

AUG 13 2015

DEPARTMENT OF
WATER RESOURCES

LAWRENCE G. WASDEN
Attorney General

CLIVE J. STRONG (ISB #2207)
Deputy Attorney General
Chief, Natural Resources Division

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Natural Resources Division

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Boise, ID 83711-4449
(208) 334-2400

Attorneys for the State of Idaho

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

In Re SRBA

Case No. 39576

**Subcase Nos.: 37-2773, 37-2774, 37-2779,
37-2783, 37-22806 (Little Wood Reservoir)**

**STATE OF IDAHO'S MOTION FOR
ORDER DECREETING WATER RIGHTS**

The State of Idaho, by and through its attorneys of record, files the attached *Stipulation* entered into by certain parties to the above-captioned subcases ("Stipulation") with the Court pursuant to Administrative Order 1 §4.d.(3). The Stipulation is attached hereto as Exhibit A. In light of the Stipulation, the State requests this Court issue: (1) an order rescinding this Court's referral of Subcase No. 37-22806 to Special Master Bilyeu; and (2) an order decreeing water rights consistent with the Stipulation and Attachments A and B thereto.

BACKGROUND

The Stipulation provides that it is effective “after execution by all signatories.” On June 18, 2015, certain parties signed the Stipulation to resolve all remaining objections in the above-captioned subcases. All signatories have executed the Stipulation except for the United States Bureau of Reclamation (“USBR”), which has represented that it is working through the process of obtaining authorization to execute the Stipulation.

The Stipulation resolves all objections to the USBR’s late claim in Subcase No. 37-22806, and proposes partial decrees necessary to accommodate the resolution of such objections as proposed in the Stipulation. The proposed partial decrees in Attachment A to the Stipulation are submitted as a full and final resolution of the storage water right late claim filed by the USBR in Subcase No. 37-22806. Additionally, under Paragraph 5 of the Stipulation, the signatories agree the partial decrees entered for water right nos. 37-2773, 37-2774, 37-2779, and 37-2783 should be set aside and modified as set forth in Attachment B to the Stipulation.

REQUEST FOR RELIEF

All of the parties¹ to these subcases with the exception of the USBR have approved the Stipulation. Thus, in the interest of expediting approval of the Stipulation, the State moves the Court to (1) rescind this Court’s referral of Subcase No. 37-22806 to Special Master Bilyeu; and (2) issue an order to show cause why the water rights set forth in Attachments A and B should not be decreed consistent with the Stipulation. The State requests the Court establish a deadline for parties opposing issuance of the decrees to provide briefs in support of their opposition and

¹ This Court granted United Water Idaho, Inc. a limited right to participate in Subcase No. 37-22806; however, the Court prohibited United Water from “participating in discovery, trial, settlement negotiations or resolutions reached in any of the above-captioned subcases.” *Order Granting Limited Participation* at 2 (Nov. 14, 2014).

then provide time for the parties to the Stipulation to respond. The State further requests a hearing on this motion.

DATED this 12 day of August 2015.

LAWRENCE G. WASDEN
Attorney General

A handwritten signature in black ink, appearing to read "Michael C. Orr", is written over a horizontal line.

MICHAEL C. ORR
Deputy Attorney General
State of Idaho
Natural Resources Division

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12th day of August 2015, I caused to be served a true and correct copy of the foregoing document by the methods indicated:

1. Original to:

Clerk Of The District Court Snake River Basin Adjudication 253 Third Avenue North PO Box 2707 Twin Falls, ID 83303-2707	☐ U.S. Mail, postage prepaid ☐ Hand Delivery ☒ Federal Express ☐ Facsimile
---	--

2. Copies to the following:

UNITED STATES BUREAU OF RECLAMATION Represented by: US DEPARTMENT OF JUSTICE ENVIRONMENT & NAT'L RESOURCES 550 W FORT ST, MSC 033 BOISE, ID 83724	☒ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☐ Federal Express ☐ Facsimile ☐ E-Mail
LITTLE WOOD RIVER IRRIGATION Represented by: DAVID A COLEMAN PO BOX 525 TWIN FALLS, ID 83303-0525	☒ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☐ Federal Express ☐ Facsimile ☐ E-Mail
UNITED WATER IDAHO, INC. Represented by: CHRISTOPHER H MEYER 601 W BANNOCK ST BOISE, ID 83701-2720	☒ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☐ Federal Express ☐ Facsimile ☐ E-Mail
DIRECTOR OF IDWR PO BOX 83720 BOISE, ID 83720-0098	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☐ Federal Express ☐ Facsimile ☐ E-Mail ☒ Statehouse Mail



