



State of Idaho

DEPARTMENT OF WATER RESOURCES

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November 28, 1995

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GOVERNOR

KARL J. DREHER
DIRECTOR

Honorable Daniel C. Hurlbutt, Jr.
SRBA District Court
253 3rd Avenue North
Twin Falls, ID 83303

11-28

RE: Amended Director's Report for Reporting Area 2 (Basin 57)

95-11-0048

Dear Judge Hurlbutt:

In response to your request, and pursuant to section 34 of the 1994 amendments to the adjudication statute, I am providing an Amended Director's Report for Reporting Area 2 (Basin 57) for filing with the court. The amended Director's Report amends the "preamble" of the Basin 57 report, which includes the general provisions.

Also enclosed are the following three attachments:

1. Attachment 1 is an illustrated version of the amended report, which shows both the original text and the amendments, with deleted text shown in an overstrike format and with new text shaded (redlined).
2. Attachment 2 explains the changes made in the amended director's report, and further explains changes IDWR plans to make to the list of recommended rights and the list of rights/claims not recommended.
3. Attachment 3 includes samples of uncontested water rights currently recommended in the Basin 57 report, which have been amended as described in attachment 2.

On this date, copies of this letter, the amended report, and the attachments were mailed to all persons on the court's certificate of mailing.

It is my sincere hope and belief that this will promote the expeditious resolution of the concerns identified by the court and the continued progress of the SRBA.

Sincerely,

for Karl J. Dreher
Director

AMENDED DIRECTOR'S REPORT PART I FOR REPORTING AREA 2 (BASIN 57)

November 27, 1995

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INTRODUCTION

The Director's Report for Reporting Area 2 (Basin 57) was prepared under the direction of the Director of the Idaho Department of Water Resources (Director) as part of the Snake River Basin Adjudication (SRBA). The report consists of three parts. Part I of the report contains the Director's recommendations as to claims to water rights appropriated under state law from Reporting Area 2. Part II of the report contains abstracts of claims or negotiated agreements for claims to water rights reserved under federal law in Reporting Area 2, except for federal instream flow and tribal claims. The Director's Report Part II for federal instream flow and tribal claims was filed separately with the court. Part III of the report contains the negotiated agreements and claims submitted to IDWR for rights reserved under federal law from Reporting Area 2.

INSTRUCTIONS FOR USING THIS REPORT PART I

This Report Part I consists of eight sections, five of which are explanatory material as that term is defined in § 42-1411(1), Idaho Code, and three of which are determinations of the Director as required by § 42-1411(2) and (3), Idaho Code. The sections of the report that are explanatory are: this Introduction, a Description of the Water System, a Number Index, a Name Index, and a Point of Diversion Index. The sections of the report that are determinations of the Director are: the General Provisions, a List of Recommended Water Rights, and a List of Claims Recommended to be Disallowed.

The description of the water system includes a brief description of Reporting Area 2 (Basin 57), and an illustration of the boundaries of the reporting area.

The general provisions consist of: (a) provisions that apply to all water rights in Reporting Area 2 (Basin 57); and (b) provisions that further define or limit certain classes of water rights recommended in the report. These general provisions will affect your water right, BE SURE TO READ THEM.

The water rights in the list of recommended water rights are grouped alphabetically by source, and recommended water rights from each source are listed chronologically by priority date. The rights or claims in the list of claims recommended to be disallowed are listed numerically by water right number.

AMENDED DIRECTOR'S REPORT PART I FOR REPORTING AREA 2 (BASIN 57)

Brief instructions for interpreting an entry in the list of recommended water rights and the list of claims recommended to be disallowed are found at the beginning of those sections.

SCOPE OF ADJUDICATION

a. Except for those uses or rights described in b. below, this report Part I includes the following water rights from Reporting Area 2:

i. All rights existing and appropriated under state law prior to November 19, 1987.

ii. All water right permits for which proof of beneficial use was filed prior to November 19, 1987.

iii. Water rights appropriated under state law and arising on or after November 19, 1987, which could be, but were not required to be, claimed in the SRBA and for which claims were filed.

The rights are generally described as they existed on November 19, 1987; however, rights that were the subject of an administrative proceeding before IDWR that was completed prior to the filing of this report are described as of the date the administrative proceeding was completed.

b. Section 42-1409(4), Idaho Code, requires all claims to water rights be filed in an adjudication except those exempted by § 42-1420, Idaho Code. Section 42-1420, Idaho Code, also provides for the conclusive effect of the decree. Thus, water rights not claimed in this adjudication that were required to be claimed will not exist upon entry of the court's decree for Reporting Area 2. The water rights not required to be claimed in this adjudication, or not required to be claimed at this time, include the following:

i. Certain small domestic and stock water rights may be deferred as set forth in the orders of the court dated January 17, 1989, entitled Findings of Fact, Conclusions of Law, and Order Establishing Procedures for Adjudication of Domestic and Stock Water Uses, and March 22, 1995, entitled SRBA Administrative Order No. 10, Order Governing Procedures in the SRBA for Domestic and Stock Water Uses. Adjudication at a later date of the rights deferred under these orders must be done in accordance with the orders. The orders further provide that the claimant of a deferred right must: (a) have the

right adjudicated prior to seeking authorization from IDWR for a change in use pursuant to Idaho Code §42-222; and (b) the right must be adjudicated before water may be distributed to it by the Director.

The orders apply to "deferrable" domestic and stock water rights that existed prior to November 19, 1987, including permits for which proof of beneficial use was filed prior to November 19, 1987.

A "deferrable domestic" right is a right to the use of water for homes, organization camps, public campgrounds, livestock, and for any other purpose in connection therewith, including irrigation of up to one-half acre of land, if the total use is not in excess of 13,000 gallons per day. However, a water right cannot be deferred if used for multiple ownership subdivisions, mobile home parks, commercial or business establishments, or any other uses, if the total of the other uses exceeds a diversion rate of four one-hundredths (0.04) cubic feet per second and a diversion volume of twenty-five hundred gallons per day. Idaho Code §42-1401A(5) (1990), §42-111 (1990).

A "deferrable stock water" right is a right to the use of water solely for livestock and/or wildlife where the total use is not in excess of 13,000 gallons per day. Idaho Code §42-1401A(12) (1990).

ii. Water used solely for firefighting purposes is not required to be claimed in the SRBA. Firefighting purposes are defined in general provision 1 of the general provisions below.

iii. Water rights used solely for instream livestock use are not required to be claimed in the SRBA. A right to instream livestock use that is not decreed in the SRBA must be adjudicated before water may be distributed to it by the Director.

"Instream livestock use" means the drinking of water by domestic livestock from a natural stream without the use of any constructed physical diversion works. Idaho Code §42-113 (1990).

iv. Permits for which proof of beneficial use was filed on or after November 19, 1987, are not required to be claimed in the SRBA.

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c. The decree in the SRBA determining rights to water from Reporting Area 2 will supersede all prior decrees determining rights to water from Reporting Area 2, including all prior decree provisions for administration of such rights.

PURPOSE OF THIS REPORT PART I

This report contains the Director's recommendations to the SRBA District Court as to the nature and extent of water rights and matters necessary for administration of water rights in Reporting Area 2. This report makes no recommendation as to the ownership or the right to the use of facilities or lands used in delivery of a recommended water right, or the lands upon which the recommended water right is used.

For purposes of recommending the water rights in this report, a diversion rate of 0.02 cubic feet per second (CFS) per acre, measured at the point of diversion from the water source, was deemed to be the rate of diversion reasonably required for the irrigation of lands, unless the claimant demonstrated that a higher diversion rate is reasonably required due to actual, reasonable conveyance losses, irrigation methods, or field conditions. However, because the irrigation of small acreages of five acres or less can result in lowered irrigation efficiencies, a diversion rate of up to 0.03 CFS per acre was deemed to be the rate of diversion reasonably required for the irrigation of the lands.

For purposes of recommending the water rights in this report, the maximum annual volume of water reasonably required for irrigation of lands in Reporting Area 2 is shown in Figure 1. In general, the higher elevation lands require a maximum annual volume of 3.5 acre feet per year (AFY) per acre and the lower elevation lands require a maximum of 4.5 AFY per acre diversion volume unless a higher annual diversion volume is reasonably required due to conveyance losses, method of irrigation, or field conditions. J. Peppersack, IDWR File Memo re: Consumptive Irrigation Requirement, Irrigation Field Headgate Requirement and Irrigation Season of Use (December 18, 1991).

For purposes of recommending the water rights in this report, the maximum annual volume of consumptive use reasonably required for irrigation of lands in Reporting Area 2 varies in certain areas.

a. The maximum annual volume of consumptive use in the Reynolds Creek water system, for rights for irrigation purposes decreed in 1988, is shown in Figure 1. In general, the higher elevation lands require a maximum of 2.7 AFY per acre to

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meet the consumptive use requirements and the lower elevation lands require a maximum of 3.7 AFY per acre to meet the consumptive use requirements.

b. The maximum annual volume of consumptive use for all other rights for irrigation purposes in Reporting Area 2 is shown in Figure 1. In general the higher elevation lands require a maximum of 2.5 AFY per acre to meet the consumptive use requirements and the lower elevation lands require a maximum of 3.5 AFY per acre to meet the consumptive use requirements. J. Peppersack, IDWR File Memo re: Consumptive Irrigation Requirement, Irrigation Field Headgate Requirement and Irrigation Season of Use (December 18, 1991).

Unless more water was deemed to be necessary for irrigation, the combined use of more than one right for irrigation purposes for the same land is recommended to be limited to:

- a. a combined total rate of diversion of 0.02 CFS per acre;
- b. a combined total annual diversion volume of either 3.5 AFY per acre for higher elevation lands or 4.5 AFY per acre for lower elevation lands; and
- c. a combined total annual consumptive use volume of either 2.5 AFY per acre, 2.7 AFY per acre, 3.5 AFY per acre or 3.7 AFY per acre.

The purpose of the report is to make recommendations to the court as to matters that need to be included in the decree so water rights can be efficiently administered once decreed. Once decreed, water rights in Reporting Area 2 will be administered in accordance with the laws governing water right administration including:

- a. All ground water appropriators, including geothermal and non-geothermal ground water appropriators and ground water appropriators for domestic use, shall be subject to reasonable pumping levels as set forth in § 42-237a.
- b. Basin 57 is considered tributary to the Snake River, however, information currently available to IDWR does not provide a complete understanding of the interrelationship between water sources in Basin 57 and the Snake River. The Swan Falls Agreement identifies part of Basin 57 to be within the trust water area. Data available to IDWR, however, indicate that water sources in Basin 57 do not provide a significant amount of water to the Snake River. Therefore, the water sources in Basin 57 are not currently subject to distribution as part of the Snake River at this

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time, but may become subject to such distribution if the Director determines that such distribution is necessary to protect senior rights from the Snake River.

c. Administration of water rights for small domestic and stock water uses.

i. Small domestic and stock water rights from surface water are subject to administration to provide water to senior water rights from the water system.

ii. Small domestic and stock water rights from ground water are not subject to administration at this time. However, these rights may be made subject to administration to provide water to senior water rights from the water system if the Director determines that administration is necessary.

iii. An appropriator who has elected to defer adjudication of a deferrable small domestic and stock water right must have the right adjudicated before water will be distributed pursuant to the right by the Director. The Director may, however, curtail the delivery of water to an unadjudicated deferred domestic and/or stock water right if the Director determines such curtailment is necessary to protect senior water rights.

d. If the Director should determine it necessary for the proper administration of the use of water, the Director may require any appropriator, at the appropriator's expense, to install and maintain measuring devices and control works of a type acceptable to the Director.

All water rights recommended herein remain subject to state law, including but not limited to laws governing water right administration and water quality. In particular, any change in the point of diversion, place of use, season of use, purpose of use, or place of use of the water right must be approved by the Director, pursuant to applicable law, prior to making the change. A future application for change in use that seeks to separate rights previously used in combination will be limited by the Director in accordance with the statutory requirements to prevent any expansion of the rights beyond the current use of the rights combined. Idaho Code § 42-1421(4)-(6) (1990).

Rights shown in the listing of water rights with a basis of "permit" are in the process of perfection in accordance with the current statutory appropriation method. A right with a basis of permit is conditioned upon completion of the appropriation in accordance with the statutory procedure for appropriation of water rights, remains subject to all conditions set forth in the permit, and will be subject to all conditions

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set forth in any license issued by IDWR upon completion of the statutory appropriation process. Idaho Code § 42-1421(3) (1990).

DESCRIPTION OF THE WATER SYSTEM: REPORTING AREA 2 (BASIN 57)**BOUNDARIES OF BASIN**

Reporting Area 2 is identical to IDWR administrative Basin 57. The boundaries of Basin 57 are illustrated in Figure 1. More detailed maps, including Orthophotoquad maps with land use overlays based upon Landsat satellite imagery, are available in IDWR's western region office and IDWR's state office in Boise. In addition, color infrared photography of Basin 57 is available in IDWR's western region office in Boise.

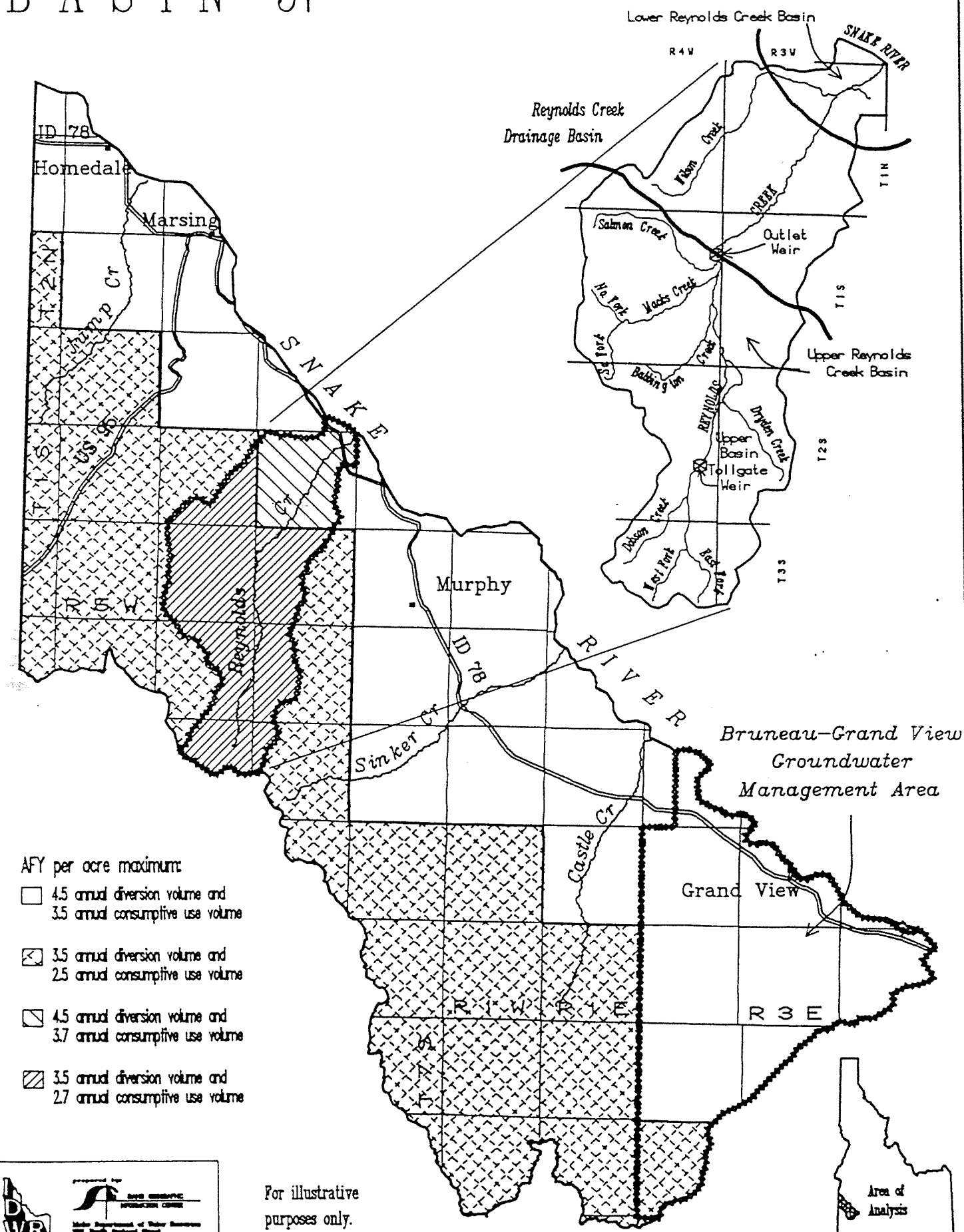
Basin 57 is approximately 1600 square miles in area and is located in the northwest portion of Owyhee County. The basin borders the Snake River on the north from C. J. Strike Reservoir downstream to the point at which the river leaves Idaho and enters Oregon. Bounded on the south by the Owyhee mountain range, the basin roughly parallels the Snake River with the Oregon border on the west, and the Shoofly Creek drainage on the east.

