that whenever wasteful, inefficient or uneconomical use of water is being made by a water user within the District, the District with the advice and cooperation of the Bureau of Reclamation will take such action as may be necessary to correct such wasteful, inefficient, or uneconomic use of water."

Anderson Reservoir will not provide unlimited amounts of water. On the basis that we hold the average farm use of water to 3.45 acre feet on the upper system and 3.90 acre feet under the lower system, it would have practically eliminated water shortage during the past years with the exception of 1931, when we had three short years in succession.

The operation and maintenance cost on Anderson Dam have been estimated at one cent per acre, however since more water will be available nearly every fall the irrigation seasons will be longer so the actual extra cost of operation and maintenance will average about five cents per acre. At the present time, no change is contemplated in charging

a minimum toll with an extra charge for excess water.

The suggested plan of handling Anderson water is to have our present supply delivered as in the past. After this is used the directors of each district will specify how much extra Anderson water will be delivered. At the end of the irrigation season the amount of Anderson water plus the delivery losses will be figured and each district notified as to how much hold-over water they have for the next year. If one district is too liberal with water; another district saving; during a short year, the saving district will have the better water right.

We could have averaged close to one half acre foot per acre greater delivery over the past 17 years had Anderson Reservoir been built. This does not mean that we could have delivered one half acre foot more every year, for during several years the estimated required average amount of 3.45 and 3.90 acre feet was delivered. Anderson is primarily a hold-over reservoir, and must be used as such to eliminate water shortage in the Boise Valley.

Wm. H. Tuller

1/25/41

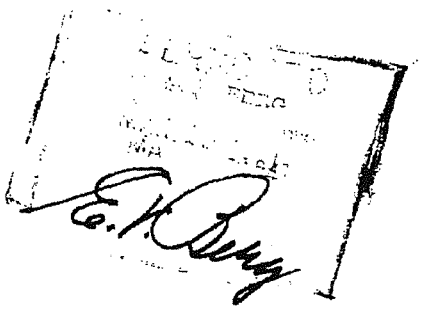
Boise, Idaho
January 28, 1941

ESTIMATED COST

Anderson Ranch Dam, Reservoir, and Power Plant

Boise Project

Right of way, clearing and road relocation	$ 1,200,000
Dam	6,500,000
Outlet	800,000
Spillway	1,800,000
Power plant	2,400,000
Arrowrock outlets	400,000
	$13,100,000



Construction Engineer
Bureau of Reclamation

N-6-4/8

Form 211
5/78

Ident. No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR AMENDMENT OF A PERMIT

To change the point of diversion and/or the place of use APPROVED

Comes now The United States of America acting through the Regional Director, Pacific Northwest Region, Bureau of Reclamation

of (address) Box 043-550 West Fort Street, Boise, Idaho 83724, and represents to the Director of the Idaho Department of Water Resources:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 63-3618/R-1183, and requests that the permit ~~and permit map~~ be changed as follows:

1. Point of diversion: SE ¼ NE ¼, Section 11, Township 2N, Range 3E, B.M., County of Ada. Other points of diversion: _____

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

Amount 111,950 (cfs or acre feet per annum)	for storage for* irrigation	purposes from January 1	to December 31*	(both dates inclusive)
Amount 152,300 (cfs or acre feet per annum)	for storage for streamflow maintenance*	purposes from Jan. 1	to Dec. 31	(both dates inclusive)
152,300	streamflow maintenance from storage	Jan. 1	to Dec. 31*	
~~Amount 13,950 (cfs or acre feet per annum)~~	~~for Flood Control~~ Storage for recreation*	purposes from ~~Jan. 1~~	to ~~Dec. 31~~	(both dates inclusive)
Amount 28,800 (cfs or acre feet per annum)	for ~~Dead Storage~~	purposes from Jan. 1	to Dec. 31	(both dates inclusive)
111,950	irrigation from storage	March 15	November 15*	

3. Place of use or land to be irrigated:

*per letter dated 5/15/1984 - DRT

TWP	RGE	SEC	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
						BOISE FEDERAL RECLAMATION PROJECT LANDS													

Total number of acres to be irrigated = _____

4. a. Who owns the property at the point of diversion? United States of America

b. Who owns the land to be irrigated or the place of use? Various landowners

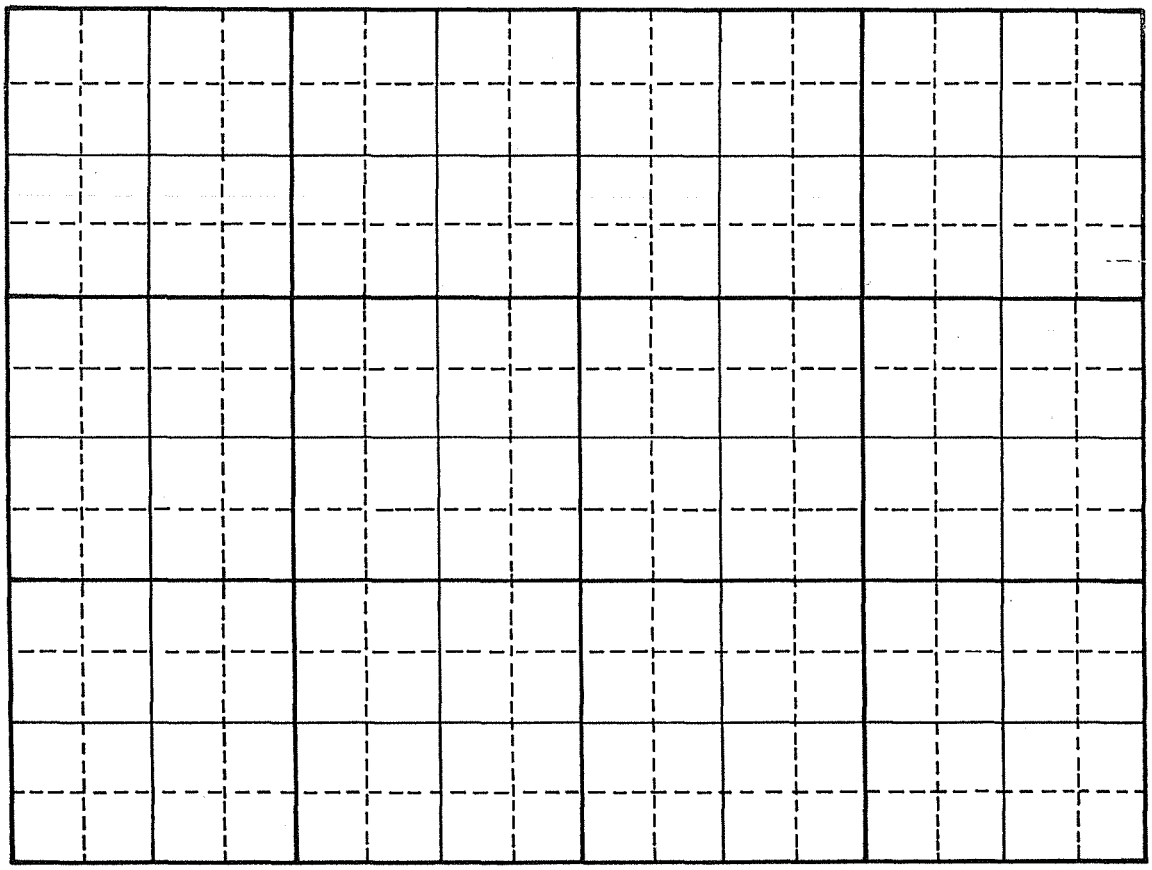
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: Federal Reclamation Project contracts with various water user organizations.

MICROFILMED

Complete the following map by showing land and point of diversion as proposed by this amendment.

Show 40-acre subdivisions, townships, ranges and ditches.

MICROFILMED



Scale: 2 inches equal 1 mile.

That no one will be injured by such change, and that such change will be made at permit holder's own risk.

Signed at Boise, Idaho, this 9th day of March, 1984.

John W. Keys, III
(Signature)

FOR DEPARTMENT USE ONLY

Preliminary check by _____ Fee = $20.00 # 32576 Receipted by JP Date 3/15/84

Publication prepared by JP Date 3/29/84 Published in Idaho Statesman

Publication dates 4/5 & 4/12/84

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

I, _____, Director of the Department of Water Resources hereby APPROVE the above Application for Amendment of Permit No. R-1183 (63-3618) provided the following condition are met:

1. The allocation of 152,300 acre feet of storage space for stream flow maintenance includes 50,000 acre feet allocated for same purpose under the original permit.

Witness my hand this 14th day of February, 1985.

R. Keith Higginson

DIR

APPLICATION FOR PERMIT 63-3619

To Construct a Reservoir and Appropriate and Store
The Public Waters of the State of Idaho

Application No. R 35086
Permit No. R 1183

1. Name of Applicant: United States of America, acting through the Regional Director, Region 1, Bureau of Reclamation
Post office address: P.O.Box 937 Boise State Idaho
and for the benefit of the users of Boise River water.

I. If applicant is a corporation, give:

(a) Date and place of incorporation:

(b) Amount of Capital Stock: $

(c) Amount paid in: $

(d) Names and addresses of directors:

II. The financial resources of the corporation are:

(a) Cash on hand: $

(b) Treasury Stock: $

(c) Bonds to be issued: $

(d) Other resources:

2. Quantity of water to be stored: 307,000 acre feet per annum.

3. Source of water supply is Boise (River) (a tributary of Snake River.

4. The outlet of the proposed reservoir is located S6°20'W 2300 feet, distant from the NE corner of Section 11, Township 2 N., (bearing) intake tower to the Range 3 E., B.M. and is in the SE ¼ of NE ¼ of Section 11, Township 2 N., Range 3 E., B.M. County of Ada

5. Fill out either (a) or (b).

(a) The reservoir is located in the channel of Boise (Creek) (River).

(b) The reservoir is to be filled through a feeder canal, the point of diversion for which is located feet distant from the corner of Section, Township, Range, B.M., and is in the (bearing) ¼ of ¼ of Section, Township, Range, B.M.; width at bottom feet, width at top feet, depth of water feet; average grade per mile feet; Capacity cubic feet per second

6. (a) The area of the high water line of the reservoir is 2,850 acres.

(b) The reservoir capacity is 307,000 (total capacity); 278,200 (usable storage) acre feet.

7. Height of reservoir dam 340 feet, length of crest 1,700 feet, length at bottom variable feet, size of outlet 23 feet inside diameter. The dam is to be constructed of materials as follows: the existing Lucky Peak Dam and is Rolled earth and gravel fill.
(If height will exceed 10 feet, plans must be approved by Department of Reclamation, before beginning construction.)

8. (a) Will water stored in reservoir be diverted to canal or aqueduct, thence to land to be irrigated without commingling with natural flow of Boise (River)? No

(b) Water stored in reservoir will be carried in the channel of Boise (Creek) (River) a distance of 2 miles to point of diversion located at the existing Boise Diversion Dam S11°45' E (bearing) 356 feet, distant from the E¼ corner of Section 4, Township 2 N., Range 3E., B.M., and Lot 9 of Section 3 Township 2 N., Range 3 E., B.M., and to other points of diversion in the Boise River downstream therefrom.

9. (a) Area of watershed above dam site 2,650 square miles.

(b) Estimated maximum flow of stream 35,000 to 40,000 (unregulated natural flow) cubic feet per second.

10. Water is to be used for irrigation purposes.

11. If for mining, milling, power or manufacturing purposes give:

(a) Point of use of water feet, distant from Corner of Section, Township, Range (bearing), B.M., and is in the ¼ of ¼ of Section, Township, Range, B.M.

(b) Amount of power generated: H.P., under feet head.

(c) Water is to be returned to (Creek) (River) (Spring) at a point feet (bearing) distant from the corner of Section, Township, Range, B.M. in the ¼ of ¼ of Section, Township, Range, B.M.

12. Water stored in accordance with this Permit will be carried to place of use through a canal heretofore constructed or enlarged, as described in Permit No. 1600 & 1600A, which are hereby referred to and made a part hereof., and other existing canals diverting from the Boise River.

13. Kind of diversion works: Rubble concrete weir dam. (Dam, canal, flume, pipe, etc.)

14. Height of diversion dam: 52 feet, length at top 500 feet, length at bottom 400 feet. The dam is to be constructed of materials as follows: Rubble concrete. Diversion will be through the existing New York Canal and other canals diverting from the Boise River.
(If height will exceed 10 feet, plans must be approved by Department of Reclamation, before beginning construction.)

New York Canal - 8 [illegible]s each, 5' x 9'

5. Size of headgate: ~~Width~~ [illegible] ~~Height~~ dia.

6. Diversion Canal: Width at bottom 40 feet, width at water line 67 feet, depth of water 9 feet, Dimensions of Flume

Diameter of Pipe inches; Length of Conduit miles. Average grade per mile feet.

7. Estimated Cost of Works; Storage Works: $ Constructed Diversion Works: $ Constructed

8. Time required for completion of work 5 years.

9. Time required for complete application of water to proposed beneficial use is 6 years.

10. The land to be irrigated is described in the following tabulation:

(Give Irrigable acreage in each 40-acre subdivision.)

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
			Lucky Peak stored waters will be utilized in the Boise Valley on presently irrigated lands for supplemental irrigation water.																

Total Number of Acres to Be Irrigated

1. Existing rights and/or valid permits appurtenant to lands described above are Water License No. R-698, No. R-652, No. 430, No. 7180, No. 4800, No. 16098, and the rights described in the Bryan and Stewart decrees.

~~Remarks~~ Remarks: The water to be stored under this permit will be used to supplement lands having existing water rights in the Boise Valley who desire to contract therefor.

REMARKS: This permit is issued on condition - "That the yield of water from 50,000 acre feet of space be available for maintaining minimum winter time flow in the Boise River below Boise Diversion Dam under a release pattern established from time to time by the Director of the Idaho Fish and Game Department.

BE IT KNOWN That the undersigned hereby makes application for permit to construct a reservoir and appropriate and store the public waters of Idaho as herein set forth, and that the enclosed map is hereby made a part of this application.

UNITED STATES OF AMERICA, *Applicant.*

By s/ M. B. Austin, *Agent.*
Acting Regional Director

Date of first receipt at Department of Reclamation: 8:00 A.M. April 12, 1963

Returned to applicant for correction:

Corrected application received:

APPROVAL OF STATE RECLAMATION ENGINEER

The number of this permit is R 1183

Recorded in book R 5, page 1183. Approved March 20, 1964

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

Bond in the sum of $, to be filed on or before

Work to begin on or before May 20, 1964 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

One-fifth of the work above specified to be completed on or before September 20, 1966

The whole of said work to be completed on or before March 20, 1969

Beneficial use of water stored in accordance herewith, to be made on or before March 20, 1975

Witness my hand this 20th day of March, 19 64

s/ CARL E. TAPPAN
State Reclamation Engineer

IN TESTIMONY WHEREOF, We, ROBERT E. SMYLIE, Governor of the State of Idaho, and ARNOLD WILLIAMS, Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 20th day of March, 19 64

COUNTERSIGNED

By s/ ARNOLD WILLIAMS
Secretary of State.

STATE OF IDAHO
By s/ ROBERT E. SMYLIE
Governor

(SEAL)

Address all communications to

(Form No. 2)

P. O. _____

AMENDED APPLICATION FOR PERMIT

To Construct a Reservoir and Appropriate and Store
the Public Waters of the State of Idaho

Application No. R_____

Permit No. R_____

1. Name of Applicant: The United States of America, acting through the Regional Director, Region I, Bureau of Reclamation

Postoffice address: P. O. Box 937, Boise, County Ada, State Idaho

and for the benefit of the users of Boise River water.

I. If applicant is a corporation, give:

(a) Date and place of incorporation: _____

(b) Amount of Capital Stock: $_____

(c) Amount paid in: $_____

(d) Names and addresses of directors: _____

II. The financial resources of the corporation are:

(a) Cash on hand: $_____

(b) Treasury Stock: $_____

(c) Bonds to be issued: $_____

(d) Other resources: _____

2. Quantity of water to be stored: 307,000 acre feet per annum

3. Source of water supply is Boise (Creek) (River) a tributary of Snake River.

4. The outlet of the proposed reservoir is located intake tower to the S6°20'W (bearing) 2300 feet, distant from the NE corner of Section 11, Township 2 N., Range 3 E., B. M., and is in the SE ¼ of NE ¼ of Section 11, Township 2 N., Range 3 E., B. M. County of Ada

5. Fill out either (a) or (b).

(a) The reservoir is located in the channel of Boise (Creek) (River)

(b) The reservoir is to be filled through a feeder canal, the point of diversion for which is located _____ (bearing) _____ feet, distant from the _____ corner of Section _____, Township _____, Range _____, B. M., and is in the _____ ¼ of _____ ¼ of Section _____, Township _____, Range _____ B. M width at bottom _____ feet, width at top _____ feet, depth of water _____ feet; average grade per mile _____ feet; Capacity _____ cubic feet per second.

6. (a) The area of the high water line of the reservoir is 2,850 acres.

(b) The reservoir capacity is 307,000 (total capacity); 278,200 (usable storage) acre feet.

7. Height of reservoir dam 340 feet, length of crest 1,700 feet, length at bottom variable feet, size of outlet 23 feet inside diameter. the existing Lucky Peak Dam and is Rolled earth and gravel fill. The dam is to be constructed of materials as follows: _____

(If height of dam will exceed 10 feet or capacity of reservoir will exceed 100 acre feet, plans must be approved by Department of Reclamation, before beginning construction.)

8. (a) Will water stored in reservoir be diverted to canal or aqueduct, thence to land to be irrigated without commingling with natural flow of Boise (Creek) River? No.

(b) Water stored in reservoir will be carried in the channel of Boise (River,) a distance of 2 miles to point of diversion located at the existing Boise Diversion Dam S41°45'E (bearing) 356 feet, distant from the E¼ corner of Section 4 Township 2 N., Range 3 E., B. M., and Lot 9 of Section 3, Township 2 N., Range 3 E. B. M., and to other points of diversion in the Boise River downstream therefrom.

9. (a) Area of watershed above dam site 2,650 square miles

(b) Estimated maximum flow of stream (unregulated natural flow) 35,000 to 40,000 cubic feet per second.

10. Water is to be used for irrigation purposes.

11. If for mining, milling, power or manufacturing purposes give:

(a) Point of use of water S6°20'W (bearing) 2,300 feet, distant from NE Corner of Section 11, Township 2 N., Range 3 E. B. M. and is in the SE ¼ of NE ¼ of Section 11, Township 2 N., Range 3 E., B. M.

(b) Amount of power generated: 40,200 H. P., under 240 maximum feet head.

(c) Water is to be returned to Boise (River) at the point of use. (bearing)

12. Water stored in accordance with this Permit will be carried to place of use through a canal heretofore constructed or enlarged, as described in Permit No. 4800 & 16098, which are hereby referred to and made a part hereof, and other existing canals diverting from the Boise River.

13. Kind of diversion works: Rubble concrete weir dam (Dam, canal, flume pipe, etc.)

14. Height of diversion dam: 52 feet, length at top 500 feet length at bottom 400 feet. The dam is constructed of materials as follows: Rubble concrete. Diversion will be through the existing New York Canal and other canals diverting from the Boise River.

(If height will exceed 10 feet, plans must be approved by Department of Reclamation, before beginning construction.)

15. Size of headgate: New York Canal - 8 gates each, 5' x 9'.

16. Diversion Canal: Width at bottom 40 feet, width at water line 67 feet, depth of water 9 feet, Dimension of Flume

Diameter of Pipe inches; Length of Conduit Miles. Average grade per mile feet.

17. Estimated cost of Works: Storage Works: $ Constructed Diversion Works: $ Constructed

18. Time required for completion of work years.

19. Time required for complete application of water to proposed beneficial use is 15 years.

20. The land to be irrigated is described in the following tabulation:

(Give Irrigable acreage in each 40-acre subdivision.)

T.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
			Lucky Peak stored waters will be utilized in the Boise Valley on presently irrigated lands for supplemental irrigation water.																

Total Number of Acres to be Irrigated

R-1183

21. Existing rights and/or valid permits appurtenant to lands described in Sec. 20 are Water License No. R-698, No. R-652, No. 430, No. 7180, No. 4800, No. 16098 and the rights described in the Bryan and Stewart decrees.

Remarks: The water to be stored under this permit will be used to supplement lands having existing water rights in the Boise Valley who desire to contract therefor.

Remarks:

BE IT KNOWN That the undersigned hereby makes application for permit to construct a reservoir and store and appropriate the public waters of Idaho as herein set forth, and that the enclosed map is hereby made a part of this application.

UNITED STATES OF AMERICA
Applicant.

By [signature] Agent.
H. T. Nelson Regional Director

Affidavit of Permission to Store and Appropriate the Water of Springs

(Not to be used when spring is situated on lands owned by applicant)

I, _____ of _____, County of _____ State of _____, do hereby certify that I am the owner or lessee of the land on which the spring mentioned in the application of _____ is located, to-wit: _____ and that I do hereby grant unto the said _____ _____ permission to file on the said spring as set forth in the foregoing application for permit to construct reservoir and store and appropriate the water from said spring.

STATE OF IDAHO,
County of _____ } ss.

On this _____ day of _____, 19____, before me, a Notary Public for the State of Idaho, residing at _____, personally appeared _____ known to me to be the person whose name, _____ subscribed to the foregoing certificate, and acknowledged to me that he executed the same.

Witness my hand and seal, the day and year in this certificate first above written.

_____
Notary Public.

My commission expires: _____

Address all communications to

(Form No. 2) .....

P. O. .....

APPLICATION FOR PERMIT

To Construct a Reservoir and Appropriate and Store
The Public Waters of the State of Idaho

Application No. R.....

Permit No. R.....

1. Name of Applicant: United States of America, acting through the Bureau of Reclamation

Postoffice address: P. O. Box 937 ~~xxxxx~~y Boise State Idaho

I. If applicant is a corporation, give:

(a) Date and place of incorporation: Applicant is the United States Government, acting

(b) Amount of Capital Stock: pursuant to the provisions of the act of June 17, 1902

(c) Amount paid in: (32 Stat. 388) and acts amendatory thereof or supplementary

(d) Names and addresses of directors: thereto.

II. The financial resources of the corporation are:

(a) Cash on hand: $Receipts in the Reclamation Fund from the sale of Public lands,

(b) Treasury Stock: $mineral leases, etc., and appropriations made by the Congress.

(c) Bonds to be issued: $.....

(d) Other resources: .....

2. Quantity of water to be stored 307,000 acre feet per annum

3. Source of water supply is Boise ~~xxxx~~k) (River) (~~Spring~~), a tributary of Snake River.

4. The outlet of the proposed reservoir is located 60° 20' W 2300 feet, distant from the NE (bearing) corner of Section 11, Township 2N, Range 3E, B. M., and is in the SE ¼ of NE ¼ of Section 11, Township 2N, Range 3E, B. M. County of Ada

intake tower to the

5. Fill out either (a) or (b).

(a) The reservoir is located in the channel of Boise ~~xxxx~~k) (River)

(b) The reservoir is to be filled through a feeder canal, the point of diversion for which is located (bearing) .....feet, distant from the .....corner of Section....., Township....., Range....., B. M., and is in the .....¼ of .....¼ of Section....., Township....., Range ..... B. M., width at bottom .....feet, width at top.....feet, depth of water .....feet; average grade per mile.....feet; Capacity.....cubic feet per second.

6. (a) The area of the high water line of the reservoir is ..... 2,850 ..... acres.

(b) The reservoir capacity 307,000 (total capacity); 278,200 (usable storage) acre feet.

7 Height of reservoir dam 340 feet, length of crest ~~xxxx~~op 1,700 feet, length at bottom variable feet, size of outlet 23 inside diameter. feet, ~~xxxxxxxxxx~~ feet. The dam is to be constructed of materials as follows the existing Lucky Peak Dam and is/earth rolled and gravel fill.

(If height of dam will exceed 10 feet or capacity of reservoir will exceed 100 acre feet, plans must be approved by Department of Reclamation, before beginning construction.)

8. (a) Will water stored in reservoir be diverted to canal or acqueduct, thence to land to be irrigated without commingling with natural flow of Boise ~~xxxx~~k) (River)? No

P-1143

(b) Water stored in reservoir will be carried in the channel of Boise (River,) a distance of 2 miles to point of diversion located at the existing Boise Diversion Dam S41°45'E (bearing) 356 feet, distant from the E¼ corner of Section 4 Township 2N, Range 3E, B. M., and in Lot 9 of Section 3, Township 2N, Range 3E B. M.

9. (a) Area of watershed above dam site 2,650 square miles

(b) Estimated maximum flow of stream (unregulated natural flow) 35,000 to 40,000 cubic feet per second.

10. Water is to be used for irrigation and power for irrigation pumping purposes.

11. If for mining, milling, power or manufacturing purposes give:

(a) Point of use of water 2,300 feet, distant from NE Corner of Section 11, Township 2N, Range 3E B. M. and is in the SE ¼ of NE ¼ of Section 11, Township 2N, Range 3E, B. M.

(b) Amount of power generated: 40,200 H. P., under maximum 240 feet head.

(c) Water is to be returned to Boise (River) at a point the (bearing) of use

12. Water stored in accordance with this Permit will be carried to place of use through a canal heretofore constructed or enlarged, as described in 16098, for the most part, under Permit No. 4000 & , which are hereby referred to and made a part hereof.

13. Kind of diversion works: rubble concrete weir dam (Dam, canal, flume, pipe, etc.)

14. Height of diversion dam: 52 feet, length at top 500 feet, length at bottom 400 feet. The dam is constructed of materials as follows: rubble concrete. Diversion will be by pumping from pool behind Boise Diversion Dam and through the existing New York Canal.

(If height will exceed 10 feet, plans must be approved by Department of Reclamation, before beginning construction.)

15. Size of headgate: New York Canal - 8 gates each, 5' x 9'. Width, feet, at Discharge line to Hillcrest Unit is 60" in diameter.

16. Diversion Canal: Width at bottom 40 feet, width at water line 67 feet, depth of water 9 feet, Dimensions of Flume

Diameter of Pipe inches; Length of Conduit miles. Average grade per mile feet.

17. Estimated cost of Works: Storage Works: $ Constructed Diversion Works: $ Constructed in part Pumping plant $585,000.00

18. Time required for completion of work 5 years.

19. Time required for complete application of water to proposed beneficial use is 15 years.

20. The land to be irrigated is described in the following tabulation: (see below)

(Give Irrigable acreage in each 40-acre subdivision.)

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
	20.	There is attached and made a part hereof a tabulation of the area to be irrigated in the Hillcrest Unit. This tabulation is based upon preliminary surveys and will be adjusted in the course of final design and construction. Lucky Peak stored water will also be utilized on Boise Project lands, as set out in Water License No. R-698, under arrangements described in section 21.																	

Total Number of Acres to be Irrigated

21. Existing rights and/or valid permits appurtenant to lands described in Sec. ~~20~~ and in Water License No. R-698 are: Water License No. R-698; No. R-652, No. 430, No. 7180, No. 4800, No. 16098 and other small rights privately held and held by the United States.

Remarks: Water secured under this permit will be used to supplement the existing right under Water License No. R-652 for the lands described in the tabulation made a part of section 20. These lands constitute the Hillcrest Unit of the Mountain Home Division of the Snake River Project and will be served by pumping from behind Boise Diversion Dam. ~~xxxxxxx~~: A portion of the Lucky Peak stored water will be diverted into the New York Canal and will be used to serve land tabulated in Water License No. R-698. This use will be under an appropriate exchange agreement and the water stored under Water License No. R-698 in Anderson Ranch Reservoir and so exchanged, will be used in the Mountain Home area by diversion into the Long Tom Tunnel from the South Fork of the Boise River about five miles downstream from Anderson Ranch Dam at a point in the northwest quarter of the northwest quarter ($NW\frac{1}{4}NW\frac{1}{4}$) of section seventeen (17), township one (1) south, range eight (8) east, Boise meridian. It is contemplated that the specific area to be irrigated by this exchange arrangement will be described when a filing for the Long Tom Tunnel diversion is submitted prior to its construction. In the meantime, the Lucky Peak storage water will be utilized through an appropriate contract with the Boise Project Board of Control as supplemental water for the project lands. ~~Lucky Peak storage could provide water for only about 14,400 acres~~ of new previously unirrigated land, and the bringing of the new land under irrigation will be possible only through completion of the exchange arrangements discussed above.

BE IT KNOWN That the undersigned hereby makes application for permit to construct a reservoir and store and appropriate the public waters of Idaho as herein set forth, and that the enclosed map is hereby made a part of this application.

UNITED STATES OF AMERICA
Applicant.

By M. T. Nelson Agent.
M. T. Nelson, Regional Director

Affidavit of Permission to Store and Appropriate the Water of Springs

(Not to be used when spring is situated on lands owned by applicant)

I, ..., of ....., County of ..... State of ....., do hereby certify that I am the owner or lessee of the land on which the spring mentioned in the application of ..... is located, to-wit: .....and that I do hereby grant unto the said ..... permission to file on the said spring as set forth in the foregoing application for permit to construct reservoir and store and appropriate the water fromsaid spring.

STATE OF IDAHO,
County of ..... } ss.

On this.....day of....., 19....., before me, a Notary Public for the State of Idaho, residing at ....., personally appeared .....

known to me to be the person.... whose name.... ..... subscribed to the foregoing certificate, and acknowledged to me that ....he.... executed the same.

Witness my hand and seal, the day and year in this certificate first above written.

.....
Notary Public.

My commission expires .....

R-1183

Address all communications to

(Form No. 2)

P. O.

APPLICATION FOR PERMIT

To Construct a Reservoir and Appropriate and Store
The Public Waters of the State of Idaho

Application No. R. 35086

Permit No. R.

1. Name of Applicant: United States of America, acting through the Bureau of Reclamation

Postoffice address: P. O. Box 937 ~~County~~ Boise State Idaho

I. If applicant is a corporation, give:

(a) Date and place of incorporation: Applicant is the United States Government, acting

(b) Amount of Capital Stock: $ pursuant to the provisions of the act of June 17, 1902

(c) Amount paid in: $ (32 Stat. 388) and acts amendatory thereof or supplementary

(d) Names and addresses of directors: thereto.

II. The financial resources of the corporation are:

(a) Cash on hand: $ Receipts in the Reclamation Fund from the sale of Public lands,

(b) Treasury Stock: $ mineral leases, etc., and appropriations made by the Congress.

(c) Bonds to be issued: $

(d) Other resources:

2. Quantity of water to be stored: 307,000 acre feet per annum

3. Source of water supply is Boise (~~Creek~~) (River) (~~Spring~~), a tributary of Snake River.

4. The outlet of the proposed reservoir is located S6°20'W 2300 (bearing) feet, distant from the NE corner of Section 11, Township 2N, Range 3E, B. M., and is in the SE ¼ of NE¼ of Section 11, Township 2N, Range 3E, B. M. County of Ada

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5. Fill out either (a) or (b).

(a) The reservoir is located in the channel of Boise (~~Creek~~) (River)

(b) The reservoir is to be filled through a feeder canal, the point of diversion for which is located (bearing) feet, distant from the corner of Section, Township, Range, B. M., and is in the ¼ of ¼ of Section, Township, Range B. M. width at bottom feet, width at top feet, depth of water feet; average grade per mile feet; Capacity cubic feet per second.

6. (a) The area of the high water line of the reservoir is 2,850 acres.

(b) The reservoir capacity is 307,000 (total capacity); 278,200 (usable storage) acre feet.

7. Height of reservoir dam 40 feet, length at top of crest 1,700 feet, length at bottom variable feet, size of outlet inside diameter. the existing Lucky Peak Dam and is/earth feet by ~~feet~~. The dam is to be constructed of materials as follows: rolled

(If height of dam will exceed 10 feet or capacity of reservoir will exceed 100 acre feet, plans must be approved by Department of Reclamation, before beginning construction.)

8. (a) Will water stored in reservoir be diverted to canal or aqueduct, thence to land to be irrigated without commingling with natural flow of (Creek) (River)?

(b) Water stored in reservoir will be carried in the channel of Boise (~~Creek~~) (River,) a distance of 2 miles to point of diversion located at the existing Boise Diversion Dam S41°45'E (bearing) 356 feet, distant from the E¼ corner of Section 4 Township 2N, Range 3E, B. M., and in ~~the~~ Lot 9 ~~NW¼ of NW¼~~ of Section 3, Township 2N, Range 3E B. M.

9. (a) Area of watershed above dam site 2,650 square miles

(b) Estimated maximum flow of stream (unregulated natural flow) 35,000 to 40,000 cubic feet per second.

10. Water is to be used for irrigation and power for irrigation pumping purposes.

11. If for mining, milling, power or manufacturing purposes give:

(a) Point of use of water S6°20'W (bearing) 2,300 feet, distant from NE Corner of Section 11, Township 2N, Range 3E B. M. and is in the SE ¼ of NE ¼ of Section 11, Township 2N, Range 3E, B. M.

(b) Amount of power generated: 40,200 H. P., under maximum 240 feet head.

(c) Water is to be returned to Boise (~~Creek~~) (River) (~~Spring~~) at ~~a~~ the point of use (bearing) ~~feet distant from corner of Section~~, Township, Range, ~~B.M.~~ ~~NW¼ SW¼~~ ~~¼ of Section~~, Township, Range, ~~B.M.~~

12. Water stored in accordance with this Permit will be carried to place of use through a canal heretofore constructed / or enlarged, as described in ~~under the terms of~~ Permit No. 4600 & 16098 / which ~~is~~ are for the most part, hereby referred to and made a part hereof.

13. Kind of diversion works: rubble concrete weir dam (Dam, canal, flume, pipe, etc.)

14. Height of diversion dam: 52 feet, length at top 500 feet, length at bottom 400 feet. The dam is ~~to be~~ constructed of materials as follows: rubble concrete. Diversion will be by pumping from pool behind Boise Diversion Dam and through the existing New York Canal.

(If height will exceed 10 feet, plans must be approved by Department of Reclamation, before beginning construction.)

15. Size of headgate: ~~Width~~ New York Canal - 8 gates each, 5' x 9'., ~~feet, height~~ ~~x~~ Discharge line to Hillcrest Unit is 60" in diameter.

16. Diversion Canal: Width at bottom 40 feet, width at water line 67 feet, depth of water 9 feet, Dimensions of Flume

Diameter of Pipe inches; Length of Conduit miles. Average grade per mile feet.

17. Estimated cost of Works: Storage Works: $ Constructed Diversion Works: $ Constructed in part Pumping plant $585,000.00

18. Time required for completion of work 5 years.

19. Time required for complete application of water to proposed beneficial use is 15 years.

20. The land to be irrigated is described in the following tabulation: (see below)

(Give Irrigable acreage in each 40-acre subdivision.)

WP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
	20.	There is attached and made a part hereof a tabulation of the area to be irrigated in the Hillcrest Unit. This tabulation is based upon preliminary surveys and will be adjusted in the course of final design and construction. Lucky Peak stored water will also be utilized on Boise Project lands, as set out in Water License No. R-698, under arrangements described in section 21.																	

Total Number of Acres to be Irrigated

21. Existing rights and/or valid permits appurtenant to lands described in Sec. 20 are and in Water License No. R-698 are: Water License No. R-698; No. R-652, No. 430, No. 7180, No. 4800, No. 16098 and other small rights privately held and held by the United States.

Remarks: Water secured under this permit will be used to supplement the existing right under Water License No. R-652 for the lands described in the tabulation made a part of section 20. These lands constitute the Hillcrest Unit of the Mountain Home Division of the Snake River Project and will be served by pumping from behind Boise Diversion Dam.

~~Remarks:~~ A portion of the Lucky Peak stored water will be diverted into the New York Canal and will be used to serve land tabulated in Water License No. R-698. This use will be under an appropriate exchange agreement and the water stored under Water License No. R-698 in Anderson Ranch Reservoir and so exchanged, will be used in the Mountain Home area by diversion into the Long Tom Tunnel from the South Fork of the Boise River about five miles downstream from Anderson Ranch Dam at a point in the northwest quarter of the northwest quarter (NW¼NW¼) of section seventeen (17), township one (1) south, range eight (8) east, Boise meridian. It is contemplated that the specific area to be irrigated by this exchange arrangement will be described when a filing for the Long Tom Tunnel diversion is submitted prior to its construction. In the meantime, the Lucky Peak storage water will be utilized through an appropriate contract with the Boise Project Board of Control as supplemental water for the project lands. ~~Lucky Peak storage could provide water for only about 14,400 acres of new previously unirrigated land, and the bringing of the new land under irrigation will be possible only through completion of the exchange arrangements discussed above.~~

BE IT KNOWN That the undersigned hereby makes application for permit to construct a reservoir and store and appropriate the public waters of Idaho as herein set forth, and that the enclosed map is hereby made a part of this application.

UNITED STATES OF AMERICA Applicant.

By H. T. Nelson Agent.

H. T. Nelson, Regional Director

Affidavit of Permission to Store and Appropriate the Water of Springs

(Not to be used when spring is situated on lands owned by applicant)

I, ..., of ....., County of ..... State of ....., do hereby certify that I am the owner or lessee of the land on which the spring mentioned in the application of ..... is located, to-wit: ..... and that I do hereby grant unto the said ..... permission to file on the said spring as set forth in the foregoing application for permit to construct reservoir and store and appropriate the water fromsaid spring.

STATE OF IDAHO, }
County of ..... } ss.

On this ..... day of ....., 19....., before me, a Notary Public for the State of Idaho, residing at ....., personally appeared .....

known to me to be the person.... whose name.... ..... subscribed to the foregoing certificate, and acknowledged to me that ... he ... executed the same.

Witness my hand and seal the day and year in this certificate first above written.

.....
Notary Public.

My commission expires .....

Form 211
2/80

Ident. No. 63-3618

STATE OF IDAHO

APPROVED

RECEIVED
JUL 11 1990
Department of Water Resources
Western Regional Office

APPLICATION FOR AMENDMENT OF A PERMIT

To change the point of diversion and/or the place of use.

Comes now The United States of America acting through the Project Superintendent, Central Snake Project Office, Bureau of Reclamation Phone 334-1460

of (address) 214 Broadway, Boise, Idaho 83702, and represents to the Director of the Idaho Department of Water Resources:

That he is the owner and delegated holder of Permit to Appropriate the Public Waters of the State of Idaho No. R-1183/63-3618, and requests that the permit and permit map be changed as follows:

1. Point of diversion: SE ¼ NE ¼, Section 11, Township 2N, Range 3E, B.M., County of Ada. Other points of diversion: Secondary diversions from the Boise River at various points downstream from Lucky Peak Reservoir.

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

Amount 111,950 (cfs or acre feet per annum) for Storage for irrigation purposes from Jan. 1 to Dec. 31 (both dates inclusive)

Amount 111,950 (cfs or acre feet per annum) for Irrigation from storage purposes from Mar. 15 to Nov. 15 (both dates inclusive)

Amount 152,300 (cfs or acre feet per annum) for Storage for streamflow maintenance purposes from Jan. 1 to Dec. 31 (both dates inclusive)

Amount 152,300 (cfs or acre feet per annum) for Streamflow maintenance from storage purposes from Jan. 1 to Dec. 31 (both dates inclusive)

Amount 28,800 for Storage for recreation purposes from Jan. 1 to Dec. 31 (both dates inclusive

3. Place of use or land to be irrigated: TOTAL OF 293,050 Acre feet

TWP	RGE	SEC	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
Supplemental irrigation of cultivated lands of the Boise Federal Reclamation Project Ada and Canyon counties.																			
Streamflow maintenance in the channel of the Boise River below Lucky Peak Reservoir. Lucky Peak Reservoir storage pool maintenance for Recreation																			

Total number of acres to be irrigated = 277,000

4. a. Who owns the property at the point of diversion? United States of America

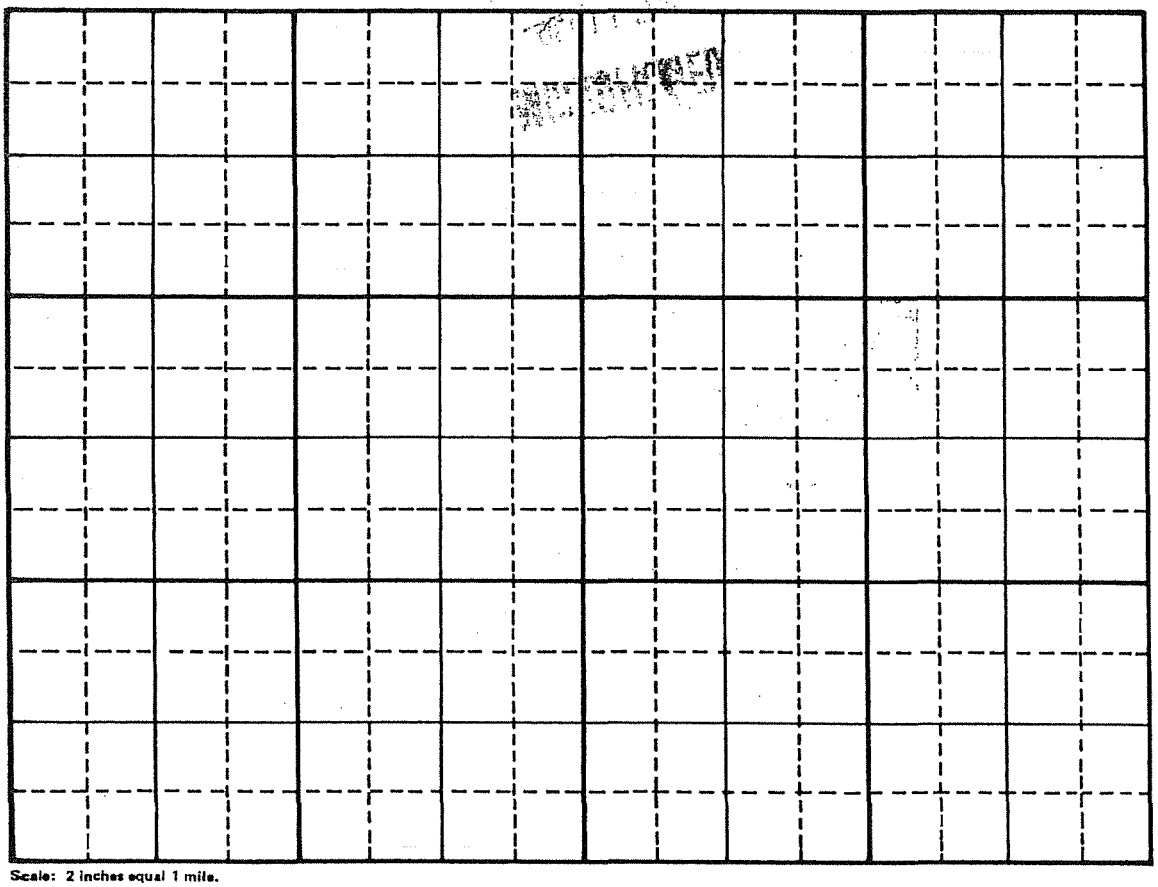
b. Who owns the land to be irrigated or the place of use? Various Water Users

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: Administrator of Federal Reclamation Project.

MICROFILMED
DEC 11 1990

Complete the following map by showing land and point of diversion as proposed by this amendment.

Show 40-acre subdivisions, townships, ranges and ditches.



Scale: 2 inches equal 1 mile.

That no one will be injured by such change, and that such change will be made at permit holder's own risk.

Signed at Boise, Id, this 11 day of July, 1990.

(Signature)

Project Superintendent

FOR DEPARTMENT USE ONLY

Preliminary check by DRT Fee = $20.00 W013633 Receipted by KK Date 8/13/90

Publication prepared by DRT Date 7/11/90 Published in Press-Tribune on 7/19 & 7/26/90

Publication dates 7/19/90 & 7/26/90 ID Statesman on 7/18 & 7/25/90

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, L. GLEN SAXTON, of the Department of Water Resources hereby approves the Application for Amendment of Permit No. 63-[illegible]. See attached sheet for the conditions of approval.

MICROFILMED

DEC 11 1990

Witness my hand this 19th day of November, 1990.

L. Glen Saxton

Chief, Water Alloc. Bureau

CONDITIONS OF APPROVAL

for Amendment of Permit No. 63-3618

1. The allocation of 152,300 acre feet of storage space for stream flow maintenance includes 50,000 acre feet allocated for the same purpose under the original permit.

2. This amended distribution of storage space allocation expires as soon as streamflow maintenance water is repaid prior to the 1991 irrigation season.

MICROFILMED
DEC 11 1990

RECEIVED
NOV 16 2007
DEPARTMENT OF
WATER RESOURCES

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Counsel for the United States

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. 63-03618
	)	
Case No. 39576	)	RESPONSE BRIEF IN SUPPORT OF UNITED
	)	STATES' MOTION FOR SUMMARY
	)	JUDGMENT
	)	

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	)	

Introduction

At issue in this case is the license authorizing the use for streamflow maintenance of 102,300 acre feet of water stored in Lucky Peak reservoir. The license is the result of a 1985 application to amend the storage water right permit for the reservoir. The use of Lucky Peak water for streamflow maintenance had been recommended by a broad study group, which included the Boise Project Board of Control and the Nampa & Meridian Irrigation District ("NMID"). The Idaho Department of Water Resources ("IDWR") examined the application and found that water was available for streamflow maintenance use because irrigation interests had neither contracted for the water, nor ever applied it to beneficial use. Despite that, certain

irrigation interests now contend this Court must substitute its judgment for that of IDWR and re-assign the streamflow maintenance water to irrigation use. That the Court cannot do.

First, by asking this Court to substitute its judgment for that of IDWR, the irrigators demonstrate that their objections are an improper collateral attack on the license. Moreover there is no basis for the irrigators' assertion that irrigation is the paramount use of Lucky Peak water. Both Congress' actions and the 1985 Water Control Manual that now governs reservoir operations demonstrate that if there is a paramount use of Lucky Peak water, it is flood control; irrigation and streamflow maintenance are equally valid "other purposes" of the reservoir. The irrigators do not acknowledge that because they – especially Pioneer and Settlers Irrigation Districts – essentially ask this Court to ignore anything that happened after 1954.

Pioneer and Settlers rely heavily on the Corps of Engineer's 1946 report done to justify the reservoir. That report, however, anticipated that use of water from the reservoir would change as conditions changed. And change they did. The Mountain Home Project that was intended to generate the primary irrigation value from Lucky Peak was never built. In 1976 Congress directly authorized use of the reservoir to maintain the flows of the Boise River and the 1985 Water Control Manual affirmed streamflow maintenance as a use of the reservoir on par with irrigation.

Second, both the Board of Control and Pioneer and Settlers suggest that this Court's affirmation of the streamflow maintenance water right will deprive Reclamation of its ability to comply with its contractual obligations. Decades of history demonstrate that is not the case. Since 1954 Reclamation has been contractually committed to provide Anderson Ranch and Arrowrock contract holders with Lucky Peak water as compensation for any water "lost" to Anderson Ranch or Arrowrock as a result of flood control operations. Reclamation has *never*

failed to do so, even though for more than twenty years water has been officially allocated to streamflow maintenance use. This Court's reaffirming the *status quo* will not compromise Reclamation's ability to meet its contractual obligations.

Finally, as determined by both the Idaho Water Resources Board, the agency statutorily authorized to appropriate instream flow water rights, and the Idaho Department of Water Resources ("IDWR"), the agency charged with overseeing the appropriation of water, the streamflow maintenance water right is not subject to the instream flow provisions of Chapter 15 of Title 42. Lucky Peak dam itself serves as the diversion, and the water stored in Lucky Peak is not a natural body of water subject to appropriation.

In short, as demonstrated in more detail below, the irrigation objectors have failed to provide a cogent reason for this Court to disturb the decision made by IDWR more than two decades ago and relied on by the United States, the City of Boise and the citizens of Idaho ever since.

Argument

I. THE IRRIGATORS' ARGUMENTS CONFIRM THEY ARE COLLATERALLY ATTACKING THE WATER RIGHT LICENSE FOR LUCKY PEAK RESERVOIR.

The irrigation entities' briefs make two points clear: (1) their objections are in fact a collateral attack on IDWR's decision to license water stored in Lucky Peak reservoir for streamflow maintenance use; and (2) they have had repeated opportunities to object to the water right and have failed to do so.

First, the irrigation entities' objections are a collateral attack on IDWR's decision because they ask this Court to substitute its judgment for that of IDWR by re-writing the water right so that the water licensed by IDWR for stream flow maintenance use is, in effect, re-

licensed for irrigation use.[1] *E.g.*, Canal Companies Brief in Support of Motion for Summary Judgment at 8; Memorandum in Support of Pioneer Irrigation District's and Settler's Irrigation District's Motion For Summary Judgment ("P & S Mem.") at 37; Boise Project Board of Control Memorandum in Support of Motion for Partial Summary Judgment ("BOC Mem.") at 6.

Second, as Pioneer and Settlers' brief demonstrates, the irrigators have had numerous opportunities to challenge IDWR's approval of the water right. The brief recounts a series of actions in which IDWR addressed and confirmed the United States' streamflow maintenance water right. *See* P & S Mem. at 32-34. Although Pioneer and Settlers fail to acknowledge it, each of IDWR's actions, with the exception of the 2002 licensing, was subject to public participation and potential protest.

Thus, when the United States first submitted a permit application in 1957, public notice was provided and irrigators did in fact protest the application. In fact, the 1964 amended permit application, quoted by Pioneer and Settlers, was submitted in response to objections raised by Boise area irrigators who were concerned that the application called for exchanging water from Lucky Peak out of the Boise basin. Brief in Support of United States' Motion for Summary Judgment ("U.S. Mem.") at 7. The Idaho Department of Fish and Game ("IDF&G") also protested the 1957 permit application. At the end of the public process, IDWR approved a permit which allowed for irrigation use, but also responded to IDF&G's protest by setting aside 50,000 acre-feet for "maintaining minimum winter time flow." 1964 Permit, Exhibit II to the Affidavit of David Jarvis ("Jarvis Aff."). Similarly, IDWR's approval of the 1985 application to

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[1] The Board of Control's position differs from that of the other irrigation entities. Rather than advocating that irrigation replace streamflow maintenance, the Board argues that the irrigation should be added as an additional use of the water licensed for streamflow maintenance. BOC Mem. at 5-6. The Board's specific arguments are addressed *infra* in Section II.B.

amend the United States' permit to expressly provide for the use of Lucky Peak water for streamflow maintenance,[2] and its temporary amendments of the permit in 1987 and in 1990, were all subject to public notice and again provided the irrigators with an opportunity to voice the objections they now pursue before this Court.[3] *Cf.* P & S Mem. at 33-34.

In short, while Pioneer and Settlers repeatedly contend that IDWR's approval of the use of Lucky Peak water for streamflow maintenance was "clearly beyond its authority,"[4] its own brief demonstrates that over a span of decades it, and all the other irrigation objectors, have had repeated opportunities to raise that objection. In each case, they failed to do so. Consequently, they are now barred from collaterally attacking the United States' license. U.S. Mem. at 15-17 (citing *e.g.*, **Memorandum Decision and Order on Challenge** (SRBA Subcase 29-11609) (Oct. 6, 2006)).

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[2] Records from the 1985 proceedings suggest why the irrigators did not object. As is discussed *infra*, the Idaho Water Resources Board concluded that the existing Boise River valley irrigation entities could not prove they had beneficially used any of the uncontracted space. A public workshop followed (in which the Boise Project Board of Control and NMID participated) and concluded that the Lucky Peak noncontracted space should "be used for the Boise River streamflow maintenance jointly with the authorized flood control use." Idaho Water Resources Board Agenda Item No. 8, Jarvis Aff., Ex .W.

[3] Pioneer and Settlers even participated in the 1987 amendment proceedings. *See* U.S. Mem. at n.10.

[4] Pioneer and Settlers suggest that IDWR acted without authority because it approved the United States water right pursuant to I.C. § 42-220, rather than requiring the right to be established pursuant to the instream flow statute, I.C. § 42-1501, *et. seq.* *E.g.* P & S Mem. at 33. Pioneer and Settlers allegation is baseless because the agency has jurisdiction over both statutes. I.C. §§ 42-201(4) & 42-1503. Thus, at worst, IDWR acted in error rather than without authority. In any event, as is shown *infra*, IDWR properly found that the United States' application did not implicate the instream flow statute.

II. THERE IS NO BASIS TO REDESIGNATE THE STREAMFLOW MAINTENANCE WATER RIGHT AS AN IRRIGATION WATER RIGHT.

A. Irrigation Is Not the "Paramount" Use of Lucky Peak Water.

Pioneer and Settlers offer a truncated history[5] intended to demonstrate that "the original intent for the Lucky Peak Project was clearly flood control and irrigation." P & S Mem. at 9. Those Districts further suggest that irrigation must be considered a "paramount" use of Lucky Peak water because the Corps of Engineer's 1946 Report, undertaken to determine whether Lucky Peak could be financially justified, anticipated that after construction of the Mountain Home Project,[6] "the entire run-off of the Boise River will be utilized for irrigation except in extremely high run-off years." The 1946 Report cannot be stretched to conclude that irrigation is a "paramount" use of the water stored in Lucky Peak Reservoir. Indeed, the Mountain Home Project, which the 1946 Report calculated to be the most valuable irrigation use of the reservoir, was never built.

1. The 1946 Report anticipated that the use of stored water would change in response to changing conditions.

As an initial matter, Pioneer and Settlers fail to understand the purpose of the 1946 Report. Such reports are done to estimate costs and benefits of a project in order to

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[5] Except for passing references to their 1966 and 2005 contracts with the United States, the "history" offered by Pioneer and Settlers ends in 1954. Typical of their presentation, Pioneer and Settlers quote from their 1966 contracts without acknowledging that the 1966 contracts were "replaced by [the District's 2005] Contract[s] and [are] no longer of any force and effect." 2005 Contract, Campbell Aff., Ex. I, at p. 3, ¶ 7.

[6] Pioneer and Settlers neglect to explain that the "ultimate development" of irrigation envisioned in the 1946 Report included acreage that was to be irrigated "either directly *or indirectly* by Boise River water." Definitive Project Report, at A-8 (attached as Exhibit G to the Affidavit of Scott L. Campbell) (emphasis added). The lands watered "indirectly" from the Boise River were those that would be irrigated via the exchange of water contemplated for the never-authorized Mountain Home project. *Id.* at A-9. Consequently, the "ultimate development" of irrigation envisioned in the report never occurred.

determine its feasibility. "[A]t most [such reports] are only a *tentative* plan for the project being initiated." *Thetford v. United States*, 404 F.2d 301, 302 (10th Cir. 1968) (emphasis added). Moreover, this Court need not rely on caselaw to realize the report was not intended to bind the government to any particular operational scheme; the language of the Report itself explained that operations would change over time as needs warranted:[7]

> In the opinion of the Board [of Engineers for Rivers and Harbors], **the plan should be flexible in regard to combined operation of the reservoirs in order that the use of storage may at different times conform to changing conditions** and best serve the varying needs of the locality. It also believes that **construction should not be delayed for the time required to secure the contemplated agreements [with the irrigators]**."[8]

1946 Report, Jarvis Aff., Ex. B, at 90 (emphases added). In short, the 1946 Report cannot be used to "read into the Act restrictions that do not exist." *Thetford*, 404 F.2d at 302.

Here, Congress did not make irrigation a paramount use. Instead, Congress authorized Lucky Peak "for the benefit of navigation and the control of destructive flood-waters *and other purposes*." Flood Control Act of 1946, 60 Stat. 641, 643, 650 (1946). Thus, to the extent Congress intended any purpose to be "paramount" it was clearly flood control; every other purpose was merely an "other purpose."[9] Indeed, the contracts for irrigation water from Lucky

---

[7] Even so, the 1946 Report anticipated that the reservoir would be used to better conditions "for fish and wildlife by the increased regulation of streamflow." 1946 Report, Jarvis Aff., Ex. B, at 78.

[8] This statement belies Pioneer and Settlers assertion that the "Corps considered the irrigators' support as a critical component of constructing Lucky Peak." *Cf.* P & S Mem. at 7.

[9] The 1946 report bears out the importance of flood control relative to other uses. The Corps estimated a total annual benefit from the construction of Lucky Peak reservoir of $632,910, of which $444,810 was provided by flood control and only $96,900 from irrigation. 1946 Report, Jarvis Aff.,Ex. B, at 64 & 67. Moreover, the calculation of the irrigation benefit illustrates that reduced costs for the never-authorized Mountain Home project was the primary irrigation benefit to be provided. The 1946 Report noted the then-existing shortages of irrigation water within the Boise River valley and explained that

Peak Pioneer and Settlers entered into in 2005 reiterate that the "primary purpose of [Lucky Peak] Reservoir is for flood control" and that storage of the water in the reservoir for any purpose is "[s]ubject to operations for flood control." Campbell Aff. Ex. H at 8, ¶ 16. In short, while irrigation is no doubt an important use of Lucky Peak water, it is not an inherently "paramount" one.[10]

2. Congress has confirmed the use of Lucky Peak water to maintain streamflows in the Boise River.

As noted above, the 1946 Report anticipated that Lucky Peak reservoir would be used to better conditions "for fish and wildlife by the increased regulation of streamflow." 1946 Report, Jarvis Aff., Ex. B at 78. In 1976 Congress expressly provided for Lucky Peak to be operated to maintain the flow of the Boise River. The Water Resources Development Act of 1976 authorized a second outlet structure for the dam "to assure maintenance of adequate flows along the Boise River."[11] U.S. Mem. at 9 (quoting Pub. L. 94-587, 90 Stat. 2917 (1976)).

> Anderson Ranch, now under construction, was planned to relieve this situation, and irrigation authorities are of the opinion that this shortage [i.e., Anderson Ranch] with contemplated trans-basin diversions always would provide adequate water for practically all lands, with the exception of some shortage in one dry season in 20.

Id at 42. Lucky Peak was intended to provide supplemental water for Boise Valley irrigation to meet that 1 in 20 year need. *Id.* at 64-65. The Report ultimately valued the Boise Valley supplemental irrigation water at $11,500, per year. *Id.* In contrast, the value to irrigation from reducing the pumping lift needed to deliver water to the Mountain Home project was valued at $85,400 per year. *Id.* at 65-66.

[10] Indeed, not long after Lucky Peak was authorized, Boise Valley irrigators demonstrated that they understood that irrigation was not a "paramount" purpose of the reservoir. As the United States has explained, Boise basin irrigators protested the initial Lucky Peak permit application (which called for water to be exchanged into the Payette basin for the Mountain Home Project) protested the United States' application on the grounds that irrigation was *not* a primary purpose of Lucky Peak. U.S. Mem. at 8 (citing *e.g.*, Joint Protest of Board of Control Irrigation Districts).

[11] Pioneer and Settlers cite to a 1976 Memoranda by a Field Solicitor within the Department of the Interior, apparently because the Field Solicitor suggested that winter time releases from

3. The governing water control manual confirms that irrigation and streamflow maintenance are both primary uses of Lucky Peak water.

Pioneer and Settlers' truncated history omits important events, such as the amendment of the 1953 Memorandum of Agreement they rely on. *Cf.* P & S Mem. at 22. After an extended public process, the Corps of Engineers adopted a new water control manual for Lucky Peak Reservoir in April of 1985.[12] The Corps and Reclamation then entered into a Memorandum of Understanding which amended the 1953 Memorandum of Agreement to adopt the new Water Control Manual as the operating plan for the reservoir system. 1985 MOU, Jarvis Aff., Ex. Y, at 2. The terms of the 1953 MOA remain in effect only to the extent they are "not inconsistent with [the 1985] Memorandum of Understanding and the Water Control Manual." *Id.* at 3, ¶ f.

The Water Control Manual directly addresses the priorities of the various uses of the reservoirs:

> Flood control and irrigation are the primary uses for Anderson Ranch, Arrowrock and Lucky Peak storage spaces. Idaho Fish and Game's 50,000 acre-feet for stream flow maintenance and the noncontracted space of 102,300 acre-feet for **streamflow maintenance** and municipal and industrial uses **at Lucky Peak are also primary uses.**

Lucky Peak for power purposes would be inconsistent with the "supplemental irrigation storage potential" recognized in the 1946 Report. P & S Mem. at 16 (quoting Campbell Aff., Ex. J). The Field Solicitor's Memoranda is of no consequence here. First, like the 1946 Report, it was premised on the assumption that the proposed Mountain Home Project would one day be built. *See Id.* at 14. Second, the Memoranda represents the opinion of a single subordinate official which cannot bind the United States. *E.g.*, *Spirit Lake Tribe v. North Dakota*, 262 F.3d 732, 740-41 (8th Cir. 2001) (Associate Solicitor not authorized to bind the United States). Third, the Field Solicitor's opinion was effectively mooted barely a month after it was offered by the Water Resources Development Act of 1976, which affirmed that Lucky Peak is authorized to maintain flows within the Boise River.

[12] The water control manual governs operation of the three dams and reservoirs. *Arkansas Game and Fish Com'n v. United States*, 74 Fed.Cl. 426, 428 (Fed. Cl. 2006); *South Dakota v. Ubbelohde*, 330 F.3d 1014, 1029 (8th Cir. 2003).

Water Control Manual, Jarvis Aff., Ex. Z at 7-2 (emphasis added).

In short, the Corps, Reclamation, and Congress have always contemplated that Lucky Peak water would be used for multiple uses. Moreover, it has been clear for at least two decades that using Lucky Peak water may be used to maintain the winter flows of the Boise River.

4. There is no basis to substitute irrigation for the streamflow maintenance use licensed by IDWR.

As noted above, some of the irrigation entities ask this Court to decree the United States' water right so that the water now licensed for streamflow maintenance is re-licensed as irrigation water. Both the Idaho Department of Water Resources and the Idaho Water Resuorces Board considered whether the then-uncommited water should – and even could – be licensed for irrigation use.

IDWR found that there was only a "very limited" need for additional water to support irrigation within the Boise valley. IDWR began by noting that although 102,300 acre-feet of water was then uncommitted, the need to provide adequate security against flooding left relatively little water even potentially available – 30,000 acre feet according to Reclamation's estimate of the firm yield. IDWR Issue Paper at 3 (Exhibit F to Affidavit of Jerry Kiser).[13] Even had more water been reliably available, IDWR found the prospect of that water being used for irrigation was slight. The "primary agricultural entity to have shown interest in contracting storage space in Lucky Peak," a group of "Dry Lake irrigators," had found it cost prohibitive. *Id.* Moreover, history had shown that "even in a severe drought year the additional storage

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[13] The Canal Companies' Memorandum mis-labels its exhibits. The United States identifies the exhibits according to the exhibit letters on the documents themselves rather than the letters referenced in the brief.

requirement for the irrigation of currently irrigated acres is very limited."

While IDWR found that there was little need for irrigation water, the IWRB determined that the "the existing Boise River valley irrigation entities could not prove beneficial use for supplemental water from the uncontracted space." *Id.* In short, the State agencies concluded there was neither a need to designate the uncontracted space for irrigation, nor any beneficial use that could provide a basis for doing so.

B. The United States Has Met its Contractual Obligations Since its Streamflow Maintenance Water Right was Permitted in 1985 Belying Board of Control's Contention That the Streamflow Maintenance Water Right Will Impede the United States' Ability to Continue to Do So.

In contrast to the other irrigation entities, the Board of Control does not argue that the stream flow maintenance component of the Lucky Peak storage water right must be re-designated for solely irrigation purposes. Rather, the Board argues that the streamflow maintenance component must be re-designated by this Court so the purpose of use includes irrigation as well as streamflow maintenance. BOC Mem. at 4. The Board suggests that doing so is necessary to protect the operations called for in both the 1953 MOA and in the supplemental contracts for Anderson ranch and Arrowrock storage water entered into in 1954. It is not.

Those contracts[14] call for Lucky Peak water to be used as "make up" water to keep the irrigators whole with respect to the water they would have received from Anderson Ranch or Arrowrock Reservoir, if the reservoirs had not been operated for flood control purposes. The United States disputes that the streamflow maintenance water right "leaves no water for the Bureau of Reclamation to use pursuant to the requirements of the 1953 Agreement

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[14] Although this Court may consider the provisions of the contracts to the extent relevant to the water rights issues joined in this case, the construction and interpretation of the contracts themselves is not within the scope of this subcase.

and Supplemental Contracts." *Cf.* BOC Mem at 6. As decades of history amply demonstrate, the Board is simply wrong because Reclamation's ability to meet its contractual obligations is a matter of operational accounting, not water rights. Consequently, there is no need to re-designate the purpose of use of the streamflow maintenance water right.

The United States has examined the Lucky Peak water accounting records since coordinated operations for flood control began in 1955. In every year, the irrigators contracting for water from Anderson Ranch and Arrowrock Reservoirs have received their full entitlement of storage water. *See* Affidavit of Mary Mellema at ¶ 5. That fact belies Pioneer and Settlers unsupported assertions that the United States has "largely ignored or denied" its contractual obligations. *Cf.* P & S. Mem. at 22. It also demonstrates that the Board of Control's argument that the United States cannot meet its obligations under the 1953 MOA and 1954 contracts without a change to the streamflow maintenance water right is without merit.

In addition to providing for streamflow maintenance use, the Lucky Peak storage water right provides that 116,250 acre feet of water from Lucky Peak will be devoted to *supplemental* irrigation use.[15] That water is allocated to various irrigation entities through contracts which recognize that "[t]he primary purpose of [Lucky Peak] Reservoir is for flood control" and that the United States' obligation to provide water for irrigation, like its ability to provide water for streamflow maintenance, is "subject to operations for flood control." Campbell Aff., Exhibit I at p. 8, ¶ 16(a).

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[15] Supplemental irrigation water from Lucky Peak reservoir was expected to provide water during water short years in which Anderson Ranch and Arrowrock reservoirs do not provide sufficient water to irrigate Boise Project land. *See* 1946 Report, Jarvis Aff., Ex. B, at 65. At the time the government was evaluating whether construction of Lucky Peak was warranted, Reclamation estimated that would occur once every twenty years. *Id.* at 64-65. The Corps estimated that in two additional years there would be "minor shortages." *Id.*

Flood control operations generally require water to be vacated from the reservoir early in the spring so that there is sufficient space in the reservoir to capture the expected run-off.[16] Reservoir operations deal with the same tension every spring: ensuring that enough space is available to safely capture the run-off and prevent a flood versus minimizing the release of water so that the reservoir will wind up as full as possible at the end of the run-off season. Water Control Manual, 2nd Jarvis Af, Ex. KK, at 7-2. The Water Control Manual addresses this tension directly. Recognizing that it is impossible to precisely forecast the expected run-off every year, the Manual explains that operations are to err on the side of flood control, *i.e.*, to ensure that enough water is vacated to prevent damaging floods. *Id.* at 7-17. The Manual also provides a "remedy" in the event that the flood control operations leave the reservoir with less storage than otherwise would have occurred. Under the Manual, up to 60,000 acre feet of the 102,300 acre-feet of water licensed for streamflow maintenance water is considered "last priority."[17] In other words, the Manual requires that the first 60,000 acre-feet of any shortfall caused by flood control operations come from the streamflow maintenance allocation.

Over the years, Reclamation has been remarkably accurate in forecasting the spring run-off. *See* Affidavit of Mary Mellema at ¶ 5. Since the permitting of the streamflow maintenance water right in 1985, there have only been three years in which flood control operations lead to a shortfall in irrigation water and in only one of those three years did the

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[16] Vacating water early in the spring also works to the irrigators' advantage. They may divert any water released for flood control purposes and the water diverted is not counted against the quantity they are entitled to under their contracts. Water Control Manual, 2nd Jarvis Aff., Ex. KK at 7-26

[17] The same provision of the Manual emphasizes the importance of streamflow maintenance by directing that the agencies "try to refill the space because the water stored in the space is critical to maintaining minimum Boise River stream maintenance flows." *Id.* at 7-16.

shortfall exceed 60,000 acre-feet.[18] *See Id.* In other words, in all but one of the years since 1985, the streamflow maintenance account bore the full brunt of any shortage. In the one year in which it did not, 1989, the shortage beyond 60,000 acre-feet was assigned proportionately among all uses, as is called for in the irrigators contracts for Lucky Peak water.[19]

The Lucky Peak contracts provide that "subject to operations for flood control, the United States will operate the Project so as to store under existing storage rights all available water." *E.g.*, 2005 Settlers Contract, Campbell Aff., Ex. I, at ¶ 16 (a). Thus the contracts acknowledge that flood control operations may reduce the amount of water stored and, consequently, the amount of water available under the Lucky Peak contracts.[20] Further, each contract provides the contractor a "proportionate share of the stored water that accrues in each year to the active capacity of the Reservoir."[21] *Id.* In other words, the contracts acknowledge that each user of water stored in Lucky Peak is to suffer a proportionate share of any water lost to flood control operations. Up until the adoption of the Water Control manual in 1985, that is exactly how the stored water was allocated. The Water Control Manual, however, reflected Reclamation and the Corps' decision to give the irrigators a *better* deal than that called for in

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[18] Since coordinated reservoir operations began in 1955, there have been a total of seven (7) years in which flood control operations led to a shortfall. *See Id.*

[19] The Board of Control errs in asserting that Lucky Peak contract water cannot be used to make up flood control shortfalls at Anderson Ranch and Arrowrock. The contracts do not include any such prohibition. After all, if Lucky Peak had been fully developed for irrigation, as the irrigators contend was originally envisioned, then *all* of the shortfall water would have come from Lucky Peak contract water.

[20] As was explained above, any shortfalls in water available to the Anderson Ranch and Arrowrock contracts is made up from water stored in Lucky Peak.

[21] The contracts also recognize that the contractors may have carry over water from prior years. *Id.*

their contracts. Instead of allocating shortages equally among all uses, Reclamation and the Corps agreed that the streamflow maintenance water would suffer the first 60,000 acre feet of shortage.

In short, Reclamation's operations since the streamflow maintenance water right was permitted in 1985 have not only been in full compliance with its contractual obligations, they have given the irrigators a greater benefit than is called for under the contracts.[22] This Court's re-affirming the streamflow maintenance water right would merely preserve that *status quo*.

III. IDWR PROPERLY CONFIRMED THE UNITED STATES' WATER RIGHT FOR STREAMFLOW MAINTENANCE USE PURSUANT TO CHAPTER 2 OF TITLE 42 OF THE IDAHO CODE RATHER THAN THROUGH THE INSTREAM FLOW PROGRAM, IDAHO CODE 42-1501 *ET. SEQ.*

With the exception of the Board of Control, each of the irrigation entities ask this Court to void the Lucky Peak water right license and rule that water rights for streamflow maintenance can only be established under Chapter 15 of Title 42, I.C. § 42-1501 *et. seq.*, which allows the Idaho Water Resources Board to appropriate water without a diversion. In doing so, the irrigators ask this Court to set aside a recommendation by the Idaho Water Resources Board and a decision by the Idaho Department of Water Resources, the agency given exclusive authority over the appropriation of Idaho's water. I.C. § 42-201(4). Even setting aside the fact that the irrigators are more than twenty years too late with their request, there is no basis for this

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[22] Pioneer and Settlers assert that a 2002 letter from their Counsel to Reclamation demonstrates the "prejudice" the Districts have suffered. P & S Mem. at 24-25. It is unclear what prejudice Pioneer and Settlers believe they have suffered, but as explained above, Reclamation has fully met its contractual obligations to the irrigators. Indeed, the letter does not allege otherwise. The letter merely informed Reclamation that if any contractors did not renew their contracts, "the Districts want to be among the first considered for contracting that additional space for their supplies." P & S Mem. at 24 (quoting Campbell Aff., Ex. K). No contractors failed to renew and, as a consequence, no additional water became available.

Court to substitute its judgement for that of the IDWR because this storage water right does not fall within the scope of the instream flow statute.

First, this Court must give "considerable weight" to IDWR's construction of the statutes. *Mason v. Donnelly Club*, 135 Idaho 581, 583 21 P.3d 903, 906 (2001). As noted above, IDWR has exclusive authority over the appropriation of water. Its decision on the United States' application is entitled to deference because the decision is a product of the agency's expertise. *J.R. Simplot Co., Inc. v. Idaho State Tax Commission*, 120 Idaho at 862, 820 P.2d 1206, 1219-20 (1991). Moreover, the agency reasonably construed the application as outside the scope of Chapter 15. As now-Director David Tuthill explained in a memorandum,

> *Lucky Peak Reservoir is not a natural body of water, and the stored quantities are not subject to the provisions of Chapter 15* [I.C. § 42-1501 *et seq.*]. . . . Most water rights in Idaho require diversion and beneficial use. *The dam is considered to be the diversion for a storage water right*, and if the streamflow maintenance uses can be considered to be beneficial, a valid water right can be constituted.

IDWR Issue Paper at 2 (Exhibit F to Affidavit of Jerry Kiser) (emphases added). Finally, the agency's decision has been relied on by the United States, the City of Boise and the citizens of Idaho for decades. *Simplot*, 120 Idaho at 864, 820 P.2d at 1221.

Second, even if IDWR's decision were not entitled to considerable deference it would have to be affirmed because it carries persuasive force. *Id.* 120 Idaho at 862-63, 820 P.2d at 1219-20. Perhaps the best evidence that IDWR was correct are the actions of the Idaho Water Resources Board, the agency charged with administering the statute the irrigators contend should have been applied. I.C. § 42-1734. As the United States discussed in its opening brief, the permit application was reviewed by the Idaho Water Resources Board pursuant to I.C. § 42-

1737.[23] The Board expressly considered whether the application for a streamflow maintenance water right was an improper claim to an instream flow water right, which under Idaho law, could only be held by the Board. It concluded that the application did not claim an instream flow water right and applied essentially the same rationale as IDWR: "[t]he dam is considered to be the diversion for a storage water right, and if the streamflow maintenance uses can be considered to be beneficial, a valid water right can be constituted." Idaho Water Resources Board, Agenda Item No. 8, Dec. 13, 1984 (Jarvis Aff., Exhibit W).

Both agencies were on solid ground in finding that the dam is a diversion structure.[24] *Tulalip Tribes v. Federal Energy Regulatory Corp.*, 732 F.2d 1451 (9th Cir. 1984). In addition, both correctly recognized that water in a reservoir is not subject to appropriation. *Washington County Irr. Dist. v. Talboy*, 55 Idaho 382, 43 P.2d 943 (1935). In doing so, both agencies acted in accord with the statutory definitions within Chapter 15, which restricts appropriation under that statute to "natural bodies" of water subject to appropriation under the laws of the state of Idaho.[25] I.C. § 42-1502(e). None of the irrigators dispute that streamflow

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[23] I.C. § 42-1737 makes "[a]ll project proposals involving the impoundment of water in a reservoir with an active storage capacity in excess of ten thousand (10,000) acre-feet" subject to approval by the IWRB.

[24] Because the dam is a diversion structure, *State v. United States*, 134 Idaho 106, 996 P.2d 806 (2000), cited by NMID, is readily distinguishable. In that case the United States claimed a non-diversionary water right established under the "constitutional" method of appropriation. Here, in contrast, the United States claims a right that is premised on the diversion of water and was established pursuant to permit.

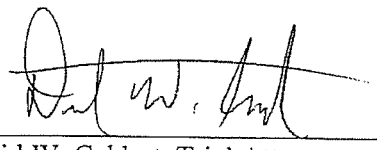
[25] The Idaho legislature understood that water from reservoirs would not be subject to appropriation under the statute. As the statute was being debated, Steve Allred of IDWR explained to the legislature that Chapter 15 would be a new means of appropriation, distinct from the already existing ability to "develop instream flows by storage." Idaho House of Representatives, Resource and Conservation Committee Minutes, Jan. 17, 1978, 2d Jarvis Aff., Ex. LL, at 3.

maintenance is a beneficial use of water.[26] Accordingly, there is no question that the streamflow maintenance water right was properly established pursuant to Chapter 2 of Title 42 of the Idaho Code.

Conclusion

The irrigators' briefs demonstrate that they are collaterally attacking a decision made by IDWR more than two decades ago. The irrigators did not object to streamflow maintenance then and they should not be heard to do so now. Even if the irrigators' objection could properly be heard, they have no merit. The irrigators attempt to establish that irrigation is the paramount use of Lucky Peak water, but their arguments ignore critical events – such as Congress' and the 1985 Water Control Manual's affirmation of streamflow maintenance – that demonstrate otherwise. Moreover, their insinuations that Reclamation has not met, or will not be able to meet, its contractual obligations are belied by Reclamation's long history of doing so. Finally, both IDWR and the Idaho Board of Water Resources properly concluded that the streamflow maintenance water right is not subject to requirements of the instream flow water right statute.

Dated this 14th day of November 2007.



David W. Gehlert, Trial Attorney
Natural Resources Section
United States Department of Justice

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[26] Nor could they. *See* U.S. Mem at 17-18.

CERTIFICATE OF SERVICE

I certify that on this 14th day of November 2007, I served a true and correct copies of the foregoing **RESPONSE BRIEF IN SUPPORT OF UNITED STATES' MOTION FOR SUMMARY JUDGMENT, SECOND AFFIDAVIT OF DAVID A. JARVIS,** and **AFFIDAVIT OF MARY MELLEMA** as indicated below:

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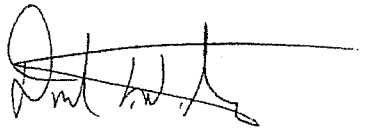
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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	
	)	
Case No. 39576	)	Subcase Nos. 63-3618
	)	
	)	**AFFIDAVIT OF ROBERT J. SUTTER**
	)	

STATE OF IDAHO	)
	) ss.
County of Ada	)

I, ROBERT SUTTER, being duly sworn upon oath, state as follows:

1. I am a registered Professional Engineer in the state of Idaho. I was employed as a Water Resource Engineer in the Hydrology Section of the State of Idaho Department of Water Resources from 1969 to 1995. I served as Hydrology Section Manager for the State of Idaho Department of Water Resources from 1995 to 2002.

2. In 1986, I developed the Boise River Water Right Accounting computer program (hereafter called the "Accounting Program") and the Boise River Storage Allocation computer program (hereafter called the "Allocations Program") for the Boise River. These two programs have been used by the Idaho Department of Water Resources (Department) and the Boise River Watermaster (Watermaster) to account for natural flow and reservoir storage water each and every year since 1986. The Department runs both the Accounting Program and the Allocations Program. However, the Department and the Watermaster work closely with each other, exchanging information in an iterative manner while making all program runs. The Watermaster uses the results of these programs to correctly deliver natural flow and storage water throughout the year. I have reviewed both the Accounting and the Allocations programs that are currently being used by the Department and the Watermaster and have found both to be essentially the same as when I left the Department in 2002.

3. For water right accounting purposes, the Department uses an "irrigation year," which begins on November 1 and ends on October 31. It includes the non-irrigation season period from November 1 to April 1 when reservoirs store water, as well as the period after April 1 when the irrigation season begins. In many years reservoirs continue to store water into the irrigation season, sometimes as late as July.

4. Typically the Accounting Program is first run sometime between February and April for the time period beginning November 1, the first day of the irrigation year. For each day after November 1, the Accounting Program calculates the amount of water that is credited to each of the Boise River Reservoirs, Arrowrock, Anderson Ranch and Lucky Peak, according to their respective storage rights. The accumulated amount of storage credited to each reservoir storage

right is often termed "paper fill," as opposed to the measured contents of the reservoir, which is termed "physical fill." The physical fill in a reservoir seldom equals the paper fill because: a) the system (Arrowrock, Anderson Ranch, And Lucky Peak reservoirs) storage fill and use is not reconciled until the end of the irrigation year; and b) the three Boise River reservoirs are operated as a system and therefore storage water credited "on paper" to one reservoir can physically be stored in a different reservoir. The Accounting Program only accounts for the fill of the reservoir storage right. The Accounting Program does not calculate the amount of storage water that accrues to individual space entitlements.

5. As natural flow recedes, reservoir storage rights (which are generally later in time than irrigation natural flow rights) go out of priority, and reservoirs stop accruing stored water. Reservoir storage rights go out of priority typically sometime between April 1 and July 31, depending on the magnitude of runoff. Once the reservoirs stop accruing storage, the Allocations Program is run to calculate stored water allocations for individual space entitlements. The United States Bureau of Reclamation provides a list of space entitlements in each reservoir to the Watermaster and the Department. The Allocations Program computes storage water allocations for these entitlements in Arrowrock, Anderson Ranch and Lucky Peak reservoirs simultaneously based on the paper fill of each reservoir.

6. There are two different situations for which the Allocations Program calculates the amount of water that has been stored in each space entitlement:

a) In a year of low to moderate runoff, the paper fill in one or more of the Boise River reservoirs may not fill to 100 percent of its storage right (or total allocated space). In this type of year, the Allocations Program distributes the amount of the accumulated paper fill to all

space entitlements proportional to their entitlement. This is typically done sometime after April 1 when the reservoir rights cease to accumulate paper fill.

b) In a year of above average runoff, storage water may be physically released from the Boise River reservoirs early in the irrigation year to make space to store anticipated high natural flows to prevent flooding in the lower Boise River below Lucky Peak Reservoir. This flood control operation typically can occur anytime from January through May.

7. When storage is released for flood control, the paper fill of each reservoir in the Accounting Program is not affected, and continues to increase until each reservoir fills to 100 percent of its storage right. I have examined accounting results for all years since the inception of the use of the Accounting Program in 1986. As a result of this examination, I have found that for years when system flood control operations have occurred on the Boise River, the paper fill of all storage rights in Arrowrock, Anderson Ranch and Lucky Peak reservoirs has never failed to initially fill to 100 percent. It is logical that the system will fill completely in any year in which there is a system flood control operation because the criteria for flood releases are based on the presence of insufficient space in the system to capture the forecasted runoff.

8. As the flood control operation typically progresses, the reservoirs cease storage releases and begin to physically refill as the high runoff is then stored to prevent downstream flooding. The Accounting Program tracks the amount of natural flow stored during the refill phase of a flood operation as "unaccounted for" storage. When the accumulation of "unaccounted for" storage ends, the flood operation is completed. The end of flood operations typically occurs sometime from April through July. At the end of a flood operation, ideally the amount of "unaccounted for" storage will be equal to the amount of storage released for flood

control so that the amount of water stored physically in the reservoirs will be equal to the paper fill, which is 100 percent of the storage right (or allocated storage). If the "unaccounted for" storage is less than the storage released for flood control, this shortfall is termed the "failure to refill due to flood control."

9. At the end of the flood control operation the Allocations Program is then run to calculate stored water allocations for individual space entitlements. Again, the Allocations Program computes allocations for all three Boise River reservoirs simultaneously using the paper fill of each reservoir. In this system flood control situation, the paper fill of Arrowrock Reservoir and Anderson Ranch Reservoir remains at 100 percent of their storage right (or allocated space). The Allocations Program therefore allocates a full supply of storage to all individual entitlements in Arrowrock and Anderson Ranch reservoirs. From 1986 through 2007, there have been ten years for which system flood control releases were made. I have examined these years and in all cases, Arrowrock and Anderson Ranch entitlements received 100 percent allocation. The same conclusion was reached by Mary Mellema in her Affidavit dated November 13, 2007.

10. The paper fill of Lucky Peak Reservoir used by the Allocations Program is equal to its allocated space less any "failure to refill due to flood control." This "shortfall" is subtracted from the Lucky Peak Reservoir paper fill because Lucky Peak Reservoir has the latest water right priority of the three Boise River reservoirs, and Lucky Peak Reservoir is the primary flood control facility. In the case where there is a "shortfall" in Lucky Peak Reservoir paper fill, the Allocations Program allocates the fill in Lucky Peak as follows: If the shortfall is 60,000 acre-feet or less, all entitlements in Lucky Peak Reservoir receive 100 percent of their allocation except for the Streamflow Maintenance entitlement in Lucky Peak Reservoir, which receives an

amount equal to its entitlement less the shortfall. Additionally, if the shortfall is greater than 60,000 acre-feet, the amount in excess of 60,000 acre-feet is taken proportionally from all entitlements in Lucky Peak, including the remainder of the Streamflow Maintenance entitlement.

11. Storage in the Streamflow Maintenance entitlement has always been released beginning sometime in October after the end of the irrigation season in order to maintain a flow in the Boise River below Lucky Peak Reservoir. These Boise River storage releases continue throughout the non-irrigation season (November 1 to April 1) unless flood control releases preclude the need for such flow maintenance.

Further your affiant sayeth naught.

DATED this 12 Day of FEB 2008.

Robert J. Sutter, P.E.

SUBSCRIBED AND SWORN to before me this 12th Day of February, 2008.

KATY LOOMIS NOTARY PUBLIC STATE OF IDAHO

Notary Public for Idaho Katy Loomis
Residing at: Boise, Ada County, Idaho
My Commission Expires: 10/17/2009

U.S. Department of Justice

Environment and Natural Resources Division

DWG:DAJ
90-6-2-63c

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RECEIVED
FEB 15 2008
DEPARTMENT OF
WATER RESOURCES

February 14, 2008

via FedEx Mail

Diana R. Delaney, Chief Deputy Clerk
Snake River Basin Adjudication
DISTRICT COURT
253 Third Ave., North
Twin Falls, Idaho 83303-2707

Re: SRBA Case No. 39576
Subcase No. 63-03618

Dear Ms. Delaney:

Enclosed for filing in the above listed subcase are the following documents:

1. **REPLY BRIEF IN SUPPORT OF UNITED STATES' MOTION FOR SUMMARY JUDGMENT**
2. **THIRD AFFIDAVIT OF DAVID A JARVIS.**
3. **AFFIDAVIT OF ROBERT J. SUTTER**

Sincerely,

David A. Jarvis
Paralegal

Enclosures

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Counsel for the United States

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. 63-03618
	)	
Case No. 39576	)	REPLY BRIEF IN SUPPORT OF THE UNITED
	)	STATES' MOTION FOR SUMMARY
	)	JUDGMENT
	)	

Introduction

The Objectors ask this Court to overturn a licensed water right first permitted by the Idaho Department of Water Resources ("IWDR") more than twenty years ago. As a threshold matter, their challenges must be barred because they are collateral attacks on the IDWR's decision to permit and license the streamflow maintenance water right. The Objectors' argument that the Director of the IDWR proceeded under the wrong statute in permitting and licensing the streamflow maintenance water right, if accepted, would obviate the water right entirely. In its decision in Subcase 91-63, this Court found that wholesale challenges to a water right such as the Objectors are improper collateral attacks which must be barred. That

conclusion applies equally here. Not only must all facial challenges to the water right be barred, but there is no persuasive reason to permit reconsideration of any of the elements of the water right.

Second, the Objectors' argument that the water right should have been established by the Idaho Water Resources Board ("IWRB") pursuant to the instream flow program in Idaho Code Title 42, Chapter 15 ignores a practical reality: without Lucky Peak Dam and Reservoir to divert and store the water, there could be no water right because the dam is necessary to divert and store the spring run off so that it can be released over the course of the winter.

Third, while the Objectors' desire to ensure that the Streamflow Maintenance water right does not interfere with their contractual entitlements is understandable, the remedy they seek – having the Streamflow Maintenance water right designated for irrigation purposes as well – is wholly unnecessary. The government's response brief explained that the irrigators have *never* been shorted the "make up" water they are entitled to under the 1953 Memorandum of Agreement and its implementing contracts. Below, we explain why: the "make up" water is not taken from the streamflow maintenance account; rather the "make up" water never goes into the streamflow maintenance account.

I. THE OBJECTIONS MUST BE BARRED BECAUSE THEY ARE IMPROPER COLLATERAL ATTACKS ON A LICENSED WATER RIGHT.

The objections must be barred because they are collateral attacks on an administrative decision by the Idaho Department of Water Resources that should have been raised more than twenty years ago. The Objectors argue they should be allowed to circumvent the process for review of state administrative decisions because their challenges fall within the exception to the rule barring collateral attacks that this Court recognized in Consolidated Subcase 91-63. To the contrary, this Court's analysis demonstrates that the objections must be barred.

First, the objections that the streamflow maintenance water right was licensed under the wrong statute, if accepted, would eviscerate the entire water right. As this Court observed, such challenges are improper collateral attacks because they "should have been raised in the prior proceedings." Memorandum Decision and Order on Cross-Motions for Summary Judgment, SRBA Subcase No. 91-63 (Sept. 2, 2004) at 30 ("91-63 Order"). Second, the controlling law, as well as the facts are the same today as they were in 1985; therefore, there is no reason to re-examine the elements of the Lucky Peak storage water right.

A. This Court's Decision in Subcase 91-63 Establishes that Objections Which Seek to Obviate a Licensed Water Right, as Those Here Do, are Improper Collateral Attacks Which Must be Barred.

As this Court explained in its decision in Subcase 91-63, "[t]he law of the case in the SRBA precludes the outcome of an administrative license proceeding from being collaterally attacked in the SRBA." 91-63 Order at 12. Collateral attacks are barred because "[t]he exclusive remedy is (was) to contest the permit application in the proper administrative proceeding and if necessary through judicial review pursuant to the Administrative Procedures Act."[1] *Id.* Precluding collateral attacks is especially important in an adjudication because "[f]inality in water rights is essential." *State v. Nelson*, 131 Idaho 12, 16, 951 P.2d 943, 947 (1998). That is particularly true here, where the thousands of Idahoans who have come to rely on the winter flows in the Boise River made possible by the streamflow maintenance water right are not parties to the case. *See Nevada v. United* States, 463 U.S. 110, 144 (1983).

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[1] This Court's recognition that the proper time to challenge a licensed water right is at the time of the permit application demonstrates that there is no merit to Nampa & Meridian Irrigation District's suggestion that the Lucky Peak water right is not entitled to preclusive effect because the license was not formally issued until three days after the Director's Report. *See also Matter of Permit No.* 47-7680, 114 Idaho 600, 604-05, 759 P.2d 891, 895-6 (1988) (also illustrating that the proper time to challenge IDWR's decisions regarding a water right is at the time a permit is issued or amended).

The Objector's primary argument is that the water right should have been licensed under the instream flow program, I.C. § 42-1501 *et seq.* It is undisputed that Objectors could have brought that argument at the time application to amend its permit was approved. Indeed, both the Idaho Board of Water Resources and the Idaho Department of Water Resources expressly considered that argument – and rejected it. *See* Idaho Water Resources Board, Agenda Item No. 8, Dec. 13, 1984 (Exhibit W to the AFFIDAVIT OF DAVID A. JARVIS); IDWR Issue Paper at 2 (Exhibit F to the AFFIDAVIT OF JERRY A. KISER, dated Oct. 12, 2007) ("KISER AFFID.").

If this Court were to reconsider the administrative agencies' decisions and accept the Objectors' argument, the consequence would be divest the United States of its water right entirely, since only the Idaho Board of Water Resources can hold a water right established under Title 42, Chapter 15.[2] As this Court recognized in Subcase 91-63, collateral attacks which would have the effect of stripping the license holder of his right entirely cannot be heard:

> [T]o the extent the Irrigation Entities seek to obtain full title (on behalf of their members) to the subject water rights - that . . . would be a collateral attack on the prior decree or license. That issue should have been raised in the prior proceedings.

Id. at 30. Accordingly, this Court's decision in Subcase 91-63 demonstrates that the Objectors' claim that IDWR proceeded under the wrong statutory program must be barred and the streamflow maintenance water right sustained.[3]

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[2] The Boise Project Board of Control ("BOC") argues that its objection merely challenges the beneficial use of the water right. BOC RESPONSE TO MOTIONS FOR SUMMARY JUDGMENT, dated Nov. 14, 2007 at 8 ("BOC RESP. BRF."). But it does so by arguing that the beneficial use confirmed by the license can only be made by the Idaho Water Resources Board. *Id.* at 5. Thus, the Board of Control, like the other Objectors, attacks the validity of the entire water right.

[3] The Objectors, particularly Pioneer and Settlers, strive mightily to avoid that conclusion by urging this Court to construe their argument that IDWR acted under the wrong statute as alleging the Director exceeded his statutory authority in violation of Idaho's constitution. That argument must fail because the Director has been tasked with implementing both water rights

B. **There is No Compelling Reason to Re-examine any of the Elements of the Streamflow Maintenance Water Right.**

This Court's decision in Subcase 91-63 observed that the *elements* of a licensed water right are not entirely immune from re-examination because those elements "can subsequently be changed voluntarily such as through contract or by operation of law (*i.e.*, forfeiture or abandonment)." *Id.* Some of the Objectors ask this Court to add an irrigation component to the Streamflow Maintenance water right in order to protect contractual interests established by a 1953 Memorandum of Agreement and implementing contracts.[4] As is explained in Section III, *infra*, there is no basis to do so because the irrigators have not made beneficial use of the streamflow maintenance water and no need to do so because the State's accounting program is hardwired to protect those contractual interests.

Even if that were not the case, the objections should be barred because the

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program at I.C. § 42-201, *et seq.*, and the instream flow water rights program at I.C. § 42-1501, *et seq.* Accordingly, even if the Director had acted under the wrong program, he would merely have erred; he would not have exceeded the authority available to him by statute. Even if that were not the case, allegations that statutory authority has been exceeded are not constitutional questions. *E.g., Bivens v. Six Unknown Fed. Narcotics Agents*, 403 U.S. 388, 396-97 (1971) (distinguishing between "actions contrary to [a] constitutional prohibition," and those "merely said to be in excess of the authority delegated . . .by the Congress"). Finally, there is no merit to Pioneer and Settlers' argument that the Director violated Idaho's constitution because the permit approval was not presented for approval by "concurrent resolution of the Idaho legislature" as would have been required under the instream flow statute. *See* I.C. § 42-1503. First, as is explained *infra*, the instream flow statute is inapplicable because the streamflow maintenance water right is predicated on the diversion and storage of water. Second, the Idaho Supreme Court has repeatedly found that legislative actions taken by concurrent resolution violate the enactment and presentment provisions of the Idaho Constitution. *E.g., Idaho Power Co. v. State*, 104 Idaho 570, 574, 661 P.2d 736, 740 (1983). Indeed, in light of that, the Idaho Attorney General has concluded that I.C. § 42-1503 is itself unconstitutional. Attorney General Opinion No. 87-6 (Exhibit MM to the THIRD AFFIDAVIT OF DAVID A. JARVIS).

[4] The 1953 Memorandum of Agreement was attached as Exhibit E to the AFFIDAVIT OF DAVID A. JARVIS. Examples of the implementing contracts were provided at Exhibits B and C to the AFFIDAVIT OF JENNIFER A. STEVENS.

rationale which led this Court to re-examine and clarify the title issue does not apply here. In Subcase 91-63 this Court found that the title element of the water rights needed to be clarified in light of the Supreme Court's direction in *Ickes v. Fox*; some of the United States water rights had been decreed prior to the decision and even those licensed after did not reflect the decision. Here, in contrast, there is no judicial decision (re)defining an element of the water right. Moreover, in 91-63 there was a significant dispute between the parties over the terms of the governing law. Here, in contrast, there is no dispute over the terms of the governing contracts. Indeed, the United States has reiterated its commitment to the provisions of the 1953 Agreement and implementing contracts. *See* RESPONSE BRIEF IN SUPPORT OF UNITED STATES' MOTION FOR SUMMARY JUDGMENT, Dated Nov. 14, 2007 at 11-12. In short, there is no compelling reason today, twenty years after the Objectors had an opportunity to protest the terms of the permit, to allow them to collaterally attack and redefine the elements of the Streamflow Maintenance water right.

II. THE LUCKY PEAK LICENSE AND WATER RIGHT DO NOT CONFLICT WITH TITLE 42, CHAPTER 15 OF THE IDAHO CODE.

Each of the irrigation entities argues that the streamflow maintenance water right for Lucky Peak cannot be affirmed because it was not licensed pursuant to the requirements of the instream flow statute found at I.C. § 42-1501 *et seq.*[5] Pioneer and Settlers Irrigation Districts additionally assert that the establishment of the United States water right was "backhanded" because it was done by a transfer rather than as a new appropriation. PIONEER

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[5] Several of the irrigation entities also characterize the United States as arguing that federal law pre-empts state law and allow it to release water for streamflow maintenance purposes regardless of the storage water rights. That is not the case. Several of the objections filed suggested that the irrigators believe that Lucky Peak Reservoir is not authorized to release water for streamflow maintenance. Accordingly the United States explained the statutory basis for Lucky Peak's operation authorizes releasing water to maintain streamflows.

AND SETTLERS' RESPONSE TO UNITED STATES BUREAU OF RECLAMATION'S MOTION FOR SUMMARY JUDGMENT, dated November 14, 2007 at 11 ("P & S RESP.").

Pioneer and Settlers' argument merely illustrates one reason why the Objectors are wrong in arguing that Lucky Peak could only have been established pursuant to the instream flow program. At the time the United States filed an application to amend its permit in 1984, it had a permit which authorized it to store up to the full content of Lucky Peak reservoir. Permit No. R 1183 (Exhibit II to the AFFIDAVIT OF DAVID A. JARVIS). Consequently, there was no water available for appropriation under Title 42, Chapter 15.

Further, there was no basis for the water right to have been established under the instream flow program. Title 42, Chapter 15, was enacted to "provide an express, generally applicable procedure for the appropriation of water *where no physical diversion is involved.*" STATE OF IDAHO, DEPARTMENT OF FISH AND GAME'S BRIEF. . . dated Nov. 14, 2007 at 10 ("STATE BRF.") (emphasis added). Here, in contrast, the natural flow of the Boise River is diverted into Lucky Peak Reservoir and stored. *See* BOC RESP. BRF. at 5-6; STATE BRF. at 5. The dam and reservoir are critical to the operation of the water right because they allow water to be captured during the high flows of the spring and stored so that it is available for use over the winter when it is needed to maintain streamflows for the benefit of fish, wildlife, recreation, aesthetics and other purposes. Thus, as the Idaho Board of Water Resources, the entity charged with administering Title 42, Chapter 15, explained "[t]he dam is considered to be the diversion for a storage water right, and if the streamflow maintenance uses can be considered to be beneficial, a valid water right can be constituted." Idaho Water Resources Board, Agenda Item No. 8, Dec. 13, 1984 (JARVIS AFF., Ex. W).

Only Pioneer and Settlers argue that streamflow maintenance is not a beneficial

use. P & S RESP. at 12-13. Those irrigation districts suggest that because the instream flow statute provides that the preservation of "the minimum stream flows required for the protection of fish and wildlife habitat, aquatic life, recreation, aesthetic beauty, transportation and navigation values, and water quality" is a beneficial use when done pursuant to the instream flow act, similar uses cannot be beneficial in any other context. *Id.* at 7. Pioneer and Settlers again miss the point.

First, as IDWR recognized in its consideration of the permit application, in light of Title 42, Chapter 15, "the precedent for recognizing such uses is established in Idaho law." IDWR Issue Paper at 2 (KISER AFFID., Ex. F). Apart from that, the fact that providing water to protect fish and wildlife habitat, aquatic life, recreation, aesthetic beauty and water quality purposes, as the streamflow maintenance releases do, is a beneficial use in the context of the instream flow program, does not mean that those uses cannot be beneficial when applied to a water right predicated on the diversion of water. Indeed, if that were the case, no fish farm could establish beneficial use. *Cf. Faden v. Hubbell,* 28 P.2d 247, 250-51 (Colo. 1933) ("[i]t is self-evident that water diverted and employed for the propagation of fish is devoted to a useful purpose").

Not surprisingly, the uses encompassed within the umbrella term "streamflow maintenance" are widely accepted as beneficial uses. As the United States explained in its opening brief, the use of water to sustain fish and wildlife is recognized as a beneficial use of water throughout the west, including Idaho. U.S. OPEN. BRF. at 16 n. 11; *Stott By and Through Dougall v. Finney*, 130 Idaho 894, 950 P.2d 709 (Idaho 1997) (dams and reservoirs serve "beneficial uses such as flood control, power generation, recreation, and providing beneficial environments for fish and wildlife"); *State v. U.S.*, 134 Idaho 106, 996 P.2d 806 (Idaho 2000)

(the exception to requirement of a diversion for stockwater uses "does not extend to beneficial use for wildlife habitat"). Similarly, recreation and aesthetic beauty are also well established as beneficial uses. *See e.g. Phelps Dodge Corp. v. Arizona Dept. of Water*, 118 P.3d 1110, 1112 (Ariz. Ct. App. 2005) (Arizona's statute for "general water usage rights" recognizes recreation and fish and wildlife as beneficial uses); *In re Adjudication of the Existing Rights to the Use of all of the Water, Both Surface and Underground, Within the Missouri River Drainage Area*, 55 P.3d 396 (Mont. 2002) (affirming water rights established by diverting water for fish, wildlife and recreational uses); *Hallauer v. Spectrum Properties, Inc.*, 18 P.3d 540 (Wash. 2001) (beneficial uses include fish and wildlife maintenance and enhancement, recreation and preservation of environmental and aesthetic value); *see also Idaho Dept. of Parks v. Idaho Dept. of Water Admin.*, 96 Idaho 440, 443-444, 530 P.2d 924, 927-28 (1974) (noting that "numerous other western states have recognized through legislation that utilization of water for scenic or recreational purposes is a beneficial use.").

In short, the streamflow maintenance component of the Lucky Peak storage water right "was perfected in accordance to Idaho law" because the dam serves as a diversion device and the water is applied to a beneficial use. *See* STATE BRF. at 10.