Melinda Bouldin

EXHIBIT A

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

In Re SRBA

Case No. 39576

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)
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)
)

Subcase Nos. 37-2773, 37-2774 37-2779,
37-2783, 37-22806A, and 37-22806B
(Little Wood Reservoir)

STIPULATION

This Stipulation is made and entered into among the Parties to the above-referenced subcases and the Director ("Director") of the Idaho Department of Water Resources ("Department").¹ The Parties, by and through their counsel of record, and the Director hereby stipulate and agree as follows:

1. This stipulation resolves disputes regarding the "fill" and/or "refill" of the storage water rights for on-stream reservoirs in Basin 37 that have arisen in various Snake River Basin Adjudication ("SRBA") proceedings including but not limited to SRBA subcase no. 00-91017.

2. The proposed partial decrees set forth in Attachment A to this stipulation will be submitted as a full and final resolution of the following storage water right claims filed by the United States Bureau of Reclamation ("USBR"):

37-22806A (Little Wood Reservoir)
37-22806B (Little Wood Reservoir)

¹ The Director and the Idaho Department of Water Resources are not "parties" to the Snake River Basin Adjudication but the Director is included, acting for the Department, as a bound signatory to this stipulation as the Director is vested with the direction and control of the distribution of water from all natural water sources within a water district pursuant to Idaho Code § 42-602.

3. The water right claims and recommendations identified in paragraph 2 above are collectively referenced as "Enlargement Storage Water Rights." The Parties agree the Enlargement Storage Water Rights shall be decreed as set forth in Attachment A.

4. Storage water rights nos. 37-2773, 37-2774, 37-2779, and 37-2783 (Little Wood Reservoir) are storage water rights for the parenthetically-identified reservoir, and are referenced herein as the "Base Storage Water Rights," to distinguish them from the "Enlargement Storage Water Rights" for the same reservoirs, which are identified above in paragraphs 2 and 3.

5. Partial decrees have been entered by the SRBA District Court for Base Storage Water Rights. The Parties agree the partial decrees for the Base Storage Water Rights for each reservoir should be modified to include in their "Quantity" elements the same combined volume limitation remark that appears in the "Quantity" element of the Enlargement Storage Water Right for each reservoir. The proposed partial decrees as so modified and a proposed motion to set aside the decrees are attached hereto in Attachment B.

6. The Parties agree that all natural flow arising upstream from the decreed point of diversion of a storage water right, after subtracting the natural flow delivered to water rights with identical or earlier priorities, will be accrued² towards the annual volume set forth in the "Quantity" element of the storage water right. The amount of water accrued towards the annual volume set forth in the "Quantity" element of a storage water right will not be determined or adjusted on the basis of reservoir contents or on the basis of releases of water from the reservoir(s).

7. Pursuant to Idaho Rule of Evidence 408, nothing in the Stipulation, including the

² The term "accrued" as used herein and in the proposed partial decrees attached hereto refers to accounting accruals rather than to increases in the volume of water physically stored in the reservoir(s). Water that is "accrued" towards the annual volume of a storage water right is water that has been "counted" or "credited" for purposes of accounting for the distribution of natural flow to the storage water right in accordance with its decreed elements.

stipulated entry of Partial Decrees or other evidence or pleading submitted or relied upon for approval of the Stipulation, or any offers or compromises made in the course of negotiating the Stipulation, shall be construed as admissions against interest or tendered or used as evidence to support or oppose any party's claims or objections in the SRBA or in any other adjudication involving claims for the same or similar purposes, including the quantities of water claimed, or in any other manner by any party in the SRBA in any future proceeding, other than those for interpretation, enforcement or administration of the Stipulation or the Partial Decrees or for a purpose contemplated by Rule 408.