Water is diverted directly from the Snake River and from Basin 63 for use on lands in Basin 57. Claims to water diverted directly from the Snake River will be included in the Director's Report for Reporting Area 20 (Basin 02), and claims to water diverted in Basin 63 will be included in the Director's Report for Reporting Area 13. Both of these latter reports will be filed with the court at a later date. Water is also diverted in Oregon for use on lands in Basin 57. Water rights with points of diversion in Oregon are not included in this adjudication.

WATER SOURCES

Surface water sources in Basin 57 consist of a number of small drainages which arise in the Owyhee Mountains and drain in a generally northeasterly direction toward the Snake River. All of the creeks in this area are ephemeral in their lower reaches and generally flow only during the spring and early summer months.

Figure 1



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Basin 57 contains three aquifer systems (two of these aquifers are low temperature geothermal aquifers; for convenience they will be referred to as "hot" and "warm"). A deep aquifer yields the hottest water and the most productive wells, and a middle aquifer yields warm water and lower flows, while a shallow, cold water aquifer has the most limited yield. The hot and warm water aquifers are partially confined, resulting in geothermal springs and geothermal wells with artesian flows. The total recharge to the aquifers in this area is limited to recharge from precipitation, and therefore limited in quantity. Part of the area in Basin 57 is within the Bruneau-Grand View Groundwater Management Area designated by the Director on October 28, 1982, pursuant to Idaho Code § 42-233b. The Bruneau-Grand View Groundwater Management Area is shown in Figure 1.

DEVELOPMENT OF WATER USE

Water development in Basin 57 is primarily agricultural, except for commercial use of the geothermal resources and various municipal uses of ground water in Murphy, Marsing and Homedale. Current irrigated acreage in the basin is approximately 121,900 acres.

Surface water development began in the 1860's after the discovery of gold in the Owyhee Mountains in 1863. This discovery brought an influx of miners and their families to the area, which in turn supported the development of agricultural lands in the lower valleys. These early farmers and ranchers used the various springs, creeks, and streams draining from the Owyhee Mountains to irrigate their fields. The formation of the Gem Irrigation District resulted in the addition of several thousand acres of irrigation in the years shortly after the turn of the century. The geothermal springs at Givens Hot Springs were the first recorded development of geothermal resources in this basin. These springs were developed in the 1880's mainly as a commercial venture for health and recreation.

Ground water development occurred as early as the late 1860's, and consisted mainly of hand dug wells used for domestic and stockwater purposes. Irrigation well development began in the early 1900's, but use of nongeothermal ground water continues to be limited primarily to domestic and stockwater purposes. Geothermal well development also began in the early 1900's in the form of warm water wells used for domestic and stockwater purposes. In the 1950's, development of deeper, hotter and more productive geothermal wells began. Some of these wells were drilled to depths of over 3000 feet with temperatures up to 185 degrees Fahrenheit and flows up to 1000 gallons per minute. Some warm and hot wells are used presently for irrigation after the water flows through cooling ponds. The lack of cold water

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wells, along with the shorter streamflow period in this area, created the need to use these geothermal resources for irrigation.

GENERAL PROVISIONS

The Director recommends that the following general provisions be included in the decree determining rights to water from Basin 57.

GENERAL PROVISION 1 APPLIES TO ALL WATER RIGHTS IN BASIN 57.

1. FIREFIGHTING PURPOSES.

a. Firefighting purposes is an alternate use for which any water right may be used, and firefighting is recognized as a lawful use of water with or without a water right.

b. Firefighting purposes means the use of water in times of emergency: to extinguish an existing fire on private or public lands, facilities, or equipment; to prevent an existing fire from spreading to private or public lands, facilities, or equipment within the vicinity of and endangered by an existing fire; and by firefighting personnel engaged in fighting an existing fire. Firefighting purposes does not include the use of water to prevent a fire from occurring in the future, the use of water for domestic purposes in regularly maintained firefighting stations, or the storage of water for fighting future fires.

GENERAL PROVISION 2 APPLIES ONLY TO RIGHTS TO WATER FROM THE REYNOLDS CREEK WATER SYSTEM.

2. ADMINISTRATION OF RIGHTS TO WATER FROM THE REYNOLDS CREEK WATER SYSTEM.

The following language is from the "Stipulation by Certain Defendants for Entry of Decree Adjudicating Water Rights", incorporated in the decree filed March 23, 1988, in the Reynolds Creek Adjudication, Owyhee County Civil No. 3456. The boundaries of the Reynolds Creek water system are shown in Figure 1. This language addresses the administration of water rights from the Reynolds Creek water system and is incorporated verbatim herein [explanatory language is added in brackets]:

3. There shall be two different methods of administering the water rights in Reynolds Creek, dependent upon whether there is

"excess" water in Reynolds Creek at a given time, with "excess" water being defined as the amount of water in excess of 37 CFS flowing in Reynolds Creek at the Upper Basin Tollgate weir, hereinafter identified, at any time when the flow at the Outlet weir, hereinafter identified, is more than 57 CFS. The Upper Basin Tollgate weir is located on Reynolds Creek in the SE¼SW¼ of Section 24, Township 3 South, Range 4 West, B.M., and the Outlet weir is located on Reynolds Creek in the NE¼SE¼ of Section 12, Township 2 South, Range 4 West, B.M., Owyhee County, Idaho.

(a) Distribution During Periods of Water Shortage. During any period when the flow at the Upper Basin Tollgate weir is at or less than 37 CFS, or the flow at the Outlet weir is at or less than 57 CFS, the Upper Reynolds Creek Basin and the Lower Reynolds Creek Basin shall be administered as one water district under one watermaster, in accordance with the water rights set forth in the Findings [list of recommended water rights for the Reynolds Creek water system], and any subsequent permits or licenses which have been or may be issued by the Department of Water Resources. [Upper and Lower Reynolds Creek Basins are illustrated in Figure 1.]

(b) Distribution During Periods of Excess Water. When the flow of water at the Outlet weir is more than 57 CFS, the Lower Users shall not have the right to object to the diversion by the Upper Users of water in excess of the amounts specified for their respective water rights in the Findings, or to require that the Upper Users limit their diversions to the amounts specified for their respective water rights in the Findings. The intent of this provision is that the Upper Users shall have the first opportunity to use "excess" water, so long as the flow of water at the Outlet weir is more than 57 CFS.

4. A watermaster may be called on at any time during the irrigation season, notwithstanding that there may be "excess" water flowing in Reynolds Creek at or above the Outlet weir.

5(a). The Upper Users shall not store excess water during the irrigation season, except as such storage is authorized and recognized in the Findings, or storage for which licenses are subsequently issued under water permits numbers 57-7400, 57-7454, 57-7472 or 57-7473 to the extent, if any, that those permits authorize storage during the

irrigation season, and Junayo Ranch Limited Partnership (Junayo Ranch), holder of those permits, acknowledges that no excess water feature or element is included in or authorized by those permits. The Upper Users shall not increase the capacities of their diversion facilities or their storage facilities as the capacities of those facilities existed on June 22, 1987, or were authorized by water permits issued, or applications for permits filed with the Director, prior to October 14, 1987. Any Lower User who makes an application for permit to appropriate waters of Reynolds Creek for storage purposes shall not have the right to require any Upper User to cease diverting any "excess" water in order to satisfy the new storage right which might be acquired pursuant to any such application. The Lower Users reserve the right, among themselves, to protest any application by another Lower User for a permit to appropriate water of Reynolds Creek for storage purposes. The intent of this paragraph, as between the Upper Users and the Lower Users, is to furnish the Lower Users an opportunity to store any "excess" water, as defined herein, which remains available when the Upper Users are diverting water to the extent of the capacity of their presently existing facilities. The parties to this Stipulation do not intend hereby to establish or set the priorities or quantities of any rights to excess water, or to establish that any presently perfected right does or does not include or authorize the use of excess water.

5(b). The parties to this Stipulation acknowledge an historical practice of rotation irrigation during times of water shortage. Where a water right has more than one point of diversion, or where there are multiple water rights with multiple points of diversion in a single ownership, the amount of water that may be diverted is determined according to priority. However, the full amount of water diverted may be diverted through less than all of the points of diversion decreed for the water right or less than all of the points of diversion decreed for multiple water rights in a single-land ownership. This practice results in the point of diversion or the place of use for specific water right in a single-land ownership being different from the point of diversion and/or the place of use listed in the Director's findings. However, the water is diverted and applied to a point of diversion and place of use listed for that single ownership in the Director's findings. A single ownership is to be determined based upon contiguous places of use decreed to a single entity in this adjudication. This practice has allowed for the more efficient use of the water during times of shortage on the ranches as

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they are now owned. This practice will not be disturbed by the parties to this Stipulation.

6. Junayo Ranch, for itself and as successor in interest to C. T. Ranch Company and Junayo Ranch Company, former Upper Users, agrees that its water rights other than No. 57-2325 and No. 57-7040 do not entitle it to divert water to storage during the irrigation season, even though it may be physically possible to divert water into its storage facilities during the irrigation season, and that no diversion to storage is authorized under their rights Nos. 57-2325 and 57-7040 during the irrigation season unless all prior water rights on Reynolds Creek are being satisfied. Junayo Ranch further agrees that (1) storage capacity under permit No. 57-7454 shall not exceed twenty-five acre feet per annum (25 AFA) [AFY], (2) storage under any permit issued pursuant to application No. 57-7473 shall not exceed fifty acre feet per annum (50 AFA), (3) storage under permit No. 57-7454 combined with storage under any permit issued pursuant to application No. 57-7473 shall not exceed seventy-five acre feet per annum (75 AFA), and storage under any permit issued pursuant to application No. 57-7472 shall not exceed ten acre feet per annum (10 AFA) for the storage pond identified in that application, and Junayo Ranch further agrees that the condition or conditions imposed by the Director of the Idaho Department of Water Resources in any water permit now held by Junayo Ranch, or in any permit issued to Junayo Ranch pursuant to an application identified in this Stipulation, or any condition with respect to any such water permit, now held or hereafter issued to Junayo Ranch, imposed by this Stipulation or by an agreement between it and all of the other parties to this Stipulation, shall be carried forward into any supplemental decree entered in this action or any decree entered in any other action adjudicating the rights to the use of the waters of Reynolds Creek.

GENERAL PROVISION 3 APPLIES TO ALL WATER RIGHTS IN REPORTING AREA 2 (BASIN 57) SHOWN WITH IRRIGATION AS A PURPOSE OF USE.

3. IRRIGATION USE. Water rights or portions of water rights shown with a purpose of use for irrigation include the following:

a. Incidental stock water. When stock water is not specifically included for a water right that includes irrigation, a portion of the quantity described for irrigation use can be diverted and used from the same point of diversion and at the same place

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of use as the irrigation use for purposes of maintaining a reasonable water supply for stock watering during the period of use for irrigation.

b. Early-season irrigation and late-season irrigation. The diversion of rights or portions of rights for irrigation use either before or after the period of use for irrigation described in the water right can occur so long as:

i. the water so diverted is applied to beneficial use for irrigation, including incidental stock watering,

ii. all water rights diverting from the same or a common source, regardless of priority (now existing or developed subsequent to this decree), existing at the time of diversion that are within their period of use can be satisfied,

iii. no element of the water right, other than the season of use, is exceeded or violated by the early-season or late-season use,

iv. the diversion and use of the water does not conflict with the local public interest, and

v. the irrigation water user utilizing this provision assumes all risk that the criteria of this general provision are satisfied.

c. Diversion of additional flows. A quantity of surface water in addition to the quantity of surface water described for irrigation use can be diverted for irrigation of the described place of use so long as:

i. the waters so diverted are applied to beneficial use for irrigation,

ii. all water rights diverting from the same or a common source, regardless of priority (now existing or developed subsequent to this decree), existing at the time of diversion that are within their period of use can be satisfied,

iii. no element of the water right, other than quantity, is exceeded or violated by the diversion of additional flows,

iv. the diversion and use of the water does not conflict with the local public interest,

v. the irrigation water user utilizing this general provision assumes all risk that the criteria of this general provision are satisfied, and

vi. diversion of additional flows in the Reynolds Creek water system must also comply with general provision 3 of this report.

Instructions for Use of List of Recommended Water Rights

The recommended water rights are listed alphabetically by source, and the recommended water rights for each source are listed chronologically by priority date. The organization by source, which is shown near the top of each page, is useful for comparing a water right with the other water rights from the same source that could affect each other. To aid in locating an individual water right, three indexes (name, water right number, and point of diversion) are also provided in this report.

Each water right listed as a recommended water right includes the following elements:

RIGHT NUMBER: Each right includes a water right number assigned by IDWR for identification purposes. The first two digits of a water right number indicate IDWR's administrative basin number.

NAME AND ADDRESS: The name and address of the claimant shown in the list of recommended water rights is the name and address shown on the notice of claim, or on the most recent notice of change in address or change in ownership filed pursuant to Idaho Code § 42-1409(6).

SOURCE: The source is the water body to which the claimant has a right. For surface water sources, the list of recommended water rights also shows the water body to which the source is tributary. The source is shown at the top of each page in the list of recommended water rights. Those water rights having more than one source are listed under each source but include all sources in each listing of the water right.

QUANTITY: The quantity of the right is the maximum rate of flow in cubic feet per second (CFS) and/or the maximum volume of water in acre feet per calendar year (AFY). Maximum quantity is shown for each purpose of use in addition to the total maximum quantity for the water right. Except for instream flow rights or where otherwise stated in the recommended water right, the maximum quantity is the quantity diverted (and stored, for rights that include storage purposes) at the point of diversion. In some instances the total quantity shown in the description of the water right is less than the sum of the quantities for the individual uses because of physical constraints or because of limitations on the combined amounts of water claimed.

Maximum volume is not shown for some water rights or some portions of water rights. Where a total maximum volume is stated for a right, but is not stated for some portion of the right, then the maximum volume for that portion is not included in the total.

CONSUMPTIVE USE: Consumptive use is the amount of water that does not remain in the water system after use or is not returned to the water system through return flows or seepage. A numerical quantity shown in the listing of recommended water rights is the maximum annual volume of consumptive use in AFY. For water rights or portions of water rights that do not include a numerical amount for consumptive use, the consumptive use for the water right or portion of a water right is *de minimis*, which means it is small or trifling. Where the purpose of use for a portion of a right is irrigation and the remainder of the right is for other purposes, the consumptive use shown is the consumptive use for the irrigation portion only, unless otherwise stated in the water right.

PRIORITY DATE: This is the calendar date which is used to determine the relative priority of the right in relation to other rights from the same source.

POINT OF DIVERSION: The point of diversion is the point at which water is diverted from the source, and is generally indicated in the list of recommended water rights by a legal description of the 40 acre tract ($\frac{1}{4}$ $\frac{1}{4}$ section or $\frac{1}{16}$ section) or government lot within which the point of diversion is located. In some instances, the point of diversion is indicated by a legal description of the ten acre tract ($\frac{1}{4}$ $\frac{1}{4}$ $\frac{1}{4}$ section or $\frac{1}{64}$ section) within which the point of diversion is located.

If the point of diversion is alternatively known by another legal description, which IDWR has in its files, the alternate legal description is included in a statement in the listing of the water right. Some alternate legal descriptions are provided as explanatory material where the alternate legal description supplements the public land survey legal description. In those cases in which the alternate legal description is in lieu of the public land survey legal description, the alternate legal description is shown under the point of diversion. Alternate legal descriptions include: lot, block and subdivision or townsite names; parcel numbers from the county assessor's records of the county in which the property is located; HES or homestead entry surveys; mining claim names or numbers; other surveys where the land is located in areas not covered by the public land survey.

A point of diversion listed with a "B" suffix indicates the beginning point of an instream flow segment. A point of diversion listed with an "E" suffix indicates the ending point of an instream flow segment.

A point of diversion listed with an "I" suffix indicates a point of injection, and a point of diversion listed with an "R" suffix indicates a point of rediversion. Points of injection and rediversion are indicated where water is diverted from one source, injected into another source, and then rediverted, or where water from one source is exchanged with water from another source.

Public land survey legal descriptions in the listing of water rights appear, for example, as:

T06S R01W S17 NESWNW

T06S is the abbreviation of township 6 south (the direction for townships will always be S for south or N for north).

R01W is the abbreviation of range 1 west (the direction for ranges will always be W for west or E for east).

S17 is the abbreviation for section 17.

NESWNW is the abbreviation of NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, and

NE is the 1/64 section,

SW is the 1/16 section, and

NW is the 1/4 section.

or, in the case of public land surveys involving government lots, the legal description appears, for example, as:

T03S R04W S02 LOT 3 (NWNENW)

The township, range and section descriptions are designated in the same manner as those above.

LOT 3 is the abbreviation for government lot 3.

(NWNENW) is the abbreviation of NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ but is enclosed in parenthesis since this is the projection of the actual legal description given by the government lot.

PURPOSE OF USE: Purpose of use indicates the general category of the type of beneficial use made of the water; typical purposes include irrigation, domestic, and stock water uses.

