

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

August 22, 2012

Clerk of the District Court
Snake River Basin Adjudication
P.O. Box 2720
Twin Falls, ID 83303-2707

RE: Supplemental Director's Report Regarding Subcases 21-2156, 21-4155 and 21-10560

Dear Clerk:

Attached is the Supplemental Director's Report Regarding Subcases 21-2156, 21-4155 and 21-10560 (Report), which is due today. Although Tony Olenichak, Water Resource Program Manager, is the assigned agent for these subcases, he is ill today and unavailable to sign the Report. Carter Fritschle, Manager, Adjudication Section, has signed the Report for Mr. Olenichak.

Should you have any questions, please feel free to contact me at 208-287-4816. Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Vicki Kelly".

Vicki Kelly,
Paralegal

cc via email: David Gehlert
Jerry Rigby
Kent Fletcher
Tom Arkoosh
Craig Hobdey
Michael Orr
Travis Thompson

**SUPPLEMENTAL DIRECTOR'S REPORT
REGARDING SUBCASE NOS. 21-2156, 21-4155, and 21-10560**

In Re SRBA
Twin Falls County Civil Case No. 39576

Report to the SRBA District Court

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

August 22, 2012

I. INTRODUCTION

In accordance with Idaho Code § 42-1412(4), Administrative Order 1, and Special Master Bilyeu's August 1, 2012 *Order Setting Deadlines*, the Director of the Idaho Department of Water Resources ("Department") submits this Amended Supplemental Director's Report ("Report") regarding subcase nos. 21-2156, 21-4155, and 21-10560 held by the United States Bureau of Reclamation ("BOR"). The Report was prepared under the supervision of Gary Spackman, Director, and Carter Fritschle, Manager, Adjudication Section. Tony Olenichak, Water Resources Program Manager, Eastern Regional Office, in Idaho Falls, has knowledge of the information contained within the Report.

II. SUMMARY OF THE ISSUES

At issue are the Department's recommendations for Island Park and Grassy Lake reservoirs; in particular, the Place of Use, Priority, and Quantity elements for Island Park, and the Place of Use element for Grassy Lake.

III. FACTUAL AND PROCEDURAL BACKGROUND

Island Park Reservoir

According to BOR, Island Park dam was built between 1937 and 1939 as part of the Minidoka Project.¹ The dam is located 38 miles north of Ashton, Idaho on the Henry's Fork in Fremont County.² Water impounded behind the dam forms Island Park reservoir. As will be

¹ See http://www.usbr.gov/projects/Facility.jsp?fac_Name=Island+Park+Dam&groupName=General (last visited August 20, 2012).

² See http://www.usbr.gov/projects/Project.jsp?proj_Name=Minidoka+Project (last visited August 20, 2012).

discussed below, Island Park reservoir stores water pursuant to two licensed water rights: 21-2156 and 21-10560³.

A. Application, Permit, and License for 21-2156

On March 14, 1935, BOR filed an application for permit with the Department.⁴ The application sought to store 114,000 acre-feet for irrigation and domestic purposes in Island Park reservoir.⁵ The Department approved the application for permit on May 7, 1935.⁶ On November 24, 1951, the Department issued a license consistent with the application and permit, authorizing storage of 114,000 acre-feet for domestic and irrigation purposes under a March 14, 1935 priority.⁷

B. Application, Permit, and License for 21-10560

On June 12, 1940, BOR filed an application for permit with the Department.⁸ The application sought to store 21,000 acre-feet for irrigation and domestic purposes in Island Park reservoir.⁹ The Department approved the application for permit on September 28, 1940.¹⁰ On November 24, 1951, the Department issued a license consistent with the application and permit, authorizing storage of 21,000 acre-feet for domestic and irrigation purposes under a June 12, 1940 priority.¹¹

³ The license for 21-10560 was numbered 21-2157. 21-2157 was not claimed by BOR in the SRBA; instead, BOR claimed the right under 21-10560. To avoid confusions, and for purposes of this Report, the Department will refer only to 21-10560.

⁴ Attached hereto as Attachment 1 is a copy of the application.

⁵ *Id.*

⁶ *Id.*

⁷ Attached hereto as Attachment 2 is a copy of the license.

⁸ Attached hereto as Attachment 3 is a copy of the application.

⁹ *Id.*

¹⁰ *Id.*

¹¹ Attached hereto as Attachment 4 is a copy of the license.

C. BOR's SRBA Claims for Island Park Reservoir¹²

In the SRBA, BOR claimed the following pertinent elements for 21-2156¹³ and 21-10560¹⁴:

	21-2156	21-10560
Priority	March 14, 1935	March 29, 1921
Quantity	90,000 acre-feet	45,000 acre-feet
Basis	License	License

D. Department's January 12, 2006 Recommendations for 21-2156 and 21-10560

In its Basin 21 Director's Report, and consistent with the prior licenses, the Department recommended the following pertinent elements for 21-2156¹⁵ and 21-10560¹⁶:

	21-2156	21-10560
Priority	March 14, 1935	June 12, 1940
Quantity	114,000 acre-feet	21,000 acre-feet
Basis	License	License

E. Objections and Responses to the Department's January 12, 2006 Recommendations

Objections to the January 12, 2006 recommendations were filed by BOR and the Fremont-Madison Irrigation District ("FMID").

1. 21-2156

BOR objected to the following elements: Name & Address;¹⁷ Place of Use; and Quantity.

Regarding Quantity, BOR stated the elevation of the reservoir should be changed from 6,202 feet

¹² In the SRBA, BOR also filed Island Park reservoir claims for 135,000 acre-feet of "refill" (21-4156) and 40,000 acre-feet of "bank storage" (21-4157). Both claims were recommended disallowed by the Department in its 2006 Basin 21 Director's Report. No objections were filed to the recommendations. The recommendations were partially decreed disallowed by the Court on February 2, 2007.

¹³ Attached hereto as Attachment 5 is the SRBA claim for 21-2156.

¹⁴ Attached hereto as Attachment 6 is the SRBA claim for 21-10560.

¹⁵ Attached hereto as Attachment 7 is the Department's January 12, 2006 recommendation for 21-2156.

¹⁶ Attached hereto as Attachment 8 is the Department's January 12, 2006 recommendation for 21-10560.

to 6,303.¹⁸ Regarding Place of Use, BOR stated the place of use for irrigation from storage should not include federal public lands unless specifically authorized.¹⁹ BOR also objected to the omission of an “upstream storage” remark. While not identical to the language proposed by BOR in its objection, a similar “upstream storage” remark was recommended by the Department for other BOR Minidoka Project reservoirs (Lake Walcott, 1-219; American Falls, 1-2064; and Palisades, 1-2068). The “upstream storage” remark will be addressed in Section F.2, below.

FMID objected to the following elements: Name & Address;²⁰ Source (objection appears related to “rec/rec” issues and will not be discussed further); Place of Use (objection appears related to “rec/rec” issues and will not be discussed further); Priority Date; and Quantity. Regarding Quantity, FMID stated the total reservoir capacity is 135,000 acre-feet when filled to elevation 6,303 feet and measured at the upstream face of the dam. Regarding Priority Date, FMID stated 45,000 acre-feet should bear a March 29, 1921 priority, and that 69,000 acre-feet should have a March 14, 1935 priority.

Responses were filed by A&B Irrigation District, American Falls Reservoir District #2, Burley Irrigation District, Milner Irrigation District, Minidoka Irrigation District, North Side Canal Company, Twin Falls Canal Company (collectively referred to herein as the “Surface Water Coalition” or “SWC”), and the State of Idaho (“State”).

¹⁷ BOR’s Name & Address objection addressed the Department’s January 12, 2006 remark concerning legal and equitable title. Because the Department’s January 12, 2006 recommendation and BOR’s subsequent objection predated the Idaho Supreme Court’s decision in *U.S. v. Pioneer Irr. Dist.*, 144 Idaho 106, 157 P.3d 600 (2007), BOR’s objection can likely be resolved by inclusion of the Supreme Court’s *Pioneer* language. 144 Idaho at 115, 157 P.3d at 609. As will be discussed in Section F.3, below, the Department’s current recommendation includes the Supreme Court’s *Pioneer* ownership language.

¹⁸ The Department agrees with BOR that the elevation of the reservoir should be 6,303 feet.

¹⁹ The Department agrees with BOR that the place of use should not include federal public lands unless authorized.

²⁰ FMID sought to include its name in the Name & Address element of the recommendation. It is likely that the Idaho Supreme Court’s decision in *Pioneer* has resolved this objection.

2. 21-10560

BOR filed objections to 21-10560 that were similar to objections filed in 21-2156. BOR also objected to the Priority Date and Quantity elements for 21-10560. Regarding Priority Date, BOR stated it should be March 29, 1921. Regarding Quantity, BOR stated it should be 45,000 acre-feet.

FMID filed objections that were similar to objections filed in 21-2156. FMID also objected to the Priority Date element, stating it should be March 14, 1935.

Responses were filed by the SWC and the State.

F. Department's August 1, 2012 Recommendations for 21-2156 and 21-10560

On August 1, 2012, Special Master Bilyeu held a status conference in these subcases. Prior to the status conference, the Department emailed updated Island Park recommendations to the parties and the Court. At the status conference, counsel for the Department informed the parties and the Court that, if these subcases were to proceed to trial, the Department would recommend 21-2156 and 21-10560 as described in the August 1, 2012 recommendations. The remainder of this Report will discuss the bases for the Department's August 1, 2012 recommendations.

The Department's January 12, 2006 recommendations were based on licenses issued to BOR for Island Park reservoir. BOR and FMID objected to the Department's recommendations, asserting that 45,000 acre-feet of storage should be recommended with a priority of March 29, 1921. According to BOR, Island Park dam was not built until the late 1930s.²¹

As the Department understands the facts, a 1955 contract serves as the basis for BOR and FMID's objections that 45,000 acre-feet of water should be stored in Island Park reservoir under

²¹ See http://www.usbr.gov/projects/Facility.jsp?fac_Name=Island+Park+Dam &group Name=General (last visited August 20, 2012).

a March 29, 1921 priority date. The 1955 contract was entered into between BOR and FMID because of FMID's "desire to participate in the program for the saving of water heretofore unavailable for storage by reason of power production and other purposes during the storage season" ²² The 1955 contract explains that BOR holds two natural flow water rights that authorize year-round diversion of 2,700 cfs for power purposes. ²³ These natural flow water rights, numbered 1-217 (2,500 cfs; June 15, 1909) and 1-218 (200 cfs; July 1, 1912), were partially decreed by the Court on May 1, 2012. The 1955 contract states:

[I]t will be the objective of the United States in the operation of both its American Falls and Minidoka powerplants to curtail the release of additional water from American Falls Reservoir for power production at those powerplants during the storage season of any year whenever operation of those powerplants to the full extent of their respective water rights for power production would result in loss of irrigation water otherwise storable in the reservoir system. ²⁴

The 1955 contract then goes on to explain how water curtailed under water right nos. 1-217 and 1-218 will be stored:

Curtailment of releases as provided in (a) of this article will result in there being, in some years, additional water available for storage for irrigation purposes in American Falls, Island Park, and Palisades reservoirs. In any storage season when these reservoirs fail to fill, the saved water attributable to such curtailment shall be credited, first, to Island Park Reservoir to the extent of 45,000 acre-feet without regard to the priority of the storage permits held for that reservoir ²⁵

The licensed priority date for American Falls reservoir is March 30, 1921; the licensed priority date for Palisades reservoir is July 28, 1939. Therefore, in order for Island Park to store water ahead of American Falls and Palisades, its priority would need to be March 29, 1921.

²² Attached hereto as Attachment 9 is the 1955 contract. The quotation can be found on page 2 of the 1955 contract.

²³ *Attachment 9* at 4.

²⁴ *Id.* The cited language also appears in the partial decrees for 1-217 and 1-218.

²⁵ *Attachment 9* at 5.

1. Priority, Quantity, and Basis

The August 1, 2012 recommendations, which are attached hereto as Attachments 10 (21-2156) and 11 (21-10560), are based on the previously issued licenses, and are within the parameters of BOR's claims. The current recommendations are summarized as follows (underline/strikethrough show changes from the January 12, 2006 recommendations):

	21-2156	21-10560
Priority	March 14, 1935	June 12, 1940 <u>(The storage of water under this right shall be administered with a priority date of 03/29/1921, and shall not exceed 45,000 acre-feet per year; provided the volume of water that may be stored under this right is equal to the reduction in the volume of water diverted under right nos. 1-217 and 1-218.)</u>
Quantity	~~114,000~~ <u>90,000</u> acre-feet	~~21,000~~ <u>45,000</u> acre-feet
Basis	License	License

It is undisputed that Island Park dam was not built until the late 1930s and that 21-10560 bears a licensed priority date of June 12, 1940. However, because of the priority dates for 1-217 (June 15, 1909) and 1-218 (July 1, 1912), the Department can recognize BOR's ability to store 45,000 acre-feet of water in Island Park under a March 29, 1921 priority, but only if BOR reduces diversions under 1-217 and 1-218. The remark ensures that if BOR does not reduce diversions under 1-217 and 1-218, it cannot realize the benefit of a priority date that precedes the license.

