

Called Shelly Davis to discuss.
She did not call back so I
left a message that I do not
See how we can make a
change based on info in file.

Shelly called back
to say she is ok w/
not making changes.

08/17/2006

NOTICE OF ERROR

Ans 11/16/06

RECEIVED

REPLY

SEP 29 2006

DEPARTMENT OF
WATER RESOURCES

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: September 29, 2006

Water right number: 63-26671

BOISE-KUNA IRRIGATION DISTRICT

209 S SCHOOL AVENUE

KUNA, IDAHO 83634

Telephone Number: (208) 922-5608

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
 - (a) Period of use
2. Describe the changes you wish to make in the proposed recommendation:
 - (a) Period of use should not contain subordination language
3. Give a brief explanation as to why you disagree with these portions:
 - (a) Water right is used to fill Lake Lowell via New York Canal in off-season

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

DATE: 9/29/06

SIGNATURE: _____

Please print your name: _____

Shelly M. Davis
336-6700

IDWR Regional Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

SCANNED
OCT 03 2006

08/17/2006

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

RIGHT NUMBER: 63-26671

NAME AND ADDRESS: BOISE-KUNA IRRIGATION DIST
209 S SCHOOL AVE
KUNA ID 83634

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 8.000 CFS

This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and proceeding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and proceeding to the earliest, shall be reduced to 60 percent of their decreed quantities.

PRIORITY DATE: 05/01/1866

POINT OF DIVERSION:
T02N R03E S3 NWSW Lot 9 Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	8.000 CFS
Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoirs dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.		

PLACE OF USE:

48600 ACRES TOTAL

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

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

This right is designated as Nos. 3 & 38 in the Stewart Decree and the Boise Water Distribution Report.

This right is a combination of old Right Nos. 63-161E and 63-171AA.

Warntjes, Anita

From: Favreau, Danielle
Sent: Thursday, August 03, 2006 12:14 PM
To: Warntjes, Anita
Subject: RE: Nampa & Meridian

Boise Kuna ID = 47285

Boise Kuna ID + New York ID = 47285+17735 = 65020

-----Original Message-----

From: Warntjes, Anita
Sent: Thursday, August 03, 2006 11:42 AM
To: Favreau, Danielle
Subject: RE: Nampa & Meridian

Thank you. Can you tell me how many acres are in the large POU for the Boise Kuna Irrig & New York Irrig? Claim Nos. 63-372 & 63-26671.

-----Original Message-----

From: Favreau, Danielle
Sent: Thursday, August 03, 2006 11:06 AM
To: Warntjes, Anita
Cc: Tuthill, Dave
Subject: Nampa & Meridian

Hi Anita,

I have added the polygon to 05N04E35 to the Nampa-Meridian I.D. boundary as per Jan in referencing Transfer # 69594 as amended. The shape has been updated in recommendation but I will need to update PLSS on Friday due to the size of the district.

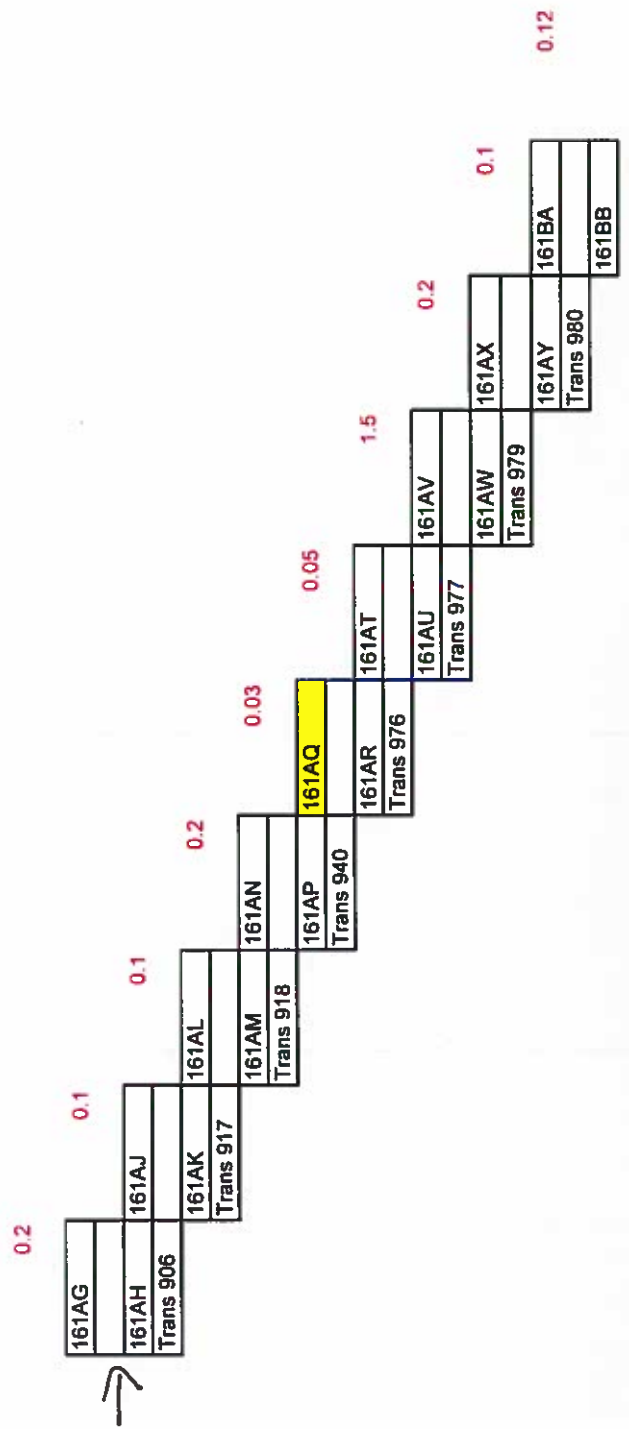
Also, here are the acres calculations you requested:

Acres from Plat Book: +66788
Arces from roads: -960
Acres from rental rolls: +3952 (from ArcView shapefile of maps)
Rental roll acres currently outside of boundary: -313

Total acres: 69467

Danielle

[illegible]



WATER RIGHT NUMBER	NAME	CFS
63-00161AW	SPLIT INTO 63-0161AX & 63-061AY BY TRANS. 979.	
63-00161AX	CONSUMERS WATER CORP.	0.10
63-00161AY	SPLIT INTO 63-0161BA & 63-0161BB BY TRANS. 980.	
63-00161BA	CONSUMERS WATER CORP.	0.12
63-00161BB	SPLIT INTO 63-0161BC & 63-0161BD BY TRANS. 989.	
63-00161BC	CONSUMERS WATER CORP.	0.20
63-00161BD	SPLIT INTO 63-0161BE & 63-0161BF BY TRANS. 990.	
63-00161BE	CONSUMERS WATER CORP.	0.08
63-00161BF	SPLIT INTO 63-0161BG & 63-0161BH BY TRANS. 991.	
63-00161BG	CONSUMERS WATER CORP.	0.16
63-00161BH	SPLIT INTO 63-0161BJ & 63-0161BK BY TRANS. 1007.	
63-00161BJ	CONSUMERS WATER CORP.	1.00
63-00161BK	SPLIT INTO 63-0161BL & 63-0161BM BY TRANS. 1010.	
63-00161BL	CONSUMERS WATER CORP.	2.00
63-00161BM	SPLIT INTO 63-0161BN & 63-0161BP BY TRANS. 1011.	
63-00161BN	SURPRISE VALLEY PARTNERSHIP	2.82
63-00161BP	SPLIT INTO 63-0161BQ & 63-0161BR BY TRANS. 1017.	
63-00161BQ	CONSUMERS WATER CORP.	0.60
63-00161BR	SPLIT INTO 63-0161BT & 63-0161BU BY TRANS. 1035.	
63-00161BT	NICHOLSON , TOM	2.00
63-00161BU	PIONEER IRRIGATION DISTRICT	21.71
63-00161BV	CONSUMERS WATER CORP	1.97

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MAR 27 1998

56.18

WATER RIGHT NUMBER	NAME	CFS
63-00161	SPLIT INTO 63-0161A & 63-0161B BY TRANS. 654.	
63-00161A	Split into 63-00161BV & BW by Trans. #3410.	
63-00161B	SPLIT INTO 63-0161C & 63-0161D BY TRANS. 694.	
63-00161C	CONSUMERS WATER CORP.	0.68
63-00161D	SPLIT INTO 63-0161E & 63-0161F BY TRANS. 701.	
63-00161E	CONSUMERS WATER CORP.	2.00
63-00161F	SPLIT INTO 63-0161G & 63-0161H BY TRANS. 702.	
63-00161G	CONSUMERS WATER CORP.	0.60
63-00161H	SPLIT INTO 63-0161J & 63-0161K BY TRANS. 712.	
63-00161J	CONSUMERS WATER CORP.	0.90
63-00161K	SPLIT INTO 63-0161L & 63-0161M BY TRANS. 713.	
63-00161L	CONSUMERS WATER CORP.	0.54
63-00161M	SPLIT INTO 63-0161N & 63-0161P BY TRANS. 720.	
63-00161N	CONSUMERS WATER CORP.	1.34
63-00161P	SPLIT INTO 63-0161Q & 63-0161R BY TRANS. 737.	
63-00161Q	CONSUMERS WATER CORP.	1.10
63-00161R	SPLIT INTO 63-0161T & 63-0161U BY TRANS. 739.	
63-00161S	CONSUMERS WATER CORP.	0.20
63-00161T	CONSUMERS WATER CORP.	0.15
63-00161U	SPLIT INTO 63-0161V & 63-0161W BY TRANS. 753.	
63-00161V	CONSUMERS WATER CORP.	0.46

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MAR 27 1998

WATER RIGHT NUMBER	NAME	CFS
63-00161W	SPLIT INTO 63-0161X & 63-0161Y BY TRANS. 754.	
63-00161X	CONSUMERS WATER CORP.	0.40
63-00161Y	SPLIT INTO 63-0161AA & 63-0161AB BY TRANS. 823.	
63-00161Z	CONSUMERS WATER CORP.	0.20
63-00161AA	CONSUMERS WATER CORP.	6.00
63-00161AB	SPLIT INTO 63-0161AC & 63-0161AD BY TRANS. 829.	
63-00161AC	CONSUMERS WATER CORP.	0.48
63-00161AD	SPLIT INTO 63-0161AE & 63-0161AF BY TRANS. 873.	
63-00161AE	CONSUMERS WATER CORP.	0.20
63-00161AF	SPLIT INTO 63-0161AG & 63-0161AH BY TRANS. 890.	
63-00161AG	CONSUMERS WATER CORP.	0.10
63-00161AH	SPLIT INTO 63-0161AJ & 63-0161AK BY TRANS. 906.	
63-00161AJ	CONSUMERS WATER CORP.	0.10
63-00161AK	SPLIT INTO 63-0161AL & 63-0161AM BY TRANS. 917.	
63-00161AL	CONSUMERS WATER CORP.	0.20
63-00161AM	SPLIT INTO 63-0161AN & 63-0161AP BY TRANS. 918.	
63-00161AN	CONSUMERS WATER CORP.	0.02
63-00161AQ	CONSUMERS WATER CORP.	0.05
63-00161AR	SPLIT INTO 63-0161AT & 63-0161AU BY TRANS. 976.	
63-00161AT	CONSUMERS WATER CORP.	1.50
63-00161AU	SPLIT INTO 63-0161AV & 63-0161AW BY TRANS. 977.	
63-00161AV	CONSUMERS WATER CORP.	0.20

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MAR 27 1998

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-161E

WATER RIGHT NUMBER: 63-161E

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	CONSUMERS WATER CORP
	BOISE, ID
Original Owner	BOISE-KUNA IRRIGATION DIST
	209 S SCHOOL AVE
	KUNA, ID 83634
	(208)922-5608
Original Owner	RICHARD Z JOHNSON
	BOISE, ID
Original Owner	JOSEPH PERRAULT
	BOISE, ID

Priority Date: 05/01/1866

Basis:

Status: Parent

<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	/ to /		2.000 CFS	
		<u>Total Diversion:</u>	2.000 CFS	

Location of Point(s) of Diversion

BOISE RIVER	NW1/4SW1/4	Sec. 3,	Twp 02N,	Rge 03E, B.M.
ADA County				

Place of UseConditions of Approval:

1. SEE RIGHT NO. 63-26671.
FIRM CHANGE FOR RANDALL C FREDRICKS REC'D 09/02/94 SS.

Remarks:Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-161E

Claim Received Date: 5/18/1989

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal: S

Owner Name Connector: OR

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

Combined Use Limits: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>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-161AA

WATER RIGHT NUMBER: 63-161AA

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	RICHARD Z JOHNSON
	BOISE, ID
Original Owner	BOISE-KUNA IRRIGATION DIST 209 S SCHOOL AVE KUNA, ID 83634 (208)922-5608
Original Owner	JOSEPH PERRAULT
	BOISE, ID
Original Owner	CONSUMERS WATER CORP
	BOISE, ID

Priority Date: 05/01/1866

Basis:

Status: Parent

<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	/	to /	6.000 CFS	
	<u>Total Diversion:</u>		6.000 CFS	

Location of Point(s) of Diversion

BOISE RIVER	NW1/4SW1/4	Sec. 3,	Twp 02N,	Rge 03E, B.M.
ADA County				

Place of UseConditions of Approval:

1. SEE NO. A63-26671.
FIRM CHANGE FOR RANDALL C FREDRICKS REC'D 09/02/94 SS.

Remarks:Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-161AA

Claim Received Date: 5/18/1989

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

Combined Use Limits: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>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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Water Supply Bank:

(15)
(140)

XVIII.

That the defendants JOSEPH FERRAULT and RICHARD Z. JOHNSON be, and they are hereby awarded the use of the waters of Boise River, diverted from a point on the north bank of said river about four miles above Boise City, through what is known as the Walling, or Boise Valley Water Ditch, for use upon the town lots and lands lying under said ditch for irrigating and domestic purposes, in the following amount and from the following date;

63 0161 2500 inches, from May 1, 1866; and hereby designated as Right No 30.

And that said defendants be awarded, for power purposes only, the use of said waters in the following amount from the following date, and it is hereby ordered that the quantity of water so awarded for power purposes shall be used for such purposes only, and after such use shall be returned to Boise River;

T 654 873 790
674 890 991
701 906 1010
702 917 1011
712 918 1011
713 940 1011
720 976 1017
737 977 1035
739 979 1038
753 980 1038
764 989 1038
823 989 1038
749

63 0162 10000 inches, from July 1, 1877; and hereby designated as Right No 66
And be adjudged to pay \$875.00 costs in addition to the costs incurred by them.

~~XXXX~~. XXXX.

That the defendant WILLIAM P. KENNEDY be, and he is hereby awarded the use of the waters of Boise River, diverted from said river at a point in the SW 1/4 of Sec. 17, T. 4 N. R. 1 W. B.M., for use upon the E. 1/2 of NE 1/4 and lot 1 of Sec. 15, and SE 1/4 of SE 1/4 of Sec. 12, T. 4 N. R. 2 E. B.M., in the following amount and from the following date;

63 0163 130 inches, from June 1, 1866; and hereby designated as Right No 31
And be adjudged to pay \$9.10 costs in addition to the costs incurred by him.