PERIOD OF USE: The period of use is the portion of the calendar year when water can be used for a particular purpose. The dates shown in the list of

recommended water rights are the beginning and ending dates of the period of use and are read as "04-01 through 11-15" and are inclusive.

PLACE OF USE: The place of use is the location where water is used, which is generally indicated in the list of recommended water rights by a legal description of the 40 acre tract ($\frac{1}{4}$ $\frac{1}{4}$ section or 1/16 section) or government lot where the water is used. For irrigation rights, the number of irrigated acres in each 40 acre tract or government lot is listed after the description of each tract or lot when required by statute. The description of irrigation rights held by irrigation districts and the description of other large irrigation rights do not normally include the number of irrigated acres in each tract or lot. See the description of public land survey legal descriptions above.

If the place of use is alternatively known by another legal description, which IDWR has in its files, the alternate legal description is included in a statement in the listing of the water right. Some alternate legal descriptions are provided as explanatory material where the alternate legal description supplements the public land survey legal description. In those cases in which the alternate legal description is in lieu of the public land survey legal description, the alternate legal description is shown under the place of use. Alternate legal descriptions include: lot, block and subdivision or townsite names; parcel numbers from the county assessor's records of the county in which the property is located; HES or homestead entry surveys; mining claim names or numbers; other surveys where the land is located in areas not covered by the public land survey.

BASIS OF CLAIM: The basis of claim is the method by which the water right was established or the document that evidences the water right. The basis of claim may be a decree (where the water right was previously adjudicated by a court), posted notice (an historical method of appropriation that is no longer available); beneficial use (an historical method of appropriation that is available only in limited circumstances at the time of this report); permit (where IDWR approved an application for a new appropriation); or license (where an appropriation has been completed pursuant to a permit).

OTHER MATTERS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THE WATER RIGHT: The elements of a water right include elements necessary to define or administer the right. In the list of recommended water rights, any elements necessary for these purposes are included in the listing of the right.

Instructions for Use of List of Claims Recommended to be Disallowed

The list of claims recommended to be disallowed includes the claims which have been investigated by IDWR and are recommended to be determined by the district court not to exist.

The disposition of a claim included in the list of claims recommended to be disallowed will be in one of the following categories:

- a. Disallowed: notices of claims filed and recommended for disallowal,
- b. Rejected: claims that were not properly filed and were returned to the claimant.

Where a claim was recommended as disallowed or rejected, a short statement of the reason for disallowal or rejection is stated in the listing for the claim.

Attachment 1

AMENDED DIRECTOR'S REPORT PART I FOR REPORTING AREA 2 (BASIN 57)

DESCRIPTIVE SUMMARY

~~———— This document is the Director's Report for Reporting Area 2 (Basin 57), and was prepared by the Director of the Idaho Department of Water Resources (IDWR) as part of the Snake River Basin Adjudication (SRBA). This report consists of three parts. Part I of this report contains the Director's recommendations as to claims to water rights appropriated under state law from Reporting Area 2. Part II of this report contains abstracts of claims or negotiated agreements for claims to water rights reserved under federal law in Reporting Area 2, except for federal instream flow and tribal claims. The Director's Report(s) Part II for federal instream flow and tribal claims will be filed with the court at a later date. Part III of this report contains the negotiated agreements and claims submitted to IDWR to rights reserved under federal law from Reporting Area 2.~~

Moved to Introduction.

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INTRODUCTION

The Director's Report for Reporting Area 2 (Basin 57) was prepared under the direction of the Director of the Idaho Department of Water Resources (Director) as part of the Snake River Basin Adjudication (SRBA). The report consists of three parts. Part I of the report contains the Director's recommendations as to claims to water rights appropriated under state law from Reporting Area 2. Part II of the report contains abstracts of claims or negotiated agreements for claims to water rights reserved under federal law in Reporting Area 2, except for federal instream flow and tribal claims. The Director's Report Part II for federal instream flow and tribal claims was filed separately with the court. Part III of the report contains the negotiated agreements and claims submitted to IDWR for rights reserved under federal law from Reporting Area 2.

Taken from the Descriptive Summary of the prior report.

INSTRUCTIONS FOR USING THIS REPORT PART I

This Report Part I consists of ~~seven~~ eight sections, five of which are explanatory material as that term is defined in § 42-1411(1), Idaho Code, and three of which are determinations of the Director as required by § 42-1411(2) and (3), Idaho Code. The sections of the report that are explanatory are: this Introduction, a Description of the Water System, the General Provisions, ~~a List of Recommended Water Rights, a List of Claims/Rights Not Recommended,~~ a Number Index, and a Name Index, and a Point of Diversion Index. The sections of the report that are determinations of the Director are: the General Provisions, ~~a List of Recommended Water Rights, and a List of Claims Recommended to be Disallowed.~~

The new text describes the portions of the report as they relate to the current adjudication statute.

The description of the water system includes a brief description of Reporting Area 2 (Basin 57), and an illustration of the boundaries of the reporting area.

The general provisions ~~include~~ consist of: (a) provisions that apply to all water rights in Reporting Area 2 (Basin 57); and (b) provisions that further define or limit

AMENDED DIRECTOR'S REPORT PART I FOR REPORTING AREA 2 (BASIN 57)

certain classes of water rights recommended in the report. These general provisions will affect your water right, BE SURE TO READ THEM.

The water rights in the list of recommended water rights are grouped alphabetically by source, and recommended water rights from each source are listed chronologically by priority date. The rights or claims in the list of claims/~~rights not recommended to be disallowed~~ are listed numerically by water right number.

Brief instructions for interpreting an entry in the list of recommended water rights and the list of claims/~~rights not recommended to be disallowed~~ are found at the beginning of those sections.

SCOPE OF ADJUDICATION

a. Except for those uses or rights described in b. below, this report Part I includes the following water rights ~~from Reporting Area 2~~:

i. All rights existing and appropriated under state law ~~from Reporting Area 2~~ prior to November 19, 1987.

ii. All water right permits for which proof of beneficial use was filed prior to November 19, 1987.

iii. Water rights appropriated under state law and arising ~~on or after November 19, 1987, which were allowed could be, but were not required to be, claimed in the SRBA and for which claims were filed.~~

The rights are generally described as they existed on November 19, 1987; however, rights that were the subject of an administrative proceeding before IDWR that was completed prior to the filing of this report are described as of the date the administrative proceeding was completed.

b. Section 42-1409(4), Idaho Code, requires all claims to water rights be filed in an adjudication except those exempted by § 42-1420, Idaho Code. Section 42-1420, Idaho Code, also provides for the conclusive affect of the decree. Thus, ~~w~~Water rights not claimed in this adjudication that were required to be claimed will not exist upon entry of the court's decree for Reporting Area 2. The water rights not required to be claimed in this adjudication, or not required to be claimed at this time, include the following:

AMENDED DIRECTOR'S REPORT PART I FOR REPORTING AREA 2 (BASIN 57)

I. Certain small domestic and stock water rights may be deferred as set forth in the orders of the court dated January 17, 1989, entitled Findings of Fact, Conclusions of Law, and Order Establishing Procedures for Adjudication of Domestic and Stock Water Uses, and March 22, 1995, entitled SRBA Administrative Order No. 10, Order Governing Procedures in the SRBA for Domestic and Stock Water Uses. Adjudication at a later date of the rights deferred under ~~this order~~ these orders must be done in accordance with the orders. The orders further provides that the claimant of a deferred right must: (a) have the right adjudicated prior to seeking authorization from IDWR for a change in use pursuant to Idaho Code §42-222; and (b). ~~The right must also~~ be adjudicated before water may be distributed to it by the Director.

The orders ~~apply~~ applies to "deferrable" domestic and stock water rights that existed prior to November 19, 1987, including permits for which proof of beneficial use was filed prior to November 19, 1987.

A "deferrable domestic" right is a right to the use of water for homes, organization camps, public campgrounds, livestock, and for any other purpose in connection therewith, including irrigation of up to one-half acre of land, if the total use is not in excess of 13,000 gallons per day. However, a water right cannot be deferred if used, but not including water for multiple ownership subdivisions, mobile home parks, commercial or business establishments, or any other uses, if the total of the other uses exceeds a diversion rate of four one-hundredths (0.04) cubic feet per second and a diversion volume of twenty-five hundred gallons per day. Idaho Code §42-1401A(5) (Supp.—198890), §42-111(A) (1990).

This text was added to comply with current law and amended order(s) of the court.

A "deferrable stock water" right is a right to the use of water solely for livestock and/or wildlife where the total use is not in excess of 13,000 gallons per day. Idaho Code §42-1401A(12) (1990).

ii. Water used solely for firefighting purposes is not required to be claimed in the SRBA. Firefighting purposes ~~is~~ are defined in ~~paragraph 8~~ general provision 1 of the general provisions below.

AMENDED DIRECTOR'S REPORT PART I FOR REPORTING AREA 2 (BASIN 57)

iii. Water rights used solely for instream livestock use are not required to be claimed in the SRBA. A right to instream livestock use that ~~was~~ is not decreed in the SRBA must be adjudicated before water may be distributed to it by the Director.

"Instream livestock use" means the drinking of water by domestic livestock from a natural stream without the use of any constructed physical diversion works. Idaho Code §42-113 (1990).

iv. Permits for which proof of beneficial use was filed on or after November 19, 1987, are not required to be claimed in the SRBA.

c. The decree in the SRBA determining rights to water from Reporting Area 2 will supersede all prior decrees determining rights to water from Reporting Area 2, including all prior decree provisions for administration of such rights.

Taken from prior general provision 1.a.

PURPOSE OF THIS REPORT PART I

This report contains the Director's recommendations to the SRBA District Court as to the nature and extent of water rights and matters necessary for administration of water rights in Reporting Area 2. This report makes no recommendation as to the ownership or the right to the use of facilities or lands used in delivery of a recommended water right, or the lands upon which the recommended water right is used.

For purposes of recommending the water rights in this report, a diversion rate of 0.02 cubic feet per second (CFS) per acre, measured at the point of diversion from the water source, was deemed to be the rate of diversion reasonably required for the irrigation of lands, unless the claimant demonstrated that a higher diversion rate is reasonably required due to actual, reasonable conveyance losses, irrigation methods, or field conditions. However, because the irrigation of small acreages of five acres or less can result in lowered irrigation efficiencies, a diversion rate of up to 0.03 CFS per acre was deemed to be the rate of diversion reasonably required for the irrigation of the lands.

AMENDED DIRECTOR'S REPORT PART I FOR REPORTING AREA 2 (BASIN 57)

A portion of prior general provision 17.

For purposes of recommending the water rights in this report, the maximum annual volume of water reasonably required for irrigation of lands in Reporting Area 2 is shown in Figure 1. In general, the higher elevation lands require a maximum annual volume of 3.5 acre feet per year (AFY) per acre and the lower elevation lands require a maximum of 4.5 AFY per acre diversion volume unless a higher annual diversion volume is reasonably required due to conveyance losses, method of irrigation, or field conditions. J. Peppersack, IDWR File Memo re: Consumptive Irrigation Requirement, Irrigation Field Headgate Requirement and Irrigation Season of Use (December 18, 1991).

Taken from prior general provision 14.

For purposes of recommending the water rights in this report, the maximum annual volume of consumptive use reasonably required for irrigation of lands in Reporting Area 2 varies in certain areas.

a. The maximum annual volume of consumptive use in the Reynolds Creek water system, for rights for irrigation purposes decreed in 1988, is shown in Figure 1. In general, the higher elevation lands require a maximum of 2.7 AFY per acre to meet the consumptive use requirements and the lower elevation lands require a maximum of 3.7 AFY per acre to meet the consumptive use requirements.

b. The maximum annual volume of consumptive use for all other rights for irrigation purposes in Reporting Area 2 is shown in Figure 1. In general the higher elevation lands require a maximum of 2.5 AFY per acre to meet the consumptive use requirements and the lower elevation lands require a maximum of 3.5 AFY per acre to meet the consumptive use requirements. J. Peppersack, IDWR File Memo re: Consumptive Irrigation Requirement, Irrigation Field Headgate Requirement and Irrigation Season of Use (December 18, 1991).

Taken from prior general provision 15.

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Unless more water was deemed to be necessary for irrigation, the combined use of more than one right for irrigation purposes for the same land is recommended to be limited to:

- a. a combined total rate of diversion of 0.02 CFS per acre;
- b. a combined total annual diversion volume of either 3.5 AFY per acre for higher elevation lands or 4.5 AFY per acre for lower elevation lands; and
- c. a combined total annual consumptive use volume of either 2.5 AFY per acre, 2.7 AFY per acre, 3.5 AFY per acre or 3.7 AFY per acre.

Taken from prior general provision 16.

The purpose of the report is to make recommendations to the court as to matters that need to be included in the decree so water rights can be efficiently administered once decreed. Once decreed, water rights in Reporting Area 2 will be administered in accordance with the laws governing water right administration including:

- a. All ground water appropriators, including geothermal and non-geothermal ground water appropriators and ground water appropriators for domestic use, shall be subject to reasonable pumping levels as set forth in § 42-237a.

Taken from prior general provision 3.

- b. Basin 57 is considered tributary to the Snake River, however, information currently available to IDWR does not provide a complete understanding of the interrelationship between water sources in Basin 57 and the Snake River. The Swan Falls Agreement identifies part of Basin 57 to be within the trust water area. Data available to IDWR, however, indicate that water sources in Basin 57 do not provide a significant amount of water to the Snake River. Therefore, the water sources in Basin 57 are not currently subject to distribution as part of the Snake River at this time, but may become subject to such distribution if the Director determines that such distribution is necessary to protect senior rights from the Snake River.

Taken from prior general provision 4.

- c. Administration of water rights for small domestic and stock water uses.
- i. Small domestic and stock water rights from surface water are subject to administration to provide water to senior water rights from the water system.
 - ii. Small domestic and stock water rights from ground water are not subject to administration at this time. However, these rights may be made subject to administration to provide water to senior water rights from the water system if the Director determines that administration is necessary.
 - iii. An appropriator who has elected to defer adjudication of a deferrable small domestic and stock water right must have the right adjudicated before water will be distributed pursuant to the right by the Director. The Director may, however, curtail the delivery of water to an unadjudicated deferred domestic and/or stock water right if the Director determines such curtailment is necessary to protect senior water rights.

Taken from prior general provision 5.

- d. If the Director should determine it necessary for the proper administration of the use of water, the Director may require any appropriator, at the appropriator's expense, to install and maintain measuring devices and control works of a type acceptable to the Director.

Taken from prior general provision 6.

All water rights recommended herein remain subject to state law, including but not limited to laws governing water right administration and water quality. In particular, any change in the point of diversion, place of use, season of use, purpose of use, or place of use of the water right must be approved by the Director, pursuant to applicable law, prior to making the change. A future application for change in use that seeks to separate rights previously used in combination will be limited by the

AMENDED DIRECTOR'S REPORT PART I FOR REPORTING AREA 2 (BASIN 57)

Director in accordance with the statutory requirements to prevent any expansion of the rights beyond the current use of the rights combined. Idaho Code § 42-1421(4)-(6) (1990).

Rights shown in the listing of water rights with a basis of "permit" are in the process of perfection in accordance with the current statutory appropriation method. A right with a basis of permit is conditioned upon completion of the appropriation in accordance with the statutory procedure for appropriation of water rights, remains subject to all conditions set forth in the permit, and will be subject to all conditions set forth in any license issued by IDWR upon completion of the statutory appropriation process. Idaho Code § 42-1421(3) (1990).

DESCRIPTION OF THE WATER SYSTEM: REPORTING AREA 2 (BASIN 57)**BOUNDARIES OF BASIN**

Reporting Area 2 is identical to IDWR administrative Basin 57. The boundaries of Basin 57 are illustrated in Figure 1. More detailed maps, including Orthophotoquad maps with land use overlays based upon Landsat satellite imagery, are available in IDWR's western region office and IDWR's state office in Boise. In addition, color infrared photography of Basin 57 is available in IDWR's western region office in Boise.

Basin 57 is approximately 1600 square miles in area and is located in the northwest portion of Owyhee County. The basin borders the Snake River on the north from C. J. Strike Reservoir downstream to the point at which the river leaves Idaho and enters Oregon. Bounded on the south by the Owyhee mountain range, the basin roughly parallels the Snake River with the Oregon border on the west, and the Shoofly Creek drainage on the east.

Water is diverted directly from the Snake River and from Basin 63 for use on lands in Basin 57. Claims to water diverted directly from the Snake River will be included in the Director's Report for Reporting Area 20 (Basin 02), and claims to water diverted in Basin 63 will be included in the Director's Report for Reporting Area 13. Both of these latter reports which will be filed with the court at a later date. Water is also diverted in Oregon for use on lands in Basin 57. Water rights with points of diversion in Oregon are not included in this adjudication.

WATER SOURCES

Surface water sources in Basin 57 consist of a number of small drainages which arise in the Owyhee Mountains and drain in a generally northeasterly direction toward the Snake River. All of the creeks in this area are ephemeral in their lower reaches and generally flow only during the spring and early summer months.