The 1955 contract informs the Department as to the basis for BOR and FMID's objections; the 1955 contract is not necessary, however, for the Department to recommend or

administer BOR's Island Park storage rights. As long as BOR reduces diversions under its more senior natural flow rights, 1-217 and 1-218, the Department can recognize 45,000 acre-feet of storage in Island Park under a March 29, 1921 priority.

Regarding the Quantity elements for 21-2156 and 21-10560, it was necessary to adjust the licensed volumes in order to ensure Island Park's 135,000 acre-feet capacity is not exceeded. As explained in the "Explanatory Material" section of the recommendation for 21-10560, the 24,000 acre-feet of additional volume to the junior license comes from a commensurate reduction in volume to 21-2156, the senior license.

If the Department were to simply recommend a March 29, 1921 priority date with additional volume, it would advance the priority date ahead of existing water rights and result in enlargement of the right.²⁶

2. Place of Use/"Upstream Storage" Remark

Regarding the Place of Use elements for 21-2156 and 21-10560, the January 12, 2006 recommendations did not include an "upstream storage" remark. BOR objected to the omission of an "upstream storage" remark. The "upstream storage" remark proposed by BOR in its objection reads as follows:

Place of use for irrigation storage is Island Park Reservoir; provided, however, 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 Water Master, Committee of Nine, and the Bureau of Reclamation that such temporary storage will promote the conservation of storage water upstream of Milner Dam.

In its August 1, 2012 recommendations, the Department recommends the following "upstream storage" remark:

²⁶ See *Identification of Issues, Exhibit B* at 6 (filed August 15, 2012 in subcase no. 1-2064 *et al.*) and *Unified Stipulation, Exhibit B* at 10 (filed August 20, 2012 in subcase no. 1-2064 *et al.*).

Place of use for irrigation storage is Island Park 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, located at township 10S, range 21E, sections 28 and 29, when determined by the Department of Water Resources, the Water District advisory committee, and the United States Bureau of Reclamation that such temporary storage will maximize the storage of water upstream of Milner Dam.

The above “upstream storage” remark is consistent with the “upstream storage” remark recommended by the Department for Lake Walcott (1-219), American Falls (1-2064), and Palisades (1-2068).²⁷

On August 15, 2012, a document entitled *Identification of Issues* was filed in subcases addressing BOR reservoirs, including 21-2054, 21-10560, and 21-4155. The certificate of service was signed by Travis L. Thompson, but the document does not state on whose behalf it was filed. On August 20, 2012, a document entitled *Unified Stipulation* was filed in the same subcases. The *Unified Stipulation* was signed by counsel for FMID and the SWC. Both documents state the “upstream storage” remark should read as follows:

Place of use for irrigation storage is Island Park 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, located at township 10S, range 21E, sections 28 and 29, when determined by the ~~Department of Water Resources~~ Water District 01 Watermaster, the Water District advisory committee, and the United States Bureau of Reclamation that such temporary storage will maximize the storage of water upstream of Milner Dam.

Identification of Issues at 2; *Unified Stipulation* at 2.

The Director disagrees with the proposed change to the “upstream storage” remark. The Department of Water Resources was created by the state of Idaho as an executive agency. Idaho Const., Art. IV § 20; Idaho Code § 42-1701(1). The Department is headed by the Director, Idaho

²⁷ In briefing before Special Master Dolan on summary judgment in 1-2064 *et al.*, BOR may have agreed with the Department’s “upstream storage” remark. See *United States’ Response to SWC’s Motion for Partial Summary Judgment* at 7 (“the Court should adopt the Director’s proposed Temporary Upstream Storage remark . . .”).

Code § 42-1701(2), who is responsible for “direction and control” of the State’s water resources, Idaho Code § 42-602. Within water districts, watermasters are responsible for distribution of water, as “supervised by the director.” Idaho Code § 42-602. Island Park is located within Water District 01. Because the Director supervises the Watermaster for Water District 01, the Director is the head of the Department, and the Department is the executive agency, it is appropriate to refer to the Department in the “upstream storage” remark.

3. August 1, 2012, Other Provisions Necessary

The recommendations and subsequent objections predated the Idaho Supreme Court’s decision in *U.S. v. Pioneer Irr. Dist.*, 144 Idaho 106, 157 P.3d 600 (2007). The August 1, 2012 recommendations include updated ownership language from the Court’s decision in *Pioneer*. 144 Idaho at 115, 157 P.3d at 609.

The August 1, 2012 recommendations also include a reference to the contracts entered into between BOR and its spaceholders (“This decree does not alter, amend, or modify the contacts entered into between various federal contractors and the United States Bureau of Reclamation . . .”). This language was included in the partial decrees for the natural flow water rights, including 1-217 and 1-218, which fill BOR’s reservoirs, and should be included here for purposes of consistency.

Grassy Lake Reservoir

According to BOR, Grassy Lake dam was built between 1937 and 1939 as part of the Minidoka Project.²⁸ The dam is located on Grassy Creek in Wyoming near the southern

²⁸ See http://www.usbr.gov/projects/Facility.jsp?fac_Name=Grassy+Lake+Dam&groupName=General (last visited August 20, 2012).

boundary of Yellowstone National Park.²⁹ According to BOR, water stored in Grassy Lake “supplements the storage at Island Park.”³⁰

Initially filed as a statutory claim with the Department, BOR later filed a claim for Grassy Lake in the SRBA. The Department issued a recommendation for Grassy Lake on January 12, 2006.³¹

BOR and FMID subsequently filed objections to the Department’s recommendation. As both entities did with Island Park, BOR and FMID objected to the Name & Address element. As the Department understands it, FMID’s other objections concern “rec-rec” issues and will not be addressed further.

On August 1, 2012, Special Master Bilyeu held a status conference in the Island Park and Grassy Lake subcases. Prior to the status conference, the Department emailed an updated Grassy Lake recommendation to the parties and the Court. At the status conference, the Department informed the parties and the Court that, if this subcase was to proceed to trial, the Department would recommend 21-4155 as described in the August 1, 2012 recommendation.

Subsequent to the August 1, 2012 status conference and after discussion with counsel for FMID and consistent with the recommendations for 21-2156 and 21-10560, the Department realized the need to revise the Place of Use element to recognize that irrigation from storage occurs within the digital boundary of FMID. Attached hereto as Attachment 12 is the Department’s current recommendation for 21-4155, reflecting the change.

Other than the exact wording of the “upstream storage” remark, it does not appear that any other elements or descriptions in Attachment 13 are at issue.

²⁹ See http://www.usbr.gov/projects/Facility.jsp?fac_Name=Grassy+Lake+Dam&groupName=Overview (last visited August 20, 2012).

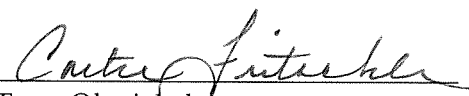
³⁰ *Id.*

³¹ Attached hereto as Attachment 12 is the Department’s January 12, 2006 recommendation for 21-4155.

IV. CONCLUSION

The Department's recommendations are based on its understanding of the facts presented and reasonable conclusions drawn therefrom. The Department respectfully requests that the water right descriptions discussed herein be recommended by the Court.

Submitted this 22 day of August, 2012.

for 
Tony Olenichak
Water Resources Program Manager

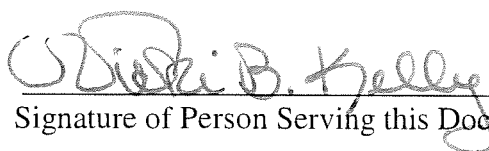
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I served a true and correct copy of the following described document on the persons listed below by United States mail with the correct postage affixed thereto on this 22nd day of August, 2012.

Document Served: SUPPLEMENTAL DIRECTOR'S REPORT REGARDING
WATER RIGHT NUMBERS 21-2156, 21-4155, and 21-10560

Persons Served:

David W. Gehlert U.S. Dept. of Justice 999 18 th St., S. Terrace, Ste. 370 Denver, CO 80202	Jerry R. Rigby Rigby Andrus Rigby P.O. Box 250 Rexburg, ID 83440-0250
Kent Fletcher Fletcher Law Office P.O. Box 248 Burley, ID 83318	Tom Arkoosh Capitol Law Group, PLLC P.O. Box 2598 Boise, ID 83701-2598
Craig Hobdey Hobdey Law Office, PLLC P.O. Box 176 Gooding, ID 83330	Michael C. Orr Office of the Attorney General P.O. Box 44449 Boise, ID 83711-4449
IDWR Document Repository 322 E. Front Street P.O. Box 83720-0098 Boise, ID 83720 <i>Hand-Delivered (VBR)</i>	Travis L. Thompson Barker Rosholt & Simpson LLP 195 River Vista Place, Ste. 204 Twin Falls, ID 83301-3029


Signature of Person Serving this Document

ATTACHMENT INDEX

1. March 14, 1935 Application for Permit re: 21-2156
2. November 24, 1951 License re: 21-2156
3. June 12, 1940 Application for Permit re: 21-10560 (21-2157)
4. November 24, 1951 License re: 21-10560 (21-2157)
5. SRBA Claim re: 21-2156
6. SRBA Claim re: 21-10560
7. January 12, 2006 SRBA Recommendation re: 21-2156
8. January 12, 2006 SRBA Recommendation re: 21-10560
9. 1955 Contract between BOR and FMID
10. August 1, 2012 SRBA Recommendation re: 21-2156
11. August 1, 2012 SRBA Recommendation re: 21-10560
12. January 12, 2006 SRBA Recommendation re: 21-4155
13. August 20, 2012 SRBA Recommendation re: 21-4155

Attachment 1

APPLICATION FOR PERMIT

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

21-2156

Application No. R 25304
Permit No. R 590

1. Name of Applicant: **UNITED STATES OF AMERICA, Acting through E. E. Stoutemyer, District Counsel,**
Postoffice address: **Bureau of Reclamation, Bureau of Reclamation, 603 Post Office Bldg., Portland, Oregon**
State

I. If applicant is a corporation, give:

- (a) Date and place of incorporation: (b) Amount of Capital Stock: \$
(c) Amount paid in: \$ (d) Names and addresses of directors:

II. The financial resources of the corporation are: Receipts from sale of public land, repayments into the Reclamation Fund under Reclamation Act and funds allocated under the provisions of the National Industrial ~~Recovery Act~~ Recovery Act (Act as of June 16, ~~1933-48 Stat. 195~~)

(c) Bonds to be issued: \$ (d) Other resources:

2. Quantity of water to be stored: **One Hundred fourteen thousand (114,000)** acre feet per annum.
3. Source of water supply is **North Fork (Henry's/ Fork) of Snake River**, a tributary of **Snake** River.
4. The outlet of the proposed reservoir is located **N. 12° 30' E. 1300** feet, distant from the **SW** corner of Section **28**, Township **13 N.**, Range **43 E.**, B. M. and is in the **Lot 3** ¼ of Section **28**, Township **13 N.**, Range **43 E.**, B. M. County of **Fremont**.
5. Fill out either (a) or (b).
(a) The reservoir is located in the channel of **North Fork (Henry's) Fork of Snake River**.
(b) The reservoir is to be filled through a feeder canal, the point of diversion for which is located (bearing) feet distant from the corner of Section , Township , Range , B. M., and is in the ¼ of ¼ of Section , Township , Range , B. M.; width at bottom feet, width at top feet, depth of water feet; average grade per mile feet; Capacity cubic feet per second.
6. (a) The area of the high water line of the reservoir is **6,800** acres.
(b) The reservoir capacity is **114,000** acre feet.
7. Height of reservoir dam **83** feet, length at top **9,525** feet, length at bottom **200** feet, size of outlet **13** feet in diameter; tunnel **80 ft. long** feet. The dam is to be constructed of materials as follows: **Concrete, rock, and earth, with an earth fill dike in Sections 22, 27 and 28, Township 13 North of Range 43 East, Boise Meridian.**

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

8. (a) Will water stored in reservoir be diverted to canal or aqueduct, thence to land to be irrigated without commingling with natural flow of **North Fork of Snake** (River) ? **No.**
(b) Water stored in reservoir will be carried in the channel of **North Fork of Snake** (River), a distance of miles to point of diversion located (See Remarks) feet, distant from the corner of Section (bearing) , Township , Range , B. M., and in the ¼ of ¼ of Section , Township , Range B. M.
9. Amount of water claimed from (Creek) (River) (Spring) in addition to that stored in reservoir cubic feet per second.
10. Water is to be used for **Irrigation and domestic** purposes.
11. If for mining, milling, power or manufacturing purposes give:
(a) Point of use of water (bearing) feet, distant from Corner of Section , Township , Range B. M. and is in the ¼ of ¼ of Section , Township , Range , B. M.
(b) Amount of power generated: **H. P.**, under feet head.
(c) Water is to be returned to (Creek) (River) (Spring) at a point (bearing) feet distant from the corner of Section , Township , Range , B. M., in the ¼ of ¼ of Section , Township , Range B. M.
12. Water stored in accordance with this Permit will be carried to place of use through a canal heretofore constructed under the terms of Permit No. , which is hereby referred to and made a part hereof.

