

IDAHO DEPARTMENT OF WATER RESOURCES FALL 2013 CASE MANAGEMENT REPORT

Objections to the December 2013 Director's Report of Late Claims and Miscellaneous Claims

The Idaho Department of Water Resources (IDWR) submitted a Director's Report of Late Claims and Miscellaneous Claims (Report) on December 31, 2013. The Report contained recommendations of late claims filed in IDWR administrative basins 01, 21, 22, 25, 29, 31, 37, 45, 47, 61, 63, 65, 74, 75, 85 and 86. The objection period closed on March 20, 2014; the response period is open until May 22, 2014. There were 131 timely objections filed to the Report, resulting in 41 subcases.

The objections are considered here in 2 groups: miscellaneous objections (24 objections / 23 subcases) and the refill objections (107 objections / 18 subcases). In the Miscellaneous Objections section of the Report, related subcases are grouped together. These subcases have already been set for either initial hearings or status conferences. Special Master Bilyeu will be hearing most of her subcases on April 9; Special Master Dolan will hear his on April 10 and Special Master Booth will hear his on April 17. As most overlapping rights associated with these subcases have already moved to partial decrees, the overlaps are not identified in this Case Management Report.

MISCELLANEOUS OBJECTIONS

Subcase No.	Claimant / Attorney	Objector / Attorney	Respondent / Attorney	Assigned Agent/ Assigned Special Master	Source	Basis of Claim	Issue(s)
21-13173	Squirrel Creek Irrigation & Canal Co. / Robert Wood	Squirrel Creek Irrigation & Canal Co. / Robert Wood	N/A	Carter Fritschle/ Brigette Bilyeu	Indian Lake	License-Issued in Wyoming	POU
21-13174	Squirrel Creek Irrigation & Canal Co. / Robert Wood	Squirrel Creek Irrigation & Canal Co. / Robert Wood	N/A	Carter Fritschle/ Brigette Bilyeu	Unnamed Stream	License-Issued in Wyoming	POU
22-626	City of Driggs / Jerry Rigby	City of Driggs / Jerry Rigby	N/A	Carter Fritschle/ Brigette Bilyeu	Teton Creek	Decreed	Source; POD
31-2049	Natural Guardian / Luke Marchant	Bureau of Land Management (BLM) / David Negri	N/A	Carter Fritschle/ Brigette Bilyeu	East Fork Cottonwood Creek	License	All elements – right should not exist (trespass)
31-12314	Paul Gunderson / Jerry Rigby	Paul Gunderson / Jerry Rigby	N/A	Carter Fritschle/ Brigette Bilyeu	N/A	N/A	Disallowed – rec'd as right 31-11362

Subcase No.	Claimant / Attorney	Objector / Attorney	Respondent / Attorney	Assigned Agent/ Assigned Special Master	Source	Basis of Claim	Issue(s)
37-2787 ¹	State of Idaho Department of Fish & Game / Harriet Hensley	State of Idaho Department of Fish & Game / Harriet Hensley	N/A	Steve Clelland/ Brigette Bilyeu	Waste Water	License	Quantity; Purpose of Use
37-7268 ²	The Alton & Paula Huyser Trust / Dana Hofstetter	The Alton & Paula Huyser Trust / Dana Hofstetter	N/A	Steve Clelland/ Brigette Bilyeu	Ground Water	License	Source; Quantity; Place of Use
37-22797	Alvin & Sally Shoemaker / Robert Williams	Alvin & Sally Shoemaker / Robert Williams	N/A	Steve Clelland/ Brigette Bilyeu	Seamans Creek	Beneficial Use	Quantity; Priority Date; Purpose of Use; Period of Year; Place of Use
45-14430	Gerald & Celia Marchant / Luke Marchant	Gerald & Celia Marchant / Luke Marchant	N/A	Steve Clelland/ Terry Dolan	N/A	N/A	Disallowed -- right not claimed in prior adjudication
45-14431	Gerald & Celia Marchant / Luke Marchant	Gerald & Celia Marchant / Luke Marchant	N/A	Steve Clelland/ Terry Dolan	N/A	N/A	Disallowed -- right not claimed in prior adjudication
61-2236B	Bureau of Land Management / David Negri	Bureau of Land Management / David Negri	N/A	Steve Clelland/ Ted Booth	Hot Springs Creek	Beneficial Use	POU
61-7417	State of Idaho Department of Lands / Tyson Nelson	State of Idaho Department of Lands / Tyson Nelson	N/A	Steve Clelland/ Ted Booth	Spring	Beneficial Use	Quantity
61-12289	Casa Del Norte LP / Pro Se	Bureau of Land Management / David Negri	N/A	Steve Clelland/ Ted Booth	Unnamed Stream	Beneficial Use	Source; POD
63-319	Robert Hanson / G. Lance Salladay	1) Richard Shull / Pro Se 2) Steven Cummings / Pro Se	N/A	Carter Fritschle/ Ted Booth	Robie Creek	Decreed	1) Right should not exist 2) Right should not exist

¹ Fish & Game filed a Motion to File Amended Claim, which was granted on 3/31/14. An Amended Director's Report is due on 4/29/14; objection deadline is 5/21/14; response deadline is 5/28/14.