Figure 1

Basin 57 contains three aquifer systems (two of these aquifers are low temperature geothermal aquifers; for convenience they will be referred to as "hot" and "warm"). A deep aquifer yields the hottest water and the most productive wells, and a middle aquifer yields warm water and lower flows, while a shallow, cold water aquifer has the most limited yield. The hot and warm water aquifers are partially confined, resulting in geothermal springs and geothermal wells with artesian flows. The total recharge to the aquifers in this area is ~~believed to be~~ limited to recharge from precipitation, and therefore limited in quantity. Part of the area in Basin 57 is within the Bruneau-Grand View Groundwater Management Area designated by the Director on October 28, 1982, pursuant to Idaho Code § 42-233b. The Bruneau-Grand View Groundwater Management Area is shown in Figure 1.

DEVELOPMENT OF WATER USE

Water development in Basin 57 is primarily agricultural, except for commercial use of the geothermal resources and various municipal uses of ground water in Murphy, Marsing and Homedale. Current irrigated acreage in the basin is approximately 121,900 acres.

Surface water development began in the 1860's after the discovery of gold in the Owyhee Mountains in 1863. This discovery brought an influx of miners and their families to the area, which in turn supported the development of agricultural lands in the lower valleys. These early farmers and ranchers used the various springs, creeks, and streams draining from the Owyhee Mountains to irrigate their fields. The formation of the Gem Irrigation District resulted in the addition of several thousand acres of irrigation in the years shortly after the turn of the century. The geothermal springs at Givens Hot Springs were the first recorded development of geothermal

resources in this basin. These springs were developed in the 1880's mainly as a commercial venture for health and recreation.

Ground water development occurred as early as the late 1860's, and consisted mainly of hand dug wells used for domestic and stockwater purposes. Irrigation well development began in the early 1900's, but use of nongeothermal ground water continues to be limited primarily to domestic and stockwater purposes. Geothermal well development also began in the early 1900's in the form of warm water wells used for domestic and stockwater purposes. In the 1950's, development of deeper, hotter and more productive geothermal wells began. Some of these wells were drilled to depths of over 3000 feet with temperatures up to 185 degrees Fahrenheit and flows of up to 1000 gallons per minute. Some warm and hot wells are used presently for irrigation, after the water flows through cooling ponds. The lack of cold water wells, along with the shorter streamflow period in this area, created the need to use these geothermal resources for irrigation.

GENERAL PROVISIONS

The Director recommends that the following general provisions be included in the decree determining rights to water from Basin 57.

GENERAL PROVISIONS 1 -9 APPLYIES TO ALL WATER RIGHTS IN BASIN 57.

1. ~~EFFECT OF ADJUDICATION:~~

~~a. The decree determining rights to water from Basin 57 supersedes all prior decrees determining rights to water from Basin 57, including all provisions for administration of such rights. Upon entry of the decree determining rights to water from this sub-basin, any right which was required to be claimed in this adjudication and which was not claimed will no longer exist.~~

Moved to explanatory material portion of the report.

~~b. Nothing herein shall be deemed to diminish the Director's authority to administer water rights of Basin 57 pursuant to applicable law. Determinations vested in the Director herein are subject to state laws limiting the exercise of administrative discretion.~~

AMENDED DIRECTOR'S REPORT PART I FOR REPORTING AREA 2 (BASIN 57)

2. ~~GENERAL ADMINISTRATION PROVISIONS.~~

~~a. "AFY" when used in this report means acre foot per calendar year, and "CFS" means cubic foot per second.~~

~~b. References to the "Director" in these general provisions refer to the Director of the Idaho Department of Water Resources (IDWR) or the Director's duly authorized designee, including the watermaster.~~

These terms are defined in the explanatory material portion of the report.

3. ~~ADMINISTRATION OF GROUND WATER RIGHTS. Ground water appropriators, including geothermal and non-geothermal ground water appropriators, shall not be entitled to maintenance of historic pumping levels.~~

Moved to explanatory material portion of the report.

4. ~~ADMINISTRATION OF BASIN 57 AND SNAKE RIVER BASIN. Information currently available to IDWR does not provide a complete understanding of the interrelationship between water sources in Basin 57 and the Snake River; however, it does indicate that water sources in Basin 57 do not provide a significant amount of water to the Snake River. Therefore, the water sources in Basin 57 are not subject to administration as part of the Snake River at this time, but may become subject to such administration if the Director determines that such administration is necessary to protect senior rights from the Snake River.~~

Moved to explanatory material portion of the report.

5. ~~ADMINISTRATION OF SMALL DOMESTIC AND STOCK WATER RIGHTS.~~

~~a. Small domestic and stock water rights from surface water are subject to administration to provide water to senior water rights from the water system. See~~

AMENDED DIRECTOR'S REPORT PART I FOR REPORTING AREA 2 (BASIN 57)

~~general provisions 11.b., 11.c., and 12.b. below as to the definition of small domestic and stockwater rights.~~

~~b. Small domestic and stock water rights from ground water are not subject to administration at this time. However, these rights may be made subject to administration to provide water to senior water rights from the water system if the Director determines that administration is necessary.~~

~~c. An appropriator who has elected to defer adjudication of a deferrable small domestic and stock water right must have the right adjudicated before water will be distributed pursuant to the right by the Director. The Director may, however, curtail the delivery of water to an unadjudicated deferred domestic and/or stock water right if the Director determines such curtailment is necessary to protect senior water rights. See general provisions 11.b. and 12.b. below as to the definition of deferrable small domestic and stockwater rights.~~

Moved to explanatory material portion of the report.

~~6. MEASURING DEVICES AND CONTROL WORKS. If the Director should determine it necessary for the proper administration of the use of water, the Director may require any appropriator, at the appropriator's expense, to install and maintain measuring devices and control works of a type acceptable to the Director, at all points of diversion and any other points. The Director may prohibit or prevent the diversion of water by an appropriator who refuses or fails to comply with this provision.~~

Moved to explanatory material portion of the report.

~~7. SPECIAL PROVISIONS AS TO OUT OF STATE STORAGE. Natural watercourses in Idaho may be used for the conveyance of stored water diverted in other states. Conveyance of such water must be in compliance with Idaho Code § 42-801.~~

8. FIREFIGHTING PURPOSES.

a. Firefighting purposes is an alternate use ~~to for~~ which any water right may be put used, and firefighting is recognized as a lawful use of water with or without a water right.

b. Firefighting purposes means the use of water in times of emergency: to extinguish an existing fire on private or public lands, facilities, or equipment; to prevent an existing fire from spreading to private or public lands, facilities, or equipment within the vicinity of and endangered by an existing fire; and by firefighting personnel engaged in fighting an existing fire. Firefighting purposes does not include the use of water to prevent a fire from occurring in the future, the use of water for domestic purposes in regularly maintained firefighting stations, or the storage of water for fighting future fires.

~~9. CONSUMPTIVE USE. Where consumptive use is not stated for a right or a portion of a right, the consumptive use for that right or that portion of the right is so small that it is deemed de minimus.~~

GENERAL PROVISION 102 APPLIES ONLY TO RIGHTS TO WATER FROM THE REYNOLDS CREEK WATER SYSTEM.

~~102.~~ ADMINISTRATION OF RIGHTS TO WATER FROM THE REYNOLDS CREEK WATER SYSTEM.

The following language is from the "Stipulation by Certain Defendants for Entry of Decree Adjudicating Water Rights", incorporated in the decree filed March 23, 1988, in the Reynolds Creek Adjudication, Owyhee County Civil No. 3456. The boundaries of the Reynolds Creek water system are shown in Figure 1. This language addresses the administration of water rights from the Reynolds Creek water system and is ~~included-incorporated~~ verbatim herein [explanatory language is added in brackets]:

3. There shall be two different methods of administering the water rights in Reynolds Creek, dependent upon whether there is "excess" water in Reynolds Creek at a given time, with "excess" water being defined as the amount of water in excess of 37 CFS flowing in Reynolds Creek at the Upper Basin Tollgate weir, hereinafter identified, at any time when the flow at the Outlet weir, hereinafter identified, is more than 57 CFS. The Upper Basin Tollgate weir is located on

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Reynolds Creek in the SE¼SW¼ of Section 24, Township 3 South, Range 4 West, B.M., and the Outlet weir is located on Reynolds Creek in the NE¼SE¼ of Section 12, Township 2 South, Range 4 West, B.M., Owyhee County, Idaho.

(a) Distribution During Periods of Water Shortage. During any period when the flow at the Upper Basin Tollgate weir is at or less than 37 CFS, or the flow at the Outlet weir is at or less than 57 CFS, the Upper Reynolds Creek Basin and the Lower Reynolds Creek Basin shall be administered as one water district under one watermaster, in accordance with the water rights set forth in the Findings [list of recommended water rights for the Reynolds Creek water system], and any subsequent permits or licenses which have been or may be issued by the Department of Water Resources. [Upper and Lower Reynolds Creek Basins are illustrated in Figure 1.]

(b) Distribution During Periods of Excess Water. When the flow of water at the Outlet weir is more than 57 CFS, the Lower Users shall not have the right to object to the diversion by the Upper Users of water in excess of the amounts specified for their respective water rights in the Findings, or to require that the Upper Users limit their diversions to the amounts specified for their respective water rights in the Findings. The intent of this provision is that the Upper Users shall have the first opportunity to use "excess" water, so long as the flow of water at the Outlet weir is more than 57 CFS.

4. A watermaster may be called on at any time during the irrigation season, notwithstanding that there may be "excess" water flowing in Reynolds Creek at or above the Outlet weir.

5(a). The Upper Users shall not store excess water during the irrigation season, except as such storage is authorized and recognized in the Findings, or storage for which licenses are subsequently issued under water permits numbers 57-7400, 57-7454, 57-7472 or 57-7473 to the extent, if any, that those permits authorize storage during the irrigation season, and Junayo Ranch Limited Partnership (Junayo Ranch), holder of those permits, acknowledges that no excess water feature or element is included in or authorized by those permits. The Upper Users shall not increase the capacities of their diversion facilities or their storage facilities as the capacities of those facilities existed on June 22,

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1987, or were authorized by water permits issued, or applications for permits filed with the Director, prior to October 14, 1987. Any Lower User who makes an application for permit to appropriate waters of Reynolds Creek for storage purposes shall not have the right to require any Upper User to cease diverting any "excess" water in order to satisfy the new storage right which might be acquired pursuant to any such application. The Lower Users reserve the right, among themselves, to protest any application by another Lower User for a permit to appropriate water of Reynolds Creek for storage purposes. The intent of this paragraph, as between the Upper Users and the Lower Users, is to furnish the Lower Users an opportunity to store any "excess" water, as defined herein, which remains available when the Upper Users are diverting water to the extent of the capacity of their presently existing facilities. The parties to this Stipulation do not intend hereby to establish or set the priorities or quantities of any rights to excess water, or to establish that any presently perfected right does or does not include or authorize the use of excess water.

5(b). The parties to this Stipulation acknowledge an historical practice of rotation irrigation during times of water shortage. Where a water right has more than one point of diversion, or where there are multiple water rights with multiple points of diversion in a single ownership, the amount of water that may be diverted is determined according to priority. However, the full amount of water diverted may be diverted through less than all of the points of diversion decreed for the water right or less than all of the points of diversion decreed for multiple water rights in a single-land ownership. This practice results in the point of diversion or the place of use for specific water right in a single-land ownership being different from the point of diversion and/or the place of use listed in the Director's findings. However, the water is diverted and applied to a point of diversion and place of use listed for that single ownership in the Director's findings. A single ownership is to be determined based upon contiguous places of use decreed to a single entity in this adjudication. This practice has allowed for the more efficient use of the water during times of shortage on the ranches as they are now owned. This practice will not be disturbed by the parties to this Stipulation.

6. Junayo Ranch, for itself and as successor in interest to C. T. Ranch Company and Junayo Ranch Company, former Upper Users,

agrees that its water rights other than No. 57-2325 and No. 57-7040 do not entitle it to divert water to storage during the irrigation season, even though it may be physically possible to divert water into its storage facilities during the irrigation season, and that no diversion to storage is authorized under their rights Nos. 57-2325 and 57-7040 during the irrigation season unless all prior water rights on Reynolds Creek are being satisfied. Junayo Ranch further agrees that (1) storage capacity under permit No. 57-7454 shall not exceed twenty-five acre feet per annum (25 AFA) [AFY], (2) storage under any permit issued pursuant to application No. 57-7473 shall not exceed fifty acre feet per annum (50 AFA), (3) storage under permit No. 57-7454 combined with storage under any permit issued pursuant to application No. 57-7473 shall not exceed seventy-five acre feet per annum (75 AFA), and storage under any permit issued pursuant to application No. 57-7472 shall not exceed ten acre feet per annum (10 AFA) for the storage pond identified in that application, and Junayo Ranch further agrees that the condition or conditions imposed by the Director of the Idaho Department of Water Resources in any water permit now held by Junayo Ranch, or in any permit issued to Junayo Ranch pursuant to an application identified in this Stipulation, or any condition with respect to any such water permit, now held or hereafter issued to Junayo Ranch, imposed by this Stipulation or by an agreement between it and all of the other parties to this Stipulation, shall be carried forward into any supplemental decree entered in this action or any decree entered in any other action adjudicating the rights to the use of the waters of Reynolds Creek.

~~GENERAL PROVISION 11 APPLIES TO ALL WATER RIGHTS IN BASIN 57 SHOWN WITH DOMESTIC USE AS A PURPOSE OF USE.~~

~~11. DOMESTIC USE. Domestic use, when shown as the purpose of use for a right or a portion of a right, is:~~

~~a. the use of water in a home or homes, and for other purposes in connection therewith, including up to one-half acre total of irrigation per water right, or~~

~~b. the use of water for homes, organization camps, public campgrounds, livestock, and for any other purpose in connection therewith, including irrigation of up to one-half acre of land, if the total use is not in excess of 13,000 gallons per day,~~

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~~but not including water for multiple ownership subdivisions, mobile home parks, commercial or business establishments, or~~

~~c. the use of water for any beneficial uses, if the total use of the right does not exceed a diversion rate of 0.04 CFS and a diversion volume of 2500 gallons per day.~~

~~For rights or portions of rights that meet the definition of paragraph b, the annual volume of diversion is the volume actually diverted and beneficially used, subject to a maximum of 13,000 gallons per day. For rights or portions of rights that meet the definition of paragraph c, the annual volume of diversion is the volume actually diverted and beneficially used, subject to a maximum of 2500 gallons per day.~~

~~GENERAL PROVISION 12 APPLIES TO ALL WATER RIGHTS IN BASIN 57 SHOWN WITH STOCK WATER USE AS A PURPOSE OF USE.~~

~~12. STOCK WATER USE. Stock water use, when shown as the purpose of use for a right or a portion of a right, is:~~

~~a. the use of water for care and/or watering of livestock, or~~

~~b. the diversion and use of water for care and/or watering of livestock and/or wildlife where the total use of the right does not exceed a diversion volume of 13,000 gallons per day. Other uses of water for wildlife are shown with a purpose of use of wildlife.~~

~~For rights or portions of rights that meet the definition in paragraph b, the annual volume of diversion is the volume actually diverted and beneficially used, subject to a maximum of 13,000 gallons per day.~~

~~GENERAL PROVISIONS 13 - 17 3 APPLYIES TO ALL WATER RIGHTS IN REPORTING AREA 2 (BASIN 57) SHOWN WITH IRRIGATION AS A PURPOSE OF USE.~~

~~13. IRRIGATION USE. Water rights or portions of water rights shown with a purpose of use for irrigation include the following:~~

~~a. Incidental stock water. When stock water is not specifically included for a water right that includes irrigation, a portion of the quantity described for irrigation use may can be diverted and used; from the same point of diversion and at the same~~

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place of use as the irrigation use; for purposes of maintaining a reasonable water supply for stock watering ~~use~~ during the period of use for irrigation ~~described in the water right.~~

b. Early-season irrigation and late-season irrigation. ~~The Director may allow~~ The diversion of rights or portions of rights for irrigation use either before or after the period of use for irrigation described in the water right ~~can occur so long as where:~~

i. the water so diverted is applied to ~~a beneficial use for irrigation,~~ including incidental stock watering, ~~as determined by the Director,~~

ii. all water rights ~~diverting from the same or a common source,~~ regardless of priority (now existing or developed subsequent to this decree), existing at the time of diversion that are within their period of use can be satisfied, ~~and~~

iii. no element of the water right, other than the season of use, is ~~exceeded or violated by the early-season or late-season use,~~

iv. the diversion and use of the water does not conflict with the ~~local~~ public interest, ~~and as determined by the Director.~~

v. the irrigation water user utilizing this provision assumes all risk that the criteria of this general provision are satisfied.

c. Diversion of additional flows. ~~The Director may allow a~~ A quantity of surface water in addition to the quantity of surface water described for irrigation use ~~to can~~ be diverted for irrigation of the described place of use ~~so long as where:~~

i. the waters so diverted are applied to ~~a beneficial use for irrigation,~~ ~~as determined by the Director,~~

ii. all water rights ~~diverting from the same or a common source,~~ regardless of priority (now existing or developed subsequent to this decree), existing at the time of diversion that are within their period of use can be satisfied, ~~and~~

iii. no element of the water right, other than quantity, is ~~exceeded or~~ violated by the diversion of additional flows,

~~iv. the diversion and use of the water does not conflict with the local public interest, as determined by the Director.~~

~~v. the irrigation water user utilizing this general provision assumes all risk that the criteria of this general provision are satisfied, and~~

~~iv. diversion of additional flows in the Reynolds Creek water system must also comply with general provision 10-3 of this report.~~

~~14. DIVERSION VOLUME FOR IRRIGATION. The maximum annual volume of water reasonably required at the field headgate for irrigation of lands in Basin 57 is shown in Figure 1. In general the higher elevation lands require a maximum annual volume of 3.5 AFY per acre and the lower elevation lands require a maximum of 4.5 AFY per acre. Where diversion volume is not stated for water rights or portions of water rights for irrigation purposes, either 3.5 AFY per acre or 4.5 AFY per acre, depending on location, is the diversion volume measured at the point of diversion from the water source that is reasonably required for irrigation unless a higher annual diversion volume is reasonably required due to conveyance losses, method of irrigation, or field conditions, as determined by the Director.~~

Moved to explanatory material portion of report.