~~XXXX~~. XXXX.

That the defendants FRANK L. LEONARD, EDNA E. LEONARD, J. S. D. MANVILLE and ESTATE OF ALBERT SNERWIN, be and they are hereby awarded the use of the waters of Boise River, diverted from a point on the south side of said river in Sec. 15, T. 3 N. R. 2 E. B.M., at a point a short distance east of the NW corner of said section; also at a point on Sec. 9, a short distance west of said section corner, and also a short distance below on said Section 9, all in T. 3 N. R. 2 E. B.M., for use upon an irregular shaped tract of land in Lot 6, and W. 1/2 of SE 1/4 of Sec. 9, T. 3 N. R. 2 E. B.M., and an irregular tract in the N. 1/2 and the SE 1/4 of Sec. 9, T. 3 N. R. 1 E. B.M., in the following amount and from the following date;

63 0164 175 inches, from June 1, 1866. and hereby designated as Right No 38.

And be adjudged to pay \$12.25 costs in addition to the costs incurred by them.

T-1879
1906
1866

10-20-05 Meeting Summary
Boise-Kuna Irrigation District

Attendees:

Dave Tuthill, Danielle Favreau, Rochelle Proesch, Ron Blickenstaff

Reviewed Maps and Specific Boise-Kuna I.D. claims.

- Dave spoke on the claims in Boise-Kuna I.D. claims
- Claims will be summarized on Dec. 7, 2005. Will be recommending Basin 63 Part 3 in the Spring. (Boise-Kuna I.D. and related claims are in 63 part 3.)
- Dave reviewed maps - A few edits were identified.

Actions:

- Boise-Kuna I.D. need to submit change of address forms. (Completed 10/20/05)
- Danielle will make edits to POU and Boundary as indicated by Rochelle in 3N2E16, 3N2E17, and 3N1E17.
- Rochelle will review POU in area near Wilder I.D. to see why claimed acres outside of boundary. Will get back to Danielle. New maps will be created and sent at that time.
- Danielle will begin overlap analysis with other near completed companies and will contact Rochelle if there are questions.

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: A63-26671
Date Received: 8/ 7/1989
Receipt No: C008989
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BOISE-KUNA IRRIGATION DISTRICT 208-922-5608
Address: 311 S SCHOOL AVENUE
KUNA ID 83634

2. Date of Priority: MAY 1, 1866

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	3	NW	SW		9	ADA

5. Description of diverting works:
CONCRETE DIVERSION DRAIN AND HEADWORKS OF NEW YORK CANAL.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	8.000		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
NONE.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
65N	46E	36				IRR	

11. Place of use in counties: ADA

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

13. Other Water Rights Used:

14. Remarks:

SUPPLEMENTAL WATER TO SUPPLY CARRIAGE LOSS IN THE NEW YORK CANAL AND IN COMPLIANCE WITH COURT DECREE REGARDING JENSEN VS BOISE-KUNA IRRIGATION DISTRICT, 75 IDAHO 133, TO ALLOW WATER TO FLOW INTO THOMASON LAKE TO BE USED ON LANDS OUTSIDE THE DISTRICT AND BEYOND DISTRICT CONTROL. SEE COPY OF THIS COURT DECREE IN FILE. THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 63-00161AA AND 63-00161E.

NOTE: AFTER READING THE COURT DECREE JENSEN VS BOISE-KUNA IRRIG DIST IT APPEARS THAT THIS WATER WAS TO BE USED TO AUGMENT THE FLOW INTO THOMASON LAKE - FROM WHICH THE JENSEN'S DIVERTED FOR IRRIGATION IN RETURN FOR THE JENSEN'S NOT TO MAKE THE IRRIGATION DISTRICT PAY FOR DAMAGES THAT THE LAKE CAUSED TO THEIR FARM GROUND BECAUSE THE LAKE IS WHERE SOME OF THE DISTRICT'S DRAINAGE WATER GOES AFTER BEING USED & IT WAS INUNDATING THE JENSEN'S FARM LAND. JENSEN'S AGREED TO DIVERT WATER FROM THE LAKE TO HELP KEEP THE LAKE LEVEL DOWN, BUT IN RETURN THE IRRIGATION DISTRICT AGREED TO GIVE THEM 100 INCHES OF A CRUZEN WATER RIGHT(FROM BOISE RIVER DECREE) AND GUARANTEE THEM THE 10.4 CFS FLOW. APPARENTLY, THIS IS A COMBINATION OF TWO RIGHTS FROM THE BOISE RIVER DECREE AND THOSE ARE THE RIGHTS TO AUGMENT THIS LAKE AND GUARANTEE WATER. THERE ARE WATER RIGHTS FILED IN 1946 & 1947 BY THE JENSEN'S FOR THOMASEN LAKE - THESE ARE 63-02631A & B & 63-02632A & B - NOW FILED ON BY EASTERN-WESTERN CORP. SEE THESE FILES FOR ORIGINAL PLACE OF USE FOR THIS RIGHT ALSO. JS 6-14-94.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 4/ 5/1954

JENSEN, ET UX

Decree Plaintiff

BOISE-KUNA IRRIGATION DISTRICT

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: _____

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Date: 06/14/94

7

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: _____

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

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<u>Basin</u>	<u>Sequence</u>	<u>Suffix</u>	<u>Status</u>	<u>Priority Date</u>	<u>cfs</u>	<u>Rate(cfs)</u>	<u>Volume</u>	<u>Source</u>	<u>Water Use(s)</u>	<u>Owner(s)</u>
63	161		See Remarks		50					
63	161	A	See Remarks							
63	161	AA	Active	1866-05-01	6	6		BOISE RIVER	IRRIGATION	CONSUMERS WATER CORP (Current)
63	161	AB	See Remarks							
63	161	AC	Active	1866-05-01	0.48	0.48		BOISE RIVER	IRRIGATION	CONSUMERS WATER CORP (Current)
63	161	AD	See Remarks							
63	161	AE	Active	1866-05-01	0.2	0.2		BOISE RIVER	IRRIGATION	CONSUMERS WATER CORP (Current)
63	161	AF	See Remarks							
63	161	AG	Active	1866-05-01	0.1	0.1		BOISE RIVER	IRRIGATION	CONSUMERS WATER CORP (Current)
63	161	AH	See Remarks							
63	161	AJ	Active	1866-05-01	0.1	0.1		BOISE RIVER	IRRIGATION	CONSUMERS WATER CORP (Current)
63	161	AK	See Remarks							
63	161	AL	Active	1866-05-01	0.2	0.2		BOISE RIVER	IRRIGATION	CONSUMERS WATER CORP (Current)
63	161	AM	See Remarks							
63	161	AN	Active	1866-05-01	0.03	0.03		BOISE RIVER	IRRIGATION	CONSUMERS WATER CORP (Current)
63	161	AQ	Active	1866-05-01	0.05	0.05		BOISE RIVER	IRRIGATION	CONSUMERS WATER CORP (Current)
63	161	AR	See Remarks							
63	161	AT	Active	1866-05-01	1.5	1.5		BOISE RIVER	IRRIGATION	CONSUMERS WATER CORP (Current)
63	161	AU	See Remarks							
63	161	AV	Active	1866-05-01	0.2	0.2		BOISE RIVER	IRRIGATION	CONSUMERS WATER CORP (Current)
63	161	AW	See Remarks							
63	161	AX	Active	1866-05-01	0.1	0.1		BOISE RIVER	IRRIGATION	CONSUMERS WATER CORP (Current)
63	161	AY	See Remarks							
63	161	B	See Remarks							
63	161	BA	Active	1866-05-01	0.12	0.12		BOISE RIVER	IRRIGATION	CONSUMERS WATER CORP (Current)
63	161	BB	See Remarks							
63	161	BC	Active	1866-05-01	0.2	0.2		BOISE RIVER	IRRIGATION	CONSUMERS WATER CORP (Current)
63	161	BD	See Remarks							
63	161	BE	Active	1866-05-01	0.08	0.08		BOISE RIVER	IRRIGATION	CONSUMERS WATER CORP (Current)
63	161	BF	See Remarks							
63	161	BG	Active	1866-05-01	0.16	0.16		BOISE RIVER	IRRIGATION	CONSUMERS WATER CORP (Current)
63	161	BH	See Remarks							
63	161	BJ	Active	1866-05-01	1	1		BOISE RIVER	IRRIGATION	CONSUMERS WATER CORP (Current)
63	161	BK	See Remarks							
63	161	BL	Active	1866-05-01	2	2		BOISE RIVER	IRRIGATION	CONSUMERS WATER CORP (Current)
63	161	BM	See Remarks							

<u>Basin</u>	<u>Sequence</u>	<u>Suffix</u>	<u>Status</u>	<u>Priority Date</u>	<u>cfs</u>	<u>Rate(cfs)</u>	<u>Volume</u>	<u>Source</u>	<u>Water Use(s)</u>	<u>Owner(s)</u>
63	161	BN	Active	1866-05-01	2.82	2.82	634.5	BOISE RIVER	IRRIGATION	SURPRISE VALLEY PARTNERSHIP (Cur
63	161	BP	See Remarks							
63	161	BQ	Active	1866-05-01	0.6	0.6		BOISE RIVER	IRRIGATION	CONSUMERS WATER CORP (Current)
63	161	BR	See Remarks							
63	161	BT	Active	1866-05-01	2	2		BOISE RIVER	IRRIGATION	NICHOLSON, THOMAS T (Current)
63	161	BU	Active	1866-05-01	21.7	21.72		BOISE RIVER	IRRIGATION	PIONEER IRRIGATION DISTRICT (Curre
63	161	BV	Active	1866-05-01	1.97	1.97		BOISE RIVER	IRRIGATION	CONSUMERS WATER CORP (Current)
63	161	BW	Active	1866-05-01	0.03	0.03		BOISE RIVER	IRRIGATION	HAMMING, W RAYMOND (Current)
63	161	C	Active	1866-05-01	0.68	0.68		BOISE RIVER	IRRIGATION	CONSUMERS WATER CORP (Current)
63	161	D	See Remarks							
63	161	E	Active	1866-05-01	2	2		BOISE RIVER	IRRIGATION	CONSUMERS WATER CORP (Current)
63	161	F	See Remarks							
63	161	G	Active	1866-05-01	0.6	0.6		BOISE RIVER	IRRIGATION	CONSUMERS WATER CORP (Current)
63	161	H	See Remarks							
63	161	J	Active	1866-05-01	0.9	0.9		BOISE RIVER	IRRIGATION	CONSUMERS WATER CORP (Current)
63	161	K	See Remarks							
63	161	L	Active	1866-05-01	0.54	0.54		BOISE RIVER	IRRIGATION	CONSUMERS WATER CORP (Current)
63	161	M	See Remarks							
63	161	N	Active	1866-05-01	1.34	1.34		BOISE RIVER	IRRIGATION	CONSUMERS WATER CORP (Current)
63	161	P	See Remarks							
63	161	Q	Active	1866-05-01	1.1	1.1		BOISE RIVER	IRRIGATION	CONSUMERS WATER CORP (Current)
63	161	R	See Remarks							
63	161	S	Active	1866-05-01		0.2		BOISE RIVER	IRRIGATION	CONSUMERS WATER CORP (Current)
63	161	T	Active	1866-05-01	0.15	0.15		BOISE RIVER	IRRIGATION	CONSUMERS WATER CORP (Current)
63	161	U	See Remarks							
63	161	V	Active	1866-05-01	0.46	0.46		BOISE RIVER	IRRIGATION	CONSUMERS WATER CORP (Current)
63	161	W	See Remarks							
63	161	X	Active	1866-05-01	0.4	0.4		BOISE RIVER	IRRIGATION	CONSUMERS WATER CORP (Current)
63	161	Y	See Remarks							
63	161	Z	Active	1866-05-01		0.2		BOISE RIVER	IRRIGATION	CONSUMERS WATER CORP (Current)

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 A63-26671Date Received 8/7/89Receipt Number C008989 (#50)

A M E N D E D
NOTICE OF CLAIM
TO A
WATER RIGHT

ACQUIRED UNDER STATE LAW

For Domestic and/or Stockwater Purposes

Where Daily Use is less than 13,000 gallons per day. Filing fee \$25

Please type or print clearly

1. Name of Claimant (s) BOISE-KUNA IRRIGATION DISTRICT Phone (208) 922-5608Mailing Address 311 S. SCHOOL AVE. KUNA, IDAHO Zip 836342. Date of Priority (Only one (1) per claim) MAY 1, 18663. Source of water supply (a) BOISE RIVER
which is tributary to (b) SNAKE RIVER4. Location of point of diversion is: Township 2 N Range 3 E
Section 3, NW 1/4 of SW 1/4 of 1/4, Govt. Lot 9, B.M.,
County of ADA

Additional points of diversion if any: _____

5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. CONCRETE DIVERSION DRAIN AND
HEAD WORKS OF NEW YORK CANAL

6. Water is claimed for the following: (Limited to Domestic and/or Stockwater only. See Instructions)

(Both dates are inclusive)
For SUPP. purposes from _____ to _____ amount 8 CFS (cfs)
For _____ purposes from _____ to _____ amount _____7. Total quantity claimed 8 (cfs)8. Total consumptive use claimed is de minimus

9. Non-irrigation uses. Describe fully. (Domestic: give number of households served; Stockwater: Type and number of livestock) _____

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HOW YOU WILL RECEIVE NOTICES IN THE SNAKE RIVER BASIN ADJUDICATION

All documents filed in the Snake River Basin Adjudication other than notices of claims are filed with the court. Notices of claims to water rights filed in the Snake River Basin Adjudication are filed with the Idaho Department of Water Resources. Copies of all documents filed in the Snake River Basin Adjudication will not be mailed to all parties (claimants) in the adjudication.

By order of the court, any document filed with the court will be mailed only to those parties who may be directly affected by it. A monthly docket sheet will be prepared by the department which contains a summary of all documents filed with the court in the previous month and the dates and locations of hearings scheduled for the following three months. The docket sheet will be filed with the district court clerk in each county within the Snake River Basin in Idaho. Copies of the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying. If you wish to receive a copy of the docket sheet each month, you should mark the appropriate place on your notice of claim form. You will be charged a small annual subscription fee to cover the cost of copying and mailing. Copies of any document listed on the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying.

Copies of all notices of claims filed with the department will be available for inspection from all offices of the department. Copies of the notices of claims may be obtained in person or by mail, but you will be charged for the cost of copying and mailing. (A claimant will not be charged for a copy of his or her own notice of claim, and a person who acquires property with water rights for which a notice of claim was filed will not be charged for a copy of the notice of claim filed by the previous owner.)

After the notices of claims have been reviewed, the director will prepare and file a report with the court. Part 1 of the report will contain the director's recommendations as to each water right claimed under state law. Part 2 of the report will list each federal reserved water right claimed. A number of reports will be prepared, one or more for each sub-basin in the Snake River Basin. When the report for your sub-basin is filed with the court, you will be mailed a notice informing you that the report for your sub-basin has been filed. The notice will be sent to the most recent address shown by the department's files. Attached to the notice will be a copy of those portions of the report describing the water rights you have claimed. If you do not agree with the way your water right is described, you may file an objection to the report with the court. You can also file an objection if you disagree with the way other claimant's water rights are described, and the notice will tell you where a copy of the full report is available for inspection. The notice will tell you when and where to file your objection. The notice of filing for each sub-basin report will also be published state-wide in local newspapers.