² Water rights 37-7454 and 37-7602, also claimed by The Alton & Paula Huyser Trust, were partial decreed for elements on 12/11/02. The partial decrees were conditionally set aside in 2003, and the rights were subject of a recent Notice of Completed Administrative Procedure to reflect a 2010 transfer. The claimant has filed a motion to file late objections on both rights. At some point, IDWR suggests tracking all 3 Huyser Trust rights together.

Subcase No.	Claimant / Attorney	Objector / Attorney	Respondent / Attorney	Assigned Agent/ Assigned Special Master	Source	Basis of Claim	Issue(s)
63-2429	George Ray Obendorf Co Trustee – Marjorie Dorolene Obendorf Marital Trust No. 2/ Morgan Richards/William Richards/Nancy Richards / Dana Hofstetter	George Ray Obendorf Co Trustsee – Marjorie Dorolene Obendorf Marital Trust No. 2/ Morgan Richards/William Richards/Nancy Richards / Dana Hofstetter	N/A	Carter Fritschle/ Ted Booth	Waste Water (Source is locally known as Keisel Drain)	License	Source
63-5271	Richard & Dorothy Bicandi / Albert Barker	Richard & Dorothy Bicandi / Albert Barker	N/A	Carter Fritschle/Ted Booth	N/A	Beneficial Use	Disallowed -- no beneficial use found.
63-33251	Boise Project Board of Control / Albert Barker	Pioneer Irrigation District / Andrew Waldera	N/A	Carter Fritschle/Ted Booth	Indian Creek	Beneficial Use	Quantity; Priority Date
63-33253	Boise Project Board of Control / Albert Barker	Pioneer Irrigation District / Andrew Waldera	N/A	Carter Fritschle/Ted Booth	Tenmile Creek	Beneficial Use	Source; Quantity; Priority Date
63-33252	Riverside Irrigation District / Albert Barker	Riverside Irrigation District / Albert Barker	N/A	Carter Fritschle/Ted Booth	Waste Water (East Arena Drain)	Beneficial Use	POD
63-33736	Riverside Irrigation District / Albert Barker	Riverside Irrigation District / Albert Barker	N/A	Carter Fritschle/Ted Booth	Mammen Gulch Creek	Beneficial Use	Quantity
63-33501	GO Investments LLC / Dana Hofstetter	GO Investments Idaho LLC / Dana Hofstetter	N/A	Carter Fritschle/Ted Booth	Unnamed Drain (locally known as the Meadows Drain)	Beneficial Use	Name / Address
63-33502	GO Investments LLC / Dana Hofstetter	GO Investments Idaho LLC / Dana Hofstetter	N/A	Carter Fritschle/Ted Booth	Waste Water	Beneficial Use	Name / Address; Source; Quantity; Purpose of Use; POU
63-33503	GO Investments LLC / Dana Hofstetter	GO Investments Idaho LLC / Dana Hofstetter	N/A	Carter Fritschle/Ted Booth	Unnamed Drain (locally known as the Baldrige-Meadows Drain)	Beneficial Use	Name / Address; Quantity

REFILL OBJECTIONS

The issue being addressed under Basin Wide Issue 17, identified as subcase 00-91017, is whether Idaho law requires a remark authorizing storage rights to refill space vacated for flood control. The matter has been appealed to the Idaho Supreme Court, which heard oral argument on January 24, 2014. Parties are awaiting that decision. Additionally, in order to protect the ability to refill their reservoirs after a release of water for flood control, the claimants shown below filed late claims for supplemental storage water rights. IDWR recommended all these claims for disallowal. Chief, Water Resource Section Garrick Baxter and Deputy Attorney General Meghan Carter are handling these subcases for IDWR—an agent has yet to be assigned. Discovery is underway. Because the Supreme Court decision is still outstanding, only party information is provided below. The following subcases are currently before Judge Wildman.

The Coalition subcases are listed first, followed by the Bureau of Reclamation subcases and then the Boise Project Board of Control subcases.

