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DEPARTMENT OF
WATER RESOURCES

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Attorney General

CLIVE J. STRONG
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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	)	
	)	Basin-Wide Issue 17
	)	Subcase No. 00-91017
Case No. 39576	)	
	)	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 “Amended Notice of Claim” filed by the United States Bureau of Reclamation (“Bureau”) and in Subcase No. 01-2064 on December 1, 2006;
- b. **Exhibit 2:** true and correct copies of excerpted pages of the “Amended Notice of Claim” filed by the Bureau in Subcase No. 01-2068 on December 1, 2006;
- c. **Exhibit 3:** a true and correct copy of the “License and Certificate of Water Right, Water License No. R-269/01-2064” (American Falls Reservoir);
- d. **Exhibit 4:** a true and correct copy of the “License and Certificate of Water Right, Water License No. R-670/10-2068” (Palisades Reservoir);
- e. **Exhibit 5:** a true and correct copy of the Bureau’s Standard Form 1 “Objection” filed in Subcase No. 01-2064 on April 19, 2007;
- f. **Exhibit 6:** a true and correct copy of the Bureau’s Standard Form 1 “Objection” filed in Subcase No. 01-2068 on April 19, 2007;
- g. **Exhibit 7:** a true and correct copy of Minidoka Irrigation District’s Standard Form 1 “Objection” filed in Subcase No. 01-2064 on April 19, 2007;
- h. **Exhibit 8:** a true and correct copy of Minidoka Irrigation District’s Standard Form 1 “Objection” filed in Subcase No. 01-2068 on April 19, 2007;
- i. **Exhibit 9:** true and correct copies of statutory “refill” claims filed by the

Bureau with the Department of Water Resources in 1983 pursuant to Idaho Code § 42-243;

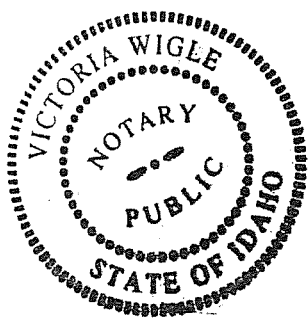
- j. **Exhibit 10:** a true and correct copy of the "Surface Water Coalition's Statement Of Issues / Proposed Trial Schedules," filed in Subcase Nos. 01-2064, 01-2068, et al., on January 19, 2012.

Further your affiant sayeth naught.

DATED this 23rd day of July 2012.

Michael C Orr
MICHAEL C. ORR

SUBSCRIBED AND SWORN to before me this 23rd day of July 2012.



Victoria Wigle
Notary Public for Idaho
Residing at: Boise
My commission expires: 4/22/16

CERTIFICATE OF SERVICE

I certify that on this 23rd day of July, 2012, I caused to the foregoing AFFIDAVIT OF MICHAEL C. ORR to be filed with the Court and copies served on the following 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
---	--

2. Copies to the following via U.S. Mail, Postage Prepaid, and email as indicated:

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 ☐ Facsimile: ☒ E-Mail: JTucker@idahopower.com
Adam DeVoe Brownstein, Hyatt, Farber, Schreck 410 17th Street, Suite 2200 Denver, CO 80202	☒ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☐ Federal Express ☐ 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 ☐ Facsimile: ☒ E-Mail: tarkoosh@capitollawgroup.com
Roger D. Ling 615 H St P.O. Box 396 Rupert, ID 83350-0396	☒ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☐ Federal Express ☐ Facsimile: ☒ E-Mail: rdl@idlawfirm.com

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 ☐ Facsimile: _____ ☒ E-Mail: cmm@racinelaw.net
Randall C. Budge 201 E. Center St. P.O. Box 1391 Pocatello, ID 83204-1391	☒ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☐ Federal Express ☐ Facsimile: _____ ☒ E-Mail: rcb@racinelaw.net
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 ☐ Facsimile: _____ ☒ E-Mail: tlt@idahowaters.com
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 ☐ Facsimile: _____ ☒ E-Mail: pla@idahowaters.com
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 ☐ Facsimile: _____ ☒ E-Mail: jks@idahowaters.com
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 ☐ Facsimile: _____ ☒ E-Mail: wkf@pmt.org
David Gehlert US Department Of Justice 999 18 th Street, South Terrace, Ste. 370 Denver, CO 80202	☒ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☐ Federal Express ☐ Facsimile: _____ ☒ E-Mail: david.gehlert@usdoj.gov

