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OCT 02 2007

DEPARTMENT OF
WATER RESOURCES

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Boise, ID 83702-7310
Telephone: 208.343.3434
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Attorneys for Ada County

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 No: 63-03618

AMENDED MOTION TO PARTICIPATE

Ada County and the Board of Ada County Commissioners, by and through their counsel of record, Perkins Coie LLP, move this Court for a permanent order granting Ada County's Motion to Participate in Subcase No. 63-03618.

On September 5, 2007, the Court entered an order conditionally joining Ada County and recommended the filing of a *Motion to File Late Notice of Claim* based on the assumption, not specifically countered by Ada County at that time, that Ada County is not a party to the adjudication as defined by *SRBA Administrative Order 1* (Oct. 1997) and Idaho Code 42-1401A(1) and (6).

Upon further investigation, it has come to our attention that Ada County is in fact a party to the SRBA, as defined by *SRBA Administrative Order 1* (Oct. 1997) and Idaho Code 42-1401A(1) and (6), evidenced by a partial decree for Water Right Number 63-00279A, a copy of the Notice of Claim for which is filed herewith as Exhibit A.

As such, Ada County respectfully asks this Court to grant Ada County's Amended Motion to Participate.

DATED: October 1, 2007

PERKINS COIE LLP

By: 
Robert Maynard
Erika E. Malmen

Attorneys for Ada County

CERTIFICATE OF SERVICE

The undersigned hereby certifies under penalty of perjury under the laws of the State of Idaho that, on October 1, 2007, he/she/they caused to be served on the person(s) listed below in the manner shown:

AMENDED MOTION TO PARTICIPATE

Clerk of the District Court	Hand Delivery	☐
Snake River Basin Adjudication	U.S. Mail	☒
253 Third Avenue North	Facsimile: (208) 736-2121	☐
P.O. Box 2707	Overnight Mail	☒
Twin Falls, Idaho 83303-2707		
State of Idaho	Hand Delivery	☐
c/o Natural Resources Div. Chief	U.S. Mail	☒
Attorney General's Office	Facsimile: (208) 334-2690	☐
P.O. Box 44449	Overnight Mail	☐
Boise, Idaho 83711-4449		
United States of America	Hand Delivery	☐
US Department of Justice	U.S. Mail	☒
Envir. & Nat. Resources	Facsimile: _____	☐
550 West Fort Street, MSC 033	Overnight Mail	☐
Boise, Idaho 83724		
Director	Hand Delivery	☐
Idaho Dept. of Water Resources	U.S. Mail	☒
P.O. Box 83720	Facsimile: _____	☐
Boise, Idaho 83720-0098	Overnight Mail	☐
Scott L. Campbell	Hand Delivery	☐
P.O. Box 829	U.S. Mail	☒
Boise, Idaho 83701-0829	Facsimile: (208) 385-5384	☐
	Overnight Mail	☐
Albert P. Barker	Hand Delivery	☐
Shelley M. Davis	U.S. Mail	☒
P.O. Box 2139	Facsimile: (208) 334-6034	☐
Boise, Idaho 83701-2139	Overnight Mail	☐

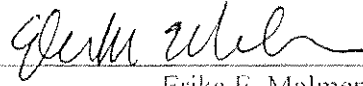
Jerry A. Kiser
620 West Hayes
Boise, Idaho 83702

Hand Delivery ☐
U.S. Mail ☒
Facsimile: (208) 336-1027 ☐
Overnight Mail ☐

Daniel V. Steenson
S. Bryce Farris
P.O. Box 2773
Boise, Idaho 83701-2773

Hand Delivery ☐
U.S. Mail ☒
Facsimile: (208) 342-4657 ☐
Overnight Mail ☐

Dated at Boise, Idaho, this 1st day of October, 2007.



Erika E. Malmen

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

CIVIL CASE NUMBER: 39576

Ident. Number: A63-00279A

Date Received: ~~2/22/1990~~

Receipt No: W021506 09/17/1996

Received By: 77

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ADA COUNTY PARKS & WATERWAYS

Address: 650 MAIN ST

BOISE ID

83702

2. Date of Priority: APR 1, 1870

3. Source: BOISE RIVER

Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	03E	29	NW	SW			ADA

5. Description of diverting works:

HEADGATE IN RIVER, DELIVERED VIA RIDENBAUGH CANAL.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.084		

7. Total Quantity Appropriated is:

0.084 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	03E	30	NE	SE		IRR	4.2

Section Acres 4.2

Total Acres 4.2

MICROFILMED

11. Place of use in counties: ADA

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
63-11195

14. Remarks:

THIS CLAIM REPRESENTS AN UNCLAIMED PORTION OF 63-00279. THIS
PORTION WAS VERIFIED BY THE REVIEW PROCESS FOR TRANSFER NO. 4286.
PLEASE SEE FILE FOR DETAILED EXPLANATION. 04/10/1996 MM.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

FARMERS CO-OP DITCH CO.

Decree Plaintiff

RIVERSIDE IRR. DIST.

vs

Decree Defendant

16. Signature(s)

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

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am Commissioner Chairman of
Title
Ada County, that I have signed the foregoing
Organization
document in the space below as Commissioner Chairman of
Title
Ada County and that the statements contained in the
Organization
foregoing document are true and correct.

Sharon L. Bosterfeldt
Signature of Authorized Agent

Commissioner of Ada County
Title and Organization

8/30/96
Date

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 30 day
of August 19 96

Lynda M. Fischer
Notary Public

Seal

Residing at Boise, Id.

My Commission Expires 10/18/2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

*File in 63-3618 &
63-3614 &
Gary's Corresp.*

July 15, 2005

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

RECEIVED

JUL 22 2005

WATER RESOURCES
WESTERN REGION

John M. Marshall, Attorney at Law
Givens Pursley LLP
601 W Bannock St
P.O. Box 2720
Boise, ID 83701

Re: Delivery of Surface Water to United Water Idaho through the New York Canal

Dear John:

You wrote me a letter on May 17, 2005 informing the Idaho Dept. of Water Resources (IDWR) that United Water Idaho Inc. (United Water) wants to "acquire entitlements to delivery of water from the New York Irrigation District . . . take this water out of the New York Canal, treat it at the Columbia Treatment Plant, and deliver it to municipal customers within the boundaries of the New York Irrigation District to meet summertime irrigation demand." You asked whether IDWR would require the filing and approval of an application for transfer for use by United Water of New York Irrigation District surface water as described. You attached a copy of an April 7, 1998 letter written by Karl Dreher of this office that addressed this subject.

I've reattached a copy of the April 7, 1998 letter written by Karl Dreher to this letter for reference. The April 7, 1998 letter states that an application for transfer need not be filed if surface water delivered through the municipal system serves the lands entitled to be irrigated with water delivered by the water delivery organization that will also deliver water to United Water. The letter states that United Water must appropriately measure and account for the use of water. The accounting must document: (1) the same lands that are entitled to and were irrigated with New York Irrigation District surface water (hereafter referred to as "surface water lands") will now be irrigated with water delivered through the United Water municipal water system; (2) the quantity of New York Irrigation District water delivered to United Water is limited to the accumulated water entitlements of the surface water lands; and (3) the surface water lands must remain within the boundary of the New York Irrigation District and within United Water's service area. In addition, Karl Dreher's letter also calls for "annual reporting of appropriate measurements and accounting procedures to demonstrate that the additional water diverted is necessary to satisfy increased summer demand for irrigation water through the municipal system on lands for which the permit is authorized to be used."

John M. Marshall
July 15, 2005
Page 2

Under the above-described circumstances, no change in nature of use is required. If there will be changes in point of diversion, place of use, or period of use, an application for transfer must be filed and approved.

You asked specifically for approval for delivery of 1,828 acre-feet of water from the New York Canal to the United Water treatment facility. Further accounting must be done before IDWR can recognize a fixed volume of water for use in the United Water municipal system.

Sincerely,


Gary Spackman

cc: Western Region

MAY 18 2005

Department of Water Resources

LAW OFFICES

601 W. Bannock Street
PO Box 2720, Boise, Idaho 83701
TELEPHONE: 208 388-1200
FACSIMILE: 208 388-1300
WEBSITE: www.givenspursley.com

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Kelly T. Barbour
Christopher J. Beeson
William C. Cole
Michael C. Creamer
Thomas E. Dvorak
Roy Lewis Eiguren
Timothy P. Fearnside
Jeffrey C. Fereday
Steven J. Hippler
Karl T. Klein
Debora K. Kristensen
Anne C. Kunkel
Jeremy G. Ladle

Franklin G. Lee
David R. Lombardi
D. David Lorello, Jr.
Emily A. MacMaster
John M. Marshall
Kenneth R. McClure
Kelly Greene McConnell
Cynthia A. Melillo
Christopher H. Meyer
L. Edward Miller
Patrick J. Miller
Judson B. Montgomery
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H. Barton Thomas, LL.M.
J. Will Varin
Conley E. Ward
Robert B. White

Raymond D. Givens
RETIRED

James A. McClure
RETIRED

May 17, 2005

Gary Spackman
Idaho Department of Water Resources
322 E. Front Street
P.O. Box 83720
Boise, ID 83720-0098

Re: United Water Idaho – New York Irrigation District Transaction
GP File No. 30-108

Dear Gary:

In a recent telephone conversation we discussed a possible transaction whereby United Water Idaho Inc. would acquire entitlements to delivery of water from the New York Irrigation District. United Water would take this water out of the New York Canal, treat it at the Columbia Treatment Plant, and deliver it to municipal customers within the boundaries of the New York Irrigation District to meet summertime irrigation demand. The point of diversion, place of use, period of use and nature of the district's and the Bureau of Reclamation's water rights would not change. United Water essentially would be another member of the irrigation district, just like any other.

To ensure that the place of use was not changed or enlarged, we discussed that United Water would need to 1) account for the quantity of water being used by United Water's customers within the boundaries of the New York Irrigation District, and 2) demonstrate that United Water was not taking delivery of more than this amount from the district. If United Water can demonstrate that customers within the district's boundaries use no more than the amount of water United Water takes from the New York Irrigation District, a change in the place of use would not be necessary. This is consistent with the direction provided by the Director in an April 7, 1998 letter on this issue (copy enclosed).

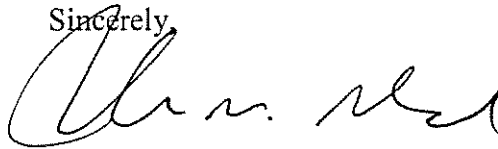
I am writing to request confirmation from you that the Idaho Department of Water Resources will not require an administrative transfer application under the circumstances described above. Specifically, I request that the Department confirm United Water can supply

Gary Spackman
Idaho Department of Water Resources
May 17, 2005
Page 2

up to 1,828 acre-feet to its customers with water delivered by the New York Irrigation District. In support of this request, I am providing information to show that United Water's customers within the boundaries of the New York Irrigation District use approximately 1,828 acre-feet for irrigation each year. This information is provided in Attachment A.

Please call me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "John M. Marshall", written in a cursive style.

John M. Marshall

JMM/hcm

Enclosures

cc: Scott Rhead

S:\CLIENTS\306108\JM Ltr to Spackman re Water Accounting.DOC

ATTACHMENT A

EXPLANATION OF VOLUME CALCULATION FOR IRRIGATION DELIVERIES TO UNITED WATER CUSTOMERS WITHIN THE NEW YORK IRRIGATION DISTRICT

Exhibit 1 is a GIS-rendered map that shows the area where the New York Irrigation District overlaps United Water's service area. The overlapping area is segregated into smaller geographical units that correspond to United Water's meter books, which United Water uses to track water delivered to individual customers. Using data from 2004, United Water totaled the water delivered to all customers listed in those meter book areas that lie within the New York Irrigation District.¹ This comes out to 5,223 acre-feet.

Next, United Water multiplied this by 35% to reflect the portion of the total used for irrigation. United Water uses this 35% factor based on an analysis it did a couple of years ago to determine the percentage of water used for irrigation by customers who use exclusively United Water for irrigation. The hydrograph attached as Exhibit 2 shows the pattern of water delivered to these customers over the course of a year.² There is a marked increase in the volume delivered beginning on March 19th and again on May 16th. A portion of the initial bump likely is from early season lawn irrigation. Another portion of the bump is accounted for by a general trend of more water use in the warmer months (car washing, more showering, etc.). To account for this mix of uses in the spring-time bump, United Water drew a horizontal line across the graph beginning on April 1st (the green line on the graph). United Water assumes that all of the volume above this line is used for irrigation and that all of the volume below this line is used for other, non-consumptive uses.

The volume of water delivered for irrigation uses to the representative class (the area above the green line) is 2,830.15 AF. The volume delivered for non-consumptive uses is 5,437.48 AF, or approximately 35%.

Applying the 35% factor to the 5,223 acre-feet delivered to customers in the New York Irrigation District yields 1,828 acre-feet.

¹ Looking at the meter books, United Water cannot tell whether an individual customer is also a member of the irrigation district. Consequently, for those meter book areas that include areas both inside and outside of the district's boundaries, United Water had to use its judgment to determine whether the majority of the customers were within district or not. For those meter books where the majority of the customers are in the district, United Water included the total consumption of these customers in its calculation. For those meter books where the majority of the customers likely are outside of the district, United Water did not include consumption for any of these customers.

² United Water can use its meter books to determine whether a customer has an alternate, pressurized irrigation system. The customers reflected in the study used to generate the graph on Exhibit 2 were customers within the Nampa & Meridian Irrigation District who do not have access to a pressurized irrigation system.

EXHIBIT 1

2004 Total Consumption For Customers Irrigated by United Water in The New York Irrigation District

Total Annual Consumption = 5,223 ac-ft (1.7 billion gal)
35% of Total is 1,828 ac-ft (596 million gal)

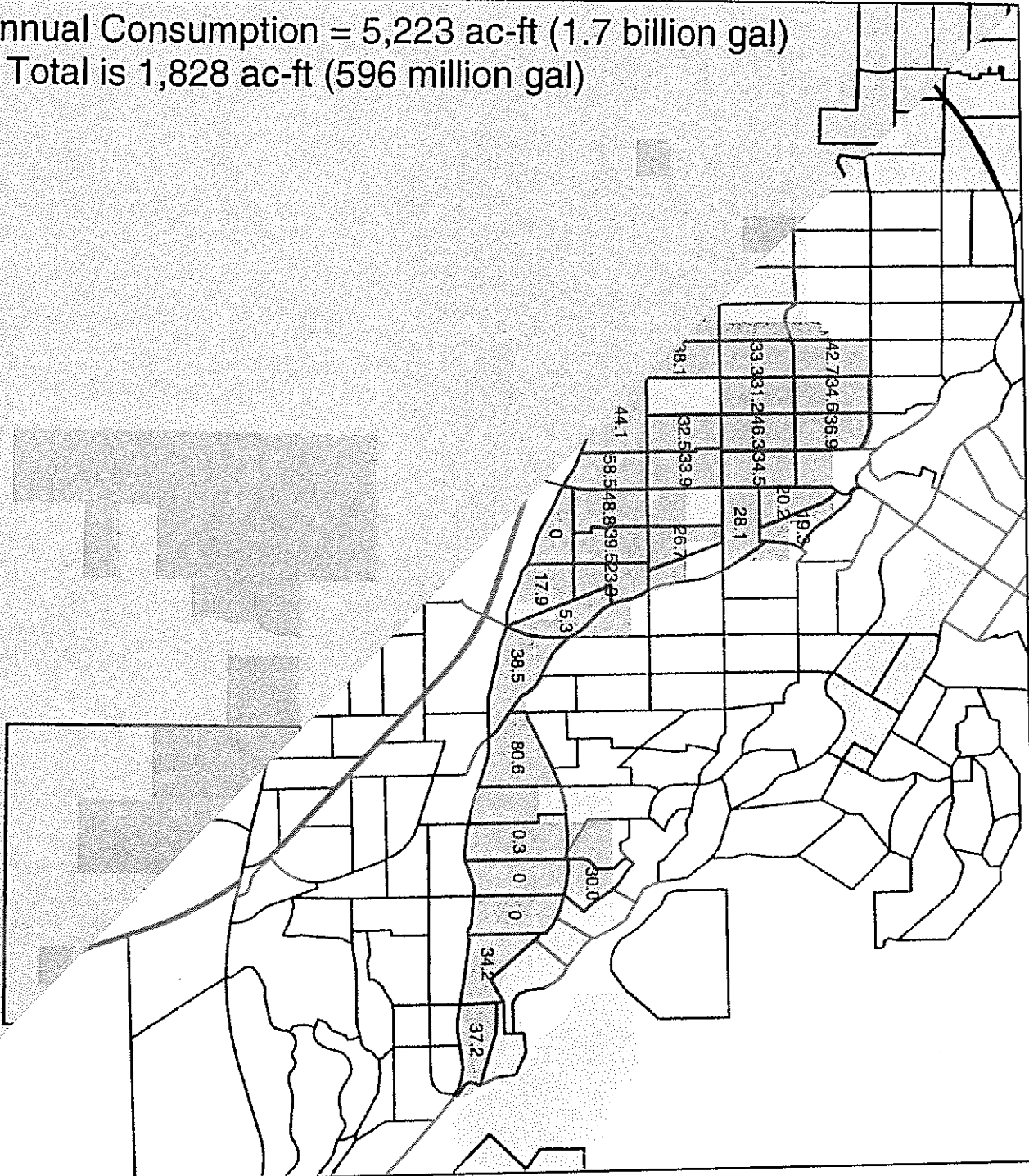
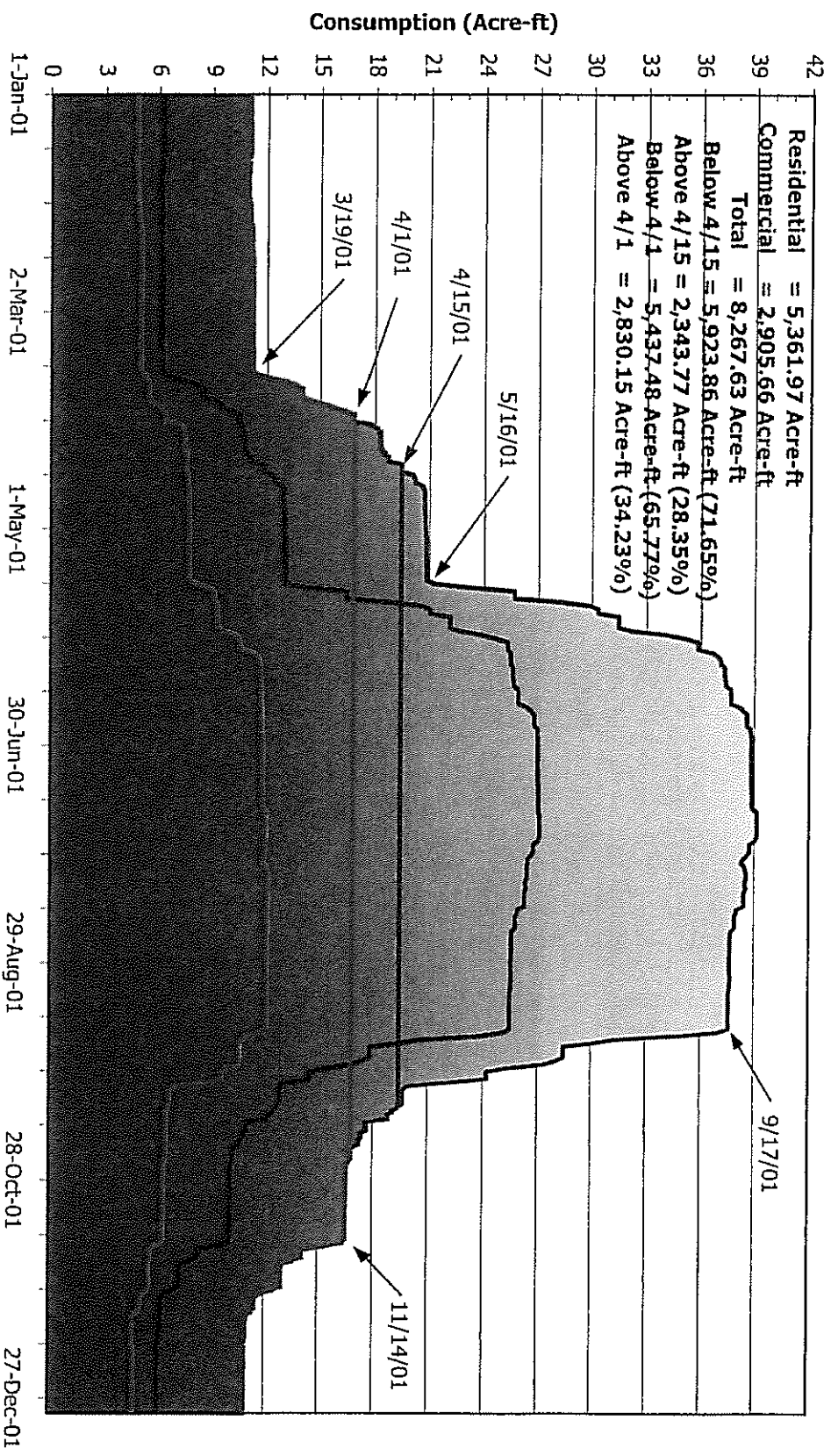


EXHIBIT 2

2001 Residential & Commercial Consumption For United Water Meter Books In Nampa/Meridian Irrigation District w/ Non-Alternate Irrigation Only (does not include sprinkler, irrigation, or common area consumption)





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. BOX 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

RECEIVED

APR 08 1998

Givens, Pursley & Hunt

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

April 7, 1998

Michael C. Creamer, Esq
GIVENS PURSLEY & HUNTLEY LLP
277 N. 6th Street, Suite 200
Boise, ID 83701

Re: Irrigation Water Right Use by a Municipal Provider

Dear Mr. Creamer:

This letter is in response to your correspondence of November 3, 1997, on behalf of United Water Idaho ("UWID") regarding alternatives for meeting UWID's need for additional water supplies to meet summer irrigation demands within its service area. Your letter indicates that up to half of UWID's current municipal water demand during the summer months is used for irrigation purposes. The numbers you provide indicate that UWID's current average daily demand is approximately 37 million gallons per day ("mgd"). This average daily demand is contrasted with a peak demand of 77 mgd during the summer months when water is being used to irrigate lawns, gardens, parks and landscaping. You state the demand for irrigation water through UWID's delivery system is expected to increase substantially over the next fifteen to twenty years as a result of further population growth and urbanization of agricultural lands.

Your letter suggests that one potentially feasible method of meeting UWID's summer irrigation water demand is to recognize that the use of water delivered through UWID's municipal delivery system for the irrigation of lawns, gardens, parks and landscaping remains an irrigation purpose of use even though the delivery system is different than the system previously used to deliver water to the same lands for irrigated agricultural purposes. According to your letter, recognition by the Department of Water Resources ("IDWR") of this principle would allow UWID to contract with the U.S. Bureau of Reclamation for use of a portion of the 111,950 acre-feet of irrigation water authorized to be stored in Lucky Peak Reservoir pursuant to State of Idaho Water Right Permit No. 63-03618.