Subcase No.	Claimant / Attorney	Objector / Attorney	Respondent / Attorney
01-10614	Twin Falls CC / John Simpson North Side CC / John Simpson American Falls Reservoir District #1 / John Simpson Minidoka Irrigation District / Kent Fletcher	1) Twin Falls CC / John Simpson 2) North Side CC / John Simpson 3) American Falls Reservoir District #1 / John Simpson 4) Minidoka Irrigation District / Kent Fletcher	1-4) City of Pocatello / Dean Tranmer & Sarah Klahn
01-10615	A & B Irrigation District / John Simpson Falls Irrigation District / Roger Ling North Side CC / John Simpson Burley Irrigation District / John Simpson Milner Irrigation District / John Simpson Minidoka Irrigation District / Kent Fletcher	1) A & B Irrigation District / John Simpson 2) Falls Irrigation District / Roger Ling 3) North Side CC / John Simpson 4) Burley Irrigation District / John Simpson 5) Milner Irrigation District / John Simpson 6) Minidoka Irrigation District / Kent Fletcher	1-6) City of Pocatello / Dean Tranmer & Sarah Klahn

Subcase No.	Claimant / Attorney	Objector / Attorney	Respondent / Attorney
01-10616	Twin Falls CC / John Simpson North Side CC / John Simpson A & B Irrigation District / John Simpson Milner Irrigation District / John Simpson Falls Irrigation District / Roger Ling American Falls Reservoir #1 / John Simpson Minidoka Irrigation District / John Simpson Burley Irrigation District / John Simpson American Falls Reservoir #2 / Kent Fletcher Hillsdale Irrigation District / John Simpson	1) Twin Falls CC / John Simpson 2) North Side CC / John Simpson 3) A & B Irrigation District / John Simpson 4) Milner Irrigation District / John Simpson 5) Falls Irrigation District / Roger Ling 6) American Falls Reservoir #1 / John Simpson 7) Minidoka Irrigation District / Kent Fletcher 8) Burley Irrigation District / John Simpson 9) American Falls Reservoir #2 / Kent Fletcher 10) Hillsdale Irrigation District / John Simpson	1-10) City of Pocatello / Dean Tranmer & Sarah Klahn
01-10617	Burley Irrigation District / John Simpson Minidoka Irrigation District / John Simpson	1) Burley Irrigation District / John Simpson 2) Minidoka Irrigation District / John Simpson	1 & 2) City of Pocatello / Dean Tranmer & Sarah Klahn
01-10618	Twin Falls CC / John Simpson North Side CC / John Simpson A & B Irrigation District / John Simpson Milner Irrigation District / John Simpson Falls Irrigation District / Roger Ling American Falls Reservoir #1 / John Simpson Minidoka Irrigation District / Kent Fletcher Burley Irrigation District / John Simpson American Falls Reservoir #2 / Kent Fletcher Hillsdale Irrigation District / John Simpson	1) Twin Falls CC / John Simpson 2) North Side CC / John Simpson 3) A & B Irrigation District / John Simpson 4) Milner Irrigation District / John Simpson 5) Falls Irrigation District / Roger Ling 6) American Falls Reservoir #1 / John Simpson 7) Minidoka Irrigation District / Kent Fletcher 8) Burley Irrigation District / John Simpson 9) American Falls Reservoir #2 / Kent Fletcher 10) Hillsdale Irrigation District / John Simpson	1-10) City of Pocatello / Dean Tranmer & Sarah Klahn

Subcase No.	Claimant / Attorney	Objector / Attorney	Respondent / Attorney
01-10620	Bureau of Reclamation / David Gehlert	1) Twin Falls CC / John Simpson 2) North Side CC / John Simpson 3) A & B Irrigation District / John Simpson 4) Milner Irrigation District / John Simpson 5) American Falls Reservoir #1 / John Simpson 6) Minidoka Irrigation District / Kent Fletcher 7) Burley Irrigation District / John Simpson 8) American Falls Reservoir #2 / Kent Fletcher 9) Hillsdale Irrigation District / John Simpson 10) Falls Irrigation District / Roger Ling 11) Bureau of Reclamation / David Gehlert	11) City of Pocatello / Dean Tranmer & Sarah Klahn
01-10621	Bureau of Reclamation / David Gehlert	1) A & B Irrigation District / John Simpson 2) Falls Irrigation District / Roger Ling 3) Minidoka Irrigation District / Kent Fletcher 4) Burley Irrigation District / John Simpson 5) Milner Irrigation District / John Simpson 6) North Side CC / John Simpson 7) Bureau of Reclamation / David Gehlert	1-7) City of Pocatello / Dean Tranmer & Sarah Klahn
01-10622	Bureau of Reclamation / David Gehlert	1) Burley Irrigation District / John Simpson 2) Minidoka Irrigation District / John Simpson 3) Bureau of Reclamation / David Gehlert	1-3) City of Pocatello / Dean Tranmer & Sarah Klahn
01-10623	Bureau of Reclamation / David Gehlert	1) Twin Falls CC / John Simpson 2) North Side CC / John Simpson 3) American Falls Reservoir District #1 / John Simpson 4) Minidoka Irrigation District / Kent Fletcher 5) Bureau of Reclamation / David Gehlert	1-5) City of Pocatello / Dean Tranmer & Sarah Klahn
21-13161	Bureau of Reclamation / David Gehlert	1) Fremont Madison Irrigation / Jerry Rigby 2) Bureau of Reclamation / David Gehlert	N/A
37-22806	Bureau of Reclamation / David Gehlert	Bureau of Reclamation / David Gehlert	N/A