13. Kind of diversion works: **Already constructed and to be constructed.** (See Remarks)
 (a) Attached hereto is a list of canals for which such storage is intended and the place of their respective diversions.
 14. Height of diversion dam: (Dam, canal, flume, pipe, etc.)
feet, length at top feet, length at bottom feet. The dam is to be constructed
 of materials as follows:

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

15. Size of headgate: Width feet, Height feet.
New
 16. Diversion Canal: Width at bottom **24** feet, width at water line **42** feet, depth of water **6** feet, Dimensions of Flume
 Diameter of Pipe inches; Length of Conduit **6.6** miles. Average grade per mile **1.58** feet.
 17. Estimated cost of Works: Storage Works: \$ **1,300,000.00** Diversion Works: \$ **115,000.00**
 18. Time required for completion of work **5** years.
 19. Time required for complete application of water to proposed beneficial use is **10** years.
 20. The land to be irrigated is described in the following tabulation: **See land list tabulated on following pages.**

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

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	

Total Number of Acres to be Irrigated

Remarks: 8 (b) Water stored in reservoir will be carried both in channel of North Fork of Snake River to headworks already constructed therein and in a new canal from said stream by diversion works to be constructed at a point immediately below the mouth of Fall River, the new canal to connect with the South Branch of Fall River canal and, through an extension of said last named canal, to Teton River (See District map).

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

UNITED STATES OF AMERICA

Applicant.

By **B. E. Stoutemyer, District Counsel,**
 Bureau of Reclamation, Portland, Oregon.

Agent.

Date of first receipt at office of Commissioner of Reclamation **9:00 A. M. March 14, 1935**

Returned to applicant for correction

March 29, 1935

Corrected application received

May 1, 1935.

APPROVAL OF COMMISSIONER OF RECLAMATION

The number of this permit is R **590**

Recorded in book R **2**, page **590** Approved **May 7, 1935**

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

Bond in the sum of \$ **1,000.00**, to be filed on or before **July 6, 1935**

Work to begin on or before **November 7, 1937** and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

One fifth of the work above specified to be completed on or before **May 7, 1940**

The whole of said work to be completed on or before **May 7, 1950.**

Beneficial use of water stored in accordance herewith, to be made on or before **May 7, 1950.**

Witness my hand this **7th** day of **May**

, 19 **35**.

R. W. FARIS
 Commissioner of Reclamation.

REMARKS: (Continued) It is the plan of the United States to construct a reservoir of 114,000 acre-feet capacity by an earth fill dam across the North Fork of Snake River approximately one half mile above its confluence with Buffalo River, together with one or more small reservoirs on tributaries of Fall River, and a canal from the North Fork of Snake River to connect with the south branch of Fall River canal, and an enlargement, if necessary, and an extension of Fall River canal to Teton River. It is proposed to use existing canals as follows, for the distribution and use of water so stored or water for which the same may be exchanged. The water thus proposed to be stored is for use on lands, under said canals, now unirrigated and to supplement the water supply of lands already irrigated. Accompanying this application are maps in duplicate showing the works proposed under the above mentioned plans and the area and location of the lands proposed to be irrigated.

POINTS OF DIVERSION
LIST OF CANALS
INCLUDED IN PROPOSED FREMONT-MADISON RESERVOIR DISTRICT

Name of Canal	Source	T.N.	R.E.	Sec.	40 acres	Course and Distance	County	
1 Dewey	North Fork Snake	8	41	12	SW $\frac{1}{4}$ NE $\frac{1}{2}$	S42°30'W, 2267' from NE cor. Sec. 12 Fremont		
	(Henry's Fork)							
2 Last Chance	"	"	8	41	14 NW $\frac{1}{4}$ SE $\frac{1}{2}$	S58°30'W, 2470' "	" bet. 13 & 14 "	
3 St. Anthony	"	"	8	41	33 NE $\frac{1}{4}$ NW $\frac{1}{2}$	S45°47'W, 880' "	" " 28 & 33 "	
4 Farmers Friend	"	"	8	41	33 SW $\frac{1}{4}$ NE $\frac{1}{2}$	S58°15'W, 2950' "	NE " Sec. 33 "	
5 Twin Groves	"	"	8	41	32 NE $\frac{1}{4}$ SE $\frac{1}{2}$	N 4°19'W, 1622' "	SE " Sec. 32 "	
6 Salem Union	"	"	8	41	32 NW $\frac{1}{4}$ SE $\frac{1}{2}$	N31°50'E, 2410' "	" " bet. 5 & 32 "	
7 Egin	"	"	7	40	1 SW $\frac{1}{4}$ NE $\frac{1}{2}$	S58°01'E, 3530' "	NW " Sec. 1 "	
8 Union	"	"	7	40	1 SE $\frac{1}{4}$ NW $\frac{1}{2}$	N84°02'E, 1674' "	" " bet. 1 & 2 "	
9 Independent	"	"	7	40	2 NE $\frac{1}{4}$ SE $\frac{1}{2}$	S23°22'W, 1286' "	" " bet. 1 & 2 "	
10 Consolidated	"	"	7	40	10 NE $\frac{1}{4}$ SE $\frac{1}{2}$	N16°27'W, 2623' "	SE " Sec. 10 "	
11 Yellowstone P & I	Fall River	9	45	32	SW $\frac{1}{4}$ SW $\frac{1}{2}$	N 5°00'E, 1250' "	SW " Sec. 32 "	
12 Harringfeldt	"	"	9	45	31 SE $\frac{1}{4}$ SW $\frac{1}{2}$	N84°00'E, 2604' "	SW " Sec. 31 "	
13 Marysville	"	"	9	44	35 SE $\frac{1}{4}$ NW $\frac{1}{2}$	S42°30'E, 2100' "	NW " Sec. 35 "	
14 Farmers Own	"	"	9	43	35 NE $\frac{1}{4}$ SE $\frac{1}{2}$	S38°50'W, 630' "	" " bet. 35 & 36 "	
15 Enterprise	"	"	8	42	22 NE $\frac{1}{4}$ SW $\frac{1}{2}$	N50°00'E, 2200' "	SW " Sec. 22 "	
16 Fall River	"	"	8	42	29 NE $\frac{1}{4}$ NE $\frac{1}{2}$	S82°00'W, 760' "	NE " Sec. 29 "	
17 Chester	"	"	8	42	20 SE $\frac{1}{4}$ SW $\frac{1}{2}$	N78°45'E, 2250' "	SW " Sec. 20 "	
18 Kerr	"	"	8	42	20 NW $\frac{1}{4}$ SW $\frac{1}{2}$	N 9°00'E, 1660' "	SW " Sec. 20 "	
19 Wilford	Teton River	7	41	28	NW $\frac{1}{4}$ NE $\frac{1}{2}$	S76°30'W, 1850' "	NE " Sec. 28 "	
20 Siddoway	"	"	7	41	28 NE $\frac{1}{4}$ NE $\frac{1}{2}$	S58°00'W, 950' "	NE " Sec. 28 "	
21 Good Luck	"	"	7	41	29 SE $\frac{1}{4}$ NE $\frac{1}{2}$	S 6°46'W, 2085' "	NE " Sec. 29 "	
22 Teton Irrig. & Mfg. Co.	"	"	7	41	28 SW $\frac{1}{4}$ NW $\frac{1}{2}$	N32°00'E, 740' "	" " bet. 28 & 29 "	
23 Pioneer	"	"	7	41	29 NW $\frac{1}{4}$ SW $\frac{1}{2}$	S80°30'E, 343' "	" " bet. 29 & 30 "	
24 Stewart	"	"	7	41	30 SE $\frac{1}{4}$ SE $\frac{1}{2}$	N45°00'W, 600' "	SE " Sec. 30 "	
25 Pincock-Byington	"	"	7	40	36 NW $\frac{1}{4}$ NE $\frac{1}{2}$	S72°14'W, 1435' "	NE " Sec. 36 "	
26 Teton Island Feeder	"	"	7	40	36 SE $\frac{1}{4}$ NW $\frac{1}{2}$	S44°25'E, 2059' "	NW " Sec. 36 "	
27 Salem Irrig.	Teton Island Feeder	7	40	34	SE $\frac{1}{4}$ SW $\frac{1}{2}$	N 1°27'W, 590' "	S $\frac{1}{4}$ " Sec. 34 Madison	
28 Roxana	North Fork, Teton R.	6	40	6	NE $\frac{1}{4}$ NE $\frac{1}{2}$	S80°00'W, 1200' "	NE " Sec. 6 "	
29 Island Ward	"	"	6	40	6	NW $\frac{1}{4}$ NE $\frac{1}{2}$	N44°00'W, 2100' "	" " bet. 5 & 6 "
30 Pincock-Garner	South Fork, Teton R.	7	40	36	SW $\frac{1}{4}$ NE $\frac{1}{2}$	S45°00'W, 2480' "	NE " Sec. 36 Fremont	
31 Woodmansee	"	"	6	40	1	NE $\frac{1}{4}$ NW $\frac{1}{2}$	S71°16'E, 1869' "	NW " Sec. 1 Madison
32 Rexburg City	"	"	6	40	10	SE $\frac{1}{4}$ SE $\frac{1}{2}$	N28°40'W, 1334' "	SE " Sec. 10 "
33 Rexburg Irrig.	"	"	6	40	20	NE $\frac{1}{4}$ NE $\frac{1}{2}$	S37°00'W, 1000' "	NE " Sec. 20 "
34 Westfield	"	"	6	40	19	SE $\frac{1}{4}$ NW $\frac{1}{2}$	N89°00'E, 2550' "	" " bet. 24 & 19 "
35 Squirrel Creek	Squirrel Creek	8	44	3	SW $\frac{1}{4}$ SE $\frac{1}{2}$	N61°00'W, 2350' "	SE " Sec. 3 Fremont	
36 Yellowstone	"	"	8	44	8	SE $\frac{1}{4}$ NE $\frac{1}{2}$	S23°00'W, 1750' "	NE " Sec. 8 "
37 Conant Creek	Conant Creek	8	44	27	SW $\frac{1}{4}$ NW $\frac{1}{2}$	N10°20'E, 2790' "	SW " Sec. 27 Teton	
38 N.Salem Agr. & Milling	North Fork, Teton R.	7	40	33	SE $\frac{1}{4}$ NW $\frac{1}{2}$	N 1°30'W, 3040' "	S $\frac{1}{4}$ " Sec. 33 Fremont	
39 Cross Cut Canal	North Fork, Snake R.	8	41	14	NW $\frac{1}{4}$ SE $\frac{1}{2}$	N41°13'W, 2150' "	SE " Sec. 14 "	

② Diversion now from Farmers Friend Canal.