The issue raised by your letter is whether any change in Water Right Permit No. 63-03618 is required under Idaho Code § 42-211 to authorize water stored and released pursuant

Michael C. Creamer, Esq
April 7, 1998
Page 2

the permit to be used by UWID to meet summer irrigation demands within its municipal delivery system. The issue is unique in that no case law has been identified addressing this issue aside from the unreported district court decision from Colorado cited in your letter, In re: Concerning the Application for Water Rights of the City of Arvada in Jefferson and Adams Counties, Case Nos. W-8083-75 and W-8762-77 (Colo. Dist. Court, Water Division No. 1, Sept. 9, 1992). Although the question may be unique, determination of the applicability of Idaho Code § 42-211 to the situation described does not appear difficult.

Idaho Code § 42-211 provides that when a permit holder desires to change the place, period, or nature of the intended use, or make other substantial changes in the method of diversion or proposed use or uses of the water, the permit holder shall file an application for amendment with IDWR. The filing requirement under Idaho Code § 42-211 is similar to that under Idaho Code § 42-222 which requires a person entitled to the use of water under a license, decree or beneficial use claim to obtain the approval of IDWR before changing the point of diversion, place of use, period of use or nature of use of all or part of the water right.

Under the factual scenario described in your letter, UWID proposes contracting with the U.S. Bureau of Reclamation for the use of a portion of the water authorized to be diverted under permit no. 63-03618 without seeking any change in the point of diversion, place of use, period of use or nature of use under the water right. Under this factual scenario, the permit amendment requirements of Idaho Code § 42-211 would not pertain.

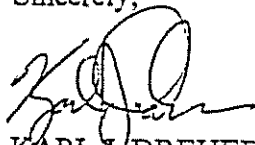
IDWR has long recognized that a water right with an irrigation purpose of use may be used for the irrigation of lawns, gardens, parks and landscaping. The fact that the irrigation water may be comingled and distributed through a municipal system that also delivers water for other municipal purposes, does not alone necessitate a change in the nature of use of the water right from irrigation to municipal. A key factor in not requiring a change in the nature of use of the water right from irrigation to municipal is that UWID provide annual reporting of appropriate measurements and accounting procedures to demonstrate that the additional water diverted is necessary to satisfy increased summer demand for irrigation water through the municipal system on lands for which the permit is authorized to be used. In order to satisfy this accounting requirement, it may be necessary for UWID to demonstrate through representative metering the amount of comingled irrigation water that is withdrawn from its municipal delivery system for irrigation use on lands authorized under the permit.

In conclusion, IDWR shares the view expressed in your letter that provided an appropriate accounting is made of the amounts of water diverted and used for irrigation, a municipal water provider may divert irrigation water into its common municipal delivery system and deliver the irrigation component for irrigation purposes. While no change in the irrigation water right would be required under the provisions of Idaho Code §§ 42-211 or 42-222, it would

Michael C. Creamer, Esq
April 7, 1998
Page 3

be necessary to establish an appropriate measurement and accounting procedure in accordance with the policies and provisions of chapters 6 and 7, title 42, Idaho Code.

Sincerely,

A handwritten signature in black ink, appearing to read 'Karl J. Dreher', written over a horizontal line.

KARL J. DREHER
Director

cc: John W. Keys, III
Tony Sullins
Gary Spackman

**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)
)
)
)
)
_____)

A. Subcase Number: 63-3618
(Insert water right number)

**STANDARD FORM 1
OBJECTION RECEIVED
JAN 31 2003**

Please fill in the following information:

Department of Water Resources

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Boise Project Board of Control acting on its own behalf and on behalf of
and for the following individual entities:
New York Irrigation District, Nampa & Meridian Irrigation District, Wilder
Irrigation District, Boise-Kuna Irrigation District, Big Bend Irrigation
District
Address: 2465 Overland Road
Boise, Idaho 83705
Phone: (208) 344-1141

Name & Address of Attorney, if any:
Albert P. Barker, ISB # 2867
Amy D. Chestnut, ISB # 5904
Barker Rosholt & Simpson, LLP
205 North 10th Street, Suite 520
P.O. Box 2139
Boise, Idaho 83701-2139
Telephone: 208-336-0700
Facsimile: 208-344-6034

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: United States of America acting through
Regional Director PN Region
Bureau of Reclamation
Address: 1150 North Curtis Road, Suite 100
Boise, Idaho 83706-1234

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be:
2. ☐ **Source**
Should be:
3. ☐ **Quantity**
Should be:
4. ☐ **Priority Date**
Should be:
5. ☐ **Point(s) of Diversion**
Should be:
6. ☐ **Instream Flow Description**
Should be:
7. ☐ **Purpose(s) of Use**
Should be:
8. ☐ **Period of Year**
Should be:
9. ☒ **Place of Use**
Should be: See comments in section E herein
11. **I object because:**
 - ☐ This water right should not exist.
 - ☐ This water right was not recommended, but should be recommended with the elements described.

E. REASONS SUPPORTING EACH OBJECTION(S): The Director's Report recommendation does not adequately define this right for purposes of efficient administration. Lucky Peak reservoir, as identified by contract with the objector and claimant, is operated jointly with Anderson Ranch and Arrowrock reservoirs. As a result of operations, objectors storage irrigation water can be accounted for from Lucky Peak reservoir. The recommended water right does not reflect this use.

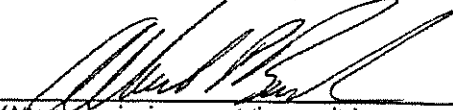
F. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

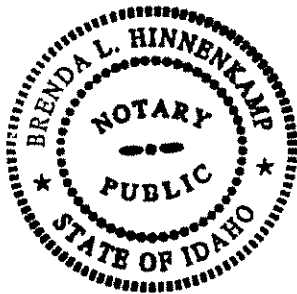
Albert P. Barker, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)


(Attorney signing in representative capacity)

Subscribed and sworn to before me on: January 30, 2003



Brenda L. Hinnenkamp
Brenda L. Hinnenkamp
Notary Public for: Idaho
Residing at: Boise
My Commission Expires: 9/11/2004

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on January 30, 2003, I mailed the original and copies of this objection, including all attachments, to the following persons, by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

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

2. One copy to the claimant of the water right at the following address:

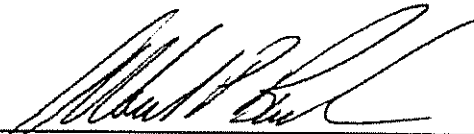
Name: United States of America acting through
Regional Director of PN Region
Bureau of Reclamation
Address: 1150 N. Curtis Road, Suite 100
Boise, Idaho 83706-1234

3. Copies to:

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

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

United States Department of Justice
Environment and Natural Resource Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724



Signature of Objector or attorney mailing on Objector's behalf

RECEIVED

JAN 14 2003

Department of Water Resources

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

A. Subcase 63-03618

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Settlers Irrigation District

Address: P.O. Box 7571

Boise, ID 83707

Daytime Phone: 208-344-2471

Name & Address of Attorney, if any:

Scott Campbell & Angela Schaer Kaufmann

Moffatt Thomas Barrett Rock & Fields, Chtd

P.O. Box 829, Boise, ID 83701-0829

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Settlers Irrigation District

Address: P.O. Box 7571

Boise, ID 83707

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☒ **Name and Address**
Should be: See Attachment A
2. ☐ **Source**
Should be: _____
3. ☒ **Quantity**
Should be: See Attachment A
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point(s) of Diversion**
Should be: _____
6. ☐ **Instream Flow Description**
Should be: _____
7. ☒ **Purpose(s) of Use**
Should be: See Attachment A
8. ☐ **Period of Year**
Should be: _____
9. ☒ **Place of Use**
Should be: See Attachment A

11. I object because:

- ☐ This water right should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S): See Attachment A

F. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

Angela Schaefer Kaufmann, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

Angela Schaefer Kaufmann
(Attorney signing in representative capacity)

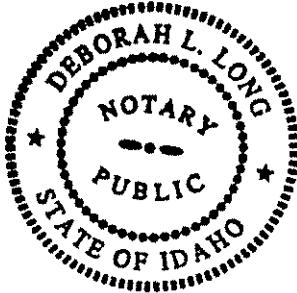
Subscribed and sworn to before me on:

January 13, 2003

Deborah L. Long
Notary Public for Idaho

Residing at: Boise

My Commission Expires: 10/10/07



INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on January 13, 2003, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

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

2. One copy to the claimant of the water right at the following address:

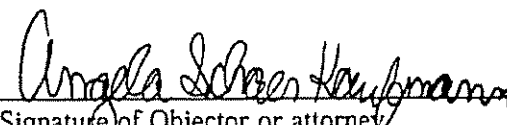
Name: Settlers Irrigation District
Address: P.O. Box 7571
Boise, ID 83707

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

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

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of Objector or attorney
mailing on Objector's behalf

ATTACHMENT A
63-3618

Settlers Irrigation District ("Settlers") has a contract with the Bureau of Reclamation for irrigation storage water from Lucky Peak Reservoir. Settlers has a right to use 10,000 acre feet of water from Lucky Peak Reservoir to irrigate 12,322 acres owned by landholders within Settlers's service area. The Idaho Department of Water Resources has recommended that Settlers' water right claim for that amount of water, 63-3618B, be disallowed.

Settlers has filed or will file an objection to that recommendation, and further objects to the recommendation for SRBA Claim Number 63-3618, because the Idaho Department of Water Resources has indicated that claim number 63-3618B has been recommended as 63-3618. Settlers asserts an ownership interest in 63-03618 to the extent that water right, as recommended, includes 63-3618B. This ownership interest is a full ownership interest, in accordance with Idaho law, the Reclamation Act of 1902, 43 U.S.C. § 372, and the United States Supreme Court decision in *Ickes v. Fox*, 300 U.S. 82, 57 S.Ct. 412, 416-17 (1937). In the alternative, Settlers asserts a beneficial ownership interest.

If the right is decreed, the claimed purposes of use for streamflow maintenance storage or streamflow maintenance from storage should not be decreed. Those uses are not beneficial uses of water under Idaho law, particularly if held by any individual or entity other than the Idaho Water Resource Board. Those quantities should be decreed for irrigation purposes, as reflected in the water permit before the Idaho Department of Water Resources erroneously approved the amendment of the permit.

Moreover, allowing wintertime releases and releases for fish and game purposes is contrary to the purposes for which Lucky Peak Dam and Reservoir were constructed. The only allowable uses under the pertinent authorizations are irrigation and flood control.

RECEIVED

JAN 31 2003

Department of Water Resources

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

A Subcase 63-03618

(Insert water right number)

STANDARD FORM 1
OBJECTION

AMENDED

Please fill in the following information:

B NAME AND ADDRESS OF PERSON OBJECTING

Name: Settlers Irrigation District

Address: P.O. Box 7571

Boise, ID 83707

Daytime Phone: 208-344-2471

Name & Address of Attorney, if any:

Scott Campbell & Angela Schaer Kaufmann

Moffatt Thomas Barrett Rock & Fields Chtd.

P.O. Box 829, Boise, ID 83701-0829

C CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Settlers Irrigation District

Address: P.O. Box 7571

Boise, ID 83707

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☒ **Name and Address**
Should be: See Attachment A
2. ☐ **Source**
Should be: _____
3. ☒ **Quantity**
Should be: See Attachment A
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point(s) of Diversion**
Should be: _____
6. ☐ **Instream Flow Description**
Should be: _____
7. ☒ **Purpose(s) of Use**
Should be: See Attachment A
8. ☐ **Period of Year**
Should be: _____
9. ☒ **Place of Use**
Should be: See Attachment A

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- ☐ This water right should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S): See Attachment A

F

VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

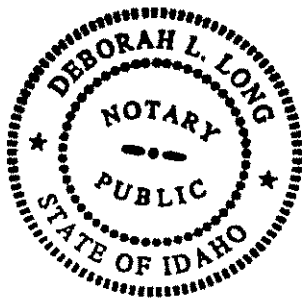
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(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

Angela Schaer Kaufmann
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: January 30, 2003



Deborah L. Long
Notary Public for Idaho

Residing at: Boise, Idaho

My Commission Expires: 10/10/07

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Twin Falls, ID 83303-2707

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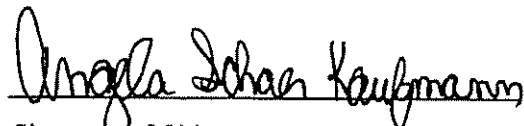
Name: Settlers Irrigation District
Address: P.O. Box 7571
Boise, ID 83707

3. Copies to:

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PO Box 83720
Boise, ID 83720-0098

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

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724


Signature of Objector or attorney
mailing on Objector's behalf

ATTACHMENT A
63-3618

Settlers Irrigation District ("Settlers") has a contract with the Bureau of Reclamation for irrigation storage water from Lucky Peak Reservoir. Settlers has a right to use 10,000 acre feet of water from Lucky Peak Reservoir to irrigate 12,322 acres owned by landholders within Settlers's service area. The Idaho Department of Water Resources has recommended that Settlers' water right claim for that amount of water, 63-3618B, be disallowed.

Settlers has filed or will file an objection to that recommendation, and further objects to the recommendation for SRBA Claim Number 63-3618, because the Idaho Department of Water Resources has indicated that claim number 63-3618B has been recommended as 63-3618. Settlers asserts an ownership interest in 63-03618 to the extent that water right, as recommended, includes 63-3618B. This ownership interest is a full ownership interest, in accordance with Idaho law, the Reclamation Act of 1902, 43 U.S.C. § 372, and the United States Supreme Court decision in *Ickes v. Fox*, 300 U.S. 82, 57 S.Ct. 412, 416-17 (1937). In the alternative, Settlers asserts a beneficial ownership interest, with the United States holding only nominal legal title.

If the right is decreed, the claimed purposes of use for streamflow maintenance storage or streamflow maintenance from storage should not be decreed. Those uses are not beneficial uses of water under Idaho law, particularly if held by any individual or entity other than the Idaho Water Resource Board. Those quantities should be decreed for irrigation purposes, as reflected in the water permit before the Idaho Department of Water Resources erroneously approved the amendment of the permit.

Moreover, allowing wintertime releases and releases for fish and game purposes is contrary to the purposes for which Lucky Peak Dam and Reservoir were constructed. The only allowable uses under the pertinent authorizations are irrigation and flood control.

Relatedly, the claimed purpose of use for recreation storage (inactive storage) is subordinate and subject to use of water for irrigation purposes. If this water right is decreed, it should contain a remark that "the quantity of water decreed for recreation storage shall be subordinate and subject to the use of water for irrigation purposes."

In order to properly define and administer this right, at a minimum, a remark should be included which provides that any change to any element of this right must be undertaken in accordance with the transfer proceedings of Idaho law, with the approval of Settlers Irrigation District as to that portion owned by the District, and with a remark that uncontracted space be made available for irrigation.

RECEIVED

JAN 31 2003

Department of Water Resources

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

A. Subcase 63-03618

(Insert water right number)

STANDARD FORM 1
OBJECTION

AMENDED

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Pioneer Irrigation District

Address: P.O. Box 426

Caldwell, ID 83606

Daytime Phone: 208-459-3617

Name & Address of Attorney, if any:

Scott Campbell & Angela Schaer Kaufmann

Moffatt Thomas Barrett Rock & Fields Chtd.

P.O. Box 829, Boise, ID 83701-0829

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Pioneer Irrigation District

Address: P.O. Box 426

Caldwell, ID 83606

D I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☒ **Name and Address**
Should be: See Attachment A
2. ☐ **Source**
Should be: _____
3. ☒ **Quantity**
Should be: See Attachment A
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point(s) of Diversion**
Should be: _____
6. ☐ **Instream Flow Description**
Should be: _____
7. ☒ **Purpose(s) of Use**
Should be: See Attachment A
8. ☐ **Period of Year**
Should be: _____
9. ☒ **Place of Use**
Should be: See Attachment A

11. I object because:

- ☐ This water right should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S): See Attachment A

F.

VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

Angela Schaar Kaufmann, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

Angela Schaar Kaufmann
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: January 30, 2003



Deborah Long
Notary Public for Idaho
Residing at: Boise, Idaho
My Commission Expires: 10/10/07

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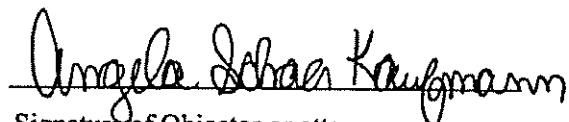
Name: Pioneer Irrigation District
Address: P.O. Box 426
Caldwell, ID 83606

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

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

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724


Signature of Objector or attorney
mailing on Objector's behalf

ATTACHMENT A
63-03618

Pioneer Irrigation District ("Pioneer") has a contract with the Bureau of Reclamation for irrigation storage water from Lucky Peak Reservoir. Pioneer has a right to use 16000 acre feet of water from Lucky Peak Reservoir to irrigate 35350.5 acres owned by landholders within Pioneer's service area. The Idaho Department of Water Resources has recommended that Pioneer's water right claim for that amount of water, 63-3618A, be disallowed.

Pioneer has filed or will file an objection to that recommendation, and further objects to the recommendation for SRBA Claim Number 63-3618, because the Idaho Department of Water Resources has indicated that claim number 63-3618A has been recommended as 63-3618. Pioneer asserts an ownership interest in 63-03618 to the extent that water right, as recommended, includes 63-3618A. This ownership interest is a full ownership interest, in accordance with Idaho law, the Reclamation Act of 1902, 43 U.S.C. § 372, and the United States Supreme Court decision in *Ickes v. Fox*, 300 U.S. 82, 57 S.Ct. 412, 416-17 (1937). In the alternative, Pioneer asserts a beneficial ownership interest, with the United States holding only nominal legal title.

If the right is decreed, the claimed purposes of use for streamflow maintenance storage or streamflow maintenance from storage should not be decreed. Those uses are not beneficial uses of water under Idaho law, particularly if held by any individual or entity other than the Idaho Water Resource Board. Those quantities should be decreed for irrigation purposes, as reflected in the water permit before the Idaho Department of Water Resources erroneously approved the amendment of the permit.

Moreover, allowing wintertime releases and releases for fish and game purposes is contrary to the purposes for which Lucky Peak Dam and Reservoir were constructed. The only allowable uses under the pertinent authorizations are irrigation and flood control.

Relatedly, the claimed purpose of use for recreation storage (inactive storage) is subordinate and subject to use of water for irrigation purposes. If this water right is decreed, it should contain a remark that "the quantity of water decreed for recreation storage shall be subordinate and subject to the use of water for irrigation purposes."

In order to properly define and administer this right, at a minimum, a remark should be included which provides that any change to any element of this right must be undertaken in accordance with the transfer proceedings of Idaho law, with the approval of Pioneer Irrigation District as to that portion owned by the District, and with a remark that uncontracted space be made available for irrigation.

RECEIVED

JAN 31 2003

Department of Water Resources

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

A. Subcase 63-03618

(insert water right number)

STANDARD FORM 1
OBJECTION

COP

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Middleton Irrigation Association

Address: % Jane Foote

P.O. Box 214, Middleton, ID 83644

Daytime Phone: 585-6676

Name & Address of Attorney, if any:

Jerry A. Kiser

Stoppello & Kiser

620 W. Hays St., Boise, ID 83702

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: United States/Bureau of Reclamation

Address: 1150 N. Curtis Rd., Suite 100

Boise, ID 83706-1234

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☒ **Name and Address**
Should be: See Appendix attached
2. ☐ **Source**
Should be: _____
3. ☒ **Quantity**
Should be: See Appendix attached
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point(s) of Diversion**
Should be: _____
6. ☐ **Instream Flow Description**
Should be: _____
7. ☒ **Purpose(s) of Use**
Should be: See Appendix attached
8. ☐ **Period of Year**
Should be: _____
9. ☒ **Place of Use**
Should be: See Appendix attached

11. I object because:

- ☐ This water right should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S): See Appendix attached

F.

VERIFICATION (Must be Completed)

State of Idaho)
County of Ada) ss.

Jerry A. Kiser, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

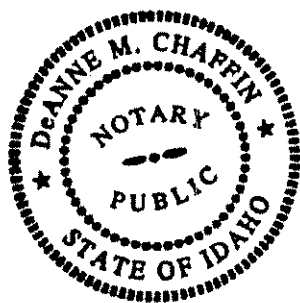
(Signature of person filing objection)

Jerry A. Kiser
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

January 28, 2003

Deanne M. Chaffin
Notary Public for Idaho
Residing at: Boise, Idaho
My Commission Expires: 11-03-2006



INSTRUCTIONS FOR MAILING

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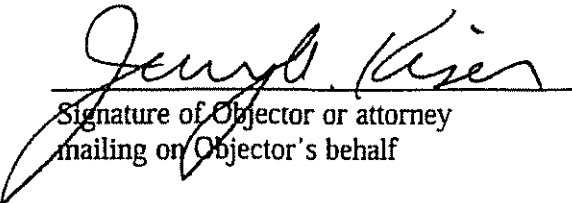
Name: Bureau of Reclamation
Address: 1150 N. Curtis Rd., Suite 100
Boise, ID 83706-1234

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

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

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724


Signature of Objector or attorney
mailing on Objector's behalf

APPENDIX A
63-3618

Middleton Irrigation Association ("Middleton") has a contract with the Bureau of Reclamation for irrigation storage water from Lucky Peak Reservoir. Middleton has a right to use 6,380 acre feet of water from Lucky Peak Reservoir to irrigate 9,159 acres owned by landholders within Middleton Mill Ditch Company (operated in conjunction with Middleton) and Middleton's service area. The Idaho Department of Water Resources has recommended that Middleton's water right claim for that amount of water, 63-3618E, be disallowed.

Middleton has filed or will file an objection to that recommendation, and further objects to the recommendation for SRBA Claim Number 63-3618, because the Idaho Department of Water Resources has indicated that claim number 63-3618E has been recommended as 63-3618. Middleton asserts an ownership interest in 63-3618 to the extent that water right, as recommended, includes 63-3618E. This ownership interest is a full ownership interest, in accordance with Idaho law, the Reclamation Act of 1902, 43 U.S.C. § 372 et seq., and the United States Supreme Court decision in *Ickes v. Fox*, 300 U.S. 82, 57 S.Ct. 412, 416-17 (1937). In the alternative, Middleton asserts a beneficial ownership interest.

The Director's report has recommended claim 63-3618 be approved. The claim as recommended by the Director is for a water right consisting of the following:

Irrigation storage	111,950.00 AFY
Irrigation from storage	111,950.00 AFY
Recreation storage	28,800.00 AFY
Stock water storage	152,300.00 AFY
Stock water from storage	152,300.00 AFY

The claim 63-3618 as recommended differs from the water right license issued for that same claim. The water right license issued by the Department of Water Resources on September 27, 2002 reflects a water right has been established as follows:

Irrigation storage	111,950.00 AFY
Irrigation from storage	111,950.00 AFY
Recreation storage	28,800.00 AFY
Stream flow maintenance storage	152,300.00 AFY
Stream flow maintenance from storage	152,300.00 AFY

If the right is decreed, the claimed purposes of use for streamflow maintenance storage or streamflow maintenance from storage should not be decreed. Those uses are not beneficial uses of water under Idaho law, particularly if held by any individual or entity other than the Idaho Water Resource Board.

