

09/30/2005

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

RIGHT NUMBER: 1-7

NAME AND ADDRESS: BURLEY IRRIGATION DIST
246 E 100 S
BURLEY ID 83318

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 163.400 CFS

The rights listed below are limited to a total combined diversion rate of 1460 cfs from the point of diversion located at T09S R25E S1 SWSESW. Combined Right Nos.: 1-211B, 1-214B, and 1-7 (Burley Irrigation District); and Right Nos. 1-211A, 1-214A, and 1-8 (Minidoka Irrigation District).

PRIORITY DATE: 04/01/1939

POINT OF DIVERSION:

T09S R25E S1 SWSESW Within CASSIA County
T10S R22E S19 NWSESE Lot 1 Within CASSIA County
T10S R22E S22 NESENW Within CASSIA County
T10S R24E S30 SWSESE Lot 1 Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	163.400 CFS

PLACE OF USE:

47,643 ACRES TOTAL

Place of use is within the boundary of Burley Irrigation District pursuant to Section 43-323, Idaho Code.

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.

Use of the rights listed below is limited to the irrigation of a combined total of 47,643 acres in a single irrigation season. Combined Right Nos.: 1-7, 1-211B, and 1-214B.

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

Water is delivered through Minidoka South Side Canal.

Burley Irrigation District

10S22E

10S23E

10S24E

11S22E

11S23E

11S24E

GIS Place of Use Illustration
1987 NAPP Photography
Prepared by: M. Holliday
Date: February 2006

Service Area Boundary

Water Right No.: 01-7
01-211B
01-214B

Boundary
Township/Range
Sections



Burley Irrigation District

GIS Place of Use Illustration
1987 NAPP Photography
Prepared by: E. Carlsen
Date: April 2005

Service Area Boundary

Water Right No.: 01-7

01-211B

01-214B



JUN 28 2005

Service Area Boundary

Township/Range

Sections

0 1 2 3 4 5 6 Miles

PROFILED

Holliday, Michael

From: Burley Irrigation [bid@atcnet.net]
Sent: Monday, August 08, 2005 3:03 PM
To: Holliday, Michael
Subject: Re: questionable acres shape file

We have look over the files and have made sume changes in our map, but the files on the west end are all gravel pits and have water rights and were irrigated in the past. If you want to see our 1961 arial photos these were all irrigated then and we need to claim them now because when the are done taking gravel out they will want to irrigate these lands agian. Do you want use to send you the new files we have changed?

Randy

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

From: "Holliday, Michael" <Michael.Holliday@idwr.idaho.gov>
To: "Burley Irrigation District (E-mail)" <bid@atcnet.net>
Sent: Wednesday, July 20, 2005 2:26 PM
Subject: questionable acres shape file

> hi randy.
>
> attached is a file showing acres for which i need more evidence in order
> to
> include them in the director's report. after you look at the file, we can
> talk about what type of evidence might be acceptable, if you're unsure.
> thanks
>
> <<bid ques ac.dbf>> <<bid ques ac.shp>> <<bid ques ac.shx>>
>
> Michael Holliday
> Water Resource Agent
> Adjudication Bureau
> (208)525-7161
>
>

PROFILED

SCANNED
NOV 23 2005

The acreage identified by Randy as gravel pits has been included in the total BID acres. However, I did not include in the count the Duck Creek and Spring Creek acres because the USGS quad shows very steep gradients for the acres BID wanted to include. Those acres appear to be unirrigable.

The total acreage of 47,643 is burley id pou.shp less that portion of bid ques ac.shp near duck cr and spring cr, less the MID overlap identified in 10S 24E 22 NWSW.

RECEIVED

JUN 03 2005

DEPARTMENT OF
WATER RESOURCES
AREA CODE 208
TELEPHONE 438-4717
FAX 438-6804

LING, ROBINSON & WALKER

ATTORNEYS AT LAW

615 "H" STREET

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BRENT T. ROBINSON
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KELLY ARTHUR ANTHON
MICHAEL P. TRIBE

ROGER D. LING, OF COUNSEL

June 2, 2005

Susan Hamblin Nygard
Deputy Attorney General
Department of Water Resources
The Idaho Water Center
322 E. Front St.
P. O. Box 83720
Boise, ID 83720-0098

RE: **Burley Irrigation District SRBA Claims to
Water Right Nos. 01-0211B, 01-0214B, and 01-0007**

Dear Susan:

As we discussed over the telephone, most of the issues involved in the above claims have been resolved. For instance, it has been agreed by Burley Irrigation District to accept 47,818 acres within its place of use, even though many of its records show the project with 48,000 to 49,000 irrigable acres. Issues unresolved include the quantity of the natural flow rights under 01-0211B and 02-0214B. These rights originated from natural flow rights obtained by the Bureau of Reclamation for the Minidoka Project, consisting of Minidoka Irrigation District and Burley Irrigation District. A portion of these rights was conveyed to Burley Irrigation District when we completed a title transfer of the project and the distribution of works of the project. Another issue is the limitation of acres in the Preliminary Recommendation for Water Right No. 01-0211B to 34,563 acres. We believe that the place of use under this right should be the entire acres irrigated. I have enclosed an explanation of our position for your consideration. A summary of my concerns are as follows:

Water Right No. 01-0211B

The quantity of this right should be 1,200 cfs from an original right of 1,726 cfs divided between Burley Irrigation District and Minidoka Irrigation District. I have proposed a remark to show that when the two districts demands are greater than 1,726 cfs, combined, Burley Irrigation District's right will be reduced by an amount equal to Minidoka Irrigation District's demands above their portion of the right, but not a reduction greater than 38% of the 1,726 cfs.

SCANNED

NOV 23 2005

Susan Hamblin Nygard
Deputy Attorney General
Department of Water Resources
June 2, 2005
Page 2

Place of Use: I have enclosed a short review of certain documents that I think justify showing the place of use as 47,818 acres. This has historically been used for that many acres, and it would disrupt things considerably if it were necessary to make a beneficial use claim for the additional acres. This does not constitute an enlargement or expansion claim in my view.

Water Right No. 01-0214B

I have enclosed a draft of remarks to be attached to this right, which should have a quantity of 544 cfs. I believe corrections have been made as to the points of diversion to include areas where water is pumped directly from the Snake River to serve lands of Burley Irrigation District, which border the Snake River, and the total acres shown as the place of use.

Water Right No. 01-0007

I believe all of the issues have been resolved on this claim, which is a right awarded under the Eagle Decree.

Please contact me if you have any questions.

Very truly yours,


Roger D. Ling

RDL:jb

encs

SCANNED
NOV 23 2005

91208 525 717.

TRANSMITTAL COVER SHEET

TO: Michael Holliday

_____TOTAL PAGES SENT: 10
(including cover sheet)DOCUMENT DESCRIPTION: BID Amended claims
(originals in Mail)

FROM:

IDAHO DEPARTMENT OF WATER RESOURCES
1341 FILLMORE ST, STE 200
TWIN FALLS ID 83301-3380

PHONE: 736-3033

FAX: 736-3037

CHARGES: One (1) free copy
per request, cover sheet not
counted. Two (2) or more
copies per request will cost
\$0.25 per page. (\$0.50
minimum)

Please consider this document as a billing statement.

The charge for your fax copies is: _____ Please remit to the above address.

SENDER: D JonesCOMMENTS: Not D.E.

Randy called Herbert pump in is R24E
(not 22E). He is looking the history
of BID use at them (pre vs post '87).
Some we used for rental water
before BID shares assigned to the
diversion.

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NOV 23 2005

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MAY 25 2005

IN THE DISTRICT ~~Capital and Water Resources~~ JUDICIAL DISTRICT OF THE STATE OF IDAHO,
~~Southern Region~~ 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 1-7
 Date Received: 9/14/1989
 Receipt No: 5027702
 Received By: *[Signature]*

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
 ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

BURLEY IRRIGATION DIST Phone: (208) 678-2511
 246 E 100 S
 BURLEY ID USA 83318

2. Date of Priority: 04/01/1939

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	LOCAL NAME
✓ 10S	22E	19	NW SE SE 01	CASSIA	✓ CAREY
✓ 09S	25E	1	SW SE SW	CASSIA	✓ DAM
✓ 10S	22E	22	NE NW 03	CASSIA	✓ COORS
✓ 10S	22E	30	SW SE SE 01	CASSIA	✓ HERBERT
✓ 10S	23E	21	NE NE 02	CASSIA	BURLEY AIRPORT
✓ 10S	23E	22	NW SW 02	CASSIA	BURLEY GOLF COURSE
✓ 10S	22E	21	NW NW 04	CASSIA	ANDERSON (SIMPLOT)
10S	22E	21	NW NE 02	CASSIA	ANDERSON (SIMPLOT)
10S	23E	19	NW NE 02	CASSIA	PEVEY

5. Description of diverting works:

MINIDOKA DAM & PUMPS

SCANNED

NOV 23 2005

6. Water is used for the following purposes:



United States Department of the Interior

BUREAU OF RECLAMATION

Snake River Area Office
214 Broadway Avenue
Boise, Idaho 83702-7298



RECEIVED

JAN 05 2000

December 27, 1999

IN REPLY
REFER TO:

PN-3248

Department of Water Resources
Southern Division

Subject: Review of Draft Environmental Assessment -- Proposed Burley Irrigation District Facilities Title Transfer

Dear Reviewer:

Enclosed for your review and comment is a copy of the DRAFT ENVIRONMENTAL ASSESSMENT (EA) of the proposed BURLEY IRRIGATION DISTRICT FACILITIES TITLE TRANSFER. This document was prepared in compliance with the National Environmental Policy Act (NEPA). The Bureau of Reclamation (Reclamation) is soliciting public comment on the analysis contained in the draft EA.

The Burley Irrigation District (District) is essentially the Southside Pumping Division (Division), of the Minidoka Project, Idaho. Reclamation began construction of the Southside Pumping Division in 1905 and delivered the first water to a portion of the 48,000-acre district in 1909. Since 1926, the District has been solely responsible for the care, operation and maintenance of Division's facilities. In 1992, the District made the final payment on the last of the repayment contracts for construction of various features that constitute the Minidoka Project's distribution, conveyance and storage system.

On November 3, 1998, the President signed Public Law 105-351 (112 Stat. 3219-3221), which required the Secretary of the Interior to transfer title of all federal interests in facilities, land, and certain water rights of the Southside Pumping Division to the District.

This Draft Environmental Assessment provides an analysis of the effects of implementing either the "no action" alternative or the proposed action of transferring title to the District.

Any comments you may have should be sent to Mr. Wes Green, Activity Manager- (PN-3248), U.S. Bureau of Reclamation, 1150 North Curtis Rd. - Suite 100, Boise, Idaho, 83706-1234 by **January 28, 2000.**

Sincerely,

ACTING FOR

Jerrold D. Gregg
Area Manager

Enclosure

SCANNED

JUN 28 2005

PROFILED

DRAFT

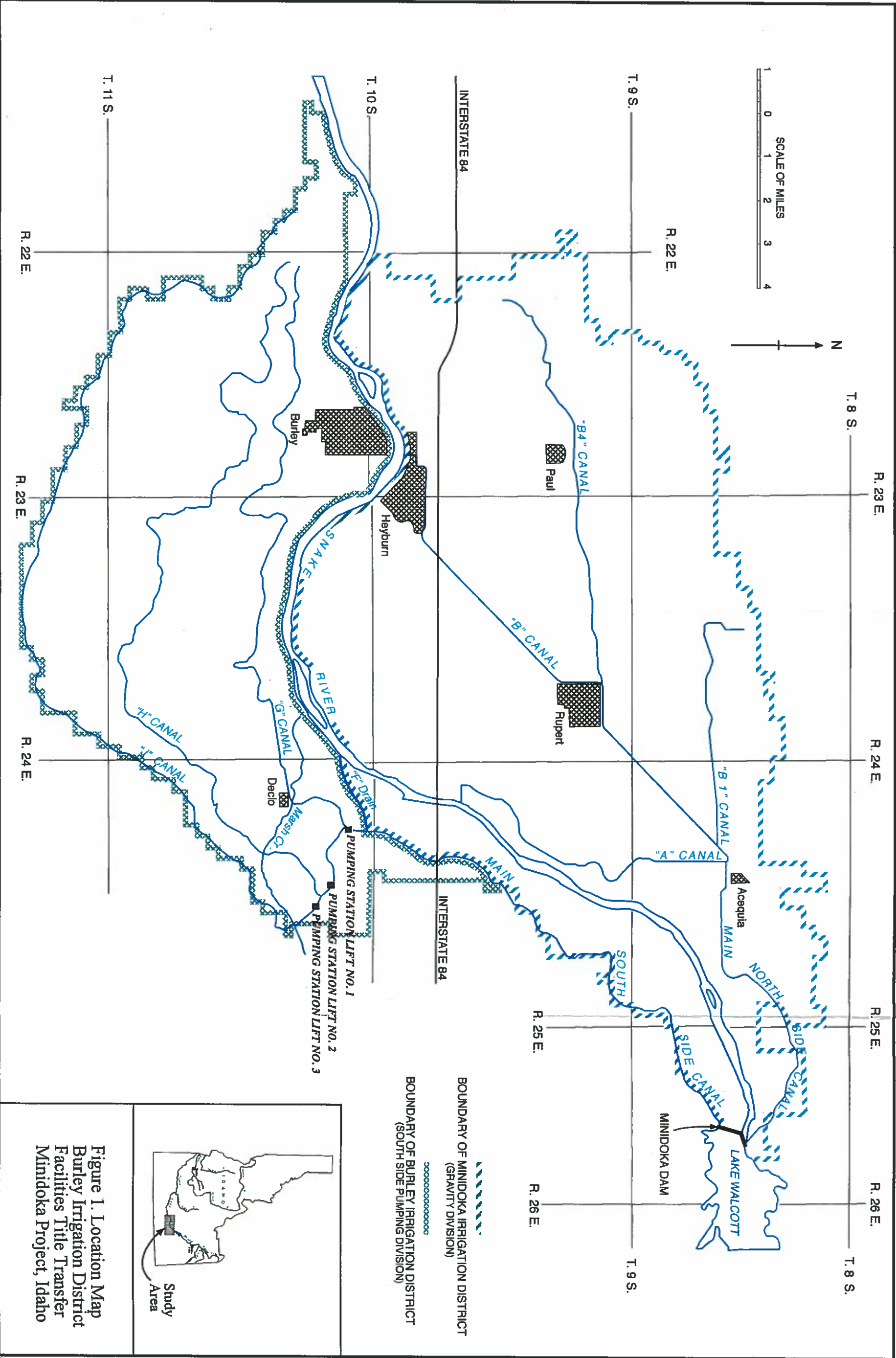
RECEIVED
JAN 05 2000
Department of Water Resources
Ogden, Utah

ENVIRONMENTAL ASSESSMENT

BURLEY IRRIGATION DISTRICT FACILITIES TITLE TRANSFER

**U.S. BUREAU OF RECLAMATION
PACIFIC NORTHWEST REGION
SNAKE RIVER AREA OFFICE**

DECEMBER 1999



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Attachment A. Public Law 105-351. “An act to authorize the Secretary of the Interior to convey certain facilities of the Minidoka Project to the Burley Irrigation District, and for other purposes.”

Attachment B. Burley Irrigation District letter inviting interested parties to an information briefing about the transfer of title (July 1997)

Attachment C. Consultation with U.S. Fish & Wildlife Service

- Letter from FWS to Reclamation regarding Endangered Species (April 1999)
- Letter to FWS from Reclamation regarding a finding of “no impact” on endangered species (December 1999)

Attachment D. Consultation of National Marine Fisheries Service

- Letter from NMFS to Reclamation regarding Endangered Species (October 1999)
- Letter to NMFS from Reclamation regarding a finding of “no impact” on endangered species (December 1999)

Attachment E. Proposed Negotiated Agreement regarding Transfer of Water Rights By and Between the United States of America and Burley Irrigation District and with the Concurrence of Minidoka Irrigation District (December 1999)

Attachment F. Mailing list for (Draft) Environmental Assessment (December 1999)

DRAFT ENVIRONMENTAL ASSESSMENT BURLEY IRRIGATION DISTRICT FACILITIES TITLE TRANSFER

1.0 INTRODUCTION

Burley Irrigation District (Burley I.D.) is a political subdivision of the State of Idaho, organized under State law by the landowners served by the U.S. Bureau of Reclamation's Southside Pumping Division, Minidoka Project, Idaho (the Project). Reclamation (then the U.S. Reclamation Service) began construction of the Southside Pumping Division in 1905 and delivered the first water to a portion of the 48,000-acre district in 1909. Since 1926, Burley I.D. has been solely responsible for the operation and maintenance (O&M) of most Project facilities except for the Main South Side ("Gravity") Canal which was retained by Reclamation as reserved works until 1951. Then, for over 30 years, Burley I.D. had an informal agreement with Minidoka Irrigation District (Minidoka I.D.) for O&M. In 1983, a formal agreement was signed giving Burley I.D. responsibilities for the entire system. In 1992, Burley I.D. made the final payment on the last of the repayment contracts for construction of various features that constitute Burley I.D.'s conveyance and storage system.

On November 3, 1998, the President signed Public Law 105-351 (112 Stat. 3219-3221), referred to in this document as the "Transfer Act." The law requires the U.S. Secretary of the Interior (the Secretary) to transfer title of all Federal interests in facilities, land, and certain water rights of the Southside Pumping Division to Burley I.D. The Act states that transfer shall occur not later than 2 years after the date of enactment. A complete copy of the Transfer Act is shown in Attachment A.

1.1 PURPOSE AND NEED FOR THE PROPOSED ACTIONS

The purpose of this environmental assessment (EA) is to provide environmental analysis that would support the decision of the Secretary, through Reclamation, to sign or not sign a Finding of No Significant Impact (FONSI) for the transfer of title for certain Project facilities from the United States government to Burley I.D. The irrigation district proposed the facilities transfer to The Congress with the desire to eliminate duplicative administrative actions performed by Reclamation and Burley I.D. relative to the operation and maintenance (O&M) of the facilities. The decision to transfer title was made by The Congress (P.L. 105-351), but the Act required the Secretary to complete such action as may be required under the National Environmental Policy Act of 1969 (NEPA). The Secretary has determined that the NEPA process shall be used to determine whether or not there are any significant impacts to the environment associated with title transfer. If there are significant environmental impacts, a FONSI cannot legally be signed and then the Secretary is required by law to prepare an Environmental Impact Statement (EIS) and a Record of Decision. The ROD would complete compliance with NEPA.

1.2 LOCATION OF THE PROPOSED ACTIONS

The Southside Pumping Division, which constitutes the Burley I.D., is located in south-central Idaho, south of the Snake River, entirely within Cassia County, and adjacent to the towns of Burley and Declo (see figure 1, the Location Map). The irrigation district boundaries encompass approximately 88 sections of land and about 48,000 acres are irrigated. There are also approximately 7,100 acres of Minidoka I.D. lands that are served by the Main South Side Canal.

1.3 REGULATORY COMPLIANCE

Various laws and executive orders apply to the Proposed Action. A summary of the major ones follows.

National Environmental Policy Act — Under NEPA, Reclamation is responsible for determining if the Proposed Action might have significant effects to the environment. If Reclamation determines that effects would not be significant, a FONSI will be prepared. A FONSI would permit transfer of title to proceed without preparation of an EIS.

Endangered Species Act — The Endangered Species Act (ESA) requires all Federal agencies to ensure that their actions do not jeopardize the continued existence of “listed” species or adversely modify designated critical habitat. As part of the “Section 7” process under the ESA, an agency must request a list of listed species from the U.S. Fish and Wildlife Service (FWS) and the National Marine Fisheries Service (NMFS); the latter is responsible for listed species inhabiting the oceans and anadromous fish. From the list, an agency (in this case Reclamation) must evaluate impacts to listed species. Consultation is required if the proposed action may affect a listed species.

National Historic Preservation Act — The National Historic Preservation Act (NHPA) of 1966 requires that Federal agencies complete inventories and site evaluation actions to identify cultural resources that may be eligible to the National Register of Historic Places (National Register), and then ensure those resources “are not inadvertently transferred, sold, demolished, substantially altered, or allowed to deteriorate significantly.” Federal regulations entitled “Protection of Historic Properties” (36 CFR 800) defines the process for implementing requirements of the NHPA, including consultation with the appropriate State Historic Preservation Office (SHPO) and the Advisory Council on Historic Preservation.

Executive Order 13007, Indian Sacred Sites — Executive Order 13007 (dated May 24, 1996) instructs Federal agencies to promote accommodation of access to and protect the physical integrity of American Indian sacred sites. A “sacred site” is a specific, discrete, narrowly delineated location on Federal land. An Indian tribe must identify a site as sacred by virtue of its established religious significance to, or ceremonial use by an Indian religion; such identification can also be made by an Indian individual determined to be an appropriately authoritative representative of an Indian religion. However, the tribe or authoritative representative must inform the agency of the existence of such a site.

Executive Order 12898, Environmental Justice — Environmental justice means the fair treatment of people of all races, income, and cultures with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. Fair treatment implies that no person or group of people should shoulder a disproportionate share of negative environmental impacts resulting from the execution of environmental programs. Executive Order 12898 (dated February 11, 1994) provides that each Federal agency, to the greatest extent practicable and permitted by law, make achieving environmental justice part of its mission by addressing, as appropriate, disproportionately high and adverse human health or environmental effects on minority populations and low income populations.

1.4 SCOPING AND ISSUES

A public information gathering meeting was held by Burley I.D. on August 6, 1997 in Burley, Idaho. A letter was sent to local, State, Tribal, and Federal entities announcing the meeting (attachment B). Twenty-three individuals signed the attendance sheet, with more than half of the attendees representing irrigation districts, State, or Federal agencies. No Tribal representatives attended.

Concerns raised at the meeting were primarily related to valuations of property and that the U.S. Treasury would experience a diminishment in funds if the Proposed Action were to occur. Another concern was the potential impact this title transfer could have on water quality and quantity, especially as it relates to endangered species.

1.5 SIMILAR OR RELATED ACTIONS

There are three other potential transfer-of-title actions in progress within Reclamation's Snake River Area Office administrative boundaries. The process being followed for each potential transfer is similar to that of the Burley I.D. transfer-of-title action. However, the legal basis for each of these other actions is based on language in the respective project authorization.

- The Nampa-Meridian Irrigation District (Boise Project) is seeking title to distribution, conveyance and drainage facilities, and rights-of-way; the district is not seeking water rights.
- The American Falls Reservoir District No. 2 (Minidoka Project) is seeking ownership of the Milner-Gooding Canal; the district is not requesting transfer of water rights.
- The Fremont-Madison Irrigation District (Minidoka Project) is seeking transfer of all related facilities. These include Cross Cut Diversion Dam, Grassy Lake Dam, Cascade Creek Diversion Dam, Island Park Dam, all related conveyance facilities, and water rights.