III. THERE IS NO BASIS TO DESIGNATE THE STREAMFLOW MAINTENANCE WATER RIGHT FOR IRRIGATION USE.

The final issue raised by the irrigators does not go to whether the streamflow maintenance water right should exist, but rather, whether the "purpose of use" element should include irrigation as well as streamflow maintenance. The irrigation entities claim that designation is necessary to preserve the United States' ability to continue to meet its obligations under the 1953 Memorandum of Agreement and its implementing contracts. The United States does not dispute that the 1953 Agreement and its implementing contracts require Reclamation to

make Anderson Ranch and Arrowrock irrigation contractors whole when flood control operations leave less water in Anderson Ranch or Arrowrock Reservoirs than would have been there in the absence of flood control operations.[6] The Objectors' arguments, however, proceed from a fundamental misunderstanding. Contrary to their assertions, the "make up" water is not taken from the streamflow maintenance water right. Instead, IDWR's accounting program ensures that the Anderson Ranch and Arrowrock contractors are made whole before any water is made available to the streamflow maintenance account.

The AFFIDAVIT OF MARY MELLEMA explained that watermaster records demonstrate that Anderson Ranch and Arrowrock spaceholders have been kept whole in each year flood control operations have occurred since coordinated reservoir operations began in 1955. AFFIDAVIT OF MARY MELLEMA, dated Nov. 13, 2007 at ¶ 6. Ms. Mellema is a Reclamation employee and did not have the expertise to explain how IDWR's water rights accounting ensures that will happen. The attached AFFIDAVIT OF ROBERT J. SUTTER, former Hydrology Section Manager for the IDWR and author of the programs used to account for the reservoir water rights, provides that explanation.[7]

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[6] Flood control operations are explained *infra*. The Board of Control argues that the contracts require Reclamation to provide water "whenever flood control activities have prevented the filling of the upstream reservoirs." BOC RESP. BRF. at 2. That is not correct. The measure is not whether the reservoirs have filled. Rather it is whether flood control operations have left less water than would have been there absent those operations. *See* 1954 Contracts, Exhibits B and C to the AFFIDAVIT OF JENNIFER A. STEVENS at ¶ 7(a).

[7] Counsel for Pioneer and Settlers' deposition of Ms. Mellema illustrated that she (like most Reclamation employees) has had no direct experience with IDWR's accounting system. The conclusions she drew however, relied on after-the-fact records and therefore did not require knowledge of the accounting process. In any event, Mr. Sutter has affirmed her conclusions and provided a detailed explanation of IDWR's water rights accounting. In the event counsel want to depose Mr. Sutter pursuant to I.R.C.P. 56(e), he can be available for deposition on February 21, or such other date as is mutually convenient for the parties.

As Mr. Sutter explains, the accounting for the project reservoir water rights is done by IDWR, in conjunction with the Boise River Watermaster, pursuant to two computer programs administered by the IDWR. One, the Accounting Program, accounts for the water rights of the three reservoirs. The second, the Allocations Program, allocates storage within each reservoir to the various spaceholders. *See* AFFIDAVIT OF ROBERT J. SUTTER at ¶ 2.

The water year for the reservoir system begins November 1. *Id.* at ¶ 3. As the reservoirs begin storing water, the Accounting Program accounts for the volume of water stored in each of the three reservoirs, but no water is allocated to individual accounts within each reservoir. *Id.* at ¶ 4. At some point, typically in April or May but sometimes as late as July, the three reservoirs reach the maximum storage credit they will achieve during the year. *Id.* at ¶ 5. Whenever that maximum storage point is reached, the Allocations Program is run to allocate the water within each reservoir to the specific accounts, including the irrigation contractors and the Streamflow Maintenance account. *Id.* Delivery of the Streamflow Maintenance water does not occur until months later in the fall. *Id.* at ¶ 11. In "normal" years where there are no flood control operations, water is allocated proportionally according to the contracts, and the specific contractual provisions the irrigation entities have raised here do not come into play. *See id.* at ¶ 6a.

The accounting process is more complicated in the years when water has been released for flood control purposes. Flood control operations occur during high water years and result in water being evacuated from the reservoirs in order to ensure that there is space available to capture the spring run off. *Id.* at ¶ 6(b). While the water is being physically released from the reservoir system, water flowing into the reservoirs is credited to the reservoirs on paper. *Id.* at ¶¶ 7-8. After the reservoir rights have filled on paper, that refill water is designated as

"unaccounted for" storage. *Id.* at ¶ 8. As the reservoirs begin to refill, the "unaccounted for" storage account continues to be credited on paper as long as excess natural flow is available to the system. *Id.* at ¶¶ 7-8. The reservoirs remain filled on paper for the duration of the season. *Id.* at 9.

Ideally, the reservoirs capture enough "unaccounted for" storage to match the paper fill in the accounting system. *Id.* at ¶8. In some years, however, more water is released for flood control than is subsequently captured from the run off. When that happens, the shortfall is termed "failure to refill due to flood control" *Id.* Regardless of where the shortfall is physically located, the Allocations Program then subtracts the "failure to refill" amount from the Lucky Peak Reservoir paper fill because Lucky Peak is the junior reservoir.[8] *Id* at ¶ 10. As noted above, the Arrowrock and Anderson Ranch water rights were already filled on paper prior to the operation of the Allocations Program and remain full throughout the process. *Id.* at 9. That explains why the United States has unfailingly met its contractual obligations to the Arrowrock and Anderson Ranch spaceholders *without* having to rely on water from the Streamflow Maintenance account: IDWR's accounting system is hardwired to ensure that Arrowrock and Anderson Ranch remain full on paper regardless of which reservoir(s) may not have physically refilled during flood control operations and regardless of the status of any account in Lucky Peak.

In short, the irrigation water needed to fulfill the United States' contractual obligation is not taken *from* the streamflow maintenance account. Rather, the water needed for

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[8] The accounting can ignore the physical location of the shortfall because the three reservoirs are operated as a unitary system and the contracts allow water to be provided from any of the reservoirs. *See* Act of August 24, 1954, 68 Stat. 794 (1954); *see also* AFFIDAVIT OF ROBERT J. SUTTER at ¶ 4.

the irrigation contracts never goes into the streamflow maintenance account.[9] Because water need for irrigation never enters the streamflow maintenance account, the irrigators do not make beneficial use of the streamflow maintenance water right and there is no basis to burden the streamflow maintenance water right with an irrigation designation.

Conclusion

The Objectors bring collateral attacks that seek to eviscerate entirely the water right licensed to the United States. Those attacks come more than twenty years after the fact and there is no compelling reason to allow them to be heard now. Even if the objections were not required to be barred as improper collateral attacks, they must be rejected because the licensed water right was established in full conformity with Idaho law. Lucky Peak dam serves as the diversion and there is no question that fish propagation and the other uses encompassed with the streamflow maintenance label are beneficial uses under Idaho law. Finally, the United States' contractual obligations provide no basis for redefining the purpose of use element of the water right. The United States meets, and unfailingly has met, its contractual obligations, without using streamflow maintenance water for irrigation purposes, and the reservoir accounting system used by the watermaster and IDWR renders Objectors' request for relief inapposite and unnecessary.

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[9] Moreover, the system of accounting used effectively gives the irrigators a better deal than called for under their contracts. The contracts provided that any "shortage" of storage caused by flood control operations would be split pro-rata among all water uses. 1954 Contracts, Exhibit B and C to the AFFIDAVIT OF JENNIFER A. STEVENS at ¶ 7(a). Thus under the contracts, each irrigation contractor and the streamflow maintenance account would share the shortage in direct proportion to their share of the total storage space. In contrast, under the accounting specified in the Water Control Manual, when the available water is allocated among the various accounts, 60,000 af of the streamflow maintenance account is treated as "last to fill" water. Thus, as a practical matter the first 60,000 acre-feet of any shortage is borne by the streamflow maintenance account rather than other Lucky Peak spaceholders.

Dated this 14th day of February, 2008.

Respectfully submitted,

RONALD J. TENPAS
Assistant Attorney General
Environment and Natural Resources Division

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ATTORNEYS FOR THE UNITED STATES

CERTIFICATE OF SERVICE

I certify that on this 14th day of February 2008, I served a true and correct copies of the foregoing **REPLY BRIEF IN SUPPORT OF UNITED STATES' MOTION FOR SUMMARY JUDGMENT, THIRD AFFIDAVIT OF DAVID A. JARVIS**, and **AFFIDAVIT OF ROBERT J. SUTTER** as indicated below:

via FedEx mail:

CLERK OF THE SRBA COURT (Original)
SRBA Courthouse
253 Third Ave. North
Twin Falls, Idaho 83301
Phone: (208) 736-3011

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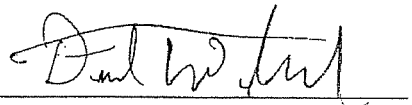
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IDWR
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David W. Gehlert

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

RECEIVED
JUL 07 1989
Department of Water Resources

Ident. Number: A01-00284
Date Received: 11/23/1988
Receipt No: _____
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

1. Name: UNITED STATES OF AMERICA, ACTING THROUGH 837-334-1165
   Address: REGIONAL DIRECTOR, P.N. REGION
   BUREAU OF RECLAMATION
   BOX 043-550 WEST FORT STREET
   BOISE, ID 83724

2. Date of Priority: MAR 30, 1921

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
07S	31E	30	SW SE		POWER
10S	21E	28		5	JEROME

5. Description of diverting works:
   AMERICAN FALLS DAM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	8000.000		1800000.00

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
   DOMESTIC - DE MINIMUS DOMESTIC USE

10. Place of Use:

MICROFILMED
NOV 0 5 1996

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

13. Other Water Rights Used:
01-02064, 01-10042, 01-10053, 01-02040

14. Remarks:
RATE TO STORAGE 8000 CFS.
AMERICAN FALLS RESERVOIR.
AC. IRR. = 1,200,000
LANDS WITHIN MINIDOKA RECLAMATION PROJECT IDENTIFIED IN WATER RIGHT CERT. NO. 4118
CLAIMS 01-02064, 01-10042, AND 01-10053 = 1,800,000 ACRE FEET OF STORAGE IN AMERICAN FALLS RESERVOIR
MULTI-YEAR STORAGE FACILITY
STORAGE SUMMARY STATEMENT
ACTIVE CAPACITY CAPACITY 1,672,590 ACRE FEET
INACTIVE CAPACITY 0
DEAD STORAGE 0
TOTAL SURFACE AREA 58,076 ACRES AT ELEVATION 4354.5
BANK STORAGE 100,000 ACRE FEET PLUS OR MINUS
TOTAL RESERVOIR CAPACITY 1,672,590 ACRE FEET
THIS RIGHT IS SUBJECT TO CERTAIN RESTRICTIONS SET OUT IN DETAIL IN THE PALISADES CONTRACTS. THE FIRST 1700 SECOND-FEET IS AVAILABLE FOR DIVERSION BY THE GOODING PROJECT IF AMERICAN FALLS RESERVOIR IS FILLED TO CAPACITY. IF THAT RESERVOIR IS NOT FILLED THE GOODING PROJECT GETS 1/2 OF THE FIRST 1700 SECOND-FEET AND 1/2 IS TO BE STORED IN AMERICAN FALLS RESERVOIR. THE REMAINING 6300 SECOND-FEET IS EXCLUSIVELY FOR STORAGE IN AMERICAN FALLS RESERVOIR AND IS NOT SUBJECT TO VOTING RIGHTS AT DISTRICT 01 WATER MEETINGS.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

WOODVILLE CANAL
Decree Plaintiff

vs

CLARK AND EDWARDS CANAL ET. AL
Decree Defendant

MICROFILMED
NOV

United States Department of the Interior

BUREAU OF RECLAMATION
Pacific Northwest Region
1150 North Curtis Road, Suite 100
Boise, Idaho 83706-1234

TAKE PRIDE IN AMERICA

IN REPLY REFER TO:
PN-3100
WTR-1.10

NOV 0 4 2005

Mr. Ernest Carlsen
Eastern Regional Office
Idaho Department of Water Resources
900 N Skyline Dr Suite A
Idaho Falls, ID 83402

Subject: Snake River Basin Adjudication, Preliminary Director's Report, Basin 01

Dear Mr. Carlsen:

Enclosed please find the Notice of Errors for the Preliminary Directors Report issued on October 7, 2005. In addition to the comments included on the Notice of Error forms, we also believe that General Provisions must be considered for these water rights to ensure preservation of the historical administrative water use practices unique to the delivery and/or operation of natural flow and/or storage water rights in the Snake River. We would like to meet with the Department to discuss this issue and will contact you to set up a time and date.

Please call me at 208-383-2246 if you have any questions.

Sincerely,

Jerrold D. Gregg
Area Manager

Enclosures

cc: Mr. Dave Tuthill
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

RECEIVED
NOV 0 7 2005
Department of Water Resources
Eastern Region

11/01/2005

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:

Water right number: 01-284

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):

Disallowal.

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

This right should be recommended as 01-2040 for 1700 cfs to the United States of America Acting through the Bureau of Reclamation.

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

Permit No. 15134 was decreed to the Secretary of the Interior in Woodville Canal Co. vs Clark & Edwards Canal & Irrigation Co., United States District Court Idaho, June 25, 1929. Water Right License 15134 for 1700 cfs was issued to the U. S. Reclamation Service by the Idaho Commission of Reclamation on July 9th 1942.

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

DATE: 11/4/05 **SIGNATURE:** [signature]

Please print your name: Jerrold D Gregg, Area Manager, Snake River Area Office

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

KMJ
1119

RECEIVED
NOV 07 2005
Department of Water Resources
Eastern Region

4117

4117

decree 01-0006

State of Idaho

License and Certificate of Water Right

Water License No. 15134 — Amount 1,700 c. f.s.

Water District No. .... — Priority March 30, 1921

THIS IS TO CERTIFY that UNITED STATES OF AMERICA, Acting through B. E. Stoutemyer, District Counsel, of U.S. Reclamation Service Portland, Oregon, made application for a permit to appropriate the public waters of the State of Idaho, dated March 30, 1921, 19 ; that Permit No. 15134 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 1,700 second feet, was issued thereunder on July 12, 1932, 19 , showing that said works were completed on the 16th day of May, 19 31; and that on the 22nd day of April, 19 41,

UNITED STATES OF AMERICA

of Portland, , State of Oregon, made proof to the satisfaction of the Commissioner of Reclamation of Idaho, of the right to use the waters of Snake River and tributaries, a tributary of Columbia River, for the purpose of irrigation and domestic, under Use Permit No. 15134 of the Commissioner of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the Commissioner of Reclamation of Idaho and entered of record in Volume 7 of Licenses, at page 4117, on the 9th day of July, 19 42;

The right hereby confirmed dates from March 30, 1921, 19 ;

The Point of Diversion is located in the SW¼ ¼ SE¼ ¼, Sec. 30, Tp. 7 S, R. 31 E, B. M. Power County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 1,700 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
The place where said water is used is on the lands in the following irrigation districts and on the lands of the projects of the following irrigation companies: Aberdeen-Springfield Canal Company, American Falls Reservoir Dist., American Falls Reservoir Dist. No. 2, Blackfoot Irrig. Co., Burgess Canal & Irrig. Co., Butte & Market Lake Canal Co., Corbett Slough Ditch Co., Dilts Irrigation Co., Enterprise Canal Co., Enterp Irrig. Dist., Harrison Canal & Irrigation Co., Hillsdale Irrig. Dist., Idaho Irrig. Dist., Lenroot Canal Co Milner Low Lift Irrig. Dist., Minidoka Irrig. Dist., New Sweden Irrig. Dist., Peoples Canal & Irrig. Co., P Irrig. Dist., Progressive Irrig. Dist., Reid Canal Co., Rudy Irrig. Canal Co., Chas D. Smith (individual), River Valley Irrig. Dist., Trego Ditch Co., Utah-Idaho Sugar Co., the land in the upper Snake River Valley supplied by means of exchange water. The names of the canals or ditches or other works by which said water conducted to such place of use are: Aberdeen, Martin, North Side Project, Twin Falls Canal Co., Woodville, Gooding, Blackfoot, Burgess, Butte & Market Lake, Corbett, Dilts, Enterprise Canal Co., Enterprise Dist., H Idaho, Lenroot, Milner Low Lift, Minidoka, New Sweden, Peoples, Poplar Irrig. Dist. Progressive Irrig.Dist. Reed, Rudy, Smith, Snake River Valley, Trego, Utah-Idaho Sugar Co.					

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

WITNESS the seal and signature of the Commissioner of Reclamation, affixed at Boise, Idaho, this 9th day of July, 19 42

E. V. BERG
Commissioner of Reclamation

(SEAL)

15. (a) Is reservoir to be used? Yes. If so, fill in (b) and (c) below.
(b) Name of reservoir and number of Storage Permit: American Falls Reservoir No. 269
(c) Date of filing of Application for Storage Permit and Name of Applicant: Storage Permit being filed simultaneously with this application.

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

Unites States, Applicant.

By B. E. Stoutemyer Agent.
Dist. Counsel U.S.R.S.

Date of first receipt at Department of Reclamation. 2:30 P.M.March 30, 1921.

Returned to applicant for correction.

Corrected application received.

APPROVAL OF COMMISSIONER OF RECLAMATION

The number of this permit is 15134.
Recorded in Book ~~55~~ 57 Page 15134 Approved April 23, 1921.
This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:
Bond in the sum of $ 10,000.00 to be filed on or before June 22, 1921.
Work to begin on or before and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.
One-fifth of the work above specified to be completed on or before October 23, 1923.
The whole of said work to be completed on or before April 23, 1926.
Beneficial use of water appropriated in accordance herewith, to be made on or before April 23, 1936.

Witness my hand this 23rd day of April, 1921.

W. G. SWENDSEN,
Commissioner of Reclamation.

Remarks:

LANDS TO BE IRRIGATED FROM AMERICAN FALLS RESERVOIR----~~Directly~~ Irrigated: 1,540,780 Acres.
Indirectly Irrigated: 460,275 Acres.
~~Total. 2,001,055 Acres~~

14 Twp	Range	Sec.	NE¼ NE¼	NE¼ NW¼	NE¼ SW¼	NE¼ SE¼	NW¼ NE¼	NW¼ NW¼	NW¼ SW¼	NW¼ SE¼	SW¼ NE¼	SW¼ NW¼	SW¼ SW¼	SW¼ SE¼	SE¼ NE¼	SE¼ NW¼	SE¼ SW¼	SE¼ SE¼	Totals

LIST OF LANDS BELOW AMERICAN FALLS TO BE IRRIGATED DIRECTLY FROM AMERICAN FALLS RESERVOIR

S U M M A R Y.

Page	1	15,732	Forward		786,828
"	2	17,644	Page	39	21,322
"	3	22,072	"	40	20,906
"	4	21,540	"	41	13,089
"	5	19,104	"	42	19,421
"	6	21,988	"	43	20,483
"	7	18,941	"	44	14,551
"	8	20,883	"	45	21,377
"	9	21,683	"	46	20,944
"	10	22,413	"	47	18,106
"	11	22,418	"	48	17,734
"	12	23,648	"	49	17,706
"	13	22,006	"	50	46,724
"	14	23,495	"	51	17,824
"	15	20,003	"	52	21,157
"	16	25,582	"	53	25,297
"	17	18,746	"	54	21,820
"	18	18,653	"	55	22,733
"	19	22,949	"	56	26,307
"	20	21,484	"	57	16,850
"	21	22,319	"	58	42,093
"	22	22,132	"	59	15,094
"	23	25,619	"	60	25,618
"	24	15,848	"	61	19,464
"	25	22,160	"	62	18,968
"	26	21,116	"	63	19,219
"	27	24,700	"	64	23,152
"	28	16,160	"	65	22,030
"	29	19,107	"	66	20,752
"	30	24,669	"	67	20,299
"	31	18,233	"	68	22,039
"	32	20,376	"	69	24,649
"	33	20,495	"	70	21,570
"	34	17,830	"	71	14,781
"	35	20,730	Sub Total		1,500,907
"	36	22,438	Supplementary #	1	14,437
"	37	15,509	"	2	17,166
"	38	16,403	"	3	8,270
Sub Total		786,828 Acres	Grand Total		1,540,780 Acres

15134

PERMIT NO. 15134
CERTIFICATE OF COMPLETION OF WORKS

M IT MAY CONCERN:

This is to certify that United States of America, acting through E. B. Darlington, Superintendent, Reclamation, Burley, County of Cassia, and State of Idaho, the holder of Permit No. 15134, issued dation No. 21514 bearing date of priority of March 30, 1921, authorizing the diversion of 1700 sec. waters of Snake River, County of Jerome, State of Idaho for Domestic, irrigation & power purposes, complied with the provisions of the laws of the State of Idaho relating to the proof of completion f diversion set out and described in said Permit; that said works are adequate for diverting and to the place of intended use 1700 second feet of the waters of Snake River; that the point of diver- id waters is above Milner Dam, in Lot 5, Sec. 28, T. 10 S., R. 21 E.B.M.; and that the lands proposed gated by the use of said water are described as follows, to-wit: 80,000 acres particularly des- follows: The lower half of the Idaho Irrigation company project and all river right lands irrigated e Wood River below town of Shoshone, and about 35,000 acres of new lands in Jerome and Lincoln and unties under the Milner-Gooding Canal.

Witness my hand this 12th day of July, A. D. 1932.

R. W. FARIS
Commissioner of Reclamation

ompletion of Works made May 16, 1931.
e of Completion of Works issued July 12, 1932.

FOR 1,700 SEC. FT.
12 #4117

15134

April 27, 1942

Mr. S. R. Mareen, Supt.
U. S. Bureau of Reclamation
Burley, Idaho

Dear Mr. Mareen:-

Some time ago you submitted proof of beneficial use under permit No. 15134, in the amount of 9000 sec. ft.

The orignal permit was for the amount of 8000 sec. ft. to be applied to new lands. About five years ago proof of completion of works under this permit was made in the amount of 1700 sec. ft., designating the Milner-Gooding Canal as the required works which were completed. Under the circumstances it will not be possible to grant a licence for 9000 sec. ft. as completion of works proof in this amount would first have to be made.

As we view it this filing in sec. ft. is not equivalent to the storage permit for the reservoir and could not be applied to the deversions for supplementary water, such as the Twin Falls North and South Side projects, the Minidoka projects etc.

Trusting this will clarify our position in the matter, I am

Very truly yours,

E. V. Berg
Commissioner of Reclamation

EVB:lap

15134

Form 10

NOTICE FOR PUBLICATION

NOTICE OF PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10 a. m. on the 22nd day of April, 1936, at Burley, Idaho, County of Cassia, State of Idaho, before S. H. Kunau, Notary Public / ~~State Board of Conservation and Development~~ of the State of Idaho, proof will be submitted of the application to beneficial use of seventeen hundred (1700) cubic feet per second of the waters of Snake River in accordance with the terms and conditions of Permit No. 15134 heretofore issued by the ~~State Engineer~~ Commissioner of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are United States of America, acting through its agent B. E. Stoutemyer, ~~District Counsel, Bureau of Reclamation, Room 603 Post Office Building,~~ Portland, Oregon.

The use to which said water has been applied is irrigation and domestic purposes.

The amount applied to beneficial use is seventeen hundred (1700) cubic feet per second.

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated) under an irrigation system covering more than 25,000 acres, namely on the lands under the irrigation system of the Gooding Division of the Minidoka Project, organized and commonly known as the American Falls Reservoir District Number 2.

The name of the canal or ditch or other works by which said water is conducted to such place of use is Milner-Gooding canal of the Gooding Division, Minidoka Project.

The right to take water from such works is based upon Permit No. 15134

The source of supply from which such water is diverted is Snake River

The date of the priority which said user is prepared to establish is March 30, 1921

15134

R. W. FARIS
Commissioner of Reclamation.
~~State Engineer~~

Form No. 9

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE

B. E. STOUTEMYER, District Counsel
U. S. Reclamation Service
Federal Building,
Portland, Oregon

February 12, 1936

Dear Sir:—

I enclose herewith blank notice of proof of application of water to beneficial use under your permit No. 15134, which should be filled out and returned to this office at least 60 days before the date upon which you wish to make proof. The date for proof, as set out in your permit, is April 25, 1936, and, if proof is submitted subsequent to said date, your priority will be brought down a length of time equal to the time elapsing between the date proof should have been made and the date proof is actually made.

Yours truly,

R. W. FARIS [illegible]
Commissioner of Reclamation.

15134

Form 22

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

BOISE, IDAHO

REPORT OF ENGINEER

342
22.5
11.7

17.7

Permit No. 15134

This proof is for COMP. WORKS In Water District No.

1. Name of applicant: U. S. America
2. Source of water supply: Snake River
3. Location of point of diversion: Is in the (American Falls Project) of Section
   T. R. County of
4. Describe works as they exist, giving dimensions and capacities of same Reinforced concrete headgate at W. end of Milner dam with 2-17 ft steel gates with Max. depth allowance of 14.8 ft. which admits of a maximum discharge of 2695 Sec ft (as per 1928 measurements. The present discharge being 1620 ft. (as per records of River Watermaster) Canal sections:- Rock cut from 25 to 34 ft bottom width x 14.8' dep. Earth sections bottom width 31 ft depth 15 ft. Slope 1½:1
5. Water is used for: Irrigation and domestic use
6. State whether or not water has been turned into works of diversion: yes
7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation): The lower half of Idaho Irrigation Company project, and all riger right lands irrigated from Little Wood River below town of Shoshone and about 35,000 acres of new lands in Jerome & Lincoln & Gooding counties under the Milner-Gooding Canal.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? Snake River

Remarks: For canal section details see white print filed herewith.
Structure for diversions etc and canal are completed to 2nd acres Big Wood River to Sta 3317+21

This examination was made on the 6th day of Aug. 1931

(Signed) Fred W. Bolman
Examiner.

15134

Form 15

PERMIT NO. 15134

Proof of Completion of Works

DEPOSITION OF HOLDER

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. United States of America, acting through E. B. Darlington, Superintendent, Bureau of Reclamation, Burley, Idaho.

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business, your position with reference to same, and your authority for appearing in its behalf.

Ans. United States of America - Post Office address, Bureau of Reclamation, Burley, County of Cassia, State of Idaho.

Ques. 3. State number and date of permit, amount of water you are authorized to divert, source, and point of diversion.

Ans. The number of the permit is 15134, and the date of said permit is March 30, 1921. The amount authorized to be diverted is 8000 sec. ft. The source of said water is Snake River. The point of diversion is above Milner Dam, in Lot 5, Sec. 28, T. 10 S., R. 21 E., B.M.

Ques 4. State purpose for which water is to be used, and, if for irrigation, state the number of acres and give description of the land you intend to reclaim.

Ans. The water is to be used for irrigation and domestic purposes. The number of acres to be irrigated is 80,000 acres, particularly described as follows: The lower half of the Idaho Irrigation Company project and all river right lands irrigated from Little Wood River below town of Shoshone, and about 35,000 acres of new lands in Jerome and Lincoln and Gooding Counties under the Milner-Gooding Canal.

Ques. 5. State whether or not the water has been turned into your works of diversion, and, if so, when and to what extent.

Ans. Water has been turned into works of diversion. Date - Fall of 1930 and spring of 1931. Extent - 1700 sec. ft. in May, 1931.

Ques. 6. State whether or not the works of diversion are fully completed, and whether or not they comply in all respects with the terms of the permit.

Ans. Diversion works are fully completed. They comply with terms of permit.

Ques. 7. If the works of diversion do not comply with all the terms of your permit, state fully those particulars in which there is any variance.

Ans.

Ques. 8. Give description of works, state dimensions and capacity of each part, and give cost of same.

Ans. Diversion works are on north bank of Snake River about 400 feet above Milner Dam. They consist of reinforced concrete gate structure, with two openings 17 ft. wide and 11.7 ft. from floor to normal water surface, controlled by electrically-operated radial gates, admitting water to concrete-lined canal. Capacity of headworks structure and canal, 8700 sec. ft. Cost of headworks, $65,000.

(Sign here.) E. B. Darlington

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, in Burley, County of Cassia, State of Idaho, on this 16th day of May, A. D. 1931.

Thomas J. Larson
Notary Public for State of Idaho, Residing at Burley, Idaho

My Commission expires July 25, 1931

15134

Form 15

PERMIT NO. 15134

Proof of Completion of Works

DEPOSITION OF HOLDER

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. United States of America, acting through E. B. Darlington, Superintendent, Bureau of Reclamation, Burley, Idaho.

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business, your position with reference to same, and your authority for appearing in its behalf.

Ans. United States of America - Post Office address, Bureau of Reclamation, Burley, County of Cassia, State of Idaho.

Ques. 3. State number and date of permit, amount of water you are authorized to divert, source, and point of diversion.

Ans. The number of the permit is 15134, and the date of said permit is March 30, 1921. The amount authorized to be diverted is 8000 sec. ft. The source of said water is Snake River. The point of diversion is above Milner Dam, in Lot 5, Sec. 28, T. 10 S., R. 21 E., B.M.

Ques 4. State purpose for which water is to be used, and, if for irrigation, state the number of acres and give description of the land you intend to reclaim.

Ans. The water is to be used for irrigation and domestic purposes. The number of acres to be irrigated is 80,000 acres, particularly described as follows: The lower half of the Idaho Irrigation Company project and all river right lands irrigated from Little Wood River below town of Shoshone, and about 35,000 acres of new lands in Jerome and Lincoln and Gooding Counties under the Milner-Gooding Canal.

Ques. 5. State whether or not the water has been turned into your works of diversion, and, if so, when and to what extent.

Ans. Water has been turned into works of diversion. Date - Fall of 1930 and spring of 1931. Extent - 1700 sec. ft. in May, 1931.

Ques. 6. State whether or not the works of diversion are fully completed, and whether or not they comply in all respects with the terms of the permit.

Ans. Diversion works are fully completed. They comply with terms of permit.

Ques. 7. If the works of diversion do not comply with all the terms of your permit, state fully those particulars in which there is any variance.

Ans. ---

Ques. 8. Give description of works, state dimensions and capacity of each part, and give cost of same.

Ans. Diversion works are on north bank of Snake River about 400 feet above Milner Dam. They consist of reinforced concrete gate structure, with two openings 17 ft. wide and 11.7 ft. from floor to normal water surface, controlled by electrically-operated radial gates, admitting water to concrete-lined canal. Capacity of headworks structure and canal, 8700 sec. ft. Cost of headworks, $65,000.

(Sign here.) E. B. Darlington

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, in Burley, County of Cassia, State of Idaho, on this 16th day of May, A. D. 1931.

Thomas J. Larson
Notary Public for State of Idaho, Residing at Burley, Idaho

My Commission expires July 25, 1931

15134

Form 14

The Depositions of two Witnesses, in this form, taken separately, required in each case.

Permit No. 15134

Proof of Completion of Works

DEPOSITION OF WITNESS

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. Frank O. Redfield, Burley, Idaho,
Occupation, Assistant secretary, Burley Irrigation District, Burley, Idaho.

Ques. 2. Are you acquainted with United States of America, the holder of Permit No. 15134, authorizing the diversion of 8000 second-feet of the waters of Snake River, at Milner, Idaho for irrigation purposes? How long have you known him, and where does he reside?

Ans. Yes.

Ques. 3. Have you read or heard read said Permit No. 15134, and are you familiar with its terms and conditions?

Ans. Yes.

Ques. 4. (If for irrigation purposes). Are you acquainted with the land proposed to be irrigated under said permit? If so, describe same, state its character, and give your estimate of the amount of water required for its profitable cultivation.

Ans. The water is to be used for irrigation and domestic purposes. The number of acres to be irrigated is 80,000 acres, particularly described as follows: The lower half of the Idaho Irrigation Company project and all river right lands irrigated from Little Wood River below town of Shoshone, and about 35,000 acres of new lands in Jerome and Lincoln and Gooding Counties under the Milner-Gooding Canal.

Ques. 5. Are the works of diversion fully completed and of sufficient capacity to convey the entire amount of water set out in the permit from point of diversion to place of use?

Ans. Yes. Diversion works are fully completed and of sufficient capacity to convey 1700 sec. ft.

Ques. 6. Describe the works of diversion as they now exist, and give your estimate of their capacity.

Ans. Diversion works are fully completed. They comply with terms of permit. Estimate of capacity, 8700 sec. ft.

(Sign here.) Frank O. Redfield

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Burley County of Cassia, State of Idaho, on this 16th day of May, A. D. 1931

Anna J. Larson
Notary public for State of Idaho
residing at Burley, Idaho

15134

My commission expires July 25, 1931

Form 14

The Depositions of two Witnesses, in this form, taken separately, required in each case.

Permit No. 15134

Proof of Completion of Works

DEPOSITION OF WITNESS

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. Dana Templin, Burley, Idaho; occupation civil engineer; post office address, Burley, Idaho.

Ques. 2. Are you acquainted with United States of America, the holder of Permit No. 15134, authorizing the diversion of 8000 second-feet of the waters of Snake River, at Milner, Idaho for irrigation purposes? How long have you known him, and where does he reside?

Ans. Yes.

Ques. 3. Have you read or heard read said Permit No. 15134, and are you familiar with its terms and conditions?

Ans. Yes.

Ques. 4. (If for irrigation purposes). Are you acquainted with the land proposed to be irrigated under said permit? If so, describe same, state its character, and give your estimate of the amount of water required for its profitable cultivation.

Ans. The water is to be used for irrigation and domestic purposes. The number of acres to be irrigated is 80,000 acres, particularly described as follows: The lower half of the Idaho Irrigation Company project and all river right ~~lands irrigated from Little Wood River below town of Shoshone, and about 55,000~~ acres of new lands in Jerome and Lincoln and Gooding Counties under the Milner-Gooding Canal.

Ques. 5. Are the works of diversion fully completed and of sufficient capacity to convey the entire amount of water set out in the permit from point of diversion to place of use?

Ans. Yes. Diversion works are fully completed and of sufficiant capacity to convey 1700 sec. ft.

Ques. 6. Describe the works of diversion as they now exist, and give your estimate of their capacity.

Ans. Diversion works are on north bank of Snake River about 400 feet above Milner Dam. They consist of reinforced concrete gate structure, with two openings 17 ft. wide and 11.7 ft. from floor to normal water surface, controlled by electrically-operated radial gates, admitting water to concrete-lined canal. Capacity of headworks structure and canal, 2700 sec. ft. Cost of headworks, ~~$85,000.~~

(Sign here.) Dana Templin

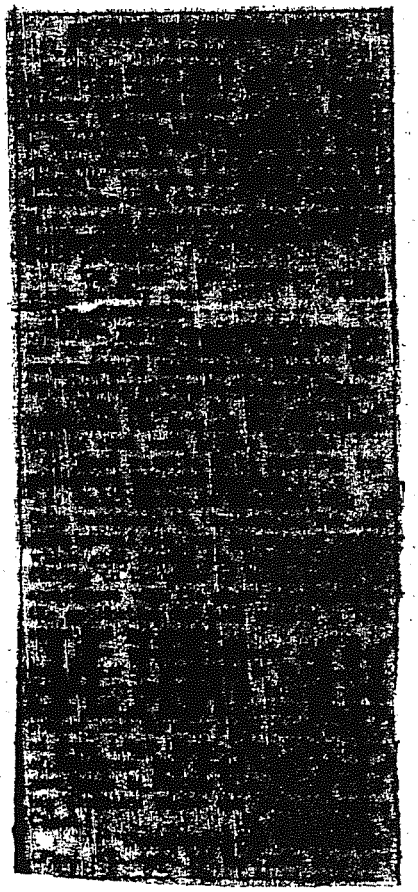
I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Burley County of Cassia, State of Idaho, on this 16th day of May, A. D. 1931

Notary Public for Idaho, residing at Burley, Idaho

My commission expires July 25, 1931.

15134

AFFIDAVIT OF PUBLICATION



STATE OF IDAHO, }
County of Jerome, } SS.

...John D. Sims....., being first duly sworn deposes and says that he is one of the printers (publishers) of the North Side News, a newspaper published every week in Jerome, County of Jerome, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once each week for...four... successive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the ...16th.....day of..April....., 193.1.., and the date of the last publication was on the..14th.....day of..May..... 193.1...

.....John D. Sims.....

Subscribed and sworn to before me this....14th.....day of ....May....., 193.1...

.....Geo. D. Stice.....
Notary Public.
NOTARY PUBLIC
Residing at Jerome, Idaho.

My Commission Expires...10-19....., 1933.

15134

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

RECEIVED
JUL 07 1989
Department of Water Resources

Ident. Number: A01-02040
Date Received: 8/16/1988
Receipt No: _____
Received By: _____

A0102040

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

1. Name: UNITED STATES OF AMERICA, ACTING THROUGH 208-334-116
   Address: REGIONAL DIRECTOR, P.N. REGION
   BUREAU OF RECLAMATION
   BOX 043-550 WEST FORT STREET
   BOISE, ID 83724

2. Date of Priority: MAR 30, 1921

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
07S	31E	30	SW SE		POWER
10S	21E	28		5	JEROME

5. Description of diverting works:
   MILNER-GOODING CANAL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S (or)	A.F.A.
IRRIGATION	04/01	11/01	1700.000	

7. Total Quantity Appropriated is:
   1700.000 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
   DOMESTIC - DE MINIMUS DOMESTIC USE

MICROFILMED

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:
01-02064, 01-10042, 01-00284

14. Remarks:
80000 ACRES PARTICULARLY DESCRIBED AS FOLLOWS: THE LOWER HALF OF IDAHO IRRIGATION COMPANY'S PROJECT AND ALL RIVER RIGHT LANDS IRRIGATED FROM LITTLE WOOD RIVER, BELOW TOWN OF SHOSHONE AND ABOUT 35000 ACRES OF NEW LAND IN JEROME, LINCOLN AND GOODING COUNTIES UNDER THE MILNER GOODING CANAL.
CERTIFICATE 15134 DATED JULY 12, 1932
MULTI-YEAR STORAGE FACILITY
CONSUMPTIVE USE 3 ACRE-FEET/ACRE
THE 1700 SECOND-FEET IS AVAILABLE FOR DIVERSION BY THE GOODING PROJECT IF AMERICAN FALLS RESERVOIR IS FILLED TO CAPACITY. IF THAT RESERVOIR IS NOT FILLED THE GOODING PROJECT GETS 1/2 OF THE FIRST 1700 SECOND-FEET AND 1/2 IS TO BE STORED IN AMERICAN FALLS RESERVOIR.
AS PROVIDED BY THE FOSTER DECREE, ADJUSTMENTS IN NATURAL FLOW FOR GAINS AND LOSSES ARE COMPUTED FOR THE NEELEY-MINIDOKA AND MINIDOKA-MILNER REACHES AS IF THE MINIDOKA PROJECT DID NOT EXIST.

15. Basis of Claim: LICENSE
Water Right Number: 4117

MICROFILMED
NOV 0 5 1990

United States Department of the Interior

BUREAU OF RECLAMATION
Pacific Northwest Region
1150 North Curtis Road, Suite 100
Boise, Idaho 83706-1234

IN REPLY REFER TO:
PN-3100
WTR-1.10

NOV 0 4 2005

Mr. Ernest Carlsen
Eastern Regional Office
Idaho Department of Water Resources
900 N Skyline Dr Suite A
Idaho Falls, ID 83402

Subject: Snake River Basin Adjudication, Preliminary Director's Report, Basin 01

Dear Mr. Carlsen:

Enclosed please find the Notice of Errors for the Preliminary Directors Report issued on October 7, 2005. In addition to the comments included on the Notice of Error forms, we also believe that General Provisions must be considered for these water rights to ensure preservation of the historical administrative water use practices unique to the delivery and/or operation of natural flow and/or storage water rights in the Snake River. We would like to meet with the Department to discuss this issue and will contact you to set up a time and date.

Please call me at 208-383-2246 if you have any questions.

Sincerely,

Jerrold D. Gregg
Area Manager

Enclosures

cc: Mr. Dave Tuthill
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

RECEIVED
NOV 0 7 2005
Department of Water Resources
Eastern Region

11/01/2005

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:

Water right number: 01-2040

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):

   Disallowal

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

   This right should be recommended.

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

   The United States of America acting through the Bureau of Reclamation has a licensed right that should be recognized in the SRBA.

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

DATE: 11/4/05 **SIGNATURE:** [signature]

Please print your name: Jerrold D Gregg, Area Manager, Snake River Area Office

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

RECEIVED
NOV 0 7 2005
Department of Water Resources
Eastern Region

KMO 11/9

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

RECEIVED
DEC 0 1 2006
DEPARTMENT OF WATER RESOURCES

Ident. Number: A01-02064
Date Received:
Receipt No:
Received By: _____

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

1. Name: UNITED STATES AMERICA, ACTING THROUGH 208-378-5306
   Address: REGIONAL DIRECTOR, P.N. REGION ATTN: PN-3100
   BUREAU OF RECLAMATION
   1150 NORTH CURTIS
   BOISE, ID 83706-1234

2. Date of Priority: MAR 30, 1921

   156,830 AFY of this right shall be administered under a priority date of 03/29/1921.

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
07S	31E	30	SW SE		POWER

5. Description of diverting works:

   AMERICAN FALLS DAM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION STORAGE	01/01	12/31			1,700,000.00
IRRIGATION FROM STORAGE	03/15	11/15			1,700,000.00
POWER STORAGE	01/01	12/31			1,700,000.00
POWER FROM STORAGE	01/01	12/31			1,700,000.00

7. Total Quantity Appropriated is:
   C.F.S. (and/or) 1,700,000.00 A.F.A.

   This water right includes the right to refill under the priority date of this water right to satisfy United States' storage contracts.

8. Total consumptive use is 1,700,000.0 Acre Feet Per Annum.

9. Non-irrigation uses:

DOMESTIC AND POWER

10. Place of Use:

Place of use for irrigation storage is American Falls Reservoir; provided, however, that water under this right may be temporarily held in the unoccupied space of any of the reservoirs upstream of Milner Dam when determined by the watermaster, Committee of Nine, and the Bureau of Reclamation that such temporary storage will promote the conservation of storage water upstream of Milner Dam.

Place of use for irrigation from storage is within the following counties: Fremont, Madison, Jefferson, Bonneville, Bingham, Bannock, Power, Minidoka, Cassia, Lincoln, Jerome, Twin Falls, Gooding, and Elmore.

11. Place of use in counties: Fremont, Madison, Jefferson, Bonneville, Bingham, Bannock, Power, Minidoka, Cassia, Lincoln, Jerome, Twin Falls, Gooding, and Elmore.

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

13. Other Water Rights Used:

01-04052, 01-02040, 01-10042, 01-10053, 01-00284

14. Remarks:

15. Basis of Claim: LICENSE

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 wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations: I do solemnly swear or affirm that I am Area Manager of
Title

Snake River Area Office Bureau of Reclamation, that I have signed the foregoing
Organization

document in the space below as Area Manager of Snake River Area Office Bureau of Reclamation
Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization Area Manager, Snake River Area Office Bureau of Reclamation

Date 12/1/2006

State of Idaho)
)
County of Ada)

Subscribed and sworn (or affirmed) before me this 1st day of December 2006.

Notary Public SEAL Katy Loomis

Residing at Boise, Idaho

My Commission Expires 10/12/2009

Katy Loomis Please Print Name

KATY LOOMIS NOTARY PUBLIC STATE OF IDAHO

17. Notice of Appearance:
Notice is hereby given that I, _____ the undersigned acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed blow.

Signature _____

Address _____

_____

Date _____

Last Name _____ Ident. Number _____

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

RECEIVED
DEC 01 2006
DEPARTMENT OF WATER RESOURCES

Ident. Number: A01-02064
Date Received:
Receipt No:
Received By: _____

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

1. Name: UNITED STATES AMERICA, ACTING THROUGH 208-378-5306
Address: REGIONAL DIRECTOR, P.N. REGION ATTN: PN-3100
BUREAU OF RECLAMATION
1150 NORTH CURTIS
BOISE, ID 83706-1234

2. Date of Priority: MAR 30, 1921

156,830 AFY of this right shall be administered under a priority date of 03/29/1921.

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
07S	31E	30	SW SE		POWER

5. Description of diverting works:

AMERICAN FALLS DAM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or) A.F.A.
IRRIGATION STORAGE	01/01	12/31		1,700,000.00
IRRIGATION FROM STORAGE	03/15	11/15		1,700,000.00
POWER STORAGE	01/01	12/31		1,700,000.00
POWER FROM STORAGE	01/01	12/31		1,700,000.00

7. Total Quantity Appropriated is:
C.F.S. (and/or) 1,700,000.00 A.F.A.

This water right includes the right to refill under the priority date of this water right to satisfy United States' storage contracts.

8. Total consumptive use is 1,700,000.0 Acre Feet Per Annum.

9. Non-irrigation uses:

DOMESTIC AND POWER

10. Place of Use:

Place of use for irrigation storage is American Falls Reservoir; provided, however, that water under this right may be temporarily held in the unoccupied space of any of the reservoirs upstream of Milner Dam when determined by the watermaster, Committee of Nine, and the Bureau of Reclamation that such temporary storage will promote the conservation of storage water upstream of Milner Dam.

Place of use for irrigation from storage is within the following counties: Fremont, Madison, Jefferson, Bonneville, Bingham, Bannock, Power, Minidoka, Cassia, Lincoln, Jerome, Twin Falls, Gooding, and Elmore.

11. Place of use in counties: Fremont, Madison, Jefferson, Bonneville, Bingham, Bannock, Power, Minidoka, Cassia, Lincoln, Jerome, Twin Falls, Gooding, and Elmore.

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

13. Other Water Rights Used:

01-04052, 01-02040, 01-10042, 01-10053, 01-00284

14. Remarks:

15. Basis of Claim: LICENSE

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 wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations: I do solemnly swear or affirm that I am Area Manager of
Title

Snake River Area Office Bureau of Reclamation, that I have signed the foregoing
Organization

document in the space below as Area Manager of Snake River Area Office Bureau of Reclamation
Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization Area Manager, Snake River Area Office Bureau of Reclamation

Date 12/1/2006

State of Idaho)
)
County of Ada)

Subscribed and sworn (or affirmed) before me this 1st day of December 2006.

SEAL
Notary Public Katy Loomis

KATY LOOMIS NOTARY PUBLIC STATE OF IDAHO

Residing at Boise, Idaho

My Commission Expires 10/17/2009

Katy Loomis Please Print Name

17. Notice of Appearance:
Notice is hereby given that I, _____ I will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed blow.

Signature _____

Address _____

_____

Date _____

Last Name _____ Ident. Number _____

United States Department of the Interior

BUREAU OF RECLAMATION
Pacific Northwest Region
1150 North Curtis Road, Suite 100
Boise, Idaho 83706-1234

TAKE PRIDE IN AMERICA

IN REPLY REFER TO:
PN-3100
WTR-1.10

NOV 0 4 2005

Mr. Ernest Carlsen
Eastern Regional Office
Idaho Department of Water Resources
900 N Skyline Dr Suite A
Idaho Falls, ID 83402

Subject: Snake River Basin Adjudication, Preliminary Director's Report, Basin 01

Dear Mr. Carlsen:

Enclosed please find the Notice of Errors for the Preliminary Directors Report issued on October 7, 2005. In addition to the comments included on the Notice of Error forms, we also believe that General Provisions must be considered for these water rights to ensure preservation of the historical administrative water use practices unique to the delivery and/or operation of natural flow and/or storage water rights in the Snake River. We would like to meet with the Department to discuss this issue and will contact you to set up a time and date.

Please call me at 208-383-2246 if you have any questions.

Sincerely,

Jerrold D. Gregg
Area Manager

Enclosures

cc: Mr. Dave Tuthill
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

RECEIVED
NOV 0 7 2005
Department of Water Resources
Eastern Region

11/01/2005

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:

Water right number: 01-2064

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):
Quantity
Priority Date
Season of Use
Administrative Provision

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

The preliminary report does not properly recognize Winter Water Savings accurately and the preservation of the historical administrative water use practices unique to the delivery and/or operation of natural flow and/or storage water rights in the Snake River above Milner.

Quantity - The quantity of this right is 1,800,000 acre feet as licensed.

Power should be added as a purpose of use.

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

The preliminary report does not properly recognize Winter Water Savings accurately and the preservation of the historical administrative water use practices unique to the delivery and/or operation of natural flow and/or storage water rights in the Snake River above Milner.

Quantity - The quantity of license for this right is 1,800,000 acre feet.

Power is a purpose of use.

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

DATE: 11/4/05 **SIGNATURE:** [signature]

Please print your name: Jerrold D Gregg, Area Manager, Snake River Area Office

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

RECEIVED
NOV 0 7 2005
Department of Water Resources
Eastern Region

KMJ
11/9

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: A01-02068
Date Received:
Receipt No:
Received By: _____

DEC 1 1 2006
DEPARTMENT OF WATER RESOURCES

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

1. Name: UNITED STATES AMERICA, ACTING THROUGH 208-378-5306
Address: REGIONAL DIRECTOR, P.N. REGION ATTN: PN-3100
BUREAU OF RECLAMATION
1150 NORTH CURTIS
BOISE, ID 83706-1234

2. Date of Priority: JULY 28, 1939

259,600 AFY of this right shall be administered under a priority date of 03/29/1921.

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4		Lot	County
01S	45E	17	NE	NE		BONNEVILLE
01S	45E	17	NW	NE		BONNEVILLE
01S	45E	17	SE	NE		BONNEVILLE
01S	45E	17	SW	NE		BONNEVILLE

5. Description of diverting works: PALISADES DAM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or) A.F.A.
IRRIGATION STORAGE	01/01	12/31		1,200,000.00
IRRIGATION FROM STORAGE	03/15	11/15		1,200,000.00
POWER STORAGE	01/01	12/31		1,200,000.00
POWER FROM STORAGE	01/01	12/31		1,200,000.00

7. Total Quantity Appropriated is:
C.F.S. (and/or) 1,200,000.00 A.F.A.

This water right includes the right to refill under the priority date of this water right to satisfy United States' storage contracts.

8. Total consumptive use is 1,200,000.0 Acre Feet Per Annum.

9. Non-irrigation uses:

DOMESTIC AND POWER

10. Place of Use:

Place of use for irrigation storage is Palisades Reservoir; provided, however, that water under this right may be temporarily held in the unoccupied space of any of the reservoirs upstream of Milner Dam when determined by the watermaster, Committee of Nine, and the Bureau of Reclamation that such temporary storage will promote the conservation of storage water upstream of Milner Dam.

Place of use for irrigation from storage is within the following counties: Fremont, Madison, Jefferson, Bonneville, Bingham, Bannock, Power, Minidoka, Cassia, Lincoln, Jerome, Twin Falls, Gooding, and Elmore.

11. Place of use in counties: Fremont, Madison, Jefferson, Bonneville, Bingham, Bannock, Power, Minidoka, Cassia, Lincoln, Jerome, Twin Falls, Gooding, and Elmore.

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

13. Other Water Rights Used: 01-10043

14. Remarks:

15. Basis of Claim: LICENSE

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 wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations: I do solemnly swear or affirm that I am Area Manager of
Title

Snake River Area Office Bureau of Reclamation, that I have signed the foregoing
Organization

document in the space below as Area Manager of Snake River Area Office Bureau of Reclamation
Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization Area Manager, Snake River Area Office Bureau of Reclamation

Date 12/1/2006

State of Idaho)
)
County of Ada)

Subscribed and sworn (or affirmed) before me this 1st day of December 2006.

SEAL
Notary Public Katy Loomis

KATY LOOMIS NOTARY PUBLIC STATE OF IDAHO

Residing at Boise, Idaho

My Commission Expires 10/17/2009

Katy Loomis Please Print Name

17. Notice of Appearance:
Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed blow.

Signature _____

Address _____

_____

Date _____

Last Name _____ Ident. Number _____

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: A01-02068
Date Received: 8/31/1988
Receipt No: E001979
Received By: _____

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: JUL 28, 1939

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	Lot	County
01S	45E	17	NE	NE		BONNEVILLE
			NW	NE		BONNEVILLE
			SW	NE		BONNEVILLE
			SE	NE		BONNEVILLE

5. Description of diverting works:
   PALISADES DAM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or) A.F.A.
IRRIGATION STORAGE	01/01	12/31		940400.00
IRRIGATION FROM STORAGE	04/01	11/01		940400.00
POWER STORAGE	01/01	12/31		940400.00
POWER FROM STORAGE	01/01	12/31		940400.00

7. Total Quantity Appropriated is:
   C.F.S. (and/or) 940400.00 A.F.A.

8. Total consumptive use is 940400.0 Acre Feet Per Annum.

9. Non-irrigation uses:
   POWER
   GENERATING CAPACITY 132000.0 KILOWATTS

MICROFILMED
MAR 19 1993

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:
36-02080, 01-10043

14. Remarks:
MULTI-YEAR STORAGE FACILITY
12. PROPERTY OWNERSHIP - POWER = YES; IRRIGATION = NO.
1,200,000 IRRIGATED ACRES WITHIN MINIDOKA PROJECT

PALISADES SPACEHOLDERS	ACRE-FEET
A&B IRRIGATION DISTRICT	90800
ABERDEEN-SPRINGFIELD CANAL COMPANY	129940
BURGESS CANAL AND IRRIGATING COMPANY	23400
BURLEY IRRIGATION DISTRICT	36528
BUTTE AND MARKET LAKE CANAL COMPANY	36750
CITY OF POCATELLO	50000
CLARK AND EDWARDS CANAL COMPANY	140
CORBETT SLOUGH DITCH COMPANY	4120
CRAIG-MATTSON CANAL COMPANY	1440
DANSKIN DITCH COMPANY	170
DILTS IRRIGATION COMPANY, LTD.	940
ENTERPRISE CANAL COMPANY, LTD.	17780
FALLS IRRIGATION DISTRICT	40900
FARMERS FRIEND IRRIGATION COMPANY, LTD.	5590
FOOD MACHINERY COMPANY (WESTVACO)	5000
HARRISON CANAL AND IRRIGATION COMPANY	18860
IDAHO IRRIGATION DISTRICT	45760
ISLAND IRRIGATION COMPANY	3390
J. R. SIMPLOT COMPANY	2500
LENROOT CANAL COMPANY	6320
LOWDER SLOUGH CANAL COMPANY, LTD.	1200
MILNER IRRIGATION DISTRICT	44500
MINIDOKA IRRIGATION DISTRICT	29672
NEW LAVASIDE DITCH COMPANY	9570
NEW SWEDEN AND WEST SIDE MUTUAL (MARTIN)	28430
NORTH RIGBY IRRIGATION AND CANAL COMPANY	660
PALISADES WATER USERS, INC.	53570
PARKS AND LEWISVILLE IRRIGATION COMPANY	2950
PARSON DITCH COMPANY, LTD.	858
PEOPLES CANAL AND IRRIGATION COMPANY	28460
POPLAR IRRIGATION DISTRICT (RILEY CANAL)	1230
PROGRESSIVE IRRIGATION DISTRICT	17030
RIGBY CANAL AND IRRIGATION COMPANY, INC.	4850
RIVERSIDE DITCH COMPANY	320
RUDY IRRIGATION CANAL COMPANY	13700

MICROFILMED
MAR 1 9 1993

14. Remarks: Continued

SNAKE RIVER VALLEY IRRIGATION DISTRICT	27600
SUNNYDELL IRRIGATION DISTRICT	4920
TEXAS SLOUGH AND LIBERTY PARK	1420
THE REID CANAL COMPANY	1220
TREGO DITCH COMPANY	2620
U.S. INDIAN IRRIGATION SERVICE	83900
WATSON SLOUGH DITCH AND IRRIGATION COMPANY	1102
WEARYRICK DITCH COMPANY	20
WEST LABELLE IRRIGATING COMPANY	1000
LONG ISLAND IRRIGATION COMPANY	5000
WOODVILLE CANAL COMPANY	4910

ACTIVE CAPACITY 1,200,000 ACRE FEET
INACTIVE CAPACITY 157,000 ACRE FEET
DEAD STORAGE 44,000 ACRE FEET
TOTAL SURFACE AREA 16,150 ACRES AT ELEVATION 5620.0
BANK STORAGE 92,000 ACRE FEET
TOTAL RESERVOIR CAPACITY 1,401,000 ACRE FEET
AN ADDITIONAL 16,000 ACRE FEET SURCHARGE FOR FLOOD CONTROL (1,417,000)
UNALLOCATED - 49360 ACRE FEET
TOTAL OF CLAIMS 01-02069 (PRIORITY DATE 7/28/1939) AND 01-10043 (PRIORITY DATE 3/29/1921) IS 1,200,000 ACRE FEET
UPPER VALLEY DECREE MARCH 3, 1969 SEE REMARKS 01-10043

15. Basis of Claim: LICENSE

Water Right Number: R670

16. Signature(s)

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

Number of attachments: _____

MICROFILMED
MAR 19 1993

For Organizations:

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

_____
Signature of Authorized Agent

_____
Title and Organization

_____
Date

State of Idaho)
) SS.
County of _____)

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

of _____ 19 _____

_____
Notary Public

Seal

Residing at _____

My Commission Expires _____

MICROFILMED
MAR 1 9 1993

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: A01-02068
Date Received:
Receipt No:
Received By: _____

DEC 6 2006
DEPARTMENT OF
WATER RESOURCES

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

1. Name: UNITED STATES AMERICA, ACTING THROUGH 208-378-5306
Address: REGIONAL DIRECTOR, P.N. REGION ATTN: PN-3100
BUREAU OF RECLAMATION
1150 NORTH CURTIS
BOISE, ID 83706-1234

2. Date of Priority: JULY 28, 1939

259,600 AFY of this right shall be administered under a priority date of 03/29/1921.

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4		Lot	County
01S	45E	17	NE	NE		BONNEVILLE
01S	45E	17	NW	NE		BONNEVILLE
01S	45E	17	SE	NE		BONNEVILLE
01S	45E	17	SW	NE		BONNEVILLE

5. Description of diverting works: PALISADES DAM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION STORAGE	01/01	12/31			1,200,000.00
IRRIGATION FROM STORAGE	03/15	11/15			1,200,000.00
POWER STORAGE	01/01	12/31			1,200,000.00
POWER FROM STORAGE	01/01	12/31			1,200,000.00

7. Total Quantity Appropriated is:
C.F.S. (and/or) 1,200,000.00 A.F.A.

This water right includes the right to refill under the priority date of this water right to satisfy United States' storage contracts.

8. Total consumptive use is 1,200,000.0 Acre Feet Per Annum.

9. Non-irrigation uses:

DOMESTIC AND POWER

10. Place of Use:

Place of use for irrigation storage is Palisades Reservoir; provided, however, that water under this right may be temporarily held in the unoccupied space of any of the reservoirs upstream of Milner Dam when determined by the watermaster, Committee of Nine, and the Bureau of Reclamation that such temporary storage will promote the conservation of storage water upstream of Milner Dam.

Place of use for irrigation from storage is within the following counties: Fremont, Madison, Jefferson, Bonneville, Bingham, Bannock, Power, Minidoka, Cassia, Lincoln, Jerome, Twin Falls, Gooding, and Elmore.

11. Place of use in counties: Fremont, Madison, Jefferson, Bonneville, Bingham, Bannock, Power, Minidoka, Cassia, Lincoln, Jerome, Twin Falls, Gooding, and Elmore.

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

13. Other Water Rights Used: 01-10043

14. Remarks:

15. Basis of Claim: LICENSE

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 wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations: I do solemnly swear or affirm that I am Area Manager of
Title

Snake River Area Office Bureau of Reclamation, that I have signed the foregoing
Organization

document in the space below as Area Manager of Snake River Area Office Bureau of Reclamation
Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization Area Manager, Snake River Area Office Bureau of Reclamation

Date 12/1/2006

State of Idaho)
)
County of Ada)

Subscribed and sworn (or affirmed) before me this 1st day of December 2006.

SEAL
Notary Public Katy Loomis

KATY LOOMIS NOTARY PUBLIC STATE OF IDAHO

Residing at Boise, Idaho

My Commission Expires 10/17/2009

Katy Loomis Please Print Name

17. Notice of Appearance:
Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed blow.

Signature _____

Address _____

_____

Date _____

Last Name _____ Ident. Number _____

RECEIVED
APR 20 2007
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 1-2064
(Insert water right number)

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, Regional Director PN Code-3100
Address: 1150 N. Curtis Rd. Suite 100
Boise, ID 83706-1234
Daytime Phone: (208) 378-5306 E. Gail McGarry

Name & Address of Attorney, if any:
David W. Gehlert (303) 844-1386 Trial Attorney,
Natural Resources Section
Environment and Natural Resource Division
U.S. Department of Justice
1961 Stout Street – 8th Floor
Denver, CO 80294

C. 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

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: 1,700,000 AFY

   Total reservoir capacity remark should also reflect a quantity of 1,700,000 acre-feet.

   The following remark should be included under this element: "This water right includes the right to refill under the priority date of this water right to satisfy the United States' storage contracts."

4. ■ **Priority Date**
   Should be: The following remark under this element should be stricken: "The appropriator shall exercise this right in a manner that recognizes the historic practice that the use of water for power generation is incidental to the rights of others to the use of water for other purposes. The appropriator shall not make a delivery call for hydropower generation except as against junior hydropower rights."

   The following remark should be included under this element: "159,400 AFY of this right shall be administered under a priority date of 03/29/1921."

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

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

7. ■ **Purpose(s) of Use**
   Should be:
   Irrigation storage should be 1,655,000 AFY.
   Irrigation from storage should be 1,655,000 AFY.
   Power storage should be 300,000 AFY.

Power from storage should be 300,000 AFY.

The following remark under this element should be stricken: "The diversion and release of storage for power purposes under this water right is subject to those conditions contained in contract nos. Ilr-733 and Ilr-801 between the United States Bureau of Reclamation and Idaho Power Company."

The above-stricken remark should be replaced with the following remark: "The exercise of this water right for power purposes is subject to the limitations and conditions set forth in the Act of December 28, 1973, Pub. L. 93-206, and the following contracts: Contract between the United States and Idaho Power Company dated June 15, 1923, Symbol Ilr-733; Spaceholder Contract among the United States, the American Falls Reservoir District, and Idaho Power Company dated March 31, 1976, contract no. Ilr-733S; Falling Water Contract between American Falls Reservoir District and Idaho Power Company dated March 31, 1976; and the Contract between the United States and American Falls Reservoir District dated March 31, 1976 Contract No. 14-06-100-9041."

8. □ **Period of Year**
Should be:

9. □ **Place of Use**
Should be:

10. ■ **Other Provisions**
Should be:
The following remark under this element should be stricken: "A portion of this right is designated as the first to fill for the benefit of the contract holders as provided in the provisions for saving winter water as recognized in the Burley Irrigation Dist. V. Eagle, Supplemental Degree (Idaho 5th Jud. Dist., July 10, 1968) and Aberdeen-Springfield Canal Co. v. Eagle, Supplemental Decree (Idaho 7th Jud. Dist., March 12, 1969)."

The following remark under this element should be stricken: "The delivery of water to this right may be subject to procedures described in the United States Bureau of Reclamation "space holder" contracts and the Burley Irrigation Dist. v. Eagle, Supplemental Decree (Idaho 5th Jud. Dist., July 10, 1968) and Aberdeen-Springfield Canal Co. v. Eagle, Supplemental Decree (Idaho 7th Jud. Dist., March 12, 1969) together with the natural-flow and storage deliveries as calculated by the Idaho Department of

Water Resources."

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):

Element #3 (Quantity): The quantity of water should be 1,700,000 acre-feet as set forth in the license issued for this water right and as claimed in the notice of claim for this water right. A remark for refill under this element is necessary to preserve the historical practice of maximizing the water resources above Milner Dam for use by Reclamation contractors located above Milner.

Element #4 (Priority Date): The subordination remark recommended under this element is unnecessary because the exercise of this right for power purposes is already limited by the remark proposed under the "Purpose of Use" element. *See e.g., infra.* Also, a remark should be included under this element that recognizes 159,400 AFY as being administered with a priority date of 3/29/1921. This remark is pled in the alternative in the event water right 01-10042 is not decreed

Element #7 (Purpose of Use): The quantities of water listed under this element should be increased consistent with the increased quantity identified under Element #3, above. Because the exercise of this water right for power purposes is limited by congressional act and related contracts, a remark is necessary to further define and clarify the limits on the exercise of this water right for power purposes. The remark recommended by IDWR fails to identify all the relevant instruments pertaining to the exercise of this water right for power purposes and therefore should be replaced with the more comprehensive remark proposed above.

Element #10 (Other Provisions): The remarks under this element, identified above, should be stricken because they are not necessary to define, clarify, or administer the water right.

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: APR 18 2007

VALERIE J. SHAW NOTARY PUBLIC STATE OF IDAHO

Notary Public for: Idaho
Residing at: Meridian
My Commission Expires: 6/2/2012

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 APR 19 2007, 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
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 PN Region
Bureau of Reclamation
Address: 1150 N Curtis Rd Ste 100
Boise, ID 83706-1234

3. Copies to:

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

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

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

E. Gail McGarry
Signature of Objector or attorney mailing on Objector's behalf

RECEIVED
APR 2 0 2007
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 1-2068
(Insert water right number)

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, Regional Director PN Code-3100
Address: 1150 N. Curtis Rd. Suite 100
Boise, ID 83706-1234
Daytime Phone: (208) 378-5306

E. Gail McGarry
Name & Address of Attorney, if any:
David W. Gehlert (303) 844-1386 Trial Attorney,
Natural Resources Section
Environment and Natural Resource Division
U.S. Department of Justice
1961 Stout Street – 8th Floor
Denver, CO 80294

C. **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

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:
   The following remark should be included under this element: "This water right includes the right to refill under the priority date of this water right to satisfy the United States' storage contracts."

4. ■ **Priority Date**
   Should be: The following remark under this element should be stricken: "The appropriator shall exercise this right in a manner that recognizes the historic practice that the use of water for power generation is incidental to the rights of others to the use of water for other purposes. The appropriator shall not make a delivery call for hydropower generation except as against junior hydropower rights."

   The following remark should be included under this element: "259,600 AFY of this right shall be administered under a priority date of 03/29/1921."

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:

10. ■ **Other Provisions**

Should be:

The following remark under this element should be stricken: "A portion of this right is designated as the first to fill for the benefit of the contract holders as provided in the provisions for saving winter water as recognized in the Burley Irrigation Dist. V. Eagle, Supplemental Degree (Idaho 5th Jud. Dist., July 10, 1968) and Aberdeen-Springfield Canal Co. v. Eagle, Supplemental Decree (Idaho 7th Jud. Dist., March 12, 1969)."

The following remark under this element should be stricken: "The delivery of water to this right may be subject to procedures described in the United States Bureau of Reclamation "space holder" contracts and the Burley Irrigation Dist. v. Eagle, Supplemental Decree (Idaho 5th Jud. Dist., July 10, 1968) and Aberdeen-Springfield Canal Co. v. Eagle, Supplemental Decree (Idaho 7th Jud. Dist., March 12, 1969) together with the natural-flow and storage deliveries as calculated by the Idaho Department of Water Resources."

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):**

Element #3 (Quantity): A remark for refill under this element is necessary to preserve the historical practice of maximizing the water resources above Milner Dam for use by Reclamation contractors located above Milner.

Element #4 (Priority Date): The remark under the priority date seeks to subordinate this water right to all past, present, and future non-hydropower water rights on the basis of historical practice. Because this water right has never been historically used or administered under such a limitation, the remark is without factual or legal basis and represents an unwarranted limitation on the water right. Also, a remark should be included under this element that recognizes 259,600 AFY as being administered with a priority date of 3/29/1921. This remark is pled in the alternative in the event water right 01-10043 is not decreed.

Element #10 (Other Provisions): The remarks under this element, identified above, should be stricken because they are not necessary to define, clarify, or administer the water right.

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: APR 18 2007

VALERIE J. SHAW NOTARY PUBLIC STATE OF IDAHO

Notary Public for: Idaho
Residing at: Meridian
My Commission Expires: 6/2/2012

INSTRUCTIONS FOR MAILING

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1. Original to:

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253 Third Avenue North
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 PN Region
Bureau of Reclamation
Address: 1150 N Curtis Rd Ste 100
Boise, ID 83706-1234

3. Copies to:

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

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

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

E. Gail McGarry
Signature of Objector or attorney mailing on Objector's behalf

RECEIVED
APR 23 2007
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 39576)
)
)
)

A. Subcase 1-2064
(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Minidoka Irrigation District

Address: 98 W 50 S
Rupert, ID 83350

Daytime Phone: (208) 436-3188

Name & Address of Attorney, if any:
Kent Fletcher
PO Box 248
Burley, ID 83318

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

Name: United States Bureau of Reclamation

Address: 1150 N. Curtis RD. STE 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: To the extent Minidoka Irrigation District has storage rights, see objection to Claim 1-10190 filed by Minidoka Irrigation District

2. ☐ **Source**

   Should be:

3. ☒ **Quantity**

   Should be: Irrigation storage should be 1,700,000 acre feet

4. ☐ **Priority Date**

   Should be:

5. ☐ **Point of Diversion**

   Should be:

6. ☐ **Instream Flow Beginning and Ending Point**

   Should be:

7. ☐ **Purpose(s) of Use**

   Should be:

8. ☐ **Period of Year**

   Should be:

9. ☐ **Place of Use**

   Should be:

10. **I object because:**

    ☐ This water right should not exist.

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

11. ☒ **Remarks and Conditions:**

    Should be: see reasons stated below.

E. **REASONS SUPPORTING OBJECTION(S):**

To the extent Minidoka Irrigation District has storage rights, see objection to Claim 1-10190 filed by Minidoka Irrigation District.

Condition 1 – "together with the natural-flow and storage deliveries as calculated by the Idaho Department of Water Resources" should be deleted.

Condition 2 – reservoir capacity should be 1,700,000 acre feet.

Condition 4 – winter water savings should be recognized as a water right with its own priority date.

Condition 10 should be deleted.

Water right should include the right to refill the reservoir in priority.

F. **VERIFICATION** (Must be Completed)

State of Idaho)
) ss.
County of Cassia)

W. Kent Fletcher, duly sworn, upon oath, deposes and says:

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.

W. Kent Fletcher

Subscribed and sworn to before me on: April 19, 2007

BONA RAE DAVIS NOTARY PUBLIC STATE OF IDAHO

Notary Public for Idaho
Residing at: Burley
My Commission expires: 7-5-08

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 April 19, 2007, 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
   By overnight delivery

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

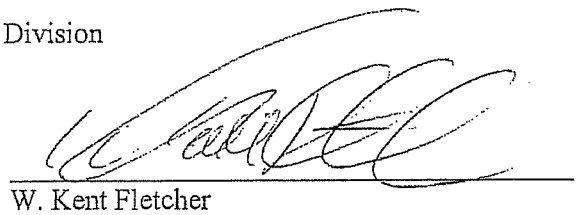
   Name: United States Bureau of Reclamation
   Address: 1150 N. Curtis RD. STE 100
   Boise Idaho 83706-1234

3. Copies to:

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

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

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



W. Kent Fletcher

RECEIVED
APR 23 2007
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 39576)
)
)
)

A. Subcase 1-2068
(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Minidoka Irrigation District

Address: 98 W 50 S
Rupert, ID 83350

Daytime Phone: (208) 436-3188

Name & Address of Attorney, if any:
Kent Fletcher
PO Box 248
Burley, ID 83318

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

Name: United States Bureau of Reclamation

Address: 1150 N. Curtis RD. STE 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: To the extent Minidoka Irrigation District has storage rights, see objection to Claim 1-10191 filed by Minidoka Irrigation District

2. ☐ **Source**

   Should be:

3. ☐ **Quantity**

   Should be:

4. ☐ **Priority Date**

   Should be:

5. ☐ **Point of Diversion**

   Should be:

6. ☐ **Instream Flow Beginning and Ending Point**

   Should be:

7. ☐ **Purpose(s) of Use**

   Should be:

8. ☐ **Period of Year**

   Should be:

9. ☐ **Place of Use**

   Should be:

10. **I object because:**

    ☐ This water right should not exist.

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

11. ☒ **Remarks and Conditions:**

    Should be: see reasons stated below.

E. REASONS SUPPORTING OBJECTION(S):

To the extent Minidoka Irrigation District has storage rights, see objection to Claim 1-10191 filed by Minidoka Irrigation District.

Condition 3 - winter water savings should be recognized as a water right with its own priority date.

Condition 7 should be deleted.

Condition 8 – "together with the natural-flow and storage deliveries as calculated by the Idaho Department of Water Resources" should be deleted.

Water right should include the right to refill the reservoir in priority.

F. **VERIFICATION** (Must be Completed)

State of Idaho)
) ss.
County of Cassia)

W. Kent Fletcher, duly sworn, upon oath, deposes and says:

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.

W. Kent Fletcher

Subscribed and sworn to before me on: April 19, 2007

BONA RAE DAVIS NOTARY PUBLIC STATE OF IDAHO

Notary Public for Idaho
Residing at: Burley
My Commission expires: 7-5-08

INSTRUCTIONS FOR MAILING

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G. CERTIFICATE OF MAILING

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1. Original to:

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

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

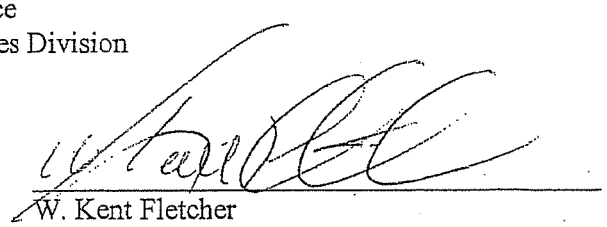
   Name: United States Bureau of Reclamation
   Address: 1150 N. Curtis RD. STE 100
   Boise Idaho 83706-1234

3. Copies to:

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

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

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



W. Kent Fletcher

COPY

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JAN 20 2012
DEPARTMENT OF
WATER RESOURCES

1-19

LAWRENCE G. WASDEN
Attorney General

CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division

MICHAEL C. ORR
Deputy Attorney General
P.O. Box 44449
Boise, Idaho 83711-4449
Telephone: (208) 334-2400
Facsimile: (208) 854-8072

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 Nos. 01-02064, 01-02064A, 01-02064B, 01-02064C, 01-02064D, 01-02064E, 01-02064F, 01-02064L, 01-10042, 01-10042A, 01-10042B, 01-10053A, and 01-10190 (American Falls Subcases) Subcase Nos. 01-02068, 01-02068D, 01-02068E, 01-02068F, 01-02068M, 01-02068Y, 01-10043, 01-10043A, 01-10043E, 01-10191, and 01-10389 (Palisades Subcases) **STATE OF IDAHO'S STATEMENT OF REMAINING ISSUES**

The State of Idaho, by and through its counsel of record, and pursuant to the Court's *Order Setting Status/Scheduling Conference* of December 15, 2011, hereby submits the State of Idaho's Statement of Remaining Issues that must be resolved to decree the water rights for storage of water in American Falls Reservoir and Palisades Reservoir.

ISSUES REMAINING

1. What provisions, if any, of the contracts between storage spaceholders and the United States Bureau of Reclamation must be incorporated into the partial decrees for storage of water in the American Falls and Palisades Reservoirs in order to define or efficiently administer the storage water rights?
2. Under what circumstances may storage space in the American Falls and Palisades Reservoirs be "refilled," that is, under what circumstances may the cumulative quantities of water stored in the Reservoirs exceed the quantity elements of the storage water rights?
3. What ownership interest do non-irrigation entities have in the storage rights of the American and Palisades Reservoirs?
4. Whether the partial decrees for the American Falls and Palisades Reservoirs storage rights must recite or recognize purposes of use other than irrigation for non-irrigation spaceholder entities?

This statement of issues is preliminary and based upon information available to the State as of the date of filing, and may be subject to modification and/or clarification as more information becomes available.

DATED this 19th day of January 2012.

LAWRENCE G. WASDEN
Attorney General

CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division

Clive J. Strong for

MICHAEL C. ORR
Deputy Attorney General

CERTIFICATE OF SERVICE

I certify that on this 19th day of January, 2012, I caused to be served the original and copies of the **STATE OF IDAHO'S STATEMENT OF REMAINING ISSUES** on the following persons by the methods indicated:

1. Original to:

CLERK OF THE DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
253 THIRD AVENUE NORTH
PO BOX 2707
TWIN FALLS, ID 83303-2707

- ☐ U.S. Mail, postage prepaid
- ☐ Hand Delivery
- ☐ Federal Express
- ☒ Facsimile: (208) 736-2121
- ☐ Statehouse Mail

2. Copies to:

IDAHO POWER COMPANY
Represented by:
JAMES C TUCKER
IDAHO POWER CO
PO BOX 70
BOISE, ID 83707

- ☒ U.S. Mail, postage prepaid
- ☐ Hand Delivery
- ☐ Federal Express
- ☐ Facsimile:
- ☐ Statehouse Mail

IDAHO POWER COMPANY
Represented by:
JIM LOCHHEAD
BROWNSTEIN HYATT ET AL
410 17TH STREET, SUITE 2200
DENVER, CO 80202

- ☒ U.S. Mail, postage prepaid
- ☐ Hand Delivery
- ☐ Federal Express
- ☐ Facsimile:
- ☐ Statehouse Mail

AMERICAN FALLS RESERVOIR
Represented by:
C THOMAS ARKOOSH
301 MAIN ST
PO BOX 32
GOODING, ID 83330

- ☒ U.S. Mail, postage prepaid
- ☐ Hand Delivery
- ☐ Federal Express
- ☐ Facsimile:
- ☐ Statehouse Mail

A & B IRRIGATION DISTRICT
BURLEY IRRIGATION DISTRICT
FALLS IRRIGATION DISTRICT
Represented by:
ROGER D LING
615 H ST
PO BOX 396
RUPERT, ID 83350-0396

- ☒ U.S. Mail, postage prepaid
- ☐ Hand Delivery
- ☐ Federal Express
- ☐ Facsimile:
- ☐ Statehouse Mail

ABERDEEN AMERICAN FALLS GWD
BINGHAM GWD
BONNEVILLE JEFFERSON GWD
CAREY VALLEY GWD
IGWA INC
JEFFERSON CLARK GWD
MADISON GWD
MAGIC VALLEY GWD
NORTH SNAKE GWD
Represented by:
CANDICE MCHUGH
RACINE, OLSON, NYE, BUDGE & BAILEY, CHTD.
101 CAPITOL BLVD., STE. 208
BOISE, ID 83702

☒ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Federal Express
☐ Facsimile: _____
☐ Statehouse Mail

NORTH SIDE CANAL CO LTD
TWIN FALLS CANAL COMPANY
Represented by:
TRAVIS L THOMPSON
113 MAIN AVE W, STE 303
PO BOX 485
TWIN FALLS, ID 83303-0485

☒ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Federal Express
☐ Facsimile: _____
☐ Statehouse Mail

MINIDOKA IRRIGATION DISTRICT
Represented by:
W KENT FLETCHER
1200 OVERLAND AVE
PO BOX 248
BURLEY, ID 83318

☒ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Federal Express
☐ Facsimile: _____
☐ Statehouse Mail

USDI BUREAU OF RECLAMATION
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

☒ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Federal Express
☐ Facsimile: _____
☐ Statehouse Mail

UNITED STATES OF AMERICA
REGIONAL DIRECTOR PN REGION
BUREAU OF RECLAMATION PN-3100
1150 N CURTIS RD STE 100
BOISE, ID 83706-1234

☒ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Federal Express
☐ Facsimile: _____
☐ Statehouse Mail

CITY OF POCATELLO
Represented by:
JOSEPHINE P BEEMAN
409 W JEFFERSON ST
BOISE, ID 83702

☒ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Federal Express
☐ Facsimile: _____
☐ Statehouse Mail

STATE OF IDAHO
Represented by:
NATURAL RESOURCES DIV CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
PO BOX 44449
BOISE, ID 83711-4449

☒ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Federal Express
☐ Facsimile: _____
☐ Statehouse Mail

IDWR DOCUMENT DEPOSITORY
PO BOX 83720
BOISE, ID 83720-0098

☒ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Federal Express
☐ Facsimile: _____
☐ Statehouse Mail

MICHAEL C. ORR

1-19

RECEIVED
JAN 20 2012
DEPARTMENT OF
WATER RESOURCES

C. Tom Arkoosh, ISB #2253
CAPITOL LAW GROUP, PLLC
P.O. Box 32
Gooding, Idaho 83330
Telephone: (208) 934-8872
Facsimile: (208) 934-8873

Attorneys for American Falls Reservoir District #2

Roger D. Ling, ISB #1018
P.O. Box 623
Rupert, Idaho 83350
Telephone: (208) 434-2717
Facsimile: (208) 436-6804

Attorney for A&B Irrigation District, Burley Irrigation District, and Falls Irrigation Dist.

John K. Simpson, ISB #4242
Travis L. Thompson, ISB #6168
Paul L. Arrington, ISB #7198
BARKER ROSHOLT & SIMPSON LLP
P.O. Box 485
Twin Falls, Idaho 83303-485
Telephone: (208) 733-0700
Facsimile: (208) 735-2444

Attorneys for A & B Irrigation District, Burley Irrigation District, Milner Irrigation District, North Side Canal Company, and Twin Falls Canal Company

W. Kent Fletcher, ISB #2248
FLETCHER LAW OFFICE
P.O. Box 248
Burley, Idaho 83318
Telephone: (208) 678-3250
Facsimile: (208) 878-2548

Attorneys for Minidoka Irrigation District

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 Nos.: Attachment A**
	)	
	)	**SURFACE WATER COALITION'S**
Case No. 39576	)	**STATEMENT OF ISSUES / PROPOSED TRIAL SCHEDULES**
	)	
	)	

COME NOW, American Falls Reservoir District #2, A&B Irrigation District, Burley Irrigation District, Falls Irrigation District, Milner Irrigation District, Minidoka Irrigation District, North Side Canal Company and Twin Falls Canal Company (collectively "Surface Water Coalition" or "Coalition"), by and through their undersigned attorneys of record, and

submit this *Statement of Issues and Proposed Trial Schedules* pursuant to the Court's order of December 15, 2011.

STATEMENT OF ISSUES

SWC submits the following "issues" for consideration by the Court at the upcoming status/scheduling conference on January 26, 2012. It is the understanding of the SWC that the elements of ownership, quantity, priority date, and remarks relating to "winter water savings" and "ownership" will be agreed to and that a stipulation signed by all parties will be filed with the Court to resolve those issues. In the event the stipulation is not filed or approved by the Court the SWC reserves all rights regarding those elements and issues.

A. American Falls Reservoir: 01-2064

1. No Unilateral Subordination

It must be clarified that Reclamation cannot "subordinate" the water right, either in the SRBA, or at any time in the future, without the consent of all spaceholders.

2. Place of Use

Remark should be consistent with the terms of the *Eagle Decree* and the contracts between Reclamation and the spaceholders regarding the holding of storage in upstream reservoirs.

3. Other Provisions Necessary / Palisades Contracts / Eagle Decree and Stipulation

The remark referencing the *Eagle Decree* and spaceholder contracts should be amended or clarified. The administration of this water right has been governed by the *Eagle Decree* and spaceholder contracts. Additional remarks for administration are necessary to implement provisions from the contracts and *Eagle Decree*. The binding effect of the *Eagle Decree* stipulation and *Eagle Decree* as it pertains to the administration of these water rights is also at issue.

4. Refill

A remark should be added regarding Reclamation's right to refill the storage under the same priority to satisfy spaceholder contracts.

B. Palisades Reservoir: 01-2068

1. No Unilateral Subordination

It must be clarified that Reclamation cannot "subordinate" the water right, either in the SRBA, or at any time in the future, without the consent of all spaceholders.

2. Place of Use

Remark should be consistent with the terms of the *Eagle Decree* and the contracts between Reclamation and the spaceholders regarding the holding of storage in upstream reservoirs.

3. Other Provisions Necessary / Palisades Contracts / Eagle Decree and Stipulation

The remark referencing the *Eagle Decree* and spaceholder contracts should be amended or clarified. The administration of this water right has been governed by the *Eagle Decree* and spaceholder contracts. Additional remarks for administration are necessary to implement provisions from the contracts and *Eagle Decree*. The binding effect of the *Eagle Decree* stipulation and *Eagle Decree* as it pertains to the administration of these water rights is also at issue.

4. Refill

A remark should be added regarding Reclamation's right to refill the storage under the same priority to satisfy spaceholder contracts.

C. Jackson Lake Reservoir: 01-4055, 01-10044, 01-10045

1. No Unilateral Subordination

It must be clarified that Reclamation cannot "subordinate" the water right, either in the SRBA, or at any time in the future, without the consent of all spaceholders.

2. Quantity

Should be consistent with prior license. Remark regarding determination by the State of Wyoming should be deleted.

3. Priority Date

Remark regarding determination by the State of Wyoming should be deleted.

4. Place of Use

Remark should be consistent with the terms of the *Eagle Decree* and the contracts between Reclamation and the spaceholders regarding the holding of storage in upstream reservoirs.

5. Other Provisions Necessary / Palisades Contracts / Eagle Decree and Stipulation

The remark referencing the *Eagle Decree* and spaceholder contracts should be amended or clarified. The administration of this water right has been governed by the *Eagle Decree* and spaceholder contracts. Additional remarks for administration are necessary to implement provisions from the contracts and *Eagle Decree*. The binding effect of the *Eagle Decree* stipulation and *Eagle Decree* as it pertains to the administration of these water rights is also at issue.

6. Refill

A remark should be added regarding Reclamation's right to refill the storage under the same priority to satisfy spaceholder contracts.

PROPOSED TRIAL SCHEDULES (BY RESERVOIR)

01-2064 & Overlapping Private Claims (American Falls Reservoir)

Discovery Completed Date:	August 31, 2012
Dispositive Motion Deadline:	September 28, 2012
Dispositive Motion Hearing:	November, 2012
Pre-Trial Conference:	January 17, 2013
Trial:	February 4-8, 2013

01-2068 & Overlapping Private Claims (Palisades Reservoir)

Discovery Completed Date:	November 18, 2012
Dispositive Motion Deadline:	December 21, 2012
Dispositive Motion Hearing:	February 21, 2013
Pre-Trial Conference:	April 11, 2013
Trial:	April 29 – May 3, 2013

01-4055 & Overlapping Private Claims (Jackson Lake Reservoir)

Discovery Completed Date:	April 19, 2013
Dispositive Motion Deadline:	May 24, 2013
Dispositive Motion Hearing:	July, 2013
Pre-Trial Conference:	September 12, 2013
Trial:	September 30 – October 4, 2013

ALTERNATIVE TRIAL SCHEDULES (BY ISSUES)

In the alternative, the Court may take up issues that would apply to more than one or all reservoir storage water right claims in some way or another. Trials on multiple issues may be combined for efficiency. The following is a list of issues and how they might be scheduled for trial. Remaining individual issues for each water right claim, if any, may have to be addressed and scheduled separately as well.

Ownership / Quantity / Priority / Purpose of Use (all reservoirs):

Discovery Completed Date:	June 29, 2012
Dispositive Motion Deadline:	July 27, 2012
Dispositive Motion Hearing:	September 20, 2012
Trial:	November 12-16, 2012

Remarks for Clarification, Definition of Right, and Administration / Palisades Contracts / Eagle Decree / Eagle Decree Stipulation / Refill (all reservoirs):

Discovery Completed Date:	August 31, 2012
Dispositive Motion Deadline:	October 5, 2012
Dispositive Motion Hearing:	November 29, 2012
Pre-Trial Conference:	January 17, 2013
Trial:	February 4-8, 2013

DATED this 19th day of January, 2012.

FLETCHER LAW OFFICE

W. Kent Fletcher

Attorneys for Minidoka Irrigation District

CAPITOL LAW GROUP PLLC

C. Tom Arkoosh

Attorneys for American Falls Reservoir District #2

BARKER ROSHOLT & SIMPSON LLP

Roger D. Ling
Attorney for A&B, Burley, and Falls Irrigation Districts

Travis L. Thompson
Attorneys for A & B, Burley, Milner Irrigation Districts, NSCC, and TFCC

CERTIFICATE OF SERVICE

I hereby certify that on the 19th day of January, 2012, I served a true and correct copy of the foregoing **SURFACE WATER COALITION'S STATEMENT OF ISSUES / PROPOSED TRIAL SCHEDULES** on the person(s) listed below, by U.S. Mail, and electronic mail if available:

Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

Jerry R. Rigby
P.O. Box 250
Rexburg, ID 83440-0250

Randall C. Budge
Candice M. McHugh
P.O. Box 1391
Pocatello, ID 83201

Idaho Attorney General's Office
Natural Resources Division
P.O. Box 44449
Boise, ID 83711-4449

Josephine P. Beeman
409 W. Jefferson St.
Boise, ID 83702

A. Dean Tranmer
P.O. Box 4169
Pocatello, Idaho 83201

U.S. Bureau of Reclamation
Regional Director, PN Region
1150 N. Curtis Rd., Ste. 100
Boise, ID 83706-1234

Adam T. Devoe
410 17th St., 22nd Floor
Denver, CO 80202

U.S. Department of Justice
Division of Env. & Natural Resources
550 W. Fort Street, MSC 033
Boise, ID 83706-1234

Robert L. Harris
P.O. Box 50130
Idaho Falls, ID 83405

James C. Tucker
Idaho Power Company
P.O. Box 70
Boise, Idaho 83707

Travis L. Thompson

ATTACHMENT A

01-2064
01-2064A
01-2064B
01-2064C
01-2064D
01-2064E
01-2064F
01-2064L
01-10042
01-10042A
01-10042B
01-10053A
01-10190

01-2068
01-2068D
01-2068E
01-2068F
01-2068M
01-2068Y
01-10043
01-10043A
01-10043E
01-10191
01-10389

01-04055
01-10044
01-10045
01-10045A
01-10045B
01-10196

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: A01-04052
Date Received: 8/11/1988
Receipt No: _____
Received By: _____

JUL 07 1988

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

A0104052

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: JUN 16, 1944

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
07S	31E	30	SW SE		POWER

5. Description of diverting works:
   AMERICAN FALLS DAM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION STORAGE	01/01	12/31			115000.00
IRRIGATION FROM STORAGE	03/15	11/15			115000.00
POWER STORAGE	01/01	12/31			115000.00
POWER FROM STORAGE	01/01	12/31			115000.00

7. Total Quantity Appropriated is:
   C.F.S. (and/or) 115000.00 A.F.A.

8. Total consumptive use is 115000.0 Acre Feet Per Annum.

9. Non-irrigation uses:
   POWER
   GENERATING CAPACITY 100000.0 KILOWATTS

MICROFILMED
NOV 05 1988

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:
01-02064, 01-10042, 01-10053, 01-00284

14. Remarks:
CLAIMS MULTIPLE REFILL IF RESERVOIR IS DRAWN DOWN.
WATER FURNISHED TO PRIVATE COMPANY FOR POWER GENERATION
CLAIM IS FOR CALCULATED AND/OR ACTUAL MULTIPLE FILL OR REFILL OF AMERICAN FALLS RESERVOIR
PLACE OF USE/POINT OF DIVERSIONS ARE THOSE OF VARIOUS CONTRACTING ENTITIES AS DESCRIBED IN LICENSE R-269/01-02064 AND 01-10042
12. OWNERSHIP OF PROPERTY - POWER = YES; IRRIGATION = NO.
1,200,000 ACRES - MULTI-YEAR STORAGE PROJECT
CONTRACTING ENTITIES
A&B IRRIGATION DISTRICT
ABERDEEN-SPRINGFIELD CANAL CO.
AMERICAN FALLS RESERVOIR DISTRICT NO. 2
ANDRUS, RAY JR.
ARTESIAN IRRIGATION INC.
BLACKFOOT IRRIGATION CO.
BURGESS CANAL AND IRRIGATING CO.
BURLEY IRRIGATION DISTRICT
BUTTE AND MARKET LAKE CANAL CO.
CLEMENT BROTHERS AND OWNERS MUTUAL
CORBETT SLOUGH DITCH CO.
DILTS IRRIGATION COMPANY, LTD.
ENTERPRISE CANAL COMPANY, LTD.
ENTERPRISE IRRIGATION DISTRICT
FALLS IRRIGATION DISTRICT
HARRISON CANAL AND IRRIGATION CO.
IDAHO IRRIGATION DISTRICT
IDAHO POWER COMPANY
LENROOT CANAL COMPANY
MARTIN CANAL CO.
MILNER IRRIGATION DISTRICT
MINIDOKA IRRIGATION DISTRICT
NEW SWEDEN AND WEST SIDE MUTUAL
OSGOOD CANAL CO.
NEW SWEDEN AND WEST SIDE MUTUAL
NORTH SIDE CANAL CO., LTD. (INCLUDES HILLSDALE)
PEOPLES CANAL AND IRRIGATION CO.
POPLAR IRRIGATION DISTRICT (RILEY CANAL)

MICROFILMED
NOV 05 1986

14. Remarks: Continued
PROGRESSIVE IRRIGATION DISTRICT
RUDY IRRIGATION CANAL COMPANY
SALMON RIVER CANAL CO.
SEARLE BROTHERS AND KELLY BROTHERS
SNAKE RIVER VALLEY IRRIGATION DISTRICT
THE REID CANAL COMPANY
TREGO DITCH COMPANY
TWIN FALLS CANAL CO.
U.S. INDIAN IRRIGATION SERVICE
WOODVILLE CANAL COMPANY
STORAGE SUMMARY STATEMENT
ACTIVE CAPACITY 1,672,590 ACRE FEET
INACTIVE CAPACITY 0
DEAD STORAGE 0
TOTAL SURFACE AREA 58,076 ACRES AT ELEVATION 4354.5
BANK STORAGE 100,000 ACRE FEET PLUS OR MINUS
TOTAL RESERVOIR CAPACITY 1,672,590 ACRE FEET

15. Basis of Claim: STATUTORY CLAIM

MICROFILMED
NOV 0 3

United States Department of the Interior

BUREAU OF RECLAMATION
Pacific Northwest Region
1150 North Curtis Road, Suite 100
Boise, Idaho 83706-1234

IN REPLY REFER TO:
PN-3100
WTR-1.10

NOV 0 4 2005

Mr. Ernest Carlsen
Eastern Regional Office
Idaho Department of Water Resources
900 N Skyline Dr Suite A
Idaho Falls, ID 83402

Subject: Snake River Basin Adjudication, Preliminary Director's Report, Basin 01

Dear Mr. Carlsen:

Enclosed please find the Notice of Errors for the Preliminary Directors Report issued on October 7, 2005. In addition to the comments included on the Notice of Error forms, we also believe that General Provisions must be considered for these water rights to ensure preservation of the historical administrative water use practices unique to the delivery and/or operation of natural flow and/or storage water rights in the Snake River. We would like to meet with the Department to discuss this issue and will contact you to set up a time and date.

Please call me at 208-383-2246 if you have any questions.

Sincerely,

Jerrold D. Gregg
Area Manager

Enclosures

cc: Mr. Dave Tuthill
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

RECEIVED
NOV 0 7 2005
Department of Water Resources
Eastern Region

11/01/2005

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:

Water right number: 01-4052

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):

   Disallowal

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

   This right should be recommended

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

   Must be memorialized in the SRBA decree for future administration.

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

DATE: 11/4/05 **SIGNATURE:** _____

Please print your name: Jerrold D Gregg, Area Manager, Snake River Area Office

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

RECEIVED
NOV 07 2005
Department of Water Resources
Eastern Region

KMO 11/9

RECLAMATION
Managing Water in the West

U.S. Department of the Interior
Bureau of Reclamation
Snake River Area Office

1359 Hansen Avenue
Burley, ID 83318

Main Phone: (208) 678-0461

Fax Cover

Date: 03/29/05

Pages including this cover:

Fax: (208) 678-4321

To: Michael Holliday 208 525-7177

From: Dala Walton

Realty Specialist

Code: SRA6434

E-mail: dwalton@pn.usbr.gov

Phone: 208 678-0461

Fax:

Message: RE: Proof of priority and beneficial use for 1-4052 American Falls Refill.

WATER DISTRIBUTION AND HYDROMETRIC WORK
DISTRICT NO. 36.
SNAKE RIVER, IDAHO
1944

authorizing the storing of natural flow in Jackson Lake and Island Park reservoirs during 1944 after the flood flow was past and the river had receded so that rights of 1898 priority were cut. The stored natural flow also had to stand a 10% penalty cut on the amount stored and pay a prorata share of reservoir maintenance, estimated to be 2¢ per acre-ft. at Jackson Lake and 5¢ per acre-ft. at Island Park. The Minidoka Project representative voted against this resolution at the annual meeting, but at a later meeting held at Rupert in May the directors of the Minidoka and Burley Irrigation Districts withdrew their objection as far as the year 1944 was concerned. The heavy June rains, surpassing all previous precipitation records at many measuring points, completely changed the water situation. Substantial amounts of leased storage were turned back to the Government for resale, more than sufficient to meet the rental demands, so that very little use was actually made of the temporary authorization to store natural flow during 1944. The reservoirs all filled to capacity during the June run-off and about 1,700,000 acre-feet spilled to waste past Milner in excess of Idaho Power Company rights during the year ending September 30, 1944.

The stream flow in 1944 was also helped considerably by ground-water holdover from large amounts of water that were contributed to the water table during 1943, and the river discharge never dropped as low as was anticipated early in the spring.

The only shortages suffered in 1944 by canals that could be supplied with water from the reservoirs was in the area along the north side of the river between Heise and Roberts. When no water is being

discharged past Blackfoot, and canal diversions are decreasing during the latter part of the summer, the river gets so low that these canals cannot divert enough water to meet their requirements. The most satisfactory remedy for the difficulty would be more permanent and expensive diversion dams, feeder canals, etc. The cost of such construction, however, appears excessive to the water-users so they get along as best they can under existing conditions. The situation is worse in years when there is a large return flow below Lorenzo or when the lower valley canals do not need to draw Jackson Lake water and the river is kept as nearly dry as possible at Blackfoot.

Regulation began May 14 and by June 1 about 110,000 acre-ft. had been withdrawn from American Falls Reservoir. The reservoir refilled, however, and regulation was finally resumed again on July 5 and continued until September 19, with a little storage being used at Milner after the latter date. At the end of the season there were slightly over 1,000,000 acre-ft. or 36% of capacity remaining in the reservoirs, compared to 61% a year before. Total storage diversions during 1944 amounted to 1,830,000 acre-ft., exclusive of water used from American Falls reservoir early in the season prior to the last refill of that reservoir.

At the year's end the Bureau of Reclamation had about completed its study of water supply and possible water savings in connection with the proposed Palisade Reservoir Project. It was reported that some further drilling and surveys at the damsite would probably be done in 1945. The time for completion of the construction work at Palisade dam as set out in the original water Permit, granted in 1939, was extended

Received Time Mar. 29. 12:28PM.

MAR-29-05 TUE 12:28 PM BUREAU OF REC BURLEY FAX NO. 12[illegible]6784321 P. 05/17

contents acre
Daily ~~discharge~~, ~~inflow~~, ~~outflow~~, of AMERICAN FALLS RESERVOIR at AMERICAN FALLS, IDAHO for the year ending September 30, 19 44

PLATE NO. 31

Day	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.
1	900580	958490	1138150	1280570	1388190	1638250	1703920	1698320	1593880	1706720	1270350	762090
2	898220	966840	1144140	1284470	1396260	1642680	1705040	1706720	1597140	1702800	1254310	751630
3	895480	973510	1150600	1288850	1404330	1647650	1705600	1707280	1605290	1703360	1235610	737930
4	894690	978110	1157050	1292260	1411510	1652630	1705600	1706160	1624990	1703360	1222180	723530
5	893120	981440	1164490	1297130	1420250	1655940	1703360	1705040	1648200	1697200	1203100	710000
6	891560	989970	1169670	1299080	1429510	1660920	1706160	1701680	1669210	1693830	1185200	697360
7	890380	997690	1170140	1302000	1438760	1666450	1707280	1700560	1689350	1685430	1169670	683020
8	888810	1006710	1180970	1302000	1449050	1673100	1708960	1701120	1705600	1677020	1152440	669030
9	887240	1014000	1188500	1296640	1460430	1678700	1707280	1703360	1709520	1664240	1135380	653760
10	885670	1020440	1190380	1296640	1471940	1678140	1707840	1705040	1709520	1649310	1117400	640720
11	879400	1027330	1195090	1296640	1481890	1680940	1704480	1705040	1713470	1634940	1101130	626540
12	879000	1034370	1197450	1297130	1489750	1685990	1701120	1705600	1716890	1617800	1084900	613100
13	877440	1039220	1200270	1297620	1499170	1690470	1700000	1705600	1718600	1596050	1069590	598720
14	879790	1046700	1204510	1299570	1509120	1694960	1698320	1704480	1718030	1581920	1049780	581340
15	880180	1052860	1208750	1299080	1517110	1697200	1706160	1701120	1714040	1564530	1035690	569830
16	878610	1059460	1212110	1299570	1527220	1700560	1707840	1694960	1707280	1546920	1021300	556810
17	880970	1065190	1216900	1301030	1536270	1701120	1699440	1688790	1707280	1529880	1007140	548820
18	883320	1071370	1220740	1302970	1545860	1700560	1698880	1683190	1712330	1512850	990830	540310
19	884100	1077230	1225060	1306890	1553310	1700560	1696640	1676460	1712900	1496550	976440	534150
20	887240	1083100	1227930	1308380	1561830	1701120	1696080	1674780	1714610	1477700	963080	533270
21	889200	1089410	1232730	1310360	1570510	1702240	1703360	1671420	1707840	1460430	948480	531220
22	895480	1092560	1237050	1312340	1580290	1703360	1705040	1665340	1696640	1444420	932090	530040
23	901360	1097070	1242320	1317780	1588440	1701680	1706720	1663680	1698880	1427960	915510	531800
24	909450	1104740	1247600	1324220	1597140	1702240	1707280	1659810	1698880	1410480	896650	532390
25	917130	1110600	1251910	1331150	1605830	1702800	1702800	1652630	1696080	1393740	875470	532980
26	924010	1116020	1258170	1339560	1613980	1701120	1706160	1645440	1689910	1377100	861380	533860
27	929670	1122480	1264500	1348470	1622220	1704480	1706160	1635490	1685990	1360960	847280	533570
28	930480	1127080	1269860	1357430	1629410	1704480	1704480	1624990	1686550	1344020	828600	531510
29	936540	1133540	1272780	1366000	1634380	1703920	1702800	1611270	1694400	1324710	815880	530340
30	938160	1136770	1274730	1375080		1703360	1703360	1600400	1706720	1304440	801420	534450
31	950150		1277160	1381640		1702800		1594420		1287390	786450	

Mean												
Acre-Feet												

U.S. GOVERNMENT PRINTING OFFICE 6—7149

Year or Period [illegible] Mean [illegible]

Acre-Feet [illegible]

BUREAU OF RECLAMATION RECEIVED NOV 16 1953 BURLEY, IDAHO

Len Jordan

November 13, 1953

Mr. C. H. Welteroth
North Side Canal Company
Jerome, Idaho

Dear Mr. Welteroth:

In response to your inquiry the ~~storage allotments and use~~ by your company in 1953 were as follows:

Allotment	
American Falls owned	455,236 acre-feet
American Falls leased	45,763 "
Jackson Lake	312,007 "
Total	813,006 acre-feet

Your storage diversions at Milner amounted to 512,416 acre-feet not including some storage used during May, the charges for which were canceled when American Falls refilled in June. There was also a loss of about 1% in American Falls reservoir during the 1953 drawdown period of which your share would amount to about 5,000 acre-feet. This, however, will be canceled out if American Falls refills, as expected, by next spring.