Those quantities should be decreed for irrigation purposes, as reflected in the water permit before the Idaho Department of Water Resources erroneously approved the amendment of the permit.

Moreover, allowing wintertime releases and releases for fish and game purposes in contrary to the purposes for which Lucky Peak Dam and Reservoir were constructed. The only allowable uses under the pertinent authorizations are irrigation and flood control.

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Department of Water Resources

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STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

A. Subcase 63-03618

(Insert water right number)

STANDARD FORM 1
OBJECTION

COPY

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Middleton Mill Ditch Company

Address: % Jane Foote

P.O. Box 214, Middleton, ID 83644

Daytime Phone: 585-6676

Name & Address of Attorney, if any:

Jerry A. Kiser

Stoppello & Kiser

620 W. Hays St., Boise, ID 83702

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: United States/Bureau of Reclamation

Address: 1150 N. Curtis Rd., Suite 100

Boise, ID 83706-1234

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☒ **Name and Address**
Should be: See Appendix attached
2. ☐ **Source**
Should be: _____
3. ☒ **Quantity**
Should be: See Appendix attached
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Should be: _____
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Should be: _____
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Should be: _____
7. ☒ **Purpose(s) of Use**
Should be: See Appendix attached
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Should be: _____
9. ☒ **Place of Use**
Should be: See Appendix attached

11. I object because:

- ☐ This water right should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described above.

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State of Idaho
County of Ada) ss.

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(Signature of person filing objection)

Jerry A. Kiser
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

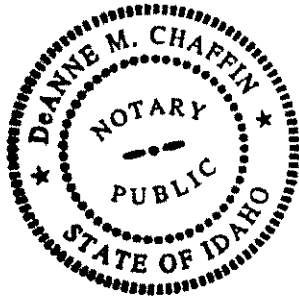
January 28, 2003

Deanne M. Chaffin

Notary Public for Idaho

Residing at: Boise, Idaho

My Commission Expires: 11-08-2006



INSTRUCTIONS FOR MAILING

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Twin Falls, ID 83303-2707

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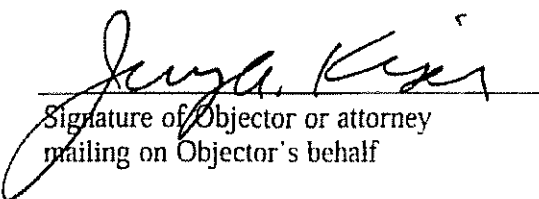
Name: Bureau of Reclamation
Address: 1150 N. Curtis Rd., Suite 100
Boise, ID 83706-1234

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Chief, Natural Resources Division
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PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724


Signature of Objector or attorney
mailing on Objector's behalf

APPENDIX A
63-3618

Middleton Mill Ditch Company ("Middleton Mill") has a contract with the Bureau of Reclamation for irrigation storage water from Lucky Peak Reservoir. Middleton Mill has a right to use 4,620 acre feet of water from Lucky Peak Reservoir to irrigate 9,159 acres owned by landholders within Middleton Irrigation Association, Inc. (operated in conjunction with Middleton Mill) and Middleton Mill's service area. The Idaho Department of Water Resources has recommended that Middleton Mill's water right claim for that amount of water, 63-3618F, be disallowed.

Middleton Mill has filed or will file an objection to that recommendation, and further objects to the recommendation for SRBA Claim Number 63-3618, because the Idaho Department of Water Resources has indicated that claim number 63-3618F has been recommended as 63-3618. Middleton Mill asserts an ownership interest in 63-3618 to the extent that water right, as recommended, includes 63-3618F. This ownership interest is a full ownership interest, in accordance with Idaho law, the Reclamation Act of 1902, 43 U.S.C. § 372 et seq., and the United States Supreme Court decision in *Ickes v. Fox*, 300 U.S. 82, 57 S.Ct. 412, 416-17 (1937). In the alternative, Middleton Mill asserts a beneficial ownership interest.

The Director's report has recommended claim 63-3618 be approved. The claim as recommended by the Director is for a water right consisting of the following:

Irrigation storage	111,950.00 AFY
Irrigation from storage	111,950.00 AFY
Recreation storage	28,800.00 AFY
Stock water storage	152,300.00 AFY
Stock water from storage	152,300.00 AFY

The claim 63-3618 as recommended differs from the water right license issued for that same claim. The water right license issued by the Department of Water Resources on September 27, 2002 reflects a water right has been established as follows:

Irrigation storage	111,950.00 AFY
Irrigation from storage	111,950.00 AFY
Recreation storage	28,800.00 AFY
Stream flow maintenance storage	152,300.00 AFY
Stream flow maintenance from storage	152,300.00 AFY

If the right is decreed, the claimed purposes of use for streamflow maintenance storage or streamflow maintenance from storage should not be decreed. Those uses are not beneficial uses of water under Idaho law, particularly if held by any individual or entity other than the Idaho Water Resource Board.

Those quantities should be decreed for irrigation purposes, as reflected in the water permit before the Idaho Department of Water Resources erroneously approved the amendment of the permit.

Moreover, allowing wintertime releases and releases for fish and game purposes in contrary to the purposes for which Lucky Peak Dam and Reservoir were constructed. The only allowable uses under the pertinent authorizations are irrigation and flood control.

RECEIVED

JAN 31 2003

Department of Water Resources

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)

A. Subcase 63-03618

(Insert water right number)

STANDARD FORM 1
OBJECTION

COPY

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Farmers Union Ditch Company

Address: % Ron Schreiner

2153 N. Pollard Lane, Star, ID 83669

Daytime Phone: 286-7028

Name & Address of Attorney, if any:

Jerry A. Kiser

Stoppello & Kiser

620 W. Hays St., Boise, ID 83702

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: United States/Bureau of Reclamation

Address: 1150 N. Curtis Rd., Suite 100

Boise, ID 83706-1234

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☒ **Name and Address**
Should be: See Appendix attached
2. ☐ **Source**
Should be: _____
3. ☒ **Quantity**
Should be: See Appendix attached
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point(s) of Diversion**
Should be: _____
6. ☐ **Instream Flow Description**
Should be: _____
7. ☒ **Purpose(s) of Use**
Should be: See Appendix attached
8. ☐ **Period of Year**
Should be: _____
9. ☒ **Place of Use**
Should be: See Appendix attached

11. I object because:

- ☐ This water right should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S): See Appendix attached

F.

VERIFICATION (Must be Completed)

State of Idaho)
)ss.
County of Ada)

Jerry A. Lizer , duly sworn, upon oath, deposes and says:
(Name of person filing objection)

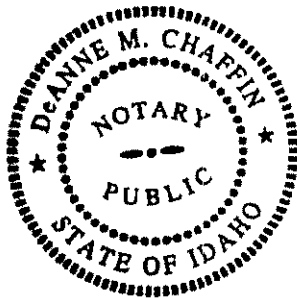
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

January 28, 2003
DeAnne M. Chaffin
Notary Public for Idaho
Residing at: Boise, Idaho
My Commission Expires: 11-08-2006



INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on January 30, 2003, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

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

2. One copy to the claimant of the water right at the following address:

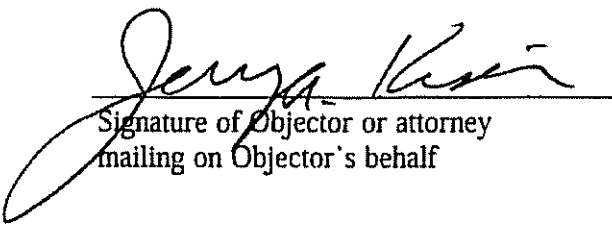
Name: Bureau of Reclamation
Address: 1150 N. Curtis Rd., Suite 100
Boise, ID 83706-1234

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

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

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of Objector or attorney
mailing on Objector's behalf

APPENDIX A
63-3618

Farmers Union Ditch Company ("Farmers") has a contract with the Bureau of Reclamation for irrigation storage water from Lucky Peak Reservoir. Farmers has a right to use 10,000 acre feet of water from Lucky Peak Reservoir to irrigate 8,394 acres owned by landholders within Farmers' service area. The Idaho Department of Water Resources has recommended that Farmers' water right claim for that amount of water, 63-3618D, be disallowed.

Farmers has filed or will file an objection to that recommendation, and further objects to the recommendation for SRBA Claim Number 63-3618, because the Idaho Department of Water Resources has indicated that claim number 63-3618D has been recommended as 63-3618. Farmers asserts an ownership interest in 63-3618 to the extent that water right, as recommended, includes 63-3618D. This ownership interest is a full ownership interest, in accordance with Idaho law, the Reclamation Act of 1902, 43 U.S.C. § 372 et seq, and the United States Supreme Court decision in *Ickes v. Fox*, 300 U.S. 82, 57 S.Ct. 412, 416-17 (1937). In the alternative, Farmers asserts a beneficial ownership interest.

The Director's report has recommended claim 63-3618 be approved. The claim as recommended by the Director is for a water right consisting of the following:

Irrigation storage	111,950.00 AFY
Irrigation from storage	111,950.00 AFY
Recreation storage	28,800.00 AFY
Stock water storage	152,300.00 AFY
Stock water from storage	152,300.00 AFY

The claim 63-3618 as recommended differs from the water right license issued for that same claim. The water right license issued by the Department of Water Resources on September 27, 2002 reflects a water right has been established as follows:

Irrigation storage	111,950.00 AFY
Irrigation from storage	111,950.00 AFY
Recreation storage	28,800.00 AFY
Stream flow maintenance storage	152,300.00 AFY
Stream flow maintenance from storage	152,300.00 AFY

If the right is decreed, the claimed purposes of use for streamflow maintenance storage or streamflow maintenance from storage should not be decreed. Those uses are not beneficial uses of water under Idaho law, particularly if held by any individual or entity other than the Idaho Water Resource Board.

Those quantities should be decreed for irrigation purposes, as reflected in the water permit before the Idaho Department of Water Resources erroneously approved the amendment of the permit.

Moreover, allowing wintertime releases and releases for fish and game purposes in contrary to the purposes for which Lucky Peak Dam and Reservoir were constructed. The only allowable uses under the pertinent authorizations are irrigation and flood control.

RECEIVED

JAN 31 2003

Department of Water Resources

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

A. Subcase 63-03618

(Insert water right number)

STANDARD FORM 1
OBJECTION

COPY

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Canyon County Water Company

Address: %Judy Mautz

P.O. Box 11, Star, ID 83669

Daytime Phone: 286-7343

Name & Address of Attorney, if any:

Jerry A. Kiser

Stoppello & Kiser

620 W. Hays St., Boise, ID 83702

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: United States/Bureau of Reclamation

Address: 1150 N. Curtis Rd., Suite 100

Boise, ID 83706-1234

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☒ **Name and Address**
Should be: See Appendix attached
2. ☐ **Source**
Should be: _____
3. ☒ **Quantity**
Should be: See Appendix attached
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point(s) of Diversion**
Should be: _____
6. ☐ **Instream Flow Description**
Should be: _____
7. ☒ **Purpose(s) of Use**
Should be: See Appendix attached
8. ☐ **Period of Year**
Should be: _____
9. ☒ **Place of Use**
Should be: See Appendix Attached

11. I object because:

- ☐ This water right should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S): See Appendix attached

F. VERIFICATION (Must be Completed)

State of Idaho)
County of Ada)ss.

Jerry A. Kiser, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

Jerry A. Kiser
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

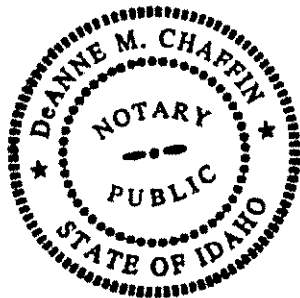
January 23, 2003

Deanne M. Chaffin

Notary Public for Idaho

Residing at: Boise, Idaho

My Commission Expires: 11-08-2006



INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on January 30, 2003, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

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

2. One copy to the claimant of the water right at the following address:

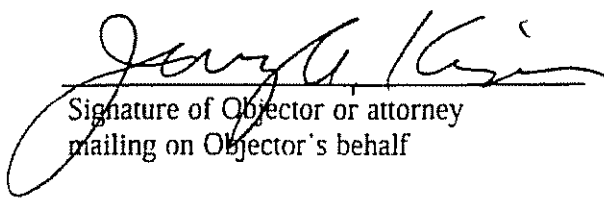
Name:	<u>Bureau of Reclamation</u>
Address:	<u>1150 N. Curtis Rd., Suite 100</u>
	<u>Boise, ID 83706-1234</u>

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

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

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724


Signature of Objector or attorney
mailing on Objector's behalf

APPENDIX A
63-3618

Canyon County Water Company ("Canyon") has a contract with the Bureau of Reclamation for irrigation storage water from Lucky Peak Reservoir. Canyon has a right to use 6,000 acre feet of water from Lucky Peak Reservoir to irrigate 4,016 acres owned by landholders within Canyon's service area. The Idaho Department of Water Resources has recommended that Canyon's water right claim for that amount of water, 63-3618C, be disallowed.

Canyon has filed or will file an objection to that recommendation, and further objects to the recommendation for SRBA Claim Number 63-3618, because the Idaho Department of Water Resources has indicated that claim number 63-3618C has been recommended as 63-3618. Canyon asserts an ownership interest in 63-3618 to the extent that water right, as recommended, includes 63-3618C. This ownership interest is a full ownership interest, in accordance with Idaho law, the Reclamation Act of 1902, 43 U.S.C. § 372 et seq., and the United States Supreme Court decision in *Ickes v. Fox*, 300 U.S. 82, 57 S.Ct. 412, 416-17 (1937). In the alternative, Canyon asserts a beneficial ownership interest.

The Director's report has recommended claim 63-3618 be approved. The claim as recommended by the Director is for a water right consisting of the following:

Irrigation storage	111,950.00 AFY
Irrigation from storage	111,950.00 AFY
Recreation storage	28,800.00 AFY
Stock water storage	152,300.00 AFY
Stock water from storage	152,300.00 AFY

The claim 63-3618 as recommended differs from the water right license issued for that same claim. The water right license issued by the Department of Water Resources on September 27, 2002 reflects a water right has been established as follows:

Irrigation storage	111,950.00 AFY
Irrigation from storage	111,950.00 AFY
Recreation storage	28,800.00 AFY
Stream flow maintenance storage	152,300.00 AFY
Stream flow maintenance from storage	152,300.00 AFY

If the right is decreed, the claimed purposes of use for streamflow maintenance storage or streamflow maintenance from storage should not be decreed. Those uses are not beneficial uses of water under Idaho law, particularly if held by any individual or entity other than the Idaho Water Resource Board.

Those quantities should be decreed for irrigation purposes, as reflected in the water permit before the Idaho Department of Water Resources erroneously approved the amendment of the permit.

Moreover, allowing wintertime releases and releases for fish and game purposes in contrary to the purposes for which Lucky Peak Dam and Reservoir were constructed. The only allowable uses under the pertinent authorizations are irrigation and flood control.

RECEIVED

JAN 30 2003

Department of Water Resources

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

Subcase No. 63-3618

Case No. 39576

STANDARD FORM 1
OBJECTION

NAME AND ADDRESS OF PERSON OBJECTING

Name: New Dry Creek Ditch Company
Address: 5926 W. Floating Feather
Eagle, ID 83616
Daytime Phone: (208) 286-9701

Name & Address of Attorney:

Daniel V. Steenson
S. Bryce Farris
Ringert Clark, Chartered
P.O. Box 2773
Boise, ID 83701
(208) 342-4591

CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTORS'S REPORT

Name: United States of America Acting Through
Regional Director PN Region
Bureau of Reclamation
Address: 1150 N. Curtis Rd., Suite 100
Boise, ID 83706-1234

I object to the following elements as recommended in the Director's Report.

1. X Name and Address
Should be: See Attachment A.

2. Source
Should be:

3. X Quantity
Should be: See Attachment A.

4. Priority Date
Should be:

5. Point(s) of Diversion
Should be:

6. X Instream Flow Description
Should be: See Attachment A.

7. X Purpose(s) of Use
Should be: See Attachment A.

8. Period of Year
Should be:

9. X Place of Use
Should be: See Attachment A.

10. I object because:

This water right should not exist.

This water right was not recommended, but should be recommended with the elements as described above.

REASONS SUPPORTING OBJECTION(S):
See Attachment A.

VERIFICATION

State of Idaho)
) ss.
County of Ada)

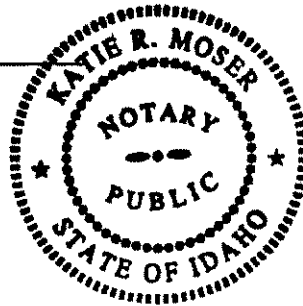
S. Bryce Farritz, duly sworn, upon oath, deposes and says:

That I am the party/claimant filing this objection, as defined by I. C. §§ 42-1401A (1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

[Signature]
(Attorney signing in representative capacity)

Subscribed and sworn to before me
on: 1/29/03

Katie R. Moser
Notary Public for State of Idaho
Residing at: Boise, Idaho
My Commission Expires: 2/20/08



CERTIFICATE OF MAILING

I certify that on January 27th, 2003, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

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

2. One copy to the Claimant of the water right at the following address:

United States of America Acting Through
Regional Director PN Region
Bureau of Reclamation
1150 N. Curtis Rd., Suite 100
Boise, ID 83706-1234

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

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

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of Objector or attorney
mailing on Objector's behalf

ATTACHMENT A

63-3618

1. Ownership, Quantity, Place of Use. The Idaho Department of Water Resources (IDWR) has recommended this right in the name of the United States Department of Interior, Bureau of Reclamation (Reclamation). However, New Dry Creek Ditch Company (New Dry Creek) is the owner of 3,000 acre feet of this water right based upon the fact that this portion of the right was perfected by beneficial use on lands within New Dry Creek's boundaries, and is therefore appurtenant to those lands. New Dry Creek's position is in accordance with Idaho Law, the Reclamation Act of 1902, 43 U.S.C. § 372, and is supported by case law holding that a water right developed under the Reclamation Act is appurtenant to the land, and the landowners are the owners of the water right. *Ickes v. Fox*, 300 U.S. 82 (1937). Consistent with these authorities, New Dry Creek has filed SRBA Claim no. 63-3618G seeking a decree of 3,000 acre feet of this water right in New Dry Creek's name, appurtenant to lands within New Dry Creek's boundaries. Issuance of such a decree to New Dry Creek will require that 3,000 acre feet not be included in the decree for Water Right Number 63-3618.

In the alternative, at a minimum under these authorities, New Dry Creek is the beneficial owner of the water right and Reclamation holds only nominal legal title. If the court decrees the water right to Reclamation in this manner the decree must state that Reclamation holds legal title in name only, and New Dry Creek is the beneficial owner of 3,000 acre feet, appurtenant to lands within New Dry Creek's boundaries.

2. Purpose of Use.

(a) The purposes for which Lucky Peak Dam and Reservoir were constructed are irrigation and flood control. These are the only allowable uses of the dam and reservoir under the statutes authorizing the construction of the dam and reservoir. Therefore, Reclamation has no authority to seek or claim water right uses other than irrigation and flood control.

(b) If the right is decreed, the claimed purpose for use for streamflow maintenance storage or streamflow maintenance from storage should not be decreed. Those uses are not beneficial uses of water under Idaho law, particularly if held by any individual or entity other than the Idaho Water Resources Board. Those quantities should be decreed for irrigation purposes, as reflected in the water permit before IDWR erroneously approved the amendment of the permit.

(c) In order to properly define and administer this water right, there must be: a remark which provides that any change to the elements of this water right requires a transfer pursuant to Idaho law; a remark which requires New Dry Creek's approval of any change to New Dry Creek's portion of this right (3,000 acre feet); and a remark which requires that uncontracted space be made available for irrigation use.

RECEIVED

JAN 30 2003

Department of Water Resources

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

Subcase No. 63-3618

Case No. 39576

**STANDARD FORM 1
OBJECTION**

NAME AND ADDRESS OF PERSON OBJECTING

Name: Boise Valley Irrigation Ditch Company
Address: 8750 N. Bogart Lane
Boise, ID 83703
Daytime Phone: (208) 853-5288

Name & Address of Attorney:

Daniel V. Steenson
S. Bryce Farris
Ringert Clark, Chartered
P.O. Box 2773
Boise, ID 83701
(208) 342-4591

CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTORS'S REPORT

Name: United States of America Acting Through
Regional Director PN Region
Bureau of Reclamation
Address: 1150 N. Curtis Rd., Suite 100
Boise, ID 83706-1234

I object to the following elements as recommended in the Director's Report.

1. X Name and Address
Should be: See Attachment A.
2. Source
Should be:
3. X Quantity
Should be: See Attachment A.
4. Priority Date
Should be:
5. Point(s) of Diversion
Should be:
6. X Instream Flow Description
Should be: See Attachment A.
7. X Purpose(s) of Use
Should be: See Attachment A.
8. Period of Year
Should be:
9. X Place of Use
Should be: See Attachment A.
10. I object because:

This water right should not exist.

This water right was not recommended, but should be recommended with the elements as described above.

REASONS SUPPORTING OBJECTION(S):
See Attachment A.

VERIFICATION

State of Idaho)
) ss.
County of Ada)

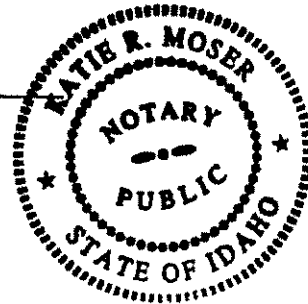
S. Bryce Farris, duly sworn, upon oath, deposes and says:

That I am the party/claimant filing this objection, as defined by I. C. §§ 42-1401A (1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

[Signature]
(Attorney signing in representative capacity)

Subscribed and sworn to before me
on: 1/29/03

Katie R. Moser
Notary Public for State of Idaho
Residing at: Boise, Idaho
My Commission Expires: 2/20/08



CERTIFICATE OF MAILING

I certify that on January 29th, 2003, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

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

2. One copy to the Claimant of the water right at the following address:

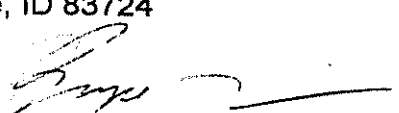
United States of America Acting Through
Regional Director PN Region
Bureau of Reclamation
1150 N. Curtis Rd., Suite 100
Boise, ID 83706-1234

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

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

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of Objector or attorney
mailing on Objector's behalf

ATTACHMENT A

63-3618

1. Ownership, Quantity, Place of Use. The Idaho Department of Water Resources (IDWR) has recommended this right in the name of the United States Department of Interior, Bureau of Reclamation (Reclamation). However, Boise Valley Irrigation Ditch Company (Boise Valley) is the owner of 2,500 acre feet of this water right based upon the fact that this portion of the right was perfected by beneficial use on lands within Boise Valley's boundaries, and is therefore appurtenant to those lands. Boise Valley's position is in accordance with Idaho Law, the Reclamation Act of 1902, 43 U.S.C. § 372, and is supported by case law holding that a water right developed under the Reclamation Act is appurtenant to the land, and the landowners are the owners of the water right. *Ickes v. Fox*, 300 U.S. 82 (1937). Consistent with these authorities, Boise Valley has filed SRBA Claim no. 63-3618H seeking a decree of 2,500 acre feet of this water right in Boise Valley's name, appurtenant to lands within Boise Valley's boundaries. Issuance of such a decree to Boise Valley will require that 2,500 acre feet not be included in the decree for Water Right Number 63-3618.