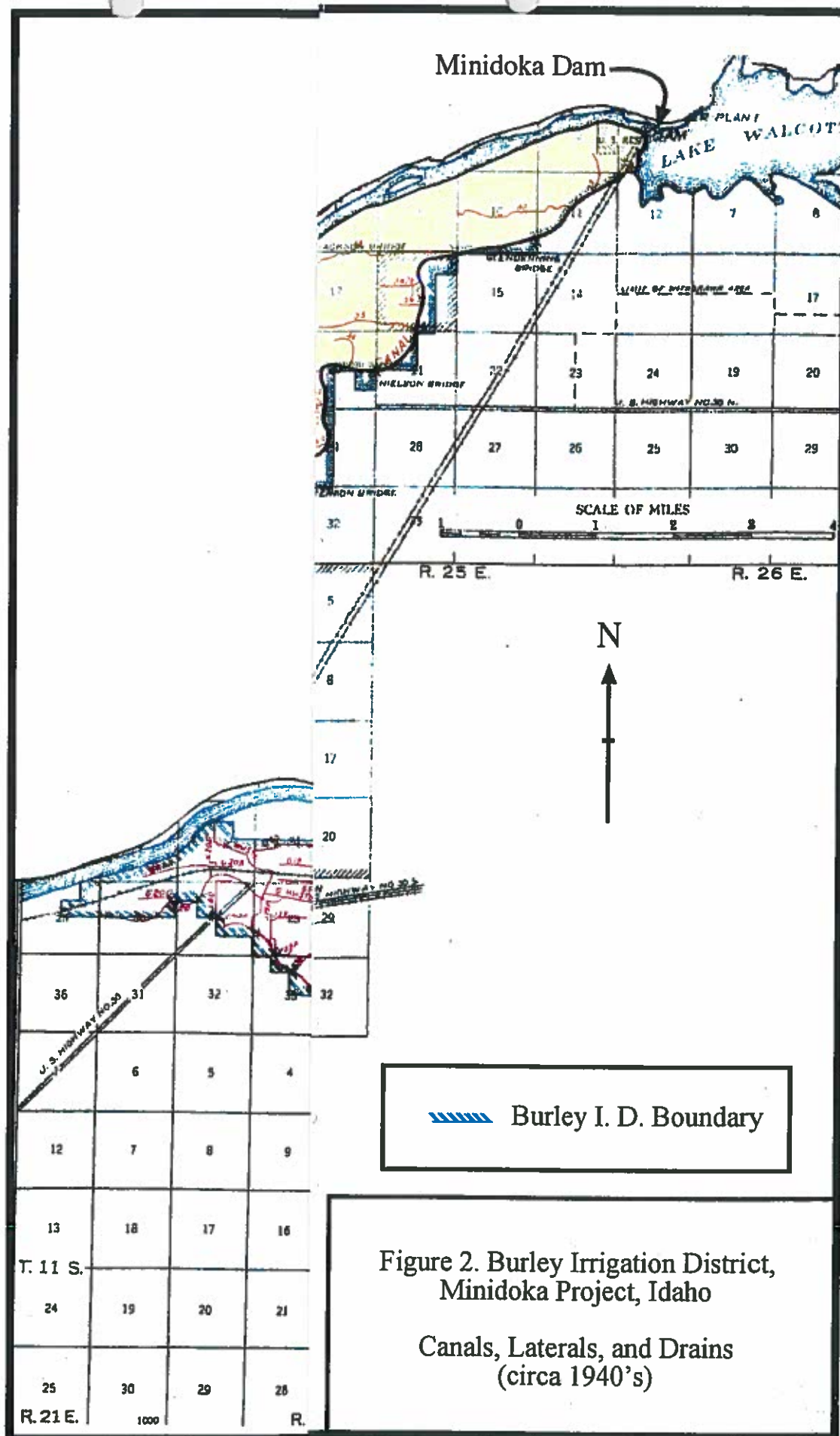


Figure 2. Burley Irrigation District,
Minidoka Project, Idaho

Canals, Laterals, and Drains
(circa 1940's)



2.0 DESCRIPTION OF THE NO ACTION AND PROPOSED ACTION ALTERNATIVES

There are only two alternatives that will be addressed in this assessment. These are the "No Action" and the "Proposed Action" of title transfer as described in the Transfer Act (P.L. 105-351). The analysis of these two alternatives will show any differences in the environmental effects based on ownership of the facilities. The Transfer Act clearly states the interests that are to be transferred to Burley I.D. For this reason, it is not reasonable to assess the effect of alternatives that analyze partial transfer.

2.1 ALTERNATIVE A — NO ACTION ALTERNATIVE

Under the No Action alternative, the Secretary would not execute the necessary documents that would transfer title to Burley I.D. The operation of Burley I.D., the irrigation district's relationship with Reclamation, and Reclamation's oversight of Burley I.D. would continue in the future as it has in the past. Burley I.D. would continue to be subject to all Reclamation regulations, but would also be eligible for assistance programs, such as "rehabilitation and betterment" loans. This No Action alternative cannot be implemented as the Transfer Act requires that title transfer occur. However, this alternative forms the basis for analyzing the effects of the Proposed Action.

2.2 ALTERNATIVE B — THE PROPOSED ACTION

The Proposed Action would implement the Transfer Act (P.L. 105-351). This law directs the Secretary to convey to Burley I.D., by quitclaim deed or patent, all rights and interest of the U.S. government in acquired lands and easements associated with the Southside Pumping Division of the Minidoka Project. The major provision of the Transfer Act are described below.

Facilities — Included in this transfer are the pumping plants, canals, drains, laterals, roads, pumps, checks, headgates, transformers, pumping plant substations, and buildings. Also to be transferred are other improvements, appurtenances to the land, or those used for the delivery of water from the headworks (but not the headworks themselves) of the "Southside Canal" (Main South Side Canal) at the Minidoka Dam to land in Burley I.D. Figure 2 shows the main canals, laterals, and drains within the boundaries of Burley I.D. which would be transferred under the Proposed Action. The electric transmission lines used to transmit electric power for the operation of the pumping facilities were owned by the Bonneville Power Administration and have already been transferred to Burley I.D.

Water Rights — The Transfer Act says that the Secretary shall also transfer to Burley I.D. "all natural flow, waste, seepage, return flow, and ground-water rights held in the name of the United States." This shall be through an agreement among Burley I.D., Minidoka I.D., and the Secretary, in accordance with the laws of the State of Idaho. These water rights will be —

- (1) for the benefit of the Minidoka Project or specifically for Burley I.D.;
- (2) for use on lands within Burley I.D.; and
- (3) as set forth in contracts between the United States and Burley I.D. or in the decree of June 20, 1913 of the District Court of the Fourth Judicial District of the State of Idaho, in

and for the County of Twin Falls, in the case of *Twin Falls Canal Company v. Charles N. Foster, et al.*, and commonly referred to as the "Foster Decree."

The Transfer Act states that any rights that are presently held for the benefit of lands within both the Minidoka I.D. and Burley I.D. "...shall be allotted in such manner so as to neither enlarge nor diminish the respective rights of either district in such water rights as described in contracts between Burley [I.D.] and the United States" [subsection (c)(1)(C)]. It also says implementation of this title transfer "shall not impair the integrated operation of the Minidoka Project, affect any other adjudicated rights, or result in any adverse impact on any other Project water user" [subsection (c)(1)(c)].

Storage Contracts — The Secretary shall provide an allocation to Burley I.D. of storage space in Minidoka Reservoir, American Falls Reservoir, and Palisades Reservoir, as described in Burley Contract Nos. 14-06-100-2455 and 14-06-W-48. These allocations are subject to the obligation of Burley I.D. to continue to assume and satisfy its allocable costs of operation and maintenance associated with the storage facilities operated by Reclamation.

Power — The Secretary shall continue to provide Burley I.D. with Project reserved power from the Minidoka, Palisades, Black Canyon, and Anderson Ranch Reclamation Powerplants in accordance with the terms of the existing contracts, including any renewals as provided in such contracts.

Costs — The first \$80,000 in administrative costs of transfer of title and related activities shall be paid in equal shares by the U.S. government and Burley I.D., and any additional amount of administrative costs shall be paid by the U.S. government.

Limitations and Liability — Nothing in this transfer shall affect the right of Minidoka I.D. to the joint use of the gravity portion of the Main South Side Canal, subject to compliance by the Minidoka I.D. with the terms and conditions of a contract between Burley I.D. and Minidoka I.D., and any amendments or changes made by agreement of the irrigation districts.

Effective on the date of conveyance of the Project facilities, the U.S. government shall not be held liable by any court for damages of any kind arising out of any act, omission, or occurrence relating to the conveyed facilities, except for damages caused by acts of negligence committed by the U.S. government or by its employees, agents, or contractors prior to the date of conveyance. Nothing in this alternative shall be deemed to increase the liability of the U.S. government beyond that currently provided in the Federal Tort Claims Act (28 U.S.C. 2671 *et seq.*).

3.0 AFFECTED ENVIRONMENT AND ENVIRONMENTAL CONSEQUENCES

Environmental subjects that were not analyzed — Soil, air, and geologic resources will not be affected in any manner by the transfer or non-transfer of title. Recreation within Burley I.D. is incidental to the primary agricultural purposes of the district. There are no developed recreation opportunities in the area. No analysis of these subjects will be conducted. In addition, there are no known hazardous materials and/or wastes along the conveyance system. However, since the structures proposed for transfer were built prior to 1979, it is possible they contain lead-based paint and/or asbestos. Burley I.D. will accept the buildings as they are and will assume liability for any necessary clean-up actions.

3.1 HYDROLOGY AND SYSTEM OPERATION

Early history — Irrigation in the Upper Snake River system began in the 1860's with the coming of settlers from Utah; accompanying these cooperative projects were the establishment of the earliest water rights in this area of Idaho. In 1889–90, the U.S. Geological Survey investigated possibilities for additional irrigation in Idaho, including examination of the sagebrush desert on both sides of the river westward from the (eventual) site of the Minidoka Dam and its reservoir.¹ The *Reclamation Act of 1902* became law in June; by November, the Secretary had withdrawn land in the Minidoka Tract from public entry; that land became eligible for settlement; a public notice was issued; and homesteaders filed for farms after signing a contract with the United States to repay all construction costs to the Reclamation Fund under the terms of the Reclamation Act.

The Minidoka Project was authorized by the Secretary in April 1904, and Minidoka Dam was constructed 1904–06. Headwaters storage began in 1905 with the erection of a temporary Jackson Lake dam. The canals were constructed in 1908; a pumping unit for the South Side was built 1908–09; farmers on the South Side received their first irrigation water in May 1909. The U.S. "Reclamation Service" was issued water rights licenses for the Burley I.D. and Minidoka I.D. by the State of Idaho in 1903, 1908, and 1909. Reclamation signed separate contracts with each district in 1926 for storage space to supplement the natural flow rights. Before that time, the storage was part of the Federal project or held by others through the Warren Act.

The U.S. government holds water rights to divert part of the natural flow of the Snake River and other rights to store water of the Snake River in reservoirs. These rights were acquired under the laws of the State of Idaho and are used for irrigating lands within the Minidoka Project. The U.S. government has no direct involvement in the physical distribution of water for Burley I.D. and Minidoka I.D. Because the natural flow water rights held by the U.S. government are designated for irrigated lands and is appurtenant to that land under state law, there would be no change in the distribution area when title is transferred to Burley I.D. Table 3.1-1 shows the water rights assigned to the Federal government.

¹ The reservoir is named Lake Walcott after Charles Doolittle Walcott, director of USGS from 1894–1907 and subsequently Secretary of the Smithsonian Institution.

TABLE 3.1-1. AMOUNT AND RATE OF FLOWS ALLOWED FOR DIVERSION BY THE UNITED STATES

Water Right [†]	Permit No. [†]	License No. [†]	Foster Decree [‡]
A01-00211 (1,726 cfs) Priority March 26, 1903	No. 66 (2,600 cfs) Priority March 26, 1903	No. 66 (1,726 cfs) Priority March 26, 1903	Right No. 3 (1,726 cfs) Priority March 26, 1903
A01-00214 (1,000 cfs) Priority August 6, 1908	No. 4126 (3,000 cfs) Priority August 6, 1908	No. 4126 (888 cfs) Priority June 16, 1911	Right No. 6 (1,000 cfs) Priority August 6, 1908
A45-00512	No. 4798 (150 cfs)	No 45-02064 (150 cfs) Priority July 16, 1910	Right No. 8 (150 cfs) Priority April 10, 1909
[†] Number assigned by the Idaho Department of Water Resource [‡] Number assigned by Idaho's 5th Judicial District in <i>Foster</i>			

Allocation of storage space — The Transfer Act requires that the Secretary provide Burley I.D. with storage space in three of Reclamation's Snake River reservoirs "as described" in two specific contracts between Burley I.D. and Reclamation.

The first concerns "Storage Capacity in American Falls and Palisades Reservoirs, and Related Matters" (Burley Contract No. 14-6-100-2455; signed December 1952). Of the many parts of the document, of primary interest in this matter is section 17. It essentially swaps almost 326,000 acre-feet of previously established storage rights in Jackson Lake Reservoir to American Falls Reservoir. Of this total, about 140,000 acre-feet were allocated to the "South Side Pumping Division" (Burley I.D.) and about 186,000 acre-feet to the "Gravity Division" (Minidoka I.D.).

The second is an "Amendatory Contract with the Burley I.D. Concerning Operation and Maintenance of Project Works, Water Supply, Power Supply, Final Determination of New Power Projects, and Related Matters" (Burley Contract No. 14-06-W-48; signed June 1962). Section 6 set forth the division of natural flow rights from the Snake River, allocating 38 percent to the "South Side Pumping Division" (Burley I.D.) and 62 percent to the "Gravity Division" (Minidoka I.D.). Section 7 clarified the right to store in Lake Walcott.

State authority and water distribution — State law, as presented in the "Idaho Code" (I.C.), contain extensive chapters ("Titles") regarding water and irrigation. The director of the Idaho Department of Water Resources (IDWR) is responsible for the distribution of water from all natural water sources within a "water district" and all water is distributed in accordance with the doctrine of prior appropriation and the Federal contracts that the Districts have entered into with The United States through the Bureau of Reclamation. The state has been divided into water districts with a watermaster for each district. The watermaster is responsible for the distribution of decreed water rights within the respective district, supervised by the IDWR director. Idaho Water District 1 comprises the upper Snake River area, including all of the Minidoka Project. A watermaster for District 1 has been selected by the members of all irrigation entities within the water district.

Idaho law provides that a watermaster shall release water from a reservoir into a river in accordance with the directions given by the owner of the reservoir; in this matter Reclamation is the owner of Lake Walcott. The watermaster, responding to a request from an irrigation district, is also

responsible for releasing the appropriate amount of water through the headgates into the irrigation conveyance system. Once in the main canal, the irrigation district delivers the water to the irrigators that requested the water, who then apply the water onto their land. It is also the duty of a watermaster to ensure that only those entitled to the stored water are the ones to receive it.

Irrigation district structure — Irrigation districts are formed in accordance with Idaho Code. The purposes of an irrigation district are limited and are fully controlled by the owners of the land to which the district water rights are appurtenant. Formation of an irrigation district begins with the presentation of a petition to the board of county commissioners. This is followed by various procedures and hearings, including a ratification election by the owners of the land to be included within the irrigation district. If the ratification passes, the commissioners are required to declare an irrigation district formed.

Once an irrigation district is formed, a board of directors is elected by the landowners to conduct the district's affairs. The board has the power and responsibility to, among other things, establish equitable by-laws, rules and regulations for the distribution and use of water among its district members. The board also has the right to acquire all lands, water rights, and other property necessary for the construction, use, supply, maintenance, repair and improvement of canals or canal works.

The water rights required for the irrigation of the lands of the district, together with the rights-of-way for canals and ditches and all other property acquired, are declared for a "public use" subject to the regulation and control of the State.

An irrigation district board is authorized and empowered to take "conveyance or other assurances" for all property acquired for the purpose of irrigation. This includes the right and responsibility to institute and maintain any and all actions and proceedings, suits at law and in equity, necessary or proper to enforce, maintain, protect or preserve any and all rights, privileges and immunities created by Title 43 of the Idaho Code (which governs irrigation districts).

A board may sell or transfer the real property of a district whenever it declares (by resolution) that it no longer has use for the property. However, the sale of a Federal or State license or permit may not be made until such a resolution has been published in a newspaper of "general circulation" in the district at least weekly for 4 consecutive weeks. Then, if within 15 days after the first publication, 10 percent of the qualified member irrigators in the district petition for an election, an election approving said sale or transfer of such license or permit shall be held.

Minidoka I.D. operations — The Main North Side Canal originates at its diversion structure (head gates) near the right abutment of Minidoka Dam. At the headworks, the canal's capacity is about 1,700 cfs. It serves the 90 percent of the Minidoka I.D. on the north side of the Snake River. The remaining 10 percent of the district's area is served by the Main South Side Canal. Deliveries to Minidoka I.D. lands on the south side of the Snake River are made into small lateral ditches and individual farm turnouts along the canal.

Burley I.D. operations — The Main South Side Canal diverts through a gated structure in the embankment of Minidoka Dam south of the spillway, and it serves all 48,000 acres of Burley I.D. lands. At its head, the canal has capacity of 1,325 cfs; on average, about 1,200 cfs is utilized by Burley I.D. A very detailed map of the Burley I.D. conveyance system is shown in figure 2.

Since its founding, the 70-year-old Burley I.D. has operated its portion of the Minidoka Project distribution system. This operation includes advising the District 1 watermaster of the amount of water required to irrigate Burley I.D. lands, a day-to-day determination. When the natural flow water rights are insufficient to provide an adequate supply of water for irrigation within Burley I.D., stored water that has accrued to the allocated space in Reclamation storage facilities is delivered to meet demand.

To provide irrigation delivery to all parts of the Burley I.D. system, the water must be "lifted" (using pumps) up to three times for a total of about 90 feet. The Main South Side Canal conveys water about 12 miles to the First Lift Pumping Station (First Lift.) In order to ensure a steady flow to the pumps (which are considered the last "diversion" on the Main South Side Canal), a margin of additional flow must be maintained (called "waste" because it is not "used"). In order to avoid the "overtopping" of the canal if power to the pumps were to be interrupted, water ("spill") must be able to return to the river.² The "F" wasteway-spillway, located just upstream from First Lift, provides the channel to return "waste" and "spill" to the river.

Each lift is about 30 feet in elevation. At First Lift, water from the Main South Side Canal is lifted to feed the "G" Canal and the Second Lift Pumping Station. At Second Lift, the water is lifted to feed "H" Canal and the Third Lift Pumping Station. At Third Lift, the water is lifted to the "J" Canal, the highest elevation of the carriage facilities in the Burley I.D. system.

Natural flows from Marsh Creek can enter the conveyance system at "G", "H", and/or "J" Canals, at points where Marsh Creek siphons under the respective canal. Marsh Creek water is occasionally available when local rain reduces irrigation demand upstream or when rapid snowmelt increases supplies. During flood conditions, Marsh Creek flows are allowed into the canals to reduce the potential of downstream flooding. In periods of drought, pumps divert return flows from upstream irrigation.

Under the Proposed Action, the transferred water rights would be used for irrigation of the same lands, in the same season, and using the same points of diversion as if there was no change (the "No Action" alternative) However, water or energy conservation measures could affect rates of diversion and return flows; this could take place no matter who owns the water rights. Conserved water goes to the next junior appropriator in the system.

Rates of diversion are limited by the amount of water available under the combined water rights and by canal capacities. So even though different crops have different water requirements, with or without title transfer, the ability to supply water to a higher-demand crop would be still be limited by the existing maximum diversion rates and the length of the season.

Dividing the waters — Depending on the relative distribution of the crops being grown, economic forces, and other factors involved in farming, one of the two districts may be utilizing a greater or lesser share of its natural flow right at a given time. The direct diversion of natural flows and (later in the season) contract storage water of each district are accounted for daily. At the end of the

² Under the *Foster Decree*, this "waste" water and "return" water are counted as an "offset" to contract storage water; this is explained below in section 3.2 Water Rights.

irrigation season, Reclamation divides storage use according to a formula agreed upon by the two districts. A simplified illustration of the conveyance system may be seen in figure 1, the Location Map.

Alternative A. No Action — Under the No Action alternative, there would be no change in the operation of the upper Snake River storage system.

Alternative B. Proposed Action — Transfer of title for the water rights now held by the U.S. government for Burley I.D. will have no effect on system operations. Burley I.D.'s natural flow water rights are currently used to the maximum extent possible and are considered "consumptive." Title transfer would not increase any consumptive use of water from the natural flow rights. Therefore, any potential change of use of this water, such as from irrigation to "municipal and industrial" use would not affect system operations nor decrease the quantity of water in the Snake River system.

3.2 WATER RIGHTS

Overview — Burley I.D. requested from Congress and was granted in the Transfer Act the title to several water rights held in the name of the Bureau of Reclamation for benefit of lands lying within the Minidoka Project. Table 3.2-1 below provides information about these rights; a narrative description for each right follows the table.

In 1913, the Foster Decree determined the priority of water rights on the reach of the Snake River from the upper end of Lake Walcott downstream to the Malad (or Big Wood) River.³ Foster granted six natural flow water rights to the Secretary for the Minidoka Project, three of these rights are shared by Burley I.D. and Minidoka I.D. The source of this water is the Snake River, and the purpose is for use on the Burley I.D. and Minidoka I.D. lands.

Foster affirmed the rights previously “licensed” by the State and added the “return flow credits.” The decree granted the districts the joint right to divert a total of about 2,726 cfs of “natural flow” water directly diverted from the Snake River at Lake Walcott. Later an additional 430 cfs was added by the so-called Eagle Decree.⁴

The storage contracts between the two irrigation districts and the U.S. government provide when the maximum amount of water was not available to both divisions, 62 percent of the water would go to the “Gravity Division” (Minidoka I.D.) and 38 percent to the “South Side Pumping Division” (Burley I.D.). The natural flow waters are diverted from Lake Walcott, which is part of Reclamation’s upper Snake River system. The direct diversion, natural flow water is normally available on an intermittent basis from mid-April through mid-June; during after that period, the Project draws irrigation water from its contract storage space when water is not available under the natural flow, direct diversion water rights. A description of the availability of these natural flow rights under various conditions would require many variables and would lack clarity. However, for example, during the one of the driest water years on record (1977), the rights were only filled for about ten days during May and June.

The Proposed Action, which includes the transfer of the natural flow water rights, changes the trustee of the water rights to Burley I.D. from the U.S. government. With either trustee, the water rights are held for the benefit of the lands within the irrigation district.

The Burley I.D. board has indicated its intent to retain these water rights for the benefit of its members. Because the natural flow water rights that are to be transferred to Burley I.D. are insufficient to fully irrigate the lands of the District, there is little likelihood that any portion of these rights would ever be sold or transferred. There is also little likelihood that the landowners within the district would ever approve such a sale or transfer if one were to be proposed by the board of directors.

³ This was the area of jurisdiction of the 5th Judicial District County in Twin Falls.

⁴ *Burley Irrigation District, et al. vs. Henry W. Eagle, Watermaster* [of then-Water District No. 36] (July 19, 1963), in the 5th Judicial District, Twin Falls, Idaho.

TABLE 3.2-1. WATER RIGHTS HELD BY BUREAU OF RECLAMATION

SRBA Claim No.	Rate (cfs)	Priority Date	Type	Comment
HELD JOINTLY FOR BURLEY I.D. AND MINIDOKA I.D.				
A01-00211†	1,726	March 26, 1903	natural flow	P.O.D. at Snake River
A01-00214†	1,000	August 6, 1908	natural flow	P.O.D. at Snake River
— †	Foster gains; varies annually	June 19, 1909	return flow	An "offset" (credit) to the Minidoka Project contract storage water
HELD SOLELY FOR BURLEY I.D.				
A01-04047 ‡	—	June 19, 1909	ground water	Ground-water recharge storage claim under I.C. §42-228 with P.O.D of shallow wells and drains
A45-00512 †	150	April 9, 1909	natural flow	P.O.D. at Marsh Creek
A45-10389 ‡	0.12	June 19, 1909	ground water	First Lift (plus 2 houses)
A45-10390 ‡	0.24	June 19, 1909	ground water	Second Lift (plus 5 houses)
A45-10391 ‡	0.08	June 19, 1909	ground water	Third Lift (plus a wash house)
† Foster Decreed Water Rights held by the Bureau of Reclamation				
‡ Partial Decreed or Claims in the Snake River Basin Adjudication held by the Bureau of Reclamation.				

