

02/08/2006

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

RIGHT NUMBER: 2-78

NAME AND ADDRESS: SNAKE RIVER IRRIGATION DIST
PO BOX 9
GRAND VIEW ID 83624

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 127.000 CFS

PRIORITY DATE: 06/05/1912

POINT OF DIVERSION:
T05S R04E S34 SWNW Lot 4 Within ELMORE County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
PLACE OF USE:	IRRIGATION	3/15 10/31	127.000 CFS

7402 ACRES TOTAL

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

The rights listed below are limited to the irrigation of a combined total of 7,402 acres in a single irrigation season. Combined Right Nos.: 2-78, 2-79

PLACE OF USE WITHIN LANDS OF SNAKE RIVER IRRIGATION DISTRICT.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

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

December 6, 2005

To Whom it may concern:

I Gary Lawson owned the land in question (Known as Dixie Ranch) which now is owned by Simplot. I owned this property from early 1970 to 1979. While I owned this property I personally irrigated most of the land in question and the rest of the land in question had definite evidence of prior irrigation.

Signed

Gary Lawson
Gary Lawson

State of Idaho)

S.S

County of Owyhee)

On this 6th day of December, in the year 2005, before me personally know to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

S
E
A
L

DIXIE MCDANIEL
Notary Public
State of Idaho

Dixie McDaniel
Notary Public

MY COMMISSION EXPIRES
January 12, 2007

My Commission Expires on

RECORDED THRU NOTARY PUBLIC UNDERWRITERS

Don,

The Dixie Ranch Legal Description is: Township 5S, 3E, Section 14 & 15.

James Hart Place is the District, Legal Description is Section 13 & 14 T5S ,3E, (12 Acres)

(Click here and type address)

facsimile transmittal

To: Don Shaff

Fax: 287-6000

From: Dixie

Date: December 6, 2005

Re: Adjudication

Pages: 3

CC: (Click here and type name)

☐ Urgent

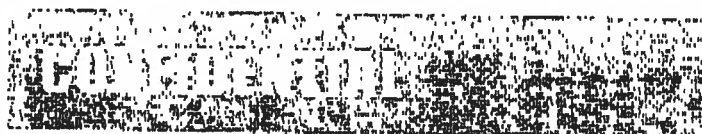
☐ For Review

☐ Please Comment

☐ Please Reply

☐ Please Recycle

Notes: Don, I'm sending you more information from Snake River Irrigation.



COPY

May 19, 1994

I, Wayne Ridley, custom harvested hay in 19⁷⁶ through 19⁷⁷ on the land known as the Sand Hill, approximately 51 acres, which was owned at that time by Walter Shouse. This land was irrigated at that time, as it is now irrigated, with Snake River Irrigation District water.

Wayne Ridley

Wayne Ridley
Director
Snake River Irrigation District

SUBSCRIBED AND SWORN TO BEFORE ME, This 13 day of OCTOBER, 19 94.

Jack Bunge
Notary Public for BURIE OF IDAHO
Residing at CHANDLERVIEW, IDAHO
My Commission/Bond expires 4-12-1997

Prof C W

POD - line between 13 1/4, T 55, R 3 E

During season 1912 - 1913, 1914. Water Diverted

Report of Engineer
Measured Nov 23, 1912

Canals 130.25 cfs

Pump capacity 147.84

I-Line 18.2 cfs

B-Line 29.08 cfs

A-Line East 14.07 cfs

A-Line West 40.00 cfs

130.25

W Strike

2-2080

Words 10 mp/ekd 12/09/52

4/01/52 sent into full production for pass.
Proof B/U - Holder

September 11

September 02 -

APPROVAL OF STATE ENGINEER.

The number of this permit is 9375.

Date of first receipt of application: 2.30 p.m. October 29, 1909

Recorded in Book 15, Page 5375. Approved October 29, 1909

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

Good and sufficient bond to be filed in the sum of \$1,000.00 on or before December 28, 1909.

One-fifth of the work above specified to be completed on or before April 1, 1910.

The whole of said work to be completed on or before October 29, 1910.

The time for proof of beneficial use of water appropriated in accordance herewith extended to October 29, 1910.

Witness my hand this twenty-ninth day of October, 1909.

John Stephenson, Jr.

State Engineer

Assigned Crocker to Snake River Irr Co 2-14-10

Snake River Irrigation
PO Box 9
Grand View, Idaho 83624

facsimile transmittal

To: Don Staff

Fac: 287-6701

From: Dore

Date: August 24, 2005

Re: Commissioner Minutes

Pages: 9

CC:

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

Water: Don. Here is the Commissioner minutes from the Court House.

February 17, 1958

MEMO TO E. H. A.

The following are excerpts from examination of the minutes of the meetings of the Board of County Commissioners of Ada County - regarding the formation of Snake River Irrigation District:

MEETING OF JUNE 11, 1917:

"Susan E. Chattin and others having presented to the Board and filed with the Clerk thereof a petition in due form for the organization of an irrigation district embracing lands described therein and having accompanied the said petition with a good and sufficient bond in double the amount of the probable cost to Ada County of organizing such district, conditioned that the bondsmen thereto will pay all said costs in case said organization be not effected;

Now, therefore, it is ordered that the said bond be and the same is hereby approved and the chairman of the Board is hereby authorized and directed to endorse the same accordingly, and

It is further ordered that the Clerk be and he is hereby authorized and directed to publish the general notice by the statutes in such case made and provided "

MEETING OF JULY 9, 1917:

* * * and said petition having been this day regularly and formally presented to the Board, and it having been proved to the Board that in pursuance of the order of the Board and the statute in such cases made and provided, the Clerk caused a general notice to be published in the Idaho Sunday Statesman for the full period of two weeks next preceding July 9, 1917, stating that Susan E. Chattin and others had filed said petition, and stating also the time at which such petition would be presented to the Board, which time was July 9, 1917, during a regular meeting of the Board and that it was and is proposed to purchase a canal and irrigation works already in operation, known as Snake River Irrigation System, and that the lands covered by said system are the lands proposed to be included in said district;

* * *

Now, therefore, it is ordered that Monday, the 6th day of August, 1917, at 10:00 o'clock A. M. be, and the same is hereby fixed for the hearing upon said petition and it is further ordered that notice of such hearing, signed by the Chairman of the Board, be published for the full period of three weeks before the such hearing in a newspaper published in Ada County, where said proposed district is situated."

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MEETING OF AUGUST 6, 1917:

"A petition signed by Susan E. Chertin and others having been duly filed with the clerk of this Board praying that the lands and irrigation works described therein be organized into an irrigation district and said petition having been accompanied by a good and sufficient bond and said petition having been regularly and formally presented to the Board on July 9, 1917, and the Board having on the said 9th day of July, 1917, duly ordered that August 6, 1917, at 10 o'clock A. M., be fixed as the time for the hearing upon said petition and having directed that notice of such hearing be published for the full period of three weeks before the time of such hearing in a newspaper published in Ada county, wherein the whole of said proposed district is situate; and it having been proved to the Board that a copy of said petition and all maps and other papers filed therewith were filed in the office of the State Engineer 4 weeks before the date set for such hearing, and that said notice of such hearing was duly published for the time and in the manner prescribed by said order of the Board and pursuant to the statute in such case made and provided; and the State Engineer having prepared and filed with the Board a report on the matter endorsing and approving the organization of the proposed district as described in the said petition with the exception that B Line Canal east of the east line of Section 19, Township 5 South, Range 4 East of the Boise Meridian, be abandoned and the petitioners having proposed to the Board that all of the Sixth Section 28, Township 5 South, Range 4 East of the Boise Meridian, be omitted from the proposed district, and that all of the Sixth of Section 13, Township 5 South, Range 3 East of the Boise Meridian, lying south of B Line Canal and all of the Eighth of Section 11, Township 5 South, Range 3 East of the Boise Meridian, lying between the Z Line and Y Line Canals be added to the proposed district and no petitioner, or other person, having proposed or suggested to the Board that any other change be made in the proposed boundaries of said district as described in said petition, and the Board hearing of no reason or cause for making any change or changes therein other than those before mentioned and all and singular the law and the promises being by the Board here seen, heard, understood and fully considered.

Wherefore, it is ordered that the lands and irrigation works described in said petition, except those proposed to be omitted and those proposed to be added as aforesaid, be and the same are hereby included in said proposed district. That said lands and irrigation works will be organized into an irrigation district, if the vote of the electors hereafter to be taken on the proposition shall be favorable to such organization.

It is further ordered that the name of the proposed district shall be Snake River Irrigation District.

It is further ordered that the proposed district be and the same is hereby divided into 3 divisions hereinafter described, which shall be named First, Second and Third and one director, who shall be an elector and resident in the division, shall be elected from each division of the district at large; and the Board hereby adjudge that the said divisions are of as nearly equal size as practicable.

The lands and irrigation works to be included and which are

-3-

hereby included in said proposed district and the said divisions are shown on a map on file in the office of the Board and are described as follows, to-wit:

TOWNSHIP 5 SOUTH, RANGE 3 EAST OF THE BOISE MERIDIAN:

Section 10:	All	640	Acre
Section 11:	W$\frac{1}{2}$SW$\frac{1}{4}$	80	"
	All of E $\frac{1}{2}$ SW $\frac{1}{4}$ lying west and northwest of Z Line Canal, containing	60	"
	All of W $\frac{1}{2}$ SE $\frac{1}{4}$ lying north or under Z Line Canal, containing	20	"
Section 15:	NE $\frac{1}{4}$	160	"
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	40	"
	Lot 4	34.40	"
	Lot 3	53.50	"
	Lot 2	24.60	"
	Lot 1	31.50	"
Section 16:	Lot 1	3	"
Section 14:	W$\frac{1}{2}$SW$\frac{1}{4}$	80	"
	SE$\frac{1}{4}$SW$\frac{1}{4}$	40	"
	All of NE $\frac{1}{4}$ SW $\frac{1}{4}$ lying west and southwest of Z Line Canal, containing	35	"
	Lot 4	40.70	"
	Lot 3	33.60	"
	Lot 2	22.20	"
	All of Lot 1 lying south and southwest of Z Line Canal, containing	15	"
	All of S $\frac{1}{2}$ NE $\frac{1}{4}$ lying southwest of Z Line Canal, containing	30	"
	All of NW $\frac{1}{4}$ NE $\frac{1}{4}$ lying southwest and west of Z Line Canal, containing	4	"
Section 13:	All of W $\frac{1}{2}$ SE $\frac{1}{4}$ lying south of B Line Canal, containing	60	"
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	40	"
	Lot 2	36.70	"
	Lot 1	41.40	"
	All of Lot 3 lying south and southeast of B Line Canal, containing	12	"
	All of SE $\frac{1}{4}$ SW $\frac{1}{4}$ lying south of B Line Canal, containing	3	"
Section 24:	NE $\frac{1}{4}$ NE $\frac{1}{4}$	40	"
	Lot 3	17.10	"
	Lot 2	29.40	"
	Lot 1	8.10	"

TOWNSHIP 5 SOUTH, RANGE 4 EAST:

Section 18:	Lot 4 or Lot 3	46.50	
	All of NW $\frac{1}{4}$ SW $\frac{1}{4}$ lying southwest of B Line Canal, containing	1-	
	All of SE $\frac{1}{4}$ SW $\frac{1}{4}$ lying southwest of B Line Canal, containing	1-	
	All of SW $\frac{1}{4}$ SE $\frac{1}{4}$ lying southwest of B Line Canal, containing	6	
Section 19:	Lot 1	46.50	
	Lot 2	40	
	EN $\frac{1}{4}$ NW $\frac{1}{4}$	80	
	All of N $\frac{1}{2}$ NE $\frac{1}{4}$ lying southwest of B Line Canal, containing	58	
	S $\frac{1}{2}$ NE $\frac{1}{4}$	80	
	Lot 3	46.50	
	Lot 4	35	
	E $\frac{1}{2}$ SW $\frac{1}{4}$	80	
	SE $\frac{1}{4}$	160	
Section 20:	All of NW $\frac{1}{4}$ NW $\frac{1}{4}$ lying southwest of B Lateral, containing	4	
	All of S $\frac{1}{2}$ NW $\frac{1}{4}$ lying west and south- west of B Lateral, containing	78	
	W $\frac{1}{2}$ SW $\frac{1}{4}$	80	
	All of E $\frac{1}{2}$ SW $\frac{1}{4}$ lying south and south- west of B Lateral, containing	58	
Section 29:	NW $\frac{1}{4}$	160	
	N $\frac{1}{2}$ SW $\frac{1}{4}$	80	
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	40	
Section 30:	NE $\frac{1}{4}$	160	
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	40	
	Lot 1	19.90	
	Lot 2	22.00	
	Lot 3	22.00	
Total		3165.54	Acres

Which Lands are hereby designated by the Board as the first 3.

Also the following:

TOWNSHIP 4 SOUTH, RANGE 2 EAST:

Section 25:	SE $\frac{1}{4}$	160	Acres
	N $\frac{1}{2}$ SW $\frac{1}{4}$	80	"
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	40	"
	Lot 1	36.90	"

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Section 36: Lots 1 and 2

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TOWNSHIP 4 SOUTH, RANGE 3 EAST:

Section 30:	All of NW $\frac{1}{4}$ SE $\frac{1}{4}$ lying south of Y	57	"
	line Canal, containing		
	All of NE $\frac{1}{4}$ SW $\frac{1}{4}$ lying south of	30	"
	Y Line Canal, containing		
	All of Lot 3 lying south of	25	"
	Y Line Canal, containing		
	Lot 4	34.74	"
	Lot 5	37.50	"
	Lot 6	36.59	"
	Lot 7	45.86	"
Section 31:	Lot 4	24.70	"
	Lot 3	31.80	"
	Lot 2	49.50	"
	Lot 1	31.70	"
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	80	"
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	40	"
Section 32:	SW $\frac{1}{4}$	320	"

TOWNSHIP 5 SOUTH, RANGE 3 EAST:

Section 6:	Lot 3	44.30	"
	Lot 14	16.95	"
	Lot 2	37.40	"
	Lot 1	40	"
	Lot 8	12.80	"
	Lot 9	15.40	"
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	40	"
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	40	"
Section 5:	NW $\frac{1}{4}$	320	"
	Lot 5	44.30	"
	Lot 6	37.50	"
	Lot 7	43.30	"
	Lot 8	20.40	"
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	40	"
Section 4:	All	639.10	"
Section 9:	Lot 4	53.50	"
	NE $\frac{1}{4}$	160	"
	Lot 3	20.85	"
	Lot 2	30.70	"
	Lot 1	39	"
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	40	"

Total 2947.30 Acres

Which lands are hereby designated by the Board as the Second Division

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Also the following:

TOWNSHIP 5 SOUTH, RANGE 3 EAST:

Section 11:	All of N $\frac{1}{2}$ NE $\frac{1}{4}$ lying south and southwest of Z Line Canal, containing		
	SE $\frac{1}{4}$ NE $\frac{1}{4}$		
	All of SE $\frac{1}{4}$ NE $\frac{1}{4}$ lying west and Southwest of Z line canal, containing	33	"
	N $\frac{1}{2}$	160	"
Section 2:	All of Lot 4 lying southwest of Z line Canal, containing	6	"
	All of SW $\frac{1}{4}$ NE $\frac{1}{4}$ lying west and southwest of Z Line canal, containing	19	"
	All of NW $\frac{1}{4}$ SW $\frac{1}{4}$ lying west and southwest of Z Line Canal, containing	47	"
	SW $\frac{1}{4}$ SW $\frac{1}{4}$		
	All of E $\frac{1}{2}$ SW $\frac{1}{4}$ lying west and south west of Z Line Canal, containing	19	"
Section 3:	All	640	"

TOWNSHIP 4 SOUTH, RANGE 3 EAST:

Section 34:	W $\frac{1}{2}$ SE $\frac{1}{4}$	80	"
	All of SE $\frac{1}{4}$ SE $\frac{1}{4}$ lying west of Z Line Canal, containing	34	"
	All of NE $\frac{1}{4}$ SE $\frac{1}{4}$ lying south and west of Z Line Canal, containing	28	"
	SW $\frac{1}{4}$	160	"
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	80	"
	All of SW $\frac{1}{4}$ NE $\frac{1}{4}$ lying southwest of Z Line Canal, containing	34	"
	All of NW $\frac{1}{4}$ NE $\frac{1}{4}$ lying south and southwest of Z Line canal, containing	15	"
	All of NE $\frac{1}{4}$ NW $\frac{1}{4}$ lying south of Z Line canal, containing	4	"
Section 33:	All	640	"
Section 28:	All of Lot 1 lying south and southwest of Z Line Canal, containing	12	"
	All of Lot 2 lying south and southwest of Z Line Canal, containing	27	"
	All of Lot 3 lying south and southwest of Z Line Canal, containing	29	"
	All of Lot 4 lying south and southwest of Z Line Canal, containing	32	"

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Section 29:	Lot 1	34.54	"
	Lot 2	34.8	"
	All of W ² S ² E ² lying south of Z Line Canal, containing	52	"
	Lot 3	35.09	"
	Lot 4	35.36	"
	W ² S ² E ²	80	"
	All of S ² W ² E ² lying south of Y Line Canal, containing	8	"
Section 32:	W ²	320	"
Total		2803.60	Acres

which lands are hereby designated by the Board as the Third District.

It is intended to include within the boundaries of the said proposed district and the same are hereby included, all of the canals of the said irrigation system and consisting of A Line West, Z Line and Y Line Canals and A Line East and B Line Canals together with their banks and all pipe lines, flumes, fixtures and appurtenances thereto belonging or in anywise appertaining and all laterals used in connection with said canals and the pumping plant and all buildings, fixtures and appurtenances thereto belonging or in anywise appertaining and all other fixtures, appurtenances and property in anywise used in connection with said irrigation system or forming a part thereof.

The said canals, pump house and appurtenances (including "B" Lateral) above mentioned are shown on said map now on file in the office of said Board to which reference is hereby made.

It is further ordered that an election be held in said proposed district on the 18th day of September, 1917, in the manner provided by law, to determine whether or not said proposed district shall be organized under the provision of Title 14 of the Politics Code of Idaho as amended and for the election of three directors for the proposed district, and the Board shall give notice of such election, which notice shall be published for four weeks prior to such election in a newspaper published within the County of Ada.

It is ordered that election precincts and polling places be and the same are hereby established and designated for the said election as follows, to-wit:

PRECINCT NO. 1: The boundaries of this precinct shall conform to and be identical with the boundaries of the first division of said district and the polling place shall be the residence of W. V. Scofield.