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 ☐ 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 ☐ Facsimile: _____ ☒ E-Mail: mhoward@usbr.gov
American Falls Reservoir Represented by: Craig D. Hobdey 125 5 th Ave. P.O. Box 176 Gooding, ID 83330	☒ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☐ Federal Express ☐ Facsimile: _____ ☐ E-Mail: hobdeycraig@gmail.com
American Falls Spaceholders New Sweden Irrigation Dist. Represented by: Jerry R. Rigby 25 N. 2 nd E. P.O. Box 250 Rexburg, ID 83440-0250	☒ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☐ Federal Express ☐ Facsimile: _____ ☐ E-Mail: jrigby@rex-law.com
Josephine P. Beeman Beeman & Associates, P.C. 409 W Jefferson St Boise, ID 83702	☒ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☐ Federal Express ☐ Facsimile: _____ ☒ E-Mail: jo.beeman@beemanlaw.com
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
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SRBA COURT'S EXPEDITED MAILING LIST ATTACHED	


Victoria Wigle

CERTIFICATE OF SERVICE

I certify that on this 23rd day of July, 2012, I caused to the foregoing AFFIDAVIT OF MICHAEL C. ORR to be filed with the Court and copies served on the following by U.S. Mail, Postage Prepaid:

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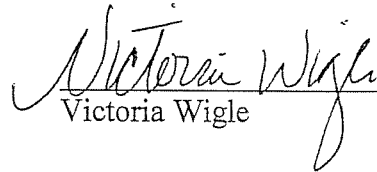
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Victoria Wigle

Affidavit of Michael C. Orr
Subcase No. 00-91017
July 23, 2012

EXHIBIT 1:

**Amended Notice of Claim
Subcase No. 01-2064
(Dec. 1, 2006)**

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: A01-02064
Date Received:
Receipt No:
Received By: _____

RECEIVED

DEC 01 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: 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 [Signature]

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

17. Notice of Appearance:

Notice is hereby given that I, [Signature] am 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 _____

Affidavit of Michael C. Orr
Subcase No. 00-91017
July 23, 2012

EXHIBIT 2:

**Amended Notice of Claim
Subcase No. 01-2068
(Dec. 1, 2006)**

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 [Signature]

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 10/17/2009

Katy Loomis

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, [Signature] 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 below.

Signature _____

Address _____

Date _____

Last Name _____ Ident. Number _____

Affidavit of Michael C. Orr
Subcase No. 00-91017
July 23, 2012

EXHIBIT 3:

**License and Certificate of Water Right,
Water License No. R-269/01-2064**

01-2064

4118 1118

State of Idaho

License and Certificate of Water Right

Water License No. R-259 /01-2064
 Water District No. _____

Amount 1,800,000 acre feet
 per annum
 Priority March 30, 1921

THIS IS TO CERTIFY that UNITED STATES OF AMERICA, Acting through B. E. STOUTMEYER, District Counsel 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. R-259 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 1,800,000 acre 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, a tributary of Columbia River, for the purpose of domestic and irrigation purposes, under Use Permit No. R-259 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 4118, 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 S.W. 1/4 Sec. 30, Tp. 7 S, R. 31 E, B. M. Power

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 1,800,000 cubic feet per second, acre feet per annum, of which amount 1,700,000 acre feet represents the rated cubical contents of the reservoir and 100,000 acre feet is the maximum annual bank storage.

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 Co., 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 Irrig. Co., Enterprise Canal Co., Enterprise Irrig. Dist., Harrison Canal & Irrig. Co., Hilldale Irrig. Dist., Idaho Irrig. Dist., Lenroot Canal Co., Milner Low Lift Irrig. Dist., Minidoka Irrig. Dist., New Sweden Irrig. Dist., Peoples Canal & Irrig. Co., Poplar Irrig. Dist., Progressive Irrig. Dist., Reid Canal Co., Rudy Irrig. Canal Co., Chas. D. Smith (Individual), Snake River Valley Irrig. Dist., Trago Ditch Co., Utah-Idaho Sugar Co., the lands in the upper Snake River Valley are supplied by means of exchange water. The names of the canals or ditches or other works by which said water is 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., Harrison, Idaho, Lenroot, Milner Low Lift, Minidoka, New Sweden, Peoples, Poplar Irrig. Dist., Progressive Irrig. Dist., Reid, Rudy, Smith, Snake River Valley, Trago, 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

L. V. BERG

Commissioner of Reclamation

MICROFILMED

01-2064

State of Idaho

License and Certificate of Water Right

Water License No. R-269Amount 1,800,000 acre feet

Water District No. _____

per annum March 30, 1921

THIS IS TO CERTIFY that UNITED STATES OF AMERICA, Acting through E. E. STOUTMYER, District of Counsel 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. R-269 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 1,800,000 acre feet, was issued thereunder on July 12, 1932, 19, showing that said works were completed on the 16th day of May, 1931; and that on the 22nd day of April, 1941,

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, a tributary of Columbia River, for the purpose of domestic and irrigation purposes, under Use Permit No. R-269 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 4118, on the 9th day of July, 1942;

The right hereby confirmed dates from March 30, 1921, 19;

The Point of Diversion is located in the SE $\frac{1}{4}$ of Sec. 30, Twp. 7 S, R. 31 E, B.M. Power

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 1,800,000 cubic feet per second acre feet per annum, of which amount 1,700,000 acre feet represents the rated cubical contents of the reservoir and 100,000 acre feet is the maximum annual bank storage.