DESCRIPTION OF DISTRICT LANDS
To Accompany Application for Permit to Construct a Reservoir
on North Fork (Henry's Fork) Snake River

MADISON COUNTY:

[illegible]

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Total Acres		
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$			
6 N	39 E	11	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640		
		12	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640		
		13	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640		
		14	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640		
		15	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640		
		16	40	40	40	40	40	32.57	40	40	40	40	40	40	40	40	40	40	632.57		
		Lot 2																			
		17	23.50	50.40	12.43	34.80											40	37.60	41.95	40	280.68
		lot 1 lot 2 lot 8 lot 9																			
		18	40	40	40	40											40	40	40	40	320
		19	40	40	40	38.88											23.30	40	36.25	39.02	297.45
		lot 7																			
		20	40	40	40	40											40	37.55	40	40	477.55
		Lot 3																			
		21	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640	
		22	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640	
		23	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640	
		24	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640	
		25	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640	
		26	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640	
	27	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640		
	28	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640		
	29	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640		
	30	40																80			
	32	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640		
	33	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640		
	34	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640		
	35	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640		
	36	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640		
	40 E	1	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640		
		2	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640		
		3	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640		
		4	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640		
		5	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	520		
		6	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640		
		7	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640		
		8	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640		
		9	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640		
		10	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640		
		11	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640		
12		40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640			
13		40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640			
14		40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	320			
15		40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	320			
16		40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640			
17		40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640			
18		40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640			
19																	40				
20		40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	320			
21						40	40	40	40												
41 E	5	40			20	40	40	40	40	40	40	40	40	40	40	40	40	160			
	6	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	460			
	7	20	40	20	40	40	40	40	40	40	40	40	40	40	20	20	40	640			
	18						20	40	40						20						
39 E	19																120				
	20	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	160			
	21	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640			
	22	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640			
	27						40	40	40	40						40	40	160			
	28	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640			
	29	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640			
	30	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640			
	31	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	600			
	32	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	240			
	33	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	560			
	34																160				
	Lot 7																				
	35	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640			
	36	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640		
	40 E	31	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640		
32		40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640			
33		40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640			
34		40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640			
35		40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640			
1																	640				
8																					
39 E	9	40	40	40	40						40	40	40	40	40	40	40	280			
	10						40	40	40	40	40	40	40	40	40	40	40	560			
	11	40	40	40	40						40	40	40	40	40	40	40	400			
	12	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	560			
	13	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640			
	FREMONT COUNTY																				
	7 N	39 E	1																280		

Twp.	Range	Sec.	NE ¹				NW ¹				SW ¹				SE ¹				Total Acres	
			NE ¹	NW ¹	SW ¹	SE ¹	NE ¹	NW ¹	SW ¹	SE ¹	NE ¹	NW ¹	SW ¹	SE ¹	NE ¹	NW ¹	SW ¹	SE ¹		
7 N	39 E	14	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640	
		15	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640	
		16	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640	
		17	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	400	
		23	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640	
		24	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	320	
		25	40		40	40			36.65	40	40	40	40	40	40	40	40	40	40	516.65
									Lot 2	40	40	24.00	54.10	62.12		51.05	26.10			439.54
		26			45.00	17.17						Lot 3	Lot 4	Lot 5		Lot 7	Lot 6			
					Lot 2 Pt. of Lot 1															
7 N	40 E	2									40	40	40	40		40	40	40	160	
		5		40							40	40	40	40		40			240	
		6													40	40	40	40	160	
		7	40	40	40	40		40	40		40	40	40	40	40	40	40	40	480	
		8		40	40	40			40	40	40	40	40	40	40	40	40	40	480	
		9			40	40		40			40	40	40	40					280	
		10	40	40				40	40	40	40	40	40	39.88	30.50		25.20	59.60	475.18	
														Lot 4	Lot 3		Lot 5	Lot 6		
		11									40	40	40	40	40	40	40	40	320	
		12			40	40	40	40	40	40	40	40	40	40	40	40	40	40	560	
7 N	41 E	13	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640	
		14	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640	
		15	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	598.24	
		16			31.90	43.00					49.50	33.90	40	40	40	40	40	40	40	398.30
					Lot 6	Lot 7					Lot 5	Lot 4								
		17	40	40	40	39.69	40	40	40	40										319.69
		18	40	40	40	40	40	40	40	40	40	40	40	40					480	
		19			40	40	32.00	40	33.67	22.20	40	32.53	40	40	40	40	40	40	40	520.4
7 N	41 E																			
		20	40	37.03	40	40	33.20	36.13	40	40	40	40	40	40	40	40	40	40	626.36	
		21	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640	
		22	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640	
		23	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640	
		24	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640	
		25	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640	
		26	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640	
		27	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640	
7 N	41 E	28	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640	
		29	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640	
		30	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640	
		36	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640	
		4	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640	
		5	40	40	40	40	40		40	40	40	40	40	40	40	40	40	40	600	
		6									40	40	40	40	40	40	40	40	320	
		7	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640	
		8	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640	
		9									40	40	40	40	40	40	40	40	360	
8 N	40 E	10																	80	
		15										40	40						120	
		16	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640	
		17	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640	
		18	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640	
		19	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640	
		20	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	480	
		21	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640	
		28		40	40		40	40	40	40	40	40	40	40					400	
		29	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640	
8 N	41 E	30	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640	
		31	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640	
		32	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640	
		33	40	40															80	
		34			40	40	40	40							40	40			240	
		35							40	40	40	40	40						240	
		36		40															40	
		12													40	40	40	40	160	
		13	40	40	40	40	32.00		34.20	40	23.90	22.25		39.85					381.25	
							Lot 1 Lot 3				Lot 5 Lot 4 Lot 10									
8 N	41 E	14																160		
		15															40	40	80	
		21	40	40	40	40	40	40	40	40	40	40	40	40					560	
		22	40	40	40	40	40	40	40	40	40	40	40	40	28.50	40	34.45		542.95	
															Lot 3 Lot 2					
		23					36.35	40	40.10					40	40	40	40	40	316.45	
							Lot 6 Lot 5													

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Total Acres
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
9 N	43 E	23	40			40			40	40			40	40	40	40	40	40	320
		24			40			40	40		40	40	40	40	40	40	40	40	480
		25	40			40				40	40	40	40		40			40	240
		27		40	40		40		40	40	40	40	40			40	40		440
		28	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		29	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		30	40	40	40	40	40	40	40	40	40	30	40	40	40	40	40	40	630
		31	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		32	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		33	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		34					40	40	40	40	40	40	40	40				40	360
		35		40	40				40	40	40	40					40	40	320
		36	40	40				40	40		20	20	40	40				40	320
9 N	44 E	18													40	40	40	40	240
		19	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	480
		20									40	40	40	40	40	40	40	40	320
		21					40	40			40	40	40	40			40	40	320
		22					40			40	40	40	40	40					240
		29					40	40	40	40	40	40	40	40	40	40	40	40	480
		30					40	40	40	40	40	40	40	40	40	40	40	40	480
		31					40	40			40	40	40	40	40	40	40	40	240
		32			40	40					40	40	40	40	40	40	40	40	400
		33							40	40					40	40	40	40	80

VILLAGE OF ASHTON, IDAHO			:	GRAY'S ADDITION TO THE TOWN OF ST. ANTHONY, IDAHO		
Lot	Block	Acres	:	Lot	Block	Acres
E and G				The West 80 feet of		
4, 5 and 6	9			Lots 5 and 6	5	.25
3 and 4	39					
11 and 12	42					
13	44					
12	57					
5 and 6	60					
5 and 6	63					
5 and 6	65					
1 and 2	75					
				Total Acreage Madison County		
				42,374.88		
				Total Acreage Fremont County		
				74,302.30		
				TOTAL		
				116,677.18		

PERMIT NO. R-590

CERTIFICATE OF COMPLETION OF RESERVOIR AND RIGHT TO STORE WATER

Amount 114,000 Acre feet

Priority March 14, 1935

This is to certify that UNITED STATES OF AMERICA, Acting through B. E. Stoutemyer, District Counsel, Bureau of Reclamation, of Portland, County of Multnomah, and State of Oregon, the holder of Permit No. R-590, issued upon Application No. R-25304, bearing date of priority of March 14, 1935, authorizing the construction of a reservoir and the right to store the waters of North Fork (Henry's Fork) of Snake River, a tributary of Snake River, County of Fremont, State of Idaho, for irrigation and domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works as set out and described in said Permit; that said works are adequate for the storage of 114,000 acre feet of water annually; that the location of the outlet of said reservoir is in Lot 3 of Section 28, Township 13 North, Range 43 East, Boise Meridian; that a right to store the said waters has been perfected in accordance with the laws of Idaho and is hereby confirmed by the Commissioner of Reclamation and entered of record in Volume R-2, of Permits, at page 590, records of the Department of Reclamation on the 12th day of April, 1940; that the right hereby confirmed dates from March 14, 1935; and that the amount of water to which said right is, by this certificate, entitled to store annually shall not exceed 114,000 acre feet.

Witness the seal and signature of the Commissioner of Reclamation, affixed at Boise, Idaho, this 12th day of April, A. D. 1940.

(SEAL)

JAMES SPOFFORD
Commissioner of Reclamation

Proof of completion of works made July 28, 1939
Certificate of Completion of Works is sued April 12, 1940.

LICENSE ISSUED FOR 4th SEC. 27
Page 4856

Attachment 2

Island Park Reservoir

State of Idaho

License and Certificate of Water Right

Water License No. B-590Amount 114,000 acre feet

Water District No. _____

Priority March 14, 1935

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

of Boise, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated March 14, 1935; that Permit No. R-590 was issued under said application; that Certificate of Completion of works, with a ~~storage~~ ^{storage} capacity of 114,000 ~~acre feet~~ ^{acre feet}, was issued thereunder on April 12, 1940, showing that said works were completed on the 28th day of July, 1939; and that on the 5th day of May, 1950,

U. S. A. BUREAU OF RECLAMATION

of Boise, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of North Fork (Henry's fork), ~~tributary~~ ^{outlet} of Snake River, for the purpose of irrigation and domestic use, under Use Permit No. R-590 of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 18 of Licenses at page 4856, on the 24th day of November, 1951; The right hereby confirmed dates from March 14, 1935; The Point of ~~diversion~~ ^{outlet} is located in Lot 3, Section 28, ~~1/4~~ ^{1/4} ~~Sec. 14~~ ^{1/4} ~~1/4~~ ^{1/4}, Tp. 13 N., R. 43 E., B. M. Fremont County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 114,000 ~~acre feet per annum~~ ^{acre feet per annum}.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
			Supplemental use on approximately 112,000 acres of land within the Fremont-Madison Irrigation District.		

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

24th day of November, 1951.

MARK R. KULP

State Reclamation Engineer

(SEAL)

Attachment 3

Date of Notice July 27 19 40
Date of Publication Aug. 8- Aug. 29 19 40
Last Date for Protest Sept. 5 19 40

IF PROTESTED

Date of Notice of Hearing 19
Date of Hearing 19
Notice of Appeal Filed 19

APPLICATION FOR PERMIT

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

Application No. R 26412
Permit No. R 686

Supt. U.S. Bureau of Reclamation
Burley, Idaho
with copy to District Counsel
603 P.O. Bldg.
Portland, Oregon

I. Name of Applicant: UNITED STATES OF AMERICA, acting through B. E. Stoutemyer, District Counsel Bureau of Reclamation
Postoffice address: 603 P.O. Building, Portland County Multnomah State Oregon

II. If applicant is a corporation, give:

- (a) Date and place of incorporation: (b) Amount of Capital Stock: \$
(c) Amount paid in: \$ (d) Names and addresses of directors:

(Receipts from sale of public lands, repayments into the Reclamation Fund under Reclamation Act and funds allocated under provisions of the National Industrial Recovery Act- Act of June 16, 1933- 48 Stat, 195)

III. The financial resources of the corporation are:

- (a) Cash on hand: \$ (b) Treasury Stock: \$
(c) Bonds to be issued: \$ (d) Other resources:

2. Quantity of water to be stored: 21,000 Acre Feet per annum, in addition to 114,000 Acre Feet per annum under Permit No. R-590
3. Source of water supply is North Fork (Henry's Fork) (River) (Spring), a tributary of Snake River.
4. The outlet of the proposed reservoir is located N. 12° 30' E. 1320', distant from the Southwest corner of Section 28, Township 13 N., Range 43 E., B. M. and is in the Lot 3 (bearing) of Section 28, Township 13 N., Range 43 E., B. M. County of Fremont

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

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

6. (a) The area of the high water line of the reservoir is 7,794 acres (at elevation 6,307)
(b) The reservoir capacity is One Hundred Thirty-five Thousand (135,000 (of main dam) 1580 feet; (of dike) 7850 feet; acre feet.
7. Height of reservoir dam 90.5 feet, length at top / feet, length at bottom 200 feet, size of outlet 13 feet in diameter; tunnel 824 feet long of dam
The dam is to be constructed of materials as follows: Concrete rock and earth, with an earth-fill dike in Sections 22, 27 and 28, T. 13 N., R. 43 E., Boise Meridian.

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

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

(b) Water stored in reservoir will be carried both in channel of North Fork of Snake River to headworks already constructed therein and in a new canal from said stream by diversion works constructed at a point immediately below the mouth of Fall River, the new canal connecting with the South Branch of Fall River Canal and, through an extension of said last named canal, to Teton River (See District map)

9. Amount of water claimed from (Creek) (River) (Spring) in addition to that stored in reservoir cubic feet per second.
10. Water is to be used for irrigation and domestic purposes.

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

- (a) Point of use of water (bearing) feet, distant from Corner of Section, Township, Range, B. M. and is in the ¼ of ¼ of Section, Township, Range, B. M.
(b) Amount of power generated: H. P., under feet head.
(c) Water is to be returned to (Creek) (River) (Spring) at a point (bearing) feet distant from the corner of Section, Township, Range, B. M., in the ¼ of ¼ of Section, Township, Range, B. M.

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

(Dam, canal, flume, pipe, etc.)