Subcase No.	Claimant / Attorney	Objector / Attorney	Respondent / Attorney
63-33732	Bureau of Reclamation / David Gehlert	1) Nampa & Meridian Irrigation / Daniel Steenson 2) Settlers Irrigation District / Daniel Steenson 3) Ballentyne Ditch Company / Daniel Steenson 4) Boise Valley Irrigation / Daniel Steenson 5) Canyon County Water Company / Daniel Steenson 6) Eureka Water Company / Daniel Steenson 7) Farmers' Co-Operative Ditch Company / Daniel Steenson 8) Middleton Mill Ditch Company / Daniel Steenson 9) Middleton Irrigation Assn. Inc. / Daniel Steenson 10) New Dry Creek Ditch Company / Daniel Steenson 11) Pioneer Ditch Company / Daniel Steenson 12) South Boise Water Company / Daniel Steenson 13) Thurman Mill Ditch Company / Daniel Steenson 14) Bureau of Reclamation / David Gehlert	N/A
63-33733	Bureau of Reclamation / David Gehlert	1) Nampa & Meridian Irrigation / Daniel Steenson 2) Settlers Irrigation District / Daniel Steenson 3) Ballentyne Ditch Company / Daniel Steenson 4) Boise Valley Irrigation / Daniel Steenson 5) Canyon County Water Company / Daniel Steenson 6) Eureka Water Company / Daniel Steenson 7) Farmers' Co-Operative Ditch Company / Daniel Steenson 8) Middleton Mill Ditch Company / Daniel Steenson 9) Middleton Irrigation Assn. Inc. / Daniel Steenson 10) New Dry Creek Ditch Company / Daniel Steenson 11) Pioneer Ditch Company / Daniel Steenson 12) South Boise Water Company / Daniel Steenson 13) Thurman Mill Ditch Company / Daniel Steenson 14) Bureau of Reclamation / David Gehlert	N/A

Subcase No.	Claimant / Attorney	Objector / Attorney	Respondent / Attorney
63-33734	Bureau of Reclamation / David Gehlert	1) Nampa & Meridian Irrigation / Daniel Steenson 2) Settlers Irrigation District / Daniel Steenson 3) Ballentyne Ditch Company / Daniel Steenson 4) Boise Valley Irrigation / Daniel Steenson 5) Canyon County Water Company / Daniel Steenson 6) Eureka Water Company / Daniel Steenson 7) Farmers' Co-Operative Ditch Company / Daniel Steenson 8) Middleton Mill Ditch Company / Daniel Steenson 9) Middleton Irrigation Assn. Inc. / Daniel Steenson 10) New Dry Creek Ditch Company / Daniel Steenson 11) Pioneer Ditch Company / Daniel Steenson 12) South Boise Water Company / Daniel Steenson 13) Thurman Mill Ditch Company / Daniel Steenson 14) Bureau of Reclamation / David Gehlert	N/A
65-23531	U.S. Bureau of Reclamation / David Gehlert	U.S. Bureau of Reclamation / David Gehlert	N/A
65-23532	U.S. Bureau of Reclamation / David Gehlert	U.S. Bureau of Reclamation / David Gehlert	N/A
63-33737	Boise Project Board of Control / Albert Barker	Boise Project Board of Control / Albert Barker	N/A
63-33738	Boise Project Board of Control / Albert Barker	Boise Project Board of Control / Albert Barker	N/A

Pursuant to I.C. 42-1412(2), the original notices of claims for the subcases identified herein were mailed to the Court on April 7, 2014.

CONCLUSION

This Fall 2013 Case Management Report is respectfully submitted this 8 day of April 2014.



Meghan Carter
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Attorney for IDWR