In the alternative, at a minimum under these authorities, Boise Valley is the beneficial owner of the water right and Reclamation holds only nominal legal title. If the court decrees the water right to Reclamation in this manner the decree must state that Reclamation holds legal title in name only, and Boise Valley is the beneficial owner of 2,500 acre feet, appurtenant to lands within Boise Valley's boundaries.

2. Purpose of Use.

(a) The purposes for which Lucky Peak Dam and Reservoir were constructed are irrigation and flood control. These are the only allowable uses of the dam and reservoir under the statutes authorizing the construction of the dam and reservoir. Therefore, Reclamation has no authority to seek or claim water right uses other than irrigation and flood control.

(b) If the right is decreed, the claimed purpose for use for streamflow maintenance storage or streamflow maintenance from storage should not be decreed. Those uses are not beneficial uses of water under Idaho law, particularly if held by any individual or entity other than the Idaho Water Resources Board. Those quantities should be decreed for irrigation purposes, as reflected in the water permit before IDWR erroneously approved the amendment of the permit.

(c) In order to properly define and administer this water right, there must be: a remark which provides that any change to the elements of this water right requires a transfer pursuant to Idaho law; a remark which requires Boise Valley's approval of any change to Boise Valley's portion of this right (2,500 acre feet); and a remark which requires that uncontracted space be made available for irrigation use.

RECEIVED

JAN 30 2003

Department of Water Resources

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

Subcase No. 63-3618

Case No. 39576

STANDARD FORM 1
OBJECTION

NAME AND ADDRESS OF PERSON OBJECTING

Name: Ballentyne Ditch Company
Address: 170 N. Sierra View Way
Eagle, ID 83616
Daytime Phone: (208) 939-4558

Name & Address of Attorney:

Daniel V. Steenson
S. Bryce Farris
Ringert Clark, Chartered
P.O. Box 2773
Boise, ID 83701
(208) 342-4591

CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTORS'S REPORT

Name: United States of America Acting Through
Regional Director PN Region
Bureau of Reclamation
Address: 1150 N. Curtis Rd., Suite 100
Boise, ID 83706-1234

I object to the following elements as recommended in the Director's Report.

1. X Name and Address
Should be: See Attachment A.
2. Source
Should be:
3. X Quantity
Should be: See Attachment A.
4. Priority Date
Should be:
5. Point(s) of Diversion
Should be:
6. X Instream Flow Description
Should be: See Attachment A.
7. X Purpose(s) of Use
Should be: See Attachment A.
8. Period of Year
Should be:
9. X Place of Use
Should be: See Attachment A.
10. I object because:

This water right should not exist.

This water right was not recommended, but should be recommended with the elements as described above:

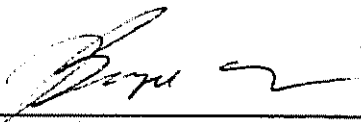
REASONS SUPPORTING OBJECTION(S):
See Attachment A.

VERIFICATION

State of Idaho)
) ss.
County of Ada)

S. Bryce Farris, duly sworn, upon oath, deposes and says:

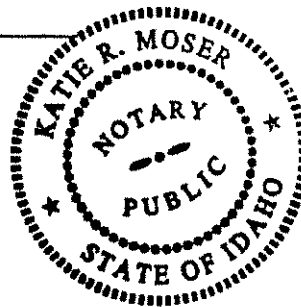
That I am the party/claimant filing this objection, as defined by I. C. §§ 42-1401A (1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.



(Attorney signing in representative capacity)

Subscribed and sworn to before me
on: 1/29/03

Katie R. Moser
Notary Public for State of Idaho
Residing at: Boise, Idaho
My Commission Expires: 2/20/08



CERTIFICATE OF MAILING

I certify that on January 29th, 2003, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

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

2. One copy to the Claimant of the water right at the following address:

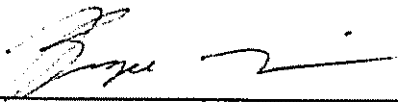
United States of America Acting Through
Regional Director PN Region
Bureau of Reclamation
1150 N. Curtis Rd., Suite 100
Boise, ID 83708-1234

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

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

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of Objector or attorney
mailing on Objector's behalf

ATTACHMENT A

63-3618

1. Ownership, Quantity, Place of Use. The Idaho Department of Water Resources (IDWR) has recommended this right in the name of the United States Department of Interior, Bureau of Reclamation (Reclamation). However, Ballentyne Ditch Company (Ballentyne) is the owner of 1,300 acre feet of this water right based upon the fact that this portion of the right was perfected by beneficial use on lands within Ballentyne's boundaries, and is therefore appurtenant to those lands. Ballentyne's position is in accordance with Idaho Law, the Reclamation Act of 1902, 43 U.S.C. § 372, and is supported by case law holding that a water right developed under the Reclamation Act is appurtenant to the land, and the landowners are the owners of the water right. *Ickes v. Fox*, 300 U.S. 82 (1937). Consistent with these authorities, Ballentyne has filed SRBA Claim no. 63-3618P seeking a decree of 1,300 acre feet of this water right in Ballentyne's name, appurtenant to lands within Ballentyne's boundaries. Issuance of such a decree to Ballentyne will require that 1,300 acre feet not be included in the decree for Water Right Number 63-3618.

In the alternative, at a minimum under these authorities, Ballentyne is the beneficial owner of the water right and Reclamation holds only nominal legal title. If the court decrees the water right to Reclamation in this manner the decree must state that Reclamation holds legal title in name only, and Ballentyne is the beneficial owner of 1,300 acre feet, appurtenant to lands within Ballentyne's boundaries.

2. Purpose of Use.

(a) The purposes for which Lucky Peak Dam and Reservoir were constructed are irrigation and flood control. These are the only allowable uses of the dam and reservoir under the statutes authorizing the construction of the dam and reservoir. Therefore, Reclamation has no authority to seek or claim water right uses other than irrigation and flood control.

(b) If the right is decreed, the claimed purpose for use for streamflow maintenance storage or streamflow maintenance from storage should not be decreed. Those uses are not beneficial uses of water under Idaho law, particularly if held by any individual or entity other than the Idaho Water Resources Board. Those quantities should be decreed for irrigation purposes, as reflected in the water permit before IDWR erroneously approved the amendment of the permit.

(c) In order to properly define and administer this water right, there must be: a remark which provides that any change to the elements of this water right requires a transfer pursuant to Idaho law; a remark which requires Ballentyne's approval of any change to Ballentyne's portion of this right (1,300 acre feet); and a remark which requires that uncontracted space be made available for irrigation use.

RECEIVED

JAN 30 2003

Department of Water Resources

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

Subcase No. 63-3618

Case No. 39576

**STANDARD FORM 1
OBJECTION**

NAME AND ADDRESS OF PERSON OBJECTING

Name: Thurman Mill Ditch Company
Address: 10611 W. Treeline Court
Boise, ID 83713
Daytime Phone: (208) 376-3769

Name & Address of Attorney:

Daniel V. Steenson
S. Bryce Farris
Ringert Clark, Chartered
P.O. Box 2773
Boise, ID 83701
(208) 342-4591

CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: United States of America Acting Through
Regional Director PN Region
Bureau of Reclamation
Address: 1150 N. Curtis Rd., Suite 100
Boise, ID 83706-1234

I object to the following elements as recommended in the Director's Report.

1. X Name and Address
Should be: See Attachment A.
2. Source
Should be:
3. X Quantity
Should be: See Attachment A.
4. Priority Date
Should be:
5. Point(s) of Diversion
Should be:
6. X Instream Flow Description
Should be: See Attachment A.
7. X Purpose(s) of Use
Should be: See Attachment A.
8. Period of Year
Should be:
9. X Place of Use
Should be: See Attachment A.
10. I object because:

This water right should not exist.

This water right was not recommended, but should be recommended with the elements as described above.

REASONS SUPPORTING OBJECTION(S):
See Attachment A.

VERIFICATION

State of Idaho)
) ss.
County of Ada)

S. Bryce Ferris, duly sworn, upon oath, deposes and says:

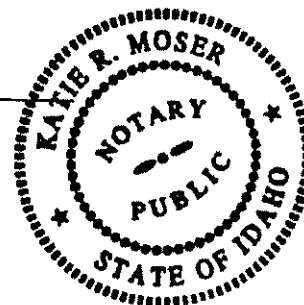
That I am the party/claimant filing this objection, as defined by I. C. §§ 42-1401A (1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

[Signature]

(Attorney signing in representative capacity)

Subscribed and sworn to before me
on: 1/29/03

Katie R. Moser
Notary Public for State of Idaho
Residing at: Boise, Idaho
My Commission Expires: 2/20/08



CERTIFICATE OF MAILING

I certify that on January 29th, 2003, I mailed the original and copies of this objection, including all attachments, to the following persons:

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Twin Falls, ID 83303-2707

2. One copy to the Claimant of the water right at the following address:

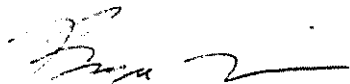
United States of America Acting Through
Regional Director PN Region
Bureau of Reclamation
1150 N. Curtis Rd., Suite 100
Boise, ID 83706-1234

3. Copies to:

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PO Box 83720
Boise, ID 83720-0098

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

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of Objector or attorney
mailing on Objector's behalf

ATTACHMENT A

63-3618

1. Ownership, Quantity, Place of Use. The Idaho Department of Water Resources (IDWR) has recommended this right in the name of the United States Department of Interior, Bureau of Reclamation (Reclamation). However, Thurman Mill Ditch Company (Thurman Mill) is the owner of 800 acre feet of this water right based upon the fact that this portion of the right was perfected by beneficial use on lands within Thurman Mill's boundaries, and is therefore appurtenant to those lands. Thurman Mill's position is in accordance with Idaho Law, the Reclamation Act of 1902, 43 U.S.C. § 372, and is supported by case law holding that a water right developed under the Reclamation Act is appurtenant to the land, and the landowners are the owners of the water right. *Ickes v. Fox*, 300 U.S. 82 (1937). Consistent with these authorities, Thurman Mill has filed SRBA Claim no. 63-3618M seeking a decree of 800 acre feet of this water right in Thurman Mill's name, appurtenant to lands within Thurman Mill's boundaries. Issuance of such a decree to Thurman Mill will require that 800 acre feet not be included in the decree for Water Right Number 63-3618.

In the alternative, at a minimum under these authorities, Thurman Mill is the beneficial owner of the water right and Reclamation holds only nominal legal title. If the court decrees the water right to Reclamation in this manner the decree must state that Reclamation holds legal title in name only, and Thurman Mill is the beneficial owner of 800 acre feet, appurtenant to lands within Thurman Mill's boundaries.

2. Purpose of Use.

(a) The purposes for which Lucky Peak Dam and Reservoir were constructed are irrigation and flood control. These are the only allowable uses of the dam and reservoir under the statutes authorizing the construction of the dam and reservoir. Therefore, Reclamation has no authority to seek or claim water right uses other than irrigation and flood control.

(b) If the right is decreed, the claimed purpose for use for streamflow maintenance storage or streamflow maintenance from storage should not be decreed. Those uses are not beneficial uses of water under Idaho law, particularly if held by any individual or entity other than the Idaho Water Resources Board. Those quantities should be decreed for irrigation purposes, as reflected in the water permit before IDWR erroneously approved the amendment of the permit.

(c) In order to properly define and administer this water right, there must be: a remark which provides that any change to the elements of this water right requires a transfer pursuant to Idaho law; a remark which requires Thurman Mill's approval of any change to Thurman Mill's portion of this right (800 acre feet); and a remark which requires that uncontracted space be made available for irrigation use.

RECEIVED

JAN 30 2003

Department of Water Resources

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 No. 63-3618

STANDARD FORM 1
OBJECTION

NAME AND ADDRESS OF PERSON OBJECTING

Name: South Boise Water Company
Address: P.O. Box 6005
Boise, ID 83707
Daytime Phone: (208) 336-5508

Name & Address of Attorney:

Daniel V. Steenson
S. Bryce Farris
Ringert Clark, Chartered
P.O. Box 2773
Boise, ID 83701
(208) 342-4591

CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTORS'S REPORT

Name: United States of America Acting Through
Regional Director PN Region
Bureau of Reclamation
Address: 1150 N. Curtis Rd., Suite 100
Boise, ID 83706-1234

I object to the following elements as recommended in the Director's Report.

1. X Name and Address
Should be: See Attachment A.

2. Source
Should be:

3. X Quantity
Should be: See Attachment A.

4. Priority Date
Should be:

5. Point(s) of Diversion
Should be:

6. X Instream Flow Description
Should be: See Attachment A.

7. X Purpose(s) of Use
Should be: See Attachment A.

8. Period of Year
Should be:

9. X Place of Use
Should be: See Attachment A.

10. I object because:

This water right should not exist.

This water right was not recommended, but should be recommended with the elements as described above.

REASONS SUPPORTING OBJECTION(S):
See Attachment A.

VERIFICATION

State of Idaho)
) ss.
County of Ada)

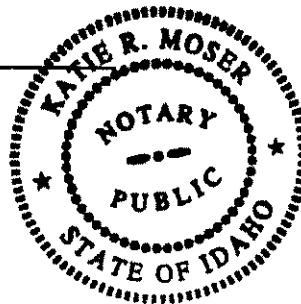
S. Bryce Ferris, duly sworn, upon oath, deposes and says:

That I am the party/claimant filing this objection, as defined by I. C. §§ 42-1401A (1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

[Signature]
(Attorney signing in representative capacity)

Subscribed and sworn to before me
on: 1/29/03

Katie R. Moser
Notary Public for State of Idaho
Residing at: Boise, Idaho
My Commission Expires: 2/20/08



CERTIFICATE OF MAILING

I certify that on January 29th, 2003, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

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

2. One copy to the Claimant of the water right at the following address:

United States of America Acting Through
Regional Director PN Region
Bureau of Reclamation
1150 N. Curtis Rd., Suite 100
Boise, ID 83706-1234

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

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

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of Objector or attorney
mailing on Objector's behalf

ATTACHMENT A
63-3618

1. Ownership, Quantity, Place of Use. The Idaho Department of Water Resources (IDWR) has recommended this right in the name of the United States Department of Interior, Bureau of Reclamation (Reclamation). However, South Boise Water Company (South Boise) is the owner of 700 acre feet of this water right based upon the fact that this portion of the right was perfected by beneficial use on lands within South Boise's boundaries, and is therefore appurtenant to those lands. South Boise's position is in accordance with Idaho Law, the Reclamation Act of 1902, 43 U.S.C. § 372, and is supported by case law holding that a water right developed under the Reclamation Act is appurtenant to the land, and the landowners are the owners of the water right. *Ickes v. Fox*, 300 U.S. 82 (1937). Consistent with these authorities, South Boise has filed SRBA Claim no. 63-3618K seeking a decree of 700 acre feet of this water right in South Boise's name, appurtenant to lands within South Boise's boundaries. Issuance of such a decree to South Boise will require that 700 acre feet not be included in the decree for Water Right Number 63-3618.

In the alternative, at a minimum under these authorities, South Boise is the beneficial owner of the water right and Reclamation holds only nominal legal title. If the court decrees the water right to Reclamation in this manner the decree must state that Reclamation holds legal title in name only, and South Boise is the beneficial owner of 700 acre feet, appurtenant to lands within South Boise's boundaries.

2. Purpose of Use.

(a) The purposes for which Lucky Peak Dam and Reservoir were constructed are irrigation and flood control. These are the only allowable uses of the dam and reservoir under the statutes authorizing the construction of the dam and reservoir. Therefore, Reclamation has no authority to seek or claim water right uses other than irrigation and flood control.

(b) If the right is decreed, the claimed purpose for use for streamflow maintenance storage or streamflow maintenance from storage should not be decreed. Those uses are not beneficial uses of water under Idaho law, particularly if held by any individual or entity other than the Idaho Water Resources Board. Those quantities should be decreed for irrigation purposes, as reflected in the water permit before IDWR erroneously approved the amendment of the permit.

(c) In order to properly define and administer this water right, there must be: a remark which provides that any change to the elements of this water right requires a transfer pursuant to Idaho law; a remark which requires South Boise's approval of any change to South Boise's portion of this right (700 acre feet); and a remark which requires that uncontracted space be made available for irrigation use.

RECEIVED

JAN 30 2003

Department of Water Resources

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 No. 63-3618

**STANDARD FORM 1
OBJECTION**

NAME AND ADDRESS OF PERSON OBJECTING

Name: Eureka Water Company
Address: 6820 W. Joplin Road
Meridian, ID 83642
Daytime Phone: (208) 442-7100

Name & Address of Attorney:

Daniel V. Steenson
S. Bryce Farris
Ringert Clark, Chartered
P.O. Box 2773
Boise, ID 83701
(208) 342-4591

CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTORS'S REPORT

Name: United States of America Acting Through
Regional Director PN Region
Bureau of Reclamation
Address: 1150 N. Curtis Rd., Suite 100
Boise, ID 83706-1234

I object to the following elements as recommended in the Director's Report.

1. X Name and Address
Should be: See Attachment A.
2. Source
Should be:
3. X Quantity
Should be: See Attachment A.
4. Priority Date
Should be:
5. Point(s) of Diversion
Should be:
6. X Instream Flow Description
Should be: See Attachment A.
7. X Purpose(s) of Use
Should be: See Attachment A.
8. Period of Year
Should be:
9. X Place of Use
Should be: See Attachment A.
10. I object because:

This water right should not exist.

This water right was not recommended, but should be recommended with the elements as described above.

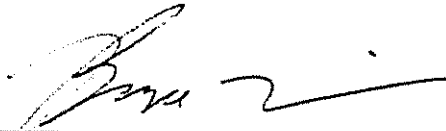
REASONS SUPPORTING OBJECTION(S):
See Attachment A.

VERIFICATION

State of Idaho)
) ss.
County of Ada)

S. Bryce Farri's, duly sworn, upon oath, deposes and says:

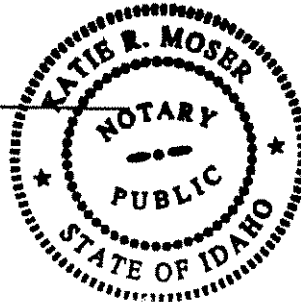
That I am the party/claimant filing this objection, as defined by I. C. §§ 42-1401A (1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.



(Attorney signing in representative capacity)

Subscribed and sworn to before me
on: 1/29/03

Katie R. Moser
Notary Public for State of Idaho
Residing at: Boise, Idaho
My Commission Expires: 2/20/08



CERTIFICATE OF MAILING

I certify that on January ^{25th}~~27~~, 2003, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

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

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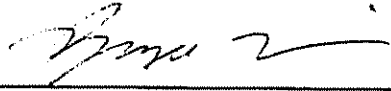
United States of America Acting Through
Regional Director PN Region
Bureau of Reclamation
1150 N. Curtis Rd., Suite 100
Boise, ID 83706-1234

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

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of Objector or attorney
mailing on Objector's behalf

ATTACHMENT A
63-3618

1. Ownership, Quantity, Place of Use. The Idaho Department of Water Resources (IDWR) has recommended this right in the name of the United States Department of Interior, Bureau of Reclamation (Reclamation). However, Eureka Water Company (Eureka) is the owner of 2,800 acre feet of this water right based upon the fact that this portion of the right was perfected by beneficial use on lands within Eureka's boundaries, and is therefore appurtenant to those lands. Eureka's position is in accordance with Idaho Law, the Reclamation Act of 1902, 43 U.S.C. § 372, and is supported by case law holding that a water right developed under the Reclamation Act is appurtenant to the land, and the landowners are the owners of the water right. *Ickes v. Fox*, 300 U.S. 82 (1937). Consistent with these authorities, Eureka has filed SRBA Claim no. 63-3618L seeking a decree of 2,800 acre feet of this water right in Eureka's name, appurtenant to lands within Eureka's boundaries. Issuance of such a decree to Eureka will require that 2,800 acre feet not be included in the decree for Water Right Number 63-3618.

In the alternative, at a minimum under these authorities, Eureka is the beneficial owner of the water right and Reclamation holds only nominal legal title. If the court decrees the water right to Reclamation in this manner the decree must state that Reclamation holds legal title in name only, and Eureka is the beneficial owner of 2,800 acre feet, appurtenant to lands within Eureka's boundaries.

2. Purpose of Use.

(a) The purposes for which Lucky Peak Dam and Reservoir were constructed are irrigation and flood control. These are the only allowable uses of the dam and reservoir under the statutes authorizing the construction of the dam and reservoir. Therefore, Reclamation has no authority to seek or claim water right uses other than irrigation and flood control.

(b) If the right is decreed, the claimed purpose for use for streamflow maintenance storage or streamflow maintenance from storage should not be decreed. Those uses are not beneficial uses of water under Idaho law, particularly if held by any individual or entity other than the Idaho Water Resources Board. Those quantities should be decreed for irrigation purposes, as reflected in the water permit before IDWR erroneously approved the amendment of the permit.

(c) In order to properly define and administer this water right, there must be: a remark which provides that any change to the elements of this water right requires a transfer pursuant to Idaho law; a remark which requires Eureka's approval of any change to Eureka's portion of this right (2,800 acre feet); and a remark which requires that uncontracted space be made available for irrigation use.

RECEIVED

JAN 30 2003

Department of Water Resources

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 No. 63-3618

**STANDARD FORM 1
OBJECTION**

NAME AND ADDRESS OF PERSON OBJECTING

Name: Eagle Island Water Users Assoc., Inc.
Address: P.O. Box 941
Eagle, ID 83616

Name & Address of Attorney:

Daniel V. Steenson
S. Bryce Farris
Ringert Clark, Chartered
P.O. Box 2773
Boise, ID 83701
(208) 342-4591

CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTORS'S REPORT

Name: United States of America Acting Through
Regional Director PN Region
Bureau of Reclamation
Address: 1150 N. Curtis Rd., Suite 100
Boise, ID 83706-1234

I object to the following elements as recommended in the Director's Report.

1. X Name and Address
Should be: See Attachment A.
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Should be:
3. X Quantity
Should be: See Attachment A.
4. Priority Date
Should be:
5. Point(s) of Diversion
Should be:
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8. Period of Year
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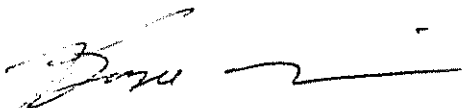
REASONS SUPPORTING OBJECTION(S):
See Attachment A.