~~XXXXXXXXXXXXXXXXXXXXX~~

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

15. Size of headgate: Width feet, Height feet.

16/ Diversion Canal: Width at bottom 24 feet, width at water line 42 feet, depth of water 6 feet, Dimensions of Flume

Diameter of Pipe inches; Length of Conduit **6.6** miles. Average grade per mile **1.58** feet.
and canal

17. Estimated cost of Works: Storage Works: \$ 1,300,000

18. Time required for completion of work **Five** years.

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

20. The land to be irrigated is described in the ~~following tabulation~~, attached list:

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

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	

Total Number of Acres to be Irrigated

Remarks: The United States has constructed a reservoir of One Hundred Thirty-five Thousand (135,000) acre-feet capacity by an earth-fill dam across the North Fork of the Snake River approximately one-half mile above its confluence with Buffalo River and has constructed Grassy Lake Reservoir on a tributary of Fall River, and a canal from the North Fork of Snake River to connect with the south branch of Fall River Canal, and an enlargement and an extension of Fall River Canal to Teton River. It is proposed to use existing canals as follows, for the distribution and use of water so stored or water for which the same may be exchanged. The water thus stored is for use on lands, under said canal, now unirrigated and to supplement the water supply of lands already irrigated. Accompanying this application are Maps No. 42-D-192 and 193 in duplicate, showing the works under the above mentioned plans and the area and location of the lands to be irrigated. The United States

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

UNITED STATES OF AMERICA

Applicant.

By B. E. Stoutemyer

Agent.

Date of first receipt at office of Commissioner of Reclamation 3:00 P.M. June 12, 1940 District Counsel, Bureau of Reclamation

Returned to applicant for correction July 10, 1940

Corrected application received July 24, 1940

The number of this permit is R 686

Recorded in book R 3 , page 686

Approved September 28, 1940

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

Bond in the sum of \$ 1,000 , to be filed on or before November 27, 1940

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

One fifth of the work above specified to be completed on or before **March 28, 1943**

The whole of said work to be completed on or before September 28, 1945

Beneficial use of water stored in accordance herewith, to be made on or before September 28, 1951

Witness my hand this 28th day of September

19 40

JAMES SPOFFORD

Commissioner of Reclamation.

Attachment 4

Island Park Reservoir

State of Idaho

License and Certificate of Water Right

Water License No. R-686Amount 21,000 acre feet

Water District No. _____

Priority June 12, 1940

THIS IS TO CERTIFY that U. S. A. BUREAU OF RECLAMATION
 of Boise, Idaho, made application for a permit to appropriate the
 public waters of the State of Idaho, dated June 12, 1940; that Permit No. R-686
 was issued under said application; that Certificate of Completion of works, with a ^{storage} ~~capacity~~ capacity of
 21,000 ~~acre feet~~ ^{acre feet}, was issued thereunder on February 7, 1944, showing that said works
 were completed on the 16th day of June, 1943; and that on the 5th
 day of May, 1950,

U. S. A. BUREAU OF RECLAMATION
 of Boise, State of Idaho, made proof to the satisfaction of the
 State Reclamation Engineer of Idaho, of the right to use the waters of North fork
 (Henry's fork), ~~tributary of~~ of Snake River, for the purpose of irrigation and domestic
 use, under Use Permit No. R-686 of the Department of Reclamation
 and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
 and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
 8 of Licenses at page 4857, on the 24th day of November, 1951;

The right hereby confirmed dates from June 12, 1940;

The Point of ^{outlet} ~~diversion~~ is located in Lot 3, Section 28,

~~in the~~ ~~1/4~~ ~~Sec.~~, Twp. 13 N., R. 43 E., B. M. Fremont County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
 aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
 not exceed 21,000 acre ~~cubic feet per second~~ feet per annum.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
			Supplemental use on approximately 112,000 acres of land within the Fremont-Madison Irrigation District.		

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this
 24th day of November, 1951.

(SEAL)

MARK R. KULP

State Reclamation Engineer

Attachment 5

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A21-02156

Date Received: 10/27/1988

Receipt No: _____

Received By: _____

RECEIVED
JUL 07 1989

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

Department of Water Resources

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

2. Date of Priority: MAR 14, 1935

3. Source: ISLAND PARK RESERVIOR Trib. to: NORTH FORK (HENRY'
NORTH FORK (HENRY'S FORK) SNAKE RIVER
SNAKE RIVER COLUMBIA RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
13N	43E	28		3	FREMONT

5. Description of diverting works:
ISLAND PARK DAM AND RESERVOIR

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION STORAGE	01/01	12/31			90000.00
IRRIGATION FROM STORAGE	04/01	11/01			90000.00

7. Total Quantity Appropriated is:
C.F.S. (and/or) 90000.00 A.F.A.

8. Total consumptive use is 405000.0 Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC - DE MINIMUS DOMESTIC USE

A21-02156

Page 1

Date: 05/08/89

MAHO FILMED

NOV 05 1990

10. Place of Use:

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

11. Place of use in counties:

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

13. Other Water Rights Used:

21-02157, 21-04157, 21-10260, 21-04156

14. Remarks:

EXCHANGES 2676, 2677, 2370, 2371, 2372, 2373, 2374, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674 AND 2675 HAVE SPLIT OFF OF PARENT RIGHT TO A THROUGH S. ORIGINAL (PARENT) RIGHT RETAINS 21-02156. EACH SUCCESSIVE EXCHANGE IS GIVEN A SUCCESSIVE ALPHA SUFFIX. EXCHANGES 2783 AND 2784 WERE DENIED ON THIS RIGHT. 135000 ACRES WITHIN FREMONT-MADISON IRRIGATION DISTRICT TOTAL STORAGE CAPACITY 135,000 ACRE FEET 21-02156 = 90000 ACRE FEET 21-10560 = 45000 ACRE FEET PALISADES CONTRACTS PROVIDE THAT R-686 (21-02157) PRIORITY SHALL BE SAME AS R-590. SURCHARGE CAN BE USED AFTER THREAT OF FLOOD MULTI-YEAR STORAGE FACILITY ACTIVE CAPACITY 127,265 ACRE FEET INACTIVE CAPACITY 381 ACRE FEET DEAD STORAGE 0 TOTAL SURFACE AREA 7,794 ACRES AT ELEVATION 6302 BANK STORAGE 40,000 ACRE FEET TOTAL RESERVOIR CAPACITY 169,265 ACRE FEET* *INCLUDES 42,000 ACRE FEET SURCHARGE/7000 ACRE FEET CAN BE USED AFTER THREAT OF FLOOD HAS PASSED. CONSUMPTIVE USE 2.5 ACRE FEET/ACRE HENRY'S FORK CLAIM FOR 113,000 ACRE FEET (21-02156X) WAS MOVED TO ISLAND PARK RESERVOIR 21-02156 PLUS 21-10560 = 135,000 ACRE FEET PREVIOUSLY FILED FOR UNDER 21-02156 BUT CLAIM SEPARATED TO REFLECT EARLIER PRIORITY DATE FOR 45000 ACRE FEET PALISADES CONTRACTS UPPER VALLEY DECREE DISTRICT COURT OF THE 7TH JUDICIAL DISTRICT FOR THE STATE OF IDAHO IN AND FOR THE COUNTY OF FREMONT CIVIL NO. 6117 ENTITLED ABERDEEN-SPRINGFIELD CANAL COMPANY ET AL. V. HENRY EAGLE BY DISTRICT JUDGE WILLARD C. BURTON ON MARCH 3, 1969. LOWER VALLEY DECREE DISTRICT COURT OF THE 5TH JUDICIAL DISTRICT FOR THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS ENTITLED BURLEY IRRIGATION DISTRICT ET AL. V. HENRY EAGLE BY DISTRICT JUDGE THERON WARD ON JULY 10, 1968.

MICROFILMED
NOV 05 1990

14. Remarks: Continued

15. Basis of Claim: LICENSE
Water Right Number: R-590

MICROFILMED
NOV 05 1990

Attachment 6

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A21-10560
Date Received: 2/28/1989
Receipt No: _____
Received By: _____

RECEIVED
JUL 07 1989

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

Department of Water Resources

1. Name: UNITED STATES OF AMERICA, ACTING THROUGH 208-334-116
Address: REGIONAL DIRECTOR, P.N. REGION
BUREAU OF RECLAMATION
BOX 043-550 WEST FORT STREET
BOISE, ID 83724

2. Date of Priority: MAR 29, 1921

3. Source: ISLAND PARK RESERVOIR Trib. to: NORTH FORK (HENR
NORTH FORK (HENRY'S FORK) SNAKE RIVER
SNAKE RIVER COLUMBIA RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
13N	43E	28		3	FREMONT

5. Description of diverting works:
ISLAND PARK DAM AND RESERVOIR

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION STORAGE	01/01	12/31			45000.00
IRRIGATION FROM STORAGE	04/01	11/01			45000.00

7. Total Quantity Appropriated is:
C.F.S. (and/or) 45000.00 A.F.A.

8. Total consumptive use is 405000.0 Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC - DE MINIMUS DOMESTIC USE

A21-10560

Page 1

Date: 05/08/89
MICROFILMED
NOV 25 1988

A210560



10. Place of Use:

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

11. Place of use in counties:

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

13. Other Water Rights Used:

21-02156, 21-04157, 21-04156

14. Remarks:

P/U 135000 ACRES WITHIN FREMONT MADISON IRRIGATION DISTRICT EXCHANGES 2676, 2677, 2370, 2371, 2372, 2373, 2374, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, AND 2675 HAVE SPLIT OFF OF PARENT RIGHT TO A THROUGH. ORIGINAL (PARENT) RIGHT RETAINS 21-02156. EACH SUCCESSIVE EXCHANGE IS GIVEN A SUCCESSIVE ALPHA SUFFIX. EXCHANGES 2783 AND 2784 WERE DENIED ON THIS RIGHT.

21-02156 = 90,000 ACRE FEET (PRIORITY DATE 3/14/1935)

21-10560 = 45,000 ACRE FEET (PRIORITY DATE 3/29/1921)

SURCHARGE CAN BE USED AFTER THREAT OF FLOOD MULTI-YEAR STORAGE FACILITY

SUMMARY STATEMENT

ACTIVE CAPACITY _____ 127,265 ACRE FEET

INACTIVE CAPACITY _____ 381 ACRE FEET

DEAD STORAGE _____ 0

TOTAL SURFACE AREA _____ 7,794 ACRES AT ELEVATION 6302

BANK STORAGE _____ 40,000 ACRE FEET

TOTAL RESERVOIR CAPACITY _____ 169,265 ACRE FEET*

*INCLUDES 42,000 ACRE FEET SURCHARGE - 7,000 ACRE FEET CAN BE USED AFTER THREAT OF FLOOD HAS PASSED.

CONSUMPTIVE USE 2.5 ACRE FEET/ACRE

HENRY'S FORK CLAIM FOR 113,000 ACRE FEET (21-02156X) WAS MOVED TO ISLAND PARK RESERVOIR.

21-02156 PLUS 21-10560 = 135,000 ACRE FEET REVIOUSLY FILED FOR UNDER 01-02156 BUT CLAIM SEPARATED TO REFLECT EARLIER PRIORITY DATE FOR 45000 ACRE FEET

PALISADES CONTRACTS UPPER VALLEY DECREE

DISTRICT COURT OF THE 7TH JUDICIAL DISTRICT FOR THE STATE OF IDAHO IN AND FOR THE COUNTY OF FREMONT CIVIL NO. 6117 ENTITLED ABERDEEN-SPRINGFIELD CANAL COMPANY ET AL. V. HENRY EAGLE BY DISTRICT JUDGE WILLARD C. BURTON ON MARCH 3, 1969.

LOWER VALLEY DECREE

DISTRICT COURT OF THE 5TH JUDICIAL DISTRICT FOR THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS ENTITLED BURLEY IRRIGATION DISTRICT ET AL. V. HENRY EAGLE BY DISTRICT JUDGE THERON WARD ON JULY 10, 1968.

15. Basis of Claim: LICENSE

A21-10560

Page

2

Date: 05/08/89

MICROFILMED

NOV 05 1996

Attachment 7

01/12/2006

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

RIGHT NUMBER: 21-2156

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

SOURCE: HENRYS FORK

TRIBUTARY: SNAKE RIVER

QUANTITY: 114,000.00 AFY

45,000 acre feet of this right is designated as the first to fill as specified in the provisions for winter power operation at the Minidoka powerplant as provided for by Bureau of Reclamation Contract No. 14-06-100-1833, incorporated by reference 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)

Total reservoir capacity is 135,000 acre feet when filled to elevation 6302 and measured at the upstream face of the dam.