PRECINCT NO. 2: The boundaries of this precinct shall conform to and be identical with the boundaries of the second division of

-8-

said district and the polling place shall be the residence of Samuel Sanderson.

PURCHASE NO. 3: The boundaries of this precinct shall conform to and be identical with the boundaries of the third division of said district and the polling place shall be the residence of Mr. Rogers.

IT IS FURTHER ORDERED that C. E. Brink, J. R. Bagdale and W. M. Scofield be and they are hereby appointed judges of said election for Precinct No. 1 and that M. E. Smith, M. T. Bodine and Samuel Sanderson be and they are hereby appointed judges of said election for Precinct No. 2; and that Mr. Rogers, M. I. Cole and George R. Allen be and they are hereby appointed judges of said election for Precinct No. 3, which judges shall perform the same duties, as near as may be, as judges of election under the general laws of the State.

It is further ordered that said election shall be opened at 8 o'clock A. M., and will continue until 7 o'clock in the evening of the same day.

MEETING OF OCTOBER 2, 1917.

Recite that the matter came on for the canvassing of the votes cast at the election held on September 18, 1917, and it was found that some things had been done at the election which were irregularities. That the total number of votes cast were 43, of which number 35 were for and were cast against.

It was further ordered that the district was fully represented and falling with a description of the lands and other property included within the boundaries of said irrigation district.

It was also ordered that the following persons be and were appointed as directors of said district:

C. E. Brink - residing in precinct No. 1
J. R. Bagdale - residing in precinct No. 2
George Allen - residing in precinct No. 3

That the same be and were appointed as directors of said district.

RECEIVED
NOV 14 2005
Department of Water Resources

Laura E. Burri
Jeffrey R. Christenson
David P. Claiborne
D. Blair Clark
S. Bryce Farris
Jon C. Gould
David Hammerquist
Charles L. Honsinger
James P. Kaufman
Jennifer Reid Mahoney
James G. Reid
Daniel V. Steenson

William F. Ringert, of Counsel
Allyn L. Sweeney of Counsel
Samuel Kaufman (1921-1986)

November 14, 2005

BY HAND DELIVERY

Donald Shaff
Idaho Department of Water Resources
322 E. Front Street
Boise, Idaho 83702

Re: SRBA Recommendations for Snake River Irrigation District's Water Right Nos. 02-00078 and 02-00079

Dear Don:

With this cover is the map you prepared showing the place of use for Snake River Irrigation District's water right nos. 02-00078 and 02-00079, in preparation of director's reports to the SRBA.

Dixie McDaniel reviewed the map with each of the District's landowners to identify the areas within the District to which the District's water rights have been apportioned, and that have historically been irrigated and are currently irrigated. As you will no doubt ascertain by looking at the map, Dixie's review was thorough and specific. The additional areas that you did not identify in your preliminary review are highlighted in yellow. Please include these areas in your shape files and advise me of the resulting total.

I am available to discuss this information further at your convenience. Thanks again, Don, for your assistance and your work on these water rights.

Yours very truly,


Daniel V. Steenson

Enclosure

cc: Snake River Irrigation District
Vic Conrad

SCANNED

FEB 23 2006



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Lower Snake River District
Boise Field Office
3948 Development Avenue
Boise, Idaho 83705-5389

In Reply Refer
To:

IDI-30002
2200

APR 11 1997

Donna Bennett
HC 85, Box 271
Grand View, Idaho 83624

Dear Mrs. Bennett:

I have received your letter dated March 17, 1997, expressing your concerns over the land exchange proposal that BLM is evaluating with the Simplot Livestock Company. I understand you are concerned about how this exchange may effect your property.

It is true that the public lands lie within the Snake River Birds of Prey National Conservation Area (NCA). However, the legislation establishing the NCA specifically provided for the use of land exchanges within the NCA. The NCA management plan also allows land exchanges that either benefit or have no impact to raptors, raptor prey, or their habitat. **The public lands proposed for this exchange have been or are being either cultivated or used for other farm-related purposes.** As such, their value as raptor or raptor prey habitat has been greatly reduced. On the other hand, the private lands proposed in the exchange have not been cultivated and contain greater wildlife resource values. Among other things, BLM will acquire a small parcel adjacent to the Trueblood Wildlife Area, and a parcel in the C.J. Strike Wildlife Management Area.

You expressed concern over the existing management of Simplot-owned land lying adjacent to your property, as well as concern over the potential impacts of the additional use that Simplot proposes for the public lands that may be exchanged to Simplot Livestock Company. Under the requirements of the Federal Land Policy and Management Act of 1976 (FLPMA), we are required to analyze land exchange proposals to determine whether they benefit the resources and the general public. However, once public lands pass into private ownership, BLM no longer has jurisdiction or control over their use. Therefore, if you have concerns over the management of private lands adjacent to your property, or question whether Simplot Livestock Company is operating their facility within the parameters of their State permit(s), you should contact the following State agencies:

1. Idaho Department of Environmental Quality, Boise Regional Office and the Southwest

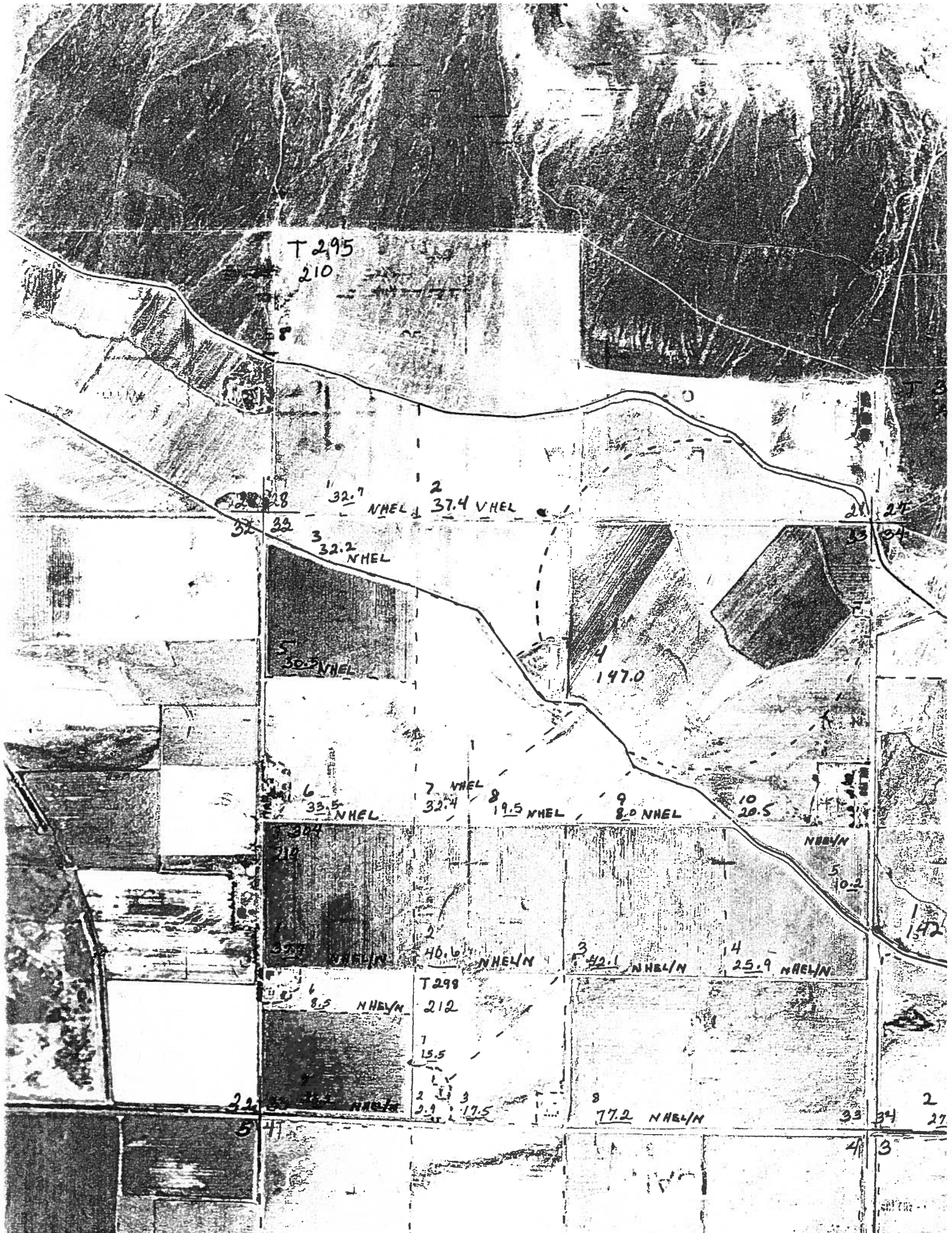
2. District Health Department manage and monitor water and air quality;
2. Idaho Department of Agriculture (IDAG) monitors pesticide and insecticide applications (US Department of Agriculture, in conjunction with IDAG, monitors the use of biological controls of vectors, such as flies);
3. Idaho Department of Water Resources manages water rights and issues well drilling permits.

I appreciate your concerns regarding this exchange, but you have provided no information that leads me to believe that the land exchange as proposed would not benefit the general public, as required by FLPMA. We will continue our evaluation of the proposal, and you will be sent a copy of the Notice of Decision (NOD) when a decision has been issued. There will be a 45 day comment period on the NOD.

Thank you for your interest in this proposal, and please contact Kelley Moore at (208) 384-3452, if you have any questions.

Sincerely,

John C. Sullivan
for Signe Sather-Blair
Bruneau Area Manager



T 295
210

28 32.7 NH 2 37.4 VH
32 33 3 32.2 NH
5 30.5 NH

147.0

6 33.5 NH 7 32.4 NH 8 19.5 NH 9 8.0 NH 10 20.5 NH

30.4 21.9 32.7 NH 40.6 NH 42.1 NH 25.9 NH
6 8.5 NH 7 15.5 NH 8 77.2 NH

T 299
212

22 33.5 NH 2 3 17.5
5 41 2 3 17.5

33 34 27
4 3

11/16/2005

**NOTICE OF ERROR
REPLY**

*Rec'd
11/29/05*

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

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

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: December 2, 2005

Water right number: 2-78

SNAKE RIVER IRRIGATION DIST
PO BOX 9
GRAND VIEW ID 83624

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

Total Acres

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

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

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

DATE: _____ SIGNATURE: _____

Please print your name: _____

IDWR State Office, 322 East Front Street, P.O. Box 83720, Boise, Idaho 83720-0098

11/16/2005

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

RIGHT NUMBER: 2-78

NAME AND ADDRESS: SNAKE RIVER IRRIGATION DIST
PO BOX 9
GRAND VIEW ID 83624

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 127.000 CFS

PRIORITY DATE: 06/05/1912

POINT OF DIVERSION:
T05S R04E S34 SWNW Lot 4 Within ELMORE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	3/15 10/31	127.000 CFS

PLACE OF USE:

7056 ACRES TOTAL

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

The rights listed below are limited to the irrigation of a combined total of 7,056 acres in a single irrigation season. Combined Right Nos.: 2-78, 2-79

PLACE OF USE WITHIN LANDS OF SNAKE RIVER IRRIGATION DISTRICT.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

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

Snake River Irr Co Ltd 5342 5372 5375 Appl Permit
7341 7342 7785 Permit Appl.

8/20/1909
E C Crocker
Snake River
Relinquished

2-2008

8/20/1909
E C Crocker
Brunneau R
Irr & Dam
Relinquished

Mining
Power
Manuf.
Transp.

Simplot

CORPORATE HEADQUARTERS

J.R. SIMPLOT COMPANY ONE CAPITAL CENTER 999 MAIN STREET SUITE 1300
P.O. BOX 27 BOISE, IDAHO 83707 208/336-2110

FAX COVER LETTER

Transmittal Time:

TO: Don Shaff	Fax No. 208-287-6700	DATE: December 1, 2005
COMPANY: IDWR	No. of pages including cover sheet: 2	
FROM: Vic Conrad	Direct Dial Number (208)389-7359	FAX NO. (208) 389-7333
CONFIDENTIALITY NOTICE: <u>This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential, and exempt from disclosure under applicable law.</u> If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this transmission is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the transmission to us at the above address via the US Postal Service. Thank You.		
RE: Notice of April 6, 2005 Annexation Hearing (SNRID)		
Message: Attached is a copy of the notice provided in the Mountain Home News for the Hearing held for Simplot's request to annex land in Section 29 T4S R3E. Please note that a smiliar notice is also provided for a request by George Bennett for land in Section 28 T4S R3E. The quality of the attached image is marginal. Please call if you cannot read the attached notice and I will place a copy in the mail to you.		
If you do not receive all of the pages, please call back as soon as possible to (208)389-7303.		

It is hereby notified that the above is a true and correct copy of the original petition of the said LAURIE ANN LINDOW, as filed in the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Elmore, on the 1st day of October, 1994, in the case of our knowledge and belief.

Mountain Home News
Section B Page 4

NOTICE OF PUBLIC HEARING

On the 17th day of October, 1994, at the hour of 10:00 A.M., of said day, respondent had taken in the Office of First American Title Company, 150 N. 3rd East, Mountain Home, in the County of Elmore, State of Idaho, First American Title Company of Idaho, Inc., as Idaho Corporation, at Mountain Home, Idaho, will sell at public auction, to the highest bidder, for cash, in legal money of the United States, all property at the time of sale, the following described real property situated in the County of Elmore, State of Idaho, and described as follows to-wit:

A tract of land hereinafter described as follows: Commencing at a point 50 feet East on the Southeast Corner of Lot 94 of the BUCHANAN ADDITION to Mountain Home, Elmore County, Idaho, as shown to the recorded plat thereof in the office of the County Recorder of Elmore County, Idaho, as the East right-of-way line of the Mountain Home Highway District road and running thence North along the East right-of-way line of said Highway District road a distance of 200 feet to the REAL POINT OF BEGINNING, thence thence from the real point of beginning East a distance of 200 feet, thence North a distance of 200 feet, thence West a distance of 200 feet to the real point of beginning.

The Trustee has no knowledge of a more particular description of the above referenced real property, and for purposes of compliance with Section 50-112 Idaho Code, the Trustee has been informed the address of 474 Canyon Creek Road, Mountain Home, Idaho, is sometimes associated with said real property.

Said sale will be made without warranty or representation to satisfy the obligation secured by and pertaining to the power of sale conferred in the deed of trust executed by DANIEL L. CARTER and JULIE L. CARTER, husband and wife, as grantors to FIRST AMERICAN TITLE COMPANY OF IDAHO, INC., an Idaho Corporation, as successor trustee, for the benefit and security of DWIGHT L. SPANGLER and JACKIE L. SPANGLER, as Co-Trustees of the Dwight and Jackie L. Spangler Trust Under Trust Agreement Dated April 23, 1990, as hereinafter, dated January 27, 1994, recorded January 27, 1994, as Instrument No. 279487, Mountain Home County, Idaho.

THE ABOVE GRANTORS ARE NAMED TO COMPLY WITH SECTION 65-1004 (4)(A) IDAHO CODE, NO REPRESENTATION IS MADE THAT THEY ARE, OR ARE NOT, PRESENTLY RESPONSIBLE FOR THIS OBLIGATION.

The default for which this sale is to be made is the failure to pay when due, under Deed of Trust Note, dated January 27, 1994, the monthly payments for Principal, Interest and Insurance of \$495.95 per month for the

LAURIE ANN LINDOW, Petitioner
 In the Matter of the Application of LAURIE ANN LINDOW, for change in name.
 Petitioner.

CASE NO. CV-94-00007 NOTICE OF HEARING

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ELMORE

Is the Matter of the Application of LAURIE ANN LINDOW, for change in name.
 Petitioner.

NOTICE IS HEREBY GIVEN that a Petition for change in name of Laurie Ann Lindow, born on November 21, 1944, at San Diego, County of San Diego, State of California, now residing in the City of Mountain Home, County of Elmore, State of Idaho, requesting a change in name to Laurie Ann Lindow, has been filed in the above entitled court. The reason for the change in name is that petitioner would like to honor her family heritage. The name of Laurie Ann Lindow's father is Stanley Seal, who resides at San Diego, County of San Diego, State of California. Such Petition will be heard on Thursday, the 4th day of May, 1995, at the hour of 2:00 o'clock p.m., or at any other time as the Court may appoint, at the Elmore County Courthouse, at Mountain Home, Idaho, and objections may be filed by any person who has in such objection, why to the Court, a good reason against such a change in name.

Witness my hand and the seal of the said District Court this 28th day of February, 1995.

DOLores PORTSON
 Clerk of the District Court

PAUL E. LINDA
 THOMPSON, ASSESSOR
 AND SURNAL
 150 North 3rd East Street
 Post Office Box 104
 Mountain Home, Idaho 83647-0104
 Telephone Number: (208) 587-9787
 Attorney for the Petitioner

First publication March 2, 1995.
 Last publication March 22, 1995.

SNAKE RIVER IRRIGATION DISTRICT NOTICE

Notice is hereby given that a petition has been filed with the Snake River Irrigation District by George Bennett, praying for the annexation to said District, of lands owned by him, situated in the County of Elmore, State of Idaho, described land as follows:
 Township 4 South, Range 3 East, 24E. That portion of land within the described subdivision situated above the high line canal, Section 26, NW 1/4 SW 1/4, Section 25, Acres: NW 1/4, Section 25, Acres: 60 acres. Lot 2, Section 25, Acres: 7 acres, and then on April 2, 1994 at 2:00 P.M. at the office of said District at Grand View, Oregon County, Idaho, has been filed in the said District Court, and where all persons may appear and show cause why they should not be annexed to said District.

NOTICE OF PUBLIC HEARING

A petition to annex to the Elmore County Planning and Development Commission has been requested to C.C. and Donna Langer by the owner of real estate, Mrs. Addie Mae Langer, on a parcel situated in the Northwest 1/4 of Section 26, NW 1/4, Township 4 South, Range 3 East, 24E. A PUBLIC HEARING will be held on March 22, 1995, at 7:00 a.m. in the basement courtroom of the courthouse, 150 South Fourth East Street, Mountain Home, Idaho, for the purpose of gathering public testimony regarding this application. Written testimony may be sent to Elmore County Planning and Development Commission, 150 South Fourth East Street, Mountain Home, Idaho, 83647. Written testimony must be received by March 14, 1995.