8. Each of the undersigned represent that they are authorized to execute this Stipulation on behalf of the entity they represent.

9. Nothing in this Stipulation shall be construed as creating liability against the United States for any claims related to or arising from flood control releases.

10. This Stipulation may be executed in counterparts, each of which shall be deemed to be an original, but all of which, taken together, shall constitute one and the same agreement.

11. This Stipulation shall become effective after execution by all signatories.

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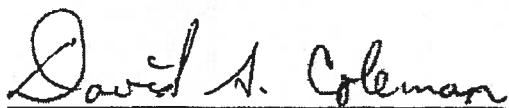
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UNITED STATES DEPT. OF JUSTICE

David Gehlert
Attorney for United States
Bureau of Reclamation

Date

COLEMAN, RITCHIE & CLUFF



David A. Coleman

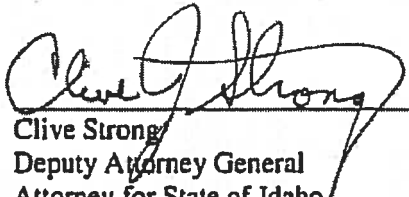
Date

Attorney for Little Wood River Irrigation District

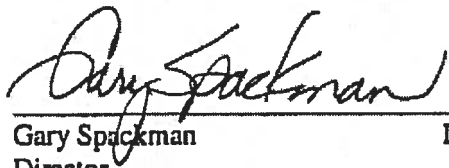
STIPULATION

Page 5

IDAHO ATTORNEY GENERAL'S OFFICE

 6/18/15
Clive Strong Date
Deputy Attorney General
Attorney for State of Idaho

IDAHO DEPARTMENT OF WATER RESOURCES

 6/18/2015

Gary Spackman
Director

Date

Idaho Department of Water Resources

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on _____, 2015, I caused to be served a true and correct copy of the foregoing STIPULATION by U.S. mail, postage pre-paid to the following:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
Twin Falls, ID 83303-2707

United States Department of Justice
Environment and Natural Resources Div.
550 West Fort Street, MSC 033
Boise, ID 83724

United States of America
Bureau of Reclamation
Regional Director PN Code-3100
1150 N. Curtis Road, Ste. 100
Boise, ID 83706

Chief, Natural Resources Division
State of Idaho
Office of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

David A. Coleman
Coleman, Ritchie & Cluff
P.O. Box 525
Twin Falls, ID 83303-0525

Signature of Person Mailing this Document

ATTACHMENT A

Proposed Partial Decrees for the “Enlargement Storage Water Rights”:

37-22806A (Little Wood Reservoir)

37-22806B (Little Wood Reservoir)

SETTLEMENT DOCUMENT SUBJECT TO I.R.E. 408

05/06/2015

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

RIGHT NUMBER: 37-22806A

NAME AND ADDRESS: LITTLE WOOD RIVER IRRIGATION DISTRICT
PO BOX 355
CAREY, ID 83320

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

SOURCE: LITTLE WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 236,000.00 AFY

Water rights nos. 37-2773, 37-2774 37-2779, 37-2783, 37-22806A, and 37-22806B are limited to the total combined annual diversion volume necessary to allocate a total of 30,724.00 acre-feet of irrigation storage water per year to the consumers or users of the storage water.

PRIORITY DATE: 10/31/1983

This water right is subordinate to all existing and future water rights established pursuant to Idaho law for use within the Little Wood River Drainage.

POINT OF

DIVERSION: T01N R20E S13 NWNW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION STORAGE	01/01 12/31	236,000.00 AFY
IRRIGATION FROM STORAGE	04/15 10/31	236,000.00 AFY

Water accruing to this water right supplements water accrued under water right nos. 37-2773, 37-2774, 37-2779 and 37-2783.

PLACE OF USE:

Place of use is on those lands identified under water right nos. 37-2773, 37-2774, 37-2779 and 37-2783.