PRIORITY DATE: 03/14/1935

POINT OF

DIVERSION: T13N R43E S28 Lot 3 Within FREMONT County

PURPOSE AND

PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION FROM STORAGE	04/01 11/01	114,000.00 AFY
IRRIGATION STORAGE	01/01 12/31	114,000.00 AFY

PLACE OF USE:

Place of use for irrigation storage is Island Park Reservoir.

Place of use does not include federal public lands

Place of use for irrigation from storage is within the following counties: Fremont, Teton, and Madison.

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

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

Although the name of the United States of America acting through the Bureau of Reclamation appears in the Name and Address section of this partial decree, the ownership of this water right is divided. The United States Bureau of Reclamation holds nominal legal title. Beneficial or equitable title to this water right is held in trust by the irrigation organizations, in the quantities and/or percentages specified in the contracts between the Bureau of Reclamation and the irrigation organizations, for the benefit of the landowners entitled to receive distribution of this water from the respective irrigation organizations pursuant to Idaho law. As a matter of law, this interest is appurtenant to the lands within the boundaries of or served by such irrigation organization. The ownership of this water right is derived from law and is not based exclusively on the contracts between the Bureau of Reclamation and the irrigation organizations.

A portion of this right is designated as the first to fill as provided in the provisions for winter power operation at the Minidoka powerplant 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)

Attachment 8

01/12/2006

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

RIGHT NUMBER: 21-10560

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

SOURCE: HENRYS FORK

TRIBUTARY: SNAKE RIVER

QUANTITY: 21,000.00 AFY

Total reservoir capacity is 135,000 acre feet when filled to elevation 6302 and measured at the upstream face of the dam.

PRIORITY DATE: 06/12/1940

POINT OF

DIVERSION: T13N R43E S28 Lot 3 Within FREMONT County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION STORAGE	01/01 12/31	21,000.00 AFY
IRRIGATION FROM STORAGE	04/01 10/31	21,000.00 AFY

PLACE OF USE:

Place of use for irrigation storage is Island Park Reservoir.

Place of use for irrigation from storage is within the following counties:
Fremont, Teton, and Madison.

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

Although the name of the United States of America acting through the Bureau of Reclamation appears in the Name and Address section of this partial decree, the ownership of this water right is divided. The United States Bureau of Reclamation holds nominal legal title. Beneficial or equitable title to this water right is held in trust by the irrigation organizations, in the quantities and/or percentages specified in the contracts between the Bureau of Reclamation and the irrigation organizations, for the benefit of the landowners entitled to receive distribution of this water from the respective irrigation organizations pursuant to Idaho law. As a matter of law, this interest is appurtenant to the lands within the boundaries of or served by such irrigation organization. The ownership of this water right is derived from law and is not based exclusively on the contracts between the Bureau of Reclamation and the irrigation organizations.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Place of use is also known as Fremont Irrigation District.

Attachment 9

UNITED STATES
DEPARTMENT OF THE INTERIOR
Bureau of Reclamation

Minidoka and Palisades Projects
Idaho

Supplemental Contract
With
FREMONT-MADISON IRRIGATION DISTRICT

INDEX

<u>Article No.</u>	<u>Title</u>	<u>Page No.</u>
1	Preamble	1
2-4	Explanatory Recitals	1-2
5	Definitions	2-3
6	Winter Power Operation; Minidoka Powerplant	4-11
7	Revision of Article 17 of the 1935 Contract	11
8	Priority of Certain Existing and Future Water Rights	11-14
9	Protection of Water Rights	14
10	Consent to Saving of Winter Water; Special Storage Right	14-16
11	Advisory Committee	17
12	Confirmation of Contract	17-18
13	Status of Existing Contracts	18
14	Representative of the Secretary	18
15	Notices	18-19
16	Discrimination Against Employees or Applicants For Employment Prohibited	19
17	Contingent on Appropriations or Allotment of Funds	19
18	Assignments Prohibited; Successors and Assigns Obligated	20
19	Officials Not to Benefit	20
	Signatures	20
	Certificates	

UNITED STATES
DEPARTMENT OF THE INTERIOR
Bureau of Reclamation

Minidoka and Palisades Projects
Idaho

Supplemental Contract
With
FREMONT-MADISON IRRIGATION DISTRICT

THIS CONTRACT, Made this 7th day of January 19 55
pursuant to the Federal Reclamation Laws, between THE UNITED STATES OF
AMERICA (hereinafter called the United States), acting through the Assistant
Secretary of the Interior, and FREMONT-MADISON IRRIGATION DISTRICT (here-
inafter called the District), a corporation organized and existing under
the laws of the State of Idaho and having its principal place of business
at St. Anthony, Idaho,

WITNESSETH, That:

2. WHEREAS, the United States, under the Federal Reclamation Laws,
has heretofore constructed and is now operating Jackson Lake, Island Park,
American Falls, and Lake Walcott reservoirs, among others, and is now con-
structing Palisades Dam and Reservoir Project (herein called the Palisades
Project);

3. WHEREAS, the District, desiring to cooperate with the United
States and the various other water users organizations that enter into like
contracts in the water conservation program that will be made possible with
the construction of Palisades Reservoir and its operation in conjunction

with other Federal reservoirs on the Snake River, as herein proposed, has heretofore indicated a desire to participate in the program for the saving of water heretofore unavailable for storage by reason of use for power production and other purposes during the storage season; and

4. WHEREAS, the United States and the District, serving an upper valley area, have heretofore entered into the following contracts with respect to storage rights in Federal reservoirs on the Snake River above Milner Dam:

Contract of July 15, 1935, Symbol and No. 11r-814, and the

Contract of September 28, 1935, Symbol and No. 12r-5284,

→ the first of which requires amendment and supplementation to provide for ←
district participation in the water savings program,

NOW, THEREFORE, in consideration of the mutual and dependent covenants hereinafter stated, it is hereby agreed between the parties hereto as follows:

Definitions

5. The following terms, wherever used in this contract shall have the following respective meanings:

"Secretary" shall mean the Secretary of the Interior or his duly authorized representative.

"Federal Reclamation Laws" shall mean the Act of June 17, 1902 (32 Stat. 388) and acts amendatory thereof or supplemental thereto, including the Act of September 30, 1950 (64 Stat. 1083).

"Advisory Committee" shall mean the committee defined by article 11 of this contract or its duly authorized representative.

"Irrigation season" shall mean a period of each year beginning April 1 and ending October 31 of that year.

"Storage season" shall mean, with respect to the reservoir involved, the period beginning October 1 of one year and ending during the next year when, as to the particular reservoir, no more water is available for storage.

"Reservoir system" shall mean the existing and authorized Federal reclamation reservoirs on the Snake River and its tributaries down to and including Lake Walcott.

"Upper valley" shall mean the irrigated areas of the Snake River Basin that are served by canals diverting from the Snake River and its tributaries above American Falls Dam.

"Lower valley" shall mean the irrigated areas of the Snake River Basin that are served by canals diverting from the Snake River and its tributaries between American Falls Dam and Milner Dam.

"Watermaster" shall mean the officer of the State of Idaho charged by law with the distribution of Snake River water in the lower and upper valleys, or such other officer properly authorized by law and designated by mutual agreement of the Secretary and the Advisory Committee.

Winter Power Operation; Minidoka Powerplant

6. (a) The United States, in its operation of American Falls and Minidoka dams during the storage season of each year is required to pass through enough water to satisfy existing diversion rights in the stretch of river down to and including Milner Dam and certain power rights below Milner Dam, and has the privilege under an existing decree to use at Minidoka Dam 2,700 cubic feet per second of water for the development of power. While the United States must operate the American Falls and Minidoka dams so as not to interfere with these third-party rights, it will be the objective of the United States in the operation of both its American Falls and Minidoka powerplants to curtail the release of additional water from American Falls Reservoir for power production at those powerplants during the storage season of any year whenever operation of those powerplants to the full extent of their respective water rights for power production would result in loss of irrigation water otherwise storable in the reservoir system. Accordingly, except as it is determined by the Secretary that additional water may be passed through American Falls and Minidoka dams without the loss of water that could be stored for irrigation in the reservoir system, the United States will, during each storage season beginning October 1, 1952, and continuing so long as the provisions of (c) of this article remain operative, limit the release of water through those dams as follows:

To the amount of water required to provide flows below Minidoka Dam sufficient to meet existing diversion rights in

the reach of the river through Milner Dam and the power rights required to be recognized under the provisions of the contract of June 15, 1923, between the United States and the Idaho Power Company (Symbol and No. Ilr-733), as those diversion and power rights may be modified from time to time.

To the extent that it is practicable to do so, the Advisory Committee will be informed in advance of any plans for the release of water in excess of the foregoing limitations; and that Committee will be furnished written reports as of the close of the storage season of each year showing, among other things, the releases actually made and the minimum releases required to be made.

(b) Curtailment of releases as provided in (a) of this article will result in there being, in some years, additional water available for storage for irrigation purposes in American Falls, Island Park, and Palisades reservoirs. In any storage season when these reservoirs fail to fill, the saved water attributable to such curtailment shall be credited, first, to Island Park Reservoir to the extent of 45,000 acre-feet without regard to the priority of the storage permits held for that reservoir, and thereafter to American Falls, Island Park, and Palisades reservoirs in the order of priority of their respective storage permits, the crediting to any storage right in any reservoir of the system (except the lower valley exchanged space in American Falls Reservoir) being contingent on the owners of these rights obligating themselves for their share of the annual payments for power replacement in keeping with the provisions of (e) of this article.

(c) For the purposes of this contract and without relinquishment of any part of the power rights herein described, it is assumed that but for curtailment of operations as provided in (a) of this article, units 1 through 6 of the Minidoka powerplant would be operated during the storage season of each year to the maximum extent practicable within the limits of the power rights therefor (2,700 second-feet as decreed by the District Court of the Fourth Judicial District of Idaho on June 20, 1913, in the case of Twin Falls Canal Company v. Charles N. Foster, et al.) and that in consequence of operations under this article there may be losses in the production of power and energy at that plant. To offset such losses, the United States will, as nearly concurrently as practicable, make replacement by the delivery of power and energy into the Minidoka power system at the Minidoka powerplant from other interconnected Federal powerplants being operated under the Federal Reclamation Laws. Payment for such replacement power and energy shall be made by the District and all other contractors having reservoir rights benefiting from the water savings resulting from operations under the provisions of (a) of this article in annual amounts determined as follows:

- (1) Prior to the date when either the American Falls powerplant or Palisades dam powerplant is first in service, the payment for any year shall be the product, in dollars, of the then controlling average annual replacement requirement, in kilowatt-hours, times four mills (\$0.004).

(ii) Beginning with the date when either the American Falls powerplant or Palisades dam powerplant is first in service, the payment for any year shall be the product, in dollars, of the then controlling average annual replacement requirement, in kilowatt-hours, times the price per kilowatt-hour, figured at 100 per cent load factor, under the then existing rate schedule for the sale of firm power and energy from the plant or plants involved.

In determining replacement requirements under this article, no account is intended to be taken, by way of offset or otherwise, of the effect of any reservoir system storage operations on the seventh unit of the Minidoka powerplant.

(d) The replacement requirements for the year ending September 30, 1953, shall be 5,699,000 kilowatt-hours, being the average annual replacement requirement for the period beginning October 1, 1931, and ending September 30, 1951. The average annual replacement requirement under either (i) or (ii) of (c) above for the year ending September 30, 1954, shall be the average of the annual replacement requirements for each year of the 20-year period ending September 30, 1953, and for each 12-month period after September 30, 1954, shall be the average of the annual replacement requirements of each year of the 20-year period ending on September 30 of the prior year. In deriving this average there shall be used, as annual net power production losses for each year, the annual figures for the years

through September 30, 1951, as shown in Table 1 of the document entitled "Criteria and Method for Determination of Certain Minidoka Powerplant Production Losses from Restrictions on Use of Water Rights"^{1/}, and for each year thereafter, a net power production loss calculated on the basis of the comparison of (1) the total energy that could have been produced by units 1 through 6 of the Minidoka powerplant based on the water flows actually recorded at the U.S.G.S. Minidoka gaging station (hereinafter called the Minidoka gage), corrected as hereinafter provided, and (2) the energy which theoretically could have been generated at those units with the flows at the Minidoka gage without a curtailment in winter power operation as provided in this article and exclusive of irrigation storage releases. Using conclusions reached as to flows and heads, the power loss calculations will be made by utilizing the power production curves shown in drawing No. 17-100-139, as revised, incorporated by reference in the document identified above, but increases in energy in any year by reason of taking American Falls storage into account as provided in subparagraph (iii) of this subarticle (d) shall be accounted for as compensating offset up to but not exceeding energy losses accruing in that year by reason of curtailment in power operations under this article.