It is very important that you inform the department in writing of any change in your address. This is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

If you are acquiring property with water rights in the Snake River Basin water system in Idaho (either by purchase, gift, inheritance, or other means), it is very important that you inquire of the department whether a notice of claim has been filed. If not, you must file a notice of claim or the water right may be declared by the court to no longer exist. If a notice of claim has been filed, it is very important that you file a written notice of change in ownership with the department. The notice of change in ownership must be accompanied by some evidence of the change in ownership, such as a copy of the deed or a property tax statement showing the name of the new owner. Again, this is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

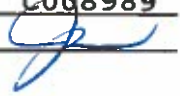
The cost of the subscription to the docket sheet is \$7.50 for calendar year 1988. The cost of the subscription may increase a small amount for calendar year 1989 if the cost of copying and/or mailing should increase.

If you are planning to file a motion or other pleading (not a notice of claim) with the court (not IDWR), the court has issued an order setting a special procedure that is different from the usual civil rules. A copy of the order may be obtained from any office of IDWR; you may be charged for the cost of mailing and/or copying.

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: A63-26671
Date Received: 4/20/1992
Receipt No: C008989
Received By: 

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BOISE-KUNA IRRIGATION DISTRICT 208-922-5608
Address: 311 S SCHOOL AVENUE
KUNA ID 83634

2. Date of Priority: MAY 1, 1866

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	SW	NW			ADA
			NW	SW			ADA

5. Description of diverting works:
CONCRETE DIVERSION DRAIN AND HEADWORKS OF NEW YORK CANAL.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	8.000		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
NONE.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
65N	46E	36				IRR	

11. Place of use in counties: ADA

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

13. Other Water Rights Used:

14. Remarks:

THIS WATER CARRIED IN N.Y. CANAL FOR USE ON LANDS UNDER SYSTEM.
SEE FILE FOR DELIVERY INST.
THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 63-00161AA AND
63-00161E.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

PIONEER IRR. DIST.

Decree Plaintiff

AMERICAN DITCH CO.

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 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: _____

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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 _____

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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 AG3-26671Date Received 8/7/89Receipt Number C008989 (#50)

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED
AUG 07 1989

Department of Agriculture

Please type or print clearly

1. Name of Claimant (s) Boise-Kuna Irrigation District Phone (208) 922-5608
Mailing Address 311 S. School Avenue, Kuna, Idaho Zip 83634
2. Date of Priority (Only one (1) per claim) May 1, 1866
3. Source of water supply (a) Boise River
which is tributary to (b) Snake River
4. a. Location of existing point of diversion is: Township 2 N Range 3 E Section 11,
NW 1/4 of SW 1/4 of 1/4, Govt. Lot, B.M., County of Ada
and SW 1/4 of NW 1/4
Additional points of diversion if any: _____
- b. If instream flow, beginning point of claimed instream flow is:
Township _____ Range _____ Section _____, 1/4 of _____ 1/4 of _____ 1/4,
Govt. Lot _____ B.M., County of _____
ending point is: Township _____ Range _____ Section _____, 1/4 of _____ 1/4 of _____
1/4, Govt. Lot _____ B.M., County of _____
5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Concrete diversion drain and
head works of New York Canal

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HOW YOU WILL RECEIVE NOTICES IN THE SNAKE RIVER BASIN ADJUDICATION

All documents filed in the Snake River Basin Adjudication other than notices of claims are filed with the court. Notices of claims to water rights filed in the Snake River Basin Adjudication are filed with the Idaho Department of Water Resources. Copies of all documents filed in the Snake River Basin Adjudication will not be mailed to all parties (claimants) in the adjudication.

By order of the court, any document filed with the court will be mailed only to those parties who may be directly affected by it. A monthly docket sheet will be prepared by the department which contains a summary of all documents filed with the court in the previous month and the dates and locations of hearings scheduled for the following three months. The docket sheet will be filed with the district court clerk in each county within the Snake River Basin in Idaho. Copies of the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying. If you wish to receive a copy of the docket sheet each month, you should mark the appropriate place on your notice of claim form. You will be charged a small annual subscription fee to cover the cost of copying and mailing. Copies of any document listed on the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying.

Copies of all notices of claims filed with the department will be available for inspection from all offices of the department. Copies of the notices of claims may be obtained in person or by mail, but you will be charged for the cost of copying and mailing. (A claimant will not be charged for a copy of his or her own notice of claim, and a person who acquires property with water rights for which a notice of claim was filed will not be charged for a copy of the notice of claim filed by the previous owner.)

After the notices of claims have been reviewed, the director will prepare and file a report with the court. Part 1 of the report will contain the director's recommendations as to each water right claimed under state law. Part 2 of the report will list each federal reserved water right claimed. A number of reports will be prepared, one or more for each sub-basin in the Snake River Basin. When the report for your sub-basin is filed with the court, you will be mailed a notice informing you that the report for your sub-basin has been filed. The notice will be sent to the most recent address shown by the department's files. Attached to the notice will be a copy of those portions of the report describing the water rights you have claimed. If you do not agree with the way your water right is described, you may file an objection to the report with the court. You can also file an objection if you disagree with the way other claimant's water rights are described, and the notice will tell you where a copy of the full report is available for inspection. The notice will tell you when and where to file your objection. The notice of filing for each sub-basin report will also be published state-wide in local newspapers.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For supplemental purposes from _____ to _____ amount 8 cfs or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 8 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				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	
			Supplemental water to supply carriage loss in the New York Canal and in compliance with Court Decree regarding Jensen v. Boise-Kuna Irrigation District, 75 Idaho 133.																

Total number of acres irrigated _____

11. In which county (ies) are lands listed above as place of use located? Ada and Canyon Counties

12. Do you own the property listed above as place of use? Yes _____ No _____

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

_____ or None ()

14. Remarks: See above.

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Last Name _____ Ident No. _____

Copies: White -State, Yellow-Claimant

If you are acquiring property with water rights in the Snake River Basin water system in Idaho (either by purchase, gift, inheritance, or other means), it is very important that you inquire of the department whether a notice of claim has been filed. If not, you must file a notice of claim or the water right may be declared by the court to no longer exist. If a notice of claim has been filed, it is very important that you file a written notice of change in ownership with the department. The notice of change in ownership must be accompanied by some evidence of the change in ownership, such as a copy of the deed or a property tax statement showing the name of the new owner. Again, this is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

The cost of the subscription to the docket sheet is \$7.50 for calendar year 1988. The cost of the subscription may increase a small amount for calendar year 1989 if the cost of copying and/or mailing should increase.

If you are planning to file a motion or other pleading (not a notice of claim) with the court (not IDWR), the court has issued an order setting a special procedure that is different from the usual civil rules. A copy of the order may be obtained from any office of IDWR; you may be charged for the cost of mailing and/or copying.

Scale: 2 inches equals 1 mile

A 16x16 grid of squares. Each square contains a crosshair pattern formed by two dashed lines intersecting at the center. The lines are oriented horizontally and vertically, creating a grid of smaller squares within each cell. The pattern is consistent across all 256 squares in the grid.

AUG 01 1994

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree X 63-00161AA (6.0 CFS) + 63-00161E (2.0 CFS)
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs 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 Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true
and correct.

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

For Organizations: I do solemnly swear or affirm that I am attorney _____ Title _____
of Boise-Kuna Irrigation District _____, that I have signed the foregoing
Organization
document in the space below as attorney _____ of Boise-Kuna Irrigation District
Title Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent

Randall C. Fredricks
Randall C. Fredricks

Title and Organization Attorney for Boise-Kuna Irrig. Dst. Date Aug. 7, 1989

State of Idaho/or _____)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 7th day of August 19 89

SEAL

Notary Public

Carla J. Young

Residing at Boise, Idaho

My Commission Expires November 30, 1983

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, Randall C. Fredricks will be acting as attorney at law on behalf
of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above
should be mailed to me at the address listed below.

Signature

Randall C. Fredricks

Address 815 West Washington Street, Boise, ID 83702

Date August 7, 1989

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AUG 01 1994

Last Name _____ Ident. Number _____

Copies White-State, Yellow-Claimant

Last Name

Ident. Number

Copy to State Justice Institute

Date August 7, 1994

Address 615 West Washington Street, Boise, ID 83702

Signature

[Signature]

should be mailed to me at the address listed below

Notice is hereby given that the undersigned, being duly sworn, depose and say that the facts stated above are true and correct to the best of their knowledge and belief, and that they are not aware of any facts which would impeach the credibility of the deponent.

Please Print Name

My Commission Expires July 1, 1995

Residing at Boise, Idaho

Notary Public

[Signature]

Subscribed and sworn to before me this

County of State of Idaho

Title and Organization

Signature of Authorized Agent

[Signature]

and that the statements contained in the foregoing report are true and correct

This

Organization

document in the space below as

of Boise-Kana Transition District

that I have signed the foregoing

For Organizations: I do solemnly swear or affirm that I am

Date

Date

and correct

Signature of Claimant (s)

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true

number of attachments

wish to receive and pay a small amount for monthly copies of the booklet

"How you will receive notice in the State River Basin Adjudication" (b) "We do not

18 Signature (s)

Plaintiff vs Defendant

Case Number

Boise District

If applicable, provide IDWR Water Right Number

Declar

Posted Notice

Licenses

Formal

5-0010/AM (0067) + (03-0010) (2067)

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AUG 11 1994

AUG 01 1954

PROOF REPORTS FOR ORIG. WATER QTS.

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

WR0723NP
(00-26)

Water right number - 63-00161E Prefix Translation: WATER RIGHT

+ - - - - Old Water Right Numbers - - - - - +

+ - - - - Old Water Right Numbers - - - - - +

 No Old Water Right Numbers found.

+ - - - - Conditions of Approval - - - - - +

 No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - - - + + - Decree Date - +

FARMERS CO-OP DITCH CO. RIVERSIDE IRR. DIST. 01/18/1906

+ - - - - -Comments- - - - - +

 No Comments Found

+ - - - - Audit Fields - 06/18/85 05/01/88 CONVERT

+ - - - - Water Rights Dates and Flags Area - - - - - +

Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Exam to S.O. Date	- 00/00/0000	Verified Date	- 06/18/1985	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	- 63
Licensed Date	- 00/00/0000	Appl Received	- 00/00/0000	Transfer/Amended	- P
Decree Date	- 01/18/1906	Presumption Flag	-		

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AUG 01 1994

AUG 01 1994

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

WR0723NP
(00-26)

Water right number - 63-00161AA Prefix Translation: WATER RIGHT

+ - - - - Old Water Right Numbers - - - - - +

+ - - - - Old Water Right Numbers - - - - - +

 No Old Water Right Numbers found.

+ - - - - Conditions of Approval - - - - - +

 No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - - - + + - - Decree Date - - +

FARMERS CO-OP DITCH CO. RIVERSIDE IRR. DIST. 01/18/1906

+ - - - - -Comments- - - - - +

 No Comments Found

+ - - Audit Fields - 06/18/85 05/01/88 CONVERT

+ - - - - Water Rights Dates and Flags Area - - - - - +

Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Exam to S.O. Date	- 00/00/0000	Verified Date	- 06/18/1985	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	- 63
Licensed Date	- 00/00/0000	Appl Received	- 00/00/0000	Transfer/Amended	- P
Decree Date	- 01/18/1906	Presumption Flag	-		

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AUG 0 1 1994



United States Department of the Interior

BUREAU OF RECLAMATION

Pacific Northwest Region
1150 North Curtis Road, Suite 100
Boise, Idaho 83706-1234



PN-3323/SRA-6115
WTR-4.00

MAY 31 2000

RECEIVED

JUN 01 2000

WATER RESOURCES
WESTERN REGION

Mr. Ronald Blickenstaff
President/Chairman
Boise-Kuna Irrigation District
PO Box 330
Kuna ID 83634

Subject: Adjustment of Arrowrock Reservoir Storage Capacity

Dear Mr. Blickenstaff:

A 1997 Sedimentation Survey has determined that the total active capacity of Arrowrock Reservoir has decreased to 272,224 acre-feet (see enclosed table of Arrowrock Reservoir Storage Space dated May 2000). The amount of storage space that is available to Boise-Kuna Irrigation District (District) will now be treated as the equivalent of 71,386 acre-feet.

Under the 1926 Arrowrock Reservoir contracts with the five Boise Project Board of Control districts, the storage capacity available for project lands in the districts has been recognized as 232,264 acre-feet. When distributed in accordance with the acreage agreed upon in the contracts executed in 1990 with the five districts for the repayment of safety of dams costs for Deer Flat Dam, the District's proportionate share under its 1926 contract has been recognized as entitling the District to 68,843 acre-feet. As a result of the decrease in Arrowrock Reservoir storage capacity, 65,390 acre-feet is now available to the District under their 1926 contract, a reduction of 3,453 acre-feet from the amount previously recognized.

The District also has storage rights to an additional 2.3542 percent of the active capacity of Arrowrock Reservoir under Contract No. 7-07-10-W0668, dated June 8, 1987. The amount of storage space that is available to the District under this 1987 contract will now be treated as the equivalent of 6,409 acre-feet, a reduction of 338 acre-feet from the 6,747 acre-feet previously recognized.

According to Bureau of Reclamation (Reclamation) records, a total of 75,156 acre-feet of storage space in Arrowrock Reservoir has previously been available to the District. This 75,156 acre-feet consisted of (a) 68,843 acre-feet available under its 1926 contract, (b) 6,747 acre-feet available under its 1987 contract, (c) a reduction of 238 acre-feet of storage reallocated to Settlers Irrigation District from the District for lands located within Settlers Irrigation District pursuant to an enclosed July 19, 1995, letter from Reclamation, and (d) a reduction of 196 acre-feet of storage for delivery to 126.59 acres of Boise-Kuna lands served by Settlers Irrigation District pursuant to the July 19, 1995, letter.

As a result of the decrease in Arrowrock Reservoir storage capacity, a total of 71,386 acre-feet of storage space is now available to the District, a reduction of 3,770 acre-feet from the total amount previously recognized.

The 1997 Sedimentation Survey determined that in the 82 years the reservoir has been in operation, about 5 percent of the storage space has filled with sediment. The survey further determined that the reservoir has a total active storage capacity of 272,224 acre-feet and a surface area of 3,141 acres at spillway crest elevation 3,216.0 feet.

If you have any questions regarding the adjustment in your contract amount, please contact Jerry Gregg, Area Manager of our Snake River Area Office, at (208) 334-1460.