I have not attempted in our 1953 annual report to make any segregation of the storage draft by the various companies between the two reservoirs on account of the somewhat confused situation regarding such matter that exists at present due to two causes:

1. The failure of the Minidoka Irrigation District to approve the Palisades contract

2. The provisions of the Palisades contracts were drawn primarily to cover the situation after completion of the Palisades dam. Until that is done there will be a period of a few years when the upper valley users of American Falls owned and

leased space can only secure such water thru exchange for lower valley water in Jackson Lake. This inevitably results in a greater draft on Jackson Lake and less holdover than would otherwise occur in that reservoir. This situation has, however, existed for many years without harming anyone.

After Palisades is completed it will usually be a relatively simple matter to hold some American Falls water in Palisades reservoir to supply upper valley owners of American Falls space, so that increased holdovers can then be retained in Jackson Lake.

If the accumulation of water in Jackson Lake from October 1, 1953 to the end of the 1954 storing season is in excess of the Jackson Lake bottom rights there should be no difficulty in making next year's allotments as all the bottom rights will be filled in full from the current year's inflow. If this does not occur the Bureau of Reclamation will have to make some decisions next spring on the relative holdover rights of different parties in Jackson Lake. There is, however, no need at this time to speculate on the subject--we had better wait until we see what snowfall occurs and what the runoff amounts to.

It has been a long, tedious, and difficult task to arrive at the agreements embodied in the Palisades contracts of which the North Side Canal Company is by far the greatest individual beneficiary. The only prudent course of action is for everyone to go along as best they can under the circumstances until Palisades is completed.

Very truly yours,

Lynn Crandall
Watermaster

cc: Bureau of Reclamation, Boise
" " " Burley

WATER DISTRIBUTION AND HYDROMETRIC WORK DISTRICT No. 36 SNAKE RIVER, IDAHO 1965

Received Time Mar. 29. 12:28PM

MAR-29-05 TUE 12:29 PM BUREAU OF REC BURLEY FAX NO. 12236784321 P. 09/17

Daily discharge, in second-feet, of AMERICAN FALLS RESERVOIR at AMERICAN FALLS, IDAHO *for the year ending September 30, 19* 65

Received Time Mar. 29. 12:28PM

Day	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.
1	468	517	765	1,059	1,249	1,260	1,479	1,698	1,711	1,700	1,468	1,160
2	467	521	774	1,070	1,254	1,258	1,496	1,699	1,708	1,705	1,453	1,150
3	462	530	783	1,078	1,257	1,256	1,518	1,700	1,705	1,701	1,438	1,136
4	459	537	790	1,084	1,258	1,256	1,539	1,700	1,704	1,696	1,423	1,129
5	455	543	799	1,092	1,257	1,255	1,560	1,694	1,699	1,694	1,408	1,117
6	453	549	808	1,100	1,255	1,254	1,583	1,698	1,693	1,696	1,397	1,105
7	448	556	820	1,107	1,257	1,253	1,606	1,704	1,689	1,694	1,384	1,095
8	443	561	826	1,120	1,256	1,251	1,628	1,700	1,685	1,691	1,370	1,083
9	441	567	832	1,130	1,257	1,253	1,649	1,696	1,678	1,688	1,357	1,074
10	438	572	837	1,140	1,257	1,250	1,661	1,690	1,669	1,685	1,342	1,066
11	439	574	840	1,150	1,255	1,251	1,670	1,687	1,659	1,676	1,326	1,056
12	439	581	851	1,158	1,250	1,257	1,676	1,685	1,644	1,666	1,309	1,048
13	440	589	859	1,165	1,248	1,253	1,672	1,680	1,632	1,664	1,296	1,039
14	440	597	868	1,172	1,245	1,253	1,673	1,674	1,625	1,660	1,281	1,028
15	441	604	869	1,180	1,244	1,255	1,673	1,671	1,618	1,654	1,267	1,018
16	440	612	878	1,187	1,247	1,254	1,670	1,669	1,616	1,644	1,255	1,026
17	442	616	888	1,194	1,250	1,269	1,669	1,664	1,615	1,633	1,245	1,013
18	446	624	892	1,200	1,254	1,277	1,670	1,671	1,616	1,621	1,234	1,011
19	448	632	898	1,206	1,258	1,286	1,668	1,670	1,618	1,611	1,226	1,012
20	450	644	905	1,211	1,258	1,297	1,669	1,665	1,624	1,603	1,215	1,015
21	451	653	912	1,216	1,260	1,304	1,669	1,664	1,632	1,592	1,207	1,017
22	455	661	924	1,221	1,254	1,311	1,672	1,658	1,636	1,580	1,199	1,022
23	458	671	938	1,226	1,260	1,327	1,679	1,653	1,639	1,575	1,197	1,026
24	462	682	953	1,230	1,263	1,344	1,685	1,656	1,635	1,568	1,195	1,026
25	468	695	976	1,234	1,264	1,357	1,692	1,663	1,633	1,560	1,191	1,025
26	470	707	995	1,237	1,263	1,370	1,698	1,671	1,632	1,551	1,191	1,026
27	480	720	1,008	1,236	1,258	1,390	1,699	1,680	1,639	1,541	1,190	1,024
28	485	730	1,022	1,236	1,257	1,408	1,701	1,689	1,653	1,530	1,182	1,023
29	488	741	1,030	1,239		1,426	1,702	1,697	1,669	1,514	1,178	1,022
30	493	754	1,041	1,243		1,443	1,702	1,701	1,688	1,501	1,174	1,023
31	507		1,050	1,245		1,461		1,707		1,485	1,168	

contents, in thousands of acre-feet

Mean												
Acre-Feet												

U. S. GOVERNMENT PRINTING OFFICE 16—80050-1

Year Mean

WATER DISTRIBUTION

AND HYDROMETRIC WORK

DISTRICT NO. 36

SNAKE RIVER, IDAHO

1970

Received Time-Mar. 29. -12:28PM

MAR-29-05 TUE 12:29 PM BUREAU OF REC BURLEY FAX NO. 12[illegible]784321 P. 11/17

Daily discharge, in second-feet, of AMERICAN FALLS RESERVOIR AT AMERICAN FALLS, IDAHO, for the year ending September 30, 19 70

Day	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.
1	233.9	444.7	769.3	1.044	1.249	1.457	1.703	1.715	1.714	1.712	1.356	893.9
2	226.8	455.7	778.7	1.050	1.254	1.467	1.706	1.713	1.708	1.711	1.340	883.7
3	225.2	468.1	786.6	1.054	1.259	1.478	1.705	1.711	1.701	1.706	1.328	875.1
4	222.4	479.2	795.9	1.057	1.270	1.489	1.705	1.709	1.695	1.697	1.305	858.3
5	220.5	491.1	804.8	1.064	1.276	1.498	1.706	1.707	1.694	1.689	1.290	856.8
6	222.6	505.1	814.0	1.067	1.283	1.507	1.705	1.706	1.692	1.686	1.278	846.9
7	223.8	521.4	822.6	1.070	1.291	1.514	1.700	1.712	1.688	1.684	1.267	846.9
8	222.2	534.2	831.3	1.075	1.298	1.520	1.706	1.711	1.686	1.680	1.249	847.7
9	226.6	544.4	840.0	1.080	1.306	1.537	1.707	1.708	1.684	1.677	1.236	846.9
10	234.3	557.4	850.3	1.084	1.315	1.544	1.703	1.703	1.693	1.675	1.223	8431
11	244.0	568.3	859.8	1.089	1.323	1.552	1.708	1.706	1.798	1.672	1.207	843.8
12	245.3	578.3	866.8	1.095	1.327	1.561	1.719	1.703	1.717	1.666	1.192	8431
13	249.9	590.0	876.6	1.102	1.334	1.572	1.721	1.700	1.714	1.659	1.173	829.0
14	254.6	599.0	885.7	1.108	1.340	1.579	1.725	1.699	1.716	1.654	1.159	824.4
15	262.2	608.4	895.5	1.116	1.347	1.589	1.720	1.701	1.712	1.644	1.142	820.7
16	272.2	617.8	905.4	1.123		1.600	1.715	1.702	1.711	1.631	1.127	816.6
17	280.8	629.1	913.5	1.132	1.355	1.615	1.706	1.703	1.706	1.611	1.112	8151
18	292.0	642.0	921.6	1.140	1.366	1.622	1.699	1.704	1.704	1.595	1.097	8129
19	303.6	653.4	930.5	1.149	1.376	1.628	1.692	1.704	1.706	1.576	1.082	808.5
20	314.9	663.4	939.0	1.157	1.383	1.637	1.698	1.704	1.706	1.556	1.067	808.5
21	327.9	670.0	948.9	1.164	1.392	1.645	1.701	1.702	1.704	1.539	1.053	8036
22	339.5	681.0	958.5	1.174	1.398	1.655	1.699	1.695	1.704	1.517	1.037	800.7
23	351.2	690.5	969.8	1.182	1.407	1.658	1.706	1.700	1.705	1.499	1.014	796.6
24	360.9	701.5	981.4	1.188	1.417	1.675	1.708	1.703	1.703	1.483	1.009	8022
25	371.3	711.0	990.8	1.198	1.425	1.678	1.711	1.708	1.703	1.466	992.5	8022
26	383.4	722.5	996.4	1.209	1.434	1.700	1.712	1.706	1.704	1.451	976.8	804.4
27	392.4	732.3	1.008	1.214	1.444	1.693	1.708	1.704	1.703	1.436	961.0	806.2
28	401.6	742.1	1.017	1.226	1.451	1.700	1.717	1.704	1.711	1.418	946.4	808.5
29	413.7	751.3	1.026	1.234		1.705	1.712	1.708	1.711	1.405	931.3	810.0
30	423.9	760.3	1.033	1.241		1.711	1.717	1.711	1.715	1.387	917.9	810.7
31	433.9		1.040	1.245		1.703		1.713		1.374	906.2	
Mean												
Acre-Feet												

U. S. GOVERNMENT PRINTING OFFICE 16—60552-1

AMERICAN FALLS RESERVOIR AT AMERICAN FALLS, IDAHO

Year or Period

Mean

Acre-Feet

Plate No. 54

89

1986 ANNUAL REPORT

WATER DISTRICT 1

SNAKE RIVER AND TRIBUTARIES

ABOVE MILNER, IDAHO

Ronald D. Carlson, Watermaster
Idaho Department of Water Resources
Eastern Regional Office
150 Shoup Avenue, Suite 15
Idaho Falls, Idaho 83402

Received Time Mar. 29. 12:28PM

MAR-29-05 TUE 12:30 PM BUREAU OF REC BURLEY FAX NO. 12098784321 P. 13/17

02/23/88

13076500 AMERICAN FALLS RESERVOIR AT AMERICAN FALLS, ID
CONTENTS IN ACRE FEET, IRRIGATION YEAR NOVEMBER 1985 TO OCTOBER 1986

DAY	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT
1	550400	776900	939400	1103300	1281900	1423700	1611500	1637800	1673200	1534500	1168600	1168000
2	557300	795100	944200	1112200	1292700	1437300	1615500	1641300	1679600	1526200	1160300	1167000
3	570900	811800	948500	1120800	1302500	1438300	1615500	1644100	1675500	1514000	1156000	1164000
4	578300	811800	948900	1129500	1311200	1443200	1616100	1649900	1672000	1505100	1149200	1163000
5	579300	823400	951500	1137700	1316900	1444300	1621200	1649400	1668500	1491300	1148700	1162000
6	589900	834100	960200	1145800	1314800	1444300	1624700	1655700	1672000	1480300	1144400	1156000
7	600600	840900	960200	1152100	1309100	1444900	1634400	1661600	1679600	1465000	1138100	1152000
8	612100	850500	960200	1154500	1305600	1445400	1642400	1666200	1686500	1451900	1136200	1142000
9	619100	858200	961900	1156400	1306100	1454600	1648800	1670800	1680100	1439400	1127500	1139000
10	631000	863500	962300	1157900	1306100	1455200	1654000	1673200	1670300	1427500	1125100	1134000
11	639600	869700	962300	1158800	1308600	1466600	1656300	1676100	1667400	1415100	1124200	1127000
12	647800	875000	962300	1165600	1303000	1470900	1658100	1673800	1665000	1400700	1123000	1122000
13	658100	877900	970500	1165600	1303000	1478600	1655200	1673200	1662700	1389000	1121800	1108000
14	668500	882000	979600	1169600	1302500	1490800	1655200	1673200	1655700	1376200	1120800	1103000
15	680900	885700	992500	1174000	1324700	1495700	1657500	1667400	1651700	1361900	1120300	1093000
16	688400	890600	996500	1179400	1345100	1496300	1651700	1665000	1643600	1349300	1119800	1087000
17	696500	894700	1004800	1190300	1371900	1504000	1648200	1662700	1637800	1337300	1117900	1084000
18	706700	899400	1013100	1200200	1388400	1505100	1641300	1658700	1631500	1323700	1117400	1081000
19	717700	903600	1021400	1208100	1408200	1515600	1633800	1651700	1623500	1308600	1121800	1078000
20	726500	907800	1029700	1217000	1403400	1521200	1618900	1647000	1617800	1299400	1123200	1060000
21	737200	912800	1038000	1224100	1400200	1526700	1605500	1641800	1613200	1285500	1125600	1054000
22	741000	913700	1046300	1228100	1401800	1537300	1617500	1639000	1603500	1270100	1128500	1046000
23	741000	916600	1049500	1235200	1402800	1539600	1630400	1636700	1593800	1258900	1136700	1040000
24	741300	918300	1055000	1244800	1402800	1547500	1635000	1632700	1581800	1247800	1146300	1035000
25	744700	920000	1060000	1249800	1405000	1553700	1641300	1632100	1573000	1235700	1150200	1025000
26	744700	923800	1064100	1258900	1407600	1562700	1643000	1636700	1566000	1226600	1155000	1017000
27	754500	925900	1069100	1263400	1410800	1579600	1644100	1645300	1558200	1218600	1154000	1005000
28	758300	929200	1073400	1272200	1411900	1588000	1639500	1650500	1552000	1204600	1157900	1002000
29	761700	932200	1080900	---	1415600	1594300	1637800	1658100	1546300	1198700	1160300	1000000
30	766200	935100	1086900	---	1415600	1605800	1637800	1666200	1544700	1182400	1164600	990700
31	---	936000	1095000	---	1423100	---	1639000	---	1540200	1177500	---	992500
MAX	766200	936000	1095000	1272200	1423100	1605800	1658100	1676100	1686500	1534500	1168600	1168000
MIN	550400	776900	939400	1103300	1281900	1423700	1605500	1632100	1540200	1177500	1117400	990700
CHNG		169800	159000	177200	150900	182700	33200	27200	-126000	-362700	-12900	-172100

1997 ANNUAL REPORT

WATER DISTRICT 1

SNAKE RIVER AND TRIBUTARIES

ABOVE MILNER, IDAHO

Ronald D. Carlson, Watermaster
Idaho Department of Water Resources
Eastern Regional Office
900 North Skyline Drive, Suite A
Idaho Falls, Idaho 83402

Received Time Mar. 29. 12:28PM

13076500 AMERICAN FALLS RESERVOIR AT AMERICAN FALLS, IDAHO
CONTENTS IN ACRE FEET AT 2400, IRRIGATION YEAR NOVEMBER 1996 TO OCTOBER 1997

DAY	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT
1	819800	1134800	1414600	1469800	1261400	1154500	1217500	1657500	1614400	1572800	1337300	948100
2	830100	1147800	1426400	1462200	1255400	1153500	1238200	1667400	1610900	1575600	1316900	937700
3	837700	1158400	1437800	1455200	1253300	1146800	1258900	1672600	1608600	1581300	1293700	934300
4	846000	1168000	1449700	1446500	1249800	1145400	1277800	1671400	1610400	1588000	1277800	926700
5	855700	1182900	1461700	1436700	1246800	1139600	1293200	1674900	1610900	1588600	1259400	922900
6	864400	1193800	1468200	1429100	1240700	1133300	1307100	1674300	1603500	1592000	1241700	915300
7	873000	1205000	1476400	1420400	1238200	1129000	1321600	1669100	1599500	1592600	1221600	908000
8	884000	1213500	1483000	1411400	1232200	1129500	1341000	1672600	1593800	1594300	1200700	904400
9	893500	1225600	1488600	1401200	1229100	1131400	1359800	1675500	1585800	1604100	1180900	900000
10	901500	1236200	1494100	1391600	1226100	1123200	1379400	1673800	1581300	1606900	1161700	892600
11	911600	1246800	1501300	1384200	1222600	1115000	1400000	1672000	1576000	1611500	1141000	894300
12	920400	1262900	1507400	1374600	1217500	1105700	1415600	1669100	1573900	1611500	1129500	891400
13	930100	1271100	1510700	1363500	1214500	1096800	1432400	1667900	1579000	1611000	1114100	891000
14	939900	1281900	1513400	1351400	1211000	1087900	1447600	1666800	1588000	1605200	1101900	891800
15	951100	1288600	1516200	1340400	1208100	1085100	1461200	1672600	1600600	1599500	1084100	891000
16	962300	1295300	1521700	1330500	1203600	1078000	1466600	1681900	1609800	1595500	1072900	890600
17	974000	1302500	1526200	1321100	1198700	1071500	1474700	1697000	1611500	1588600	1061400	887700
18	985000	1309100	1530600	1314800	1196200	1068700	1486900	1701600	1604100	1581300	1048200	887300
19	997400	1315300	1532800	1307100	1193300	1065500	1497400	1705200	1601800	1575600	1040400	886900
20	1009800	1321600	1534000	1303000	1188300	1066900	1511200	1703400	1598900	1563800	1028600	884800
21	1020900	1328900	1535100	1297800	1186400	1071500	1523400	1701000	1597200	1554800	1021300	884800
22	1035000	1336200	1534500	1292200	1184400	1080900	1531700	1699900	1592000	1539600	1012500	882400
23	1047300	1343600	1528900	1287600	1178500	1089800	1544700	1701600	1584100	1521200	1005400	881200
24	1058000	1348800	1524500	1283500	1177500	1106100	1557600	1701000	1577900	1502900	999600	887300
25	1070100	1358200	1515600	1278800	1174500	1121300	1569400	1695200	1574500	1485200	991600	885300
26	1083000	1366100	1507400	1274200	1169600	1136200	1588000	1682500	1569400	1466600	983200	886100
27	1095400	1375100	1502900	1271100	1167600	1147300	1606300	1670300	1562100	1445900	972300	886100
28	1105200	1384200	1496800	1266000	1166100	1165300	1624700	1650500	1559900	1421500	969700	887700
29	1115500	1391100	1490200	---	1162700	1181900	1636700	1636100	1561000	1403400	962800	889000
30	1126100	1397500	1482500	---	1160300	1200000	1642400	1623500	1564400	1381000	957600	892400
31	---	1406600	1476900	---	1157900	---	1649400	---	1567200	1359300	---	895100
MAX	1126100	1406600	1535100	1469800	1261400	1200000	1649400	1705200	1614400	1611500	1337300	948100
MIN	819800	1134800	1414600	1266000	1157900	1065500	1217500	1623500	1559900	1359300	957600	881200
CHNG		280500	70300	-210900	-108100	42100	449400	-25900	-56300	-207900	-401700	-62500

Received Time Mar. 29. 12:28PM

MAR-29-05 TUE 12:30 PM BUREAU OF REC BURLEY FAX NO. 12086784321 P. 15/17

WATER DISTRIBUTION AND HYDROMETRIC WORK

DISTRICT No. 01
SNAKE RIVER, IDAHO

1972

Received Time Mar. 29. 12:28PM

AMERICAN FALLS RES AT AMER FLS, IDA NUMBER 13076500

CONTENTS, IN ACRE-FEET, AT 2400, WATER YEAR OCTOBER 1971 TO SEPTEMBER 1972

DAY	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
1	1,292	1,338	1,283	1,271	1,271	1,276	1,541	1,653	1,689	1,692	1,262	937
2	1,296	1,343	1,281	1,271	1,269	1,274	1,548	1,661	1,690	1,689	1,248	929
3	1,302	1,345	1,279	1,267	1,269	1,275	1,546	1,665	1,694	1,681	1,232	925
4	1,308	1,342	1,274	1,263	1,269	1,277	1,549	1,666	1,697	1,672	1,219	921
5	1,311	1,347	1,271	1,263	1,274	1,277	1,551	1,663	1,699	1,660	1,206	916
6	1,313	1,345	1,279	1,264	1,278	1,279	1,563	1,659	1,700	1,647	1,195	911
7	1,314	1,335	1,277	1,267	1,280	1,281	1,573	1,660	1,700	1,633	1,182	909
8	1,314	1,337	1,274	1,271	1,279	1,284	1,579	1,657	1,701	1,617	1,168	907
9	1,315	1,336	1,269	1,275	1,282	1,287	1,588	1,655	1,702	1,597	1,152	907
10	1,315	1,336	1,266	1,277	1,281	1,289	1,596	1,661	1,694	1,581	1,135	911
11	1,313	1,337	1,264	1,275	1,280	1,301	1,601	1,677	1,696	1,561	1,118	910
12	1,314	1,345	1,262	1,274	1,279	1,317	1,606	1,681	1,694	1,545	1,104	911
13	1,312	1,343	1,263	1,271	1,276	1,330	1,611	1,682	1,698	1,525	1,089	915
14	1,310	1,335	1,264	1,269	1,274	1,347	1,613	1,679	1,702	1,508	1,081	917
15	1,317	1,335	1,265	1,267	1,273	1,363	1,615	1,682	1,704	1,491	1,070	920
16	1,318	1,331	1,266	1,265	1,274	1,382	1,610	1,683	1,706	1,472	1,062	923
17	1,316	1,327	1,266	1,265	1,278	1,401	1,609	1,683	1,703	1,455	1,052	925
18	1,320	1,318	1,266	1,268	1,279	1,416	1,618	1,691	1,704	1,437	1,048	924
19	1,325	1,318	1,266	1,270	1,281	1,431	1,614	1,696	1,707	1,419	1,042	925
20	1,328	1,315	1,268	1,272	1,281	1,449	1,618	1,689	1,706	1,402	1,036	928
21	1,331	1,310	1,269	1,274	1,282	1,462	1,619	1,685	1,703	1,384	1,028	928
22	1,334	1,305	1,270	1,276	1,283	1,473	1,624	1,689	1,704	1,373	1,020	933
23	1,330	1,303	1,271	1,275	1,282	1,483	1,630	1,694	1,703	1,365	1,014	934
24	1,333	1,298	1,275	1,277	1,282	1,496	1,628	1,692	1,706	1,356	1,006	934
25	1,337	1,296	1,275	1,274	1,281	1,503	1,632	1,692	1,708	1,348	996	941
26	1,330	1,292	1,278	1,274	1,279	1,510	1,636	1,691	1,711	1,338	988	946
27	1,339	1,291	1,278	1,273	1,276	1,523	1,642	1,689	1,709	1,324	981	951
28	1,345	1,287	1,276	1,274	1,276	1,531	1,638	1,684	1,706	1,311	973	962
29	1,336	1,287	1,275	1,274	1,276	1,531	1,642	1,686	1,702	1,300	965	972
30	1,338	1,285	1,274	1,273	------	1,539	1,650	1,687	1,694	1,286	957	983
31	1,334	------	1,274	1,271	------	1,544	------	1,688	------	1,277	948	------
MAX	1,345	1,347	1,283	1,277	1,283	1,544	1,650	1,696	1,711	1,692	1,262	983
MIN	1,292	1,285	1,262	1,263	1,269	1,274	1,541	1,653	1,689	1,277	948	907
(†)	4,347.58	4,346.58	4,346.35	4,346.30	4,346.39	4,351.65	4,363.60	4,354.29	4,354.40	4,346.41	4,339.16	4,340.00
(‡)	+49	-49	-11	-3	+5	+268	+106	+38	+6	-417	-328.5	+35

CAL YR 1971 ‡ +43
WTR YR 1972 ‡ -301.5

† Elevation, in feet, at end of month.
‡ Change in contents, in thousands of acre-feet.

AMERICAN FALLS RESERVOIR AT
AMERICAN FALLS, IDAHO

Plate No. 54

Received Time Mar. 29. 12:28PM
MAR-29-05 TUE 12:30 PM BUREAU OF REC BURLEY FAX NO. 12[illegible]9784321 P. 17/17

No. 11

Form No. 243
9/81

Claim No. 01-4052

American Falls Reservoir
Multiple or Refill

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

JUN 30 1983

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that The United States Acting, through the Regional Director, Pacific Northwest Region, Bureau of Reclamation (Name of Claimant)

Federal Building & U.S. Courthouse, Box 043, 550 West Fort Street, Boise, Idaho 83724 (Mailing Address) (Zip Code) Telephone No. (208) 334-1908

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) June 16, 1944

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
Snake River tributary to Columbia River

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed: American Falls Reservoir Multiple or Refill capacity

	(cfs, af)	(Domestic, Irrigation, Stock, Etc.)	Period of Use From (Mo., Day)	To (Mo., Day) (Both dates inclusive)
Quantity	115,000 af	Use Irrigation	Period of Use From April 1	To October 31
Quantity		Use	Period of Use From	To
Quantity	115,000 af	Use Power generation	Period of Use From January 1	To December 31
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To

(4) 115,000 af (cfs, af) TOTAL QUANTITY USED.

(5) A) Point of diversion: (Location of point where water is diverted from its source)
SW ¼ SE ¼, Sec. 30 Twp. 7 S. Rge. 31 E. B.M., County of Power County
Additional points of diversion:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Nine 7.17 foot square slide gates with total capacity 19,400 cfs (elevation 4354.5) with concrete overflow weir controlled by five 44 by 25 foot radial gates with total capacity 87,000 cfs (elevation 5354.5)

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
							(American Falls Reservoir)												
							Approximately 1,000,000 acres within service area of the organization listed in Exhibit B of license Water Right No. 269/01-2064.												

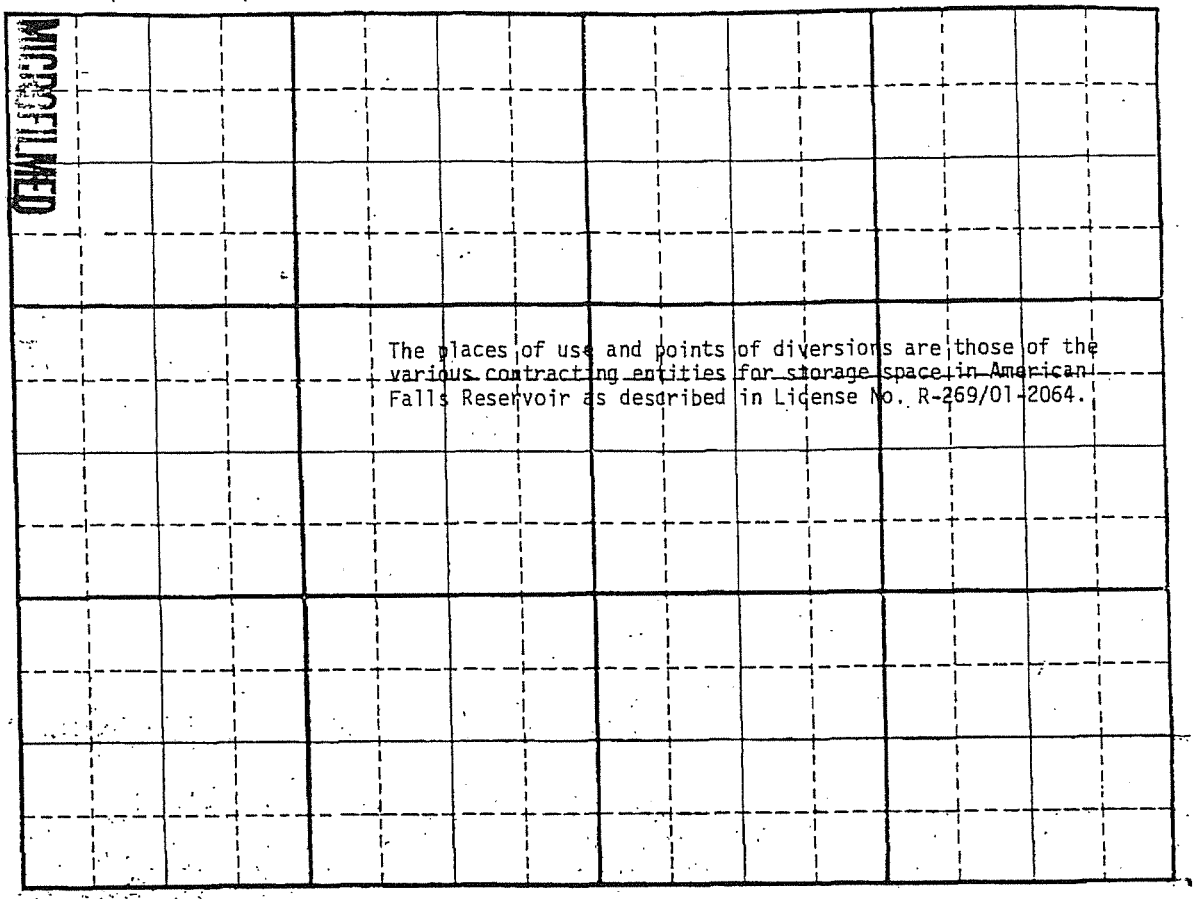
No. of acres 1,000,000

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: Water furnished to a private company for power generation by means of three 18-foot diameter outlet tubes into powerhouse intake located in west abutment section. Generation is by means of three Francis-type turbines with total of 100,000 KW rating and having capacity of 13,500 cfs (elevation 4354.5).

NOTE: Include here the type and number of stock watered:

(7) If you are claiming water as a member of an organization, list name of organization: United States of America

(8) Remarks This claim is for calculated and/or actual multiple fill or Refill of American Falls Reservoir when circumstances permit. Claim is based hydrological data found in "1944 - Water Distribution and Hydrometric Work District No. 36, Snake River, Idaho." Reservoir was at 1,693,000 acre-feet April 21, then drawn down to 1,553,000 acre-feet on May 14 and then refilling to 1,693,000 acre-feet on June 16, 1944. Second refill right is justified on this operational procedure.



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
) ss.
County of Ada)

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

John W. Keys, III
Acting Regional Director (Claimant)

Sworn to before me this 29th day of June, 1983.

D. L. Thomas
Notary Public
Residing at Boise

My commission expires 1.5.c

FOR DEPARTMENT USE ONLY

Received by CW See	Date 6/29/83	Exception filed by:	Fowarded to claimant by:	Date	
Prelim. check by KCW	Date 3/14/84				
$30.00 fee received by	Date 6-29-83 #30087				
Published in Power County Press					
Dates 3/15 - 3/22/84					

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
Eastern Region

150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

APRIL 2, 1984

U.S. DEPT. OF INTERIOR
BUREAU OF RECLAMATION
ATTN: 424 BOX 042
550 W. FORT ST.
BOISE ID 83724

RE: Claim No. 01-4052

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,

RONALD D. CARLSON
Eastern Region Supervisor

Enclosure

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: A01-04055
Date Received: 10/26/1988
Receipt No: _____
Received By: _____

JUL 07 1989
Department of Water Resources

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

A0104055

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: AUG 23, 1906

3. Source: JACKSON LAKE RESERVOIR Trib. to: SNAKE RIVER
   SNAKE RIVER COLUMBIA RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
01S	45E	17	NW NE		BONNEVILLE

5. Description of diverting works:
   JACKSON LAKE DAM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or) A.F.A.
IRRIGATION STORAGE	01/01	12/31		371981.00
IRRIGATION FROM STORAGE	04/01	11/01		371981.00
POWER STORAGE	01/01	12/31		1415000.00
POWER FROM STORAGE	01/01	12/31		1415000.00

7. Total Quantity Appropriated is:
   C.F.S. (and/or) 1415000.00 A.F.A.

8. Total consumptive use is 371981.0 Acre Feet Per Annum.

9. Non-irrigation uses:
   POWER AND DOMESTIC - DE MINIMUS DOMESTIC USE

MICROFILMED
NOV 03

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:
R-670/01-02068, R-269/01-02064, 01-10044, 01-10045

14. Remarks:
WYOMING PERMITS DATED: 8/23/1906, 4/1/1907, 8/18/1910, 5/1/1912, 5/24/1913, AND 4/1/1917
P/U 761,061 ACRES WITHIN MINIDOKA PROJECT
MULTI-YEAR STORAGE FACILITY

JACKSON LAKE SPACEHOLDERS (8/23/1906 PRIORITY)	ACRE-FEET
ABERDEEN-SPRINGFIELD CANAL CO.	50,962
ANDRUS, RAY JR. (BEAR ISLAND)	75
BLACKFOOT IRRIGATION CO.	5,033
BURGESS CANAL AND IRRIGATING CO.	7,241
BUTTE AND MARKET LAKE CANAL CO.	1,840
CLEMENT BROTHERS AND OWNERS MUTUAL	270
CORBETT SLOUGH DITCH CO.	1,339
DILTS IRRIGATION COMPANY, LTD.	349
ENTERPRISE CANAL COMPANY, LTD.	7,684
ENTERPRISE IRRIGATION DISTRICT	4,018
FARMERS FRIEND IRRIGATION CO., LTD.	1,366
HARRISON CANAL AND IRRIGATION CO.	8,156
IDAHO IRRIGATION DISTRICT	9,035
LENROOT CANAL COMPANY	3,574
LOWDER SLOUGH CANAL CO., LTD.	710
MINIDOKA IRRIGATION DISTRICT	127,040
NEW SWEDEN AND WEST SIDE MUTUAL (INCLUDES MARTIN 1,816)	15,376
PEOPLES CANAL AND IRRIGATION CO.	13,907
POPLAR IRRIGATION DISTRICT (RILEY CANAL)	1,085
PROGRESSIVE IRRIGATION DISTRICT	4,923
RUDY IRRIGATION CANAL COMPANY	2,411
SNAKE RIVER VALLEY IRRIGATION DISTRICT	20,641
SUNNYDELL IRRIGATION DISTRICT	2,732
THE REID CANAL COMPANY	1,005
TREGO DITCH COMPANY	518
UTAH-IDAHO SUGAR CO. (OSGOOD)	5,307
WOODVILLE CANAL COMPANY	2,384

ACTIVE CAPACITY	847,000 ACRE FEET
INACTIVE CAPACITY	0
DEAD STORAGE	0
TOTAL SURFACE AREA	25,540 ACRES AT ELEVATION 6769.0
BANK STORAGE	UNKNOWN

MICROFILMED
NOV 0 5 1996

14. Remarks: Continued
TOTAL RESERVOIR CAPACITY_____ 847,000 ACRE FEET
THE STORAGE RESERVOIR IN THE STATE OF WYOMING, CONTROLS THE TIMING OF FLOWS REACH IDAHO AT THE BORDER, DELIVERIES MADE TO LANDS IN IDAHO, FLOWS PASS THROUGH PALISADES RESERVOIR AND POWERPLANT. STORAGE RELEASES AND DELIVERIES OF STORAGE WATER FROM JACKSON LAKE RESERVOIR, ARE WATERS APPROPRIATED FOR THE MINIDOKA PROJECT DELIVERED THROUGH WATER DISTRICT 01. BUREAU OF RECLAMATION IS RESPONSIBLE FOR ACCOUNTING.
TOTAL OF THE FOLLOWING CLAIMS IS 920,000 ACRE FEET
A01-04055 - PRIORITY DATE 08/23/1906 = 371981
A01-10044 - PRIORITY DATE 08/18/1910 = 138829
A01-10045 - PRIORITY DATE 05/24/1913 = 409190
TOTAL CLAIMED AT THE STATE LINE (920,000 ACRE FEET) IS AVERAGE TOTAL YIELD OF THE WATERSHED.
TOTAL OF WYOMING PERMITS IS 838,000 ACRE FEET.
TOTAL CAPACITY OF THE RESERVOIR (847,000 ACRE FEET) AS A RESULT OF RESURVEY.
POWER RIGHT OF 1,415,000 ACRE FEET IS MAXIMUM RECORDED YIELD OF THE WATERSHED RECORDED AT THE STATE LINE.

15. Basis of Claim: STATUTORY CLAIM

MICROFILMED
NOV 0 5 1996

SCANNED
AUG 1 0 2001

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

RECEIVED
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ACQUIRED UNDER STATE LAW



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POWER STORAGE	01/01	12/31			1415000.00
POWER FROM STORAGE	01/01	12/31			1415000.00

7. Total Quantity Appropriated is:
   C.F.S. (and/or) 1415000.00 A.F.A.

8. Total consumptive use is 371981.0 Acre Feet Per Annum.

9. Non-irrigation uses:
   POWER AND DOMESTIC - DE MINIMUS DOMESTIC USE

MICROFILMED
NOV 0 3

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:
R-670/01-02068, R-269/01-02064, 01-10044, 01-10045

14. Remarks:
WYOMING PERMITS DATED: 8/23/1906, 4/1/1907, 8/18/1910, 5/1/1912, 5/24/1913, AND 4/1/1917
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POPLAR IRRIGATION DISTRICT (RILEY CANAL)	1,085
PROGRESSIVE IRRIGATION DISTRICT	4,923
RUDY IRRIGATION CANAL COMPANY	2,411
SNAKE RIVER VALLEY IRRIGATION DISTRICT	20,641
SUNNYDELL IRRIGATION DISTRICT	2,732
THE REID CANAL COMPANY	1,005
TREGO DITCH COMPANY	518
UTAH-IDAHO SUGAR CO. (OSGOOD)	5,307
WOODVILLE CANAL COMPANY	2,384

ACTIVE CAPACITY	847,000 ACRE FEET
INACTIVE CAPACITY	0
DEAD STORAGE	0
TOTAL SURFACE AREA	25,540 ACRES AT ELEVATION 6769.0
BANK STORAGE	UNKNOWN

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14. Remarks: Continued
TOTAL RESERVOIR CAPACITY 847,000 ACRE FEET
THE STORAGE RESERVOIR IN THE STATE OF WYOMING, CONTROLS THE TIMING OF FLOWS REACH IDAHO AT THE BORDER, DELIVERIES MADE TO LANDS IN IDAHO, FLOWS PASS THROUGH PALISADES RESERVOIR AND POWERPLANT. STORAGE RELEASES AND DELIVERIES OF STORAGE WATER FROM JACKSON LAKE RESERVOIR, ARE WATERS APPROPRIATED FOR THE MINIDOKA PROJECT DELIVERED THROUGH WATER DISTRICT 01. BUREAU OF RECLAMATION IS RESPONSIBLE FOR ACCOUNTING.
TOTAL OF THE FOLLOWING CLAIMS IS 920,000 ACRE FEET
A01-04055 - PRIORITY DATE 08/23/1906 = 371981
A01-10044 - PRIORITY DATE 08/18/1910 = 138829
A01-10045 - PRIORITY DATE 05/24/1913 = 409190
TOTAL CLAIMED AT THE STATE LINE (920,000 ACRE FEET) IS AVERAGE TOTAL YIELD OF THE WATERSHED.
TOTAL OF WYOMING PERMITS IS 838,000 ACRE FEET.
TOTAL CAPACITY OF THE RESERVOIR (847,000 ACRE FEET) AS A RESULT OF RESURVEY.
POWER RIGHT OF 1,415,000 ACRE FEET IS MAXIMUM RECORDED YIELD OF THE WATERSHED RECORDED AT THE STATE LINE.

15. Basis of Claim: STATUTORY CLAIM

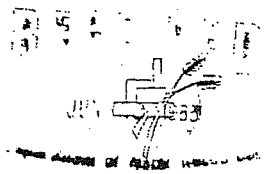
MICROFILMED
NOV 0 5 1996

No. 6
Form No. 243
5-81

Jackson Lake Storage
Releases

Claim No. 01-4055

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES



CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that The United States of America acting through the Regional Director Pacific Northwest Region, Bureau of Reclamation
(Name of Claimant)
Federal Building & U.S. Courthouse
Box 043-550 West Fort Street, Boise, Idaho 83724 Telephone No. (208) 334-1908
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) (See attached)

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
Snake River (Jackson Lake Reservoir, WY) tributary to Columbia River

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

	(cfs, af)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive) Period of Use From (Mo., Day)	To (Mo., Day)
Quantity	915,000 af	Use Irrigation	April 1	Oct 31
Quantity	1,415,000 af	Use Power	Jan 1	Dec 31
Quantity	5,000 af	Use Domestic	Jan 1	Dec 31
Quantity		Use		
Quantity		Use		

(4) 1,415,000 af (cfs, af) TOTAL QUANTITY USED.

(5) A) Point of diversion: (Location of point where water is diverted from its source)
NW ¼ NE ¼, Sec. 17 Twp. 1-S Rge. 45-E B.M., County of Bonneville
Additional points of diversion:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. (see attached)

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
							The irrigated acres are those within irrigation companies and/or districts shown in Exhibit A attached.												

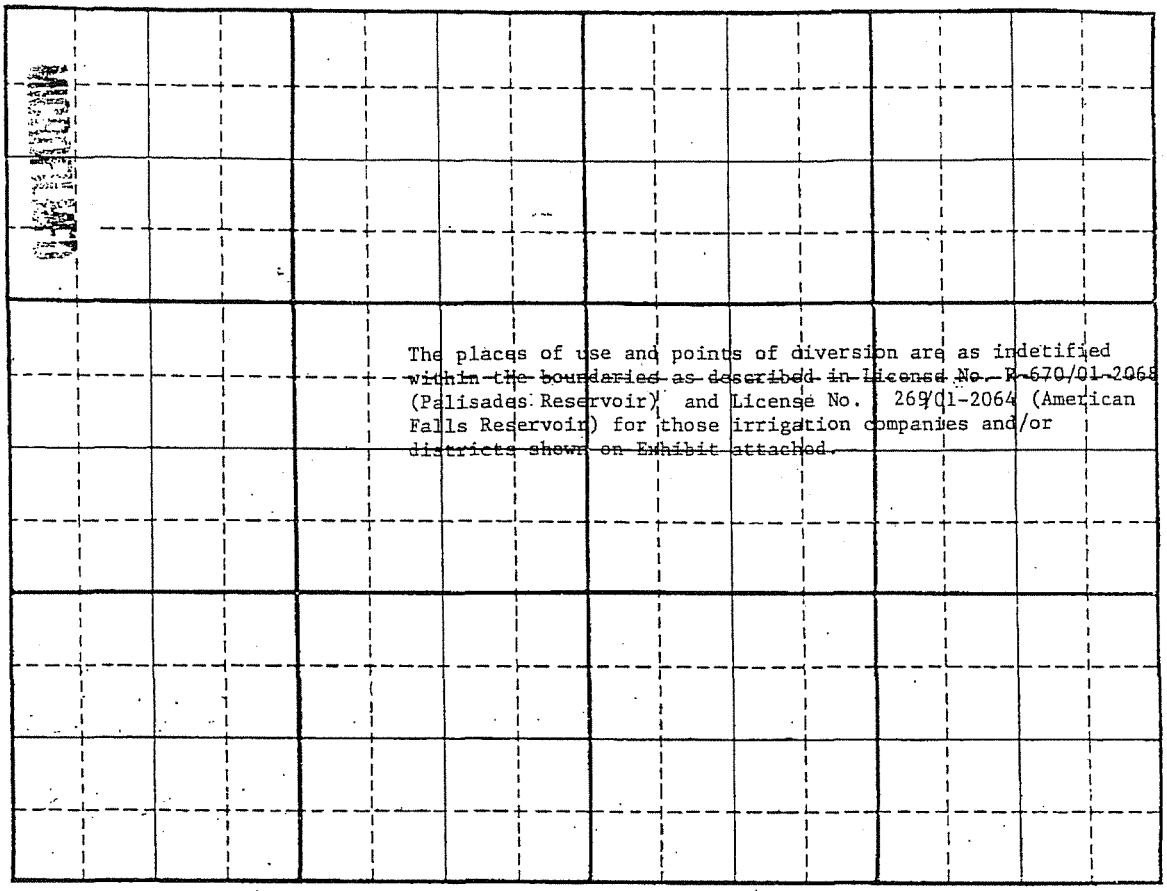
No. of acres 761,061

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: (see attached)

NOTE: Include here the type and number of stock watered:

(7) If you are claiming water as a member of an organization, list name of organization: The United States of America

(8) Remarks Waters claimed are storage releases from Jackson Lake, Wyoming, entering Idaho at the Idaho/Wyoming border. Active capacity 847,000 acre feet plus bank storage of 68,000 acre feet. Second fill or refill of 500,000 acre feet = 1,415,000 acre feet.



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
) ss.
County of Ada)

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Acting Regional Director (Claimant)

Sworn to before me this 29th day of June, 1983.

Notary Public
Residing at Boise

My commission expires 1.5.86

1-5-8 FOR DEPARTMENT USE ONLY

Received by	SLE	Date	6/29/83	Exception filed by:	Fowarded to claimant by: Date
Prelim. check by	KCW	Date	3/14/84		
$30.00 fee received by		Date	6-29-83 # 30087		
Published in	Post Register				
Dates	3/15 & 3/22/84				

1. Date of priority for total yield of 1,415,000 acre-feet of Jackson Lake Reservoir storage flow from the State of Wyoming across the Idaho-Wyoming State line at Snake River Mile Location 980.5 miles into State of Idaho via Palisades Reservoir are as shown:

Date of Priorities		Content (acre-feet)
8/23/1906		298,981
4/1/1907		27,000
8/18/1910		138,829
4/1/1912		12,000
5/24/1913		409,190
4/1/1917		29,000
	Jackson Lake Reservoir Total Capacity	915,000
4/1/1917	Second fill	500,000
	Total Yield	1,415,000 acre feet

Claim for date of priority is based on License issued by Wyoming State Engineer for storage, contracting of allocated Reservoir space, and on Jackson Lake Reservoir enlargements as to when bank storage would have first been used on Minidoka Project (presently Minidoka and Burley Irrigation Districts or Warren Act Lands, presently Twin Falls and North Side Irrigation Companies.)

Date of priorities:

April 1, 1907 Water used on Minidoka Project lands
April 1, 1912 Water used on Minidoka Project lands
April 1, 1917 Water used on Warren Act lands

Bank storage quantities are obtained from cooperative Committee of Nine (Advisory Committee District No. 36), U.S. Geological Survey, and Bureau of Reclamation Study Report concerning "Operation, Jackson Lake Reservoir, Transmission Losses Reservoir Water, Water District 36, Idaho," page 28.

Reservoir Content	Elevation (feet)	Bank Storage (acre-feet) Beginning at Elevation 6728.00
299,000	6745.70	27,000
438,000	6752.00	12,000
847,000	6769.00	29,000

Bank Storage Total = 68,000 acre-feet

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5. (B) A 26-foot outlet tunnel terminating in six outlets controlled by four 7.5 by 9-foot slide gates and two 96-inch hollow-jet valves. Capacity at Reservoir's elevation 5620.0 is 33,000 ft^3/s. Also, a 26-foot power tunnel terminating in four 14-foot diameter penstock branches to powerhouse. Two penstock bypass branches to outlet works control house are each controlled by one 7.5 by 9-foot slide gate. Bypass capacity at Reservoir elevation 5620.0 is 14,000 ft^3/s.

6. (B) The powerplant located is downstream toe of left abutment of Palisades Dam. Generation is by means of four Francis-type turbines with total of 158,000 horsepower at effective head of 190 feet and total plant discharge of approximately 8,560 ft^3/s. Power is distributed by means of power substation located near center of the toe of Palisades Dam.

8. The Jackson Lake Dam and Reservoir served as multiple-purpose storage to the entire Upper Snake River Valley. The head water benefits derived from storage space has been to irrigation needs, re-regulation of low cost hydropower waters, flood protection, and many secondary benefits to both States of Idaho and Wyoming. Documentation of Jackson Reservoir Storage can be found in "Report Snake River Water Problems Concerning Operation, Jackson Lake Reservoir, Transmission Losses Reservoir Water, Water District No. 36, Idaho, by R. I. Meeker, Consulting Engineer, Denver, February 9, 1924.

GROVER & WALKER
CHARTERED
LAW OFFICES
P. O. BOX 36
RIGBY, IDAHO 83442-0036
(208)745-6653

BLAIR J. GROVER
KEITH M. WALKER

T. HAROLD LEE
(1914-1976)

May 25, 1984

RECEIVED
MAY 29 1984
Department of Water Resources
Eastern District Office

Mr. Ron Carlson
Department of Water Resources
150 Shoup Avenue
Idaho Falls, Idaho 83401

Re: Protective Union

Dear Ron:

Enclosed please find an Excxeption to Claim Water Right filed by the Bureau of Reclamation. I suppose it can go of record along with other exceptions which may have been filed.

Yours very truly,

GROVER & WALKER

BLAIR GROVER

BG:pa
Enclosure
cc: Jack Billings

EXCEPTION TO CLAIM WATER RIGHT

AFFIDAVIT

RECEIVED
MAY 25 1984
Department of Water Resources
Eastern District Office

STATE OF IDAHO)
) ss.
County of Jefferson)

Jack Billings being first duly sworn, deposes and states:

1. I am the Chairman of the Directors of the Protective Union.

2. The Protective Union is an organization representing approximately fifty (50) canal companies in the Upper Snake River Valley, located generally from Blackfoot to Rexburg.

3. The Protective Union in behalf of itself and it's member canal companies, takes exemption to the Notice of Claims to Water Rights filed by the Bureau of Reclamation, which notice was published March 15 and March 22, 1984, in the Idaho Falls Post Register, a copy of which published notice is attached hereto, marked Exhibit "A" and by this reference made a part hereof.

4. Representatives of the Bureau have informed representatives of the Protective Union that the claimed water rights are already in existence and allocated, and the claim does not purport to establish or create any new or additional water rights. It would require considerable investigation and research to either dispute or corroborate that claim. Therefore, in the absence of knowledge to the contrary, that representation is at this time taken as accurate.

5. With the explanation in Paragraph 4 herein, exception is nevertheless raised to the 92,000 acre feet of bank storage for the following reasons:

(A) There is no legal right to claim bank storage water.

(B) The bank storage is unavailable unless the reservoir is drawn down. The amount of draw-down will proportionately affect the amount of actual bank storage.

(C) There are no rules or guidelines for use of the bank storage water.

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(D) There is insufficient evidence to establish that there is, in fact, 92,000 acre feet of bank storage that will come out of the banks when the reservoir is lowered. Even if that amount of water seeps into the bank, it is believed the majority of it will not come back into the reservoir as it is lowered.

(E) If bank storage is offset against transmission losses of allocated rights, that can have a detrimental effect on natural flow rights.

(F) All of the design capacity for Palisade storage water has been allocated and if there is in fact extra water, it may be subject to additional claims and/or allocations. If those are made and agreements subsequently entered, if that water does not exist, it will create an intolerable situation among holders of Palisade water because there would not be enough water to fill the contractual allotments.

6. This exception is not intended to suggest that if there is in fact storage water, it should not be prorated among existing spaceholders, but is to raise the problems described herein.

7. To the extent the claim alleges a right to more than 1.2 million acre feet for irrigation, through recharage and/or through refilling of the reservoir after it has once been filled each season, exception to such a right of refilling or recharge is made for the reason that such refilling or recharge interferes with flood water rights now diverted and applied to beneficial use by many water users.

Jack Billings

Subscribed and sworn to before me this 22nd day of May, 1984.

Pat Anderson
Notary Public for Idaho
Residing at Rigby, Idaho
Lifetime Commission

(Seal)

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
Eastern Region

150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

APRIL 2, 1984

U.S. DEPT. OF INTERIOR
BUREAU OF RECLAMATION
ATTN: 424 BOX 043
550 W. FORT ST.
BOISE ID 83724

RE: Claim No. 01-4051, 01-4053, 01-4054, 01-4055, 01-4056, and 01-4057

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,

RONALD D. CARLSON
Eastern Region Supervisor

Enclosure (6)

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United States Department of the Interior

BUREAU OF RECLAMATION
PACIFIC NORTHWEST REGION
FEDERAL BUILDING & U.S. COURTHOUSE
BOX 043 - 550 WEST FORT STREET
BOISE, IDAHO 83724 - 0430

IN REPLY REFER TO: BN-420
870.

JUL 5 1983

Department of Water Resources
Eastern District Office

JUN 29 1983

JUN 30 1983

5 claims to Southern
11 claims to Eastern

Mr. Kenneth Dunn
Idaho Department of Water Resources
Statehouse
Boise, Idaho 83720

Dear Mr. Dunn:

Enclosed are 16 water right claims for use of waters within the Minidoka Project area, summarized as follows:

1.	Minidoka Irrigation District	Artificial Ground Water-Storage
2.	Burley Irrigation District	Artificial Ground Water-Storage
3.	Palisades Reservoir	Bank Storage
4.	Island Park Reservoir	Bank Storage
5.	Lake Walcott	Bank Storage
6.	Jackson Lake Wyoming	Storage Yield (Interstate)
7.	Grassy Lake Wyoming	Storage Yield (Interstate)
8.	Palisades Powerplant	Snake River Natural Flows
9.	Palisades Reservoir	Refill of Storage
10.	Island Park Reservoir	Refill of Storage
11.	American Falls Reservoir	Refill of Storage
12.	Walcott Park	Irrigation
13.	Palisades Camp	Irrigation & Domestic
14.	Palisades Camp	Domestic
15.	Falls Irrigation District	Recapture of Surface Water
16.	A&B Irrigation District	Recapture of Surface Water

The claims, with their attachments are self explanatory.

Claim numbers 3, 4, and 5 are for net yields from so called Bank Storage in Palisades and Island Park Reservoirs and Lake Walcott respectively. Drawdown of American Falls Reservoir, also yields water stored in the permeable banks. However, Certificate No. 01-2064 for American Falls Reservoir already covers 100,000 acre-feet identified as bank storage, so no claim is required.

With regard to Lake Walcott the Foster Decree provides in part follows:

> "It is further ORDERED, ADJUDGED AND DECREED, until otherwise provided by Statute, the State Engineer of the State of Idaho, or his duly authorized deputy, shall determine what part of the water flowing in Snake River at the Minidoka and Milner Dams, is storage waters, and what part is natural flow, as provided by the Idaho Session laws of 1909, entitled: "an act to provide for the

safe-guarding of the rights of those conserving public waters in Reservoirs and prohibiting Misappropriation of such waters by those having no Right to the use of same, and delaring a 'Misdemeanor', the amount of the natural flow to be determined as such natural flow would be, if unaffected by the diversion or acts of the parties hereto or any or either of them or by the release of stored water, the natural flow to which the Twin Falls Projects are entitled to be measured to them at the Milner Dam. (emphasis added.)

Thus, a water right for all "waters flowing in the Snake River at Minidoka and Milner Dams" except natural flow has been adjudicated to the United States. Since bank storage is a result of construction of Federal Reclamation Project Works and not a part of "natural flow," any yield from Bank Storage in Lake Walcott belongs to the United States by Decree and no claim should be required.

Until 1978, the various watermasters determined the "amount of the natural flows" to which the "Twin Falls Projects are entitled" by measurements taken at Neeley, on the basis that the "normal flow at Neeley is the same as the normal flow at Milner would have been, if the Minidoka Dam had never been constructed" (water distribution below Neeley Gaging Station - Lynn Crandall - April 1, 1926).

The computer model used by the District 01, Watermaster for water accounting since 1978, contains no provision for recognizing yield from bank storage, therefore a claim for bank storage yield in Lake Walcott is included with this filing.

Sincerely yours,

John W. Keys, III

Regional Director

Enclosures

cc: Project Superintendent, Burley, Idaho (w/enclosures)

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SCANNED
AUG 1 2001

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

JUL 07 1989

Ident. Number: A01-04056
Date Received: 10/26/1988
Receipt No: _____
Received By: _____

Department of Water Resources

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

A0104056

1. Name: UNITED STATES OF AMERICA, ACTING THROUGH 208-334-116
   Address: REGIONAL DIRECTOR, P.N. REGION
   BUREAU OF RECLAMATION
   BOX 043-550 WEST FORT STREET
   BOISE, ID 83724

2. Date of Priority: MAY 03, 1957

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
01S	45E	17	NW NE		BONNEVILLE

5. Description of diverting works:
   PALISADES DAM AND RESERVOIR

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or) A.F.A.
IRRIGATION STORAGE	01/01	12/31		1200000.00
IRRIGATION FROM STORAGE	04/01	11/01		1200000.00
POWER STORAGE	01/01	12/31		1200000.00
POWER FROM STORAGE	01/01	12/31		1200000.00

7. Total Quantity Appropriated is:
   C.F.S. (and/or) 1200000.00 A.F.A.

8. Total consumptive use is 1200000.0 Acre Feet Per Annum.

9. Non-irrigation uses:
   POWER

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NOV 05 1998

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:
    01-02068

14. Remarks:
    P/U 1,200,000 ACRES WITHIN SERVICE AREA OF MINIDOKA PROJECT
    THE PLACES OF USE AND POINTS OF DIVERSION ARE THOSE OF THE
    VARIOUS CONTRACTING ENTITIES FOR STORAGE SPACE IN PALISADES
    RESERVOIR AS DESCRIBED IN LICENSE NO. R-670/01-02068.
    MULTIPLE OR REFILL CAPABILITY
    MULTI-YEAR STORAGE FACILITY
    PALISADES SPACEHOLDERS INCLUDE:
    A&B IRRIGATION DISTRICT
    ABERDEEN-SPRINGFIELD CANAL COMPANY
    BLACKFOOT IRRIGATION COMPANY
    BURGESS CANAL AND IRRIGATING COMPANY
    BURLEY IRRIGATION DISTRICT
    BUTLER ISLAND CANAL COMPANY, LTD.
    BUTTE AND MARKET LAKE CANAL COMPANY
    CITY OF POCATELLO
    CLARK AND EDWARDS CANAL COMPANY
    CORBETT SLOUGH DITCH COMPANY
    CRAIG-MATTSON CANAL COMPANY
    DANSKIN DITCH COMPANY
    DILTS IRRIGATION COMPANY, LTD.
    EAST LABELLE IRRIGATING COMPANY
    ENTERPRISE CANAL COMPANY, LTD.
    FALLS IRRIGATION DISTRICT
    FARMERS FRIEND IRRIGATION COMPANY, LTD.
    FOOD MACHINERY COMPANY (WESTVACO)
    HARRISON CANAL AND IRRIGATION COMPANY
    IDAHO IRRIGATION DISTRICT
    ISLAND IRRIGATION COMPANY
    J. R. SIMPLOT COMPANY
    LENROOT CANAL COMPANY
    LOWDER SLOUGH CANAL COMPANY, LTD.
    MILNER IRRIGATION DISTRICT
    MINIDOKA IRRIGATION DISTRICT
    NEW LAVASIDE DITCH COMPANY
    NEW SWEDEN AND WEST SIDE MUTUAL
    NORTH RIGBY IRRIGATION AND CANAL COMPANY
    NORTH SIDE CANAL COMPANY, LTD.

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NOV 0 5 1996

14. Remarks: Continued
PALISADES WATER USERS, INC.
PARKS AND LEWISVILLE IRRIGATION COMPANY
PARSON DITCH COMPANY, LTD.
PEOPLES CANAL AND IRRIGATION COMPANY
POPLAR IRRIGATION DISTRICT (RILEY CANAL)
PROGRESSIVE IRRIGATION DISTRICT
RIGBY CANAL AND IRRIGATION COMPANY, INC.
RIVERSIDE DITCH COMPANY
RUDY IRRIGATION CANAL COMPANY
SNAKE RIVER VALLEY IRRIGATION DISTRICT
SUNNYDELL IRRIGATION DISTRICT
TEXAS SLOUGH AND LIBERTY PARK
THE REID CANAL COMPANY
TREGO DITCH COMPANY
U.S. INDIAN IRRIGATION SERVICE
WATSON SLOUGH DITCH AND IRRIGATION COMPANY
WEARYRICK DITCH COMPANY
WEST LABELLE AND LONG ISLAND
WOODVILLE CANAL COMPANY
STORAGE SUMMARY STATEMENT
ACTIVE CAPACITY 1,200,000 ACRE FEET
INACTIVE CAPACITY 157,000 ACRE FEET
DEAD STORAGE 44,000 ACRE FEET
TOTAL SURFACE AREA 16,150 ACRES AT ELEVATION 5620.0
BANK STORAGE 92,000 ACRE FEET
TOTAL RESERVOIR CAPACITY 1,401,000 ACRE FEET
AN ADDITIONAL 16,000 ACRE FEET SURCHARGE FOR FLOOD CONTROL
(1,417,000)

15. Basis of Claim: STATUTORY CLAIM
Water Right Number: R-670

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NOV 05 1990

RECLAMATION
Managing Water in the West

U.S. Department of the Interior
Bureau of Reclamation
Snake River Area Office

1359 Hansen Avenue
Burley, ID 83318

Main Phone: (208) 678-0461

Fax Cover

Date: 03/29/05

Pages including this cover:

Fax: (208) 678-4321

To: Michael Holliday 208 525-7177

From: Dala Walton

Realty Specialist

Code: SRA6434

E-mail: dwalton@pn.usbr.gov

Phone: 208 678-0461

Fax:

Message: RE: Proof of priority and beneficial use for 1-4056 Palisades Refill.

Draft July 3, 1957 Pa adds storage and Statement

WATER DISTRIBUTION

AND HYDROMETRIC WORK

DISTRICT NO. 36

SNAKE RIVER, IDAHO

1957

Received Time Mar. 29. 12:04PM

5. Requ on by the Federal Government on Teton River and Henrys Fork.

Construction work on Palisades dam was sufficiently advanced so that a total storage content of 966,700 acre-feet was attained on July 23, 1957, of which a portion was retained American Falls water. There were 622,700 acre-feet still remaining in the Palisades reservoir on September 30, 1957, of which 200,000 acre-feet was dead storage for minimum power head. No allotments of Palisades storage were made in 1957 except 1,352 acre-feet rented by the Bureau of Reclamation. The water stored in Palisades under its priority right in 1957 will be held over for general allotment in 1958 to rights in that reservoir if the 1958 run-off is insufficient to fill Palisades to capacity. The operation of Palisades reservoir in 1957 was largely geared to meet construction requirements and for testing the generating equipment and still retain as much storage as possible without infringing on these prior requirements.

The snow surveys during the winter indicated somewhat above normal snow supply but there were 374,000 acre-feet spilled from Jackson Lake to Palisades between November 16 and December 24, 1956. This nearly drained Jackson Lake to provide for repairs to the upstream concrete face and incidental flood control space there that was considered necessary.

Precipitation was generally well above normal from April thru June and an ample water supply was available thruout the District.

All reservoirs, except Palisades, filled to capacity and about 1,870,000 acre-feet, in excess of Idaho Power Company rights, spilled to waste past Milner in the year ending September 30, 1957. The spill

Received Time Mar. 29. 12:04PM

Palisades 1st Storage
Draft July 3, 1957

re was a period of about a week from July 20-27 when the supply locally available on Henrys Fork and Fall River wasn't sufficient to fill rights to quite as late priorities as shown by above schedule.

Storage draft charges on the various reservoirs began on the following dates: Palisades July 3, American Falls July 6, Jackson Lake July 10, Island Park July 10, Henrys Lake July 18, Grassy Lake July 25.

WATER SUPPLY

Run-off at various gaging stations during the year ending September 30, 1957 was as follows:

Station	1957 Run-off (acre-feet)	Average run-off past years (acre-feet)	Years of Record	1957 ~~1956~~ % of Average
Snake River at Moran	1,175,000	1,052,000	54	112
Snake River near Heise	5,518,000	5,006,000	47	111
Snake River at Neeley	5,867,000	4,960,000	31	112
Fall River near Squirrel	638,900	549,000	43	116
Teton River near St. Anthony	676,100	546,900	24	123
Henrys Fork near Ashton	1,129,500	988,000	37	114
Henrys Fork near Rexburg	1,705,000	1,394,000	48	122

The run-off at Moran has been corrected for Jackson Lake holdovers; at Heise for Jackson Lake and Palisades holdovers; at Neeley for Palisades and American Falls holdovers; at Squirrel for Grassy Lake holdovers; at Ashton for Island Park and Henrys Lake holdovers; at Rexburg for Grassy Lake, Island Park and Henrys Lake holdovers; and at St. Anthony for Cross Cut Canal discharge into Teton River.

The run-off of Teton River and Henrys Fork near Rexburg was greater proportionally than at the other stations, probably mostly due to drain-off from ground water stored in 1956.

Received Time Mar. 29. 12:04PM

Received Time Mar. 29. 12:04PM

Plat

946	992	237700	523400	552600	578100	506700	408700	457400	867300	907300	
918	955	249900	524300	553400	579000	504200	408700	477300	883200	901500	
1000	6520	264300	526000	554300	579900	501700	409400	500900	896900	894600	
1000		277900	526800	555200	580800	500100	415300	529400	909600	887700	
983	12300	291200	527700	556900	582600	497600	425800	562200	921300	885400	
1000	18000	304900	528500	557800	583500	496000	436500	597900	929500	875200	
	23800	317500	529400	558700	584400	495100	434900	625500	935400	868500	
1020	29400	329700	530200	559500	584400	493500	432700	653900	937800	858400	
973	35200	340800	531900	560400	586200	490200	431100	680000	936600	847300	722100
1020	41300	353500	532800	561300	588000	487000	430400	694700	937800	837400	714600
1010		367200	533600	561300	588900	483700	429600	704600	940200	825400	705600
1010	51500	380500	534500	562200	590700	480500	431100	714600	945000	815700	697700
1020	56700	392600	536200	563000	592500	478100	433400	733900	949800	806000	688800
	58700	405700	538800	563900	588900	475700	440300	748200	953400	800600	681000
1000	61200	418300	540500	564800	584400	474100	441100	759600	959400	795300	675100
1010	62900	432700	541300	564800	579900	470100	441100	770000	963100	792100	668300
1000		443400	542200	566600	575400	466100	438800	777300	964300	787900	669300
983		454300	543000	566600	571000	462900	437200	780500	964300	784700	668300
983	84100	465300	543000	566600	566600	460600	435700	782600	964300	780500	667400
964	96000	474900	543900	567400	562200	457400	438800	783600	964300	775200	665400
	108400	484500	544800	568300	556900	455100	439500	790000	965500	772100	660600
955	121100	493500	546500	569200	550800	451900	439500	797400	965500	768900	654800
964	135300	500900	547400	569200	544800	451900	436500	801700	966700	766800	648200
1020	148500	507500	548200	570100	538800	454300	433400	804900	964300	763700	644400
983		514200	549100	571900	532800	450400	430400	809200	963100	760600	637700
1000	174000	517500	550000	573600	526800	444200	425800	814600	958200	758500	634000
1040	187000	518400	550800	575400	520100	436500	422800	822200	947400	756400	630200
	199600	519200	551700	576300	516700	429600	422100	829800	937800	753400	626500
1010	212200	520100	551700	—	513400	420600	425800	840700	929500	750200	623700
1000	225200	520900	551700		511700	414600	433400	852800	921300	749200	622700
1010		521700	551700		507500		443400		913100	748200	

GOVERNMENT PRINTING OFFICE 16—29010-1

YEAR OR PERIOD

MEAN

ACRE-FEET

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: A01-04055
Date Received: 10/26/1988
Receipt No: _____
Received By: _____

JUL 07 1989
Department of Water Resources

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

A0104055

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: AUG 23, 1906

3. Source: JACKSON LAKE RESERVOIR Trib. to: SNAKE RIVER
   SNAKE RIVER COLUMBIA RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
01S	45E	17	NW NE		BONNEVILLE

5. Description of diverting works:
   JACKSON LAKE DAM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or) A.F.A.
IRRIGATION STORAGE	01/01	12/31		371981.00
IRRIGATION FROM STORAGE	04/01	11/01		371981.00
POWER STORAGE	01/01	12/31		1415000.00
POWER FROM STORAGE	01/01	12/31		1415000.00

7. Total Quantity Appropriated is:
   C.F.S. (and/or) 1415000.00 A.F.A.

8. Total consumptive use is 371981.0 Acre Feet Per Annum.

9. Non-irrigation uses:
   POWER AND DOMESTIC - DE MINIMUS DOMESTIC USE

MICROFILMED
NOV 03

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:
R-670/01-02068, R-269/01-02064, 01-10044, 01-10045

14. Remarks:
WYOMING PERMITS DATED: 8/23/1906, 4/1/1907, 8/18/1910, 5/1/1912, 5/24/1913, AND 4/1/1917
P/U 761,061 ACRES WITHIN MINIDOKA PROJECT
MULTI-YEAR STORAGE FACILITY

JACKSON LAKE SPACEHOLDERS (8/23/1906 PRIORITY)	ACRE-FEET
ABERDEEN-SPRINGFIELD CANAL CO.	50,962
ANDRUS, RAY JR. (BEAR ISLAND)	75
BLACKFOOT IRRIGATION CO.	5,033
BURGESS CANAL AND IRRIGATING CO.	7,241
BUTTE AND MARKET LAKE CANAL CO.	1,840
CLEMENT BROTHERS AND OWNERS MUTUAL	270
CORBETT SLOUGH DITCH CO.	1,339
DILTS IRRIGATION COMPANY, LTD.	349
ENTERPRISE CANAL COMPANY, LTD.	7,684
ENTERPRISE IRRIGATION DISTRICT	4,018
FARMERS FRIEND IRRIGATION CO., LTD.	1,366
HARRISON CANAL AND IRRIGATION CO.	8,156
IDAHO IRRIGATION DISTRICT	9,035
LENROOT CANAL COMPANY	3,574
LOWDER SLOUGH CANAL CO., LTD.	710
MINIDOKA IRRIGATION DISTRICT	127,040
NEW SWEDEN AND WEST SIDE MUTUAL (INCLUDES MARTIN 1,816)	15,376
PEOPLES CANAL AND IRRIGATION CO.	13,907
POPLAR IRRIGATION DISTRICT (RILEY CANAL)	1,085
PROGRESSIVE IRRIGATION DISTRICT	4,923
RUDY IRRIGATION CANAL COMPANY	2,411
SNAKE RIVER VALLEY IRRIGATION DISTRICT	20,641
SUNNYDELL IRRIGATION DISTRICT	2,732
THE REID CANAL COMPANY	1,005
TREGO DITCH COMPANY	518
UTAH-IDAHO SUGAR CO. (OSGOOD)	5,307
WOODVILLE CANAL COMPANY	2,384

ACTIVE CAPACITY	847,000 ACRE FEET
INACTIVE CAPACITY	0
DEAD STORAGE	0
TOTAL SURFACE AREA	25,540 ACRES AT ELEVATION 6769.0
BANK STORAGE	UNKNOWN

MICROFILMED
NOV 0 5 1996

14. Remarks: Continued
TOTAL RESERVOIR CAPACITY_____ 847,000 ACRE FEET
THE STORAGE RESERVOIR IN THE STATE OF WYOMING, CONTROLS THE TIMING OF FLOWS REACH IDAHO AT THE BORDER, DELIVERIES MADE TO LANDS IN IDAHO, FLOWS PASS THROUGH PALISADES RESERVOIR AND POWERPLANT. STORAGE RELEASES AND DELIVERIES OF STORAGE WATER FROM JACKSON LAKE RESERVOIR, ARE WATERS APPROPRIATED FOR THE MINIDOKA PROJECT DELIVERED THROUGH WATER DISTRICT 01. BUREAU OF RECLAMATION IS RESPONSIBLE FOR ACCOUNTING.
TOTAL OF THE FOLLOWING CLAIMS IS 920,000 ACRE FEET
A01-04055 - PRIORITY DATE 08/23/1906 = 371981
A01-10044 - PRIORITY DATE 08/18/1910 = 138829
A01-10045 - PRIORITY DATE 05/24/1913 = 409190
TOTAL CLAIMED AT THE STATE LINE (920,000 ACRE FEET) IS AVERAGE TOTAL YIELD OF THE WATERSHED.
TOTAL OF WYOMING PERMITS IS 838,000 ACRE FEET.
TOTAL CAPACITY OF THE RESERVOIR (847,000 ACRE FEET) AS A RESULT OF RESURVEY.
POWER RIGHT OF 1,415,000 ACRE FEET IS MAXIMUM RECORDED YIELD OF THE WATERSHED RECORDED AT THE STATE LINE.

15. Basis of Claim: STATUTORY CLAIM

MICROFILMED
NOV 0 5 1996

SCANNED

AUG 1 0 2001

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.

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JUL 07 1989

Department of Water Resources

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   Address: REGIONAL DIRECTOR, P.N. REGION
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8. Total consumptive use is 371981.0 Acre Feet Per Annum.

9. Non-irrigation uses:
   POWER AND DOMESTIC - DE MINIMUS DOMESTIC USE

MICROFILMED

NOV 0 3

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:
R-670/01-02068, R-269/01-02064, 01-10044, 01-10045

14. Remarks:
WYOMING PERMITS DATED: 8/23/1906, 4/1/1907, 8/18/1910, 5/1/1912, 5/24/1913, AND 4/1/1917
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MULTI-YEAR STORAGE FACILITY

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LENROOT CANAL COMPANY	3,574
LOWDER SLOUGH CANAL CO., LTD.	710
MINIDOKA IRRIGATION DISTRICT	127,040
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PROGRESSIVE IRRIGATION DISTRICT	4,923
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MICROFILMED
NOV 0 5 1996

14. Remarks: Continued
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THE STORAGE RESERVOIR IN THE STATE OF WYOMING, CONTROLS THE TIMING OF FLOWS REACH IDAHO AT THE BORDER, DELIVERIES MADE TO LANDS IN IDAHO, FLOWS PASS THROUGH PALISADES RESERVOIR AND POWERPLANT. STORAGE RELEASES AND DELIVERIES OF STORAGE WATER FROM JACKSON LAKE RESERVOIR, ARE WATERS APPROPRIATED FOR THE MINIDOKA PROJECT DELIVERED THROUGH WATER DISTRICT 01. BUREAU OF RECLAMATION IS RESPONSIBLE FOR ACCOUNTING.
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POWER RIGHT OF 1,415,000 ACRE FEET IS MAXIMUM RECORDED YIELD OF THE WATERSHED RECORDED AT THE STATE LINE.

15. Basis of Claim: STATUTORY CLAIM

MICROFILMED
NOV 0 5 1996

No. 6
Form No. 243
5-81

Jackson Lake Storage Releases

Claim No. 01-4055

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES



CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that The United States of America acting through the Regional Director Pacific Northwest Region, Bureau of Reclamation
Federal Building & U.S. Courthouse (Name of Claimant)
Box 043-550 West Fort Street, Boise, Idaho 83724 Telephone No. (208) 334-1908
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) (See attached)

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
Snake River (Jackson Lake Reservoir, WY) tributary to Columbia River

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

	(cfs, af)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive) Period of Use From (Mo., Day)	To (Mo., Day)
Quantity	915,000 af	Use Irrigation	April 1	Oct 31
Quantity	1,415,000 af	Use Power	Jan 1	Dec 31
Quantity	5,000 af	Use Domestic	Jan 1	Dec 31
Quantity		Use		
Quantity		Use		

(4) 1,415,000 af (cfs, af) TOTAL QUANTITY USED.

(5) A) Point of diversion: (Location of point where water is diverted from its source)
NW ¼ NE ¼, Sec. 17 Twp. 1-S Rge. 45-E B.M., County of Bonneville
Additional points of diversion:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. (see attached)

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
						The irrigated acres are those within irrigation companies and/or districts shown in Exhibit A attached.													

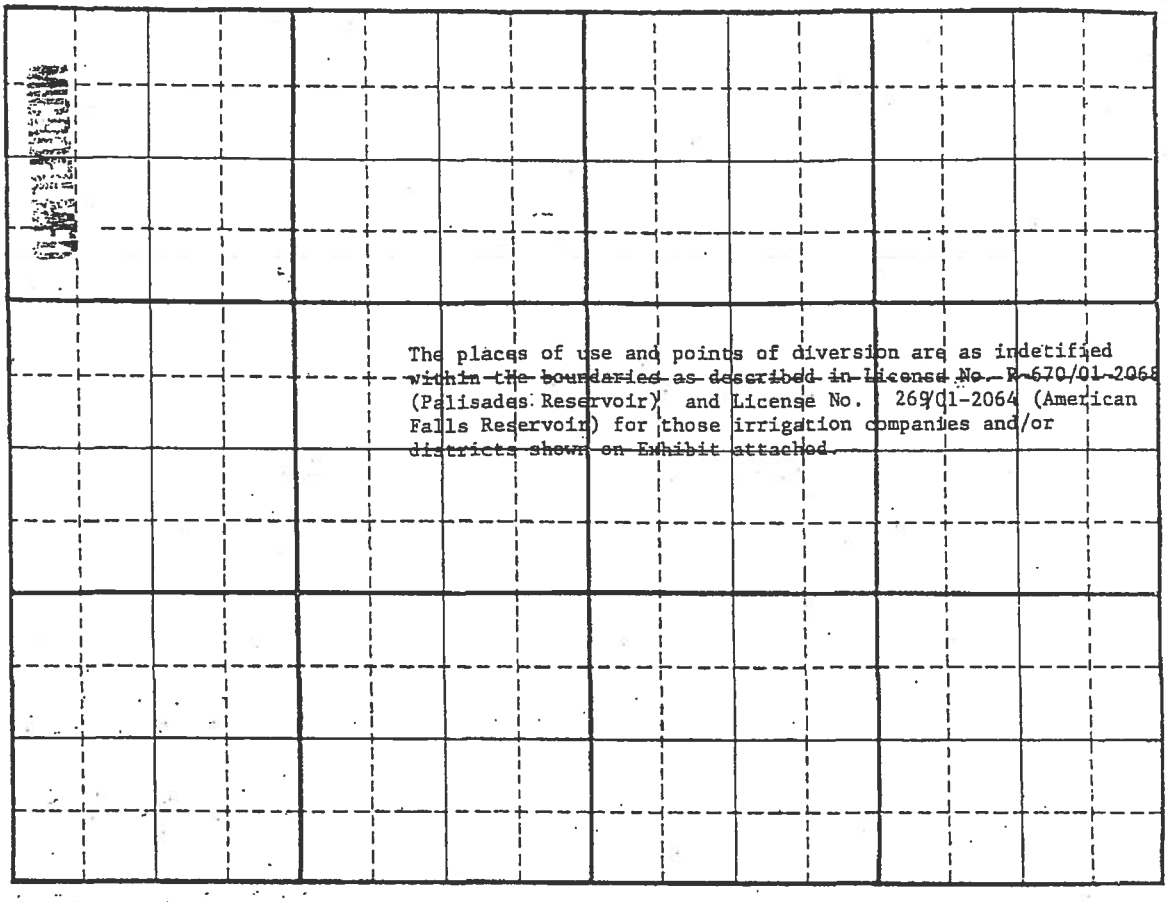
No. of acres 761,061

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:
(see attached)

NOTE: Include here the type and number of stock watered:

(7) If you are claiming water as a member of an organization, list name of organization: The United States of America

(8) Remarks Waters claimed are storage releases from Jackson Lake, Wyoming, entering Idaho at the Idaho/Wyoming border. Active capacity 847,000 acre feet plus bank storage of 68,000 acre feet. Second fill or refill of 500,000 acre feet = 1,415,000 acre feet.



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
) ss.
County of Ada)

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

John W. Keys, III
Acting Regional Director (Claimant)

Sworn to before me this 29th day of June, 1983.

Ed Thomas
Notary Public
Residing at Boise

My commission expires 1-5-88

FOR DEPARTMENT USE ONLY

Received by	See	Date	6/29/83	Exception filed by:	Fowarded to claimant by:	Date
Prelim. check by	KCW	Date	3/14/84			
$30.00 fee received by	AG	Date	6-29-83 # 30087			
Published in	Post Register					
Dates	3/15 - 3/22/84					

1. Date of priority for total yield of 1,415,000 acre-feet of Jackson Lake Reservoir storage flow from the State of Wyoming across the Idaho-Wyoming State line at Snake River Mile Location 980.5 miles into State of Idaho via Palisades Reservoir are as shown:

Date of Priorities		Content (acre-feet)
8/23/1906		298,981
4/1/1907		27,000
8/18/1910		138,829
4/1/1912		12,000
5/24/1913		409,190
4/1/1917		29,000
	Jackson Lake Reservoir Total Capacity	915,000
4/1/1917	Second fill	500,000
	Total Yield	1,415,000 acre feet

Claim for date of priority is based on License issued by Wyoming State Engineer for storage, contracting of allocated Reservoir space, and on Jackson Lake Reservoir enlargements as to when bank storage would have first been used on Minidoka Project (presently Minidoka and Burley Irrigation Districts or Warren Act Lands, presently Twin Falls and North Side Irrigation Companies.)

Date of priorities:

April 1, 1907 Water used on Minidoka Project lands
April 1, 1912 Water used on Minidoka Project lands
April 1, 1917 Water used on Warren Act lands

Bank storage quantities are obtained from cooperative Committee of Nine (Advisory Committee District No. 36), U.S. Geological Survey, and Bureau of Reclamation Study Report concerning "Operation, Jackson Lake Reservoir, Transmission Losses Reservoir Water, Water District 36, Idaho," page 28.

Reservoir Content	Elevation (feet)	Bank Storage (acre-feet) Beginning at Elevation 6728.00
299,000	6745.70	27,000
438,000	6752.00	12,000
847,000	6769.00	29,000

Bank Storage Total = 68,000 acre-feet

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5. (B) A 26-foot outlet tunnel terminating in six outlets controlled by four 7.5 by 9-foot slide gates and two 96-inch hollow-jet valves. Capacity at Reservoir's elevation 5620.0 is 33,000 ft^3/s. Also, a 26-foot power tunnel terminating in four 14-foot diameter penstock branches to powerhouse. Two penstock bypass branches to outlet works control house are each controlled by one 7.5 by 9-foot slide gate. Bypass capacity at Reservoir elevation 5620.0 is 14,000 ft^3/s.

6. (B) The powerplant located is downstream toe of left abutment of Palisades Dam. Generation is by means of four Francis-type turbines with total of 158,000 horsepower at effective head of 190 feet and total plant discharge of approximately 8,560 ft^3/s. Power is distributed by means of power substation located near center of the toe of Palisades Dam.

8. The Jackson Lake Dam and Reservoir served as multiple-purpose storage to the entire Upper Snake River Valley. The head water benefits derived from storage space has been to irrigation needs, re-regulation of low cost hydropower waters, flood protection, and many secondary benefits to both States of Idaho and Wyoming. Documentation of Jackson Reservoir Storage can be found in "Report Snake River Water Problems Concerning Operation, Jackson Lake Reservoir, Transmission Losses Reservoir Water, Water District No. 36, Idaho, by R. I. Meeker, Consulting Engineer, Denver, February 9, 1924.

GROVER & WALKER
CHARTERED
LAW OFFICES
P. O. BOX 36
RIGBY, IDAHO 83442-0036
(208)745-6653

BLAIR J. GROVER
KEITH M. WALKER

T. HAROLD LEE
(1914-1978)

May 25, 1984

RECEIVED
MAY 29 1984
Department of Water Resources
Eastern District Office

Mr. Ron Carlson
Department of Water Resources
150 Shoup Avenue
Idaho Falls, Idaho 83401

Re: Protective Union

Dear Ron:

Enclosed please find an Excxeption to Claim Water Right filed by the Bureau of Reclamation. I suppose it can go of record along with other exceptions which may have been filed.

Yours very truly,

GROVER & WALKER

BLAIR GROVER

BG:pa
Enclosure
cc: Jack Billings

EXCEPTION TO CLAIM WATER RIGHT

AFFIDAVIT

RECEIVED
MAY 24 1984
Department of Water Resources
Eastern District Office

STATE OF IDAHO)
) ss.
County of Jefferson)

Jack Billings being first duly sworn, deposes and states:

1. I am the Chairman of the Directors of the Protective Union.

2. The Protective Union is an organization representing approximately fifty (50) canal companies in the Upper Snake River Valley, located generally from Blackfoot to Rexburg.

3. The Protective Union in behalf of itself and it's member canal companies, takes exemption to the Notice of Claims to Water Rights filed by the Bureau of Reclamation, which notice was published March 15 and March 22, 1984, in the Idaho Falls Post Register, a copy of which published notice is attached hereto, marked Exhibit "A" and by this reference made a part hereof.

4. Representatives of the Bureau have informed representatives of the Protective Union that the claimed water rights are already in existence and allocated, and the claim does not purport to establish or create any new or additional water rights. It would require considerable investigation and research to either dispute or corroborate that claim. Therefore, in the absence of knowledge to the contrary, that representation is at this time taken as accurate.

5. With the explanation in Paragraph 4 herein, exception is nevertheless raised to the 92,000 acre feet of bank storage for the following reasons:

(A) There is no legal right to claim bank storage water.

(B) The bank storage is unavailable unless the reservoir is drawn down. The amount of draw-down will proportionately affect the amount of actual bank storage.

(C) There are no rules or guidelines for use of the bank storage water.

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(D) There is insufficient evidence to establish that there is, in fact, 92,000 acre feet of bank storage that will come out of the banks when the reservoir is lowered. Even if that amount of water seeps into the bank, it is believed the majority of it will not come back into the reservoir as it is lowered.

(E) If bank storage is offset against transmission losses of allocated rights, that can have a detrimental effect on natural flow rights.

(F) All of the design capacity for Palisade storage water has been allocated and if there is in fact extra water, it may be subject to additional claims and/or allocations. If those are made and agreements subsequently entered, if that water does not exist, it will create an intolerable situation among holders of Palisade water because there would not be enough water to fill the contractual allotments.

6. This exception is not intended to suggest that if there is in fact storage water, it should not be prorated among existing spaceholders, but is to raise the problems described herein.

7. To the extent the claim alleges a right to more than 1.2 million acre feet for irrigation, through recharage and/or through refilling of the reservoir after it has once been filled each season, exception to such a right of refilling or recharge is made for the reason that such refilling or recharge interferes with flood water rights now diverted and applied to beneficial use by many water users.

Jack Billings

Subscribed and sworn to before me this 22d day of May, 1984.

Pat Anderson
Notary Public for Idaho
Residing at Rigby, Idaho
Lifetime Commission

(Seal)

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
Eastern Region

150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

APRIL 2, 1984

U.S. DEPT. OF INTERIOR
BUREAU OF RECLAMATION
ATTN: 424 BOX 043
550 W. FORT ST.
BOISE ID 83724

RE: Claim No. 01-4051, 01-4053, 01-4054, 01-4055, 01-4056, and 01-4057

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,

DONALD D. CARLSON
Eastern Region Supervisor

Enclosure (6)

MICROFILMED

United States Department of the Interior

BUREAU OF RECLAMATION
PACIFIC NORTHWEST REGION
FEDERAL BUILDING & U.S. COURTHOUSE
BOX 043 - 550 WEST FORT STREET
BOISE, IDAHO 83724 - 0430

IN REPLY REFER TO: BN-420
870.

JUL 5 1983

Department of Water Resources
Eastern District Office

JUN 29 1983

JUN 30 1983

5 claims to Southern
11 claims to Eastern

Mr. Kenneth Dunn
Idaho Department of Water Resources
Statehouse
Boise, Idaho 83720

Dear Mr. Dunn:

Enclosed are 16 water right claims for use of waters within the Minidoka Project area, summarized as follows:

1.	Minidoka Irrigation District	Artificial Ground Water-Storage
2.	Burley Irrigation District	Artificial Ground Water-Storage
3.	Palisades Reservoir	Bank Storage
4.	Island Park Reservoir	Bank Storage
5.	Lake Walcott	Bank Storage
6.	Jackson Lake Wyoming	Storage Yield (Interstate)
7.	Grassy Lake Wyoming	Storage Yield (Interstate)
8.	Palisades Powerplant	Snake River Natural Flows
9.	Palisades Reservoir	Refill of Storage
10.	Island Park Reservoir	Refill of Storage
11.	American Falls Reservoir	Refill of Storage
12.	Walcott Park	Irrigation
13.	Palisades Camp	Irrigation & Domestic
14.	Palisades Camp	Domestic
15.	Falls Irrigation District	Recapture of Surface Water
16.	A&B Irrigation District	Recapture of Surface Water

The claims, with their attachments are self explanatory.

Claim numbers 3, 4, and 5 are for net yields from so called Bank Storage in Palisades and Island Park Reservoirs and Lake Walcott respectively. Drawdown of American Falls Reservoir, also yields water stored in the permeable banks. However, Certificate No. 01-2064 for American Falls Reservoir already covers 100,000 acre-feet identified as bank storage, so no claim is required.

With regard to Lake Walcott the Foster Decree provides in part follows:

> "It is further ORDERED, ADJUDGED AND DECREED, until otherwise provided by Statute, the State Engineer of the State of Idaho, or his duly authorized deputy, shall determine what part of the water flowing in Snake River at the Minidoka and Milner Dams, is storage waters, and what part is natural flow, as provided by the Idaho Session laws of 1909, entitled: "an act to provide for the

safe-guarding of the rights of those conserving public waters in Reservoirs and prohibiting Misappropriation of such waters by those having no Right to the use of same, and delaring a 'Misdemeanor', the amount of the natural flow to be determined as such natural flow would be, if unaffected by the diversion or acts of the parties hereto or any or either of them or by the release of stored water, the natural flow to which the Twin Falls Projects are entitled to be measured to them at the Milner Dam. (emphasis added.)

Thus, a water right for all "waters flowing in the Snake River at Minidoka and Milner Dams" except natural flow has been adjudicated to the United States. Since bank storage is a result of construction of Federal Reclamation Project Works and not a part of "natural flow," any yield from Bank Storage in Lake Walcott belongs to the United States by Decree and no claim should be required.

Until 1978, the various watermasters determined the "amount of the natural flows" to which the "Twin Falls Projects are entitled" by measurements taken at Neeley, on the basis that the "normal flow at Neeley is the same as the normal flow at Milner would have been, if the Minidoka Dam had never been constructed" (water distribution below Neeley Gaging Station - Lynn Crandall - April 1, 1926).

The computer model used by the District 01, Watermaster for water accounting since 1978, contains no provision for recognizing yield from bank storage, therefore a claim for bank storage yield in Lake Walcott is included with this filing.

Sincerely yours,

John W. Keys, III

Regional Director

Enclosures

cc: Project Superintendent, Burley, Idaho (w/enclosures)

MICROFILMED

SCANNED
AUG 1 2001

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

JUL 07 1989

Ident. Number: A01-04056
Date Received: 10/26/1988
Receipt No: _____
Received By: _____

Department of Water Resources

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

A0104056

1. Name: UNITED STATES OF AMERICA, ACTING THROUGH 208-334-1161
   Address: REGIONAL DIRECTOR, P.N. REGION
   BUREAU OF RECLAMATION
   BOX 043-550 WEST FORT STREET
   BOISE, ID 83724

2. Date of Priority: MAY 03, 1957

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
01S	45E	17	NW NE		BONNEVILLE

5. Description of diverting works:
   PALISADES DAM AND RESERVOIR

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or) A.F.A.
IRRIGATION STORAGE	01/01	12/31		1200000.00
IRRIGATION FROM STORAGE	04/01	11/01		1200000.00
POWER STORAGE	01/01	12/31		1200000.00
POWER FROM STORAGE	01/01	12/31		1200000.00

7. Total Quantity Appropriated is:
   C.F.S. (and/or) 1200000.00 A.F.A.

8. Total consumptive use is 1200000.0 Acre Feet Per Annum.

9. Non-irrigation uses:
   POWER

MICROFILMED
NOV 05 1998

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:
01-02068

14. Remarks:
P/U 1,200,000 ACRES WITHIN SERVICE AREA OF MINIDOKA PROJECT
THE PLACES OF USE AND POINTS OF DIVERSION ARE THOSE OF THE
VARIOUS CONTRACTING ENTITIES FOR STORAGE SPACE IN PALISADES
RESERVOIR AS DESCRIBED IN LICENSE NO. R-670/01-02068.
MULTIPLE OR REFILL CAPABILITY
MULTI-YEAR STORAGE FACILITY
PALISADES SPACEHOLDERS INCLUDE:
A&B IRRIGATION DISTRICT
ABERDEEN-SPRINGFIELD CANAL COMPANY
BLACKFOOT IRRIGATION COMPANY
BURGESS CANAL AND IRRIGATING COMPANY
BURLEY IRRIGATION DISTRICT
BUTLER ISLAND CANAL COMPANY, LTD.
BUTTE AND MARKET LAKE CANAL COMPANY
CITY OF POCATELLO
CLARK AND EDWARDS CANAL COMPANY
CORBETT SLOUGH DITCH COMPANY
CRAIG-MATTSON CANAL COMPANY
DANSKIN DITCH COMPANY
DILTS IRRIGATION COMPANY, LTD.
EAST LABELLE IRRIGATING COMPANY
ENTERPRISE CANAL COMPANY, LTD.
FALLS IRRIGATION DISTRICT
FARMERS FRIEND IRRIGATION COMPANY, LTD.
FOOD MACHINERY COMPANY (WESTVACO)
HARRISON CANAL AND IRRIGATION COMPANY
IDAHO IRRIGATION DISTRICT
ISLAND IRRIGATION COMPANY
J. R. SIMPLOT COMPANY
LENROOT CANAL COMPANY
LOWDER SLOUGH CANAL COMPANY, LTD.
MILNER IRRIGATION DISTRICT
MINIDOKA IRRIGATION DISTRICT
NEW LAVASIDE DITCH COMPANY
NEW SWEDEN AND WEST SIDE MUTUAL
NORTH RIGBY IRRIGATION AND CANAL COMPANY
NORTH SIDE CANAL COMPANY, LTD.

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NOV 05 1996

14. Remarks: Continued
PALISADES WATER USERS, INC.
PARKS AND LEWISVILLE IRRIGATION COMPANY
PARSON DITCH COMPANY, LTD.
PEOPLES CANAL AND IRRIGATION COMPANY
POPLAR IRRIGATION DISTRICT (RILEY CANAL)
PROGRESSIVE IRRIGATION DISTRICT
RIGBY CANAL AND IRRIGATION COMPANY, INC.
RIVERSIDE DITCH COMPANY
RUDY IRRIGATION CANAL COMPANY
SNAKE RIVER VALLEY IRRIGATION DISTRICT
SUNNYDELL IRRIGATION DISTRICT
TEXAS SLOUGH AND LIBERTY PARK
THE REID CANAL COMPANY
TREGO DITCH COMPANY
U.S. INDIAN IRRIGATION SERVICE
WATSON SLOUGH DITCH AND IRRIGATION COMPANY
WEARYRICK DITCH COMPANY
WEST LABELLE AND LONG ISLAND
WOODVILLE CANAL COMPANY
STORAGE SUMMARY STATEMENT
ACTIVE CAPACITY 1,200,000 ACRE FEET
INACTIVE CAPACITY 157,000 ACRE FEET
DEAD STORAGE 44,000 ACRE FEET
TOTAL SURFACE AREA 16,150 ACRES AT ELEVATION 5620.0
BANK STORAGE 92,000 ACRE FEET
TOTAL RESERVOIR CAPACITY 1,401,000 ACRE FEET
AN ADDITIONAL 16,000 ACRE FEET SURCHARGE FOR FLOOD CONTROL
(1,417,000)

15. Basis of Claim: STATUTORY CLAIM
Water Right Number: R-670

MICROFILMED
NOV 05 1990

RECLAMATION
Managing Water in the West

U.S. Department of the Interior
Bureau of Reclamation
Snake River Area Office

1359 Hansen Avenue
Burley, ID 83318

Main Phone: (208) 678-0461

Fax Cover

Date: 03/29/05

Pages including this cover:

Fax: (208) 678-4321

To: Michael Holliday 208 525-7177

From: Dala Walton

Realty Specialist

Code: SRA6434

E-mail: dwalton@pn.usbr.gov

Phone: 208 678-0461

Fax:

Message: RE: Proof of priority and beneficial use for 1-4056 Palisades Refill.

Trust July 3, 1957 Ka ada storage use Statement

WATER DISTRIBUTION

AND HYDROMETRIC WORK

DISTRICT NO. 36

SNAKE RIVER, IDAHO

1957

Received Time Mar. 29. 12:04PM

Palisades Dam Statement

5. Requ on by the Federal Government on Teton River and Henrys Fork.

Construction work on Palisades dam was sufficiently advanced so that a total storage content of 966,700 acre-feet was attained on July 23, 1957, of which a portion was retained American Falls water. There were 622,700 acre-feet still remaining in the Palisades reservoir on September 30, 1957, of which 200,000 acre-feet was dead storage for minimum power head. No allotments of Palisades storage were made in 1957 except 1,352 acre-feet rented by the Bureau of Reclamation. The water stored in Palisades under its priority right in 1957 will be held over for general allotment in 1958 to rights in that reservoir if the 1958 run-off is insufficient to fill Palisades to capacity. The operation of Palisades reservoir in 1957 was largely geared to meet construction requirements and for testing the generating equipment and still retain as much storage as possible without infringing on these prior requirements.

The snow surveys during the winter indicated somewhat above normal snow supply but there were 374,000 acre-feet spilled from Jackson Lake to Palisades between November 16 and December 24, 1956. This nearly drained Jackson Lake to provide for repairs to the upstream concrete face and incidental flood control space there that was considered necessary.

Precipitation was generally well above normal from April thru June and an ample water supply was available thruout the District.

All reservoirs, except Palisades, filled to capacity and about 1,870,000 acre-feet, in excess of Idaho Power Company rights, spilled to waste past Milner in the year ending September 30, 1957. The spill

Received Time Mar. 29. 12:04PM

Palisades 1st Storage
Draft July 3, 1957

re was a period of about a week from July 20-27 when the supply locally available on Henrys Fork and Fall River wasn't sufficient to fill rights to quite as late priorities as shown by above schedule.

Storage draft charges on the various reservoirs began on the following dates: Palisades July 3, American Falls July 6, Jackson Lake July 10, Island Park July 10, Henrys Lake July 18, Grassy Lake July 25.

WATER SUPPLY

Run-off at various gaging stations during the year ending September 30, 1957 was as follows:

Station	1957 Run-off (acre-feet)	Average run-off past years (acre-feet)	Years of Record	1957 ~~1956~~ % of Average
Snake River at Moran	1,175,000	1,052,000	54	112
Snake River near Heise	5,518,000	5,006,000	47	111
Snake River at Neeley	5,867,000	4,960,000	31	112
Fall River near Squirrel	638,900	549,000	43	116
Teton River near St. Anthony	676,100	546,900	24	123
Henrys Fork near Ashton	1,129,500	988,000	37	114
Henrys Fork near Rexburg	1,705,000	1,394,000	48	122

The run-off at Moran has been corrected for Jackson Lake holdovers; at Heise for Jackson Lake and Palisades holdovers; at Neeley for Palisades and American Falls holdovers; at Squirrel for Grassy Lake holdovers; at Ashton for Island Park and Henrys Lake holdovers; at Rexburg for Grassy Lake, Island Park and Henrys Lake holdovers; and at St. Anthony for Cross Cut Canal discharge into Teton River.

The run-off of Teton River and Henrys Fork near Rexburg was greater proportionally than at the other stations, probably mostly due to drain-off from ground water stored in 1956.