To correct flows under (1) above, all storage releases except American Falls shall be excluded and the measure of American Falls storage passing the Minidoka gage shall be the increase in storage at that gage

^{1/} Duplicate originals of this document shall be filed with the water-master of District No. 36, the officer of the United States in charge of the Minidoka Project, and the Burley Irrigation District.

over that computed at the Blackfoot gaging station as shown in the annual report entitled "Water Distribution and Hydrometric Work, District 36, Snake River, Idaho", the latter further corrected for any American Falls storage that may have been present by reason of having been stored temporarily upstream and that portion of Palisades storage which was diverted above the Minidoka gage. In measuring American Falls storage, it shall be assumed that storage is released from downstream reservoirs first. The flow at the Minidoka gage without storage shall be taken to be the normal flow at that gage as shown by that same report. In determining water flows, with and without curtailment of power operations as provided in this article, these assumptions shall be used with respect to units 1 through 6 of the Minidoka powerplant:

- (i) There is a right for power production to maintain a flow of 2,700 second-feet at Minidoka Dam during the storage season of each year in accordance with the decree entered June 20, 1913, supra, if that flow, disregarding the storage of saved water in the reservoir system under the provisions of this article, would be available at Minidoka Dam.
- (ii) There is a right to use, within the hydraulic capacity of these units, whatever natural flow passes Minidoka Dam during each irrigation season.
- (iii) Although there is no right to have water stored under American Falls Reservoir rights released for power production, during the period that such storage is being

released for irrigation there will be more energy produced by these units than is attributable to the natural flow rights therefor, which shall be taken into account as a compensating offset as provided above in this sub-article (d).

To determine controlling power heads, the effective power head for any period shall be derived on the basis of recorded forebay and tailwater elevations for that period.

The foregoing criteria for determinations of annual net power production losses may be changed from time to time but only if the changes are made in writing with the approval of the Secretary, the Advisory Committee, and the boards of directors of both the Burley and Minidoka irrigation districts. Determinations as to net power production losses for each year and the average annual replacement requirement under this article shall be made by a committee of three comprising the state watermaster of District No. 36, a representative to be selected jointly by the Burley and Minidoka irrigation districts and the North Side Canal Company, and the officer of the United States in charge of the Minidoka Project, but, should the committee fail to make a determination for any year by January 1 of the year for which the determination is required, it may be made by the Secretary.

(e) The annual payment determined as provided in this article shall be apportioned among the benefiting reservoirs as follows: (i) prior to the first full storage season during which Palisades Reservoir is in operation, eighty-eight per cent (88%) to American Falls Reservoir and

twelve per cent (12%) to Island Park Reservoir; and (ii) beginning with the first full storage season of Palisades operation, seventy-eight per cent (78%) to American Falls, twelve per cent (12%) to Island Park, and ten per cent (10%) to Palisades. The amount apportioned to Island Park Reservoir shall be accounted for as part of the operation and maintenance costs for which provisions for payment are made in the contract of July 15, 1935.

Revision of Article 17 of the 1935 Contract

7. (a) The contract of October 1, 1934, to which reference is made in article 17 of the contract of July 15, 1935, having been terminated, article 17 of the 1935 contract is hereby terminated.

(b) In years when American Falls Reservoir fails to fill, taking into account American Falls water that may be temporarily stored in other reservoirs, any water stored in either Island Park or Grassy Lake Reservoir that is in law creditable to American Falls Reservoir except water stored in accordance with the provisions of (c) of article 6 of this contract shall be accounted for as American Falls Reservoir water. The District hereby consents to the temporary storage of such water in either Island Park or Grassy Lake Reservoir so long as such storing does not impair the availability of reservoir capacity for the storing of water for the benefit of the District.

Priority of Certain Existing and Future Water Rights

8. (a) In connection with Island Park Reservoir, the United States holds water license No. R-590, with a priority date of March 14, 1935, and license No. R-686, with a priority date of June 12, 1940. Notwithstanding

the later priority of license No. R-686, the United States will hold and administer all storage rights held by it in connection with Island Park Reservoir as though they had the same priority as rights under license No. R-590, subject to the rights of entities having prior rights who have not heretofore or do not hereafter consent to such arrangement.

(b) In connection with Idaho Permit No. 15134, a direct diversion permit with a priority date of March 30, 1921, held in connection with American Falls Reservoir, the United States may contract with American Falls Reservoir District No. 2 to recognize the right of that district to have water license No. 15134 exercised substantially as follows:

American Falls Reservoir District No. 2 to have the right to divert as natural flow during each irrigation season under water license No. 15134, having a March 30, 1921 priority, as follows: From May 1 of each irrigation season continuing during that season so long as there is natural flow available for that priority, the first 1,700 cubic feet per second of flow to be available one-half (1/2) to American Falls Reservoir District No. 2 and one-half (1/2) to American Falls Reservoir, except that in any year in which American Falls Reservoir is full to capacity on April 30 or fills after that date, taking into account any water that may be temporarily stored to its credit in upstream reservoirs, all water diverted by American Falls Reservoir District No. 2 within the maximum of 1,700 cubic feet per second during the year prior to the initial storage draft

on American Falls Reservoir after the reservoir finally fills in that year shall be considered as natural flow under water license No. 15134. Nothing herein shall prevent American Falls Reservoir District No. 2 from diverting water under said license prior to May 1 of a given irrigation season but all such diversions shall be charged as storage in the event the reservoir is not full on April 30 of that season or does not fill after April 30 of that season.

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

And the District agrees that it will not oppose an adjudication of a natural flow right of the waters of the Snake River for the benefit of American Falls Reservoir District No. 2 consistent with the foregoing criteria. The contract by the United States with American Falls Reservoir District No. 2 shall be on the condition, however, that that district assume its proportionate share of the obligation for the cost of replacement power under the provisions of article 6. When such contract has become operative, the United States shall make application to the State of Idaho for amendment of water permit No. 15134 and the issuance thereunder with a priority date of March 30, 1921, requiring that the remainder of the right under the permit, 6,300 second-feet, to the extent such right remains outstanding, be used

for storage in American Falls Reservoir, such right, however, if issued to the United States not to carry voting privileges in water users meetings under the laws of the State of Idaho. Such application shall, however, leave unaffected water license No. R-269 having a priority dated March 30, 1921.

Protection of Water Rights

9. In case any dispute arises as to the character, extent, priority or validity of any of the storage rights held in the name of the United States for the benefit of the District in connection with its rights under the contract of July 15, 1935, as supplemented by this contract, the United States may, independently of the District, bring and prosecute judicial proceedings for the determination of such dispute and take all other measures necessary toward the defense and protection of its water rights, and such proceedings may be brought and prosecuted by the District.



Consent to Saving of Winter Water;
Special Storage Right



10. (a) Various water users and water users organizations having rights to divert water from the Snake River have contracted or expect to contract with the United States to curtail or cease diversions from the time Palisades Reservoir is announced as ready for operation for a period of one hundred fifty (150) consecutive days during the period from November 1 through April 30 of each storage season.

(b) The total savings of water during each storage season as the result of curtailment of winter diversions by the various water users and water users organizations diverting from the Snake River who have contracted

or will contract with the United States to curtail or cease diversions is agreed to be 143,000 acre-feet, of which 135,000 acre-feet are attributable to curtailments by those diverting above American Falls Dam and 8,000 acre-feet below that point.

(c) The right to store water pursuant to contracts as indicated in (a) and (b) above shall be prior in time over the storage rights held by the United States for American Falls Reservoir (the latter having a priority dated March 30, 1921), or any storage rights held by the United States or the District that are junior to the American Falls rights. The District hereby consents to the granting of special storage rights with a like priority to all water users organizations and all water users who, directly or indirectly, contract to curtail storage season diversions substantially as provided in (a) of this article within these maxima as to total special storage rights:

- (1) For water users organizations and water users diverting above American Falls Dam — 135,000 acre-feet.
- (2) For water users organizations and water users diverting between American Falls Dam and Milner Dam — 8,000 acre-feet, exclusive of the special storage rights described in (d) of this article.

(d) The District also hereby consents to permitting the North Side Canal Company and the Twin Falls Canal Company to store, in either American Falls or Palisades Reservoir, during the months of November through March of any storage season under a priority like that provided in (c) above, water that would otherwise accrue to them within these rights:

The rights of the North Side Canal Company and of the Twin Falls Canal Company, respectively, to divert at Milner Dam for domestic and livestock uses during those months as follows:

North Side Canal Company 126,000 acre-feet

Twin Falls Canal Company 150,000 acre-feet

within this limitation:

If, taking account of all storable water whether stored or not, Palisades and American Falls reservoirs fail to fill during any storage season, any water delivered during that storage season by the North Side Canal Company, in excess of 126,000 acre-feet (but not to exceed the amount of deficiency in fill), and by the Twin Falls Canal Company in excess of 150,000 acre-feet (but not to exceed the amount of deficiency in fill), will be charged as of the end of that storage season against the allotment of American Falls storage to these respective companies.

This limitation in the case of the North Side Canal Company shall become operative from the date Palisades Reservoir is ready for operation, but in the case of the Twin Falls Canal Company need not be made operative until the first year in which that company exercises the special storage provision to which consent is here given.

Advisory Committee

11. (a) In its operation and maintenance of the various dams and reservoirs of the reservoir system, the United States, acting through the Regional Director of the Bureau of Reclamation or his designee or such other officer as may be designated in writing by the Secretary, shall consult from time to time with the Advisory Committee on the various matters specifically requiring consultation under the terms of this contract and on such other matters as will have a substantial bearing on the determination of the amount of stored water to be available in the various reservoirs and on the costs of operation and maintenance of those reservoirs which are required to be borne by the space allocated to irrigation storage. The representative of the United States will meet with the Advisory Committee from time to time, but not less often than two times each year beginning with the calendar year 1953, at such dates and places as may be fixed by the Advisory Committee.

(b) Informal memoranda concerning working arrangements for the carrying out of the provisions of this article may be entered into from time to time between the Regional Director or other designated representative of the Secretary and the Advisory Committee.

Confirmation of Contract

12. The execution of this contract shall be authorized or ratified by the qualified electors of the District at an election held for that purpose. The District, after the election and upon the execution of this contract, shall promptly secure a final decree of the proper court of the State of

Idaho approving and affirming this contract and decreeing and adjudging it to be a lawful, valid, and binding general obligation of the District. The District shall furnish to the United States certified copies of such decrees and of all pertinent supporting records.

Status of Existing Contracts

13. This contract is amendatory of and supplementary to the existing contracts of July 15, 1935, Symbol and No. 11r-814, and September 28, 1935, Symbol and No. 12r-5284; and, except to the extent that the provisions of such existing contracts are specifically terminated by or are in direct conflict with this contract, the provisions of the existing contracts shall remain unaffected by this contract.

Representative of the Secretary

14. Where this contract uses the term "Secretary", this shall be deemed to include in all cases the Under Secretary or any Assistant Secretary or other officer of the Department of the Interior of equal authority. Where this contract authorizes action by the Secretary, such action may also be taken for or on behalf of the Secretary by any representative duly authorized therefor in writing.

Notices

15. Any notice, demand or request required or authorized by this contract shall be deemed properly given, except where otherwise herein specifically provided, if mailed, postage prepaid, to the Project Superintendent (the present "project officer"), Bureau of Reclamation, Burley, Idaho, on behalf of the United States, and to the Secretary, Fremont-Madison

Irrigation District, St. Anthony, Idaho, on behalf of the District. The designation of the person to be notified or the address of such person may be changed at any time by similar notice.

Discrimination Against Employees or Applicants
For Employment Prohibited

16. The District shall not discriminate against any employee or applicant for employment because of race, creed, color, or national origin, and shall require an identical provision to be included in contracts relating to the performance of this contract. This provision, however, does not refer to, extend to, or cover the activities of the District which are not related to or involved in the performance of this contract.

Contingent on Appropriations or Allotment of Funds

17. The expenditure of any money or the performance of any work by the United States herein provided for, which may require appropriations of money by the Congress or the allotment of Federal funds, shall be contingent on such appropriations or allotments being made. The failure of the Congress to appropriate funds, or the failure of any allotment of funds, shall not, however, relieve the District from any obligations theretofore accrued under this contract, nor give the District the right to terminate this contract as to any of its executory features pending the appropriation or allotment of such funds. No liability shall accrue against the United States in case such funds are not so appropriated or allotted.

Assignments Prohibited;
Successors and Assigns Obligated

18. The provisions of this contract shall apply to and bind the successors and assigns of the parties hereto, but no assignment or transfer of this contract, or any part thereof, or interest therein, shall be valid until approved by the Secretary.

Officials Not to Benefit

19. No Member of or Delegate to Congress or Resident Commissioner shall be admitted to any share or part of this contract or to any benefit that may arise herefrom, but this restriction shall not be construed to extend to this contract if made with a corporation or company for its general benefit.