Sincerely,



J. William McDonald
Regional Director

Enclosures - 2

cc: Mr. Lee Sisco
Boise River Water Master
6616 Overland Road
Boise ID 83709

Idaho Department of Water Resources
1301 N Orchard Street
Boise ID 83706

Mr. Gary Spackman
Manager, Western Regional Office
Idaho Department of Water Resources
2735 Airport Way
Boise ID 83705

Mr. Don Smitchger
President
Settlers Irrigation District
PO Box 7571
Boise ID 83707
(all w/o encls)

Arrowrock Reservoir Storage Space

Current Total Active Storage Space 272,224 acre-feet
(Original Total Active Storage Space 286,660 acre-feet)

(Percent and Acre-feet)

<u>Contractors</u>	<u>Contract No.</u>	<u>Percent</u>	<u>Storage Prior to Sedimentation Survey</u>	<u>Reduction</u>	<u>Storage After Sedimentation Survey</u>
Farmers Co-operative Ditch Co.	Ilr-411	0.42105	1,207	61	1,146
Farmers' Union Ditch Co. Ltd.	Ilr-412	1.02105	2,926	147	2,779
Nampa & Meridian ID	Ilr-414	1.39339	3,994	200	3,794
Pioneer ID	Ilr-94	7.46667	21,399	1,073	20,326
Settlers ID	Ilr-342	0.63158	2,809*	141	2,668
United States Forest Service	7-07-10-W0697	0.06980	<u>200</u>	<u>10</u>	<u>190</u>
Total			32,535	1,632	30,903

* Includes addition of 196 acre-feet served to Boise-Kuna ID lands by Settlers ID and addition of 803 acre-feet reallocated to Settlers ID from the five Boise Project Board of Control irrigation districts pursuant to a July 19, 1995, letter from Reclamation.

Boise Project Board of Control Irrigation Districts

The total active capacity of Arrowrock Reservoir has been adjusted from 286,600 to 272,224 acre-feet. This table indicates the proportionate share of the 232,264 acre-feet for each district under their 1926 contracts when distributed in accordance with the acreage agreed upon by the districts for their 1990 contracts for the repayment of safety of dams costs for Deer Flat Dam. It also includes the storage space available in each of the five districts' 1987 contracts.

(Percent and Acre-feet)

<u>District</u>	<u>Percent</u>	<u>Prior Share of 1926 Contracts</u>	<u>Prior Share per 1987 Contracts</u>	<u>Storage Prior to Sedimentation Survey *</u>	<u>Storage After Sedimentation Survey</u>
Big Bend ID	1.05	2,439	236	2,667	2,533
Boise-Kuna ID	29.64	68,843	6,747	75,156	71,386
Nampa & Meridian ID	24.06	55,883	5,584	61,274	58,201
New York ID	10.79	25,061	2,414	27,388	26,014
Wilder ID	<u>34.46</u>	<u>80,038</u>	<u>7,819</u>	<u>87,580</u>	<u>83,187</u>
Total	100%	232,264	22,800	254,065	241,321

* Includes reduction of 196 acre-feet served to Boise-Kuna ID lands by Settlers ID and reduction of 803 acre-feet reallocated to Settlers ID from the five Boise Project Board of Control irrigation districts pursuant to a July 19, 1995, letter from Reclamation.

RECEIVED

SEP 22 1998

WATER RESOURCES
WESTERN REGION

RECEIVED

SEP 17 1998

Department of Water Resources

Albert P. Barker
Richard B. Burleigh
HAWLEY TROXELL ENNIS & HAWLEY LLP
P.O. Box 1617
Boise, Idaho 83701
Telephone: (208) 344-6000
Fax: (208) 342-3829

Attorneys for Irrigation Districts

A63-00372 } B-K changed.
+ A63-26671 } DO 9-22-98
OK, KUR SEARCH
JAL CORRECT
KCL

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

NOTICE OF APPEARANCE

PLEASE TAKE NOTICE that Albert P. Barker hereby enters his appearance on behalf of the Boise-Kuna Irrigation District, the New York Irrigation District, the Wilder Irrigation District, and the Big Bend Irrigation District, in the above-entitled action and in the subcases resulting from this action. Please substitute Albert P. Barker for Don A. Olowinski as counsel of record.

Respectfully submitted this 16th day of September, 1998.

HAWLEY TROXELL ENNIS & HAWLEY LLP

By

Albert P. Barker

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16th day of September, 1998, I caused to be served a true copy of the foregoing NOTICE OF APPEARANCE, by the method indicated below, and addressed to each of the following:

The Snake River Basin
Adjudication, Court Clerk
P.O. Box 2707
Twin Falls, Idaho 83303

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy

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

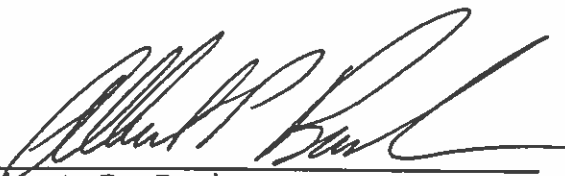
☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy

United States Department of
Justice
Environment and Natural
Resources
Division
550 W. Fort Street, MSC 033
Boise, Idaho 83724

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy

and all counsel of record per the attached Court Service List for Expedited Hearings:

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy



Albert P. Barker

**COURT CERTIFICATE OF MAILING
FOR EXPEDITED HEARINGS**

July 8, 1998

James Annest
1742 Overland Ave
PO Box 686
Burley, ID 83318

C Thomas Arkoosh
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Gooding, ID 83330

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Boise, ID 83701-1427

Cliff S Bentz
Yturri Rose Burnham
Bentz & Helfrich
PO Box 450
Fruitland, ID 83619

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Lapwai, ID 83540-0305

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John T Lezamiz
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Twin Falls, ID 83303-0389

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Hogue & Dunlap, L.L.P
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Hailey, ID 83333

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Salt Lake City, UT 84105

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Server Gasser & Kerl
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PO Box 6009
Pocatello, ID 83205-6009

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Ling Nielsen & Robinson
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PO Box 396
Rupert, ID 83350

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Steven C Moore
Native American Rights Fund
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Boulder, CO 80302

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Bogle & Gates PLLC
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137 W 13th St
PO Box 910
Burley, ID 83318

Mark Potter
Susan Potter
220 Willow Lane
Hagerman, ID 83332

Leonard A. Rifkind
Michael O. Glass
Rifkind Law Firm
110 Tiburon Blvd., Suite 203
Mill Valley, CA 94941

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Ray W Rigby
Gregory W Moeller
Rigby Thatcher Andrus Rigby
Kam & Moeller Chtd
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PO Box 250
Rexburg, ID 83440-0250

William F Ringert
PO Box 105
Hammett, ID 83627

Daniel V Steenson
Ringert Clark Chtd
455 S 3rd St
PO Box 2773
Boise, ID 83701-2773

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James C Tucker
Bruce M Smith
Norman Semanko
Patrick D Madigan
Rosholt Robertson & Tucker Chtd
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Twin Falls, ID 83303-1906

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Denver, CO 80202

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Ketchum, ID 83340

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280 A Street E
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Vale, OR 97918

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PO Box 828
Weiser, ID 83672

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Candy L Jackson
Shoshone-Bannock Tribes
PO Box 306
Fort Hall, ID 83203

Gray Young
Terry T Uhling
Shawn Del Ysursa
J R Simplot Company
999 Main St, 13th Fl
PO Box 27
Boise, ID 83707

Craig R Zaiss
305 Grove St
PO Box 628
Parma, ID 83660-0628

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 & Natural Resources Div
550 W Fort St, MSC 033
Boise, ID 83724

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

Water Right Number - A63-26671

Prefix Translation: ADJUDICATION CLAIM

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - - - + - - - - - Address - - - - -

*** A - ATTORNEY ***
FREDRICKS

RANDALL C

1 - 815 PARK BLVD STE 270

2 -

3 -

City- BOISE

Phone - 208-331-2887

State- ID Zip- 837127739

*** C - CURRENT OWNER ***

BOISE-KUNA IRRIGATION DISTRICT

1 - 311 S SCHOOL AVENUE

2 -

3 -

City- KUNA

Phone - 208-922-5608

State- ID Zip- 83634

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
05/01/1866 14 WESTERN D - DECREED+ - - - - Source - - - - - + - - - - - Tributary - - - - -
BOISE RIVER SNAKE RIVER+ - - - - - - - - - - - Point of Diversion - - - - -
Twn Rng Sec Tract Lot Rflg County

02N 03E 3 NW SW 9 (1) ADA

+ - - - - - - - - - - - Water Use - - - - -
Code Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION

11/15

8.000

+ - - Total Div. Rate - + - - - Total Div. Volume - + - - - Total Consumptive Use - + - - - KW Usage - - +
8.000 03/15 11/15 8.000 0.0+ - - - - - - - - - - - Place of Use - - - - -
Twn Rng Sec Tract Lot Acres Code Description County

65N 46E 36

01 IRRIGATION

(1) ADA

Total Acres:

+ - - Diversion Means - CONCRETE DIVERSION DRAIN AND HEADWORKS OF NEW YORK CANAL.

+ - - Non-Irrigation Use - NONE.

+ - - Other Rights for Same Use -

+ - - - - - - - - - - - Remarks - - - - -

SUPPLEMENTAL WATER TO SUPPLY CARRIAGE LOSS IN THE NEW YORK CANAL
AND IN COMPLIANCE WITH COURT DECREE REGARDING JENSEN VS BOISE-
KUNA IRRIGATION DISTRICT, 75 IDAHO 133, TO ALLOW WATER TO FLOW

RECEIVED

SEP 15 1994

WATER RESOURCES
WESTERN REGION

MICROFILMED

OCT 11 1996

Water right number - A63-26671

Prefix Translation: ADJUDICATION CLAIM

+ - - - - - Remarks - - - - - +

INTO THOMASON LAKE TO BE USED ON LANDS OUTSIDE THE DISTRICT AND BEYOND DISTRICT CONTROL. SEE COPY OF THIS COURT DECREE IN FILE. THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 63-00161AA AND 63-00161E.

NOTE: AFTER READING THE COURT DECREE JENSEN VS BOISE-KUNA IRRIG DIST IT APPEARS THAT THIS WATER WAS TO BE USED TO AUGMENT THE FLOW INTO THOMASON LAKE - FROM WHICH THE JENSEN'S DIVERTED FOR IRRIGATION IN RETURN FOR THE JENSEN'S NOT TO MAKE THE IRRIGATION DISTRICT PAY FOR DAMAGES THAT THE LAKE CAUSED TO THEIR FARM GROUND BECAUSE THE LAKE IS WHERE SOME OF THE DISTRICT'S DRAINAGE WATER GOES AFTER BEING USED & IT WAS INUNDATING THE JENSEN'S FARM LAND. JENSEN'S AGREED TO DIVERT WATER FROM THE LAKE TO HELP KEEP THE LAKE LEVEL DOWN, BUT IN RETURN THE IRRIGATION DISTRICT AGREED TO GIVE THEM 100 INCHES OF A CRUZEN WATER RIGHT (FROM BOISE RIVER DECREE) AND GUARANTEE THEM THE 10.4 CFS FLOW. APPARENTLY, THIS IS A COMBINATION OF TWO RIGHTS FROM THE BOISE RIVER DECREE AND THOSE ARE THE RIGHTS TO AUGMENT THIS LAKE AND GUARANTEE WATER. THERE ARE WATER RIGHTS FILED IN 1946 & 1947 BY THE JENSEN'S FOR THOMASON LAKE - THESE ARE 63-02631A & B & 63-02632A & B - NOW FILED ON BY EASTERN-WESTERN CORP. SEE THESE FILES FOR ORIGINAL PLACE OF USE FOR THIS RIGHT ALSO. JS 6-14-94.

FIRM CHANGE FOR RANDALL C FREDRICKS REC'D 09/02/94 SS.

+ - - - - - Old Water Right Numbers - - - - - +

A6300161AA
A6300161E

+ - - - - - Conditions of Approval - - - - - +

No Conditions of Approval found.

+ - - - - - Decree Plaintiff - - - +

JENSEN, ET UX

+ - - - - - Decree Defendant - - - +

BOISE-KUNA IRRIGATION DISTRICT

+ - - - - - Decree Date - - +

04/05/1954

+ - - - - - Comments - - - - - +

No Comments Found

+ - - - - - Audit Fields - - +

09/15/94 SHERMAN

+ - - - - - Adjudication Rights Dates and Flags Area - - - - - +

| | | | | | |
|----------------------|--------------|-----------------------|--------------|-------------------------|---------|
| Court Report Filing | - 00/00/0000 | Field Inspection Made | - 00/00/0000 | Civil Case Number | - 39576 |
| Objection Filed Date | - 00/00/0000 | Field Inspection Flag | - | Old Case Number | - |
| Response Filed Date | - 00/00/0000 | Verified Date | - 00/00/0000 | Old Judicial District | - |
| Claim Received Date | - 08/07/1989 | Last Amended Date | - 00/00/0000 | Temporary Right | - P |
| | | Receipt Number | - C008989 | Water District | - |
| | | POU Ownership Flag | - Y | Federal/State Indicator | - S |
| | | Name Connector | - OR | Presumption Flag | - |
| | | | | Notice of Error Flag | - |

LAW OFFICES
RANDALL C. FREDRICKS

TELEPHONE (208) 331-2887
FAX (208) 331-2889
STRAND BUILDING SUITE 270
815 PARK BLVD.
BOISE, IDAHO 83712-7739

September 1, 1994

RECEIVED
SEP 2 - 1994
Department of Water Resources

Ms. Sally Sherman
State of Idaho
Department of Water Resources
1301 North Orchard Street
Boise, Idaho 83706-2237

modified *AL63-26671*
AL63-00372
AL63-08401

Dear Sally:

Re: Address Change
Randall C. Fredricks

A. Sherman
9-15-94

Enclosed, per your request, is a copy of the original letter sent to your office on April 25, 1994, requesting a change of address for the me.

Very truly yours,

Dictated by MR. FREDRICKS AND
MAILED WITHOUT SIGNATURE IN
HIS ABSENCE TO AVOID DELAY

Randall C. Fredricks

RCF:rlf

RECEIVED
SEP 15 1994
WATER RESOURCES
WESTERN REGION

MICROFILMED
OCT 11 1996

LAW OFFICES
RANDALL C. FREDRICKS

COPY

TELEPHONE (208) 331-2887
FAX (208) 331-2889
STRAND BUILDING SUITE 270
815 PARK BLVD.
BOISE, IDAHO 83712-7739

April 25, 1994

FILE

State of Idaho
Department of Water Resources
1301 North Orchard Street
Boise, Idaho 83706-2237

RECEIVED

SEP 15 1994

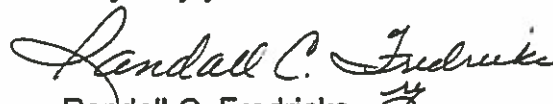
WATER RESOURCES
WESTERN REGION

To Whom it may Concern:

Re: Address Change

Please change my mailing address as shown on the enclosed envelope. Please forward
to all concerned departments.

Very truly yours,


Randall C. Fredricks

RCF:rlf

MICROFILMED

OCT 11 1996

RECEIVED

JUN 09 1994

Department of Water Resources

COSHO, HUMPHREY, GREENER & WELSH, P.A.