Title transfer of water rights — The water rights held by the Bureau of Reclamation for Burley I.D. and Minidoka I.D. are shown in table 3.2-1. Burley I.D. has requested the apportionment and transfer of the jointly held rights. These transferred water rights would be administered without change from historic practice and would be allotted in a manner so neither to enlarge nor diminish the respective rights of either Burley I.D. or Minidoka I.D. The proposed transfer agreement is shown as attachment E.

The natural flow water rights, along with the associated return flow credits (Foster gains) were described this way.

"...There are held for the Minidoka Project (Gravity Division and South Side Pumping Division) these amounts of natural flow from the Snake River with these priorities: (1) 1,726 cubic feet per second [cfs], priority date March 26, 1903; (2) 1,000 cfs, priority date August 6, 1908; and (3) The amount of lawful gain in flow coming into the river between the Neeley gage and Milner Dam when stored water is being drawn for the project as measured by the Watermaster from time to time. The total of these three amounts shall be divided on a daily basis, when the maximum amount is not available to both divisions, in these percentages: To the Gravity Division 62%; to the South Side Pumping Division 38%."⁵

It should be noted these seemingly "old" rights are in reality junior to numerous rights on the Snake River because of development prior to the Minidoka Project. These water rights do not

⁵ Contract No. 14-06-100-2455 dated June 6, 1962, and Contract No. 14-06-W-48 dated January 25, 1960, between the United States of America and the Burley Irrigation District.

provide a full water supply for Burley I.D. because of their position in the priority ranking. Burley I.D. has "spaceholder contracts" with Reclamation for storage water to supplement the natural flow rights (as does Minidoka I.D.). No storage water rights are being transferred; the spaceholder contracts will continue.

The proposed transfer agreement (attachment E) calls for the formal apportionment of these natural flow rights into "A" (Minidoka I.D.) and "B" (Burley I.D.) portions. For example, the U.S. government would convey Water Right No. A01-00211B to Burley I.D.; the portion of these natural flow water rights not transferred (No. A01-00211A) would stay in the name of the Bureau of Reclamation for the benefit and use on lands within Minidoka I.D. The Transfer Act directs the Secretary not to injure or impact the water rights held for the benefit of Minidoka I.D., not impair the integrated operation of the Minidoka Project, affect any other adjudicated rights, or result in any adverse impact on any other Project water user.

Foster provided authority for the Idaho State Engineer (now the IDWR director) to determine what part of the water flowing in the Snake River at the Minidoka and Milner Dams was storage water reentering the river and what part was natural flow. This is referred to as the "return flow credit" (shown in table 3.2-1 as "Foster gains"). The quantity of return flow credit is computed by the Water District 1 watermaster at the end of each irrigation season based on accounting records of Water District 1 and Reclamation.

The third natural flow water right granted under *Foster* is 150 cfs from Marsh Creek. Burley I.D. is the only irrigation entity which can physically take advantage of this water right. Marsh Creek water is occasionally available when local rain reduces irrigation demand upstream or when rapid snowmelt increases supplies.

In addition to the natural flow water rights, Reclamation holds several domestic ground-water rights for Burley I.D. facilities for domestic use. These are also shown in table 3.2-1.

Alternative A. No Action — Under the No Action alternative, title would remain in the name of Reclamation and the water rights would continue to be administered and delivered by the Idaho Water District 1 watermaster based on historic practice.

Alternative B. Proposed Action — Reclamation would transfer title of natural flow, waste, seepage, return flow, and ground-water rights held in its name to Burley I.D. This alternative provides for a change in the name of the holder of those portions of water rights held in the name of Reclamation for the benefit of lands lying within Burley I.D. but does not change any other element of the water rights. All elements of the water rights remain the same. The water rights will continue to be administered and delivered by the Idaho Water District 1 watermaster based on historic practice. No enlargement or injury will occur. Burley I.D. water rights and contract storage water will continued to be utilized as provided by State law.

3.3 LAND USE

Burley I.D. is located in northern Cassia County in the south-central part of Idaho along the southern side of the Snake River. Irrigation-supported agriculture practices amount to the largest and most important of land uses within northwestern Cassia County (SCS, 1981). This is due to the silt loam soils found in this broad and mildly sloping valley, coupled with the close proximity of Snake River water. Residential and commercial building developments account for the second-largest use; the city of Burley (about 900 acres) is the major development center but occupies less than 2 percent of the land within the boundaries of the irrigation district.

A list of major crops grown on Burley I.D. lands is given in table 3.3-1. In 1998, the year of the data, grains and sugar beet acreage account for more than half of the total land use on Burley I.D.

TABLE 3.3-1. MAJOR CROPS GROWN WITHIN BURLEY I.D.(1998)

Crop	Rank	Acreage	Percent of Burley I.D.
Grains	1	14,000	37
Sugar Beets	2	8,500	22
Potatoes	3	7,000	18
Hay	4	6,000	16
Beans	5	2,500	7

Affected Environment

About 20.2 acres of Reclamation fee title land and 7.5 acres of "withdrawn" land (removed from the public land laws for Project purposes) are proposed for title transfer. These include structures such as irrigation pumping plants, small wood-frame houses and out buildings, and concrete or block maintenance buildings. Additionally, some land associated with various widths and lengths of canals, laterals, drains, and related structures are proposed in the transfer, collectively covering about 23 acres. Table 3.3-2 describes proposed title transfer lands, associated items, and approximate area involved.

The remaining interests in lands are U.S. rights-of-way, authorized by the *Canal Act of August 30, 1890* (Ch. 837, 26 Stat. 371). The lands crossed by these rights-of-way are privately owned. These lands are not part of the title transfer, and therefore are not considered further in this EA.

The only function of the irrigation system has been to convey water. Official uses of Reclamation fee title land, withdrawn land, and U.S. rights-of-way are for purposes of O&M and repair of irrigation and drainage system works. Rights-of-way are open to public use only if the owner of the land through which the right-of-way passes gives permission for its use. For other lands, *Burley I.D. By-Laws and Policies* (1995) generally describes Reclamation and Burley I.D. public use privileges. In general, Reclamation fee title land and withdrawn land are not closed to the public. However, uses

of these areas by the public for recreational purposes are not encouraged for public safety and equipment protection reasons. Still, incidental uses of these lands by members of the public do occur.

Environmental Consequences

Alternative A. No Action — Under the No Action alternative, no changes in the current management, ownership, or use of Reclamation and Burley I.D. lands would occur.

Alternative B. Proposed Action — Land use in Burley I.D. is predominantly agricultural and is likely to remain unchanged because of the Proposed Action. Burley I.D. has no plans to alter present use of all named and associated facilities or equipment listed in table 3.3-2. Public access policy would not change with the Proposed Action. Because use and operation of facilities will remain unchanged, the Proposed Action will not adversely affect land use.

Under the laws of the State of Idaho, the use of all water required for irrigation of the lands of any irrigation district formed under the laws of the State of Idaho, together with the rights-of-way for canals and ditches, sites for reservoirs, ground-water recharge projects, and all other property required and fully carrying out the provisions of Title 43 of the Idaho Code, is declared to be a public use, subject to the regulation and control of the State, in the manner prescribed by law (I.C. 43-304).

TABLE 3.3-2. LANDS, ASSOCIATED STRUCTURES, AND EQUIPMENT PROPOSED FOR TITLE TRANSFER

Location Description	Item	Acres
First Lift Station	■ Pumping plant (concrete) with all associated parts and equipment ■ 6 pumps; 4,390 hp total ■ 2 wood frame houses, about 950 ft² each, built in 1911	8.2
Second Lift Station	■ Pumping plant (concrete) with all associated parts and equipment ■ 6 pumps; 3,910 hp total ■ 1 repair shop (concrete) 2,964 ft², with associated tools, repair parts, and all equipment ■ 5 wood frame houses, about 950 ft² each, built in 1911 ■ 1 wood frame out building	12.0
Third Lift Station	■ Pumping plant (concrete) with all associated parts and equipment ■ 3 pumps; 2,500 hp total ■ 1 cement block out building, 150 ft²	7.5
Drain Pump Sites, Shallow Wells	■ 8 drain pumps; 135 hp total ■ 9 shallow well pumps; 90 hp total	—
Canals, Laterals, and Drain Ditches	■ 405 miles of rights-of-way for canals, laterals, drains¹ These include: • 33 miles of drains • 13 miles of Southside Gravity Canal • 1.5 miles of "F" wasteway-spillway to Snake River • 1.7 miles of Feeder Canal • 19 miles of "G" Canal • 25 miles of "H" Canal • 29 miles of "J" Canal • 205 miles of laterals • 8 miles of laterals in pipeline	23.0
TOTAL ACRES		50.7
¹ The total of 405 miles includes 73 miles of additional road surface to account for canals that have access roads on both sides, as compared to one side only.		

Burley I.D. has no foreseeable plans to alter uses of proposed title transfer lands and associated equipment. Further, Burley I.D. is obligated to deliver irrigation water to landowners with water rights within the irrigation district boundaries, and no reasons exist to suggest changes to this practice in the near future. No change would occur to current conditions, eliminating potential future effects of the Proposed Action. Therefore, potentially adverse effects are unlikely to occur from the Proposed Action.

3.4 WATER QUALITY

Irrigation delivery systems are typically made up of canals, laterals, and drains. Of these water conduits, canals and laterals generally convey water to landowner fields for subsequent application, and drains collect the residual after irrigation water has passed through the soil or across field ditches.

Affected Environment — Water passing through Burley I.D. originates from the upper-middle Snake River and is delivered from Lake Walcott behind Minidoka Dam, an impoundment owned and operated by Reclamation (see figure 1, the Location Map). Water diverted from the reservoir are carried to the Burley I.D. distribution network via the Main South Side Canal to the pumping station known as First Lift, about 10 miles downstream from Minidoka Dam. A description of water rights, sources, and quantities can be found in sections 3.1 **Hydrology and System Operation** and 3.2 **Water Rights**. A draft report detailing the water quality status and other Lake Walcott watershed attributes is available from the Idaho Division of Environmental Quality (IDEQ, 1998).

To assess water quality in drains across the irrigation district, Burley I.D. monitors the flows in selected drains for nutrients, sediment, and bacteria; this is done in cooperation with local, State, and Federal agencies. A water quality report for drains on Burley I.D. is available from the Division of Agricultural Technology of the Idaho Department of Agriculture (IDA). Of six drains tested, nutrient and bacteria levels exceeded recommended EPA or State standards in a majority of the samples (IDA, 1996). On the other hand, total suspended sediments were below recommended maximum levels for all six drains (IDA, 1996). Other information on ground-water quality has been collected for the upper Snake River basin. The Minidoka Study Area (including Burley I.D. and Minidoka I.D.) contained some of the highest nitrate levels (10 mg/L) in ground water for the region (Geological Survey, 1997).

Burley I.D. has an active conservation program and water conservation plan to encourage district landowners and employees to adopt best management practices (Bingham, 1999). These practices help to reduce sediment, nutrient, and chemical runoff and to conserve water. One conservation practice being applied by Burley I.D. that has reduced nutrient discharge into the Snake River is the use of pump-back wells and sediment ponds. Nutrient-laden water is collected near the end of a drain in either a shallow well or pond, and then re-circulated back into a canal or lateral for re-use on lands within the district, instead of discharging back into the river. Sediment trapped in ponds is periodically removed and reapplied to fields. In 1998, there were 10 ponds from which 3,222 acre-feet were pumped back (Bingham, 1999).

Water quality in the canals and drain ditches varies depending on flow rates and season. Not all structures have water quality records. Enhanced structures and management practices have contributed to overall water quality improvements on Burley I.D. (Bingham, 1999).

Environmental Consequences

Alternative A. No Action — The existing water quality management would continue as it has in the past with periodic modifications to keep current with State and Federal laws.

Alternative B. Proposed Action — Burley I.D. is continually improving management and operation of the irrigation water conveyance network, and under the Proposed Action, Burley I.D. would continue this practice. Water quality concerns would still be addressed as needed or required. Adverse impacts to water quality because of the Proposed Action are unlikely. Burley I.D. has no foreseeable plans to alter operations, or in some other way, cause changes that would degrade water quality. Therefore, adverse future effects are unlikely from the Proposed Action.

3.5 VEGETATION

Affected Environment — The lands adjacent to the canals and rights-of-way within Burley I.D. are primarily used for agriculture, including irrigated crops, pasture, and range. Other land uses include homesites, facilities, and roadways. Vegetation in the Project area is highly influenced by these adjacent land uses.

Vegetation in the Project area includes both native and introduced species. Introduced plants in Burley I.D. are invaders, weedy species, or have been intentionally seeded for agricultural purposes. Table 3.5-1 lists species likely to be found within or immediately adjacent to the Project area.

Vegetation Management — Burley I.D. currently manages all vegetation within its rights-of-way and waterways. Weed control is the primary vegetation management concern. Table 3.5-2 lists noxious weeds likely to be found within the Project area. All landowners and managers are required by the State of Idaho to control noxious weeds on their property. The Cassia County Extension Agent identifies Scotch thistle as one of the primary weeds of concern within the Project area (Edwards, 1999). In addition, the *1996 Review of Operations and Maintenance* (by Reclamation) for Burley I.D. identifies kochia as a weed of concern although it is not listed State of Idaho noxious weed.

To control terrestrial and aquatic weeds, Burley I.D. uses both chemical and mechanical methods. Herbicides are the primary means of weed control. Common herbicides used include 2,4-D, Banvel®, Vanquish®, Escort®, and Roundup® (Edwards, 1999). Rodeo® is also used, but only under special circumstances where noxious weeds spread to the waters edge. Magnacide®, Cleargate®, and xylene are being used for control of mosses in the waterways.

Currently, Burley I.D. complies with all State of Idaho noxious weed laws. In addition, the Cassia County Extension Office is developing a county weed plan to be implemented in the near future. The plan will provide recommendations for cooperative efforts in prioritizing weed control efforts. Although Federal lands are not subject to Cassia County weed enforcement mandates, Burley I.D. and Reclamation have and will continue to cooperate in these efforts.

Other management issues include brush control and reseeding of disturbed areas. Brush control may be necessary to maintain a steady, continuous, and unimpeded flow of waterways. Reseeding of disturbed areas is performed to provide soil stability, particularly on sandier soils. Burley I.D. primarily reseeds areas disturbed during improvement maintenance (e.g., following replacement of laterals) using a grass species, typically Kentucky bluegrass or redtop.

TABLE 3.5-1. COMMON VEGETATION WITHIN BURLEY I.D.

COMMON NAME	SCIENTIFIC NAME
Native Species	
Indian ricegrass	<i>Oryzopsis hymenoides</i>
Thurber needlegrass	<i>Stipa thurberiana</i>
bluebunch wheatgrass	<i>Agropyron spicatum</i>
Wyoming big sagebrush	<i>Artemisia tridentata</i> spp. <i>wyominensis</i>
horsebrush	<i>Tetradymia</i> sp.
rabbitbrush	<i>Chrysothamnus</i> sp.
various forbs	various
Introduced Species — Agricultural	
sugar beets	<i>Beta</i> sp.
wheat	<i>Triticum</i> sp.
barley	<i>Horduem</i> sp.
potatoes	<i>Solanum</i> sp.
corn	<i>Maize</i> sp.
dry Beans	<i>Phaseolus</i> sp.
alfalfa hay	<i>Medicago</i> sp.
various pasture grasses	various
Introduced Species — Weedy	
cheatgrass	<i>Bromus tectorum</i>
bur buttercup	<i>Ranunculus testiculatus</i>
kochia	<i>Kochia scoparia</i>
thistle	various
smooth brome	<i>Bromus inermis</i>
clasping leaf peppergrass	<i>Lepidium perfoliatum</i>
Introduced Species — Rangeland	
Siberian wheatgrass	<i>Agropyron sibericum</i>
crested wheatgrass	<i>Agropyron cristatum</i>
Whitmar bluebunch wheatgrass	<i>Agropyron spicatum</i> var. <i>Whitmar</i>
Russian wildrye	<i>Elymus</i> sp.
Kentucky bluegrass	<i>Poa pratensis</i>
redtop	<i>Agrostis stolonifera</i>
Introduced Species — Aquatic	
various pond weeds	

TABLE 3.5-2. WEEDS OF CONCERN WITHIN BURLEY I.D.

Common Name	Scientific Name
Terrestrial Weeds	
Scotch thistle	<i>Onopordum acanthium</i>
Canada thistle	<i>Cirsium arvense</i>
Musk thistle	<i>Carduus nutans</i>
Russian knapweed	<i>Centaurea repens</i>
hoary cress or whitetip	<i>Candia draba</i>
perennial peppered or tall whitetip	<i>Lepidium latifolium</i>
Kochia	<i>Kochia scoparia</i>
Aquatic	
Pond Weeds	Various species

Environmental Consequences

Alternative A. No Action — Under the No Action alternative, there would be no change in the current vegetation quality, distribution, or management practices. Therefore, there would be no impact to the Project area.

Alternative B. Proposed Action — The transfer of title of Reclamation property to Burley I.D. would have no impact to the Project area, as current management practices would remain the same. Burley I.D. would continue to comply with State law to control and eradicate noxious weeds on its rights-of-way and waterways. Any changes to current vegetation would not be different than would occur under No Action. Burley I.D. would continue to cooperate in control of noxious weeds, according to the Cassia County weed control plan. Enforcement of the control of noxious weeds would change from Federal oversight to the State and Cassia County. However, this is enforcement only. Management practices are currently in place to control noxious weeds. These control measures would not change unless new or better procedures are discovered.

Barren areas on unstable soils would be reseeded, as necessary, to prevent soil erosion or water quality degradation. Brush removal may continue to be necessary on occasion to maintain a continuous and unimpeded water flow along ditch banks and waterways and to protect the integrity of the facilities. However, this practice would remain minimal and on an "as needed" basis.

3.6 FISH AND WILDLIFE

Species "listed" under the Endangered Species Act are discussed in section 3.7 Endangered Species below.

Affected Environment

Potential wildlife habitat, as described in section 3.3 Lands, consists of canal banks and rights-of-way through the developed agricultural lands (see table 3.3-2). Wildlife found in these areas include birds, mammals, reptiles, amphibians, and fish. All fish and wildlife are managed by the Idaho Department of Fish and Game (IDFG). Hunting and fishing are regulated by IDFG regulations.

Birds — Birds inhabiting the Project area include waterfowl, shorebirds, upland gamebirds, raptors, and passerines (perching or songbirds). Waterfowl are common to the area due to the proximity of the Snake River, a major spring and fall migration stopover and wintering area (Reclamation, 1993). Primary species include Canada goose, mallard, blue-winged teal, western grebe, and green-winged teal (IDFG, 1997). Upland gamebird species are limited due to the agricultural nature of the habitat. However, ring-necked pheasants, mourning doves, and gray partridge may be found in the area (Smith, 1999).

Raptors potentially occurring in the Project area include northern harriers, Swainson's hawks, red tailed hawks, Ferruginous hawk, prairie falcon, golden eagle, turkey vulture, and American kestrels. These species are known to forage in developed agricultural areas (IDFG, 1997). A "State species of concern" raptor, the burrowing owl, may also be found in or near agricultural areas. In addition, the bald eagle, a Federally listed "Threatened" species is known to winter along the Snake River and could occasionally be found within the Project area (ICDC, 1999).

Passarines potentially found in the Project area include red-winged blackbirds, western meadowlark, American robin, horned lark and barn swallows. Other species in the area include killdeer, California gulls, magpies, and American crows (IDFG, 1997).

Mammals — Mammals potentially occurring in the Project area are limited due to the developed nature of the surrounding lands. Small mammals include the western harvest mouse, pocket gopher, and deer mouse. Larger species potentially found in the Project area include striped skunks, coyotes, red fox, badgers and an occasional mule deer. These species are all known to inhabit or forage in developed agricultural areas (IDFG, 1997).

Reptiles and Amphibians — Potential reptile and amphibian species occurring in the Project area include the western toad, Pacific tree frog, northern leopard frog, racer, gopher snake, and garter snakes. The diversity and abundance of reptiles and amphibians is expected to be moderate due to the developed nature of the surrounding habitat and the seasonal nature of the irrigation system use (IDFG, 1997).

Fish — Due to the seasonal flow of the irrigation system, and filtering associated with pumping stations, fisheries are minimal within the Project area. Fish are not native to the irrigation system and originate from Lake Walcott, upstream of the diversion at Minidoka Dam. Screens at First Lift prevent larger fish from moving further into the irrigation systems, however smaller fish may be

found throughout the system. Species potentially found include sturgeon, rainbow trout, Utah sucker, Utah chub, speckled dace and red-side shiner (Partridge, 1999).

Environmental Consequences

Alternative A. No Action — Under the No Action alternative, no change in the current management in Burley I.D. would occur. Therefore, there would be no affect to habitat or to the distribution of wildlife or fish found there.

Alternative B. Proposed Action — Under the Proposed Action, no adverse impacts would occur to the distribution or type of fish and wildlife found within Burley I.D. Habitat and current management would remain the same as existing conditions. IDFG would retain management of these resources. Access to and management of the habitat, including water flow, would remain the same.

3.7 ENDANGERED SPECIES

Section 7 of the Endangered Species Act requires all Federal agencies to ensure that their actions do not jeopardize the continued existence of "listed" species or adversely modify designated critical habitat. As part of the Section 7 process, Reclamation requested a list of listed species from the U.S. Fish and Wildlife (FWS) and the National Marine Fisheries Service (NMFS); the latter is responsible for listed species inhabiting the oceans and anadromous fish. These lists are shown as attachments C and D, respectively.

Terrestrial Species — The FWS list (attachment C) is for a large geographic area that includes Burley I.D. lands. Terrestrial species on the list consisted of the gray wolf and bald eagle. These same species were also the subject of a *Biological Opinion* (FWS, 1999) issued to Reclamation on the operation and maintenance activities in the Snake River basin upstream of Lower Granite Dam Reservoir. The conclusion of that report was that Reclamation's O&M of the Snake River facilities would have no effect on the gray wolf and have no adverse affect on the bald eagle within the ½-mile-wide river corridor analyzed in the report. The vast majority of the District lies outside the ½-mile zone, but as it is all crop land or supporting developments, there is no habitat to support either the bald eagle or the gray wolf.

Affected Environment

Snails — Utah valvata snail, Snake River physa, and the Bliss rapids snail were identified on the FWS list. However, two of the snail species do not occur in the Burley I.D. area. The Bliss Rapids snail occurs in the main stem Snake River from about Indian Cove Bridge (river mile [RM] 524) to Twin Falls (RM 610). The Snake River physa occurs between Grand View (RM 487) and Hagerman (RM 573). There is a separate population near Minidoka Dam (RM 675) this population has not been relocated (FWS, 1999).

The Utah valvata, however, does occur in Lake Walcott and in the Snake River downstream from Minidoka Dam. The *Biological Opinion* (FWS, 1999) found that drawdown of Lake Walcott for operation and maintenance is likely to have an adverse affect on a portion of the snail population that occurs in the reservoir. The majority of the population is not affected by the drawdown. The report states that flood operations and routine year-round operations are not likely to adversely affect the Utah valvata in the river between Minidoka Dam and Milner pool.

Anadromous Fish — The listed and proposed anadromous fish species analyzed in this document consist of Snake River steelhead, Snake River sockeye, Snake River spring/summer chinook, and steelhead, chinook salmon, and chum salmon stocks occurring in the Columbia River system. This list was discussed in the NMFS *Biological Opinion* (1999) prepared for Reclamation's operation and maintenance of its Snake River storage facilities.