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Palisades / 31 Falls
Rapid Start 5/3/57

Plats

Mar.	Apr.	May	June	July	Aug.	
578100	506700	408700	457400	867300	907300	
579000	504200	408700	477300	883200	901500	
579900	501700	409400	500900	896900	894600	
580800	500100	415300	529400	909600	887700	
582600	497600	425800	562200	921300	885400	
583500	496000	436500	597900	929500	875200	
584400	495100	434900	625500	935400	868500	
584400	493500	432700	653900	937800	858400	
586200	490200	431100	680000	936600	847300	722100
588000	487000	430400	694700	937800	837400	714600
588900	483700	429600	704600	940200	825400	705600
590700	480500	431100	714600	945000	815700	697700
592500	478100	433400	733900	949800	806000	688800
588900	475700	440300	748200	953400	800600	681000
584400	474100	441100	759600	959400	795300	675100
579900	470100	441100	770000	963100	792100	668300
575400	466100	438800	777300	964300	787900	669300
571000	462900	437200	780500	964300	784700	668300
566600	460600	435700	782600	964300	780500	667400
562200	457400	438800	783600	964300	775200	665400
556900	455100	439500	790000	965500	772100	660600
550800	451900	439500	797400	965500	768900	654800
544800	451900	436500	801700	966700	766800	648200
538800	454300	433400	804900	964300	763700	644400
532800	450400	430400	809200	963100	760600	637700
526800	444200	425800	814600	958200	758500	634000
520100	436500	422800	822200	947400	756400	630200
516700	429600	422100	829800	937800	753400	626500
513400	420600	425800	840700	929500	750200	623700
511700	414600	433400	852800	921300	749200	622700
507500		443400		913100	748200	

Year or Period

Mean

Acre-Feet

WATER DISTRIBUTION AND HYDROMETRIC WORK DISTRICT No. 36 SNAKE RIVER, IDAHO 1965

Received Time Mar. 29. 12:04PM

Received Time Mar. 29. 12:04PM

MAR-29-05 TUE 12:06 PM JREAU OF REC BURLEY FAX NO. 2086784321 P. 07

...for the year ending September 30, 19 65

	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.
1	1.044	1.013	1.075	1.144	1.172	976	593	519	740	1.340	1.380	1.356
	1.038	1.015	1.078	1.145	1.171	962	582	531	749	1.356	1.376	1.356
	1.034	1.018	1.080	1.147	1.168	949	572	542	760	1.371	1.373	1.355
4	1.031	1.021	1.082	1.148	1.165	936	562	552	778	1.380	1.370	1.354
	1.027	1.023	1.083	1.150	1.162	923	553	562	797	1.389	1.366	1.352
6	1.024	1.025	1.085	1.151	1.159	910	543	570	816	1.396	1.362	1.351
	1.020	1.028	1.086	1.151	1.156	897	535	576	838	1.397	1.360	1.350
	1.017	1.030	1.086	1.152	1.153	883	527	579	864	1.397	1.359	1.350
	1.014	1.033	1.087	1.153	1.151	870	520	581	893	1.397	1.357	1.350
10	1.011	1.035	1.089	1.154	1.152	858	512	582	922	1.397	1.355	1.349
11	1.009	1.038	1.091	1.155	1.153	845	505	583	949	1.396	1.355	1.348
12	1.007	1.040	1.091	1.155	1.152	832	497	585	976	1.397	1.355	1.346
13	1.004	1.042	1.092	1.156	1.153	819	489	590	1.005	1.398	1.355	1.345
14	1.003	1.044	1.093	1.156	1.147	807	481	597	1.037	1.401	1.356	1.343
15	1.002	1.047	1.094	1.156	1.139	795	473	607	1.063	1.403	1.355	1.342
16	1.001	1.048	1.095	1.157	1.130	782	465	618	1.081	1.403	1.355	1.342
17	1.000	1.050	1.095	1.157	1.122	770	459	632	1.101	1.402	1.354	1.344
18	1.000	1.051	1.094	1.157	1.113	759	453	647	1.122	1.400	1.353	1.347
19	999	1.052	1.093	1.157	1.103	746	447	662	1.138	1.399	1.354	1.348
20	999	1.053	1.093	1.157	1.090	734	445	677	1.153	1.402	1.356	1.350
21	999	1.054	1.094	1.157	1.078	722	448	690	1.168	1.405	1.358	1.351
22	999	1.056	1.097	1.157	1.065	709	452	699	1.183	1.403	1.359	1.354
23	1.000	1.057	1.103	1.157	1.053	697	459	705	1.201	1.400	1.361	1.356
24	1.000	1.059	1.114	1.159	1.040	686	466	712	1.220	1.398	1.362	1.357
25	1.001	1.062	1.121	1.159	1.027	674	472	719	1.241	1.397	1.362	1.358
26	1.002	1.064	1.127	1.162	1.014	661	480	722	1.263	1.395	1.362	1.359
27	1.003	1.067	1.132	1.164	1.002	650	486	723	1.285	1.394	1.361	1.360
28	1.005	1.069	1.135	1.167	988	637	493	723	1.303	1.391	1.360	1.360
29	1.006	1.071	1.137	1.170		625	501	723	1.316	1.389	1.359	1.361
30	1.008	1.073	1.140	1.172		613	510	726	1.326	1.386	1.358	1.361
31	1.010		1.142	1.173		601		735		1.383	1.356	

ontents (in thousands of acre-feet)

Mean												
Acre-Feet												

U. S. GOVERNMENT PRINTING OFFICE 16—60046-1

YEAR MEAN

Plate No. 31

WATER DISTRIBUTION

AND HYDROMETRIC WORK

DISTRICT No. 01

SNAKE RIVER, IDAHO

1972

Received Time Mar. 29. 12:04PM

PALISADES RESERVOIR NEAR IRWIN IDAHO NUMBER 13032450

CONTENTS, IN ACRE-FEET, AT 2400, WATER YEAR OCTOBER 1971 TO SEPTEMBER 1972

DAY	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
1	1,263	1,079	1,102	1,115	1,114	1,077	826	392	744	1,284	1,391	1,349
2	1,259	1,071	1,102	1,115	1,113	1,078	613	385	772	1,298	1,390	1,347
3	1,254	1,063	1,102	1,115	1,112	1,078	795	379	798	1,311	1,389	1,344
4	1,248	1,063	1,103	1,115	1,111	1,076	774	375	821	1,322	1,388	1,341
5	1,243	1,064	1,103	1,115	1,109	1,074	754	375	845	1,331	1,387	1,339
6	1,237	1,066	1,104	1,114	1,107	1,071	736	377	871	1,339	1,386	1,337
7	1,231	1,067	1,105	1,114	1,106	1,070	720	385	900	1,349	1,385	1,335
8	1,226	1,068	1,104	1,114	1,104	1,067	702	393	930	1,357	1,384	1,333
9	1,220	1,070	1,104	1,114	1,103	1,062	685	399	958	1,365	1,382	1,331
10	1,214	1,074	1,104	1,113	1,101	1,057	669	403	983	1,372	1,378	1,330
11	1,208	1,076	1,104	1,113	1,100	1,050	654	406	1,007	1,377	1,374	1,329
12	1,201	1,078	1,104	1,114	1,098	1,046	639	409	1,029	1,382	1,370	1,326
13	1,195	1,080	1,104	1,113	1,096	1,042	623	412	1,048	1,386	1,367	1,325
14	1,189	1,081	1,104	1,113	1,094	1,037	605	418	1,062	1,390	1,364	1,322
15	1,183	1,083	1,104	1,112	1,092	1,031	588	428	1,074	1,393	1,364	1,319
16	1,177	1,084	1,104	1,112	1,091	1,025	571	443	1,086	1,396	1,364	1,316
17	1,171	1,086	1,105	1,111	1,089	1,017	554	461	1,101	1,397	1,364	1,312
18	1,167	1,086	1,105	1,111	1,086	1,009	538	481	1,118	1,398	1,364	1,309
19	1,161	1,087	1,105	1,111	1,084	1,003	522	502	1,130	1,398	1,364	1,306
20	1,157	1,089	1,106	1,113	1,082	994	506	523	1,140	1,398	1,364	1,301
21	1,152	1,089	1,106	1,114	1,081	985	490	544	1,150	1,400	1,364	1,296
22	1,147	1,091	1,107	1,115	1,079	975	476	564	1,160	1,402	1,363	1,291
23	1,141	1,092	1,108	1,116	1,077	968	462	580	1,174	1,400	1,363	1,286
24	1,134	1,093	1,109	1,117	1,076	955	450	592	1,192	1,400	1,363	1,281
25	1,127	1,094	1,109	1,117	1,075	938	439	605	1,208	1,400	1,362	1,276
26	1,121	1,095	1,110	1,117	1,074	922	429	617	1,223	1,399	1,361	1,270
27	1,114	1,097	1,112	1,117	1,073	910	419	631	1,237	1,398	1,359	1,266
28	1,110	1,099	1,113	1,116	1,075	892	410	648	1,249	1,397	1,356	1,262
29	1,101	1,100	1,114	1,115	1,076	875	405	668	1,260	1,396	1,355	1,256
30	1,094	1,101	1,114	1,115	------	962	400	691	1,271	1,394	1,352	1,249
31	1,086	------	1,115	1,114	------	944	------	718	------	1,392	1,351	------
MAX	1,263	1,101	1,115	1,117	1,114	1,078	826	718	1,271	1,402	1,391	1,349
MIN	1,086	1,063	1,102	1,111	1,073	875	400	375	744	1,284	1,351	1,249
(†)	5,598.95	5,600.07	5,601.07	5,600.99	5,598.24	5,579.07	5,530.40	5,567.13	5,611.77	5,619.44	5,616.88	5,610.32
(‡)	-181	+15	+14	-1	-38	-232	-444	+318.3	+552.7	+121	-42	-102

CAL YR 1971 ‡ -58
WTR YR 1972 ‡ -18

† Elevation, in feet, at end of month.
‡ Change in contents, in thousands of acre-feet.

PALISADES RESERVOIR NEAR IRWIN, IDAHO

Plate No. 32

Received Time Mar. 29. 12:04PM
MAR-29-05 TUE 12:06 PM BUREAU OF REC BURLEY FAX NO. 12d6784321 P. 09

1987 ANNUAL REPORT

WATER DISTRICT 1

SNAKE RIVER AND TRIBUTARIES

ABOVE MILNER, IDAHO

Ronald D. Carlson, Watermaster
Idaho Department of Water Resources
Eastern Regional Office
150 Shoup Avenue, Suite 15
Idaho Falls, Idaho 83402

Received Time Mar. 29. 12:04PM

03/20/89

13032450 PALISADES RESERVOIR NR IRWIN, ID

CONTENTS IN ACRE FEET, IRRIGATION YEAR NOVEMBER 1986 TO OCTOBER 1987

DAY	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT
1	1180000	1185000	1101000	1054000	1104000	1170000	1192000	1197000	1038000	777000	526000	379000
2	1181000	1184000	1098000	1055000	1106000	1171000	1190000	1196000	1025000	769000	519000	375000
3	1182000	1183000	1093000	1056000	1109000	1172000	1186000	1194000	1014000	761000	512000	371000
4	1183000	1182000	1090000	1057000	1112000	1175000	1181000	1192000	1003000	753500	505000	367000
5	1183000	1181000	1086000	1058000	1114000	1178000	1175000	1190000	990500	745000	499000	363000
6	1184000	1180000	1082000	1058000	1116000	1185000	1168000	1190000	979000	737000	492000	359000
7	1185000	1179000	1078000	1060000	1119000	1191000	1162000	1190000	967000	729000	486000	355000
8	1186000	1177500	1074000	1061000	1122000	1198000	1157000	1192000	956000	720000	479000	352000
9	1187000	1176000	1069000	1063000	1125000	1202000	1152000	1195000	945000	712000	473000	348000
10	1187000	1174000	1064000	1064000	1128000	1201000	1147000	1198000	935500	703000	467000	345000
11	1187000	1172000	1059000	1066000	1131000	1201000	1142000	1199000	926000	694000	462000	341000
12	1187000	1170000	1057000	1068000	1134000	1201000	1138000	1200000	915000	685000	456000	338000
13	1187000	1167000	1055000	1070000	1137000	1201000	1134000	1200000	905000	677000	451000	335000
14	1186500	1164000	1052000	1072000	1140000	1201000	1132000	1200000	894000	669000	446000	332000
15	1186000	1161000	1052000	1074000	1143000	1202000	1130000	1198000	884000	662000	441000	330000
16	1187000	1159000	1051000	1076000	1146000	1204000	1130000	1194000	873000	654000	436000	329000
17	1187000	1155000	1050000	1078000	1148000	1205000	1133000	1190000	863000	646000	431000	328000
18	1187000	1151000	1049000	1080000	1151000	1205000	1141000	1184500	854500	638000	426000	328000
19	1188000	1147000	1048000	1082000	1154000	1204000	1153000	1178000	847000	630000	422000	329000
20	1188000	1144000	1047000	1084000	1156000	1202000	1163000	1171000	839500	621000	417000	331000
21	1188000	1141000	1046000	1086000	1159000	1200000	1173000	1162000	834500	613000	413000	333000
22	1188000	1137000	1046000	1088000	1161000	1200000	1179000	1153000	832000	604000	409000	335000
23	1188000	1134000	1045000	1091000	1163000	1200000	1182000	1143000	826500	595500	406000	338000
24	1188000	1131000	1046000	1093000	1164000	1201000	1184000	1133000	824000	587000	403000	341000
25	1188000	1128000	1047000	1095000	1165000	1202000	1187000	1121000	819500	579500	399000	344000
26	1188000	1125000	1048000	1097000	1166000	1203000	1189000	1108000	815000	572000	397000	346000
27	1187000	1122000	1049000	1099000	1166500	1204000	1191000	1095000	810000	564000	394000	349000
28	1186000	1118000	1051000	1101000	1167000	1203000	1194000	1081000	804000	557000	391000	352000
29	1185000	1114000	1052000	---	1167500	1200000	1195000	1066000	797000	549000	388000	355000
30	1185000	1110000	1052000	---	1168000	1195000	1196000	1052000	791000	541000	384000	357000
31	---	1106000	1053000	---	1169000	---	1196000	---	784000	534000	---	360000
MAX	1188000	1185000	1101000	1101000	1169000	1205000	1196000	1200000	1038000	777000	526000	379000
MIN	1180000	1106000	1045000	1054000	1104000	1170000	1130000	1052000	784000	534000	384000	328000
CHNG		-79000	-53000	48000	68000	26000	-39000	-144000	-268000	-250000	-150000	-24000

Received Time Mar 12:04PM

1997 ANNUAL REPORT

WATER DISTRICT 1

SNAKE RIVER AND TRIBUTARIES

ABOVE MILNER, IDAHO

Ronald D. Carlson, Watermaster
Idaho Department of Water Resources
Eastern Regional Office
900 North Skyline Drive, Suite A
Idaho Falls, Idaho 83402

Received Time Mar. 29. 12:04PM

23-MAR-98

13032450 PALISADES RESERVOIR NEAR IRWIN, IDAHO
CONTENTS IN ACRE FEET AT HR 2400, IRRIGATION YEAR NOVEMBER 1996 TO OCTOBER 1997

DAY	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT
1	917800	991900	1046900	982800	636500	185000	56300	762900	1190500	1178500	1112800	1076200
2	920100	993800	1052500	976200	618900	173300	50400	806300	1189800	1174400	1110700	1074700
3	922100	995500	1059400	969600	602200	161800	44400	846100	1190500	1169400	1109100	1073500
4	924200	997900	1063700	961600	584000	150100	40100	886700	1195400	1164800	1107200	1071300
5	926300	999600	1067100	953800	566200	138800	38500	933600	1200700	1163700	1104900	1069200
6	928800	1001500	1069500	945600	548500	128300	39000	979300	1204800	1160800	1102400	1066800
7	930900	1003400	1072100	937600	530200	116200	41500	1023700	1207000	1158100	1099900	1066300
8	933000	1006100	1073900	929100	512600	104700	45700	1069700	1207100	1154100	1097200	1066900
9	934800	1008000	1075300	921000	495000	96200	51900	1114400	1206500	1151100	1094400	1067500
10	936800	1011700	1076100	913300	476700	88500	62800	1155700	1205300	1149000	1091800	1068000
11	938600	1015000	1075100	906100	459000	82700	77000	1181000	1203700	1148400	1092200	1068000
12	940300	1017100	1072600	898900	441800	79200	98200	1196400	1206100	1147200	1091900	1068000
13	942300	1019300	1070000	890600	424700	75800	120100	1201800	1204700	1145300	1090800	1068400
14	944900	1020500	1066800	881800	408200	72800	146600	1201100	1200700	1144000	1089800	1069400
15	946900	1021400	1063700	870400	391800	70100	179200	1199800	1197700	1141200	1088800	1070900
16	948900	1022600	1060100	857000	375700	67500	216100	1198800	1197900	1138400	1088200	1072600
17	950900	1022900	1056200	841900	360900	66100	257000	1200300	1198400	1134900	1087400	1074400
18	954800	1022800	1053100	826500	346200	65300	300200	1206600	1198700	1131700	1087000	1075800
19	957700	1023500	1050100	810100	332100	66400	340600	1213000	1197900	1128900	1086200	1077000
20	963300	1024900	1046900	794900	318900	67800	377600	1214600	1197200	1125500	1085600	1078400
21	967200	1026700	1044900	779100	306700	71200	413900	1209500	1194900	1124900	1085700	1080700
22	970700	1028000	1042800	761100	295400	70200	451500	1203200	1192100	1124600	1085700	1083900
23	974300	1029200	1040000	742900	284600	67900	488200	1200200	1190800	1123600	1085300	1087600
24	977000	1030300	1035000	725000	274300	64800	528600	1197900	1190300	1123200	1084800	1090400
25	979600	1032100	1028300	706800	262800	60700	568700	1193400	1190000	1122400	1083600	1093500
26	981900	1034800	1022200	689500	251300	57800	598800	1192600	1189000	1121200	1082800	1096400
27	983300	1037300	1015600	671900	241400	58200	619600	1191800	1186900	1119800	1081600	1099400
28	985200	1038900	1008500	654700	231100	60700	638500	1190200	1185400	1118600	1080400	1102500
29	987400	1040600	1001800	---	219200	62100	661700	1189300	1185100	1117800	1079100	1105500
30	989300	1042600	995100	---	207700	59900	690100	1189800	1184000	1116300	1077700	1109100
31	---	1044900	988700	---	197000	---	721600	---	1181900	1114400	---	1112600
MAX	989300	1044900	1076100	982800	636500	185000	721600	1214600	1207100	1178500	1112800	1112600
MIN	917800	991900	988700	654700	197000	57800	38500	762900	1181900	1114400	1077700	1066300
CHNG		55600	-56200	-334000	-457700	-137100	661700	468200	-7900	-67500	-36700	34900

9-7

Received Time Mar 23. 12:04PM

RECLAMATION
Managing Water in the West

U.S. Department of the Interior
Bureau of Reclamation
Snake River Area Office

1359 Hansen Avenue
Burley, ID 83318

Main Phone: (208) 678-0461

Fax Cover

Date: 03/29/05

Pages including this cover:

Fax: (208) 678-4321

To: Michael Holliday 208 525-7177

From: Dala Walton
Realty Specialist
Code: SRA6434
E-mail: dwalton@pn.usbr.gov
Phone: 208 678-0461

Fax:

Message: RE: Proof of priority and beneficial use for 1-4056 Palisades Refill.

Dist July 3, 19[illegible] for storage use Statement

WATER DISTRIBUTION

AND HYDROMETRIC WORK

DISTRICT NO. 36

SNAKE RIVER, IDAHO

1957

Received Time Mar. 29. 12:20PM

Palisades Project
St. July 3, 1957 Palisades Project Statement

5. Requ on by the Federal Government on Teton River and Henrys Fork.

Construction work on Palisades dam was sufficiently advanced so that a total storage content of 966,700 acre-feet was attained on July 23, 1957, of which a portion was retained American Falls water. There were 622,700 acre-feet still remaining in the Palisades reservoir on September 30, 1957, of which 200,000 acre-feet was dead storage for minimum power head. No allotments of Palisades storage were made in 1957 except 1,352 acre-feet rented by the Bureau of Reclamation. The water stored in Palisades under its priority right in 1957 will be held over for general allotment in 1958 to rights in that reservoir if the 1958 run-off is insufficient to fill Palisades to capacity. The operation of Palisades reservoir in 1957 was largely geared to meet construction requirements and for testing the generating equipment and still retain as much storage as possible without infringing on these prior requirements.

The snow surveys during the winter indicated somewhat above normal snow supply but there were 374,000 acre-feet spilled from Jackson Lake to Palisades between November 16 and December 24, 1956. This nearly drained Jackson Lake to provide for repairs to the upstream concrete face and incidental flood control space there that was considered necessary.

Precipitation was generally well above normal from April thru June and an ample water supply was available thruout the District.

All reservoirs, except Palisades, filled to capacity and about 1,870,000 acre-feet, in excess of Idaho Power Company rights, spilled to waste past Milner in the year ending September 30, 1957. The spill

Received Time Mar. 29. 12:20PM

Palisade, 1st Storage
Draft July 3, 1957

...e was a period of about a week from July 20-27 when the supply locally available on Henrys Fork and Fall River wasn't sufficient to fill rights to quite as late priorities as shown by above schedule.

Storage draft charges on the various reservoirs began on the following dates: Palisades July 3,; American Falls July 6, Jackson Lake July 10, Island Park July 10, Henrys Lake July 18, Grassy Lake July 25.

WATER SUPPLY

Run-off at various gaging stations during the year ending September 30, 1957 was as follows:

Station	1957 Run-off (acre-feet)	Average run-off past years (acre-feet)	Years of Record	1957 ~~1956~~ % of Average
Snake River at Moran	1,175,000	1,052,000	54	112
Snake River near Heise	5,518,000	5,006,000	47	111
Snake River at Neeley	5,867,000	4,960,000	31	112
Fall River near Squirrel	638,900	549,000	43	116
Teton River near St. Anthony	676,100	546,900	24	123
Henrys Fork near Ashton	1,129,500	988,000	37	114
Henrys Fork near Rexburg	1,705,000	1,394,000	48	122

The run-off at Moran has been corrected for Jackson Lake holdovers; at Heise for Jackson Lake and Palisades holdovers; at Neeley for Palisades and American Falls holdovers; at Squirrel for Grassy Lake holdovers; at Ashton for Island Park and Henrys Lake holdovers; at Rexburg for Grassy Lake, Island Park and Henrys Lake holdovers; and at St. Anthony for Cross Cut Canal discharge into Teton River.

The run-off of Teton River and Henrys Fork near Rexburg was greater proportionally than at the other stations, probably mostly due to drain-off from ground water stored in 1956.

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Parkwater / 2nd Flows
Burley Station 5/3/57

Feet

946	992	237700	523400	552600	578100	506700	408700	457400	867300	907300	
918	955	249900	524300	553400	579000	504200	408700	477300	883200	901500	
1000	6520	264300	526000	554300	579900	501700	409400	500900	896900	894600	
1000		277900	526800	555200	580800	500100	415300	529400	909600	887700	
983	12300	291200	527700	556900	582600	497600	425800	562200	921300	885400	
1000	18000	304900	528500	557800	583500	496000	436500	597900	929500	875200	
	23800	317500	529400	558700	584400	495100	434900	625500	935400	868500	
1020	29400	329700	530200	559500	584400	493500	432700	653900	937800	858400	
973	35200	340800	531900	560400	586200	490200	431100	680000	936600	847300	722100
1020	41300	353500	532800	561300	588000	487000	430400	694700	937800	837400	714600
1010		367200	533600	561300	588900	483700	429600	704600	940200	825400	705600
1010	51500	380500	534500	562200	590700	480500	431100	714600	945000	815700	697700
1020	56700	392600	536200	563000	592500	478100	433400	733900	949800	806000	688800
	58700	405700	538800	563900	588900	475700	440300	748200	953400	800600	681000
1000	61200	418300	540500	564800	584400	474100	441100	759600	959400	795300	675100
1010	62900	432700	541300	564800	579900	470100	441100	770000	963100	792100	668300
1000		443400	542200	566600	575400	466100	438800	777300	964300	787900	669300
983		454300	543000	566600	571000	462900	437200	780500	964300	784700	668300
983	84100	465300	543000	566600	566600	460600	435700	782600	964300	780500	667400
964	96000	474900	543900	567400	562200	457400	438800	783600	964300	775200	665400
	108400	484500	544800	568300	556900	455100	439500	790000	965500	772100	660600
955	121100	493500	546500	569200	550800	451900	439500	797400	965500	768900	654800
964	135300	500900	547400	569200	544800	451900	436500	801700	966700	766800	648200
1020	148500	507500	548200	570100	538800	454300	433400	804900	964300	763700	644400
983		514200	549100	571900	532800	450400	430400	809200	963100	760600	637700
1000	174000	517500	550000	573600	526800	444200	425800	814600	958200	758500	634000
1040	187000	518400	550800	575400	520100	436500	422800	822200	947400	756400	630200
	199600	519200	551700	576300	516700	429600	422100	829800	937800	753400	626500
1010	212200	520100	551700	—	513400	420600	425800	840700	929500	750200	623700
1000	225200	520900	551700		511700	414600	433400	852800	921300	749200	622700
1010		521700	551700		507500		443400		913100	748200	

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YEAR OR PERIOD

MEAN

ACRE-FEET

WATER DISTRIBUTION AND HYDROMETRIC WORK DISTRICT No. 36 SNAKE RIVER, IDAHO 1965

Received Time Mar. 29. 12:20PM

Received Time Mar. 29. 12:20PM
MAR-29-05 TUE 12:22 PM BUREAU OF REC BURLEY FAX NO. 8678432 P. 07

...for the year ending September 30, 19 65

Day	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.
	1044	1013	1075	1144	1172	976	593	519	740	1340	1380	1356
	1038	1015	1078	1145	1171	962	582	531	749	1356	1376	1356
	1034	1018	1080	1147	1168	949	572	542	760	1371	1373	1355
	1031	1021	1082	1148	1165	936	562	552	778	1380	1370	1354
	1027	1023	1083	1150	1162	923	553	562	797	1389	1366	1352
	1024	1025	1085	1151	1159	910	543	570	816	1396	1362	1351
	1020	1028	1086	1151	1156	897	535	576	838	1397	1360	1350
	1017	1030	1086	1152	1153	883	527	579	864	1397	1359	1350
	1014	1033	1087	1153	1151	870	520	581	893	1397	1357	1350
	1011	1035	1089	1154	1152	858	512	582	922	1397	1355	1349
	1009	1038	1091	1155	1153	845	505	583	949	1396	1355	1348
12	1007	1040	1091	1155	1152	832	497	585	976	1397	1355	1346
13	1004	1042	1092	1156	1153	819	489	590	1005	1398	1355	1345
14	1003	1044	1093	1156	1147	807	481	597	1037	1401	1356	1343
15	1002	1047	1094	1156	1139	795	473	607	1063	1403	1355	1342
16	1001	1048	1095	1157	1130	782	465	618	1081	1403	1355	1342
17	1000	1050	1095	1157	1122	770	459	632	1101	1402	1354	1344
18	1000	1051	1094	1157	1113	759	453	647	1122	1400	1353	1347
19	999	1052	1093	1157	1103	746	447	662	1138	1399	1354	1348
20	999	1053	1093	1157	1090	734	445	677	1153	1402	1356	1350
21	999	1054	1094	1157	1078	722	448	690	1168	1405	1358	1351
22	999	1056	1097	1157	1065	709	452	699	1183	1403	1359	1354
23	1000	1057	1103	1157	1053	697	459	705	1201	1400	1361	1356
24	1000	1059	1114	1159	1040	686	466	712	1220	1398	1362	1357
25	1001	1062	1121	1159	1027	674	472	719	1241	1397	1362	1358
26	1002	1064	1127	1162	1014	661	480	722	1263	1395	1362	1359
27	1003	1067	1132	1164	1002	650	486	723	1285	1394	1361	1360
28	1005	1069	1135	1167	988	637	493	723	1303	1391	1360	1360
29	1006	1071	1137	1170		625	501	723	1316	1389	1359	1361
30	1008	1073	1140	1172		613	510	726	1326	1386	1358	1361
31	1010		1142	1173		601		735		1383	1356	

Contents (in thousands of acre-feet)

Mean												
Acre-Feet												

U. S. GOVERNMENT PRINTING OFFICE 16—60093-1

Year Mean

Plate No. 31

WATER DISTRIBUTION AND HYDROMETRIC WORK

DISTRICT No. 01
SNAKE RIVER, IDAHO

1972

Received Time Mar. 29. 12:20PM

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MAR-29-05 TUE 12:22 PM BUREAU OF REC BURLEY FAX NO. 12 0784321 P. 09

PALISADES RESERVOIR NEAR IRWIN IDAHO NUMBER 13032450

CONTENTS, IN ACRE-FEET, AT 2400, WATER YEAR OCTOBER 1971 TO SEPTEMBER 1972

DAY	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
1	1,263	1,079	1,102	1,115	1,114	1,077	826	392	744	1,284	1,391	1,349
2	1,259	1,071	1,102	1,115	1,113	1,078	613	385	772	1,298	1,390	1,347
3	1,254	1,063	1,102	1,115	1,112	1,078	795	379	798	1,311	1,389	1,344
4	1,248	1,063	1,103	1,115	1,111	1,076	774	375	821	1,322	1,388	1,341
5	1,243	1,064	1,103	1,115	1,109	1,074	754	375	845	1,331	1,387	1,339
6	1,237	1,066	1,104	1,114	1,107	1,071	736	377	871	1,339	1,386	1,337
7	1,231	1,067	1,105	1,114	1,106	1,070	720	385	900	1,349	1,385	1,335
8	1,226	1,068	1,104	1,114	1,104	1,067	702	393	930	1,357	1,384	1,333
9	1,220	1,070	1,104	1,114	1,103	1,062	685	399	958	1,365	1,382	1,331
10	1,214	1,074	1,104	1,113	1,101	1,057	669	403	983	1,372	1,378	1,330
11	1,208	1,076	1,104	1,113	1,100	1,050	654	406	1,007	1,377	1,374	1,329
12	1,201	1,078	1,104	1,114	1,098	1,046	639	409	1,029	1,382	1,370	1,326
13	1,195	1,080	1,104	1,113	1,096	1,042	623	412	1,048	1,386	1,367	1,325
14	1,189	1,081	1,104	1,113	1,094	1,037	605	418	1,062	1,390	1,364	1,322
15	1,183	1,083	1,104	1,112	1,092	1,031	588	428	1,074	1,393	1,364	1,319
16	1,177	1,084	1,104	1,112	1,091	1,025	571	443	1,086	1,396	1,364	1,316
17	1,171	1,086	1,105	1,111	1,089	1,017	554	461	1,101	1,397	1,364	1,312
18	1,167	1,086	1,105	1,111	1,086	1,009	538	481	1,118	1,398	1,364	1,309
19	1,161	1,087	1,105	1,111	1,084	1,003	522	502	1,130	1,398	1,364	1,306
20	1,157	1,089	1,106	1,113	1,082	994	506	523	1,140	1,398	1,364	1,301
21	1,152	1,089	1,106	1,114	1,081	985	490	544	1,150	1,400	1,364	1,296
22	1,147	1,091	1,107	1,115	1,079	975	476	564	1,160	1,402	1,363	1,291
23	1,141	1,092	1,108	1,116	1,077	968	462	580	1,174	1,400	1,363	1,286
24	1,134	1,093	1,109	1,117	1,076	955	450	592	1,192	1,400	1,363	1,281
25	1,127	1,094	1,109	1,117	1,075	938	439	605	1,208	1,400	1,362	1,276
26	1,121	1,095	1,110	1,117	1,074	922	429	617	1,223	1,399	1,361	1,270
27	1,114	1,097	1,112	1,117	1,073	910	419	631	1,237	1,398	1,359	1,266
28	1,110	1,099	1,113	1,116	1,075	892	410	648	1,249	1,397	1,356	1,262
29	1,101	1,100	1,114	1,115	1,076	875	405	668	1,260	1,396	1,355	1,256
30	1,094	1,101	1,114	1,115	------	962	400	691	1,271	1,394	1,352	1,249
31	1,086	------	1,115	1,114	------	944	------	718	------	1,392	1,351	------
MAX	1,263	1,101	1,115	1,117	1,114	1,078	826	718	1,271	1,402	1,391	1,349
MIN	1,086	1,063	1,102	1,111	1,073	875	400	375	744	1,284	1,351	1,249
(†)	5,598.95	5,600.07	5,601.07	5,600.99	5,598.24	5,579.07	5,530.40	5,567.13	5,611.77	5,619.44	5,616.88	5,610.32
(‡)	-181	+15	+14	-1	-38	-232	-444	+318.3	+552.7	+121	-42	-102

CAL YR 1971 ‡ -58
WTR YR 1972 ‡ -18

† Elevation, in feet, at end of month.
‡ Change in contents, in thousands of acre-feet.

PALISADES RESERVOIR NEAR IRWIN, IDAHO

Plate No. 32

1987 ANNUAL REPORT

WATER DISTRICT 1

SNAKE RIVER AND TRIBUTARIES

ABOVE MILNER, IDAHO

Ronald D. Carlson, Watermaster
Idaho Department of Water Resources
Eastern Regional Office
150 Shoup Avenue, Suite 15
Idaho Falls, Idaho 83402

Received Time Mar. 29. 12:20PM

Received Time Mar. 29. 12:20PM

MAR-29-05 TUE 12:22 PM BUREAU OF REC BURLEY FAX NO. 2083784321 P. 11

03/20/89

13032450 PALISADES RESERVOIR NR IRWIN, ID
CONTENTS IN ACRE FEET, IRRIGATION YEAR NOVEMBER 1986 TO OCTOBER 1987

DAY	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT
1	1180000	1185000	1101000	1054000	1104000	1170000	1192000	1197000	1038000	777000	526000	379000
2	1181000	1184000	1098000	1055000	1106000	1171000	1190000	1196000	1025000	769000	519000	375000
3	1182000	1183000	1093000	1056000	1109000	1172000	1186000	1194000	1014000	761000	512000	371000
4	1183000	1182000	1090000	1057000	1112000	1175000	1181000	1192000	1003000	753500	505000	367000
5	1183000	1181000	1086000	1058000	1114000	1178000	1175000	1190000	990500	745000	499000	363000
6	1184000	1180000	1082000	1058000	1116000	1185000	1168000	1190000	979000	737000	492000	359000
7	1185000	1179000	1078000	1060000	1119000	1191000	1162000	1190000	967000	729000	486000	355000
8	1186000	1177500	1074000	1061000	1122000	1198000	1157000	1192000	956000	720000	479000	352000
9	1187000	1176000	1069000	1063000	1125000	1202000	1152000	1195000	945000	712000	473000	348000
10	1187000	1174000	1064000	1064000	1128000	1201000	1147000	1198000	935500	703000	467000	345000
11	1187000	1172000	1059000	1066000	1131000	1201000	1142000	1199000	926000	694000	462000	341000
12	1187000	1170000	1057000	1068000	1134000	1201000	1138000	1200000	915000	685000	456000	338000
13	1187000	1167000	1055000	1070000	1137000	1201000	1134000	1200000	905000	677000	451000	335000
14	1186500	1164000	1052000	1072000	1140000	1201000	1132000	1200000	894000	669000	446000	332000
15	1186000	1161000	1052000	1074000	1143000	1202000	1130000	1198000	884000	662000	441000	330000
16	1187000	1158000	1051000	1076000	1146000	1204000	1130000	1194000	873000	654000	436000	329000
17	1187000	1155000	1050000	1078000	1148000	1205000	1133000	1190000	863000	646000	431000	328000
18	1187000	1151000	1049000	1080000	1151000	1205000	1141000	1184500	854500	638000	426000	328000
19	1188000	1147000	1048000	1082000	1154000	1204000	1153000	1178000	847000	630000	422000	329000
20	1188000	1144000	1047000	1084000	1156000	1202000	1163000	1171000	839500	621000	417000	331000
21	1188000	1141000	1046000	1086000	1159000	1200000	1173000	1162000	834500	613000	413000	333000
22	1188000	1137000	1046000	1088000	1161000	1200000	1179000	1153000	832000	604000	409000	335000
23	1188000	1134000	1045000	1091000	1163000	1200000	1182000	1143000	828500	595500	406000	338000
24	1188000	1131000	1046000	1093000	1164000	1201000	1184000	1133000	824000	587000	403000	341000
25	1188000	1128000	1047000	1095000	1165000	1202000	1187000	1121000	819500	579500	399000	344000
26	1188000	1125000	1048000	1097000	1166000	1203000	1189000	1108000	815000	572000	397000	346000
27	1187000	1122000	1049000	1099000	1166500	1204000	1191000	1095000	810000	564000	394000	349000
28	1186000	1118000	1051000	1101000	1167000	1203000	1194000	1081000	804000	557000	391000	352000
29	1185000	1114000	1052000	---	1167500	1200000	1195000	1066000	797000	549000	388000	355000
30	1185000	1110000	1052000	---	1168000	1195000	1196000	1052000	791000	541000	384000	357000
31	---	1106000	1053000	---	1169000	---	1196000	---	784000	534000	---	360000
MAX	1188000	1185000	1101000	1101000	1169000	1205000	1196000	1200000	1038000	777000	526000	379000
MIN	1180000	1106000	1045000	1054000	1104000	1170000	1130000	1052000	784000	534000	384000	328000
CHNG		-79000	-53000	48000	68000	26000	1000	-144000	-268000	-250000	-150000	-24000

1997 ANNUAL REPORT

WATER DISTRICT 1

SNAKE RIVER AND TRIBUTARIES

ABOVE MILNER, IDAHO

Ronald D. Carlson, Watermaster
Idaho Department of Water Resources
Eastern Regional Office
900 North Skyline Drive, Suite A
Idaho Falls, Idaho 83402

Received Time Mar. 29. 12:20PM

* * * Error Report (Mar. 29. 2005 12:23PM) * * *

1) Idaho Dept. of Water Resources
2)

File No.	User Name	Destination	Mode	Time	Page	Result
1372		12086784321	G3RES	2'37"	P. 13	E

Page not received
P. 13

Quick Service Code
00-83

: Batch
M : Memory
S : Standard
) : Reduction
Q : RX Notice Req.

C : Confidential
L : Send later
D : Detail
H : Stored/D. Server
A : RX Notice

$: Transfer
@ : Forwarding
F : Fine
* : LAN-Fax

P : Polling
E : ECM
U : Super Fine
+ : Delivery

No. 9

Form No. 243
9/81

Palisades Reservoir
Multiple or
Refill

Claim No. 01-4056

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that The United States of America acting through the Regional Director, Pacific Northwest Region, Bureau of Reclamation (Name of Claimant)
Federal Building & U.S. Courthouse
Box 043-550 West Fort Street, Boise, Idaho 83724 (Mailing Address) (Zip Code) Telephone No. (208) 334-1908

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) May 3, 1957

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
Snake River tributary to Columbia River

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed: Palisades Reservoir multiple or refill capability

	(cfs, af)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive) Period of Use From (Mo., Day)	To (Mo., Day)
Quantity	1,200,000 af	Use Irrigation	Period of Use From April 1	To Oct. 31
Quantity	1,200,000 af	Use power generation	Period of Use From Jan 1	To Dec. 31
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To

(4) 1,200,000 af (cfs, af) TOTAL QUANTITY USED.

(5) A) Point of diversion: (Location of point where water is diverted from its source)
NW ¼ NE ¼, Sec. 17 Twp. 1-S Rge. 45-E B.M., County of Bonneville
Additional points of diversion:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. 26-feet outlet tunnel terminating in six outlets controlled by four 7.5 by 9 ft. slide gates and two 96-inch hollow-jet valves. Capacity at reservoir elevation 5620.0 is 33,000 ft^3/s. Also, a 26-ft power tunnel termination in four 14-ft. diameter penstock*

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
							(Palisades Reservoir)												
											1,038,098 acres within the service area								
											of the organization listed in Exhibit A								
											of license of Water Right No. R67U/01-2068.								

No. of acres 1,038,098

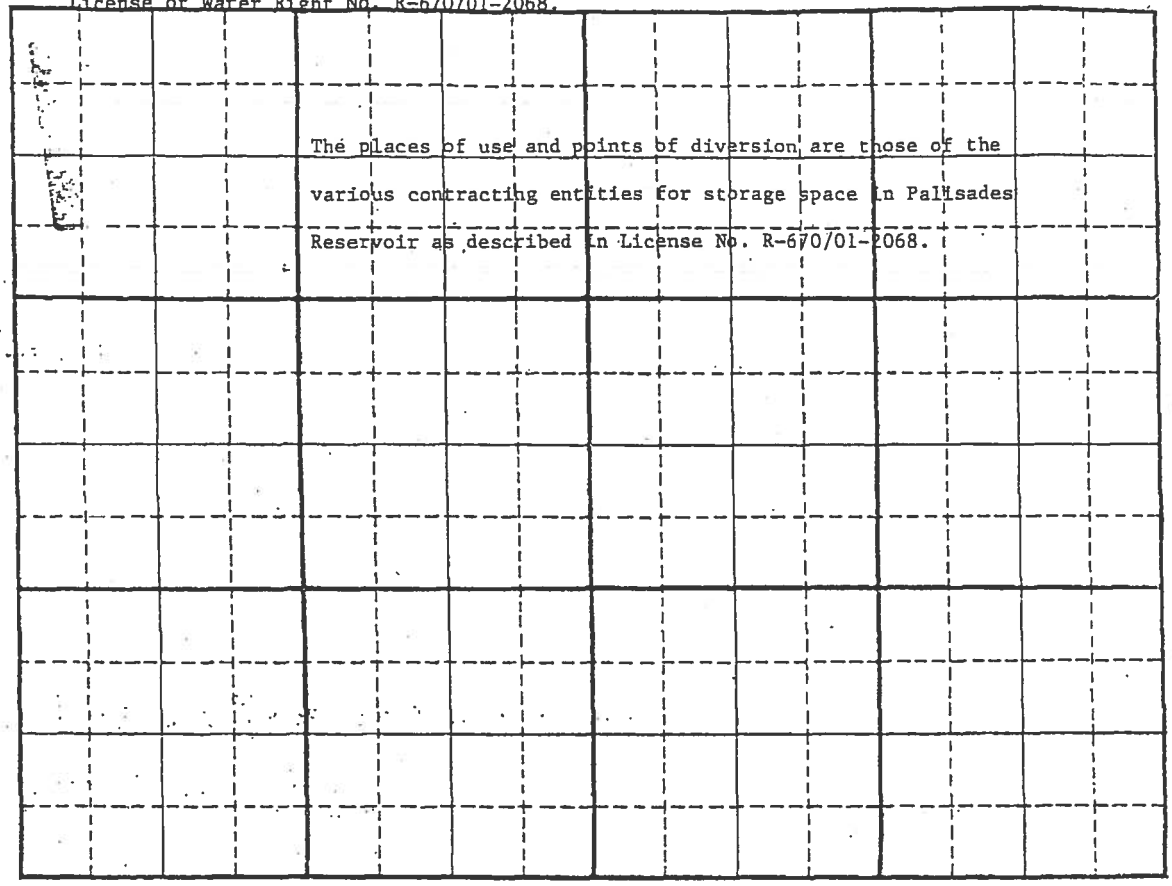
B) If water is used for other than irrigation, fully describe that use, being as specific as possible: For hydropower production by means of powerplant located at downstream toe of left abutment of Palisades Dar Generation is by means of four Francis-type turbines with total of 158,000 horse-power (at effective head of 190 feet and total plant discharge of approx. 8560 ft^3/s. Power is distributed by means of power substation located near center of the toe of Palisades Dam.

NOTE: Include here the type and number of stock watered:

(7) If you are claiming water as a member of an organization, list name of organization: United States of America

*branches to powerhouse. Two penstock bypass branches to outlet works control house are each controlled by one 7.5-by 9-ft. slide gate. Bypass capacity at reservoir elevation 5620.0 is 14,000 ft^3/s.

(8) Remarks Claim is for calculated and/or actual multiple fill or refill of Reservoir when circumstances permit. The Palisades Project is a multiple-purpose development involving irrigation, power, flood control, recreation, and fish and wildlife conservation. Palisades Dam & Reservoir by-passes storable waters in order to provide State of Idaho with optimum Project benefits including flood control. This claim to a Water Right is in addition to License of Water Right No. R-670/01-2068.



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
) ss.
County of Ada)

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

John W. Keys, III
Acting Regional Director (Claimant)

Sworn to before me this 29th day of June, 1983.

D. Thomas
Notary Public
Residing at Boise

My commission expires Life

FOR DEPARTMENT USE ONLY

Received by CW SPE	Date 6/29/83	Exception filed by:	Fowarded to claimant by:	Date	
Prelim. check by KCW	Date 31/84/87				
$30.00 fee received by	Date 6-29-83	#30027			
Published in Post Register					
Dates 3/15 & 3/22/84					

EXCEPTION TO CLAIM WATER RIGHT

AFFIDAVIT

RECEIVED
MAY [illegible] 1984
Department of Water Resources
Eastern District Office

STATE OF IDAHO)
) ss.
County of Jefferson)

Jack Billings being first duly sworn, deposes and states:

1. I am the Chairman of the Directors of the Protective Union.

2. The Protective Union is an organization representing approximately fifty (50) canal companies in the Upper Snake River Valley, located generally from Blackfoot to Rexburg.

3. The Protective Union in behalf of itself and it's member canal companies, takes exemption to the Notice of Claims to Water Rights filed by the Bureau of Reclamation, which notice was published March 15 and March 22, 1984, in the Idaho Falls Post Register, a copy of which published notice is attached hereto, marked Exhibit "A" and by this reference made a part hereof.

4. Representatives of the Bureau have informed representatives of the Protective Union that the claimed water rights are already in existence and allocated, and the claim does not purport to establish or create any new or additional water rights. It would require considerable investigation and research to either dispute or corroborate that claim. Therefore, in the absence of knowledge to the contrary, that representation is at this time taken as accurate.

5. With the explanation in Paragraph 4 herein, exception is nevertheless raised to the 92,000 acre feet of bank storage for the following reasons:

(A) There is no legal right to claim bank storage water.

(B) The bank storage is unavailable unless the reservoir is drawn down. The amount of draw-down will proportionately affect the amount of actual bank storage.

(C) There are no rules or guidelines for use of the bank storage water.

MICROFILMED

(D) There is insufficient evidence to establish that there is, in fact, 92,000 acre feet of bank storage that will come out of the banks when the reservoir is lowered. Even if that amount of water seeps into the bank, it is believed the majority of it will not come back into the reservoir as it is lowered.

(E) If bank storage is offset against transmission losses of allocated rights, that can have a detrimental effect on natural flow rights.

(F) All of the design capacity for Palisade storage water has been allocated and if there is in fact extra water, it may be subject to additional claims and/or allocations. If those are made and agreements subsequently entered, if that water does not exist, it will create an intolerable situation among holders of Palisade water because there would not be enough water to fill the contractual allotments.

6. This exception is not intended to suggest that if there is in fact storage water, it should not be prorated among existing spaceholders, but is to raise the problems described herein.

7. To the extent the claim alleges a right to more than 1.2 million acre feet for irrigation, through recharage and/or through refilling of the reservoir after it has once been filled each season, exception to such a right of refilling or recharge is made for the reason that such refilling or recharge interferes with flood water rights now diverted and applied to beneficial use by many water users.

Jack Billings

Subscribed and sworn to before me this 17th day of May, 1984.

Pat Anderson
Notary Public for Idaho
Residing at Rigby, Idaho
Lifetime Commission

(Seal)

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
Eastern Region

---

150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

APRIL 2, 1984

U.S. DEPT. OF INTERIOR
BUREAU OF RECLAMATION
ATTN: 424 BOX 043
550 W. FORT ST.
BOISE ID 83724

RE: Claim No. 01-4051, 01-4053, 01-4054, 01-4055, 01-4056, and 01-4057

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,

RONALD D. CARLSON
Eastern Region Supervisor

Enclosure (6)

MICROFILMED

United States Department of the Interior
BUREAU OF RECLAMATION
PACIFIC NORTHWEST REGION
FEDERAL BUILDING & U.S. COURTHOUSE
BOX 043 - 550 WEST FORT STREET
BOISE, IDAHO 83724 - 0436

JUN 1983

RECEIVED
JUL 5 1983
Department of Water Resources
Eastern District Office

IN REPLY REFER TO: BN-420
870.

JUL 5 1983

JUN 29 1983

5 claims to Southern
11 claims to Eastern

Mr. Kenneth Dunn
Idaho Department of Water Resources
Statehouse
Boise, Idaho 83720

Dear Mr. Dunn:

Enclosed are 16 water right claims for use of waters within the Minidoka Project area, summarized as follows:

1.	Minidoka Irrigation District	Artificial Ground Water-Storage
2.	Burley Irrigation District	Artificial Ground Water-Storage
3.	Palisades Reservoir	Bank Storage
4.	Island Park Reservoir	Bank Storage
5.	Lake Walcott	Bank Storage
6.	Jackson Lake Wyoming	Storage Yield (Interstate)
7.	Grassy Lake Wyoming	Storage Yield (Interstate)
8.	Palisades Powerplant	Snake River Natural Flows
9.	Palisades Reservoir	Refill of Storage
10.	Island Park Reservoir	Refill of Storage
11.	American Falls Reservoir	Refill of Storage
12.	Walcott Park	Irrigation
13.	Palisades Camp	Irrigation & Domestic
14.	Palisades Camp	Domestic
15.	Falls Irrigation District	Recapture of Surface Water
16.	A&B Irrigation District	Recapture of Surface Water

The claims, with their attachments are self explanatory.

Claim numbers 3, 4, and 5 are for net yields from so called Bank Storage in Palisades and Island Park Reservoirs and Lake Walcott respectively. Drawdown of American Falls Reservoir, also yields water stored in the permeable banks. However, Certificate No. 01-2064 for American Falls Reservoir already covers 100,000 acre-feet identified as bank storage, so no claim is required.

With regard to Lake Walcott the Foster Decree provides in part follows:

> "It is further ORDERED, ADJUDGED AND DECREED, until otherwise provided by Statute, the State Engineer of the State of Idaho, or his duly authorized deputy, shall determine what part of the water flowing in Snake River at the Minidoka and Milner Dams, is storage waters, and what part is natural flow, as provided by the Idaho Session laws of 1909, entitled: "an act to provide for the

safe-guarding of the rights of those conserving public waters in Reservoirs and prohibiting Misappropriation of such waters by those having no Right to the use of same, and delaring a 'Misdemeanor', the amount of the natural flow to be determined as such natural flow would be, if unaffected by the diversion or acts of the parties hereto or any or either of them or by the release of stored water, the natural flow to which the Twin Falls Projects are entitled to be measured to them at the Milner Dam. (emphasis added.)

Thus, a water right for all "waters flowing in the Snake River at Minidoka and Milner Dams" except natural flow has been adjudicated to the United States. Since bank storage is a result of construction of Federal Reclamation Project Works and not a part of "natural flow," any yield from Bank Storage in Lake Walcott belongs to the United States by Decree and no claim should be required.

Until 1978, the various watermasters determined the "amount of the natural flows" to which the "Twin Falls Projects are entitled" by measurements taken at Neeley, on the basis that the "normal flow at Neeley is the same as the normal flow at Milner would have been, if the Minidoka Dam had never been constructed" (water distribution below Neeley Gaging Station - Lynn Crandall - April 1, 1926).

The computer model used by the District 01, Watermaster for water accounting since 1978, contains no provision for recognizing yield from bank storage, therefore a claim for bank storage yield in Lake Walcott is included with this filing.

Sincerely yours,

John W. Keys, III

Regional Director

Enclosures

cc: Project Superintendent, Burley, Idaho (w/enclosures)

4856

Island Park Reservoir

State of Idaho

License and Certificate of Water Right

Water License No. R-590 Amount 114,000 acre feet

Water District No. Priority March 14, 1935 11:40

THIS IS TO CERTIFY that U. S. A. BUREAU OF RECLAMATION

of Boise, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated March 14, 19 35; that Permit No. R-590 was issued under said application; that Certificate of Completion of works, with a storage capacity of 114,000 acre feet, was issued thereunder on April 12, 1940, showing that said works were completed on the 28th day of July, 19 39; and that on the 5th day of May, 19 50,

U. S. A. BUREAU OF RECLAMATION

of Boise, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of North Fork (Henry's fork), of Snake River, for the purpose of irrigation and domestic use, under Use Permit No. R-590 of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 38 of Licenses at page 4856, on the 24th day of November, 19 51;

The right hereby confirmed dates from March 14, 19 35;

The Point of outlet is located in Lot 3, Section 28,

in the ¼ ¼ Sec., Tp. 13 N., R. 43 E., B.M. Fremont County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 114,000 acre feet per annum.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
			Supplemental use on approximately 112,000 acres of land within the Fremont-Madison Irrigation District.		

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 24th day of November, 19 51.

MARK R. KULP
State Reclamation Engineer

(SEAL)

21 2156

APPLICATION FOR PERMIT

21-2156

To Construct a Reservoir and Store and Appropriate
The Public Waters of the State of Idaho

Application No. R 25304
Permit No. R 590

1. Name of Applicant: UNITED STATES OF AMERICA, Acting through R. E. Stoutemyer, District Counsel, Bureau of Reclamation

Postoffice address: Bureau of Reclamation, 603 Post Office Bldg., Portland, Oregon
City State

I. If applicant is a corporation, give:

(a) Date and place of incorporation:

(b) Amount of Capital Stock: $

(c) Amount paid in: $

(d) Names and addresses of directors:

II. The financial resources of the corporation are: Receipts from sale of public land, repayments into the Reclamation Fund under Reclamation Act and funds allocated under the provisions of the National Industrial Recovery Act (Act as of June 16, 1933-48 Stat. 195)

(c) Bonds to be issued: $

(d) Other resources:

2. Quantity of water to be stored: One Hundred fourteen thousand (114,000) acre feet per annum.

3. Source of water supply is North Fork (Henry's Fork) of Snake River, a tributary of Snake River.

4. The outlet of the proposed reservoir is located N.12°30'E. (bearing) 1300 feet, distant from the SW corner of Section 28, Township 13 N., Range 43 E., B. M. and is in the Lot 3 ¼ of Section 28, Township 13 N., Range 43 E., B. M. County of Fremont.

5. Fill out either (a) or (b).

(a) The reservoir is located in the channel of North (Henry's) Fork of Snake River

(b) The reservoir is to be filled through a feeder canal, the point of diversion for which is located (bearing) feet distant from the corner of Section, Township, Range, B. M., and is in the ¼ of ¼ of Section, Township, Range, B. M.; width at bottom feet, width at top feet, depth of water feet; average grade per mile feet; Capacity cubic feet per second.

6. (a) The area of the high water line of the reservoir is 6,900 acres.

(b) The reservoir capacity is 114,000 acre feet.

7. Height of reservoir dam 83 feet, length at top 9,525 feet, length at bottom 200 feet, size of outlet 13 feet in diameter; tunnel 80 ft. long feet. The dam is to be constructed of materials as follows: Concrete, rock, and earth, with an earth fill dike in Sections 22, 27 and 28, Township 13 North of Range 43 East, Boise Meridian.

(If height will exceed 10 feet, plans must be approved by Department of Reclamation, before beginning construction.)

8. (a) Will water stored in reservoir be diverted to canal or acqueduct, thence to land to be irrigated without commingling with natural flow of North Fork of Snake (Creek) (River)? No.

(b) Water stored in reservoir will be carried in the channel of North Fork of Snake (See Remarks) (River), a distance of miles to point of diversion located (bearing) feet, distant from the corner of Section, Township, Range, B. M., and in the ¼ of ¼ of Section, Township, Range, B. M.

9. Amount of water claimed from (Creek) (River) (Spring) in addition to that stored in reservoir cubic feet per second.

10. Water is to be used for Irrigation and domestic purposes.

11. If for mining, milling, power or manufacturing purposes give:

(a) Point of use of water (bearing) feet, distant from Corner of Section, Township, Range, B. M. and is in the ¼ of ¼ of Section, Township, Range, B. M.

(b) Amount of power generated: H. P., under feet head.

(c) Water is to be returned to (Creek) (River) (Spring) at a point (bearing) feet distant from the corner of Section, Township, Range, B. M., in the ¼ of ¼ of Section, Township, Range B. M.

12. Water stored in accordance with this Permit will be carried to place of use through a canal heretofore constructed under the terms of Permit No., which is hereby referred to and made a part hereof.

590

13. Kind of diversion works: Already constructed and to be constructed. (See Remarks)
(Dam, canal, flume, pipe, etc.)
(a) Attached hereto is a list of canals for which such storage is intended and the place of their respective diversions.
14. Height of diversion dam: feet, length at top feet, length at bottom feet. The dam is to be constructed

of materials as follows:

(If height will exceed 10 feet, plans must be approved by Department of Reclamation, before beginning construction.)

15. Size of headgate: Width feet, Height feet.

16/ New Diversion Canal: Width at bottom 24 feet, width at water line 42 feet, depth of water 6 feet, Dimensions of Flume

Diameter of Pipe inches; Length of Conduit 6.6 miles. Average grade per mile 1.58 feet.
and canal

17. Estimated cost of Works: Storage Works: $ 1,300,000.00 Diversion Works $ 115,000.00

18. Time required for completion of work 5 years.

19. Time required for complete application of water to proposed beneficial use is 10 years.

20. The land to be irrigated is described in the following tabulation: See land list tabulated on following pages.

(Give Irrigable acreage in each 40-acre subdivision.)

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total Number of Acres to be Irrigated

Remarks: 8 (b) Water stored in reservoir will be carried both in channel of North Fork of Snake River to headworks already constructed therein and in a new canal from said stream by diversion works to be constructed at a point immediately below the mouth of Fall River, the new canal to connect with the South Branch of Fall River canal and, through an extension of said last named canal, to Teton River (See District map).

BE IT KNOWN That the undersigned hereby makes application for permit to construct a reservoir and store and appropriate the public waters of Idaho as herein set forth, and that the enclosed map is hereby made a part of this application.

UNITED STATES OF AMERICA Applicant.

By R. E. Stoutemyer, District Counsel, Agent.
Bureau of Reclamation, Portland, Oregon.

Date of first receipt at office of Commissioner of Reclamation 9:00 A. M. March 14, 1935
Returned to applicant for correction March 29, 1935
Corrected application received May 1, 1935.

APPROVAL OF COMMISSIONER OF RECLAMATION

The number of this permit is R 590

Recorded in book R 2, page 590 Approved May 7, 1935

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

Bond in the sum of $ 1,000.00, to be filed on or before July 6, 1935

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

One fifth of the work above specified to be completed on or before November 7, 1937

The whole of said work to be completed on or before May 7, 1940

Beneficial use of water stored in accordance herewith, to be made on or before May 7, 1950.

Witness my hand this 7th day of May, 19 35.

R. J. HARIS
Commissioner of Reclamation.

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

RECEIVED
JUL 07 1989
Department of Water Resources

Ident. Number: A21-04156
Date Received: 10/25/1988
Receipt No: _____
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

A210456

1. Name: UNITED STATES OF AMERICA, ACTING THROUGH 208-334-1161
   Address: REGIONAL DIRECTOR, P.N. REGION
   BUREAU OF RECLAMATION
   BOX 043-550 WEST FORT STREET
   BOISE, ID 83724

2. Date of Priority: NOV 15, 1938

3. Source: NORTH FORK (HENRY'S FORK) Trib. to: SNAKE RIVER
   SNAKE RIVER COLUMBIA RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
13N	43E	28		SW	SW	3	FREMONT

5. Description of diverting works:
   ISLAND PARK DAM AND RESERVOIR

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or) A.F.A.
IRRIGATION STORAGE	01/01	12/31		135000.00
IRRIGATION FROM STORAGE	04/01	11/01		135000.00
POWER STORAGE	01/01	12/31		135000.00
POWER FROM STORAGE	01/01	12/31		135000.00

7. Total Quantity Appropriated is:
   C.F.S. (and/or) 135000.00 A.F.A.

8. Total consumptive use is 405000.0 Acre Feet Per Annum.

MICROFILMED
NOV 05 [illegible]

9. Non-irrigation uses:
   POWER

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:
21-04156, 21-02156, 21-02157

14. Remarks:
SURCHARGE CAN BE USED AFTER THREAT OF FLOOD
TOTAL CAPACITY=127265 ACRE FEET PLUS 42000 ACRE FEET SURCHARGE=
169265 ACRE FEET
21-02156 IS FOR 90,000 ACRE FEET
21-10560 IS FOR 45,000 ACRE FEET
21-04156 MULTIPLE FILL OR REFILL
MULTI-YEAR STORAGE FACILITY
CONSUMPTIVE USE 2.5 ACRE FEET/ACRE
ACTIVE CAPACITY 127,265 ACRE FEET
INACTIVE CAPACITY 381 ACRE FEET
DEAD STORAGE 0
TOTAL SURFACE AREA 7,794 ACRES AT ELEVATION 6302
BANK STORAGE 40,000 ACRE FEET
TOTAL RESERVOIR CAPACITY 169,265 ACRE FEET*
*INCLUDES 42,000 ACRE FEET SURCHARGE - 7,000 ACRE FEET CAN BE USED AFTER THREAT OF FLOOD HAS PASSED.
P/U 135,000 ACRES WITHIN FREMONT MADISON IRRIGATION DISTRICT

15. Basis of Claim: STATUTORY CLAIM

MICROFILMED
NOV 05 1990

11/17/05

This morning I talked to Lyle Swank about Reservoir Management. 21-4156 is claimed to be a refill right. Lyle stated that a refill has never been recognized. WDI has never recognized repeated storage fills due to accounting. Therefore - 21-4156 shows no beneficial use. - WDI has no record of it ever happening.

Ryan Mikesell

No. 10
Form No. 243
9/81

Island Park Reservoir
Multiple or Refill

Claim No. 21-4156

JUN 20 1983

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that The United States of America Acting through the Regional Director Pacific Northwest Region, Bureau of Reclamation (Name of Claimant)
Federal Building & U.S. Courthouse Box 043-550 West Fort Street, Boise, Idaho 83724 (Mailing Address) (Zip Code) Telephone No. (280) 334-1908

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) November 15, 1938

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
North Fork of the Snake River tributary to Snake River

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed: Island Park Reservoir Multiple fill or refill capability.

	(cfs, af)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive) (Mo., Day)		(Mo., Day)
Quantity	135,000 af	Use Irrigation	Period of Use From	April 1	To Oct. 31
Quantity	135,000 af	Use Power generation	Period of Use From	Jan 1	To Dec. 31
Quantity		Use	Period of Use From		To
Quantity		Use	Period of Use From		To
Quantity		Use	Period of Use From		To

(4) 135,000 af (cfs, af) TOTAL QUANTITY USED.

(5) A) Point of diversion: (Location of point where water is diverted from its source)
Lot 3 ¼ ¼, Sec. 28 Twp. 13 N. Rge. 43 E. B.M., County of Fremont
Additional points of diversion:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Diversion from Island Park Dam is by means of 13-ft. concrete-lined outlet tunnel controlled by four 5 by 6-ft. slide gates with uncontrolled U-shaped concrete spillway weir outletting to a transition with the 13-ft. outlet tunnel.

* (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
							(Island Park Reservoir)												
							Approximately 112,000 acres within service area of the												
							organizations listed in license for Water Right												
							No. R-590 and R-686.												

No. of acres 112,000

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

NOTE: Include here the type and number of stock watered:

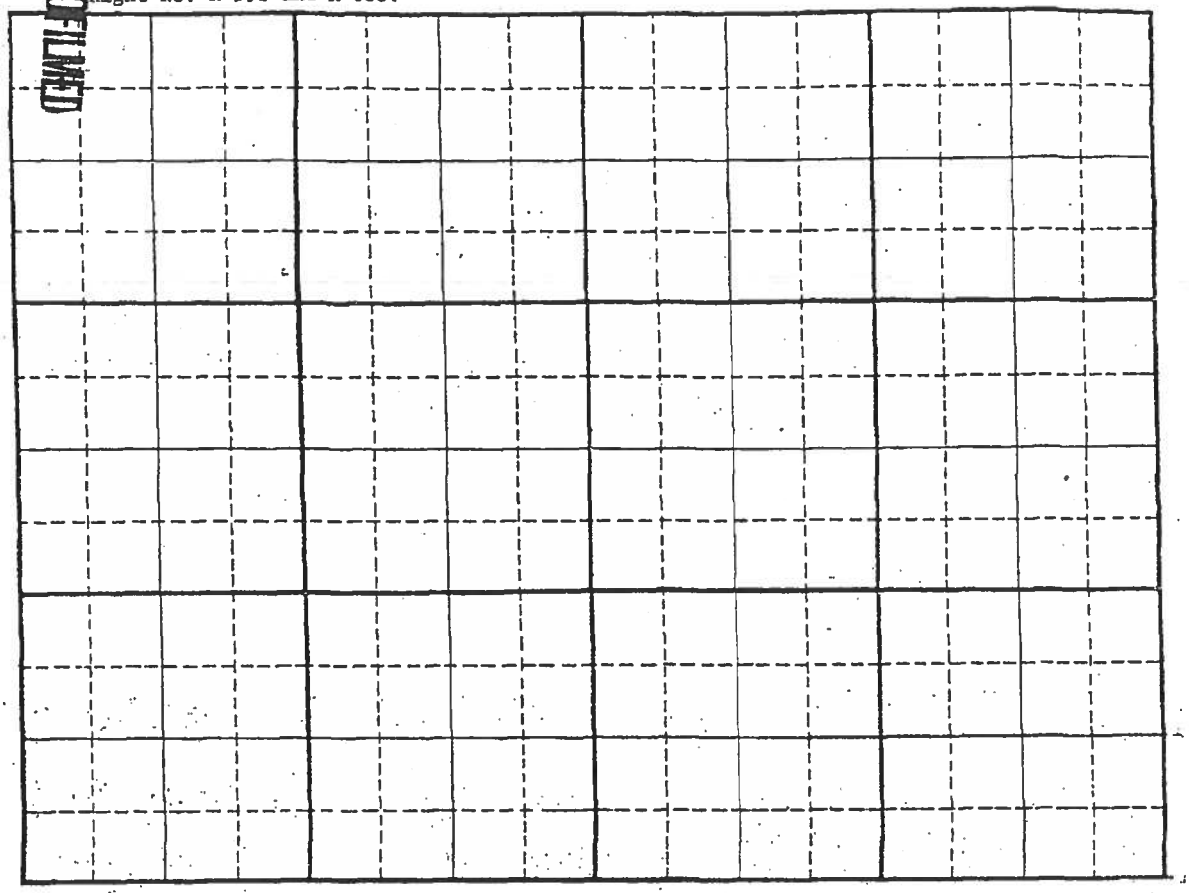
If you are claiming water as a member of an organization, list name of organization: United States of America

* Supplemental use on approximately 112,000 acres within the service area listed on License of Water Right No. R-590 and No. R-686.

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(8) Remarks Island Park Reservoir is a multiple-purpose development for irrigation, flood control, recreation, and fish and wildlife enhancement. Island Park Dam and Reservoir by-passes storable waters in order to provide State of Idaho with optimum Project benefits including flood control. This claim to a Water Right is in addition to License of Water Right No. R-590 and R-686.

MICROFILMED



Scale: 2 inches equal 1 mile. The places of use and points of diversion are those of the various contracting entities for storage space in Island Park Reservoir as described in License No. R-590 & R-68

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
) ss.
County of Ada)

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

John W. Keys, III
Acting Regional Director (Claimant)

Sworn to before me this 29th day of June, 1983.

B. J. Thomas
Notary Public
Residing at Boise

My commission expires Life

FOR DEPARTMENT USE ONLY

Received by	AW SLL	Date	6/29/83	Exception filed by:		Fowarded to claimant by:	Date
Prelim. check by	KCW	Date	3/14/84				
$30.00 fee received by		Date	6-29-83	30027			
Published in	Ashton Herald						
Dates	3/15 & 3/22/84						

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
Eastern Region

150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

APRIL 2, 1984

U.S. DEPT. OF INTERIOR
BUREAU OF RECLAMATION
ATTN: 424 BOX 043
550 W. FORT ST.
BOISE ID 83724

RE: Claim No. 21-4156

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,

RONALD D. CARLSON
Eastern Region Supervisor

Enclosure

MICROFILMED

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: A21-02156
Date Received:
Receipt No: X111111
Received By: _____

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

1. Name: UNITED STATES OF AMERICA, ACTING THROUGH 208-378-5306
   Address: REGIONAL DIRECTOR, PN REGION CODE-3100
   BUREAU OF RECLAMATION
   1150 N CURTIS RD SUITE 100
   BOISE, ID 83706-1234

2. Date of Priority: MAR 14, 1935

3. Source: ISLAND PARK RESERVOIR
   NORTH FORK (HENRYS FORK)
   SNAKE RIVER
   Trib. to: NORTH FORK (HENRYS FORK)
   SNAKE RIVER
   COLUMBIA RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
13N	43E	28		3	FREMONT

5. Description of diverting works:

   ISLAND PARK DAM AND RESERVOIR

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION STORAGE	01/01	12/31			114,000.00
IRRIGATION FROM STORAGE	04/01	11/01			114,000.00

7. Total Quantity Appropriated is:
   C.F.S. (and/or) 114,000.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
   DOMESTIC - DE MINIMUM DOMESTIC USE

10. Place of Use:
Township Range Section 1/4 of 1/4 Lot Use Acres
PLACE OF USE: THE PLACE OF USE IS 285,337.3 ACRES WITHIN THE MINIDOKA FEDERAL RECLAMATION PROJECT WITHIN FREMONT, MADISON, AND TETON COUNTIES AS AUTHORIZED IN THE FREMONT-MADISON CONVEYANCE ACT (PUBLIC LAW 108-95) AS DESCRIBED IN THE FINAL ENVIRONMENTAL ASSESSMENT AND FINDING OF NO SIGNIFICANT IMPACT (PN-FONSI 04-10)DATED SEPTEMBER 2004.

THE PLACE OF USE DOES NOT INCLUDE A USE ON FEDERAL PUBLIC LAND.

REMARK CAPTURING HISTORIC OPERATIONS TO BE WORKED OUT WITH DEPARTMENT.

11. Place of use in counties: FREMONT, MADISON, AND TETON

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

13. Other Water Rights Used:
21-2157, 21-4156, 21-4157, 21-21, 21-26, 21-27, 21-120, 21-121, 21-122, 21-123, 21-124, 21-125, 21-126, AND 21-4155

14. Remarks:
PURPOSE: SUPPLEMENTAL WATER SUPPLY

TOTAL STORAGE CAPACITY 135,000 ACRE FEET.

21-02156 = 114,000.00 ACRE FEET 21-2157 = 21,000.00 ACRE FEET

PALISADES CONTRACTS, AS RATIFIED, CONFIRMED AND APPROVED BY THE UPPER VALLY DECREE MORE COMMONLY KNOWN AS THE EAGLE DECREE OF THE DISTRICT COURT OF THE 7TH JUDICIAL DISTRICT FOR THE STATE OF IDAHO IN AND FOR THE COUNTY OF FREMONT CIVIL NO. 6117 ENTITLED ABERDEEN-SPRINGFIELD CANAL COMPANY ET. AL. V. HENRY EAGLE BY DISTRICT JUDGE WILLARD C. BURTON ON MARCH 3, 1969, AND THE LOWER VALLY DECREE MORE COMMONLY KNOWN AS THE EAGLE DECREE OF THE DISTRICT COURT OF THE 5TH JUDICIAL DISTRICT FOR THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS ENTITLED BURLEY IRRIGATION DISTRICT ET. AL. V. HENRY EAGLE BY DISTRICT JUDGE THERON WARD ON JULY 10, 1968, PROVIDES THAT R-686 (21-02157) PRIORITY SHALL BE THE SAME AS R-590 AND THAT THE FIRST 45,000 ACRE FEET ACCRUAL DUE TO WINTER POWER CURTAILMENT AT MINIDOKA POWERPLANT SHALL BE CREDITED TO ISLAND PARK RESERVOIR.

MULTI-YEAR STORAGE FACILITY

RESERVOIR SUMMARY STATEMENT

TOTAL SURVACE AREA	7,794 ACRES AT ELE. 6302
DEAD SPACE	0 ACRE FEET
INACTIVE SPACE	381 ACRE FEET
ACTIVE SPACE	127,265 ACRE FEET
JOINT USE/FLOOD SPACE	0 ACRE FEET
TOTAL NORMAL RESERVOIR CAPACITY	127,646 ACRE FEET
SURCHARGE	42,000 ACRE FEET
TOTAL RESERVOIR CAPACITY	169,646 ACRE FEET*
BANK STORAGE	40,000 ACRE FEET

POWER CURTAILMENT STORAGE	45,000 ACRE FEET
NON-CURTAILMENT STORAGE	90,000 ACRE FEET
(INCLUDES INACTIVE	381 ACRE FEET)
(INCLUDES DEAD	0 ACRE FEET)
TOTAL	135,000 ACRE FEET

*INCLUDES 42,000 ACRE FEET SURCHARGE, 7,000 ACRE FEET CAN BE USED AFTER THREAT OF FLOOD HAS PASSED.

15. Basis of Claim: LICENSE

Water Right Number: R-590/R-686

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 wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations: I do solemnly swear or affirm that I am Acting Area Manager (Title) of Snake River Area Office Bureau of Reclamation (Organization), that I have signed the foregoing document in the space below as Acting Area Manager (Title) of Snake River Area Office Bureau of Reclamation (Organization) and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Celestino P. Tafoya

Title and Organization Acting Area Manager, Snake River Area Office Bureau of Reclamation

Date 12/28/05

State of Idaho)
)
County of Ada)

Subscribed and sworn (or affirmed) before me this 28th day of December 2005.

KATY LOOMIS SEAL NOTARY PUBLIC STATE OF IDAHO

Notary Public Katy Loomis

Residing at Boise, Idaho

My Commission Expires 10/17/2009

Please Print Name Katy Loomis

17. Notice of Appearance:
Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed blow.

Signature _____

Address _____

_____

Date _____

Last Name _____ Ident. Number _____

RECEIVED
JUL - 1 2003
Department of Water Resources

Attorneys for Pioneer Irrigation District
and Settlers Irrigation District

Scott L. Campbell, ISB No. 2251
Angela Schaer Kaufmann, ISB No. 5436
MOFFATT, THOMAS, BARRETT, ROCK &
FIELDS, CHARTERED
101 S. Capitol Boulevard, 10th Floor
Post Office Box 829
Boise, Idaho 83701
Telephone: (208) 345-2000
Facsimile: (208) 385-5384
18946.24

Attorneys for Nampa Meridian Irrigation District, New Dry
Creek Ditch Company, Boise Valley Irrigation District Company,
South Boise Water Company, Eureka Water Company, Thurman
Mill Ditch Company, Eagle Island Water Users Association,
Farmers Cooperative Ditch Company and Ballantyne Ditch Company Limited

Daniel V. Steenson, ISB No. 4332
S. Bryce Farris, ISB No. 5636
RINGERT CLARK CHTD.
PO Box 2773
Boise, ID 83701-2773
Telephone: (208) 342-4591
Facsimile: (208) 342-4657

Attorneys for Farmers Union Ditch Company, Canyon County
Water Company, Middleton Irrigation Association, and
Middleton Mill Ditch Company

Jerry A. Kiser, ISB No. 3719
Stoppello & Kiser
620 W. Hays Street
Boise, ID 83702
Telephone: (208) 336-1020
Facsimile: (208) 336-1027

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT

OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

RECEIVED
JUL - 1 2003
Department of Water Resources

In Re: SRBA	Consolidated Subcase No: 91-63
Case No. 39576	NOTICE OF CLARIFICATION

Pioneer Irrigation District and Settlers Irrigation District, by and through their counsel of record Moffatt, Thomas, Barrett, Rock & Fields, Chtd.; Nampa Meridian Irrigation District, New Dry Creek Ditch Company, Boise Valley Irrigation District Company, South Boise Water Company, Eureka Water Company, Thurman Mill Ditch Company, Eagle Island Water Users Association, Farmers Cooperative Ditch Company, and Ballantyne Ditch Company Limited, by and through their counsel of record Ringert Clark Chartered; and Farmers Union Ditch Company, Canyon County Water Company, Middleton Irrigation Association, and Middleton Mill Ditch Company, by and through their counsel of record Stoppello & Kiser, Attorneys at Law; (collectively the "Irrigation Entities") hereby provide notice of a point of clarification in the above-captioned consolidated subcase.

The Irrigation Entities filed a Motion to Consolidate, which was granted by the SRBA District Court in its Order Separating and Consolidating Common Issue from Subcases in "Exhibit A"; *AOI* § 11 and 16, IRCP 42 *et seq*. (June 23, 2003). In their Motion to Consolidate, the Irrigation Entities included a footnote acknowledging that SRBA Claim Number 63-05262 had already been decreed disallowed, on April 24, 2003. However, the Irrigation Entities also included that subcase in "Attachment A" to the Motion to Consolidate, because it was one of the original claims filed by the United States.

Nevertheless, the Irrigation Entities acknowledge that SRBA Claim Number 63-05262 has already been decreed disallowed, and do not seek to reopen that decree. Therefore,

the Irrigation Entities respectfully request that SRBA Subcase 63-05262 not be included in the above-captioned consolidated subcase.

DATED this 25th day of June 2003.

MOFFATT, THOMAS, BARRETT, ROCK & FIELDS, CHARTERED

By _____
Scott L. Campbell - Of the Firm

By _____
Angela Schaer Kaufmann - Of the Firm
Attorneys for Pioneer Irrigation District and Settlers Irrigation District

DATED this _____ day of June 2003.

RINGERT CLARK, CHARTERED

By _____
Daniel V. Steenson - Of the Firm
Attorney for s for Nampa Meridian Irrigation District, New Dry Creek Ditch Company, Boise Valley Irrigation District Company, South Boise Water Company, Eureka Water Company, Thurman Mill Ditch Company, Eagle Island Water Users Association, Farmers Cooperative Ditch Company and Ballantyne Ditch Company Limited

the Irrigation Entities respectfully request that SRBA Subcase 63-05262 not be included in the above-captioned consolidated subcase.

DATED this _____ day of June 2003.

MOFFATT, THOMAS, BARRETT, ROCK & FIELDS, CHARTERED

By_____
Scott L. Campbell - Of the Firm

By_____
Angela Schaer Kaufmann - Of the Firm
Attorneys for Pioneer Irrigation District and Settlers Irrigation District

DATED this 25th day of June 2003.

RINGERT CLARK, CHARTERED

By_____ for:
Daniel V. Steenson - Of the Firm
Attorney for s for Nampa Meridian Irrigation District, New Dry Creek Ditch Company, Boise Valley Irrigation District Company, South Boise Water Company, Eureka Water Company, Thurman Mill Ditch Company, Eagle Island Water Users Association, Farmers Cooperative Ditch Company and Ballantyne Ditch Company Limited

DATED this 25 of June 2003.

STOPPELLO & KISER

By _____
Jerry A. Kiser - Of the Firm
Attorneys for Farmers Union Ditch Company, Canyon County Water Company, Middleton Irrigation Association, and Middleton Mill Ditch Company

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 25th day of June 2003, I caused a true and correct copy of the foregoing **NOTICE OF CLARIFICATION** to be served by the method indicated below, and addressed to the following:

Boise Project Board of Control
Albert P. Barker
Amy D. Chestnut
Barker Rosholt & Simpson
205 N. 10th Street, Suite 520
PO Box 2139
Boise, ID 83701-2139
Fax: 344-6034

(X) U.S. Mail, Postage Prepaid
( ) Hand Delivered
( ) Overnight Mail
( ) Facsimile

Ballantyne Ditch Company Ltd., Boise Valley Irrigation Ditch, Eagle Island Water Users Association, Eureka Water Company, Farmers Cooperative Ditch Co., Nampa & Meridian Irrigation, New Dry Creek Ditch Company, South Boise Water Company, Thurman Mill Ditch Co.
Daniel V. Steenson
S. Bryce Farris
Ringert Clark Chtd.
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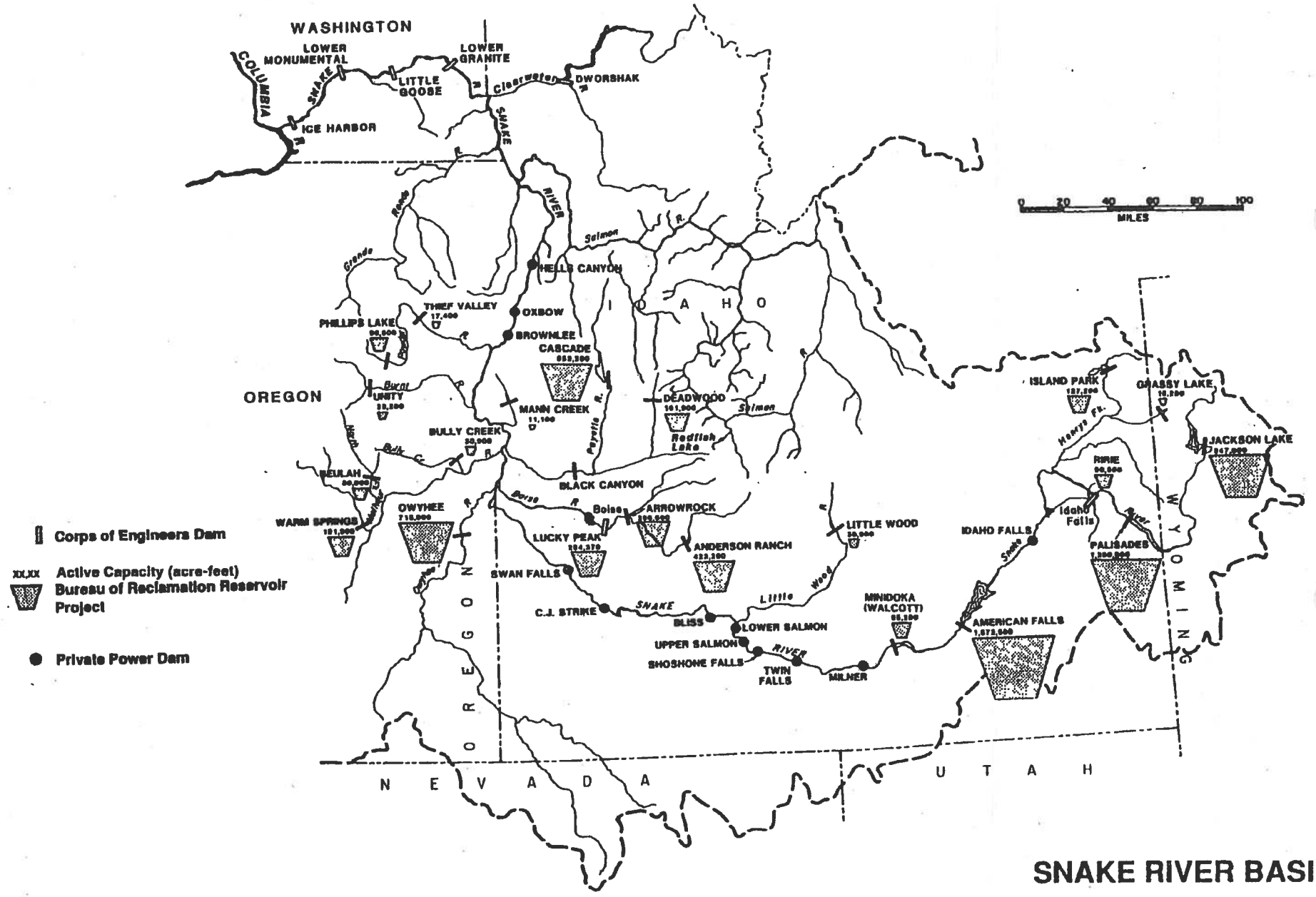
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Scott L. Campbell

The Central Snake River Basin

A Description of Bureau of Reclamation System Operation of the Boise and Payette Rivers

Bureau of Reclamation
Boise, Idaho
November 1996
(revised December 1997)



SNAKE RIVER BASIN

Acronyms and Abbreviations

BPA	Bonneville Power Administration
cfs	Cubic feet per second
Corps	United States Army Corps of Engineers
DSS	Decision Support System
ESA	Endangered Species Act
FCRPS	Federal Columbia River Power System
FERC	Federal Energy Regulatory Commission
IDWR	Idaho Department of Water Resources
IPC	Idaho Power Company
IWRB	Idaho Water Resources Board
kW	Kilowatts
M&I	Municipal and industrial
NMFS	National Marine Fisheries Service
NRCS	Natural Resources Conservation Service
Reclamation	Bureau of Reclamation
RMP	Resource Management Plan
SOP	Standing Operating Procedures
SR^3	Snake River Resources Review
SSARR	Streamflow Synthesis and Reservoir Regulation
USFS	United States Forest Service
USFWS	United States Fish and Wildlife Service
USGS	United States Geological Survey

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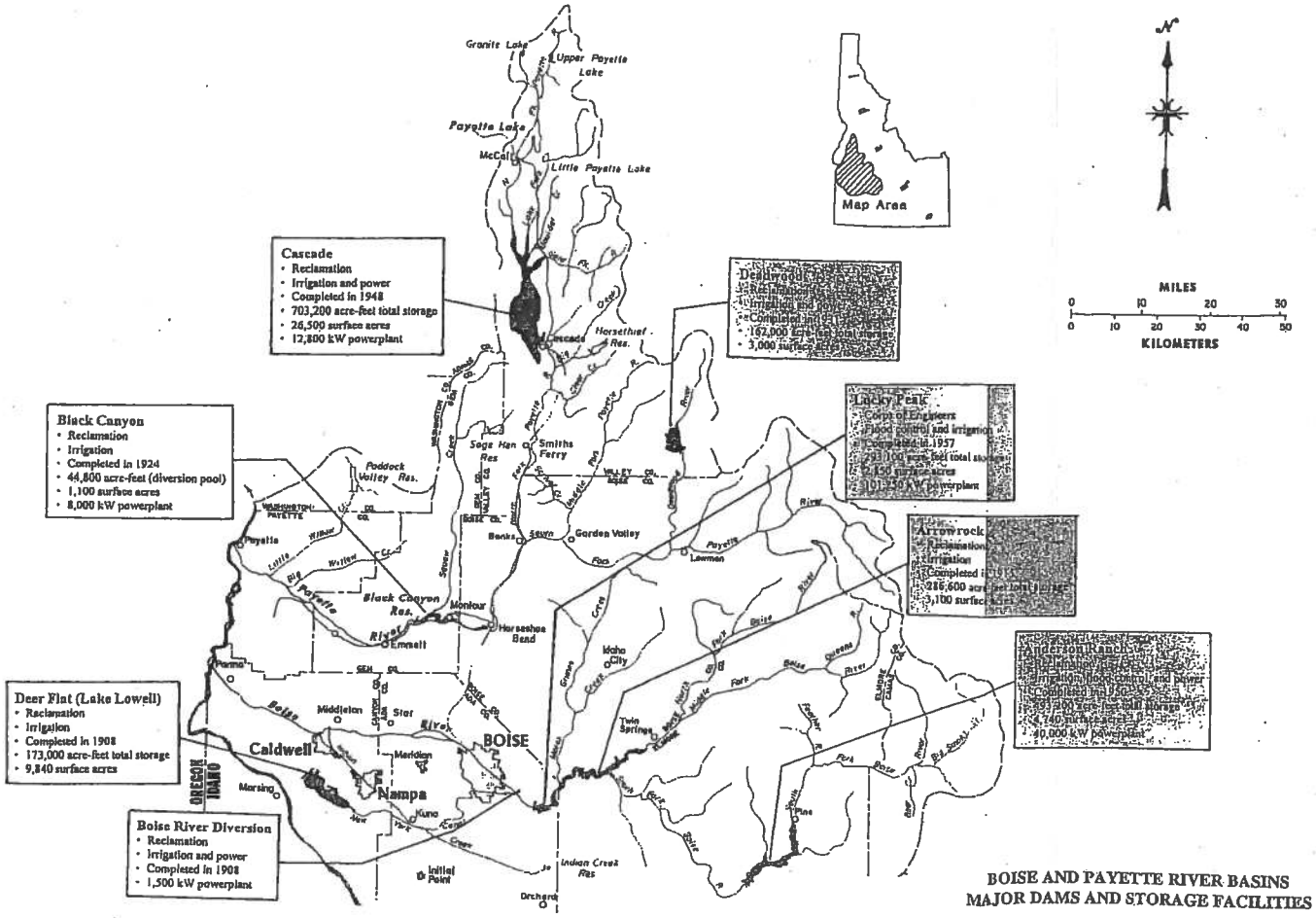
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BOISE AND PAYETTE RIVER BASINS
MAJOR DAMS AND STORAGE FACILITIES

I. Introduction

The purpose of this document is to provide an overview of the operation of the Federal storage system in the Boise and Payette River basins in southwestern Idaho. The Boise and Payette Rivers are tributaries of the Snake River. Increasing demands and controversy over the use of Snake River resources require an understanding of the history of water development, river hydrology, characteristics of the dams and reservoirs, and the legal and institutional requirements for operation of the current system. Water operations in the past focused on out-of-stream diversions to irrigate land and storage operations for flood control. In recent years, additional demands on the water resource have focused primarily on instream uses including recreation and recovery of endangered species. Since 1991, the Bureau of Reclamation Reclamation) has been asked to provide water to augment flows in the lower Snake River for enhancement of endangered salmon. Part of this water is being provided from the Boise and Payette River basins. Reclamation also has been asked to modify operations to accommodate other species listed under the Endangered Species Act (ESA). Groups representing resident fishery, white water rafting, and water quality interests are asking for system operation changes to better accommodate their concerns.

The State of Idaho designates the Boise River basin as Water District 63 and the Payette River basin as Water District 65.

Consumptive use of the Boise and Payette Rivers is primarily for agriculture. However, it is important to recognize that irrigation development was well underway before storage was developed under Federal authorities. Some of the lands with the oldest water rights and a sufficient water supply remain under private irrigation. Privately developed lands, with an insufficient water supply, generally became part of the Federal project which supplies those lands with a supplemental water supply. Lands newly developed as part of the Federal project receive a full water supply from the project. Several points, which are further developed throughout this document, should be kept in mind in considering Reclamation operation of the Boise and Payette Rivers:

- Reclamation hold both natural flow rights and storage rights for project purposes. Water rights for the purpose of irrigation are generally appurtenant to the land.

- Water rights are administered by the State; Reclamation law, beginning with the 1902 Reclamation Act, provides that project operations will be conducted in conformity with state water law.

- Use of federally developed storage is closely controlled by three factors:

    - Federal law, including specific project authorizations
    - State water rights
    - Contracts for storage

This document is organized to provide basic information in early chapters and more specific and detailed information in succeeding chapters. Chapter II provides a description of the area, and chapter III provides a short history of water resource development in the Boise and Payette River basins. Major Federal and private facilities and water rights are discussed in chapter IV. Chapter V adds a general discussion of river system operations and includes a series of graphs of reservoir levels and river flows to illustrate the effects of water supply. River operations by function are expanded in chapter VI. Chapter VII identifies several issues related to operation of the river/reservoir systems. As an aid to the reader, a list of acronyms and abbreviations appears at the front of this document and a glossary of hydrologic and other terms constitutes chapter VIII.

II. Description of the Boise and Payette River Basins

Geography

Lower elevations of both basins consist of wide valleys and are semiarid with warm, dry summers and cold winters. Upper elevations of the two basins are forested and mountainous. Precipitation at the lower elevations averages about 10 inches annually and falls mostly in the winter as a mixture of rain and snow. Precipitation at higher elevations averages up to 40 inches per year with most falling as snow during the winter.

The Boise River originates as three forks—the North Fork, Middle Fork, and South Fork—to the east and northeast of the city of Boise. Flow of the three forks is generally west and southwest to where they join to form the main stem about 20 miles east of the city of Boise. Mores Creek, and its major tributary, Grimes Creek, flow generally south, drain an area to the west of the three forks of the Boise River, and Mores Creek joins the Boise River main stem about 10 miles east of the city of Boise. The Boise River continues west through the city of Boise and past the edge of the city of Caldwell to join the Snake River at river mile 392.3 (see appendix A for an abbreviated river mile index of the Boise and Payette Rivers).[1] From this confluence downstream to the Oregon-Washington border, the Snake River forms the border between Idaho and Oregon. About 4,130 square miles including parts of Ada, Boise, Camas, Canyon, Gem, Elmore, and Payette Counties are drained by the Boise River.

The Payette River also originates as three forks—North Fork, Middle Fork, and South Fork. The North Fork originates in Payette Lakes and flows south to form the main stem (with the South Fork) near Banks, Idaho about 30 miles north of the city of Boise. Flow of the Middle Fork is southward to the confluence with the South Fork near Garden Valley (east of Banks). The South Fork, which is often considered the main stem, originates to the east, near the origin of the North Fork Boise River, and flows west. Near Lowman, Idaho, the South Fork is joined by a major tributary, the Deadwood River. From Banks, the main stem Payette River flows south and then generally west past the towns of Emmett and Payette to join the Snake River at river mile 365.0, about 27 miles downstream from the mouth of the Boise River. About 3,270 square miles in Boise, Gem, Payette, and Valley Counties are drained by the Payette River.

Water Supply and Historical Change of Flows

Figures 1 and 2 show the annual discharge of the Boise River at Lucky Peak and of the Payette River at Horseshoe Bend for the 30-year period of water years 1961-90. These points are upstream from any significant diversions and downstream from all significant runoff, i.e., runoff below these points contributes little to streamflow. During the 30-year period, average annual runoff of the Boise River at Boise, Idaho was about 2 million acre-feet. Average annual runoff of the Payette River at Horseshoe Bend was 2.3 million acre-feet.

[1]River miles are measured in the center of the stream starting at the mouth and going upstream. The Boise River enters the Snake River 392.3 miles upstream from the mouth of the Snake River which is located at Columbia River mile 324.3. That is, the mouth of the Boise River is 716.6 miles upstream from the Pacific Ocean.

Figure 1.—Natural Discharge of the Boise River Near Boise, Idaho

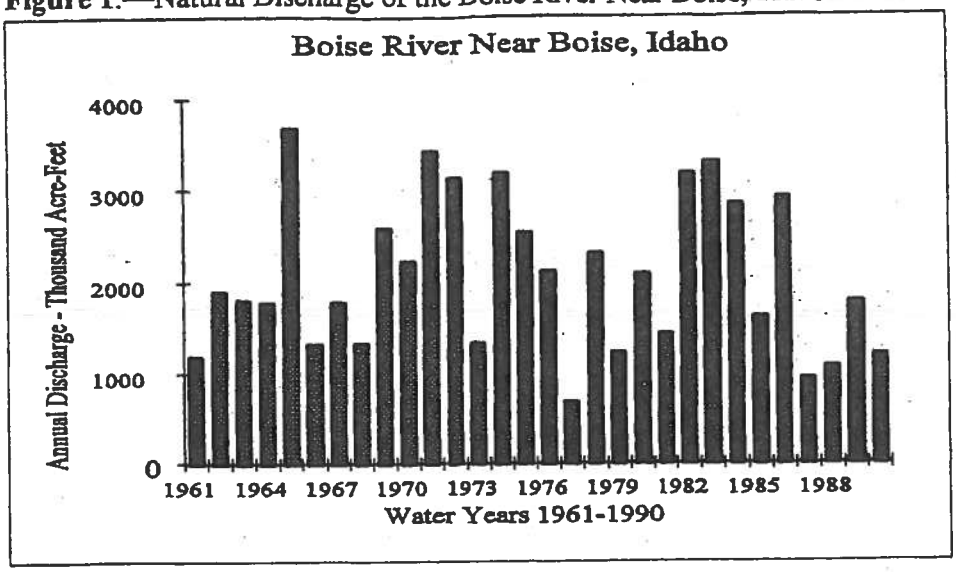
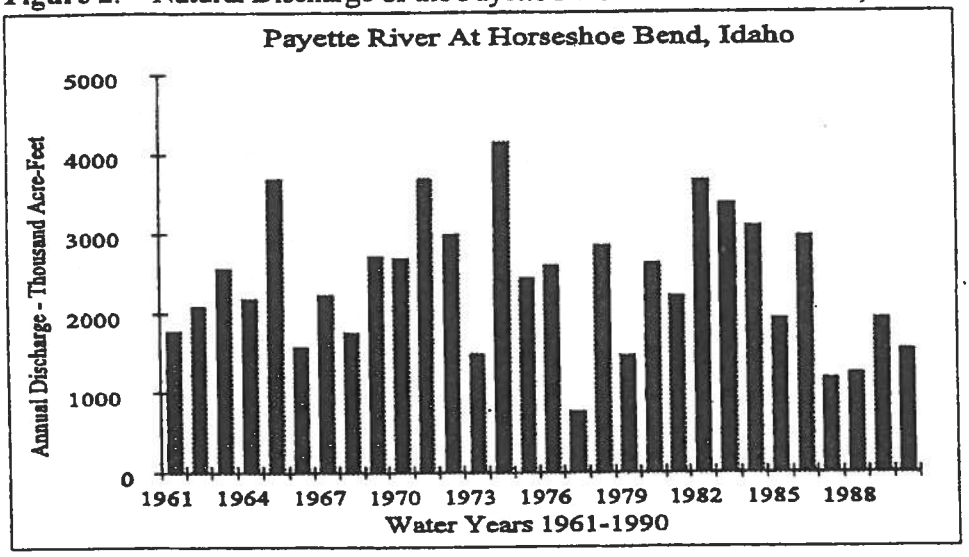


Figure 2.—Natural Discharge of the Payette River at Horseshoe Bend, Idaho



A comparison of the average monthly natural flow and observed flow (see chapter VIII for definitions) shows the effects of storage, diversion, and irrigation return flow on the river systems. For the Boise River, natural flow near Boise, Idaho and the observed flow at Parma, Idaho, near the mouth, were selected as there is very little natural runoff between Boise and Parma. Figure 3 shows this comparison.

Figure 3.—Average Monthly Natural Flow and Observed Flow of the Boise River (at Parma, Idaho)

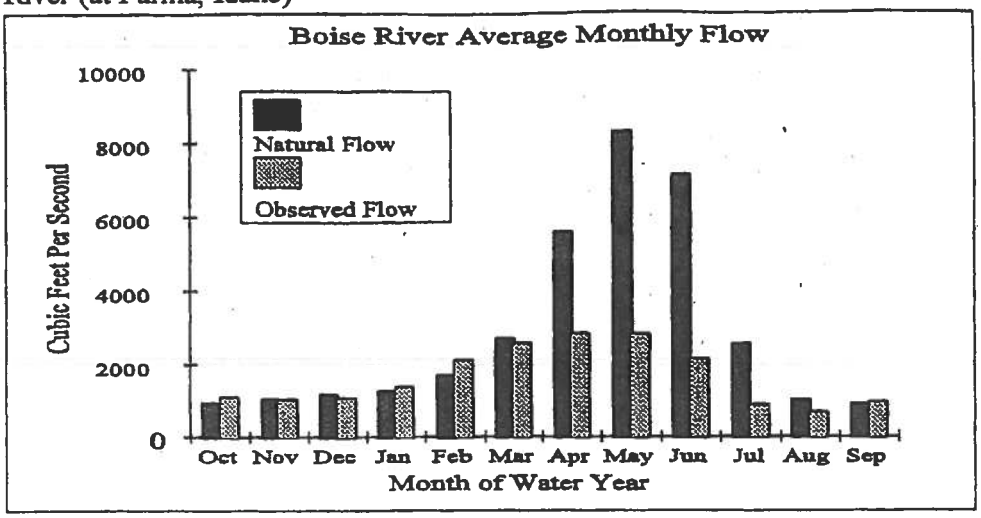
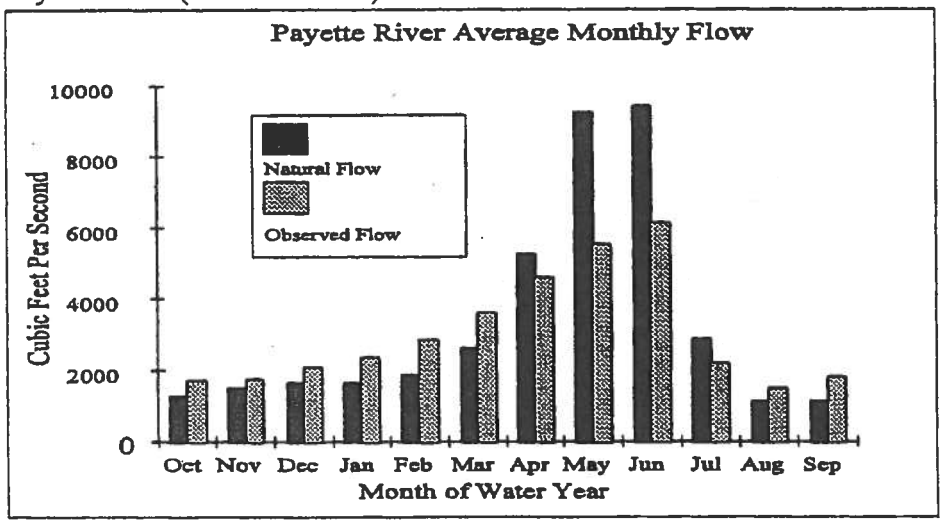


Figure 4.—Average Monthly Natural Flow and Observed Flow of the Payette River (near the mouth)



For the Payette River, the natural flow at Horseshoe Bend was compared to the observed flow at Payette, Idaho near the mouth of the Payette River. This comparison, shown in figure 4, illustrates the effect of storage and diversion on the flow of the Payette River.

Most runoff is from melting snow. The natural runoff pattern is low flow from August through February, increasing flow in March and April, high flow in May and June, and decreasing flow in July. Natural flows are moderated to a large extent since more than 1 million acre-feet of active storage capacity has been developed in the Boise River basin and more than 800,000 acre-feet have been developed in the Payette River basin.

III. History of Water Resource Development

Prior to Federal Development

In August 1862, miners found gold in Grimes Creek, about 40 miles north of the present city of Boise. The discovery caused a significant migration into the Boise River drainage and by 1863, 19,000 people had relocated to the area. The population was generally dependent on food and supplies imported from Oregon and Utah.

Although the population center was to the north in the mining areas, by the summer of 1865, most of the river bottom land in the Boise Valley was under irrigation; crops included grains, vegetables, and fruits. Irrigated agriculture expanded to higher lying bench lands as crop yields and produce prices increased. These lands, unlike the bottom lands, were more difficult to irrigate and water delivery was dependent on engineering expertise and capital. Companies with broad-based financial capability were formed by private investors to promote bench land development.