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 Co., 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 Irrig. Co., Enterprise Canal Co., Enterprise Irrig. Dist., Harrison Canal & Irrig. 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., Poplar Irrig. Dist., Progressive Irrig. Dist., Reid Canal Co., Rudy Irrig. Canal Co., Chas. D. Smith (individual), Snake River Valley Irrig. Dist., Trege Ditch Co., Utah-Idaho Sugar Co., the lands in the upper Snake River Valley are supplied by means of exchange water. The names of the canals or ditches or other works by which said water is 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., Harrison, Idaho, Lenroot, Milner Low Lift, Minidoka, New Sweden, Peoples, Poplar Irrig. Dist., Progressive Irrig. Dist., Reid, Rudy, Smith, Snake River Valley, Trege, 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 30th day of July, 1942

E. V. BEGG.

Commissioner of Reclamation

(SEAL)

01-2064

#1118
STATE OF IDAHO
LICENSE AND CERTIFICATE OF WATER RIGHT

Water License No. R-269 Priority March 30, 1921 Amount 1,800,000 acre ft. per annum.

THIS IS TO CERTIFY that UNITED STATES OF AMERICA, acting through B. E. Stoutamyer, District Counsel, U. S. Reclamation Service of Portland, Oregon, made application for a permit to appropriate the public waters of the State of Idaho, dated March 30, 1921; that Permit No. R-269 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 1,800,000 acre feet per annum was issued thereunder on July 12, 1932, showing that said works were completed on the 16th day of May, 1931; and that on the 22nd day of April, 1941,

UNITED STATES OF AMERICA

of Portland, State of Oregon, made proof to the satisfaction of the Commissioner of Reclamation of Idaho, of a right to the use of the waters of Snake River, a tributary of Columbia River, stored in American Falls Reservoir, for the purpose of Domestic and irrigation purposes, under Use Permit No. R-269 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 4118, on the 9th day of July, 1942;

The right hereby confirmed dates from March 30, 1921;

The Point of Diversion is located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, 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 1,800,000 acre feet per annum, of which amount 1,700,000 acre feet represents the rated cubical contents of the reservoir and 100,000 acre feet is the maximum annual bank storage.

Description and location of use:

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 Co., 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 Irrig. Co., Enterprise Canal Co., Enterprise Irrig. Dist., Harrison Canal & Irrig. 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., Poplar Irrig. Dist., Progressive Irrig. Dist., Reid Canal Co., Rudy Irrig. Canal Co., Chas D. Smith (individual), Snake River Valley Irrig. Dist., Trego Ditch Co., Utah-Idaho Sugar Co., the lands in the upper Snake River Valley are supplied by means of exchange water. The names of the canals or ditches or other works by which said water is 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., Harrison, Idaho, Lenroot, Milner Low Lift, Minidoka, New Sweden, Peoples, Poplar Irrig. Dist., Progressive Irrig. Dist., Reid, 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, 1942.

E. V. BERG
Commissioner of Reclamation

(Seal)

MICROFILMED

STATE OF IDAHO

LICENSE AND CERTIFICATE OF

STATE OF IDAHO

LICENSE AND CERTIFICATE OF

WATER RIGHT

Water License No. R-269

To UNITED STATES OF AMERICA

Source of Supply - Snake River.

Power County

Amount 1,800,000 acre Feet

Point of Diversion SW $\frac{1}{4}$ Sec. 30,
Twp. 7 S. Rge. 31 E.B.M.

Place of Use - Lands Under American
Falls Reservoir

Purpose - Domestic and irrigation

Date of Priority - March 30, 1921

Recorded - July 9, 1942

in Book 7 of Licenses, Page 411B

Affidavit of Michael C. Orr
Subcase No. 00-91017
July 23, 2012

EXHIBIT 4:

**License and Certificate of Water Right,
Water License No. R-670/01-2068**

DUPLICATE OF ORIGINAL

State of Idaho
Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. R-670/01-2068 Priority July 28, 1939 Amount \$1,400,000 AF