~~15. CONSUMPTIVE USE FOR IRRIGATION. Where the purpose of use for a portion of a right is shown as irrigation, and the remainder of the right is for other purposes, the consumptive use shown is the consumptive use for the irrigation portion of the right only, unless otherwise stated in remarks.~~

~~The maximum annual volume of consumptive use reasonably required for irrigation of lands in Basin 57 varies in certain areas:~~

~~a. The maximum annual volume of consumptive use in the Reynolds Creek water system, for rights for irrigation purposes decreed in 1988, is shown in Figure 1. In general, the higher elevation lands require a maximum of 2.7 AFY per acre and the lower elevation lands require a maximum of 3.7 AFY per acre.~~

~~b. The maximum annual volume of consumptive use for all other rights for irrigation purposes in Basin 57 is shown in Figure 1. In general the higher elevation~~

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~~lands require a maximum of 2.5 AFY per acre and the lower elevation lands require a maximum of 3.5 AFY per acre.~~

Moved to explanatory material portion of report.

~~16. AMOUNT OF COMBINED WATER RIGHTS FOR IRRIGATION. Unless specifically stated otherwise in the recommended water right, the combined use of more than one right for irrigation purposes is limited to:~~

- ~~a. a combined total rate of diversion of .02 CFS per acre,~~
- ~~b. a combined total annual diversion volume of either 3.5 AFY per acre or 4.5 AFY per acre as stated in general provision 14 above, and~~
- ~~c. a combined total annual consumptive use volume of either 2.5 AFY per acre, 2.7 AFY per acre, 3.5 AFY per acre or 3.7 AFY per acre as stated in general provisions 15.a. and 15.b. above.~~

Moved to explanatory material portion of report.

~~17. DIVERSION RATES IN EXCESS OF .02 CFS PER ACRE.~~

~~a. The rate of flow generally required at the field headgate in Basin 57 is .02 CFS per acre. For purposes of determining the water rights in this report, .02 CFS per acre was deemed to be the rate of diversion, measured at the point of diversion from the water source, reasonably required for the irrigation of lands, unless the claimant demonstrated that a higher diversion rate is reasonably required due to actual, reasonable conveyance losses, irrigation methods, or field conditions.~~

~~b. The total per acre rate of diversion, measured at the point of diversion from a surface water source shown for some rights, is greater than .02 CFS per acre. Where a rate of diversion in excess of .02 CFS per acre is required due to conveyance losses, then the right contains a remark limiting a portion of the right to use for conveyance losses. Where a rate of diversion in excess of .02 CFS per acre is required due to irrigation methods and/or field conditions, then the right includes a remark stating the diversion rate per acre required at the field headgate. However,~~

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~~for small acreages of five acres or less a diversion rate of up to .03 CFS per acre is recommended without a remark stating the diversion rate per acre at the field headgate:~~

~~c. In those cases in which the water right(s) includes an amount limited to use for conveyance losses, the total amount shown for the right(s) includes:~~

~~i. the standard amount generally required for the purpose of use of the right, which includes reasonable conveyance losses associated with such uses, plus~~

~~ii. an additional amount required for conveyance losses in the particular distribution system determined to be reasonable under currently existing conditions:~~

~~d. The diversion of amounts described in the water right that are in excess of .02 CFS per acre may continue so long as:~~

~~i. the use does not constitute unreasonable waste, as determined by the Director; and~~

~~ii. the use does not conflict with the public interest, as determined by the Director:~~

Paragraph a. moved to explanatory material portion of report.

AMENDED DIRECTOR'S REPORT PART I FOR REPORTING AREA 2 (BASIN 57)

Signed this _____ day of October, 1992:

R. KEITH HIGGINSON

Director

Idaho Department of Water Resources

CLIVE J. STRONG

Deputy Attorney General

Chief, Natural Resources Division

A. LYNNE KROGH-HAMPE

Deputy Attorney General

Idaho Department of Water Resources

DANIEL L. STECKEL

Deputy Attorney General

Idaho Department of Water Resources

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Instructions for Use of List of Recommended Water Rights

The recommended water rights are listed alphabetically by source, and the recommended water rights for each source are listed chronologically by priority date. The organization by source, which is shown near the top of each page, is useful for comparing a water right with the other water rights from the same source that could affect each other. To aid in locating an individual water right, three indexes (name, water right number, and point of diversion) are also provided in this report.

Each water right in the listed as a of recommended water rights includes a description of the following elements:

RIGHT NUMBER: Each right includes a water right number assigned by IDWR for identification purposes. The first two digits of a water right number indicate IDWR's administrative basin number.

NAME AND ADDRESS: The name and address of the claimant shown in the list of recommended water rights is the name and address shown on the notice of claim, or on the most recent notice of change in address or change in ownership properly filed pursuant to Idaho Code § 42-1409(76).

SOURCE: The source is the water body to which the claimant has a right. For surface water sources, the list of recommended water rights also shows the water body to which the source is tributary. The source is shown at the top of each page in the list of recommended water rights. Those water rights having more than one source are listed under each source but include all sources in each listing of the water right.

MAXIMUM QUANTITY: The quantity of the right is the maximum rate of flow in cubic feet per second (CFS) and/or the maximum volume of water in acre feet per calendar year (AFY). Maximum quantity is shown for each purpose of use in addition to the total maximum quantity for the water right. Except for instream flow rights or where otherwise stated in the recommended water right, the maximum quantity is the quantity diverted (and stored, for rights that include storage purposes) at the point of diversion. In some instances the total quantity shown in the description of the water right is less than the sum of the quantities for the individual uses because of physical constraints or because of limitations on the combined amounts of water claimed.

Maximum volume is not shown for some water rights or some portions of water rights. Where a total maximum volume is stated for a right, but is not stated for some portion of the right, then the maximum volume for that portion is not included in the total.

CONSUMPTIVE USE: Consumptive use is the amount of water that does not remain in the water system after use or is not returned to the water system through return flows or seepage. ~~The~~ A numerical quantity shown in the listing of recommended water rights is the maximum annual volume of consumptive use in AFY. For water rights or portions of water rights that do not include a numerical amount for consumptive use, the consumptive use for the water right or portion of a water right is *de minimis*, which means it is small or trifling. Where the purpose of use for a portion of a right is irrigation and the remainder of the right is for other purposes, the consumptive use shown is the consumptive use for the irrigation portion only, unless otherwise stated in the water right.

PRIORITY DATE: This is the ~~a~~ calendar date which is used to determine the relative priority of the right in relation to other rights from the same source, ~~and is determined based on the method of appropriation.~~

POINT OF DIVERSION: The point of diversion is the point at which water is diverted from the source, and is generally indicated in the list of recommended water rights by a legal description of the 40 acre tract ($\frac{1}{4}$ $\frac{1}{4}$ section or $\frac{1}{16}$ section) or government lot within which the point of diversion is located. In some instances, the point of diversion is indicated by a legal description of the ten acre tract ($\frac{1}{4}$ $\frac{1}{4}$ $\frac{1}{4}$ section or $\frac{1}{64}$ section) within which the point of diversion is located.

If the point of diversion is alternatively known by another legal description, which IDWR has in its files, the alternate legal description is included in ~~remarks~~ a statement in the listing of the water right. Some alternate legal descriptions are provided as explanatory material where the alternate legal description supplements the public land survey legal description. In those cases in which the alternate legal description is in lieu of the public land survey legal description, the alternate legal description is shown under the point of diversion. Alternate legal descriptions include: lot, block and subdivision or townsite names; parcel numbers from the county assessor's records of the county in which the property is located; HES or homestead entry surveys; mining claim names or numbers; other surveys where the land is located in areas not covered by the public land survey.

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A point of diversion listed with a "B" suffix indicates the beginning point of an instream flow-right segment. A point of diversion listed with an "E" suffix indicates the ending point of an instream flow-right segment.

A point of diversion listed with an "I" suffix indicates a point of injection, and a point of diversion listed with an "R" suffix indicates a point of redirection. Points of injection and redirection are indicated where water is diverted from one source, injected into another source, and then redirected, or where water from one source is exchanged with water from another source.

Public land survey legal descriptions in the listing of water rights appear, for example, as:

T06S R01W S17 NESWNW

T06S is the abbreviation of township 6 south (the direction for townships will always be S for south or N for north).

R01W is the abbreviation of range 1 west (the direction for ranges will always be W for west or E for east).

S17 is the abbreviation for section 17.

NESWNW is the abbreviation of NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, and

NE is the 1/64 section,

SW is the 1/16 section, and

NW is the 1/4 section.

or, in the case of public land surveys involving government lots, the legal description appears, for example, as:

T03S R04W S02 LOT 3 (NWNENW)

The township, range and section descriptions are designated in the same manner as those above.

LOT 3 is the abbreviation for government lot 3.

(NWNENW) is the abbreviation of NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, but is enclosed in parenthesis since this is the projection of the actual legal description given by the government lot.

PURPOSE OF USE: Purpose of use indicates the general category of the type of beneficial use made of the water; typical purposes include irrigation, domestic, and stock water purposes uses.

PERIOD OF USE: The period of use is the portion of the calendar year when water may can be used for a particular purpose. The dates shown in the list of

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recommended water rights are the beginning and ending dates of the period of use and are read as "04-01 through 11-15" and are inclusive.

PLACE OF USE: The place of use is the location where water is used, which is generally indicated in the list of recommended water rights by a legal description of the 40 acre tract ($\frac{1}{4}$ $\frac{1}{4}$ section or 1/16 section) or government lot where the water is used. For irrigation rights, the number of irrigated acres in each 40 acre tract or government lot is generally listed alongside after the description of the each tract or lot when required by statute. The description of irrigation rights held by irrigation districts and the description of other large irrigation rights do not normally include the number of irrigated acres in each tract or lot. See the description of public land survey legal descriptions above.

If the place of use is alternatively known by another legal description, which IDWR has in its files, the alternate legal description is included in remarks a statement in the listing of the water right. Some alternate legal descriptions are provided as explanatory material where the alternate legal description supplements the public land survey legal description. In those cases in which the alternate legal description is in lieu of the public land survey legal description, the alternate legal description is shown under the place of use. Alternate legal descriptions include: lot, block and subdivision or townsite names; parcel numbers from the county assessor's records of the county in which the property is located; HES or homestead entry surveys; mining claim names or numbers; other surveys where the land is located in areas not covered by the public land survey.

BASIS OF RIGHT CLAIM: The basis of right claim is the method by which the water right was established or the document that evidences the water right. The basis of right claim may be a decree (where the water right was previously adjudicated by a court), posted notice (an historical method of appropriation that is no longer available); beneficial use (an historical method of appropriation that is available only in limited circumstances today at the time of this report); permit (where IDWR has approved an application for a new appropriation); or license (where an appropriation has been completed pursuant to a permit).

OTHERS MATTERS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THE WATER RIGHT: The elements of a water right include such other elements as are necessary to define or administer the right. In the list of recommended water rights, any other elements necessary for these purposes are included in the listing of to define the right are listed under "remarks" or "non-irrigation uses."

Instructions for Use of List of Claims/Rights Not Recommended to be Disallowed

The list of claims/~~rights not recommended to be disallowed~~ includes the claims ~~or other water right records of IDWR~~, which have been investigated by IDWR and are recommended to be determined by the district court not to exist, ~~unless the claim or right was not required to be claimed.~~

The disposition of a claim included in the list of claims/~~rights not recommended to be disallowed~~ will be in one of the following categories:

- a. Disallowed: notices of claims filed and recommended for disallowal,
- b. ~~Not claimed: water right records of IDWR for which no claim was filed;~~
- ~~c. Rejected: claims that were not properly filed and were returned to the claimant;~~
- ~~d. Withdrawn: claims that were filed and were subsequently withdrawn by the claimant.~~

Where a claim was recommended as disallowed or rejected, a short statement of the reason for disallowal or rejection is stated in the listing for the claim.

~~Where no claim was filed for a water right record of IDWR, and the water right record describes a water right that was required to be claimed in the adjudication and is not subject to deferral, the listing of the water right record includes the remark, "Right will cease to exist upon entry of decree." Where no claim was filed for a permit and the permit was lapsed or relinquished, the listing of the water right record includes the remark "Permit lapsed" or "Permit relinquished." Records listed with any of these remarks are recommended to be determined not to exist.~~

~~Where no claim was filed for a water right record of IDWR, and the listing of the water right record does not include this remark, either a) the water right record described a use that was not required to be claimed or was subject to deferral, or b) it could not be determined from an examination of the water right record whether it was required to be claimed or was subject to deferral. If the right was required to be claimed and not subject to deferral, the right will be deemed not to exist upon entry of the court's decree of water rights for this basin.~~

ATTACHMENT 2

The Idaho Department of Water Resources (IDWR) previously filed IDWR's Report for September 19, 1995 Status Conference (September Report), in which it responded to the request of the court to outline proposals to address a number of matters of concern to IDWR, the court and the parties in the SRBA. In response to a subsequent request of the court, IDWR prepared an Amended Director's Report for Reporting Area 2 (Basin 57) (Amended Basin 57 Report), which amends the "preamble" to the Director's Report for Reporting Area 2 (Basin 57) (Basin 57 Report). IDWR will also submit an Amended Director's Report for Reporting Area 3 (Basin 36), and an amended Director's Report for Reporting Area 1 (Basin 34) as soon as they can be prepared, in any event prior to the December 19, 1995 Status Conference. Finally, IDWR will amend its recommendations of claims in the test basins at a later date, as further described below. The Amended Basin 57 report is filed pursuant to section 34 of the 1994 amendments to the adjudication statute for the purpose of conforming the report to the new requirements of the statute.¹

PURPOSE OF THE AMENDMENTS

The purpose of these amendments include the following.

1. To address concerns identified by the Presiding Judge (and in some instances, by the special masters in subcase proceedings) as to general provisions (GPs) in the preamble of the report and remarks in the descriptions of individual rights, and the scope of matters included in the list of claims/rights not recommended.² See September Report, item 1.

2. To incorporate amendments that will resolve or promote the resolution of objections to GPs and to remarks in the descriptions of individual rights. See September Report, item 1.³

¹ 1194 Idaho Sess. Laws 1490.

² Although the form and content of the director's reports is a matter within the discretion of the director, IDWR continues its commitment to achieve a reasonable resolution of the concerns of the court and the claimants regarding the form and content of director's reports. See Idaho Code §42-1411.

³ As noted in the September Report, IDWR has commenced efforts to resolve objections to GPs through settlement. IDWR strongly maintains that disputes are most effectively resolved through mutual agreement, and that continued efforts toward settlement as part of further proceedings on objections will result in the resolution of many, and perhaps most, contested issues.

3. To separate explanatory material from material IDWR recommends be included in the decree of water rights pursuant to the 1994 amendments to the adjudication statute. See September Report, item 1.

4. To conform the recommendations to the amnesty statutes in the 1994 amendments to the adjudication statute. See September Report, item 2.

5. To update recommendations to include changes in address or ownership of record with IDWR, and changes pursuant to final administrative actions by IDWR,⁴ that occurred since the filing of the director's report. See September Report, item 3.

6. To correct errors in the description of individual water rights, particularly those identified in recommendations that are currently uncontested. See September Report, item 2, page 9.

7. To include recommendations as to late claims filed after the filing of the director's report. See September Report, item 2, page 9.

AMENDMENTS TO THE "PREAMBLE" TO THE DIRECTOR'S REPORT

The preamble to the Basin 57 Report is that portion found at pages 1, A-i, and B-i. Attachment 1 to the Amended Basin 57 Report shows both the original text and the amendments; text to be deleted is shown in an overstrike format and text to be added is shaded (redlined). Where the amendments relocate text within the preamble, Attachment 1 also includes a notation describing the change.