One of the early developments (1865) was the Ridenbaugh Canal which began as a modest undertaking of 2-1/2 miles to provide water for irrigating about 640 acres, to power flour and sawmills, and to transport logs. William B. Morris acquired the ditch and in 1877 filed for water rights of 100 cubic feet per second (cfs). In 1888, William H Ridenbaugh, nephew and successor to Morris, filed for water rights of 600 cfs. Through a series of transactions, interests were sold, and a main canal (12 miles), two branch canals (25 miles), a Nampa Canal through Deer Flat Valley (45 miles), and a chain of 10 reservoirs were constructed. One-third of the Boise River flow was required for the development in low water years. The system was acquired by the Nampa and Meridian Irrigation District in January 1906.

Another expansive effort was that of the Idaho Mining and Irrigation Company which in 1882 filed two claims totaling 3,000 cfs of water for mining, milling, and agriculture purposes and proposed construction of two canals. The New York Canal, which is currently one of the main diversion canals, was begun as an effort to provide water to the southern bench lands in the eastern area of the Boise Valley. The history of construction is mottled with several starts, financial failures, and repurchase of assets. In 1894, the New York Canal Company was formed from two groups of farmers, and 25 miles of canal were completed in 1900. The New York Canal Company was eventually succeeded by the current New York Irrigation District.

The Phyllis Canal, which extends some 35 miles from its head near Eagle Island, was the effort of the Idaho Mining and Irrigation Company for a canal to serve the western area of the Boise Valley. It was completed in 1891 and sold in 1902 to the Pioneer Irrigation District which also acquired the Caldwell Canal.

An effort to irrigate lands on the north side of the Boise River west of Middleton was initiated in 1874. Subsequently, additional filings and enlargements of the canal were made, and Howard Sebree extended the (Sebree) canal to a 20 mile-long system in 1888. This system was purchased by the Farmers Cooperative Ditch Company in 1902.

A canal company to divert water to the opposite side of the river from the Sebree Diversion was formed, sold, and resold. The canal was purchased by the Riverside Irrigation District in 1893 and increased to 30 miles in length by 1903.

Another major canal system was initiated by settlers in 1884 to irrigate lands in the vicinity of

Meridian, but little was accomplished until John Lemp became involved in 1887. First water was delivered in 1891. In 1901 the system was sold to the Settlers Canal Company which enlarged and extended the system to a 20-mile canal in 1905.

By 1900, an estimated 465 miles of canals, ditches and laterals had been constructed at a cost of about $1.8 million and 100,000 acres were capable of being irrigated. However, one of the major problems to irrigation was the low flow of the Boise River in the fall. As early as 1893 Governor William J. McConnell had criticized the excessive sale of water rights and asked the legislature to assist in the construction of storage. With an average flow of 810 cfs on September 1, there was enough water for irrigation of only 38,000 acres.

In Idaho, public land was acquired largely under the Homestead Act (1862), the Desert Land Act (1877), and the Carey Act (1884). The Carey Act was used quite extensively in the development of lands for irrigated agriculture production in the Snake River system. Under the Carey Act, each state, where irrigation was feasible, could select up to 1 million acres of arid Federal lands for reclamation (irrigation) by inducing private capital to construct the works necessary for irrigation. The Secretary of the Interior was authorized to ". . . donate, grant, and patent to the State free of cost for survey or price . . ." desert land for reclamation, cultivation, and settlement. The State Land Board was to approve the plans for development, set a price to be charged by the developing company, and provide supervision for the projects. The promoting company was to acquire a lien upon the lands of the settlers as security for payment of the obligation due for the water rights.

Although the Desert Land Act and the Carey Act were somewhat effective in promoting irrigation development by private enterprise, development was limited by the financial resources of the individual promoters and the state. As the less complex irrigation projects were completed, the Federal Government was pressured to provide financial help and increase water supplies through storage development. Early settlers often overestimated the available water supply, not realizing that natural flows in August and September were insufficient to dependably irrigate crops.

Dry years and the resulting loss of agricultural production and financial instability provided the impetus for construction of Federal storage.

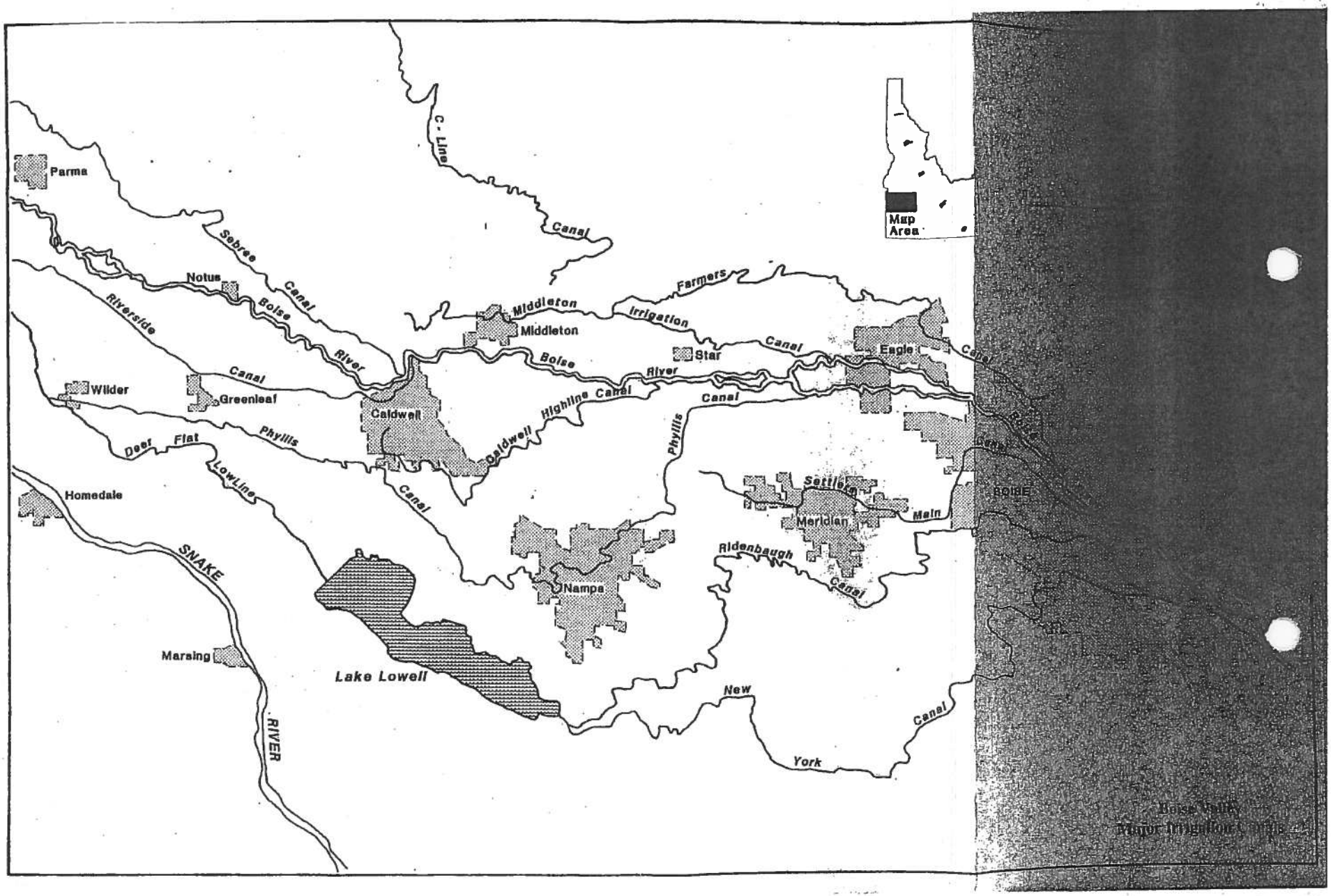
Federal Development

During the period of private irrigation development along the Boise River, the U.S. Geological Survey (USGS) had been formed and was actively classifying public lands and examining the geologic structure, mineral resources, and products of the national domain. The USGS reviewed opportunities for storage of water and irrigation of lands. One of the earliest assessments indicated in an 1889 report that the runoff of the Boise and Payette Rivers, with adequate regulation through storage, was sufficient to irrigate up to 350,000 acres.

In 1902, the USGS investigated potential storage sites at the headwaters of the Boise and Payette Rivers and proposed construction of storage facilities to irrigate an additional 200,000 acres.[1] Their investigations indicated that less than 70,000 acres of the acreage under cultivation received water and the water supply to half of that acreage was not adequate.

The opportunity for diverting water from the Payette River drainage into the Boise River

[1]Following passage of the Reclamation Project Act, signed June 17, 1902, the Reclamation Service was created within the USGS. In 1907, the Reclamation Service was separated from the USGS, and in 1923, it was renamed the Bureau of Reclamation.


Parma
C - Line
Canal
Map
Area
Sebree
Canal
Notus
Boise
River
Riverside
Canal
Middleton
Middleton
Farmers
Irrigation
Canal
Star
Boise
River
Eagle
Canal
Wilder
Greenleaf
Caldwell
Highline Canal
Caldwell
Phyllis
Canal
Deer Flat
Phyllis
Canal
Boise
Settler
Main
Boise
Meridian
Homedale
LowLine
Canal
SNAKE
Nampa
Ridenbaugh
Canal
Marsing
Lake Lowell
New
Canal
RIVER
York
Boise Valley
Major Irrigation Canals

drainage was investigated in 1903 and further evaluation was recommended for the Black Rock Canyon site on the Payette River. The Secretary of the Interior suggested that a project encompassing the Boise and Payette River drainage might be considered. Petitions were prepared by the Boise Valley Irrigators Association requesting the Secretary to construct a Boise Federal Reclamation Project, and a formal request was submitted to the Secretary on March 27, 1904.

In February 1905, a report on the proposed Boise Project divided the project into three divisions—Payette Division, Boise Division, and Succor Creek Division. The project was approved by the Director of the USGS and by the Secretary in March 1905. The Payette Division of 72,000 acres (54,000 acres in the Boise Valley) was to consist of storage in Payette Lake, a diversion dam at the Black Rock Canyon, and enlargement of the Sebree and Riverside Canals. The Boise Division would consist of 274,000 acres on the north and south side of the Boise River and included enlargement of the Farmers' Union Canal, construction of a new canal, a diversion dam and powerplant on the Boise River, acquisition, enlargement, and extension of the New York Canal, construction of an offstream reservoir in Deer Flat Valley, and water distribution facilities. The Succor Creek Division was to serve 27,000 acres on the south side of the Snake River near the confluence of Succor Creek and would include a gravity and pumping system of main canals and distribution works.

As part of early agreements, Reclamation required that the Ridenbaugh Canal be purchased by the Nampa-Meridian Irrigation District and that none of the existing facilities owned by a corporation operating on a water rental basis would be used as part of the Boise Project.

Following authorization of the Boise Project, additional irrigation carriage facilities and storage facilities were constructed in the Boise River basin, comprising the current Arrowrock Division, and in the Payette River basin, comprising the Payette Division. Lands of the proposed Succor Creek Division were included in the Owyhee Project. (Chapter IV discusses the constructed Boise Project).

Most of the facilities and the irrigation development have now been completed or in place for several decades. Since the late 1970's, population growth has been rapid. A decline in irrigated agriculture accompanied this growth as lands were converted from agricultural uses to residential and other non-agricultural uses.

There is some water transfer between the Boise and Payette River basins. About 7,000 acres in the North Unit of the Payette Division are supplied with water from the Arrowrock Division (primarily irrigation return flows), and about 25,000 acres in the Arrowrock Division are supplied by water from Payette River (C-Line pumping plant).

Reclamation's 1992 Crop Report indicates that the total irrigation service area for the Boise Project was about 400,000 acres with nearly 280,000 acres in the Arrowrock Division and about 120,000 acres in the Payette Division. All of the land is located within Idaho with the exception of a few thousand acres located in Oregon between the Snake River and the Idaho State line. Of the total service area, about 325,000 acres were actually irrigated in 1992. Table 1 summarizes full and supplemental irrigation.

Table 1.—Boise Project Irrigated Acres (1992)

Division	Full Supply	Supplemental Supply	Total
Arrowrock	124,036	98,637	222,673
Payette	59,140	53,701	102,841
Total	173,176	152,338	325,514

Diversion of the surface water supply in the Boise and Payette River basins is primarily for irrigation of lands of the Boise Project. Although there are records of diversions for the Boise Project, the total consumptive use is not known. Studies are underway to compute consumptive use in the Arrowrock Division and the lands of the Payette Division in the Boise River drainage. Complicating the calculations are irrigated lands supplied by return flows and diversions from drains. There are no records for the latter.

In the Boise River basin, several thousand acre-feet of ground water are withdrawn annually, mostly for supplemental irrigation supply. However, this volume includes significant amounts of ground water for municipal and industrial uses. Ongoing studies are defining the ground-water supply, amounts pumped, and the relationship to surface-water uses.

IV. Overview of Facilities

As indicated in the previous chapter, Reclamation involvement in irrigation development of the region is the response of the Congress to requests for Federal participation. Federal involvement began primarily with the USGS, which began classification of public lands at the request of Congress. The 1902 Reclamation Act provided the broad authority under which the Reclamation Service (later the Bureau of Reclamation) operates to identify and pursue irrigation potentials. The Reclamation Project Act of 1939 provided additional broad authorities particularly in the area of expending funds and recovering construction charges on Federal reclamation projects. The Federal Water Project Recreation Act of 1965 (Public Law 89-72) further broadens authorities by essentially authorizing recreation and fish and wildlife enhancement as a function at all existing reservoirs. More recently, the Reclamation Recreation Management Act of 1992 (Title XXVIII of Public Law 102-575) provides some additional broad authorities. Other public laws, especially various flood control acts, provide further authorities for consideration and authorization of other functions. Specific authorizations of projects, divisions, and units or specific facilities are contained in a variety of individual project or facility authorizing acts and in some appropriation acts.

Federal Projects

There are only two Federal Projects associated with the development of irrigation and water and land resources in the Boise and Payette River basins. These are:

- Boise Project, constructed and operated by Reclamation
- Lucky Peak Project, constructed and operated by U.S. Army Corps of Engineers (Corps)

Boise Project lands extend from just east of the city of Boise along the Boise River and south to the Snake River to the confluence of the Boise and Snake Rivers. Boise Project lands also extend west along the Payette River from Black Canyon Dam and south to the area bounded by the Payette, Boise, and Snake Rivers. Project facilities furnish irrigation water to about 225,000 acres of project lands and 165,000 acres under special and Warren Act contracts from five reservoirs with a total active capacity of nearly 1.7 million acre-feet. The storage facilities are Anderson Ranch Dam and Reservoir, Arrowrock Dam and Reservoir, Deadwood Dam and Reservoir, Cascade Dam and Reservoir, and Deer Flat Dams and Lake Lowell. In addition, there

are 2 diversion dams, 3 powerplants, 7 pumping plants, more than 2,000 miles of canals and laterals, and several hundred miles of drains.

Lucky Peak Project consists of Lucky Peak Dam and Reservoir which were constructed for flood control and irrigation water supply with an active capacity of about 264,000 acre-feet.

Reclamation Project Authorizations

Initial facilities of the Boise Project were authorized under the 1902 Reclamation Act with subsequent authorization of specific facilities by the Secretary of the Interior or the President. From 1902 to 1910, the Secretary of the Interior had authority to approve construction after a finding of feasibility. The Act of June 25, 1910 modified the procedure to require the President to approve the authorization. Later, the 1939 Reclamation Act returned authorization/ authority to the Secretary of the Interior but a finding of feasibility had to be submitted to the President and the Congress. Authorizing legislation sometimes clearly states the authorized purpose of the project or facility but often indicates only that the project is to be constructed in accordance with a cited report.

The authorized purpose is an important consideration because it helps determine the limits within which a Federal facility can be operated. However, other Federal laws, not specific to Reclamation projects, may also affect project operation. Flood control, as a project function, was authorized after most facilities were constructed. Recreation, including fish and wildlife enhancement, is an authorized function at projects and reservoirs generally through legislation that was passed after the facilities were constructed. However, the general authorizations for recreation apply to management of water and land surfaces and the development of facilities for recreation or safety purposes; they do not authorize reallocation of the water supply for other purposes.

The Boise Project (originally called the Payette-Boise Project) was authorized under the Reclamation Act of 1902 by the Secretary of the Interior on March 27, 1905; construction of Deer Flat Reservoir was a specific item. Arrowrock Dam was approved by the Secretary on January 6, 1911; this authorization included construction of a powerplant at Boise Diversion Dam to supply power for the construction of Arrowrock Dam. On October 18, 1928, the Secretary found the Deadwood Dam and Reservoir feasible and the President approved construction on October 19, 1928. The entire Payette Division was found feasible by the Secretary on November 30, 1935 and was approved by the President on December 19, 1935. Anderson Ranch Dam and Reservoir were found feasible by the Secretary on June 25, 1940, transmittal approval was received from the President on July 30, 1940, and the report transmitted to the Congress on August 12, 1940 as required by the Reclamation Project Act of 1939. The act of August 24, 1954, authorized the Secretary to coordinate the operations of project facilities with other Federal installations and to modify contracts and to allocate an appropriate portion of costs to project functions in accordance with a revised allocation and repayment report dated September 21, 1953. The effect was to slightly change the authorized purposes (see "Reclamation Reservoir Cost Allocations").

Table 2 summarizes the original authorization of the Federal storage facilities constructed in the Boise and Payette River basins. There are no significant private storage facilities in either basin.

History and Operation of Federal Dams

The major dams, including two diversion dams, are discussed by basin in the order in which they were constructed. The capacities of the storage reservoirs are summarized in table 3.

Table 2.—Authorization of Federal Storage Facilities		
Facility and Construction	**Authorization**	**Original Authorized Purpose**
Boise River Basin		
Deer Flat Dams 1906-1908, 1909, 1911, 1913, 1938	Secretary of the Interior on March 27, 1905 (under Reclamation Act of 1902)	Irrigation
Arrowrock Dam 1911-1915, 1937	Secretary of the Interior on January 6, 1911 (under 1902 Reclamation Act)	Irrigation
Anderson Ranch Dam 1941-1950	Secretary of the Interior on June 25, 1940 (under Reclamation Act of 1939)	Irrigation, power, flood control, and conservation of fish and recreation
Lucky Peak Dam 1949-1957	Act of July 24, 1946	Flood control and irrigation
Payette River Basin		
Deadwood Dam 1929-1931	President on October 19, 1928	Irrigation and downstream power
Cascade Dam 1946-1948	President on December 19, 1935 as part of Payette Division. Appropriation was provided in the Act of June 28, 1941	Irrigation and power

Table 3.—Capacities of Federal Reservoirs					
Reservoir	**Elevation at Full Pool**	**Capacity (Acre-Feet)**			
		Active[1]	**Inactive[2]**	**Dead[3]**	**Total**
Boise River Basin					
Lake Lowell[4]	2531.2	159,400	--	--	159,400
Arrowrock	3216.0	286,600	--	--	286,600
Anderson Ranch	4196.0	423,200	41,000	29,000	493,200
Lucky Peak[5]	3055.0	264,370	28,730	--	293,100
Payette River Basin					
Deadwood	5343.5	161,900	100	--	162,000
Cascade	4828.0	653,200	50,000	--	703,200

[1]Space from which water can be released for specific purposes.
[2]Space from which water can be released but is normally retained for a specific purpose, e.g., Anderson Ranch inactive space is reserved for power head.
[3]Space from which water cannot be released by gravity flow because it is below the elevation of the lowest outlet.
[4]Active and total capacity figures for Lake Lowell were recently reduced because of sediment accumulation.
[5]Corps facility with irrigation water marketed by Reclamation.

Deer Flat Dams

The Deer Flat Dams consist of four earthen embankments that impound Lake Lowell in a natural depression southwest of Nampa, Idaho. These are the Upper, Middle (Forest Dam), and Lower Embankments and the East Dike. The Upper Embankment has outlets to feed the Deer Flat Caldwell Canal and Deer Flat Nampa Canal while the Lower Embankment has outlets to feed the Deer Flat North Canal and the Deer Flat Low Line Canal. The Middle Embankment is a low embankment (15 feet high) that helps close the reservoir near the Lower Embankment. There is also a low East Dike at the upstream end where the New York Canal enters the reservoir.

The Lower Embankment was constructed from 1906 to 1908 and modified in 1911, 1913, 1916, and 1938. The Upper Embankment was constructed in 1906 to 1908 and modified in 1909, 1911, and 1938. The Middle Embankment and the East Dike were constructed in 1911. Water storage began in 1909 and was accompanied by large amounts of seepage to the underlying aquifer. Seepage losses have been a continuing problem with losses as high as 135,200 acre-feet in 1911, 3 years after operation was initiated. Because of safety concerns at the Upper and Lower Embankments, the maximum water level was reduced by 5 feet in 1989 while plans were formulated for a permanent solution. The Upper and Lower Embankments were reconstructed from 1991 to 1993 and the water level restriction was removed.

Lands around Lake Lowell are part of the Deer Flat National Wildlife Refuge established in 1909 and are managed by the U.S. Fish and Wildlife Service (USFWS)

The normal operation of Lake Lowell is to fill the reservoir between irrigation seasons and release water as needed for irrigation. Filling is accomplished by release of water from Anderson Ranch and Arrowrock Dams. This water is passed through Luck Peak Dam and diverted at Boise River Diversion Dam to the New York Canal which carries the flow to Lake Lowell.

Boise River Diversion Dam

Boise River Diversion Dam is a concrete and masonry weir with removable crest. It was completed in 1908 on the Boise River about 7 miles southeast of the city of Boise. The dam diverts water to the New York Canal. A powerplant consisting of three 500-kilowatt units was completed in 1912 to supply power for construction of Arrowrock Dam. Because of age and operation and maintenance costs, the powerplant was removed from regular operation and placed on a ready reserve status in 1983.

Prior to spring high flows, stoplogs are installed to raise the pool. In the early spring, water is diverted to the New York Canal to fill Lake Lowell. During the irrigation season, water is diverted to the New York Canal on the left bank and to the small Penitentiary Canal on the right bank. At the end of the irrigation season the stoplogs are removed to lower the pool behind the dam. Lowering the pool avoids potential ice damage to the headgate.

Arrowrock Dam

Construction of Arrowrock Dam began in 1911 and was completed in 1915. At the time, it was the tallest dam in the world (structural height of 345 feet); the downstream face of the dam was resurfaced and the height was increased 5 feet in 1937. Lands around the Arrowrock reservoir are withdrawn by Reclamation and managed by the U.S. Forest Service (USFS).

Most of the runoff during the winter and early spring is held initially in Arrowrock Reservoir which is the first reservoir in the Boise system to be drafted to meet irrigation demand. Arrowrock is normally drafted to a pool of 28,000 acre-feet (below 10,000 acre-feet in drought years) before Lucky Peak Reservoir is drafted.

Anderson Ranch Dam

Anderson Ranch Dam was constructed during 1941-50 on the South Fork Boise River about 20 miles northeast of Mountain Home, Idaho. Preliminary work on the structure was halted during World War II and then resumed. The dam is a zoned earthfill structure, which at 456 feet high was the world's highest earthfill dam at the time of construction. The powerplant, with two units and a capacity of 27,000 kilowatts (kW), was completed in 1950; a later upgrade increased the capacity to 40,000 kW. Lands around Anderson Ranch Reservoir were withdrawn by Reclamation and are managed by the USFS.

A minimum release of 300 cfs is maintained from September 15 through the following March 31 and the minimum is increased to 600 cfs from April 1 through September 15 (releases are normally above 1,000 cfs during this period). Releases are managed conservatively to retain as much carryover as possible to meet the minimum streamflow requirements and to not exceed the powerplant capacity of about 1,600 cfs. However, releases of more than 5,000 cfs have been made during the flood control season.

Lucky Peak Dam

Construction of Lucky Peak Dam, an earthen structure, was initiated in 1949 and was completed in 1957. It is located on the Boise River about 8 miles southeast of the city of Boise. This Corps dam is operated primarily for flood control purposes with storage for irrigation marketed by Reclamation. In 1988, four of the five irrigation districts of the Boise Project Board of Control, under a Federal Energy Regulatory Commission (FERC) license, completed construction of a 3-unit powerplant which includes one 11,250-kW unit and two 45,000-kW units; total powerplant capacity is 101,250 kW.

Unless drought or flood control conditions are overriding, Lucky Peak Reservoir is generally filled by Memorial Day to provide recreation opportunities. In good water years, Lucky Peak is usually maintained nearly full until Labor Day. It is drafted to meet irrigation demand in September and October and typically maintained at a low level during the winter months for flood control purposes. In drought years, Lucky Peak is drafted when Arrowrock nears minimum pool level and releases from Arrowrock are insufficient to meet irrigation demand. This could be as early as late June. An attempt is made to provide a minimum streamflow of 150 cfs during the winter; however, during low water years the streamflow release has fallen to as low as 80 cfs.

Black Canyon Dam

Black Canyon Dam was constructed on the Payette River near Emmett, Idaho in 1924. This concrete, gravity structure with a structural height of 183 feet is a diversion structure for the Black Canyon Canal. A powerplant with two units of 4,000 kW each (powerplant capacity of 8,000 kW) was constructed as part of the original project and went into operation in 1925.

Black Canyon pool is maintained at a stable elevation of 2497.5 feet within narrow limits (less than 0.1 foot of elevation) during the irrigation season by adjusting releases from Deadwood, Cascade, and Black Canyon Dams.

Deadwood Dam

Deadwood Dam is a concrete arch structure constructed on the Deadwood River, a tributary of the Payette River. It is located about 25 miles southeast of Cascade, Idaho. The dam, completed in 1931, was the first major storage structure in the Payette system and was constructed with a primary objective of providing water for generation of electricity at

Black Canyon Powerplant to operate project pumps. Lands around Deadwood Dam were withdrawn by Reclamation and are managed by the USFS.

In the Payette system, releases for irrigation demand are met first from Deadwood Dam, usually in the months of July and August, to minimize the draft of Cascade Reservoir. After Labor Day, the draft of Deadwood Dam is reduced and late season irrigation demand is met by releases from Cascade Reservoir. A minimum target release of 50 cfs during the winter was established after the installation of new outlet gates in the fall of 1990. A minimum pool of 50,000 acre-feet is a target established by administrative decision. Deadwood and Cascade Reservoirs are informally managed for flood control with the goal of limiting flow at Horseshoe Bend to 12,000 cfs.

Cascade Dam

Cascade Dam was constructed on the North Fork of the Payette River near Cascade, Idaho in 1946-48. The dam is a zoned earthfill structure with a crest length of 785 feet. Idaho Power Company (IPC) owns and operates a 12,800-kW powerplant under a FERC license at the dam. Lands around Cascade Reservoir were withdrawn and are managed by Reclamation.

The water surface of Cascade Reservoir is held as high as possible for recreation and water quality. Most late season irrigation releases in the Payette system are made from Cascade Reservoir. The target for winter releases is a minimum of 200 cfs, and a minimum pool of 300,000 acre-feet (250,000 acre-feet active storage) has been established by administrative decision. Cascade and Deadwood Reservoirs are informally managed for flood control with the goal of limiting flow at Horseshoe Bend to 12,000 cfs.

Other Dams and Reservoirs

There are numerous small dams and reservoirs independently developed and operated in the Boise and Payette River basins. Most consist of earthen dams with impoundments of less than 1,000 acre-feet. The larger reservoirs are located in the Payette River basin and include:

Little Payette Lake (13,165 acre-feet) operated by Lake Fork Irrigation District

Horse Thief Basin (4,900 acre-feet) operated by the Idaho Department of Fish and Game

Paddock Valley (25,100 acre-feet) operated by Little Willow Irrigation District

Other small reservoirs that are a part or have some association with Boise Project operations include Hubbard Reservoir in the Arrowrock Division and the privately developed and operated reservoirs of the Lake Reservoir Company in the Payette River basin.

Hubbard Dam and Reservoir

Hubbard Dam and Reservoir were built by the Idaho-Iowa Lateral and Reservoir Company about 1902 and purchased by Reclamation about 1912. This small offstream reservoir (about 4,000-acre-foot capacity) is located about 12 miles southwest of Boise and is fed by the New York Canal. The primary purpose of the reservoir is for emergency short-term storage for dewatering the New York Canal should a failure in the canal occur downstream. It also serves a flood control function for Boise River by storing flows diverted to the New York Canal. During the irrigation season, flows are diverted through the reservoir to increase the flexibility of routing water supplies to some canals. Reclamation retains permanent easement for the dam and a flood easement on the reservoir lands but the

State of Idaho has fee title to the dam and underlying land and a large portion of the reservoir area.

Payette Lakes

The Lake Reservoir Company operates four reservoirs in the upper Payette River basin to provide a water supply for irrigation. These include Upper Payette Lake (3,000 acre-feet) Granite Lake (2,900 acre-feet), Box Lake (1,300 acre-feet), and Payette Lake which provides the largest amount of active storage (35,200 acre-feet). Payette Lake Dam, a gravity concrete structure, was completed in 1944 at the outlet of Payette Lake on the North Fork of the Payette River near McCall, Idaho. The Lake Reservoir Company, which owns and operates the dam, maintains the lake level within a 6.5 foot elevation range. Informal coordination of operations between Reclamation and the Lake Reservoir Company allows Payette Lake to remain at a higher elevation (delay some storage releases for irrigation) for a longer period than would be possible with completely independent operation. Some of the early demand for storage in Payette Lake is met by releasing water from Cascade Reservoir. This coordination provides benefits to both bodies of water.

Reclamation Spaceholder Contracts

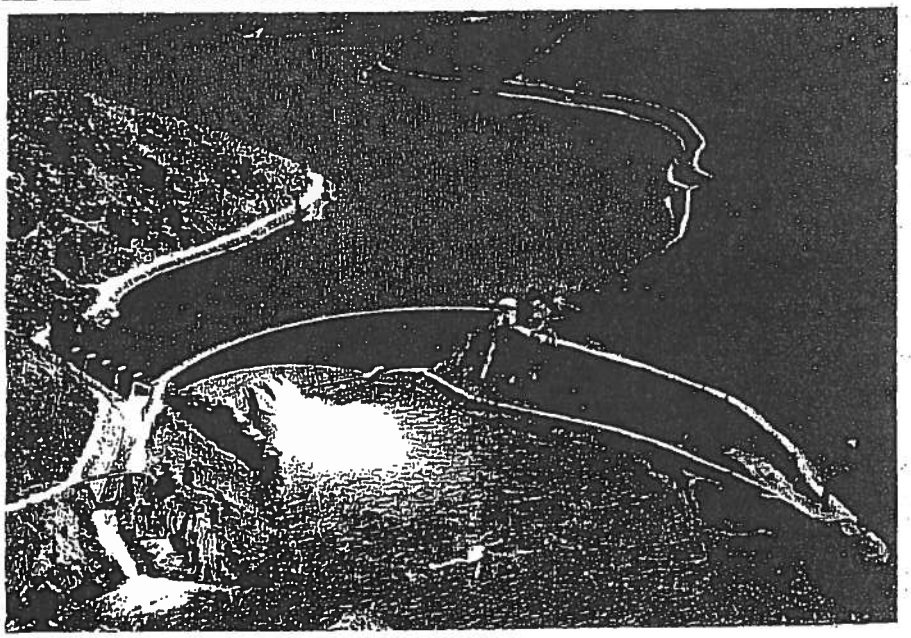
Reclamation Projects are authorized with the intent of recovering the capital and operating costs from the direct beneficiaries. Over time and with experience in developing large projects, the Congress has changed the procedures and rules to achieve this goal. Currently, the capital and operating costs of a project are allocated among the benefitting functions, e.g., irrigation, flood control, power, fish and wildlife, etc. In some cases, the benefitting entities are widespread and cannot easily be identified or there is a national interest in the benefit, e.g., flood control, anadromous fish enhancement, and migratory bird enhancement. These costs are made nonreimbursable meaning that the people of the United States pay these costs through general taxes. Where costs are assigned to functions that benefit specific entities, the costs are made reimbursable, and repayment contracts to recover the reimbursable costs are signed with the benefitting entities. Capital costs assigned to the irrigation function are to be fully repaid without interest over a specific time period (as low as 10 years in the early 1900's to about 50 years at present depending on the type of contract). Reclamation irrigation repayment contracts are generally spaceholder contracts or water service contracts. Annual operating costs (operation, maintenance, replacement, and power costs) are included in the repayment contracts.

Project capital costs are seldom reallocated, a process that requires the Congress to reauthorize the project to recognize additional project functions or to recognize a significant change in project operation. Annual operating costs are computed annually and allocated to the various functions. Currently, there is there is an interim reallocation of annual operating costs based on the Lineweaver concept to reflect changes in benefits. Changes in the contracts must be approved by all of the signing entities.

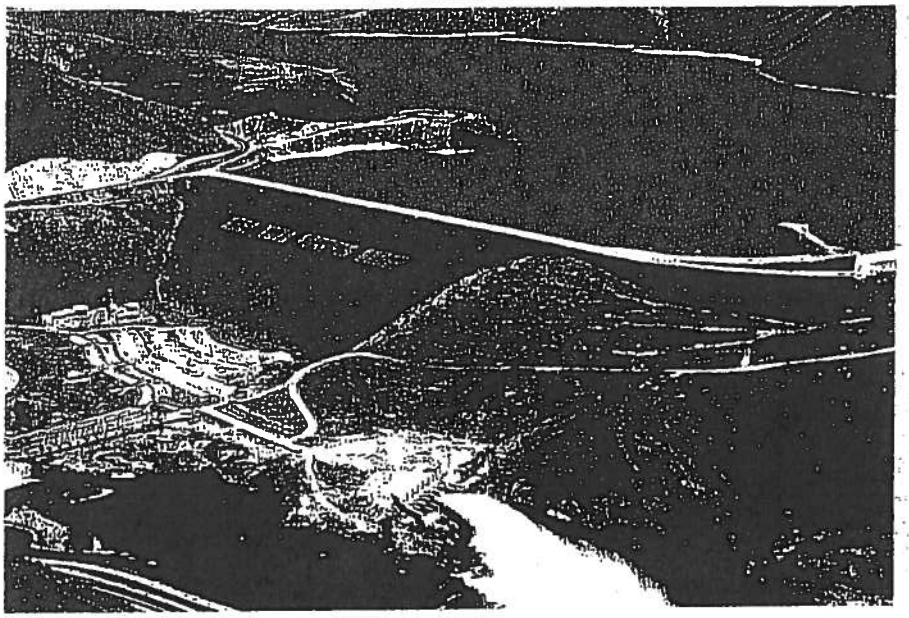
All of the repayment contracts for Reclamation storage in the Boise and Payette River basins are spaceholder contracts that include an annual payment for the reimbursable cost of construction and for operation and maintenance. A spaceholder contract means that Reclamation sold each contractor (spaceholder) a share of the reservoir space, not a specific amount of water to be delivered each year. Carryover rights were also established, meaning that spaceholders could retain unused stored water from one year to the next. Under this system a water user's supply of storage water is a function of the space contracted, carry-over storage from previous years, and accrual to storage in the current year. The total amount of water to be delivered in a single year to a spaceholder cannot exceed the



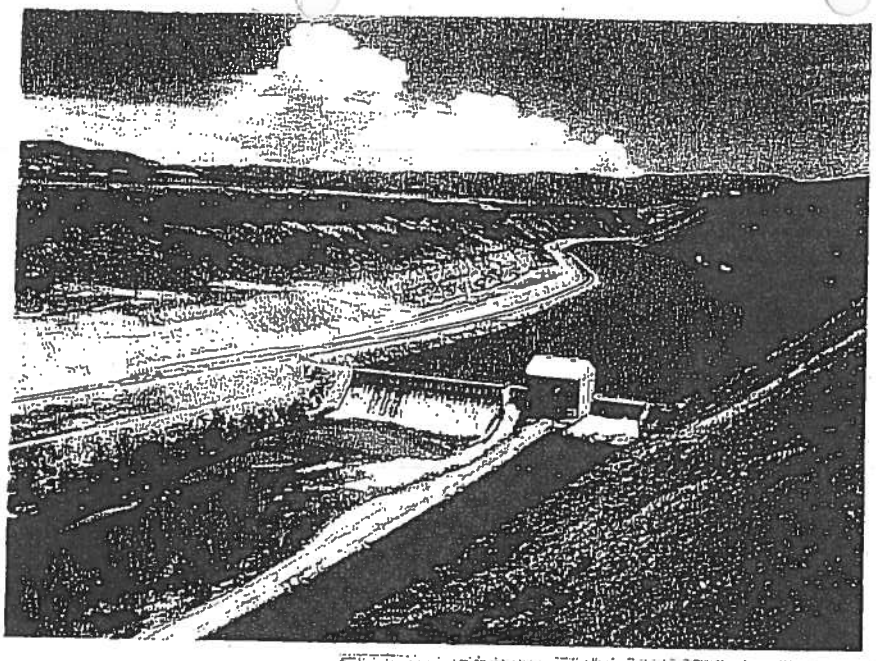
Anderson Ranch Dam



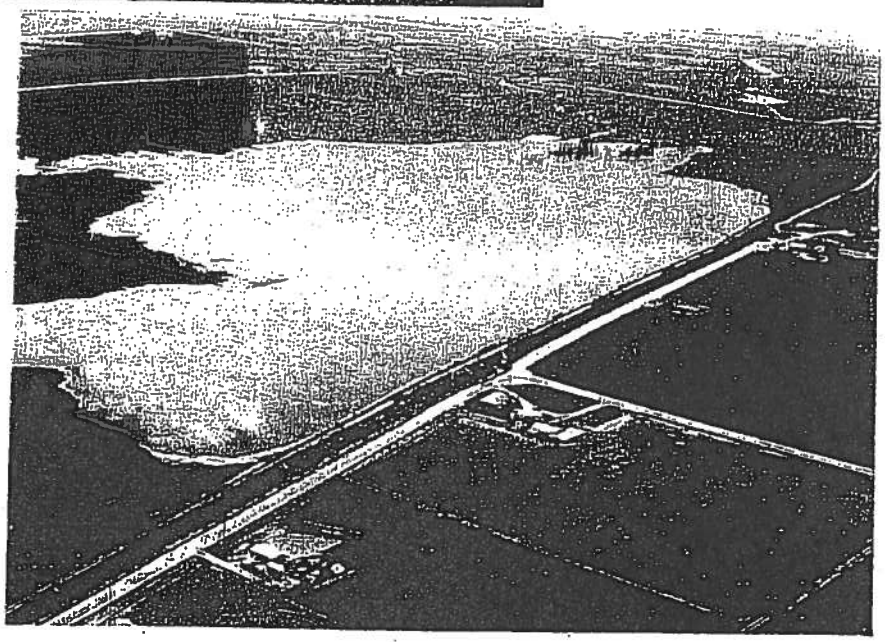
Arrowrock Dam



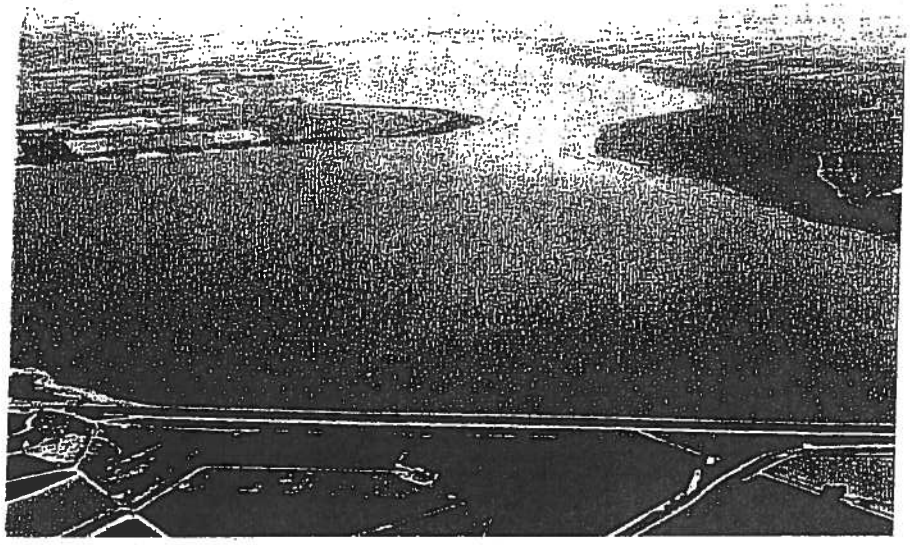
Lucky Peak Dam



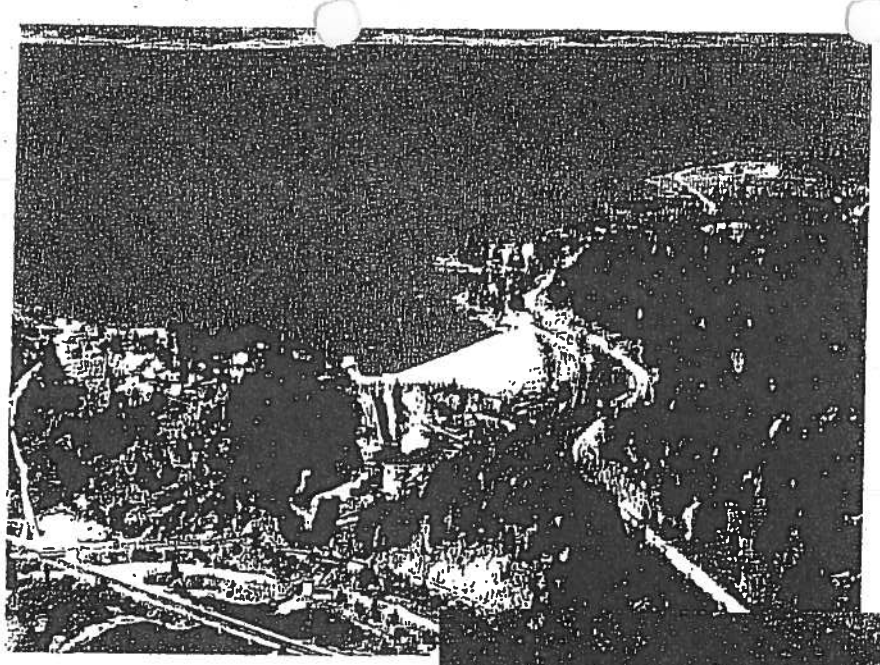
Boise River Diversion Dam



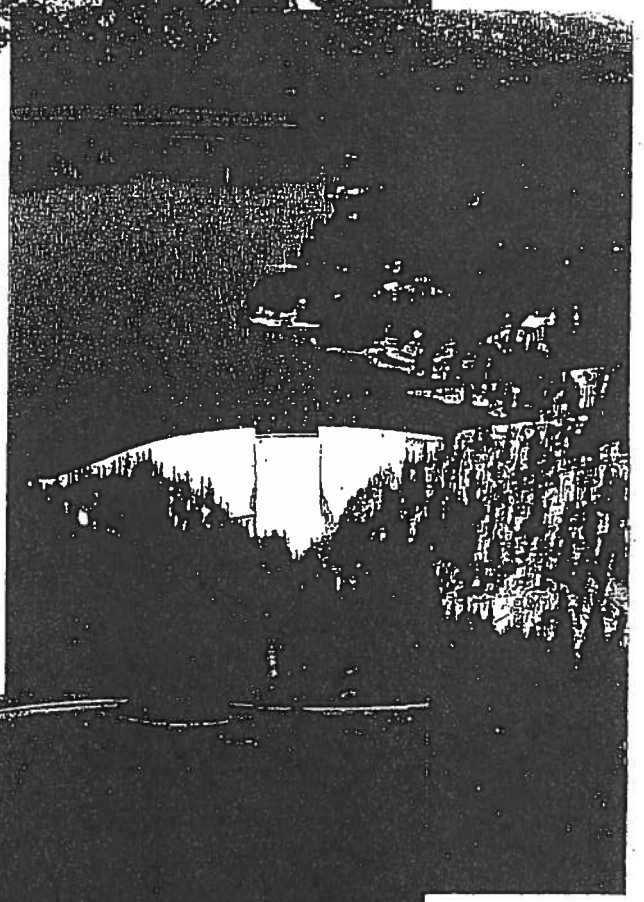
Hubbard Dam



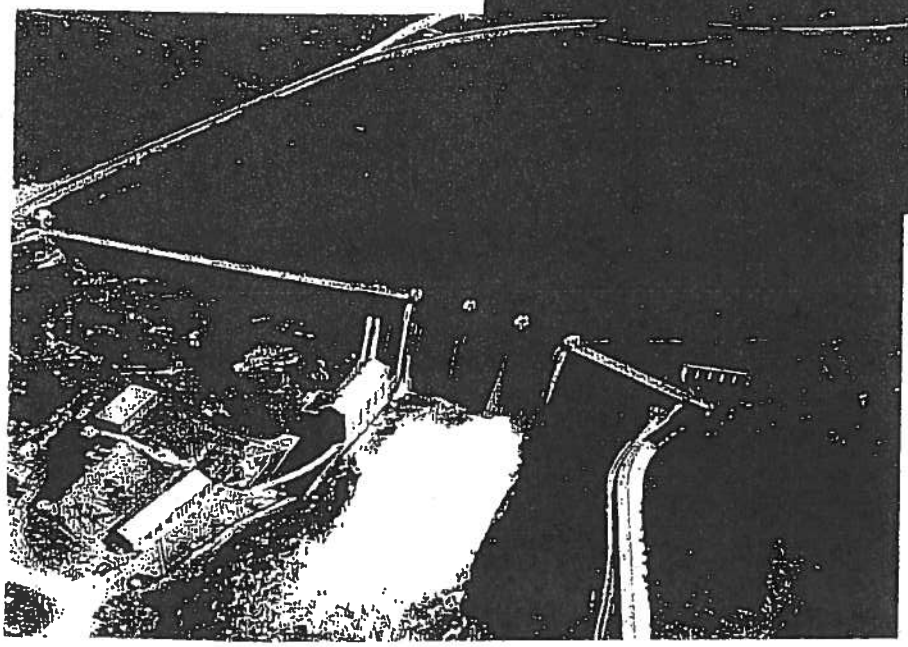
Deer Flat Lower Embankment
(Lake Lowell)



Cascade Dam



Deadwood Dam



Black Canyon Dam

olume of the contract space if all space in the reservoir fills, but some contracts allow more than that to be carried over if the reservoir does not fill. Most of these spaceholder contracts are held in perpetuity but can be sold to another entity with approval of Reclamation under Idaho State water law. Spaceholder contracts in Lucky Peak Reservoir are 40-year term water service contracts that can be renewed.

A list of spaceholders in the Federal reservoirs of the Boise and Payette River systems and the capacities and contracted space are included as appendix B.

With spaceholder contracts, Reclamation's operational control is limited to water in the uncontracted space and the inactive space. If all the active reservoir space has been marketed or contracted, all of the water in the active space of the reservoir is under control of spaceholders. hat is the case for Federal reservoirs in the oise, but not in the Payette system. All of the active space of Anderson Ranch, Arrowrock, and Lucky Peak Reservoirs have been contracted or formally assigned to specific uses. In the Payette system there remain 95,000 acre-feet uncontracted and unassigned—69,600 acre-feet in Cascade Reservoir, and 25,400 acre-feet in Deadwood Reservoir. These 95,000 acre-feet are at present assigned to flow augmentation. (See Appendix B for further details of capacity assignments.)

Spaceholder contracts make possible another concept—water banking. Under these contracts, the spaceholders can accumulate water in their contracted space and they may rent that water. To avoid problems with possible forfeiture of use (under State law a water right holder retains the right only if the water is used for a beneficial purpose), the State authorized creation of a water bank and defined the water bank as a beneficial e under State law.

In poor water years, when not all of the spaceholder storage is filled, each spaceholder gets his/her carryover from previous years and an amount of the accrued water supply proportionate to the contracted storage space. During normal and above normal years, the spaceholder storage space usually fills and the supply may exceed the amount used by the spaceholder who may carry over the excess or market it to a rental pool.

Spaceholder contracts are an important part of reservoir operation as the contract language, in part, defines the operating limits. For example, the contracts often stipulate that Reclamation will maximize the storage of water for irrigation use. These spaceholder contracts are in marked contrast to conventional repayment and water service contracts often used at other Reclamation projects. With water service contracts, Reclamation essentially delivers a specific amount of water or an entitlement and the water that remains in a reservoir after delivery of the specified entitlements is under Reclamation's control.

Reclamation Reservoir Cost Allocations

Construction Costs

At the time of construction, the space in Lake Lowell and Arrowrock Reservoirs was intended for irrigation. By the time it became evident that these reservoirs would not provide adequate irrigation water, the concept of multiple-purpose development had begun to take root. Anderson Ranch Reservoir was authorized for irrigation, flood control, power, and conservation of fish and recreation. Between authorization and construction of Anderson Ranch Dam, another reservoir, Lucky Peak, was authorized for flood control, and the concept of an integrated operation developed. Even Lake Lowell was indirectly integrated into a joint flood control-irrigation plan. In the Payette Division,

Deadwood Reservoir was authorized as a power facility to be used to provide storage releases for the generation of power at Black Canyon Powerplant and Cascade Reservoir was authorized for irrigation. Thus facilities, originally undertaken for irrigation and power generation have been converted to multiple purpose uses by making necessary additions and by improving plans for their use. If the change in use is significant, Congressional action is required.

In 1953, the allocation of costs for the Boise Project was revised (and authorized by the Act of August 24, 1954) to recognize these changes. At that time, the Boise Project had been in existence for nearly half a century, the costs of most features had been allocated to the appropriate functions, and suitable arrangements for their repayment had been completed. But the 1953 allocation also represented a change in previous allocations and repayment plans for some parts. Major parts in the 1953 revised allocation included:

Arrowrock Division
- Anderson Ranch Dam and Powerplant
- Arrowrock Dam
- Deer Flat Dams
- Boise River Diversion Dam and Powerplant
- Arrowrock Dam Alterations
- Canals, Drainage, and Miscellaneous Facilities

Payette Division
- Cascade Dam
- Black Canyon Dam and Powerplant
- Deadwood Dam
- First Unit
- Second Unit

In the 1953 revision, the capital cost of the Arrowrock Division was allocated to irrigation (52.7 percent), flood control (33.7 percent), and power (13.6 percent). The capital costs of the Payette Division were allocated to irrigation (91.6 percent) and power (8.4 percent). For the total Boise Project, the allocation was irrigation (65.6 percent), flood control (22.5 percent), and power (11.9 percent). Power was suballocated with 32.78 percent to irrigation power and the remainder to commercial power. Costs assigned to flood control are considered nonreimbursable.

All contractual obligations for the Arrowrock Division, except for costs associated with recent safety of dams work at Lake Lowell, have been repaid. Although most contractual obligations for the Payette Division have been repaid, some entities still have small amounts to be repaid on their contracts.

Annual Operating Costs

Annual operating costs include operation, maintenance, replacement, and power costs needed to operate and maintain the facility over an extended period. At present, all of the reservoirs provide multipurpose benefits. This change is recognized by allocating annual operating costs among several functions.

Allocation of annual operating costs for fish and wildlife, recreation, and flood control uses the Lineweaver allocation method (adopted by the PN Region in 1974). This method recognizes that all reservoirs provide substantial benefits to recreation and fish and wildlife (e.g., flatwater boating, water skiing, reservoir fishery, wetlands, etc.) and, through the use of operating rule curves, provide flood control benefits. Table 4 summarizes the annual operating cost allocation. Costs allocated by the Lineweaver method to recreation, fish and wildlife, and flood control are non-reimbursable.

Water Rights

Hydraulic mining in the west was an early activity that required diversion of a large amount of water for transport to another place of use. As a result, the prior appropriation doctrine of water rights

Table 4.—Allocation of Annual Operating Costs for Reclamation Reservoirs (percent of total cost)					
Reservoir	Flood Control	Recreation	Fish and Wildlife	Irrigation	Power
Arrowrock	46.0	4.0	4.0	46.0	0.0
Anderson Ranch	28.4	4.0	4.0	28.1	35.5
Black Canyon	0.0	4.0	4.0	42.0	50.0
Cascade	25.0	4.0	4.0	16.3	50.7
Deadwood	18.2	4.0	4.0	8.5	65.3

was developed in the west. Because of the arid conditions, this doctrine was also adapted for irrigation, and the riparian doctrine of water rights that developed in the more wet climate of the east was discarded throughout much of the west as inappropriate.

Under the prior appropriation doctrine, a person could use water from a stream without ownership of abutting land provided that the use did not interfere with an earlier use. Priority of appropriation became the recognized principle, with the courts ultimately determining the priority sequence and the amount of water of each appropriation. A law regulating the appropriation of water and affirming the prior appropriation doctrine was passed in 1881 while Idaho was a Territory. The Idaho State Constitution affirmed that streams belong to the State. Legislation has established a procedure through which appropriation of water is made by application to the State Engineer (currently the Director of the Idaho Department of Water Resources). For administrative purposes, the State of Idaho has divided the Snake River into three sections. The Boise and Payette drainages are placed in the lower third of the Snake River.

Water rights are administered by the State and are issued by date of appropriation for specific quantities, diversion points and places of use, and purposes. The 1902 Reclamation Act and subsequent Federal legislation affirm that the states are responsible for administering appropriative water rights within their borders. The earliest water rights for irrigation in the Boise and Payette River basins predate any storage development and are for diversion of flow at a specific rate (often called natural flow rights). Under the prior appropriation doctrine, natural flow rights are satisfied in order of priority based on date. When the water supply is limited, a water right holder with an earlier natural flow right is likely to receive a greater supply than a water right holder with a later date.

Development of storage facilities led to water rights for storage of a quantity of water (storage rights). Storage rights, along with natural flow rights, are satisfied in order of priority based on the date of the appropriation, i.e., the earliest rights must be met first. If earlier rights cannot be met, then water cannot be stored. All of the storage in a reservoir may have one priority date, but if a reservoir was increased in size at a later date, there may be a second priority date associated with the increase. As an example, Arrowrock Reservoir has storage priorities with two dates, the first associated with the original construction and the second associated with the increase in the storage capacity created by increasing the crest height.

In the case of storage, the relative priority among spaceholders is established in the repayment contracts. In general, spaceholders have equal

access to storage accruals, however, unequal access and priorities may be established in the contracts (see "Water Rental Pools" in chapter VI).

The right to use water for irrigation is an appurtenance to the lands served, whereas water rights for other purposes such as power and municipal and industrial (M&I) water supply are generally not. Water rights for irrigation are often managed collectively by some entity such as an irrigation district.

Reclamation holds title to the water rights associated with Reclamation storage facilities in the Boise and Payette River basins. These rights were acquired in accordance with the laws of Idaho. Offstream storage in Lake Lowell is filled through a natural flow right (specified in flow, not quantity) with diversion at the New York Canal. This offstream storage is filled between irrigation seasons. The earliest right associated with storage in Arrowrock Reservoir also specifies a diversion rate and not a quantity.

In the water rights process in Idaho, a permit is issued as a temporary right during development and a license is issued later. When a court takes action to settle water rights, the resulting decision on water rights converts the earlier permits and licenses to decreed water rights.

Court action in the Boise River basin early in the century established priority among water right holders by decree and established procedures for distributing water during periods when flow was inadequate to satisfy those rights. After many years of conflicting, overlapping water rights, a claim by the Farmers Cooperative Ditch Company was filed in 1902 against the Riverside Irrigation District, et al., in an action to define the surface water rights. On January 18, 1906, Judge George Stewart signed the "Stewart Decree" for irrigation diversions from the Boise River covering water rights for the period June 1, 1864 through April 1, 1904. The case was appealed to the State Supreme Court and remanded to the District Court to determine water duties; testimony was taken in 1914. Although a final decree was never entered, in 1919, Judge E. L. Bryan issued a continuing order which is still in effect. This Stewart Decree affected 135 individual water rights totaling 3,221 cfs which are often termed old water rights (dates of rights are mostly earlier than 1900, five are between 1906 and 1915). When the water supply is inadequate to fulfill all rights at 100 percent, the latest water rights successively to the oldest water rights are cut to 75 percent as needed. If further cuts are needed, the procedure is repeated with a cut to 60 percent of the water right.

The Bryan Decree signed by Judge E. L. Bryan on February 14, 1929 was appealed to the State Supreme Court which remanded it to the District Court to resolve some questions. The Bryan Decree provides a procedure similar to Stewart Decree for meeting water rights but affects water rights primarily with priority dates later than 1900. Judge Chas. E. Winstead signed a continuing order in 1932, and that order remains in effect today.

Water rights developed after these decrees are permits and licenses. For example, a license has yet to be issued for Lucky Peak.

An adjudication of the Payette River basin concluded with the Payette River Basin Decree in the 1980's and the conversion of earlier rights to decreed rights.

Changes in water rights, such as diversion point or use, require an application to and approval by the Idaho Department of Water Resources (IDWR). If the change exceeds 50 cfs or 5,000 acre-feet, the change must also be approved by the Idaho State Legislature.

Table 5 summarizes the storage rights for Reclamation facilities of the Boise Project.

Table 5.—Reclamation Storage Rights					
Reservoir	Rate (cfs)	Volume (acre-feet)	Priority	Document	Date Issued
Lake Lowell	1,354.58	--	12/14/03	Bryan Decree	——
Arrowrock	8,000		1/13/11	License	10/17/24
Arrowrock	--	15,000	6/25/38	License	3/29/55
Deadwood	--	163,000	12/31/26	License[2]	1/16/42
Cascade	--	700,000	12/24/37	License[2]	11/7/62
Anderson Ranch	--	493,161	12/9/40	License	12/17/56
Lucky Peak[1]	--	293,050	4/12/63	Permit	[3]5/20/87

[1]Storage marketed by Reclamation.
[2]Converted to decreed right by Payette River basin decree in the 1980's.
[3]Date of amendment.

V. General System Operation

This chapter provides an overview of operation of the Boise and Payette River/reservoir systems. More detailed description by function is provided in chapter VI.

Precipitation in the area is low in the summer and early fall, and higher during the late fall, winter, and spring. Much of the winter precipitation accumulates as snowpack in the higher elevations. This produces natural riverflows that can peak at very high levels as snow melts in the spring and early summer, decline throughout the summer to a minimum, and remain low during the fall and winter.

Storage reservoirs are constructed and operated to change the flow regime for some purpose. Based on project authorities, the reservoir systems in the Boise and Payette Rivers are operated primarily for irrigation water supply, project power, and flood control. Hydroelectric power generation, recreation, and fish and wildlife functions (other than maintaining streamflows) are secondary or incidental to the project operations, i.e., generally, water is not specifically released for those purposes. Project operations must release natural flows to meet earlier natural flow rights.

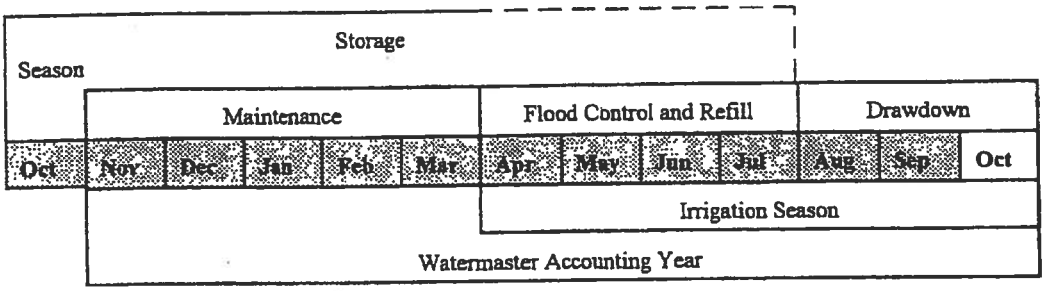
Although the Boise and Payette systems are operated separately, the four reservoirs of the Boise River system are operated as a unified storage system and the two reservoirs of the Payette River system are operated as a unified system. In that way, the capability of the storage reservoirs is maximized. To the extent possible, water is stored at the upper most reservoir (Anderson Ranch Reservoir) in the Boise system. In the Payette system, Cascade and Deadwood Reservoirs are operated in parallel to keep refill capabilities of the two reservoirs equal. A water rights accounting is maintained to assure that, regardless of where water is physically stored, the storage and use of water are properly accounted to the appropriate rights and spaceholders. The contracts with the spaceholders allow the system to be operated more efficiently than would be possible if each reservoir were operated independently strictly following individual storage right priorities and functions associated with each individual reservoir. This allows for more flexible

operations and a much greater chance that reservoirs will fill to meet project functions.

Water operations are defined by several "seasons" or "years" of reference and do not follow the regular calendar year. For example, hydrologic data are arranged by water year defined as October 1 through September 30, e.g., the 1994 water year began on October 1, 1993 and ended on September 30 of 1994. Spaceholder contracts for the Snake River basin specify that the storage season begins on October 1 and extends until there is no more water to be stored and that the irrigation season begins on April 1 and extends to October 31. In keeping with the end of the contract irrigation season, the water accounting system used by the watermaster runs from November 1 to October 31.

There are three general operating seasons based on climatological pattern, runoff, and irrigation demand: (1) Maintenance from November through March, (2) Flood Control and Refill from April through July, and (3) Drawdown from August through October. This general pattern coincides with the Watermaster's accounting period. Drawdown for flood control, storage release for irrigation demand, and reservoir refill may occur in the same time frame for different reservoirs because of elevation difference and the demand for irrigation at lower elevations. Also, it is important to recognize that the beginning and ending of the three operating seasons can vary widely with weather conditions and the water supply. The various operating seasons and the accounting period are shown in figure 5.

Figure 5.—Operating Periods and Seasons (Water year shown by shaded blocks)



Maintenance Period

The primary function of reservoir operation during the Maintenance period of November through March is to carry over and store water to the extent allowed by flood control requirements. Water is released as necessary to meet downstream natural flow rights. By the beginning of November, the reservoirs have been drawn down as the result of meeting summer irrigation needs and/or to meet a maximum elevation that provides the required flood control space. Inflow is stored, if there is more space than needed for flood control, or released as needed to maintain the general winter flood control space. Accrual of water is normally very slow as streamflows are low because of the cold temperatures at the elevation of the reservoirs. In addition to meeting natural flow rights, water is released from some reservoirs to meet minimum streamflows for protection or enhancement of fish and other wildlife. After January 1, anticipated spring flooding becomes a factor. Depending on the size of the snowpack, the flood control space will be decreased, maintained, or increased.

Flood Control and Refill Period

Spring snowmelt and irrigation demand at lower elevations may begin in April. During the Flood Control and Refill period of April through July, reservoir storage and outflow are continuously adjusted on the basis of runoff forecast to provide space for flood control as needed and to assure refill of the reservoirs. Irrigation demands during the early part of this season are usually met from natural streamflows but may require some release of storage. During the latter part of this period, irrigation demands may be met by a combination of natural streamflow and release of storage. In recent years, some water has also been released downstream to meet requirements for augmentation flows in the lower Snake for ESA-listed salmon (see chapter VI for more detail).

Drawdown Period

During the Drawdown period of August through October, storage is released to meet irrigation demands or to reach a reservoir elevation that provides the required flood control space in November. Irrigation demands must be met in varying degrees from storage releases, and there is constant adjustment of reservoir releases to maintain water as high in the system as possible and to use water from reservoirs with the greatest refill capability. In very poor water years the Drawdown period may begin as early as April.

Standing Operating Procedures

Standing Operating Procedures (SOP's) are documents that contain instructions and all of the necessary information for consistent operation of a dam and reservoir over a long period. Reclamation prepares an SOP for each Reclamation dam and reservoir primarily for the use of local facility workers and the immediate supervisor. The SOP usually includes (1) an emergency preparedness plan that provides instructions to follow in the event of various emergencies, (2) a directory of personnel including those of emergency services and cooperators for communications purposes, (3) general information on the facility, (4) technical data on structural, mechanical and electrical details, and (5) information on reservoir operations including filling and release of water, inflow forecasting, and specific operating criteria. These documents are controlled and numbered, which allows additions, corrections, and updates to be tracked carefully. Deviation from the SOP requires concurrence of upper management.

General Operating Activities

Tables 6 and 7 (next page) show general operating activities for the Federal reservoirs in the Boise and Payette River systems.

Typical Reservoir Contents and Riverflows

Reservoir contents and flows in various stream reaches in the Boise and Payette River basins vary depending on many factors. These factors include the daily, seasonal, and annual precipitation; reservoir contents at the end of the storage season; air temperature; natural streamflow; irrigation demand; etc. Reservoir contents and streamflow at any instant provide some information on the system operations, but reservoir contents and riverflows can markedly differ in a few weeks or even a few days. In addition, riverflows may change greatly in a few hours and reservoir contents and riverflows can vary greatly with the water supply. However, charts of riverflows and reservoir contents can provide a general overview of the range of operations.

The contents of six reservoirs and the outflow at five dams were selected for illustrating operations during a good, average, and poor water supply year. The 1992 water year was selected as

Table 6.—Summary of Boise System Reservoir Operating Activities				
Activity	Anderson Ranch Reservoir	Arrowrock Reservoir	Lucky Peak Reservoir	Lake Lowell
Refill target date	Late June	Late June	End of May	April 1
Flood control operation	Formal system rule curve			Informal
Minimum flood control space[1]	None	None	50,000 acre-feet November 1-March 31	None
Average winter release (Dec-Feb 1961-1990)	627 cfs	815 cfs	848 cfs	None
Minimum winter release target (official)	300 cfs	None	150 cfs	Not applicable
Minimum pool target (unofficial)	70,000 acre-feet	28,700 acre-feet	28,730 acre-feet	None

[1]November 1-December 31; total of 300,000 acre-feet in Anderson Ranch, Arrowrock, and Lucky Peak with 165,000 acre-feet in Arrowrock and Lucky Peak and a total of 150,000 acre-feet from January 1 to February 28.

Table 7.—Summary of Payette System Reservoir Operating Activities		
Activity	Cascade Reservoir	Deadwood Reservoir
Refill target date	Late June	Late June
Flood control operation	Informal system rule curve	
Minimum flood control space[1]	152,000 acre-feet	38,000 acre-feet
Average winter release (December-February 1961-1990)	674 cfs	2 cfs[2]
Minimum winter release target	200 cfs	50 cfs[3]
Minimum pool (unofficial)	300,000 acre-feet	50,000 acre-feet

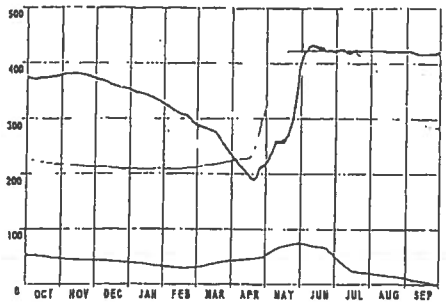
[1]Until spring forecasts are available.
[2]Average has been 63 cfs since gates were replaced in 1990.
[3]Since 1990. Low flow control was not possible before gates were replaced in 1990.

a recent, very poor water supply year while 1980 was selected as an average year and 1983 was selected as a very good water year. Runoff of the Boise River was 38 percent of normal in 1992 and 159 percent of normal in 1983. Runoff of the Payette River was 44 percent of normal in 1992 and 129 percent of normal in 1983.

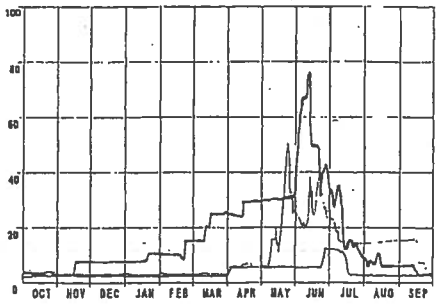
Figure 6 illustrates typical reservoir content and outflows for good, average, and poor water years. The reader is cautioned that some factors other than water supply are reflected in the charts. For example, reservoir releases for downstream salmon flow augmentation were not made in 1980 and 1983. Also, low flow releases from Deadwood Reservoir during the winter were not possible prior to 1992 when the gates were replaced.

Figure 6.—Typical Content and Outflow of Boise Project Reservoirs

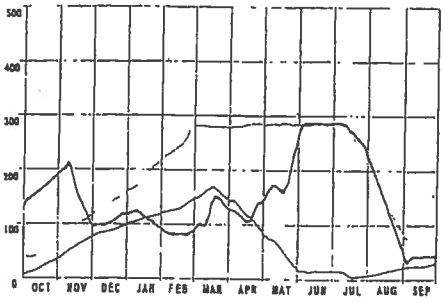
Contents of Anderson Ranch Reservoir
(1,000 acre-feet)



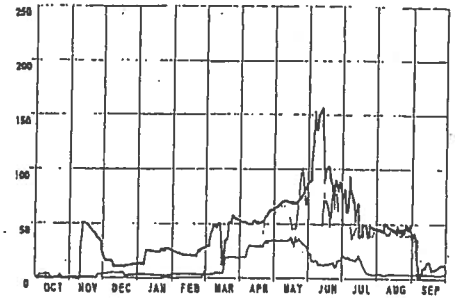
Outflow of Anderson Ranch Dam
(100 cubic feet per second)



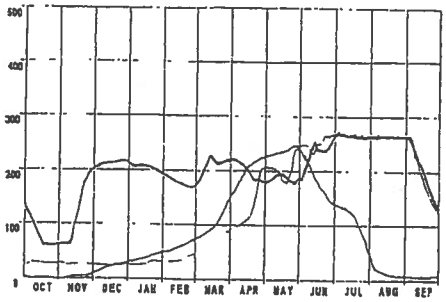
Contents of Arrowrock Reservoir
(1,000 acre-feet)



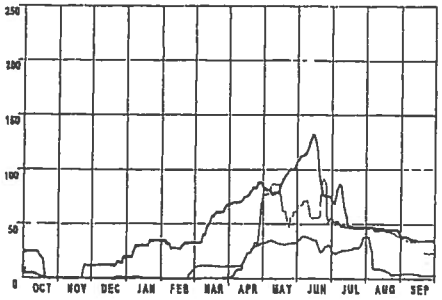
Outflow of Arrowrock Dam
(100 cubic feet per second)



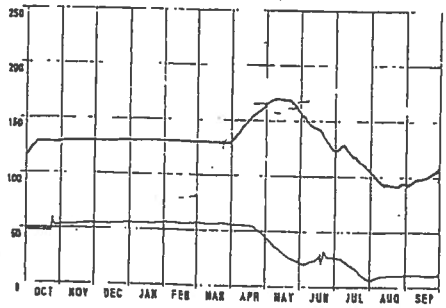
Contents of Lucky Peak Reservoir
(1,000 acre-feet)



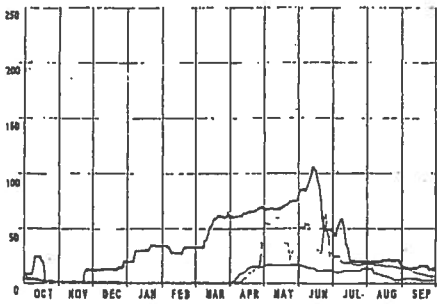
Outflow of Lucky Peak Dam
(100 cubic feet per second)



Contents of Lake Lowell (Deer Flat Dams)
(1,000 acre-feet)



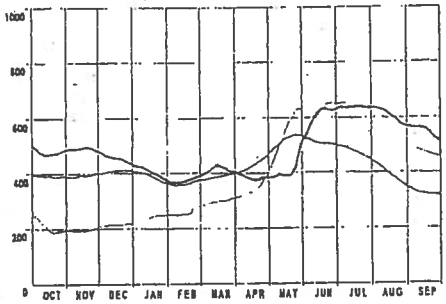
Outflow of Boise R. Diversion Dam
(100 cubic feet per second)



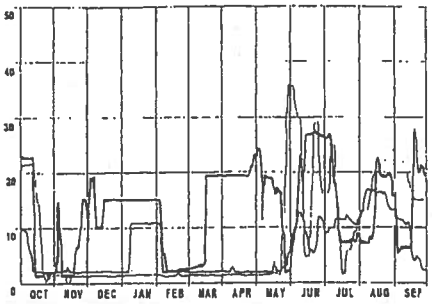
——— 1983 (Good water supply) —— 1980 (Average water supply) —— 1992 (Low water supply)

Figure 6.—Typical Content and Outflow of Boise Project Reservoirs (continued)

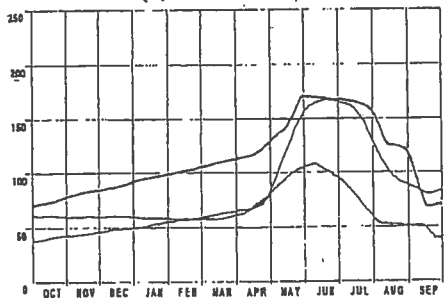
Contents of Cascade Reservoir
(1,000 acre-feet)



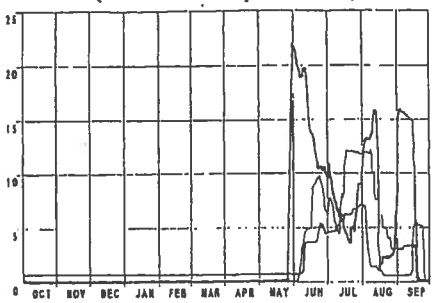
Outflow of Cascade Dam
(100 cubic feet per second)



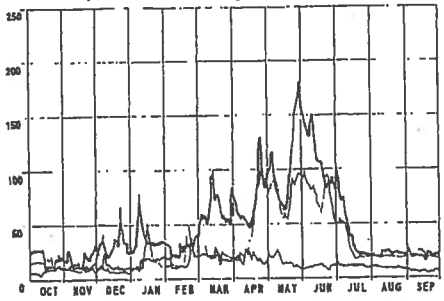
Contents of Deadwood Reservoir
(1,000 acre-feet)



Outflow of Deadwood Dam
(100 cubic feet per second)



Outflow of Black Canyon Dam
(100 cubic feet per second)



——— 1983 (Good water supply) ———1980 (Average water supply) ———1992 (Low water supply)

VI. Detailed Operation by Function

The purpose of early Reclamation storage development was generally limited to irrigation. In some cases, hydroelectric power generation was added for facilities operation, construction, or to pump water to higher lands. Development of Arrowrock Reservoir and Lake Lowell in the Boise system and Black Canyon Dam and Deadwood Reservoir in the Payette system provided limited opportunity for use other than irrigation water supply. When additional storage was developed— Anderson Ranch and Lucky Peak Reservoirs in the Boise system and Cascade Reservoir in the Payette system—capability to meet flood control, recreation, fish and wildlife enhancement, and power generation increased greatly. At the same time, passage of laws that required consideration of other functions at existing facilities and new facilities helped change the character of Reclamation project development. The Boise Project system of reservoirs has evolved into a true multipurpose operating system. Nonetheless, the dominant operating functions remain irrigation and flood control. Although the storage space and the use of water are dedicated to specific purposes, the way water is moved among the reservoirs can accommodate other purposes. This is especially true of the Boise River system, but is less true of the Payette River system.

For regulatory purposes, the Boise River downstream of Lucky Peak Dam is naturally divided into three distinct parts. The first section, from Boise River Diversion Dam to the Caldwell Highline Canal is carefully regulated by the watermaster. All water is measured and divided according to the decrees and licenses.

In the second section, from the Caldwell Highline Canal to the Notus Bridge, all water is measured but the regulation of diversions is more tolerant as return flows from upstream operations provide much of the water and little water is needed to be released from storage to meet the demands.

From the Notus Bridge to the Snake River, return flows provide sufficient water to meet all water rights. Although there is no need for regulation and none is provided, all water is measured and recorded.

Flood Control

Boise River System

Flood control operation of the Boise River system is based on several flood control acts (but particularly the Flood Control Act of 1944) which authorize flood control operations at all Reclamation reservoirs. The ultimate control of operations for preventing flooding is a Corps responsibility. Flood control operations followed a November 20, 1953, Memorandum of Agreement until 1985. A more comprehensive Water Control Manual for operation of the Boise River was prepared in 1985 and adopted by a Memorandum of Agreement dated September 25, 1985. This manual continues to be used at present.

Although flood control and reservoir filling for irrigation water supply are contradictory, accurate forecasts and properly designed flood control criteria can reduce conflicts to a minimum.

In the Boise River system, a total of 974,200 acre-feet of storage is used for joint irrigation and flood control operations. The flood control objective is to limit the flow at the Glenwood gauge (near the Glenwood Bridge in the city of Boise) to 6,500 cfs. Regulation of the three reservoirs is based on forecasts of expected runoff volumes from the Boise River watershed. Reclamation and the Corps prepare independent

forecasts based on regression and correlation techniques using snowwater content and precipitation as the primary variables and jointly agree on the operational runoff volume forecast. In addition a daily mathematical model (Streamflow Synthesis and Reservoir Regulation (SSARR)) is used by the two agencies for short-term forecasting and regulation. Forecasts are also prepared by the Northwest River Forecast Center-National Weather Service, the Natural Resources Conservation Service (NRCS), and the Boise Project Board of Control for their own use.

From November 1 through December 31 a minimum of 300,000 acre-feet of space is maintained in the three reservoirs and at least 165,000 acre-feet of this space in Arrowrock and Lucky Peak Reservoirs. From January 1 through March the minimum space in the three reservoirs is 150,000 acre-feet with a minimum of 55 percent in Arrowrock and Lucky Peak Reservoirs. The actual space requirement from January 1 through the end of the flood control season is based on estimated runoff and rule curves as discussed below (see attachment C for Boise River rule curves).

Reclamation and the Corps begin semi-monthly operational forecasts in January and continue making the forecasts until the end of the flood control season, from April 15 to July 1. Snowmelt usually begins in the first 2 weeks of April but may occur earlier, and flood control releases usually begin before April 1. If the probability of controlling flows to 6,500 cfs at the Glenwood gauge is less than 50 percent before April 1, flood control releases of up to 10,000 cfs can be made. After April 1, the probability of not controlling flows to 6,500 cfs should be 80 percent or greater before exceeding a release of 6,500 cfs at the Glenwood gauge.

Payette River System

Flood control operations in the Payette system follow informal agreements but much of the operation is similar to that in the Boise River basin. The major control objective is to limit the flow at the Horseshoe Bend gauge to 12,000 cfs. Reservoir flood control space, following the informal system flood control rule curves, is assigned 20 percent to Deadwood Reservoir and 80 percent to Cascade Reservoir.

Irrigation

The Boise Project includes some interbasin transfers of water. Some water from the Payette River is pumped to a canal system that provides water to lands in the Arrowrock Division. At the same time, some of the return flows (drainwater) from lands in the Arrowrock Division are used as a water supply for lands in the Payette Division. The rights to divert this water is included in a number of contracts.

Arrowrock Division

The initial and continuing purpose of Reclamation storage is to provide a reliable water supply for irrigation. In the Arrowrock Division, Reclamation provides a full water supply to about 124,000 acres and a supplemental water supply to about 99,000 acres. The operating organization for the Arrowrock Division is the Boise Project Board of Control created by contracts between Reclamation and the five irrigation districts representing the water users that make up the project. Reclamation operated the project through April 1, 1926. At that time operation of most facilities was turned over to the Board based on the Act of December 5, 1924, known as the Fact Finders' Act. Reclamation retained operation and maintenance of certain "Reserved Works."

In 1990, operation and maintenance of the first ½ mile of the New York Canal was transferred to the Board of Control. Operation and maintenance of the Boise River Diversion Dam and the headworks to the New York Canal were transferred to the Board of Control in 1992.

Arrowrock Dam and Reservoir; Anderson Ranch Dam, Reservoir, and Powerplant; and the powerplant at Boise River Diversion Dam continue to be "Reserved Works," operated and maintained by Reclamation. Lucky Peak Dam and Reservoir are operated by the Corps.

At the end of an irrigation season, releases from Lucky Peak are reduced to the minimum stream maintenance flow and water is stored and accumulates in the three reservoirs. Water is diverted at Boise River Diversion Dam to fill Lake Lowell by a target date of April 1. The main factors limiting the filling of Lake Lowell are weather that could cause icing and damage to the New York Canal and the natural flow rate of the river.

The irrigation season is considered to extend from April 1 to October 31. The Boise Project Board of Control and independent water users request water from the watermaster of District 63 who distributes water to those who have natural flow rights and/or contracts with Reclamation for stored water. The watermaster tallies requests, asks for release of water from the storage reservoirs, and makes a daily estimate of the natural flow available and credits it to the appropriate water users. When the rate of diversion of a water user is greater than the credited natural flow, the remainder of the diversion is charged to the user's stored water supply. If the user's stored water supply has been exhausted the diversion rate is limited to the natural flow right.

The watermaster determines the amount of water that must be released at Lucky Peak Dam. Reclamation releases water from Anderson Ranch and Arrowrock Reservoirs as necessary to provide this water. Releases from Lucky Peak Dam are normally about 4,500 cfs during peak periods of irrigation demand.

At the end of the irrigation season, Reclamation, in conjunction with the watermaster, determines the amount of unused stored water in the three reservoirs. Carryover is permitted by Anderson Ranch and Lucky Peak contracts; no carryover is permitted by Arrowrock contracts.

Payette Division

In the Payette Division, flow at the Horseshoe Bend gauge is typically maintained between 2,000 and 2,600 cfs to meet downstream irrigation needs. Black Canyon Reservoir must be maintained within less than 0.1 foot of full pool level to maintain the required operating head for diversion canals. Releases from Cascade and Deadwood Reservoirs are adjusted to maintain the pool level and to avoid spilling water. At the end of the irrigation season flows are reduced but Black Canyon Reservoir is maintained at full pool except as otherwise required for maintenance.

Water Rental Pools

Spaceholder contracts and Idaho State law allow operation of rental pools. These pools allow spaceholders to offer water for rent to other entities that are in short supply.

Water rental pools (as they are now called) operate under State of Idaho law and at the direction and under the rules of the Idaho Water Resources Board (IWRB). Prior to 1991, a rental pool was often called a water bank, but that term is now used as the official umbrella name for all water rental pools in the State. The water rental pool concept has been unofficially in existence since 1937 in the upper Snake. In 1979, the State Legislature authorized the establishment of water banks and rental pools statewide as a means to share water. Local water rental pool rules and leasing prices are determined by the local water rental pool organization and then subsequently approved or denied by the IWRB.

The Boise River Water Rental Pool is under the administrative jurisdiction of Water District No. 63 Rental Pool Committee, and the Payette Water Rental Pool is under the jurisdiction of the Water District No. 65 Water Rental Pool Committee. The watermaster administers the rental pool under guidance of the committee. Reclamation as the storage facility owner and contractor is also involved and must approve the rules and rates for Federal storage as well.

Payment rules for those who provide space to the two water rental pools are similar. Spaceholders who offer water for rent before July 1 receive a proportionate share of proceeds from any such water that sells. Spaceholders who offer water for rent after July 1 receive proceeds from any sales on a "first come" basis after all water offered before July 1 is sold.

Rules for purchase of rental water differ between the two rental pools. Both pools are operated primarily for irrigation and therefore purchase for irrigation is the first priority. Within the irrigation uses there are two classes that are defined differently in the two rental pools. Purchase of water for other beneficial uses has the lowest priority.

In order to protect spaceholders who do not sell storage water, a "last-to-fill" rule was adopted. This rule states that any water sold for use outside the river basin will be the last to fill for the next year. This was imposed to prevent spaceholders who have good overall water supplies from profiting at the expense of overall refill the following year (each spaceholder accrues water proportionately to his owned space). If water is sold through the rental pool, the reservoir space drafted must be refilled the next year. Without the "last-to-fill" rule, all spaceholders would in effect contribute to the refill of the rented water.

The price for rented water is set by the local water rental committees. Water from the Boise Rental Pool, in 1997, cost $6.50 per acre-foot for any use. Water from the Payette Rental Pool for use above the mouth of the river cost $2.70 an acre-foot. Water rentals for non-irrigation purposes for use below the river mouth is $5.40 per acre-foot and includes $0.75 per acre-foot for administration cost.

Since 1991, State law requires that water for augmentation of downstream salmon flows must be administered through the rental pools. Reclamation consigns water to the rental pools, pays the administration charge ($0.75 per acre-foot in the Boise and Payette), and then releases the water for downstream flow augmentation.

Table 8 summarizes District 63 and 65 Water Rental Pool contributions and sales for the period 1990-1995. Prior to 1991, most of the non-irrigation purchases were made by IPC for power generation. Since 1991, Reclamation has purchased most of the non-irrigation water for salmon flow.

Boise Project Board of Control

The operating entity of the Arrowrock Division is the Boise Project Board of Control which was created by contracts between the five major irrigation districts and Reclamation. These irrigation districts are Big Bend, Boise-Kuna, Nampa & Meridian, New York, and Wilder. Each of the irrigation districts elect representatives in proportion to the acreage served by the district, and the Board elects a Project Manager for day-to-day operation and maintenance.

Table 8.—District 63 and 65 Water Rental Pool Activity (Acre-Feet)				
Year	Consigned	Purchases		
		Irrigation	Reclamation[1]	Total[2]
District 63 (Boise River)				
1990	11,182.0	11,182.0	0	11,182.0
1991	2,764.2	2,764.2	0	2,764.2
1992	1,831.7	1,831.7	0	1,831.7
1993	23,039.0	0.0	23,039	23,039.0
1994	40,702.9	4,752.9	35,950	40,702.9
1995	27,000	0	27,000	27,000
1996	38,588	588	38,000	38,588
1997	([3])	([3])	38,000	([3])
District 65 (Payette River)				
1990[4]	61,175	0	61,175	61,175
1991[4]	104,525	2,000	102,525	104,525
1992[4]	138,615	48,615	90,000	138,615
1993[4]	129,971	0	129,971	129,971
1994	67,772	5,889	61,883	67,772
1995	157,019.2	3,789.5	145,300	[5]157,109
1996	161,040.5	3,789.5	151,300	[6]161,040.5
1997	([3])	([3])	155,000	([3])

[1]Includes Reclamation space and other rental purchases used for salmon flow augmentation. Under State law, Reclamation consigns the water to the rental pool and pays the administrative charge for this use.
[2]To date, all consigned water has been purchased
[3]Information not available.
[4]Data not firm, watermaster records began in 1994.
[5]Includes 7,957.8 acre-feet for hydropower (Horseshoe Bend powerplant)
[6]Includes 5,951 acre-feet for hydropower (Horseshoe Bend powerplant)

Black Canyon Irrigation District

Operation of the conveyance systems of the Payette Division has been turned over to the Black Canyon Irrigation District. Reclamation continues to operate Cascade Dam and Reservoir, Deadwood Dam and Reservoir, and Black Canyon Dam, Reservoir, and Powerplant as reserved works.

Watermaster

Water rights are issued and administered by the State of Idaho. The watermaster for District 63 (Boise River) is elected each year by water users in the Boise River drainage, and the watermaster for District 65 (Payette River) is elected by water users in that drainage. As indicated in the "Irrigation" discussion, the watermaster accounts water deliveries and water user storage credit daily and adjusts deliveries according to demand

and water availability. At the end of the water year, the watermasters prepare an accounting of water diversions for the IDWR as required under State law.

Power

In the Boise and Payette River basins, there are Federal and non-Federal hydroelectric powerplants. Federal powerplants are located at Anderson Ranch Dam, Boise Diversion Dam, and Black Canyon Dam. Non-Federal powerplants are located at Lucky Peak Dam, at a private dam on the Middle Fork Boise River near Atlanta, at Cascade Dam, and on a canal near Horseshoe Bend.

Power generation is currently incidental to flood control and irrigation water supply operations of the Boise Project. Although Deadwood Reservoir was constructed to provide water for power generation at Black Canyon Dam, water is not released specifically for power generation in normal operations. The IPC has a natural flow water right of 200 cfs that is senior to the storage right for Cascade Reservoir. Reclamation is obligated to release natural inflow up to 200 cfs for operation of the IPC powerplant at Cascade Dam.

Federal Powerplants

The first Federal hydroelectric powerplant on the Boise River was constructed at Boise River Diversion Dam to supply power for construction of Arrowrock Dam. Power is included as a project function at Anderson Ranch Dam and at Black Canyon Dam. The Anderson Ranch powerplant, uprated in 1986, and the Black Canyon powerplant continue to generate power. The powerplant at Boise River Diversion Dam was placed in a ready reserve status in 1983 due to age and maintenance costs. Rehabilitation of that powerplant is scheduled to begin in fiscal year 1999. Power generated at the Federal facilities is used for facility operation and irrigation pumping and the remainder is marketed by the Bonneville Power Administration (BPA). Power generated at the Black Canyon Powerplant provides energy for operation of the Black Canyon Irrigation District pumps and pumping water at Reclamation's Owyhee Project.

Non-Federal Powerplants

The IPC owns and operates the powerplant at Cascade Dam under a FERC license and has a natural flow right of 200 cfs that predates construction of Cascade Dam.

Four of the five irrigation districts that comprise the Boise Project Board of Control (the New York Irrigation District does not participate) own and operate the powerplant at Lucky Peak Dam under a FERC license. Under an agreement with the owners, the Lucky Peak powerplant is operated by the city of Seattle. Releases for irrigation, flood control, and stream maintenance are made through the powerplant up to the powerplant capacity. Power generation is incidental to water released for other uses.

A private powerplant with a capacity of 150 kW is located at Kirby Dam, a small dam on the Middle Fork Boise River at Atlanta, Idaho. In Horseshoe Bend, Idaho, a bypass canal feeds water to a small privately developed powerplant that has a capacity of 9,500 kW.

Summary

There are three federally owned powerplants (one in ready reserve status), and four non-federally owned powerplants located within the Boise and Payette River basins. Table 9 summarizes the powerplants.

Table 9.—Hydroelectric Powerplants		
Site	**Nameplate Rating**	**Owner/Operator**
Federal Powerplants		
Anderson Ranch Dam	40,000 kW	Bureau of Reclamation
Black Canyon Dam	8,000 kW	Bureau of Reclamation
Boise River Diversion Dam	1,500 kW	Bureau of Reclamation (Currently in ready reserve)
Non-Federal Powerplants		
Cascade Dam	12,800 kW	Idaho Power Company
Horseshoe Bend	9,500 kW	Horseshoe Bend Hydroelectric Company
Kirby Dam	150 kW	Atlanta Power Company
Lucky Peak Dam	101,250 kW	Boise Project Board of Control (except New York Irrigation District) (owner) City of Seattle (operator)

Fish and Wildlife

Authorities for construction of the storage facilities associated with the Boise Project do not include fish and wildlife enhancement except for Anderson Ranch Dam and Reservoir. However, various agreements and administrative decisions recognize subsequent Federal laws that focus on fish and wildlife protection and enhancement. These include target flows and pools which are not absolute values but goals to be met within the capability of the system and availability of the water supply. It is recognized that these targets cannot be achieved under all conditions. Withdrawn lands around reservoirs are managed for fish and wildlife to the extent possible including the lands around Lake Lowell that are managed by the USFWS as part of the Deer Flat National Wildlife Refuge.

Operations specifically related to fish and wildlife enhancement include minimum or target streamflows below dams and conservation pools at reservoirs. Minimum releases of 300 cfs from September 15 through March 31 and 600 cfs for the remainder of the year are maintained at Anderson Ranch Dam. The minimum streamflow target below Lucky Peak is 150 cfs but flows drop as low as 80 cfs in low water years. In the Payette River basin, the target minimum release is 200 cfs at Cascade Reservoir and 50 cfs at Deadwood Reservoir. (See tables 6 and 7 for target conservation pools and minimum winter releases.)

In the Payette system, water is typically released early from Deadwood Reservoir. This helps maintain Cascade Reservoir at a higher pool level to enhance water quality and fish resources which support bald eagles, osprey, and other wildlife around the reservoir.

In recent years, as much as 172,000 acre-feet from storage in Boise Project reservoirs have been released for downstream salmon flows (see "Endangered Species Act" section).

Recreation

In the Boise system, Lucky Peak and Anderson Ranch Reservoirs provide most of the recreation opportunities associated with reservoirs. Lucky Peak, located less than 1 hour from about one-third of the population of Idaho, receives most of

the recreation use. Recreation opportunities at Lucky Peak Reservoir are supported by maintaining the water elevation as high as possible throughout the recreation season. This is accomplished by first using the storage in Arrowrock Reservoir to meet irrigation needs, thereby maintaining Lucky Peak at a high water level. When Arrowrock is fully drawn down, the drawdown of Lucky Peak Reservoir begins. Water is not released from Anderson Ranch Reservoir to maintain the water level of Lucky Peak Reservoir.

Floating a 5-6 mile reach of the Boise River from Barber Dam (diversion structure upstream from the Ridenbaugh Canal diversion) to the center of the city of Boise is a popular summertime activity. A flow of about 1,500 cfs is the maximum safe limit while very low flows also create hazards. Boise Project activities, generally accommodate this recreation activity; however, water is not released specifically for recreation.

In the Payette system, water is released early from Deadwood Reservoir. This operation helps maintain the Cascade Reservoir pool at a high elevation for recreation at the reservoir and enhances flows for recreational boating on the South Fork of the Payette River.

The reach of the South Fork of the Payette River from the Deadwood River confluence to Banks, Idaho and part of the North Fork are recognized as world-class whitewater rivers. As a result, maintaining flows within certain limits during the recreation season is of major concern to advocates of whitewater boating and rafting. Project operations generally accommodate these activities by adjusting releases among reservoirs; however, water is not released specifically for recreation.

Another aspect of reservoir management is the safety of downstream recreationists. This is addressed through reservoir release criteria that specify minimum time periods between flow increases. Although release criteria are based on multiple objectives, in the Payette system these rules are primarily intended to reduce the impact of flow changes to fishermen and others along the streams. Reclamation operating procedures specify allowable increments over minimum time period based on starting flows of less than or more than 1,000 cfs. For example, the allowable increase in flow from Deadwood Reservoir, starting from very low flows, is only 100 cfs per day, but increases of 250 cfs are allowed each 3 hours when the flow is already greater than 1,000 cfs.

In the Boise system, operating procedures for changes in releases from Anderson Ranch Dam apply to increases and decreases of flow, specific times of the year, and allowable change in flow over specific time periods. For example, the allowable flow increase during the period of April 1 to September 15 is 35 cfs each 10 minutes. Although these operating procedures rules help protect recreationists, the primary purpose is maintenance and protection of the high quality fishery.

Operating procedures for release changes at Arrowrock Dam are not needed since there is no free flowing reach when Lucky Peak Reservoir is full. Operating procedures for Lucky Peak Dam do not address flow changes. However, operators try to limit changes to 500 cfs per day or 500 cfs in the morning and 500 cfs in the afternoon. This operation reduces hazards for river users, allows irrigation districts to prepare for the increased flows, allows individuals to place sand bags to avoid flooding, and reduces the loss of trees into the river due to sudden dewatering of the banks.

Municipal and Industrial Water Supply

Throughout the region, M&I water supplies have historically been pumped from ground water. Volume of use and the quality of ground water in

the Boise Valley have become concerns in recent years. In response some surface storage has been purchased by utilities; however, M&I use of surface water supplies remains insignificant compared to irrigation use. The most recent surface water right for M&I is a water right for 23 cfs issued to United Water Idaho to provide some of the water for operation of a new municipal water treatment plant on the Boise River. Since the Boise River is fully appropriated, the only available flows for this 23-cfs water right occur when Lucky Peak Reservoir is spilling for flood control purposes.

Endangered Species Act (ESA)

In recent years, Reclamation has modified water operations in the Snake River basin above Brownlee Reservoir to help protect and recover species that have been listed under the ESA. By April 1992, Snake River sockeye salmon and spring/summer and fall chinook salmon stocks were listed by the National Marine Fisheries Service (NMFS) under the ESA. In January 1993, five species of aquatic snails that inhabit the middle Snake River, were also listed (four endangered and one threatened) by the USFWS.

Reclamation, BPA, and the Corps (the operating agencies), have participated in ESA Section 7 consultations with NMFS and USFWS on the effects that operation of the Federal Columbia River Power System (FCRPS) may have on the listed salmon and snails. The upper Snake River has been tied to these consultations because of requirements to release reservoir storage to improve salmon migration conditions in the lower Snake River and Columbia River reaches.

Since 1991, Reclamation has provided salmon flow augmentation storage releases from the Payette, Boise, and upper Snake River basins. All of this water is administered under the rental pools as required by State law and includes releases from Reclamation space and purchases from water users. Table 10 summarizes information on the source and volume of storage that has been provided annually from above Brownlee Dam. Table 11 summarizes similar information for that portion of the water released from the Boise and Payette River basins.

Table 10.—Flow Augmentation Provided from the Snake River Basin above Brownlee Dam

Year	Natural Flow	Volume (acre-feet)		
		Reclamation Noncontracted and Powerhead	Rental From Water Users	Total
1991	-	40,000	160,000	200,000
1992	-	90,000	0	90,000
1993	-	324,000	100,000	424,000
1994	-	383,000	45,000	428,000
1995	-	141,000	286,000	427,000
1996	16,000	155,000	251,000	422,000
1997	18,000	156,000	253,000	427,000

Table 11.—Flow Augmentation Provided from the Boise and Payette River Basins			
	Volume (acre-feet)		
Year	Reclamation Noncontracted and Powerhead	Rental From Water Users	Total
1991	28,900	73,600	102,500
1992	90,000	0	90,000
1993	118,000	35,000	153,000
1994	97,800	0	97,800
1995	119,200	52,800	172,000
1996	133,000	56,300	189,300
1997	133,000	60,000	193,000

Under ESA Section 7 requirements, Reclamation consults with NMFS and the USFWS on the effects of the salmon water releases on listed snails and salmon. The 1995 Biological Opinion, issued by NMFS and USFWS, directs Reclamation to provide 427,000 acre-feet of water for salmon flow augmentation each year through 1998 and to concurrently use a release regime that will not jeopardize listed snail species in the middle reach of the Snake River. This requires that Reclamation consult with NMFS and USFWS each year once water supply/sources are firm.

IPC has in the past agreed to release some of the 427,000 acre-feet from Brownlee Reservoir in a pattern to provide a greater instantaneous flow for salmon in the lower Snake River and Columbia River than could otherwise be furnished by directly passing the water from upstream Reclamation reservoirs. Reclamation has seasonally scheduled its upstream releases to backfill Brownlee in such a way as to benefit hydropower generation at various IPC powerplant facilities. BPA has reimbursed IPC for costs incurred in the shaping operations.

VII. Other Issues

Irrigation, power, fishery, wildlife, recreation, ecological and other interests have concerns and most want more water. But more water is not possible; the only possibility is change in the use of the current water supply. It is important to recognize that many uses of water are mutually exclusive, i.e., an increase in one use requires a decrease in some other use. As an example, an increase of instream flows requires out-of-stream uses to be decreased, storage reservoir elevations to be lowered, or both.

In addition to requests for more water, there are requests for different operations. Any change in river/reservoir operation will have negative effects on some uses and positive effects on other uses. Releasing water for a shorter period at a greater rate may benefit one type of recreation while diminishing another type of recreation or diminishing recreation at another site.

Boise Valley Ground Water

An intensive effort is underway in the Boise Valley to improve understanding of the ground water in the lower Boise River basin. Conversion of the desert lands to flood irrigated agriculture significantly altered the hydrology of the area. Tremendous amounts of surface water were added to the ground water system, in many areas raising the ground-water level several hundred feet. For instance, during the first year of operation, losses from Lake Lowell were nearly equivalent to the storage and much of this went directly into the underlying aquifer. In 1911, after 3 years of operation, reservoir losses into the surrounding earthen banks and seepage were as high as 135,000 acre-feet.

For many years, this new, relatively shallow ground water provided an inexpensive and readily available supply which is now extensively used throughout the valley. Since the late 1970's, however, there has been a reduction in irrigated acreage, a tremendous increase in population, and the worst drought documented in the valley since records have been kept. Ground-water levels in some areas appear to be declining and there are now heightened concerns that the ground-water resources may be in jeopardy.

To help address these concerns, the Treasure Valley Hydrologic Modeling Process was initiated. This multi-year study is being led by the Idaho Department of Water Resources with several entities including the USGS providing technical and other support roles. The purpose of this comprehensive effort is to add information to current data to develop a model for answering complex management questions.

Snake River Basin Water Rights Adjudication

A general adjudication of water rights in the Snake River basin was filed on December 19, 1987, and is ongoing in the 5th District Court of the State of Idaho for the County of Twin Falls, Case Number 39576, (The State of Idaho, ex rel. v. The United States; the State of Idaho; and all claimants to the use of water from the Snake River Basin Water System). Reclamation claims use of water in the Snake River basin for several Reclamation projects. The adjudication of water rights includes Federal reserved water rights associated with the Nez Perce Tribe and the Shoshone-Bannock Tribes of the Fort Hall Indian Reservation. The adjudication is ongoing, without an identifiable date for a conclusion.

Included in the adjudication are all water rights (surface and ground water) claimed by individuals and entities in the Snake River basin. There are more than 62,000 separate claimants, including landowners, irrigation districts, canal companies, State and Federal agencies, and municipalities. Previous court decisions, Federal treaties, Federal contracts, and Acts of Congress have bequeathed a legacy of uncertainty, confusion, and a multitiered system of irrigation delivery priorities. Tribal claims for instream flows (fish habitat, channel, and riparian maintenance) with a time immemorial priority date are for greater than 36 million acre-feet of water, an amount greater than the average annual flow of the Snake River at Lewiston, Idaho.