LOUIS H. COSHO
HOWARD HUMPHREY
JACK S. GJORDING
RICHARD H. GREENER
STANLEY W. WELSH
MAX A. EIDEN
FREDRIC V. SHOEMAKER
CHRISTOPHER BURKE
RORY R. JONES
JOSEPH M. MEIER
DAVID M. PENNY
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CRISTY CONE PENNY
SCOTT A. TSCHIRGI
NANCY JO HOPKINS
TORE BEAL GWARTNEY
PHIL E. De ANGELI

COUNSELORS AND ATTORNEYS AT LAW
CARNEGIE BUILDING
815 WEST WASHINGTON STREET
BOISE, IDAHO 83702

DALE CLEMONS (1911-1983)

OFFICE ADMINISTRATOR
KRISTINE THOMSEN

TELEPHONE
(208) 344-7811

FAX
(208) 338-3290

ALFA •
AMERICAN LAW FIRM
ASSOCIATION

June 8, 1994

RECEIVED

SEP 15 1994

WATER IN
WESTERN REGION

Mr. Donald V. Shaft
Department of Water Resources
1301 North Orchard St.
Statehouse Mail
Boise, Idaho 83720-9000

RE: Snake River Basin Adjudication (SRBA)
New York Irrigation District Claim #A63-26671
Blue Valley Mobile Home Park Claim #A63-08401
Boise-Kuna Irrigation District Claims #A63-00372,
A63-00161E & A63-00161AA

Dear Mr. Shaft:

This will acknowledge receipt of your letter of May 25, 1994, requesting confirmation that this firm is no longer representing the above named claimants, but that Mr. Randall C. Fredricks, formerly of this firm, is the correct counsel of record. Please accept this letter as such confirmation that this firm is no longer representing these claimants, and that Mr. Fredricks is, in fact, the attorney for each.

If you need any further clarification, please do not hesitate in contacting me.

Very truly yours,


Max A. Eiden

MAE:jo

pc: Randall C. Fredricks

MICROFILMED

OCT 11 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

May 25, 1994

Cangre
COSHO HUMPHREY GREENER AND WELSH
815 W WASHINGTON ST
BOISE ID 83702

Re: Snake River Basin Adjudication (SRBA)
New York Irrigation District Claim #A63-26671
Blue Valley Mobile Home Park Claim #A63-08401
Boise-Kuna Irrigation District Claims #A63-00372,
A63-00161E & A63-00161AA

IDWR has received correspondence from Randall C. Fredricks requesting we update our records to reflect his new address. The claims referenced above show Mr. Fredricks as the attorney associated with your firm. Before IDWR can change the name and address to which notices are sent, IDWR needs written confirmation from you that your firm is no longer representing these claimants.

Please note the claim numbers on your correspondence to us. Thank you for taking care of this matter.

Sincerely,

Donald V. Shaff
Manager, Adjudication Section

DVS:ss:state:tf

cc: Randall C. Fredricks

(331-2887) (Robert - Sec'y)

9-1994 will send cc of this ltr re address change.

MICROFILMED

OCT 11 1996

COSHO, HUMPHREY, GREENER & WELSH, P.A.

LOUIS H. COSHO
HOWARD HUMPHREY
RICHARD H. GREENER
R. MICHAEL SOUTHCOMBE
STANLEY W. WELSH
MAX A. EIDEN
RANDALL C. FREDRICKS
FREDRIC V. SHOEMAKER
CHRISTOPHER BURKE
RORY R. JONES
STEPHEN J. GLEDHILL
JOSEPH M. MEIER
DAVID M. PENNY
BRIAN D. NICHOLAS
ROBERT W. TALBOY
JOSEPH W. HOLLAND
KATHRYN A. STICKLEN
WILLIAM M. LOOMIS
CRISTY M. CONE
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COUNSELORS AND ATTORNEYS AT LAW
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TELEPHONE (208) 344-7811

DALE CLEMONS (1911 - 1983)

OFFICE ADMINISTRATOR
BUD BENTON

FAX
(208) 338-3290

ALFA
AMERICAN LAW FIRM
ASSOCIATION

May 28, 1992

RECEIVED
MAY 29 1992

Department of Water Resources
Western Regional Office

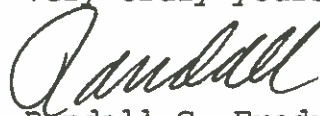
Ms. Jan Shurte
Water Rights Supervisor
Adjudication Section
State of Idaho
Department of Water Resources
Western Region
2735 Airport Way
Boise, Idaho 83705

Dear Jan:

I am enclosing a copy of the Jenson v. Boise Kuna Irrigation District decision dated April 5, 1954, and Amended Notice regarding a correction to the point of diversion. I made a minor addition to "Remarks" but I don't know how else to explain this particular water right.

Please let me know your thoughts.

Very truly yours,



Randall C. Fredricks

RCF:jo

encs.

pc: Boise Kuna Irrigation District

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Cite as 75 Idaho 133

133

269 P.2d 755

JENSEN et ux.

v.

BOISE-KUNA IRR. DIST.

No. 7967.

Supreme Court of Idaho.

April 5, 1954.

Action against irrigation district for damages for failure to deliver water pursuant to contracts to furnish seepage and waste waters to owners of lands adjacent to irrigation district. The District Court, Ada County, Charles E. Winstead, J., entered judgment for plaintiffs and irrigation district appealed. The Supreme Court, Taylor, J., held, inter alia, that where the contracts identified the water to be made available as seepage and waste waters and no attempt was made by district directors to obligate the delivery of any water or water rights owned by district and dedicated to lands within the district, subject matter of contracts was not ultra vires.

Judgment affirmed.

Keeton, J., dissented.

1. Waters and Water Courses ⇨228½

Defense that contracts of an irrigation district are ultra vires must be specially pleaded. I.C. §§ 43-304, 43-305.

2. Waters and Water Courses ⇨228½

Subject matter of contracts whereby irrigation district agreed to furnish seepage

and waste waters to owners of lands outside of irrigation district was not ultra vires. I.C. §§ 43-304, 43-305.

3. Waters and Water Courses ⇨228½

Title to all property acquired by an irrigation district, including its water rights, is vested in the district and held by the district in trust for, and dedicated and set apart to, the uses and purposes set forth in statute. I.C. § 43-316.

4. Waters and Water Courses ⇨249

Water owned by an irrigation district and dedicated to the irrigation of lands within the district cannot be supplied to lands outside the district so long as the water is needed for the proper irrigation of lands within the district. I.C. §§ 43-304, 43-305, 43-316.

5. Waters and Water Courses ⇨228½

Officers of an irrigation district have no power to contract for the delivery or supplying of water, owned by the district and needed for use within the district, for use outside the district and any attempt by officers of the district to create such an obligation cannot be made the basis of estoppel against the district. I.C. §§ 43-304, 43-305, 43-316.

6. Waters and Water Courses ⇨228½

A contract attempting to create or impose an obligation on an irrigation district to supply or make available water owned by district and needed for irrigation of lands within the district for use outside the

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district is ultra vires and void. I.C. §§ 43-304, 43-305, 43-316.

7. Waters and Water Courses ¶228

An irrigation district is not a "municipality" within constitutional provision that municipalities shall not incur indebtedness or liability exceeding in one year the income and revenue provided for it for such year. I.C. § 43-322; Const. art. 8, § 3.

See publication Words and Phrases, for other judicial constructions and definitions of "Municipality".

8. Waters and Water Courses ¶263

In action against irrigation district for damages for failure to deliver water pursuant to contract to furnish seepage and waste waters to owners of lands adjacent to irrigation district, evidence failed to establish that expenses required by the contract would exceed the district's anticipated revenues. I.C. § 43-322; Const. art. 8, § 3.

9. Waters and Water Courses ¶228

Contracts whereby irrigation district agreed to furnish seepage and waste waters to owners of land outside of irrigation district and to augment flow by pumping wells, drilling additional wells and construction of ditches if necessary, in consideration of landowners' drainage activities and assumption of liability for future damages within district caused by overflow of waters of a lake, were not "lending or pledging of the credit" or faith of the district within constitutional prohibition. Const. art. 8, § 4.

See publication Words and Phrases, for other judicial constructions and defi-

nitions of "Lending or Pledging of Credit".

10. Evidence ¶498½, 568(1)

The admission of opinion evidence is largely discretionary with trial court and its weight and effect is for the trier of facts.

11. Appeal and Error ¶1050(1)

In action against irrigation district for damages for failure to deliver water pursuant to contract to furnish seepage and waste waters to owners of lands adjacent to irrigation district, where judgment was amply supported by district's failure to perform, admission of opinion testimony to the effect that another well was drawing water away from area from which plaintiffs obtained water was not prejudicial error.

12. Appeal and Error ¶1048(6)

In action against irrigation district for damages for failure to deliver water pursuant to contract to furnish seepage and waste waters of a lake to owners of lands outside of irrigation district, admission on cross-examination of opinion testimony of defendant's witness, over objection that it was part of plaintiffs' case in chief, to the effect that the flow from other wells in district affected the flow from wells at lake from which plaintiffs obtained water was not prejudicial error.

Maurice H. Greene, Boise, George W. Grebe, Kuna, for appellant.

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An irrigation district is a creature of statute and has only such powers as are given by statute or as are necessarily implied. *Yaden v. Gem Irr. Dist.*, 37 Idaho 300, 216 P. 250; *Lewiston Orchards Irr. Dist. v. Gilmore*, 53 Idaho 377, 23 P.2d 720.

An irrigation district is a trustee for landowners within its boundaries. Any act contrary to its trust is ultra vires and void. *Colburn v. Wilson*, 23 Idaho 337, 130 P. 381; *Yaden v. Gem Irr. Dist.*, supra; *Wild-er Irr. Dist. v. Jorgensen*, 64 Idaho 538, 136 P.2d 461; *Smith v. Enterprise Irr. Dist.*, 160 Or. 372, 85 P.2d 1021.

A contract under which an irrigation district obligates itself to furnish a fixed quantity of water for use on land outside the district is ultra vires and void. *Yaden v. Gem Irr. Dist.*, supra; *Jenison v. Redfield*, 149 Cal. 500, 87 P. 62, 63; *Maclay v. Missoula Irr. Dist.*, 90 Mont. 344, 3 P.2d 286; *Koch v. Colvin*, 110 Mont. 594, 105 P.2d 334; *Barker v. Sonner*, 135 Or. 75, 294 P. 1053.

It is error to permit a litigant to prove his own case by cross-examination of a witness of his adversary on matters not touched upon on direct examination. *State v. Smailes*, 51 Idaho 321, 5 P.2d 540.

Cross-examination of a witness must be confined to facts stated on his direct examination or reasonably connected therewith. *Kroetch v. Empire Mill Co.*, 9 Idaho 277, 74 P. 868; *State v. Smailes*, supra.

Edwin Snow and Walter M. Oros, Boise, for respondents.

A contract of a corporation is presumed to be within its corporate powers; the burden of proving ultra vires is on the party making that assertion; and it must be especially pleaded. *Land Development Corporation v. Cannaday*, 74 Idaho 233, 258 P.2d 976; *Ford Motor Company v. City of Detroit*, 267 Mich. 177, 255 N.W. 272, at page 273; *Town of Gosport v. Pritchard*, 156 Ind. 400, 59 N.E. 1058, at page 1059; *City of Winchester v. Winchester Bank*, 306 Ky. 45, 205 S.W.2d 997, at page 998.

The scope and extent of cross-examination rests largely in the discretion of the trial court. Its rulings thereon are reviewable only where such discretion has been abused. Vol. 3, *Amer.Jur.*, p. 536, § 976.

Especially where the trial is before the court without a jury, the admission or rejection of opinion evidence rarely, if ever, constitutes reversible error. Vol. 3, *Amer. Jur.*, pp. 592-593.

TAYLOR, Justice.

For several years prior to 1946, water had been accumulating upon and under certain lands within the defendant district (appellant) in and adjacent to what is known as Thomason Lake. This accumulation consisted of seepage and waste water resulting from the irrigation of other lands in the district, and had reached such an extent that valuable farm lands were inundated or

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bogged and rendered unfit for farming. The district had recognized liability for damages to certain owners of these lands and other claims for damages were threatened. Plaintiffs (respondents) who are husband and wife, were owners of some of the damaged land. On November 8, 1946, the directors of defendant district adopted a resolution authorizing the district to contract with the plaintiffs for the removal of the surplus water from the lake. Accordingly, on November 12, 1946, two contracts were executed, identical in terms, except that one is made with Rex S. Jensen, providing for 6.4 second feet of water and the other with Roxy C. Jensen, providing for 4 second feet of water. These contracts contain the following provisions:

"Whereas, Thomason Lake is fed by drainage wells, springs, seepage waters and waste waters from lands within the Boise Kuna Irrigation District, which accumulates in the said lake in such quantity that the lake water is covering valuable farm land and causing the district and the Boise Project to pay large annual damage claims;

"Whereas, the party of the second part desires to enter into a contract with the party of the first part to pump water out of Thomason Lake and relieve the first party and the Boise Project of liability for further damage, and in lieu of a money consideration agrees to accept for such drainage service an agreement on the part of the party of

the first part, that water in amount sufficient to allow the party of the second part to pump 6.4 second feet during the irrigation season will be diverted into said lake;

"Whereas, the party of the second part does hereby agree to transfer by deed to the party of the first part a Cruzen Water Right, granting to the holder thereof the right to 100 inches continuous flow from the Boise River, in order that the party of the first part may augment the flow into Thomason Lake in the event that the drainage waters flowing therein should fall below 6.4 second feet pumping requirement.

"Now Therefore, in consideration of the premises, the party of the first part hereby agrees to allow drainage, seepage, spring and waste waters arising within the district to flow into the said Thomason Lake in sufficient amount to permit the party of the second part to pump 6.4 second feet continuous flow from said lake during each irrigation season subsequent to the execution of this contract, and in the event that the said drainage waters shall fall below said amount, the party of the first part agrees to augment said flow by water from other sources including pumping from existing wells, drilling of additional wells or construction of drainage ditches if necessary. The delivery of water as above stipulated shall be subject to and limited by unavoidable ac-

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cident, canal breaks or other factors limiting canal capacity, drouth and such other limitations as lands within the district are subject to.

"The party of the second part, in consideration of the delivery of such water by the party of the first part, agrees to assume and pay all claims for damage to lands within the district caused by overflow waters of Thomason Lake."

At the time, plaintiffs were the owners of 860 acres of land lying outside of, and adjacent to, the irrigation district and in the vicinity of Thomason Lake. They obtained permits for the appropriation of the water from the lake and, in reliance upon the contracts, and at great expense, they installed a pumping plant, pipe line, distributing system and leveled and corrugated this land outside the district, in order to effect its irrigation by use of the water accumulating in Thomason Lake and vicinity. By this means they farmed and irrigated a part of these lands in the years 1948 and 1949.

In 1949 the water available in the lake fell below the 10.4 second feet contracted for and plaintiffs made demand upon the defendant that it increase the supply by one or more of the means mentioned in the contracts. Except for some experimental work and pumping tests, early in the irrigation season of 1949 the plaintiffs' demands were not met. In 1950 the water available to the plaintiffs again fell below the amount

contracted for and during part of that season there was no water at all available.