As noted above, one of the purposes of the amendments is to separate explanatory material from material IDWR recommends be included in the decree. In the amended preamble, the material IDWR recommends be included in the decree is set forth in the amended general provisions. The explanatory material is set forth in the introduction and the description of the water system, the instructions for using the list of recommended claims, and the instructions for using the list of claims recommended to be disallowed.

As noted above, another purpose of these amendments is to address concerns identified by the court as to the general provisions found in the preamble. Although IDWR believes that the general provisions in the Basin 57 Report are appropriate, IDWR has concluded that shortening and revising the general provisions will narrow the issues to be resolved in the SRBA, thereby expediting the continued progress of

⁴ These include, for example, decisions approving applications for change in use pursuant to Idaho Code §42-222 and licenses issued for a water right previously claimed and recommended based upon a permit.

the SRBA without significantly diminishing IDWR's ability to efficiently administer the water rights once decreed.

The amendments therefore substantially reduce the number of general provisions. This reduction is accomplished in three ways: by moving the text to the explanatory portion of the preamble, by deleting the text, or by moving the text into each of the individual water rights to which it applies.

Finally, a third purpose noted above is to resolve or promote the resolution of objections to the general provisions. The amendments include changes that IDWR has concluded are appropriate and that IDWR believes will address concerns identified by the objectors. These changes include the removal or relocation of general provisions noted above, and limited amendments to the text of remaining general provisions.

A. EXPLANATORY MATERIAL: Introduction, Description of the Water System

This section of the Amended Basin 57 Report includes the following changes.

1. Text previously set forth in the descriptive summary is moved to the beginning of the introduction, which is expressly identified as explanatory material in the instructions for using the report. Amended Basin 57 Report, page 1.
2. The subsection within the introduction captioned "instructions for using this report part I" identifies the various sections of the report. This subsection now identifies which sections are explanatory and which are recommended to be decreed. The instructions also identify a new section, a point of diversion index. The capability to index rights by point of diversion was developed in response to requests of water users after the filing of the Basin 57 Report, and the index will be included with the amendments to the description of the individual rights, discussed further below. Finally, one section previously captioned the "list of claims/rights not recommended," is recaptioned as the "list of claims recommended to be disallowed." Amendments to this list are further described at part D below. Amended Basin 57 Report, page 1.
3. The subsection within the introduction captioned "scope of adjudication" includes revisions to paragraph (b) resulting from issuance of SRBA Administrative Order No. 10. Amended Basin 57 Report, page 2.
4. The subsection within the introduction captioned "purpose of this report part I" includes text moved from the general provisions to explanatory material. Amended Basin 57 Report, page 4.
5. The subsection within the description of the water system captioned "boundaries of basin" is amended to include information as to the use of water from Basin 63 on lands in Basin 57 that is similar to the information previously provided as

to the use of water from the main stem of the Snake River (Basin 02) for use on lands in Basin 57. Amended Basin 57 Report, page 7.

B. GENERAL PROVISIONS (GPs)

The disposition of each GP in the Basin 57 Report is described below.

1. General Provision 1

Paragraph (a) of GP 1 is a statement of the effect of the decree, which is commonly found in water right decrees. Although the effect of the decree is a provision of general law, it is a provision that every claimant needs to know. The amendments move paragraph (a) to explanatory material. Paragraph (b) was included to address "separation of powers" concerns identified by the court by expressly recognizing the director's authority and the limitations thereon.⁵ The amendments delete paragraph (b).

2. General Provision 2

GP 2 defines basic terms commonly used in the report. The terms are defined in explanatory material, and the amendments delete this GP.

3. General Provision 3

GP 3 was included to inform claimants that all rights to ground water would be administered as provided as set forth in Idaho Code §42-237(a), including rights to geothermal ground water and ground water for domestic use. The amendments move this text to explanatory material.

4. General Provision 4

GP 4 was included to inform claimants about information currently available as to the hydrologic connection between Basin 57 and the remainder of the Snake River Basin, and to inform claimants that water rights in Basin 57 and the Snake River Basin would be conjunctively administered consistent with the law and with available information. The amendments move this text to explanatory material.

5. General Provision 5

GP 5 was included to inform claimants of the manner in which small domestic and stockwater rights would be administered, particularly in light of the procedure

⁵ See Idaho Code §42-1421.

allowing the adjudication of small domestic and stockwater rights to be deferred. The amendments move this text to explanatory material.

6. General Provision 6

GP 6 is a statement of general law that requires appropriators to install and maintain measuring devices and control works as necessary for the administration of water rights.⁶ General provisions as to such requirements are commonly found in water right decrees. Although such requirements are a provision of general law, it is provision that every claimant needs to know. The amendments move this text to explanatory material.

7. General Provision 7

GP 7 is a statement of general law that was included in the Basin 57 report to address concerns identified by the United States as to water diverted in Oregon, stored in Owyhee Reservoir, and delivered via natural watercourses in Idaho.⁷ The amendments delete this text. Whether special provisions are needed in the decree to address this matter is an issue that can be resolved in the subcase proceedings on objections by the US Bureau of Reclamation in Basin 57.⁸

8. General Provision 8

GP 8 recognizes the customary practice pursuant to which any water right may be used for emergency fire-fighting. This GP is necessary to define water rights, because it allows this use even though firefighting is generally not the purpose for which water was appropriated, and because it defines fire-fighting use by limiting it to emergency fire-fighting. GP 8 is included in the amended report as GP 1.

9. General Provision 9

GP 9 quantifies the consumptive use for certain classes of water rights or portions of water rights as "de minimis." Rights or portions of rights for small domestic and/or stockwater (D&S) uses is the largest (but not the only) class of use

⁶ See Idaho Code §42-701.

⁷ See Idaho Code §42-801.

⁸ See subcase nos. 57-10807, 57-02118, 57-02177, 57-04101, 57-10854, 57-10912, 57-10913.

addressed by this general provision.⁹ The amendments delete this GP. This is one of two amendments that will require the most extensive revisions to the director's reports.¹⁰

Annual volume of consumptive use is an element IDWR is required to quantify for each recommended water right. If this GP is deleted, then appropriate language quantifying consumptive use must be added to each of the water rights to which this GP applies. Of the nearly 2500 water rights recommended in the Basin 57 report, approximately 2100 are recommended for small D&S use or include a small D&S use.

Attachment 3 consists of samples of uncontested water rights currently recommended in the Basin 57 report which have been revised to illustrate the format IDWR will use for the description of individual water rights. Each of the recommendations that includes a small D&S use shows the language IDWR will use to determine the consumptive use element for each right.¹¹

10. General Provision 10

GP 10 consists of text governing the administration of water rights from the Reynolds Creek water system (a portion of Basin 57) that was incorporated in the Reynolds Creek Adjudication Decree. The text addresses issues as to the administration of water rights between the "upper users" and the "lower users" which were the primary disputes that prompted the Reynolds Creek Adjudication. This GP is essential to define and administer water rights from the Reynolds Creek water system, and is included in the amended report as GP 2.

11. General Provision 11

GP 11 defines domestic use, and includes three definitions: small domestic use that meets the definition of Idaho Code §42-111(1)(a), small domestic use that meets the definition of Idaho Code §42-111(1)(b), and larger domestic uses that do not meet either of the statutory definitions. The existence of three definitions of domestic use

⁹ IDWR has filed reports in several subcases describing the basis for its determination of quantity and consumptive use for rights or portions of rights for small D&S uses. See IDWR's Brief Re: Elements of Small Domestic and Stockwater Rights, and IDWR's Second Brief Re: Elements of Small Domestic and Stockwater Rights, subcase nos. 34-10807, 34-10717, 34-12425 and 34-12429.

¹⁰ The other amendment that will require extensive revisions is the change in the format of the description of individual rights to address concerns raised by the court as to "remarks." The amendment to the format of the description of individual rights is addressed further below.

¹¹ The recommendations will further identify whether a recommended domestic and/or stockwater use is a small use as defined by Idaho Code §§ 42-111 or 42-1401A(12). This and other amendments to the description of individual water rights are further discussed below.

has understandably caused considerable confusion, and the amendments delete these definitions. Instead, the description of individual rights will identify whether a domestic use meets the definition of a small domestic use as set forth in §42-111.¹²

One purpose of the last paragraph is to inform claimants that the diversion volume for small domestic uses set forth in the statute only sets a cap for rights that qualify as small domestic and is not the actual diversion volume of the myriad small domestic uses that come within the statutory definition. Another purpose is to define diversion volume for such rights as the quantity actually beneficially used for the purposes for which the water right is appropriated. IDWR will move this diversion volume limitation to the description of the individual water rights. The report currently identifies the actual uses of small D&S rights in the description of the right (such as, for example, DOMESTIC, ONE HOME).¹³ The amended descriptions of individual rights will further provide that the quantity of the right is limited to the amount beneficially used for that purpose. Each of the recommendations in Attachment 3 that includes domestic as a purpose of use shows the language IDWR will use.¹⁴

12. General Provision 12

GP 12 defines stockwater (SW) use, and includes two definitions: small SW use that meets the definition of Idaho Code §42-1401A(12), and larger SW uses that do not meet the statutory definition. The existence of two definitions of SW use has understandably caused some confusion, and the amendments delete these definitions. Instead, the description of individual rights will identify whether a SW use meets the definition of a small SW use as set forth in §42-1401A(12).¹⁵

One purpose of the last paragraph is to inform claimants that the diversion volume for small SW uses set forth in the statute only sets a cap for rights that qualify as small SW use and is not the actual diversion volume of all SW uses that comes within the statutory definition. Another purpose is to define diversion volume for such rights as the quantity actually beneficially used for the purposes for which

¹² This amendment also addresses concerns identified by the Special Master for Basin 34 in various subcases. See subcase nos. 34-10807, 34-10717, 34-12425 and 34-12429.

¹³ IDWR has filed reports in several subcases describing the basis for its determination of quantity and consumptive use for rights or portions of rights for small D&S uses. See IDWR's Brief Re: Elements of Small Domestic and Stockwater Rights, and IDWR's Second Brief Re: Elements of Small Domestic and Stockwater Rights, subcase nos. 34-10807, 34-10717, 34-12425 and 34-12429.

¹⁴ This and other amendments to the description of individual water rights are further discussed below.

¹⁵ This amendment also addresses concerns identified by the Special Master for Basin 34 in various subcases. See subcase nos. 34-10807, 34-10717, 34-12425, 34-12429.

the water right is appropriated. IDWR will move this diversion volume limitation to the description of the individual water rights. The report currently identifies the actual uses of small D&S rights in the description of the right (such as, for example, STOCKWATER, 500 RANGE CATTLE).¹⁶ The amended description of such rights will further provide that the quantity of the right is limited to the amount beneficially used for that purpose. Each of the recommendations in Attachment 3 that includes SW as a purpose of use shows the language IDWR will use.¹⁷

13. General Provision 13

GP 13 defines irrigation as including incidental stockwater use, irrigation use outside the recommended irrigation season, and diversion of flows in excess of the recommended quantity, subject to certain limitations. GP 13 is necessary to define or administer water rights because it recognizes customary practices with regard to the use of irrigation water rights that are not expressly described by the statutory elements in the description of individual water rights. The limitations on these practices are necessary to ensure that water is beneficially used and to prevent injury to other water rights.

The amendments therefore include this GP as GP 3. The amendments do, however, include certain revisions to the text of this GP. As noted above, IDWR has commenced efforts to resolve GP objections through settlement. IDWR has concluded that these changes are appropriate, and believes that the changes may resolve or promote the resolution of objections to this GP.

14. General Provision 14

The description of individual water rights to ground water for irrigation use generally includes a quantification of diversion volume in AFY. The description of individual water rights to surface water for irrigation generally does not include a diversion volume in AFY, unless it was previously determined in a license or decree, or unless the right includes storage as a purpose of use.

This GP describes the manner in which diversion volume was determined for irrigation rights that include diversion volume, and clarifies other irrigation rights by describing the manner in which IDWR will determine the diversion volume for other

¹⁶ IDWR has filed reports in several subcases describing the basis for its determination of quantity and consumptive use for rights or portions of rights for small D&S uses. See IDWR's Brief Re: Elements of Small Domestic and Stockwater Rights, and IDWR's Second Brief Re: Elements of Small Domestic and Stockwater Rights, subcase nos. 34-10807, 34-10717, 34-12425 and 34-12429.

¹⁷ This and other amendments to the description of individual water rights are further discussed below.

irrigation rights should that determination become necessary for the administration of water rights in the future. This GP is also referenced in GP 17. The amendments move this text to explanatory material.

15. General Provision 15

As noted above, GP 9 quantifies the consumptive use for certain classes of water rights or portions of water rights as "de minimis," and the largest such class is small D&S uses. The most common example of a multiple purpose right is one that is used both for irrigation and for a small D&S use. Since IDWR had quantified the consumptive use for the small D&S portion as de minimis in a GP, it was necessary to note that the consumptive use quantified in AFY for the irrigation portion did not include an amount in AFY for the small D&S use. The first sentence of GP 15 so provides. Since the amendments will move the quantification of consumptive use for small D&S uses to the description of the individual water right, this sentence is no longer necessary. The amendments therefore delete the first sentence of this GP.

The remainder of GP 15 describes the manner in which IDWR determined consumptive use for rights for irrigation, and is referenced in GP 16. This portion of GP 15 is moved to explanatory material.

16. General Provision 16

This GP addresses the use of supplemental water rights. The appropriation of water rights to supplement existing water rights is a common practice in Idaho, but is one which must be appropriately limited to ensure beneficial use and to prevent injury to other water rights. The recommendation of such rights is further described in IDWR's September report, at page 21, footnote 22.

In most instances, the description of supplemental water rights includes a remark that identifies the water rights that are used in combination and places appropriate limits on the combined use, including combined diversion rate, combined consumptive use, and combined irrigated acreage. (Some water rights also include a combined diversion volume.) In some instances, such as where water rights are used in combination with water from an irrigation district, it was not reasonably possible to identify the share of the district's water right to which the claimant was entitled and to limit the combined use of the claimant's water rights and the water from the irrigation district. This GP clarifies such rights by providing that their use would be subject to the standards for beneficial use for irrigation that were generally applied to water rights in that reporting area. The limitation on the exercise of water rights to use that is not unreasonably wasteful is inherent in the doctrine of prior appropriation. The amendments move this text to explanatory material.

17. General Provision 17

Idaho Code §42-220 establishes a statutory standard for beneficial use for irrigation, by providing that IDWR may not license and a court may not decree a right for irrigation purposes in excess of 0.02 cfs per acre unless the claimant shows that a higher rate of diversion is reasonably required. A higher rate of diversion may reasonably be required, for example, due to conveyance losses between the point of diversion and the place of use, or irrigation methods or field conditions at the place of use.

Where a diversion rate in excess of 0.02 cfs per acre was claimed, and where IDWR found that the excess was reasonable due to conveyance losses, IDWR included a remark in the individual right that limited the excess to use for conveyance losses.

This GP further defines such rights by stating the conditions under which use of the excess amount may continue, which conditions are found in paragraph (d). The most significant of these limitations is that the use may not constitute unreasonable waste, a limitation which is inherent in the doctrine of prior appropriation. Additional explanation of the manner in which IDWR recommended such rights was included in an effort to make the conditions on their continued use more understandable.

Discussion with claimants who objected to this GP and to the conveyance loss remark in the description of individual rights demonstrated that both the GP and the remarks have generated considerable confusion. In particular, some objectors have read this language as an attempt to quantify actual conveyance losses, and therefore have asserted that the quantification was incorrect. The amendments delete GP 17. IDWR will also delete the conveyance loss remarks in the individual water rights.

18. General Provisions in the Basin 57 Report Part II

The director's report part I contains the director's recommendations as to claims to water rights appropriated under state law. The director's report part II contains abstracts of claims based on federal law, which pursuant to statute may only summarize the claim without substantively changing the claim.¹⁸

The amendments to IDWR recommendations, therefore, are to part I of the Basin 57 report. The Basin 57 report part II contains the following statement as to the general provisions in part I:

General provisions 1, 2, 3, 4, 5, 6, 8, 9, 10, and 12 from Part I of the Director's Report for Reporting Area 2 (Basin 57) are incorporated herein by

¹⁸ See Idaho Code §42-1409(2)&(3) (1990), prior to the 1994 amendments to the adjudication statute.

reference. The director recommends that these general provisions be made applicable to water rights reserved under federal law in the decree determining rights to water from Basin 57.

To make this paragraph consistent with the amendments to part I of the report, this paragraph should be amended to list only amended GPs 1 and 2.

C. INSTRUCTIONS FOR USE OF LIST OF RECOMMENDED WATER RIGHTS

As noted above, this portion of the preamble is explanatory material. The amendments include additional text that IDWR believes will be useful to claimants in using the list of recommended water rights. The instructions also include one amendment necessary to make the instructions consistent with amendments to be made to the description of individual water rights: the "remarks" section will be relabeled "other matters necessary for the definition or administration of the water right."¹⁹

D. INSTRUCTIONS FOR USE OF LIST OF CLAIMS RECOMMENDED TO BE DISALLOWED

As noted above, the instructions for the list are explanatory material. Both the caption for this list and the instructions for this list are amended consistent with amendments that will be made to the list.