There are no listed salmon in the vicinity of Burley I.D. point of diversion. However, under the NMFS's 1995 *Biological Opinion* on operation of the Federal Columbia River Power System and the *Record of Decision* (Reclamation, 1995), Reclamation is to deliver a total of 427,000 acre-feet per year from storage for flow augmentation to help preserve endangered anadromous fish. The water is to be provided only from willing sellers and in accordance with State water law.

The NMFS *Biological Opinion* (1999) found that continued operation and maintenance of Reclamation's Snake River storage facilities and providing 427,000 acre-feet of water for flow augmentation is not likely to jeopardize the continued existence of listed species or result in the destruction or adverse modification of critical habitat. The report made several recommendations relating to "...the surety that sufficient salmon augmentation water can be delivered..." These recommendations pertained only to storage space in the reservoirs and contracts for that space.

Environmental Consequences

Alternative A. No Action

Snails — Under this alternative, there would be no change in the operation and maintenance of Minidoka Dam. The finding that drawdown of the reservoir is likely to adversely affect a portion of the Utah valvata population will not change. Reclamation would continue to comply with the reasonable and prudent measures, including the terms and conditions of the incidental take statement and the recommended conservation measures detailed in the FWS *Biological Opinion* (1999).

Anadromous Fish — In this alternative, the natural flow rights would remain in the name of the U.S. government. In the future, if NMFS should determine that additional flow augmentation was critical to the survival of the endangered fish, Reclamation would likely be the lead action agency with the obligation to secure the water. Under the ESA, if it is deemed necessary to augment such flows, Reclamation would fulfill this need by purchase (willing seller, willing buyer).

Alternative B. Proposed Action

Snails — The transfer of title would not cause a change in operation and maintenance of Minidoka Dam with regards to the drawdown of Lake Walcott, flood control operations, or normal year-round operations of the river downstream of Minidoka Dam. Implementation of the Proposed Action would not have an effect on the Utah valvata.

Anadromous Fish — The change in the title ownership to water rights and facilities has no effect on any on listed species. Any effect on listed species that would occur in the future because of this transfer would be through the actions by Burley I.D. or others.

In this respect, Reclamation is mindful that ESA Section 7 consultation requires a thorough consideration of not only the direct effects of any proposed action on listed species, but also the indirect effects of future actions caused by, or resulting from the proposed action, and which are "reasonably certain to occur." Likewise, any discussion of "cumulative effects" of future private or State actions in the action area is logically limited to actions "reasonably certain to occur."⁶

The "reasonably certain to occur" standard requires more than "a mere possibility that the action may proceed." For the reasons stated below, Reclamation concludes that the only "reasonably certain to occur" future activities involving the transferred water rights and facilities are a continuation of

⁶ Preamble to Final Consultation Regulations, 51 Fed. Reg. 19926, 19933 (1986)

historic irrigation practices to irrigate some 48,000 acres of land within Burley I.D. These activities are addressed in *Biological Assessment* (Reclamation, 1998) and accompanying Operations Descriptions and technical reports.

Prohibition of adverse effects — The Transfer Act provides that there shall be no adverse impact to other water rights or system operations:

“Any rights that are presently held for the benefit of lands within both the Minidoka Irrigation District and the Burley Irrigation District shall be allotted in such manner as to neither enlarge nor diminish the respective rights of either district in such water rights as described in contracts between Burley and the United States. [section 1(c)(1)(B)]

“The transfer of water rights in accordance with this paragraph shall not impair the integrated operations of the Minidoka Project, affect any other adjudicated rights, or result in any adverse impact on any other project water user.” [section 1(c)(1)(C)]

Actions that differ from historic uses of the facilities and water rights are unlikely because they would not be in the self-interests of Burley I.D. landowners. This is shown in statements by Burley I.D. representatives regarding the district’s future use of the project facilities and water rights. Burley I.D. manager Randy Bingham, in testimony on the Transfer Act bill before the Senate Committee on Energy and Natural Resources, addressed the district’s intended use of the water associated with the natural flow rights to be transferred:

“We respectfully submit that the transfer of title to the distribution facilities that have been operated and maintained by the irrigation district since 1926 should create no impact in regard to the National Environmental Policy Act of 1969. These are single-purpose facilities; the title transfer will not result in significant changes in the operation and maintenance of the facilities or lands transferred, or land and water use in the foreseeable future. ... The operation and maintenance to the facilities will not change, as the irrigation district, by state law, holds the water rights for the benefit of the lands of the district, and it has a legal obligation to distribute the water equitably to the lands of the district. There are no public aspects of the project or facilities except the obligation to deliver water for the irrigation of lands within the district.”

Burley I.D. attorney Roger Ling articulated his view in a March 1, 1999 letter to the Regional Director of NMFS:

“...The action authorized and to be carried out by [Reclamation] pursuant to [the Transfer Act] involves the execution of a deed to transfer legal title to facilities and water rights controlled, operated, and maintained by Burley for over 70 years. The purpose of the distribution system and water rights to which legal title is to be transferred will not change, as they will continue to be operated by Burley and used for the purposes set forth by law, that is, for the delivery and use of irrigation water for lands within Burly for irrigation.”

Public Law 105–351 specifies that the transfer of water rights shall be accomplished through and agreement among the United States, Burley I.D., and Minidoka I.D. The parties have negotiated a water rights transfer agreement (attachment E) which includes the following provision.

"The parties agree that the transfer of water rights to Burley under this agreement and the retention by the United States of a portion of said water rights for Minidoka, including any subsequent conveyance, sale, assignment, or rental of these water rights to others, shall not impair the integrated operation of the Minidoka Project, affect any other adjudicated water rights, or result in any adverse impact on any other Project water user.

The Senate Committee on Energy and Natural Resources addressed its understanding of the transfer as follows:

"...The Committee wants to emphasize that in directing a partition of the right, there is no intention to enlarge or diminish the beneficial rights of either District. The Committee also does not intend that there be any effect on integrated project operations of the Minidoka Project or on any other adjudicated rights or other project water users. The Committee does not believe that the mere transfer of title should have any such effect."

Based on the above evidence, actions that differ from historic uses of the facilities and water rights are not reasonable or logical. Such changes in use are conjecture because they are contrary to the self-interests of Burley I.D. landowners, and they are directly contrary to the intentions clearly stated by the Burley I.D. manager and attorney. Throughout negotiations of the transfer process, Burley I.D. representatives have consistently and steadfastly maintained that they have only one intention — to continue to irrigate lands within the district. There is nothing in the Transfer Act or the water rights transfer agreement that would lead to any other conclusion. The only actions reasonably certain to occur as a result of the transfer is the continued irrigation of lands within Burley I.D.

The transfer of these facilities and water rights to Burley I.D. will have no affect on the water available for flow augmentation for threatened, endangered, and sensitive species and have no effect on the species themselves.

If it is determined in the future that additional water was needed for salmon flow augmentation, the process of obtaining such water would be the same as in the No Action alternative. Because Reclamation manages the upper Snake River storage system, it would be fully involved in this process, in the same manner as in the No Action alternative.

3.8 SOCIOECONOMIC

This section describes and analyzes the general features of the economy, including population, employment, and income that could be affected by the Proposed Action. The primary measures by which socioeconomic impacts are identified include changes to population, employment, and income associated with the Proposed Action. Other factors related to socioeconomics were identified during public meetings. Concern was expressed that the U.S. Treasury would experience a reduction in funds if the Proposed Action were to occur. The following describes the affected environment, outlines the potential environmental consequences, any mitigation efforts, and potential future effects.

Affected Environment — Burley I.D. is located along the Snake River in the northern section of Cassia County. This county is located in south-central Idaho and had a 1998 population of 21,359 (Bureau of the Census, 1999a), about 2 percent of the state's population. The majority of county residents reside in Burley and smaller communities on the Snake River plain. Irrigated agriculture, associated agricultural services, and food processing are major contributors to the county's economy (IDOC, 1999).

In the following description, population, employment, and income estimates are not quoted for the same years. Equal comparisons are made within each area (e.g., employment estimates are compared in the same year). However, these comparisons were not available, in the detail needed, between areas (e.g., population estimates were for 1998, while detailed employment levels were quoted in 1993 numbers).

Total employment in Cassia County was 11,552 in 1993. Of this total, 2,185 employees were involved in the farm and agricultural sectors (IDOC, 1999). Retail trade employment was approximately 2,190 during this same period. These were the highest employment sectors in the county. Cassia County per capita income in 1996 was \$18,101, about 99 percent of the state average (Bureau of the Census, 1999b and 1999c).

Burley I.D. Background — Burley I.D. encompasses about 48,000 irrigated acres. Estimated revenue on crop production for Burley I.D. in 1996 was approximately \$29.8 million. Leading crops, in terms of gross value, included potatoes (\$10 million), sugar beets (\$8.4 million), and grain (\$6.3 million). (Olsen, 1997)

The Burley I.D. and a majority of its facilities were built on rights-of-way reserved under the Canal Act of 1890 and the 1902 Reclamation Act. As noted previously, Burley I.D. has paid, in full, the costs associated with the construction of these canals, roads, and facilities. Since 1926, Burley I.D. has assumed and maintained total O&M responsibilities for these structures and facilities. In other words, Burley I.D. has paid for the upkeep of the canals and facilities for 73 years from assessments paid by the landowners of the lands within the district.

The U.S. government, through the Bureau of Reclamation, has only held title to these structures and facilities, but has not contributed to their upkeep since 1926 (other than through loans, which have been paid back in full, or through grant programs offered to all irrigation districts — even those not originally constructed with Reclamation help). Other responsibilities of Reclamation included oversight of Burley I.D. compliance with local, State, and Federal regulations.

Electricity for Burley I.D. facilities is provided by Reclamation from its southern Idaho power system (Minidoka, Palisades, Black Canyon, and Anderson Ranch powerplants). In 1961, ownership interests of Burley I.D. in the Minidoka Powerplant were terminated by an agreement with Reclamation. Burley I.D. retained the right to receive Project power from Reclamation facilities, which has been provided at the cost of production. After completion of facility transfer, Burley I.D. will continue to receive Reclamation power.

Environmental Consequences

Alternative A. No Action — Under the No-Action alternative, there would be no change to the socioeconomic conditions of Cassia County.

Alternative B. Proposed Action — The Proposed Action would have no impact on socioeconomic factors within the Project area. Since there would only be a change in title and no change in how the facilities are maintained or operated, there would be no increase or decrease in local population, no change in the employment levels, and no diminishment of income generated from irrigated crops.

Since the time of repayment of all costs to the U.S. Treasury in the early 1920's, Burley I.D. has paid for all subsequent O&M costs. No U.S. taxpayer monies have been used (other than for loans, which have been paid back). Maintenance, operations, and any upgrades have been and will continue to be paid for by Burley I.D. through its landowner assessments. Under the Proposed Action, none of these activities would change.

The continued supply of power would be provided in the same manner as it has been in the past 38 years. Therefore, no change in revenue flows is anticipated.

The proposed action would eliminate duplicative administrative actions currently performed by Reclamation and Burley I.D. in relation to issuance of license agreements and other similar actions.

3.9 ENVIRONMENTAL JUSTICE

Environmental Justice analysis examines disproportionately high or adverse impacts to minority and low-income populations resulting from the implementation of the Proposed Action. These populations are:

- **Minority Populations:** persons of Hispanic, Black, American Indian, Eskimos, Aleut, or Pacific Islander origins.
- **Low-Income Populations:** persons living below the poverty level, based on a total annual income of \$12,674 for a family of four as reported in the 1990 census.

Information contained in 1990 and 1996 Census of Populations was used to identify these populations. Although these census data are more than 9 and 3 years old respectively, there are no indications that regional trends have significantly changed these characteristics in Cassia County.

Affected Environment

In 1990, minority populations represented about 15 percent of the total Cassia County population; in comparison, U.S. minority population was about 20 percent (Bureau of the Census, 1990). In 1996, low-income families represented 15.5 percent of Cassia County's total population. During this same time period, 13.7 percent of the U.S. population were in the low-income level (Bureau of the Census, 1999d and 1999e).

Environmental Consequences

Alternative A. No Action — Under the No-Action alternative, there would be no change to current environmental justice issues in Cassia County.

Alternative B. Proposed Action — Since current activities would not change, these populations would not be impacted by the Proposed Action. No jobs will be lost as a result of the action nor will any type of government service currently extended to these populations be cut back.

3.10 CULTURAL RESOURCE PROPERTIES

Affected Environmental

Historic Resources — In 1904, Congress authorized construction of the Minidoka Project. The Project purpose was to provide irrigation water to lands that were very sparsely settled, with existing agriculture limited to pastures and hayfields along the Snake River. Completion of the authorized facilities (dam, powerplant, and north and south side delivery systems) drastically altered the local landscape and the historical development of the area. Ultimately, 120,000 acres of desert land were converted to irrigated agriculture, and a number of towns were platted and developed (including Burley, Rupert, Heyburn, Paul, and Declo). The Minidoka Powerplant also provided surplus electricity to the towns, businesses, and some rural homes in the Project area, making it one of the first rural areas in the United States where electricity was readily available for non-commercial use.

In 1979 the Minidoka Powerhouse was listed on the National Register of Historic Places (National Register). In 1990, the Minidoka Dam and the associated administration building and shop were determined eligible for the National Register. At that time, Reclamation determined that all canals, lift stations, and pumping plants, and other principal works associated with the initial Minidoka Project development that retain integrity of design are also eligible to the National Register under criteria "a", "b", and "c" as defined in 36 CFR 60.4. Additional Project structures or works might also be found eligible upon examination.

The basis for Project facilities being determined eligible for or listed on the National Register is the Minidoka Project's pivotal role in transforming historic development in the Project vicinity, and the more wide-spread impact of marketing the excess electrical power (criterion "a"). Persons who became important as innovative civil engineers were involved in designing Project features (criterion "b"). Innovative or significant engineering design solutions that became standard applications were designed or tested in the powerhouse and lift stations (criterion "c"). Although not yet officially determined so, for ease of reference in following discussions the Minidoka Project structures and facilities will be referred to as a "national register district."

Project structures included in the title transfer are listed in table 3.3-2. In June 1998, Reclamation's cultural resource staff and the Architectural Historian for the Idaho State Historic Preservation Office (SHPO) visited these structures to assess their integrity of design and determine if they contributed to the historic significance of the National Register District.

Based upon that field visit, Reclamation determined that a large number of the structures are contributing elements to the National Register District. These include the canals and associated spillways, drops, and other operating features; the three lift stations and the original equipment they contain; the shops at First Lift and Second Lift and the early equipment they contain; and the houses, garages, root cellar, and landscaping features at the Second Lift. All these facilities contribute under criterion "a"; the lift stations also contribute under criteria "b" and "c".

In addition, the collection of houses, garages, root cellar, and landscaping features at the Second Lift are a distinct historic landscape under the National Register District; this includes rock retaining walls constructed by the Civilian Conservation Corps(CCC). Reclamation believes the houses at the First Lift are not contributing structures since they have been extensively remodeled and no longer

have integrity of design and material. Reclamation is formally consulting with the Idaho SHPO about the eligibility of these structures to the National Register.

Archeological Resources — A records and file search conducted at the Idaho SHPO indicates that approximately a dozen professional cultural resource investigations have been carried out within or near Burley I.D. The majority have been intensive ("Class III") archeological surveys related to Idaho Transportation Department construction projects over the past 20 years; other intensive inventories have occurred in response to several pipelines and a fiber optic line.

The files search indicated that five archeological sites are reported within a 2-mile radius of Burley I.D. boundaries. These are sites No. 10CA40, -41, and -42, which are surface flake scatters and depressions outside the west boundary of the irrigation district; and sites No. 10CA628 and -630, which are flake scatters with tools, near the eastern boundary of the irrigation district. One previously recorded archeological site (10CA43) — a surface scatter of chips, artifacts, and animal bone — is within Burley I.D. boundaries; however, that site is not located on any lands associated with the title transfer.

In spring 1999, Reclamation consulted with the Idaho SHPO about the intensity of survey needed of lands included in the title transfer. Reclamation and the SHPO agreed upon the following strategy: a 100 percent survey of Reclamation fee title land, withdrawn, and acquired lands (50.7 acres) and an intensive survey of 20 percent (60 miles) of the 300 linear miles of lateral, drain, and canal easements. Reclamation's Snake River Area Office archeologist completed the survey of those lands soon afterward.

The field surveys did not reveal any archeological sites. The potential for finding archeological sites on the lands proposed for transfer is low, due to an almost complete alteration of the natural land surface from construction and maintenance of the canals, and cultivation of adjacent lands. In addition, most areas included in the title transfer are not in close proximity to natural sources of water where prehistoric sites would most often be found.

Traditional Cultural Properties/Sacred Sites — No traditional cultural properties (TCP's) or sacred sites are known to exist within the boundaries of Burley I.D. Reclamation met separately with the Shoshone-Bannock Tribes and the Shoshone-Paiute Tribes. Each group indicated that the area now comprising Burley I.D. was its aboriginal territory. However, neither group specified TCP's, sacred sites, or sensitive areas harboring such sites. Reclamation also wrote each group and asked if there were concerns over the title transfer with regard to TCP's and sacred sites and, if so, what the specific nature of these concerns might be.

There is no indication that any of the Tribes currently use the lands involved in the title transfer for traditional cultural or religious purposes. The land surface comprising Burley I.D. has been radically transformed over the past century as a result of intensive agricultural development, and the lands involved in the title transfer have been extensively altered by construction and maintenance of associated irrigation systems. The natural and biological features of the land bear little resemblance to those of aboriginal times.

Environmental Consequences

Alternative A. No Action — Implementation of the No Action alternative would result in no new effects to cultural resource properties, since there would be no loss of Federal title.

Alternative B. Proposed Action — On the basis of results obtained from the archeological survey (in which no archeological resources were located on lands included in the title transfer), the Proposed Action transferring legal title of the fee lands, Project structures, and easements to Burley I.D. will have no effect on archeological properties. It is also unlikely that TCP's and sacred sites will be affected by the title transfer given the very low probability that these types of sites are present on the affected lands.

Reclamation holds title to the historic structures included in the title transfer. Federal title provides a measure of protection to these structures. For Federally-owned facilities, before the Government or any other party can implement actions that might damage the historic integrity of the structures, they would be required to seek alternatives that would avoid or minimize adverse effects from their proposed action.

When Project structures become the property of a non-Federal entity, the protection of Federal law no longer exists if there is no other Federal tie (such as funding for the action). Therefore, after title transfer, Burley I.D. could alter or destroy any of the historic structures without the requirement to seek alternatives that are less damaging to the historic integrity of the structures. Therefore, transfer of title of the Minidoka Project facilities that are eligible to the National Register is an adverse effect and mitigation is required.

Mitigation of Historic Resources

Alternative A. No Action — As title would not be transferred, cultural properties would remain fully protected under existing Federal regulations and no mitigation is required.

Alternative B. Proposed Action — Historic American Engineering Record (HAER) and/or Historic American Buildings Survey (HABS) documentation will be completed to mitigate the adverse effects of transfer of the National Register-eligible structures to non-Federal ownership. The historic landscape at the Second Lift Station, encompassing the five ditch riders houses, associated outbuildings, and the CCC landscaping features, will be documented through a HABS or HAER report. Reclamation is presently consulting with the Idaho SHPO and the National Park Service (Division of National Register Programs) about the scope and format of the HABS/HAER documentation. The documentation will be completed (at least through the preliminary data-set phase) prior to the date of transfer.

Mitigation of Archeological Resources — No archeological sites have been identified on lands included in the title transfer. Therefore, no mitigation measures are required.

Mitigation of Traditional Cultural Properties/Sacred Sites — No TCP's or sacred sites have been identified within the boundaries of the title transfer area. Therefore, no mitigation measures are required.

3.11 INDIAN TRUST ASSETS

Affected Environment

Indian Trust Assets are legal interests in property held in trust by the U.S. government for Tribes or individuals. Examples of trust assets are lands, minerals, hunting and fishing rights, and water rights. The U.S. government, with the Secretary of the Interior as the trustee, holds many assets in trust for Indian tribes or Indian individuals.

The U.S. government has a trust responsibility to protect and maintain rights reserved by or granted to Tribes or individuals by treaties, statutes, and executive orders; these rights are sometime further interpreted through court decisions and regulations. This trust responsibility requires that all Federal agencies, including Reclamation, take all actions reasonably necessary to protect trust assets.

The Shoshone-Bannock Tribes of the Fort Hall Reservation of Idaho have trust assets both on and off the Reservation. In the *Treaty of Fort Bridger* (1868), article 4 states "...they [the Shoshoni and the Bannock] shall have the right to hunt on the unoccupied lands of the United States." This has been further interpreted to mean Federal lands.

The Shoshone-Bannock Tribes were notified of the Proposed Action. No specific trust resources have been identified.

Environmental Consequences

Alternative A. No Action — On Federal lands, Reclamation would continue to have a Trust responsibility to the Shoshone-Bannock Tribes to protect the plant life or wildlife the Tribes may identify in the future as being important to them.

Alternative B. Proposed Action — As indicated above no specific trust resources have been identified. However, once out of Federal ownership and if trust resources are identified in the future, plant or wildlife resources important to the Tribes would not be protected by the Federal government.

4.0 COORDINATION AND CONSULTATION

Burley Irrigation District has been pursuing transfer of title of certain Reclamation-held properties and rights-of-way used for operations and maintenance of the district since 1994. A complete record of newspaper articles, and correspondence to and from various individuals, groups, and agencies is maintained by Burley I.D. at its office in Burley, Idaho. Only recent consultation and coordination activities directly related to the Proposed Action are described in this chapter.

4.1 AGENCY CONSULTATION

- U.S. Fish and Wildlife Service, Snake River Basin Office, Boise, Idaho regarding listed species (attachment C)
- National Marine Fisheries Service, Northwest Region, Portland, Oregon regarding listed anadromous species (attachment D)
- Idaho [State] Historical Society Compliance Coordinator (as the SHPO), regarding the archeological survey report.
- Idaho Conservation Data Center, Boise, Idaho, located at the Idaho Department of Fish and Game, regarding U.S. "threatened and endangered" and "State Species of Concern" listings in Burley I.D. area.
- Idaho Department of Fish and Game, Region 4, Jerome, Idaho, regarding fish and wildlife occurrences in Burley I.D. area.
- University of Idaho Cooperative Extension Service of Cassia County, in Burley, regarding noxious weeds in Burley I.D. area.

4.2 TRIBAL CONSULTATION

- Scoping letters to — Burns Paiute Tribe of the Burns Paiute Indian Colony of Oregon; Shoshone-Bannock Tribes of the Fort Hall Reservation of Idaho; and Shoshone-Paiute Tribes of the Duck Valley Reservation, Nevada (November 30, 1998)
- Government to Government meeting with the Shoshone-Paiute Tribal Council and staff (December 4, 1998).
- Letter to the Shoshone-Paiute Tribal Council and staff; copy to Eastern Nevada Field Office, Bureau of Indian Affairs, Elko NV (March 9, 1999)
- Government to Government meeting with the Fort Hall Business Council (Shoshone-Bannock Tribes) and staff (January 7, 1998)
- Letter to the Fort Hall Business Council (Shoshone-Bannock Tribes) and staff summarizing meeting of January 7; copy to Fort Hall Agency, Bureau of Indian Affairs, Fort Hall ID (April 30, 1999)

- Letter to Fort Hall Business Council (Shoshone-Bannock Tribes) requesting a meeting to discuss Reclamation initiatives that "may be of interest to the Tribes" (September 8, 1999), including Burley Title Transfer; Government to Government meeting with Council and staff (October 15, 1999).
- Letter to the Shoshone-Paiute Tribal Council requesting a meeting to discuss Reclamation initiatives that "may be of interest to the Tribes," including Burley Title Transfer (September 9, 1999).
- Letter to Burns-Paiute General Council requesting a meeting to discuss Reclamation initiatives that "may be of interest to the Tribes," including Burley Title Transfer (September 9, 1999).
- Letter to Nez Perce Tribal Executive Committee requesting a meeting to discuss Reclamation initiatives that "may be of interest to the Tribe," including Burley Title Transfer (September 20, 1999).