This action was brought by the plaintiffs for damages resulting to their crops. In addition to alleging the failure of the defendant to perform as required by the contracts, the plaintiffs allege that in January 1950 the defendant, by resolution of its board of directors, granted to the Reynolds Creek Irrigation District permission to drill wells on lands within the boundaries of defendant district and to take water therefrom for use upon lands within the Reynolds Creek Irrigation District; the resolution recites that the permit was granted for the purpose of accomplishing the removal of excess water from lands within the defendant district and in the area where the wells were to be drilled; that the Reynolds Creek Irrigation District pursuant to such resolution drilled three wells in the designated area (which is some two miles distant from Thomason Lake); that the flow from these wells depleted and destroyed the flow of drainage and seepage water into Thomason Lake.

The defendant moved to strike this part of the complaint on the ground that the facts alleged are immaterial to plaintiffs' cause of action. The court's denial of this motion is assigned as error. The allegations are regarded as a pleading of evidence, which would be admissible under plaintiffs' general allegation that defendant failed to perform its contract; specifically that it failed to do what it contracted to do to make available the water contracted for and, on the

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contrary, knowingly permitted water which would have flowed or seeped into Thomason Lake to be drawn off elsewhere. See *Frost v. Chaplin Motors Co.*, 138 Me. 274, 25 A.2d 225, 139 A.L.R. 1144.

In its answer, the defendant set up several affirmative defenses, some of which were stricken on motion of the plaintiffs. In its amended answer defendant pleads supplemental agreements entered into between the parties, December 15, 1947, for the purpose of clarifying the contracts pleaded by the plaintiffs. The effect of these supplemental agreements is to allow plaintiffs to pump water from Thomason Lake during the winter season to avoid overflow, and to develop water additional to the amount contracted for, by drilling of wells on their own land, and, providing that none of the water thus withdrawn or developed was to be considered a part of the 10.4 second feet to be made available by the defendant "except when necessary to use said water to make up the deficiency in periods of drouth when the available supply of seepage and waste waters from the district fail to make up the required amount."

As a first affirmative defense the defendant alleges that it has allowed all available surplus water, seepage and waste, not required for irrigation of lands within the district, to flow into Thomason Lake during the irrigation season of 1950; commencing in June, 1950, a period of drouth began and extended through the rest of that irrigation season; that by reason of the drouth and

the resultant increase in the amount of water required to properly irrigate the lands within the district, the defendant was required to, and did, utilize the full extent of its canal capacity in delivering water to lands within the district, by reason of which it was impossible to deliver the normal supply of waste and seepage water to Thomason Lake; that including the water flowing to Thomason Lake during the non-irrigation season, and the flow that did reach the lake during the irrigation season, there was a total amount made available to the plaintiffs sufficient to meet the requirements of the contracts for the year 1950, and plaintiffs' shortage was due to their own failure to store, properly care for, and utilize the water available.

In its second affirmative defense the district alleges that during the year 1950 in cooperation with the plaintiffs it drilled an additional well, additional test holes, and made pumping tests to increase the flow of seepage and waste water into Thomason Lake; that it was prevented from doing additional pumping from existing wells because it was unable to secure a right of way to the wells for a power line in time to augment the flow during the remainder of that season; that it could not meet plaintiffs' demand for the deepening of its drainage ditch leading to Thomason Lake because it was required to supply water from that ditch to approximately 170 acres of land within the district; and that the water in the drainage ditch had to be checked

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up to a level from which it would flow into the lateral supplying those lands.

The cause was tried to the court without a jury and after making findings and conclusions, the court entered judgment against the defendant for damages in the sum of \$14,910.05. The defendant concedes that the evidence, though conflicting, is ample to sustain the findings with respect to the amount of damage. The errors assigned relate to other issues.

[1] One of the affirmative defenses stricken from the original answer alleges the contracts were ultra vires. This ruling was erroneous. The defense of ultra vires is available in a proper case, and must be pleaded. *Meholin v. Carlson*, 17 Idaho 742, 107 P. 755; *Land Development Corp. v. Cannaday*, 74 Idaho 233, 258 P.2d 976; 19 C.J.S., Corporations, § 981 b. The same question is also presented by the ruling on defendant's demurrer to plaintiffs' complaint. These assignments require a consideration of the functions and powers of an irrigation district.

"Irrigation districts are creatures of the statutes. They are quasi public or municipal corporations, and as such have only such power as is given to them by statute, or such as is necessarily implied. * * *

"Under the provisions of C.S. § 4350 [§ 43-316, I.C.], the legal title to all property acquired by the district by operation of law vests immediately in

the district and is held in trust for, dedicated to, and set apart to the use and purposes provided by law. Under the provisions of C.S., §§ 4346 and 4355 [§§ 43-304 and 43-322, I.C.], the power of the directors or other officers of an irrigation district is limited, and any act done in excess of the express or implied provisions of the statute by such directors or other officers is ultra vires. However, the foregoing provisions of the statutes do not prohibit the delivery of water to users outside of the district when the same is not needed by users within the district. * * *

The appropriation and diversion of waters by the district, through its officers, or the purchase of a system constructed in whole or in part by its funds, becomes the property of the district, and is held in trust for the landowners within it, and no burden can be imposed upon it for the delivery or maintenance of canals or laterals for the delivery of water beyond the boundaries of the district, and no contract made by the directors of a district to deliver water beyond its boundaries is a liability for which the district can be held. * * *

all persons dealing with the directors or officers of the district are bound to take notice of the various enactments conferring authority upon the directors or officers of the district and the limitation of their powers." *Yaden v. Gem Irr. Dist.*, 37 Idaho 300, at pages 308, 309 and 310, 216 P. 250, 252.

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The characterization of an irrigation district as a quasi-municipal corporation was somewhat modified in the case of *Lewiston Orchards Irrigation District v. Gilmore*, 53 Idaho 377, 23 P.2d 720, where it was said:

"* * * an irrigation district is a public corporation having such incidental municipal powers as are necessary to its internal management and the proper conduct of its business. Its primary purpose is the acquisition and operation of an irrigation system as a business enterprise for the benefit of landowners within the district, such property being held in trust for them in a proprietary capacity, while secondarily and incidentally certain municipal powers have been conferred for its government and regulation * * *." 53 Idaho at page 382, 23 P.2d at page 722.

"An irrigation district is a public quasi corporation, organized, however, to conduct a business for the private benefit of the owners of land within its limits. * * * It is, in the administration of its business, the owner of its system in a proprietary rather than in a public capacity, and must assume and bear the burdens of proprietary ownership." *City of Nampa v. Nampa, etc., Irr. Dist.*, 19 Idaho 779, at page 787, 115 P. 979 at page 982. *Stephenson v. Pioneer Irr. Dist.*, 49 Idaho 189, 288 P. 421, 69 A.L.R. 1225.

"Any irrigation district heretofore organized or hereafter to be organized, may, whenever it appears necessary, proper or beneficial to drain any of the lands within said district, whether for the benefit of the land actually requiring drainage or for the protection of other lands within said district, whether the irrigation works have been actually acquired or constructed or not, cause drainage canals and works to be constructed and to this end such district shall in all respects have the same power and authority as is now conferred or may hereafter be conferred respecting irrigation, and all the powers conferred upon irrigation districts under the laws of this state with respect to irrigation shall be construed to include drainage.

"Any irrigation district now, or which may hereafter be organized under the laws of the state of Idaho, shall have the authority to construct drainage works for the purpose of draining any land or lands within such irrigation district, and such authority shall be exercised by the board of directors in its discretion. * * *" § 43-305, I.C.

[2] The incorporation, by reference, of powers of the district applicable to irrigation, includes the general powers set forth in § 43-304, I.C., which specifically includes the power to "make and execute all necessary contracts". From these provisions it is clear that the subject matter of the con-

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tracts which the district made with the plaintiffs is not ultra vires. The contracts by their terms identify the water to be made available to the plaintiffs as "seepage waters and waste waters." Hence, no attempt was made by the directors to obligate the district to deliver or make available to the plaintiffs any of the water or water rights owned by the district, and available, appurtenant and dedicated to lands within the district. The only other water mentioned in the contracts is the 100 inches of Cruzen water right deeded to the defendant by the plaintiffs "in order that the party of the first part may augment the flow into Thomason Lake in the event that the drainage waters flowing therein should fall below" the 10.4 second feet. As to this water, the district acquired title burdened with the obligation expressed in the contracts and was therefore required to make that water available to the plaintiffs whenever the expressed contingency arose. *Gerber v. Nampa, etc., Irr. Dist.*, 19 Idaho 765, 116 P. 104; *Yaden v. Gem Irr. Dist.*, supra; *Nampa & Meridian Irr. Dist. v. Briggs*, 27 Idaho 84, 147 P. 75; *Adams v. Nampa & Meridian Irr. Dist.*, 73 Idaho 521, 254 P.2d 407.

Appellant also assigns as error the following finding:

"That the seepage and waste water so accumulated in Thomason Lake and in that vicinity and causing damage to the lands of the district as aforesaid, were in all respects surplus and waste waters and not needed or available by the dis-

trict for the irrigation of any of the lands within the district; that the said defendant district, prior to the making of the contracts herein sued upon, certified and represented to plaintiffs that said water was surplus, waste and abandoned water of the district; and it is estopped to deny in this action the facts so certified and represented to plaintiffs."

[3] As held by this court, and as expressly provided by § 43-316, I.C., the title to all property acquired by an irrigation district, including its water rights, is vested in the district and held by the district in trust for, and dedicated and set apart to, the uses and purposes set forth in the law. *Yaden v. Gem Irr. Dist.*, 37 Idaho 300, 216 P. 250; *Colburn v. Wilson*, 23 Idaho 337, 130 P. 381.

[4-6] It follows that any water owned by the district and thus dedicated to the irrigation of lands within the district, cannot be supplied to lands outside the district so long as it is needed for the proper irrigation of lands within the district. The officers of the district have no power to contract for the delivery or supplying of such water for use outside the district. Any contract attempting to create or impose an obligation on the district to supply or make available any such water for any such purpose is ultra vires and void. It also follows that any attempt by the directors of the district to create such an obligation cannot be made

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the basis of estoppel against the district. Otherwise, the will and purpose of the legislature, and the public policy established by its dedication of such water to the lands within the district, could be defeated by ill-advised contracts of the directors. The court was, therefore, in error in holding that the defendant is estopped to deny that the water to be made available to the plaintiffs was all surplus and waste and not needed by, or available to, the district for irrigation of any of the lands therein. The error, however, is technical only, because the finding in which it occurs refers only to seepage and waste water accumulating in Thomason Lake, all of which the record shows to be actually surplus and waste, and not available for irrigation of the district lands. The water used for irrigation of the 170 acres within the district, heretofore mentioned, is taken out of the drainage ditch before it reaches Thomason Lake and hence is not to be confused with the waters referred to in the finding. There was no occasion to invoke an estoppel as to the waters referred to in the finding, because the defendant is not claiming such to be other than surplus and waste. Supporting our conclusion that a contract, which would obligate an irrigation district to deliver any dedicated water for use outside the district is ultra vires and void, and that estoppel cannot be invoked in aid of such a contract, are the following authorities: *Jenison v. Redfield*, 149 Cal. 500, 87 P. 62; *Maclay v. Missoula Irr. Dist.*, 90 Mont. 344, 3 P.2d 286; *Koch v. Colvin*, 110 Mont. 594, 105 P.2d 334; *School Dist. No. 8 in Twin Falls County v. Twin Falls, etc., Ins. Co.*, 30 Idaho 400, 164 P. 1174; *Deer Creek Highway Dist. v. Doumeco Highway Dist.*, 37 Idaho 601, 218 P. 371; *Lloyd Crystal Post No. 20, The American Legion v. Jefferson County*, 72 Idaho 158, 237 P.2d 348; *Worlton v. Davis*, 73 Idaho 217, 249 P.2d 810; *State v. Northwest Magnesite Co.*, 28 Wash.2d 1, 182 P.2d 643; 31 C.J.S., Estoppel, § 141.

[7,8] Appellant also attacks the contracts in question on the ground that they violate § 43-322, I.C., and § 3, Art. 8, of the constitution. Section 43-322 authorizes the issuance of warrants by the directors to defray expenses of care, operation, repair, and improvement of the works of the district, "not to exceed the district's anticipated revenue." No showing was made which would necessitate a finding that the expense required by the contract would exceed the district's anticipated revenues. The constitutional provision referred to in part provides that "No county, city, town, township, board of education, or school district, or other subdivision of the state, shall incur any indebtedness, or liability, in any manner, or for any purpose, exceeding in that year, the income and revenue provided for it for such year, * * *". An irrigation district is not a municipality such as referred to in this section, and, further, the section contains a proviso that it is not to be applied to "the ordinary and necessary

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expenses authorized by the general laws of the state." The expenses of drainage operations are such as contemplated by the proviso.

[9] Appellant also urges that the contracts violate § 4 of Art. 8 of the constitution. This section also has reference to municipalities and subdivisions of the state, and forbids such to "lend, or pledge the credit or faith thereof directly or indirectly, in any manner, to, or in aid of any individual * * *." A contract, such as those involved, based upon a valid and sufficient consideration, to pay to an individual an obligation which the district may lawfully incur, is not a lending or pledging of the credit or faith of the district.

The contracts being valid, the remaining question is whether the record supports the judgment thereon. The court properly found that the work and testing done jointly by the parties (referred to in the second affirmative defense) in an effort to increase the flow to Thomason Lake, was done in 1949. The contracts require the district to "augment the flow from other sources including pumping from existing wells, drilling of additional wells or construction of drainage ditches if necessary." With the exception of the one additional well drilled in 1949, none of these things were done either in 1949 or 1950.

As to the first affirmative defense of drouth and want of canal capacity, the applicable provision in the contracts is: "The

delivery of water as above stipulated shall be subject to and limited by unavoidable accident, canal breaks or other factors limiting canal capacity, drouth and such other limitations as lands within the district are subject to." Had the district dug additional wells, constructed additional drainage ditches, and resorted to pumping in a bona fide effort to make the water available, and then failed to supply the water because of drouth or want of canal capacity, its defense would have been complete. This is so because as heretofore stated it could not in any event be compelled to supply any of the dedicated water of the district to the performance of its contracts with plaintiffs. As it is, the defendant, having failed to do what it agreed to do, and what it could have done to supply the water, its defense fails.

[10,11] Appellant assigns the ruling of the court permitting the witness Tucker, a civil engineer, to give his opinion that "There was some connection in the underground water between these two wells." The wells referred to being the wells from which water flows into Thomason Lake and the wells drilled by Reynolds Creek Irrigation District in another area. The engineer had made measurements of flow before, at the time of, and subsequently to the uncapping of the Reynolds wells, and the comparative elevations of the two areas. The admission of opinion evidence is largely discretionary with the trial court. 3 Am.Jur., Appeal & Error, §§ 1036 and 1037. Its weight and effect is for the trier of the

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facts, in this case the trial judge. No special qualification of the witness was shown except those noted above. The whole issue of the effect of the Reynolds wells was collateral, going only to defendant's ability and willingness to perform its contract. Presumably if the Reynolds wells did draw water away from the Thomason Lake area, it could have been restored by pumping at the wells there as agreed. Since this was not done, the ruling becomes unimportant because the judgment is amply supported by the failure to perform, and no prejudice results from the admission of the opinion.