THIS IS TO CERTIFY, that the U.S. BUREAU OF RECLAMATION
of Boise, Idaho, has complied with the terms and conditions of Permit
No. R-670/01-2068 issued pursuant to Application for Permit dated July 28, 1939
and has submitted proof to the Department of Water Administration on November 16, 1965
^{it}
that ~~he~~ has applied water to a beneficial use; an examination by the Department indicates that the
works have a capacity of 1,400,000 AF, and that a right to the use of water from _____
the Snake River _____ tributary of _____
the Columbia River _____
has been continued in the following amounts:

the Columbia River _____ the hereby continued in the following amounts:

Amount 1,200,000 after Power for from Jan. 1 to Dec. 31 (both dates inclusive)

Amount _____ for _____ from _____ to _____ (both dates inclusive)

Amount 1,200,000 after Power for from Jan. 1 to Dec. 31 (both dates inclusive)

Subject, however, to the condition that no more than *1,400,000 AF of water be ~~diverted~~ ^{stored} at any one time, said waters to be diverted within the

NE $\frac{1}{4}$ of Section 17, Twp. 1 South, Rge. 45 East, B. M.
in the county of Honneville and that the amount of water so ^{stored} ~~released~~ and to which such
right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can
actually be beneficially used and shall not exceed 1,200,000 acre feet per year ~~per~~
~~per year or less~~ *1,400,000 AF includes 1,200,000 AF of active
storage and 200,000 AF of inactive or dead
storage.
Description and location of place of use:

Description and location of place of use:

YMF.	RANGE	SEC.	SWA		NWVA				SWVA				SEVA				TOTALS	
			NEVA	SWVA	NEVA	NWVA	SWVA	SEVA	NEVA	NWVA	SWVA	SEVA	NEVA	NWVA	SWVA	SEVA		
			(Palmdale Reservoir)															
			1,038,098 acres within the service area of the															
			organizations listed in Exhibit A.															

Total number of acres irrigated _____

** The use of water under this license, when combined with water diverted under other water rights held by the organizations listed in Exhibit A, shall not exceed that required for the consumptive requirements of the crops irrigated plus necessary and reasonable conveyance losses.

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 19th day of

March 19 73

Director

018-2062

Affidavit of Michael C. Orr
Subcase No..00-91017
July 23, 2012

EXHIBIT 5:

**Standard Form 1 Objection
Subcase No. 01-2064
(United States Bur. of Reclamation)
(Apr. 19, 2007)**

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

A. Subcase

1-2064

(Insert water right number)

Case No. 39576

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting through the Department of Interior,
Bureau of Reclamation, 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 Decree (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)

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

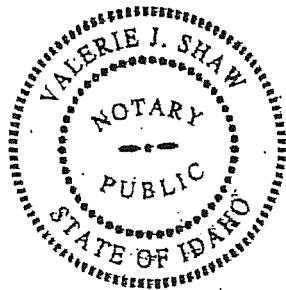
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Terrold D. Gregg
(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 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

Affidavit of Michael C. Orr
Subcase No. 00-91017
July 23, 2012

EXHIBIT 6:

**Standard Form 1 Objection
Subcase No. 01-2068
(United States Bur. of Reclamation)
(Apr. 19, 2007)**

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)

A. Subcase

1-2068

(Insert water right number)

Case No. 39576)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting through the Department of Interior,
Bureau of Reclamation, 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 Decree (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)

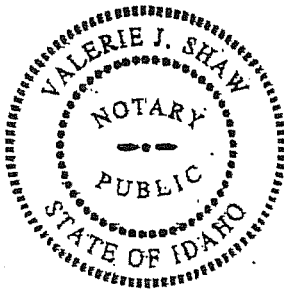
That I am the party/claimant filing this objection, as defined by LC. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

[Signature]
(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 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

Affidavit of Michael C. Orr
Subcase No. 00-91017
July 23, 2012

EXHIBIT 7:

**Standard Form 1 Objection
Subcase No. 01-2064
(Minidoka Irr. Dist.)
(Apr. 19, 2007)**

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

A. Subcase 1-2064

(insert water right number)

Case 39576

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.

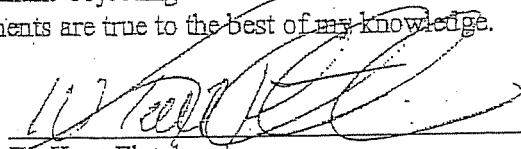
Water right should include the right to refill the reservoir in priority.