4.3 PUBLIC INVOLVEMENT

A public information gathering meeting was held by Burley I.D. on August 6, 1997 in Burley. A letter was sent to local, State, Tribal, and Federal entities announcing the meeting (attachment A). Twenty-three individuals signed the attendance sheet, with more than half of the attendees representing irrigation districts, State, and Federal agencies. No Tribal representatives attended. Concerns raised at the meeting were primarily related to valuations of property, and that the U.S. Treasury would experience a reduction in funds if the Proposed Action were to occur. Another concern was the potential impact this title transfer could have on water quality and quantity, especially as it relates to endangered species.

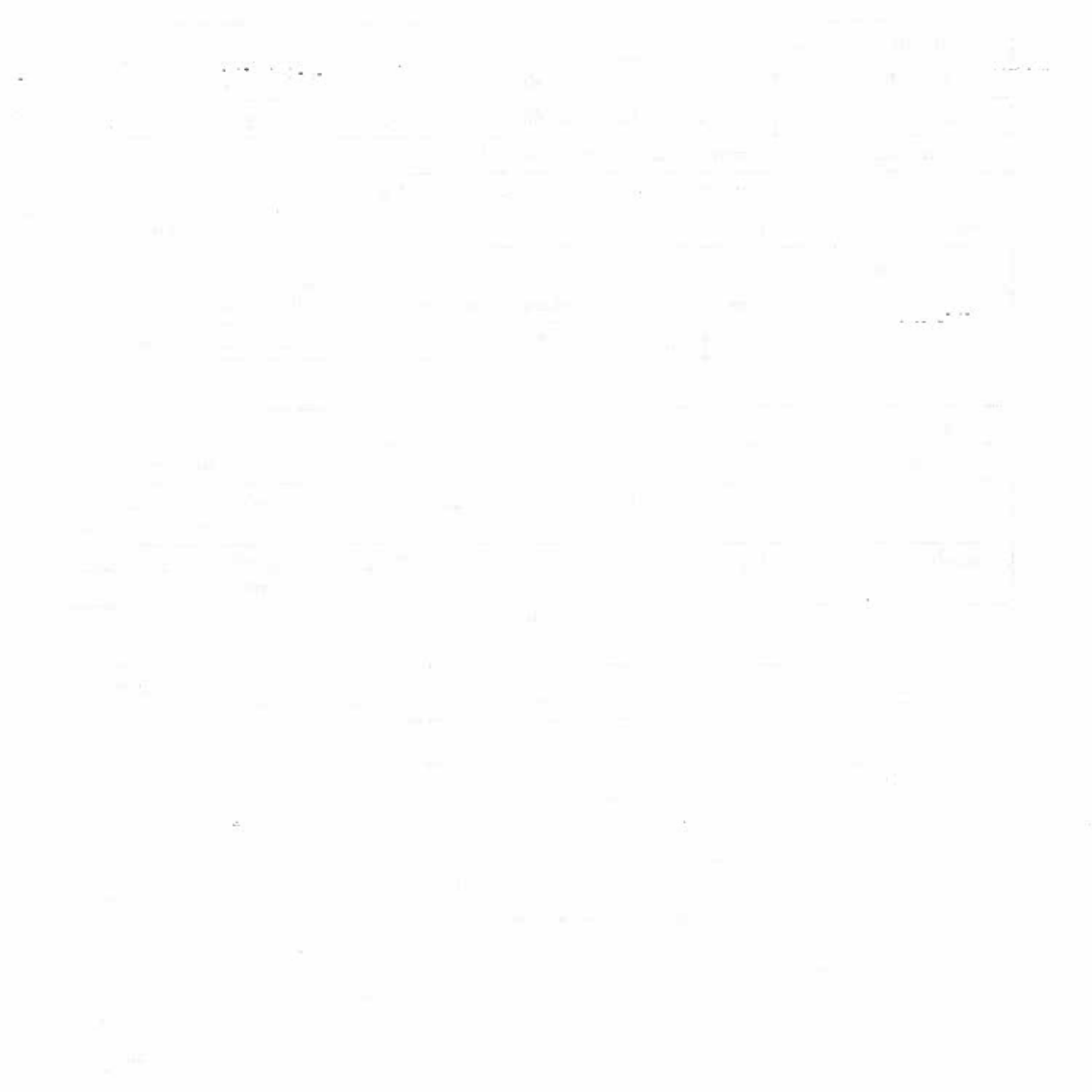
A public information meeting will be held during the public review period for this Draft EA to discuss the Proposed Action.

CONTRIBUTORS

BURLEY IRRIGATION DISTRICT		
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City of Burley



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GLOSSARY — ABBREVIATIONS, ACRONYMS, AND AGENCIES

TERM	MEANING
BIA	Bureau of Indian Affairs of the U.S. Department of the Interior
CCC	Civilian Conservation Corp, 1930's Depression-era public works program
CFR	Code of Federal Regulations
cfs	cubic feet per second, a measure of the flow of water
Ch.	chapter, when referring to Federal laws and statutes
EA	Environmental Assessment, as described by <i>NEPA</i>
EIS	Environmental Impact Statement, as described by <i>NEPA</i>
EPA	U.S. Environmental Protection Agency
ESA	Endangered Species Act
FONSI	Finding of No Significant Impact, a <i>NEPA</i> decision document following an <i>EA</i>
<i>Foster, Foster Decree</i>	The case of <i>Twin Falls Canal Company v. Charles N. Foster, et al.</i> , (June 20, 1913 in the District Court of the Fourth Judicial District of the State of Idaho). The judicial decree determined the priority of water rights on the Snake River from the Thousand Springs area upriver to the backwaters of Lake Walcott.
FWS	Fish & Wildlife Service of the U.S. Department of the Interior
HABS	Historic American Buildings Survey
HAER	Historic American Engineering Record
hp	horse power, a measure of force
HUC	Hydrologic Unit Code, established by <i>USGS</i>
I.D.	irrigation district
IDA	Idaho Department of Agriculture
IDEQ	Idaho Division of Environmental Quality of the Idaho Department of Health & Welfare
IDFG	Idaho Department of Fish and Game
IDOC	Idaho Department of Commerce
IDWR	Idaho Department of Water Resources
listed	Formally designated as "endangered" or "threatened" by <i>FWS</i> or <i>NMFS</i> under the <i>ESA</i>
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act of 1966
NMFS	National Marine Fisheries Service of the U.S. Department of Commerce
O&M	Operation and Maintenance (of irrigation facilities)

TERM	MEANING
P.L.	Public Law (Federal)
Project	The Minidoka Project, referring to Bureau of Reclamation irrigation facilities in the upper Snake River Basin
Reclamation	Bureau of Reclamation of the U.S. Department of the Interior
RM	River mile, measured from the mouth of the Snake River
ROD	Record of Decision, <i>NEPA</i> decision document following an <i>EIS</i>
SCS	The (former) Soil Conservation Service of the U.S. Department of Agriculture; now the Natural Resources Conservation Service
Secretary	The Secretary of the U.S. Department of the Interior
SHPO	Idaho State Historic Preservation Office or Officer
Stat.	U.S. <i>Statutes at Large</i>
TCP	Traditional cultural property
Transfer Act	Public Law 105-351 (112 Stat. 3219-3221), signed by the President November 3, 1997. An act "to authorize the Secretary of the Interior to convey certain facilities of the Minidoka Project to the Burley Irrigation District, and for other purposes." Sometimes informally called "The Minidoka Project Act of 1997."
U.S.C.	United States Code
USBR	U.S. Bureau of Reclamation of the Department of the Interior
USGS	U.S. Geologic Survey of the Department of the Interior

ATTACHMENT A. PUBLIC LAW 105-351

**"AN ACT TO AUTHORIZE THE SECRETARY OF THE
INTERIOR TO CONVEY CERTAIN FACILITIES OF THE
MINIDOKA PROJECT TO THE BURLEY IRRIGATION
DISTRICT, AND FOR OTHER PURPOSES"**

128-201 WA 2007 A 111-111

THE 10 YEARS SINCE THE 2001 ELECTION ON THE
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One Hundred Fifth Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Tuesday,
the twenty-seventh day of January, one thousand nine hundred and ninety-eight*

An Act

To authorize the Secretary of the Interior to convey certain facilities of the Minidoka project to the Burley Irrigation District, and for other purposes.

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*

SECTION 1. CONVEYANCE OF FACILITIES.

(a) DEFINITIONS.—In this section:

(1) **BURLEY.**—The term "Burley" means the Burley Irrigation District, an irrigation district organized under the law of the State of Idaho.

(2) **DIVISION.**—The term "Division" means the Southside Pumping Division of the Minidoka project, Idaho.

(3) **SECRETARY.**—The term "Secretary" means the Secretary of the Interior.

(b) CONVEYANCE.—

(1) **IN GENERAL.**—The Secretary shall, without consideration or compensation except as provided in this section, convey to Burley, by quitclaim deed or patent, all right, title, and interest of the United States in and to acquired lands, easements, and rights-of-way of or in connection with the Division, together with the pumping plants, canals, drains, laterals, roads, pumps, checks, headgates, transformers, pumping plant substations, buildings, transmission lines, and other improvements or appurtenances to the land or used for the delivery of water from the headworks (but not the headworks themselves) of the Southside Canal at the Minidoka Dam and reservoir to land in Burley, including all facilities used in conjunction with the Division (including the electric transmission lines used to transmit electric power for the operation of the pumping facilities of the Division and related purposes for which the allocable construction costs have been fully repaid by Burley).

(2) **COSTS.**—The first \$80,000 in administrative costs of transfer of title and related activities shall be paid in equal shares by the United States and Burley, and any additional amount of administrative costs shall be paid by the United States.

(c) WATER RIGHTS.—

(1) **TRANSFER.**—(A) Subject to subparagraphs (B) and (C), the Secretary shall transfer to Burley, through an agreement among Burley, the Minidoka Irrigation district, and the Secretary, in accordance with and subject to the law of the State of Idaho, all natural flow, waste, seepage, return flow, and groundwater rights held in the name of the United States—

(i) for the benefit of the Minidoka Project or specifically for the Burley Irrigation District;

(ii) that are for use on lands within the Burley Irrigation District; and

(iii) which are set forth in contracts between the United States and Burley or in the decree of June 20, 1913 of the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Twin Falls, in the case of Twin Falls Canal Company v. Charles N. Foster, et al., and commonly referred to as the "Foster decree".

(B) Any rights that are presently held for the benefit of lands within both the Minidoka Irrigation District and the Burley Irrigation District shall be allotted in such manner so as to neither enlarge nor diminish the respective rights of either district in such water rights as described in contracts between Burley and the United States.

(C) The transfer of water rights in accordance with this paragraph shall not impair the integrated operation of the Minidoka Project, affect any other adjudicated rights, or result in any adverse impact on any other project water user.

(2) ALLOCATION OF STORAGE SPACE.—The Secretary shall provide an allocation to Burley of storage space in Minidoka Reservoir, American Falls Reservoir, and Palisades Reservoir, as described in Burley Contract Nos. 14-06-100-2455 and 14-06-W-48, subject to the obligation of Burley to continue to assume and satisfy its allocable costs of operation and maintenance associated with the storage facilities operated by the Bureau of Reclamation.

(d) PROJECT RESERVED POWER.—The Secretary shall continue to provide Burley with project reserved power from the Minidoka Reclamation Power Plant, Palisades Reclamation Power Plant, Black Canyon Reclamation Power Plant, and Anderson Ranch Reclamation Power Plant in accordance with the terms of the existing contracts, including any renewals thereof as provided in such contracts.

(e) SAVINGS.—

(1) Nothing in this Act or any transfer pursuant thereto shall affect the right of Minidoka Irrigation District to the joint use of the gravity portion of the Southside Canal, subject to compliance by the Minidoka Irrigation District with the terms and conditions of a contract between Burley and Minidoka Irrigation District, and any amendments or changes made by agreement of the irrigation districts.

(2) Nothing in this Act shall affect the rights of any person or entity except as may be specifically provided herein.

(f) LIABILITY.—Effective on the date of conveyance of the project facilities, described in section (1)(b)(1), the United States shall not be held liable by any court for damages of any kind arising out of any act, omission, or occurrence relating to the conveyed facilities, except for damages caused by acts of negligence committed by the United States or by its employees, agents, or contractors prior to the date of conveyance. Nothing in this section shall be deemed to increase the liability of the United States beyond that currently provided in the Federal Tort Claims Act (28 U.S.C. 2671 et seq.).

(g) COMPLETION OF CONVEYANCE.—

S. 538—3

(1) **IN GENERAL.**—The Secretary shall complete the conveyance under subsection (b) (including such action as may be required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)) not later than 2 years after the date of enactment of this Act.

(2) **REPORT.**—The Secretary shall provide a report to the Committee on Resources of the United States House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate within eighteen months from the date of enactment of this Act on the status of the transfer, any obstacles to completion of the transfer as provided in this section, and the anticipated date for such transfer.

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*

ATTACHMENT B

**BURLEY IRRIGATION DISTRICT LETTER INVITING
INTERESTED PARTIES TO AN INFORMATION BRIEFING
ABOUT THE TRANSFER OF TITLE (JULY 1997)**

BURLEY IRRIGATION DISTRICT
246 E 100 S
BURLEY, IDAHO 83318

July 21, 1997

Dear Sherl,

You are cordially invited to attend an informational ~~briefing~~ briefing. Burley Irrigation District is in the process of requesting title transfer to the irrigation facilities it is presently operating. The District is holding an informational and input meeting Aug. 6 from 2:00 - 4:00 p.m., at Prices Cafe, 2444 Overland Ave. Burley, Idaho.

Burley Irrigation District is a duly-organized district under the laws of the State of Idaho, and has operated and maintained the Southside Division of the Minidoka Project since 1926. This is a reclamation project originally constructed by the Bureau of Reclamation. Burley Irrigation District has paid all construction charges due to the United States and now seeks to obtain congressional approval for the transfer of legal title to the distribution system that has been under the control, operation and maintenance of the irrigation district since 1926.

You are invited to attend a public meeting being called by Burley Irrigation District for the purposes of discussing any environmental issues that any party may feel would be affected by the proposed legislation of Burley Irrigation District. We would urge that you or a representative from your office attend this meeting. Burley Irrigation District is interested in discussing at this meeting environmental concerns that may be identified.

The meeting will include:

A brief history of the construction and operation of the facilities.

A brief overview of the desired request.

A brief discussion of the existing legislation.

Input on what needs to be done to move forward.

We have included a copy of the existing legislation, an overview of the desired request.

Your attendance would be appreciated.

Thank you,

Burley Irrigation District
Board of Directors

ATTACHMENT C

CONSULTATION WITH U.S. FISH & WILDLIFE SERVICE

☐ **LETTER FROM FWS TO RECLAMATION
REGARDING ENDANGERED SPECIES (APRIL 1999)**

☐ **LETTER TO FWS FROM RECLAMATION
REGARDING AN ANALYSIS OF "NO AFFECT" ON
ENDANGERED SPECIES (DECEMBER 1999)**

ATTACHMENT C

CONSULTATION WITH U.S. EPA & WILDLIFE SERVICE

It is noted that the proposed project is located within the jurisdiction of the U.S. EPA and the U.S. Wildlife Service. The project is located within the jurisdiction of the U.S. EPA and the U.S. Wildlife Service.

It is noted that the proposed project is located within the jurisdiction of the U.S. EPA and the U.S. Wildlife Service. The project is located within the jurisdiction of the U.S. EPA and the U.S. Wildlife Service.

ENCLOSURE

LISTED AND PROPOSED ENDANGERED AND THREATENED
SPECIES, AND CANDIDATE SPECIES THAT MAY OCCUR
WITHIN THE AREA OF THE BURLEY IRRIGATION DISTRICT TRANSFER OF TITLE
PROJECT
FWS-1-4-99-SP-179

LISTED SPECIES

COMMENTS

Gray wolf (LE;XN)
(*Canis lupus*)

Bald eagle (LT)
(*Haliaeetus leucocephalus*)

Wintering area

Utah valvata snail (LE)
(*Valvata utahensis*)

Snake River physa snail (LE)
(*Physa natricina*)

Bliss Rapids snail (LT)
(*Taylorconcha serpenticola*)

PROPOSED SPECIES

Lynx (PT)
(*Lynx canadensis*)

CANDIDATE SPECIES

None

The Fish and Wildlife Service has concerns about the following plants and animals. Although these species have no status under the Endangered Species Act, we are concerned about their population status, and threats to their long-term viability. In context with ecosystem-level management, we suggest that you consider these species and their habitats in project planning and review.

Pygmy rabbit
(*Brachylagus idahoensis*)

Townsend's big-eared bat
(*Plecotus townsendii*)

Western small-footed myotis
(*Myotis ciliolabrum*)

Western burrowing owl
(*Speotyto cunicularia hypugaea*)

Ferruginous hawk
(*Buteo regalis*)

Long-billed curlew
(*Numenius americanus*)

Trumpeter swan
(*Cygnus buccinator*)

Idaho dunes tiger beetle
(*Cicindela arenicola*)

GENERAL COMMENTS

GRAY WOLF (*Canis lupus*) -- Since the translocation of wolves from Canada, the population in Idaho south of Interstate Highway 90 is considered "experimental, non-essential" under Section 10(j) of the Endangered Species Act. Under these circumstances, Federal action agencies are required to confer with the Service if their actions are likely to jeopardize the continued existence of gray wolves (see 50 CFR 17.83). Of course, you may opt to confer with the Service regardless of your determination.



United States Department of the Interior

BUREAU OF RECLAMATION

Snake River Area Office
214 Broadway Avenue
Boise, Idaho 83702-7298



IN REPLY
REFER TO:

December 23, 1999

SRA-1000

Mr. Bob Ruesink
State Supervisor
U.S. Fish and Wildlife Service
13875 Vinnell Way - Room 368
Boise, ID 83709

Subject: Transfer of Title to Burley Irrigation District pursuant to Public Law 105-351
(Act of November 3, 1998)

Dear Mr. Ruesink:

This letter is to document the Bureau of Reclamation's (Reclamation) finding of no effect under Section 7 of the Endangered Species Act (ESA), of a proposed transfer of title to Minidoka Project irrigation distribution facilities (diversion works, canals, laterals, and associated features) and natural flow water rights to the Burley Irrigation District (BID). Reclamation makes this determination after a careful reading of the ESA and the implementing regulations, Public Law 105-351, which direct the transfer, and the transfer documents which the Burley Irrigation District has accepted. We desire that you and your staff be fully aware of Reclamation's reasoning in arriving at this determination, and would be pleased to meet and discuss this issue in greater detail at your convenience.

The endangered species list that your office provided to us under Sec 7 of ESA is for a large geographic area that includes Burley I.D. lands. Terrestrial species on the list consisted of the gray wolf and bald eagle. The aquatic species included the Utah valvata snail, Snake River physa, and the Bliss rapids snail.

Given that the proposed action in this instance is a change in the title ownership to water rights and facilities, it is difficult to detect any "direct effects" on listed species. Quite simply, any effect on listed species would only occur, if at all, through future actions by BID or others. In this respect, Reclamation is mindful that ESA Section 7 consultation requires a thorough consideration of not only the direct effects of any proposed action on listed species, but also the indirect effects of future actions caused by, or resulting from the proposed action, and which are "reasonably certain to occur." Likewise, any discussion of "cumulative effects" of future private or State actions in the action area is logically limited to actions "reasonably certain to occur." As stated in the Preamble to the Consultation Regulations, the "reasonably certain to occur"

standard requires more than "a mere possibility that the action may proceed."¹ For the reasons stated below, Reclamation concludes that the only "reasonably certain to occur" future activities involving the transferred water rights and facilities is a continuation of historic irrigation practices to irrigate some 48,000 acres of land within the Burley Irrigation District. These activities are addressed in Reclamation's Biological Assessment and your recent Biological Opinion on the operation and maintenance activities in the Snake River basin upstream of Lower Granite Reservoir, and accompanying operations descriptions.

Pub. L. No. 105-351 provides in subsections 1(c)(1)(B) and 1(c)(1)(C):

(B) Any rights that are presently held for the benefit of lands within both the Minidoka Irrigation District and the Burley Irrigation District shall be allotted in such manner as to neither enlarge nor diminish the respective rights of either district in such water rights as described in contracts between Burley and the United States.

(C) The transfer of water rights in accordance with this paragraph shall not impair the integrated operations of the Minidoka Project, affect any other adjudicated rights, or result in any adverse impact on any other project water user.

The clearest indication of the Burley Irrigation District's expectations for the future use of the project facilities and water rights subject to transfer are statements made directly by District representatives. Burley Irrigation District Manager Randy Bingham, in testimony on the Bill before the Senate Committee on Energy and Natural Resources, addressed BID's intended future use of the water associated with the natural flow rights to be transferred:

"We respectfully submit that the transfer of title to the distribution facilities that have been operated and maintained by the irrigation district since 1926 should create no impact in regard to the National Environmental Policy Act of 1969. These are single-purpose facilities; the title transfer will not result in significant changes in the operation and maintenance of the facilities or lands transferred, or land and water use in the foreseeable future. . ."

". . . The operation and maintenance to the facilities will not change, as the irrigation district, by state law, holds the water rights for the benefit of the lands of the district, and it has a legal obligation to distribute the water equitably to the lands of the district. There are no public aspects of the project or facilities except the obligation to deliver water for the irrigation of lands within the district. . ."

In BID attorney Roger Ling's March 1, 1999 letter to you, he articulates his view of the future use of the facilities and water rights:

¹Preamble to Final Consultation Regulations, 51 Fed. Reg. 19926, 19,933 (1986).

"... The action authorized and to be carried out by the BOR pursuant to the congressional act above referred to [P. L. 105-351] involves the execution of a deed to transfer legal title to facilities and water rights controlled, operated, and maintained by Burley for over 70 years. The purpose of the distribution system and water rights to which legal title is to be transferred will not change, as they will continue to be operated by Burley and used for the purposes set forth by law, that is, for the delivery and use of irrigation water for lands within Burley for irrigation. . ."

The Senate Committee addressed its understanding of the transfer as follows:

"... The Committee wants to emphasize that in directing a partition of the right, there is no intention to enlarge or diminish the beneficial rights of either [Burley or Minidoka] District. The Committee also does not intend that there be any effect on integrated project operations of the Minidoka Project or on any other adjudicated rights or other project water users. The Committee does not believe that the mere transfer of title should have any such effect. . ."

Section 1(c)(1)(C) of Pub. L. No. 105-351 specifies that the transfer of water rights shall be accomplished through an agreement among the United States, the Burley Irrigation District, and the Minidoka Irrigation District. Naturally, the Minidoka Irrigation District's only interest in the agreement is to protect its longstanding water use. The three parties have negotiated a water rights transfer agreement, which includes the following provision:

"The parties agree that the transfer of water rights to Burley under this agreement and the retention by the United States of a portion of said water rights for Minidoka, including any subsequent conveyance, sale, assignment, or rental of these water rights to others, shall not impair the integrated operation of the Minidoka Project, affect any other adjudicated water rights, or result in any adverse impact on any other Project water user.