[12] Also assigned is the ruling permitting defendant's witness Carter to answer on cross-examination a hypothetical question eliciting an opinion that the flow from the Reynolds wells affected the flow from the wells at Thomason Lake. The objection was that it was not proper cross-examination, was a part of plaintiffs' case in chief, and that the question did not include all material facts necessary to such an opinion. The witness was shown to be well qualified and familiar with the area involved. This is also a matter largely left to the discretion of the trial judge. 3 Am.Jur., Appeal & Error, §§ 976, 1036 and 1037. We find no prejudice to appellant from the ruling.

The judgment is affirmed. Costs to respondents.

PORTER, C. J., THOMAS, J., and McQUADE, D. J., concur.

KEETON, Justice (dissenting).

In my opinion the powers of the directors of the defendant irrigation district as expressly provided by statute cannot be construed to encompass the contract in dispute here. The liability attempted to be here created, if followed to its logical conclusion, could, in my opinion, confiscate the property of the land owners in the district.

I consider the contract in question ultra vires and void. What the rights of the plaintiffs might be because of moneys expended in furtherance of the obligations assumed is not before us for determination. Irrigation district directors have only such powers as are conferred upon them by statute or necessarily implied from those expressly conferred, and such powers do not encompass the liability here attempted to be assumed. The contract violates Secs. 43-304 and 43-322, I.C. Hence the judgment should be reversed.

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| | Remarks | | |
| | No Remarks found | | |

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Water Right Number - 63-02632A Prefix Translation: WATER RIGHT Old (D) Number - 19774
+ - - - - Last Name - - - - + + - - - - First Name - - - - + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
JENSEN

ROXY

1 -
2 -
3 -
City- MELBA
Phone -

State- ID Zip- 83641

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
06/21/1946 14 WESTERN L - LICENSE

+ - - - - Source - - - - + + - - - - Tributary - - - - - +
THOMASON LAKE

+ - - - - - - - - - - - Point of Diversion - - - - - Diversion Name Diversion Rate Diversion No.
Twn Rng Sec Tract Lot Rflg County (27) CANYON

01S 02W 22 SW NE (27) CANYON
+ - - - - Description Period From Period To Water Use Diversion Rate Diversion Volume
Code 2.600

01 - IRRIGATION
43 - DOMESTIC

+ - - Total Div. Rate - + + - - Total Div. Volume - + + - - Total Div. Capacity - +
2.600

+ - - - - - - - - - - - Place of Use - - - - - Description County
Twn Rng Sec Tract Lot Acres Code
01S 02W 22 NW NW 20.0 01 IRRIGATION (27) CANYON
01S 02W 22 SW NW 20.0 01 IRRIGATION (27) CANYON
01S 02W 22 SE NW 20.0 01 IRRIGATION (27) CANYON
01S 02W 22 NE SW 40.0 01 IRRIGATION (27) CANYON
01S 02W 22 NW SW 30.0 01 IRRIGATION (27) CANYON

Total Acres: 130.0

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - - - - - - - - Remarks - - - - - +
No Remarks found.

+ - - - - - - - - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers found.

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AUG 01 1994

| | | | | | |
|-------------------|--------------|-----------------|--------------|--------------------|-----|
| Proof Due Date | - 00/00/0000 | Field Exam Made | - 00/00/0000 | Field Exam Fee | - |
| Approved/Denied | - 00/00/0000 | Protested Date | - 00/00/0000 | Swan Falls | - |
| Proof Made Date | - 00/00/0000 | Hearing Date | - 00/00/0000 | Temporary Right | - P |
| Exam to S.O. Date | - 00/00/0000 | Verified Date | - 07/01/1985 | DLE/Carey Act | - |
| Order Show Cause | - 00/00/0000 | Receipt Number | - | Water District | - |
| Licensed Date | - 08/28/1979 | Appl Received | - 00/00/0000 | Transfer/Amended | - |
| Decree Date | - 00/00/0000 | Name Connector | - | POU Ownership Flag | - |
| Presumption Flag | - | | | | |

AUG 01 1994

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AUG 01 1994

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|-------------------|--------------|-----------------|--------------|--------------------|-----|
| Proof Due Date | - 00/00/0000 | Field Exam Made | - 00/00/0000 | Field Exam Fee | - |
| Approved/Denied | - 00/00/0000 | Protested Date | - 00/00/0000 | Suan Falls | - |
| Proof Made Date | - 00/00/0000 | Hearing Date | - 00/00/0000 | Temporary Right | - P |
| Exam to S.O. Date | - 00/00/0000 | Verified Date | - 07/01/1985 | DLE/Carey Act | - |
| Order Show Cause | - 00/00/0000 | Receipt Number | - | Water District | - |
| Licensed Date | - 08/28/1979 | Appl Received | - 00/00/0000 | Transfer/Amended | - |
| Decree Date | - 00/00/0000 | Name Connector | - | POU Ownership Flag | - |
| Presumption Flag | - | | | | |

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AUG 01 1994



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

April 20, 1992

CECIL D. ANDRUS
GOVERNOR

Randall C. Fredricks, Attorney
815 W. Washington
Boise, ID 83702

R. KEITH HIGGINSON
DIRECTOR

Raymond D. Givens, Attorney
277 North 6th
Boise, ID 83701

Gentlemen:

In the review of the Notices of Claim to a Water Right submitted on behalf of the Boise-Kuna Irrigation District and New York Irrigation District it was found that more information is needed before these claims can be considered legally filed and processed in preparation for future court decree.

These claims were submitted based on Boise River decreed Water Right No.'s 63-00161AA, 63-00161E and 63-00372. There is a question concerning the locations claimed for the point of diversion on both claims. The claim filed for Water Right No. 63-00372, now Claim No. A63-00372, lists the diversion point as the SW1/4NW1/4, NW1/4SW1/4, Sec. 030, Twp. 030, Rge. 030, and the claim filed for Water Right No.'s 63-00161AA and 63-00161E, now Claim No. A63-26671, lists the SW1/4NW1/4, NW1/4SW1/4, Sec. 11, Twp. 2N, Rge. 3E. For your review, we are enclosing a copy of both claims as originally filed, along with a copy of the computer generated claim for each. Also enclosed are the orthophotoquad and Government Lot maps for this area showing the location of the diversion point for the New York Canal. This point is located within Lot 9(NW1/4SW1/4), Sec. 3, Twp. 2N, Rge. 3E. Please review these maps and let us know what legal description is the correct point of diversion.

The information needed concerns the place of use portion of these water rights and the initial filing fee required in order for the claims to be considered legally filed. Under Rule 10,5,10 of the Adjudication Rules and Regulations(copy enclosed) concerning minimum requirements needed to file an adjudication claim, it states that the total number of acres irrigated within an irrigation district are required at the time the claim is filed, and that these acres must be listed by 40-acre tract(1/41/4). Therefore, the number of acres irrigated within the Boise-Kuna and New York Irrigation Districts by quarter-quarter, section, township and range, along with a map outlining the boundaries of these irrigation districts must be submitted for the claims before processing can continue. For all irrigation claims there is a \$50 per claim filing fee plus \$1 per acre for each irrigated acre claimed. The \$50 flat fee per claim was previously paid when the claims were filed, however, the \$1 per acre fee was not paid at that time and is required before these claims are considered legally filed.

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Please submit the above required information and fees within 30 days from the date of this letter in order to prevent the return of these claims. If there is a problem in getting this information within the 30 day time period, then either a letter or phone call is needed to set up a time period more suitable. If you have any questions concerning the above required information or fees, do not hesitate to contact this office.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jan Shurte".

JAN SHURTE
Water Rights Supervisor
Adjudication Section

JS:j
Enclosures

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The annual volume of consumptive use for instream uses and for domestic and/or stock watering uses meeting the definition of Rule 4,1. is generally deemed de minimus.

10,5,9. Description of non-irrigation uses.

Non-irrigation uses shall be fully described at item (9) of the form.

For domestic uses, the number of households served shall be described; for stock watering uses, the type of stock and number of each type of stock shall be described. The claimant shall also state whether the stock watering use is in-stream, or whether water is diverted from the source for stock watering, or both.

10,5,10. Place of use.

The place of use for each purpose for which water is claimed shall be listed at item (10) of the form, except that the place of use for instream flows for public purposes need not be listed if the place of use is fully described as the stream between the beginning and ending points listed as the points of diversion.

The number of acres irrigated shall be described by entering the appropriate numbers in the appropriate boxes for each forty acre tract or government lot on the form. For other uses, a symbol or letter corresponding to the purpose for which water is claimed shall be placed in the appropriate box for each forty acre tract or government lot on the form.

Claims for an irrigation project where the canals constructed cover an area of twenty-five thousand (25,000) acres or more, or irrigation districts organized and existing as such under the laws of the state of Idaho, shall be accompanied by a map showing the boundaries of the project or irrigation district, shall state the total number of acres irrigated within the boundaries of the project or irrigations district, and for purposes of determining fees, the number of acres irrigated shall be described by forty acre tract or government lot.

10,5,11. County of place of use.

The county(ies) in which the place(s) of use is (are) located shall be listed at item (11) of the form.

10,5,12. Authority to assert claim.

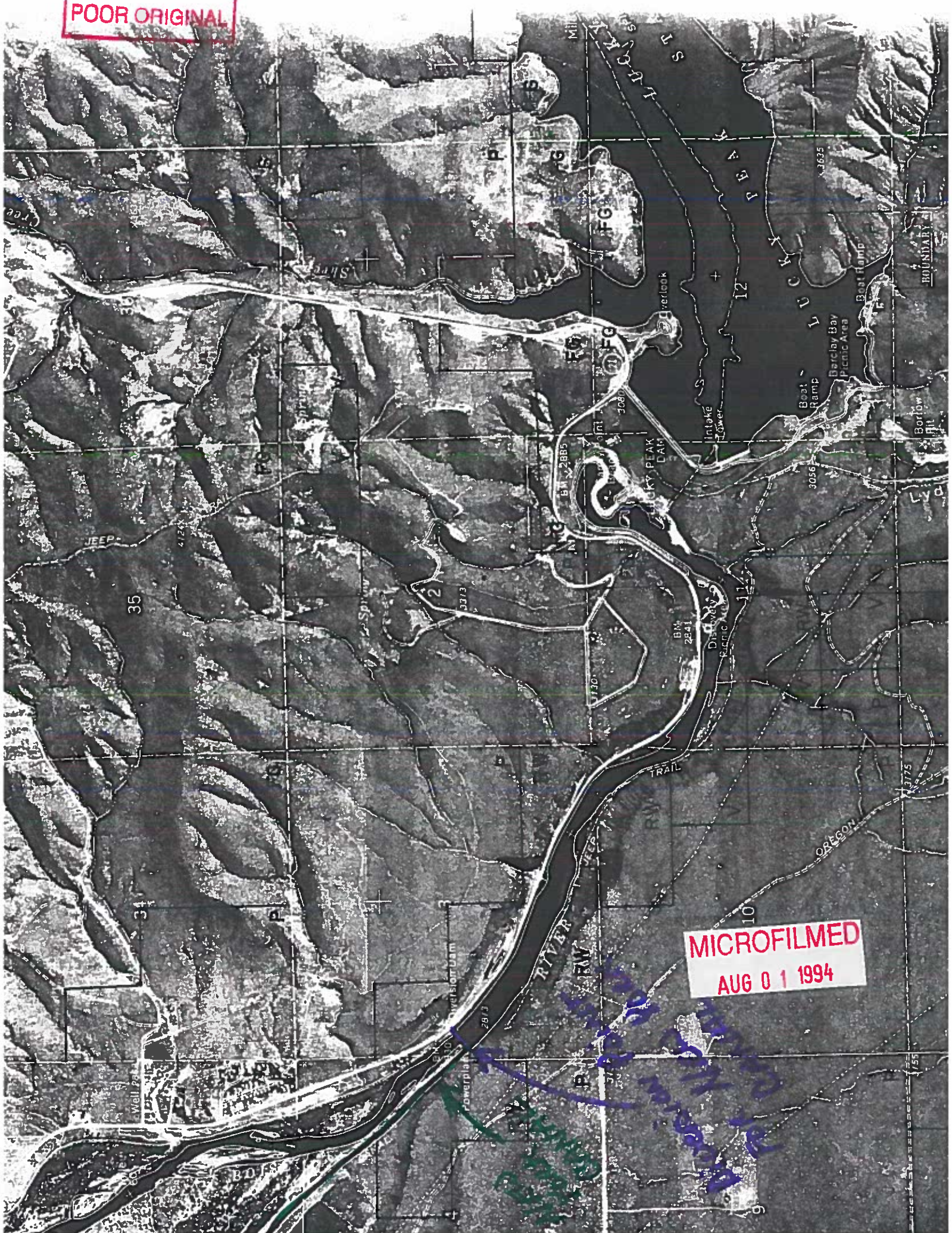
The claimant shall indicate at item (12) of the form whether the claimant is the owner of the place(s) of use.

If the claimant is not the owner of the place(s) of use, the claimant shall describe in the remarks section of the form the claimant's authority to assert the claim. Unless the claimant is a water delivery organization, the claimant shall also state the name, address, and phone number of the owner(s) of the place of use in the remarks section of the form.