Curry T. Langer, Administrator
 Elmore County Planning and Development Commission
 One publication March 9, 1995.

SNAKE RIVER IRRIGATION DISTRICT NOTICE

Notice is hereby given that a petition has been filed with the Snake River Irrigation District by J.R. Simplot Company, praying for the annexation to said District of lands owned by them, situated in the County of Elmore, State of Idaho, described land as follows:
 Township 4 South, Range 3 East, 24E. That portion of land within the described subdivision situated above the high line canal, Section 26, NW 1/4, Section 25, Acres: NW 1/4, Section 25, Acres: 60 acres. Lot 2, Section 25, Acres: 7 acres, and then on April 2, 1994, at 2:00 P.M. at the office of said District at Grand View, Oregon County, Idaho, has been filed in the said District Court, and where all persons may appear and show cause why they should not be annexed to said District.

Dated March 2, 1995.
 Joseph Black, Secretary
 Snake River Irrigation District
 First publication March 2, 1995.
 Last publication March 22, 1995.

CASE NO. 94-12-00000 NOTICE TO CREDITORS

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ELMORE
 MARIETTA MILLER, DECEASED.

NOTICE IS HEREBY GIVEN that the undersigned has been appointed personal representative of the above named estate. All persons having claims against the deceased are required to present their claims within four months after the date of the first publication of this notice or said claims will be forever barred. Claims must be presented to the personal representative at the law office of Hall & Schuch, attorneys at law at 240 East 3rd North Street in Mountain Home, Idaho, and filed with the Court.

DATED this 1st day of February, 1995.



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Consumer Information Center
 Department IC
 Pueblo, Colorado 81009

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U.S. Department of the General Services Administration



DRUNK DRIVING DOESN'T JUST KILL DRUNK DRIVERS.

Alcohol Abuse, Vol. 1, 1994, 1st Edition

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 2-78

WATER RIGHT NUMBER: 2-78

Owner Type Name and Address
 Current Owner SNAKE RIVER IRRIGATION DIST
 PO BOX 9
 GRAND VIEW, ID 83624

Priority Date: 06/05/1912
 Basis: Beneficial Use
 Status: Active

Source Tributary
 SNAKE RIVER COLUMBIA RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 10/31	127.000 CFS	
	<u>Total Diversion:</u>	127.000 CFS	

Location of Point(s) of Diversion

SNAKE RIVER L4 (SW1/4NW1/4) Sec. 34, Twp 05S, Rge 04E, B.M.
 ELMORE County

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04S	02E	25									20.0	8.0	28.0	40.0	22.0	13.0	40.0	40.0	211.0
04S	02E	36		19.0 L 1			37.0 L 2												56.0
04S	03E	28									2.0	34.0 L 4	34.0 L 3			34.0 L 2	13.0 L 1		117.0
04S	03E	29						20.0	2.0	38.0	40.0		35.0 L 3	15.0	36.0	35.0 L 2	35.0 L 1		256.0
04S	03E	30								39.0	36.0 L 3	35.0 L 4	37.0 L 5	X	3.0	X	X	X	150.0
04S	03E	31	X	X		X	X L 4							X L 2				X L 1	
04S	03E	32	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	640.0
04S	03E	33	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	640.0
04S	03E	34			32.0	8.0	X	X	40.0	40.0	40.0	40.0	40.0	35.0	40.0	40.0	40.0	40.0	435.0

Adjudication Claim Report 2-78

04S	03E	35									1.0								1.0		
05S	03E	2					20.0 L 3	40.0 L 4	40.0	40.0	40.0	40.0	40.0	40.0					300.0		
05S	03E	3	40.0 L 1	40.0 L 2	40.0	40.0	40.0 L 3	40.0 L 4	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	640.0			
05S	03E	4	40.0 L 1	40.0 L 2	40.0	40.0	40.0 L 3	40.0 L 4	40.0	40.0	40.0	39.0 L 5	40.0	40.0	40.0	40.0	40.0	639.0			
05S	03E	5	40.0 L 1	40.0 L 2	40.0	40.0	40.0 L 3	40.0 L 4	40.0	40.0	38.0 L 6	44.0 L 5		40.0	43.0 L 7		21.0 L 8	506.0			
05S	03E	6	44.0 L 3		37.0 L 2	40.0					16.0 L 14				40.0	40.0 L 1	13.0 L 8	15.0 L 9	245.0		
05S	03E	9	X	X	40.0	X	X L 4		21.0 L 3					X	31.0 L 2		X L 1	92.0			
05S	03E	10	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	640.0			
05S	03E	11	15.0	21.0	40.0	31.0	40.0	40.0	40.0	40.0	28.0	40.0	40.0	19.0				394.0			
05S	03E	13									37.0 L 2	21.0 L 3					35.0	40.0	41.0 L 1	40.0	214.0
05S	03E	14	2.0				X	40.0	40.0	40.0	40.0	34.0 L 3	41.0 L 4					17.0 L 1	22.0 L 2		276.0
05S	03E	15	40.0	40.0	40.0	40.0	40.0	34.0 L 4	54.0 L 3								32.0 L 1	25.0 L 2		345.0	
05S	03E	24	40.0	17.0 L 3	29.0 L 2										10.0 L 1				96.0		
05S	04E	18									18.0 L 3				40.0 L 4	30.0	X		88.0		
05S	04E	19	20.0	X	40.0	40.0	40.0	40.0 L 1	40.0 L 2	40.0	40.0					40.0	40.0	40.0	40.0	420.0	
05S	04E	20					2.0				26.0	19.0	40.0	40.0	35.0				162.0		
05S	04E	28									15.0								15.0		
05S	04E	29	30.0				40.0	40.0	40.0	40.0	15.0	X	X		40.0	40.0	40.0	40.0	405.0		
05S	04E	30	40.0	40.0	X	40.0													120.0		
05S	04E	32	25.0	20.0																45.0	
05S	04E	33					8.0												8.0		

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 2-78

Total Acres: 8156

Conditions of Approval:

Remarks:

1. General PLACE OF USE WITHIN LANDS OF SNAKE RIVER IRRIGATION DISTRICT.
TRACTS WITHIN THE PLACE OF USE IN ITEM #10 THAT SHOW NO ACRES ARE TRACTS
WITHIN THE IRRIGATION DISTRICT THAT ARE NOT NOW IRRIGATED BUT MAY BE
IRRIGATED IN THE FUTURE.

Comments:

Dates and Other Information:

Claim Received Date: 11/29/1989
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

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: A02-00078
Date Received: 10/26/1989
Receipt No: C013095
Received By: *R. Wong*

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

NOV 29 1989

Department of Water Resources

1. Name: SNAKE RIVER IRRIGATION DIST.
Address: P.O. BOX 9
GRAND VIEW, ID 83624

2. Date of Priority: JUN 05, 1912

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05S	04E	34	SW	NW		4	ELMORE

5. Description of diverting works:
GATE AT CJ STRIKE DAM, CANAL AND DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	10/31	127.000		

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

8. Total consumptive use is 28546.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER ASSOCIATED WITH IRRIGATION WITHIN DISTRICT.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04S	02E	25	NE	SW		IRR	20.0
			NW	SW		IRR	8.0
			SW	SW		IRR	28.0

A02-00078

Page 1

Date: 11/17/89

SCANNED

MAY - 9 2005

MICROFILMED

AUG 07 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04S	02E	25	SE	SW		IRR	40.0
			NE	SE		IRR	22.0
			NW	SE		IRR	13.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
						Section Acres	211.0
		36	NW	NE	1	IRR	19.0
			NE	NW	2	IRR	37.0
						Section Acres	56.0
	03E	28	NW	SW		IRR	2.0
			SW	SW	4	IRR	34.0
			SE	SW	3	IRR	34.0
			SW	SE	2	IRR	34.0
			SE	SE	1	IRR	13.0
						Section Acres	117.0
		29	SW	NW		IRR	20.0
			SE	NW		IRR	2.0
			NE	SW		IRR	38.0
			NW	SW		IRR	40.0
			SE	SW	3	IRR	35.0
			NE	SE		IRR	15.0
			NW	SE		IRR	36.0
			SW	SE	2	IRR	35.0
			SE	SE	1	IRR	35.0
						Section Acres	256.0
		30	NE	SW		IRR	39.0
			NW	SW	3	IRR	36.0
			SW	SW	4	IRR	35.0
			SE	SW	5	IRR	37.0
			NE	SE		IRR	
			NW	SE		IRR	3.0
			SW	SE		IRR	
			SE	SE		IRR	
						Section Acres	150.0
		31	NE	NE		IRR	

A02-00078

Page

2

Date: 11/17/89

SCANNED

MAY - 9 2005

MICROFILMED

AUG 07 1992

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
04S	03E	31	NW		NE		IRR	
			SE		NE		IRR	
			NE		NW	4	IRR	
			NE		SE	2	IRR	
			SE		SE	1	IRR	
		32	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
								Section Acres
								640.0
		33	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
								Section Acres
								640.0
		34	SW		NE		IRR	32.0
			SE		NE		IRR	8.0

A02-00078

Page

3

Date: 11/17/89

SCANNED

MAY - 0 2005

MICROFILMED

AUG 07 1992

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres			
04S	03E	34	NE		NW		IRR				
			NW		NW		IRR				
			SW		NW		IRR	40.0			
			SE		NW		IRR	40.0			
			NE		SW		IRR	40.0			
			NW		SW		IRR	40.0			
			SW		SW		IRR	40.0			
			SE		SW		IRR	40.0			
			NE		SE		IRR	35.0			
			NW		SE		IRR	40.0			
			SW		SE		IRR	40.0			
			SE		SE		IRR	40.0			
						Section Acres					435.0
		35	SW		SW		IRR	1.0			
			Section Acres					1.0			
05S	03E	2	NE		NW	3	IRR	20.0			
			NW		NW	4	IRR	40.0			
			SW		NW		IRR	40.0			
			SE		NW		IRR	40.0			
			NE		SW		IRR	40.0			
			NW		SW		IRR	40.0			
			SW		SW		IRR	40.0			
			SE		SW		IRR	40.0			
						Section Acres					300.0
					3	NE		NE	1	IRR	40.0
						NW		NE	2	IRR	40.0
						SW		NE		IRR	40.0
						SE		NE		IRR	40.0
			NE		NW	3	IRR	40.0			
			NW		NW	4	IRR	40.0			
			SW		NW		IRR	40.0			
			SE		NW		IRR	40.0			
			NE		SW		IRR	40.0			
			NW		SW		IRR	40.0			
			SW		SW		IRR	40.0			
			SE		SW		IRR	40.0			
			NE		SE		IRR	40.0			
			NW		SE		IRR	40.0			
			SW		SE		IRR	40.0			

10. Place of Use: Continued

Township 05S	Range 03E	Section 3	1/4 SE	of 1/4 SE	Lot	Use IRR	Acres 40.0
Section Acres							640.0
		4	NE	NE	1	IRR	40.0
			NW	NE	2	IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW	3	IRR	40.0
			NW	NW	4	IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW	5	IRR	39.0
			SE	SW		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
Section Acres							639.0
		5	NE	NE	1	IRR	40.0
			NW	NE	2	IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW	3	IRR	40.0
			NW	NW	4	IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW	6	IRR	38.0
			NW	SW	5	IRR	44.0
			NE	SE		IRR	40.0
			NW	SE	7	IRR	43.0
			SE	SE	8	IRR	21.0
Section Acres							506.0
		6	NE	NE	3	IRR	44.0
			SW	NE	2	IRR	37.0
			SE	NE		IRR	40.0
			SE	SW	14	IRR	16.0
			NE	SE		IRR	40.0
			NW	SE	1	IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05S	03E	6	SW	SE	8	IRR	13.0
			SE	SE	9	IRR	15.0
			Section Acres				245.0
		9	NE	NE		IRR	
			NW	NE		IRR	
			SW	NE		IRR	40.0
			SE	NE		IRR	
			NE	NW	4	IRR	
			NW	NW		IRR	
			SE	NW	3	IRR	21.0
			NE	SE		IRR	
			NW	SE	2	IRR	31.0
			SE	SE	1	IRR	
			Section Acres				92.0
		10	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
			Section Acres				640.0
		11	NE	NE		IRR	15.0
			NW	NE		IRR	21.0
			SW	NE		IRR	40.0
			SE	NE		IRR	31.0
			NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05S	03E	11	NE	SW		IRR	28.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	19.0
			Section Acres				
13		NE	SW	2	IRR	37.0	
		NW	SW	3	IRR	21.0	
		NE	SE		IRR	35.0	
		NW	SE		IRR	40.0	
		SW	SE	1	IRR	41.0	
		SE	SE		IRR	40.0	
		Section Acres					
14		SW	NE		IRR	2.0	
		SE	NE		IRR		
		NE	NW		IRR	40.0	
		NW	NW		IRR	40.0	
		SW	NW		IRR	40.0	
		SE	NW		IRR	40.0	
		NE	SW	3	IRR	34.0	
		NW	SW	4	IRR	41.0	
		NE	SE	1	IRR	17.0	
		NW	SE	2	IRR	22.0	
Section Acres						276.0	
15		NE	NE		IRR	40.0	
		NW	NE		IRR	40.0	
		SW	NE		IRR	40.0	
		SE	NE		IRR	40.0	
		NE	NW		IRR	40.0	
		NW	NW	4	IRR	34.0	
		SE	NW	3	IRR	54.0	
		NE	SE	1	IRR	32.0	
		NW	SE	2	IRR	25.0	
Section Acres						345.0	
24		NE	NE		IRR	40.0	
		NW	NE	3	IRR	17.0	
		SE	NE	2	IRR	29.0	
		NE	SE	1	IRR	10.0	
Section Acres						96.0	

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
05S	04E	18	NW		SW	3	IRR	18.0
			SW		SW	4	IRR	40.0
			SE		SW		IRR	30.0
			SW		SE		IRR	
			Section Acres					88.0
		19	NE		NE		IRR	20.0
			NW		NE		IRR	
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		NW		IRR	40.0
			NW		NW	1	IRR	40.0
			SW		NW	2	IRR	40.0
			SE		NW		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
			Section Acres					420.0
		20	NW		NW		IRR	2.0
			SW		NW		IRR	26.0
			NE		SW		IRR	19.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	35.0
			Section Acres					162.0
		28	SW		SW		IRR	15.0
			Section Acres					15.0
		29	NW		NE		IRR	30.0
			SW		NE		IRR	40.0
			NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	15.0
			NW		SW		IRR	
			SE		SW		IRR	

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05S	04E	29	NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
						Section Acres	405.0
		30	NE	NE		IRR	40.0
	NW		NE		IRR	40.0	
	SW		NE		IRR		
	SE		NE		IRR	40.0	
						Section Acres	120.0
		32	NE	NE		IRR	25.0
			NW	NE		IRR	20.0
						Section Acres	45.0
		33	NW	NW		IRR	8.0
						Section Acres	8.0
						Total Acres	8156.0

11. Place of use in counties: ELMORE

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

13. Other Water Rights Used:
02-00079

14. Remarks:
PLACE OF USE WITHIN LANDS OF SNAKE RIVER IRRIGATION DISTRICT.
TRACTS WITHIN THE PLACE OF USE IN ITEM #10 THAT SHOW NO ACRES ARE
TRACTS WITHIN THE IRRIGATION DISTRICT THAT ARE NOT NOW IRRIGATED
BUT MAY BE IRRIGATED IN THE FUTURE.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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

Number of attachments: 9

For Organizations:

I do solemnly swear or affirm that I am President of
Snake River Irr. Dist., that I have signed the foregoing
document in the space below as President of
Snake River Irr. Dist. and that the statements contained in the
foregoing document are true and correct.

Thomas A. Callat
Signature of Authorized Agent
President of Snake River Irr. Dist.
Title and Organization
11-27-89
Date

State of Idaho)
County of Blaine) SS.

Subscribed and sworn (or affirmed) before me this 27 day
of Nov 19 89

Linda R. Smircil
Notary Public

Seal

Residing at Mt. Home, Id.
My Commission Expires 4-18-94



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

November 21, 1989

Kay Garsja, Secretary
Snake River Irrigation District
P.O. Box 9
Grandview, ID 83624

RE: Snake River Basin Adjudication
Elmore Co. - A02-00078, A02-00079

Dear Kay,

As agreed at the meeting with most of the directors of Snake River Irrigation District, enclosed are the two claims prepared for review by the board. I have also enclosed the land list sheet used at the meeting to allow the board to double check those details of the claims.

If the board finds the claims satisfactory, an officer of the district should sign the claims on the last page of each, having the signature verified by a notary public, and return the claims to this office with the appropriate filing fees before the December 7, 1989, deadline. The fees are calculated at \$50 for each claim plus \$1 per acre claimed or \$8,156 with a credit from the 1981 fees of \$1,675. The balance due then with the claims is \$6,581 unless the extended payment option is exercised in which case \$1,316.2 is due by December 7th. I have enclosed the information sheet on the extended payment plan. If the docket sheet is desired an additional \$7.50 should be added.

Thank you for your help, Kay, in coordinating the meeting for us and pushing the paperwork on your end. If you or the board have any questions please feel free to contact me.

Regards,

Donald V. Shaff
Adjudication Section Manager

DVS:sf:state:western

Enclosures:

Claim Nos. A02-00078 and A02-00079
Land list sheet
Information sheet : *How you will receive*

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COMMUNICATION DOCUMENTATION

Claim No. A02-00078 & A02-00079

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Ron Howerton

DATE

March 6, 1995

CUSTOMER

GEORGE L BENNETT

SUBJECT: A02-00078 & A02-00079

1. George and his wife Donna came in to obtain any maps, legal descriptions that could help him plot out the claimed irrigated acres for the SNAKE RIVER IRRIGATION DIST.
2. He says that he is a board member now and wants to check up on the claim for it's accuracy VS the people they serve and if need be, make corrections.
3. I made copies of both claims and several other documents in the file. I also pulled the maps that he would like to buy copies of and gave him directions to Bonneville Blue.
4. We also reviewed the claims for how much flow was claimed.

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MEMORANDUM

TO: Snake River Irrigation District Water Right Files

FROM: Donald V. Shaff

DATE: May 04, 1983

RE: Review Analysis

Following extensive research, the water rights of the District were found to number more than a dozen in contrast to the two claims filed. The materials investigated included the Carey Act file, the irrigation district file of the department, pertinent water right files and the District records themselves. Pertinent photocopies from the department's District file and the Carey Act files are included in a separate folder made a part of these water rights.