F. VERIFICATION (Must be Completed)

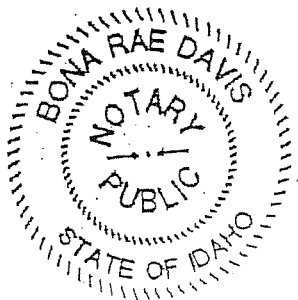
State of Idaho)
) ss:
County of Cassia)

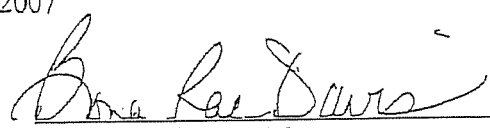
W. Kent Fletcher, duly sworn, upon oath, deposes and says:

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




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:

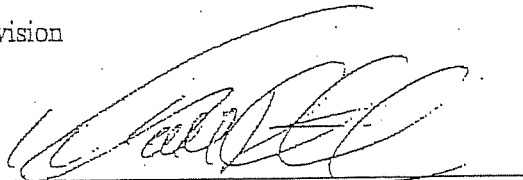
Name: United States Bureau of Reclamation
Address: 1150 N. Curtis RD. STE 100
Boise Idaho 83706-1234

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

Affidavit of Michael C. Orr
Subcase No. 00-91017
July 23, 2012

EXHIBIT 8:

**Standard Form 1 Objection
Subcase No. 01-2068
(Minidoka Irr. Dist.)
(Apr. 19, 2007)**

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.

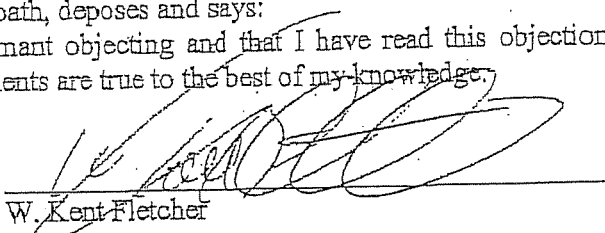
Water right should include the right to refill the reservoir in priority.

F. VERIFICATION (Must be Completed)

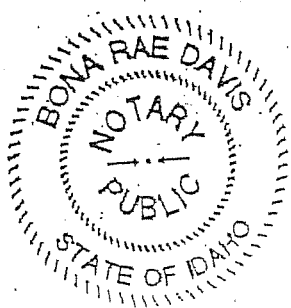
State of Idaho)
) ss.
County of Cassia)

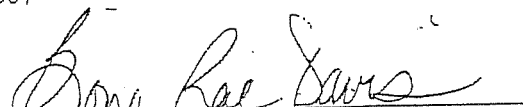
W. Kent Fletcher, duly sworn, upon oath, deposes and says:

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




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:

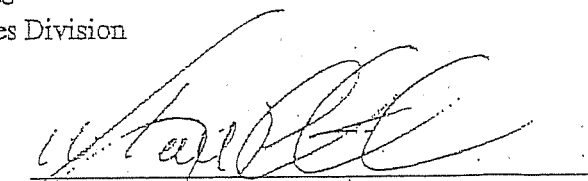
Name: United States Bureau of Reclamation
Address: 1150 N. Curtis RD. STE 100
Boise Idaho 83706-1234

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

Affidavit of Michael C. Orr
Subcase No. 00-91017
July 23, 2012

EXHIBIT 9:

**Statutory "Refill" Claims
(United States Bur. of Reclamation)
(1983)**



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

JUL 5 1983

IN REPLY
REFER TO
870.

JUL 5 1983

Department of Water Resources
Eastern District Office

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

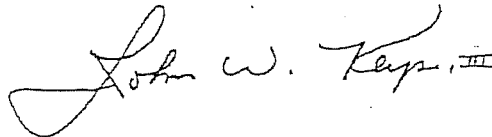
safe-guarding of the rights of those conserving public waters in Reservoirs and prohibiting Misappropriation of such waters by those having no Right to the use of same, and delaring a 'Misdemeanor', the amount of the natural flow to be determined as such natural flow would be, if unaffected by the diversion 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,



105-1162 Regional Director

Enclosures

cc: Project Superintendent, Burley, Idaho (w/enclosures)

RECEIVED
MAY 11 1978

American Falls Reservoir
Multiple or Refill DEF

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.

The United States Acting, through the Regional Director, Pacific Northwest Region, Bureau of Reclamation
Notice is hereby given that
Federal Building & U.S. Courthouse, Box 043, (Name of Claimant)
550 West Fort Street, Boise, Idaho 83724 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.)	(Both dates inclusive)	
			(Mo., Day)	(Mo., Day)
Quantity	<u>115,000 af</u>	<u>Irrigation</u>	<u>April 1</u>	To <u>October 31</u>
	Use _____	Period of Use From _____	To _____	
Quantity	<u>115,000 af</u>	<u>Power generation</u>	<u>January 1</u>	To <u>December 31</u>
	Use _____	Period of Use From _____	To _____	
Quantity	_____	_____	_____	To _____
	Use _____	Period of Use From _____	To _____	
Quantity	<u>115,000 af</u>	TOTAL QUANTITY USED.		

- (4) 115,000 at TOTAL QUANTITY USED.