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POOR ORIGINAL



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COMPOSITE PLAT OF

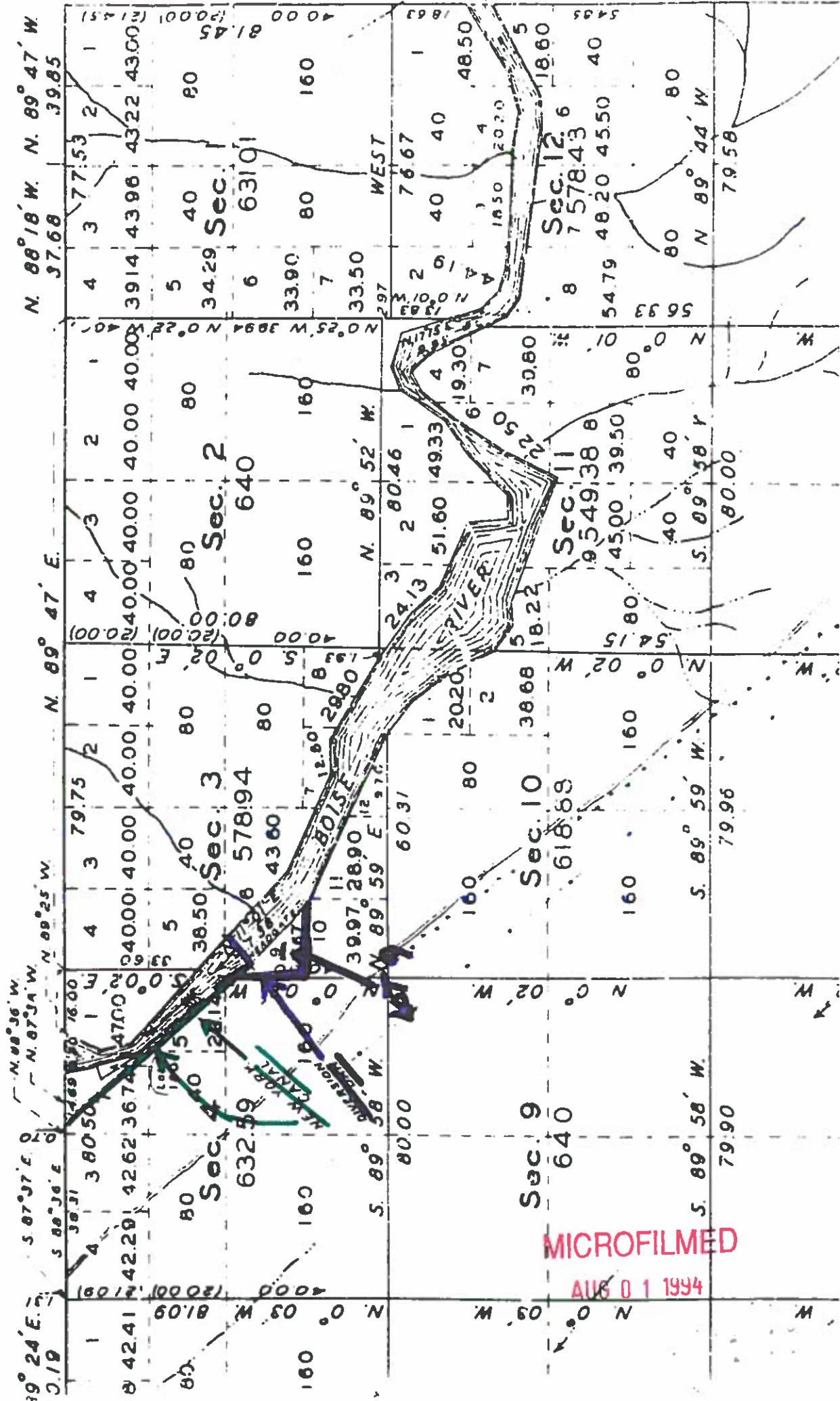
NGE N^o 3 EAST, OF THE BOISE MERIDIAN

Sec. 33

Sec. 34

Sec. 35

Sec. 36



RECEIVED
JAN 08 1992

Department of Water Resources

RANDALL C. FREDRICKS
COSHO, HUMPHREY, GREENER & WELSH, P.A.
Attorneys at Law
Carnegie Building
815 West Washington Street
Boise, Idaho 83702
Telephone: (208)344-7811
Fax: (208)338-3290
CHGW No. 351-

ATTORNEYS FOR BOISE KUNA
IRRIGATION DISTRICT

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

Case No. 39576

The State of Idaho, ex rel. R.
Keith Higginson in his official
capacity as Director of the Idaho
Department of Water Resources,

NOTICE OF APPEARANCE

Petitioner,

vs.

The United States; the State of
Idaho; and all claimants to the
use of water from the Snake River
Basin Water System.

MICROFILMED

AUG 01 1994

SUMMARY DESCRIPTION

NOTICE OF APPEARANCE OF RANDALL C. FREDRICKS OF THE FIRM OF
COSHO, HUMPHREY, GREENER & WELSH, P.A., AS ATTORNEYS FOR BOISE-
KUNA IRRIGATION DISTRICT.

Basin 63 ✓
addresses
added for inr.
dists.

ALB3-00372
+
ALB3-246719

COSHO, HUMPHREY, GREENER & WELSH, P.A.
COUNSELORS AND ATTORNEYS AT LAW
CARNegie BUILDING
815 WEST WASHINGTON STREET
BOISE, IDAHO 83702

1
2 TO: PETITIONER, AND ITS ATTORNEYS OF RECORD:

3 PLEASE TAKE NOTICE That Randall C. Fredricks of the firm of
4 Cosho, Humphrey, Greener & Welsh, P.A. hereby enters the
5 appearance of said firm as attorneys of record for BOISE-KUNA
6 IRRIGATION DISTRICT in the above entitled action.

7 DATED this 3 day of January, 1992.

8 COSHO, HUMPHREY, GREENER & WELSH, P.A.

9 by 
10 Randall C. Fredricks
11 Attorneys for Boise Kuna
12 Irrigation District
13

14 CERTIFICATE OF MAILING

15 I HEREBY CERTIFY That a true and correct copy of the
16 foregoing documents was mailed, postage prepaid, to the
following this 7th day of January, 1992:

17 SEE ATTACHMENT "A"

18 
19 Randall C. Fredricks
20
21
22
23
24
25
26

MICROFILMED

AUG 01 1994

ATTACHMENT "A"

| | | |
|----|---------------------------------|---------------------------------|
| 1 | | |
| 2 | Roger D. Ling | Albert P. Barker |
| 3 | Ling Nielsen & Robinson | Don A. Olowinski |
| 4 | P. O. Box 396 | Steven R. Ormiston |
| 5 | Rupert, Idaho 83350 | Hawley, Troxell, Ennis & Hawley |
| 6 | | P. O. Box 1617 |
| 7 | Craig R. Zaiss, Esq. | Boise, Idaho 83701 |
| 8 | P. O. Box 628 | |
| 9 | Parma, Idaho 83660 | Raymond D. Givens |
| 10 | | Jeffrey C. Fereday |
| 11 | Scott L. Campbell | Givens, Pursley, Webb & Huntley |
| 12 | Elam, Burke & Boyd | P. O. Box 2720 |
| 13 | P. O. Box 1539 | Boise, Idaho 83701 |
| 14 | Boise, Idaho 83701 | |
| 15 | Bruce M. Smith | William F. Ringert |
| 16 | Rosholt, Robertson & Tucker, | David Hammerquist |
| 17 | Chtd. | Ringert Clark Harrington Reid |
| 18 | P. O. Box 2139 | Christenson & Kaufman Chtd |
| 19 | Boise, Idaho 83701 | P. O. Box 2773 |
| 20 | | Boise, Idaho 83701 |
| 21 | Peter G. Monson | |
| 22 | Indian Resources Section | John A. Rosholt |
| 23 | Environment & Natural Resources | James C. Tucker |
| 24 | Division | Rosholt Robertson & Tucker, |
| 25 | U. S. Department of Justice | Chtd. |
| 26 | P. O. Box 44378 | P. O. Box 1906 |
| | Washington, D.C. 20026 | Twin Falls, Idaho 83303 |
| | | |
| | Rebecca Craven | Jeanette Wolfley |
| | Elliott L. Moffett | Candy L. Jackson |
| | Douglas R. Nash | Tribal Attorneys Office |
| | Danial C. Picard | Shoshone-Bannock Tribes |
| | Nez Perce Tribe | P. O. Box 36 |
| | P. O. Box 365 | Fort Hall, Idaho 83203 |
| | Lapwai, Idaho 83540 | |
| | | Wayne B. Slaughter, Jr. |
| | Roy L. Eiguren | Terry T. Uhling |
| | Josephine P. Beeman | J. R. Simplot Company |
| | Davis, Wright, Tremaine | P. O. Box 912 |
| | Suite 700 | Pocatello, Idaho 83204 |
| | 702 West Idaho Street | |
| | Boise, Idaho 83702 | Kent W. Foster |
| | | Holden, Kidwell Hahn & Crapo |
| | Cecil D. Hobdey | P. O. Box 50130 |
| | Hobdey & Hobdey | Idaho Falls, Idaho 83405 |
| | P. O. Box 176 | |
| | Gooding, Idaho 83330 | James Annest |
| | | P. O. Box 686 |
| | | Burley, Idaho 83318 |

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Blair J. Grover
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Schroeder, Hutchens & Sullivan
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Idaho Power Copany
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Idaho Falls, Idaho 83405

David B. Shaw, Chief
Adjudication Bureau
Idaho Department of Water
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1301 North Orchard
Boise, Idaho 83706

W. Kent Fletcher
Parsons, Smith, Stone &
Fletcher
P. O. Box 910
Burley, Idaho 83318

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Franco, Asia, Bensussen & Coe
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1316 West Hays
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Dana L. Hofstetter
Holland & Hart
P. O. Box 2517
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Jack Hockberger
U. S. Department of Interior
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Boise, Idaho 83724

Robert T. Anderson
Native American Rights Fund
310 "K" Street, Suite 708
Anchorage, Alaska 99501

W. Kim Claussen
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City of Pocatello
P. O. Box 4169
Pocatello, Idaho 83205

Kenneth S. Gallant
Associate Professor
College of Law
University of Idaho
Moscow, Idaho 83843

Janet O'Crowley
Committee for Idaho's High
Desert
P. O. Box 664
Picabo, Idaho 83348

- | | | |
|----|---------------------------------------|--|
| 1 | Lynn R. Collins
Regional Solicitor | Maurice O. Ellsworth
U. S. Attorney |
| 2 | U. S. Department of Interior | Federal Building, Box 37 |
| 3 | Suite 6201, Federal Building | 550 West Fort Street |
| | Salt Lake City, Utah 84138 | Boise, Idaho 83724 |
| 4 | Patrick D. Costello | Fred Lyons, Clerk |
| 5 | Park Costello & Burkett | Supreme Court Building |
| 6 | P. O. Box 547 | 451 West State Street |
| | Boise, Idaho 83701 | Boise, Idaho 83720 |
| 7 | John M. Barker | Edward Jiran |
| 8 | Route 4, Box 422 | Department of Energy |
| | Buhl, Idaho 83316 | Room 6H065 |
| 9 | Gary Ebert | 1000 Independence Avenue, S. W. |
| 10 | P. O. Box S | Washington, D.C. 20585 |
| | Ontario, Oregon 97914 | Clive Strong |
| 11 | Doug Grant | Office of the Idaho Attorney |
| 12 | College of Law | General |
| | University of Idaho | Room 210, Statehouse |
| 13 | Moscow, Idaho 83843 | Boise, Idaho 83720 |
| 14 | Don F. Pickett | John Lindskold |
| 15 | Route 1, Box 80 | General Litigation Section |
| | Oakley, Idaho 83346 | U. S. Department of Justice |
| 16 | Lorraine Bodi | P. O. Drawer 3607 |
| 17 | Office of General Counsel | Denver, Colorado 80294 |
| | NOAA | Brian H. Collins |
| 18 | 7600 Sand Point Way N. E. | North 2222 Monroe |
| 19 | Seattle, Washington 98115 | Spokane, Washington 99205 |
| 20 | Gary L. Boyle | Robert D. Dellwo |
| 21 | USDA Forest Service | 601 West Riverside, No. 1900 |
| 22 | 324 25th Street | Spokane, Washington 99201 |
| 23 | Ogden, Utah 84401 | Mark Eissler |
| 24 | Lester Edelman | Office of General Counsel |
| 25 | U. S. Army Corp of Engineers | Bonneville Power Administration |
| 26 | Room 8220 | P. O. Box 3621 |
| | 10 Massachusetts Avenue, N. W. | Portland, Oregon 97208 |
| | Washington, D.C. 20001 | Bill Lloyd |
| | | CH ₂ M Hill |
| | | P. O. Box 8748 |
| | | Boise, Idaho 83707 |

| | | |
|----|--|--|
| 1 | Don L. Roberts
City Attorney
P. O. Box 617
Lewiston, Idaho 83501 | Vic Conrad
Water Specialist
J. R. Simplot
P. O. Box 27
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| 2 | | |
| 3 | Larry Echohawk
Idaho Attorney General
Room 210, Statehouse
Boise, Idaho 83720 | Carolyn Seneca Steele
Underwood & Steele, Chtd.
P. O. Box 387
Boise, Idaho 83701 |
| 4 | | |
| 5 | Phillip Kaufman
Veterans Administration
810 Vermont Avenue, N. W.
Washington, D. C. 20420 | The Honorable Darla Williamson
Judge, Magistrate Division
Valley County Courthouse
Cascade, Idaho 83611 |
| 6 | | |
| 7 | Division of Renewable Resources
Bureau of Land Management
Idaho State Office
3380 Americana Terrace
Boise, Idaho 83706 | Ralph W. Tarr
Department of Interior
18th and "C" Streets, N. W.
Washington D. C. 20420 |
| 8 | | |
| 9 | Richard Moen
Assistant Regional Counsel
General Services Administration
GSA Center
Auburn, Washington 98001 | Barbara Scott-Brier
U. S. Department of Interior
Suite 607
500 N. E. Multnomah Street
Portland, Oregon 97232 |
| 10 | | |
| 11 | Rebecca Ranson
Assistant Division Counsel
U. S. Army Corps of Engineers
P. O. Box 2870
Portland, Oregon 97208 | Silver King Limited
2560 South Cole Road
Boise, Idaho 83709 |
| 12 | | |
| 13 | John D. Ross, III
P. O. Box 554
Pocatello, Idaho 83204 | James P. Speck
Hogue, Speck & Aanestad
P. O. Box 987
Ketchum, Idaho 83340 |
| 14 | | |
| 15 | Stuart Shelton
Department of Agriculture
2407 S. Building
14th and Independence Avenue,
N. W.
Washington, D. C. 20250 | Ed Thomas
Bureau of Reclamation
550 West Fort Street
Boise, Idaho 83724 |
| 16 | | |
| 17 | | U. S. Department of Justice
Environment and Natural
Resources Division
550 West Fort Street, Box 33
Boise, Idaho 83724 |
| 18 | | |
| 19 | | |
| 20 | | |
| 21 | | |
| 22 | | |
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| 24 | | |
| 25 | | |
| 26 | | |

Raymond D. Givens
Jeffrey C. Fereday
Michael C. Creamer
Christopher H. Meyer
Givens, Pursley, Webb & Huntley
277 North 6th Street
P.O. Box 2720
Boise, ID 83701
(208) 342-6571

*Alb3-26671
(New York Dist.)
Miss*

RECEIVED
JAN 02 1992

Department of Water Resources

Attorneys for Boise Project Board of Control, New York Irrigation District, Blaine
Larsen and Other Parties

**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

Case No. 39576

The State of Idaho, ex rel. R. Keith Higginson
in his official capacity as Director of the Idaho
Department of Water Resources,

NOTICE OF APPEARANCE

Petitioner,

vs.

The United States; the State of Idaho; and all
Claimants to the use of water from the Snake
River Basin Water System

SUMMARY DESCRIPTION

Notice of Appearance of Raymond D. Givens, Jeffrey C. Fereday, Michael C.

Creamer, and Christopher H. Meyer of the Firm of Givens, Pursley, Webb &

Huntley as Attorneys for Boise Project Board of Control, New York Irrigation

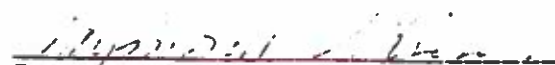
District, Blaine Larsen and Other Parties *who knows
many all modified now of*

Raymond D. Givens, Jeffrey C. Fereday, Michael C. Creamer, and Christopher H.

Meyer of the firm of Givens, Pursley, Webb & Huntley hereby enter their appearance as

attorneys for Boise Project Board of Control, New York Irrigation District, Blaine Larsen and other parties in the above matter.

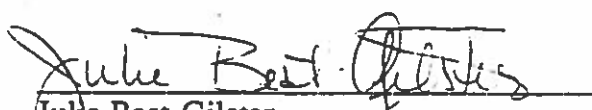
Dated this 30th day of December, 1991.


Raymond D. Givens
Givens, Pursley, Webb & Huntley

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the foregoing Notice of Appearance was mailed this 30th day of December, 1991 in an envelope with sufficient first-class postage prepaid thereon to the following:

SEE ATTACHMENT A


Julie Best-Gilster