The developer of the Carey Act project, Snake River Irrigation Company, apparently had some difficulties getting the cooperation of some existing land owners. These land owners were apparently irrigating 80 acres of patented land prior to the application of the developer. The records indicate these landowners were irrigating the 80 acres as early as 1909. Although the earliest priority claim by the district was 1912, another claim was created by this agency to recognize the 1909 water right.

The District claim 02-0078 was a filing for most of the water the District claimed from the 1912 priority date. The records indicate otherwise. Letters in the Carey Act file in 1912 stated there were no Carey Act landowners on the project but several other patented owners had 600 acres of crops in. Those letters stated there was more than enough water diverted to irrigate these lands. The diversion rate recommended for the 1912 priority date is 14.0 cfs. This amount combined with the 1.6 cfs from the 1909 water right affords one miners inch per acre plus 30% conveyance loss.

In 1917, the people within this project became disillusioned with the progress of the operating Carey Act Company and petitioned the state to form an irrigation district. The Carey Act records and letters in the irrigation district file indicate only 1,287 acres were segregated in the Carey Act process for patent. Using this figure for the total number of irrigated acres in the District conflicts with an entry in a 1922 letter of the State Reclamation Engineer who stated about 6,000 acres were irrigated. The diversion rate for either of these acreages would be approximately the same. The lands and contracts with the landowners of the operating company called for the delivery of 5/8 miners inch per acre to the project lands. If the 6,000

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irrigated acres are used for a basis of the 1916 water right, a diversion rate of about 54 cfs is found using the 5/8 miners inch per acre. Using 1,287 acres at one inch per acre and a 30% conveyance loss results in a diversion rate of 53.77 cfs for the District's total right. While the pumps were in place the irrigation district never had a diversion capacity of one miners inch per acre plus conveyance loss for 6,000 acres of land. Seepage and the resulting spoiling of land caused apparently one half of the District's irrigated lands to be lost from irrigation, according to a 1939 report entitled, "Water Facilities Proposal for Snake River Irrigation District". Because altering the acreage figure would have a negligible impact on the diversion rate, the 1,287 acre amount will be recommended. This will be congruent with the consistent beneficiary use of water.

In about 1920, one landowner apparently decided to operate independently of the irrigation district and developed a separate water right for lands in sections 29, 30 and 32 of Township 5 South, Range 4 East. Letters and reports at the time in the irrigation district file note this independence. The custom of acknowledging this separate water right is recognized in the 1950's Idaho Power agreement for the construction of C. J. Strike Dam. Although this agreement provided 11 cfs for the Bennett Ranch, a water right developed in 1920 is limited to 199 acres in the sections mentioned. The assessments of the District now include Bennett Ranch lands that were and are in the District. With the construction of the C. J. Strike Dam, the 199 acres were essentially brought into the District because they too were brought under one conveyance system. The acreage, _____ although not receiving equal assessment due to the free water right, ~~is~~ recommended as part of the District.

The remainder of the District's water rights are well documented. A report in the District file in 1927 stated 3,362 acres were now irrigated with a diversion rate measured at 66.79 cfs. The difference between the 1927 ~~right~~ ^{acreage} and 1916 water right is recommended under the 1927 water right.

In 1938 another report in the District file stated 3,686 acres were irrigated under the same diversion rate. The increase in acreage from the 1927 water right is recommended for a 1938 water right with a condition that the diversion rate for this and all prior rights is restricted to 66.79 cfs.

The next three water rights are the result of individuals with land now owned by the Simplot Company. The 1946 water right, 02-2053, was developed on the extreme western end of what is now the District, ~~but~~ — The land was not annexed until 1973. The 1950 water right, 02-0060, was for land always in the District, but water was not put to beneficial use on this land at the bend in the river until 1950. The 1951 water right is in a similar situation. This land for water right, 02-0076, is for land at the western end of the District. Water through the District canal's system was not provided to these lands until the dam was constructed and a large diversion took place.

In 1953 the somewhat unlimited diversion capacity for the District was created. An apportionment of benefits land lists of the District showed

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4,340 acres were classified as land already irrigated. For purposes of the accumulated water rights to this point, the lands of the 1920 water rights 02-4023, 02-4053, 02-0060 and 02-0076 were added to the diversion rate and acreages. The duty for this particular water right of 4.93 miners inches per acre ~~is on appearance~~ ^{appears} excessive, but recognizes the increase in the appropriation to make up for the conveyance loss and marginal duties represented by the earlier water rights. The accumulative duty through this 1953 water right is 1.27 plus miners inches per acre.

The remaining water rights were documented using 1957 or later SCS aerial photography or existing licenses. In 1957, 802 acres were irrigated within the district not including Simplot water rights beyond the 4,340 acres recognized in 1953. The additional diversion and acreage is recommended at one miners inch per acre plus 30% conveyance loss. The accumulative total duty is less than this due to the limitations of some earlier water rights. In 1954 and 1957 water right, 02-7118 and 02-2139 respectively, may be delivered by the district but are recommended in the Simplot Company name. The diversions and acreages are limited by the licenses that are issued. A 1958 water right, 02-0087, was for Simplot lands developed at that date as evidence by the 1957 and 1964 photography.

The district's 1958 water right is the result of the 1957 and 1964 photography. In 1964, 481 additional acres were irrigated within the District. The District had the capacity to water these lands at one inch per acre plus 30% conveyance loss, because in 1963 the Idaho Power Company records indicate the district diverted 168.1 cfs.

The 1965 water right of the District is the result of comparing the 1964 and 1969 aerial photography. In 1969, 280 additional acres had been irrigated within the District.

The 1969 and 1974 aerial photographs were compared to determine that 254 additional acres were irrigated apparently from 1970 on. One miners inch plus 30% conveyance loss as with the other water rights was recommended for this right.

In 1973 the District petitioned lands of the Simplot Company at the western terminus of the canal into the District. These lands carried with them earlier water rights that total 4.22 cfs on 255 acres or .83 miners inch per acre. These water rights may be delivered through the District's system but are limited by the diversion rate at the licensed diversion rate.

The total lands then within the District under the canal from C. J. Strike Dam total 6,719 acres with a diversion rate of 168.39 cfs or 1.25 miners inches per acre. The duty of less than one miners inch plus 30% conveyance loss is a result of the restrictive licenses or water rights recommended to the J. R. Simplot Company. The District has the diversion capacity for these water rights because in 1977 the Idaho Power Company's records indicate the District diverted 188 cfs. A summary of these water rights is shown on a two-page table within this file. Reference material for the earlier water

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rights are found in a folder labeled Snake River Irrigation District Adjudication Review Folder. The tabulation of the water rights from 1953 forward are shown on sheets within this folder.

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State of Idaho
Department of Water Resources

ADJUDICATION CLAIM ANALYSIS SHEET

Review by D. SHAEF
02-0078, -0079, -0088 to

Date 4/29/83

Right No. -0095 INC. & -4023

Claimant S. R. I. D.

Recommendation differs from claim: ☒ Yes ☐ No ☐ Disallow
(Document any differences)

Claim Details Verified Against:

Check (X or ✓) those searched. Circle records used for recommendation.
Include copies or memos where applicable to explain findings.

☐ License

☐ Previous Statutory Claim.

☒ Permits, valid or lapsed. Number(s) if different than above 02-2008
5375

☒ Decree. Name & date GEDNEY V. S. R. I. D. 6/27/40 IN FILE

☐ Conveyance Loss Calculations. See printout included.

☐ Title abstract. ☐ In file. Or, Name & location _____

☒ County records. ☒ In file. Or, Name & location _____
DIST. ORG. PETITION
CONTRACTOR'S LIEN

☐ Affidavits. ☐ In file.

☐ Posted Notices, Water Locations Notices. ☐ In file.

☐ Deed Records. ☐ In file. Or, Name & location _____

☐ Patent Records. ☐ In file. Or, Name & location _____

☐ Metzker Maps. Identify _____

☒ A.S.C.S. Records. Year & Photograph No. 1957 C/S-9T-171, -173
@ ELMORE CO. ASSESSOR'S OFFICE 1964 C/S-13T-16, -18, -53-55, -57, -59
1969 DLG-7KZ-46

☒ Irrigation Company/District Records. ☐ In file. Or Name & location S. R. I. D. office, GRANDVIEW

☐ Historical Books. Name(s) & location _____

☐ Interview(s). Attach conversation memorandum.

☒ Other CAREY ACT FILE

☒ S. R. I. D. FILE OF DWR

Field Exam Made: ☐ Yes ☒ No Date _____

☐ Adj. Report in file ☐ Beneficial Use Report in License (S.O.) File

Measurement _____ cfs. Amount recommended _____ cfs.

Type of measuring device: _____ Meter No. _____

Condition _____ Date _____ Time _____

Adjudication Photo(s) Used: Name or No. _____

Field Photographs Taken ☐ Yes ☒ No

Memorandum in file ☒ Yes ☐ No

SNAKE RIVER I.D. ADJ. REVIEW FOLDER

Remarks _____

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IN THE DISTRICT COURT OF THE Fourth JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF Ada

IN THE MATTER OF THE GENERAL DETER-
MINATION OF RIGHTS TO THE USE OF
Snake River from base of Milner
Dam to Oregon DRAINAGE BASIN.
Border

**NOTICE OF CLAIM
TO A
WATER RIGHT**

02-0078	
I.D. No. PRE-1257	Map No. 20-331
\$ 16.75	20-332
Fee Paid	Receipt No.

Notice is hereby given that Snake River Irrigation District
(Name of Claimant)

Box 9, Grandview, ID 83624
(Mailing Address) (Zip Code)

Telephone No. _____

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

(1) Date of priority: (When was the water first applied to a beneficial use, or priority date of decreed, licensed or permit right) June 5, 1912

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

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

Quantity 140-127 cfs. Use Irrigation Period of Use From 3/15 To 11/15/10/31
(CFS, GPD, AF) (Domestic, Irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)

Quantity _____ Use _____ Period of Use From _____ To _____
(CFS, GPD, AF) (Domestic, Irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)

Quantity _____ Use _____ Period of Use From _____ To _____
(CFS, GPD, AF) (Domestic, Irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)

Quantity 140 Use _____ Period of Use From _____ To _____
(CFS, GPD, AF) (Domestic, Irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)

(4) 127.00 cfs. TOTAL QUANTITY CLAIMED.
(CFS, GPD, AF)

(5) A) Point of Diversion: Give location of point where water is diverted from its source 1/4 NW 34 Sec. 34, Twp. 5S, Rge. 4E, B.M., 39 Elmore County

Additional Points: NE 1/4 Sec. 36, Twp. 4S, Rge. 2E SCI: 272.0(1) 492.1

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

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

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total no. of acres 7761
6719

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

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

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

(8) Remarks (PLACE OF USE WITHIN LANDS OF SNAKE RIVER IRRIGATION DISTRICT) / CC =
6,719 Ac. See Rt. 02-0088.

(9) Basis of claim (Check one) ☒ A) Right based on diversion and beneficial use.

☐ B) Right decreed by court, cite title of case.

☒ C) Right based on application, permit, license, or previous statutory claim filed with the Idaho Department of Water Resources. Give No. _____ Permit No. 5375

Be it known that the undersigned, after being duly sworn on oath, depose(s) and say(s) that all statements included herein are true and accurate to the best of (his, her, their) knowledge.

October 21, 1981
(Date)

State of Idaho

County of Ada

Organization

Seal

Organization

SNAKE RIVER IRRIGATION DISTRICT

Thomas A. Collett
(Signature of Authorized Agent)

On this 21st day of October, in the year 1981 before me
a notary public, personally appeared Thomas A. Collett

known to me to be the person(s) whose name(s) are subscribed to the above instrument, and acknowledged to me that (he, she, they, corporation, partnership or irrigation district) executed the same.

My commission expires lifetime

Notary Public residing at

Boise, Idaho

RECEIVED
NOV 5 1981

SNAKE RIVER IRRIGATION DISTRICT IRRIGATED LANDS.

Return to File 02-0078
after data entry is complete.

LAND LIST ATTACHMENT

Description and location of place of use:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
4S	2E	25									20	8	28	40	22	13	40	38	213
		36	L. 2 (NEW) (37) L. 1 (NEW) (19)																140
4S	3E	28										2	L. 4	L. 3			L. 2	L. 1	56
												34	34	25			34	26	115
		29							6	2	38	40		25	14	14	35	34	218
		30										29	32	13	24		3		101
		32	38	39	38	39	36	37	37	36	35	22	15	30	37	38	38	37	640
			40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	552
		33	39	39	39	34	37	38	37	36	40	40	39	38	39	40	39	38	640
			40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	612
		34			30	6			39	39	40	38	35	39	35	40	39	39	431
									40	40	40	40	40	40	40	40	40	40	419
		35											1						1
5S	3E	2					L. 3	L. 4	38		31	38	36	38					265
							20	25	40	14	31	40	40	40					236
		3	L. 1	L. 2	39	39	L. 3	L. 4	39	39		39	38	39	38	39	39	38	640
			40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	619
		4	L. 1	L. 2	39	39	L. 3	L. 4	39	39	38	37	L. 5	39	38	39	40	39	639
			40	40	40	40	40	40	40	40	40	40	39	40	40	40	40	40	617
		5	L. 1	L. 2	32	32	L. 3	L. 4	38	38	L. 6	L. 5			39	L. 7		L. 8	506
			40	40	40	40	40	40	40	40	38	38	44		40	43		12	455
		6	L. 3	L. 2							L. 4				34	L. 1	L. 8	L. 9	218
			44	37	40						13				40	33	40	11	220
		7																	92
				40															
		10	37	39	35	38	39	38	35	39	26	28	28	37	38	39	20	38	530
			40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	526
		11	5	21	17	38	39	33	38		29								323
			10	40	20	40	40	40	40	40	12	40	18	2					272
		13									L. 2	L. 3				16	L. 1	33	
											37	16	21			40	40	40	179
		14			2	20	20	35	36	L. 3	L. 4				L. 1	L. 2			98
											34	36	41	24		21	22		140
		15	29	28	10	39	24	L. 4		L. 3					L. 1				256
			40	40	25	40	40	34		54					L. 1				184
		24	35	L. 3		L. 2									L. 1				89
			40	109	29										10				48
5S	4E	18										L. 4	16						70
												23	30						39
		19	15		23	40	40	22	L. 1	L. 2						39	39	14	460
			20		40	40	40	22	36	40	40	40			40	40	40	40	307
		20						2	21		19	39	31	10			1		157
												40	40	35					123
		28										19	3						30
												25	5						22
		29		26	32		18	38	27		12	18	31	21	22	39	18	32	408
			30	40	40	20	40	20	3	15	20	40	40	40	40	40	20	40	345
			38	18		6													
			40	20		10													95
		32	18	30			28	12											124
			25	40			40	15											88
		33		3			17	18											45
				5			20	20											38

Total number of acres irrigated 2761 6719

6717

LAND LIST ATTACHMENT

Description and location of place of use:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
4S	2E	25									18	7	13	7	28	15	23	29	140
4S	3E	28										2	L.4 34	L.3 34			L.2 34	L.1 11	115
		29							16	2	38	40		25	14	14	L.2 35	L.1 34	218
		30									29	32	13	24		3			101
		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			30	6			40	40	40	40	40	40	35	40	40	40	431
		35											1						1
5S	3E	2					20	L.4 40	40	14	31	40	40	40					265
		3	L.1 40	L.2 40	40	40	L.3 40	L.4 40	40	40	40	40	40	40	40	40	40	40	640
		4	L.1 40	L.2 40	40	40	L.3 40	L.4 40	40	40	40	40	L.5 39	40	40	40	40	40	639
		5	L.1 40	L.2 40	40	40	L.3 40	L.4 40	40	40	L.6 38	L.5 44			40	L.7 43		21	506
		6	L.3 44		L.2 37	40								L.4 16	40	L.1 40	L.8 23	L.9 26	266
		9			40				L.3 21							L.2 31			92
		10	40	40	40	40	40	40	40	40	40	20			40	40	30	40	530
		11	10	21	40	20	40	40	40	40	12	40	18	2					323
		13									L.2 37	L.3 21				40	L.1 41	40	179
		14			2	20	40	40	40	40	L.3 34	L.4 41			L.1 17	L.2 22			256
		15	40	40	25	40	40	L.4 34		L.3 54					L.1 32				305
		24	40	L.3 10		L.2 29									L.1 10				89
5S	4E	18										40	30						70
		19	20		40	40	40	40	40	40	40				40	40	40	40	460
		20					2	21		19	40	40	35						157
		28										25	5						30
		29		30	40		20	40	20	3	15	20	40	40	40	40	20	40	408
		30	40	20		10								15			L.4 10		95
		32	25	40			40	15											120
		33		5			20	20											45

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 NOV 5 1931

Total number of acres irrigated 7761

ANDERSON, KAUFMAN, RINGERT AND CLARK
CHARTERED
LAWYERS

THE LAW CENTER
599 WEST BANNOCK STREET
P. O. BOX 2773
BOISE, IDAHO 83701

EUGENE H. ANDERSON
(1902-1972)
TELEPHONE (208) 342-4591

RICHARD ANDERSON
SAMUEL KAUFMAN
WILLIAM F. RINGERT
D. BLAIR CLARK
ANDREW M. HARRINGTON
JEFFREY R. CHRISTENSON
JAMES P. KAUFMAN

April 23, 1981

Mr. Donald V. Shaff
Western Regional Office
Department of Water Resources
92 South Cole Road
Boise, Idaho 83709

Re: Snake River Adjudication

Dear Mr. Shaff:

Enclosed is a copy of the Apportionment of Benefits made by Snake River Irrigation District in 1953, in connection with a bond issue made by the District in that year.

This list is furnished for your assistance in preparation of the findings with respect to the water rights of Snake River Irrigation District in the adjudication of the waters of Snake River and its tributaries between Milner Dam and the Idaho-Oregon border.

Please call me if you have any questions regarding the Apportionment of Benefits, and particularly the land list that is incorporated therein.

Yours very truly,

ANDERSON, KAUFMAN, RINGERT & CLARK

By *W. F. Ringert*
W. F. Ringert

WFR:am
Enclosure
cc: Snake River Irrigation District

MICROFILMED

AUG 10 1994

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APR 23 1981

Department of Water Resources
Western Regional Office

June 22, 1981

W. F. Ringert
Anderson, Kaufman, Ringert & Clark
599 West Bannock St.
Box 2773
Boise, ID 83801

Dear Mr. Ringert:

Enclosed are the claim forms we have completed for the Snake River Irrigation District.