VERIFICATION

State of Idaho)
) ss.
County of Ada)

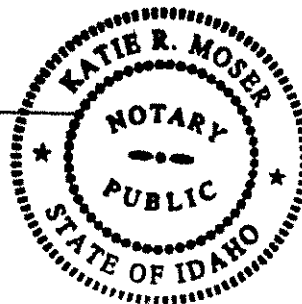
S. Bryce Farris, duly sworn, upon oath, deposes and says:

That I am the party/claimant filing this objection, as defined by I. C. §§ 42-1401A (1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.



(Attorney signing in representative capacity)

Subscribed and sworn to before me
on: 1/29/03



Katie R. Moser
Notary Public for State of Idaho
Residing at: Boise, Idaho
My Commission Expires: 2/20/08

CERTIFICATE OF MAILING

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PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the Claimant of the water right at the following address:

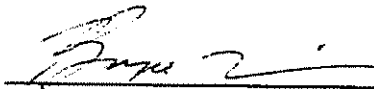
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Bureau of Reclamation
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3. Copies to:

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PO Box 83720
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Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of Objector or attorney
mailing on Objector's behalf

ATTACHMENT A
63-3618

1. Ownership, Quantity, Place of Use. The Idaho Department of Water Resources (IDWR) has recommended this right in the name of the United States Department of Interior, Bureau of Reclamation (Reclamation). However, Eagle Island Water Users Assoc., Inc. (Eagle Island) is the owner of 1,718 acre feet of this water right based upon the fact that this portion of the right was perfected by beneficial use on lands within Eagle Island's boundaries, and is therefore appurtenant to those lands. Eagle Island's position is in accordance with Idaho Law, the Reclamation Act of 1902, 43 U.S.C. § 372, and is supported by case law holding that a water right developed under the Reclamation Act is appurtenant to the land, and the landowners are the owners of the water right. *Ickes v. Fox*, 300 U.S. 82 (1937). Consistent with these authorities, Eagle Island has filed SRBA Claim no. 63-3618N seeking a decree of 1,718 acre feet of this water right in Eagle Island's name, appurtenant to lands within Eagle Island's boundaries. Issuance of such a decree to Eagle Island will require that 1,718 acre feet not be included in the decree for Water Right Number 63-3618.

In the alternative, at a minimum under these authorities, Eagle Island is the beneficial owner of the water right and Reclamation holds only nominal legal title. If the court decrees the water right to Reclamation in this manner the decree must state that Reclamation holds legal title in name only, and Eagle Island is the beneficial owner of 1,718 acre feet, appurtenant to lands within Eagle Island's boundaries.

2. Purpose of Use.

(a) The purposes for which Lucky Peak Dam and Reservoir were constructed are irrigation and flood control. These are the only allowable uses of the dam and reservoir under the statutes authorizing the construction of the dam and reservoir. Therefore, Reclamation has no authority to seek or claim water right uses other than irrigation and flood control.

(b) If the right is decreed, the claimed purpose for use for streamflow maintenance storage or streamflow maintenance from storage should not be decreed. Those uses are not beneficial uses of water under Idaho law, particularly if held by any individual or entity other than the Idaho Water Resources Board. Those quantities should be decreed for irrigation purposes, as reflected in the water permit before IDWR erroneously approved the amendment of the permit.

(c) In order to properly define and administer this water right, there must be: a remark which provides that any change to the elements of this water right requires a transfer pursuant to Idaho law; a remark which requires Eagle Island's approval of any change to Eagle Island's portion of this right (1,718 acre feet); and a remark which requires that uncontracted space be made available for irrigation use.

I object to the following elements as recommended in the Director's Report.

1. X Name and Address
Should be: See Attachment A.
2. Source
Should be:
3. X Quantity
Should be: See Attachment A.
4. Priority Date
Should be:
5. Point(s) of Diversion
Should be:
6. X Instream Flow Description
Should be: See Attachment A.
7. X Purpose(s) of Use
Should be: See Attachment A.
8. Period of Year
Should be:
9. X Place of Use
Should be: See Attachment A.
10. I object because:

This water right should not exist.

This water right was not recommended, but should be recommended with the elements as described above.

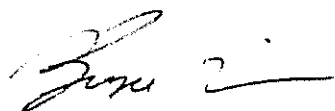
REASONS SUPPORTING OBJECTION(S):
See Attachment A.

VERIFICATION

State of Idaho)
) ss.
County of Ada)

S. Bryce Farris, duly sworn, upon oath, deposes and says:

That I am the party/claimant filing this objection, as defined by I. C. §§ 42-1401A (1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

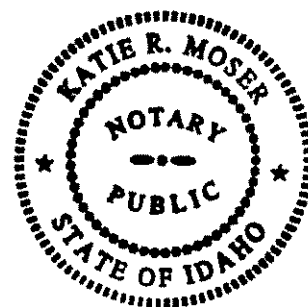


(Attorney signing in representative capacity)

Subscribed and sworn to before me

on: 1/29/03

Katie R. Moser
Notary Public for State of Idaho
Residing at: Boise, Idaho
My Commission Expires: 2/20/08



CERTIFICATE OF MAILING

I certify that on January 21st, 2003, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

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

2. One copy to the Claimant of the water right at the following address:

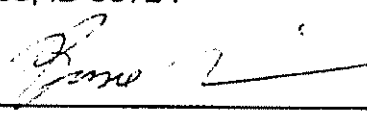
United States of America Acting Through
Regional Director PN Region
Bureau of Reclamation
1150 N. Curtis Rd., Suite 100
Boise, ID 83706-1234

3. Copies to:

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Boise, ID 83720-0098

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

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of Objector or attorney
mailing on Objector's behalf

ATTACHMENT A

63-3618

1. Ownership, Quantity, Place of Use. The Idaho Department of Water Resources (IDWR) has recommended this right in the name of the United States Department of Interior, Bureau of Reclamation (Reclamation). However, Nampa & Meridian Irrigation District (NMID) is the owner of 35,000 acre feet of this water right based upon the fact that this portion of the right was perfected by beneficial use on lands within NMID's boundaries, and is therefore appurtenant to those lands. NMID's position is in accordance with Idaho Law, the Reclamation Act of 1902, 43 U.S.C. § 372, and is supported by case law holding that a water right developed under the Reclamation Act is appurtenant to the land, and the landowners are the owners of the water right. *Ickes v. Fox*, 300 U.S. 82 (1937). Consistent with these authorities, NMID has filed SRBA Claim no. 63-3618J seeking a decree of 35,000 acre feet of this water right in NMID's name, appurtenant to lands within NMID's boundaries. Issuance of such a decree to NMID will require that 35,000 acre feet not be included in the decree for Water Right Number 63-3618.

In the alternative, at a minimum under these authorities, NMID is the beneficial owner of the water right and Reclamation holds only nominal legal title. If the court decrees the water right to Reclamation in this manner the decree must state that Reclamation holds legal title in name only, and NMID is the beneficial owner of 35,000 acre feet, appurtenant to lands within NMID's boundaries.

2. Purpose of Use.

(a) The purposes for which Lucky Peak Dam and Reservoir were constructed are irrigation and flood control. These are the only allowable uses of the dam and reservoir under the statutes authorizing the construction of the dam and reservoir. Therefore, Reclamation has no authority to seek or claim water right uses other than irrigation and flood control.

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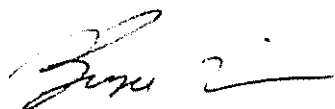
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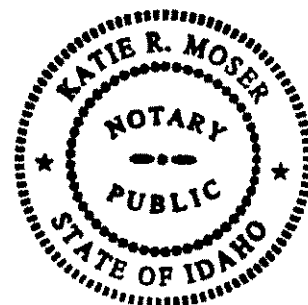


(Attorney signing in representative capacity)

Subscribed and sworn to before me

on: 1/29/03

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Notary Public for State of Idaho
Residing at: Boise, Idaho
My Commission Expires: 2/20/08



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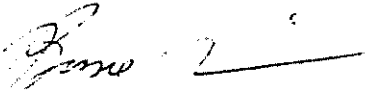
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Signature of Objector or attorney
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ATTACHMENT A

63-3618

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RECEIVED

JAN 30 2003

Department of Water Resources

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 No. 63-3618

STANDARD FORM 1
OBJECTION

NAME AND ADDRESS OF PERSON OBJECTING

Name: Nampa & Meridian Irrigation District
Address: 1503 First Street South
Nampa, ID 83651
Daytime Phone: (208) 466-7861

Name & Address of Attorney:

Daniel V. Steenson
S. Bryce Farris
Ringert Clark, Chartered
P.O. Box 2773
Boise, ID 83701
(208) 342-4591

CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTORS'S REPORT

Name: United States of America Acting Through
Regional Director PN Region
Bureau of Reclamation
Address: 1150 N. Curtis Rd., Suite 100
Boise, ID 83706-1234

COPY

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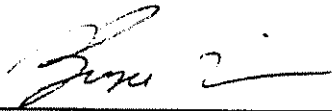
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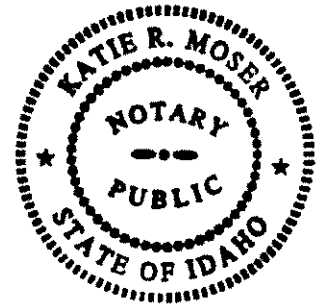
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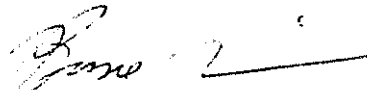
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Signature of Objector or attorney
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ATTACHMENT A

63-3618

1. Ownership, Quantity, Place of Use. The Idaho Department of Water Resources (IDWR) has recommended this right in the name of the United States Department of Interior, Bureau of Reclamation (Reclamation). However, Nampa & Meridian Irrigation District (NMID) is the owner of 35,000 acre feet of this water right based upon the fact that this portion of the right was perfected by beneficial use on lands within NMID's boundaries, and is therefore appurtenant to those lands. NMID's position is in accordance with Idaho Law, the Reclamation Act of 1902, 43 U.S.C. § 372, and is supported by case law holding that a water right developed under the Reclamation Act is appurtenant to the land, and the landowners are the owners of the water right. *Ickes v. Fox*, 300 U.S. 82 (1937). Consistent with these authorities, NMID has filed SRBA Claim no. 63-3618J seeking a decree of 35,000 acre feet of this water right in NMID's name, appurtenant to lands within NMID's boundaries. Issuance of such a decree to NMID will require that 35,000 acre feet not be included in the decree for Water Right Number 63-3618.

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IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-3618 V1

WATER RIGHT NUMBER: 63-3618 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	UNITED STATES OF AMERICA ACTING THROUGH REGIONAL DIRECTOR PN REGION BUREAU OF RECLAMATION 1150 N CURTIS RD SUITE 100 BOISE, ID 83706-1234 (208)378-5322

Priority Date: 04/12/1963

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
BOISE RIVER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
RECREATION STORAGE	01/01 to 12/31		28,800.00 AF
IRRIGATION FROM STORAGE	03/01 to 11/15		111,950.00 AF
IRRIGATION STORAGE	01/01 to 12/31		111,950.00 AF
STREAMFLOW MAINTENANCE STORAGE	01/01 to 12/31		152,300.00 AF
STREAMFLOW MAINTENANCE FROM STORAGE	01/01 to 12/31		152,300.00 AF
	<u>Total Diversion:</u>		293,050.00 AF

Location of Point(s) of Diversion

BOISE RIVER	L7 (SE1/4NE1/4)	Sec. 11, Twp 02N, Rge 03E, B.M.
ADA County		

Place of Use

IRRIGATION FROM STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	03E	11	X								X								
			L 4																
02N	03E	12					X					X							
02N	04E	4										X							
02N	04E	5		X				X							X	X	X	X	
				L 8				L 6											
02N	04E	6		X						X		X	X	X	X	X		X	
											L 8	L 9	L 6					L 11	

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-3618 V1

02N 04E 7		X	X		X		X	X	X		X	
					L 1				L 4			
03N 04E 5					X							
03N 04E 11					X						X	
											L 1	
03N 04E 12						X			X			
									L 1			
03N 04E 22					X	X	X					
					L 3							
03N 04E 32		X	X								X	
		L 1									L 5	
											L 10	

RECREATION STORAGE same as IRRIGATION FROM STORAGE

IRRIGATION STORAGE same as IRRIGATION FROM STORAGE

STREAMFLOW MAINTENANCE STORAGE same as

IRRIGATION FROM STORAGE

STREAMFLOW MAINTENANCE FROM STORAGE same as
IRRIGATION FROM STORAGE

Conditions of Approval:

1. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

Remarks:

1. Quantity Maximum Volume Annually Diverted to Storage And Released from Storage: 293,050.0 AF
The reservoir storage capacity is 293,050 acre feet when filled to elevation 3055.0 and measured at the upstream face of the dam.
Lucky Peak Reservoir has 13,950 acre feet of capacity for flood control purposes in addition to the volume of water authorized for storage under this right.
2. Place of Use - Irrigation IRRIGATION FROM STORAGE -- LANDS IRRIGATED IN THE BOISE VALLEY IN ADA, CANYON, PAYETTE, AND GEM COUNTIES, IDAHO; MALHEUR COUNTY, OREGON; AND THE FOLLOWING TRACTS IN ADA, BOISE AND ELMORE COUNTIES, IDAHO:
3. Place of Use IRRIGATION STORAGE, STREAMFLOW MAINTENANCE STORAGE, AND RECREATION STORAGE -- LUCKY PEAK RESERVOIR.
STREAMFLOW MAINTENANCE FROM STORAGE -- WITHIN THE CHANNEL OF THE BOISE RIVER FROM LUCKY PEAK DAM DOWNSTREAM TO THE CONFLUENCE WITH THE SNAKE RIVER.
Recreation storage (inactive storage) shall not be released from storage for a beneficial use.
4. General The Bureau of Reclamation and Idaho Department of Fish and Game shall provide joint written instructions to the Department, for conveyance to the watermaster, regarding release of the Lucky Peak streamflow maintenance storage water.
5. Explanatory The storage of water under this right is contingent upon continued certification by the Department of Water Resources under the dam safety provisions of the Idaho Code, authorizing storage.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-3618 V1

Comments:

1. sbock 7/31/2002 permit

Comment: This right is still waiting for license at this time recommending as permit shows on the w.r. data base

Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 State or Federal: S
 Owner Name Connector:
 Water District Number: 63
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Summary			02/19/2002	sbock	Active
Priority Date	9/27/2002 2:13:16 PM	dshaff			Active
POD	9/27/2002 2:16:45 PM	dshaff			Active
Source	9/27/2002 2:17:19 PM	dshaff			Active
Use	9/27/2002 2:17:39 PM	dshaff			Active
Season	9/27/2002 2:18:26 PM	dshaff			Active
Quantity	9/27/2002 2:19:03 PM	dshaff			Active
POU	9/27/2002 2:32:23 PM	dshaff			Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Summary	2/19/2002 1:17:48 PM	sbock	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-3618 V1

Season	9/27/2002 2:18:27 PM	dshaff	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a Period of Use? (Yes) 5. Can the claimed Period of Use be verified using the water right file? (Yes) 14. Is irrigation claimed as a Purpose of Use? (No) 16. Is the Period of Use on the decree, license or transfer shorter on either the start date or end date than allowable under current IDWR standards? (No) 18. Is a Period of Use remark and/or condition required?
Priority Date	9/27/2002 2:13:16 PM	dshaff	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
POD	9/27/2002 2:15:46 PM	dshaff	Edited point location
POD	9/27/2002 2:16:33 PM	dshaff	Edited PLS
POD	9/27/2002 2:16:45 PM	dshaff	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file? (No) 10. Is a POD remark and/or condition required?
Source	9/27/2002 2:17:19 PM	dshaff	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?
Use	9/27/2002 2:17:40 PM	dshaff	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (Yes) 13. Is a Purpose of Use remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-3618 V1

Quantity	9/27/2002 2:19:03 PM	dshaff	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (Yes) 8. Does the parent right have an annual diversion volume limit? (Yes) 10. Is a irrigation a purpose of use? (Yes) 12. Is a Quantity remark or condition required?
POU	9/27/2002 2:32:24 PM	dshaff	(Yes) 1. Is the basis of this claim a Decree or License? (No) 2a. Is the POU required? (Yes) 14. Is a POU remark and/or condition required?

09/24/2002

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

RIGHT NUMBER: 63-3618

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

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 293,050.0 AFY

Maximum Volume Annually Diverted to Storage And Released from Storage:
293,050.0 AF
The reservoir storage capacity is 293,050 acre feet when filled to elevation
3055.0 and measured at the upstream face of the dam.
Lucky Peak Reservoir has 13,950 acre feet of capacity for flood control
purposes in addition to the volume of water authorized for storage under this
right.

PRIORITY DATE: 04/12/1963

POINT OF
DIVERSION: T02N R03E S11 SENE Lot 3 Within ADA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION FROM STORAGE	03/01 11/15	111,950.0 AFY
IRRIGATION STORAGE	01/01 12/31	111,950.0 AFY
RECREATION STORAGE	01/01 12/31	28,800.0 AFY
(Inactive Storage)		
STREAMFLOW MAINTENANCE STORAGE	01/01 12/31	152,300.0 AFY
STREAMFLOW MAINTENANCE FROM STORAGE	01/01 12/31	152,300.0 AFY

PLACE OF USE:

IRRIGATION FROM STORAGE -- LANDS IRRIGATED IN THE BOISE VALLEY IN ADA,
CANYON, PAYETTE, AND GEM COUNTIES, IDAHO; MALHEUR COUNTY, OREGON; AND THE
FOLLOWING TRACTS IN ADA, BOISE AND ELMORE COUNTIES, IDAHO:

T02N R03E S11	NENE Lot 4	NESE		
T02N R03E S12	NWNW Lot 2	SWSW		
T02N R04E S4	SWSW			
T02N R04E S5	NWNE Lot 2	SWNE Lot 8	SWNW Lot 6	NESE
	NWSE	SWSE	SESE	
T02N R04E S6	SWNE	NESW	SWSW Lot 8	SESE Lot 9
	NESE Lot 6	NWSE	SESE Lot 11	
T02N R04E S7	NWNE	SWNE	NENW Lot 1	SESE
	NESW	NWSW Lot 4	NWSE	
T03N R04E S5	SENE			
T03N R04E S11	SENE	NESE Lot 1		
T03N R04E S12	SWNW	NWSW Lot 1		
T03N R04E S22	NENW Lot 3	SWNW	SESE	
T03N R04E S32	NWNE Lot 1	SWNE	NWSE Lot 5	SWSE Lot 10

IRRIGATION STORAGE, STREAMFLOW MAINTENANCE STORAGE, AND RECREATION STORAGE --
LUCKY PEAK RESERVOIR.

09/24/2002

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

STREAMFLOW MAINTENANCE FROM STORAGE -- WITHIN THE CHANNEL OF THE BOISE RIVER FROM LUCKY PEAK DAM DOWNSTREAM TO THE CONFLUENCE WITH THE SNAKE RIVER.

Recreation storage (inactive storage) shall not be released from storage for a beneficial use.

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

The Bureau of Reclamation and Idaho Department of Fish and Game shall provide joint written instructions to the Department, for conveyance to the watermaster, regarding release of the Lucky Peak streamflow maintenance storage water.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

The storage of water under this right is contingent upon continued certification by the Department of Water Resources under the dam safety provisions of the Idaho Code, authorizing storage.

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 63-03618

RECEIVED

OCT 01 2002

WATER RESOURCES
WESTERN REGION

Priority: April 12, 1963

Maximum Volume Annually Diverted to
Storage And Released from Storage: 293,050.0 AF

It is hereby certified that US DEPT OF INTERIOR
BUREAU OF RECLAMATION
PN REGIONAL OFFICE
1150 N CURTIS RD SUITE 100
BOISE ID 83706-1234 has complied with the terms and conditions of the
permit, issued pursuant to Application for Permit dated April 12, 1963; and has submitted Proof of
Beneficial Use on September 22, 1986. An examination indicates that the works have a capacity to divert
307,000 af of water to storage from:

SOURCE

BOISE RIVER

Tributary: SNAKE RIVER

and a water right has been established as follows:

BENEFICIAL USE

IRRIGATION FROM STORAGE

IRRIGATION STORAGE

RECREATION STORAGE (INACTIVE STORAGE)

STREAMFLOW MAINTENANCE STORAGE

STREAMFLOW MAINTENANCE FROM STORAGE

PERIOD OF USE

03/01 to 11/15

01/01 to 12/31

01/01 to 12/31

01/01 to 12/31

01/01 to 12/31

**ANNUAL
DIVERSION VOLUME**

111,950.0 AF

111,950.0 AF

28,800.0 AF

152,300.0 AF

152,300.0 AF

LOCATION OF POINT OF DIVERSION:

BOISE RIVER L7 SE¼NE¼ Sec. 11, Twp 2N, Rge 3E, B.M. ADA County

PLACE OF USE:

IRRIGATION FROM STORAGE -- LANDS IRRIGATED IN THE BOISE VALLEY IN ADA, CANYON,
PAYETTE, AND GEM COUNTIES, IDAHO; MALHEUR COUNTY, OREGON; AND THE
FOLLOWING TRACTS IN ADA, BOISE AND ELMORE COUNTIES, IDAHO:

Twp Rge Sec	NE				NW				SW				SE			
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
02N 03E 11	X L4												X			
02N 03E 12						X L2				X						
02N 04E 4										X						
02N 04E 5		X L2	X L8				X L6						X	X	X	X
02N 04E 6			X						X		X L8	X L9	X L6	X		X L11
02N 04E 7		X	X			X L1		X	X L4					X		
03N 04E 5				X												
03N 04E 11				X									X L1			
03N 04E 12							X		X L1							
03N 04E 22						X L3	X	X								
03N 04E 32		X L1	X											X L5	X L10	

State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 63-03618

PLACE OF USE CONTINUED:

IRRIGATION STORAGE, STREAMFLOW MAINTENANCE STORAGE, AND RECREATION STORAGE
-- LUCKY PEAK RESERVOIR.

STREAMFLOW MAINTENANCE FROM STORAGE -- WITHIN THE CHANNEL OF THE BOISE RIVER
FROM LUCKY PEAK DAM DOWNSTREAM TO THE CONFLUENCE WITH THE SNAKE RIVER.

CONDITIONS OF APPROVAL

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 63 or its successor.
2. The Bureau of Reclamation and Idaho Department of Fish and Game shall provide joint written instructions to the Department, for conveyance to the watermaster, regarding release of the Lucky Peak streamflow maintenance storage water.
3. The reservoir storage capacity is 293,050 acre feet when filled to elevation 3055.0 and measured at the upstream face of the dam.
4. Lucky Peak Reservoir has 13,950 acre feet of capacity for flood control purposes in addition to the volume of water authorized for storage under this right.
5. Recreation storage (inactive storage) shall not be released from storage for a beneficial use.
6. The storage of water under this right is contingent upon continued certification by the Department of Water Resources under the dam safety provisions of the Idaho Code, authorizing storage.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 27TH day of SEPTEMBER, 2002.