The list, currently captioned the "list of rights/claims not recommended," included all water right records of IDWR to which a water right number had been assigned, including previously decreed rights, licenses, permits, applications for permits, statutory claims, properly filed adjudication claims, subsequently withdrawn claims, rejected claims, subsequent splits of water rights or claims evidenced by those records, etc., and included a remark indicating the status of the water right record. The list was therefore in large measure a "housekeeping" effort by which IDWR sought to inventory all water right records and indicate their disposition. At the hearings on the motions for partial decrees of uncontested portions of the reports in the three test basins, the court expressed the view that it was unnecessary to include much of this material in a decree, since any water right which was required to be claimed in the adjudication and was not claimed would not exist, and any records of such rights would be superseded by the decree.

IDWR will revise the list to include only 1) claims that were properly filed and that IDWR recommends be disallowed, and 2) claims that were filed but rejected either because the claim was incomplete or because it was not accompanied by the

¹⁹ This and other amendments to the description of individual water rights are further discussed below.

appropriate fee.²⁰ The amended list of claims recommended to be disallowed will be filed along with the amended list of recommended water rights, discussed below.

LIST OF RECOMMENDED WATER RIGHTS

As previously above, the deletion of some GPs will require changes in the descriptions of individual water rights. The most notable example is GP 9, which defines the consumptive use of certain classes of rights or portions of rights as de minimis. Due to the magnitude of the effort required to amend the description of individual rights, the revisions should include not only those necessary as a result of changes in the GPs, but all changes to IDWR's recommendations that it has concluded are appropriate to address the concerns identified by the court and the parties.

IDWR will amend the list of recommended water rights as further described below. Attachment 3 consists of samples of uncontested water rights currently recommended in the Basin 57 report which have been revised to illustrate the manner in which IDWR will amend the description of individual water rights. IDWR's September Report, item 2, offers a proposed plan for amendment of the descriptions of rights following resolution of the GP objections and Basin Wide Issue No. 4.

The amendments to the recommended water rights will include the following.

1. Standard Form 5 (SF5) Format

IDWR will amend the format of the description of individual water rights in the director's reports to list each element serially, similar to the format of the SF5, rather than in the columnar format previously used in the director's reports. Use of a similar format for recommendations of individual water rights, SF5s, and decrees will make all documents describing a water right easier to read and understand.

The report will continue to list water rights alphabetically by source, and to list rights for each source chronologically by priority date. This method of organization is useful for comparing a water right with other rights from the same source that are most likely to affect each other. The description of the individual water right will, however, include a description of the source of the right in addition to the source heading at the top of the page.

2. Remarks

IDWR will amend text previously included in the remarks section to separately identify explanatory material. Text previously included in the remarks section that

²⁰ IDWR returns rejected claims to the claimant with an explanation of the reason for rejection to allow the claimant the opportunity to properly file the claim or seek relief from the court.

IDWR recommends be included in the decree will be relocated under the element of the right to which the text applies. In those limited situations where IDWR recommends text be included in the decree, but the text applies generally to the water right, the text will be located under an element entitled "other matters necessary for definition or administration of the water right." The sample amended recommendations of water right no. 57-00098A in Attachment 3 is an example of a water right that contains such other matters. In this instance, the further text was a condition of a transfer approved by IDWR pursuant to Idaho Code §42-222, which was necessary to prevent injury to other water rights from the change in use.

3. Rights or Portions of Rights for Domestic and Stockwater (D&S) Uses

IDWR will include text that identifies rights or portions of rights that meet the definition of small D&S uses as set forth in Idaho Code §42-111 or 42-1401A(12). IDWR will include language quantifying the consumptive use of such rights as "de minimis," thereby relocating the quantification from GP 9 to the description of the individual right. IDWR will relocate diversion volume limits previously found in GP 11 and 12 to the description of the individual water rights.²¹

4. Amnesty Statutes

IDWR will amend the description of individual rights to conform to the amnesty statutes enacted as part of the 1994 amendments to the adjudication statute.

5. Updates

IDWR will amend the description of rights to include changes in address or ownership of record with IDWR and changes resulting from final administrative actions by IDWR that have occurred since the filing of the director's report.²²

FURTHER PROCEEDINGS ON OBJECTIONS TO GENERAL PROVISIONS

The A&B Irrigation District and other parties have filed a motion to designate GPs as a basin-wide issue, which is also set for hearing at the December 19, 1995 Status Conference. The United States, Idaho Power Company, Twin Falls Canal Company, and North Side Canal Company (all GP objectors) have filed responses concurring that GPs should be designated a basin-wide issue. No party to the SRBA has responded in opposition to the designation.

²¹ See discussion as to GPs 9, 11 and 12 above.

²² IDWR has proposed to submit "update reports" at regular intervals following the submission of its amended report. See September Report, item 3.

If the motion to designate is granted, then the basin-wide issue subcase offers a forum in which the following can be accomplished:

1. the parties to whom notice by mail must be provided are identified,
2. objections to GPs common to all test basins can be resolved consistently,
3. settlement efforts can proceed expeditiously.

Attachment 3

AJ5856NP

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

DATE: SEP-1-1995

PAGE: A-1

RIGHTS FROM: SOURCE: ALDER CREEK TRIBUTARY: CASTLE CREEK

RIGHT NUMBER: 57-11112

NAME & ADDRESS: US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
3380 AMERICANA TERRACE
BOISE ID 83706

SOURCE: ALDER CREEK TRIBUTARY: CASTLE CREEK

QUANTITY: 0.14 CFS

THE QUANTITY FOR NON-IRRIGATION USE IS LIMITED TO THE AMOUNT BENEFICIALLY USED FOR: STOCKWATER, 520 RANGE CATTLE

THIS RIGHT AND OTHER RIGHTS COMMON TO THE SAME GRAZING ALLOTMENT SHALL BE LIMITED TO THE QUANTITY OF WATER BENEFICIALLY USED BY THE NUMBER OF STOCK WITHIN THE ALLOTMENT.

PRIORITY DATE: 01/01/1875

POINT OF DIVERSION:

T06S R01W S17 NESW (B)
NESE (E)

PURPOSE AND PERIOD OF USE AND QUANTITY FOR INDIVIDUAL USE(S):

STOCKWATER 01-01 12-31 0.14 CFS

THE STOCKWATER USE FOR THIS RIGHT MEETS THE DEFINITION OF § 42-1401A(12), IDAHO CODE.

PLACE OF USE: STOCKWATER

T06S R01W S17 NESW NESE NWSE

CONSUMPTIVE USE:

THE CONSUMPTIVE USE FOR THE STOCKWATER PORTION OF THIS RIGHT IS DE MINIMIS.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE

BLM RECORD ID = 5701580176

AJ5856NP

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

DATE: SEP-1-1995

PAGE: A-2

RIGHTS FROM: SOURCE: ALDER CREEK TRIBUTARY: CASTLE CREEK

RIGHT NUMBER: 57-11505

NAME & ADDRESS: JOSEPH L PARKINSON
123 W HIGHLAND VIEW DRIVE
BOISE ID 83702

SOURCE: ALDER CREEK TRIBUTARY: CASTLE CREEK

QUANTITY: 0.16 CFS

THE QUANTITY FOR NON-IRRIGATION USE IS LIMITED TO THE AMOUNT BENEFICIALLY USED FOR: STOCKWATER, 700
HEAD BEEF CATTLE, 30 HEAD HORSES

PRIORITY DATE: 07/16/1931

POINT OF DIVERSION:
T06S R02W S25 NWSWSE
NWNE (B)
SWSE (E)

PURPOSE AND PERIOD OF USE AND QUANTITY FOR INDIVIDUAL USE(S):
STOCKWATER 01-01 12-31 0.16 CFS

THE STOCKWATER USE FOR THIS RIGHT MEETS THE DEFINITION OF § 42-1401A(12), IDAHO CODE.

PLACE OF USE: STOCKWATER
T06S R02W S25 NWNE SWNE NWSE SWSE

CONSUMPTIVE USE:
THE CONSUMPTIVE USE FOR THE STOCKWATER PORTION OF THIS RIGHT IS DE MINIMIS.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE

AJ5856NP

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

DATE: SEP-1-1995

PAGE: A-3

RIGHTS FROM: SOURCE: ALKALI CREEK TRIBUTARY: REYNOLDS CREEK

RIGHT NUMBER: 57-11509

NAME & ADDRESS: DOYLE D CALDWELL
 3915 AMITY AVE
 NAMPA ID 83651

SOURCE: ALKALI CREEK

TRIBUTARY: REYNOLDS CREEK

QUANTITY: 0.02 CFS

THE QUANTITY FOR NON-IRRIGATION USE IS LIMITED TO THE AMOUNT BENEFICIALLY USED FOR: STOCKWATER, 12
HEAD CATTLE, AND HORSES

PRIORITY DATE: 12/31/1975

POINT OF DIVERSION:

T02S R04W S24 SESENW

PURPOSE AND PERIOD OF USE AND QUANTITY FOR INDIVIDUAL USE(S):

STOCKWATER

01-01 12-31

0.02 CFS

THE STOCKWATER USE FOR THIS RIGHT MEETS THE DEFINITION OF § 42-1401A(12), IDAHO CODE.

PLACE OF USE: STOCKWATER

T02S R04W S24 SENW

CONSUMPTIVE USE:

THE CONSUMPTIVE USE FOR THE STOCKWATER PORTION OF THIS RIGHT IS DE MINIMIS.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE

AJ5856NP

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

DATE: SEP-1-1995

PAGE: A-4

RIGHTS FROM: SOURCE: ALKALI SPRING TRIBUTARY: JUMP CREEK

RIGHT NUMBER: 57-02348

NAME & ADDRESS: US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
3380 AMERICANA TERRACE
BOISE ID 83706

SOURCE: ALKALI SPRING TRIBUTARY: JUMP CREEK

QUANTITY: 0.04 CFS

THE QUANTITY FOR NON-IRRIGATION USE IS LIMITED TO THE AMOUNT BENEFICIALLY USED FOR: STOCKWATER, 201
RANGE CATTLE; WILDLIFE, VARIABLE AMOUNT

THIS RIGHT AND OTHER RIGHTS COMMON TO THE SAME GRAZING ALLOTMENT SHALL BE LIMITED TO THE QUANTITY
OF WATER BENEFICIALLY USED BY THE NUMBER OF STOCK WITHIN THE ALLOTMENT.

PRIORITY DATE: 06/26/1941

POINT OF DIVERSION:
T01N R04W S07 SESENE

PURPOSE AND PERIOD OF USE AND QUANTITY FOR INDIVIDUAL USE(S):
STOCKWATER 04-01 05-31 0.04 CFS

THE STOCKWATER USE FOR THIS RIGHT MEETS THE DEFINITION OF § 42-1401A(12), IDAHO CODE.

PLACE OF USE: STOCKWATER
T01N R04W S07 SENE

CONSUMPTIVE USE:
THE CONSUMPTIVE USE FOR THE STOCKWATER PORTION OF THIS RIGHT IS DE MINIMIS.

EXPLANATORY MATERIAL: BASIS OF CLAIM - LICENSE
BLM RECORD ID - 5701588006

AJ5856NP

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

DATE: SEP-1-1995
PAGE: A-5

RIGHTS FROM: SOURCE: ALLEN SPRING TRIBUTARY: WEST RABBIT CREEK

RIGHT NUMBER: 57-07123

NAME & ADDRESS: US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
3380 AMERICANA TERRACE
BOISE ID 83706

SOURCE: ALLEN SPRING TRIBUTARY: WEST RABBIT CREEK

QUANTITY: 0.01 CFS
0.1 AFY

THE QUANTITY FOR NON-IRRIGATION USE IS LIMITED TO THE AMOUNT BENEFICIALLY USED FOR: STOCKWATER, 294
RANGE CATTLE; WILDLIFE, VARIABLE AMOUNT

THIS RIGHT AND OTHER RIGHTS COMMON TO THE SAME GRAZING ALLOTMENT SHALL BE LIMITED TO THE QUANTITY
OF WATER BENEFICIALLY USED BY THE NUMBER OF STOCK WITHIN THE ALLOTMENT.

PRIORITY DATE: 06/06/1974

POINT OF DIVERSION:
T02S R02W S19 NWNE

PURPOSE AND PERIOD OF USE AND QUANTITY FOR INDIVIDUAL USE(S):			
STOCKWATER	05-01 11-30	0.01 CFS	
		0.1 AFY	
WILDLIFE	01-01 12-31	0.01 CFS	
		0.1 AFY	

THE STOCKWATER USE FOR THIS RIGHT MEETS THE DEFINITION OF § 42-1401A(12), IDAHO CODE.

PLACE OF USE: STOCKWATER
T02S R02W S19 NWNE

PLACE OF USE: WILDLIFE
T02S R02W S19 NWNE

CONSUMPTIVE USE:
THE CONSUMPTIVE USE FOR THE STOCKWATER PORTION OF THIS RIGHT IS DE MINIMIS.

THE CONSUMPTIVE USE FOR THE WILDLIFE PORTION OF THIS RIGHT IS DE MINIMIS.

EXPLANATORY MATERIAL: BASIS OF CLAIM - LICENSE
BLM RECORD ID - 5701588197

RIGHTS FROM: SOURCE: ANTELOPE TRAIL RESERVOIR TRIBUTARY: SINKS

RIGHT NUMBER: 57-02507

NAME & ADDRESS: US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
3380 AMERICANA TERRACE
BOISE ID 83706

SOURCE: ANTELOPE TRAIL RESERVOIR TRIBUTARY: SINKS

QUANTITY: 1.2 AFY

THE QUANTITY FOR NON-IRRIGATION USE IS LIMITED TO THE AMOUNT BENEFICIALLY USED FOR: STOCKWATER, 500
RANGE; WILDLIFE, VARIABLE AMOUNT.THIS RIGHT AND OTHER RIGHTS COMMON TO THE SAME GRAZING ALLOTMENT SHALL BE LIMITED TO THE QUANTITY
OF WATER BENEFICIALLY USED BY THE NUMBER OF STOCK WITHIN THE ALLOTMENT.

PRIORITY DATE: 06/05/1953

POINT OF DIVERSION:
T08S R02E S27 NWSWNW

PURPOSE AND PERIOD OF USE AND QUANTITY FOR INDIVIDUAL USE(S):

STOCKWATER STORAGE	01-01 12-31	1.2 AFY
STOCKWATER FROM STORAGE	01-01 12-31	1.2 AFY
WILDLIFE STORAGE	01-01 12-31	1.2 AFY
WILDLIFE FROM STORAGE	01-01 12-31	1.2 AFY

THE STOCKWATER USE FOR THIS RIGHT MEETS THE DEFINITION OF § 42-1401A(12), IDAHO CODE.

PLACE OF USE: STOCKWATER STORAGE
T08S R02E S27 SWNWPLACE OF USE: STOCKWATER FROM STORAGE
SAME AS OTHER USEPLACE OF USE: WILDLIFE STORAGE
SAME AS OTHER USEPLACE OF USE: WILDLIFE FROM STORAGE
SAME AS OTHER USE

CONSUMPTIVE USE:

THE CONSUMPTIVE USE FOR THE STOCKWATER PORTION OF THIS RIGHT IS DE MINIMIS.
THE CONSUMPTIVE USE FOR THE WILDLIFE PORTION OF THIS RIGHT IS DE MINIMIS.EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE
BLM RECORD ID = 5701688348

AJ5856NP

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

DATE: SEP-1-1995

PAGE: A-7

RIGHTS FROM: SOURCE: BABBINGTON CREEK TRIBUTARY: REYNOLDS CREEK

RIGHT NUMBER: 57-02187

NAME & ADDRESS: BRUCE REUCK
TERRY L REUCK
HC 88 BOX 1080
MURPHY ID 83650

SOURCE: BABBINGTON CREEK TRIBUTARY: REYNOLDS CREEK

QUANTITY: 1.60 CFS

USE OF THIS RIGHT WITH RIGHT NOS. 57-00261, 57-01067, 57-00253, 57-00268, 57-01065, 57-02170 AND 57-01064 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.78 CFS.

PRIORITY DATE: 03/25/1947

POINT OF DIVERSION:
T02S R04W S36 SWNW
T03S R04W S02 LOT 3 (NENW)

PURPOSE AND PERIOD OF USE AND QUANTITY FOR INDIVIDUAL USE(S):
IRRIGATION 03-15 11-15 1.6 CFS

PLACE OF USE: IRRIGATION 90.0 ACRES TOTAL
T02S R04W S25 SESW 3.0
S35 NESE 11.0 SWSE 6.0 SESE 19.0
S36 NENW 7.0 NWNW 6.0 SWNW 9.0
T03S R04W S02 Lot 1 (NENE) 10.0 Lot 2 (NWNE) 18.0 Lot 3 (NENW) 1.0

USE OF THIS RIGHT WITH RIGHT NOS. 57-00261, 57-01067, 57-00253, 57-00268, 57-01065, 57-02170 AND 57-01064 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 189 ACRES IN A SINGLE IRRIGATION SEASON.