These are claims based upon records here at our office, county records and the apportionment of benefits record you sent us dated March 25, 1953. Also from information we received at the meeting in Grandview on April 15, 1981, with the Snake River Irrigation District officers.

If you have any questions concerning priority dates or acreages, please contact me.

Sincerely,

JAN GROVER
Sr. Water Resource Agent

JG:j
Enclosures

RINGERT
342-4591

MICROFILMED
AUG 10 1984

November 10, 1981

Thomas Miller
Attorney at Law
Hawley, Troxell, Ennis and Hawley
P.O. Box 1617
Boise, Idaho 83701

Dear Mr. Miller,

As you requested, copies of the Notice of Claim to Water Right filed by Snake River Irrigation District have been enclosed. The claims were filed in response to Ada County Civil Case No. 73804 known commonly as the Snake River Adjudication.

If you have questions about these claims or need further information about the adjudication, please feel free to call upon me.

Regards,

Donald V. Shaff
Adjudication Unit Leader

Enclosures

TELE CON w/ SAME 11/10/81 3 PM
MILLER'S CLIENT IS LEAN SMITH WHOSE
LAND IS WITHIN S.R.I.D. *DS*

MICROFILMED
AUG 10 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN REGION, 92 South Cole Road, Boise, Idaho 83709

JOHN V. EVANS

Governor

(Office at the corner of
Franklin and Cole Roads)

C. STEPHEN ALLRED

Director

(208) 334-2190

November 9, 1981

COPY

Mrs. Kay Garsja, Secretary
Grand View Mutual Canal Company
Snake River Irrigation District
P.O. Box 9
Grand View, Idaho 83624

Dear Mrs. Garsja,

The claims to water rights for the respective companies have been assigned the file numbers shown on the photocopies of the claims enclosed. The triplicate copies of the claims have been returned to Mr. Ringert.

Receipts for the company's and the district's checks have been returned to your office. The Department takes notice that the filing fees have been paid under protest. Action to resolve the question of the proper fees will be deferred until you have had an opportunity to present the matter to the court for its decision.

Thank you for your assistance and cooperation.

Regards,

Donald V. Shaff
Adjudication Unit Leader

Enclosures

cc: W.F. Ringert
Josephine Beeman

MICROFILMED

AUG 10 1994

ANDERSON, KAUFMAN, RINGERT AND CLARK
CHARTERED
LAWYERS

THE LAW CENTER
599 WEST BANNOCK STREET
P. O. BOX 2773
BOISE, IDAHO 83701

RICHARD ANDERSON
SAMUEL KAUFMAN
WILLIAM F. RINGERT
D. BLAIR CLARK
ANDREW M. HARRINGTON
JEFFREY R. CHRISTENSON
JAMES P. KAUFMAN

EUGENE H. ANDERSON
(1902-1972)
TELEPHONE (208) 342-4591

November 4, 1981

Mr. Donald V. Shaff
Adjudication Section Supervisor
Department of Water Resources
Western Region
92 South Cole Road
Boise, Idaho 83709

Dear Mr. Shaff:

I write with regard to the filing fees of Grandview Mutual Canal Company and Snake River Irrigation District in the Snake River adjudication suit, Ada County Case No. 73804.

I think the question of whether these two defendants are required to pay the fees as stated in your letter of October 30, 1981, to Grandview Mutual Canal Company and Snake River Irrigation District, should be determined by the court. I think a motion to the court for determination of the filing fee requirements would be the proper way to present the issue.

It seems to me that there is no rational basis for the discrimination between water rights acquired through permits under which licenses have been issued, and water rights which were initiated under permits but for which priority was established by beneficial use without relation back to the date of filing the application. There might be some basis for the distinction if the licenses were accepted at face value and no examination of the lands was made as part of these adjudication proceedings. However, as I understand it, a complete examination of all lands covered by all claims is being made by the Department, irrespective of the status of the water right or the method by which it was perfected.

SNAKE RIVER IRRIGATION DISTRICT AND GRANDVIEW MUTUAL CANAL COMPANY, or their respective predecessors in interest, paid the same filing fees when they applied for the permits as did other applicants who filed at approximately the same time and under the same statutory fee schedule. To submit these defendants, and others similarly situated, to the imposition of a fee schedule adopted many years later, as a condition to defending their water

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AUG 10 1994

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Department of Water Resources
Western Regional Office

November 4, 1981

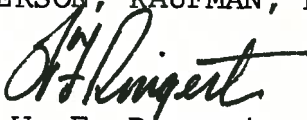
rights in an adjudication suit that they did not initiate, seems to me to be a denial of due process and equal protection, particularly since the result of failing to pay the filing fees and thus become entitled to defend their water rights would lead to forfeiture of those valuable water rights.

We request that further action with respect to the filing fees of Snake River Irrigation District and Grandview Mutual Canal Company be deferred until we have had an opportunity to present this matter to the court for its determination. Because of the rule requiring that a brief be submitted within ten days after the motion is filed, and because of a rather heavy work load that I have scheduled through most of the month of November, I anticipate that it will be the last week in November or the first week in December before I can file a motion and brief on this point. Please let me know if the Department is unable to defer action on the filing fees for that length of time, so that some alternative arrangement can be made.

Yours very truly,

ANDERSON, KAUFMAN, RINGERT & CLARK

By


W. F. Ringert

WFR:am

cc: Hon. Robert Newhouse
Grandview Mutual Canal Company
Snake River Irrigation District
Ms. Josephine Beeman

MICROFILMED

AUG 10 1994

October 30, 1981

Grand View Mutual Canal Company
Snake River Irrigation District
P.O. Box 9
Grand View, Idaho

Dear Mrs. Garsja,

Mr. Ringert delivered the Mutual's and Snake River's adjudication claims to this office today. He paid \$20 in filing fees for the Mutual's two claims presuming these water rights were based on permits or licenses. As we discussed earlier this year in your office, the permits unfortunately either lapsed or were cancelled for failure by the company to submit proof of beneficial use as required by the permits.

As result any water rights the Mutual has prior to 1971 are classified as beneficial use rights. Water rights claimed in the adjudication pay a filing fee based on the amount of water diverted and claimed. The total filing fee for the 75 cfs the company is claiming would be \$995. With the \$20 already paid, the balance due is \$975. Please contact me if payment at this time is difficult so we can follow the procedures I described at one of those earlier meetings. 975

For the 190 cfs claimed by Snake River, the filing fees which a note from Mr. Ringert's office said would be sent by the District, will be \$1675. The same arrangements can also be made in this case.

This matter should be resolved either by full payment or by special arrangements before November 23, 1981, the final date for claiming Snake River water rights. If you have any questions please call me.

Sincerely,

Donald V. Shaff
Adjudication Section Supervisor

cc: Mr. Bill Ringert

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AUG 10 1994

S.R.I.D

\$865 REC'D 11/04/81

CRS #142 #143

\$1810 REC'D 11/05/81

CR #157

MUTUAL

\$20 REC'D 11/04/81

\$955 REC'D 11/05/81

APPORTIONMENT OF BENEFITS

FOR THE PURPOSES OF MAKING SUCH ASSESSMENT AND APPORTIONMENT OF BENEFITS, THE LANDS IN SNAKE RIVER IRRIGATION DISTRICT HAVE BEEN CLASSIFIED AS FOLLOWS:

CLASS "A" CONSISTS OF IRRIGATED LANDS WHICH ARE GOOD CROP LANDS OR PASTURE LAND; CLASS "B" CONSISTS OF LANDS THAT ARE NOT IN CULTIVATION BUT THAT CAN BE PLACED INTO CULTIVATION AND IRRIGATED;

CLASS "C" CONSISTS OF LAND THAT HAS NO POTENTIALITY OF BEING PLACED IN CULTIVATION OR UNDER IRRIGATION WITHOUT INCURRING EXPENSE IN EXCESS OF THE VALUE SUCH LAND WOULD ACQUIRE IF PLACED IN CULTIVATION.

43
447 Acres = 4448
1634³⁵ Acres

NAME OF OWNER	DESCRIPTION OF EACH SUBDIVISION OR TRACT OF LAND	AMOUNT OR RATE PER ACRE OF APPORTIONMENT OR DISTRIBUTION OF COST AND TOTAL		
		Per Acre CLASS A	Per Acre CLASS B	Per Acre CLASS C TOTAL
P. W. Bennett and Walter Bennett	All of NE ¹ / ₄ NE ¹ / ₄ lying southwest of B line canal, SE ¹ / ₄ NE ¹ / ₄ , SE ¹ / ₄ in Sec. 19, and all of NW ¹ / ₄ NW ¹ / ₄ lying south of B lateral, and all of SW ¹ / ₄ NW ¹ / ₄ lying west and southwest of B lateral, and W ¹ / ₂ SW ¹ / ₄ in Sec. 20, and E ¹ / ₂ NE ¹ / ₄ and NW ¹ / ₄ NE ¹ / ₄ in Sec. 30, Twp. 5 S., Rge. 4 E., BM 363	255 acres	75 acres	160 acres
	Class A land	255		
	Class B land		75	
	Class C land		160	
Chester G. Brink	Lot 4, all of Lot 3 lying southwest of B line canal in Sec. 18, Lots 1 and 2, SE ¹ / ₄ NW ¹ / ₄ in Sec. 19, Twp. 5 S., Rge. 4 E., B.M.; and Lots 1 and 2, SE ¹ / ₄ SE ¹ / ₄ in Sec. 13, and NE ¹ / ₄ NE ¹ / ₄ in Lots 2 and 3 in Sec. 24, Twp. 5 S., Rge. 3 E., B. M.	175 acres	50 acres	183 acres
	Class A land	175		
	Class B land		50	
	Class C land		183	
Jessie Hart	Lot 1 in Sec. 14, Twp. 5 S., Rge. 3 E., B. M.	2 acres	no acres	15 acres
	Class A land	2		
	Class B land		no	
	Class C land		15	

Aug 11
448 Ac

+108
>53, <69

>53, <69
+
64
+32
96

84.
MICROFILMED
Peer O r au

NAME	DESCRIPTION	Per Acre CLASS A	Per Acre CLASS B	Per Acre CLASS C	TOTAL
William G. Hepworth <i>2034 Acres >69, <74</i> <i>OK</i>	E $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$ NE $\frac{1}{4}$, Lots 1 and 2 in Sec. 15, W $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, all of NE $\frac{1}{4}$ NW $\frac{1}{4}$ lying west and southwest of Z line canal, and Lots 2, 3 and 4 in Sec. 14, Twp. 5 S., Rge. 3 E., B. M. -2 230 Class A land 240 acres Class B land 85 acres Class C land 98.2 "	\$23.00	\$11.50	\$.575	\$ 6,553.97
J. L. Santos <i>>53, <69</i> <i>>69</i>	S $\frac{1}{2}$ SW $\frac{1}{4}$ in Sec. 10, W $\frac{1}{2}$ W $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, Lots 3 and 4 in Sec. 15, Twp. 5 S., Rge. 3 E., B. M. 145 Class A land 60 acres Class B land 40 acres Class C land 137 acres	\$23.00	\$11.50	\$.575	\$ 1,918.78
E. L. McKeeth Estate and Sylvia McKeeth <i>31 Ac</i> <i>>53, <69</i>	NW $\frac{1}{4}$ in Sec. 10, Twp. 5 S., Rge. 3 E., B. M. 151 Class A land 120 acres Class B land 40 acres Class C land no acres	\$23.00	\$11.50	---	\$ 3,220.00
E. L. McKeeth Estate and Sylvia McKeeth <i>26 >53, <69</i> <i>26</i>	N $\frac{1}{2}$ SW $\frac{1}{4}$ in Sec. 10, Twp. 5 S., Rge. 3 E., B. M. 26 Class A land no acres Class B land 40 acres Class C land 40 acres	---	\$11.50	\$.575	\$ 483.00
E. L. McKeeth Estate and Sylvia McKeeth <i>OK</i>	E $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ in Sec. 9, Twp. 5 S., Rge. 3 E., B. M. Class A land no acres Class B land 50 acres Class C land 70 acres	---	\$11.50	\$.575	\$ 615.25
Morgan Shaw <i>49 Ac</i> <i>>53, <69</i>	NE $\frac{1}{4}$ in Sec. 10, Twp. 5 S., Rge. 3 E., B. M. 149 Class A land 100 acres Class B land 60 acres Class C land no acres	\$23.00	\$11.50	---	\$ 2,990.00

NAME	DESCRIPTION	Per Acre CLASS A	Per Acre CLASS B	Per Acre CLASS C	TOTAL
Morgan Shaw 2 v7A	N $\frac{1}{2}$ NW $\frac{1}{4}$ in Sec. 11, Twp. 5 S., Rge. 3 E., B. M. 77 Class A land 60 acres Class B land no acres Class C land 20 acres	\$23.00	---	\$.575	\$ 1,391.50
Susie J. Brown -9	S $\frac{1}{2}$ NW $\frac{1}{4}$ in Sec. 11, Twp. 5 S., Rge. 3 E., B. M. 71 Class A land 80 acres Class B land no acres Class C land no acres	\$23.00	---	---	\$ 1,840.00
O. S. Brown Inve. SNE ² 63 Aw +3 >53, <69	All of N $\frac{1}{2}$ SE $\frac{1}{4}$ lying north or under Z line canal, all of N $\frac{1}{2}$ NE $\frac{1}{4}$ lying south and south- west of Z line canal, all in Sec. 11, Twp. 5 S., Rge. 3 E., B. M. Ø Class A land 60 acres Class B land no acres Class C land no acres	\$23.00	---	---	\$ 1,380.00
W. N. Schofield	W $\frac{1}{2}$ SW $\frac{1}{4}$ and all of E $\frac{1}{4}$ SW $\frac{1}{4}$ lying west and northwest of Z line canal in Sec. 11, Twp. 5 S., Rge. 3 E., B. M. 61 Class A land 80 acres Class B land 60 acres Class C land no acres	\$23.00	\$11.50	---	\$ 2,530.00
W. N. Schofield -19 53, <69 53 Ac 2 West pasture Nese + pasture	SE $\frac{1}{4}$ in Sec. 10, Twp. 5 S., Rge. 3 E., B. M. 135 Class A land 80 acres Class B land 80 acres Class C land no acres	\$23.00	\$11.50	---	\$ 2,760.00
Wales Spencer	All of Lot 4 lying southwest of Z line canal, all of SW $\frac{1}{4}$ NW $\frac{1}{4}$ lying west and southwest of Z line canal, all of NW $\frac{1}{4}$ SW $\frac{1}{4}$ lying west and southwest of Z line canal, SW $\frac{1}{4}$ SW $\frac{1}{4}$, all of				

NAME	DESCRIPTION	Per Acre CLASS A	Per Acre CLASS B	Per Acre CLASS C	TOTAL
Wales Spencer (cont'd)	E½SW¼ lying west and southwest of Z line canal, all in Sec. 2, Twp. 5 S., Rge. 3 E., B. M. 105 Class A land 116 acres Class B land no acres Class C land no acres -11	\$23.00	---	---	\$ 2,668.00
Grand View Farms, Inc.	All of Sec. 3, Twp. 5 S., Rge. 3 E., B. M. 619 Class A land 640 acres Class B land no acres Class C land no acres -21	\$23.00	---	---	\$14,720.00
D. L. Downing	Lots 1 and 2 and S½NE¼ in Sec. 4, Twp. 5 S., Rge. 3 E., B. M. 156 Class A land 80 acres Class B land 80 acres Class C land no acres 753 map view 10 part view 10 part view 10 part	\$23.00	\$11.50	---	\$ 2,760.00
William M. Rogers	E½SE¼ in Sec. 4, Twp. 5 S., Rge. 3 E., B. M. 77 Class A land 40 acres Class B land 40 acres Class C land no acres 753 map view 10 part view 10 part view 10 part	\$23.00	\$11.50	---	\$ 1,380.00
Fred Palmer	W½SE¼, E½SW¼ in Sec. 4, Twp. 5 S., Rge. 3 E., B. M. 158 Class A land 120 acres Class B land no acres Class C land 40 acres 38 753, <69	\$23.00	---	\$.575	\$ 2,783.00
William H. Horton, Donald M. Horton, Wayne E. Horton, Glenola Horton Bennett, Joel Horton, and Joan Horton	Lots 3 and 4 and S½NW¼ in Sec. 4, Twp. 5 S., Rge. 3 E., B. M. 156 Class A land 50 acres Class B land 110 acres Class C land no acres More Class A added btw 534 69	\$23.00	\$11.50	---	\$ 2,415.00

NAME	DESCRIPTION	Per Acre CLASS A	Per Acre CLASS B	Per Acre CLASS C	TOTAL
United States of America	NW $\frac{1}{4}$ NE $\frac{1}{4}$ and Lot 4 in Sec. 9, Twp. 5 S., Rge. 3 E, B. M. Ø Class A land no acres Class B land 60 acres Class C land 33.50 "	---	\$11.50	\$.575	\$ 709.26
E.L. McKeeth Estate and Sylvia McKeeth	SW $\frac{1}{4}$ NE $\frac{1}{4}$ in Sec. 9, Twp. 5 S., Rge. 3 E., B. M. Ø Class A land 30 acres Class B land no acres Class C land 10 acres	\$23.00	---	\$.575	\$ 695.75
Wood Creek Sheep Co. and Bill Smith	Lots 2 and 3 in Sec. 9, Twp. 5 S., Rge. 3 E., B.M. Ø Class A land no acres Class B land 51.55 " Class C land no acres	---	\$11.50	---	\$ 592.83
Ben Kotschevor and Paul Reh	Lots 1 and 2, S $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Lot 7 in Sec. 5, and NW $\frac{1}{4}$ SW $\frac{1}{4}$ in Sec. 4, Twp. 5 S., Rge. 3 E., B. M. 254 Class A land 130 acres Class B land 104 acres Class C land 53 acres	\$23.00	\$11.50	\$.575	\$ 4,216.48
J. R. Stratton	Lot 8 in Sec. 5, Twp. 5 S., Rge. 3 E., B. M. 17 Class A land no acres Class B land no acres Class C land 20.40 "	---	---	\$.575	\$ 11.73
J. E. Whitted	Lots 3 and 4 in Sec. 5, Twp. 5 S., Rge. 3 E., B. M. 73 Class A land 30 acres Class B land 50 acres Class C land no acres 4 Acres > 69 in SW $\frac{1}{4}$ Lot 4 Center of Lot 3 & 4 (10+25) was Class B land Class A by '69	\$23.00	\$11.50	\$.575	\$ 1,265.00