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

1. This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights by the Court. Section 42-1412(6), Idaho Code.
2. The exercise and administration of this water right is subject to the terms and conditions of the Stipulation effective XX/XX, 2015, which is incorporated herein by reference.
3. Title to twenty-nine thirtieths (29/30) of this water right is held in the name of Little Wood River Irrigation District. The name of the United States of America acting through the Bureau of Reclamation appears in the Name and Address sections of this partial decree with respect to one thirtieth (1/30) of this water right. However, as a matter of Idaho Constitutional and Statutory Law, title to the use of the water is held by the consumers or users of the water. The irrigation organizations act on behalf of the consumers or users to administer the use of the water for the landowners in the quantities and/or percentages specified in the contracts between the Bureau of Reclamation and the irrigation organizations for the benefit of the landowners entitled to receive distribution of this water from the respective irrigation organizations. The interest of the consumers or users of the water is appurtenant to the lands within the boundaries of or served by such irrigation organizations, and that interest is derived from law and is not based exclusively on the contracts between the Bureau of Reclamation and the irrigation organizations.

05/17/2015

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

RIGHT NUMBER: 37-22806B

NAME AND ADDRESS: LITTLE WOOD RIVER IRRIGATION DISTRICT
PO BOX 355
CAREY, ID 83320UNITED STATES OF AMERICA ACTING THROUGH
BUREAU OF RECLAMATION
REGIONAL DIRECTOR PN CODE-3100
1150 N CURTIS RD STE 100
BOISE ID 83706-1234

SOURCE: LITTLE WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 24,000.00 AFY

Water rights nos. 37-2773, 37-2774, 37-2779, 37-2783, 37-22806A and 37-22806B are limited to the total combined annual diversion volume necessary to allocate a total of 30,724.00 acre-feet of irrigation storage water per year to the consumers or users of the storage water.

Water will not accrue towards the satisfaction of this water right until the Little Wood River Irrigation District, has notified the Water District 37 Watermaster of the calendar date on which it intends to store water pursuant to this water right. Following initial notification, the Little Wood River Irrigation District can provide notification directing the Water District 37 Watermaster to stop and start the accrual of water pursuant to this water right, until the water right has been satisfied. All notification must be made in writing. Each notification must identify a specific calendar date on which administrative action should occur. The identified calendar date cannot predate the date of written notification.

This water right is limited to the total space evacuated for local flood control operations as determined by the Water District 37 Watermaster, prior to the date of final storage allocation not to exceed 24,000.00 acre-feet. 'Local flood control operations' are reservoir flood control operations in accordance with the Act of August 6, 1956, Public Law 84-993, as it may be revised pursuant to the forgoing law. The watermaster's determination of the space evacuated for flood control is made for the purpose of determining the distribution of natural flow to this water right in accordance with state law. The watermaster's determination shall not bind the United States, nor have any effect on the United States' determinations, authority, or discretion under federal law in operating this reservoir for local flood control purposes.

PRIORITY DATE: 10/31/1983

POINT OF
DIVERSION: T01N R20E S13 NWNW Within BLAINE CountyPURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION STORAGE	03/01 07/31	24,000.00 AFY
IRRIGATION FROM STORAGE	03/01 11/15	24,000.00 AFY

Water accruing to this right supplements water accrued under water right right nos. 37-2773, 37-2774, 37-2779 and 37-2783.

PLACE OF USE:

Place of use is on those lands identified under water right nos. 37-2773, 37-2774, 37-2779 and 37-2783.

SETTLEMENT DOCUMENT SUBJECT TO I.R.E. 408

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

1. This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights by the Court. Section 42-1412(6), Idaho Code.
2. This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to 42-1426, Idaho Code, the earlier priority right is the superior right.
3. This water right is subordinate to all water rights permitted, licensed or decreed after April 12, 1994, and prior to May 1, 2014.
4. The exercise and administration of this water right is subject to the terms and conditions of the Stipulation effective XX/XX, 2015, which is incorporated herein by reference.
5. Title to twenty-nine thirtieths (29/30) of this water right is held in the name of Little Wood River Irrigation District. The name of the United States of America acting through the Bureau of Reclamation appears in the Name and Address sections of this partial decree with respect to one thirtieth (1/30) of this water right. However, as a matter of Idaho Constitutional and Statutory Law, title to the use of the water is held by the consumers or users of the water. The irrigation organizations act on behalf of the consumers or users to administer the use of the water for the landowners in the quantities and/or percentages specified in the contracts between the Bureau of Reclamation and the irrigation organizations for the benefit of the landowners entitled to receive distribution of this water from the respective irrigation organizations. The interest of the consumers or users of the water is appurtenant to the lands within the boundaries of or served by such irrigation organizations, and that interest is derived from law and is not based exclusively on the contracts between the Bureau of Reclamation and the irrigation organizations.