- (5) A) Point of diversion: (Location of point where water is diverted from its source)

SW $\frac{1}{4}$ SE $\frac{1}{4}$, 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

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	NEX			NW%				SW%				SEX				TOTAL
			NEX	NW%	SW%	SEX	NEX	NW%	SW%	SEX	NEX	NW%	SW%	SEX	NEX	NW%	SW%	
			(American Falls Reservoir)															
			Approximately ,000,000 acres within service area of the organization listed in Exhibit B of license Water Right No. 269701-2064.															

No. of acres 7,000,000

B1 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

Microfilmed

The places of use and points of diversions are those of the various contracting entities for storage space in American Falls Reservoir as described in License No. R-269/01-2064.

7-588 FOR DEPARTMENT USE ONLY

Received by <u>See</u>	Date <u>6/19/83</u>	Exception filed by: _____	Forwarded to _____	Date _____
Prelim. check by <u>KCW</u>	Date <u>5/14/84</u>	claimant by: _____	_____	_____
\$30.00 fee received by <u>See</u>	Date <u>6-29-83 #30027</u>	_____	_____	_____
Published in <u>Power County Press</u>	_____	_____	_____	_____
Dates <u>3/15 - 3/22/84</u>	_____	_____	_____	_____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 535-7161

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

RECORDED

Palisades Reservoir
Multiple or
Refill

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.

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:

- 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)

Describe the source of water: (Name of stream, lake, spring, etc.)
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: Snake River tributary to Columbia River
Palisades Reservoir multiple or refill capability (Each date inclusive)

Quantity			Use	Period of Use From	To
[cfs, af]			(Domestic, Irrigation, Stock, Etc.)	[Mo., Day]	[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) Quantity 1,200,000 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-foot 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 ft³/s. Also, a 26-ft power tunnel termination in four 14-ft. diameter penstock*

- (5) 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.

[illegible]

No. of acres 1,038,098

8) 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 Dam 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 ft³/s. Power is distributed by means of power substation located near center of the toe of Palisades Dam.

- (7) 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

*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 ft³/s.

License of Water Right No. R-670701-2068.

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-670701-2068.

Received by SPC Date 6/29/83 Exception filed by: _____ Forwarded to _____ Date _____
 Prelim. check by KCS Date 3/14/84 claimant by: _____
 \$30.00 fee received by JA Date 6-29-83 # 30027
 Published in Post Register _____
 Dates 3/15 - 3/22/84 _____

..Jackson Lake Storage
Releases

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.

The United States of America acting through the Regional Director
 Notice is hereby given that 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, 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:

Quantity		(cfs, af)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity	<u>915,000 af</u>	Use	<u>Irrigation</u>	Period of Use From <u>April 1</u>	To <u>Oct 31</u>
Quantity	<u>1,415,000 af</u>	Use	<u>Power</u>	Period of Use From <u>Jan 1</u>	To <u>Dec 31</u>
Quantity	<u>5,000 af</u>	Use	<u>Domestic</u>	Period of Use From <u>Jan 1</u>	To <u>Dec 31</u>
Quantity	<u> </u>	Use	<u> </u>	Period of Use From <u> </u>	To <u> </u>
Quantity	<u> </u>	Use	<u> </u>	Period of Use From <u> </u>	To <u> </u>

- (4) 1,415,000 af TOTAL QUANTITY USED.
[cis, af]

- (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.

[illegible]

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:

- 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

The places of use and points of diversion are as identified within the boundaries as described in License No. R-570/01-2064 (Palisades Reservoir) and License No. 269/01-2064 (American Falls Reservoir) for those irrigation companies and/or districts shown on Exhibit attached.

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.

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 Life

7-5-8 FOR DEPARTMENT USE ONLY

Received by	<u>SEA</u>	Date	<u>6/29/83</u>	Exception filed by:		Forwarded to	Date
Prelim. check by	<u>KCL</u>	Date	<u>3/14/84</u>			claimant by:	
\$30.00 fee received by	<u>LA</u>	Date	<u>6-29-83 # 3007</u>				
Published in	<u>Post</u>						
Dates	<u>3/15 - 3/22/84</u>						

Island Park Reservoir
Multiple or Refill

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.

The filing of this claim does not confirm the water right claimed herein.

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. (280) 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:

- 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)

- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed: North Fork of the Snake River tributary to Snake River
Island Park Reservoir Multiple fill or refill capability. (Do not delete this word.)

Quantity		Use	Period of Use From	To
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 TOTAL QUANTITY USED.
(cfs, af)
- (5) A) Point of diversion: (Location of point where water is diverted from its source)
Lot 3 & 24, Sec. 28 Twp. 13 N. Rge. 43 E. S.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.

[illegible]

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:

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..