Acting for


KARL J. DREHER
Director

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-3618 V1

WATER RIGHT NUMBER: 63-3618 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	UNITED STATES OF AMERICA ACTING THROUGH REGIONAL DIRECTOR PN REGION BUREAU OF RECLAMATION 1150 N CURTIS RD SUITE 100 BOISE, ID 83706-1234 (208)378-5322

Priority Date: 04/12/1963

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
BOISE RIVER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
RECREATION STORAGE	01/01 to 12/31		28,800.00 AF
IRRIGATION FROM STORAGE	03/01 to 11/15		111,950.00 AF
FISH HABITAT STORAGE	01/01 to 12/31		152,300.00 AF
IRRIGATION STORAGE	01/01 to 12/31		111,950.00 AF
FISH HABITAT FROM STORAGE	01/01 to 12/31		152,300.00 AF
<u>Total Diversion:</u>			307,000.00 AF

Location of Point(s) of Diversion

BOISE RIVER	L7 SE1/4NE1/4	Sec. 11, Twp 02N, Rge 03E, B.M.
ADA County		

Place of UseConditions of Approval:

1. A01 THIS RIGHT IS CONDITIONED UPON COMPLETION OF THE APPROPRIATION IN ACCORDANCE WITH THE STATUTORY PROCEDURE FOR APPROPRIATION OF WATER RIGHTS. THIS RIGHT REMAINS SUBJECT TO ALL CONDITIONS SET FORTH IN THE PERMIT UPON WHICH THIS RIGHT IS BASED, AND WILL BE SUBJECT TO ALL CONDITIONS SET FORTH IN THE LICENSE ISSUED BY IDWR UPON COMPLETION OF THE STATUTORY APPROPRIATION PROCESS.
2. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

Remarks:Comments:

1. sbock 7/31/2002 permit
Comment: This right is still waiting for license at this time recommending as permit shows on the w.r. data base

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-3618 V1

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
State or Federal: S
Owner Name Connector:
Water District Number: 63
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

07/31/2002

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

RIGHT NUMBER: 63-3618

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

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 307,000.0 AFY

PRIORITY DATE: 04/12/1963

POINT OF DIVERSION:

T02N R03E S11 SENE Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
RECREATION STORAGE	01/01 12/31	28,800.00 AFY
IRRIGATION FROM STORAGE	03/15 11/15	111,950.00 AFY
FISH HABITAT STORAGE	01/01 12/31	152,300.00 AFY
IRRIGATION STORAGE	01/01 12/31	111,950.00 AFY
FISH HABITAT FROM STORAGE	01/01 12/31	152,300.00 AFY

PLACE OF USE:

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

THIS RIGHT IS CONDITIONED UPON COMPLETION OF THE APPROPRIATION IN ACCORDANCE WITH THE STATUTORY PROCEDURE FOR APPROPRIATION OF WATER RIGHTS. THIS RIGHT REMAINS SUBJECT TO ALL CONDITIONS SET FORTH IN THE PERMIT UPON WHICH THIS RIGHT IS BASED, AND WILL BE SUBJECT TO ALL CONDITIONS SET FORTH IN THE LICENSE ISSUED BY IDWR UPON COMPLETION OF THE STATUTORY APPROPRIATION PROCESS.
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: Permit

Notice of Error Mtg – 4-29-02

63-3614 – Anderson Ranch

A, B, C – ok to change

D – Jan & Dave will discuss with BOR in meeting on 5-20-02 - ? on how water gets to Payette & Gem County (BCID?) and Big Bend – New York Canal – Lake Lowell?

E – Same as above – subordination clause – difficult not to include.

Remark – concerning all reservoirs operating as one can be in explanatory remarks.

63-3618 – Lucky Peak

A – ok

B – Dave will talk with allocations about adding to license.

C – Dave will talk with allocations concerning amendment approved 1990 to change to streamflow maintenance – is it because database has no streamflow maintenance use code? Try to talk with them about making a use code. This one will be ok.

D - Same as 63-3614.

2nd half of D – Covered in licensing remarks concerning location of streamflow maintenance.

E – Ok as an explanatory remark.

F – Not ok to add – Purpose of Use – Recreation storage is not meant for irrigation of state parks in and around Lucky Peak.

63-303 – Arrowrock Reservoir - 271,600 af - 1911

A – ok

B – Need to discuss with Lee Sisco in May 8th meeting. Is 8,000 cfs necessary on claim for delivery of the right.

C – Will talk with BOR in meeting on 5-20.

D – Explanatory Remark – ok

E – Need to discuss the 8,000 cfs delivery with Lee and then look at this remark from the Bryan decree – distribution remark.

63-3613 – Arrowrock Reservoir – 15,000 af – 1938

A & B – Ok

C – Will discuss at 5-20 meeting with BOR

D – Ok to change season of use shorter – 3-15 to 11-15

E - Ok as explanatory remark

63-5262 – 286,600 af – 1911 – Disallowed and recommended as 63-303

If 63-303 is determined to be recommended back to the 8,000 cfs, then this right can be recommended to cover the af amount for storage.

If it is recommended then:

A & B – Ok

C – Will talk about at 5-20 BOR meeting

D - Ok for explanatory remark.

Date: 6-10-02

To: Sue Bock

From: Jan Shurte

Subject: Claim No. 63-03618 – Lucky Peak Reservoir

Per meeting with BOR on May 20th – Dave Tuthill & Jan Shurte

Item No. 2

A – Ok to change zipcode.

B - Dave will talk with Allocations about adding this remark to license. No change on our recommendation until license is issued.

C – Allocation will change uses – correct uses are Streamflow maintenance storage and Streamflow maintenance from storage. An amendment approved in the 1990s reflects this use. Allocation will need to develop a new code to do this and Dave will talk with them. Please follow up on this before Director's Report goes out.

D – License should add "The place of use is within the Boise Federal Reclamation Project within Ada, Canyon, Boise and Elmore Counties, Idaho."

E – License should add general remark "Arrowrock, Anderson, Lucky Peak, Lake Lowell and Hubbard reservoirs are operated as one system in accordance with Federal Reclamation Act of August 24, 1954, ch. 909, 58 Stat. 794."

Note: All of these should be included on the license and Dave is supposed to correspond with allocations on this. Would you please confirm with Kay that he has and if he has not, let me know. If the license is not issued prior to the Director's Report, we will make the same recommendation as we did in the Preliminary.

RECEIVED

APR 05 2002

WATER RESOURCES
WESTERN REGION

NOTICE OF ERROR
REPLY

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

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

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: April 5 2002

Water right number: 63-3618

UNITED STATES OF AMERICA ACTING THROUGH
REGIONAL DIRECTOR PN REGION CODE PN-3100
BUREAU OF RECLAMATION
1150 N CURTIS RD SUITE 100
BOISE ID 83706-1234
Telephone Number: (208) 378-5306

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

A) Name and Address, B) Quantity, C) Purpose and Period of Use, D) Place of Use, E) Other provisions necessary for definition or administration of this water right

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

A) Zip code should be 83706-1234.

B) Quantity Remark should be changed to "Total reservoir capacity is 293,050 acre feet when filled to elevation 3055.0 and measured at the upstream face of the dam." The Bureau of Reclamation may temporarily store water in the surcharge capacity, which is above elevation 3055.0 during flood events or emergency operations.

C) "Fish Habitat Storage" should be changed to "Streamflow Maintenance Storage" and "Fish Habitat from Storage" should be changed to "Streamflow Maintenance from Storage"

D) Place of Use should be changed to "The place of use is within the Boise Federal Reclamation Project within Ada, Canyon, ~~Payette, Cam~~ Counties, Idaho, and ~~Malheur~~ County, Oregon (Big Bend Irrigation District). *ADD BOISE & KAMORE COUNTIES.*

Place of Use for streamflow maintenance is the Boise River from the Boise Diversion Dam to the mouth of the Boise River at the Snake River." *Lake Lowell Arrowrock*

E) Remark should be added "Arrowrock, Anderson, and Lucky Peak ^{Lake Lowell Arrowrock} reservoirs are operated as one system in accordance with the Act of August 35, 1954, ch. 909, 68 Stat. 794." *only flow*

F) ~~The following remark should be added: "Purpose of use for Recreation Storage also includes incidental irrigation for the state parks in and around Lucky Peak Reservoir."~~

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

A) Zip code is wrong

B) The quantity remark is necessary to administer all beneficial and operational uses of the reservoir including flood control.

C) Streamflow maintenance is the beneficial use applied for in the application for permit No. R1183 and accurately describes the beneficial use.

D) Federal project water from this reservoir is used on lands within the Arrowrock and Payette Divisions of the Boise Federal Reclamation Project, pursuant to the Act of August 35, 1954, ch. 909, 68 Stat. 794.

The place of use for the streamflow maintenance is necessary to protect the beneficial use of this water right.

E) Arrowrock, Anderson, and Lucky Peak are operated as one system as authorized by federal law, as recognized by contracts with spaceholders in the reservoirs, and as administered by the Idaho State Watermaster for Water District 63.

F) Remark reflects use for state parks.

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

DATE: 4-5-02

SIGNATURE: E. Gail McGarry

Please print your name: E. Gail McGarry, Program Manager,
Water Rights & Acquisitions

IDWR Regional Office, 2735 Airport Way, Boise, ID 83705, (208) 334-2190

SRA-6434
WTR-4.10

Mr. David Tuthill, Chief
Adjudication Bureau
Idaho Department of Water Resources
1301 N. Orchard
Boise ID 83706

Dear Mr. Tuthill:

Subject: Snake River Basin Adjudication Basin 63 - Bank Storage Claim Nos. A63-05264
Lake Lowell, A63-05263 Lucky Peak Reservoir, A63-05261 Anderson Ranch Reservoir,
and Arrowrock Reservoir Storage Claim No. A63-05262

The subject claims were filed to memorialize historic operations and physical conditions existing at Lake Lowell, Lucky Peak Reservoir, Anderson Ranch Reservoir, and Arrowrock Reservoir. These bank storage claims and bank storage component included in the Arrowrock Reservoir storage claim are based on the fact that as the reservoir fills, water is stored in or saturates the banks surrounding the reservoir. Although this water is necessary to fill the reservoir, it does not actually go into the reservoir except for some percentage that drains back when the reservoir is drawn down. As a result, the amount of water actually necessary to fill the reservoir is greater than the capacity of the reservoir. We filed for bank storage claims based upon water right License No. R-269 that awarded the same for Reclamation's storage water at American Falls Reservoir.

However, as we discussed at our meeting, if we can accomplish the same result through a remark that allows us to calculate the fill at the face of the dam as has been the historic operating practice, we are willing to withdraw our bank storage claims. Therefore, to administer Bureau of Reclamation reservoirs in accordance with such historic practice, a remark would be necessary in the SRBA decree to reflect what the practice has been. The following language, in our opinion, captures and preserves the operational flux described above:

TOTAL RESERVOIR CAPACITY IS 307,000 ACREFEET WHEN FILLED TO
ELEVATION 3078' AND MEASURED AT THE UPSTREAM FACE OF THE DAM.

We request that you consider this language for inclusion as a remark on the Bureau of Reclamation SRBA claims for storage rights in reservoirs in Basin 63. If you concur with this

02/28/2002

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

RIGHT NUMBER: 63-3618

NAME AND ADDRESS: UNITED STATES OF AMERICA ACTING THROUGH
REGIONAL DIRECTOR PN REGION CODE PN-3100
BUREAU OF RECLAMATION
1150 N CURTIS RD SUITE 100
BOISE ID 837065155

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 307,000.0 AFY

PRIORITY DATE: 04/12/1963

POINT OF DIVERSION:

T02N R03E S11 SENE Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
RECREATION STORAGE	01/01 12/31	28,800.00 AFY
IRRIGATION FROM STORAGE	03/15 11/15	111,950.00 AFY
FISH HABITAT STORAGE	01/01 12/31	152,300.00 AFY
IRRIGATION STORAGE	01/01 12/31	111,950.00 AFY
FISH HABITAT FROM STORAGE	01/01 12/31	152,300.00 AFY

PLACE OF USE:

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

THIS RIGHT IS CONDITIONED UPON COMPLETION OF THE APPROPRIATION
IN ACCORDANCE WITH THE STATUTORY PROCEDURE FOR
APPROPRIATION OF WATER RIGHTS. THIS RIGHT REMAINS SUBJECT TO
ALL CONDITIONS SET FORTH IN THE PERMIT UPON WHICH THIS RIGHT IS
BASED, AND WILL BE SUBJECT TO ALL CONDITIONS SET FORTH IN THE
LICENSE ISSUED BY IDWR UPON COMPLETION OF THE STATUTORY
APPROPRIATION PROCESS.
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: Permit

NOTE: THIS PERMIT IS IN THE PROCESS OF BEING LICENSED. THE TOTAL
RESERVOIR CAPACITY AND ELEVATION REMARK WILL BE ADDED IN THE
DIRECTORS REPORT.

Water Right 63-3618

1

02/25/2002

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

RIGHT NUMBER: 63-3618

NAME AND ADDRESS: UNITED STATES OF AMERICA ACTING THROUGH
REGIONAL DIRECTOR PN REGION CODE PN-3100
BUREAU OF RECLAMATION
1150 N CURTIS RD SUITE 100
BOISE ID 837065155

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 307,000.0 AFY

PRIORITY DATE: 04/12/1963

POINT OF DIVERSION:

T02N R03E S11 SENE Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
RECREATION STORAGE	01/01 12/31	28,800.00 AFY
IRRIGATION FROM STORAGE	03/15 11/15	111,950.00 AFY
FISH HABITAT STORAGE	01/01 12/31	152,300.00 AFY
IRRIGATION STORAGE	01/01 12/31	111,950.00 AFY
FISH HABITAT FROM STORAGE	01/01 12/31	152,300.00 AFY

PLACE OF USE:

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

THIS RIGHT IS CONDITIONED UPON COMPLETION OF THE APPROPRIATION IN ACCORDANCE WITH THE STATUTORY PROCEDURE FOR APPROPRIATION OF WATER RIGHTS. THIS RIGHT REMAINS SUBJECT TO ALL CONDITIONS SET FORTH IN THE PERMIT UPON WHICH THIS RIGHT IS BASED, AND WILL BE SUBJECT TO ALL CONDITIONS SET FORTH IN THE LICENSE ISSUED BY IDWR UPON COMPLETION OF THE STATUTORY APPROPRIATION PROCESS.
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: Permit

02/19/2002

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

RIGHT NUMBER: 63-3618

NAME AND ADDRESS: UNITED STATES OF AMERICA ACTING THROUGH
REGIONAL DIRECTOR PN REGION CODE PN-3100
BUREAU OF RECLAMATION
1150 N CURTIS RD SUITE 100
BOISE ID 837065155

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 307,000.0 AFY

PRIORITY DATE: 01/01/1955

POINT OF DIVERSION:

T02N R03E S11 SENE Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
FLOOD CONTROL STORAGE	1/01 12/31	13,950.00 AFY
IRRIGATION FROM STORAGE	3/15 11/15	140,750.00 AFY
MINIMUM INSTREAM FLOW STORAGE	1/01 12/31	152,300.00 AFY
MINIMUM INSTREAM FLOW FROM STORAGE	1/01 12/31	152,300.00 AFY
IRRIGATION STORAGE	1/01 12/31	140,750.00 AFY

PLACE OF USE:

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

THIS RIGHT IS CONDITIONED UPON COMPLETION OF THE APPROPRIATION
IN ACCORDANCE WITH THE STATUTORY PROCEDURE FOR
APPROPRIATION OF WATER RIGHTS. THIS RIGHT REMAINS SUBJECT TO
ALL CONDITIONS SET FORTH IN THE PERMIT UPON WHICH THIS RIGHT IS
BASED, AND WILL BE SUBJECT TO ALL CONDITIONS SET FORTH IN THE
LICENSE ISSUED BY IDWR UPON COMPLETION OF THE STATUTORY
APPROPRIATION PROCESS.
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: Permit

APPLICATION FOR PERMIT

63-3618

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

Application No. R 35086
Permit No. R 1183

I. Name of Applicant: United States of America, acting through the Regional Director, Region 1,

Bureau of Reclamation

Post office address: P.O. Box 937

~~Boise~~ Boise

State Idaho

and for the benefit of the users of Boise River water.
1. If applicant is a corporation, give:

(a) Date and place of incorporation:

(b) Amount of Capital Stock: \$

(c) Amount paid in: \$

(d) Names and addresses of directors:

II. The financial resources of the corporation are:

(a) Cash on hand: \$

(b) Treasury Stock: \$

(c) Bonds to be issued: \$

(d) Other resources:

2. Quantity of water to be stored: 307,000

acre feet per annum.

3. Source of water supply is Boise

~~Snake~~ (River) (~~Snake~~ a tributary of Snake

River.

intake tower to the
4. The outlet of the proposed reservoir is located S6°20'W 2300 feet, distant from the NE corner of Section 11, Township 2 N.,
(bearing)

Range 3 E., B.M. and is in the SE 1/4 of NE 1/4 of Section 11, Township 2 N., Range 3 E., B.M. County of Ada

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

(a) The reservoir is located in the channel of Boise

(~~Creek~~) (River).

(b) The reservoir is to be filled through a feeder canal, the point of diversion for which is located

(bearing)

feet distant from

the corner of Section, Township, Range, B.M., and is in the 1/4 of 1/4 of

Section, Township, Range, B.M.; width at bottom feet, width at top

feet, depth of water feet; average grade per mile feet; Capacity cubic feet per second

6. (a) The area of the high water line of the reservoir is 2,850

acres.

(b) The reservoir capacity is 307,000 (total capacity); 278,200 (usable storage)

acre feet.

7. Height of reservoir dam 340 feet, length of crest 1,700 feet, length at bottom variable feet, size of outlet 23 feet

inside diameter feet. The dam is ~~to be constructed of~~ the existing Lucky Park Dam and is
rolled earth and gravel fill.

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

8. (a) Will water stored in reservoir be diverted to canal or aqueduct, thence to land to be irrigated without commingling with natural flow of

Boise ~~Snake~~ (River)? No

(b) Water stored in reservoir will be carried in the channel of Boise

(~~Creek~~) (River) a distance

of 2 miles to point of diversion located at the existing Boise Diversion Dam

(bearing)

356 feet, distant from the E1 corner of Section

11, Township 2 N., Range 3E., B.M., and Lot 9 ~~Snake~~ of Section 3, Township 2 N., Range

3 E., B.M., and to other points of diversion in the Boise River downstream therefrom.

9. (a) Area of watershed above dam site 2,650

square miles.

(b) Estimated maximum flow of stream (unregulated natural flow)

cubic feet per second.

10. Water is to be used for irrigation

purposes.

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

(a) Point of use of water feet, distant from Corner of Section, Township, Range

(bearing), B.M., and is in the 1/4 of 1/4 of Section, Township, Range, B.M.

(b) Amount of power generated:

H.P., under

feet head.

(c) Water is to be returned to

(Creek) (River) (Spring) at a point feet

distant from the corner of Section, Township, Range, B.M. In

the 1/4 of 1/4 of Section, Township, Range, B.M.

12. Water stored in accordance with this Permit will be carried to place of use through a canal heretofore constructed ~~under~~ Permit No. 16098
which is hereby referred to and made a part hereof, and other existing canals diverting from the Boise River.

13. Kind of diversion works: Rubble concrete weir dam (Dam, canal, flume, pipe, etc.)

14. Height of diversion dam: 52 feet, length at top 500 feet, length at bottom 400 feet. The dam is ~~to be~~ constructed

of materials as follows: Rubble concrete. Diversion will be through the existing New York Canal and other
canals diverting from the Boise River.

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

New York Canal - 8' in each, 5' x 9'

15. Size of headgate: ~~10000~~ ~~10000~~ ~~10000~~

16. Diversion Canal: Width at bottom 10 feet, width at water line 67 feet, depth of water 9 feet, Dimensions of Flume

Diameter of Pipe inches; Length of Conduit miles, Average grade per mile feet.

17. Estimated Cost of Works: Storage Works: \$ Constructed Diversion Works: \$ Constructed

18. Time required for completion of work 5 years.

19. Time required for complete application of water to proposed beneficial use is 6 years.

20. The land to be irrigated is described in the following tabulation:

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

Twp.	Range	Sec.	NE1/4				NW1/4				SW1/4				SE1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
			Lucky Peak stored waters will be utilized in the Boise Valley on presently irrigated lands for supplemental irrigation water.																

Total Number of Acres to Be Irrigated

21. Existing rights and/or valid permits appurtenant to lands described above are Water License No. R-698, No. R-652, No. 430, No. 7180, No. 4800, No. 16098, and the rights described in the Bryan and Stewart decrees.

~~Remarks:~~ Remarks: The water to be stored under this permit will be used to supplement lands having existing water rights in the Boise Valley who desire to contract therefor.

REMARKS: This permit is issued on condition - "That the yield of water from 50,000 acre feet of space be available for maintaining minimum winter time flow in the Boise River below Boise Diversion Dam under a release pattern established from time to time by the Director of the Idaho Fish and Game Department.

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

UNITED STATES OF AMERICA, Applicant.

By s/ M. B. Austin, Agent.
Acting Regional Director

Date of first receipt at Department of Reclamation: 8:00 A.M. April 12, 1963

Returned to applicant for correction:

Corrected application received:

APPROVAL OF STATE RECLAMATION ENGINEER

The number of this permit is R 1183
Recorded in book R 5, page 1183. Approved March 20, 1964

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

Bond in the sum of \$, to be filed on or before and to continue diligently and
Work to begin on or before May 20, 1964
uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.
One-fifth of the work above specified to be completed on or before September 20, 1966
The whole of said work to be completed on or before March 20, 1969
Beneficial use of water stored in accordance herewith, to be made on or before March 20, 1975
Witness my hand this 20th day of March, 1964

s/ CARL E. TAPPAN
State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, ROBERT E. SMYLLIE, Governor of the State of Idaho, and ARNOLD WILLIAMS,

Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 20th day of March, 1964

COUNTERSIGNED

STATE OF IDAHO

By s/ ARNOLD WILLIAMS
Secretary of State.

By s/ ROBERT E. SMYLLIE
Governor.

(SEAL)

Show 40-acre subdivisions, townships, ranges and ditches.

[illegible]

That no one will be injured by such change, and that such change will be made at permit holder's own risk.

(Signature)

Preliminary check by

Fee = \$20.00 + 3.57%

Received by

Publication prepared by JS Date 3/29/84

Fig. 152, c

Published in

Publication dates 4/5 & 4/12/54

451212

APPROVE the above Application for Amendment of Permit No. R-1183 (63-3618) provided

the following condition are met:
1. The allocation of 152,300 acre feet of storage space for stream flow maintenance includes 50,000 acre feet allocated for same purpose under the original permit.

Witness my hand this 14 day of February, 1985.

J. M. Saxon

STATE OF IDAH
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR AMENDMENT OF A PERMIT

To change the point of diversion and/or the place of use.

The United States of America acting through the Regional Director,
Comes now Pacific Northwest Region, Bureau of Reclamation
of (address) Box 043-550 West Fort Street, Boise, ID 83724, and represents to the
Director of the Idaho Department of Water Resources:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho
No. R-1183/63-3618, and requests that the permit and permit map be changed as follows:

1. Point of diversion: SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 11, Township 2N, Range 3E, B.M.,
County of Ada. Other points of diversion: Secondary diversions from
the Boise River at various points downstream from Lucky Peak Reservoir.