ATTACHMENT B

Proposed Motion to Set Aside Decree and Draft Partial Decrees for the decreed “Base Storage Water Rights”

37-2773 (Little Wood Reservoir)

37-2774 (Little Wood Reservoir)

37-2779 (Little Wood Reservoir)

37-2783 (Little Wood Reservoir)

LAWRENCE G. WASDEN
Attorney General

CLIVE J. STRONG (ISB #2207)
Deputy Attorney General
Chief, Natural Resources Division

MICHAEL C. ORR (ISB # 6720)
Deputy Attorney General
Natural Resources Division

700 West State Street – 2nd Floor
P.O. Box 44449
Boise, ID 83711-4449
(208) 334-2400

Attorneys for the State of Idaho

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

In Re SRBA

Case No. 39576

**Subcase Nos.: 37-2773, 37-2774, 37-2779,
37-2783 (Little Wood Reservoir)**

**MOTION TO SET ASIDE AND MODIFY
PARTIAL DECREES**

The State of Idaho, by and through its attorneys of record and pursuant to Idaho Rule of Civil Procedure 60(b)(6), moves the Court to set aside the partial decrees for the above-captioned water rights and to modify said water rights consistent with the proposed partial decrees attached hereto as Exhibit 1.

BACKGROUND

On July 29, 2011, this Court issued an amended partial decree for water right no. 37-2783. In addition, this Court issued partial decrees for water right nos. 37-2773, 37-2774, and 37-2779 on August 30, 2011. All four partial decrees are for storage water rights in Little Wood Reservoir, which is operated by the United States Bureau of Reclamation (“USBR”). Subsequently, an issue arose in the Snake River Basin Adjudication regarding the “fill” or “refill” of the storage water rights for on-stream reservoirs in several basins, including Basin 37. On January 31, 2013, the USBR submitted a motion to file late notice of claim in Basin 37 (Subcase No. 37-22806), which this Court granted on May 22, 2013.

On June 18, 2015, certain parties¹ to the above-captioned subcases, as well as Subcase No. 37-22806, entered into a Stipulation resolving the “fill” or “refill” issue for the storage water rights for Little Wood Reservoir in Basin 37 (“Stipulation”). A copy of the Stipulation is attached hereto as Exhibit 2. As described in Paragraph 5 of the Stipulation, the signatories to the Stipulation agree that the partial decrees in the above-captioned subcases should be set aside and “modified to include in their ‘Quantity’ elements the same combined volume limitation remark as appears in the ‘Quantity’ element of [water right nos. 37-22806A and 37-22806B].” The stipulated combined volume limitation remark is as follows:

Water rights nos. 37-2773, 37-2774, 37-2779, 37-2783, 37-22806A, and 37-22806B are limited to the total combined annual diversion volume necessary to allocate a total of 30,724.00 acre-feet of irrigation storage water per year to the consumers or users of the storage water.

Stipulation, Attachment A.

¹ At present, the USBR is the only party that has not signed the Stipulation. However, the USBR has represented that it is working through the process of obtaining authorization to execute the Stipulation.

STANDARD OF REVIEW

Idaho Rule of Civil Procedure 60(b)(6) authorizes modifications of a judgment for “any other reason justifying relief from the operation of a judgment.” “[A]lthough the court is vested with broad discretion in determining whether to grant or deny a Rule 60(b) motion, its discretion is limited and may be granted only on a showing of ‘unique and compelling circumstances’ justifying relief.” *Miller v. Haller*, 129 Idaho 345, 349, 924 P.2d 607, 611 (1996) (quoting *Matter of Estate of Bagley*, 117 Idaho 1091, 1093, 793 P.2d 1263, 1265 (Ct.App.1990)).