MICROFILMED

MICRO-LIVING

7-583 FOR DEPARTMENT USE ONLY

Received by: <u>SEL</u>	Date: <u>6/29/83</u>	Exception filed by: _____	Forwarded to claimant by: _____	Date: _____
Prelim. check by: <u>KCW</u>	Date: <u>3/14/84</u>	_____	_____	_____
\$30.00 fee received by: <u>SEL</u>	Date: <u>6-29-83</u>	<u>30027</u>	_____	_____
Published in: <u>Ashton Herald</u>	_____	_____	_____	_____
Dates: <u>3/15 - 3/22/84</u>	_____	_____	_____	_____

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

JUL 5 1953

CLAIM TO A WATER RIGHT

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.

The United States of America cating through the Regional Director

Notice is hereby given that Pacific Northwest Region, Bureau of Reclamation
Federal Building and 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) 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 5 Period of Use From Mar. 15 To Nov. 15

Quantity 303,600 LF Use Storage for Trk. Period of Use From 1/1 To 12/31

Quantity _____ Use _____ Period of Use From _____ To _____

Quantity _____ Use _____ Period of Use From _____ To _____

Quantity	Use
(4) <u>303,600 af</u>	TOTAL QUANTITY USED.
Ints. af	

(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.

[illegible]

No. of acres _____

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

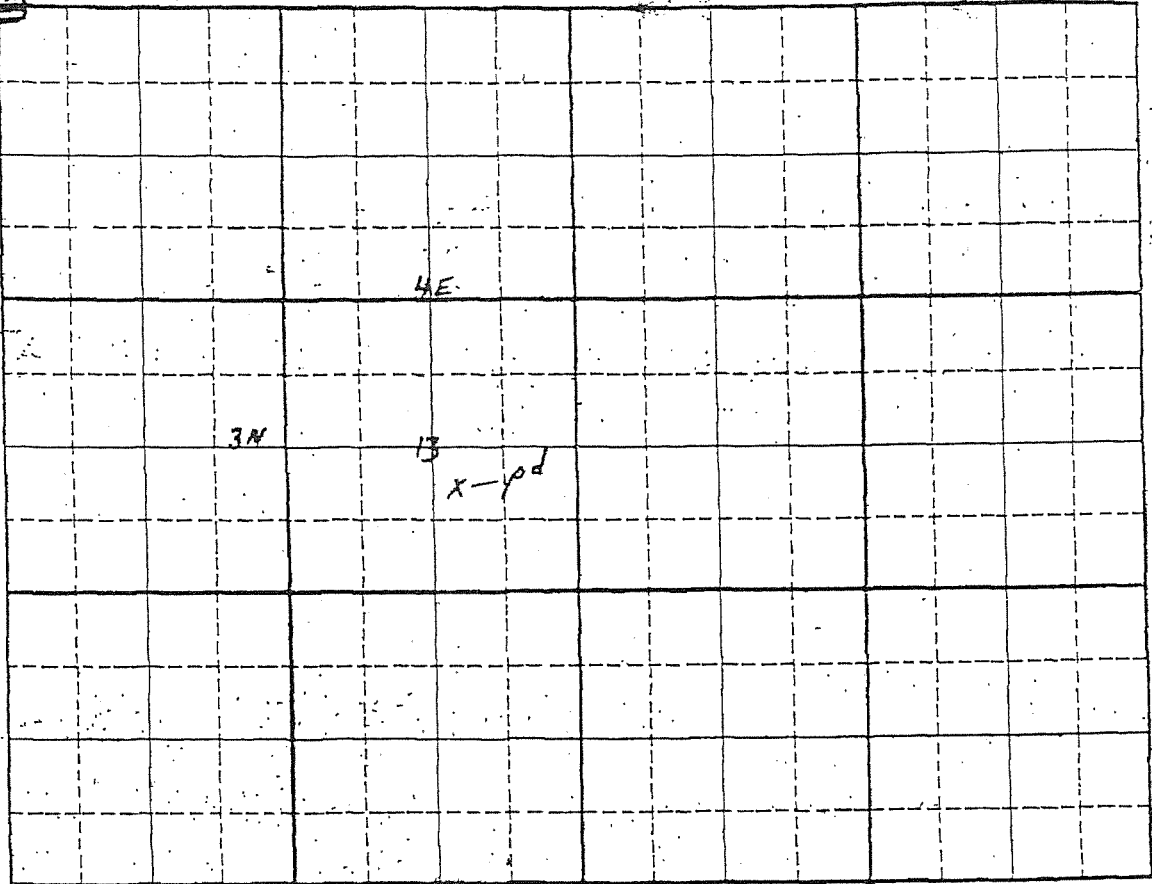
NOTE: Include here the type and number of stock watered:

(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)
County of Adams) ss.