Water Acquisition for ESA Considerations

On March 2, 1995, the National Marine Fisheries Service provided a Biological Opinion on the operations of the Federal Columbia River Power System. In its March 15, 1996, Record of Decision, Reclamation accepted the Reasonable and Prudent Alternatives in that Biological Opinion. This called on Reclamation to provide 427,000 acre-feet of water from the Snake River basin for salmon flow augmentation in the lower Snake River and Columbia River. Reclamation is obligated to take such actions as are necessary to ensure, by 1998, a high likelihood of providing

that amount of water each year. Accordingly, Reclamation has initiated a program to acquire reservoir storage space and natural flow rights throughout the drainage above Lower Granite Dam so that a reliable water supply can be obtained to meet the 427,000 acre-foot requirement. To date, Reclamation has purchased about 22,500 acre-feet of storage space in Jackson Lake and Palisades and American Falls Reservoirs, and 35,000 acre-feet in Lucky Peak Reservoir. Under this program, Reclamation will purchase natural flow and storage space rights only from those willing to sell, at a fair market value, and in accordance with State water rights. This water, along with annual water rentals, will be combined to meet the salmon flow augmentation requirement of 427,000 acre-feet.

Title Transfer

As part of the second phase of the Administration's National Performance Review, Reclamation is undertaking a program to transfer title of facilities that could be efficiently and effectively managed by non-Federal entities and are not identified as having national importance. This effort is a recognition of Reclamation's commitment to a Federal Government that works better and costs less. The transfer of title will divest Reclamation of the responsibility for operation, maintenance, management, regulation, and liability for the project. The transfer of title to a project will, in effect, sever Reclamation's ties with that project.

Criteria and procedures are being developed to assure that transfers will safeguard national interests and will benefit the nation.

Resource Management Plans

Reclamation is conducting a multi-year program to prepare resource management plans (RMP) for all major facilities. These plans are intended to address the management of water and land surfaces including protection of natural, recreational, archeological, historical, and other resources. Reservoir operations are generally excluded, but adjustments in reservoir operations that do not diminish benefits to the spaceholders or major project functions can be considered.

This program is guided by Federal law (Public Law 102-575) and policies aimed at ensuring that Federal lands are managed to serve a wide range of public purposes. These coordinated management plans are prepared to clearly set goals, objectives, policies, and priorities related to competing uses, guide decision-making, and resolve conflicts.

Reclamation's resource management policy is to ensure and encourage resource protection, conservation, and multiple use. Management practices and principles, in accordance with existing Federal laws, regulations, and policies, are to be applied to protect fish, wildlife, and other natural and cultural resources. The policy also provides for public health and safety, public access, and a wide variety of outdoor recreational opportunities to accommodate the increasing public demand to use Reclamation land and water areas.

An RMP for Cascade Reservoir was completed in 1991 and will be revised on a 10-year cycle. The only other RMP schedule for Boise Project reservoirs is an RMP for Black Canyon Reservoir in 1998.

Snake River Resources Review (SR^3)

Reclamation is conducting a comprehensive review of the multipurpose operations and related resources in the Snake River basin above Brownlee Dam. The goal of the SR^3 is to develop an information network and decision support system (DSS) that can be used to coordinate the operation of the 10 Reclamation projects and indicate resource tradeoffs in various system scenarios. SR^3, to be completed in the

year 2000, will enhance, refine, and confirm Reclamation's ability to make sound resource decisions in the Snake River basin.

The information network will consolidate basin information so it can be shared among Federal, State, tribal, and local government entities and be used more efficiently. The DSS being developed will improve Reclamation's ability to analyze operation for traditional uses, such as irrigation, flood control, and power generation, when considering other demands such as releasing water for recovery of endangered salmon in the lower Snake and Columbia Rivers, protecting in-basin ESA listed species, recharging aquifers, providing water for municipal and industrial use, improving water quality, improving recreation opportunities, protecting cultural resources and Indian trust assets, and protecting and enhancing fish and wildlife habitat.

Coordination with other Federal and State agencies and tribal governments that are gathering data or conducting studies within the basin is underway. This will help avoid duplicating efforts and allow partnerships in the development of the information network and DSS. The general public, water users, and other State, local, and Federal agencies are invited to participate in SR^3 through a public outreach program.

Reservoir Conservation Pools

Some interests would like to establish official conservation pools at all Reclamation Reservoirs. Establishing a conservation (minimum) reservoir pool is intended to maintain valuable reservoir resources such as good water quality, reservoir fish populations, wildlife habitat, and recreation uses that would be lost if a reservoir were completely drained. These resource assets often evolve over a period of time but are secondary to the original purposes for which a reservoir was constructed. Virtually all reservoirs of the Boise Project offer these kinds of resource values which could be enhanced by establishment of conservation pools.

None of the reservoirs in the Boise Project have an official conservation pool, although there are de facto minimum pools (dead storage and administratively established minimum pool targets). In dry years, storage supplies are more heavily used to meet irrigation demands, and other uses may suffer accordingly. Reclamation attempts to maintain pools as high as possible but must meet contractual and other legal responsibilities.

Conservation pools would compete directly with irrigation water supplies, possibly some flood control operations, and resource values in other reservoirs. Establishment of conservation pools would require active participation and negotiation by all interests.

Instream Flow Management

There is a formal minimum instream flow for the South Fork of the Boise River (downstream from Anderson Ranch Dam). This river reach has a high quality trout fishery that is sustained by year-round release of water from Anderson Ranch Reservoir. The minimum release is 300 cfs from September 15 through March 31 and 600 cfs from April 1 to September 15. Flow change criteria are also established, primarily to protect fish. Although there is also a minimum release of 80 cfs from Lucky Peak Dam for flow of the Boise River, the target release is 150 cfs, and the Idaho Department of Fish and Game own storage to help achieve flow targets.

Operations of other reservoirs of the Boise Project attempt to meet target minimum flows as summarized in tables 6 and 7. A winter minimum flow is possible and has been met from Deadwood Reservoir since 1990 when gates that could be operated at low flow were installed.

Water Quality

In the Boise Valley, the water quality of the Boise River downstream of Star, Idaho (about RM 34) is a major concern. The lower river is

composed primarily of irrigation return flows which bring a variety of agricultural chemicals, soil particles, and farm wastes into the river. The quality of ground water is another issue in the Boise Valley. Large population increases in recent years, increased municipal and industrial use of ground water, and septic tank disposal systems are having a significant effect on quantity and quality of the aquifers. Currently, Federal, State and local entities have several studies underway to address these concerns.

In the Payette River basin, the water quality of Cascade Reservoir, is a major concern. Algae blooms have been so severe that livestock drinking the water have been poisoned. Several studies are ongoing to address the treatment of sewage upstream at the city of McCall, livestock grazing around the lake and runoff of livestock wastes into the lake, and maintenance of water levels.

Water quality in the Payette River downstream of Black Canyon Dam is heavily impacted by sediment, nutrients, and bacterial contamination from irrigation drainage. State and local entities are currently developing waste load allocations which will be implemented to bring the lower Payette River into compliance with State water quality standards.

VIII. Glossary

Active Capacity or Storage—Amount of storage space that can be filled and the water released for specific purposes.

Carey Act (1894)—Donated lands to states for reclamation purposes. Tracts sold by states were limited to 160 acres to be used for irrigated farming.

Conservation Pool—A reservoir pool elevation or volume of water that is to be considered a minimum. Conservation pools are usually established to maintain fish and wildlife resources, water quality, or recreation capability.

Consumptive Use—Use that permanently removes the water from the system.

Cost Allocation—A method of distributing the construction costs and the annual operating costs of Federal reservoirs among the benefitted functions. (Law and policy then determine whether some or all of the costs are reimbursable and repayment requirements for construction and annual operation.)

Dead Storage—Water that lies below the outlet of a dam and cannot be released by gravity flow.

Desert Land Act of 1877—Authorized the sale of 640-acre tracts of arid lands in four States and eight territories to persons who would irrigate them within 3 years. Changed to 320-acre tracts in 1890.

Federal Water Project Recreation Act of 1965 (Public Law 89-72)—Provides for recreation and fish and wildlife enhancement at water resource developments.

Flood Control Act of 1944 (58 Stat. 887)—Set forth statutory procedures for future coordination of plans with the Corps, Reclamation, and the states. Gave Congress the responsibility for coordinating work of the Corps and Reclamation. Caused Reclamation to discontinue using the authority of the Secretary of the Interior to authorize large projects. Virtually all reclamation projects were subsequently authorized by Congress.

Homestead Act (1862)—Provided free farmland to settlers who would live on and cultivate the land.

Inactive Capacity or Storage—Amount of storage space that is not normally emptied but is maintained for a specific purpose such as hydraulic head for power generation or a conservation pool.

Irrigation Season—Defined in spaceholder contracts as April 1 to October 31.

Minimum Flood Control Space—The space maintained in reservoirs during the winter months to be able to hold the rapid runoff of rain-on-snow events.

Minimum Reservoir Pool—The lowest reservoir elevation or pool volume reached with normal operations.

Natural Flow—Flow that occurs, or would occur, in the absence human intervention including storage development and out-of-stream diversions.

Non-reimbursable Costs—These are costs identified through a cost allocation where the beneficiary is generally the nation, e.g., anadromous fish protection and enhancement and migratory bird protection and enhancement.

Observed Flow—Actual measured flow of a stream.

Operational Head—Hydraulic head (elevation of water) needed to operate the facilities, especially the flow of water to canals and powerplants.

Power Head—Hydraulic head (elevation of water) for operation of hydroelectric generators.

Prior Appropriation Doctrine—The water rights system used throughout the western United States. Under this doctrine, water diverted for a beneficial use is based on the principle of "first in time is first in right."

Reach Gain/Loss—Amount of water that enters (or leaves) a river reach between two points, i.e., the amount of flow at a downstream point minus the flow at an upstream point equals the reach gain (loss).

Reclamation Act of 1902—Established a Reclamation Fund and authorized the Secretary of the Interior to use the fund to make examinations and surveys and to locate and construct irrigation works in the 16 western states (later 17 western states). Requires the Secretary to comply with State water law.

Reclamation Act of 1939—Authorized the Secretary of the Interior to plan and construct projects for multiple purposes in addition to irrigation. These included navigation, flood control, water power, municipal water supply, and other miscellaneous purposes.

Reclamation Recreation Management Act of 1992 (Public Law 102-575, Title XXVIII)—Extends some of the authorities on recreation and fish and wildlife enhancement at water resource developments.

Reimbursable Costs—These are costs allocated to a function that are required to be repaid by the beneficiary. The amount of reimbursability depends on the function and is governed by various public laws. As an example, costs allocated to an irrigation function are to be repaid without interest while costs assigned to power are to be repaid with interest.

Reserved Works—Facilities of a Federal project that are "reserved" for operation and maintenance by the United States. Facilities transferred to other entities for operation and maintenance are termed "transferred works.

Riparian Doctrine—A system of water rights developed whereby only landowners with property abutting the stream could divert water.

River Basin—The geographic area drained by a river.

Snake River Basin Adjudication—An ongoing legal proceeding to identify all of the water rights in the basin.

Storage Season—Begins on October 1 and extends to the date that no more water is available for storage.

Spaceholder Contract—A type of repayment contract in which storage space is purchased in contrast to purchasing a specific amount of water. The amount of water that accumulates in that storage space belongs to the purchaser.

Target (Flow or Pool)—As used in this document, a target is a goal that is usually greater than the minimum requirement and cannot be achieved under very poor water conditions.

Upper Snake River—The reach of the Snake River extending from Milner Dam to the headwaters. The middle Snake River is usually described as the reach from Milner Dam downstream to Brownlee or Hells Canyon Dam. The lower Snake River is the reach from Hells Canyon Dam to the confluence with the Columbia River.

Water District 63—One of the State administration districts, the Boise River basin.

Water District 65—One of the State administration districts, the Payette River basin.

Water Bank—All of the water rental pools (see Water Rental Pool) and all of the natural flow water rights market. Also used to indicated the IWRB marketing process of that water.

Water Rental Pool—State authorized mechanism to allow more efficient use of water. Spaceholders are allowed to consign water to the water rental pool which sells the water.

Water Service Contracts—A type of repayment contract where the buyer contracts to receive a specific amount of water each year.

Water Rights—A type of property right administered by the state for use of state waters.

Water Year —Begins on October 1 and extends to September 30 the following year. Water years are designated the same as the calendar year they end in, i.e, water year 1995 began on October 1, 1994 and ended on September 30, 1995.

Withdrawn Lands—Federal lands that are taken from the public domain for specific uses.

Appendix A

Abbreviated River Mile Index

Appendix A

Abbreviated River Mile Index

The following list is a greatly reduced river mile index of the Boise and Payette Rivers. The mouth of the Snake River is located at river mile 324.3 of the Columbia River (confluence with the Columbia River) i.e., 324.3 miles upstream from the mouth of the Columbia River at the Pacific Ocean. The mouth of the Payette River is located at river mile 365.0 of the Snake River and the mouth of the Boise River is located 27.3 miles further upstream at river mile 392.3.

River Mile Location	Description	Drainage Area (square miles)	Water Elevation (feet)
365.0	Payette River		
	0.0 Mouth	3,270	2120+
	4.1 Gauging Station, USGS, #2510 near Payette, Idaho	3,240	2144
	8.3 Big Willow Creek		
	34.2 Fuller Island		
	34.2 Check Dam - Farmers Co-op Canal		
	37.2 Check Dam - Last Chance Canal		
	38.2 Gauging Station, USGS #2495, near Emmett, ID	2,680	2404
	38.7 Black Canyon Dam	2,680	2498
	38.7 Canyon Canal & Black Canyon Canal		
	43.6 Squaw Creek		
	0.0 Mouth	330	2498
	8.8 Diversion Dam		
	47.7 State Hwy. Bridge - Montour, ID		
	57.0 State Hwy. 15 Bridge - Horseshoe Bend, ID	2,247	
	57.7 Idaho Power Co. Diversion Canal (R bank)		
	60.8 Gauging Station, USGS #2475, near Horseshoe Bend, ID	2,230	2631
	72.4 Banks, ID		
	72.9 North Fork Payette River		
	2.8 Gauging Station, USGS #2460, near Banks, ID	933	3088
	16.0 Gauging Station, USGS #2455, near Smiths Ferry, ID	893	4510
	31.2 Big Creek		

River Mile Location	Description	Drainage Area (square miles)	Water Elevation (feet)
	38.6 Gauging Station, USGS #2450, at Cascade, ID	626	4743
	39.9 Powerplant, Idaho Power Co.		
	40.2 Cascade Dam and USGS Gauge #2445, Cascade Reservoir at Cascade, ID	620	4828
	52.0 Gold Fork River		
	0.0 Mouth	185	4828
	6.9 Gauging Station, USGS #2435, near Roseberry, ID	143	4870
	7.5 Gold Fork Diversion Dam		
	8.0 Gold Fork Dam	140	
	53.9 Lake Fork		
	0.0 Mouth	90	4828
	17.5 Gauging Station, USGS #2425, near McCall, ID	64	5080
	18.0 Lake Fork Dam and USGS Gauge #2410, Lake Fork Reservoir near McCall, ID	64	5117
	75.4 Payette Lakes Dam, USGS Gauge #2385, Payette Lake at McCall, ID	144	4990
	72.9 State Hwy. 15 Bridge at Banks, ID	1,260	2790
	80.3 Middle Fork Payette River		
	0.0 Mouth	340	2992
	21.4 Silver Creek		
	80.3 South Fork Payette River (main stem continues as South Fork).	860	2992
	103.5 Deadwood River		
	0.0 Mouth	224	3690
	18.0 Deadwood Dam, USGS Gauge #2360, Deadwood Reservoir near Lowman, ID	112	5334
	106.0 Gauging Station, USGS #2350, at Lowman, ID	456	3794

River Mile Location	Description	Drainage Area (square miles)	Water Elevation (feet)
392.3	Boise River		
	0.0 Mouth	4,130	2117
	3.8 Gauging Station, USGS #2130, near Parma, ID	3,970	2200
	14.0 Gauging Station, USGS #2125, at Notus, ID	3,820	2291
	16.4 Eureka Canal		
	21.1 U.S. Hwys. 20, 26, and 30, Interstate 80N, Caldwell, ID		
	21.9 Farmers Cooperative Sebree Canal		
	32.4 Caldwell Highline Canal		
	31.2 USGS Gauge #2100 near Middleton, ID	3,050	
	38.0 Lower end of Eagle Island South Channel of Boise R. past Eagle Island		
	1.2 Phyllis Canal		
	5.8 Warm Springs Canal		
	40.4 Middleton Canal		
	41.2 Mason-Catlin Canal		
	41.7 Dry Creek		
	46.0 Dry Creek Canal		
	46.4 Upper end of Eagle Island		
	48.0 Glenwood		
	50.4 Farmers Union Canal		
	51.5 Fairview Bridge - Boise, ID		
	52.0 Settlers Canal - Diversion Dam		
	52.8 Gauging Station, USGS #2055, at Boise, ID	2,760	2680
	53.7 Broadway Bridge - Boise, ID		
	55.9 City Canal - Diversion Dam		
	56.7 Cruzen-Perrant Canal		
	58.3 Ridenbaugh Canal - Diversion Dam		
	58.8 Gauging Station, USGS #2025, at Barber	2,690	2753
	59.0 Barber Dam	2,690	2767
	61.4 Boise River Diversion Dam - New York Canal		
	64.0 Gauging Station, USGS #2020, near Boise, ID	2,680	2827
	64.0 Lucky Peak Dam and USGS Gauge #2015, Lucky Peak Reservoir near Boise, ID	2,680	3060

River Mile Location	Description	Drainage Area (square miles)	Water Elevation (feet)
70.5	Mores Creek		
0.3	Gauging Station, USGS #2010, near Arrowrock, ID	426	
23.8	Idaho City, ID		
75.4	Arrowrock Dam and USGS Gauge #1490, Arrowrock Reservoir at Arrowrock Dam	2,210	3216
79.4	South Fork Boise River		
0.0	Mouth	1,304	3210
26.1	Danskin Bridge		
41.5	Gauging Station, USGS #1905, at Anderson Ranch Dam	982	3854
43.5	Anderson Ranch Dam and USGS Gauge #1900, Anderson Ranch Reservoir at Anderson Ranch Dam	980	4196
44.9	Little Camas Creek		
59.0	Gauging Station, USGS #1860, near Featherville, ID	635	4220
88.5	Gauging Station, USGS #1850, near Twin Springs, ID	830	3254
97.3	North Fork Boise River	3474	
0.0	Mouth	382	
97.3	Middle Fork Boise River (main stem)	382	3474
129.0	Atlanta, ID		

Appendix B

Spaceholder Contracts

Spaceholder Contracts - Boise Project, Arrowrock Division (Acre-Feet)[1]				
Spaceholder	Anderson Ranch	Arrowrock	Lucky Peak	Total
Ballentyne Ditch Company.	376		1,300	1,676
Boise City Canal Company			1,000	1,000
Boise Project Board of Control		232,264		232,264
Big Bend Irrigation District	3,887	236		4,123
Boise-Kuna Irrigation District	112,149	6,747		118,896
Nampa & Meridian Irrigation District	77,784	5,584		83,368
New York Irrigation District	41,006	2,414		43,420
Wilder Irrigation District	125,108	7,819		132,927
Ridenbaugh Canal (Nampa &Meridian Irrigation District)	15,137	3,994		19,131
Boise Valley Irrigation Ditch Company	961		2,500	3,461
South Boise Mutual Irrigation Company	543		500	1,043
Canyon County Water Company			6,000	6,000
Capitol View Irrigation District	460		300	760
Fairview Acres Lateral Association.			1,500	1,500
Eagle Island Water Users			1,718	1,718
Eureka Water Company			2,800	2,800
Farmers Union Ditch Company	5,727	2,926	10,000	18,653
Farmers' Coop. Ditch Company		1,207		1,207
Middleton Irrigation Association.			6,380	6,380
Middleton Mill Ditch Company			4,620	4,620
New Dry Creek Ditch Company	1,296		3,000	4,296
New Union Ditch Company			1,400	1,400
Pioneer Ditch Company	2,174		500	2,674
Pioneer Irrigation District	25,582	21,399	16,000	62,981
South Boise Water Company			700	700
Settlers Irrigation District	5,810	1,810	10,000	17,620
Thurman Mill Ditch Company			800	800
U.S. Forest Service		200		200
J.R. Simplot Co. & Micron Tech	3,000			3,000
United Water of Idaho	1,000			1,000
Idaho Dept. of Fish & Game			50,000	50,000
Trinity Springs, Ltd.	800			800
Reaquired for Salmon Flow Augmentation			40,932	40,932
Uncontracted	400			400
Uncontracted Streamflow			102,420	102,420
Total Active Capacity	423,200	286,600	264,370	974,170

[1]As of November 1997. Pending review of contract entitlements.

Spaceholder Contracts - Boise Project, Payette Division (Acre-Feet)[1]			
Spaceholder	Cascade	Deadwood	Total
Amyx, Heffner, or Heffner		266	266
Black Canyon Irrigation District	241,148		241,148
Bruce, James		131	131
Canaday, Michael	485	603	1,088
Cofield, Dewey	17		17
Curtis, John		92	92
Davison, David	3		3
Edwards, Charles	1,583		1,583
Emmett Irrigation District	10,050	51,387	61,437
Farmers Cooperative Irrigation Company, Ltd.	38,893		38,893
Gatfield, Eugene		1,207	1,207
Hunter, Robert		377	377
Lowe, Michael	42		42
Lower Payette Ditch Company	10,050		10,050
MacGregor, Carol L.		885	885
McConnel, Alva Lon	644		644
McConnel, Alva B.		712	712
M.C. Shelly Family Trust	633		633
Nicholson, Thomas P. and Diana R.		472	472
Noble Ditch Company, Ltd.	10,050		10,050
Reay, David B.	21		21
Smith, Ronald		644	644
Snyder, Marion	63		63
Thornton, John		75	75
Contracted Space Totals	313,682	56,851	370,533
Uncontracted Space	339,518	105,049	444,567
Total Active Capacity	653,200	161,900	815,100

[1]As of October 1997. Pending review of contract entitlements.

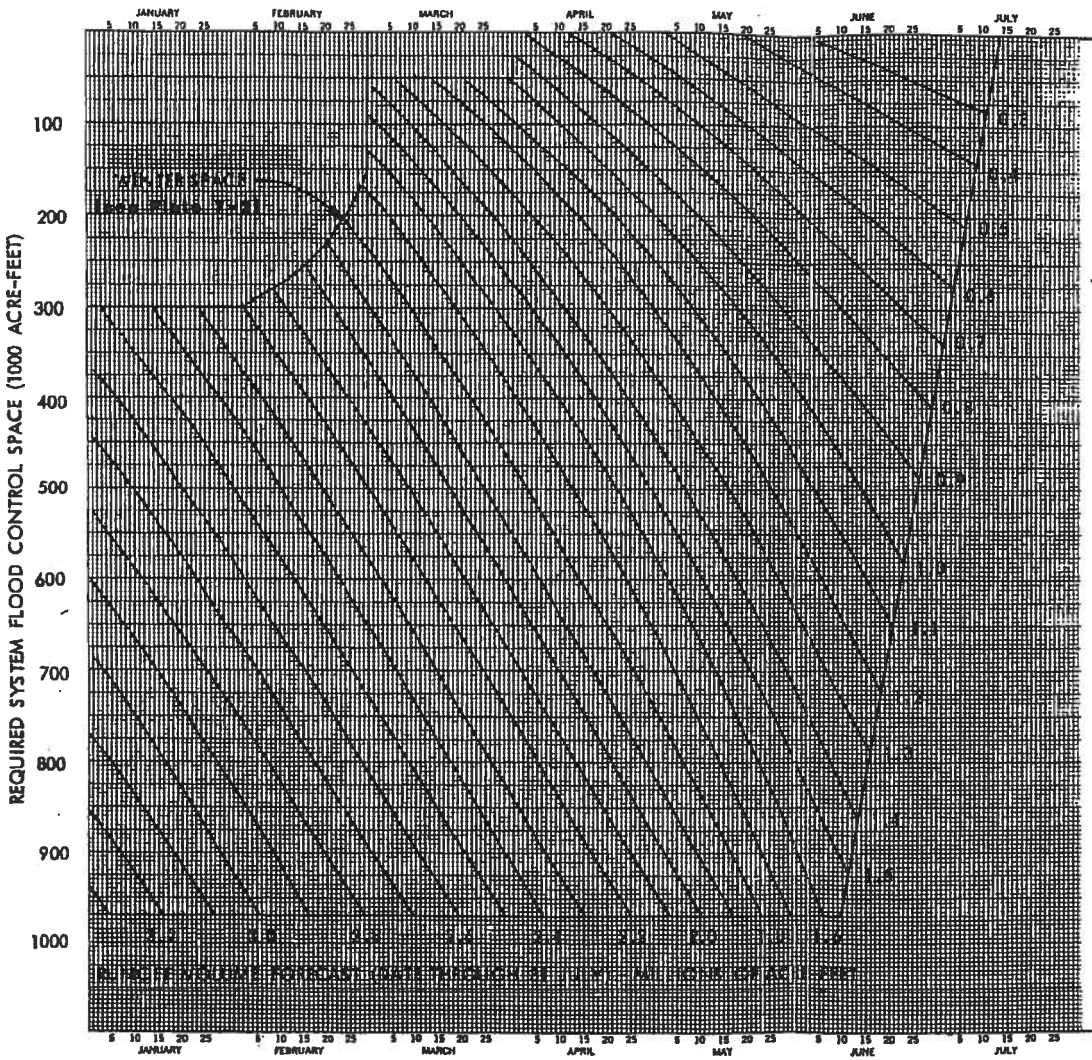
Reservoir Space in Bureau of Reclamation Reservoirs—Boise and Payette River Basins (Acre-Feet)

Reservoir	Total Capacity	Active Capacity				Inactive	Flood Surcharge[2]	Dead
		Total	Contracted[1]	Formally Assigned To Other Uses	Formally Assigned to Flow Augmentation			
Anderson Ranch	493,200	423,200	422,800	[3]400	0	[4]41,000	10,500	29,000
Arrowrock	286,600	286,600	286,600		0		14,250	
Cascade	703,200	653,200	313,700	[5]269,900	69,600	[6]50,000	157,000	
Deadwood	162,000	161,900	56,850	[7]79,650	25,400	[8]100	29,600	
Lucky Peak[9]	293,100	264,370	71,020	[10]152,420	[11]40,930	[12]28,730	13,905	
TOTALS	1,938,100	1,789,270	1,150,970	502,370	135,930	119,830	225,255	29,000
TOTAL (Formally assigned)				638,300				

1. Except for Lucky Peak, all contracts are spaceholder (share of reservoir capacity) repayment contracts. Lucky Peak contracts are spaceholder water service contracts which are up for renewal in 2005 - 2008.
2. Above the spillway and not storable.
3. Designated for mitigation of Safety-of-Dams repairs to Deer Flat Dam.
4. Reserved for power head.
5. Includes 250,000 acre-feet for minimum pool and 19,900 acre-feet designated for reservoir evaporation accounting.
6. Reserved for sediment control and needed for use with 250,000 acre-feet minimum pool to maintain water quality and endangered bald eagles.
7. Includes 49,900 acre-feet for minimum pool and 29,750 acre-feet reserved for Deadwood River streamflow maintenance.
8. Nominal amount.
9. Corps of Engineers facility with irrigation water marketed by the Bureau of Reclamation.
10. Boise River streamflow maintenance of which 50,000 acre-feet is reserved for the Idaho Department of Fish and Game.
11. Reacquired or acquired as mitigation by Reclamation for salmon augmentation flows.
12. Corps of Engineers dead pool for reservoir fishing.

Appendix C

Boise River Flood Control Rule Curves



NOTES:

1. Parameters represent
date and 31 July. Operational

a. Flood Control:
1-percent forecast error risk
determined. If the refillable
the flood control space value
acre-feet were less than the
the refillable space plus 100,

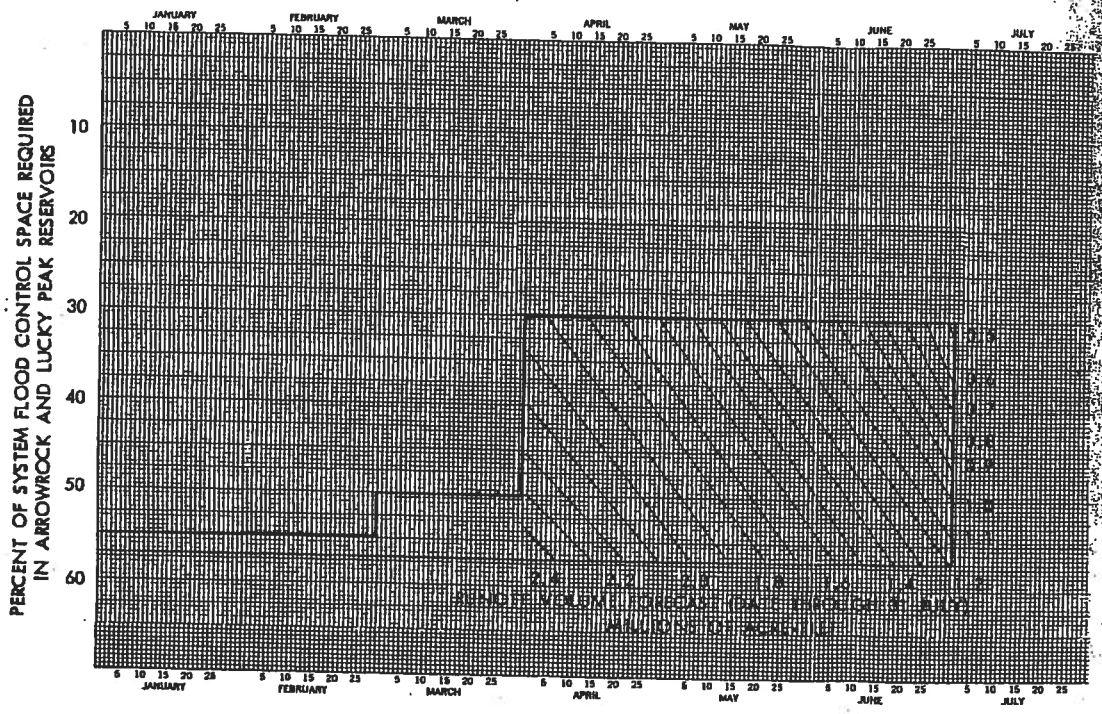
b. Safety factors -

Forecast Date (Thru 31 July)	
1 January	
16 January	
1 February	
15 February	
1 March	
16 March	
1 April	
16 April	
1 May	
16 May	
1 June	
16 June	

Forecast Date (Thru 31 July)	
1 January	
16 January	
1 February	
15 February	
1 March	
16 March	
1 April	
16 April	
1 May	
16 May	
1 June	
16 June	

2. To determine total
corresponding to predicted
parameter corresponding to fore

3. Minimum of 50,000
through 31 March.



NOTES:

1. Parameters represent forecast ... data and 31 July. Distribution cur...

Arrowrock-Lucky Peak Re...

Date	Assumed Allowable ... of Boise River ... Glenwood Bri... (cfs)
... Apr	6,500
... Apr	6,500
... May	6,500

2. Percentage values are ... Arrowrock-Lucky Peak local volume ... forecast, and [3] a constant 200-... percentages were determined by div... Boise River system flo... volume forecast.

Arrowrock-Lucky Peak Lo... local volume forecast is determine... values by the appropriate contribut...

Forecast Date	Contribu... Facto...
1 April	0.633
15 April	0.627
1 May	0.620
15 May	0.619
1 June	0.618
15 June	0.630
1 July	0.641

3. To determine the minimum ... Arrowrock-Lucky Peak reservoirs, se... that date and 31 July. Then read t... this probable is the minimum perce... Peak reservoirs. The minimum spac... control space requirement.

The following allocation ha...

Reservoir	Flood ...
Arrowrock	286
Lucky Peak	264
Total Space	550

The Upper Snake River Basin

A Description of Bureau of

Reclamation System Operations

Above Milner Dam

Bureau of Reclamation
Boise Idaho
January 1996

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I. Introduction

This report is intended as an overview of the operation of the Snake River/Federal storage system above Milner Dam. Increasing demands and controversy over the use of Snake River resources require an understanding of the history of water development, river hydrology, characteristics of the dams and reservoirs, and the legal and institutional requirements for operation of the current system. Water operations in the past focused on out-of-stream diversions to irrigate land and flood control. In recent years, additional demands on the water resource have focused primarily on instream uses including recreation and recovery of endangered species. Since 1991, the Bureau of Reclamation (Reclamation) has been asked to provide water to augment flows in the lower Snake River for enhancement of endangered salmon. Part of this water is being provided from the upper part of the Snake River basin. Reclamation also has been asked to modify operations to accommodate other species listed under the Endangered Species Act (ESA). Groups representing resident fishery, white water rafting, and water quality interests are asking for system operation changes to better accommodate their concerns.

This document focuses on the Snake River in the reach upstream from Milner Dam which is located near Burley, Idaho. This region is designated as Water District 01 by the State of Idaho and closely corresponds to the reach of the Snake River where a majority of the diversions from the main stem are for irrigation of lands and where most of the main stem reservoir storage is located. Irrigated lands further downstream in the Snake River basin, except those watered by diversions from the Milner pool, are watered from tributaries and storage development on those tributaries, e.g., the Boise, Little Wood, Owyhee, and Payette Rivers in Idaho and several streams in eastern Oregon. This document does not consider system operation of the Snake River downstream from Milner Dam.

Consumptive use of the Snake River is primarily for agriculture. However, it is important to recognize that less than one-half of the irrigated land in the upper Snake River basin[1] was developed under Federal authorities. The majority of the irrigation development in the upper Snake River basin is private development which relies on natural flow rights and ground water pumping. Federal irrigation development, in contrast, applies to those lands that were mostly privately developed but rely on storage rights for either a supplemental water supply or a full water supply. Several points, which are further developed throughout this document, should be kept in mind in considering Reclamation operation of the upper Snake River system:

- Irrigation water rights are appurtenant to the land, and the Federal Government does not hold most of these. Reclamation does hold storage rights at Reclamation dams.

- Water rights are administered by the State; Reclamation law, beginning with the 1902 Reclamation Act, requires Reclamation to comply with state law with regard to control, appropriation, use, and distribution of waters.

- Use of federally developed storage is closely controlled by three factors:
  - Federal authority for operation of the Federal facilities as enacted by the Congress
  - State water rights
  - Contracts for storage.

---

[1]Upper Snake River basin and upper Snake River are used throughout this report to indicate the Snake River and basin located upstream from Milner Dam. See chapter VII (Glossary) for additional definitions.

- Of almost 2.5 million acres irrigated upstream from Milner Dam, less than 1.1 million acres receive water from Reclamation storage, and only 210,000 acres receive a full water supply from Reclamation storage.

This paper is organized to provide more detailed information in succeeding chapters. Chapter II provides a description of the area, and chapter III provides a short history of water resource development upstream from Milner Dam. Major Federal and private facilities and water rights are discussed in chapter IV. Chapter V adds a general discussion of river system operations and includes a series of graphs of reservoir levels and river flows to illustrate the effects of water supply. River operations by function are expanded in chapter VI. Chapter VII identifies several issues related to operation of the Snake River/reservoir system. A list of acronyms and abbreviations appears at the front of this document and a glossary of hydrologic and other terms follows chapter VII as an aid to the reader.

II. Description of Area

Geography

The Snake River originates in Yellowstone National Park at an elevation in excess of 9,500 feet, flows south through western Wyoming, turns west and curves north in Idaho, and north of Idaho Falls curves south to make an arc through southern Idaho (see Snake River Basin and Major Storage Facilities above Milner Dam maps). At the Oregon border, the Snake River turns north, forming much of the border between Idaho and Oregon and a short portion of the border between Idaho and Washington. From Lewiston, the river makes an arc to join the Columbia River near the tri-cities of Richland, Pasco, and Kennewick, Washington. The Snake is the largest tributary of the Columbia River.

In Wyoming, the major tributaries to the main stem Snake River (sometimes referred to as the South Fork) are the Buffalo Fork, Gros Ventre, Hoback, Greys, and Salt Rivers. North of Idaho Falls, the main stem is joined by the Henrys Fork (often referred to as the North Fork) which flows from the north. The Henrys Fork originates in the northeast corner of Idaho at Henrys Lake, and flows south through Island Park Reservoir and to the confluence of the Warm River. After this confluence, the flow of the Henrys Fork is generally southwest to the confluence with the main stem. The major tributaries of the Henrys Fork are the Warm, Falls, and Teton Rivers.

Downstream to Milner Dam, most of the surface inflow is from streams that flow northward to join the main stem. These streams include the Blackfoot, Portneuf, and Raft Rivers and Willow Creek.

In addition to streams, springs provide a significant contribution to the Snake River. Many of these springs flow directly into the Snake River and are hidden. The largest contribution to the river is the highly visible Thousand Springs located downstream from Milner Dam.

Water Supply and Historical Change of Flows

Figure 1 shows the estimated annual water supply for the upper Snake River basin for the period from 1928 to 1989; the average supply during this period was about 10 million acre-feet. The estimated natural flow at Milner is the amount of water that would pass Milner Dam if there were no storage reservoirs and no irrigation or other diversion of the basin water supply. These estimates of natural flow were derived using the State of Idaho Monthly Planning Model and require adjusting observed runoff for the effects

of upstream storage, diversions and return flows. Estimates of natural flow for the years following 1989 are not available at this time. The most difficult part of making this estimate is the determination of return flow and reuse which are affected by a complex relationship between surface flows and ground-water flows. The Snake Plain Aquifer intersects the river and provides significant water. Timing of this ground-water influence is difficult to assess. and data on ground-w movement does not provide exact results.

Natural flow in figure 1 is contrasted with the observed flow past Milner. This contrast shows the effect of operating the river/storage system with storage of water and out-of-stream diversions.

Figure 1.—Annual Discharge of the Snake River at Milner, Idaho.

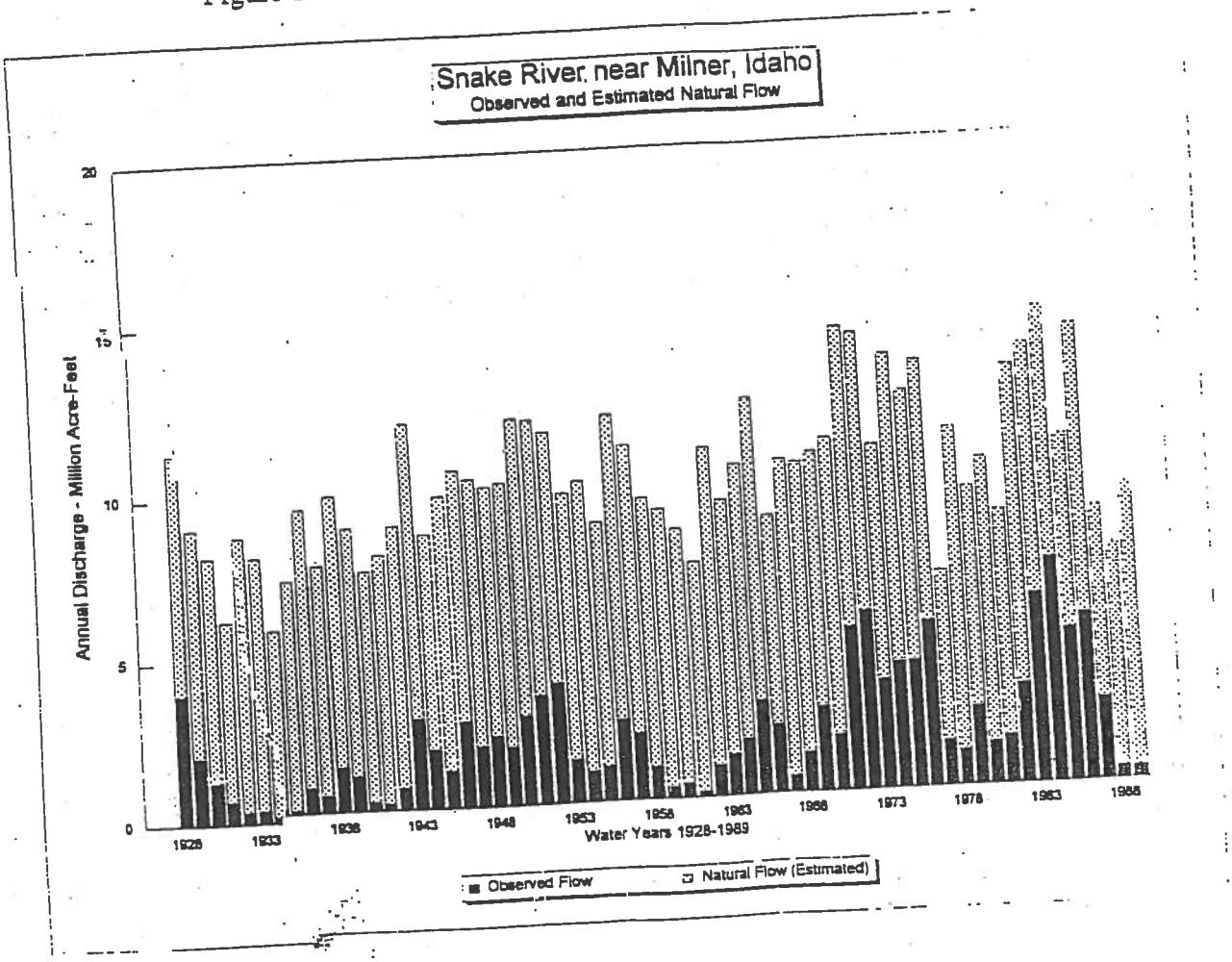
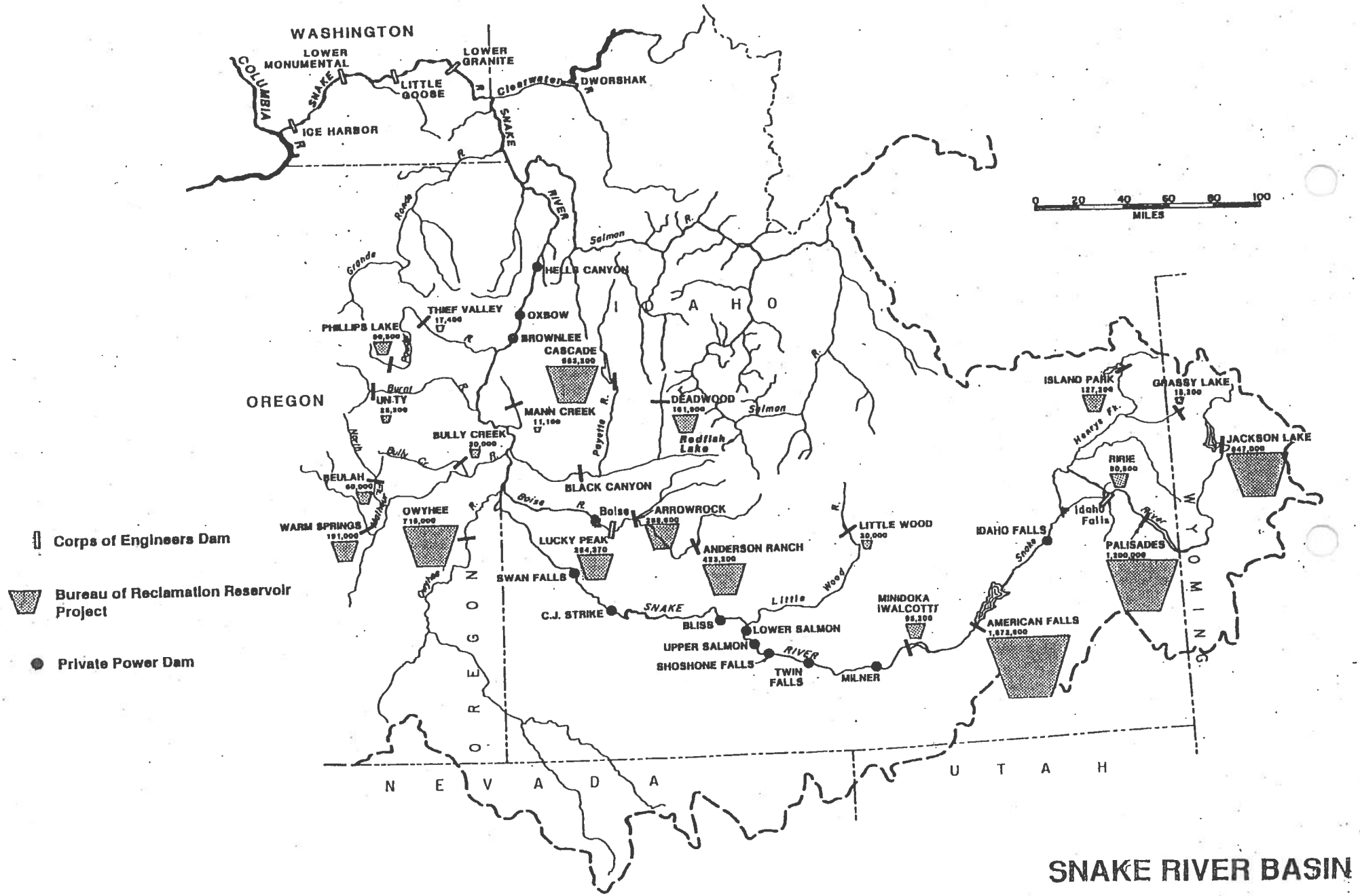


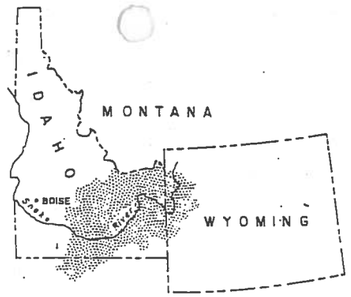
Figure 2 shows the average monthly flow past Milner for natural flow (no water development and no diversions) for the period 1928-1989. Natural flow past Milner would peak in June at a level of nearly four times the natural flow in February. With the current irrigation and reservoir development, flows peak in April and decline to minimums in August and September. Average monthly flows past Milner with system development are lower in all months than the average monthly flow for the lowest flow month without development (natural river flow).

Acronyms and Abbreviations

BPA	Bonneville Power Administration
cfs	Cubic feet per second
Corps	U.S. Army Corps of Engineers
ESA	Endangered Species Act
FCRPS	Federal Columbia River Power System
FERC	Federal Energy Regulatory Commission
IDFG	Idaho Department of Fish and Game
IDWR	Idaho Department of Water Resources
IPC	Idaho Power Company
IWRB	Idaho Water Resources Board
kW	Kilowatt
NMFS	National Marine Fisheries Service
Reclamation	Bureau of Reclamation
RMP	Resource Management Plan
SOP	Standing Operating Procedures
USFS	U.S. Forest Service
USFWS	U.S. Fish and Wildlife Service
USGS	U.S. Geological Survey



SNAKE RIVER BASIN



Upper Snake River Basin

Island Park
- Reclamation
- Irrigation
- Completed in 1938
- 127,600 acre-feet total storage
- 7,794 surface acres
- 4,800 kW powerplant

Henrys Lake
- North Fork Reservoir Company
- Irrigation
- Completed in 1923
- 90,300 acre-feet total storage
- 6,878 surface acres

Grassy Lake
- Reclamation
- Irrigation
- Completed in 1939
- 15,500 acre-feet total storage
- 310 surface acres

Jackson Lake
- Reclamation
- Irrigation and flood control
- Completed in 1916
- 847,000 acre-feet total storage
- 23,970 surface acres

Ririe
- Corps of Engineers operated by Reclamation
- Irrigation and flood control
- Completed in 1977
- 100,500 acre-feet total storage
- 1,560 surface acres

Palisades
- Reclamation
- Irrigation, flood control, power
- Completed in 1957
- 1,401,000 acre-feet total storage
- 16,150 surface acres
- 176,600 kW powerplant

Grays Lake
- Bureau of Indian Affairs
- Irrigation, fish and wildlife
- Completed in 1924
- 400,000 acre-feet total storage
- 22,000 surface acres.

Blackfoot
- Bureau of Indian Affairs
- Irrigation, municipal, and industrial
- Completed in 1924
- 413,000 acre-feet total storage

American Falls
- Reclamation
- Irrigation, flood control, and power
- Completed in 1927
- 1,672,600 acre-feet total storage
- 56,055 surface acres
- 112,400 kW powerplant

Minidoka
- Reclamation
- Irrigation and power
- Completed in 1906
- 210,200 acre-feet total storage
- 11,850 surface acres
- 27,700 kW powerplant

Milner
- Twin Falls Canal Company
- Irrigation and power
- Completed in 1905
- 50,000 acre-feet total storage
- 4,000 surface acres
- 830 kW powerplant at dam
- 58,620 kW powerplant on canal

10 0 10 20 30 40
MILES

Upper Snake River Basin

Major Storage Facilities Above Milner Dam

The Upper Snake River Basin

A Description of Bureau of

Reclamation System Operations

Above Milner Dam

Bureau of Reclamation
Boise Idaho
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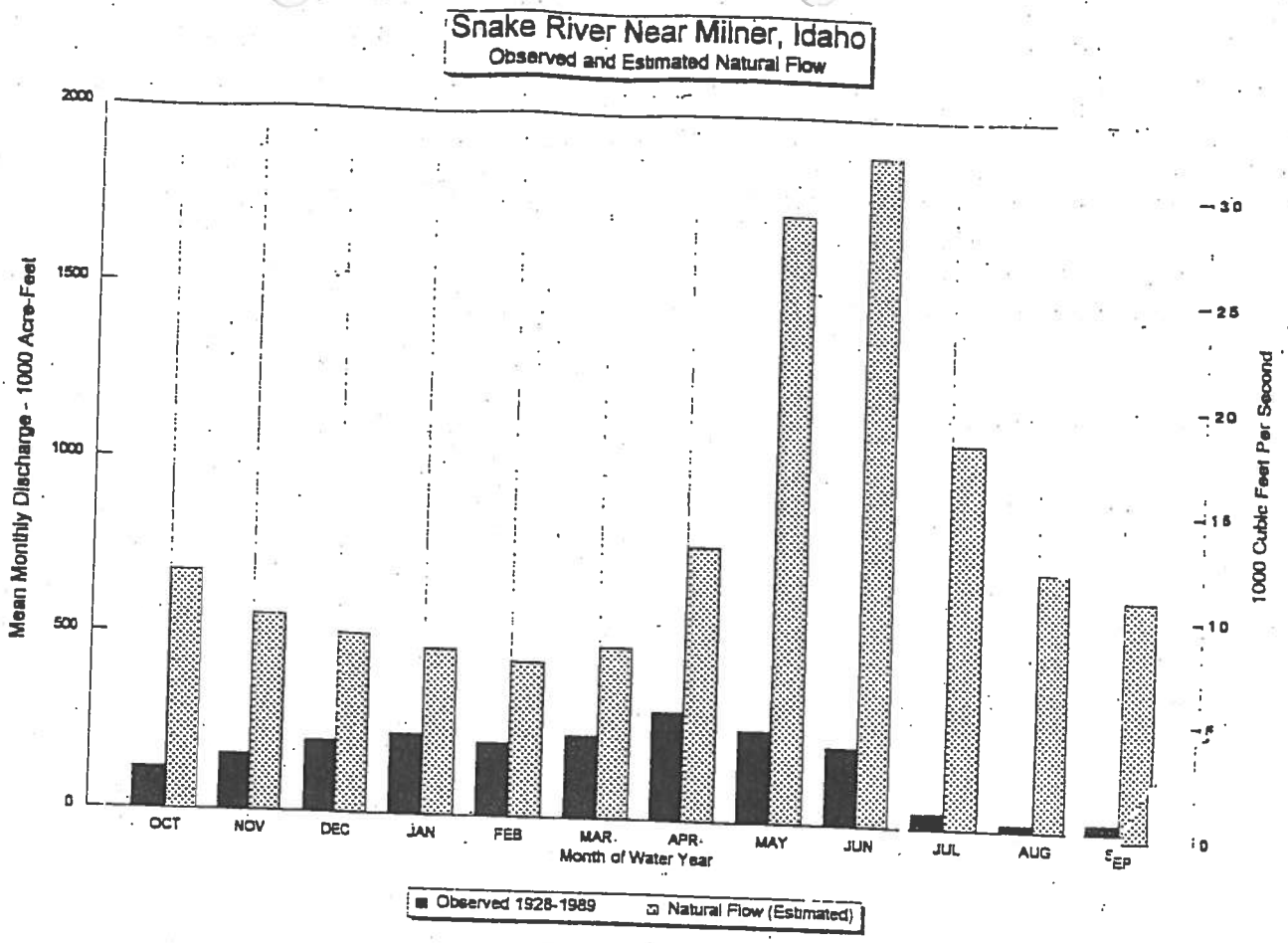
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Figure 2.—Average Monthly Discharge of the Snake River at Milner, Idaho



During early development of irrigation, but before major storage was developed, the natural flows during the winter changed very little, whereas, summer flows were substantially diminished by diversions for irrigation. With the current level of storage development, winter flow as well as summer flow are substantially altered.

It is important to note that the Minidoka Project was initiated because irrigated agriculture was already highly developed and experienced shortages in summer months. Project storage was designed and developed to capture excess winter and spring season flows for use in the summer, because the river was being severely depleted. Summer flows at Blackfoot were sometimes reduced to zero. Also, the aquifer was in an early stage of charging, and springflows and other subsurface return flows were smaller than they are today.

Although this report focuses only on the Snake River upstream from Milner Dam, upstream diversions and water use affect the downstream reach of the river. Some of those effects are complex. For instance, a minimum flow of 200 cubic feet per second (cfs) past Milner Dam is quickly augmented by irrigation return flows and to a much larger extent by the discharge of the Snake Plain Aquifer at Thousand Springs. Average discharge at Thousand Springs was around 4,000 cfs in the early 1900's and increased to almost 7,000 cfs in the 1950's. It has since decreased to about 5,000 cfs.

III. History of Water Resource Development

In the late 19th century, Utah farmers were attracted to the Snake River Valley upstream from American Falls, Idaho because of the relative abundance of water. The area where the two forks of the Snake River join (north of Idaho Falls) was especially attractive because of the fertile plain and many natural water channels. This interest led to extensive construction of canal systems around American Falls prior to 1900. Due to arid conditions in the west, the riparian doctrine of water rights that developed in the more humid east was discarded throughout the west as inappropriate, and the prior appropriation doctrine of water rights was developed. Under the prior appropriation doctrine, a person could use water from a stream without ownership of abutting land provided that the use did not interfere with an earlier use. Priority of appropriation became the recognized principle, with the courts ultimately determining the priority sequence and the amount of water of each appropriation. A law regulating the appropriation of water and affirming the prior appropriation doctrine was passed in Idaho in 1881. The Idaho State Constitution affirmed the principle that the stream belonged to the State, and a procedure was established through which future appropriation of water was to be made by application to the State Engineer (currently the Director of the Idaho Department of Water Resources). For administrative purposes, the State of Idaho has divided the Snake River into three sections. Water District 01 extends from Milner Dam to Palisades Reservoir including all of the Snake River drainage in Idaho above Milner Dam.

In Idaho, public land was acquired largely under the Homestead Act (1862), the Desert Land Act (1877), and the Carey Act (1884). The Carey Act was used quite extensively in the development of lands for irrigated agriculture production in the upper Snake River system. Under the Carey Act, each state, where irrigation was feasible, was to select up to 1 million acres of arid Federal lands to secure their reclamation by inducing private capital to construct the works necessary for irrigation. The Secretary of the Interior was authorized to ". . . donate, grant, and patent to the State free of cost for survey or price . . ." desert land for reclamation, cultivation, and settlement. The State Land Board was to approve the plans for development, set a price to be charged by the developing company, and provide supervision for the projects. The promoting company was to acquire a lien upon the lands of the settlers as security for payment of the obligation due for the water rights.

The first project constructed under the Carey Act was the Aberdeen-Springfield Canal completed in 1895 to divert 1,230 cfs from the Snake River at a point 3 miles downstream from the Firth bridge. Further to the west, the Twin Falls Land and Water Company was formed to provide for the development of Milner Dam and for the construction of the Twin Falls Canal to convey water to lands south of the Snake River. Upon completion in 1905, the Twin Falls tract included 202,000 acres.

Although the Desert Land Act and the Carey Act were somewhat effective in promoting irrigation development by private enterprise, development was limited by the financial resources of the individual promoters and the state. As the less complex irrigation projects were completed, the Federal Government was pressured to participate in development of irrigation by providing financing and water through storage development. Early settlers often overestimated the available water supply, not realizing that natural flows in August and September were insufficient to dependably irrigate crops.

At about the same time, the U.S. Geological Survey (USGS) had been formed and was actively classifying public lands and examining

the geologic structure, mineral resources, and products of the national domain. The USGS reviewed opportunities for storage of water and irrigation of lands. Included in this evaluation were lands for a proposed Minidoka Project, lying to the north and south of the Snake River and extending up to 35 miles west from Minidoka Rapids (situated 6 miles south of the town of Minidoka) and water storage facilities in the upper basin. In 1902, the Reclamation Act was passed and work on the proposed Minidoka project was assigned to the newly created Reclamation Service. At the time that the Reclamation Service became involved in the investigation of irrigation potentials, Snake River flows were being used to irrigate some 275,000 acres upstream of Minidoka Rapids. Construction of Minidoka Dam and carriage facilities began in 1904, and a rockfilled crib dam was constructed at Jackson Lake in 1907. By 1912, 110,000 acres of the Minidoka Project could be irrigated.

As irrigation development proceeded, it became clear that the water supply was not as abundant as had once been thought. The irrigation season of 1905 was the first time that the Snake River canals experienced a serious water shortage. During the summer, the Snake River was dry for a distance of 10 miles in the vicinity of Blackfoot. Irrigation diversion came under the jurisdiction of the court which mandated the closing and opening of the headgates to only partially fulfill water claims so that a total loss of crops in the Blackfoot area was averted.

Completion of the Twin Falls North Side Project under the Carey Act to irrigate up to 180,000 acres on the north side of the Snake River was delayed until storage could be obtained from an enlarged Jackson Lake. In 1919, Jackson Lake (by then reconstructed to a capacity of 847,000 acre-feet) failed to fill, and a serious water shortage occurred. In 1924, another water shortage occurred, and crops on the North Side Twin Falls tract were in jeopardy.

The dry years and the resulting loss of agricultural production and financial instability provided the impetus for construction of additional Federal storage capacity. Additional storage capacity became available with the completion of American Falls Dam in 1927. While both Jackson Lake Dam and American Falls Dam were constructed by Reclamation, up front funding was secured from the participants to supplement Federal appropriations so that construction could proceed.

Federal irrigation development continued with the Gooding Division of the Minidoka Project in 1927, the Upper Snake River Division in 1935, the North Side Pumping Division in 1950, and other irrigation projects in the upper Snake region.

Reclamation involvement in irrigation development of the region is the response of the Congress to requests for Federal participation. Federal involvement began primarily with the USGS, which began classification of public lands at the request of Congress. The 1902 Reclamation Act provided the broad authority under which the Reclamation Service (later the Bureau of Reclamation) operates to identify and pursue irrigation potentials. The Reclamation Project Act of 1939 provided additional broad authorities particularly in the area of expending funds and recovering construction charges on Federal reclamation projects. The Federal Water Project Recreation Act of 1965 (Public Law 89-72) further broadens authorities by essentially authorizing recreation and fish and wildlife enhancement as a function at all existing reservoirs. More recently, Title XXVIII of Public Law 102-575 provides some additional broad authorities. Other public laws, especially the various flood control acts, provide further authorities for consideration and authorization of other functions. Specific authorizations of projects, divisions, and units or specific facilities are contained in a variety of individual project or

facility authorizing acts and some appropriation acts.

A USGS study in 1990 indicates that there are about 2,470,000 acres of irrigated land upstream of Milner Dam. This includes about 60,000 acres of the Fort Hall Indian Project which is irrigated with natural flows, ground water, and storage in Blackfoot Reservoir and Grays Lake.
About 1,070,000 acres are part of Reclamation's Minidoka and Michaud Flats Projects with about 210,000 acres receiving a full water supply and about 860,000 acres receiving a supplemental water supply from Reclamation storage. The remaining 1,340,000 acres are outside Federal projects and much of this acreage is irrigated from ground water; none receive storage water developed by Reclamation.

Annual withdrawal of water is about 14,365,000 acre-feet, of which 6.581,000 acre-feet are from ground water and 7,784,000 acre-feet are from surface water. The annual consumptive use of water (net use of water) totals about 4,661,000 acre-feet.

IV. Overview

Federal Projects

There are five major Federal projects associated with development of irrigation and water and land resources in the upper Snake. The Federal projects include the following:

Fort Hall Indian Project, constructed and operated by the Bureau of Indian Affairs

Minidoka Project, constructed and operated by Reclamation

Michaud Flats Project, constructed and operated by Reclamation

Palisades Project, constructed and operated by Reclamation

Ririe Project[1], constructed by the U.S. Army Corps of Engineers (Corps) and operated by Reclamation

Minidoka Project lands extend discontinuously along the Snake River from the town of Ashton on the Henrys Fork to the town of Bliss in south-central Idaho, about 300 miles downstream. Project lands downstream from Milner Dam are served by diversions from the Milner Pool. Project facilities furnish a full or supplemental water supply to more than 1 million acres of land from five reservoirs that have a combined active storage capacity of about 2.8 million acre-feet (Note: this does not include the storage of the Palisades and Ririe Projects). Major project works consist of Minidoka Dam and Powerplant, Jackson Lake Dam, American Falls Dam, Island Park Dam, and Grassy Lake Dam. In addition, there are thousands of miles of canals, laterals, and drains and many water supply wells.

The Fort Hall Indian Project is an irrigation project constructed primarily on the Fort Hall Indian Reservation. The water supply is provided from Blackfoot Reservoir, which has an active capacity of about 350,000 acre-feet; Grays Lake, which has an active capacity of about 40,000 acre-feet; and the Snake River. Operation of Blackfoot Reservoir and Grays Lake are not integrated into the operation of other Federal reservoirs in the upper basin.

[1]Ririe Dam and Reservoir are considered to be Reclamation facilities for the purposes of this document.

The Michaud Flats Project is an irrigation project developed by Reclamation for irrigation of about 11,000 acres of land adjacent to the town of American Falls. There was no storage facility constructed specifically for the project which gets its water supply from storage space in American Falls and Palisades Reservoirs and from ground water.

The Palisades Project consists of Palisades Dam and Reservoir which were constructed to provide additional storage of 1,200,000 acre-feet in the upper basin. (Palisades Project is often combined in common speech with Minidoka Project, e.g., "the Minidoka-Palisades Project" because the two are so closely related. Often, a speaker includes the operation of the Palisades Project when the stated subject is the Minidoka Project.)

The Ririe Project consists of Ririe Dam and Reservoir and was constructed for flood control and irrigation. The reservoir has an active storage capacity of more than 80,000 acre-feet.

Reclamation Project Authorizations

Most of the Reclamation reservoirs in the upper Snake River basin were authorized as part of the Minidoka Project under the 1902 Reclamation Act with subsequent authorization of specific facilities by the Secretary of the Interior or the President. From 1902 to 1910, the Secretary of the Interior had authority to approve construction after a finding of feasibility. The Act of June 25, 1910 modified the procedure to require the President to approve the authorization. The 1939 Reclamation Act returned authorization authority to the Secretary of the Interior but a finding of feasibility had to be submitted to the President and the Congress. Authorizing legislation sometimes clearly states the authorized purpose of the project or facility but often indicates only that the project is to be constructed in accordance with a cited report.

The authorized purpose is an important consideration because it determines the limits within which a Federal facility can be operated. Flood control, as a project function, was authorized after most facilities were constructed. Recreation, including fish and wildlife enhancement, is an authorized function at projects and reservoirs generally through legislation that was passed after the facilities were constructed. However, the general authorizations for recreation apply to management of water and land surfaces and the development of facilities for recreation or safety purposes; they do not authorize reallocation of water supply for other purposes.

The Minidoka Project was authorized by the Secretary of the Interior on April 23, 1904, under the 1902 Reclamation Act. Investigation and construction funds for the Gooding Division (Gravity Extension Unit) were provided by the Act of January 12, 1927, and the Secretary's finding of feasibility dated July 2, 1928 was approved by the President on July 3, 1928. The Upper Snake River Division was authorized by a finding of feasibility of the Secretary and approved by the President on September 20, 1935. The North Side Pumping Division was authorized for construction by the Act of September 30, 1950. Replacement of American Falls Dam was authorized by the Act of December 28, 1973 (Public Law 93-206).

The Palisades Project was initially authorized by the Secretary of the Interior on December 9, 1941 under the Reclamation Project Act of 1939. It was reauthorized by the Act of September 30, 1950 (Public Law 81-864).

The Michaud Flat Project was authorized by the Act of August 31, 1954 (Public Law 83-741) and the Ririe Dam and Reservoir Project was authorized by the Act of October 23, 1962 (Public Law 87-874).

Table 1 shows the original authorization associated with each reservoir.

Table 1.—Authorization of Reclamation Storage Facilities		
Facility and Construction[1]	Authorization	Original Authorized Purpose[2]
Minidoka Dam 1904-1906	Secretary of the Interior on April 23, 1904 (under the 1902 Reclamation Act)	Irrigation and power
Jackson Lake Dam, 1907, 1910-11, 1916	Secretary of the Interior on April 23, 1904 (under the 1902 Reclamation Act)	Irrigation
American Falls Dam 1925-27, 1976-78	(under 1902 Reclamation Act[3]). Replacement by Act of December 28, 1973	Irrigation and power
Island Park Dam 1935-38	President on September 20, 1935 (under 1902 Reclamation Act)	Irrigation
Grassy Lake Dam 1932-39	President on September 20, 1935 (under 1902 Reclamation Act)	Irrigation
Palisades Dam 1951-57	Secretary of the Interior on December 9, 1941. Reauthorized by Act of September 30, 1950	Irrigation, power, flood control, and fish and wildlife
Ririe Dam[4] 1970-77	Act of October 23, 1962	Flood control, irrigation, and recreation.

[1]Multiple construction periods indicate reconstruction or additional construction to reach the current storage capacity.
[2]The Act of September 30, 1950, by reference, appears to authorize the upper Snake River Reservoir system to be operated for flood control. In addition, several flood control acts have essentially authorized flood control at all Reclamation reservoirs. Public Law 89-72 along with Public Law 102-575 have essentially authorized recreation (including fish and wildlife enhancement) at all Reclamation projects. However, this authorization is primarily for construction of facilities and management of lands and does not authorize a change in the use of storage space in a reservoir.
[3]Legislation in 1924 addresses purchase of Indian lands and expenditure of monies for construction of the reservoir; however, a specific document authorizing construction has not been identified.
[4]Constructed by the Corps, but operated by Reclamation.

History and Operation of Reclamation Dams

The major Reclamation dams are discussed below in the approximate order in which they were constructed. Table 2 summarizes the capacities of Reclamation reservoirs located upstream of Milner Dam. (Additional information on reservoir space is included in Appendix A.)

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Table 2.—Capacities of Federal Reservoirs					
		Capacity (Acre-Feet)			
Reservoir	Elevation at Full Pool (feet above sea level)	Active[1]	Inactive[2]	Dead[3]	Total
1906 Minidoka	4,245	95,200	115,000	--	210,200
1911 Jackson Lake	6,769	847,000	--	--	847,000
1927 American Falls	4,354.5	1,672,590	--	--	1,672,590
1938 Grassy Lake	7,120	15,200	--	270	15,470
1939 Island Park	6,302	127,265	381	--	127,646
1957 Palisades	5,620	1,200,000	157,000	44,000	1,401,000
1977 Ririe	5,119	80,500	6,000	4,000	[4]90,500
Total	Not Applicable	4,037,755	278,400	48,270	4,364,406

[1]Water that can be released for specific purposes.
[2]Water that can be released from the reservoir but is normally retained for a specific purpose, e.g., Island Park and Ririe--sediment control; Palisades and Minidoka--power or operational head (see also Appendix A).
[3]Water that cannot be released by gravity flow because it is below the elevation of the outlet.
[4]Does not include 10,000 acre-feet of exclusive flood control space.

Minidoka Dam

Construction of Minidoka Dam began in 1904 and was completed in 1906; Minidoka Powerplant was completed in 1909. In 1909, the overflow spillway section was raised 5 feet with the addition of 334 stop-log piers and bays. Development of Minidoka Project lands began with diversion of water from Minidoka Dam to the Minidoka Irrigation District and the Burley Irrigation District. Lands around Lake Walcott (the impoundment formed by Minidoka Land) are withdrawn by Reclamation and managed by the U.S. Fish and Wildlife Service (USFWS) as part of the Minidoka National Wildlife Refuge which was established in 1909.

Several activities have recently taken place at Minidoka Dam. The spillway radial gates were replaced in 1989-90. The original gates were installed in 1913 and were in need of complete replacement. Rehabilitation and construction activities at the powerplant have been initiated and are expected to be completed in 1997. The "old" Minidoka Powerplant is being replaced with a new, two unit powerplant built near the left abutment of the embankment dam. Units 1 through 5 will be retired and preserved as museum pieces in the old powerplant. Existing Unit 6 will be completely replaced and Unit 7 will have modern controls installed. The new powerplant will house Units 8 and 9. With this construction, generation nameplate capacity will be increased from 13,4 kilowatts (kW) to about 28 kW.

Minidoka Dam is primarily a diversion dam and a power generating facility. Lake Walcott is the easiest reservoir to fill because it is relatively small and winter flows in the Snake River at Minidoka are always sufficient to fill it. An early priority storage right means that the storage right must be physically filled somewhere in the

system before junior storage rights can be filled (see additional discussion under "Water Rights").

Normal spring/summer operation is to raise the elevation to 4245 feet and to maintain that level to provide adequate flow to the main canals of the Burley and the Minidoka Irrigation Districts. Flows from American Falls Reservoir are diverted to the canals and/or passed through Minidoka Dam downstream to Milner Dam. In late summer, deliveries are made from storage if needed. In the fall, when irrigation deliveries will not be affected, the reservoir is drawn down and maintained at elevation 4240 feet or lower. This protects the concrete overflow spillway stop-logs, piers, and bays from ice damage. Winter inflow includes any releases from American Falls plus reach gains that normally total 250 to 350 cfs.

Jackson Lake Dam

The original Jackson Lake Dam (rockfilled crib) was completed at the outlet of a large existing lake in 1907 but partially failed in 1911; the size of the original lake is unknown but may be as much as 2 million acre-feet . A concrete gravity structure with earth embankment wings was built at the site in 1911 and further raised in 1916. Safety concerns were identified at the dam in the mid-1970's, and from 1977 to 1989 the level of Jackson Lake was maintained at a lower than normal level because of concerns for possible dam failure during an earthquake. In 1989, reconstruction was completed under the authority of the Reclamation Safety of Dams Acts making the full capacity again available. Lands around the lake are withdrawn by Reclamation. Since the lands are inside the boundary of Grand Teton National Park, they are managed by the National Park Service. (See also "Snake River Compact.")

Jackson Lake is operated in conjunction with Palisades Reservoir for flood control. In the late summer or early fall, flood control space is evacuated, lowering the lake to 647,000 acre-feet of storage; normal summer operation sometimes empties the flood control space. Winter inflow, minus outflow, is stored until the 647,000 acre-feet is reached and then passed to maintain that level; however, additional flood control releases may be made in the late winter or early spring. Winter flow releases are generally above 200 cfs. In the spring and summer, inflow is stored until full pool is reached or released as needed to meet irrigation demands.

American Falls Dam

American Falls Dam was completed in 1927 and rebuilt in 1977. Idaho Power Company (IPC) owns and operates a powerplant under a Federal Energy Regulatory Commission (FERC) license at the dam. Lands around American Falls Reservoir were withdrawn and acquired and are managed by Reclamation; lands located on the Fort Hall Indian Reservation are managed by the Shoshone-Bannock Tribes.

A winter minimum release of at least 300 cfs is maintained from November until spring; in recent years the release from December to February has averaged 4,050 cfs. The magnitude of the winter flow depends principally on the amount of carryover storage in American Falls Reservoir and the system upstream. If American Falls is nearly drained at the end of the irrigation season, a flow of about 350 cfs is commonly released to maintain water quality downstream. If carryover storage is good, estimates are made of the amount of unstorable flow expected prior to the irrigation season. This unstorable flow is then released as uniformly as feasible to provide higher flows throughout the winter.

The primary winter operation goal is to fill American Falls by April 1 or the onset of the irrigation season. IPC often moves some of its American Falls storage water (total of 44,276 acre-feet) in December and this may increase the flow for a short time. If inflows to American Falls are much higher than normal or if

the carryover storage is substantial, winter releases may range from 1,000 to 5,000 cfs. Some flood control operations may be made at American Falls but are incidental to irrigation operations. Summer releases from American Falls are dictated by downstream irrigation demands and downstream water rental pool leases below Milner Dam.

Island Park Dam

Island Park Dam was completed in 1938, primarily for irrigation of land in the St. Anthony to Rexburg area. Safety of Dams work was completed in the early 1980's. In 1991, the Fall River Rural Electric Cooperative (FRREC) received a FERC license to construct and operate a small powerplant at the dam; generation began in 1994. FRREC also received approval in 1995 to modify the spillway to enhance hydropower generation. This modification will increase the active storage capacity to 135,000 acre-feet and improve water temperature conditions downstream in the Henrys Fork that will benefit its world famous rainbow trout fishery. A combination of withdrawn and acquired lands around Island Park Reservoir are managed by the U.S. Forest Service (USFS).

Winter releases are established in late October and November of each year and are dependent on carryover storage and fall inflows Although there is no requirement for a minimum release, Reclamation has worked with spaceholders and others to try to maintain a release of 300 cfs between irrigation seasons. Recent winter releases have ranged from 100 to 300 cfs. With good carryover and normal to above normal runoff, a release of about 500 cfs is maintained. Close communication is maintained with the Henrys Fork Foundation (a private conservation group) and the Idaho Department of Fish and Game (IDFG) on all release operations, and consideration is given to fish and swan habitat.

Island Park is operated to provide additional flow in the winter months using water that was adversely stored (storage accumulated adverse to a senior storage priority) in the fall after the irrigation season. In the spring and early summer, water is stored with the goal of filling the reservoir in April. Some incidental flood control operation may occur if the forecast dictates. In the past, Island Park Reservoir was managed to maintain a surcharge of one additional foot above the dam's spillway lip to meet contractual irrigation storage obligations. With the spillway modification and resultant increase in active capacity, this water will no longer be in surcharge.

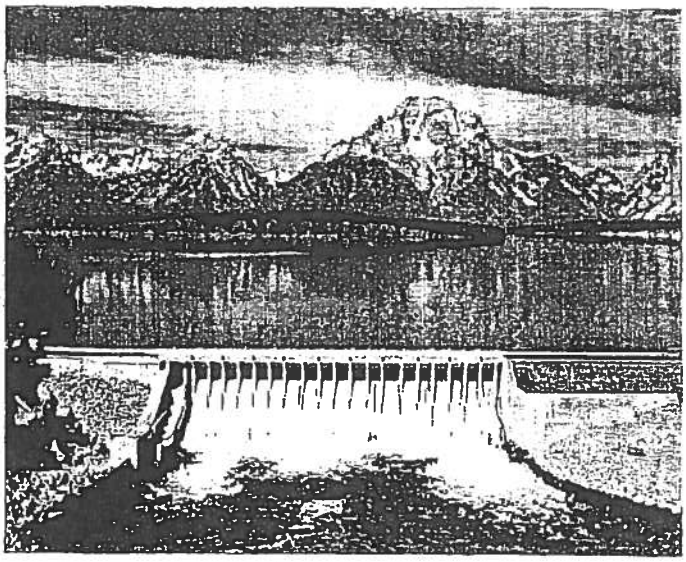
Grassy Lake Dam

Grassy Lake Dam was completed in 1939. Grassy Lake is a small reservoir located in Wyoming just outside the southwest corner of Yellowstone Park. Lands around Grassy Lake are withdrawn by Reclamation and managed by the USFS.

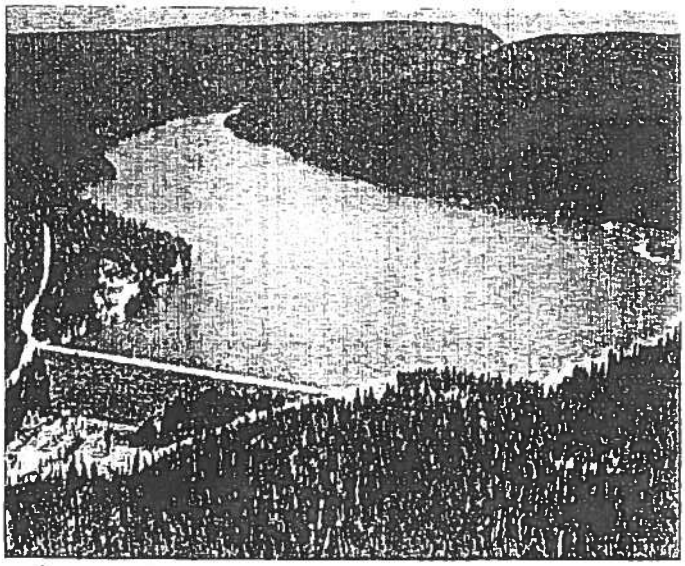
Water is diverted from Cascade Creek to Grassy Lake in the fall, winter, and early spring. No water is diverted during periods of high inflow, full reservoir conditions, or during the summer months. Grassy Lake does not normally release water in the winter. Diversions into the lake begin in late winter and early spring with the goal of filling Grassy Lake in early summer. Releases are made on demand, normally in July and August. Additional releases are made if necessary to reach the winter operation level. Grassy Lake is difficult to fill the following spring if drawn down to 7,000 acre-feet or lower.

Palisades Dam

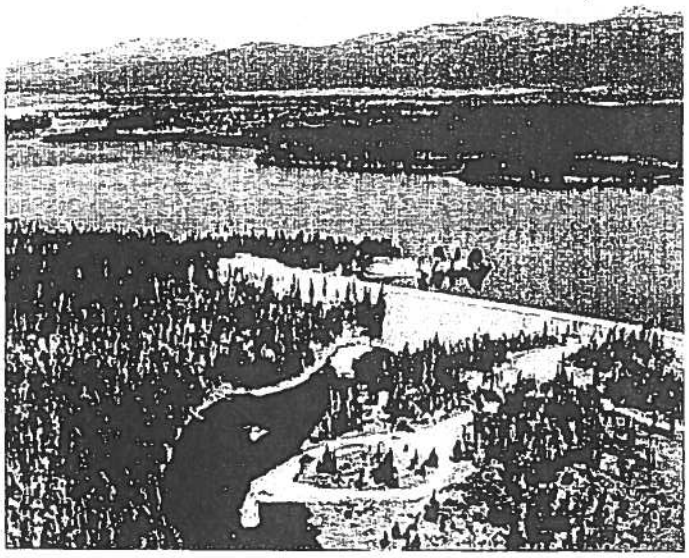
Palisades Dam was completed in 1957. The powerplant was uprated in 1994 and all four units were rewound increasing the nameplate rating



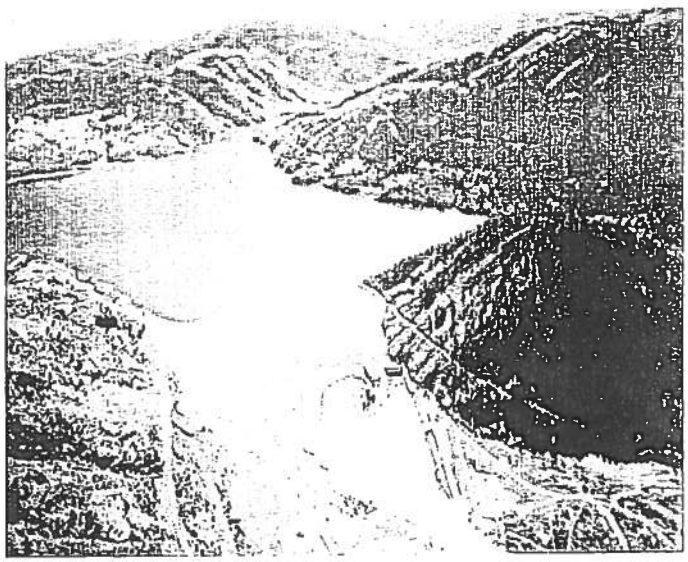
Jackson Lake Dam



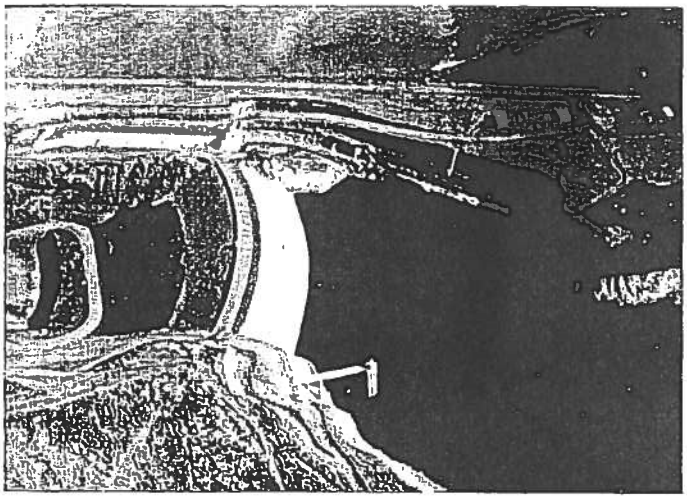
Grassy Lake Dam



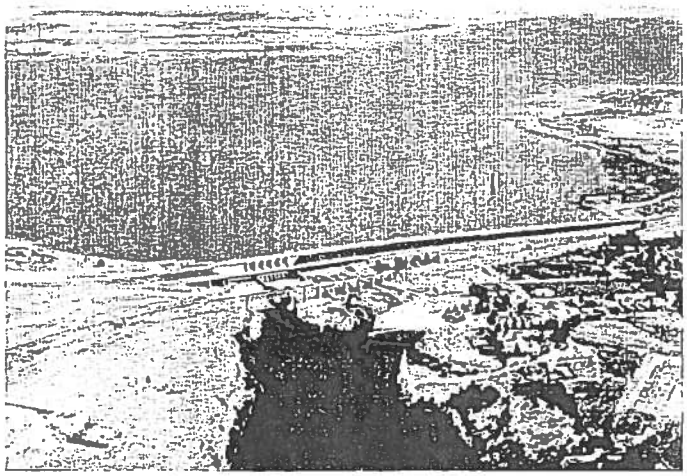
Island Park Dam



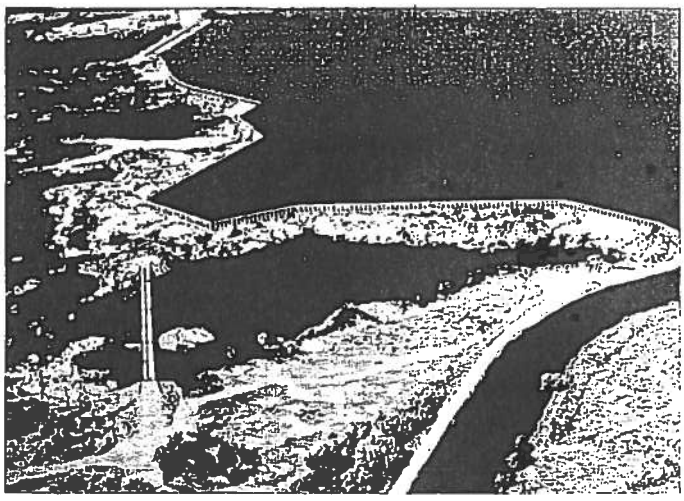
Palisades Dam



Ririe Dam



American Falls Dam



Minidoka Dam

from the original 118,750 kW to 176,600 kW. As part of the mitigation for the powerplant uprate, a fish screen was constructed on an irrigation diversion on Palisades Creek, a small tributary which joins the Snake River approximately 3 miles downstream from the dam. The acquired and withdrawn lands around Palisades Reservoir are managed by the USFS.

At Palisades, winter minimum releases are established in early November on the basis of fall carryover storage and fall inflow and are maintained throughout the winter. A minimum flow of 550-750 cfs is usually maintained depending on the severity of drought conditions. The usual minimum flow is 1,100-1,200 cfs. If carryover storage is good, higher releases may be needed around the end of the calendar year to create or maintain flood control space.

During the spring runoff, Palisades is operated in combination with Jackson Lake under flood control rules which may require increased releases depending on the forecast. The goal is to fill Palisades when flood potential subsides; after the peak spring runoff. Releases are made throughout the summer and fall to meet downstream irrigation demands. To the extent possible, releases are directed through the powerplant but storage is not specifically released for power production.

Ririe Dam

Ririe Dam and flood control channel were completed by the Corps in 1977 and were turned over to Reclamation for operation. The reservoir is operated primarily for flood control. Uncontracted storage in Ririe Dam is part of the 1990 Fort Hall Indian Water Rights Agreement (see chapter VII) which is in the process of being approved. Lands around Ririe Reservoir are managed by the IDFG with recreation facilities managed by Bonneville County.

Water is stored at Ririe throughout the winter, spring, and early summer. There is no winter minimum flow because of possible ice formation in the flood channel. After spring, the reservoir is maintained as high and as stable as possible for recreation with a release of at least 30 cfs to provide water for natural flow right demands. After Labor Day the reservoir is drawn down to the flood control pool for the winter, releasing as much as 45,000 acre-feet by November 1.

Other Major Dams and Reservoirs

There are four other major dams and reservoirs in the upper Snake River basin. Two are operated by the Bureau of Indian Affairs and two are owned and operated by non-Federal entities.

Milner Dam

Milner Dam is owned and operated by the Twin Falls Canal Company and was constructed for irrigation in 1905. Because of safety concerns, the dam was rebuilt in 1991-1992. Although the reservoir has about 50,000 acre-feet of storage, the primary purpose of the dam is to raise the pool to a level adequate to divert water to the several irrigation canals and pumping plants and for operation of the powerplants. Associated with the dam are two powerplants owned and operated by IPC and operated under FERC licenses, under which IPC is required to pass 200 cfs whenever water is available. The smaller powerplant discharges directly to the stream downstream from the dam. Water for the larger powerplant is diverted from the Twin Falls Canal to penstocks for the powerplant located 1 mile downstream from the dam. Discharge is to the Snake River.

Blackfoot Reservoir and Grays Lake

Blackfoot Reservoir and Grays Lake are owned and operated by the Bureau of Indian Affairs as part of the Fort Hall Indian Project. Blackfoot

Reservoir, completed about [illegible]3 and raised to its current capacity by an auxiliary dam, has a total capacity of about 413,000 acre-feet and an active capacity of about 350,000 acre-feet. It is the main source of water for irrigation and municipal and industrial water supply on the Fort Hall Indian Reservation. Grays Lake, constructed in 1924, has a total capacity of about 400,000 acre-feet and a surface area of about 22,000 acres, but provides only 40,000 acre-feet of active storage. A canal diverts water from Grays Lake to Blackfoot Reservoir. Because of the small active storage capacity and large wetland area, Grays Lake is operated primarily for wildlife benefits.

Henrys Lake

Henrys Lake Dam is owned and operated by the North Fork Reservoir Company. The dam was completed at the outlet of a natural lake of unknown capacity in 1923 and has an active storage capacity of about 90,000 acre-feet. Storage in the lake is used to irrigate private lands.

Reclamation Spaceholder Contracts

Reclamation Projects are authorized with the intent of recovering the capital and operating costs from the direct beneficiaries. Over time and with experience in developing large projects, the Congress has changed the procedures and rules to achieve this goal. Currently, the capital and operating costs of a project are allocated among the benefiting functions, e.g., irrigation, flood control, power, fish and wildlife, etc. In some cases, the benefiting entities are widespread and cannot easily be identified or there is a national interest in the benefit, e.g., flood control, anadromous fish enhancement, and migratory bird enhancement. These costs are made nonreimbursable meaning that the people of the United States pay these costs through general taxes. Where costs are assigned to functions that benefit specific entities, the costs are made reimbursable, and repayment contracts to recover the reimbursab[illegible]osts are signed with the benefiting entities. Capital costs assigned to the irrigation function are to be fully repaid without interest over a specific time period (as low as 10 years in the early 1900's to about 50 years at present depending on the type of contract). Reclamation irrigation repayment contracts are generally spaceholder contracts or water service contracts. Annual operating costs (operation, maintenance, replacement, and power costs) are included in the repayment contracts.

Project capital costs are seldom reallocated, a process that requires the Congress to reauthorize the project. However, annual operating costs are adjusted from time to time not only to reflect changing economic conditions but changes in benefits. Changes in the contracts must be approved by all of the signing entities.

All of the repayment contracts for Reclamation storage in the upper Snake River basin are spaceholder contracts that include an annual payment for the reimbursable cost of construction and for operation and maintenance. A spaceholder contract means that Reclamation sold each contractor (spaceholder) a share of the reservoir space, not a specific amount of water to be delivered each year. Carryover rights were also established, meaning that spaceholders could retain unused stored water from one year to the next. Under this system a water user's supply of storage water is a function of the space contracted, carry-over storage from previous years, and accrual to storage in the current year. However, the total amount of water due a spaceholder cannot exceed the volume of the contract space. Spaceholder contracts are held in perpetuity but can be sold to another entity with approval of Reclamation under Idaho State water law.

The Fremont-Madison Irrigation District is the only contracting entity for Island Park Reservoir and Grassy Lake. The District is served primarily by the Henrys Fork and Teton River. Some 64

other contracting entities hold space in one or more of the following reservoirs: Jackson Lake, American Falls Reservoir, and Palisades Reservoir. A total of 31 contractors hold space in only one reservoir, 12 contractors hold space in two reservoirs, and 21 contractors hold space in three reservoirs. A list of spaceholders in these three reservoirs and the capacities and contracted space for all of the Federal reservoirs is included as appendix A.

Spaceholder contracts are in marked contrast to water service contracts often used elsewhere. With water service contracts, Reclamation essentially delivers a specific amount of water or an entitlement and all water that remains in a reservoir after delivery of the specified entitlements is under Reclamation's control. With spaceholder contracts, Reclamation's control is limited to water in the uncontracted space and the inactive space. If all the active reservoir space has been marketed or contracted, all of the water in the active space of the reservoir is under control of spaceholders. That is the case for the Federal reservoirs upstream from Milner Dam. All of the active space has been marketed except for the following: 500 acre-feet in Palisades Reservoir and 10,000 acre-feet of exclusive flood control in Ririe. Reclamation has recently purchased about 22,400 acre-feet of storage space for salmon flow augmentation. Technically, this latter space can be included in uncontracted total, but the space is assigned to a specific use.

Spaceholder contracts make possible another concept—water banking. Under these contracts, the spaceholders can accumulate water in their contracted space and they may rent that water. To avoid problems with possible forfeiture of use (under State law a water right holder retains the right only if the water is used for a beneficial purpose), the State authorized creation of a water bank and defined the water bank as a beneficial use under State law.

In poor water years, when not all of the spaceholder storage is filled, each spaceholder gets his/her carryover from previous years and an amount of the accrued water supply proportionate to the contracted storage space. During normal and above normal years, the spaceholder storage space usually fills and the supply may exceed the amount used by the spaceholder who may carry over the excess or market it to a rental pool.

Spaceholder contracts are an important part of reservoir operations as the contract language, in part, defines the operating limits. For example, the contracts often stipulate that Reclamation will maximize the storage of water for irrigation use.

Reclamation Reservoir Cost Allocations

Construction Costs

As indicated earlier, the facilities of the Project were essentially for single purpose irrigation facilities; power at Minidoka Dam and American Falls Dam was intended primarily for operation of the dams and pumping water for irrigation. As a result almost all of the cost of these dams and reservoirs were to be repaid by irrigation interests. The capital cost of the Palisades Project was allocated to flood control (47 percent), irrigation (20 percent), power (32 percent), recreation (0.2 percent) and fish and wildlife (0.8 percent). The capital cost of Ririe Dam was allocated to flood control (74.30 percent), irrigation (14.33 percent), and recreation and sport fishery (11.37 percent). Costs assigned to flood control are considered nonreimbursable. All of the capital costs assigned to fish, wildlife, and recreation for these facilities are nonreimbursable. The only reimbursable costs of these facilities are the costs allocated to irrigation and power.

The repayment obligation for construction of the Reclamation facilities (dams, canals, etc.) of the Minidoka and Palisades Projects have for the

most part been paid except the obligation incurred for recent safety of dams work at Jackson Lake Dam. The Freemont-Madison Irrigation District has repaid the construction obligation for Island Park Reservoir and Grassy Lake. At present, most of the original contracting entities for the Minidoka and Palisades Projects have little or no repayment obligation remaining. As a result, annual payments to Reclamation are primarily for operation and maintenance.

Annual Operating Costs

Annual operating costs include operation, maintenance, replacement, and power costs needed to operate and maintain the facility over an extended period. Most of the reservoirs were single purpose at the time of construction and annual costs were to be repaid by irrigation interests. Later, other purposes, including flood control, recreation, and fish and wildlife were recognized and in some cases authorized. At present, all of the reservoirs provide multipurpose benefits. This change is recognized by allocating annual operating costs among several functions.

Allocation of annual operating costs for the older reservoirs uses the Lineweaver allocation method which recognizes that all reservoirs provide substantial benefits to recreation and fish and wildlife (e.g., flatwater boating, water skiing, reservoir fishery, wetlands, etc.). The annual operating costs of Palisades and Ririe Dams and Reservoirs are allocated to project functions following standard Reclamation procedures. Table 3 summarizes annual operating cost allocations. None of the annual costs allocated by the Lineweaver method to recreation and to fish and wildlife are reimbursable.

Table 3.—Allocation of Annual Operating Costs for Reclamation Reservoirs (percent of total cost)

Reservoir	Flood Control	Recreation	Fish and Wildlife	Irrigation	Power
American Falls	33.5	4.0	4.0	58.5	0.0
Grassy Lake	0.0	4.0	4.0	92.0	0.0
Island Park	13.0	4.0	4.0	79.0	0.0
Jackson Lake	29.5	4.0	4.0	62.5	0.0
Minidoka Dam	0.0	4.0	4.0	42.0	50.0
Palisades Dam	27.57	4.0	4.0	27.57	36.86
Ririe Dam	77.2	1.7	0.0	21.1	0.0

Water Rights

Water rights are administered by the State and are issued by date of appropriation for specific quantities, diversion points and places of use, and purposes. Reclamation authorities do not extend to water rights. In fact, the 1902 Reclamation Act and subsequent Federal legislation affirm that the states have supremacy in administering water rights within their boundaries. The earliest rights

in the upper Snake River bas[illegible]predate any storage rights and are natural flow rights. Under the prior appropriation doctrine, natural flow rights are satisfied in order of priority based on date. When the water supply is limited, a water right holder with an earlier natural flow right may receive a full supply and a water right holder with a later date may not receive any water.

Diversion rights for irrigation are appurtenant to the lands (belong to those lands), whereas diversion rights for other purposes such as power and municipal and industrial water supply are not. Irrigation diversion rights are often aggregated by some entity such as an irrigation district. Where storage exists there are often two separate rights—the right to store and release water and the right to divert the water. The storage rights are associated with the storage facility and are usually held by the facility owner. Both types of right specify purpose, amounts, site, and date of priority. Storage rights, like natural flow rights, are satisfied in order of priority based on the date of the appropriation, i.e., the earliest rights must be met first. Storage in a reservoir may have one date, but if a reservoir was increased in size at a later date, there will be a priority date associated with the increase. As an example, Jackson Lake has storage priorities with three dates, each associated with an increase in the storage capacity of Jackson Lake. In addition, there are some cases where natural flow rights were exchanged for storage rights that may have a priority that predates the construction of the reservoir.

The total of the natural flow rights above Milner Dam is considerably greater than the estimated natural flow (no storage and no diversions) at Milner Dam. This is one reason that storage development in the upper Snake River basin became necessary to adequately support irrigation that was developed primarily on the basis of natural flows. Resolution of this problem is of concern to the State and to water users and is part of the impetus for the Snake River basin water rights adjudication (see chapter VII).

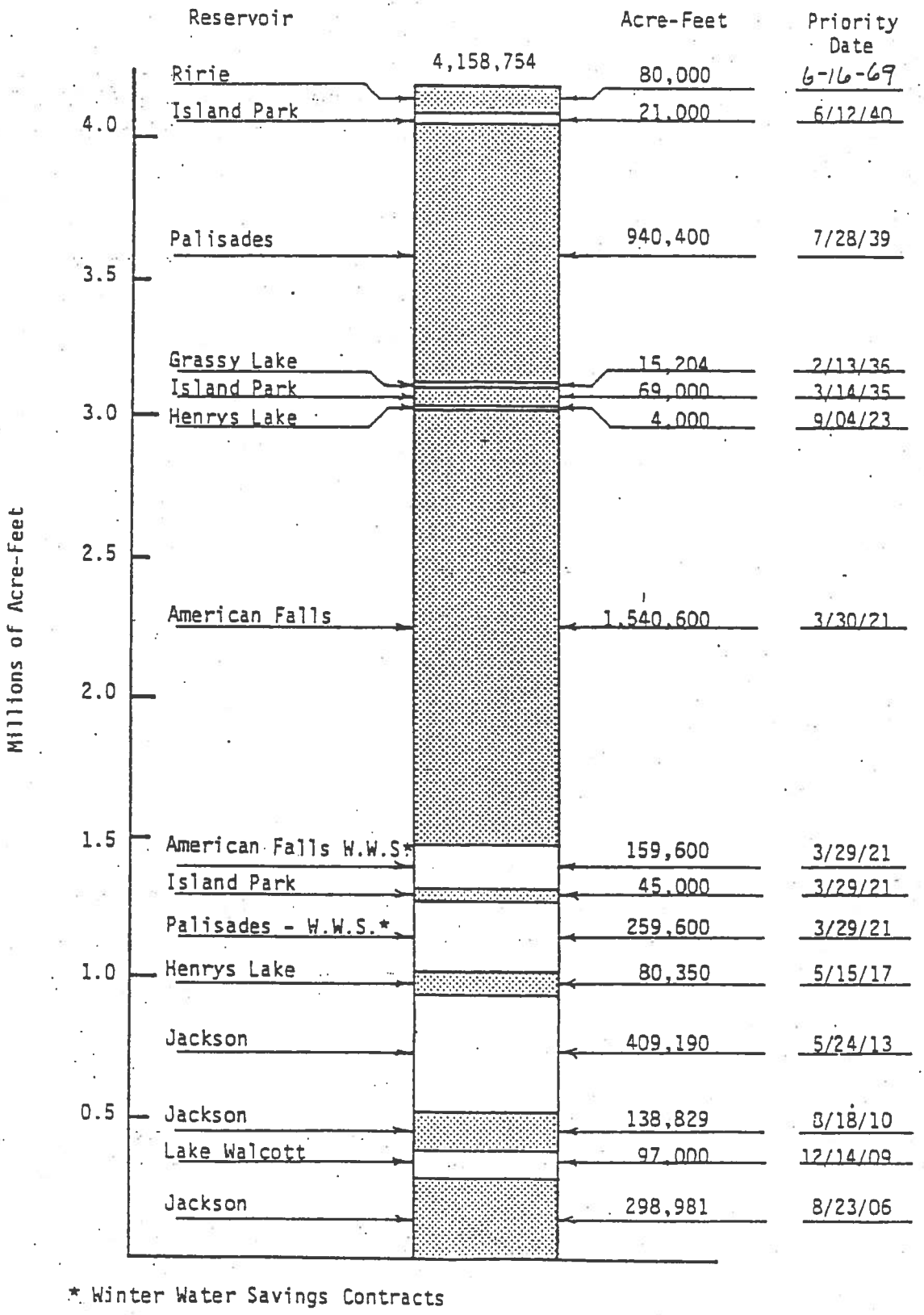
Reclamation ho[illegible]itle to the storage rights for all the Reclamation storage facilities in the Snake River basin above Milner Dam. These rights were acquired in accordance with the laws of Idaho and Wyoming. A compact between the State of Wyoming and the State of Idaho allows water stored in Jackson Lake and Grassy Lake to be used as though the reservoirs were located in Idaho. The earliest storage rights are at Jackson Lake and the latest are at Ririe Reservoir. Some 98 water right claims have been filed by the Minidoka Project in the ongoing Snake River Basin Adjudication. Most of these claims are consistent with presently held water rights. These water rights are for uses or purposes including storage for irrigation, power, flood control, recreation, and fish and wildlife and for direct diversion for irrigation and power. In addition, as part of the legislation and planning for the Palisades Project and to make that project feasible, a concept known as "winter water savings" was introduced. In brief, water users ceased diverting water in the winter (thus the name) in exchange for an earlier storage priority in a reservoir. There are "winter water savings" storage priorities in American Falls and Palisades. Figure 3 illustrates the storage rights by priority date for the Reclamation storage rights and the storage rights in Henrys Lake.

Changes in water rights such as diversion point or use require an application to and approval by the Idaho Department of Water Resources (IDWR). If the change exceeds 50 cfs or 5,000 acre-feet, the change must also be approved by the Idaho State Legislature.

Snake River Compact

The Snake River Compact between Wyoming and Idaho was signed October 10, 1949, and approved by Congress on March 21, 1950. It allocates the waters of the Snake River to each state (96 percent to Idaho, and 4 percent to Wyoming) for storage or direct diversion exclusive of

Fig[illegible]3.—Upper Snake River Reservoir Sto[illegible]e Rights



* Winter Water Savings Contracts

Wyoming water rights established prior to July 1, 1949. The 4 percent has been quantified to be about 200,000 acre-feet per year based on average annual runoff at the Wyoming/Idaho State line.