ARGUMENT

Unique and compelling circumstances justify setting aside the partial decrees in the above-captioned subcases and modifying the partial decrees consistent with the Stipulation. Water right no. 37-22806 was included as a pending subcase in this Court’s August 26, 2014 *Order Regarding Subcases Pending Upon Entry of Final Unified Decree*. As described above, the signatories to the Stipulation agree, as a means of resolving all objections to the late claim for water right no. 37-22806, that the partial decrees for the above-captioned subcases should be set aside and modified to include the combined volume limitation remark quoted above. Inclusion of this remark on the face of the partial decrees in the above-captioned subcases is necessary for consistency and to avoid confusion in administration. Additionally, inclusion of the standard *Pioneer* remark on storage water right 37-2783, held by the USBR, is necessary for consistency with this Court’s prior orders.

CONCLUSION

For the foregoing reasons, the State of Idaho requests this Court set aside the partial decrees for the above-captioned water rights and modify said water rights consistent with the proposed partial decrees in Exhibit 1.

DATED this ____ day of _____ 2015.

LAWRENCE G. WASDEN
Attorney General

MICHAEL C. ORR
Deputy Attorney General
State of Idaho
Natural Resources Division

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this ____ day of _____ 2015, I caused to be served a true and correct copy of the foregoing document by the methods indicated:

1. Original to:

Clerk Of The District Court Snake River Basin Adjudication 253 Third Avenue North PO Box 2707 Twin Falls, ID 83303-2707	☐ U.S. Mail, postage prepaid ☐ Hand Delivery ☒ Federal Express ☐ Facsimile
---	--

2. Copies to the following:

UNITED STATES BUREAU OF RECLAMATION Represented by: US DEPARTMENT OF JUSTICE ENVIRONMENT & NAT'L RESOURCES 550 W FORT ST, MSC 033 BOISE, ID 83724	☒ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☐ Federal Express ☐ Facsimile ☐ E-Mail
LITTLE WOOD RIVER IRRIGATION Represented by: DAVID A COLEMAN PO BOX 525 TWIN FALLS, ID 83303-0525	☒ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☐ Federal Express ☐ Facsimile ☐ E-Mail
UNITED WATER IDAHO, INC. Represented by: CHRISTOPHER H MEYER 601 W BANNOCK ST BOISE, ID 83701-2720	☒ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☐ Federal Express ☐ Facsimile ☐ E-Mail
DIRECTOR OF IDWR PO BOX 83720 BOISE, ID 83720-0098	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☐ Federal Express ☐ Facsimile ☐ E-Mail ☒ Statehouse Mail

Melinda Bouldin

EXHIBIT 1

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

In Re SRBA }
 }
Case No. 39576 }
 }
 } Water Right 37-2773

NAME AND ADDRESS: LITTLE WOOD RIVER IRRIGATION DISTRICT
 PO BOX 355
 CAREY, ID 83320

SOURCE: LITTLE WOOD RIVER TRIBUTARY: MALAD RIVER

QUANTITY: 10,000.00 AFY

Water rights nos. 37-2773, 37-2774 37-2779, 37-2783, 37-22806A,
and 37-22806B are limited to the total combined annual diversion
volume necessary to allocate a total of 30,724.00 acre-feet of
irrigation storage water per year to the consumers or users of
the storage water.

PRIORITY DATE: 09/03/1935

POINT OF DIVERSION: T01N R20E S13 NWNW Within Blaine County
 R21E S30 NWSWSE (Rediversion)
 NWSWSE (Rediversion)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation Storage	01-01 TO 12-31	10,000.00 AFY
	Irrigation from Storage	04-15 TO 10-31	10,000.00 AFY

PLACE OF USE
11,084.7 ACRES TOTAL

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

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

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

In Re SRBA) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(B) FOR
Case No. 39576)
) Water Right 37-2774

NAME AND ADDRESS: LITTLE WOOD RIVER IRRIGATION DISTRICT
PO BOX 355
CAREY, ID 83320

SOURCE: LITTLE WOOD RIVER TRIBUTARY: MALAD RIVER

QUANTITY: 2724.00 AFY

Water rights nos. 37-2773, 37-2774 37-2779, 37-2783, 37-22806A,
and 37-22806B are limited to the total combined annual diversion
volume necessary to allocate a total of 30,724.00 acre-feet of
irrigation storage water per year to the consumers or users of
the storage water.