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)				
Amount (acre-feet)	Use	Period: From	To	
111,950	Storage for Irrigation	Jan. 1	Dec. 31	
111,950	Irrigation from Storage	Mar. 15	Nov. 15	
152,300	Storage for Streamflow	Jan. 1	Dec. 31	
	Maintenance			
152,300	Streamflow Maintenance	Jan. 1	Dec. 31	
	from Storage			
28,800	Storage for Recreation	Jan. 1	Dec. 31	

Total of 293,050 acre feet

TWP	RGE	SEC	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	

Supplemental irrigation of cultivated lands of the Boise Federal Reclamation
Project Ada and Canyon counties.
Streamflow maintenance in the channel of the Boise River below Lucky Peak
Reservoir. Lucky Peak Reservoir storage pool maintenance for Recreation.

Total number of acres to be irrigated - 277,000

4. a. Who owns the property at the point of diversion? United States of America
b. Who owns the land to be irrigated or the place of use? Various Water Users
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the
applicant to make this filing: Administrator of Federal Reclamation Project.

RECORDED

MAR 10 1988

RECEIVED
JUN 9 1987

Department of Water Resources
Western Regional Office

See the following map by State of Idaho and point of diversion as proposed by this amendment.

acres subdivisions, townships, ranges and ditches.

DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. General information

- a. The amount of water for which the purpose of use may be modified is 25,905 acre-feet.

- b. Storage water is to be released from Lucky Peak Reservoir.

- c. The reasons for the proposed change is to provide an emergency supplemental irrigation water supply to entities with existing storage water contracts in the Boise River system.

2. Change

- a. This amendment is not intended to permanently alter the distribution of uses for storage waters in Lucky Peak Reservoir. Instead, this amendment will authorize use of up to 25,905 acre-feet of streamflow maintenance water for irrigation lands served under existing storage water contracts in the Boise River system during the 1987 season.

b. Distribution of irrigation water made available upon approval of this application will be carried out generally according to the plan set forth in the stipulation for withdrawal of protest lodged with the Department of Water Resources on May 14, 1987, a copy of which is attached hereto and incorporated herein by reference. That stipulation concerned the Bureau's March 12, 1987, application to change the nature of use of 44,700 acre feet of Lucky Peak Reservoir storage water from streamflow maintenance to irrigation.

1/2" = 2 inches equal 1 mile.

That no one will be injured by such change, and that such change will be made at permit holder's own risk.

Signed at Boise, Idaho, this 5th day of June, 1987.

John W. Taylor, III
(Signature)

Regional Director

FOR DEPARTMENT USE ONLY

Volume No 7-01-10 sub 18

Preliminary check by DCF Fee = \$20.00

Received by Date 8-11-87

Published in Idaho Statesman

Publication prepared by JP Date 6/6/87

Publication dates June 19, 25, 1987

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

I, Norman C. Young, Acting Director of the Department of Water Resources hereby APPROVE the application for Amendment of Permit subject to the Memorandum Decision and Order.

RECEIVED

I hereby certify that I have read this application and find it to be in accordance with the provisions of the Idaho Water Resources Act.

day of August, 1987

Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES **APPROVED**

APPLICATION FOR AMENDMENT OF A PERMIT

To change the point of diversion and/or the place of use.

The United States of America acting through the Regional Director,
Comes now Pacific Northwest Region, Bureau of Reclamation
of (address) Box 043-550 West Fort Street, Boise, ID 83724, and represents to the
Director of the Idaho Department of Water Resources:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho
No. R-1183/63-3618, and requests that the permit and permit map be changed as follows:

1. Point of diversion: SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 11, Township 2N, Range 3E, B.M.,
County of Ada. Other points of diversion: Secondary diversions from
the Boise River at various points downstream from Lucky Peak Reservoir.

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

Amount (acre-feet)	Use	Period: From	To
111,950	Storage for Irrigation	Jan. 1	Dec. 31
111,950	Irrigation from Storage	Mar. 15	Nov. 15
152,300	Storage for Streamflow	Jan. 1	Dec. 31
	Maintenance		
152,300	Streamflow Maintenance	Jan. 1	Dec. 31
	from Storage		
28,800	Storage for Recreation	Jan. 1	Dec. 31

Total of 293,050 acre feet

TWP	RGE	SEC	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	

Supplemental irrigation of cultivated lands of the Boise Federal Reclamation
Project Ada and Canyon counties.
Streamflow maintenance in the channel of the Boise River below Lucky Peak
Reservoir. Lucky Peak Reservoir storage pool maintenance for Recreation.

Total number of acres to be irrigated = 164,920

4. a. Who owns the property at the point of diversion? United States of America
b. Who owns the land to be irrigated or the place of use? Various Water Users
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the
applicant to make this filing: Administrator of Federal Reclamation Project.

RECEIVED

MAR 10 1988

Complete the following map by showing land and point of diversion as proposed by this amendment.
Show 40-acre subdivisions, townships, ranges and ditches.

DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. General information

- a. The amount of water for which the purpose of use may be modified is 44,700 acre-feet.
- b. Storage water is to be released from Lucky Peak Reservoir.

c. The reasons for the proposed changes is to provide a water supply to the users of the Boise Board of Control to offset shortages due to evacuation of Lucky Peak Reservoir during power plant construction.

2. Change

a. This amendment is not intended to permanently alter the distribution of uses for storage waters in Lucky Peak Reservoir. Instead, this amendment will authorize, (1) use of up to 44,700 acre-feet of streamflow maintenance water for irrigation of Boise Project Board of Control (BBPOC) lands in the 1987 season; and (2) use of up to 57,600 acre-feet of BBPOC irrigation storage to guarantee streamflow maintenance capacity through April 15, 1990.

6. This amendment is intended to be subject to the agreements and stipulations outlined in (1) the contract letter to Mr. Carl Padour, Manager of the Boise Project Board of Control from Mr. Neil Stegman, Project Superintendent of the U.S. Bureau of Reclamation Central Snake Projects Office dated June 26, 1986, and (2) the cover letter submitted with this application.

Scale: 2 inches equal 1 mile.

That no one will be injured by such change, and that such change will be made at permit holder's own risk.

Signed at _____, this 11th day of March, 1987.

(Signature)

Regional Director

FOR DEPARTMENT USE ONLY

Preliminary check by [Signature] Fee = \$20.00
Received by [Signature] Date 5/19/87 # 44851
Volunteer contract No. 7-07-10-100312

Publication prepared by JP Date 3/12/87 Published in The Idaho Statesman

Publication dates 3/19 & 3/26/87

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

I, A. Kenneth Dunn, Director of the Department of Water Resources hereby

APPROVE this amendment subject to the conditions of the Memorandum Decision and Order

dated May 20, 1987.

MAR 10 1988

Witness my hand this 20th day of May, 1987.

Director

IDAHO DEPARTMENT OF WATER RESOURCES

Water Permit Report 63-3618

WATER RIGHT NUMBER: 63-3618

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	US DEPT OF INTERIOR BUREAU OF RECLAMATION PN REGIONAL OFFICE 1150 N CURTIS RD SUITE 100 BOISE, ID 837065155

Priority Date: 04/12/1963

Basis:

Status: Active

<u>Source</u>	<u>Tributary</u>
BOISE RIVER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION FROM STORAGE	03/15 to 11/15		111,950.00 AF ✓
IRRIGATION STORAGE	01/01 to 12/31		111,950.00 AF ✓
RECREATION STORAGE	01/01 to 12/31		28,800.00 AF
FISH HABITAT STORAGE	01/01 to 12/31		152,300.00 AF
FISH HABITAT FROM STORAGE	01/01 to 12/31		152,300.00 AF
	<u>Total Diversion:</u>		307,000.00 AF

Location of Point(s) of Diversion

BOISE RIVER	SE1/4NE1/4	Sec. 11, Twp 02N, Rge 03E, B.M.
ADA County		

Place of UseConditions of Approval:Remarks:Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Permit Report 63-3618

Dates and Other Information:

Permit Proof Due Date: 11/1/1986
Permit Proof Made Date: 9/22/1986
Permit Approved Date: 3/20/1964
Permit Moratorium Expiration Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Field Exam Date: 10/27/1993
Date Sent to State Office: 2/21/2002
Date Received at State Office:
State or Federal:
Owner Name Connector:
Water District Number: 63
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-3618

WATER RIGHT NUMBER: 63-3618

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	UNITED STATES OF AMERICA ACTING THROUGH REGIONAL DIRECTOR PN REGION CODE PN-3100 BUREAU OF RECLAMATION 1150 N CURTIS RD SUITE 100 BOISE, ID 83706-5155 (208) 378-5306
Also Known As	BOR
	, ID
Also Known As	US DEPT OF INTERIOR BUREAU OF RECLAMATION PN REGIONAL OFFICE 1150 N CURTIS RD SUITE 100 BOISE, ID 837065155

Priority Date: 01/01/1955

Basis: Permit

Status: Active

<u>Source</u>	<u>Tributary</u>
BOISE RIVER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
FLOOD CONTROL STORAGE	1/01 to 12/31		13,950.00 AF
IRRIGATION FROM STORAGE	3/15 to 11/15		140,750.00 AF
MINIMUM INSTREAM FLOW STORAGE	1/01 to 12/31		152,300.00 AF
MINIMUM INSTREAM FLOW FROM STORAGE	1/01 to 12/31		152,300.00 AF
IRRIGATION STORAGE	1/01 to 12/31		140,750.00 AF
	<u>Total Diversion:</u>		307,000.00 AF

Location of Point(s) of Diversion

BOISE RIVER	SE1/4NE1/4	Sec. 11, Twp 02N, Rge 03E, B.M.
ADA County		

Place of UseConditions of Approval:Remarks:

1. General P/U IS BOISE FEDERAL RECLAMATION PROJECT LANDS JOINT USE-- 278,200 ac-ft
(13,950 ac-ft FLOOD CONTROL) INACTIVE CAPACITY-- 28,800 ac-ft BANK STORAGE--
17,000 ac-ft (REFER TO RIGHT #63-5263) TOTAL CAPACITY-- 324,000 ac-ft 224,886 IRR
AC MULTIYEAR STORAGE PROJECT NOTE: SEE DUPLICATE CLAIMS FILED ON THIS
RIGHT UNDER NOS.^^ A63-03618A (PIONEER IRRIG. DIST.) AND A63-03618B (SETTLERS
IRRIG. DIST.). KW 5/3/95

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 63-3618

Comments:

Dates and Other Information:

Claim Received Date: 7/7/1989
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector:
Water District Number: 63
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Bryce A. Contor
Senior Water Resource Agent
Idaho Department of Water Resources
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1728

RECEIVED
JUN 15 2001
Department of Water Resources
Eastern Region

RECEIVED
JUN 20 2001
WATER RESOURCES
WESTERN REGION

June 14, 2001

As per your request, attached is the list of water right claims that need to have an address change. Some of these are in basins that have been reported out. Some have been disallowed. Should you need further refinement of the list let me know. Thanks!

Dala Walton (208) 678-0461 ext. 23

RECEIVED

CHANGE IN ADDRESS

JUN 15 2001

This form is solely for purposes of notifying IDWR of a ^{Department of Water Resources} ~~change~~ _{Eastern Region} address of an adjudication claim.

[1] Water Right Number(s): See attached list

[] Old Mailing Address: United States of America Acting through
Regional Director, PN Region
Bureau of Reclamation
Box 043-550 West Fort St.
Boise ID 83724

[x] New Mailing Address: United States of America Acting through
Regional Director PN Region Code PN-3100
Bureau of Reclamation
1150 N Curtis Rd Suite 100
Boise ID 83706-5155

[x] Telephone Number: (208) 378-5306 Gail McGarry

[x] Signature of Claimant: Lela S. Walton

[x] Date: 6/14/01

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: By:

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: By:

RECEIVED

JUN 20 2001

WATER RESOURCES
WESTERN REGION

CLAIM NO.	FEATURE (PRIORITY DATE/EVIDENCE)	QUANTITY	Page 1
	(L = License, D = Decree, IC1 = IC 42-1409, IC2 = IC 42-243, S = Statutory)	c.f.s.	a.f.

BOISE PROJECT - ARROWROCK DIVISION

A02-02378	Marsing Job Corps Diversion (07/28/1965 L)	0.23	
	Irrigation	0.10	
	Domestic	0.13	
A63-05264	Lake Lowell Bank Storage (03/27/1909 S)		11,000
	Irrigation Storage		11,000
	Irrigation from Storage		11,000
A63-04868	Lake Lowell Storage (03/27/1909 S)		190,100
	Irrigation Storage		190,100
	Irrigation from Storage		177,100
	Diversion to Storage	2,800	
A63-07340	Lake Lowell Recreation Area Well (11/01/1968 L)	0.25	
	Irrigation	0.25	
	Domestic	0.25	
A63-03618	Lucky Peak Reservoir Storage (01/01/1955 P)		307,000
	Irrigation Storage		140,750
	Irrigation from Storage		140,750
	Minimum Instream Flow Storage		152,300
	Minimum Instream Flow from Storage		152,300
	Flood Control Storage		13,950
A63-05263	Lucky Peak Reservoir Bank Storage (01/01/1955 S)		17,000
	Irrigation Storage		17,000
	Irrigation from Storage		17,000
A63-02106	Five Mile Creek Diversion (04/28/1909 L)	10.0	
	Irrigation	9.96	
	Domestic	0.04	
A63-02109	Mason Creek Diversion (06/02/1909 L)	104.8	
	Irrigation	104.8	
A63-02212	Pipe Gulch Diversion (07/07/1913 L)	10.0	
	Irrigation	10.0	
A63-02322	Wilson and Elijah Slough Diversion (10/04/1918 L)	120.0	

CLAIM NO.	FEATURE (PRIORITY DATE/EVIDENCE)	QUANTITY	Page 2
	(L = License, D = Decree, IC1 = IC 42-1409, IC2 = IC 42-243, S = Statutory)	c.f.s.	a.f.
	Irrigation	120.0	
A63-02158 (303)	Arrowrock Reservoir Diversion (01/13/1911 L)	8,000	
	Irrigation	8,000	
A63-03613	Arrowrock Reservoir Storage (06/25/1938 L)		15,000
	Irrigation Storage		15,000
	Irrigation from Storage		15,000
A63-05262	Arrowrock Reservoir Storage (01/13/1911 S)		288,600
	Irrigation Storage		288,600
	Irrigation from Storage		288,600
	Power Storage		288,600
	Power from Storage		288,600
A63-05261	Anderson Ranch Reservoir Bank Storage (12/09/1940 S)		30,000
	Irrigation Storage		30,000
	Irrigation from Storage		30,000
	Power Storage		30,000
	Power from Storage		30,000
A63-03614	Anderson Ranch Reservoir Storage (12/09/1940 L)		493,161
	Irrigation Storage		487,961
	Irrigation from Storage		458,961
	Power Storage		493,161
	Power from Storage		464,161
	Municipal Storage		5,200
	Municipal from Storage		5,200
A63-00301	Boise Diversion Dam Diversion (12/14/1903 D)	1,354.58	
	Irrigation	1,354.58	
A63-00302	Boise Diversion Dam Diversion (06/16/1909 D)	634	
	Irrigation	634	
A63-02388	Boise Diversion Dam Diversion (08/18/1924 L)	300	
	Irrigation	300	
A63-00251	Boise Diversion Dam Diversion (03/23/1900 D)	219.1	
	Irrigation	219.1	

CLAIM NO.	FEATURE (PRIORITY DATE/EVIDENCE)	QUANTITY	Page 3
	(L = License, D = Decree, IC1 = IC 42-1409, IC2 = IC 42-243, S = Statutory)	c.f.s.	a.f.

A63-00367	Boise Diversion Dam Power (06/15/1909 D)	1,500	
	Power	1,500	
A63-00373	Boise Diversion Dam Diversion (04/01/1909 D)	292.5	
	Irrigation	292.5	

BOISE PROJECT-PAYETTE DIVISION

A65-02288	Black Canyon Dam Diversion (05/14/1921 D)	1,300	
	Power	1,300	
A65-02433	Black Canyon Dam Diversion (09/19/1938 D)	1,200	
	Irrigation	1,200	
A65-09481	Black Canyon Dam Diversion (04/01/1926 D)	300	
	Power	300	
A65-09486	C-Line Pumping Plant Well (06/01/1946 D)	0.04	
	Domestic	0.04	
A65-09487	Black Canyon Dam Well (06/01/1924 D)	0.04	
	Domestic	0.04	
A65-09488	Black Canyon Dam Well (06/01/1924 D)	0.04	
	Domestic	0.04	
A65-11412	Black Canyon Dam Emmett I.D. Pumps (03/15/1924 IC2)	220	
	Power	220	
A65-02927A	Cascade Reservoir Storage (12/24/1937 D)	745,200	
	Irrigation Storage	745,200	
	Irrigation from Storage	745,200	
	Power Storage	745,200	
	Power from Storage	745,200	
A65-02927B	Cascade Reservoir Storage - Municipal (12/24/1937 D)	2,500	
	Municipal Storage	2,500	
	Municipal from Storage	2,500	
A65-03105A	Willow Creek Diversion (06/01/1889 D)	0.98	
	Irrigation	0.98	

CLAIM NO.	FEATURE (PRIORITY DATE/EVIDENCE) (L = License, D = Decree, IC1 = IC 42-1409, IC2 = IC 42-243, S = Statutory)	QUANTITY c.f.s.	Page 4 a.f.
A65-03106	Willow Creek Diversion (05/10/1891 D) Irrigation	0.44 0.44	
A65-03108A	Willow Creek Diversion (05/10/1891 D) Irrigation	1.16 1.16	
A65-03111F	Rock (Richards) Creek Diversion (06/01/1894 D) Irrigation	0.40 0.40	
A65-03142	Arling Creek Diversion (03/20/1892 D) Irrigation	3.70 3.70	
A65-03143	Arling Creek Diversion (05/22/1897 D) Irrigation	4.0 4.0	
A65-11350	Duck Creek Diversion (07/01/1900 D) Irrigation	3.82 3.82	
A65-11351	Unnamed Stream Diversion (07/01/1900 D) Irrigation	4.82 4.82	
A65-11353	Gibson Creek Diversion (07/01/1900 D) Irrigation	0.28 0.28	
A65-11354	Unnamed Stream Diversion (07/01/1900 D) Irrigation	3.60 3.60	
A65-11361	Rock Creek Diversion (07/01/1900 D) Irrigation	1.74 1.74	
A65-07794	Duck Creek Recreation Well (01/05/1977 D) Domestic	0.04 0.04	
A65-07795	Poison Creek Recreation Well (01/05/1977 D) Domestic	0.04 0.04	
A65-07796	Sugarloaf Recreation Well (01/05/1977 D) Domestic	0.02 0.02	
A65-02917	Deadwood Reservoir Power Storage (12/31/1926 D) Power Storage Power from Storage		163,000 163,000 163,000

CLAIM NO.	FEATURE (PRIORITY DATE/EVIDENCE)	QUANTITY	Page 5
	(L = License, D = Decree, IC1 = IC 42-1409, IC2 = IC 42-243, S = Statutory)	c.f.s.	a.f.

A65-09483	Deadwood Reservoir Irrigation Storage (12/31/1926 D)	173,000	
	Irrigation Storage	173,000	
	Irrigation from Storage	173,000	
A65-09485	Deadwood Reservoir Headquarters Well (06/01/1929 D)	0.32	
	Domestic	0.32	
A77-10114	Johnson Creek Diversion to Deadwood Reservoir (09/01/1936 IC2)	3,500	
	Irrigation Storage	3,500	
	Irrigation from Storage	3,500	
	Power Storage	3,500	
	Power from Storage	3,500	

LEWISTON ORCHARDS PROJECT

A85-00016	Sweetwater Creek Diversion (07/14/1904 D)	87.8	
	Irrigation	87.8	
	Domestic	87.8	
A85-02049	Waha Lake Diversion (05/26/1915 L)	10.0	
	Irrigation	10.0	
	Domestic	10.0	
	Waha Lake Diversion (05/26/1915 L)		4,000
	Irrigation Storage		4,000
	Irrigation from Storage		4,000
	Domestic Storage		4,000
	Domestic from Storage		4,000
A85-02065	Webb Creek Diversion (01/30/1924 L)	40.0	
	Irrigation	40.0	
	Domestic	40.0	
A85-02146	Webb Creek-Soldiers Meadow Reservoir (05/24/1922 L)		2,000
	Irrigation Storage		2,000
	Irrigation from Storage		2,000
	Domestic Storage		2,000
	Domestic from Storage		2,000
A85-02147	Captain John (Browns) Creek Diversion (12/04/1934 L)	20.0	
	Irrigation	20.0	
	Domestic	20.0	

CLAIM NO.	FEATURE (PRIORITY DATE/EVIDENCE)	QUANTITY	Page 6
	(L = License, D = Decree, IC1 = IC 42-1409, IC2 = IC 42-243, S = Statutory)	c.f.s.	a.f.

A85-04483	Manns Lake/Sweetwater Creek (06/01/1907 S)	10,500	
	Irrigation Storage	8,000	
	Irrigation from Storage	8,000	
	Stockwater Storage	1,000	
	Stockwater from Storage	1,000	
	Industrial Storage	1,500	
	Industrial from Storage	1,500	
	Municipal Storage	1,500	
	Municipal from Storage	1,500	
	Fire Protection Storage	1,000	
	Fire Protection from Storage	1,000	
A85-11087	West Fork Sweetwater Creek Diversion (05/26/1915 S)	20.0	
	Irrigation Storage	20.0	
	Irrigation from Storage	10.0	
	Domestic Storage	20.0	
	Domestic from Storage	10.0	

LITTLE WOOD RIVER PROJECT

A37-02783	Little Wood Dam - Storage (04/10/1959 L)	1,000	
	Irrigation Storage	1,000	
	Irrigation from Storage	1,000	
A37-12888	Little Wood Dam - Wells - Recreation (09/30/1976 S)	0.56	
	Irrigation	0.12	
	Domestic	0.44	

MANN CREEK PROJECT

A67-02386	Mann Creek Reservoir Storage (12/14/1940 L)	10,000	
	Irrigation Storage	10,000	
	Irrigation from Storage	8,390	
A67-02389	Mann Creek Reservoir Storage (01/30/1964 L)	2,950	
	Irrigation Storage	2,950	
	Irrigation from Storage	2,950	
A67-04553	Mann Creek Reservoir Storage (12/14/1940 S)	1,000	
	Irrigation Storage	1,000	
	Irrigation from Storage	1,000	

CLAIM NO.	FEATURE (PRIORITY DATE/EVIDENCE)	QUANTITY	Page 7
	(L = License, D = Decree, IC1 = IC 42-1409, IC2 = IC 42-243, S = Statutory)	c.f.s.	a.f.