The Compact allows for future direct diversion or storage development in Wyoming. Idaho is to be compensated with storage by Wyoming if certain "trigger" criteria are exceeded. The Compact allows one-half of the 200,000 acre-feet to be used without restriction. However, use in Wyoming of the remaining 100,000 acre-feet requires replacement storage in the amount of one-third of such use for the benefit of existing Idaho water users. Therefore, 33,000 acre-feet of space in Palisades Reservoir has historically been identified for that purpose. This space, called Wyoming Compact Space, has now been contracted to Wyoming by Reclamation. It is to be used to meet Wyoming's obligations under the Compact. By exchange, Wyoming may use the space to maintain higher lake levels in Jackson Lake or increases releases from Jackson Lake to supplement low fall and winter streamflows.

V. General System Operation

This chapter provides an overview of operation of the upper Snake River/reservoir system. More detailed description by function is provided in chapter VI.

Climatic conditions of the area produce low precipitation in the summer and early fall, and higher precipitation during the late fall, winter, and spring. Much of the winter precipitation accumulates as snowpack. This produces natural riverflows that can peak at very high levels as snow melts in the spring and early summer, decline throughout the summer to a minimum, and remain low during the fall and winter.

Storage reservoirs are constructed and operated to change the flow regime for some purpose. Based on project authorities, the reservoir system of the upper Snake River is operated for two primary purposes—irrigation water supply and flood control. Hydroelectric power generation, recreation, and fish and wildlife functions (such as maintaining trumpeter swan habitat) are secondary or incidental to the primary operating considerations, i.e., generally, water is not specifically released from storage except for irrigation and flood control purposes.

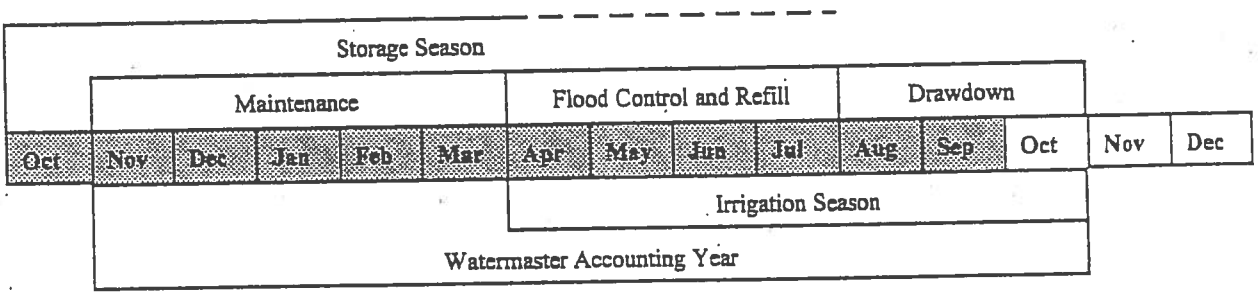
The upper Snake River reservoirs are operated as a unified storage system where water is stored and released in a manner to maximize the capability of the storage reservoirs. This means that water is physically stored in those reservoir that are most difficult to fill and is released from the reservoirs that are most likely to refill in the following year. There are two major operating principles: (1) in general, water is stored as far upstream as possible regardless of storage right priorities and (2) water is released first from the reservoirs that are easiest to refill. A water rights accounting is maintained to assure that, regardless of where water is stored or from where releases are made, the storage and use of water is properly accounted to the appropriate rights and spaceholders. This allows the system to be operated more efficiently than strictly following individual storage right priorities and functions, provides a much greater chance that reservoirs will fill, and allows releases that would otherwise violate water rights.

Water operations are not defined on a calendar year and there are several "seasons" or "years" of reference. For most purposes, a water year is used and is defined as running beginning on

October 1 and ending the following September 30, e.g., the 1994 water year began on October 1, 1993 and ended on September 30 of 1994. Spaceholder contracts for upper Snake River basin specify that the storage season begins on October 1 and extends until there is no more water to be stored and that the irrigation season begins on April 1 and extends to October 31. In keeping with the end of the contract irrigation season, the water accounting system used by the Watermaster runs from November 1 to October 31.

There are three general operating seasons based on climatological pattern and irrigation demand: (1) Maintenance from November through March, (2) Flood Control and Refill from April through July, and (3) Drawdown from August through October. This general pattern coincides with the Watermaster's accounting period. Drawdown for flood control, storage release for irrigation demand, and reservoir refill may occur in the same time frame for different reservoirs because of elevation difference and the demand for irrigation at lower elevations. Also, it is important to recognize that the beginning and ending of the three operating seasons can vary widely with climate and the water supply. The various operating seasons and the accounting period are shown in figure 4.

Figure 4.—Operating Periods and Seasons
(Water year shown by shaded blocks)



Maintenance Period

The primary function of reservoir operation during the Maintenance period of November through March is to carryover and store water to the extent allowed by flood control requirements. By the beginning of November, the reservoirs have been drawn down as the result of meeting summer irrigation needs and/or to meet a maximum elevation that provides the required flood control space. Inflow is stored, if there is more space than needed for flood control, or released as needed to maintain the general winter flood control space. Accrual of water is normally very slow as streamflows are low because of the cold temperatures at the elevation of the reservoirs. Water is released from some reservoirs to meet minimum streamflows for protection or enhancement of fish and other wildlife. After January 1, anticipated spring flooding becomes a factor. Depending on the size of the snowpack the flood control space will be decreased, maintained, or increased.

Flood Control and Refill Period

Spring snowmelt and irrigation demand at lower elevations may begin in April. During the Flood Control and Refill period of April through July, reservoir storage is continuously adjusted on the basis of runoff forecast to provide space for flood control as needed and to assure refill of the reservoirs. Irrigation demands during the early part of this season are usually met from

streamflows but may require some release of storage from lower reservoirs. As snowmelt increases, irrigation demands may be met entirely from natural flows, and unstorable flows in excess of irrigation demand may pass Milner Dam. During the latter part of this period, irrigation demands may again be met by a combination of natural streamflow and release of storage. In recent years, some water has also been released downstream to meet requirements for augmentation flows in the lower Snake for ESA-listed salmon (see chapter VI for more detail).

Drawdown Period

During the Drawdown period of August through October, storage is released to meet irrigation demands or to reach a reservoir elevation that provides the required flood control space in November. Irrigation demands must be met in varying degrees from storage releases, and there is constant adjustment of reservoir releases to maintain water as high in the system as possible and to use water from reservoirs with the greatest refill capability. In very poor water years the Drawdown period may begin as early as April.

An important consideration in all of the phases of operation of the reservoirs is travel time. The travel time for water released from Jackson Lake to reach Minidoka Dam is about seven days. As a result, system operators must constantly anticipate irrigation demands and often release water up to 2 days before anticipated use. Ending the irrigation season with water stored as high in the system as possible increases the ability to maintain streamflows throughout the winter. During the flood control season, releases for flood control must also anticipate possible local weather events downstream.

Standing Operating Procedures

Standing Operating Procedures (SOP's) are documents that contain instructions and all of the necessary information for a damtender to correctly operate the dam and reservoir. Reclamation prepares an SOP for each Reclamation dam and reservoir primarily for the use of the damtender and the immediate supervisor. The SOP usually includes (1) an emergency preparedness plan that provides instructions to follow in the event of various emergencies, (2) a directory of personnel including those of emergency services and cooperators for communications purposes, (3) general information on the facility, (4) technical data on structural, mechanical and electrical details, and (5) information on reservoir operations including filling and release of water, inflow forecasting, and specific operating criteria. These documents are controlled and numbered, which allows additions, corrections, and updates to be tracked carefully. Deviation from the SOP is a serious matter which requires concurrence of upper management.

General Operating Activities

Table 4 shows general operating activities for Reclamation reservoirs located upstream from Milner Dam. Jackson Lake, Palisades Reservoir, American Falls Reservoir and Lake Walcott (Minidoka Dam) are operated in a closely integrated manner.

Ririe Reservoir is operated for flood control and recreation as there are no contracts for storage at present. However, the uncontracted storage is part of the Fort Hall Indian Water Rights Agreement (see chapter VII). The operations of Island Park Reservoir, Grassy Lake, and Henrys Lake are somewhat coordinated among the three and with downstream reservoirs, but not to the degree of coordination among the main stem reservoirs.

Table 4.—Summary of Reservoir Operating Activities				
Activity	American Falls Reservoir	Grassy Lake	Island Park Reservoir	Jackson Lake
Refill target	April 1	None	April 1	Mid-May to July 1
Flood control operation	Informal	None	Informal rule curve	Yes. Rule curve with Palisades Reservoir
Minimum flood control space[1]	None	None	None	200,000 acre-feet October 1 to May 1
Average winter release (Dec-Feb 1966-1995)	4,050 cfs	0 cfs	350 cfs	415 cfs
Minimum winter release (unofficial)	300 cfs	None	100 cfs	Smaller of inflow or 280 cfs
Minimum or conservation pool	0 acre-feet	270 acre-feet	380 acre-feet	Large natural lake[2]

Table 4.—Summary of Reservoir Operating Activities (Continued)			
Activity	Minidoka (Lake Walcott)	Palisades Reservoir	Ririe Reservoir
Refill target	April 1	Mid-June to early July	None
Flood control operation	None	Yes. Rule curve with Jackson Lake	Yes. Rule curve
Minimum flood control space[1]	None	None	50,000 acre-feet
Average winter release (Dec-Feb 1966-1995)	4,350 cfs	2,260 cfs	0 cfs since 1987
Minimum winter release	300 cfs plus reach gain	550 cfs	0 cfs
Minimum or conservation pool	115,000 acre-feet	201,000 acre-feet	10,000 acre-feet

[1]Until spring forecasts are available
[2]Larger than the active storage capacity

Typical Reservoir Contents and Riverflows

At any given time, the contents of the upper Snake River reservoirs and the flows in various reaches of the river will vary depending on a large number of factors. These factors, include the amount of precipitation in the previous year as well as in the past few weeks or days, the contents of the reservoirs at the end of the storage season, the temperature, the amount of irrigation demand, etc. The content of reservoirs and the amount of streamflow at any instant provide limited information on the system operation as reservoir contents and riverflows could markedly differ in a few weeks or even a few days. In addition,

riverflows may change greatly in a few hours and reservoir contents and riverflows can very greatly with the water supply. However, charts of riverflows and reservoir contents can provide a general overview of the range of operations.

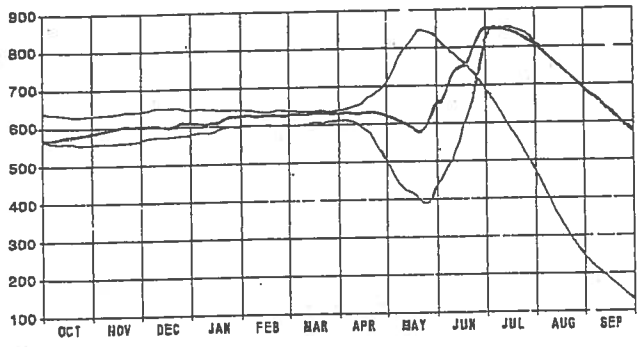
The contents of five reservoirs and the outflow at six dams were selected for a good, average, and poor water supply year. The 1992 water year was selected as a recent, very poor water supply year. However there is no year since 1989 that would show a typical average water supply and a good water supply, and Jackson Lake content was restricted from 1977 to 1989. As a result, the 1970 water year was selected for an average supply, and the 1971 water year was selected to illustrate a good water supply. Figure 5 illustrates typical reservoir content and outflows for good, average, and poor water years.

The reader is cautioned that several significant developments have occurred since the early 1970's. American Falls Dam was under reconstruction from 1976 to 1978 and Ririe Dam was not completed until 1977. In addition, significant conservation measures in irrigation have been implemented since the early 1970's. None of these changes are reflected in the average water year (1970) and good water year (1971) data. The most significant change—conservation effects during a poor water supply—are reflected in the poor water year (1992) data.

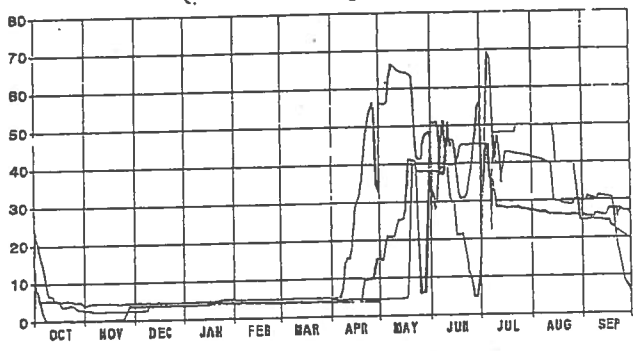
The reader is also cautioned that riverflow may be composed of many elements. During the irrigation season, these are primarily (1) natural flows to meet demands for natural flow rights, and (2) storage releases to meet spaceholder demands for a full or supplemental water supply. Early in the spring, riverflow may also include releases from storage for flood control operation. In the summer and fall, part of the flow may be releases from storage to reach the minimum flood control level for fall and winter operation.

Figure 5.—Typical Content and Outflow of Upper Snake River Reservoirs

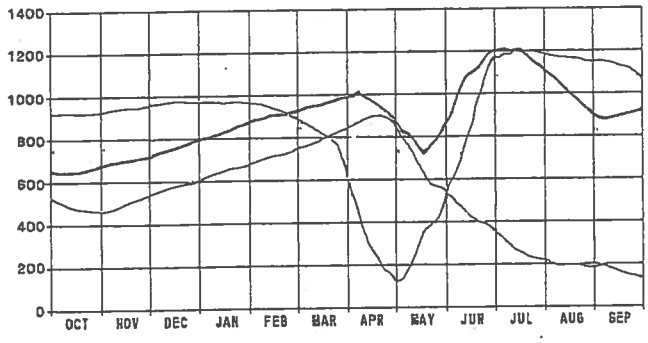
Contents of Jackson Lake
(1,000 acre-feet)



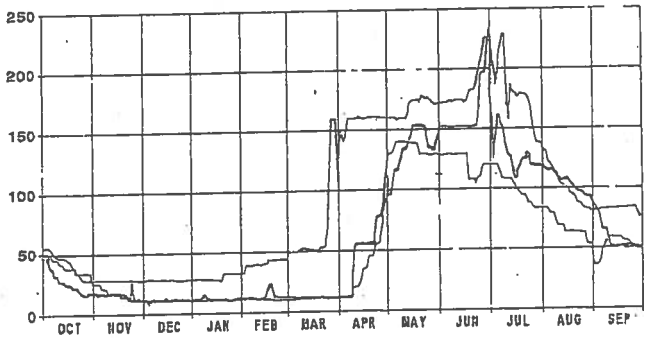
Outflow of Jackson Lake Dam
(100 cubic feet per second)



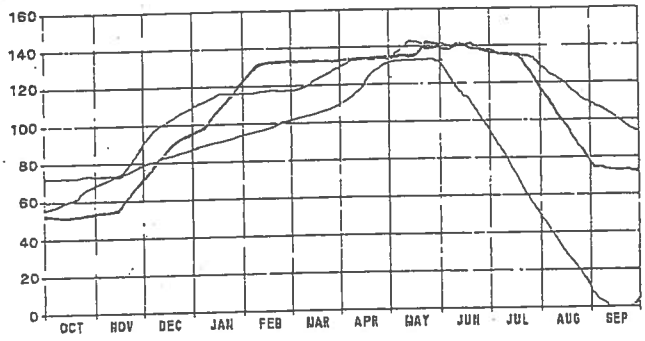
Contents of Palisades Reservoir
(1,000 acre-feet)



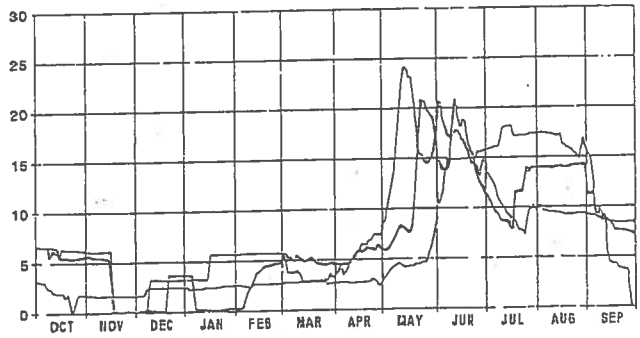
Outflow of Palisades Dam
(100 cubic feet per second)



Contents of Island Park Reservoir
(1,000 acre-feet)



Outflow of Island Park Dam
(100 cubic feet per second)



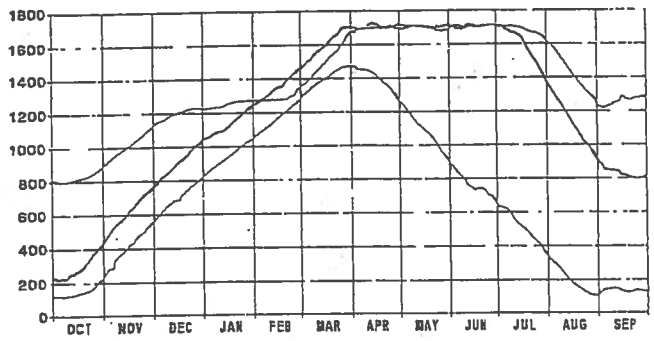
1971 (Good water supply)

1970 (Average water supply)

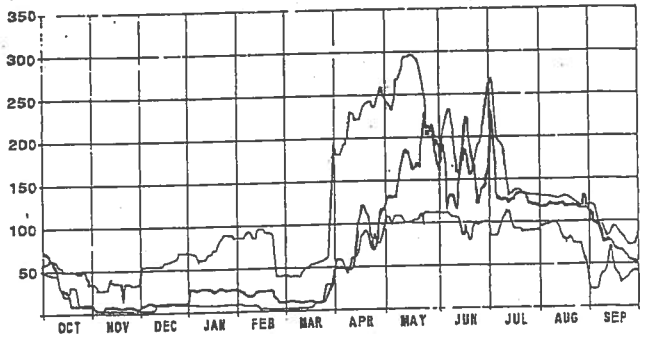
1992 (Low water supply)

Figure 5.—Typical Content and Outflow of Upper Snake River Reservoirs (continued)

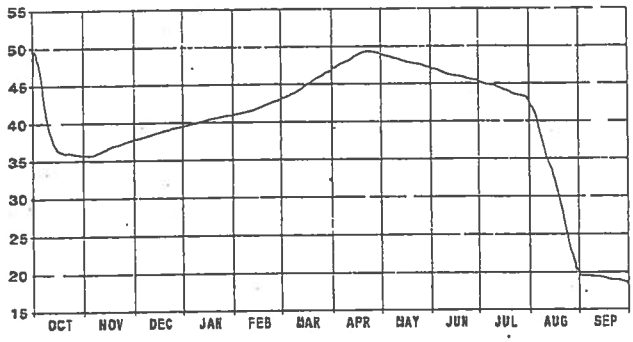
Contents of American Falls Reservoir
(1,000 acre-feet)



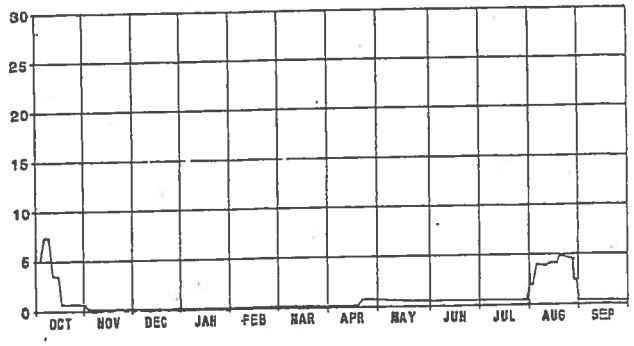
Outflow of American Falls Dam
(100 cubic feet per second)



Contents of Ririe Reservoir
(1,000 acre-feet)

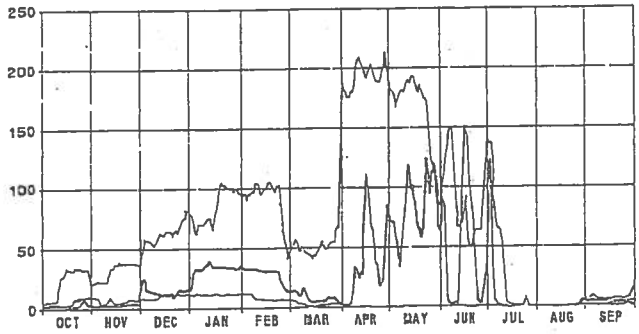


Outflow of Ririe Dam
(100 cubic feet per second)



(Note: No data available before 1978; Ririe Dam and Reservoir were completed in 1977)

Outflow of Milner Dam
(100 cubic feet per second)



1971 (Good water supply)
1970 (Average water supply)
1992 (Low water supply)

VI. Detailed Operation By Function

Early Reclamation storage facilities were developed for a single purpose—irrigation—or for dual purposes—irrigation and power. As additional storage was added, flood control became a potential operating function and was authorized. The passage of laws that required consideration of other functions at existing facilities and new facilities also helped change the character of Reclamation project development in the upper Snake River basin. Passage of a variety of Federal and State laws that require greater consideration of environmental and other factors combined with a general change toward more consideration for fish and wildlife protection has helped mold the operation of the present system.

The upper Snake system has evolved into a true multipurpose operating system; however, irrigation and flood control remain the dominant operating functions. Water rights administered by the State, project authorizations defined by the Congress, and storage contracts with the water users define the operating boundaries. It is important to recognize that although storage space and the use of water are dedicated to specific purposes, the way the water is moved among reservoirs can accommodate other purposes. To the extent possible, reservoir releases are passed through hydroelectric powerplants for the generation of electricity. Within Federal and State statutes and contract law and with the consent of water users, reservoir and river operations are implemented to protect fish and wildlife populations and to provide recreation benefits.

There is a marked contrast in the operation of the Snake River at Milner Dam. Except for salmon flow augmentation water, Reclamation does not release storable water that can be controlled above Milner Dam. In addition, Reclamation has no storage on the main stem downstream from Milner Dam. Below Milner, IPC uses riverflows to generate electricity at numerous powerplants. Another contrast is that there is careful accounting of irrigation water upstream from Milner, and almost no accounting of irrigation water downstsream.

Flood Control

Two types of flooding can occur above Milner Dam—spring snowmelt and winter rain on snow. At higher elevations, such as above Palisades, the major threat of flooding is from the spring snowmelt. At lower elevations, such as the Willow Creek basin upstream from Idaho Falls, there is a major threat from floods caused by winter rain on snow.

Jackson Lake, Palisades Reservoir, and Ririe Reservoir provide the major flood control above Milner Dam. Jackson Lake and Palisades Reservoir are operated as a system to limit the maximum flow at the Heise stream gauge (about 48 miles below Palisades Dam) to 20,000 cfs. Ririe Reservoir is operated to limit Willow Creek flows to a maximum of 1,200 cfs. Island Park Reservoir is operated informally for flood control. Other reservoirs above Milner are operated for irrigation and incidentally provide space for flood control. In addition, there are channel restrictions of 20,000 cfs at Burley, Idaho. (A list of stream gauges is included as appendix B.)

Rain on Snow

A rain-on-snow on frozen ground event occurs when a saturated basin is subjected to cold, snowfall, and warm rain, in that order. An extremely damaging flood occurred in February 1962 in the Willow Creek basin above Idaho Falls. Ririe Dam was built to prevent a recurrence of this type of flood, as well as to control spring snowmelt floods.

It is generally not possible to anticipate a rain-on-snow event far enough in advance to provide an

appropriate amount of flood control space. Therefore, reservoir pools are lowered to a predetermined elevation in the fall and maintained throughout the winter months to provide adequate storage space for possible rain-on-snow events. The reservoir space provided by this action is often referred to as the winter minimum flood control space and is based on studies of historical runoff.

Spring Snowmelt

After January, space is maintained in the reservoirs (i.e., the water surface is held at a lower elevation) according to the amount of inflow anticipated. This requires forecasts of runoff at Heise and Ririe Dam. As forecasts of spring runoff become available, the reservoir pool is adjusted to provide the appropriate amount of flood control space based on criteria for that reservoir—the larger the runoff forecast, the more space required.

The present statistical technique used for forecasting runoff above Milner Dam is a step-wise multiple regression analysis. Forecasts are based on a comparison of the current basin conditions (including observed precipitation and runoff and snowpack moisture) with historical conditions and the resulting runoff. Forecasts are made which assume subsequent precipitation amounts below normal, at normal, and above normal. Reclamation and the Corps independently make runoff forecasts and coordinate to produce one operating forecast. (A sample of a Reclamation forecast for Heise is included as appendix C)

Reservoir operators try to balance flood control and refill needs, since providing too much flood control space jeopardizes reservoir refill; and providing too high a refill probability jeopardizes flood control. Ordinarily, it is possible to maintain a high probability of controlling flooding while also maintaining a high probability of reservoir refill. A large forecast error, however, can occasionally result in flows in excess of the goals or a reservoir failing to refill. Large errors are generally caused only when a low-probability condition occurs that, with hindsight, would have required operating entirely for either flood control or refill. Examples of low probability conditions include exceptionally large or small amounts of precipitation over a long period, exceptionally large amounts of precipitation over a short period, lengthy periods when temperatures are above or below normal, and rapid or extreme shifts in temperature. Forecasts are made as needed, but at least once a month, beginning on January 1 and extending to the end of the spring runoff.

Flood control rule curves are used to determine the amount of storage space required to adequately control runoff. Formal flood control rule curves have been developed for Palisades Reservoir (combined operation with Jackson Lake) and Ririe Reservoir, while informal flood control rule curves have been developed for Island Park Reservoir. A formal flood control curve is jointly developed by the Corps and Reclamation according to Congressional directives, and the Corps has ultimate authority to implement a formal flood curve operation. An informal flood control curve is developed by Reclamation to serve as a guideline in providing flood control benefits below a Reclamation reservoir. Generally, an informal curve will provide a higher chance of reservoir refill than a formal curve.

These rule curves are included as appendix D, and indicate how much space must be maintained by date based on the forecast of runoff. The formal rule curves must be followed and operations agreed to by the Corps which has authority under the Flood Control Act of 1949 to direct some Reclamation reservoir operation to reduce flooding. In actual operation, there is a high level of cooperation and mutual concern for both flood control and reservoir refill.

Irrigation

Most of the Reclamation storage above Milner Dam is used as a supplemental water supply for irrigation; only 210,000 acres depends on Reclamation for a full water supply. As a result, most irrigators are using a combination of water supplies that includes storage, natural flows, and ground water. To provide a sufficient amount of water in the river for out-of-stream diversion without spilling at Milner Dam requires a high degree of coordination among irrigators, storage operators, and the State Watermaster.

Irrigation and flood control operations overlap during much of the reservoir filling season. Spaceholder contracts specify that the storage season begins on October 1 and ends when no more water is available for storage. That point is reached when the riverflow equals or falls below the total amount of natural flow demand for irrigation water. The end of the storage season depends on irrigation demand and the amount and rapidity of snowmelt, varies from April 6 to July 24, and occurs most often in June.

Henrys Lake and the two northern Reclamation reservoirs—Island Park and Grassy Lake—serve only the Freemont-Madison Irrigation District. Jackson Lake, American Falls, and Palisades serve the southern part of the basin. Minidoka has some storage that is used for diversion and powerhead and to enhance storage in American Falls, Island Park, and Palisades Reservoirs. At present, Ririe has no storage contracts for irrigation and is used exclusively for flood control and recreation (but see chapter VII, "The 1990 Fort Hall Indian Water Rights Agreement").

Throughout the irrigation season, water is released from the reservoirs as needed to meet irrigation demands. Reservoir releases in the segment of the Snake River from Palisades Dam downstream to the Blackfoot gauge are determined by diversion demands of some 50 canals, the need to maintain a sufficient flow in the river at Blackfoot, and the desire to move stored water from Palisades Reservoir to American Falls Reservoir so that an adequate amount of water will be available to complete the irrigation season. Frequent consultations with the Watermaster (see "Watermaster" in this section) are necessary to determine the flow requirements and the amount of stored water that needs to be released.

Irrigation demands in the reach from American Falls Dam to Milner Dam are met by releasing water from American Falls Dam through the IPC powerplant. Through most of the irrigation season, the water surface at Lake Walcott is maintained at or near maximum elevation to ensure water deliveries to the Minidoka Irrigation District and the Burley Irrigation District and to provide maximum hydraulic head for hydropower generation at Minidoka Powerplant.

Irrigation demand is determined by weather, crop consumptive use requirements, and cropping patterns. In daily operations, individual irrigators request water from local "ditch riders" who report needs to irrigation district managers. The irrigation districts accumulate the totals and request water from the District 01 Watermaster or Reclamation's Burley office. The Watermaster then requests that water be released from the reservoirs to satisfy the accumulated requests. Operating personnel in Reclamation's Burley office determine how much water to release from each reservoir and the timing of the releases and provide specific instructions to each damtender.

Reclamation coordinates and works with water users throughout the basin including the Committee of Nine and some 64 irrigation districts and canal companies that contract for storage space in the Reclamation facilities. Reclamation personnel in the Burley office work with the Watermaster of Water District 01 in Idaho Falls to meet daily demands for irrigation and instream flows. The Watermaster of Water District 01 is responsible for the natural flow

determination and accounting, and Reclamation is responsible for the storage water accounting and allocation. The Watermaster and Reclamation's Burley office operating personnel work very closely to account for all water use and to meet the demands.

Committee of Nine

The Committee of Nine was created in 1919 by the Governor of Idaho to address and help solve water problems in the Snake River basin above Milner. That year, a serious water shortage developed. Upstream diverters of natural flow contested with downstream owners of storage over the flows in the river. As a result, the Committee of Nine was tasked to devise a plan for distribution of water in the Snake River.

The Committee is comprised of representatives elected by canal companies and irrigation districts in that area. Reclamation's Snake River Area Manager and the District 01 Watermaster are advisors to the Committee. Officially recognized by the State of Idaho, the Committee is also recognized in all Minidoka and Palisades Project reservoir spaceholder contracts as an advisory body. The Committee of Nine provides a forum for discussion, consultation, and advice on reservoir and river operation and administration. Reclamation considers the advice of the Committee in making reservoir operation decisions. In addition, the Committee is a decisionmaking body in its function as the local committee for the District 01 Water Rental Pool (also know as the upper Snake River Rental Pool).

District 01 Water Rental Pool

Spaceholder contracts and Idaho State law allow operation of rental pools. These pools allow spaceholders to offer water for rent to other entities that are in short supply.

Water rental pools (as they are now called) operate under State of Idaho law and at the direction and under the rules of the Idaho Water Resources Board (IWRB). Prior to 1991, the rental pools were often called water banks, but that term is now used as the official umbrella name for all water rental pools in the State. The water rental pool concept has been unofficially in existence since 1937 in the upper Snake. In 1979, the State Legislature authorized the establishment of water banks and rental pools statewide as a means to share water. Reclamation's Snake River Area Manager is a member of the Committee of Nine water rental pool subcommittee. Local water rental pool rules and leasing prices are determined by the local water rental pool organization and then subsequently approved or denied by the IWRB. In Water District 01, the Committee of Nine is the local water user committee and proposes rules for approval by the IWRB. The Watermaster administers the rental pool under guidance of the committee. Reclamation as the storage facility owner and contractor is also involved and must approve the rules and rates for Federal storage as well.

Spaceholders who offer water for rent before July 1 receive a proportionate share of proceeds from any such water that sells. Spaceholders who offer water for rent after July 1 receive proceeds from any sales on a "first come" basis after all water offered before July 1 is sold.

District 01 Water Rental Pool procedures stipulate a priority basis for acquiring water from the rental pool. The first priority is for irrigators with storage space in Reclamation reservoirs and the second priority is for irrigators who use the water in the Reclamation project area. The third priority is for other beneficial uses.

In order to protect spaceholders who do not sell storage water, a "last-to-fill" rule was adopted. This rule says that any water sold for use below

Milner Dam will be the last to fill the next year. This was imposed to prevent spaceholders who have good overall water supplies from profiting at the expense of overall refill the following year (each spaceholder accrues water proportionately to his owned space). If water is sold through the rental pool, the reservoir space drafted must be refilled the next year. Without the "last-to-fill" rule, all spaceholders would have to contribute to the refill of the rented water.

The price for rented water is set by the Committee of Nine. In 1995, irrigation water for use above Milner Dam sold for $2.95 an acre-foot which included $0.75 for District 01 administration and $0.20 for the IWRB surcharge. Non-irrigation water for use below Milner Dam includes the same administration and surcharge fees and sold for a base price of $6.25 an acre-foot plus a contingency fee of $2.20 per acre-foot for a total of $8.45 per acre-foot. If this last-to-fill water is filled in the following year the contingency fee will be refunded to the buyer.

Table 5 summarizes District 01 Water Rental Pool contributions and sales for the period 1980-1995. In most years, there was much more water consigned than sold. Prior to 1991, most of the non-irrigation purchases were made by IPC for power generation. Since 1991, Reclamation has purchased most of the non-irrigation water for salmon flow.

Table 5.—District 01 Water Rental Pool Activity, 1980-1995 (Acre-Feet)

Year	Consigned	Total Purchases[1]	Irrigation Purchases	Not Sold
1979	88,870	73,960	23,960	14,910
1980	72,190	14,575	14,575	57,615
1981	170,107	149,039	24,039	21,068
1982	290,426	203,515	3,515	86,911
1983	540,606	353,084	3,084	187,522
1984	809,400	277,433	2,433	531,967
1985	497,302	362,169	12,169	135,133
1986	895,642	159,735	9,735	735,907
1987	365,006	192,506	42,506	172,500
1988	235,325	159,215	109,215	76,110
1989	416,994	115,736	15,736	301,258
1990	306,463	124,525	68,000	181,938
1991	205,113	184,677	85,677	20,436
1992	9,954	9,954	9,954	0
1993	408,240	287,974	38,974	120,266
1994	432,171	432,171	75,889	0
[2]1995	584,293	[2]587,509	0[3]	0[3]

[1]Prior to 1991, purchases other than for irrigation were for power, beginning in 1991, Reclamation purchased this water for lower Snake River flow augmentation to enhance salmon migration.
[2]Requests for purchase; includes about 255,000 acre-feet actually purchased by Reclamation for Snake River flow augmentation and about 295,000 acre-feet requested by IDWR for ground-water recharge but the amount actually used for ground-water recharge has not been calculated.
[3]Not available

Watermaster

The State of Idaho issues and administers water rights in the State. The Watermaster of District 01 is elected each year by the water users, is a State Government employee and the State representative for administering water rights throughout the year, and is currently also the Manager of the Eastern Office of the IDWR. He supervises an office of about 15 part-time and full-time employees in Idaho Falls. The Watermaster tracks and reports water use, and notifies water right holders when they do not have a right to use water, e.g., the water supply is insufficient to provide water for their water right. This is a difficult task requiring monitoring of a great deal of water data and extensive computations especially since many water right holders have both natural flow and storage rights. During the course of a year, the natural river runoff declines to the point that flow becomes insufficient to supply all natural flow rights. Holders of later date priority then must switch to storage rights and the Watermaster must also track the storage used. The Watermaster also provides day-to-day operation of the rental pool on behalf of the Committee of Nine.

Water Accounting

Water data collection and accounting is administered by Water District 01 pursuant to an agreement with the IDWR and in cooperation with Reclamation. The majority of the data is collected by automated data collection platforms that are part of a satellite based telemetry system, referred to as HYDROMET, operated by Reclamation for the collection of hydrologic and meteorologic data on a real-time basis. All important river gauges and the majority of the canal diversions are monitored by the HYDROMET system. Data from canal diversions which are not on this system are obtained by telephone from the canal managers and water district river riders.

The major role of Water District 01 activities under the direction of the Watermaster is to account for the diversions of natural flows, ensure that water right holders are complying with their rights, both in quantity and priority, and determine the amount of stored water used by each spaceholder. On a daily basis, the Watermaster computes the amount of natural flows available in the system and the total diversions by calculating reach gains or losses in 37 reaches of the Snake River and tributaries upstream of Milner Dam (figure 6). These reaches are segments of river lying between two streamgauging stations. Gains are due to inflow from tributaries, springs, and irrigation return flows. Losses are caused by surface flow entering the ground water, evaporation and transpiration of riparian vegetation, and out-of-stream diversions. From this, and the diversion data, the Watermaster determines which water rights are being filled on each day and accounts, on a daily basis, for the amount of stored water that is being used by each of the diverters and from which reservoir account it is being taken. This provides the basis for determining each spaceholder's water storage account of stored water accumulated, used, and carried over. To the extent possible, the debiting for stored water use takes into consideration (1) the need to lower Jackson Lake by October 1 to provide 200,000 acre-feet of flood control space and (2) the location of the diversion demands and the refill potential of American Falls Reservoir, Palisades Reservoir, and Jackson Lake. The accounting year for Water District 01 is November 1 through October 31. A final accounting is made after the end of the accounting period and documented in the Watermaster's annual report.

Power

There are Federal powerplants and non-Federal powerplants located at Federal Dams and there are non-Federal powerplants at several non-Federal dams. Power generation is secondary or

Figure 3.—Upper Snake System for Water Right Accounting

incidental to flood control and irrigation water supply at Federal dams and no water is released from Reclamation facilities specifically for power generation except for water held under spaceholder contracts (IPC is the only electric utility that has a spaceholder contract and that contract amount is 44,275 acre-feet in American Falls Reservoir).

Federal Powerplants

Power generation was included as an authorized function at Minidoka and Palisades Dams. Currently there are Federal power generation facilities at Minidoka Dam and Palisades Dam. Some of the power generated at the Reclamation facilities is used directly for facility operation and irrigation pumping and the remainder is marketed in the Federal Southern Idaho Power System administered by the Bonneville Power Administration (BPA). Minidoka Powerplant, the oldest powerplant in the region is currently being rehabilitated and expanded to a capacity of 27,000 kW. Palisades Powerplant has recently undergone major rehabilitation with an increase in capacity to 176,600 kW.

Idaho Power Company

In the Snake River basin above Milner Dam, IPC owns and operates powerplants at American Falls Dam and Milner Dam; a third IPC powerplant uses water from the Milner pool and is located on the Twin Falls Canal just downstream from Milner Dam.

IPC powerplants at Milner are operated as run-of-the river plants, i.e., available reservoir inflow is passed through the powerplants up to the capacity of the powerplants and riverflows are not controlled for power generation. The only control that IPC can use to regulate river flows is to release water from the 44,275 acre-feet of its contract space in American Falls Reservoir. IPC would normally release this water only when it could be released through the American Falls Powerplant (i.e., Reclamation releases are less than the powerplant capacity) and this water would also produce power at the Milner powerplants.

The American Falls Powerplant, owned and operated by IPC, recently underwent a rewind/uprate to a capacity of 112,400 kW. At American Falls, Reclamation directs the IPC powerplant operator to release the water necessary for flood control or irrigation operations. If the required release is in excess of powerplant capacity (about 13,500 cfs), Reclamation uses the low level outlet gates to supplement powerplant flow. At Milner Dam, IPC releases water to the extent possible through the small powerplant which discharges water to the stream immediately downstream from the dam. About 200 cfs are released directly to the river for minimum streamflow maintenance. When the flow entering Milner pool exceeds irrigation diversion requirements and exceeds the capacity of the small powerplant, flow is directed to the larger powerplant. The larger powerplant takes flows from Twin Falls Canal and discharges flows to the river about 1 mile downstream from the dam.

IPC has provided help in shaping salmon augmentation flows at its downstream dams (see ESA section).

Other Powerplants

In addition to the Federal powerplants and the IPC powerplants, there are other powerplants owned by public agencies and private utilities. All are run-of-the-river powerplants, i.e., flow of the river up to the capacity of the powerplant is passed through the generating units.

In 1991, approval was granted by the FERC for the Fall River Rural Electric Cooperative (FRREC) to construct powerplant with a capacity of 4,800 kW at Island Park Dam. Power generation began in June of 1994. The

powerplant operates between a minimum of 190 cfs and a maximum of 960 cfs and utilizes only water that is released to meet irrigation demands or during flood control operations. During late 1995, FRREC also secured approval to modify the spillway with an adjustable lip to allow water that was previously spilled during irrigation surcharge to be passed through the powerplant to provide additional power generation. The FRREC also has a license for a powerplant with a capacity of 1,900 kW located on the Teton River near Felt. This powerplant was leased to Bonneville Pacific Corporation which filed for bankruptcy in the early 1990's.

Marysville Hydro Associates owns and operates a powerplant with a capacity of 9,100 kW located on the Falls River near Marysville. Utah Power and Light Company owns and operates two powerplants on the Henrys Fork. Its powerplant near Ashton has a capacity of about 5,000 kW and its powerplant near St. Anthony has a capacity of 500 kW. The city of Idaho Falls has three powerplants with a total capacity of about 24,000 kW located upstream from American Falls Reservoir. Lower Valley Power and Light Incorporated owns and operates a 1,500-kW powerplant on Strawberry Creek, a tributary of the Salt River which flows into Palisades Reservoir.

Powerplant Summary

There are two federally owned and operated powerplants and 12 non-federally owned and operated powerplants located upstream from Milner Dam. The total nameplate capacity of these facilities is about 423,000 kW. The nameplate rating of the two Reclamation powerplants is nearly half of the total. IPC is the major non-Federal power producer and owns and operates one powerplant located at a Reclamation dam in addition to two powerplants associated with Milner Dam. FRREC is the only other electric utility that owns and operates a powerplant at a Reclamation dam. Powerplants at Federal Dams and at Milner Dam are summarized in table 6.

Table 6.—Powerplants Located at Milner and Reclamation Dams in the Upper Snake River Basin

Site	Nameplate Rating	Owner/Operator
American Falls Dam	112,400 kW	Idaho Power Company
Island Park Dam	4,800 kW	Fall River Rural Electric Cooperative
Milner Dam	At dam: 830 kW On canal: 58,620 kW	Idaho Power Company
Minidoka Dam	[1]27,700 kW	Bureau of Reclamation
Palisades Dam	176,600 kW	Bureau of Reclamation

[1]When new powerplant is completed in 1997.

Fish and Wildlife

Authorities under which the Reclamation dams and reservoirs were constructed do not generally include fish and wildlife enhancement except for Palisades Reservoir. Existing provisions for fish and wildlife enhancement do not include managing the water supply for that purpose, i.e., fish and wildlife enhancement is generally limited to managing land surfaces and providing protective measures.

Storage contracts in general limit water operations to those that provide benefit to contract holders. Operations that would diminish the water supply are prohibited without the approval of the contractors. State water law limits appropriation of water to beneficial uses and defines those uses. Furthermore, appropriation of water and change of use are strictly regulated by the State. Nonetheless, there remains sufficient flexibility to address some fish and wildlife enhancement concerns and to provide some improvement..

Wyoming Contract

In 1991, the State of Wyoming entered into a contract with Reclamation for the purchase of 33,000 acre-feet of joint-use space in Palisades Reservoir. The water that accrues to this space is allowed to be "shifted" upstream to Jackson Lake. Under the contract provisions, Wyoming has the option of requesting that the water be held in the Jackson Lake to benefit lake trout spawning or released between October and March 31 to increase flows in the Snake River to improve habitat for the fine-spotted Snake River cutthroat trout population.

Releases From Palisades Dam

In 1988, Trout Unlimited brought a court challenge against Reclamation for releasing winter flows of less than 1,000 cfs from Palisades Dam. In most winters, Reclamation provides a minimum release of about 1,200 cfs, but had decreased the release due to drought conditions. The court ultimately decided that Reclamation could reduce flows without writing an environmental impact statement. After the court decision, Reclamation funded IDFG to assess the flows needed to sustain and protect the blue ribbon trout fishery. Field studies, conducted between 1990 to 1992, emphasized evaluation of flows needed for overwintering juvenile trout and found that flows of at least 1,500 cfs are needed to better protect juvenile trout. Flow above that level could provide significant additional fish habitat improvements, but, in many years, that level of release could significantly reduce the likelihood of Palisades refill. This study defined the biological flow needs of the main stem and provides Reclamation with a basis for considering flow levels to benefit the fishery in water years when greater winter releases may be possible.

Trumpeter Swans on the Henrys Fork

Trumpeter swans have been eradicated from all of their historic wintering areas in the United States except for the area around the tri-state junction of Montana, Wyoming, and Idaho. About 40 percent of the population winters on the Henrys Fork downstream from Island Park Dam. Open water during the winter is vital for the survival of the birds as the swans feed on underwater vegetation. This wintering area is characterized by very cold temperatures but the water remains open near springs and when warmer reservoir water is released. In the 1987-1988 drought, fall and winter releases from Island Park were reduced to 100 cfs in accordance with previous operating agreements. Low flows combined with cold temperatures caused the river to ice over, and emergency releases were made several times to create open water. Even with this effort, more than 50 swans (about 10 percent of the population wintering on the Henrys Fork) died of starvation.

This problem was approached from two directions. First, an instream flow study was conducted to determine flow requirements to maintain depth and velocity for successful swan foraging. Second, research into methods to aid in expanding the winter range of the Rocky Mountain population of trumpeter swans has been initiated. The USFWS will continue trapping and moving trumpeter swans to other areas in an effort to establish new wintering areas. This program has been very successful with about 20-25 percent of the swans returning to the area to which they were moved.

Minidoka Wildlife Refuge

The surface of Lake Walcott and much of the surrounding land constitutes the Minidoka Wildlife Refuge which was created in 1909 and is operated by the USFWS. The Minidoka Wildlife Refuge was created in 1909. Reclamation notifies the USFWS when the pool is going to be lowered for winter operation. Raising the pool in the spring and maintaining a constant pool level throughout the irrigation season is consistent with migratory wildfowl needs and use of the refuge.

Tex Creek

The Tex Creek Wildlife Management Area continues to be a successful multi-agency effort. Originally an area purchased and managed as part of Teton Dam mitigation, it has expanded with additional State and Federal lands and is managed by the IDFG for wildlife. Elk, moose, deer, and other animals winter in the area which is also important for sharptail grouse.

Recreation

The upper Snake River basin provides recreation opportunities ranging from high mountain to desert settings. Together, the seven Reclamation reservoirs host approximately 1.4 million days of use annually. Primary reservoir activities include boat fishing, water skiing, camping, and picnicking.

Flowing water recreation use is an extremely important component of the recreation mix, providing opportunities for floating, canoeing, fishing, picnicking and other uses (use figures are unavailable). The river reaches between Jackson Lake Dam and Palisades Reservoir and between American Falls Dam and Lake Walcott are being analyzed for inclusion in the National Wild and Scenic Rivers system. Other stretches are also regionally and nationally recognized for exceptional whitewater and blue ribbon trout fishing opportunities. The growth in private and licensed guided river trips has become economically important to surrounding communities.

The reach of the river from the head of Jackson Lake to Palisades Reservoir is operated to the extent possible to accommodate local recreation interests including boating on Jackson Lake and downstream whitewater rafting and stream fishing. In most years, this involves passing inflow plus release of at least 200,000 acre-feet of water to evacuate the flood control space in Jackson Lake. Various recreation interests meet with Reclamation in the spring of each year to provide information on desired flow levels. Reclamation uses this information along with available water supply data to establish a flow regime for the summer and fall.

Municipal and Industrial Water Supply

Most of the municipal and industrial water supply in the upper Snake River basin is pumped from ground water and has no significant effect on reservoir operations.

Endangered Species Act (ESA)

In recent years, Reclamation has modified water operations in the Snake River basin above Brownlee Reservoir to help protect and recover species that have been listed under the ESA. By April 1992, Snake River sockeye salmon and spring/summer and fall chinook salmon stocks were listed by the National Marine Fisheries Service (NMFS) under the ESA. In January 1993, five species of aquatic snails that inhabit the middle Snake River, were also listed (four endangered and one threatened) by the USFWS. Reclamation, BPA, and the Corps (the operating agencies), have participated in ESA Section 7 consultations with NMFS and USFWS on the effects that operation of the Federal Columbia River Power System (FCRPS) may have on the listed salmon and snails. The upper Snake River has been tied to these consultations because of requirements to release reservoir storage to improve salmon migration conditions in the lower Snake River and Columbia River reaches. Since 1991, Reclamation has provided salmon flow augmentation storage releases from the Payette, Boise, and upper Snake River basins. Table 7 summarizes information on the source and volume of storage that has been provided annually from above Brownlee Dam. Table 8 summarizes similar information for that portion of the water released from the upper Snake River basin (above Milner Dam).

Table 7.—Flow Augmentation Provided from the Snake River Basin above Brownlee Dam

Year	Volume (acre-feet)		
	Noncontracted and Powerhead	Rental Pools	Total
1991	40,000	160,000	200,000
1992	90,000	-	90,000
1993	324,000	100,000	424,000
1994	383,000	45,000	428,000
1995	151,000	276,000	427,000

Table 8.—Flow Augmentation Provided from the Snake River Basin above Milner Dam

Year	Volume (acre-feet)			
	Reclamation Noncontracted	Reserved Powerhead	Water Rental	Total
1991	-	-	99,000	99,000
1992	-	-	-	-
1993	100,000	106,000	65,000	271,000
1994	33,200	252,800	44,300	330,300
1995	22,400	-	232,800	255,200

Under ESA Section 7 requirements, Reclamation consults with NMFS and the USFWS on the effects of the salmon water releases on listed snails and salmon. The 1995 Biological Opinion, issued by NMFS and USFWS, directs Reclamation to provide 427,000 acre-feet of water for salmon flow augmentation each year through 1998 and to concurrently use a release regime that will not jeopardize listed snail species in the middle reach of the Snake River. This requires that Reclamation consult with NMFS and USFWS each year once water supply/sources are firm.

IPC has in the past agreed to release some of the 427,000 acre-feet from Brownlee Reservoir in a pattern to provide a greater instantaneous flow for salmon in the lower Snake River and Columbia River than could otherwise be furnished by directly passing the water from upstream Reclamation reservoirs. In return, Reclamation has seasonally scheduled its upstream releases to backfill Brownlee in such a way as to benefit hydropower generation at various IPC powerplant facilities. At the same time, Reclamation must coordinate with the USFWS to assure that upper Snake River water releases for salmon avoid damaging ESA listed snail colonies downstream of Milner Dam. This requires that Reclamation's salmon water release regimes be tailored to reduce flow fluctuations in middle Snake reaches to afford better protection to snail colonies. Flows are measured and controlled at Milner Dam to stabilize and minimize flow swings during the salmon water release period. A slow down-ramping regime is provided at the end of the release to reduce the chances of snail stranding. This is illustrated in figure 7 which shows the 1,500-cfs flow and down ramping past Milner Dam during the 1995 upper Snake River salmon water release period.

Figure 7.—1995 Salmon Water Release at Milner Dam
(Release made between July 2 and September 29, 1995)

VII. Other Issues

All of the water resources of the Snake River above Milner are currently being used in some way, and all of the active space in Reclamation reservoirs has been contracted or assigned to specific uses. Water sustains crops, maintains riparian vegetation, provides habitat for fish and wildlife, sustains human life, and provides opportunities for recreation. Some water is diverted out of stream under natural flow rights; some is stored and later released to be diverted out of stream; some is run through powerplants, and some remains in the river.

Irrigation, power, fishery, wildlife, recreation, ecological and other interests have concerns and most want more water. But more water is not possible; the only possibility is change in the use of the current water supply. It is important to recognize that many uses of water are mutually exclusive, i.e., an increase in one use requires a decrease in some other use. As an example, an increase of instream flows requires out-of-stream uses to be decreased, storage reservoir elevations to be lowered, or both.

In addition to requests for more water, there are requests for different operations. Any change in river/reservoir operation will have negative effects on some uses and positive effects on other uses. Releasing water for a shorter period at a greater rate may benefit one type of recreation while diminishing another type of recreation or diminishing recreation at another site.

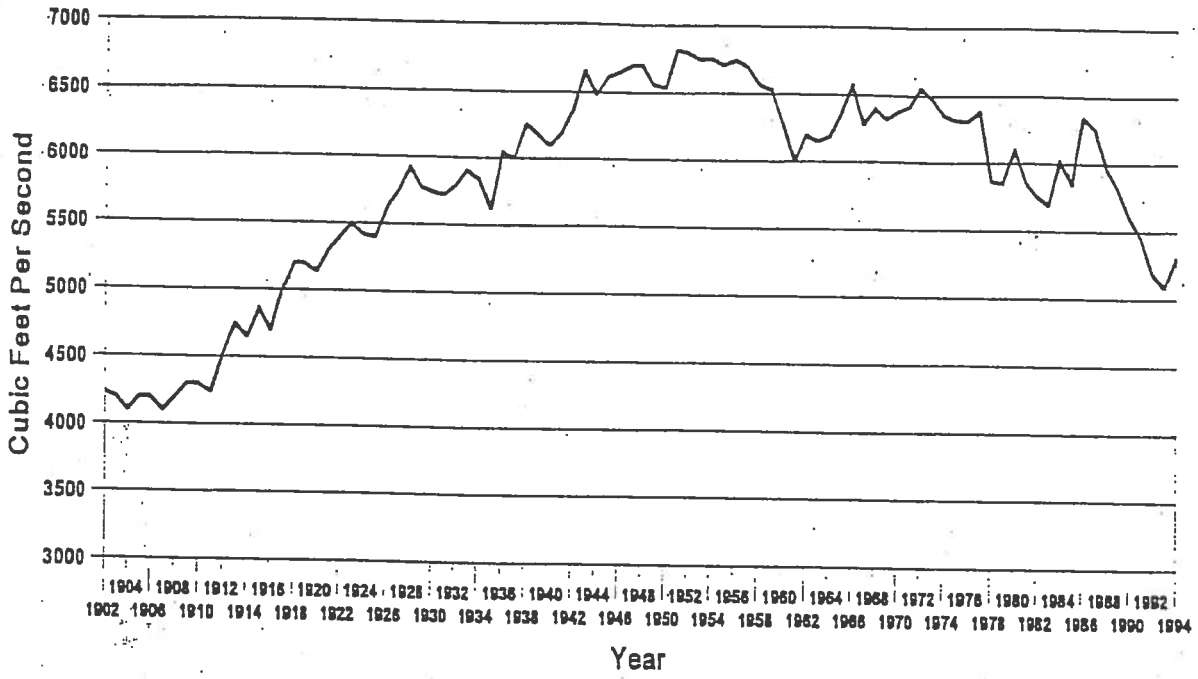
Snake Plain Aquifer

The Snake Plain Aquifer, located north of the Snake River from about Bliss to Island Park Dam, is one of the largest aquifers in the continental United States. The water level of the Snake Plain Aquifer reached an all time high in the early 1950's because of aquifer recharge due to surface irrigation applications and a wet climatic period.

Following the early 1950's, the ground-water levels have shown a net decline reaching an all time low in 1994. This decline is caused primarily by (1) increased ground-water pumping for irrigation and (2) increased water conservation by upstream irrigators. These factors combined with the 7-year drought from 1987 to 1994 have caused a dramatic decline of the ground-water level in recent years. Conservation efforts of reservoir spaceholders contributed to reducing irrigation shortages over a series of years, but the reduced application of water also appears to have reduced the flows at Thousand Springs. The decline in ground-water levels has prompted a water rights call by the A&B Irrigation District, located near Rupert, Idaho, on the IDWR to deliver water based on the district's water right priority date. This call could result in restrictions on ground-water pumping located throughout the plain for water rights junior to the A&B water rights.

The condition of the Snake Plain Aquifer is critical to Snake River flows below Milner as most of the inflow to the river in the reach between Milner and King Hill, Idaho is due to the discharge of the aquifer at Thousands Springs. The springflow has been recorded by the USGS since 1902. The volume of springflow is related to the Snake Plain Aquifer level although there is a lag between recharge changes and springflow changes. Figure 8 shows the flow increasing and peaking in 1951 and then generally declining. The volume of spring flow is currently about the same volume as recorded in 1921.

Figure 8.—Annual Mean Discharge of Thousand Springs Between Milner Dam and King Hill (cfs)



Snake River Basin Water Rights Adjudication

A general adjudication of water rights in the Snake River basin was filed on December 19, 1987, and is ongoing in the 5th District Court of the State of Idaho for the County of Twin Falls, Case Number 39576, (The State of Idaho, ex rel. v. The United States; the State of Idaho; and all claimants to the use of water from the Snake... River Basin Water System). Reclamation claims use of water in the Snake River basin for several Reclamation projects. The adjudication of water rights includes Federal reserved water rights associated with the Nez Perce Tribe and the Shoshone-Bannock Tribes of the Fort Hall Indian Reservation. The adjudication is ongoing, without an identifiable date for a conclusion.

Included in the adjudication are all water rights (surface and ground water) claimed by individuals and entities in the Snake River basin. There are more than 62,000 separate claimants, including landowners, irrigation districts, canal companies, State and Federal agencies, and municipalities. Previous court decisions, Federal treaties, Federal contracts, and Acts of Congress have bequeathed a legacy of uncertainty, confusion, and a multitiered system of irrigation delivery priorities. Tribal claims for instream flows (fish habitat, channel, and riparian maintenance) with a time immemorial priority date are for greater than 36 million acre-feet of water, an amount greater than the average annual flow of the Snake River at Lewiston, Idaho.

The 1990 Fort Hall Indian Water Rights Agreement

The 1990 Fort Hall Indian Water Rights Agreement was signed on July 10, 1990, in settlement of litigation involving claims made by the United States on behalf of the Shoshone-Bannock Tribes to water rights in the upper Snake River basin and its tributaries. The Agreement is by and between the Shoshone-Bannock Tribes of

the Fort Hall Indian Reservation, the State of Idaho, the United States, and certain Idaho water users.

In general the agreement does the following:

- The date of natural flow rights of Shoshone-Bannock Tribes is revised to become the earliest date on the Snake River.
- The Shoshone-Bannock Tribes retain their storage space.
- Other water users may join an entity that represents the water users (Mitigation, Inc.) and be compensated for losses sustained by the change in water right priority dates.
- Uncontracted space in Ririe and Palisades Reservoir is contracted to Mitigation, Inc. without a requirement to pay the investment costs.

A "Partial Final Consent Decree Determining the Rights of the Shoshone-Bannock Tribes to the Use of Water in the Upper Snake River Basin" was based on the Agreement and was signed by Judge Hurlbutt on August 2, 1995. The Fort Hall Water Users Association appealed a ruling regarding the 1990 Fort Hall Indian Water Rights Agreement to the Idaho State Supreme Court, and this appeal was heard on December 6, 1995. Until this appeal is resolved, the Agreement and the Partial Decree are not final. In addition, there may be questions whether the Mitigation Inc. contract for the water accruing to Ririe and Palisades space should be viewed as in full force and effect.

If the Agreement stands as written, the Partial Decree will be the controlling document in the allocation of water rights of the Shoshone-Bannock Tribes. One condition of the Agreement is that is shall be effective only when the Reclamation has entered into a storage contract with the IWRB or designee of the Committee of Nine in accordance with Article 12.3. Accordingly, the United States has agreed to contract with Mitigation, Inc. for the 80.500 acre-feet of noncontracted storage space in Ririe Reservoir and the 18,980 acre-feet of noncontracted storage space in Palisades Reservoir. This space is estimated to provide an average of approximately 45,000 acre-feet of water per year.

Unauthorized Use

Unauthorized use is defined as the use of Reclamation project water in ways, in amounts, or in locations that are not authorized by Federal law or Reclamation contract. Unauthorized use is commonly called water spreading. Unauthorized use includes (1) applying project water to lands outside the boundaries defined by the project's authorizing legislation or a contract, (2) applying project water to lands that have not been classified by Reclamation as eligible to receive water or to lands classified by Reclamation as nonirrigable, (3) any change of use, such as from irrigation to municipal and industrial use without the prior written approval of Reclamation, (4) applying project water without the necessary state water right, or (5) irrigating more acreage than allowed by contract or law.

Meetings were recently held in August and September of 1995 to discuss internally how Reclamation will address unauthorized use. A directive is anticipated from the Commissioner of Reclamation containing the principle that Reclamation will carry out a program to resolve cases of substantial unauthorized use of project water in a cost-effective manner. Implementation of the program will be the responsibility of each Regional Director. Each Regional Director will (1) prepare a plan for identifying all cases of substantial unauthorized use in the region; (2) take interim actions to avoid additional unauthorized uses and address known cases of unauthorized use; (3) prepare a report identifying all cases of substantial unauthorized water use in

the region; (4) prepare an for resolving these cases; and (5) prepare a long-term plan to provide reasonable assurance that water use conforms to law and contract.

Water Acquisition for ESA Considerations

In accordance with the Reasonable and Prudent Alternative found in the March 2, 1995 NMFS Biological Opinion on FCRPS operations, Reclamation is required to annually provide 427,000 acre-feet of water from the Snake River basin for salmon flow augmentation in the lower Snake River and Columbia River. Reclamation is obligated to take such actions as are necessary to ensure, by 1998, a high likelihood of providing that amount of water each year. Accordingly, Reclamation has initiated a program to acquire reservoir storage space and natural flow rights throughout the drainage above Lower Granite Dam so that a reliable water supply can be obtained to meet the 427,000 acre-feet requirement. To date, Reclamation has purchased about 22,500 acre-feet of storage space in Jackson Lake and Palisades and American Falls Reservoirs. Under this program, Reclamation will purchase natural flow and storage space rights only from those willing to sell, at a fair market value, and in accordance with State water rights. This water, along with annual water rentals, will be combined to meet the salmon flow augmentation requirement of 427,000 acre-feet.

Title Transfer

As part of the second phase of the Administration's National Performance Review, Reclamation is undertaking a program to transfer title of facilities that could be efficiently and effectively managed by non-Federal entities and are not identified as having national importance. This effort is a recognition of Reclamation's commitment to a Federal Government that works better and costs less. The transfer of title will divest Reclamation of the responsibility for operation, maintenance, management, regulation, and liability for the project. The transfer of title to a project will, in effect, sever Reclamation's ties with that project.

A set of criteria and procedures are being developed to assure that transfers will safeguard national interests and will benefit the nation.

Resource Management Plans

Reclamation is conducting a multi-year program to prepare resource management plans (RMP) for all major facilities. These plans are intended to address the management of water and land surfaces including protection of archeological, historical, and other resources. Reservoir operations are generally excluded, but adjustments in reservoir operations that do not diminish benefits to the spaceholders or major project functions can be considered.

This program is guided by Federal law (Public Law 102-575) and policies aimed at ensuring that Federal lands are managed to serve a wide range of public purposes. These coordinated management plans are prepared to clearly set goals, objectives, policies, and priorities related to competing uses, guide decision-making, and resolve conflicts.

Reclamation's resource management policy is to ensure and encourage resource protection, conservation, and multiple use. Management practices and principles, in accordance with existing Federal laws, regulations, and policies, are to be applied to protect fish, wildlife, and other natural and cultural resources. The policy also provides for public health and safety, public access, and a wide variety of outdoor recreational opportunities to accommodate the increasing public demand to utilize Reclamation land and water areas.

An RMP for American Falls was completed in 1995. As funding allows, RMP's will be

developed for other facilities in the upper Snake River basin; however, none are scheduled through fiscal year 1998.

Snake River Resources Review

Reclamation is conducting a comprehensive review of the multipurpose operations and related resources in the Snake River basin above Brownlee Dam. The goal of the review, which will take place over the next 4 years, is to develop a set of management tools/models that can integrate the operation of the 10 Reclamation projects and indicate resource tradeoffs with various system scenarios. The review will enhance, refine, and confirm Reclamation's ability to make sound resource decisions in the Snake River basin. The management tools to be developed will improve Reclamation's ability to analyze operations for traditional uses, such as irrigation, flood control, and power generation, while considering other requests such as releasing water for recovery of endangered salmon in the lower Snake and Columbia Rivers, protecting in-basin ESA listed species, recharging aquifers, providing water for municipal and industrial use, improving water quality, improving recreation opportunities, protecting cultural resources and Indian trust assets, and protecting and enhancing fish and wildlife habitat.

Coordination with other Federal and State agencies and Tribal governments that are gathering data or conducting studies within the basin is an important component. This review will serve to consolidate basin information so it can be shared and used more efficiently. Appropriate information will be linked together in a form than can be used to analyze the Snake River/reservoir system. The general public, water users and other State, local and Federal agencies are invited to participate in the review.

Reservoir Conservation Pools

Establishing a conservation (minimum) reservoir pool is intended to maintain valuable reservoir resources such as good water quality, reservoir fish populations, wildlife habitat, and/or recreation uses that would be lost if a reservoir were completely drained. These resource assets often evolve over a period of time but are secondary to the original purposes for which a reservoir was constructed. Virtually all reservoirs above Milner Dam offer these kinds of resource values which could be enhanced by establishment of conservation pools. None of these reservoirs have an official conservation pool; however, there are de facto minimum pools at Minidoka (Lake Walcott), Palisades Reservoir, and Jackson Lake. The upper Snake River system was authorized and is operated principally for flood control and irrigation purposes. In dry years, storage supplies are more heavily used to meet irrigation demands, and other uses may suffer accordingly.

The designs of most contemporary dam and reservoir projects now incorporate conservation pools. In the upper Snake, there is a need to review the options available for retroactively establishing conservation pool operations to better maintain reservoir based biological communities while meeting the contractual obligations. Information compiled through the Snake River Resources Review and subsequent modeling may help define seasonal reservoir pool elevations needed to enhance fish, wildlife, water quality, and recreation values. There may be opportunities in the future to modify system operations to include conservation pools. Establishment of official minimum pools could benefit recreation and fish and wildlife at Jackson Lake and Island Park, Palisades, American Falls, and Ririe Reservoirs.

Conservation pools would compete directly with irrigation water supplies, possibly some flood control operations and, resource values in other reservoirs.. Establishment of conservation pools would require active participation and negotiation by all interests.

Instream Flow Management

High quality trout fisheries are found below Jackson Lake, Palisades, and Island Park Dams. These valuable tailwater fisheries are sustained by year-round reservoir releases. There is controversy and disagreement on the adequacy of those releases, and there have been incidents of fish losses below Palisades and Island Park Dams associated with drought conditions and related water management decisions. Low flows below these projects during the late fall and winter may limit trout populations by limiting available instream habitat during this period. The potential of other upper Snake fisheries may not be realized because optimal winter reservoir releases are not routinely provided. The minimum flows that Reclamation administratively provides below the various dams in the upper Snake are covered in chapter V.

It is normally not possible for Reclamation to operate the upper Snake River/reservoir system to provide optimal trout flows while meeting contractual obligations to irrigation water users. In addition, increasing minimum flows could conflict with the establishment of reservoir conservation pools. However, on a case-by-case basis, there may be potential for various interests to reach solutions that are mutually beneficial and which could improve instream flow conditions. For instance, Reclamation's salmon water acquisition initiative could result in positive and negative effects on resident fish, water quality in the middle Snake, and power generation. The Nature Conservancy is seeking to establish a winter flow release at Henrys Lake through purchase of reservoir storage rights and a water exchange in the upper Snake River system.

Water Quality

Numerous investigations have demonstrated that water quality in the upper and middle Snake River has deteriorated from nutrient-laden organic and inorganic material inputs, sediment, altered streamflows, and periodic droughts. Several segments of the middle Snake have been designated as "water quality limited." Benefits to recreational contact and cold water biota are impaired by poor water quality that violates State water quality standards. The Idaho Department of Health and Welfare, Division of Environmental Quality, has recently released a draft nutrient management plan for the middle Snake (downstream from Milner Dam) which outlines many management actions that need to be taken to improve conditions. This report indicates that middle Snake water quality may be directly influenced by the quantity of water which flows past Milner Dam. Future studies will better define the relationship between flow and water quality conditions. Water quality benefits could be expected if flow augmentation could be provided from upstream storage sources, but such a solution would be difficult since the waters have already been appropriated for other uses.

VII. Glossary

Active Capacity or Storage—Amount of storage space that can be filled and released for specific purposes.

Carey Act (1894)—Donated lands to states for reclamation purposes. Tracts sold by states were limited to 160 acres to be used for irrigated farming.

Conservation Pool—A reservoir pool elevation or volume of water that is to be considered a minimum. Conservation pools are usually established to maintain fish and wildlife resources, water quality, or recreation capability.

Consumptive Use—Use that permanently removes the water from the system.

Cost Allocation—A method of distributing the construction costs and the annual operating costs of Federal reservoirs among the benefitted functions. This is a first step to identifying the amount of annual payment needed to recover the Federal costs for construction and operation of a project.

Dead Storage—Water that lies below the outlet of a dam and cannot be released by gravity flow.

Desert Land Act of 1877—Authorized the sale of 640-acre tracts of arid lands in four States and eight territories to persons who would irrigate them within 3 years. Changed to 320-acre tracts in 1890.

Federal Water Project Recreation Act of 1965 (Public Law 89-72)—Provides for recreation and fish and wildlife enhancement at water resource developments.

Flood Control Act of 1944—Set forth statutory procedures for future coordination of plans with the Corps, Reclamation, and the states. Gave Congress the responsibility for coordinating work of the Corps and Reclamation. Caused Reclamation to discontinue using the authority of the Secretary of the Interior to authorize large projects. Virtually all reclamation projects were subsequently authorized by Congress.

Homestead Act (1862)—Provided free farmland to settlers who would live on and cultivate the land.

Inactive Capacity or Storage—Amount of storage space that is not normally released from a reservoir but is maintained for a specific purpose such as hydraulic head for power generation or a conservation pool.

Irrigation Season—Defined in spaceholder contracts as April 1 to October 31.

Minimum Flood Control Space—The space maintained in reservoirs during the winter months to be able to hold the rapid runoff of rain-on-snow events.

Minimum Reservoir Pool—The lowest reservoir elevation or pool volume reached with normal operations.

Non-reimbursable Costs—These are costs identified through a cost allocation where the beneficiary is generally the nation, e.g., anadromous fish protection and enhancement and migratory bird protection and enhancement.

Operational Head—Hydraulic head (elevation of water) needed to operate the facilities, especially the flow of water to canals and powerplants.

Power Head—Hydraulic head (elevation of water) for operation of hydroelectric generators.

Prior Appropriation Doctrine—The water rights system used throughout the western United States. Under this doctrine, water diverted for a beneficial use is based on the principle of "first in time is first in right."

Public Law 102-575, Title XXVIII—Extends some of the authorities on recreation and fish and wildlife enhancement at water resource developments.

Reach Gain/Loss—Amount of water that enters (or leaves) a river reach between two points, i.e., the amount of flow at a downstream point minus the flow at an upstream point equals the reach gain (loss).

Reclamation Act of 1902—Established a Reclamation Fund and authorized the Secretary of the Interior to use the fund to make examinations and surveys and to locate and construct irrigation works in the 16 western states (later 17 western states). Requires the Secretary to comply with State water law.

Reclamation Act of 1939—Authorized the Secretary of the Interior to plan and construct projects for multiple purposes in addition to irrigation. These included navigation, flood control, water power, municipal water supply, and other miscellaneous purposes.

Reimbursable Costs—These are costs allocated to a function that are required to be repaid by the beneficiary. The amount of reimbursability depends on the function and is governed by various public laws. As an example, costs allocated to an irrigation function are to be repaid without interest while costs assigned to power are to be repaid with interest.

Riparian Doctrine—A system of water rights developed whereby only landowners with property abutting the stream could divert water.

River Basin—The geographic area drained by a river.

River Rider—An field employee of the water district.

Snake River Basin Adjudication—An ongoing legal proceeding to identify all of the water rights in the basin.

Storage Season—Begins on October 1 and extends to the date that no more water is available for storage.

Spaceholder Contract—A type of repayment contract in which storage space is purchased in contrast to purchasing a specific amount of water. The amount of water that accumulates in that storage space belongs to the purchaser.

Upper Snake River—The reach of the Snake River extending from Milner Dam to the headwaters. The middle Snake River is usually described as the reach from Milner Dam downstream to Brownlee or Hells Canyon Dam. The lower Snake River is the reach from Hells Canyon Dam to the confluence with the Columbia River.

Water District 01—One of the State administration districts for the Snake River. Extends from Milner Dam upstream to the Wyoming border.

Waterbank—All of the water rental pools (see Water Rental Pool) and all of the natural flow water rights market. Also used to indicated the IWRB marketing process of that water.

Water Rental Pool—State authorized mechanism to allow more efficient use of water. Spaceholders are allowed to consign water to the water rental pool which sells the water. Water District 01 rental pool is managed by the Committee of Nine.

Water Service Contracts—A type of repayment contract where the buyer contracts to receive a specific amount of water each year.

Water Rights—A type of property right administered by the state for use of state waters.

Water Year —Begins on October 1 and extends to September 30 the following year. Water years are designated the same as the calendar year they end in, i.e, water year 1995 began on October 1, 1994 and ended on September 30, 1995.

Withdrawn Lands—Federal lands that are taken from the public domain for specific uses.

Appendix A

Spaceholder Contracts

Current Spaceholder Contracts[1] (November 1995) (acre-feet)				
Spaceholder	**American Falls**	**Jackson Lake**	**Palisades**	**Total**
Lower Valley Organizations with American Falls Space				
A&B Irrigation District	46,826		90,800	137,626
American Falls Reservoir District[2]	445,577	13,042		458,619
American Falls Reservoir District No. 2	393,550			393,550
Burley Irrigation District	155,395		39,200	194,595
Hillsdale Irrigation District	40,482			40,482
Idaho Power Company (nonirrigation)	44,275			44,275
Milner Irrigation District	44,951		44,500	89,451
Minidoka Irrigation District	82,216	186,030	35,000	303,246
North Side Canal Company, Ltd.[3]	116,471	312,007	116,600	545,078
Upper Valley Organizations				
Aberdeen-Springfield Canal Company[3]	29,771	57,661	143,278	230,710
Andrus, Ray	187	110		297
Artesian Irrigation, Inc.	2,794			2,794
Blackfoot Irrigating Company	12,558	7,370	4,050	23,978
Burgess Canal & Irrigating Company	9,343	10,603	31,400	51,346
Butte & Market Lake Canal Company	4,591	2,695	44,000	51,286
Clement Brothers, a partnership	70	196		266
Corbett Slough Ditch Company	3,342	1,961	6,300	11,603
Dilts Irrigation Company, Ltd.	871	511	1,200	2,582
Enterprise Canal Company, Ltd.	8,779	11,252	19,600	39,631
Enterprise Irrigation District	10,024	5,883		15,907
Falls Irrigation District	22,925		40,900	63,825
Harrison Canal & Irrigation District	11,832	11,943	23,500	47,275
Idaho Irrigation District	22,541	13,230	58,800	94,571
Lenroot Canal Company	3,805	5,234	7,850	16,889
Michaud Div, Fort Hall Indian Reservation	46,931		83,900	130,831
New Sweden Irrigation District	27,290	22,516	37,000	86,806
Osgood Canal Company, Ltd.	3,930	7,771		11,701
Peoples Canal & Irrigation Company	21,070	20,365	35,000	76,435
Poplar Irrigation District	662	1,589	1,550	3,801

Current Spaceholder Contracts[1] (November 1995) (acre-feet)				
Spaceholder	**American Falls**	**Jackson Lake**	**Palisades**	**Total**
Progressive Irrigation District	12,284	7,209	28,500	47,993
Reid Canal Company	2,507	1,472	3,150	7,129
Rudy Canal Company, Ltd.	2,606	3,530	15,700	21,836
Snake River Valley Irrigation District	25,942	30,225	35,300	91,467
Trego Ditch Company	1,293	758	3,200	5,251
Woodville Canal Company	5,949	3,491	6,000	15,440
Organizations Without American Falls Space				
Butler Island Canal Company, Ltd.			250	250
City of Pocatello			50,000	50,000
Clark & Edwards Canal or Irrigation Company			800	800
Craig-Mattson Canal Company			1,440	1,400
Danskin Ditch Company			2,350	2,350
F.M.C. Corporation			5,000	5,000
Farmers Friend Canal Company, Ltd.		2,000	9,400	11,400
Island Irrigation Company			4,700	4,700
J.R. Simplot Company			2,500	2,500
Labelle Irrigation Company			800	800
Liberty Park Irrigation Company			2,350	2,350
Long Island Irrigation Company			5,000	5,000
Lower Slough Canal Company, Ltd.		1,040	1,600	2,640
Mitigation, Inc.[4]			18,980	18,980
New Lava Side Ditch Company			11,750	11,750
North Rigby Irrigation & Canal Company			1,200	1,200
Owners Mutual Irrigation District		200		200
Palisades Water Users, Inc.			53,630	53,630
Parks & Lewisville Canal Irrigation Company			5,500	5,500
Parsons Ditch Company, Ltd.			994	994
Rigby Canal & Irrigation Company			6,300	6,300
Riverside Ditch Company			1,500	1,500
Sunnydell Irrigation District		4,000	6,300	10,300

Current Spaceholder Contracts[1] (November 1995) (acre-feet)				
Spaceholder	American Falls	Jackson Lake	Palisades	Total
Texas Slough Irrigation Canal Company			2,350	2,350
Twin Falls Canal Company[3]		97,183		97,183
Watson Slough Irrigation Company, Ltd & Watson Slough Ditch Company, Ltd			2,056	2,056
Wearyrick Ditch Company			600	600
West Labelle Irrigation Company			1,000	1,000
West Side Mutual Canal Company			2,350	2,350
Wyoming, State of			33,000	33,000
Contract Space Totals	1,663,640	843,077	1,189,978	3,696,695
Uncontracted Space Totals[5]	8,951	3,923	10,022	22,896
TOTAL ACTIVE CAPACITY[1]	1,672,590	847,000	1,200,000	3,719,590

[1] Lake Walcott, Minidoka Dam impoundment, Island Park Reservoir, Grassy Lake, and Ririe Reservoir are not accounted in this table. Minidoka Dam is operated primarily for irrigation diversions and power. Winter power releases may be curtailed by Reclamation and stored in its active storage capacity of 95,200 acre-feet to make additional water available for storage purposes in American Falls, Island Park, and Palisades Reservoirs in any year when these reservoirs fail to fill. The first 45,000 acre-feet of such curtailed saved water is credited to Island Park Reservoir, contingent upon spaceholders paying for power replacement.

Fremont-Madison Irrigation District holds all 142,400 acre-feet of the active storage capacity of Island Park Reservoir (127,200 acre-feet) and Grassy Lake (15,200 acre-feet) which are not accounted in this table and make up the Upper Snake River Storage Division of the Minidoka Project.

Mitigation, Inc. holds 80,500 acre-feet in Ririe Reservoir in the 1994 contract (see footnote 4)

[2] American Falls Reservoir District holds: 22,492 acre-feet in American Falls Reservoir and 13,042 acre-feet in Jackson Lake for Aberdeen-Springfield Canal Company; 274,338 acre-feet in American Falls for North Side Canal Company; and 148,747 acre-feet in American Falls for Twin Falls Canal Company.

[3] Also has space through American Falls Reservoir District.

[4] Held in a 1994 contract which becomes operative upon the announcement by the Secretary of the Interior that the 1990 Fort Hall Indian Water Rights Agreement is in effect. Mitigation, Inc. also holds 80,500 acre-feet in Ririe Reservoir in the 1994 contract.

[5] Totals for American Falls and Total Space do not add due to rounding.

Reservoir Space in Bureau of Reclamation Reservoirs Above Milner Dam (Acre-Feet)

Reservoir	Total Capacity	Active Capacity				Inactive	Flood Surcharge[2]	Dead
		Total	Contracted[1]	Formally Assigned To Other Uses	Not Contracted			
STATE OF WYOMING								
Grassy Lake	15,500	15,200	15,200				740	300
Jackson Lake	847,000	847,000	843,077		[3]3,923		94,740	[4]()
STATE OF IDAHO								
American Falls	1,672,590	1,672,590	1,663,640		[5]8,951			
Island Park	127,600	127,200	127,200			[6]400	42,000	
Minidoka (Walcott)	210,200	95,200	95,200			[7]115,000	10,000	
Palisades	1,401,000	1,200,000	1,189,978		[8]10,022	[9]157,000	16,000	44,000
Ririe	100,500	90,500	80,500	[10]10,000		[11]6,000		4,000
TOTALS	4,374,390	4,047,690	4,014,795	10,000	22,896	278,400	163,480	48,300

1. Except for Minidoka, all contracts are spaceholder (share of reservoir capacity) repayment contracts. Minidoka storage is included in the original Minidoka Project and addressed in conventional repayment contracts.
2. Above the spillway and not storable.
3. Purcased by Reclamation for salmon augmentation flow.
4. Dead storage is a natural lake, the volume of which has not been determined but is estimated at about 2 million acre-feet.
5. Purchased by Reclamation for salmon augmentation flow. American Falls numbers do not add due to rounding.
6. Reserved for sediment control.
7. Provides head for north side and south side Minidoka canals and Minidoka Power Plant.
8. All but 500 acre-feet repurchased by Reclamation for salmon flow augmentation.
9. Reserved for power head.
10. Exclusive flood control.
11. Reserved for sediment control.

Appendix B

Stream Gauges

Numerous stream gauges are used in the operation of the upper Snake River system of reservoirs and diversions. All of the gauging stations on the river and many tributary stations are telemetered via satellite to Reclamation's HYDROMET computer system in Boise, Idaho. In addition all but the smallest canal diversions are also on the HYDROMET system.

River and reservoir gauging stations on the main stem of the Snake River downstream to Milner Dam, together with two gauges on the Henrys Fork, are included in the following list. The bold faced three or four letter names are computer designated names by which these stations can be accessed on the HYDROMET computer system. These names are followed by the common name by which these stations are known and the location of the station. The gauging stations listed in order from furthest upstream to downstream are:

FLGY - Flagg Ranch. River gauge located on the main stem of the Snake River near Flagg Ranch, Wyoming.

JCK - Jackson Lake Dam. River, reservoir, and weather gauges located at the dam.

PCKY - Pacific Creek. River gauge located on Pacific Creek near the U. S. Highway 191 crossing near the confluence with the Snake.

BFKY - Buffalo Fork. River gauge located near the U. S. Highway 26 Bridge 4 miles upstream from the confluence with the Snake.

GROY - Gros Ventre. River gauge located near the confluence with the Snake River.

JKSY - Snake River near Flat Creek. River gauge located on the left abutment of the Swinging bridge south of the city of Jackson.

ALPY - Snake River near Alpine. River gauge located on the main stem upstream from the city of Alpine, Wyoming.

GREY - Greys River. River gauge located on the Greys River near the entrance to Palisades Reservoir.

SALY - Salt River. River gauge located on the Salt River near the confluence with the Snake.

PAL - Palisades Reservoir. Reservoir gauge located at the dam.

PALI - Irwin or Palisades. River gauge located on the main stem just downstream from the dam.

HEII - Snake River near Heise. River gauge located on the main stem at river mile 853.6 near the Heise Hot Springs Resort.

LORI - Snake River near Lorenzo. River gauge located just downstream from the U.S. Highway 20 crossing near Lorenzo, Idaho.

SIFI - Snake River at Idaho Falls. River gauge located on the main stem in the city of Idaho Falls.

SHYI - Snake River near Shelley. River gauge located at River mile 787.8 near the city of Shelley, Idaho.

SNAI - Snake River at Blackfoot. River gauge located in the city of Blackfoot, Idaho.

BFTI - Snake River near Blackfoot. River gauge located on the main stem just downstream from the Tilden Bridge just prior to the river entering American Falls Reservoir..

AMF - American Falls. River, reservoir, and weather gauges located at the dam and at the Neeley gauging station on the main stem of the river about one mile below the dam.

MIN - Minidoka Dam. Reservoir gauge located at the dam.

MINI - Snake River at Minidoka. River gauge located just downstream from the dam.

MIL - Milner Dam. Reservoir gauge located at the dam.

MHPI - Milner Dam Power House. **QE** is the gauge on the 17-foot diameter penstock. **QZ** is the gauge on the 9-foot diameter penstock.

MILI - Snake River at Milner. River gauge located just downstream from Milner Dam.

REXI - North Fork near Rexburg. River gauge located on Henrys Fork near the right abutment of the State Highway 33 bridge near Rexburg, Idaho.

HFAI - North Fork near St. Anthony. River gauge located at river mile 14.4 on Henrys Fork.

Note: The Rexburg and St. Anthony gauges are important in the operation of the river system to determine the total supply in the system on any given day.

Appendix C

Sample Runoff Forecast

The natural runoff of the Snake River at Heise is forecasted on a monthly basis beginning January 1 and ending June 1 by the Pacific Northwest Regional Office in Boise. The forecast correlates precipitation stations and snow courses in the area with the expected runoff at Heise. The statistical method used is the step-wise multiple regression which results in the following equation (coefficients as of 1978):

$$Y_{Heise} = 3.196\ X_1 + 11.072\ X_2 + 12.771\ X_3 + 24.823\ X_4 - 1553.$$

Where:

Y_{Heise} = October-July natural runoff at Heise (1000 acre-feet)

X_1 = Antecedent October-November natural runoff at Heise (1000 acre-feet)

X_2 = October through March precipitation. Afton + Bondurant + Jackson, Wyoming + Moran X_2 + Palisades + Snake River (inches)

X_3 = April 1 snow water content. East Rim Divide + Huckleberry Divide + Lewis Lake Divide + Poison Meadows X_2 + Salt River Summit X_2 + Thumb Divide + Togusofee Pass (inches)

X_4 = April-May + 2/3 June precipitation. Same stations and weights as in X_2 (inches)

The precipitation and snow courses used will be part of the Hydromet reporting network. The runoff that occurs after October 1 is subtracted from the October-July forecast to obtain a residual forecast. The coefficients in the equation change slightly on an annual basis as each new year of data is entered in the regressions.

1995 APR 1 FORECAST HEISE 10-APR-95

X1 - OCT-NOV ANTECEDENT RUNOFF

WGHT	OCT	NOV
1.00	207.27	169.32

WGHT 1.000 X1= 376.59

X2 - OCT-MAR PRECIPITATION (INCHES)

	WGHT	OCT	NOV	DEC	JAN	FEB	MAR
AFTON	1.00	3.59	1.55	1.12	0.96	0.79	1.70
BONDURANT	1.00	2.98	1.17	2.35	2.77	2.12	1.97
JACKSON	1.00	2.02	1.65	1.63	1.11	1.01	4.21
MORAN	2.00	6.60	5.50	6.64	6.78	5.00	9.80
PALISADES	1.00	3.17	2.50	2.69	2.54	0.62	3.29
SNAKE RIVER STA.	1.00	3.22	3.92	4.60	3.77	2.96	4.86
WGHT	1.00	1.00	1.00	1.00	1.00	1.00	
TOTALS	21.58	16.29	19.03	17.93	12.50	25.83	

X2= 113.16

X3-APR 1 SNOW (INCHES)

	WGHT	APR 1	NORMAL	AVG.ACCUM.	APR 1
EAST RIM DIVIDE	1.00	8.70	13.78		8.70
HUCKLEBERRY DIVIDE	1.00	21.80	21.68		21.80
LEWIS LAKE DIVIDE	1.00	41.00	35.84		41.00
POISON MEADOWS	2.00	24.40	29.00		48.80
SALT RIVER SUMMIT	2.00	13.30	14.19		26.60
THUMB DIVIDE	1.00	20.50	21.23		20.50
TOGWOTEE PASS	1.00	23.80	24.82		23.80
WGHT	1.00				

X3= 191.20

X4 - APR-JUN PRECIPITATION (INCHES)

	WGHT	APR	MAY	JUN
AFTON	1.00	1.71E	2.11E	1.79E
BONDURANT	1.00	1.30E	1.63E	1.53E
JACKSON	1.00	1.12E	1.77E	1.59E
MORAN	2.00	3.62E	4.06E	3.42E
PALISADES	1.00	1.55E	2.21E	2.10E
SNAKE RIVER STA.	1.00	2.25E	2.59E	2.48E
WGHT	1.00	1.00	0.67	
TOTALS	11.55E	14.37E	8.61E	

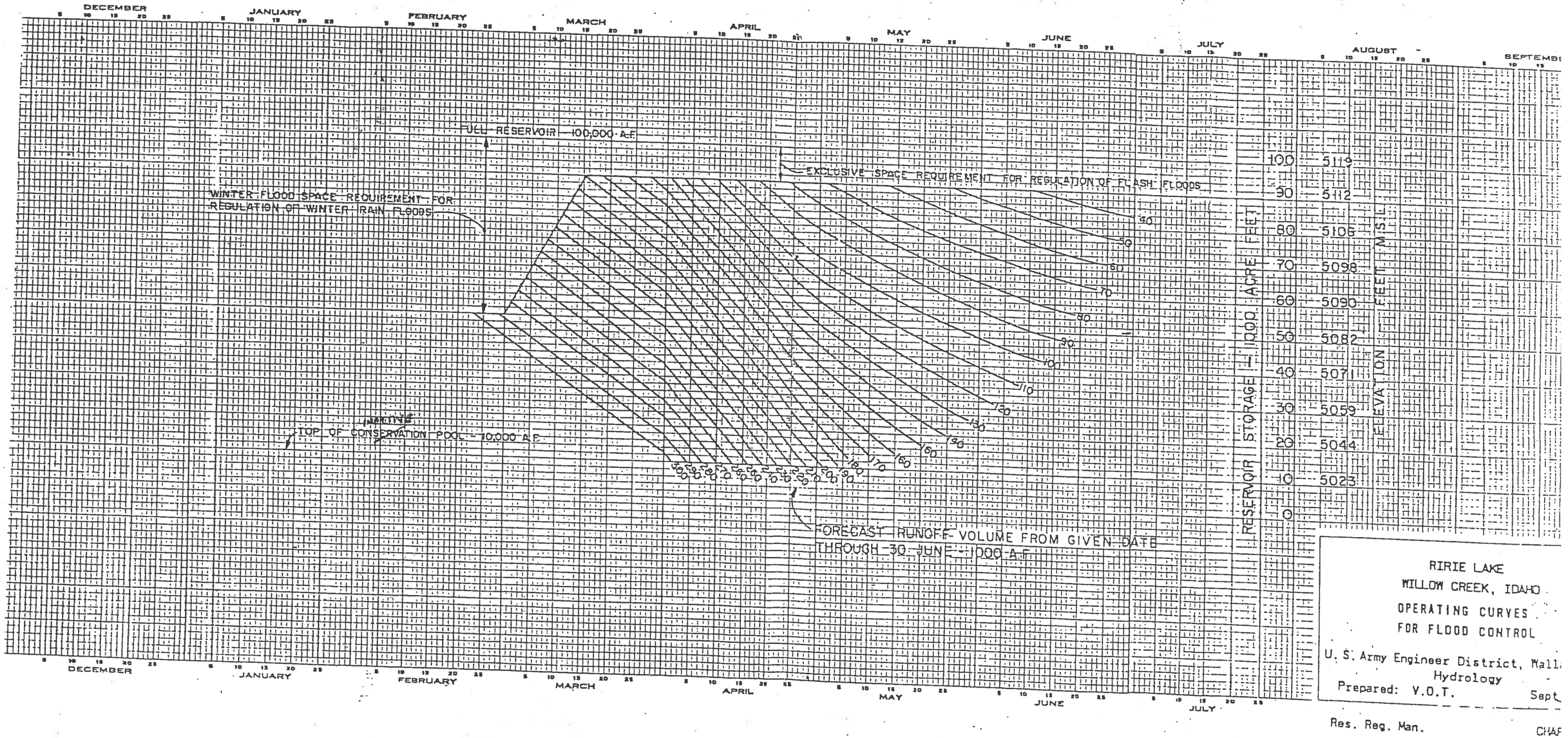
X4= 34.53E

MONTH	HEISE RUNOFF	SUM RO
OCT	207.27	207.27
NOV	169.32	376.59
DEC	175.53	552.12
JAN	177.82	729.94
FEB	162.30	892.24
MAR	235.80	1128.04

BASIN	C1	C2	C3	C4	K	OCT-JUL FORECAST	RUNOFF TO DATE	DATE-JUL FORECAST
HEISE	4.0607	16.8205	10.0894	28.2901	-1873.02	4465.6	1128.0	3337.5
ASSUMING 150. NORMAL SUBSEQUENT CONDITIONS						4954.0		3826.0
ASSUMING 50. NORMAL SUBSEQUENT CONDITIONS						3977.1		2849.1

Appendix D

Flood Control Rule Curves

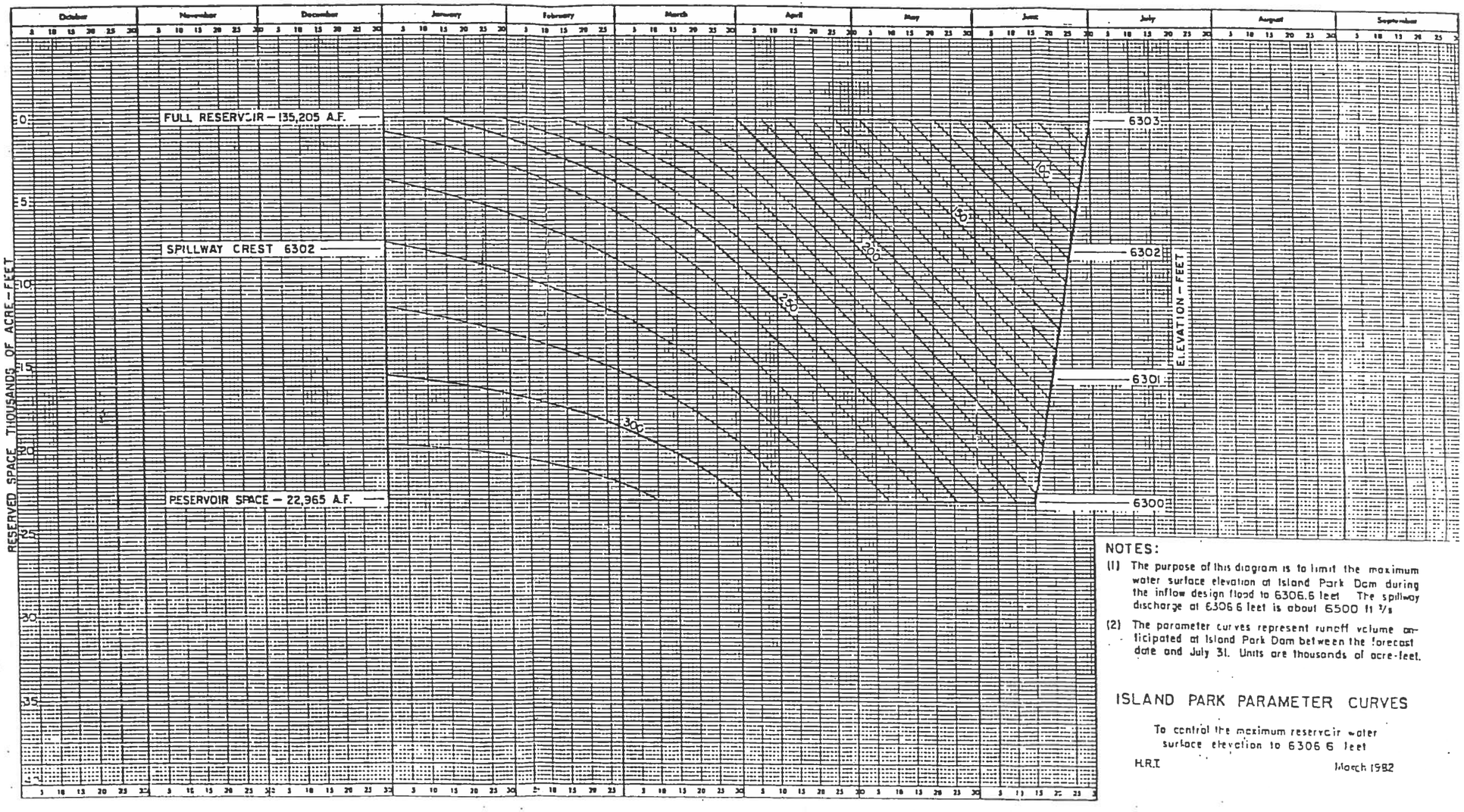


RIRIE LAKE
MILLOW CREEK, IDAHO
OPERATING CURVES
FOR FLOOD CONTROL

U. S. Army Engineer District, Hall...
Hydrology
Prepared: V.O.T. Sept...

Res. Reg. Man.

CHAF



NOTES:

(1) The purpose of this diagram is to limit the maximum water surface elevation at Island Park Dam during the inflow design flood to 6306.6 feet. The spillway discharge at 6306.6 feet is about 6500 ft ³/s

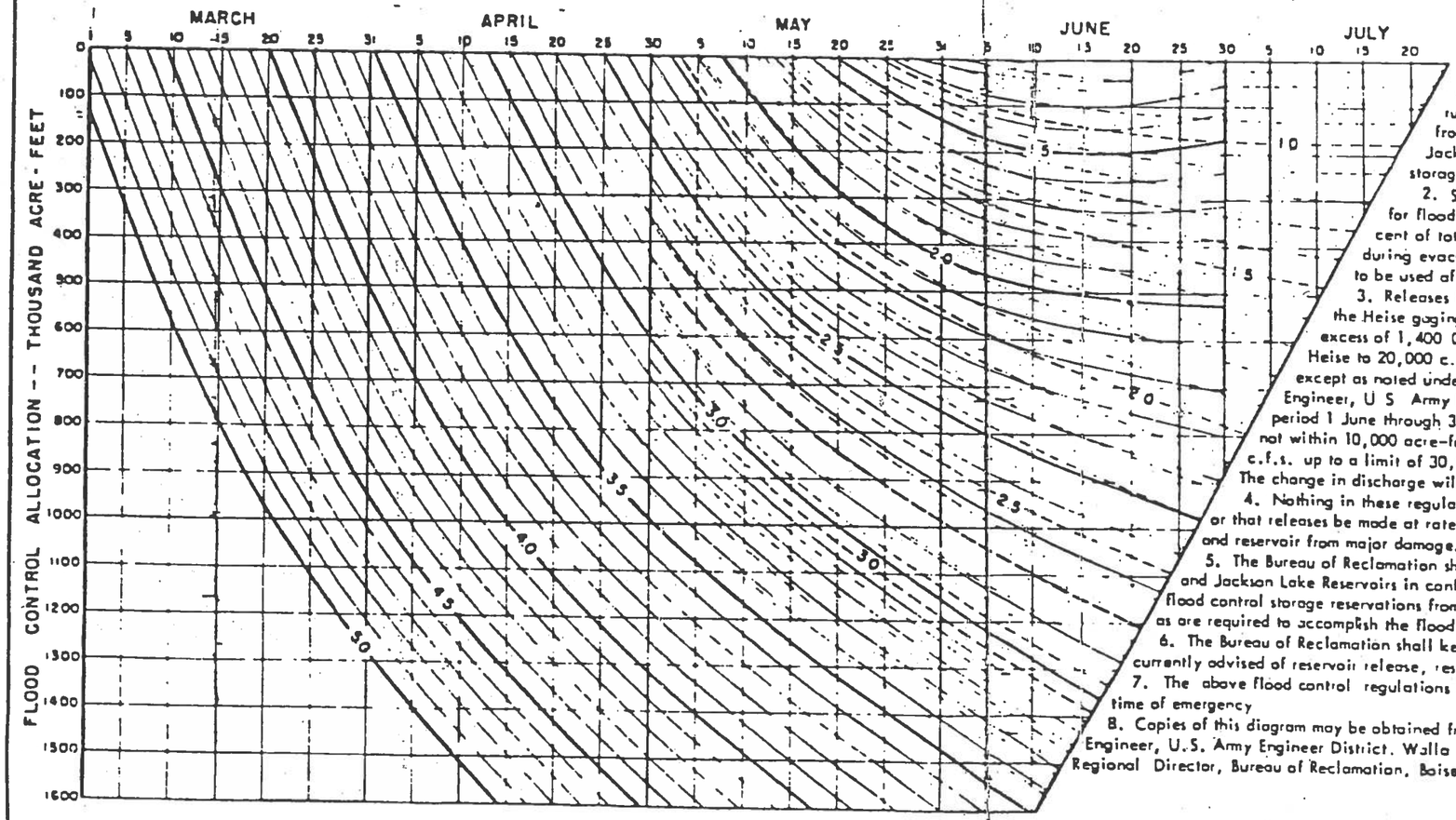
(2) The parameter curves represent runoff volume anticipated at Island Park Dam between the forecast date and July 31. Units are thousands of acre-feet.

ISLAND PARK PARAMETER CURVES

To control the maximum reservoir water surface elevation to 6306.6 feet

H.R.I.

March 1982



NOTES

1. The minimum flood control storage reservation required on any day of the flood season is as indicated by the diagram. Parameter values are forecasted natural flood run-off of Snake River at Heise in millions of acre-feet for the remainder of the season from any given date to 31 July. A minimum of 200,000 acre-feet of storage space in Jackson Lake will be held vacant until 1 May every year unless the forecast indicates that storage should begin earlier to insure filling that space.

2. Storage space in Palisades Reservoir and Jackson Lake combined shall be kept available for flood control purposes in accordance with this diagram. However, not less than 75 per cent of total storage space will be made available in Palisades Reservoir. Solid lines to be used during evacuation and until natural inflow to Palisades first exceeds 20,000 c.f.s. Dashed lines to be used after natural inflow exceeds 20,000 c.f.s.

3. Releases from Palisades Reservoir shall be restricted to 20,000 c.f.s. or less as measured at the Heise gaging station except: (A) when the forecasted run-off indicates that storage capacity in excess of 1,400,000 acre-feet in Palisades and Jackson Lake combined is required to control flows at Heise to 20,000 c.f.s., releases in excess of 20,000 c.f.s. will be made but not to exceed 30,000 c.f.s. except as noted under item 7 or as may be agreed upon by the Bureau of Reclamation and the District Engineer, U S Army Engineer District, during extremely large floods and; (B) when the forecasted run-off period 1 June through 31 July exceeds 2,500,000 acre-feet, and when after 1 June the available space is not within 10,000 acre-feet of the space required by this diagram, the release may be increased above 20,000 c.f.s. up to a limit of 30,000 c.f.s. to the extent of 1,000 c.f.s. for each 5,000 acre-feet of deficient storage. The change in discharge will be made in such manner as to minimize the adverse downstream effects.