NAME

DESCRIPTION

	Per Acre CLASS A	Per Acre CLASS B	Per Acre CLASS C	TOTAL
William H. Horton, Donald M. Horton, Wayne E. Horton, Glenola B. M. Horton Bennett, Joel Horton, and Joan Horton	S $\frac{1}{2}$ NW $\frac{1}{4}$ and Lots 5 and 6 in Sec. 5, Twp. 5 S., Rge. 3 E, 48 Class A land 120 acres Class B land 41.80 " Class C land no acres	\$23.00	\$11.50	\$3,240.70
J. R. Mohrman	Lots 1, 2, 3, 8, 9 and 14, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ in Sec. 6, Twp. 5 S., Rge. 3 E., B. M. 220 Class A land no acres Class B land 120 acres Class C land 126.85 "	---	\$11.50	\$1,452.94
Grand View Farms, Inc.	SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, all of SE $\frac{1}{4}$ SE $\frac{1}{4}$ lying west of Z line canal, all of NE $\frac{1}{4}$ SE $\frac{1}{4}$ lying south and west of Z line canal, all of S $\frac{1}{2}$ NE $\frac{1}{4}$ lying southwest of Z line canal, all of NW $\frac{1}{4}$ NW $\frac{1}{4}$ lying south and southwest of Z line canal, all of NE $\frac{1}{4}$ NW $\frac{1}{4}$ lying south of Z line canal, all in Sec. 34, Twp. 4 S., Rge. 3 E., B. M. 419 Class A land 435 acres Class B land no acres Class C land no acres	---	\$.575	\$10,005.00
Lona M. Hart	All of Lot 1 lying south and southwest of Z line canal, all of Lot 2 lying south and southwest of Z line canal, all of Lot 3 lying south and southwest of Z line canal, all of lot 4 lying south and southwest of Z line canal, all in Sec. 28, and N $\frac{1}{2}$ of Sec. 33, all in Twp. 4 S., Rge. 3 E., B. M. 395 Class A land 420 acres Class B land no acres Class C land no acres	---	---	\$9,660.00

NAME	DESCRIPTION	Per Acre CLASS A	Per Acre CLASS B	Per Acre CLASS C	TOTAL
Bill Smith and William M. Rogers <i>Chase Co.</i>	SE $\frac{1}{4}$ in Sec. 33, Twp. 4 S., Rge. 3 E., B. M. 156 Class A land 80 acres Class B land 80 acres Class C land no acres	\$23.00	\$11.50	---	\$ 2,760.00
Wood Creek Sheep Co.	N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ in Sec. 33, Twp. 4 S., Rge. 3 E., B. M. 119 Class A land 120 acres Class B land no acres Class C land no acres	\$23.00	---	---	\$ 2,760.00
Tony Urquidí and Joseph E. Eral <i>Qtr 53+69</i>	SE $\frac{1}{4}$ SW $\frac{1}{4}$ in Sec. 33, Twp. 4 S., Rge. 3 E., B. M. 38 Class A land no acres Class B land 40 acres Class C land no acres	---	\$11.50	---	\$ 460.00
Thomas A. Collett	Lots 1, 2 and 3 in Sec. 29, Twp. 4 S., Rge. 3 E., B. M. 84 Class A land 104.43 acres \$23.00 Class B land no acres Class C land no acres	\$23.00	---	---	\$ 2,402.19
Thomas Collett <i>304</i>	E $\frac{1}{2}$ of Sec. 32, Twp. 4 S., Rge. 3 E., B. M. 75 Acres <i>40 side</i> Rge. 3 E., B. M. 22 <i>2</i> Class A land 200 acres 22 <i>2</i> Class B land 120 acres 740, 52 N $\frac{1}{2}$, >69 Class C land no acres	\$23.00	\$11.50	---	\$ 5,980.00
Thomas Collett	Lot 4, all of N $\frac{1}{2}$ SE $\frac{1}{4}$ lying south of Z line canal, N $\frac{1}{2}$ SW $\frac{1}{4}$, all of SW $\frac{1}{4}$ NW $\frac{1}{4}$ lying south of Y line canal in Sec. 29, Twp. 4 S., Rge. 3 E., B. M. 52, Class A land 80 acres Class B land no acres Class C land 95.36 "	\$23.00	---	---	\$ 1,894.83
John P. Whitted	NW $\frac{1}{4}$ of Sec. 32, Twp. 4 S., Rge. 3 E., B. M. 147 Class A land 60 acres Class B land 80 acres Class C land 20 acres <i>31 Acres in N$\frac{1}{2}$SW$\frac{1}{4}$SW$\frac{1}{4}$ drained but not with 82 >69 in 52 NW x 27 Ave was <53</i>	\$23.00	\$11.50	---	\$ 2,311.50

NAME	DESCRIPTION	Per Acre CLASS A	Per Acre CLASS B	Per Acre CLASS C	TOTAL
J. E. Whitted	E $\frac{1}{2}$ SW $\frac{1}{4}$ in Sec. 32, Twp. 4 S., Rge. 3 E., B.M. 65 Class A land 60 acres Class B land 20 acres Class C land no acres	\$23.00	\$11.50	---	\$ 1,610.00
Kenneth Chattin	All of NE $\frac{1}{4}$ SW $\frac{1}{4}$ lying south of Y line canal, all of Lot 3 lying south of Y line canal, Lots 4 and 5, in Sec. 30, and Lot 4 and NW $\frac{1}{4}$ NE $\frac{1}{4}$ in Sec. 31, all in Twp. 4 S., Rge. 3 E., B.M. 98 Class A land 180 acres Class B land no acres Class C land 31.15 "	\$23.00	---	\$.575	\$ 4,157.92
Unknown	All of N $\frac{1}{2}$ SE $\frac{1}{4}$ lying south of Y line canal, Lots 6 and 7 in Sec. 30, Twp. 4 S., Rge. 3 E., B. M. 3 Class A land no acres Class B land no acres Class C land 129.45 "	---	---	\$.575	\$ 74.44
Unknown	E $\frac{1}{2}$ NE $\frac{1}{4}$ in Sec. 31, Twp. 4 S., Rge. 3 E., B. M. Class A land no acres Class B land 20 acres Class C land 60 acres	---	\$11.50	\$.575	\$ 264.50
Unknown	Lot 3 in Sec. 31, Twp. 4 S., Rge. 3 E., B. M. Class A land no acres Class B land 17 acres Class C land 17.8 "	---	\$11.50	\$.575	\$ 205.74
Unknown	Lots 1 and 2 in Sec. 31, Twp. 4 S., Rge. 3 E., B. M. Class A land no acres Class B land no acres Class C land 81.20 "	---	---	\$.575	\$ 46.69

NAME	DESCRIPTION	Per Acre CLASS A	Per Acre CLASS B	Per Acre CLASS C	TOTAL
Unknown	W $\frac{1}{2}$ SW $\frac{1}{4}$ in Sec. 32, Twp. 4 S., Rge. 3 E., B. M.				
- 3	37 Class A land 40 acres	\$23.00			
	Class B land 20 acres		\$11.50		
	Class C land 20 acres			\$.575	\$ 1,161.50

RECEIVED
JUN 10 1934

CERTIFICATE

STATE OF IDAHO,)
) ss.
COUNTY OF ELMORE,)

We, Thomas Collett, President, and W. J. Biladeau, Secretary, of Snake River Irrigation District, do hereby certify that the within and foregoing is the apportionment of benefits and list of such apportionment or distribution of benefits on account of and for the issuance of \$120,000.00 of bonds of Snake River Irrigation District authorized by a vote of the qualified electors thereof at a special election held in the district on the 7th day of February, 1953 as fixed by the board of directors of such district after hearing as provided by law on the 20th day of March, 1953.

IN WITNESS WHEREOF, we have hereunto set our hands this 25th day of March, 1953.

Thomas Collett
President of Snake River Irrigation District

W. J. Biladeau
Secretary of Snake River Irrigation District

APR 10 1954
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[61 Idaho,

June, 1940.] GEDNEY v. SNAKE RIVER IRRIGATION DIST. 605

issenting.

Points Decided.

(No. 6685. June 27, 1940.)

F. S. GEDNEY, Respondent, v. SNAKE RIVER IRRIGATION DISTRICT, W. N. SCHOFIELD, Wm. ROGERS and PAUL REH, as Directors, and All the Members of the Board of Directors of SNAKE RIVER IRRIGATION DISTRICT, a Public Corporation, Appellants.

[104 Pac. (2d) 909.]

IRRIGATION DISTRICTS—MAINTENANCE AND OPERATION—ASSESSMENTS—TOLLS.

1. Resolution of board of directors of irrigation district which fixed three separate pumping charges for land watered by established irrigation system, which were based on cost of pumping to each of three canals which were located within the district and furnished water to the land, each acre of which was entitled to same amount of water, was not authorized by statute and collection of the charges would be enjoined. (I. C. A., secs. 42-701, 42-905.)

2. Where an irrigation system has been completed, the cost of maintenance and operation, whether collected by means of assessments or tolls, must be spread upon all the lands of the irrigation district and must be proportionate to benefits received by such lands growing out of maintenance and operations of the irrigation system. (I. C. A., secs. 42-701, 42-905.)

3. The legislature in enacting irrigation district laws did not intend to create two methods of raising money for maintenance and operation of the completed irrigation system in an irrigation district, one by assessment required to be uniform according to benefits received and the other by tolls, not required to be uniform nor based upon benefits received but based only on cost of delivery of water. (I. C. A., secs. 42-701, 42-905.)

4. The legislature in enacting irrigation district laws intended that lands irrigable by means of the system within a district should be considered as a whole and each tract should be chargeable for maintenance and operation at the same rate as other tracts are chargeable where water needed and made available in each case is the same. (I. C. A., secs. 42-701, 42-905.)

The foregoing syllabus is by West Publishing Company, that following is by author of opinion.

I. After an irrigation district's works have been completed, the cost of maintenance and operation, whether to be collected by means

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Argument for Appellants.

of assessments or tolls, shall be spread upon all the lands of the district proportionately to the benefits received by them, growing out of the maintenance and operation of the system.

II. It was not the legislative intention to create two methods of raising money for maintenance and operation of a completed irrigation system, in an irrigation district, one by assessment, which must be uniform according to benefits received, and the other by tolls, which need not be uniform nor based on benefits received, but may be based on the cost of delivery of water.

III. It was the intention of the legislature, in enacting our irrigation district laws, that lands irrigable by means of the system within a district should be considered as a whole, and each tract should be chargeable, for maintenance and operation, at the same rate as other tracts are chargeable where water needed and made available in each case is the same.

APPEAL from the District Court of the Third Judicial District, for Ada County. Hon. Charles E. Winstead, Judge.

Suit for injunction. Decree for plaintiff. *Affirmed.*

Martin & Martin, for Appellants.

Under the decisions of the courts, boards of irrigation districts may, in making assessments for operation and maintenance of the works, take into consideration other matters than "the water supplied." (*Colburn v. Wilson*, 24 Ida. 94, 132 Pac. 579; *Nampa & Meridian Irr. Dist. v. Petrie et al.*, 37 Ida. 45, 223 Pac. 531; *Brown v. Shupe*, 40 Ida. 252, 233 Pac. 59; *Lundy v. Pioneer Irr. Dist.*, 52 Ida. 683, 19 Pac. (2d) 624.)

The statutory proceedings for levying tolls for maintenance and operation are not the same, and are not subject to the same requirement as assessments for the same purpose. The tolls are not a lien upon the land, the time for payment may be fixed by the directors, there is no delinquent list if not paid, and the statute does not provide that such tolls shall be based upon the benefits conferred by the maintenance and operation of the irrigation works. (Sec. 42-905, I. C. A.)

Publisher's Note.

2. See 30 Am. Jur. 661.

Section 55 California the same as ours. (*W* 227 Pac. 181; *Willard* Cal. 726, 258 Pac. 959

Edwin Snow, for I

Irrigation districts nance tolls or assessm cost of supplying wat law requires that such basis of benefits to tl where the sole benefit water, the toll or asse fits are equal. (*Se* v. *Wilson*, 24 Ida. 94; *Irr. Dist. v. Petrie*, 37

Other cases consid modify the principl They serve rather to (*Brown v. Shupe*, 40 *Irr. Dist.*, 52 Ida. 683

The two Californi point here. First, b ent; secondly, becau quantities of water d to the benefits recei treated alike. (*W* 227 Pac. 181; *Willard* Cal. 726, 258 Pac. 959.)

Where uniformity lands under differer part of the original in its proceedings fo and proceedings are confirmation as requ and is conclusive up holders, and upon e I. C. A.; *Crane C*

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Argument for Respondent.

Section 55 California Irrigation District Act is practically the same as ours. (*Wores v. Imperial Irr. Dist.*, 193 Cal. 609, 227 Pac. 181; *Willard et al. v. Glenn-Colusa Irr. Dist.*, 201 Cal. 726, 258 Pac. 959.)

Edwin Snow, for Respondent.

Irrigation districts cannot, under Idaho law, levy maintenance tolls or assessments upon the basis of variation in the cost of supplying water to the respective tracts of land; the law requires that such assessments and tolls be levied on the basis of benefits to the land, and not on the basis of costs; where the sole benefits are the delivery of equal quantities of water, the toll or assessment must be equal because the benefits are equal. (Secs. 41-1901, 42-701, 42-905; *Colburn v. Wilson*, 24 Ida. 94, 132 Pac. 579; *Nampa & Meridian Irr. Dist. v. Petrie*, 37 Ida. 45, 223 Pac. 531.)

Other cases considered by this court in no respect alter or modify the principles set out in the foregoing decisions. They serve rather to fortify and elucidate those principles. (*Brown v. Shupe*, 40 Ida. 252, 233 Pac. 59; *Lundy v. Pioneer Irr. Dist.*, 52 Ida. 683, 19 Pac. (2d) 624.)

The two California cases cited by appellants are not in point here. First, because the governing statutes are different; secondly, because the tolls involved were based on the quantities of water delivered and were therefore proportionate to the benefits received by the land. All landowners were treated alike. (*Wores v. Imperial Irr. Dist.*, 193 Cal. 609, 227 Pac. 181; *Willard v. Glenn-Colusa Irr. Dist.*, 201 Cal. 726, 258 Pac. 959.)

Where uniformity of assessment for power charges upon lands under different "lifts" of an irrigation system are a part of the original plan of operations of the district set out in its proceedings for the issuance of its bonds, and such plan and proceedings are properly confirmed by court decree of confirmation as required by law, the judgment is *one in rem* and is conclusive upon the district, its landowners, its bondholders, and upon all the world. (Secs. 42-406 and 42-408, L. C. A.; *Crane Creek Reservoir Administration Board v.*

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Washington County Irr. Dist., 48 Ida. 662, 284 Pac. 557;
Smith v. Progressive Irr. Dist., 28 Ida. 812, 156 Pac. 1133.)

MORGAN, J.—February 2, 1910, Snake River Irrigation Company, Ltd., hereinafter called the construction company, entered into a contract with the state of Idaho to build an irrigation system for the reclamation of a tract of land pursuant to an act of congress approved August 18, 1894, commonly known as the "Carey Act," and amendments thereto, and pursuant to applicable laws of Idaho and rules and regulations of the state board of land commissioners. In accordance with the contract Snake River Canal Company was formed for the purpose of operating and managing the irrigation system by means of which the land was to be reclaimed and irrigated. The land lies at different levels above Snake River, from which water is pumped into three canals, built by the construction company, to irrigate it. The lower canal is about 50 feet, the middle canal about 100 feet, and the upper canal about 150 feet above the river.

February 28, 1917, the construction company conveyed the irrigation system to Snake River Canal Company and in that year Snake River Irrigation District, appellant herein, was organized for the purpose of becoming, and it became, successor to the canal company in the operation and maintenance of the irrigation system.

Until 1938 each irrigated acre within the district was assessed equally with all others to pay the cost of maintenance and operation of the system, including the expense of pumping. On or about March 1, of that year, the board of directors of the district adopted a resolution fixing tolls for the use of water to irrigate lands within the district, other than the cost of power for pumping, at \$1 for each acre of land irrigated. The charges for pumping were fixed, by the board, at \$1.70 per acre for land watered by the lower canal, \$4.20 per acre for land watered by the middle canal and \$8.03 per acre for land watered by the upper canal. Each acre is entitled to receive the same amount of water. Respondent's land is watered through the upper canal, and he commenced this suit, on behalf of himself and all landowners like situated, to enjoin the collection of the tolls.

Trial resulted in defendants appeal

A number of questions the decision may be relating the collection of maintenance and section 42-701, which and operation of it

"In all districts for purpose of maintenance district, the board of district on the then proceed to levy an for expense of maintenance the district . . . the lands of the benefits received by nance and operation assessment shall be into an appropriate and shall be subject in after provided for

Section 42-905, the code, having to construction Work and sion:

"For the purpose of the district, repair and improvement works as are completed by officers and employees charges for use of water and plants or equipment thereto may provide in whole or part, by is section 42-701.

part of such expense remainder, any portion time fixed for levy

Trial resulted in a decree in plaintiff's favor, from which defendants appealed.

A number of questions have been presented, but we believe the decision may be based on the statutes authorizing and regulating the collection of money with which to pay the expenses of maintenance and operation of irrigation districts, I. C. A., section 42-701, which relates to assessments for maintenance and operation of irrigation districts, provides:

"In all districts in which an assessment is levied for the purpose of maintaining and operating the works of said district, the board of directors shall meet at the office of the district on the third Tuesday of August of each year and proceed to levy an assessment upon all the lands of the district for expense of maintaining and operating the property of the district Said assessment shall be spread upon all the lands of the district and shall be proportionate to the benefits received by such lands growing out of the maintenance and operations of the said works of said district. Such assessment shall be carried out by the secretary and entered into an appropriate column on the assessment roll immediately and shall be subject to review by the board of correction, hereinafter provided for."

Section 42-905, which is a part of title 42, chapter 9, of the code, having to do with irrigation districts, entitled "Construction Work and Acquisition of Property," has this provision:

"For the purpose of defraying the expenses of the organization of the district, and of the care, operation, management, repair and improvement of such portion of said canal and works as are completed and in use, including salaries of officers and employees, the board may fix rates of tolls and charges for use of water from the canals and irrigation works and plants or equipment of the district, and in addition thereto may provide for the payment of such expenses, either in whole or part, by levy of assessments therefor, as provided is section 42-701. Where a toll is fixed for the payment of part of such expenditures and an assessment levied for the remainder, any portion of such toll, remaining unpaid at the time fixed for levying the next annual assessment, in the

POOR ORIGINAL

discretion of the board may be added to and become part of the assessment against the land delinquent in the payment of such toll; and where both a toll is fixed and assessment levied for the same expenditures, the amount paid as toll may be applied as credit upon such assessment."