PRIORITY DATE: 11/21/1938

POINT OF DIVERSION: T01N R20E S13 NWNW Within Blaine County
R21E S30 NWSWSE (Rediversion)
NWSWSE (Rediversion)

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation Storage	01-01 TO 12-31	2724.00 AFY
Irrigation from Storage	04-15 TO 10-31	2724.00 AFY

PLACE OF USE

11084.7 ACRES TOTAL

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

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

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

In Re SRBA }
 }
Case No. 39576 }
 }
 } PARTIAL DECREE PURSUANT TO
 } I.R.C.P. 54(B) FOR
 } Water Right 37-2779

NAME AND ADDRESS: LITTLE WOOD RIVER IRRIGATION DISTRICT
 PO BOX 355
 CAREY, ID 83320

SOURCE: LITTLE WOOD RIVER TRIBUTARY: MALAD RIVER

QUANTITY: 17000.00 AFY

Water rights nos. 37-2773, 37-2774 37-2779, 37-2783, 37-22806A,
and 37-22806B are limited to the total combined annual diversion
volume necessary to allocate a total of 30,724.00 acre-feet of
irrigation storage water per year to the consumers or users of
the storage water.

PRIORITY DATE: 02/11/1954

POINT OF DIVERSION: T01N R20E S13 NWNW Within Blaine County
 R21E S30 NWSWSE (Rediversion)
 NWSWSE (Rediversion)

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
 Irrigation Storage 01-01 TO 12-31 17000.00 AFY
 Irrigation from Storage 04-15 TO 10-31 17000.00 AFY

PLACE OF USE
 11084.7 ACRES TOTAL

The boundary encompassing the place of use for this water right
Is described with a digital boundary as defined by I.C. Section
42-202B(2) and authorized pursuant to I.C. Section
42-1411(2) (h). The data compromising the digital boundary are
Incorporated herein by reference and are stored on a CD-ROM disk
Issued in duplicate originals on file with the SRBA District
Court and the Idaho Department of Water Resources. A map
depicting the place of use is attached hereto to illustrate the
place of use described by the digital boundary.
Place of use is within Blaine County, and is on land irrigated by
shareholders of the Little Wood River Irrigation District.

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

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

AMENDED

In Re SRBA) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(B) FOR
Case No. 39576)
) Water Right 37-2783

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

SOURCE: LITTLE WOOD RIVER TRIBUTARY: MALAD RIVER

QUANTITY: 1000.00 AFY

Water rights nos. 37-2773, 37-2774 37-2779, 37-2783, 37-22806A, and 37-22806B are limited to the total combined annual diversion volume necessary to allocate a total of 30,724.00 acre-feet of irrigation storage water per year to the consumers or users of the storage water.

PRIORITY DATE: 04/10/1959

POINT OF DIVERSION: T01N R20E S13 NWNW Within Blaine County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation Storage	01-01 TO 12-31	1000.00 AFY
	Irrigation from Storage	04-01 TO 11-01	1000.00 AFY

PLACE OF USE
11084.7 ACRES TOTAL

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

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

The name of the United States of America acting through the Bureau of Reclamation appears in the Name and Address sections of this partial decree. However, as a matter of Idaho Constitutional and Statutory Law, title to the use of the water is held by the consumers or users of the water. The irrigation organizations act on behalf of the consumers or users to administer the use of the water for the landowners in the quantities and/or percentages specified in the contracts between the Bureau of Reclamation and the irrigation organizations for the benefit of the landowners entitled to receive distribution of this water from the respective irrigation organizations. The interest of the consumers or users of the water is appurtenant to the lands within the boundaries of

or served by such irrigation organizations, and that interest is derived from law and is not based exclusively on the contracts between the Bureau of Reclamation and the irrigation organizations.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

EXHIBIT 2