MICHAUD FLATS PROJECT
FALLS IRRIGATION DISTRICT

A01-02061	Falls Irrigation District - Pumping plant (06/11/1956 L) Irrigation	153 153	
A01-04051	Falls Irrigation District - Recharge Storage (04/01/1958 IC2) Groundwater Recharge Storage		11,000 11,000
A29-02262	Falls Irrigation District - Well E (01/24/1946 L) Irrigation	2.2 2.2	
A29-02288	Falls Irrigation District - Well G (05/19/1950 L) Irrigation	2.57 2.57	
A29-02306	Falls Irrigation District - Well B (07/02/1951 L) Irrigation	2.85 2.85	
A29-02307	Falls Irrigation District - Well F (07/02/1951 L) Irrigation	2.20 2.2	
A29-02310	Falls Irrigation District - Well Q (12/22/1951 L) Irrigation	1.25 1.25	
A29-02341	Falls Irrigation District - Well M (10/29/1953 L) Irrigation	2.61 2.61	
A29-02380	Falls Irrigation District - 17 Wells (06/11/1956 L) Irrigation	44.61 44.61	
A29-02567	Falls Irrigation District - Well C (01/15/1952 L) Irrigation	2.45 2.45	
A29-02568	Falls Irrigation District - Well P (04/07/1955 L) Irrigation	3.79 3.79	
A29-02571	Falls Irrigation District - Well H (06/18/1950 L) Irrigation	2.23 2.23	
A29-10047	Falls Irrigation District - Ditchrider's House (01/01/1956 IC1) Irrigation Domestic	0.07 0.03 0.04	

CLAIM NO.	FEATURE (PRIORITY DATE/EVIDENCE)	QUANTITY	Page 8
	(L = License, D = Decree, IC1 = IC 42-1409, IC2 = IC 42-243, S = Statutory)	c.f.s.	a.f.

A29-02614A	Falls Irrigation District - Well K (02/16/1953 L)	1.56	
	Irrigation	1.56	
A01-02060	A&B Irrigation District - Unit A Pumping Plant (04/01/1939 L)	270	
	Irrigation	270	
A01-04049	A&B Irrigation District - Recharge Storage (09/09/1948 IC2)	297,500	
	Groundwater Recharge Storage	291,500	
	Domestic	6,000	

MINIDOKA/UPPER SNAKE RIVER PROJECT

A&B IRRIGATION DISTRICT

A01-04060	A&B Irrigation District - Unit A - Expansion (04/01/1939 IC2)	3,370	
	Irrigation	3,370	

A36-02080	A&B Irrigation District - Wells - Unit B (09/09/1948 L)	1,100	
	Irrigation	1,100	

A36-04265	A&B Irrigation District - Unit B - Expansion (04/20/1971 IC2)	11,893	
(A36-15127)	Irrigation	11,893	
(A36-15192)			
(A36-15193)			
(A36-15194)			
(A36-15195)			
(A36-15196)			

A01-00284	American Falls Dam - Diversion (03/30/1921 D)	8,000	
	Irrigation Storage	8,000	

A01-02064	American Falls Dam - Storage (03/30/21 L)	1,540,600	
	Irrigation Storage	1,540,600	
	Irrigation from Storage	1,540,600	
	Power Storage	1,540,600	
	Power from Storage	1,540,600	

A01-04052	American Falls Dam - Refill (06/16/1944 IC2)	115,000	
	Irrigation Storage	115,000	
	Irrigation from Storage	115,000	
	Power Storage	115,000	
	Power from Storage	115,000	

CLAIM NO.	FEATURE (PRIORITY DATE/EVIDENCE)	QUANTITY	Page 9
	(L = License, D = Decree, IC1 = IC 42-1409, IC2 = IC 42-243, S = Statutory)	c.f.s.	a.f.
A01-10042	American Falls Dam - Storage - winter water savings (03/29/21 L)	159,400	
	Irrigation Storage	159,400	
	Irrigation from Storage	159,400	
	Power Storage	159,400	
	Power from Storage	159,400	
A01-10053	American Falls Dam - Bank Storage (03/30/1921 L)	100,000	
	Irrigation Storage	100,000	
	Irrigation from Storage	100,000	
	Power Storage	100,000	
	Power from Storage	100,000	
A29-10045	American Falls Dam - Visitor Center (03/31/1976 IC1)	0.04	
	Domestic	0.04	
A29-10046	American Falls Dam Seagull Bay Recreation Area (03/01/1971 IC1)	0.04	
	Domestic	0.04	
A35-10358	American Falls Dam - Sportsman's Park Rec. Area (01/25/1979 IC1)	1.0	
	Irrigation	0.96	
	Domestic	0.04	
MINIDOKA/UPPER SNAKE RIVER PROJECT			
A01-04047	Burley Irrigation District - Recharge Storage (06/19/1909 IC2)	1,500,000	
	Groundwater Recharge Storage	1,500,000	
A45-00512	Burley Irrigation District - Marsh Creek (04/09/1909 D)	150	
	Irrigation	150	
A45-10389	Burley Irrigation District - Well - Domestic (06/19/1909 IC1)	0.12	
	Domestic	0.12	
A45-10390	Burley Irrigation District - Well - Domestic (06/19/1909 IC1)	0.24	
	Domestic	0.24	
A45-10391	Burley Irrigation District - Well - Domestic (06/19/1909 IC1)	0.08	
	Domestic	0.08	
A21-00024	Fremont-Madison Irrigation District - Diversion (05/10/1889 D)	6.0	
	Irrigation	6.0	

CLAIM NO.	FEATURE (PRIORITY DATE/EVIDENCE) (L = License, D = Decree, IC1 = IC 42-1409, IC2 = IC 42-243, S = Statutory)	QUANTITY Page 10	
		c.f.s.	a.f.
A21-00026	Fremont-Madison Irrigation District - Diversion (05/10/1889 D) Irrigation	3.0 3.0	
A21-00027	Fremont-Madison Irrigation District - Diversion (05/10/1889 D) Irrigation	3.0 3.0	
A21-00120	Fremont-Madison Irrigation District - Diversion (09/20/1901 D) Irrigation	1.6 1.6	
A21-00121	Fremont-Madison Irrigation District - Diversion (06/01/1893 D) Irrigation	1.0 1.0	
A21-00122	Fremont-Madison Irrigation District - Diversion (06/01/1901 D) Irrigation	0.8 0.8	
A21-00123	Fremont-Madison Irrigation District - Diversion (06/01/1901 D) Irrigation	0.8 0.8	
A21-00124	Fremont-Madison Irrigation District - Diversion (09/20/1901 D) Irrigation	1.0 1.0	
A21-00125	Fremont-Madison Irrigation District - Diversion (06/01/1901 D) Irrigation	0.8 0.8	
A21-00126	Fremont-Madison Irrigation District - Diversion (06/01/1900 D) Irrigation	2.2 2.2	
A21-04155	Grassy Lake Dam - Stateline Delivery (02/13/1936 IC2) Irrigation Storage Irrigation from Storage Power Storage Power from Storage		15,204 15,204 15,204 15,204 15,204
A21-02156	Island Park Dam - Storage (03/14/1935 L) Irrigation Storage Irrigation from Storage Power Storage Power from Storage		90,000 90,000 90,000 90,000 90,000
A21-04156	Island Park Dam - Refill (11/15/1938 IC2) Irrigation Storage Irrigation from Storage		135,000 135,000 135,000

CLAIM NO.	FEATURE (PRIORITY DATE/EVIDENCE)	QUANTITY	Page 11
	(L = License, D = Decree, IC1 = IC 42-1409, IC2 = IC 42-243, S = Statutory)	c.f.s.	a.f.
	Power Storage	135,000	
	Power from Storage	135,000	
A21-04157	Island Park Dam - Bank Storage (11/15/1938 IC2)	40,000	
	Irrigation Storage	40,000	
	Irrigation from Storage	40,000	
	Power Storage	40,000	
	Power from Storage	40,000	
A21-10560	Island Park Dam - Storage - winter water savings (03/29/1921 L)	45,000	
	Irrigation Storage	45,000	
	Irrigation from Storage	45,000	
	Power Storage	45,000	
	Power from Storage	45,000	
A21-10601	Island Park Dam - Well - Domestic (12/31/1938 IC1)	0.04	
	Domestic	0.04	
A01-04055	Jackson Lake Dam - Stateline Delivery (08/23/1906 WY L, IC2)	298,981	
	Irrigation Storage	298,981	
	Irrigation from Storage	298,981	
	Power Storage	1,415,000	
	Power from Storage	1,415,000	
A01-10044	Jackson Lake Dam - Stateline Delivery (08/18/1910 WY L, IC2)	138,829	
	Irrigation Storage	138,829	
	Irrigation from Storage	138,829	
A01-10045	Jackson Lake Dam - Stateline Delivery (05/24/1913 WY L, IC2)	409,190	
	Irrigation Storage	409,190	
	Irrigation from Storage	409,190	
UNNUMBERED(A)	Jackson Lake Dam - Bank Storage (04/01/1907 WY L, IC2)	27,000	
	Irrigation Storage	27,000	
	Irrigation from Storage	27,000	
UNNUMBERED(B)	Jackson Lake Dam - Bank Storage (04/01/1912 WY L, IC2)	12,000	
	Irrigation Storage	12,000	
	Irrigation from Storage	12,000	
UNNUMBERED(C)	Jackson Lake Dam - Bank Storage (04/01/1917 WY L, IC2)	29,000	
	Irrigation Storage	29,000	

CLAIM NO.	FEATURE (PRIORITY DATE/EVIDENCE)	QUANTITY	Page 12
	(L = License, D = Decree, IC1 = IC 42-1409, IC2 = IC 42-243, S = Statutory)	c.f.s.	a.f.
	Irrigation from Storage		29,000
UNNUMBERED(D)	Jackson Lake Dam - Second Fill (04/01/1917 WY L, IC2)		500,000
	Irrigation Storage		500,000
	Irrigation from Storage		500,000
A01-02040	Milner-Gooding Canal (03/30/1921 L)	1,700	
	Irrigation	1,700	
A36-11119	Milner-Gooding - Hunt Site Ditchrider's House (12/31/1947 IC1)	0.07	
	Irrigation	0.03	
	Domestic	0.04	
A36-11120	Milner-Gooding - Ditchrider's House (12/31/1947 IC1)	0.07	
	Irrigation	0.03	
	Domestic	0.04	
A01-00211A	Minidoka Dam Minidoka/Burley Irrigation Districts (03/26/1903 D)		1,726
	Irrigation	1,726	
A01-00214A	Minidoka Dam Minidoka/Burley Irrigation Districts (08/06/1908 D)		1,000
	Irrigation	1,000	
A01-00217	Minidoka Dam - Power (06/15/1909 D)	2,500	
	Power	2,500	
A01-00218	Minidoka Dam - Power (07/01/1912 D)	200	
	Power	200	
A01-00219	Minidoka Dam Minidoka/Burley Irrigation District (12/14/1909 D)	2,500	
	Irrigation Storage	2,500	
A01-02016	Minidoka Dam Minidoka/Burley Irrigation District (06/16/1911 L)	888	
	Irrigation	888	
A01-04024	Minidoka Dam - Unit 6 Powerplant (06/16/1927 IC2)	825	
	Power	825	
A01-04025	Minidoka Dam - Unit 7 Powerplant (05/07/1942 IC2)	1,700	
	Power	1,700	
A01-04048	Minidoka Dam - Park Irrigation (12/14/1909 IC2)		2.8

CLAIM NO.	FEATURE (PRIORITY DATE/EVIDENCE)	QUANTITY	Page 13
	(L = License, D = Decree, IC1 = IC 42-1409, IC2 = IC 42-243, S = Statutory)	c.f.s.	a.f.
	Irrigation	2.8	
A01-04050	Minidoka Dam - Bank Storage (04/01/1907 IC2)	30,000	
	Irrigation Storage	30,000	
	Irrigation from Storage	30,000	
	Power Storage	30,000	
	Power from Storage	30,000	
A01-10034	Minidoka Dam - Storage Minidoka/Burley Irrigation Dists (12/14/1909 D)	210,200	
	Irrigation Storage	210,200	
	Irrigation from Storage	95,200	
	Power Storage	210,200	
	Power from Storage	210,200	
A36-11114	Minidoka Dam - Spring (06/15/1909 IC2)	0.04	
	Domestic	0.04	
A36-11115	Minidoka Dam - Well (04/01/1907 IC2)	0.48	
	Irrigation	0.44	
	Domestic	0.04	
A36-11118	Minidoka Dam - Well (04/01/1907 IC2)	0.44	
	Irrigation	0.44	
A01-04046	Minidoka Irrigation District - Recharge Storage (04/01/1907 IC2)	2,700,000	
	Groundwater Recharge Storage	2,700,000	
A01-02068	Palisades Dam - Storage (07/28/1939 L)	1,141,400	
	Irrigation Storage	1,141,400	
	Irrigation from Storage	1,097,400	
	Power Storage	1,141,400	
	Power from Storage	1,141,400	
A01-04053	Palisades Dam - Well (06/01/1948 S)	0.31	
	Irrigation	0.31	
	Domestic	0.31	
A01-04054	Palisades Dam - Power (02/27/1957 IC2)	9,000	
	Power	9,000	
A01-04056	Palisades Dam - Refill (05/03/1957 IC2)	1,200,000	

CLAIM NO.	FEATURE (PRIORITY DATE/EVIDENCE)	QUANTITY	Page 14
	(L = License, D = Decree, IC1 = IC 42-1409, IC2 = IC 42-243, S = Statutory)	c.f.s.	a.f.
	Irrigation Storage	1,200,000	
	Irrigation from Storage	1,200,000	
	Power Storage	1,200,000	
	Power from Storage	1,200,000	
A01-04057	Palisades Dam - Bank Storage (07/03/1957 IC2)	185,000	
	Irrigation Storage	185,000	
	Irrigation from Storage	92,000	
	Power Storage	185,000	
	Power from Storage	92,000	
A01-10043	Palisades Dam - Storage - winter water savings (03/29/1921 L)	259,600	
	Irrigation Storage	259,600	
	Irrigation from Storage	259,600	
	Power Storage	259,600	
	Power from Storage	259,600	
A23-04073	Palisades Dam - Well (06/01/1948 IC2)	0.40	
	Domestic	0.40	
A23-10062	Palisades Dam - Well (06/01/1948 IC1)	0.04	
	Domestic	0.04	
A25-07004	Ririe Dam - Storage *****PERMIT***** (03/18/1975 P)	90,500	
	Irrigation Storage	90,500	
	Irrigation from Storage	86,500	
	Power Storage	90,500	
	Power from Storage	86,500	
A25-07008	Ririe Dam - Well - Domestic (05/04/1970 L)	0.04	
	Domestic	0.04	
A25-07135	Ririe Dam - Spring (09/13/1977 L)	0.01	
	Domestic	0.01	
A25-07201	Ririe Dam - Well - Park (08/11/1980 L)	0.14	
	Irrigation	0.08	
	Domestic	0.14	
A25-12222	Ririe Dam - Well (07/31/1987 S)	0.44	
	Irrigation	0.40	

CLAIM NO.	FEATURE (PRIORITY DATE/EVIDENCE)	QUANTITY	Page 15
	(L = License, D = Decree, IC1 = IC 42-1409, IC2 = IC 42-243, S = Statutory)	c.f.s.	a.f.
	Domestic	0.04	
A22-07022	Teton Dam - Wells *****PERMIT***** (04/23/1969 P)	80.88	
	Irrigation	80.88	
A22-07062	Teton Dam - Well - Domestic (01/05/1973 L)	0.06	
	Domestic	0.06	
A25-12223	Tex Creek - Spring - Cove Creek (01/01/1918 IC1)	0.08	
	Stockwater	0.04	
	Wildlife	0.04	
A25-12224	Tex Creek - Spring - Cove Creek (01/01/1918 IC1)	0.02	
	Stockwater	0.01	
	Wildlife	0.01	
A25-12225	Tex Creek - Spring - Indian Fork (01/01/1918 IC1)	0.08	
	Stockwater	0.04	
	Wildlife	0.04	
A25-12226	Tex Creek - Spring - Hayshed Creek/Indian Fork (01/01/1918 IC1)	0.02	
	Stockwater	0.01	
	Wildlife	0.01	
A25-12227	Tex Creek - Spring - Willow Springs (01/01/1918 IC1)	0.02	
	Stockwater	0.01	
	Wildlife	0.01	
A25-12228	Tex Creek - Spring - Pipe Creek (01/01/1918 IC1)	0.02	
	Irrigation	0.01	
	Domestic	0.01	
A25-12229	Tex Creek - Spring - Spring Creek (01/01/1918 IC1)	0.02	
	Stockwater	0.01	
	Wildlife	0.01	
A25-12231	Tex Creek - Spring Dog Tooth/Blue Creek (01/01/1918 IC1)	0.04	
	Stockwater	0.02	
	Wildlife	0.02	
A25-12234	Tex Creek - Indian Creek (01/01/1918 IC1)	0.04	

CLAIM NO.	FEATURE (PRIORITY DATE/EVIDENCE)	QUANTITY Page 16
	(L = License, D = Decree, IC1 = IC 42-1409, IC2 = IC 42-243, S = Statutory)	c.f.s. a.f.
	Irrigation	0.03
	Wildlife	0.01
A25-12236	Tex Creek - Pond - Trail Creek (01/01/1918 IC1)	0.05
	Irrigation	0.03
	Stockwater	0.01
	Wildlife	0.01
A25-12238	Tex Creek - Well - Domestic (01/01/1985 IC1)	0.04
	Domestic	0.04
OWYHEE PROJECT-IDAHO-OREGON UNIT		
A57-10807	Succor Creek Diversion - (Owyhee Reservoir) (04/11/1935 S)	30.0
	Irrigation	30.0



AJ0749NP

No. A63-03618

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 05/03/95

PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	UNITED STATES OF AMERICA, ACTING THROUGH REGIONAL DIRECTOR, PN REGION BUREAU OF RECLAMATION 1150 N CURTIS RD BOISE ID 837061234 (208) 378-5155	01/01/1955	IRRIGATION STORAGE IRRIGATION FROM STORAGE MIN. INSTREAM FLOW STOR MIN. INS. FLOW FROM STO FLOOD CONTROL STORAGE	01-01 12-31 03-15 11-15 01-01 12-31 01-01 12-31 01-01 12-31		140750.00 AFA 140750.00 AFA 152300.00 AFA 152300.00 AFA 13950.00 AFA ----- 307000.00 AFA 111950.00 AFA

TOTAL DIVERSION:
CONSUMPTIVE USE:

Stage: PERMIT

Tributary to: SNAKE RIVER

ADA County

Water Source: BOISE RIVER

T02N R03E S11 SENE

Point(s) of Diversion:

POU County:

Non-Irrigation Uses: 13,950 ac-ft FLOOD CONTROL, MINIMUM FLOW 152,300 ac-ft

Other Rights: A63-05263

Remarks: P/U IS BOISE FEDERAL RECLAMATION PROJECT LANDS
JOINT USE-- 278,200 ac-ft (13,950 ac-ft FLOOD CONTROL)
INACTIVE CAPACITY-- 28,800 ac-ft
BANK STORAGE-- 17,000 ac-ft (REFER TO RIGHT #63-5263)
TOTAL CAPACITY-- 324,000 ac-ft
224,886 IRR AC
MULTIYEAR STORAGE PROJECT
NOTE: SEE DUPLICATE CLAIMS FILED ON THIS RIGHT UNDER NOS.
A63-03618A (PIONEER IRRIG. DIST.) AND A63-03618B (SETTLERS IRRIG.
DIST.). KW 5/3/95

Dates: Exam Made Date: Verified Date:

Misc: Water District Number: 63 Field Inspection Flag:
Presumption Flag:MICROFILMED
OCT 07 1996

COPY

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: **A63-03618**
Date Received: 7/ 7/1989
Receipt No: X111111
Received By: _____

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

1. Name: UNITED STATES OF AMERICA, ACTING THROUGH 208-378-5155
Address: REGIONAL DIRECTOR, PN REGION
BUREAU OF RECLAMATION
1150 N CURTIS RD
BOISE ID 83706-1234

2. Date of Priority: JAN 1, 1955

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
02N	03E	11	SE	NE			ADA

5. Description of diverting works:
LUCKY PEAK DAM OUTLET WORKS & GENERATORS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION STORAGE	01/01	12/31			140750.00
IRRIGATION FROM STORAGE	03/15	11/15			140750.00
MIN. INSTREAM FLOW STOR	01/01	12/31			152300.00
MIN. INS. FLOW FROM STOR	01/01	12/31			152300.00
FLOOD CONTROL STORAGE	01/01	12/31			13950.00

7. Total Quantity Appropriated is:
C.F.S. (and/or) 307000.00 A.F.A.

8. Total consumptive use is 111950.0 Acre Feet Per Annum.

9. Non-irrigation uses:
13,950 ac-ft FLOOD CONTROL, MINIMUM FLOW 152,300 ac-ft

MICROFILMED
JUL 25 1994

10. Place of Use:

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

11. Place of use in counties:

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

13. Other Water Rights Used:

A63-05263

14. Remarks:

P/U IS BOISE FEDERAL RECLAMATION PROJECT LANDS
JOINT USE-- 278,200 ac-ft (13,950 ac-ft FLOOD CONTROL)
INACTIVE CAPACITY-- 28,800 ac-ft
BANK STORAGE-- 17,000 ac-ft (REFER TO RIGHT #63-5263)
TOTAL CAPACITY-- 324,000 ac-ft
224,886 IRR AC
MULTIYEAR STORAGE PROJECT

15. Basis of Claim: PERMIT

Water Right Number: R1183

16. Signature(s)

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

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____	Date: _____
_____	Date: _____

MICROFILMED

JUL 25 1994

State of Idaho)
) SS.
County of _____)

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

MICROFILMED
JUL 25 1994

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A63-03618
Date Received: 6/22/1988
Receipt No: _____
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

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

2. Date of Priority: JAN 01, 1955

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
02N	03E	11	SE	NE			ADA

5. Description of diverting works:
LUCKY PEAK DAM OUTLET WORKS & GENERATORS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION STORAGE	01/01	12/31			140750.00
IRRIGATION FROM STORAGE	03/15	11/15			140750.00
MIN. INSTREAM FLOW STOR	01/01	12/31			152300.00
MIN. INS. FLOW FROM STOR	01/01	12/31			152300.00
FLOOD CONTROL STORAGE	01/01	12/31			13950.00

7. Total Quantity Appropriated is:
C.F.S. (and/or) 307000.00 A.F.A.

8. Total consumptive use is 111950.0 Acre Feet Per Annum.

9. Non-irrigation uses:
13,950 ac-ft FLOOD CONTROL, MINIMUM FLOW 152,300 ac-ft

A63-03618

Page 1

Date: 05/09/89

MICROFILMED

JUL 25 1994

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
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11. Place of use in counties:

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

13. Other Water Rights Used:
A63-05263

14. Remarks:

P/U IS BOISE FEDERAL RECLAMATION PROJECT LANDS
JOINT USE-- 278,200 ac-ft (13,950 ac-ft FLOOD CONTROL)
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MULTIYEAR STORAGE PROJECT

15. Basis of Claim: PERMIT
Water Right Number: R1183