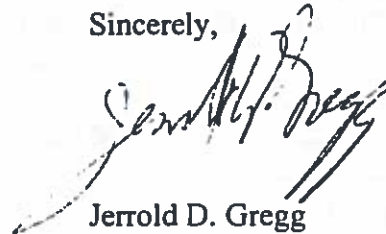
Finally, we note that any future attempt by BID to change the point of diversion, place of use, period of use, or nature of use of the water rights conveyed to it by Reclamation would require BID to comply with Idaho law governing such water right transfers. For example, IDAHO CODE § 42-108 allows water right changes only if other water rights are not injured by the proposed change. Likewise, IDAHO CODE § 42-222 further limits water right changes by requiring that all of the following criteria be established as a prerequisite to state approval of the proposed change:

- 1) the change does not constitute an enlargement in use of the original right,
- 2) the change is consistent with the conservation of water resource within the state of Idaho,
- 3) the change is in the local public interest, and
- 4) the new use is a beneficial use of water.

We would observe that it is possible to *imagine* uses that BID *could* make of the facilities and water rights subject to transfer that are different from historic practices. However, such uses do not rise to the standard of "reasonably certain to occur," because they are contrary to longstanding practice, the self interests of the BID landowners, and the intentions clearly stated by the BID manager and attorney, and are highly unlikely to occur given the above cited limitations imposed by Pub. L. No. 105-351 and the water rights transfer agreement. Throughout the transfer process, BID representatives have consistently maintained that they have only one intention, to continue to irrigate lands within the district. There is nothing in the transfer legislation or the water rights transfer agreement that would lead to any other conclusion. The only actions reasonably certain to occur as a result of the transfer is the continued irrigation of lands within the Burley Irrigation District.

We would be pleased to meet at any convenient time to discuss this matter and address any questions contact Dick Bauman, at (307) 739-8765, if you desire a meeting.

Sincerely,



Jerrold D. Gregg
Area Manager

Enclosures:

Water Rights Transfer Agreement
Committee Report
P.L. 105-351
Statement of Manager Randy Bingham
March 1, 1999 letter to Will Stelle from Roger Ling
Draft Environmental Assessment

cc: Mr. Gayle Richins, Chairman, Burley Irrigation District, 246 E 100 S, Burley ID 83318
Mr. Roger D. Ling, Attorney, Burley Irrigation District, Ling, Nielsen, & Robinson, PO
Box 396, Rupert ID 83350

ATTACHMENT D

CONSULTATION WITH NATIONAL MARINE FISHERIES SERVICE

☐ **LETTER FROM NMFS TO RECLAMATION
REGARDING ENDANGERED SPECIES (*OCTOBER 1999*)**

☐ **LETTER TO NMFS FROM RECLAMATION
REGARDING AN ANALYSIS OF "NO AFFECT" ON
ENDANGERED SPECIES (*DECEMBER 1999*)**

ATTACHMENT D

COORDINATION WITH

NATIONAL GUARDIAN FISHBONE SERVICE

TO: [REDACTED] FROM: [REDACTED]

RE: [REDACTED] (CASE NO. [REDACTED])

TO: [REDACTED] FROM: [REDACTED]

RE: [REDACTED] (CASE NO. [REDACTED])

DATE: [REDACTED] (DATE) (TIME) (LOCATION)



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
525 NE Oregon Street
PORTLAND, OREGON 97232-2737

F/NWR5

Mr. Steven L. Brawley, Deputy Area Manager
Bureau of Reclamation
Snake River Area Office
1359 Hansen Avenue
Burley, Idaho 83318-1821

Re: Transfer of Title to the Burley Irrigation District

Dear Mr. Brawley:

The National Marine Fisheries Service (NMFS) has received your March 26, 1999, request for a current list of threatened, endangered, and proposed species under the Endangered Species Act (ESA). In particular, your request addresses those species that may be affected by the transfer of title as directed by Public Law 105-351 of all facilities and natural flow, waste, seepage, return flow, and ground water, but not reservoir storage associated with the south Side Pumping Division, Minidoka Project to the Burley Irrigation District (BID).

We have enclosed a list of anadromous fish species that are listed under the Endangered Species Act, those that are proposed for listing, and those that are candidates for listing. The list includes only anadromous species under NMFS jurisdiction found within the Columbia Basin.

If you have any further questions, please contact Eric Ostrovsky of my staff at (503)231-2338.

Sincerely,

Brian J. Brown
Assistant Regional Administrator
Hydro Division

Enclosure

cc: Dick Bauman
Randy Bingham



**ENDANGERED, THREATENED, PROPOSED AND CANDIDATE SPECIES
UNDER THE NATIONAL MARINE FISHERIES SERVICE JURISDICTION
THAT OCCUR IN THE COLUMBIA RIVER BASIN**

Listed Species

Snake River Sockeye Salmon	<i>Oncorhynchus nerka</i>
Snake River Fall Chinook Salmon	<i>Oncorhynchus tshawytscha</i>
Snake River Spring/Summer Chinook Salmon	<i>Oncorhynchus tshawytscha</i>
Lower Columbia River Chinook Salmon	<i>Oncorhynchus tshawytscha</i>
Upper Willamette River Chinook Salmon	<i>Oncorhynchus tshawytscha</i>
Upper Columbia River Spring-run Chinook Salmon	<i>Oncorhynchus tshawytscha</i>
Columbia River Chum Salmon	<i>Oncorhynchus keta</i>
Upper Columbia River Steelhead	<i>Oncorhynchus mykiss</i>
Snake River Basin Steelhead	<i>Oncorhynchus mykiss</i>
Lower Columbia River Steelhead	<i>Oncorhynchus mykiss</i>
Upper Willamette Steelhead	<i>Oncorhynchus mykiss</i>
Middle Columbia River Steelhead	<i>Oncorhynchus mykiss</i>

Candidate Species

Lower Columbia River/Southwest Washington Coho Salmon	<i>Oncorhynchus kisutch</i>
--	------------------------------------



United States Department of the Interior



BUREAU OF RECLAMATION

Snake River Area Office
214 Broadway Avenue
Boise, Idaho 83702-7298

IN REPLY
REFER TO:

December 23, 1999

PN-3200
LND-5.00

Mr. Brian Brown
Assistant Regional Administrator for Hydro
National Marine Fisheries Service
525 NE Oregon St. Suite 500
Portland OR 97232

Subject: Transfer of Title to Burley Irrigation District pursuant to Public Law 105-351
(Act of November 3, 1998)

Brian
Dear Mr. Brown:

This letter is to document the Bureau of Reclamation's (Reclamation) finding of no effect under Section 7 of the Endangered Species Act (ESA), of a proposed transfer of title to Minidoka Project irrigation distribution facilities (diversion works, canals, laterals, and associated features) and natural flow water rights to the Burley Irrigation District (BID). Reclamation makes this determination after a careful reading of the ESA and the implementing regulations, Public Law 105-351, which direct the transfer, and the transfer documents which BID has accepted. We desire that you and your staff be fully aware of Reclamation's reasoning in arriving at this determination, and would be pleased to meet and discuss this issue in greater detail at your convenience.

In a letter from Mr. Will Stelle to Acting Regional Director Steve Clark on January 7, 1998, NMFS requested involvement in the transfer process. Commissioner of Reclamation Eluid Martinez responded on February 16, 1999, and advised that Reclamation would apprise NMFS of its findings in association with its compliance activities under the National Environmental Policy Act, and provide opportunity for NMFS input.

Given that the proposed action in this instance is a change in the title ownership to water rights and facilities, it is difficult to detect any "direct effects" on listed species. Quite simply, any effect on listed species would only occur, if at all, through future actions by BID or others. In this respect, Reclamation is mindful that ESA Section 7 consultation requires a thorough consideration of not only the direct effects of any proposed action on listed species, but also the indirect effects of future actions caused by, or resulting from the proposed action, and which are

"reasonably certain to occur." Likewise, any discussion of "cumulative effects" of future private or State actions in the action area is logically limited to actions "reasonably certain to occur." As stated in the Preamble to the Consultation Regulations, the "reasonably certain to occur" standard requires more than "a mere possibility that the action may proceed."¹ For the reasons stated below, Reclamation concludes that the only "reasonably certain to occur" future activities involving the transferred water rights and facilities is a continuation of historic irrigation practices to irrigate some 48,000 acres of land within the Burley Irrigation District. These activities are addressed in Reclamation's Biological Assessment on Water Management Operations in the Snake River Basin Above Lower Granite Reservoir, and accompanying operations descriptions.

Pub. L. No. 105-351 provides in subsections 1(c)(1)(B) and 1(c)(1)(C):

(B) Any rights that are presently held for the benefit of lands within both the Minidoka Irrigation District and the Burley Irrigation District shall be allotted in such a manner as to neither enlarge nor diminish the respective rights of either district in such water rights as described in contracts between Burley and the United States.

(C) The transfer of water rights in accordance with this paragraph shall not impair the integrated operations of the Minidoka Project, affect any other adjudicated rights, or result in any adverse impact on any other project water user.

The clearest indication of the Burley Irrigation District's expectations for the future use of the project facilities and water rights subject to transfer are statements made directly by District representatives. Burley Irrigation District Manager Randy Bingham, in testimony on the Bill before the Senate Committee on Energy and Natural Resources, addressed BID's intended future use of the water associated with the natural flow rights to be transferred:

"We respectfully submit that the transfer of title to the distribution facilities that have been operated and maintained by the irrigation district since 1926 should create no impact in regard to the National Environmental Policy Act of 1969. These are single-purpose facilities; the title transfer will not result in significant changes in the operation and maintenance of the facilities or lands transferred, or land and water use in the foreseeable future. . ."

". . . The operation and maintenance to the facilities will not change, as the irrigation district, by state law, holds the water rights for the benefit of the lands of the district, and it has a legal obligation to distribute the water equitably to the lands of the district. There are no public aspects of the project or facilities except the obligation to deliver water for the irrigation of lands within the district. . ."

¹Preamble to Final Consultation Regulations, 51 Fed. Reg. 19926, 19,933 (1986).

In BID attorney Roger Ling's March 1, 1999 letter to you, he articulates his view of the future use of the facilities and water rights:

"... The action authorized and to be carried out by the BOR pursuant to the congressional act above referred to [P. L. 105-351] involves the execution of a deed to transfer legal title to facilities and water rights controlled, operated, and maintained by Burley for over 70 years. The purpose of the distribution system and water rights to which legal title is to be transferred will not change, as they will continue to be operated by Burley and used for the purposes set forth by law, that is, for the delivery and use of irrigation water for lands within Burley for irrigation... ."

The Senate Committee addressed its understanding of the transfer as follows:

"... The Committee wants to emphasize that in directing a partition of the right, there is no intention to enlarge or diminish the beneficial rights of either [Burley or Minidoka] District. The Committee also does not intend that there be any effect on integrated project operations of the Minidoka Project or on any other adjudicated rights or other project water users. The Committee does not believe that the mere transfer of title should have any such effect. . ."

Section 1(c)(1)(C) of Pub. L. No. 105-351 specifies that the transfer of water rights shall be accomplished through an agreement among the United States, the Burley Irrigation District, and the Minidoka Irrigation District. Naturally, the Minidoka Irrigation District's only interest in the agreement is to protect its longstanding water use. The three parties have negotiated a water rights transfer agreement, which includes the following provision:

"The parties agree that the transfer of water rights to Burley under this agreement and the retention by the United States of a portion of said water rights for Minidoka, including any subsequent conveyance, sale, assignment, or rental of these water rights to others, shall not impair the integrated operation of the Minidoka Project, affect any other adjudicated water rights, or result in any adverse impact on any other Project water user."

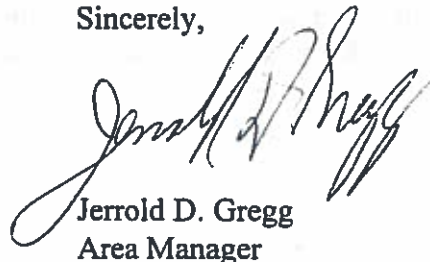
Finally, we note that any future attempt by BID to change the point of diversion, place of use, period of use, or nature of use of the water rights conveyed to it by Reclamation would require BID to comply with Idaho law governing such water right transfers. For example, IDAHO CODE § 42-108 allows water right changes only if other water rights are not injured by the proposed change. Likewise, IDAHO CODE § 42-222 further limits water right changes by requiring that all of the following criteria be established as a prerequisite to state approval of the proposed change:

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- 3) the change is in the local public interest, and
- 4) the new use is a beneficial use of water.

We would observe that it is possible to *imagine* uses that BID *could* make of the facilities and water rights subject to transfer that are different from historic practices. However, such uses do not rise to the standard of "reasonably certain to occur," because they are contrary to longstanding practice, the self interests of the BID landowners, and the intentions clearly stated by the BID manager and attorney, and are highly unlikely to occur given the above cited limitations imposed by Pub. L. No. 105-351 and the water rights transfer agreement. Throughout the transfer process, BID representatives have consistently maintained that they have only one intention, to continue to irrigate lands within the district. There is nothing in the transfer legislation or the water rights transfer agreement that would lead to any other conclusion. The only actions reasonably certain to occur as a result of the transfer is the continued irrigation of lands within the BID.

We would be pleased to meet at any convenient time to discuss this matter and address any questions you may have, in keeping with Commissioner Martinez' February 16, 1999 letter. Please contact Dick Bauman, at (307) 739-8765, if you desire a meeting.

Sincerely,



Jerrold D. Gregg
Area Manager

Enclosures

Water Rights Transfer Agreement
Committee Report
Pub. L. No. 105-351
Statement of Manager Randy Bingham
March 1, 1999 letter to Will Stelle from Roger Ling
Draft Environmental Assessment

cc: Mr. Will Stelle
Regional Director
National Marine Fisheries Service
Bin C 15700
7600 Sand Point Way, N.E.
Seattle WA 98115

Mr. Gayle Richins
Chairman
Burley Irrigation District
246 E 100 S
Burley ID 83318

Mr. Roger D. Ling
Attorney
Burley Irrigation District
Ling, Nielsen, & Robinson
PO Box 396
Rupert ID 83350
(w/enclosures to each)



Figure 1 is a line graph showing the number of cases of COVID-19 in the United States from March 2020 to March 2021. The y-axis is labeled "Number of cases" and ranges from 0 to 100,000,000. The x-axis is labeled "Date" and shows months from March 2020 to March 2021. The graph shows a sharp increase in cases starting in March 2020, peaking in May 2020 at approximately 100,000,000 cases, followed by a decline and then a second, larger peak in March 2021 at approximately 100,000,000 cases.

2000 年 12 月 15 日

1. *Journal of the American Medical Association*, 1997; 277: 1039-1043.

ATTACHMENT E

**PROPOSED NEGOTIATED AGREEMENT REGARDING
TRANSFER OF WATER RIGHTS
BY AND BETWEEN
THE UNITED STATES OF AMERICA AND
BURLEY IRRIGATION DISTRICT AND
WITH THE CONCURRENCE OF
MINIDOKA IRRIGATION DISTRICT**

ATTACHMENT E

FROM THE ATTORNEY GENERAL'S OFFICE

TO THE ATTORNEY GENERAL

RE: [Illegible]

THE [Illegible] OF THE [Illegible]

IN THE [Illegible] DISTRICT

AND THE [Illegible] OF THE [Illegible]

IN THE [Illegible] DISTRICT

[Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

THE BURLEY WATER RIGHTS TRANSFER AGREEMENT

BY AND BETWEEN

**THE UNITED STATES OF AMERICA AND
BURLEY IRRIGATION DISTRICT AND WITH THE CONCURRENCE
OF MINIDOKA IRRIGATION DISTRICT**



THE UNIVERSITY OF CHICAGO

PHYSICS DEPARTMENT

PHYSICS DEPARTMENT

PHYSICS DEPARTMENT

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THE BURLEY WATER RIGHTS TRANSFER AGREEMENT

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ATTACHMENTS

**UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
CONTRACT & WATER CONVEYANCE AGREEMENT
BETWEEN THE UNITED STATES OF AMERICA AND
BURLEY IRRIGATION DISTRICT AND WITH THE CONCURRENCE
OF MINIDOKA IRRIGATION DISTRICT**

TITLE

The articles of this contract collectively comprise, and may be cited as "the Burley Water Rights Transfer Agreement."

PURPOSE

The purpose of this contract and agreement is to effectuate the transfer of water rights as provided by the Minidoka Project Act of 1997, Public Law 105-351.

PARTIES & AUTHORITIES

THIS CONTRACT, made under the provisions of the Act of June 17, 1902 (32 Stat. 388) and Acts amendatory thereof and supplementary thereto, together hereinafter called the "Federal Reclamation Laws," and the provisions of Public Law 105-351 entitled "The Minidoka Project Act of 1997," by and between THE UNITED STATES OF AMERICA, hereinafter called "The United States," acting through the Secretary of the Interior, and the BURLEY IRRIGATION DISTRICT, hereinafter called "Burley," and the MINIDOKA IRRIGATION DISTRICT, hereinafter called "Minidoka," both of which are irrigation districts organized and existing under the laws of the State of Idaho and having their principal place of business at Burley and Rupert, Idaho, respectively.

DEFINITIONS

The following terms, whenever used in this contract, shall have the respective meanings:

"Basis of Right" refers to the legal authority pursuant to which the water right is established.

"Boundary" means the perimeter of the area within which an irrigation district may, under the laws of the State of Idaho, deliver water for the irrigation of district lands.

"Bureau of Reclamation" means the Pacific Northwest Region of the Bureau of Reclamation, an agency of the Department of the Interior.

"Irrigation use" means the application of water to the surface or root zone of the soil for the purpose of producing crops, lawns or landscaping of that land.

"Minidoka Reservoir" means Lake Walcott.

"Nature of use" means the particular application of beneficial use to which a water right may be used.

"Place of use" means the location where the water is used.

"Point of diversion" or POD means any location at which water is diverted from the water system.

"Priority date" means the priority date assigned to the water right.

"Purpose of use" means the nature of use of the water right.

"Quantity" means the volume or rate of diversion of water attributable to the water right.

"Secretary" means Secretary of the Department of the Interior or his duly authorized representative.

"Season of use" means the time period in which a water right may be used.

"Snake River Basin Adjudication" or SRBA means Civil Case No. 39576 filed in the Fifth Judicial District Court of the State of Idaho in and for Twin Falls County on June 17, 1987 entitled In Re the General Adjudication of Rights to the Use of Water from the Snake River Basin Water System.

"Storage rights" means water rights obtained under state law and held by The United States to store water, a portion of which is allocated to Burley to irrigate land within its boundaries as provided by Contracts 14-06-100-2455 and 14-06-W-48 of The United States as amended and supplemented.

"Transfer" means any change in a point of diversion, place of use, period of use or purpose of use for a water right.

"Water System" means all rivers, streams, lakes, springs, groundwater or other water sources within the Snake River Basin.

PREAMBLE

The United States under the Federal Reclamation Laws, has heretofore constructed the Minidoka Project including the Southside Pumping Division which serves the lands of Burley and the Gravity Division which serves the lands of Minidoka, all in the State of Idaho; and

The United States has acquired certain rights to water from the State of Idaho which are held by The United States for beneficial use on lands within the Southside Pumping Division and the Gravity Division of said Minidoka Project for the benefit of lands within Burley and Minidoka; and

The Minidoka Project Act of 1997 directs the Secretary of the Interior to convey to Burley for use on lands within Burley, through an agreement among Burley, Minidoka, and the Secretary, and in accordance with and subject to the law of the State of Idaho, all natural flow, waste, seepage, return flow, and ground water rights held in the name of The United States for the benefit of the Minidoka Project, or specifically for Burley, rights that are for use on lands within Burley, which are set forth in contracts between The United States and Burley or in the decree of June 20, 1913 of the District Court for the Fourth Judicial District of the State of Idaho, in and for the County of Twin Falls, commonly referred to as the Foster Decree; and

The Minidoka Project Act of 1997 directs that any project water rights (non-storage) that are presently held for the benefit of lands within both Minidoka and Burley shall be allotted in such manner to neither enlarge nor diminish the respective rights as described in the aforementioned contracts and decree; and

The Minidoka Project Act of 1997 also requires that this conveyance of water rights not impair the integrated operation of the Minidoka Project, affect any other adjudicated rights or result in any adverse impact on any other project water user; and

The Secretary of the Interior is also directed by the Minidoka Project Act of 1997 to allocate storage space to Burley from Minidoka Reservoir, American Falls Reservoir and Palisades Reservoir as described in The United States' Reclamation Contracts No. 14-06-100-2455 and 14-06-W-48 subject to the obligation of Burley to continue to assume and satisfy its allocable costs of operation and maintenance associated with the storage facilities operated by the Bureau of Reclamation; and

Burley contemplates the continued irrigation of 48,000 acres of land within the boundary of the Burley Irrigation District after title transfer both with the natural flow and storage water rights; and

It is the intention of the parties to this contract to carry out the terms and intent of the Minidoka Project Act of 1997.

TERMS OF AGREEMENT

NOW, THEREFORE, in consideration of the mutual and dependent covenants herein stated and in accordance with state and federal law, it is hereby agreed between the parties hereto as follows:

Article 1. CONVEYANCE OF WATER RIGHTS TO BURLEY

The United States conveys to Burley the following water rights described herein, portions of water rights and claims to water rights described herein, and all subject to the conditions agreed to by the parties as provided in this Agreement.

Article 2. WATER RIGHTS NOT ENLARGED OR DIMINISHED

The parties agree that the conveyance of the water rights and claims are not intended to either enlarge or diminish the respective rights of Burley or Minidoka described in contracts between Burley and The United States and Minidoka and The United States.

Article 3. TRANSFER NOT TO IMPAIR OPERATIONS

The parties agree that the transfer of water rights to Burley under this agreement and the retention by the United States of a portion of said water rights for Minidoka, including any subsequent conveyance, sale, assignment, or rental of these water rights to others, shall not impair the integrated operation of the Minidoka Project, affect any other adjudicated water rights, or result in any adverse impact on any other Project water user.

Article 4. NO WARRANTY

The United States does not warrant that there are no senior water rights or claims senior to the water rights being conveyed under this Agreement.

Article 5. WATER RIGHTS AND WATER RIGHT CLAIMS CONVEYED

A. Natural Flow Water Rights.

1. Water Right No. A01-00211

This natural flow water right held by The United States has a priority date of March 26, 1903, for the diversion of 1,726 cfs from the Snake River for the irrigation of lands within the Minidoka

Project, under the canals of the Minidoka Project in Minidoka and Cassia Counties, Idaho.¹ The United States conveys a portion of this right to Burley (hereafter A01-00211B) and retains a portion of the right for Minidoka (hereafter A01-00211A) to be used as provided by contract with The United States.

a. The water right conveyed to Burley, Right No. A01-00211B, is defined with the following elements:

Source is the Snake River.

Priority Date is March 26, 1903.

Quantity is for the diversion of a maximum of 1200 cfs from the Snake River. Burley, Minidoka and the United States will continue to negotiate flexible operational deliveries during each irrigation season to maximize efficient and shared operations. In the event Burley and the Secretary of the Interior on behalf of Minidoka do not agree on a distribution of water that the districts are collectively entitled to under rights A01-00211B and A01-00211A, for whatsoever reason, the water will be divided proportionately with Burley entitled to the delivery of water equivalent to thirty-eight percent (38%) and Minidoka entitled to the delivery of sixty-two percent (62%) of the total water available under said rights up to a maximum of 1726 cfs.²

Season of Use is a period each year beginning April 1 and ending October 31 of that year.

Nature of Use is for irrigation.