[1] There is room for doubt that the legislature intended section 42-905 to apply to districts wherein the irrigation systems have been completed. During the course of construction of an irrigation system, it would be unjust to exact payment, for maintenance and operation, on all lands within the district, because tracts to which water has not been made available should not be assessed for that purpose. It might be that some water, but not an adequate supply, would be available to certain lands before the completion of the system, and an equal assessment against all lands would be inequitable. Under such circumstances tolls would be preferable to uniform assessments. However that may be, there is nothing in the law to indicate a legislative intention that a board of directors of an irrigation district, wherein the system has been completed, shall have power to make an additional charge against lands embraced therein, because the cost of conducting water to them is greater than it is to conduct water to other lands within the district.

[2] [I] After an irrigation district's works have been completed, as in this case, the cost of maintenance and operation, whether collected by means of assessments or tolls, "shall be spread upon all the lands of the district and shall be proportionate to the benefits received by such lands growing out of the maintenance and operations of the said works of said district." (Sec. 42-701.)

[3] [II] It could not have been the legislative intention to create two methods of raising money for maintenance and operation of a completed irrigation system in an irrigation district, one by assessment which must be uniform according to benefits received, and the other by tolls which need not be uniform nor based on benefits received, but may be based on cost of delivery of water. The cost of delivering water to land situated near the lower end of a canal, fifty miles long, is, of course, greater than is the cost of delivering a like quantity of water to land near the upper end thereof, while

the benefits to each board of directors sufficient to pay the cost supply to it, individual on which our i render valueless all situated near the h

In *Colburn v. W* involved the cost o tion system which ducted it to land which water was c land to be irrigated the north side of t syphon, to the sout lands within the d side of the river ' side, and the exp branch on the sout for like purpose, o the case was as to on both sides of tl to pay the expense below the point of question is reflecte

[4] [III] "It ing title 14 of the and government 2407, [sec. 42-701 within the distric lands must be ass the water system, the water needed :

The decree is e

Ailshie, C. J., 1

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June, 1940.] GEDNEY v. SNAKE RIVER IRRIGATION DIST. 611

Opinion of the Court—Morgan, J.

the benefits to each tract, per acre, is the same. To permit a board of directors to charge tolls to each tract of land, sufficient to pay the cost of delivery of water from the source of supply to it, individually, violates the principles of cooperation on which our irrigation district laws are based and would render valueless all land intended to be benefited, except that situated near the head of the canal.

In *Colburn v. Wilson*, 24 Ida. 94, 132 Pac. 579, there was involved the cost of maintenance and operation of an irrigation system which took water from Payette River and conducted it to land to be irrigated. The canal, by means of which water was diverted from the river, forked before the land to be irrigated was reached, one branch continuing along the north side of the river and the other crossing through a syphon, to the south side. Each branch of the canal irrigated lands within the district. The irrigated acreage on the north side of the river was greatly in excess of that on the south side, and the expense of maintenance and operation of the branch on the south side was greatly in excess of the expense, for like purpose, on the north side. The question involved in the case was as to whether the lands watered from the canal on both sides of the river should be assessed equally per acre to pay the expense of maintenance and operation of the system below the point of division of the canal. The decision of that question is reflected in section 3 of the syllabus, as follows:

[4] [III] "It was the intention of the legislature in enacting title 14 of the Rev. Codes, providing for the organization and government of irrigation districts, which includes sec. 2407, [sec. 42-701] that the lands irrigable under the system within the district should be considered as a whole, and such lands must be assessed, for the maintenance and operation of the water system, at the same rate, where the benefits, that is, the water needed and received, are the same."

The decree is affirmed. Costs are awarded to respondent.

Ailshie, C. J., Budge, Givens and Holden, JJ., concur.

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$\frac{1}{2}$ Sec. 34; SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ Sec. 34; $\frac{1}{2}$ of the NW $\frac{1}{4}$ Sec. 34;
all of Sec. 33 and 32; Lots 1, 2, 3, and 4 Sec. 31; NE $\frac{1}{4}$ of the
NE $\frac{1}{4}$ Sec. 31; SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ Sec. 31; $\frac{1}{2}$ Sec. 30; $\frac{1}{2}$ S. c. 29;
 $\frac{1}{2}$ of the SW $\frac{1}{4}$ Sec. 28; $\frac{1}{2}$ of the SE $\frac{1}{4}$ Sec. 28, Township 4 South,
Range 3 East, b.M.

That said Snake River Irrigation Company, aforesaid, is the name of the owner and is the reputed owner of said premises upon which said building and pumping plant are situated, and caused said building and pumping plant to be erected and constructed.

That said Idaho Construction Company, a corporation, aforesaid, claimant herein, is the name of the contractor, who on or about the 24th day of February, 1912, as such contractor and agent of said owner, entered into a contract in writing with said Snake River Irrigation Company, a corporation, aforesaid, under and by which said labor was performed and materials furnished, and the following is a statement of the terms, time given and conditions of said contract, to-wit:

The claimant herein as such contractor agreed in consideration of the sum of \$74,500.00 to furnish materials and construct said works according to certain plans and specifications which are made a part of said contract and agreement, as far as the said specifications covered the same; said work to be commenced by February 24, 1912 and completed on or before May 15, 1912, and that the Snake River Irrigation Company's engineer would cause to be made at the end of March 1912, estimates of the amount of work performed and materials furnished and put in place by the contractors up to that time, upon which said estimates the Company would on or before the 15th day of April, 1912, pay ninety per cent thereof, and the remaining ten per cent retained by the company until the final completion and acceptance by the company and the State Engineer of the work embraced in the contract, at which time the balance due on said contract was to be paid.

That said contract has been fully performed on the part of the Idaho Construction Company, the claimant herein, and the same was completed and said building, pumping station and system, consisting of dams, flumes, ditches, pumps, electric transformers, motors and other machinery prior to the 5th day of June, 1912, and ninety days have not elapsed since the same was completed, and said building, structures, ditches, flumes, pipe lines, dams and pumping machinery finished, and accepted as provided in contract.

That the amount of the contract price for said labor performed and materials furnished pursuant to the specifications attached to the contract between the parties hereto was \$74,500.00.

That \$3,506.50, lawful money of the United States has been paid on account of said contract price, and that the sum of \$10,993.50, lawful money of the United States is still due and owing thereon to said Idaho Construction Company, claimant herein, after deducting all just credits and offsets.

That during the construction of said pumping plant, system and project as herein specifically set forth, the said Idaho Construction Company, a corporation aforesaid, claimant herein, performed labor upon and furnished materials actually used in the construction and erection of said building herein described as the pumping station and upon the pipe lines, ditches, flumes and conduits leading therefrom, situate upon the

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Idaho Construction Co., Ltd.
vs.
Snake River Irrigation Co.

Instrument Number 44147.

I hereby acknowledge (full and entire satisfaction of the debt secured by this instrument) *Snake River Irrigation Co.*

Signed and acknowledged before me this *10th* day of *March* 1914

STATE OF IDAHO,)
County of Ada,) ss.

W. C. G. Gable
Notary Public
for the State of Idaho.

IDAHO CONSTRUCTION COMPANY, LTD.,)
a corporation,)
Plaintiff,)
- vs. -)
SNAKE RIVER IRRIGATION)
COMPANY, a corporation,)
Defendant.)
-----)

CONTRACTOR'S LIEN

NOTICE IS HEREBY GIVEN, That the Idaho Construction Company, Ltd., a corporation, duly organized and existing under and by virtue of the laws of the State of Idaho, with its principal place of business at Boise, Ada County, in said State, as the original contractor, performed labor upon and furnished materials actually used in the construction and erection of that certain building or structure and now upon that certain lot and parcel of land situate in Ada County, State of Idaho, and sought to be charged with this lien and described as follows, to-wit:

Lot three (3) Section thirteen (13)
Township five (5) South, Range Three
(3) East, B.M.;

Also all pumps, pipe lines, canals and other devices for pumping and raising water out of Snake River situate and being in said pumping house and plant and upon the following described lands, to-wit:

Said ditches, flumes and pipe lines conveying water from said pumping station being known and designated as 'A' Line East and 'A' Line West, 'B' Line East, 'Y' Line West and 'Z' Line West, covering and irrigating the following lands, to-wit:

$\frac{1}{2}$ Sec. 21; $\frac{1}{2}$ Sec. 28; NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ Sec. 24; Sec. 25;
Lots 1, 2, 3, and 4 of Sec. 32; NE $\frac{1}{4}$ of Sec. 30; Lots 1, 2, 3, and
4 of Sec. 30; NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ Sec. 30; NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ Sec. 30; SW $\frac{1}{4}$
of the SW $\frac{1}{4}$ Sec. 18; SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ Sec. 18, Township 5 South, Range
4 East, B. M.

NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ Sec. 13; SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ Sec. 13; Lots 2 and 3
Sec. 13; Lots 2 and 3 Sec. 24; NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ Sec. 24, Township
5 South, Range 3 East, B. M.

Lots 1, 2, 3 and 4, Sec. 14; NW $\frac{1}{4}$ Sec. 14; Lots 1, 2, 3 and
4 Sec. 15; NE $\frac{1}{4}$ Sec. 15; NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ Sec. 15; all of Sec. 10;
 $\frac{1}{2}$ Sec. 11; SE $\frac{1}{4}$ of NE $\frac{1}{4}$ Sec. 11; $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 2; $\frac{1}{2}$ of SW $\frac{1}{4}$ of the NW $\frac{1}{4}$
Sec. 2; All of Sec. 3 and 4; Lots 1, 2, 3, and 4, Sec. 9; $\frac{1}{2}$ of the
NE $\frac{1}{4}$ Sec. 9; SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ Sec. 9; $\frac{1}{2}$ Sec. 5; Lots 5, 6, 7 and 8
Sec. 5; NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ Sec. 5, Township 5 South, Range 3 East,
B.M.

AUG 10 1994

POOR ORIGINAL

516

THE DESCRIBED TO
ELMORE COUNTY.

MISCELLANEOUS RECORD No. 5

1655

Which lands have been heretofore designated by said Board as the 2nd or
3rd Division.

Also the following.

TOWNSHIP 5 SOUTH, RANGE 3 EAST.

SECTION 11:

All of NE $\frac{1}{4}$ NE $\frac{1}{4}$ lying south and south- west of 2 Line Canal, containing	40	Acres
SW $\frac{1}{4}$ NE $\frac{1}{4}$	40	"
All of SE $\frac{1}{4}$ NE $\frac{1}{4}$ lying west and south- west of 2 Line Canal, containing	33	"
NW $\frac{1}{4}$	160	"

SECTION 2:

All of Lot 4 lying southwest of 2 Line Canal, containing	6	"
All of SW $\frac{1}{4}$ NW $\frac{1}{4}$ lying west and southwest of 2 Line Canal, con- taining	19	"
All of NW $\frac{1}{4}$ SW $\frac{1}{4}$ lying west and southwest of 2 Line Canal, con- taining.	32	"
SW $\frac{1}{4}$ SW $\frac{1}{4}$	40	"

SECTION 2: contd.

All of E $\frac{1}{2}$ SW $\frac{1}{4}$ lying west and south- west of 2 Line Canal, containing	19	Acres,
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SECTION 3:

All	640	"
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TOWNSHIP 4 SOUTH, RANGE 3 EAST

SECTION 34:

W $\frac{1}{2}$ SE $\frac{1}{4}$	80	Acres
All of SE $\frac{1}{4}$ SE $\frac{1}{4}$ lying west of 2 Line Canal, containing	34	"
All of NE $\frac{1}{4}$ SE $\frac{1}{4}$ lying south and west of 2 Line Canal containing	28	"
SW $\frac{1}{4}$	160	"
SW $\frac{1}{4}$ NW $\frac{1}{4}$	80	"
1 of SE $\frac{1}{4}$ NE $\frac{1}{4}$ lying southwest of 2 Line Canal, containing	34	"
All of NW $\frac{1}{4}$ NW $\frac{1}{4}$ lying south and southwest of 2 Line Canal, containing	15	"
All of NE $\frac{1}{4}$ NW $\frac{1}{4}$ lying south of 2 Line Canal containing	4	"

SECTION 33:

All	640	"
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SECTION 28:

All of Lot 1 lying south and south- west of 2 Line Canal, containing	12	"
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MISCELLANEOUS RECORDS

5

MICROFILMED

AUG 10 1994

1654

2 1357

SECTION 31:	Lot 4	34.74	"
	Lot 5	37.31	"
	Lot 6	36.59	"
	Lot 7	35.86	"
	Lot 4	24.10	"
	Lot 3	34.80	"
	Lot 2	49.50	"
SECTION 32	Lot 1	31.70	"
	N $\frac{1}{2}$ NE $\frac{1}{4}$	80	"
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	40	"
	S $\frac{1}{2}$	320	"

TOWNSHIP 5 SOUTH, RANGE 3 EAST.

SECTION 6:	Lot 3	44.30	Acres.
	Lot 14	16.95	"
	Lot 2	37.40	"
	Lot 1	40	"
	Lot 8	12.80	"
	Lot 9	15.40	"
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	40	"
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	40	"

SECTION 5:	N $\frac{1}{2}$	320	Acres
	Lot 5	44.30	"
	Lot 6	37.50	"
	Lot 7	43.30	"
	Lot 8	20.40	"
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	40	"
	All	559.10	Acres.

SECTION 4:

SECTION 9:

Lot 4	53.50	"
NE $\frac{1}{4}$	160	"
Lot 3	20.85	"
Lot 2	30.70	"
Lot 1	39.	"
NE $\frac{1}{4}$ SE $\frac{1}{4}$	40	"

Total 2947.30 Acres.

MISCELLANEOUS RECORDS

MICROFILMED

AUG 10 1994

POOR ORIGINAL

1657

2 13.76

SECTION 19:

$S\frac{1}{2}$ NE $\frac{1}{4}$	80 Acres
Lot 3	46.49 "
Lot 4	33.50 "
$E\frac{1}{2}$ SW $\frac{1}{4}$	80 "
SE $\frac{1}{4}$	160 "

SECTION 20:

All of NW $\frac{1}{4}$ NW $\frac{1}{4}$ lying southwest of B Lateral, containing	4 Acres
All of $S\frac{1}{2}$ NW $\frac{1}{4}$ lying west and southwest of B. Lateral, containing	28 "
W $\frac{1}{2}$ SW $\frac{1}{4}$	80 "
All of $E\frac{1}{2}$ SW $\frac{1}{4}$ lying south and southwest of B Lateral, containing	58 "

SECTION 29:

NW $\frac{1}{4}$	160 "
$N\frac{1}{2}$ SW $\frac{1}{4}$	80 "
SE $\frac{1}{4}$ SW $\frac{1}{4}$	40 "

SECTION 30:

NE $\frac{1}{4}$	160 "
NE $\frac{1}{4}$ NW $\frac{1}{4}$	40 "
Lot 1	19.90 "
Lot 2	22.05 "
Lot 3	22.50 "

TOTAL 3165.34 Acres.

Which lands have been ^{heretofore} designated by said Board as the first division
Also the following;

TOWNSHIP 4 SOUTH, RANGE 2 EAST.

SECTION 25:

SE $\frac{1}{4}$	160 Acres.
$N\frac{1}{2}$ SW $\frac{1}{4}$	80 "
SE $\frac{1}{4}$ SW $\frac{1}{4}$	40 "

SECTION 25: Contd.

Lot 1	36.90 Acres.
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SECTION 36:

Lots 1 and 2	58.30 "
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TOWNSHIP 4 SOUTH, RANGE 3 EAST.

SECTION 30:

All of $N\frac{1}{2}$ SE $\frac{1}{4}$ lying south of Y Lane Canal, containing	57 Acres
All of NE $\frac{1}{4}$ SW $\frac{1}{4}$ lying south of Y Lane Canal, containing.	30 "
All of Lot 3 lying south of Y Lane Canal, containing.	25 "

MICROFILMED

AUG 10 1994

MISCELLANEOUS RECORDS

5

2 13.35

SECTION 16	Lot 1	3	"
SECTION 14:	W $\frac{1}{2}$ NW $\frac{1}{4}$	80	"
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	40	"
	All of NE $\frac{1}{4}$ NW $\frac{1}{4}$ lying west and southwest of 2 Line Canal, containing.	35	"
	Lot 4	40.70	"
	Lot 3	33.60	"

SECTION 14: Contd.

Lot 2	22.20	Acres,
All of Lot 1 lying south and southwest of 2 Line Canal, containing	15	"
All of S $\frac{1}{2}$ NE $\frac{1}{4}$ lying southwest of 2 Line Canal, containing	32	"
All or NW $\frac{1}{4}$ NE $\frac{1}{4}$ lying southwest and west of 2 Line Canal, containing	4	"

SECTION 13:

All of N $\frac{1}{2}$ SE $\frac{1}{4}$ lying south of B Line Canal, containing	60	"
SE $\frac{1}{4}$ SE $\frac{1}{4}$	40	"
Lot 2	36.70	"
Lot 1	41.40	"
All of Lot 3 lying south and southeast of B. Line Canal, containing	12	"
All of SE $\frac{1}{4}$ NW $\frac{1}{4}$ lying south of B. Line Canal, containing	3	"

SECTION 24:

NE $\frac{1}{4}$ NE $\frac{1}{4}$	40	"
Lot 3	17.10	"
Lot 2	29.40	"
Lot 1	8.10	"

TOWNSHIP 5 SOUTH, RANGE 4 EAST

SECTION 18:	Lot 4	46.58	"
	(or Lot 3)		
	All of NW $\frac{1}{4}$ SW $\frac{1}{4}$ lying southwest of B. Line Canal, containing.	14.	"
	All of SE $\frac{1}{4}$ SW $\frac{1}{4}$ lying southwest of B. Line Canal, containing.	14	"
	All of SW $\frac{1}{4}$ SE $\frac{1}{4}$ lying southwest of B. Line Canal, containing	6	"

SECTION 19:

Lot 1	46.56	"
Lot 2	46.56	"
E $\frac{1}{2}$ NW $\frac{1}{4}$	80	"
All of N $\frac{1}{2}$ NE $\frac{1}{4}$ lying southwest of B. Line Canal containing	58	"

MICROFILMED

AUG 10 1994

MISCELLANEOUS RECORDS

1341

SNAKE RIVER IRRIGATION DISTRICT.