CONSUMPTIVE USE:
USE OF THIS RIGHT WITH RIGHT NOS. 57-00261, 57-01067, 57-00253, 57-00268, 57-01065, 57-02170 AND 57-01064 IS LIMITED TO A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 510.3 AF.

EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE

RIGHTS FROM: SOURCE: BROWNS CREEK TRIBUTARY: CATHERINE CREEK

RIGHT NUMBER: 57-00072

NAME & ADDRESS: SHIRLEY COX

HC 79 BOX 2065
OREANA ID 83650

SOURCE: BROWNS CREEK TRIBUTARY: CATHERINE CREEK

QUANTITY: 0.9 CFS

USE OF THIS RIGHT WITH RIGHT NO.'S 57-00049, 57-00055, 57-00056B, 57-00074, 57-00079 & 57-00081 IS LIMITED
TO A TOTAL COMBINED DIVERSION RATE OF 13.16 CFS.

PRIORITY DATE: 10/01/1901

POINT OF DIVERSION:

T05S R01W S24 NENWNE

PURPOSE AND PERIOD OF USE AND QUANTITY FOR INDIVIDUAL USE(S):

IRRIGATION 03-15 11-15 0.9 CFS

PLACE OF USE: IRRIGATION

192.0 ACRES TOTAL

T04S R01E S29	SWSW 6.0	SESW 3.0		
S31	NENE 18.0	SWNE 20.0	SENE 15.0	SENE 1.0
	NESW 27.0	Lot 3 (NWSW) 2.0	Lot 4 (SWSW) 25.0	NWSE 22.0
S32	NENW 1.0	NWNW 23.0		
T05S R01W S01	Lot 1 (NENE) 18.0	SWNE 4.0	SENE 7.0	

USE OF THIS RIGHT WITH RIGHT NO.'S 57-00049, 57-00055, 57-00056B, 57-00074, 57-00079 & 57-00081 IS LIMITED
TO THE IRRIGATION OF A COMBINED TOTAL OF 192 ACRES IN A SINGLE IRRIGATION SEASON.

CONSUMPTIVE USE:

USE OF THIS RIGHT WITH RIGHT NO.'S 57-00049, 57-00055, 57-00056B, 57-00074, 57-00079 & 57-00081 IS LIMITED
TO A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 672 AF.

EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE

THIS RIGHT INCLUDES AN EXPANSION IN IRRIGATED ACRES PURSUANT TO IDAHO CODE 42-1416(1).

THIS RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO IDAHO CODE 42-1416A.

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 57-00055,
57-00074, 57-00079 AND 57-00081.

RIGHTS FROM: SOURCE: BROWNS CREEK TRIBUTARY: CATHERINE CREEK

RIGHT NUMBER: 57-10619

NAME & ADDRESS: SHIRLEY COX

HC 79 BOX 2065
OREANA ID 83650

SOURCE: BROWNS CREEK TRIBUTARY: CATHERINE CREEK
CAT CREEK BROWNS CREEK
LITTLE CAT CREEK BROWNS CREEK
BUCKAROO CREEK BROWNS CREEK

QUANTITY: 0.24 CFS

THE QUANTITY FOR NON-IRRIGATION USE IS LIMITED TO THE AMOUNT BENEFICIALLY USED FOR: STOCKWATER, 1000 HEAD CATTLE

THIS RIGHT AND OTHER RIGHTS COMMON TO THE SAME GRAZING ALLOTMENT SHALL BE LIMITED TO THE QUANTITY OF WATER BENEFICIALLY USED BY THE NUMBER OF STOCK WITHIN THE ALLOTMENT.

PRIORITY DATE: 10/08/1915

POINT OF DIVERSION:

T06S R02W S10 NWNESE (B)
S11 NESENE (B)
SWSWE (B)
S12 SESESE (B)
T05S R01W S31 LOT 1 (NWNWNW) (E)
S33 NENWNE (E)
S36 NENESE (E)
R02W S36 NENWNW (E)

PURPOSE AND PERIOD OF USE AND QUANTITY FOR INDIVIDUAL USE(S):

STOCKWATER 03-01 12-31 0.24 CFS

THE STOCKWATER USE FOR THIS RIGHT MEETS THE DEFINITION OF § 42-1401A(12), IDAHO CODE.

PLACE OF USE: STOCKWATER

T05S R01W S31 Lot 1 (NWNWNW)
R02W S35 SWSW
S36 NENE SWNE SENE NWNW
NESW SESW NESE NWSE
SWSE

RIGHTS FROM: SOURCE: BROWNS CREEK TRIBUTARY: CATHERINE CREEK

RIGHT NUMBER: 57-10619 (CONT)

PLACE OF USE: (CONT)

T06S R01W S05	NESW	NWSW	SWSW	
S06	SESE			
S07	NENE	SWNE	NESW	SWSW
	SESW	NWSE		
T06S R02W S01 Lot 4 (NWNW)	SESW	NWSE		
S02	SENE	Lot 4 (NWNW)	SWNW	NWSW
SESW	NESE	NWSE	SWSE	
S03	SESE			
S10	NENE	SWNE	NESW	NWSE
S11	NENW	SENE		
S12	SESE			

CONSUMPTIVE USE:

THE CONSUMPTIVE USE FOR THE STOCKWATER PORTION OF THIS RIGHT IS DE MINIMIS.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE

 RIGHTS FROM: SOURCE: BUCKAROO CREEK TRIBUTARY: BROWNS CREEK

RIGHT NUMBER: 57-10619

NAME & ADDRESS: SHIRLEY COX

HC 79 BOX 2065
OREANA ID 83650

SOURCE:	BROWNS CREEK	TRIBUTARY: CATHERINE CREEK
	CAT CREEK	BROWNS CREEK
	LITTLE CAT CREEK	BROWNS CREEK
	BUCKAROO CREEK	BROWNS CREEK

QUANTITY: 0.24 CFS

THE QUANTITY FOR NON-IRRIGATION USE IS LIMITED TO THE AMOUNT BENEFICIALLY USED FOR: STOCKWATER, 1000 HEAD CATTLE

THIS RIGHT AND OTHER RIGHTS COMMON TO THE SAME GRAZING ALLOTMENT SHALL BE LIMITED TO THE QUANTITY OF WATER BENEFICIALLY USED BY THE NUMBER OF STOCK WITHIN THE ALLOTMENT.

PRIORITY DATE: 10/08/1915

POINT OF DIVERSION:

T06S R02W S10	NWNESW (B)
S11	NESENW (B)
	SWSWSE (B)
S12	SESESE (B)
T05S R01W S31 LOT 1 (NWNWNW) (E)	
S33	NENWNE (E)
S36	NENESE (E)
R02W S36	NENWNW (E)

PURPOSE AND PERIOD OF USE AND QUANTITY FOR INDIVIDUAL USE(S):

STOCKWATER	03-01 12-31	0.24 CFS
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THE STOCKWATER USE FOR THIS RIGHT MEETS THE DEFINITION OF § 42-1401A(12), IDAHO CODE.

PLACE OF USE: STOCKWATER

T05S R01W S31 Lot 1 (NWNW)				
R02W S35	SWSW			
S36	NENE	SWNE	SENE	NWNW
	NESW	SESW	NESE	NWSE
	SWSE			

RIGHTS FROM: SOURCE: BUCKAROO CREEK TRIBUTARY: BROWNS CREEK

RIGHT NUMBER: 57-10619 (CONT)

PLACE OF USE: (CONT)

T06S R01W S05	NESW	NWSW	SWSW	
S06	SESE			
S07	NENE	SWNE	NESW	SWSW
	SESW	NWSE		
T06S R02W S01 Lot 4 (NWNW)	SESW	SWNW		
S02	SENE	Lot 4 (NWNW)	SWNW	NWSW
SESW	NESE	NWSE	SWSE	
S03	SESE			
S10	NENE	SWNE	NESW	NWSE
S11	NENW	SENE		
S12	SESE			

CONSUMPTIVE USE:

THE CONSUMPTIVE USE FOR THE STOCKWATER PORTION OF THIS RIGHT IS DE MINIMIS.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE

RIGHTS FROM: SOURCE: CASTLE CREEK TRIBUTARY: SNAKE RIVER

RIGHT NUMBER: 57-00096

NAME & ADDRESS: BLAINE COLLETT
DENISE COLLETT
HC 79 BOX 2205
OREANA ID 83650

SOURCE: CASTLE CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 0.4 CFS

USE OF THIS RIGHT WITH RIGHT NOS. 57-00083, 57-00105, 57-00117, AND 57-10518 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.60 CFS.

PRIORITY DATE: 04/01/1885

POINT OF DIVERSION:
T05S R01E S29 NWSESE

TWO POINTS OF DIVERSION LOCATED IN NWSESE, S29, T05S, R01E.

PURPOSE AND PERIOD OF USE AND QUANTITY FOR INDIVIDUAL USE(S):
IRRIGATION 04-01 10-15 0.4 CFSPLACE OF USE: IRRIGATION 124.0 ACRES TOTAL
T05S R01E S20 SESE 9.0
S21 SWSW 35.0 SESW 2.0
S28 NWNW 6.0
S29 NENE 25.0 SENE 25.0 NESE 22.0

USE OF THIS RIGHT WITH RIGHT NOS. 57-00083, 57-00105, 57-00117, AND 57-10518 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 124.0 ACRES IN A SINGLE IRRIGATION SEASON.

CONSUMPTIVE USE:
USE OF THIS RIGHT WITH RIGHT NOS. 57-00083, 57-00105, 57-00117, AND 57-10518 IS LIMITED TO A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 434.0 AF.EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE
THIS RIGHT INCLUDES AN EXPANSION IN IRRIGATED ACRES PURSUANT TO IDAHO CODE 42-1416(1).
THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 57-00083, 57-00084, 57-00086, 57-00101, 57-00105, 57-00111, 57-00117, 57-00133, 57-00146, 57-10518 AND 57-10898.

RIGHTS FROM: SOURCE: CASTLE CREEK TRIBUTARY: SNAKE RIVER

RIGHT NUMBER: 57-00098A

NAME & ADDRESS: DAVID L PUTNAM

THOMAS T NICHOLSON
DIANE RAE NICHOLSON
10330 W STARDUST DR
BOISE ID 83709

SOURCE: CASTLE CREEK

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.2 CFS

THE QUANTITY FOR NON-IRRIGATION USE IS LIMITED TO THE AMOUNT BENEFICIALLY USED FOR: STOCKWATER, 200
HD RANGE CATTLE

PRIORITY DATE: 04/01/1885

POINT OF DIVERSION:

T04S R01E S24 NESWSW

PURPOSE AND PERIOD OF USE AND QUANTITY FOR INDIVIDUAL USE(S):

IRRIGATION	04-01 10-15	0.2 CFS
STOCKWATER	04-01 10-15	0.05 CFS

THE STOCKWATER USE FOR THIS RIGHT MEETS THE DEFINITION OF § 42-1401A(12), IDAHO CODE.

PLACE OF USE: IRRIGATION 33.0 ACRES TOTAL

T04S R01E S24 SENW 25.0 NESW 8.0

THE USE OF THIS RIGHT WITH RIGHT NO. 57-00107A, 57-00151A & 57-00160B IS LIMITED TO THE IRRIGATION OF
A COMBINED TOTAL OF 33 ACRES.

PLACE OF USE: STOCKWATER

SAME AS OTHER USE

CONSUMPTIVE USE:

THE USE OF THIS RIGHT WITH RIGHT NO. 57-00107A, 57-00151A & 57-00160B IS LIMITED TO A TOTAL COMBINED
ANNUAL CONSUMPTIVE USE VOLUME OF 115.5 AF.

THE CONSUMPTIVE USE FOR THE STOCKWATER PORTION OF THIS RIGHT IS DE MINIMIS.

RIGHTS FROM: SOURCE: CASTLE CREEK TRIBUTARY: SNAKE RIVER

RIGHT NUMBER: 57-00098A (CONT)

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

THE RIGHT HOLDER IS ENTITLED TO DIVERT AT THE PRESENT POINT OF DIVERSION IN THE SWSW, S. 24, T. 4S, R. 1E, ONLY THE AMOUNT OF WATER AT THE OLD POINT OF DIVERSION LOCATED IN THE SESW, S. 26, T. 4S, R. 1E, LESS A 20 PERCENT LOSS. MEASURING DEVICES SHALL BE MAINTAINED IN CASTLE CREEK AT THE OLD POINT OF DIVERSION AND IN THE DITCH AT THE PRESENT POINT OF DIVERSION. WATER WILL NOT BE IMPOUNDED AT THE PRESENT POINT OF DIVERSION IF THERE IS NOT WATER TO WHICH THE RIGHT HOLDER IS ENTITLED.

EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE

THIS RIGHT INCLUDES AN EXPANSION IN IRRIGATED ACRES PURSUANT TO IDAHO CODE 42-1416(1).

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE:

57-00097A, 57-00106A, 57-00107A, 57-00129, 57-00137, 57-00151A, 57-00153, 57-00160B, 57-00236 & 57-00237A.

RIGHTS HAVE ALSO BEEN CLAIMED TO WATER FROM BASIN 02 FOR THE SAME PURPOSE OF USE AT THE SAME PLACE OF USE DESCRIBED ABOVE, WHICH WILL BE INCLUDED IN A DIRECTOR'S REPORT TO BE FILED AT A LATER DATE. ANY WATER RIGHTS RECOMMENDED IN THE BASIN 02 REPORT FOR THE SAME PURPOSE OF USE AT THE SAME PLACE OF USE DESCRIBED ABOVE WILL CONTAIN LANGUAGE LIMITING THE COMBINED USE OF THIS RIGHT AND THE BASIN 02 RIGHTS.

RIGHTS FROM: SOURCE: CATHERINE CREEK TRIBUTARY: CASTLE CREEK

RIGHT NUMBER: 57-00050

NAME & ADDRESS: SHIRLEY COX
HC 79 BOX 2065
OREANA ID 83650

SOURCE: CATHERINE CREEK TRIBUTARY: CASTLE CREEK

QUANTITY: 0.79 CFS

THE QUANTITY FOR NON-IRRIGATION USE IS LIMITED TO THE AMOUNT BENEFICIALLY USED FOR: STOCKWATER, 1000 HEAD.

PRIORITY DATE: 04/05/1879

POINT OF DIVERSION:
T04S R01E S28 NENWSW

PURPOSE AND PERIOD OF USE AND QUANTITY FOR INDIVIDUAL USE(S):

IRRIGATION	03-15 11-15	0.79 CFS
STOCKWATER	01-01 12-31	0.24 CFS

THE STOCKWATER USE FOR THIS RIGHT MEETS THE DEFINITION OF § 42-1401A(12), IDAHO CODE.

PLACE OF USE: IRRIGATION 13.0 ACRES TOTAL
T04S R01E S28 NWSE 13.0PLACE OF USE: STOCKWATER
SAME AS OTHER USE

CONSUMPTIVE USE: 45.5 AFY

THE CONSUMPTIVE USE FOR THE STOCKWATER PORTION OF THIS RIGHT IS DE MINIMIS.

EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE

AJ5856NP

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

DATE: SEP-1-1995
PAGE: A-17

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 57-10582

NAME & ADDRESS: DENNIS MURDOCH
SHIRLEY MURDOCH
HC 79 BOX 2065
OREANA ID 83650

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

THE QUANTITY FOR NON-IRRIGATION USE IS LIMITED TO THE AMOUNT BENEFICIALLY USED FOR: DOMESTIC, 1 HOME

PRIORITY DATE: 07/01/1885

POINT OF DIVERSION:
T04S R01E S26 SWNWNE

PURPOSE AND PERIOD OF USE AND QUANTITY FOR INDIVIDUAL USE(S):
DOMESTIC 01-01 12-31 0.04 CFS

THE DOMESTIC USE FOR THIS RIGHT MEETS THE DEFINITION OF § 42-111, IDAHO CODE.

PLACE OF USE: DOMESTIC
T04S R01E S26 NWNE

CONSUMPTIVE USE:
THE CONSUMPTIVE USE FOR THE DOMESTIC PORTION OF THIS RIGHT IS DE MINIMIS.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
PARCEL NO. RP 0138903.

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 57-10393

NAME & ADDRESS: CITY OF HOMEDALE
PO BOX 846
HOMEDALE ID 83628

SOURCE: GROUNDWATER

QUANTITY: 0.89 CFS

PRIORITY DATE: 01/01/1940

POINT OF DIVERSION:
T03N R05W S09 NWNENE
NWSENEPURPOSE AND PERIOD OF USE AND QUANTITY FOR INDIVIDUAL USE(S):
MUNICIPAL 01-01 12-31 0.89 CFSPLACE OF USE:
WITHIN CITY LIMITS OF HOMEDALECONSUMPTIVE USE:
USE OF THIS RIGHT WITH RIGHT NO. 57-07027 IS LIMITED TO A TOTAL ANNUAL CONSUMPTIVE USE VOLUME OF
302.1 AF.EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 57-07027 AND
63-09260.