Place of Use is 48,000 acres within the boundary of Burley.

Points of Diversion are

Township 9 South, Range 25 East of the Boise Meridian, Cassia County, Idaho
Section 1: SWSESW

Township 10 South, Range 22 East of the Boise Meridian, Cassia County, Idaho
Section 19: SWSW, SESE
Section 22: SENE
Section 23: NWSW

¹ This natural flow water right was established by decree of the Fourth Judicial District of Idaho on June 20, 1913 in the case of Twin Falls Canal Co. v. Charles N. Foster as Right No. 3 of the United States at p. 31.

² This percentage division of water rights is in accordance with the Repayment Contract between the United States and Burley, No. 14-06-100-2455, dated June 6, 1962.

Township 10 South, Range 23 East of the Boise Meridian, Cassia County, Idaho
Section 19: NENE
Section 21: NENE
Section 22: SWSW

Township 10 South, Range 24 East of the Boise Meridian, Cassia County, Idaho
Section 30: SESE

b. The right retained by The United States for the benefit of Minidoka,

A01-00211A, pursuant to contract 14-06-100-1833 shall be defined with the following elements:

Source is the Snake River.

Priority Date is March 26, 1903.

Quantity is for the diversion of water under both this right held by The United States for Minidoka and Right No. A01-00211B held by Burley and shall not exceed 1,726 cfs. In the event Burley and the Secretary of the Interior on behalf of Minidoka do not agree on a distribution of water that the districts are collectively entitled to under rights A01-00211A and A01-00211B, for whatsoever reason, the water will be divided proportionately with Burley entitled to the delivery of water equivalent to thirty-eight percent (38%) and Minidoka entitled to the delivery of sixty-two percent (62%) of the total water available under said rights up to a maximum of 1726 cfs.³

Season of Use is a period each year beginning April 1 and ending October 31 of that year.

Nature of Use is for irrigation of acreage as provided by contract with The United States.

Place of Use is within the boundary of Minidoka for acres as provided by contract with The United States.

Points of Diversion are

Township 9 South, Range 25 East of the Boise Meridian, Minidoka County, Idaho
Section 1: SESENW Lot 7, SWSESW

Township 10 South, Range 23 East of the Boise Meridian, Minidoka County, Idaho
Section 26: SENW, lots 5 and 6

³ This percentage division of water rights is in accordance with the Repayment Contract between the United States and Minidoka, No. 14-06-100-1833, dated February 2, 1960.

2. Water Right No. A01-00214.

This natural flow water right held by The United States has a priority date of August 6, 1908, for the diversion of 1,000 cfs from the Snake River for the irrigation of lands within the Minidoka Project.⁴ The United States conveys a portion of this right to Burley (hereafter A01-00214B) and retains a portion of the right for Minidoka (hereafter A01-00214A).

a. The water right to be conveyed to Burley, A01-00214B, shall be defined with the following elements:

Source is the Snake River.

Priority Date is August 6, 1908.

Quantity is for the diversion of a maximum of 544 cfs from the Snake River. Burley, Minidoka and the United States will continue to negotiate flexible operational deliveries during each irrigation season to maximize efficient and shared operations. In the event Burley and the Secretary of the Interior on behalf of Minidoka do not agree on a distribution of water that the districts are collectively entitled to under rights A01-00214B and A01-00214A, for whatsoever reason, the water will be divided proportionately with Burley entitled to the delivery of water equivalent to thirty-eight percent (38%) and Minidoka entitled to the delivery of sixty-two percent (62%) of the total water available under said rights up to a maximum of 1000 cfs.⁵

Season of Use is only from a period each year beginning April 1 and ending October 31 of that year.

Nature of Use is for irrigation.

Place of Use is 48,000 acres within the boundary of Burley.

Points of Diversion are

Township 9 South, Range 25 East of the Boise Meridian, Cassia County, Idaho
Section 1: SWSESW

⁴ This natural flow water right was established by decree of the Fourth Judicial District of Idaho on June 20, 1913 in the case of Twin Falls Canal Co. v. Charles N. Foster as Right No. 6 of the United States at p. 32.

⁵ This percentage division of water rights is in accordance with the Repayment Contract between the United States and Burley, No. 14-06-100-2455, dated June 6, 1962.

Township 10 South, Range 22 East of the Boise Meridian, Cassia County, Idaho
Section 19: SWSW, SESE
Section 22: SENE
Section 23: NWSW

Township 10 South, Range 23 East of the Boise Meridian, Cassia County, Idaho
Section 19: NENE
Section 21: NENE
Section 22: SWSW

Township 10 South, Range 24 East of the Boise Meridian, Cassia County, Idaho
Section 30: SESE

b. The right retained by The United States for the benefit of Minidoka,

A01-00214A, pursuant to contract 14-06-100-1833 shall be defined as follows:

Source is the Snake River.

Priority Date is August 6, 1908.

Quantity is for the diversion of water under both this right held by The United States for Minidoka and Right No. A01-00214B held by Burley shall not exceed 1,000 cfs. In the event Burley and the Secretary of the Interior on behalf of Minidoka do not agree on a distribution of water that the districts are collectively entitled to under rights A01-00214A and A01-00214B, for whatsoever reason, the water will be divided proportionately with Burley entitled to the delivery of water equivalent to thirty-eight percent (38%) and Minidoka entitled to the delivery of sixty-two percent (62%) of the total water available under said rights up to a maximum of 1000 cfs.⁶

Season of Use is from a period each year beginning April 1 and ending October 31 of that year.

Nature of Use is for irrigation of acreage as provided by contract with The United States.

Place of Use is within the boundary of Minidoka as provided by contract with The United States.

Points of Diversion are

Township 9 South, Range 25 East of the Boise Meridian, Minidoka County, Idaho

⁶ This percentage division of water rights is in accordance with the Repayment Contract between the United States and Minidoka, No. 14-06-100-1833, dated February 2, 1960.

Section 1: SESENW Lot 7, SWSESW

Township 10 South, Range 23 East of the Boise Meridian, Minidoka County, Idaho
Section 26: SENW, lots 5 and 6

3. Water Right No. A45-00512

This is a natural flow water right held by The United States with a priority date of April 9, 1909, for the diversion of 150 cfs from Marsh Creek for the irrigation of land of the Minidoka Project within Burley.⁷

a. Right No. A45-00512 is conveyed to Burley subject to the following elements:

Source is from Marsh Creek, a tributary of the Snake River.

Priority Date is March 26, 1903.

Amount is for the diversion of 150 cfs.

Season of Use is a period each year beginning April 1 and ending October 31 of that year.

Nature of Use is for irrigation.

Place of Use is 48,000 acres within the boundary of Burley.

Points of Diversion are

Township 10 South, Range 24 East of the Boise Meridian, Cassia County, Idaho
Section 27: SENE, SESE
Section 28: NWSE
Section 36, SENE, SWNW

Township 10 South, Range 25 East of the Boise Meridian, Cassia County, Idaho
Section 30: SESE, SWSE

B. Foster Decree Return Flows

1. Allocation of Foster Decreed Return Flows Credits

⁷ This natural flow water right was established by decree of the Fourth Judicial District of Idaho on June 20, 1913 in the case of Twin Falls Canal Co. v. Charles N. Foster as Right No. 8 of the United States at p. 33.

In reliance upon the Foster Decree (Twin Falls Canal Company v. Charles N. Foster, et al., in the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Twin Falls, dated June 20, 1913), the United States claims a credit against the use of stored water for increased flows in the Snake River attributable to the operation of the Gravity Division and the Southside Pumping Division of the Minidoka Project as determined by the State Engineer of the State of Idaho (Director, Idaho Department of Water Resources), or his duly authorized agent.

The United States conveys that portion of the right arising from the operation of the Southside Division (approximately thirty-eight percent (38%)) to Burley. The use and accounting of the return flow shall continue in a manner that will not injure the rights of the Minidoka Project or its water users. Current practice for the division of the right considers the proportionate diversions of Burley and Minidoka after ad hoc agreements on the monthly division of waste and losses from the Minidoka Southside Canal. If Burley and Minidoka fail to agree on the division of waste and loss or on the procedure to be used, thirty-eight percent (38%) of the credit will accrue to Burley, and sixty-two percent (62%) to Minidoka.

C. Domestic & Stock Groundwater Rights

1. Water Right No. A45-10389

This Snake River Basin Adjudication (SRBA) partial decreed water right has a priority date of June 19, 1909, for the diversion of 0.12 cfs of ground water for domestic purposes. The United States conveys the entire right to Burley.

2. Water Right No. 45-10391

This SRBA partial decreed water right has a priority date of June 19, 1909, for the diversion of 0.08 cfs of ground water for domestic purposes. The United States conveys the entire right to Burley.

D. Snake River Basin Adjudication Claims (SRBA)

1. Domestic Water Right Claim No. A45-10390

The United States filed for a statutory beneficial use claim in the SRBA. It has a priority date of June 19, 1909, for the diversion of 0.24 cfs of ground water for domestic purposes. The United States conveys its claim to water right, No. 45-10390, to Burley. However, Burley shall then be responsible for its ultimate confirmation as a water right in the SRBA proceedings.

2. Groundwater Right Claim No. A01-04047

The United States has filed for a groundwater recharge storage claim in the SRBA. It has a priority date of June 19, 1909, and is for the diversion of groundwater and Snake River surface water

for the purpose of recharging and storage of groundwater. Because this water right is still necessary to sustain pumping flows for the B Unit of the Northside Pumping Division of the Minidoka Project and any change in ownership could injure project operations, The United States shall retain this right if decreed in the SRBA for the benefit of Minidoka Project Operations, except as provided by the following section.

3. Groundwater and Wastewater Recaptured by Burley

The United States conveys to Burley its interest in water withdrawn from wells or captured by drains within Burley's boundaries that are used for either the purpose of improving or preserving the utility of land by draining them or for the purpose of recovering groundwater resulting from irrigation by Burley for further irrigation use on or drainage of lands to which the water rights of Burley are appurtenant.

Article 6. EFFECTUATION OF CONVEYANCE OF WATER RIGHTS & CLAIMS

A. Quitclaim Deed for Water Rights

The Secretary conveys to Burley the above enumerated water rights pursuant to the attached quitclaim deed signed by the Secretary or his designee granting to Burley all right, title and interest of The United States in the above described water rights subject to the conditions contained herein upon execution of this contract.

B. Quitclaim Deed for Water Right Claims

The Secretary conveys the above enumerated water right claims pursuant to the attached quitclaim deed signed by the Secretary or his designee granting to Burley all right, title and interest of The United States in said water rights subject to the conditions contained herein and by the terms of this agreement.

Article 7. (MINIDOKA PROJECT) OPERATIONAL SYSTEM DISPUTES

It is the intent of the parties to maintain current-day system operations into the future. Should there be a future dispute pertaining to the interpretation or enforcement of this agreement that results in an impasse, the parties agree to negotiate utilizing a mutually agreeable third party facilitator before resorting to legal proceedings. None of the parties waive its right to elect an appropriate legal forum. All parties agree to pay their own costs and attorney fees.

Article 8. DISCLAIMER

This contract in no way constitutes a representation or a warranty by The United States that it is transferring any water rights or claims other than usufructary rights that were obtained under Idaho state law.

Article 9. RELEASE/INDEMNIFICATION

Burley agrees to release and indemnify The United States from all past or future claims by landowners within Burley that arise from the transfer of these water rights to Burley.

Article 10. FULL UNDERSTANDING OF THE PARTIES

This Agreement is the result of negotiations wherein each party was represented and advised by legal counsel. It expresses the full and complete understanding of the parties in regards to the transfer of relevant Minidoka project water rights. No other promises, conditions, covenants or agreements exist either orally or in writing in regard to the transfer of ownership of these water rights. This Agreement cannot be modified or assigned except by a writing signed by all the parties.

Article 11. RESERVATION OF RIGHTS NOT GRANTED

The parties expressly reserve all rights not granted, recognized or settled by this Agreement.

Article 12. INTERPRETATION

This Agreement is only intended to modify any inconsistent terms in prior agreements that apply to the water rights conveyed herein.

Article 13. CONTRACT DISPUTES ACT DOES NOT APPLY

This Agreement is a federal contract entered into under Federal Law but since it is not for a procurement of: services, property, or construction, or for the disposal of personal property, it is not a contract subject to the Contract Disputes Act of 1978 (41 U.S.C. §§ 601-613).

Article 14. GOOD FAITH AGREEMENT

This Agreement is entered into and executed voluntarily by all parties in good faith and without exertion of duress or undue influence.

Article 15. BINDING ON SUCCESSORS

This Agreement shall become effective as provided in Article 16. Once it is effective it shall be binding upon the parties and shall inure to the benefit of the respective successors of the parties.

Article 16. EFFECTIVE DATE

This Agreement shall be effective only when all of the following events have occurred:

- 1) The Agreement is executed;
- 2) A record of decision is executed by the Bureau of Reclamation in compliance with the National Environmental Policy Act.
- 3) Minidoka Irrigation District concurs with the terms of this water rights agreement by its signature below;

IN WITNESS WHEREOF, the parties hereto have executed this contract on the date of their respective signatures.

THE UNITED STATES OF AMERICA

By: _____
For the Secretary of the Interior

Date: _____

BURLEY IRRIGATION DISTRICT

By: _____
President

Date: _____

ATTEST:

Secretary

CONCURS:
MINIDOKA IRRIGATION DISTRICT

By: _____
President

Date: _____

ATTEST:

Secretary

STATE of Idaho)
)
County of)

On this ____ day of _____, _____, personally appeared before me _____, to me known to be the official of The United States of American that executed the within and foregoing instrument and acknowledged said instrument to be the free and voluntary act and deed of said United States, for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute said instrument.

In WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

Notary Public in and for the
State of Idaho
Residing at:
My commission expires:

(SEAL)

STATE of Idaho)
)
County of)

On this ____ day of _____, _____, personally appeared before me _____, to me known to be the official of The Burley Irrigation District that executed the within and foregoing instrument and acknowledged said instrument to be the free and voluntary act and deed of said District, for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute said instrument.

In WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

Notary Public in and for the
State of Idaho
Residing at:
My commission expires:

(SEAL)

STATE of Idaho)
)
County of)

On this ____ day of _____, _____, personally appeared before me _____, to me known to be the official of The Minidoka Irrigation District that executed the within and foregoing instrument and acknowledged said instrument to be the free and voluntary act and deed of said District, for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute said instrument.

In WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

Notary Public in and for the
State of Idaho
Residing at:
My commission expires:

(SEAL)

ATTACHMENT F

MAILING LIST FOR DRAFT ENVIRONMENTAL ASSESSMENT BURLEY IRRIGATION DISTRICT FACILITIES TITLE TRANSFER



ATTACHMENT F

Attachment F

Attachment F

Attachment F

BURLEY I.D. FACILITIES TITLE TRANSFER *ENVIRONMENTAL ASSESSMENT* MAILING LIST

ENVIRONMENTAL ORGANIZATIONS

Golden Eagle Audubon Society
Box 8261
Boise ID 83707

Marv Hoyt
Greater Yellowstone Coalition
1740 E. 17th
Pocatello ID 83201

Jan Brown
Henry's Fork Foundation
Box 61
Island Park ID 83429

Jan Brown & Dale Swenson, Co-chairs
Henry's Fork Watershed Council
Box 852/604 Main Street
Ashton ID 83420

Scott Brown, State Issues Director
Idaho Conservation League
Box 844
Boise ID 83701

Idaho Outdoor Association
Box 15943
Boise ID 83715

Greg Edson, President
Idaho Outfitters & Guides Association
711 N. 5th Street
Boise ID 83702

Marti Bridges, Water Quality Director
Idaho Rivers United
Box 633
Boise ID 83701

John Marvel
Idaho Watershed Project
Box 1602
Hailey ID 83333

Idaho Wildlife Federation
Box 6426
Boise ID 83707

Franz Camenzind
Jackson Hole Conservation Alliance
Box 2728
Jackson WY 83001

Laird Lucas
Land and Water Fund of the Rockies, Idaho Office
Box 1612
Boise ID 83701

Lou Lunte, (acting) State Director
The Nature Conservancy
Idaho Field Office
Box 165
Sun Valley ID 83353

Andy Brunelle
Trout Unlimited, Idaho Chapter
Box 1971
Boise ID 83701

Kathy Buchner, Director
Trout Unlimited, Wyoming Council & Jackson Hole
Chapter
Box 4069
Jackson, WY 83001

Reed Benson
WaterWatch of Oregon, Inc.
213 SW Ash Street Suite 208
Portland OR 97204

Beth Fries, Program Coordinator
Western Land Exchange Project
Box 95545
Seattle WA 98145-2545

FIELD OFFICES OF IDAHO CONGRESSMEN

Office of Hon. Helen Chenoweth-Hage
House of Representatives
304 North 8th, Room 454
Boise ID 83702

Office of Hon. Larry E. Craig
United States Senator
304 N. Eighth Street, Room 149
Boise ID 83702-5833

Office of Hon. Larry E. Craig
United States Senator
2539 Channing Way
Idaho Falls ID 83404

Office of Hon. Larry E. Craig
United States Senator
250 S. 4th Ave, Room 216
Pocatello ID 83201

Office of Hon. Larry E. Craig
United States Senator
1292 Addison Avenue E.
Twin Falls ID 83301

Janet Jeffries, District Director
Office of Hon. Michael Simpson
House of Representatives
304 N. Eighth Street, Suite 325
Boise ID 83702

Office of Hon. Michael Simpson
House of Representatives
490 Memorial #103
Idaho Falls ID 83402

Office of Hon. Michael Simpson
House of Representatives
801 E. Sherman, #194
Pocatello ID 83201

Office of Hon. Michael Simpson
House of Representatives
628 Blue Lakes Blvd N.
Twin Falls ID 83301

John Hoehne, Chief of Staff
Office of Hon. Michael Crapo
United States Senator
304 N. Eighth Street, Room 338
Boise ID 83702

Attn: Don Dixon
Office of Hon. Michael Crapo
United States Senator
2539 Channing Way, Room 240
Idaho Falls ID 83404

Attn: John Adkins
Office of Hon. Michael Crapo
United States Senator
450 S. 4th Ave. Room 207
Pocatello ID 83201

Attn: Linda Norris
Office of Hon. Michael Crapo
United States Senator
202 Falls Ave. #2
Twin Falls ID 83301

FEDERAL AGENCIES

Alex Smith, V.P. for Environment, Fish & Wildlife
Bonneville Power Administration
Box 3621, Routing "E"
Portland OR 97208

Mr. Stanley Speaks, Area Director
Bureau of Indian Affairs
Area Office
911 NE 11th Avenue
Portland OR 97232-4169

(Acting) Superintendent
Bureau of Indian Affairs
Eastern Nevada Field Office
1555 Shoshone Circle
Elko, NV 89801

Mr. Eric LaPointe, Superintendent
Bureau of Indian Affairs
Fort Hall Agency
Box 220
Fort Hall ID 83203

Mr. Gordon Cannon, Superintendent
Bureau of Indian Affairs
Warm Springs Agency
Box 1239
Warm Springs, OR 97761

District Manager
Bureau of Land Management
Burley Field Office
15 East 200 South
Burley ID 83318

State Director
Bureau of Land Management
Idaho State Office
1387 S Vinnell Way
Boise ID 83709-1657

Environmental Protection Agency
1435 Orchard
Boise ID 83706

Fish & Wildlife Service
Minidoka National Wildlife Refuge
961 E. Minidoka Dam
Rupert ID 83350

Fish & Wildlife Service
Snake River Basin Office
1387 S Vinnell Way
Boise ID 83709

National Marine Fisheries Service
7600 Sand Point Way
BIN C15700 Building 1
Seattle WA 98115

Neil King, Superintendent
National Park Service
Hagerman Fossil Beds National Monument
Box 570
Hagerman ID 83332

William P. LeVere, Forest Supervisor
Sawtooth National Forest
2647 Kimberly Road E.
Twin Falls ID 83301-7976

LOCAL GOVERNMENT

Burley City Library
Box 1090
Burley ID 83318

Cassia County Commissioners
Courthouse
Burley ID 83318

Cassia County Historical Society, Inc.
Box 331
Burley ID 83318

Cassia County Planning & Zoning Commission
Courthouse
Burley ID 83318

Guy E. Neyman, Mayor
City of Acequia
Acequia ID 83310

Douglas Manning, Mayor
City of Burley
1401 Overland Avenue
Burley ID 83318

Jay Darrington, Mayor
City of Declo
Box 159
Declo ID 83323

Glen J. Loveland, Mayor
City of Heyburn
941 — 18th Street
Heyburn ID 83336

Maxine Fecko, Mayor
City of Minidoka
Box 85
Minidoka ID 83343

Dennis K. Smith, Mayor
City of Oakley
Box 266
Oakley ID 83346

Debbie Wood, City Clerk
City of Paul
Box 606
Paul ID 83347

Dwinelle Allred, Mayor
City of Rupert
624 "F" Street
Rupert ID 83350

Documents Library
College of Southern Idaho
Box 1238
Twin Falls ID 83303

Minidoka County Commissioners
Courthouse
715 "G" Street
Rupert ID 83350

Minidoka County Historical Society, Inc.
Box 21
Rupert ID 83350

Minidoka County Planning & Zoning Commission
Courthouse
715 "G" Street
Rupert ID 83350

Rupert City Library
417 7th Street
Rupert ID 83350

John "Bert" Stevenson
State Representative Dist. 24-A
1099 N. 400 W.
Rupert ID 83350

Maxine Bell
State Representative Dist. 24-B
194 South 300 East
Jerome ID 83338

Jim Kempton
State Representative Dist. 25-A
Star Route, Box 28
Albion ID 83311

Bruce Newcomb
State Representative Dist. 25-B
1626 Monroe
Burley ID 83318

Laird Noh
State Senator Dist. 23
3442 Addison Ave. E.
Kimberly ID 83341

Dean Cameron
State Senator Dist. 24
1101 Ruby Drive
Rupert ID 83350

Denton Darrington
State Senator Dist. 25
Route 1
Declo ID 83323

STATE GOVERNMENT

George Stephens
Idaho Conservation Data Center
c/o IDFG
Box 25
Boise ID 83707

Patrick Takasugi, Director
Idaho Department of Agriculture
Box 790
Boise ID 83701-0790

Idaho Department of Fish & Game
Box 428
Jerome ID 83338

Idaho Department of Fish & Game
Headquarters
Box 25
Boise ID 83707

Stan Hamilton, Director
Idaho Department of Lands
Statehouse Mail
Boise ID 83720

Bill Dokken, Deputy Director
Idaho Department of Parks & Recreation
Box 83720
Boise ID 83720-0065

Ned Jackson, Superintendent
Idaho Department of Parks & Recreation
City of Rocks National Reserve
Box 169, 310 Elba-Almo Road
Almo ID 83312

Idaho Department of Water Resources
222 Shoshone St. E.
Twin Falls ID 83301

Karl Dreher, Director
Idaho Department of Water Resources
Statehouse Mail
Boise ID 83720-0098

Idaho Division of Environmental Quality
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Boise ID 83706-1290

Ms. Susi Neitzel, Deputy State Historic Preservation
Officer
Idaho State Historical Society
210 Main Street
Boise ID 83702

Claude Stoer, Chairman
Idaho Water Resources Board
Statehouse Mail
Boise ID 83720-0098

Phil Rehberger, Chief of Staff
Office of the Governor
Statehouse
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Boise ID 83720

Sue Lowry, Director of Policy & Administration
State Engineer
State of Wyoming
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Cheyenne, WY 82002

Charles Brockway
University of Idaho Research & Extension Center
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Kimberly ID 83341