4. Nothing in these regulations shall be construed to require dangerously rapid changes in magnitudes of releases or that releases be made at rates or in a manner that would be inconsistent with requirements for protecting the dam and reservoir from major damage.

5. The Bureau of Reclamation shall procure current basic hydrologic data necessary for forecasting inflows to Palisades and Jackson Lake Reservoirs in conformance with procedures mutually agreed to, make current determinations of required flood control storage reservations from the diagram and make current calculations of permissible releases from the reservoirs as are required to accomplish the flood control objectives.

6. The Bureau of Reclamation shall keep the District Engineer, U S. Army Engineer District, in charge of the locality currently advised of reservoir release, reservoir storage and such other operating data as the District Engineer may request.

7. The above flood control regulations are subject to temporary modification by the District Engineer, if found necessary in time of emergency

8. Copies of this diagram may be obtained from the offices of the District Engineer, U.S. Army Engineer District, Walla Walla, Washington, and the Regional Director, Bureau of Reclamation, Boise, Idaho.

PALISADES DAM AND RESERVOIR
Snake River, Idaho
FLOOD CONTROL STORAGE RESERVATION DIAG
Prepared Pursuant to Flood control Regulations for Palisades Dam and Reservoir 33 CFR 20

APPROVED W A Dexheimer
Commissioner of Reclamation

APPROVED E C Itschner
Major General, Chief of Engineers

Effective Date May 12, 1958 File No SN-907

Appendix E

Sample Authorizing Legislation

Appendix E

Sample Authorizing Legislation

PALISADES DAM AND RESERVOIR PROJECT; NORTH SIDE PUMPING DIVISION, MINIDOKA PROJECT; CONTRACTS FOR RESERVED CAPACITY, AMERICAN FALLS RESERVOIR

An act to authorize the Palisades Dam and Reservoir project, to authorize the North Side Pumping Division and related works, to provide for the disposition of reserved space in American Falls Reservoir, and for other purposes. (Act of September 30, 1950, ch. 1114, 64 Stat. 1083)

[**Sec. 1. Reauthorization of Palisades Dam.**]—The Palisades Dam and Reservoir project, Idaho, heretofore authorized under the provisions of the Federal reclamation laws by the presentation to the President and the Congress of the report of December 9, 1941 (House Document Numbered 457, Seventy-seventh Congress, first session) by the Secretary of the Interior (herein called the Secretary), is hereby reauthorized under the Federal reclamation laws for construction and operation and maintenance substantially in accordance with that report as supplemented and modified by the Commissioner's supplemental report and the recommendations incorporated by reference therein, as approved and adopted by the Secretary on July 1, 1949, and as including, upon approval by the President of a suitable plan therefor, facilities for the improvement of fish and wildlife along the headwaters of the Snake River, such facilities to be administered by the Fish and Wildlife Service: *Provided*, That, notwithstanding recommendations to the contrary contained in said report (a) the Secretary shall reserve not to exceed fifty-five thousand acre-feet of active capacity in Palisades Reservoir for a period ending December 31, 1952, for replacement of Grays Lake storage, but no facilities in connection with the proposed wildlife management area at Grays Lake shall be built and no allocation of construction costs of the Palisades Dam and Reservoir by reason of providing replacement storage to that area shall be made until the development and operation and maintenance of the wildlife management area has been authorized by Act of Congress, and (b) the nonreimbursable allocation on account of recreation shall be limited to the costs of specific recreation facilities in an amount not to exceed $148,000. (64 Stat. 1083)

Sec. 2. [**Authorization of North Side Pumping Division of Minidoka project.**]—There are hereby authorized for construction and operation and maintenance under the Federal reclamation laws: (a) the North Side Pumping Division of the Minidoka project, this to be substantially in accordance with the Commissioner's report and the recommendations incorporated by reference therein, as approved and adopted by the Secretary on July 1, 1949: *Provided*, That, notwithstanding recommendations to the contrary contained in said report, (1) lease or sale of that portion of the power service system extending from the substations to the pumping plants may be made to any entity on terms and conditions that will permit the United States to continue to provide power

and energy to the pumping facilities of the division, and, in the event of lease or sale to a body not entitled to preference in the purchase of power under the Federal reclamation laws, will preserve a reasonable opportunity for subsequent lease or sale to a body that is entitled to such privilege, (2) no allocation of construction costs of the division shall be made on a nonreimbursable basis by reason of wildlife benefits, and (3) there shall be, in lieu of a forty-year period, a basic repayment period of fifty years for repayment, in the manner provided in the recommendations, of the irrigation costs assigned for repayment by the water users; and (b) for the furnishing of electric power for irrigation pumping to that division and for other purposes, power generating and related facilities at American Falls Dam. These generating and related facilities, to the extent the Secretary finds to be proper for pay-out and rate-making purposes, may be accounted for together with other power facilities operated by the Secretary that are interconnected with the American Falls Dam power facilities, excluding any power facilities the net profits of which are governed by subsection I of section 4 of the Act of December 5, 1924 (43 Stat. 703). The authorization set forth in the preceding sections 1 and 2 shall not extend to the construction of transmission lines, substations, or distribution lines unless such facilities are for the purposes of interconnecting the power plants herein authorized, or for the delivery of power and energy for use in connection with the construction, operation, and maintenance of the projects herein authorized. (64 Stat. 1083)

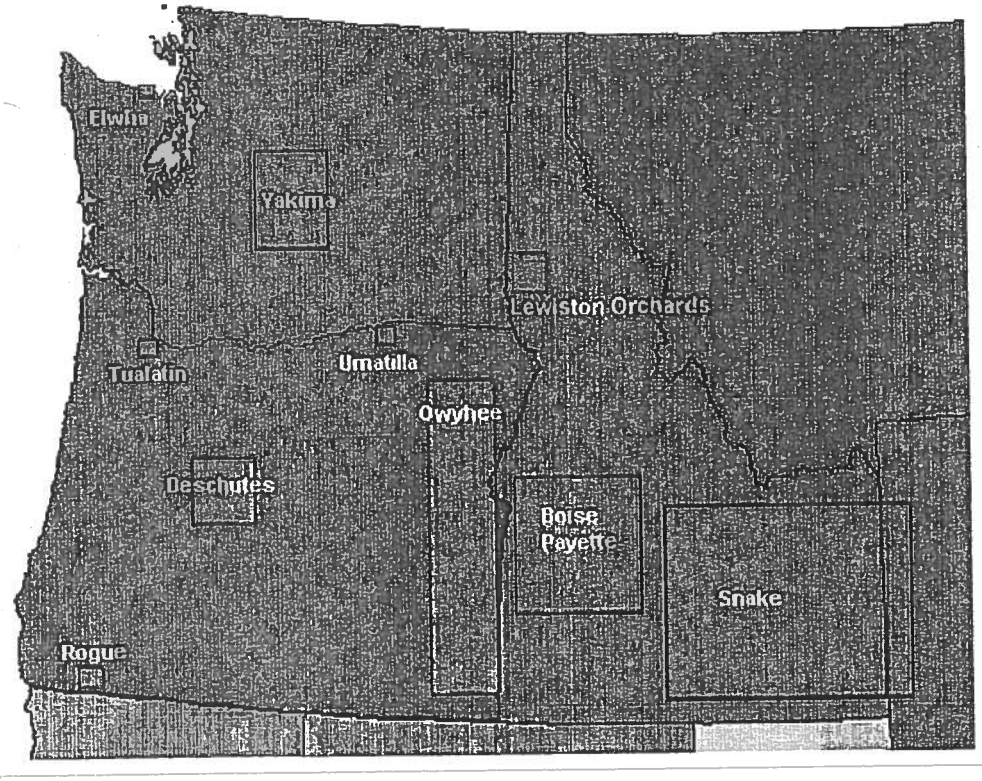
Sec. 3. [**American Falls Reservoir.**]—The Secretary is hereby authorized to contract, under the Federal reclamation laws, with water users and water users' organizations as to the use for their benefit of the heretofore reserved storage capacity in American Falls Reservoir. Not to exceed three hundred and fifteen thousand acre-feet of that capacity shall be made available to those who have heretofore had the use of reserved capacity under lease arrangements between the United States and the American Falls Reservoir district of Idaho, the distribution of this capacity among contractors to be determined by the Secretary after consultation with the interested water users' organizations or their representatives. Of the balance of the reserved capacity, forty-seven thousand five hundred and ninty-three acre-feet are hereby set aside for use under contract for the benefit of the lands comprising unit A of the North Side Pumping Division of the Minidoka project, and seventy-one thousand acre-feet are hereby set aside for use under contract for the benefit of those lands in the Michaud area which may hereafter be found to be feasible of development under irrigation. Contracts for the repayment of construction charges in connection with reserved capacity shall be made without regard to the second proviso of the tenth paragraph (Minidoka project, Idaho) under the heading "Bureau of Reclamation" of the Act of June 5, 1924 (43 Stat. 390, 417). Such contracts shall require the repayment of all costs determined by the Secretary to be allocable to the reserved capacity, less, in the case of the three hundred and fifteen thousand acre-feet of capacity above described, three hundred and eighty-six four-hundred-and-thirty-fourths of the revenues realized, after deduction of what the Secretary determines to be an appropriate share for operation, maintenance, and replacements, from the leasing of that capacity for irrigation purposes up to the time water first becomes available in Palisades Reservoir and, in the case of the capacity set aside for the North Side Pumping Division, all other revenues realized from or connected with the reserved capacity and which the Secretary determines to be available as a credit against the cost allocable to that division. (64 Stat. 1084)

Sec. 4. [Annual saving of winter water.]—(a) The continuation of construction of Palisades Dam beyond December 31, 1951, or such later controlling date fixed by the Secretary as herein provided, is hereby made contingent on there being a finding by the Secretary by the controlling date that contracts have been entered with various water users' organizations of the Upper Snake River Valley in Idaho that, in his opinion, will provide for an average annual savings of one hundred and thirty-five thousand acre-feet of winter water. If in the Secretary's judgment the failure of the requisite organizations so to contract by the controlling date at any time is for reasons beyond the control of those organizations, he may set a new controlling date but not beyond December 31, 1952.

(b) Repayment contracts made in connection with the use of capacity in either American Falls or Palisades Reservoir may include, among other things, such provisions as the Secretary determines to be proper to give effect to recommendations referred to in section 1 of this Act, and particularly those concerning the continued effectiveness of the arrangements as to the minimum average annual water savings. (64 Stat. 1084)

Sec. 5. [Appropriations authorized.]—There is hereby authorized to be appropriated, out of any funds in the Treasury not otherwise appropriated, the sums of not to exceed $76,601,000 for the Palisades Dam and Reservoir project, Idaho, $11,395,000 for the Minidoka project North Side Pumping Division, Idaho, and $6,600,000 for the American Falls power plant. (64 Stat. 1085)

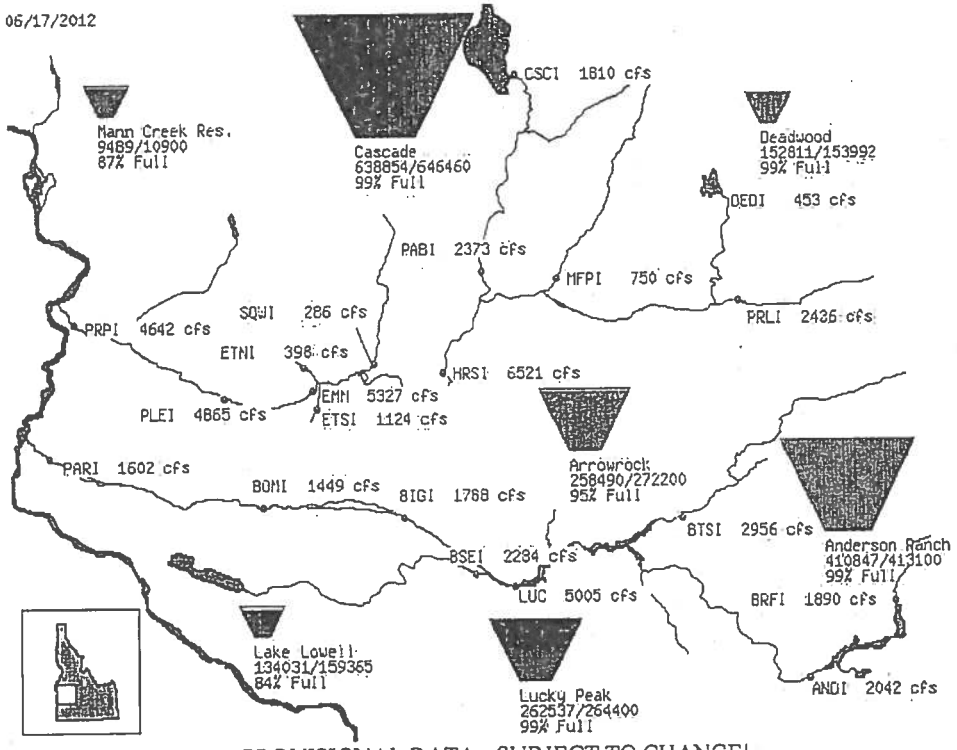
Hydromet - Reservoir Storage "Teacup" Diagrams



Text Links to Reservoir Storage "Teacup" Diagrams

- Rogue River Basin, Oregon
- Tualatin River Basin, Oregon
- Umatilla River Basin, Oregon
- Crooked and Deschutes River Basins, Oregon
- Eastern Oregon river basins (Owyhee, Malheur, Burnt, Powder)
- Boise and Payette River Basins, Idaho
- Upper Snake River basins, Idaho-Wyoming
- Lewiston Orchards, Idaho Project
- Yakima River Basin, Washington
- Elwha River Basin, Washington
- Hungry Horse-Coulee ESA Data

Bureau of Reclamation, Pacific Northwest Region
Major Storage Reservoirs in the Boise & Payette River Basins



PROVISIONAL DATA - SUBJECT TO CHANGE!

```
Boise River system (Anderson Ranch, Arrowrock, Lucky Peak) is at  98 % of capacity.
Total space available:          17826 AF
Total storage capacity:        949700 AF
Natural Flow:                    5192 CFS

Payette River system (Cascade, Deadwood) is at  99 % of capacity.
Total space available:           8787 AF
Total storage capacity:        800452 AF
Natural Flow:                    7560 CFS
```

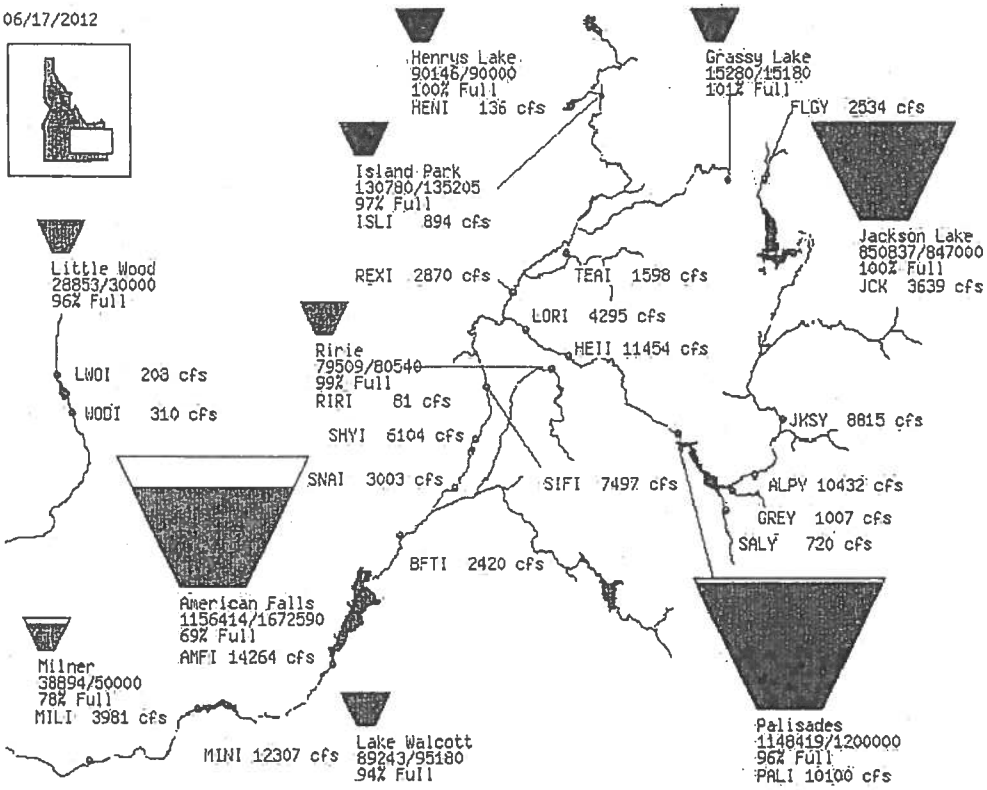
Graph of Boise System Storage

Graph of Payette System Storage

Average daily streamflows indicated in cubic feet per second.
Reservoir levels current as of midnight on date indicated.
Click on gaging stations (red dots) for streamflow hydrographs.

Key to Station Codes
Boise Project Information

Bureau of Reclamation, Pacific Northwest Region
Major Storage Reservoirs in the Upper Snake River Basin



PROVISIONAL DATA - SUBJECT TO CHANGE!

Average daily streamflows indicated in cubic feet per second.
Reservoir levels current as of midnight on date indicated.
Click on gaging stations (red dots) for streamflow hydrographs.

```
Upper Snake River system (Jackson Lake,Palisades,
Grassy Lake,Island Park,Ririe,American Falls,LakeWalcott)
is at  86 % of capacity.
Total space available:        575210 AF
Total storage capacity:      4045695 AF
```

Graph of Total System Storage

Key to Station Codes
Minidoka Project Information
Ririe Project Information
Palisades Project Information

STATE OF IDAHO

OFFICE OF THE ATTORNEY GENERAL

LAWRENCE G. WASDEN

June 28, 2012

Idaho Department of Water Resources
Attn: Michael Holliday
900 N. Skyline Drive, Suite A
Idaho Falls, ID 83402-1718

RE: *01-1J & 01-298 (Blackfoot Irrigation Co.)*
01-47E, 01-48 & 01-304 (Corbett Slough Ditch Co.)
01-141, 01-146B, 01-193B, 01-260, 01-10475 &
01-10477 (Watson Canal Co.)

Dear Michael:

I am enclosing an SF5 for each of the above-referenced water rights. Please sign, initial and return the SF5s to me. I will obtain the remaining signatures and file them with the SRBA Court.

Thanks.

Sincerely,

Ray Williams
Paralegal

Enclosures

Natural Resources Division - Water Resources Section
P.O. Box 83720 Boise, Idaho 83720-0098
Telephone: (208) 287-4801, Legal FAX: (208) 287-6700

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. 01-1J**
	)	
Case No. 39576	)	
	)	**STANDARD FORM 5**
	)	
	)	**STIPULATED ELEMENTS OF A WATER RIGHT**
	)	

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached, *which removes federal public land from the digital boundary.* The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT/OBJECTOR:
Blackfoot Irrigation Company

5-14-12
Jerry R. Rigby Date
Attorney for Claimant/Objector

OBJECTOR:
Bureau of Land Management

David L. Negri Date
Attorney for Objector

RESPONDENT(s):

American Falls Reservoir Dist. No. 2

6/21/12

Craig D. Hobdey Date
Attorney for Respondent

Bureau of Reclamation

David W. Gehlert Date
Attorney for Respondent

Minidoka Irrigation District

6-21-12

W. Kent Fletcher Date
Attorney for Respondent

Falls Irrigation District

6/25/12

Roger D. Ling Date
Attorney for Respondent

Twin Falls Canal Company
Milner Irrigation District
North Side Canal Company
A & B Irrigation District
Burley Irrigation District

6/21/12

Travis L. Thompson Date
Attorney for Respondents

IDWR Concurrence:

Michael Holliday Date
Water Right Supervisor

Andrea L Courtney 5/9/12

Andrea L. Courtney Date
Deputy Attorney General
Attorney for IDWR

IDAHO DEPARTMENT OF WATER RESOURCES

RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 1-1J

NAME AND ADDRESS: BLACKFOOT IRRIGATION CO
108 E 200 N
BLACKFOOT ID 83221

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

Point of injection into and points of rediversion from Blackfoot River.

QUANTITY: 366.800 CFS

PRIORITY DATE: 07/10/1889

POINT OF DIVERSION:

T01S R37E S6 SENWSE Lot 10 Within BINGHAM County
T03S R35E S8 SWSENE Lot 8 Rediversion Within BINGHAM County
T03S R35E S8 SWSENE Lot 8 Rediversion Within BINGHAM County
T03S R35E S9 SENE Lot 1 Rediversion Within BINGHAM County
T03S R35E S10 SESESE Injection Within BINGHAM County
T03S R35E S18 SWNE Lot 6 Rediversion Within BINGHAM County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 10/31	366.800 CFS

PLACE OF USE:

10692 ACRES TOTAL

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

Place of use is within the area served by Blackfoot Irrigation Company.

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.

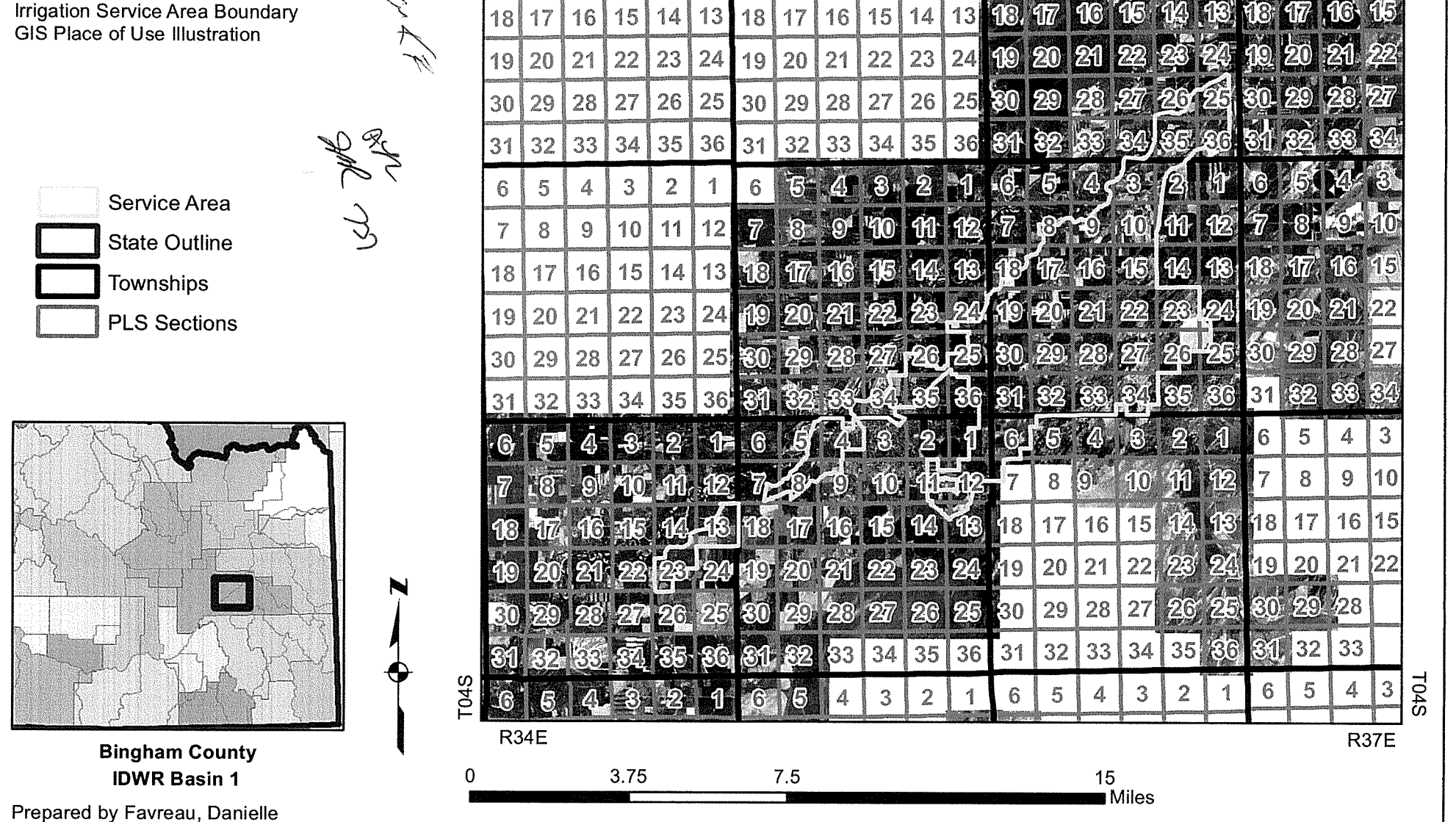
EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Water is delivered through Blackfoot Canal, Miners Ditch, Riverton Ditch, Stevens Ditch, and Central Ditch.

Blackfoot Irrigation Co

Adjudication Recommendations: 1-1J, 1-298

Irrigation Service Area Boundary
GIS Place of Use Illustration



Bingham County
IDWR Basin 1

Prepared by Favreau, Danielle
On May 07, 2012

CERTIFICATE OF MAILING

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

1. Original to:

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

2. Copies to:

UNITED STATEO OF AMERICA
USDI BUREAU OF RECLAMATION
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATURAL RESOURCES
550 WEST FORT STREET, MSC O33
BOISE, ID 83724

MINIDOKA IRRIGATION DISTRICT
Represented by:
W. KENT FLETCHER
1200 OVERLAND AVE.
P.O. BOX 248
BURLEY, ID 83318

AMERICAN FALLS RESERVOIR
Represented by:
CRAIG D. HOBDEY
125 5TH AVE.
P.O. BOX 176
GOODING, ID 83330

FALLS IRRIGATION DISTRICT
Represented by:
ROGER D. LING
615 H ST.
P.O. BOX 396
RUPERT, ID 83350-0396

A & B IRRIGATION DISTRICT
BURLEY IRRIGATION DISTRICT
MILNER IRRIGATION DISTRICT
NORTH SIDE CANAL CO LTD
TWIN FALLS CANAL COMPANY
Represented by:
TRAVIS L. THOMPSON
113 MAIN AVE. W., STE. 303
P.O. BOX 485
TWIN FALLS, ID 83303-0485

BLACKFOOT IRRIGATION COMPANY
Represented by:
JERRY R. RIGBY
25 N. 2ND E.
P.O. BOX 250
REXBURG, ID 83440-0250

IDWR REPOSITORY
P.O. BOX 83720
BOISE, ID 83720-0098

_____
Signature of person or attorney mailing the form

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. 01-298**
	)	
Case No. 39576	)	
	)	**STANDARD FORM 5**
	)	
	)	**STIPULATED ELEMENTS OF A WATER RIGHT**
	)	

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached, *which removes federal public land from the digital boundary*. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT/OBJECTOR:
Blackfoot Irrigation Company

Jerry R. Rigby 5-14-12
Jerry R. Rigby Date
Attorney for Claimant/Objector

OBJECTOR:
Bureau of Land Management

David L. Negri Date
Attorney for Objector

RESPONDENT(s):

American Falls Reservoir Dist. No. 2

6/21/12

Craig D. Hobdey Date
Attorney for Respondent

Bureau of Reclamation

David W. Gehlert Date
Attorney for Respondent

Minidoka Irrigation District

6-21-12

W. Kent Fletcher Date
Attorney for Respondent

Falls Irrigation District

6/25/12

Roger D. Ling Date
Attorney for Respondent

Twin Falls Canal Company
Milner Irrigation District
North Side Canal Company
A & B Irrigation District
Burley Irrigation District

6/21/12

Travis L. Thompson Date
Attorney for Respondents

IDWR Concurrence:

Michael Holliday Date
Water Right Supervisor

Andrea L. Courtney 5/9/12

Andrea L. Courtney Date
Deputy Attorney General
Attorney for IDWR

IDAHO DEPARTMENT OF WATER RESOURCES

RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 1-298

NAME AND ADDRESS: BLACKFOOT IRRIGATION CO
108 E 200 N
BLACKFOOT ID 83221

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

Point of injection into and points of rediversion from Blackfoot River.

QUANTITY: 100.000 CFS

PRIORITY DATE: 04/01/1939

POINT OF DIVERSION:

T01S R37E S6 SENWSE Lot 10 Within BINGHAM County

T03S R35E S8 SWSENE Lot 8 Rediversion Within BINGHAM County

T03S R35E S8 SWSENE Lot 8 Rediversion Within BINGHAM County

T03S R35E S9 SENE Lot 1 Rediversion Within BINGHAM County

T03S R35E S10 SESESE Injection Within BINGHAM County

T03S R35E S18 SWNE Lot 6 Rediversion Within BINGHAM County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 10/31	100.000 CFS

PLACE OF USE:

10692 ACRES TOTAL

Place of use is within the area served by Blackfoot Irrigation Company.

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

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

~~The delivery of water to this right may be subject to procedures described in the United States Bureau of Reclamation "space holder" contracts and the Burley Irrigation Dist. v. Eagle, Supplemental Decree (Idaho 5th Jud. Dist., July 10, 1968) and Aberdeen-Springfield Canal Co. v. Eagle, Supplemental Decree (Idaho 7th Jud. Dist., March 12, 1969) together with the natural-flow and storage deliveries as calculated by the Idaho Department of Water Resources.~~

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.

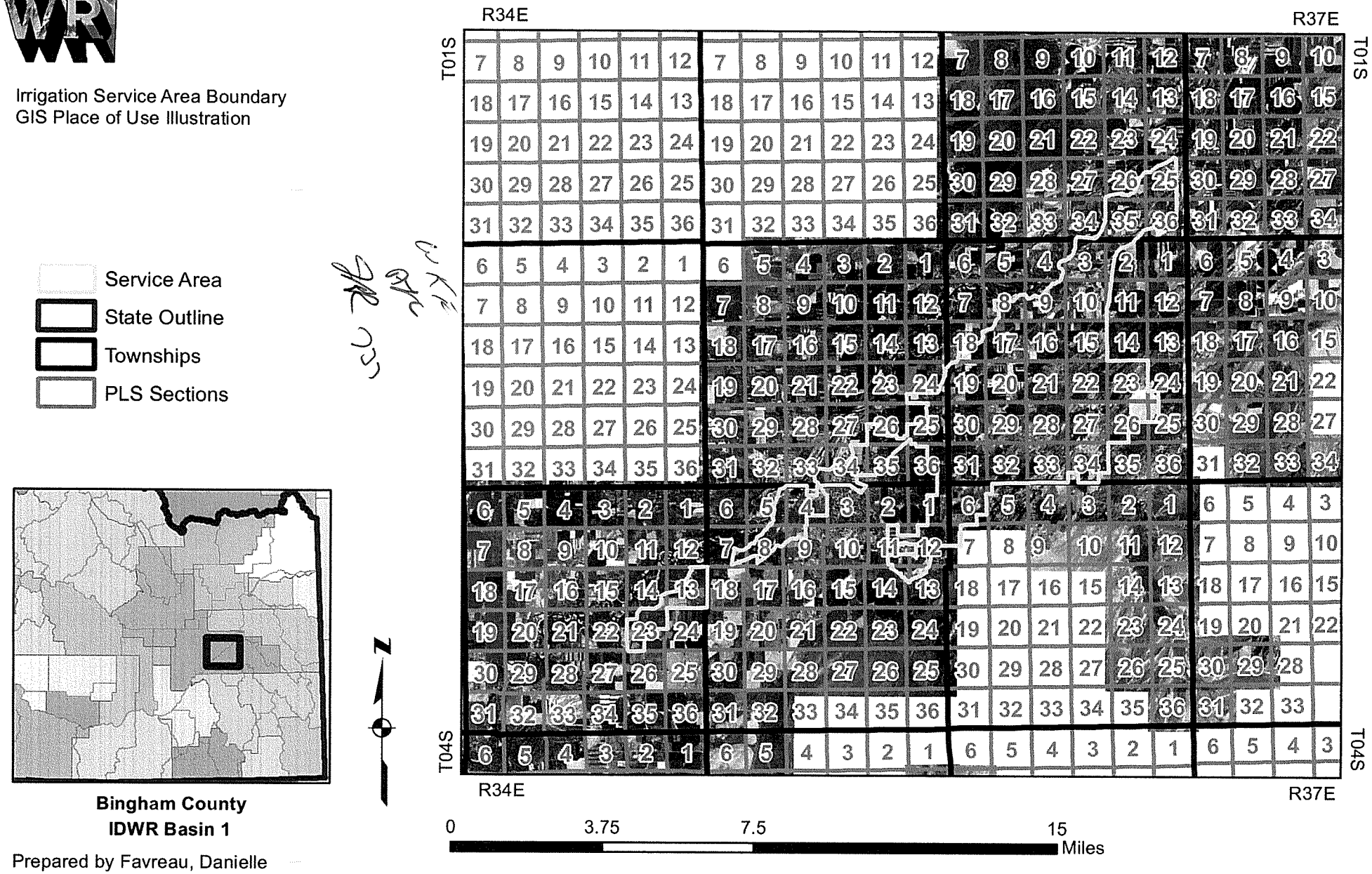
EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Water is delivered through Blackfoot Canal, Miners Ditch, Riverton Ditch, Stevens Ditch, and Central Ditch.

Blackfoot Irrigation Co

Adjudication Recommendations: 1-1J, 1-298

Irrigation Service Area Boundary
GIS Place of Use Illustration



Bingham County
IDWR Basin 1

Prepared by Favreau, Danielle
On May 07, 2012

CERTIFICATE OF MAILING

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Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATURAL RESOURCES
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BOISE, ID 83724

MINIDOKA IRRIGATION DISTRICT
Represented by:
W. KENT FLETCHER
1200 OVERLAND AVE.
P.O. BOX 248
BURLEY, ID 83318

AMERICAN FALLS RESERVOIR
Represented by:
CRAIG D. HOBDEY
125 5TH AVE.
P.O. BOX 176
GOODING, ID 83330

FALLS IRRIGATION DISTRICT
Represented by:
ROGER D. LING
615 H ST.
P.O. BOX 396
RUPERT, ID 83350-0396

A & B IRRIGATION DISTRICT
BURLEY IRRIGATION DISTRICT
MILNER IRRIGATION DISTRICT
NORTH SIDE CANAL CO LTD
TWIN FALLS CANAL COMPANY
Represented by:
TRAVIS L. THOMPSON
113 MAIN AVE. W., STE. 303
P.O. BOX 485
TWIN FALLS, ID 83303-0485

BLACKFOOT IRRIGATION COMPANY
Represented by:
JERRY R. RIGBY
25 N. 2ND E.
P.O. BOX 250
REXBURG, ID 83440-0250

IDWR REPOSITORY
P.O. BOX 83720
BOISE, ID 83720-0098

_____
Signature of person or attorney mailing the form

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. 01-47E**
	)	
Case No. 39576	)	
	)	**STANDARD FORM 5**
	)	
	)	**STIPULATED ELEMENTS OF A WATER RIGHT**
	)	

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached, *which removes federal public land from the digital boundary.* The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT/OBJECTOR:
Corbett Slough Ditch Company

OBJECTOR:
Bureau of Land Management

5-7-12

Jerry R. Rigby Date
Attorney for Claimant/Objector

David L. Negri Date
Attorney for Objector

RESPONDENT(s):

American Falls Reservoir Dist. No. 2

Craig D. Hobdey — Date 6/24/12
Attorney for Respondent

Bureau of Reclamation

David W. Gehlert — Date
Attorney for Respondent

Minidoka Irrigation District

W. Kent Fletcher — Date 6-21-12
Attorney for Respondent

Falls Irrigation District

Roger D. Ling — Date 6/25/12
Attorney for Respondent

Twin Falls Canal Company
Milner Irrigation District
North Side Canal Company
A & B Irrigation District
Burley Irrigation District

Travis L. Thompson — Date 6/21/12
Attorney for Respondents

IDWR Concurrence:

Michael Holliday — Date
Water Right Supervisor

Andrea L. Courtney — Date 5/21/12
Deputy Attorney General
Attorney for IDWR

IDAHO DEPARTMENT OF WATER RESOURCES

RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 1-47E

NAME AND ADDRESS: CORBETT SLOUGH DITCH CO
78 N 100 W
BLACKFOOT ID 83221

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

Point of injection into and point of rediversion from Blackfoot River.

QUANTITY: 106.248 CFS

PRIORITY DATE: 05/01/1889

POINT OF DIVERSION:

T02S R36E S8 NENESE Lot 1 Within BINGHAM County

T03S R35E S9 SENE Lot 1 Rediversion Within BINGHAM County

T03S R35E S10 SESESE Injection Within BINGHAM County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 10/31	106.248 CFS

PLACE OF USE:

3856 ACRES TOTAL

Place of use is within the area served by Corbett Slough Ditch Company.

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

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: BASIS OF CLAIM - Decreed

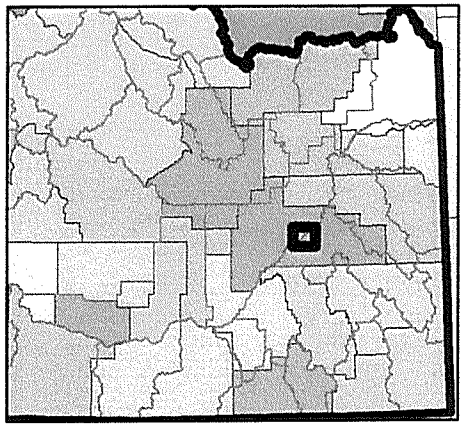
Water is delivered through Corbett Canal and Miners Ditch.

Corbett Slough Ditch Co

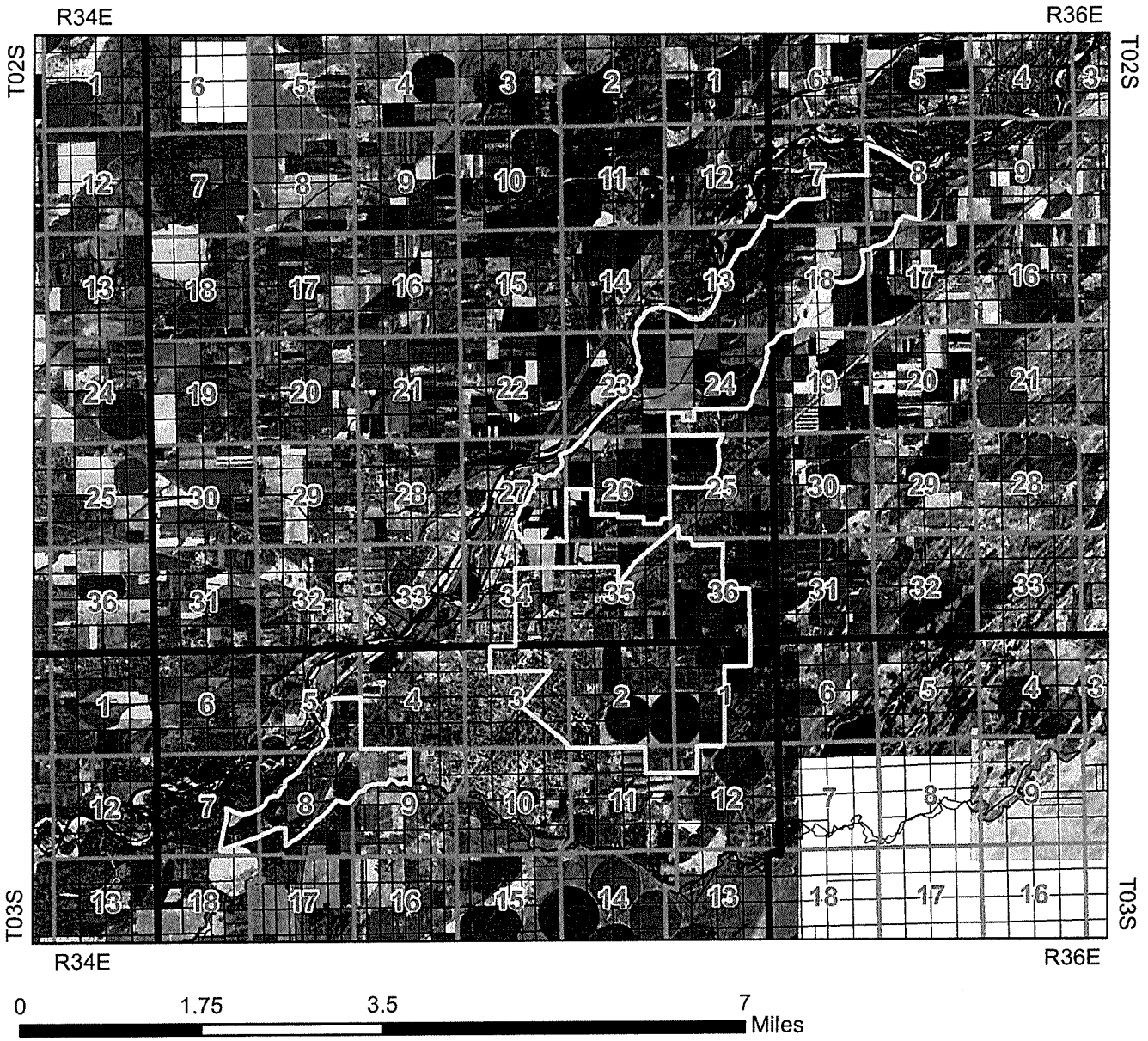
Adjudication Recommendations: 1-47E, 1-48, 1-304

Irrigation Service Area Boundary
GIS Place of Use Illustration

Service Area
State Outline
Townships
PLS Sections
Quarter Quarters



Bingham County
IDWR Basin 1



Prepared by Favreau, Danielle
On April 24, 2012

CERTIFICATE OF MAILING

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

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Represented by:
US DEPARTMENT OF JUSTICE
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BOISE, ID 83724

MINIDOKA IRRIGATION DISTRICT
Represented by:
W. KENT FLETCHER
1200 OVERLAND AVE.
P.O. BOX 248
BURLEY, ID 83318

AMERICAN FALLS RESERVOIR
Represented by:
CRAIG D. HOBDEY
125 5TH AVE.
P.O. BOX 176
GOODING, ID 83330

FALLS IRRIGATION DISTRICT
Represented by:
ROGER D. LING
615 H ST.
P.O. BOX 396
RUPERT, ID 83350-0396

A & B IRRIGATION DISTRICT
BURLEY IRRIGATION DISTRICT
MILNER IRRIGATION DISTRICT
NORTH SIDE CANAL CO LTD
TWIN FALLS CANAL COMPANY
Represented by:
TRAVIS L. THOMPSON
113 MAIN AVE. W., STE. 303
P.O. BOX 485
TWIN FALLS, ID 83303-0485

CORBETT SLOUGH DITCH CO.
Represented by:
JERRY R. RIGBY
25 N. 2ND E.
P.O. BOX 250
REXBURG, ID 83440-0250

IDWR REPOSITORY
P.O. BOX 83720
BOISE, ID 83720-0098

_____
Signature of person or attorney mailing the form

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. 01-48**
	)	
Case No. 39576	)	
	)	**STANDARD FORM 5**
	)	
	)	**STIPULATED ELEMENTS OF A WATER RIGHT**
	)	

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

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The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached, *which removes federal public land from the digital boundary.* The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT/OBJECTOR:
Corbett Slough Ditch Company

OBJECTOR:
Bureau of Land Management

5-7-12

Jerry R. Rigby Date
Attorney for Claimant/Objector

David L. Negri Date
Attorney for Objector

RESPONDENT(s):

American Falls Reservoir Dist. No. 2

6/21/12

Craig D. Hobdey Date
Attorney for Respondent

Bureau of Reclamation

David W. Gehlert Date
Attorney for Respondent

Minidoka Irrigation District

6-21-12

W. Kent Fletcher Date
Attorney for Respondent

Falls Irrigation District

6/25/12

Roger D. Ling Date
Attorney for Respondent

Twin Falls Canal Company
Milner Irrigation District
North Side Canal Company
A & B Irrigation District
Burley Irrigation District

6/21/12

Travis L. Thompson Date
Attorney for Respondents

IDWR Concurrence:

Michael Holliday Date
Water Right Supervisor

Andrea L. Courtney 5/2/12

Andrea L. Courtney Date
Deputy Attorney General
Attorney for IDWR

IDAHO DEPARTMENT OF WATER RESOURCES

RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 1-48

NAME AND ADDRESS: CORBETT SLOUGH DITCH CO
78 N 100 W
BLACKFOOT ID 83221

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

Point of injection into and point of rediversion from Blackfoot River.

QUANTITY: 130.000 CFS

PRIORITY DATE: 05/01/1892

POINT OF DIVERSION:

T02S R36E S8 NENESE Lot 1 Within BINGHAM County
T03S R35E S9 SENE Lot 1 Rediversion Within BINGHAM County
T03S R35E S10 SESESE Injection Within BINGHAM County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 10/31	130.000 CFS

PLACE OF USE:

3856 ACRES TOTAL

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

Place of use is within the area served by Corbett Slough Ditch Company.

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

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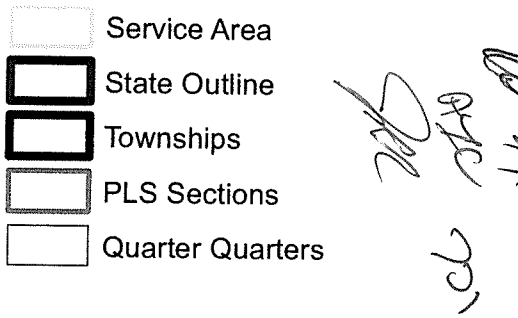
EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

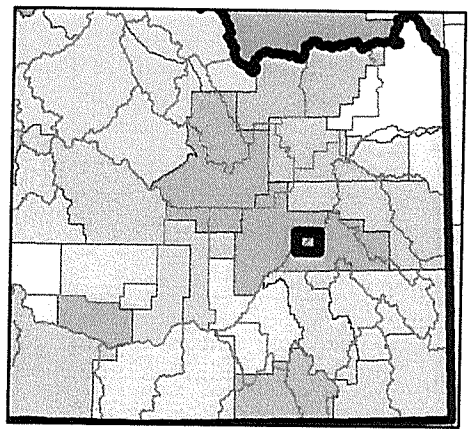
Water is delivered through Corbett Canal and Miners Ditch.

Corbett Slough Ditch Co

Adjudication Recommendations: 1-47E, 1-48, 1-304

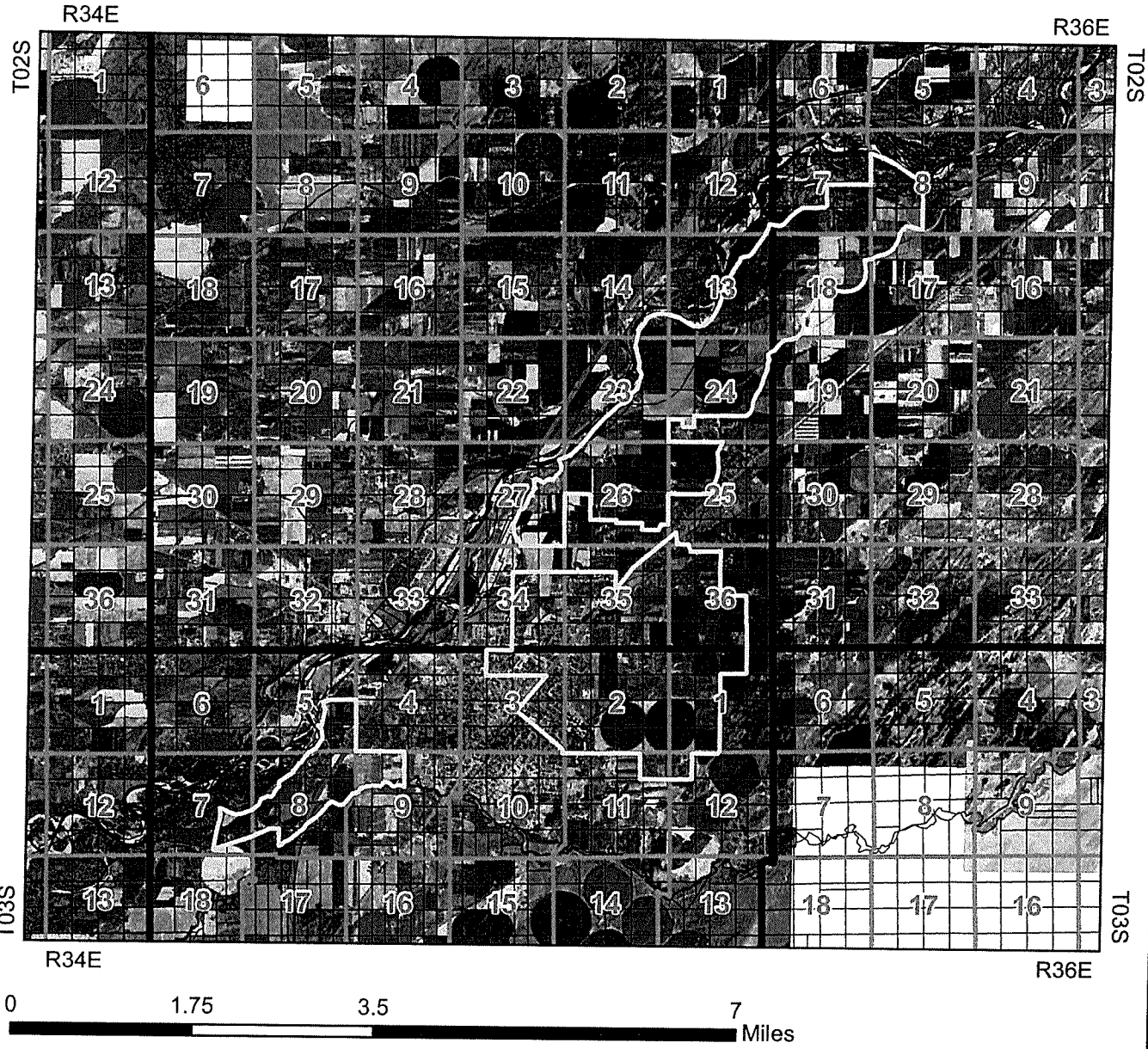
Irrigation Service Area Boundary
GIS Place of Use Illustration





Bingham County
IDWR Basin 1





Prepared by Favreau, Danielle
On April 24, 2012

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IDWR REPOSITORY
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Signature of person or attorney mailing the form

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. 01-304**
	)	
Case No. 39576	)	
	)	**STANDARD FORM 5**
	)	
	)	**STIPULATED ELEMENTS OF A WATER RIGHT**
	)	

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CLAIMANT/OBJECTOR:
Corbett Slough Ditch Company

Jerry R. Rigby 5-7-12
Jerry R. Rigby Date
Attorney for Claimant/Objector

OBJECTOR:
Bureau of Land Management

David L. Negri Date
Attorney for Objector

RESPONDENT(s):

American Falls Reservoir Dist. No. 2

Craig D. Hobdey Date
Attorney for Respondent

Bureau of Reclamation

David W. Gehlert Date
Attorney for Respondent

Minidoka Irrigation District

W. Kent Fletcher Date
Attorney for Respondent

Falls Irrigation District

Roger D. Ling Date
Attorney for Respondent

Twin Falls Canal Company
Milner Irrigation District
North Side Canal Company
A & B Irrigation District
Burley Irrigation District

Travis L. Thompson Date
Attorney for Respondents

IDWR Concurrence:

Michael Holliday Date
Water Right Supervisor

Andrea L. Courtney Date
Deputy Attorney General
Attorney for IDWR

IDAHO DEPARTMENT OF WATER RESOURCES

RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 1-304

NAME AND ADDRESS: CORBETT SLOUGH DITCH CO
78 N 100 W
BLACKFOOT ID 83221

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

Point of injection into and point of rediversion from Blackfoot River.

QUANTITY: 13.000 CFS

PRIORITY DATE: 04/01/1939

POINT OF DIVERSION:

T02S R36E S8 NENESE Lot 1 Within BINGHAM County

T03S R35E S9 SENE Lot 1 Rediversion Within BINGHAM County

T03S R35E S10 SESESE Injection Within BINGHAM County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 10/31	13.000 CFS

PLACE OF USE:

3856 ACRES TOTAL

Place of use is within the area served by Corbett Slough Ditch Company.

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

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

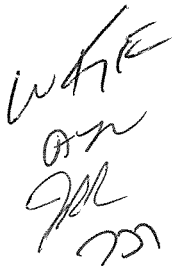
~~The delivery of water to this right may be subject to procedures described in the United States Bureau of Reclamation "space holder" contracts and the Burley Irrigation Dist. v. Eagle, Supplemental Decree (Idaho 5th Jud. Dist., July 10, 1968) and Aberdeen-Springfield Canal Co. v. Eagle, Supplemental Decree (Idaho 7th Jud. Dist., March 12, 1969) together with the natural-flow and storage deliveries as calculated by the Idaho Department of Water Resources.~~

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: BASIS OF CLAIM - Decreed

Water is delivered through Corbett Canal and Miners Ditch.

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

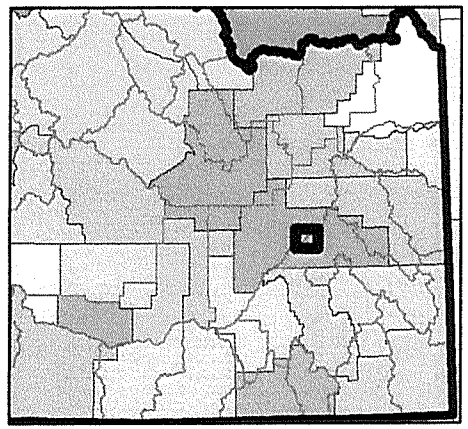


Corbett Slough Ditch Co

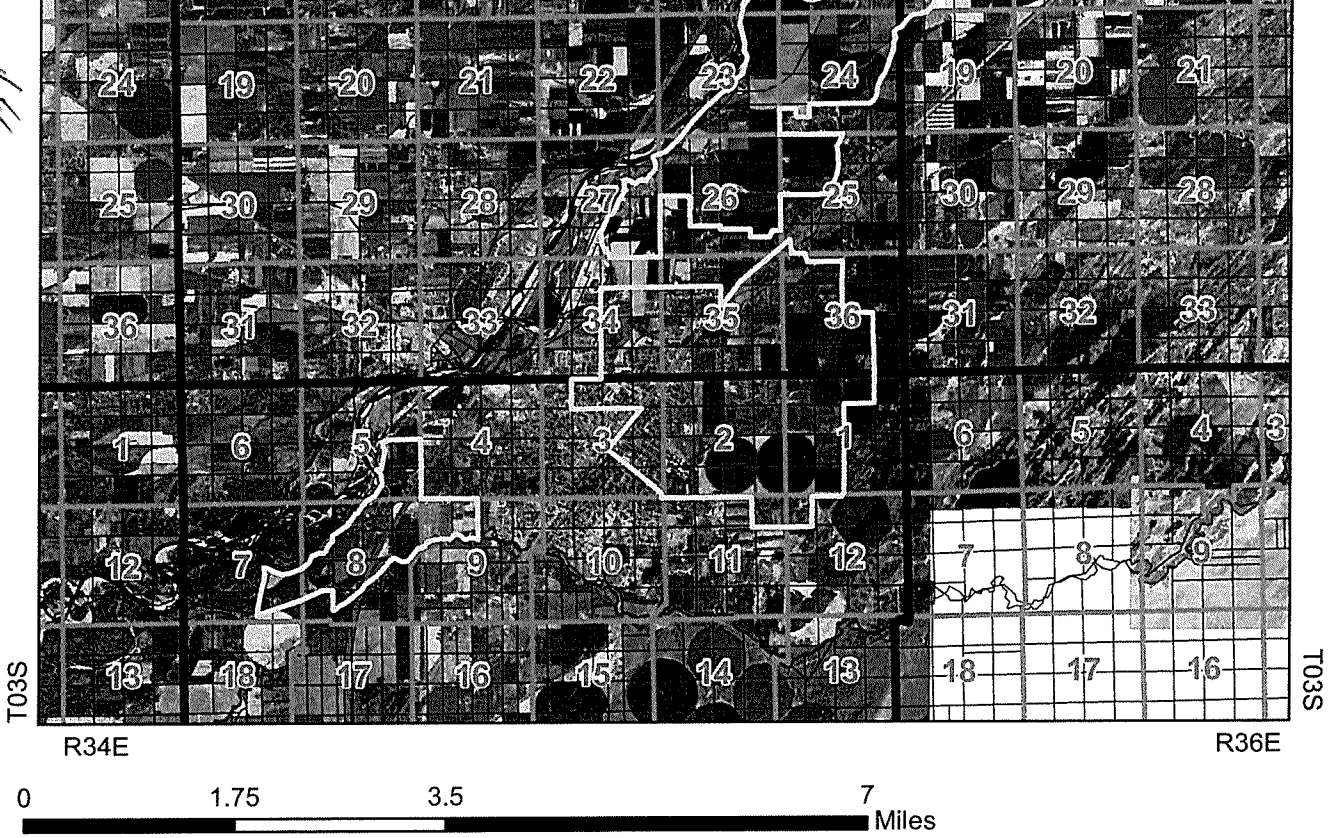
Adjudication Recommendations: 1-47E, 1-48, 1-304

Irrigation Service Area Boundary
GIS Place of Use Illustration

Service Area
State Outline
Townships
PLS Sections
Quarter Quarters



Bingham County
IDWR Basin 1



Prepared by Favreau, Danielle
On April 24, 2012

CERTIFICATE OF MAILING

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

1. Original to:

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

2. Copies to:

UNITED STATEO OF AMERICA
USDI BUREAU OF RECLAMATION
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATURAL RESOURCES
550 WEST FORT STREET, MSC O33
BOISE, ID 83724

MINIDOKA IRRIGATION DISTRICT
Represented by:
W. KENT FLETCHER
1200 OVERLAND AVE.
P.O. BOX 248
BURLEY, ID 83318

AMERICAN FALLS RESERVOIR
Represented by:
CRAIG D. HOBDEY
125 5TH AVE.
P.O. BOX 176
GOODING, ID 83330

FALLS IRRIGATION DISTRICT
Represented by:
ROGER D. LING
615 H ST.
P.O. BOX 396
RUPERT, ID 83350-0396

A & B IRRIGATION DISTRICT
BURLEY IRRIGATION DISTRICT
MILNER IRRIGATION DISTRICT
NORTH SIDE CANAL CO LTD
TWIN FALLS CANAL COMPANY
Represented by:
TRAVIS L. THOMPSON
113 MAIN AVE. W., STE. 303
P.O. BOX 485
TWIN FALLS, ID 83303-0485

CORBETT SLOUGH DITCH CO.
Represented by:
JERRY R. RIGBY
25 N. 2ND E.
P.O. BOX 250
REXBURG, ID 83440-0250

IDWR REPOSITORY
P.O. BOX 83720
BOISE, ID 83720-0098

_____
Signature of person or attorney mailing the form

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. 01-141**
	)	
Case No. 39576	)	
	)	**STANDARD FORM 5**
	)	
	)	**STIPULATED ELEMENTS OF A WATER RIGHT**
	)	

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached, *which removes federal public land from the digital boundary*. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT/OBJECTOR:
Watson Canal Company

Jerry R. Rigby 5-7-12
Jerry R. Rigby Date
Attorney for Claimant/Objector

OBJECTOR:
Bureau of Land Management

David L. Negri Date
Attorney for Objector

RESPONDENT(s):

American Falls Reservoir Dist. No. 2

6/21/12
Craig D. Hobdey Date
Attorney for Respondent

Bureau of Reclamation

David W. Gehlert Date
Attorney for Respondent

Minidoka Irrigation District

6-21-12
W. Kent Fletcher Date
Attorney for Respondent

Falls Irrigation District

6/25/12
Roger D. Ling Date
Attorney for Respondent

Twin Falls Canal Company
Milner Irrigation District
North Side Canal Company
A & B Irrigation District
Burley Irrigation District

6/21/12
Travis L. Thompson Date
Attorney for Respondents

IDWR Concurrence:

Michael Holliday Date
Water Right Supervisor

5/2/12
Andrea L. Courtney Date
Deputy Attorney General
Attorney for IDWR

IDAHO DEPARTMENT OF WATER RESOURCES

RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 1-141

NAME AND ADDRESS: WATSON CANAL CO
167 S 900 W
BLACKFOOT ID 83221

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 3.200 CFS

PRIORITY DATE: 05/13/1888

POINT OF DIVERSION:

T03S R35E S5 NENW Lot 8 Within BINGHAM County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 10/31	3.200 CFS

PLACE OF USE:

2190 ACRES TOTAL

Place of use is within the area served by Watson Slough Ditch & Irrigation Companies.

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

The rights listed below are limited to the irrigation of a combined total of 2190 acres in a single irrigation season. Combined Right Nos.: 1-146B, 1-141, 1-193B, 1-260, 1-10475, and 1-10477.

This right is limited to the irrigation of 160 acres within the place of use described above in a single irrigation season.

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: BASIS OF CLAIM - Decreed

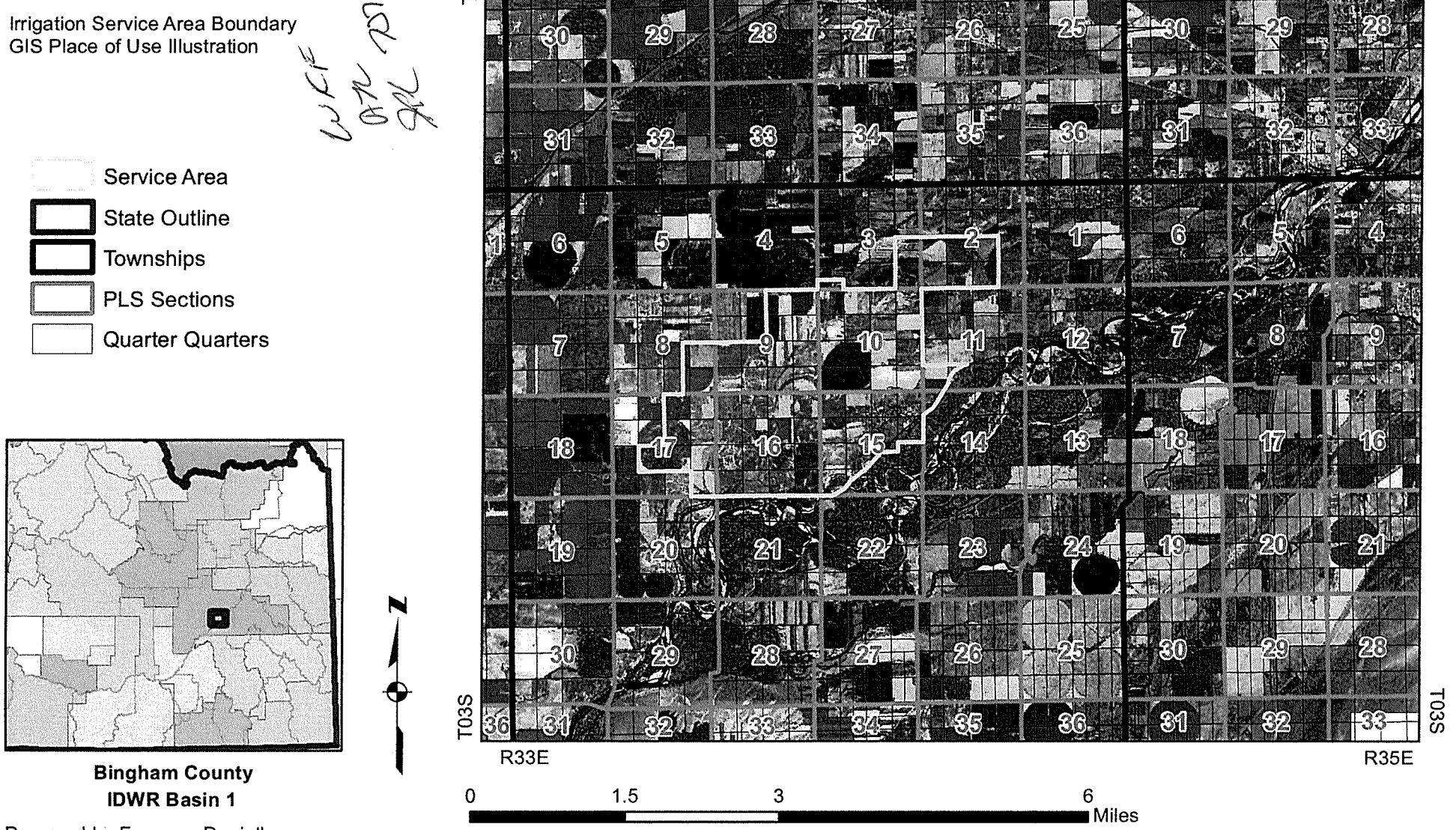
Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Water is delivered through Watson Canal.

Watson Canal Co

Adjudication Recommendations: 1-141, 1-146B, 1-193B, 1-260, 1-10475, 1-10477

Irrigation Service Area Boundary
GIS Place of Use Illustration



Bingham County
IDWR Basin 1

Prepared by Favreau, Danielle
On April 24, 2012

CERTIFICATE OF MAILING

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253 THIRD AVENUE NORTH
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TWIN FALLS, IDAHO 83303-2707

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USDI BUREAU OF RECLAMATION
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATURAL RESOURCES
550 WEST FORT STREET, MSC O33
BOISE, ID 83724

MINIDOKA IRRIGATION DISTRICT
Represented by:
W. KENT FLETCHER
1200 OVERLAND AVE.
P.O. BOX 248
BURLEY, ID 83318

AMERICAN FALLS RESERVOIR
Represented by:
CRAIG D. HOBDEY
125 5TH AVE.
P.O. BOX 176
GOODING, ID 83330

FALLS IRRIGATION DISTRICT
Represented by:
ROGER D. LING
615 H ST.
P.O. BOX 396
RUPERT, ID 83350-0396

A & B IRRIGATION DISTRICT
BURLEY IRRIGATION DISTRICT
MILNER IRRIGATION DISTRICT
NORTH SIDE CANAL CO LTD
TWIN FALLS CANAL COMPANY
Represented by:
TRAVIS L. THOMPSON
113 MAIN AVE. W., STE. 303
P.O. BOX 485
TWIN FALLS, ID 83303-0485

WATSON CANAL CO.
Represented by:
JERRY R. RIGBY
25 N. 2ND E.
P.O. BOX 250
REXBURG, ID 83440-0250

IDWR REPOSITORY
P.O. BOX 83720
BOISE, ID 83720-0098

_____
Signature of person or attorney mailing the form

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. 01-146B**
	)	
Case No. 39576	)	
	)	**STANDARD FORM 5**
	)	
	)	**STIPULATED ELEMENTS OF A WATER RIGHT**
	)	

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached, *which removes federal public land from the digital boundary.* The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT/OBJECTOR:
Watson Canal Company

5-7-12

Jerry R. Rigby Date
Attorney for Claimant/Objector

OBJECTOR:
Bureau of Land Management

David L. Negri Date
Attorney for Objector

RESPONDENT(s):

American Falls Reservoir Dist. No. 2

Craig D. Hobdey 6/26/12
Craig D. Hobdey Date
Attorney for Respondent

Bureau of Reclamation

David W. Gehlert Date
Attorney for Respondent

Minidoka Irrigation District

W. Kent Fletcher 6-21-12
W. Kent Fletcher Date
Attorney for Respondent

Falls Irrigation District

Roger D. Ling 6/25/12
Roger D. Ling Date
Attorney for Respondent

Twin Falls Canal Company
Milner Irrigation District
North Side Canal Company
A & B Irrigation District
Burley Irrigation District

Travis L. Thompson 6/21/12
Travis L. Thompson Date
Attorney for Respondents

IDWR Concurrence:

Michael Holliday Date
Water Right Supervisor

Andrea L. Courtney 5/2/12
Andrea L. Courtney Date
Deputy Attorney General
Attorney for IDWR

IDAHO DEPARTMENT OF WATER RESOURCES

RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 1-146B

NAME AND ADDRESS: WATSON CANAL CO
167 S 900 W
BLACKFOOT ID 83221

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 2.500 CFS

PRIORITY DATE: 06/30/1885

POINT OF DIVERSION:

T03S R35E S5 NENW Lot 8 Within BINGHAM County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 10/31	2.500 CFS

PLACE OF USE:

2190 ACRES TOTAL

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

Place of use is within the area served by Watson Slough Ditch & Irrigation Companies.

This right is limited to the irrigation of 192.4 acres within the place of use described above in a single irrigation season.

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: BASIS OF CLAIM - Decreed

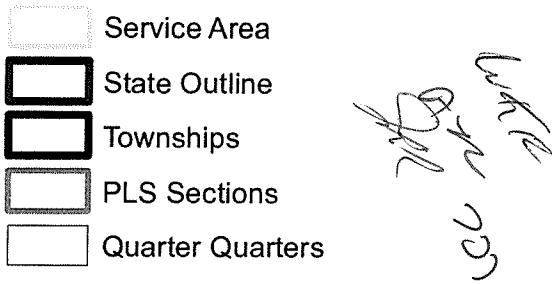
Water is delivered through Watson Canal.

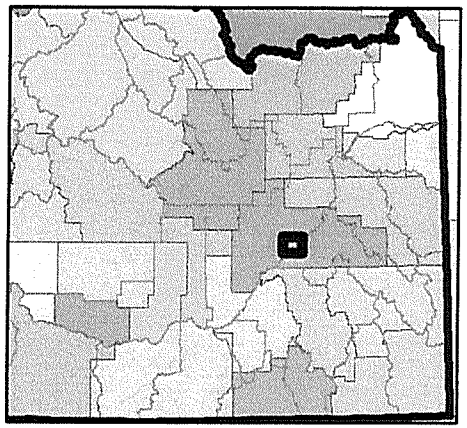
Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Watson Canal Co

Adjudication Recommendations: 1-141, 1-146B, 1-193B, 1-260, 1-10475, 1-10477

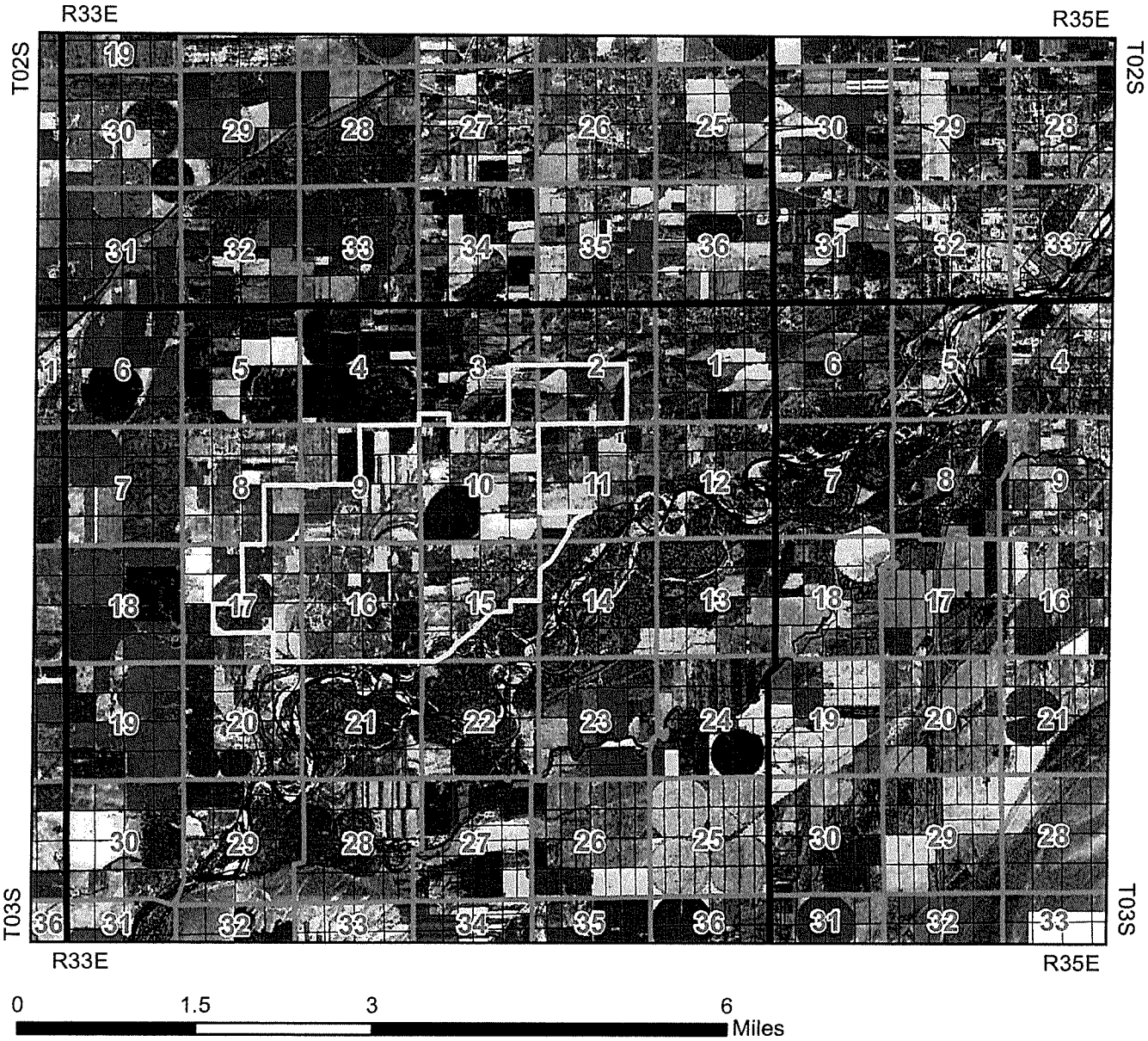
Irrigation Service Area Boundary
GIS Place of Use Illustration





Bingham County
IDWR Basin 1





Prepared by Favreau, Danielle
On April 24, 2012

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MINIDOKA IRRIGATION DISTRICT
Represented by:
W. KENT FLETCHER
1200 OVERLAND AVE.
P.O. BOX 248
BURLEY, ID 83318

AMERICAN FALLS RESERVOIR
Represented by:
CRAIG D. HOBDEY
125 5TH AVE.
P.O. BOX 176
GOODING, ID 83330

FALLS IRRIGATION DISTRICT
Represented by:
ROGER D. LING
615 H ST.
P.O. BOX 396
RUPERT, ID 83350-0396

A & B IRRIGATION DISTRICT
BURLEY IRRIGATION DISTRICT
MILNER IRRIGATION DISTRICT
NORTH SIDE CANAL CO LTD
TWIN FALLS CANAL COMPANY
Represented by:
TRAVIS L. THOMPSON
113 MAIN AVE. W., STE. 303
P.O. BOX 485
TWIN FALLS, ID 83303-0485

WATSON CANAL CO.
Represented by:
JERRY R. RIGBY
25 N. 2ND E.
P.O. BOX 250
REXBURG, ID 83440-0250

IDWR REPOSITORY
P.O. BOX 83720
BOISE, ID 83720-0098

_____
Signature of person or attorney mailing the form

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. 01-193B**
	)	
Case No. 39576	)	
	)	**STANDARD FORM 5**
	)	
	)	**STIPULATED ELEMENTS OF A WATER RIGHT**
	)	

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached, *which removes federal public land from the digital boundary.* The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT/OBJECTOR:
Watson Canal Company

5-7-12
Jerry R. Rigby Date
Attorney for Claimant/Objector

OBJECTOR:
Bureau of Land Management

David L. Negri Date
Attorney for Objector

RESPONDENT(s):

American Falls Reservoir Dist. No. 2

4/24/12

Craig D. Hobdey Date
Attorney for Respondent

Bureau of Reclamation

David W. Gehlert Date
Attorney for Respondent

Minidoka Irrigation District

6-21-12

W. Kent Fletcher Date
Attorney for Respondent

Falls Irrigation District

4/25/12

Roger D. Ling Date
Attorney for Respondent

Twin Falls Canal Company
Milner Irrigation District
North Side Canal Company
A & B Irrigation District
Burley Irrigation District

6/21/12

Travis L. Thompson Date
Attorney for Respondents

IDWR Concurrence:

Michael Holliday Date
Water Right Supervisor

5/2/12

Andrea L. Courtney Date
Deputy Attorney General
Attorney for IDWR

IDAHO DEPARTMENT OF WATER RESOURCES

RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 1-193B

NAME AND ADDRESS: WATSON CANAL CO
167 S 900 W
BLACKFOOT ID 83221

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 3.230 CFS

PRIORITY DATE: 05/03/1886

POINT OF DIVERSION:

T03S R35E S5 NENW Lot 8 Within BINGHAM County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 10/31	3.230 CFS

PLACE OF USE:

2190 ACRES TOTAL

Place of use is within the area served by Watson Slough Ditch & Irrigation Companies.

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

This right is limited to the irrigation of 80 acres within the place of use described above in a single irrigation season.

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.

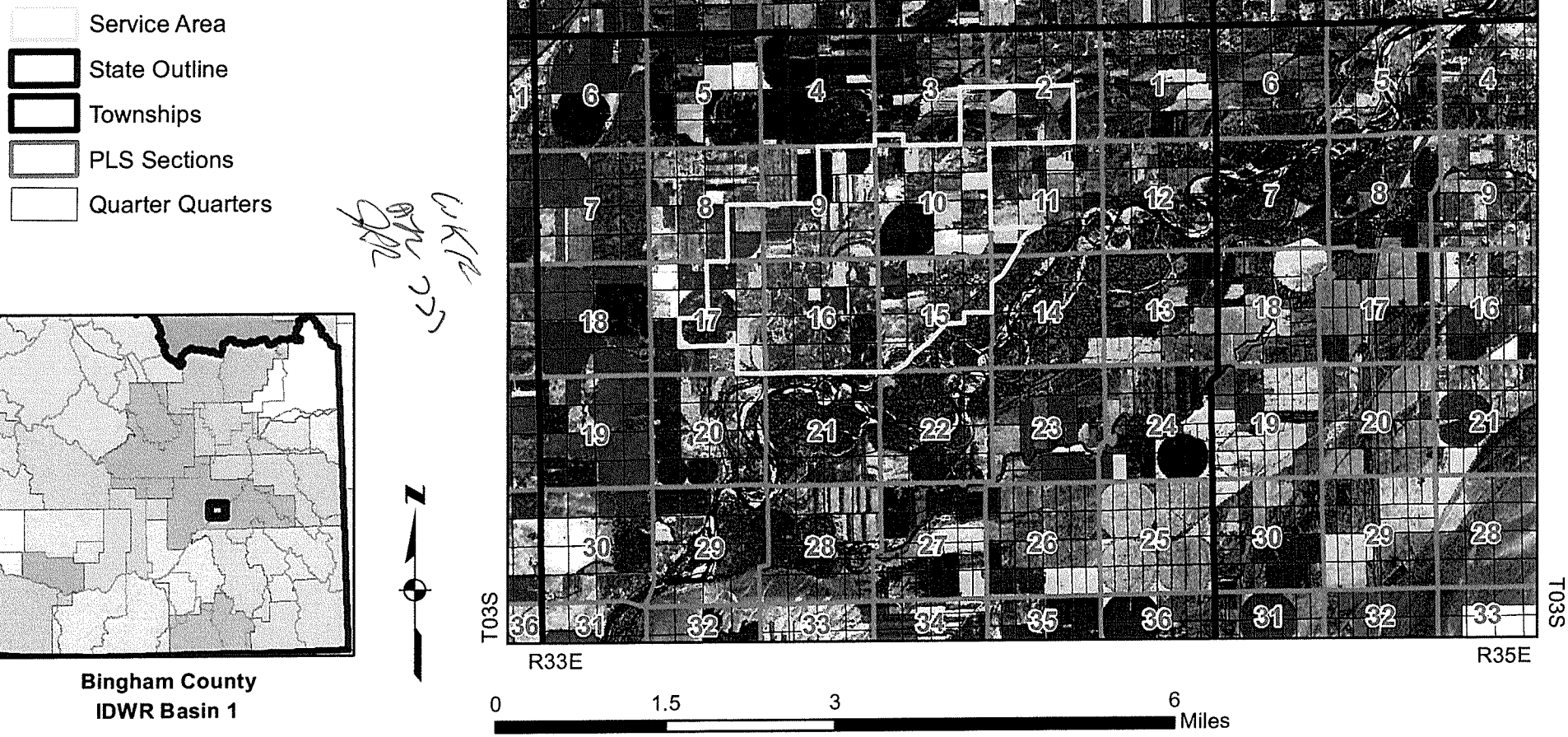
EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Water is delivered through Watson Canal.

Watson Canal Co

Adjudication Recommendations: 1-141, 1-146B, 1-193B, 1-260, 1-10475, 1-10477

Irrigation Service Area Boundary
GIS Place of Use Illustration



Bingham County
IDWR Basin 1

Prepared by Favreau, Danielle
On April 24, 2012

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IDWR REPOSITORY
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_____
Signature of person or attorney mailing the form

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. 01-260**
	)	
Case No. 39576	)	
	)	**STANDARD FORM 5**
	)	
	)	**STIPULATED ELEMENTS OF A WATER RIGHT**
	)	

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Watson Canal Company

5-7-12

Jerry R. Rigby Date
Attorney for Claimant/Objector

OBJECTOR:
Bureau of Land Management

David L. Negri Date
Attorney for Objector

RESPONDENT(s):

American Falls Reservoir Dist. No. 2

6/21/12

Craig D. Hobdey Date
Attorney for Respondent

Bureau of Reclamation

David W. Gehlert Date
Attorney for Respondent

Minidoka Irrigation District

6-21-12

W. Kent Fletcher Date
Attorney for Respondent

Falls Irrigation District

6/25/12

Roger D. Ling Date
Attorney for Respondent

Twin Falls Canal Company
Milner Irrigation District
North Side Canal Company
A & B Irrigation District
Burley Irrigation District

6/21/12

Travis L. Thompson Date
Attorney for Respondents

IDWR Concurrence:

Michael Holliday Date
Water Right Supervisor

Andrea L Courtney 5/2/12

Andrea L. Courtney Date
Deputy Attorney General
Attorney for IDWR

IDAHO DEPARTMENT OF WATER RESOURCES

RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 1-260

NAME AND ADDRESS: WATSON CANAL CO
167 S 900 W
BLACKFOOT ID 83221

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 36.000 CFS

PRIORITY DATE: 01/22/1916

POINT OF DIVERSION:

T03S R35E S5 NENW Lot 8 Within BINGHAM County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 10/31	36.000 CFS

PLACE OF USE:

2190 ACRES TOTAL

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

Place of use is within the area served by Watson Slough Ditch & Irrigation Companies.

The rights listed below are limited to the irrigation of a combined total of 2190 acres in a single irrigation season. Combined Right Nos.: 1-146B, 1-141, 1-193B, 1-260, 1-10475, and 1-10477.

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: BASIS OF CLAIM - Decreed

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

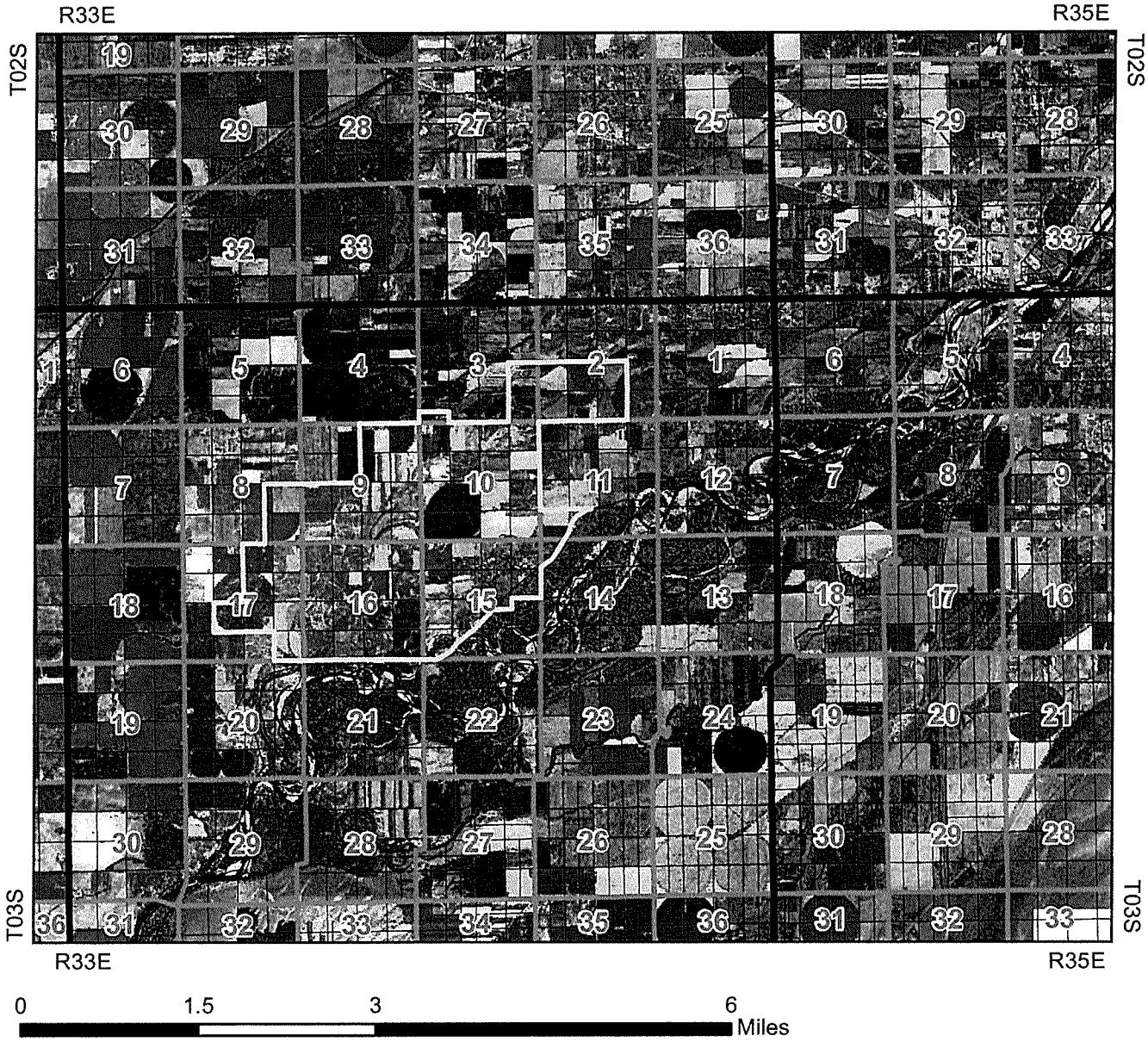
Water is delivered through Watson Canal.

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

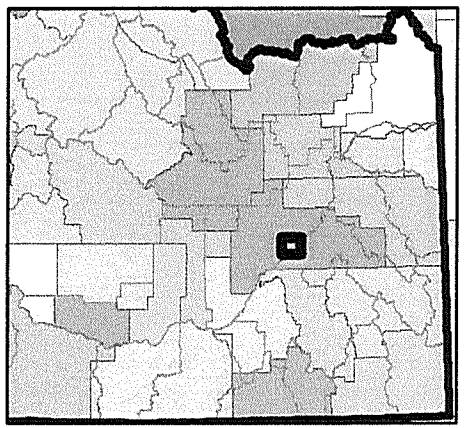
Watson Canal Co

Adjudication Recommendations: 1-141, 1-146B, 1-193B, 1-260, 1-10475, 1-10477

Irrigation Service Area Boundary
GIS Place of Use Illustration



Service Area
State Outline
Townships
PLS Sections
Quarter Quarters



Bingham County
IDWR Basin 1

Prepared by Favreau, Danielle
On April 24, 2012

CERTIFICATE OF MAILING

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

1. Original to:

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

2. Copies to:

UNITED STATEO OF AMERICA
USDI BUREAU OF RECLAMATION
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATURAL RESOURCES
550 WEST FORT STREET, MSC O33
BOISE, ID 83724

MINIDOKA IRRIGATION DISTRICT
Represented by:
W. KENT FLETCHER
1200 OVERLAND AVE.
P.O. BOX 248
BURLEY, ID 83318

AMERICAN FALLS RESERVOIR
Represented by:
CRAIG D. HOBDEY
125 5TH AVE.
P.O. BOX 176
GOODING, ID 83330

FALLS IRRIGATION DISTRICT
Represented by:
ROGER D. LING
615 H ST.
P.O. BOX 396
RUPERT, ID 83350-0396

A & B IRRIGATION DISTRICT
BURLEY IRRIGATION DISTRICT
MILNER IRRIGATION DISTRICT
NORTH SIDE CANAL CO LTD
TWIN FALLS CANAL COMPANY
Represented by:
TRAVIS L. THOMPSON
113 MAIN AVE. W., STE. 303
P.O. BOX 485
TWIN FALLS, ID 83303-0485

WATSON CANAL CO.
Represented by:
JERRY R. RIGBY
25 N. 2ND E.
P.O. BOX 250
REXBURG, ID 83440-0250

IDWR REPOSITORY
P.O. BOX 83720
BOISE, ID 83720-0098

_____
Signature of person or attorney mailing the form

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. 01-10475**
	)	
Case No. 39576	)	
	)	**STANDARD FORM 5**
	)	
	)	**STIPULATED ELEMENTS OF A WATER RIGHT**
	)	

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached, *which removes federal public land from the digital boundary.* The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT/OBJECTOR:
Watson Canal Company

5-7-12
Jerry R. Rigby Date
Attorney for Claimant/Objector

OBJECTOR:
Bureau of Land Management

David L. Negri Date
Attorney for Objector

RESPONDENT(s):

American Falls Reservoir Dist. No. 2

6/21/12

Craig D. Hobdey Date
Attorney for Respondent

Bureau of Reclamation

David W. Gehlert Date
Attorney for Respondent

Minidoka Irrigation District

6-21-12

W. Kent Fletcher Date
Attorney for Respondent

Falls Irrigation District

6/25/12

Roger D. Ling Date
Attorney for Respondent

Twin Falls Canal Company
Milner Irrigation District
North Side Canal Company
A & B Irrigation District
Burley Irrigation District

6/21/12

Travis L. Thompson Date
Attorney for Respondents

IDWR Concurrence:

Michael Holliday Date
Water Right Supervisor

Andrea L. Courtney 5/21/12

Andrea L. Courtney Date
Deputy Attorney General
Attorney for IDWR

IDAHO DEPARTMENT OF WATER RESOURCES

RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 1-10475

NAME AND ADDRESS: WATSON CANAL CO
167 S 900 W
BLACKFOOT ID 83221

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 50.200 CFS

PRIORITY DATE: 03/06/1885

POINT OF DIVERSION:

T03S R35E S5 NENW Lot 8 Within BINGHAM County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 10/31	50.200 CFS

PLACE OF USE:

2190 ACRES TOTAL

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

Place of use is within the area served by Watson Slough Ditch & Irrigation Companies.

This right is limited to the irrigation of 1906 acres within the place of use described above in a single irrigation season.

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: BASIS OF CLAIM - Decreed

Water is delivered through Watson Canal.

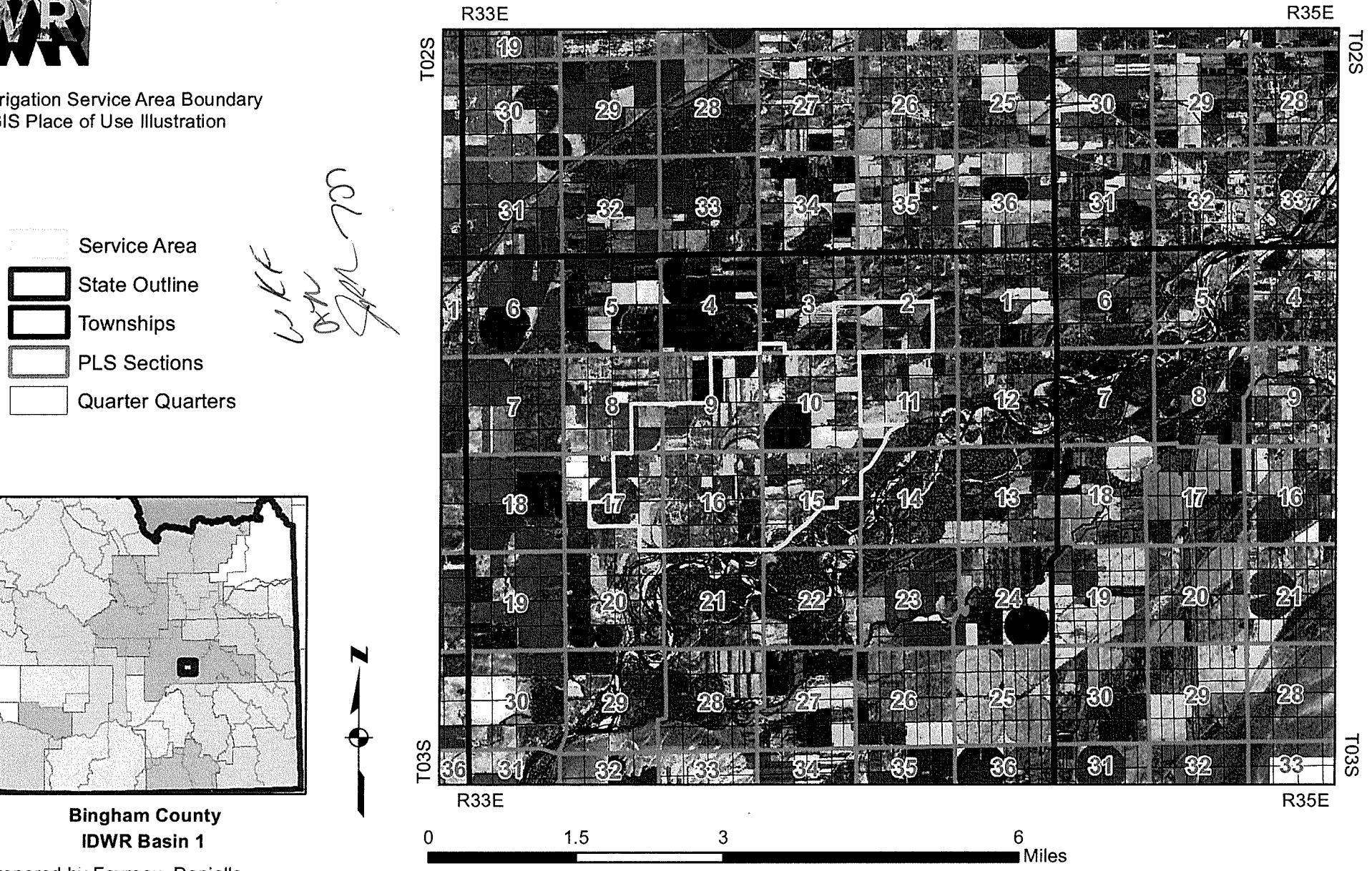
This right is a split from former right 1-191N.

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

Watson Canal Co

Adjudication Recommendations: 1-141, 1-146B, 1-193B, 1-260, 1-10475, 1-10477

Irrigation Service Area Boundary
GIS Place of Use Illustration



Bingham County
IDWR Basin 1

Prepared by Favreau, Danielle
On April 24, 2012

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1200 OVERLAND AVE.
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615 H ST.
P.O. BOX 396
RUPERT, ID 83350-0396

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Signature of person or attorney mailing the form

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. 01-10477**
	)	
Case No. 39576	)	
	)	**STANDARD FORM 5**
	)	
	)	**STIPULATED ELEMENTS OF A WATER RIGHT**
	)	

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached, *which removes federal public land from the digital boundary.* The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT/OBJECTOR:
Watson Canal Company

5-7-12

Jerry R. Rigby Date
Attorney for Claimant/Objector

OBJECTOR:
Bureau of Land Management

David L. Negri Date
Attorney for Objector

RESPONDENT(s):

American Falls Reservoir Dist. No. 2

Craig D. Hobdey Date
Attorney for Respondent

Bureau of Reclamation

David W. Gehlert Date
Attorney for Respondent

Minidoka Irrigation District

W. Kent Fletcher Date
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Falls Irrigation District

Roger D. Ling Date
Attorney for Respondent

Twin Falls Canal Company
Milner Irrigation District
North Side Canal Company
A & B Irrigation District
Burley Irrigation District

Travis L. Thompson Date
Attorney for Respondents

IDWR Concurrence:

Michael Holliday Date
Water Right Supervisor

Andrea L. Courtney Date
Deputy Attorney General
Attorney for IDWR

IDAHO DEPARTMENT OF WATER RESOURCES

RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 1-10477

NAME AND ADDRESS: WATSON CANAL CO
167 S 900 W
BLACKFOOT ID 83221

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 30.250 CFS

PRIORITY DATE: 07/15/1888

POINT OF DIVERSION:

T03S R35E S5 NENW Lot 8 Within BINGHAM County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 10/31	30.250 CFS

PLACE OF USE:

2190 ACRES TOTAL

Place of use is within the area served by Watson Slough Ditch & Irrigation Companies.

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

This right is limited to the irrigation of 1404 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 2190 acres in a single irrigation season. Combined Right Nos.: 1-146B, 1-141, 1-193B, 1-260, 1-10475, and 1-10477.

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: BASIS OF CLAIM - Decreed

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

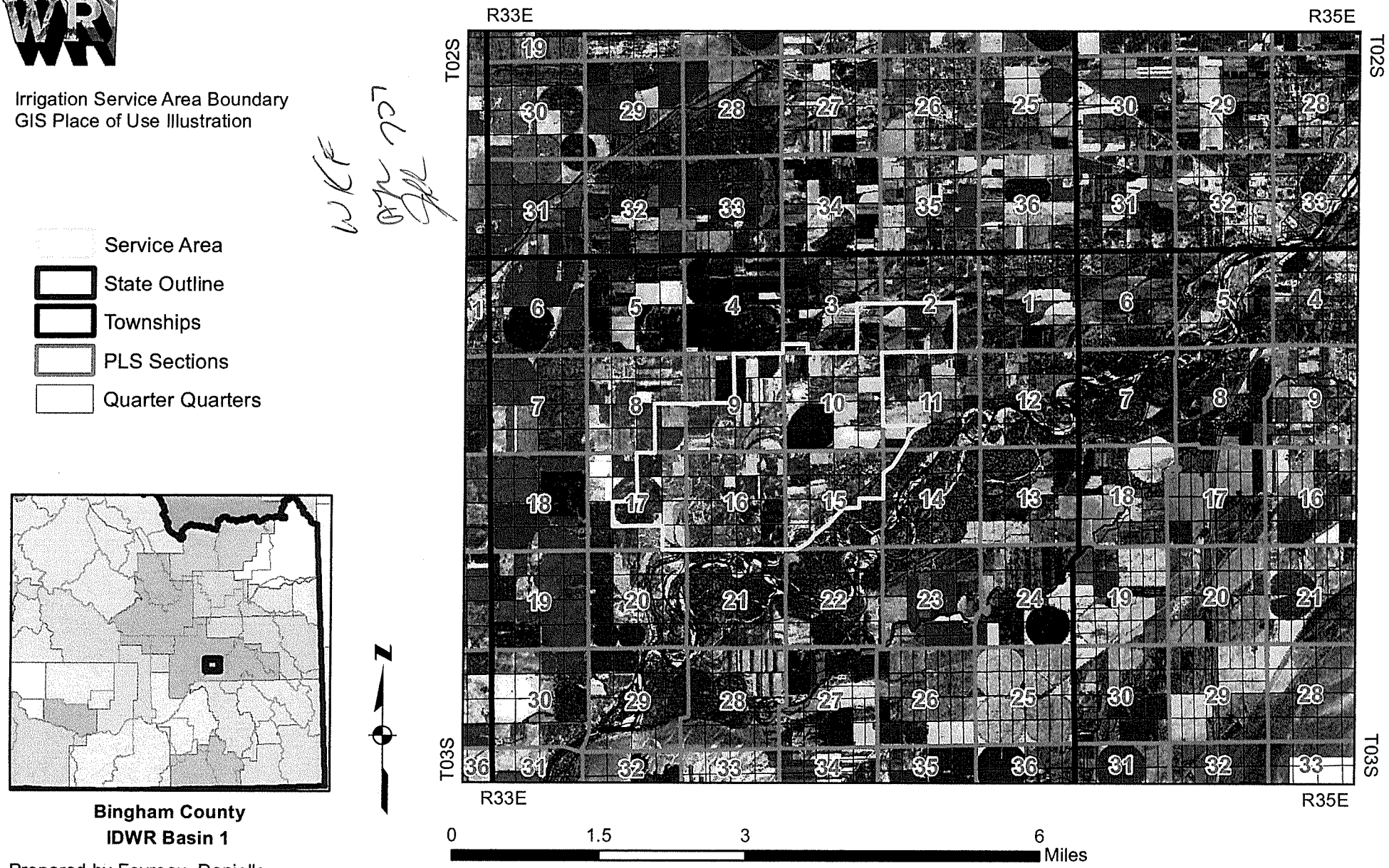
This right is a split from former right 1-192Q.

Water is delivered through Watson Canal.

Watson Canal Co

Adjudication Recommendations: 1-141, 1-146B, 1-193B, 1-260, 1-10475, 1-10477

Irrigation Service Area Boundary
GIS Place of Use Illustration



Bingham County
IDWR Basin 1

Prepared by Favreau, Danielle
On April 24, 2012

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