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

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

[Signature]
Notary Public
Residing at Boise

My commission expires 6.5.84

7-5-83 FOR DEPARTMENT USE ONLY
Received by SL Date 6/30/83 Exception filed by: _____ Date _____
Prelim. check by JG Date 12/20/83
\$30.00 fee received by SL Date 6/30/83 30059
Published in the Idaho Statesman
Dates 12/25 & 2/1/84

Wednesday, Feb 1

LEGAL NOTICES

STATE OF IDAHO,
County of Boise

Carroll J. Tamm, 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 ... 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, 1984 and end.

ing with the issue of ...

1984

Subscribed and sworn to before

me this 3 day of Feb. 1984

NOTICE OF CLAIMS TO WATER RIGHTS

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

63-5250

ELUM, 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 STRAW trib.
to MORES CREEK
Priority Date: 04/01/1971
Diversion Pt: LOT 04 LOT 05 Sec 04 T 05N R 04E
R USE (0.02 CFS)
Use: IRRIGATION (0.02 CFS)
DOMESTIC (0.02 CFS)
In: LOT 05 (NWNW) Sec 04 T 05N R 04E
1 ACRES 63-5262 ✓

U.S. DEPT. OF INTERIOR
BUREAU OF RECLAMATION, ILLINOIS
BLDG., BOX 043-550 W. FORT ST., BOISE,
ID 83724
Source: BOISE RIVER trib. to SNAIL RIVER
Priority Date: 01/13/1911
Diversion Pt: NWSE Sec 13 T 03N R 04E
Use: IRRIGATION STORAGE (3036000 cfs)
IRRIGATION FROM STORAGE (3036000 cfs)
P/O: Within the lands of Arrow Rock Res.

Exceptions to a claim may be filed with me
Director, Dept. of Water Resources, Western
Region, Statehouse, Boise, Idaho 83726.
KEN DUNN, Dir.
Published in the Idaho World in local Lays.
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

Enclosure

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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.

MICROFILMED

Affidavit of Michael C. Orr
Subcase No. 00-91017
July 23, 2012

EXHIBIT 10:

**Surface Water Coalition's Statement of Issues/
Proposed Trial Schedules
Subcase Nos. 01-2064, 01-2068, et al.
(Jan. 19, 2012)**

149

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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

Roger D. Ling, ISB #1018
P.O. Box 623
Rupert, Idaho 83350
Telephone: (208) 434-2717
Facsimile: (208) 436-6804

*Attorneys for American Falls Reservoir
District #2.*

*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

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

*Attorneys for A & B Irrigation District, Burley
Irrigation District, Milner Irrigation District,
North Side Canal Company, and Twin Falls
Canal Company*

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.: Attachment A
)
) SURFACE WATER COALITION'S
) 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):

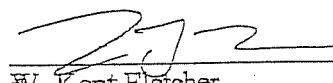
Discovery Completed Date:	June 29, 2012
Dispositive Motion Deadline:	July 27, 2012
Dispositive Motion Hearing:	September 20, 2012
Trial:	November 12-16, 2012

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.

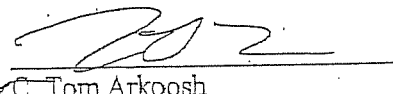
FLETCHER LAW OFFICE



W. Kent Fletcher

Attorneys for Minidoka Irrigation District

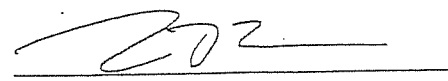
CAPITOL LAW GROUP PLLC



C. Tom Arkoosh

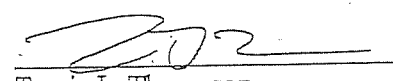
*Attorneys for American Falls Reservoir
District #2*

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

U.S. Bureau of Reclamation
Regional Director, PN Region
1150 N. Curtis Rd., Ste. 100
Boise, ID 83706-1234

Jerry R. Rigby
P.O. Box 250
Rexburg, ID 83440-0250

Adam T. Devoe
410 17th St., 22nd Floor
Denver, CO 80202

Randall C. Budge
Candice M. McHugh
P.O. Box 1391
Pocatello, ID 83201

U.S. Department of Justice
Division of Env. & Natural Resources
550 W. Fort Street, MSC 033
Boise, ID 83706-1234

Idaho Attorney General's Office
Natural Resources Division
P.O. Box 44449
Boise, ID 83711-4449

Robert L. Harris
P.O. Box 50130
Idaho Falls, ID 83405

Josephine P. Beeman
409 W. Jefferson St.
Boise, ID 83702

James C. Tucker
Idaho Power Company
P.O. Box 70
Boise, Idaho 83707

A. Dean Tranmer
P.O. Box 4169
Pocatello, Idaho 83201


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