Certified copy of order of County,
Commissioners organizing district
and establishing boundaries.

Instrument Number 713M

IN THE MATTER OF THE PETITION OF
SUSAN E. CHATTIN AND OTHERS FOR
THE ORGANIZATION OF AN IRRIGATION
DISTRICT EMBRACING LANDS COVERED
BY THE SNAKE RIVER IRRIGATION SYSTEM.
SITUATED IN ADA COUNTY.

This matter coming on regularly this 8th day of October, 1917, for the purpose of canvassing the votes cast at the election held on September, 18, 1917, in the Snake River Irrigation District, Ada County, Idaho, which election was then and there held to determine whether said district should be organized and for the purpose of electing three directors, the board proceeded to canvass said votes and upon such canvass it appeared that more than two-thirds of the votes cast at said election were "Irrigation District - Yes" that is to say that the total number of votes cast on the question of organizing said district were 45 of which number 45 were for and none were against the organization of said district, and it appearing to the Board that said election was duly and legally held at said time and place pursuant to law and the order of the Board and a notice thereof published in the form prescribed by Section 2375 of the Idaho Revised Codes, as amended, for four weeks prior to such election in the Idaho Sunday Statesman, a weekly newspaper published in Ada County, wherein all of lands included in the said district are situated.

NOW, THEREFORE, IT IS ORDERED and this does order that the lands included within the boundaries of said district and the pump house and pumping plant, canals, flumes, ditches, laterals and all other property, fixtures and appurtenances forming a part of or connected with the Snake River Irrigation System, be and the same are hereby declared to be duly organized as an irrigation district under the name and style of the Snake River Irrigation District. The said lands and other property included within the boundaries of said irrigation district and constituting the same are described as follows, to-wit:

TOWNSHIP 5 SOUTH, RANGE 3 EAST OF THE BOISE MERIDIAN.

SECTION 10	All	640	Acres
SECTION 11	$\frac{1}{2}$ SW $\frac{1}{4}$	80	
	All of $\frac{1}{2}$ SW $\frac{1}{4}$ lying west and north-west of 2 line canal, containing.	50	"
	All of $\frac{1}{2}$ SW $\frac{1}{4}$ lying north of under 2. line canal, containing	20	"
SECTION 15	NE $\frac{1}{4}$	160	"
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	40	"
	Lot 4	34.40	"
	Lot 3	53.50	"
	Lot 2	24.60	"
	Lot 1	31.50	"

MICROFILMED

AUG 10 1994

MISCELLANEOUS RECORDS

5

POOR ORIGINAL

October 1, 1930

Re: Permits 5375 and 14314

Mr. B. A. WULLENITZ
Grandview
Idaho

Dear Mr. Wullenitz:

In going over the notice of publication of proof of application of water to beneficial use under Permit No. 14314, which you filed in this office last Saturday, it is observed that this permit is the one appropriating the water developed by the drainage system of the Snake River Irrigation District. I had supposed, and rather think you were of the same mind, that this was the original permit for appropriation of the water supply used from Snake River.

Upon checking the original permit of the Snake River Irrigation District, which is No. 5375, it is found that a certificate of completion of work issued on this permit for 127.07 cubic feet per second of the waters of Snake River and that proof of beneficial use of this water was due October 20, 1920 and has not been made.

I am wondering, therefore, if you intended to make the beneficial use proof on the small permit of 10 cubic feet per second of drainage water rather than upon the large original permit diverting water from Snake River.

As a matter of practicability, I am not certain that it is necessary to make either one of these proofs on account of the great excess of water always found in Snake River at the pumping plant. It is the case that some of the larger irrigation projects in the vicinity of Twin Falls have never made their beneficial use proofs. Ordinarily they get into litigation and secure a decree which takes the place of a license. I may be talking "out of church," so to speak, in advising any permit holder not to make proof of application of water to beneficial use, but in this particular case I cannot see how the

5375

MICROFILMED
AUG 10 1994

- 2 -

MR. S. A. MULLENDY,

October 1, 1930

Snake River District will ever be molested or interfered with in the use of as much water as it needs from Snake River. If my argument is sound in this respect, it certainly is more sound with regard to the drainage water permit. I do not see how anyone could interfere with the District's use of that water; it certainly has a right to it by reason of construction and ownership of the drainage system, and in case of adverse claimants could assert its right to divert and apply the water to any land it might see fit. I suppose it is possible that an individual within the district might attempt to apply this water to his own use and thus avoid payment of power charges assessed by the irrigation district.

There is another feature of the two beneficial use proofs contemplated by the statute. If the larger Snake River permit went to proof and the license fees paid thereunder, it would not be necessary for the district to pay another fee when it makes proof on Permit No. 14316. The fees in each case will be practically the same because all of the land in the district is covered by either permit; therefore, if you think that it is a matter of precedence, to say the least, to make beneficial use proof on the small drainage water permit, for which you filed notice last Saturday, I would suggest that you also prepare notice and offer proof on the original permit No. 5375, inasmuch as both proofs can be made for the same fee. The rule which applies to the fee is that any lands which have heretofore paid the license fee of \$1.00 per 40-acre tract, are not required to pay another fee on a subsequent permit covering the same lands.

The notice of proof you filed will be held in this office pending your discussion and decision in the matter, and the time thus elapsing will not be charged against the permit.

Yours very truly,

Commissioner of Reclamation.

GEC/eq

5375

APR 10 1931

RECEIVED

Snake River Irrigation District

GRAND VIEW, IDAHO

Oct. 4, 1900.

Geo. H. Carter, Com. Reclamation,
 Boise, Ida.

Re: Permits 5575 and 14316.

Dear Sir:

The directors of the Snake River Irrigation
 will meet Tuesday, Oct. 7, 1900 and will discuss the
 matter of these permits and advise you as to the
 outcome.

Thanking you for the attention called to mind.

We are

Yours very truly,

Samuel
Treas.

No. 1000

14316

Page 10 1000

1000 1000

Notice for Publication

Notice is hereby given that the State of Idaho, at the day of October, 1934, has by its State Engineer, J. F. Idaho, of the department of reclamation, approved and granted the completion of works for the diversion of 10 cubic feet per second of the waters of three unnamed streams, tributary to Snake river, in accordance with the terms and conditions of a certain permit heretofore issued by the commissioner of reclamation of the state of Idaho.

1. The name of the person or corporation holding said permit is Snake River Canal company.

2. The post office address of such person or principal place of business of such corporation is Mountain Home, county of St. Lawrence, state of Idaho.

3. The number of such permit is 14315.

4. Said water is to be used for irrigation and domestic purposes.

5. Said works of elevation will be fully completed and the date set for such completion, and the amount of water which said works are capable of conducting to the place so intended use, in accordance with the plans accompanying the application for such permit is 10 cubic feet per second.

6. The amount of yards for which seed water is available is 550

[illegible]

STATE OF IDAHO,
COUNTY OF ADA,

Ad Baker

190 Carter being duly sworn, deposes and says: That he is the Principal Clerk of The Idaho Sunday Statesman, a weekly newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein and which said newspaper has been continuously and uninterruptedly published in said County during a period of twenty-eight consecutive weeks prior to the first publication of the notice, a copy of which is attached hereto; that said notice was published in the regular edition of The Idaho Sunday Statesman for

4

issue of September 28, 1934, and ending with the
issue of October 19, 1934

W. J. Barker

Subscribed and sworn to before me this 12 day of

March 1028

and 1920.
John Y. Newman
Necrology Public for Ladies, residing at Boston, Mass.

1636

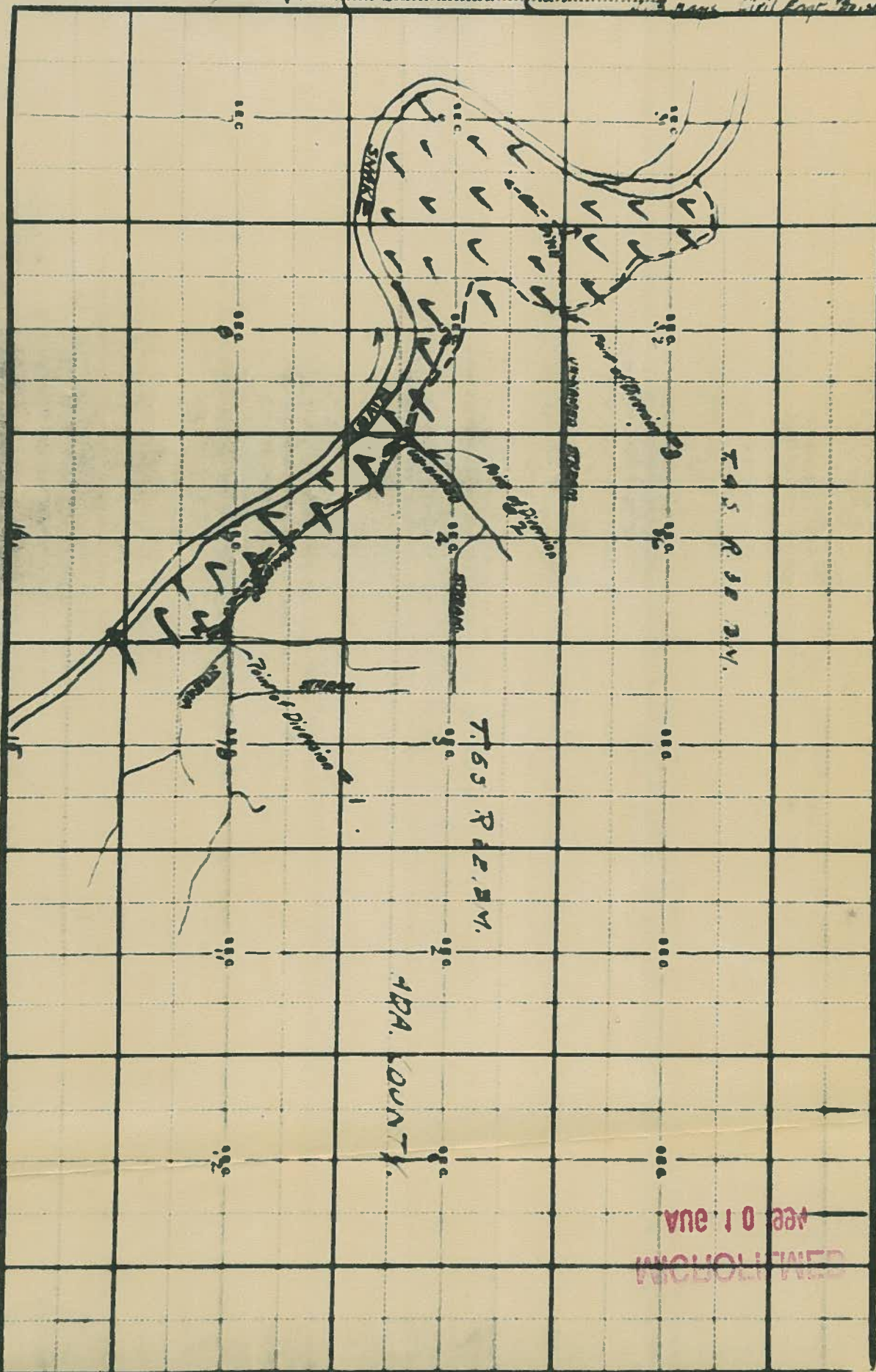
422 0 1 2UA

POOR ORIGINAL

NAME OF APPLICANT

SNAKE RIVER CANAL CO.

SEE PAGE 10



See page 10
ENCLOSURE

SCALE 1/4 INCHES = 1 MILE. DRAW PLAN IN OIL.

14316

October 25, 1919.

Re: Snake River Irrigation District. ✓

Lambornus Trust Company.
Portland, Oregon.

Attention: Harry C. Kendall.

Gentlemen:

Reference is had to the communication of your Mr. Kendall, bearing date of October 21, with respect to the water rights of the Snake River Irrigation District.

The records of this Department show that under date of October 29, 1909, Permit #5375, calling for 200 second feet of the waters of Snake River was issued, and the said permit called for water for use upon the lands within the above stated irrigation district. This permit now stands in the name of the Snake River Irrigation District.

Under the provisions of this permit, the Company were required to make proof of completion of works on or before October 29, 1914, which proof was duly made, and as a result thereof, a certificate of completion of works was issued under the said permit in the amount of 127.07 cubic feet per second.

This permit is in full force and effect and in good standing in this office, bearing priority date of October 29, 1909, and calls for 127.07 second feet. On or before October 29, 1920, the Company will be obliged to make proof of the application of water to beneficial use. This will result in the issuance of the license and the initiation of the permit right, which right will have a priority of October 29, 1909.

With respect to the availability of water to satisfy this right, I may say that this diversion is so situated on the Snake River as that no prior existing right can be interfered with by such diversion, with the possible exception of the rights of the Idaho Power Company in and to the use of the waters of Snake River at their Swan Falls Power Plant. When the Snake River is dry at Milner Dam, there is, according to the records of the U. S. Geological Survey, approximately 6000 cubic feet per second at the stage of low flow at the Government measuring station at King Hill. This quantity increases somewhat between King Hill and the point of diversion of the above stated district. The stream over this territory is in rather a deep canyon and can only be utilized for irrigation purposes by pumping. The area that can be thus served is so limited that it is, in my opinion, not probable that anything like the entire flow of the stream will be so utilized at any future time.

5375 NOV 10 1919

02-2008

POOR ORIGINAL

L.T. Co. 10-25-19 42.

This being the case, the only possible right that can be interfered with by the present rights of this district, or by their future development, will be the right of the Idaho Power Company for power purposes at Sun Falls.

I do not look upon this interference as serious for the reason that the attitude of the Power Company is one of liberality towards the development of irrigated lands. In the case of this district, the Power Company sell power for pumping purposes to the district and naturally is benefited in addition to that extent, by the development of this irrigated area and the greater power load as a result thereof.

In view of the foregoing, I consider that the water rights and water supply available for this district, cannot be questioned.

The statutes of this State in addition to the constitution, provide that beneficial use shall be the measure of a right, and also that the first in time shall be the first in right. In view of these provisions, the right of this district to such quantities of water as they have applied beneficially can in no way be jeopardized by future development.

Very truly yours,

W. E. Brown

WES:EB

Commissioner of Reclamation.

5375

APR 10 1924

ENGINEER'S REPORT
 Regarding
 COMPLETION OF WORKS
 For The
 SNAKE RIVER IRRIGATION COMPANY
 Under Permit No. 5375.

The water claimed is 200 second feet diverted from Snake River at a point on line between Sections 13 and 14, Twp. 5 S. E. 3 E. R. 1 E., Ada County, Idaho. The works have delivered water for the seasons of 1912, 1913 and 1914. There are 5 ditches of the following elements.

Z line or high lift West.

Width of conduit at bottom	4 ft.
Width at water line	10 ft.
Depth of water	2 ft.
Grade per mile	2.112
Capacity of ditch	15.2 c.f.s.

3 line or middle lift going East
 also Y line or middle lift going West.

Width of conduit at bottom	4 ft.
Width at water line	11.5 ft.
Depth of water	2.6 ft.
Grade per mile	2.112 ft.
Capacity	23.08 c.f.s.

A line or low lift going East.

Width of conduit at bottom	4.0 ft.
Width at water line	8.5 ft.
Depth of water	1.5 ft.
Grade per mile	1.168 ft.
Capacity	14.07 c.f.s.

A line or low lift going West.

Width of conduit at bottom	6 ft.
Width at water line	13.5 ft.
Depth of water	1.5 ft.
Grade per mile	2.112 ft.
Capacity	40.2 c.f.s.

RECORDED
 INDEXED
 5375

5375

5375

02-2008

POOR ORIGINAL

SUMMARY

Z line	18.2	c.f.s.
B line	29.08	"
Y line	29.08	"
A line East	14.07	"
A line West	40.00	"
Total carrying capacity	129.25	"

TABLE OF CAPACITY OF PUMPS ACCORDING TO TESTS
MADE BY THIS OFFICE IN NOVEMBER 23, 1912.

Pump No.	Rated Capacity	Actual Capacity	Efficiency	Size in inches.	Lift.
1	17.5	20.95	80.7%	16 "	High
2	17.5	20.77	83.0%	16 "	High
3	50	48.14	71.2%	30 "	Low
4	26	29.24	90.3%	20 "	Intermediate
5	26	28.74	77.1%	20 "	Intermediate
	141.	147.84			

For list of lands and map see
depositions of witness.

Walter B. Hawks
Chief Carey Act Engineer.

As this pump no. 2 is used for emergency purposes, therefore
total capacity of plant at any time is 147.84 c.f.s. (which is
the capacity of pumps) minus 26 c.f.s. (capacity of pump no. 2)
121.84 c.f.s.

APR 10 1924

RECEIVED

5375

PERMIT NO. 5375

Proof of Completion of Works DEPOSITION OF WITNESS

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. F.B. Ingraham; 52; Boise, Idaho; mechanic; Boise, Idaho

Ques. 2. Are you acquainted with Snake River Irrigation Company, Ltd. the holder of Permit No. 5375 authorizing the diversion of 200 second-feet of the waters of Snake River; on line between Secs. 13 & 14, Twp. 5 S. R. 3 E. B.M. Ada County, Idaho for irrigation purposes? How long have you known him and where does he reside?

Ans. 3 years; Boise, Idaho

Ques. 3. Have you read or heard read said Permit No. 5375 and are you familiar with its terms and conditions?

Ans. Yes.

Ques. 4. (If for irrigation purposes). Are you acquainted with the land proposed to be irrigated under said permit? If so, describe same, state its character, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Yes; Agriculture second; description of land shown on printed list

Ques. 5. Are the works of diversion amount of water set out in the permit from

Ans. Yes

Ques. 6. Describe the works of diversion
Ans. A concrete pump house between Secs. 13 & 14, T. 5 S. R. 3 E. B.M. centrifugal pumps, capacity of approximately 200 second feet, to be driven by auxiliary apparatus; of wood structure of ample size to convey the water to the lands

I hereby certify that the foregoing testimony is true and correct to the best of my knowledge and belief, and that I believe him to be the person he represents himself to be, and that he is duly qualified to depose before me, at my office in

of Ada County, Idaho, on the 24th day of October, A. D. 1914. My commission expires May 1, 1915.