IN WITNESS WHEREOF, the parties hereto have signed their names the day and year first above written.

THE UNITED STATES OF AMERICA

By /s/ Fred G. Aandahl
Assistant Secretary of the Interior

FREMONT-MADISON IRRIGATION DISTRICT

By /s/ J. C. Siddoway
President

(SEAL)
Attests

/s/ R. Willis Walker
Secretary

STATE OF IDAHO)
) ss.
County of Madison)

On this 17th day of August 1954
before me personally appeared J. C. Middleton
and R. Willis Walker to me
known to be, respectively, the President and the Secretary of
the Board of Directors of the Fremont-Madison Irrigation
District, the corporation that executed the within and fore-
going instrument. They acknowledged said instrument to be the
free and voluntary act and deed of said corporation, for the
uses and purposes therein mentioned; and on oath stated that
they were authorized to execute said instrument and that the
seal affixed is the seal of said corporation.

IN WITNESS WHEREOF, I set my hand and affix my offi-
cial seal the day and year first above written.

/s/ Mary Smith

Notary Public in and for the
State of Idaho
Residing at Rexburg

My commission expires
June 26, 1955

DISTRICT OF COLUMBIA: ss.

I, Harold L. Byrd, a notary public in and for the District of Columbia, do hereby certify that Fred G. Sandahl, Assistant Secretary of the Interior, who executed the foregoing contract with the Fremont-Madison Irrigation District, dated January 7, 1955, personally appeared before me, the said Fred G. Sandahl being personally known to me as the person who executed the said contract on behalf of the United States of America, and acknowledged the same to be his act and deed.

Given under my hand and seal this 7th day of January, 1955.

/s/ Harold L. Byrd

Notary Public in and for the
District of Columbia

My commission expires May 14, 1957

The Following Exhibit is
Part of This Contract

Document entitled "Criteria and Method for Determination of
Certain Winidaka Powerplant Production Losses From
Restrictions on Use of Water Rights"

Attachment 10

08/01/2012

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

RIGHT NUMBER: 21-2156

NAME AND ADDRESS: UNITED STATES OF AMERICA ACTING THROUGH
BUREAU OF RECLAMATION
REGIONAL DIRECTOR PN CODE-3100
1150 N CURTIS RD STE 100
BOISE ID 83706-1234

SOURCE: HENRYS FORK

TRIBUTARY: SNAKE RIVER

QUANTITY: 114,000.0 90,000.0 AFY

~~45,000 acre feet of this right is designated as the first to fill as specified in the provisions for winter power operation at the Minidoka powerplant as provided for by Bureau of Reclamation Contract No. 14-06-100-1833, incorporated by reference 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).~~

Total reservoir capacity is 135,000 acre feet when filled to elevation 6302.1 and measured at the upstream face of the dam.

PRIORITY DATE: 03/14/1935

POINT OF
DIVERSION:

T13N R43E S28 Lot 3 Within FREMONT County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION FROM STORAGE	04/01 10/31	114,000.0 90,000.0 AFY
IRRIGATION STORAGE	01/01 12/31	114,000.0 90,000.0 AFY

PLACE OF USE:

Place of use for irrigation storage is Island Park 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, located at township 10S, range, 21E, sections 28 and 29, when determined by the Department of Water Resources, the Water District advisory committee, and the United States Bureau of Reclamation that such temporary storage will maximize the storage of water upstream of Milner Dam.

Place of use for irrigation from storage is within the following counties-- Fremont, Teton, and Madison boundary of Fremont-Madison Irrigation District pursuant to Section 43-323, Idaho Code.

Place of use does not include federal public lands unless authorized in writing by the United States Bureau of Reclamation.

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

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

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

This decree does not alter, amend, or modify the contracts entered into between various federal contractors and the United States Bureau of Reclamation, as amended, in conjunction with the Palisades project and the Minidoka project, which contracts remain binding among the parties hereto.

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

~~Although the name of the United States of America acting through the Bureau of Reclamation appears in the Name and Address section of this partial decree, the ownership of this water right is divided. The United States Bureau of Reclamation holds nominal legal title. Beneficial or equitable title to this water right is held in trust by the irrigation organizations, in the quantities and/or percentages specified in the contracts between the Bureau of Reclamation and the irrigation organizations, for the benefit of the landowners entitled to receive distribution of this water from the respective irrigation organizations pursuant to Idaho law. As a matter of law, this interest is appurtenant to the lands within the boundaries of or served by such irrigation organization. The ownership of this water right is derived from law and is not based exclusively on the contracts between the Bureau of Reclamation and the irrigation organizations.~~

~~A portion of this right is designated as the first to fill as specified in the provisions for winter power operation at the Minidoka powerplant as provided for by Bureau of Reclamation Contract No. 14-06-100-1833, incorporated by reference 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).~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Attachment 11

08/01/2012

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

RIGHT NUMBER: 21-10560

NAME AND ADDRESS: UNITED STATES OF AMERICA ACTING THROUGH
BUREAU OF RECLAMATION
REGIONAL DIRECTOR PN CODE-3100
1150 N CURTIS RD STE 100
BOISE ID 83706-1234

SOURCE: HENRYS FORK TRIBUTARY: SNAKE RIVER

QUANTITY: ~~21,000.0~~ 45,000.0 AFY

Total reservoir capacity is 135,000 acre feet when filled to elevation 63023 and measured at the upstream face of the dam.

PRIORITY DATE: 06/12/1940

The storage of water under this right shall be administered with a priority date of 03/29/1921, and shall not exceed 45,000 acre-feet per year; provided the volume of water that may be stored under this right is equal to the reduction in the volume of water diverted under right nos. 1-217 and 1-218.

POINT OF
DIVERSION:

T13N R43E S28 Lot 3 Within FREMONT County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION STORAGE	01/01 12/31	~~21,000.0~~ 45,000.0 AFY
IRRIGATION FROM STORAGE	04/01 10/31	~~21,000.0~~ 45,000.0 AFY

PLACE OF USE:

Place of use for irrigation storage is Island Park 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, located at township 10S, range, 21E, sections 28 and 29, when determined by the Department of Water Resources, the Water District advisory committee, and the United States Bureau of Reclamation that such temporary storage will maximize the storage of water upstream of Milner Dam.

Place of use for irrigation from storage is within the following counties: Fremont, Teton, and Madison boundary of Fremont-Madison Irrigation District pursuant to Section 43-323, Idaho Code.

Place of use does not include federal public lands unless authorized in writing by the United States Bureau of Reclamation.

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

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

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

This decree does not alter, amend, or modify the contracts entered into between various federal contractors and the United States Bureau of Reclamation, as amended, in conjunction with the Palisades project and the Minidoka project, which contracts remain binding among the parties hereto.

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

~~Although the name of the United States of America acting through the Bureau of Reclamation appears in the Name and Address section of this partial decree, the ownership of this water right is divided. The United States Bureau of Reclamation holds nominal legal title. Beneficial or equitable title to this water right is held in trust by the irrigation organizations, in the quantities and/or percentages specified in the contracts between the Bureau of Reclamation and the irrigation organizations, for the benefit of the landowners entitled to receive distribution of this water from the respective irrigation organizations pursuant to Idaho law. As a matter of law, this interest is appurtenant to the lands within the boundaries of or served by such irrigation organization. The ownership of this water right is derived from law and is not based exclusively on the contracts between the Bureau of Reclamation and the irrigation organizations.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

~~Place of use is also known as Freemont Irrigation District.~~

This right is designated as the first to fill as specified in the provisions for winter power operation at the Minidoka powerplant as provided for by Bureau of Reclamation Contract No. 14-06-100-1833.

This right is a combination of all of former right no. 21-2157 and 24,000 acre-feet of right no. 21-2156.

Attachment 12

01/12/2006

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

RIGHT NUMBER: 21-4155

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

SOURCE: CASCADE CREEK
GRASSY SPRING

TRIBUTARY: FALL RIVER
TRIBUTARY: FALLS RIVER

QUANTITY: 15,204.00 AFY

The quantity for this water right must be determined by the state of Wyoming. The listing of this element is for informational purposes only.

PRIORITY DATE: 02/13/1936

The priority date for this water right must be determined by the state of Wyoming. The listing of this element is for informational purposes only.

POINT OF
DIVERSION:

T09N R46E S17 NESW Lot 3 Within FREMONT County
T09N R46E S17 NESW Lot 3 Within FREMONT County

The point of diversion for this water right is in Teton County, Wyoming, lot 4 ssw, sec. 8, T. 48N, R. 116W, 6th PM.
The point of diversion shown above is where the conveyance system enters Idaho.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION STORAGE	01/01 12/31	15,204.00 AFY
IRRIGATION FROM STORAGE	04/01 10/31	15,204.00 AFY

PLACE OF USE:

Place of use for irrigation from storage is within the following counties: Fremont, Madison, and Teton.

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

This water right is also recorded as Wyoming Certificated Water Right No. P4136 R.

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

Although the name of the United States of America acting through the Bureau of Reclamation appears in the Name and Address section of this partial decree, the ownership of this water right is divided. The United States Bureau of Reclamation holds nominal legal title. Beneficial or equitable title to this water right is held in trust by the irrigation organizations, in the quantities and/or percentages specified in the contracts between the Bureau of Reclamation and the irrigation organizations, for the benefit of the landowners entitled to receive distribution of this water from the respective irrigation organizations pursuant to Idaho law. As a matter of law, this interest is appurtenant to the lands within the boundaries of or served by such irrigation organization. The ownership of this water right is derived from law and

organization. The ownership of this water right is derived from law and is not based exclusively on the contracts between the Bureau of Reclamation and the irrigation organizations.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Place of use is within the boundaries of Fremont-Madison Irrigation District.

Attachment 13

08/20/2012

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

RIGHT NUMBER: 21-4155

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

SOURCE: CASCADE CREEK
GRASSY SPRING

TRIBUTARY: FALL RIVER
TRIBUTARY: FALLS RIVER

QUANTITY: 15,204.00 AFY

The quantity for this water right represents the maximum quantity of storage water that may be put to beneficial use under this right after the storage released from Grassy Lake enters the State of Idaho must be determined by the state of Wyoming. The listing of this element is for informational purposes only.

PRIORITY DATE: 02/13/1936

The priority date for this water right represents the priority associated with the storage water put to beneficial use under this right after storage released from Grassy Lake enters the State of Idaho must be determined by the state of Wyoming. The listing of this element is for informational purposes only.

POINT OF
DIVERSION:

T09N R46E S17 NESW Lot 3 Within FREMONT County
~~T09N R46E S17 NESW Lot 3 Within FREMONT County~~

~~The point of diversion for this water right is in Teton County, Wyoming, lot 4 swsw, sec. 8, T. 48N, R. 116W, 6th PM.~~

The point of diversion shown above is where the conveyance system enters Idaho, recognizing, however, the storage water is physically stored in and released from Grassy Lake which is located within the State of Wyoming.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
~~IRRIGATION STORAGE~~	~~01/01 12/31~~	~~15,204.00 AFY~~
IRRIGATION FROM STORAGE	04/01 10/31	15,204.00 AFY

PLACE OF USE:

Place of use for irrigation from storage is within the ~~following counties: Fremont, Madison, and Teton~~ boundary of Fremont-Madison Irrigation District pursuant to Section 43-323, Idaho Code.

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

This water right is also recorded as Wyoming Certificated Water Right No. P4136 R.

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

The storage of water for irrigation purposes occurs within the state of Wyoming pursuant to the laws of that state and consistent with federal law, which provides for the operation of the Minidoka Project consistent with existing federal law and contracts entered into between spaceholders and the United States.

Storage water referenced herein may be temporarily held in the unoccupied space of any of the reservoirs upstream of Milner Dam, located at township 10S, range, 21E, sections 28 and 29, when determined by the Department of Water Resources, the Water District advisory committee, and the United States Bureau of Reclamation that such temporary storage will maximize the storage of water upstream of Milner Dam.

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

~~Although the name of the United States of America acting through the Bureau of Reclamation appears in the Name and Address section of this partial decree, the ownership of this water right is divided. The United States Bureau of Reclamation holds nominal legal title. Beneficial or equitable title to this water right is held in trust by the irrigation organizations, in the quantities and/or percentages specified in the contracts between the Bureau of Reclamation and the irrigation organizations, for the benefit of the landowners entitled to receive distribution of this water from the respective irrigation organizations pursuant to Idaho law. As a matter of law, this interest is appurtenant to the lands within the boundaries of or served by such irrigation organization. The ownership of this water right is derived from law and organization. The ownership of this water right is derived from law and is not based exclusively on the contracts between the Bureau of Reclamation and the irrigation organizations.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

~~Place of use is within the boundaries of Fremont Madison Irrigation District.~~