TRIBAL GOVERNMENT

Ms. Wanda Johnson, Chairperson
Burns-Paiute General Council
HC 71, Pa'Si'go Street
Burns, Oregon 97720-9303

Ms. Diane Yupe
Cultural Resources Program
Shoshone-Bannock Tribes
P.O. Box 306
Fort Hall Idaho 83203

Mr. Duane Thompson, Chairman
Fort Hall Business Council
Shoshone-Bannock Tribe
Box 306
Fort Hall ID 83203-0306

Mr. Marvin Cota, Chairman
Shoshone-Paiute Tribal Council
Box 219
Owyhee NV 89832

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Blackfoot ID 83221

Dean Miller, Managing Editor
Idaho Falls Post Register
Box 1800
Idaho Falls ID 83403

Jeff Mayor, Managing Editor
Idaho State Journal
Box 431
Pocatello ID 83204

Rocky Barker, Environmental Reporter
Idaho Statesman
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Boise ID 83707

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Driggs ID 83422

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Boise ID 83702

Idaho Association of Soil Conservation
802 West Bannock
Boise ID 83702

Idaho Council of Industry and the Environment
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Boise ID 83702

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Boise ID 83706

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Idaho Farm Bureau Federation
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Boise ID 83702

Idaho Sugarbeet Growers Association
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Potato Growers of Idaho
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Blackfoot ID 83221

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Rupert ID 83350

Aberdeen-Springfield Canal Co.
Box "Y"
Aberdeen ID 83210

American Falls Reservoir District No. 2
Box "C"
Shoshone ID 83352-0802

American Falls Reservoir District No. 1
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Jerome ID 83338

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Artesian Irrigation, Inc.
3725 N. 2600 East
Kimberly ID 83341

Bell Rapids Mutual Irrigation Co.
388 East 5900 North
Hagerman ID 83332

Big Wood Canal Co.
P.O. Box 509
Shoshone ID 83352

Blackfoot Irrigation Company
1111 East Airport
Blackfoot ID 83221-4009

Jim Boulter, Secretary-Treasurer
Burgess Canal & Irrigating Co.
Box 536
Rigby ID 83442

Betty Chase, Secretary-Treasurer
Butler Island Canal Co., Ltd.
4699 E 250 North
Rigby ID 83442

Butte & Market Lake Canal Co.
Box 283
Roberts ID 83444-0283

Canyon Creek Canal Company, Inc.
13289 E. Highway 33
Newdale ID 83436

Clark & Edwards Canal
157 North 4400 East
Rigby ID 83442

Clement Brothers
Lewisville ID 83431

Corbett Slough Ditch Company
78 North 100 West
Blackfoot ID 83221

Craig-Mattson Canal Co.
113 North 4925 East
Rigby ID 83442

Danskin Ditch Company
16 North 800 West
Blackfoot ID 83221

Dilts Irrigation Company, Ltd.
504 North 4200 East
Rigby ID 83442

Eastern Idaho Water Company
342 East 400 North
Blackfoot ID 83221

Enterprise Canal Company
13241 North 105 East
Idaho Falls ID 83401-5362

Enterprise Irrigation District
2626 100 N.
Teton ID 83451-9802

Falls Irrigation District
310 Valdez St.
American Falls ID 83211

Farmers Friend Irrigation Company
Box 394
Ririe ID 83443-0394

Fremont-Madison Irrigation District
P.O. Box 15
St. Anthony ID 83445-0015

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13631 N. 25 East
Idaho Falls ID 83401

Hillsdale Irrigation District
970 S. Valley Road
Eden ID 83325

Idaho Irrigation District
496 East 14th Street
Idaho Falls ID 83404-5965

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Route 3 Box 179
Rigby ID 83442

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P.O. Box 428
King Hill ID 83633

Aladene J. Rhodes, Secretary-Treasurer
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528 N 4250 East
Rigby ID 83442

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7227 S. 1800 West
Rexburg ID 83440

Liberty Park Irrigation Company
5293 S. 4300 West
Rexburg ID 83440

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729 N. 3800 East
Rigby ID 83442-5046

Lowder Slough Canal Company
4483 E. 400 North
Rigby ID 83442

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Route 1
Murtaugh ID 83344

Minidoka Irrigation District
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Rupert ID 83350

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Nampa ID 83651-4395

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Blackfoot ID 83221

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Idaho Falls ID 83402

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Rigby ID 83442

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Jerome ID 83338

North Side Pumping Company
921 N. Lincoln
Jerome ID 83338-1829

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Oakley ID 83346

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William Taylor
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368 N. 3600 East
Lewsville ID 83431-5036

Parsons Ditch Company
72 S. 700 West
Blackfoot ID 83221

Peoples Canal & Irrigation Company
1050 West Highway 39
Blackfoot ID 83221-5307

Poplar Irrigation District
13245 N. 160 East
Rigby ID 83442

Progressive Irrigation District
2585 N. Ammon Road
Idaho Falls ID 83401

Reid Canal Company
2731 W. 6800 South
Rexburg ID 83440-4449

Rigby Canal & Irrigation Company
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Rigby ID 83442

Riverside Canal Company
376 W. 150 North
Blackfoot ID 83221-6928

Rudy Irrigation Canal Company, Ltd.
Box 376
Rigby ID 83442-0376

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Twin Falls ID 83301

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221 South Emerson Avenue
Shelley ID 83724

Southwest Irrigation District
Box 668
Burley ID 83318

Sunnydell Irrigation District
112 W. 7800 South
Rexburg ID 83340

Texas Slough Irrigating Canal Co.
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Rexburg ID 83440-3619

Trego Ditch Company
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Lawrence Stander, President
Wearyrick Ditch Company
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Blackfoot ID 83221

West Branch Canal Co.
1111 E. Airport
Blackfoot ID 83221-4009

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Rigby ID 83442-5153

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Idaho Falls ID 83402

Doyle Rumsey, Secretary
Woodville Canal Co.
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Idaho Falls Id 83401

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Paul ID 83347

Diana Pon, Permit Specialist
Land Management Services
Idaho Power Company
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Dale Baker, Plant Manger
J.R. Simplot Company
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Stan Siewert, Plant Manger
J.R. Simplot Company
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Douglas S. Jones, Marketing Director
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Attn: Plant Manger
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Plant Office
218 W. Highway 30
Burley ID 83318



LING, NIELSEN & ROBINSON

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RUPERT, IDAHO 83380

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Attorneys for Big Lost River Irrigation District
Burley Irrigation District

RECEIVED
JAN 17 1992

Department of Water Resources

RECEIVED

JAN 30 1992

Department of Water Resources
Southern Region Office

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 OF
ATTORNEY

Petitioner,)

Category: I-7-a
Fee: \$33.00

vs.)

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

TO: THE CLERK OF THE DISTRICT COURT, AND LARRY ECHOHAWK,
ATTORNEY GENERAL FOR THE STATE OF IDAHO:

You are hereby notified that Big Lost River Irrigation
District and Burley Irrigation District, both claimants to the

NOTICE OF APPEARANCE OF ATTORNEY - 1

JUN 28 2005

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MAR 20 1993

A01-0000720

A45-10963

1
2 use of water from the Snake River Basin Water System, have
3 retained Roger D. Ling of the firm of Ling, Nielsen and Robinson
4 to represent them in said cause and that I hereby appear for said
5 defendants in said cause.

6 You are further notified that all papers in said cause
7 are to be served on me at P.O. Box 396, Rupert, Idaho 83350.

8 DATED this 16th day of January, 1992

9 LING, NIELSEN & ROBINSON

10
11 By: Roger D. Ling
12 Roger D. Ling
13 Attorneys for Big Lost River
14 Irrigation District and Burley
15 Irrigation District

16 CERTIFICATE OF MAILING

17 I hereby certify that on the 16th day of January,
18 1992, I served a copy of the foregoing NOTICE OF APPEARANCE OF
19 ATTORNEY upon:

20 See Exhibit "A" attached hereto and made a part hereof
21 as though fully set forth herein.

22 by depositing a copy thereof in the United States mail, postage
23 prepaid, in an envelope addressed to said attorney at the forego-
24 ing address.

25
26
27
28
29 Roger D. Ling
30 Roger D. Ling
31 Attorney for Big Lost River
32 Irrigation District and Burley
33 Irrigation District

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MAR 20 1993

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Department of Energy
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Washington, DC 20585

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General Litigation Section
U.S. Department of Justice
P.O. Drawer 3607
Denver, Colorado 80294

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Spokane, Washington 99201-0913

Bill Lloyd
CH2M Hill
P.O. Box 8748
Boise, Idaho 83707

SCANNED

JUN 28 2005

MICROFILMED

MAR 20 1993

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Water Specialist
J.R. Simplot
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Judge, Magistrate Division
Valley County Courthouse
Cascade, Idaho 83611

Silver King Limited
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Boise, Idaho 83709

Don L. Roberts
City Attorney
P.O. Box 617
Lewiston, Idaho 83501

Division of Renewable Resources
Bureau of Land Management
Idaho State Office
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P.O. Box 2870
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Stuart Shelton
Department of Agriculture
2407 S. Building
14th and Independence Avenue, N.W.
Washington, DC 20250

Carolyn Senaca Steele
Underwood & Steele, Chtd.
P.O. Box 387
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Ralph W. Tarr
Department of Interior
18th and "C" Streets, N.W.
Washington, DC 20420

Barbara Scott-Brier
U.S. Department of Interior
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500 N.E. Multnomah Street
Portland, Oregon 97232

James P. Speck
Hogue, Speck & Aanestad
P.O. Box 987
Ketchum Idaho 83340

SCANNED

JUN 28 2005

MICROFILMED

MAR 20 1993

Ed Thomas
Bureau of Reclamation
550 West Fort Street
Boise, Idaho 83724

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

U.S. Department of Justice
Environment and Natural
Resources Division
550 W. Fort Street, Box 33
Boise, Idaho 83724

Cliff S. Bentz
Yturri, Rose, Burnham, Bentz &
Helfrich
P.O. Box 450
Fruitland, Idaho 83619

MICROFILMED

MAR 20 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

16-Dec-1992 16:27

RANDY BINGHAM
BURLEY IRRIGATION DISTRICT
RT 1 BOX 1416
BURLEY ID 83318

Dear Randy,

Enclosed are the copies of the Original Claims filed by the Burley Irrigation District as you requested so long ago. I'm sorry for the delay. If you have any questions or I can be of any further assistance in this matter, please feel free to call our office.

Sincerely,


Jeanie Robertson
Records Clerk

Enclosures: A45-10963
A01-00007
A01-00007Z0
A01-00007Z1

SCANNED MICROFILMED
JUN 28 2005 MAR 20 1993

STATE

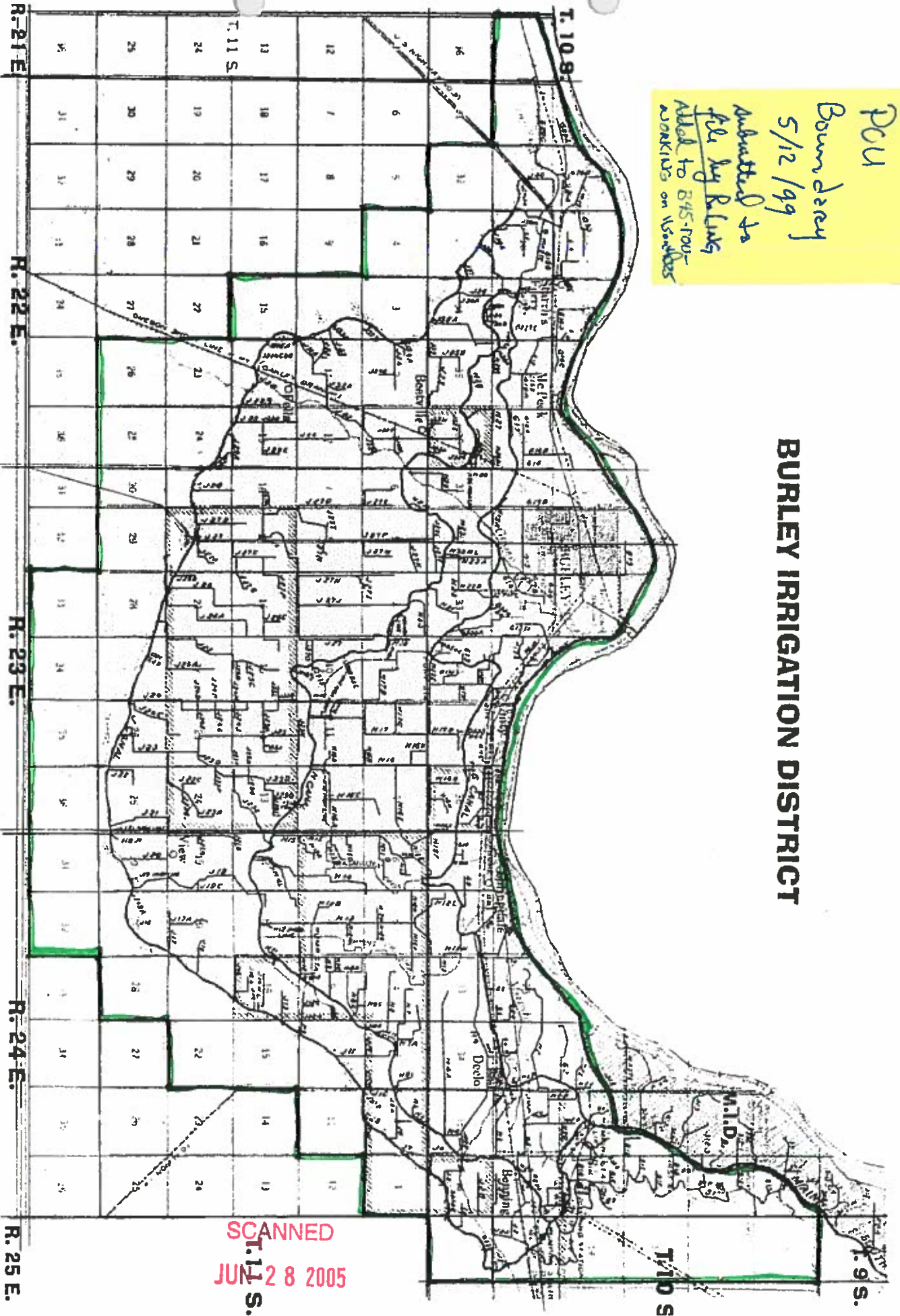
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SCANNED
JUN 28 2005

MICROFILMED
MAR 20 1993

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Boundary
5/12/99
Submitted to
file by RLing
Added to 845-100-
WORKING on 11/06/05

BURLEY IRRIGATION DISTRICT



SCANNED
JUN 28 2005
T. 11 S.

MAR 20 1993
Total acres _____

PART 1**6. General Information:**

- a. Description of diversion system 1. Minidoka Southside Main Canal
delivers water to 2. Herbert Pump near Springdale
these tail end farms, 3. Coors Pump
other land not included 4. Carey Pump
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

d. Remarks:

Any changes in lands irrigated are made to be pursuant to Title 43, Chapters 10
and 11 of the Idaho Code.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 01-0007/0211B/0214B

And said application is hereby APPROVED, subject to the following limitations and conditions:

1. A measuring device and lockable controlling works of a type acceptable to the
department shall be permanently installed and maintained as part of the diverting
works. 2. The Burley Irrigation District shall collect and provide average daily
diversion rates for the Herbert Pump to the Water District 01 watermaster. 3. Use of
water under these rights is subject to control by the watermaster of State Water
District 01, Snake River.

Witness my hand this

day of

May5th, 19 89H. Glen Saxton
Chief, Water Rights Bureau

JUN 28 2005

MICROFILMED

MAR 20 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:
 - a. Decree No. 01-0214B Decreed to US Dept. of Interior
 In case of Twin Falls Canal Co. vs. Charles N. Foster
 dated June 13, 1913 in 4th Jud. District county of Twin Falls
 - b. License No. _____ Issued by the Idaho Department of Water Resources.
 - c. Claim No. _____ on file with the Idaho Department of Water Resources.
 - d. Transfer No. -3246 which produced this right.
2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☐ Other _____
3. Source of water Snake River Water tributary to Columbia River
4. Date or priority 8/6/1908
5. Water is used for the following purpose:

amount 380 cfs. for Irrigation purposes from _____ to _____
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
6. Total amount of water under right 380 cubic feet per second and/or _____ acre-feet per annum.
7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	SW	SE	SW	1	95	25E	Cassia	Southside Main Canal
	NW	SE	SE	19	105	22E	Cassia	Carey Pump
	NE	SE	NW	22	105	22E	Cassia	Coors Pump

8. Lands irrigated or place of use: Lands within the Burley Irrigation District

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

SCANNED

Total acres _____

9. Describe any other water rights used for the same purpose as described above 01-0007, 01-02113, 45-2005

45-0512; 39,300 AF Palisades Storage; 155,395 AF American Falls Storage

MAR 20 1993

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
No If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

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JUN 28 2005

MAR 20 1993

Total acres _____

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 01-0211B Decreed to US Dept. of Interior
 in case of Twin Falls Canal Co. vs. Charles N. Foster
 dated June 20, 1913 in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. 3246 which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice

☐ Warranty Deed

☐ Other _____

3. Source of water SNAKE RIVER tributary to COLUMBIA RIVER

4. Date or priority _____

5. Water is used for the following purpose:

amount 655.88 cfs. for Irrigation purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

6. Total amount of water under right 655.88 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	SW	SE	SW	1	9S	25E	Cassia	Southside Main Canal
	NW	SE	SE	19	10S	22E	Cassia	Carey Pump
	NE	SE	NW	22	10S	22E	Cassia	Coors Pump

8. Lands irrigated or place of use: Lands within the Burley Irrigation District

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

9. Describe any other water rights used for the same purpose as described above 01-0007; 01-0214B; 45-2005;

45-0512; 39,200 AF Palisades storage; 155,395 AF American Falls storage

Total acres _____
 MICROFILMED
 JUN 28 2005
 MAR 20 1993

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
 No _____ If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion: _____

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion: _____

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

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JUN 28 2005

MICROFILMED

MAR 20 1993

Total acres _____

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 01-0007 Decreed to Burley Irrigation District
in case of Burley Irrigation District vs. Henry Eagle
dated July 10, 1968 in 4th Judicial Dist. county of Twin Falls
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. 3246 which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water Snake River tributary to Columbia River

4. Date or priority 4/1/1939

5. Water is used for the following purpose:

amount 163.4 cfs. for Irrigation purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 163.4 cfs cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	SW	SE	SW	1	9S	25E	Cassia	Southside Main Canal
	NE	SE	NW	22	10S	22E	Cassia	Coors Pump
	NW	SE	SE	19	10S	22E	Cassia	Carey Pump

8. Lands irrigated or place of use: Lands within the Burley Irrigation District

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

SCANNED

JUN 28 2005

Total acres _____

9. Describe any other water rights used for the same purpose as described above 01-0211B, 01-024B, 45-2605;

45-0512; 39,200 AF Palisades storage; 155,395 AF American Falls storage MAR 20 1993

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
 No If yes, describe

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount for purposes from to
 (cfs/ac-ft)
 amount for purposes from to
 (cfs/ac-ft)
 amount for purposes from to
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount for purposes from to
 (cfs/ac-ft)
 amount for purposes from to
 (cfs/ac-ft)
 amount for purposes from to
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

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JUN 28 2005

MICROFILMED

Total acres MAR 20 1993

PART 3

B. CHANGES IN NATURE OF USE

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to
				to

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Gayle Richius
(Signature of Applicant)

Subscribed and sworn to before me this 14th day of March, 19 89.

Janet Rasmussen
(Notary Public)

My commission expires September 23, 1992

FOR DEPARTMENT USE ONLY

First read 12-14-88
2nd read 12-29-88

Transfer contains 10 pages and 1 attachments

Received by IC Date 3/20/89 incl attached Protest filed by _____

Prelim. check by IRL Fee 50.00 # 5005940 VOIDED

Receipted by M. B. Hwin Date _____

Published in So. ID Press Copies of protest forwarded by _____

Pub. dates 2/9 & 2/16/1989 Hearing held by _____ Date _____

Watermaster recommendation requested on 3-21-89 Recommended for ☒ approval ☐ denial

_____ rec'd. 4/5/89 by L. H. Gary

Copy of transfer sent to lien holder _____

SCANNED

JUN 28 2005

MICROFILMED

MAR 20 1989

19-May-1989

Mr. Bob Carleson
Watermaster
District 01 Snake River
150 Shoup Suite 15
Idaho Falls, Idaho 83401

Dear Mr. Carleson,

Find attached for your information an approved Application for transfer of water right in favor of Burley Irrigation District. This transfer consists of three water right numbers 01-0211 B, 01-0214 B, and 01-0007 all under transfer no. 3511.

Very truly yours,

Lloyd R. Payne
Clerk

Encl.

SCANNED
JUN 28 2005

MICROFILMED
MAR 28 1993

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SCANNED
JUN 28 2005

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Department of Water Resources

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Department of Water Resources
Southern Region Office

1
2 ROGER D. LING
3 LING, NIELSEN & ROBINSON
4 Attorneys at Law
5 P. O. Box 396
6 Rupert, Idaho 83350
7 Telephone No. (208) 436-4717

8
9 Attorneys for Big Lost River Irrigation District
10 Burley Irrigation District

11
12 IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
13 STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS
14
15 -----

16 In Re the General Adjudication)
17 of Rights to the Use of Water)
18 from the Snake River Basin)
19 Water System)

Case No. 39576

20 The State of Idaho, ex rel.)
21 R. Keith Higginson in his)
22 official capacity as Director)
23 of the Idaho Department of)
24 Water Resources,)

NOTICE OF APPEARANCE OF
ATTORNEY

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Petitioner,

Category: I-7-a
Fee: \$33.00

vs.

20 The United States; the State)
21 of Idaho; and all Claimants to)
22 the use of water from the Snake)
23 River Basin Water System.)

24
25 TO: THE CLERK OF THE DISTRICT COURT, AND LARRY ECHOHAWK,
26 ATTORNEY GENERAL FOR THE STATE OF IDAHO:

27 You are hereby notified that Big Lost River Irrigation
28 District and Burley Irrigation District, both claimants to the

NOTICE OF APPEARANCE OF ATTORNEY - 1

SCANNED
JUN 28 2005

LING, NIELSEN & ROBINSON

ATTORNEYS AT LAW

RUPERT, IDAHO 83350

1
2 use of water from the Snake River Basin Water System, have
3 retained Roger D. Ling of the firm of Ling, Nielsen and Robinson
4 to represent them in said cause and that I hereby appear for said
5 defendants in said cause.

6 You are further notified that all papers in said cause
7 are to be served on me at P.O. Box 396, Rupert, Idaho 83350.

8 DATED this 16th day of January, 1992

9 LING, NIELSEN & ROBINSON

10
11 By: Roger D. Ling
12 Roger D. Ling
13 Attorneys for Big Lost River
14 Irrigation District and Burley
15 Irrigation District

16 CERTIFICATE OF MAILING

17 I hereby certify that on the 16th day of January,
18 1992, I served a copy of the foregoing NOTICE OF APPEARANCE OF
19 ATTORNEY upon:

20 See Exhibit "A" attached hereto and made a part hereof
21 as though fully set forth herein.

22 by depositing a copy thereof in the United States mail, postage
23 prepaid, in an envelope addressed to said attorney at the forego-
24 ing address.

25
26 Roger D. Ling
27 Roger D. Ling
28 Attorney for Big Lost River
Irrigation District and Burley
Irrigation District

EXHIBIT "A"

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JUN 28 2005

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SCANNED
JUN 28 2005

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JUN 28 2005

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JUN 28 2005

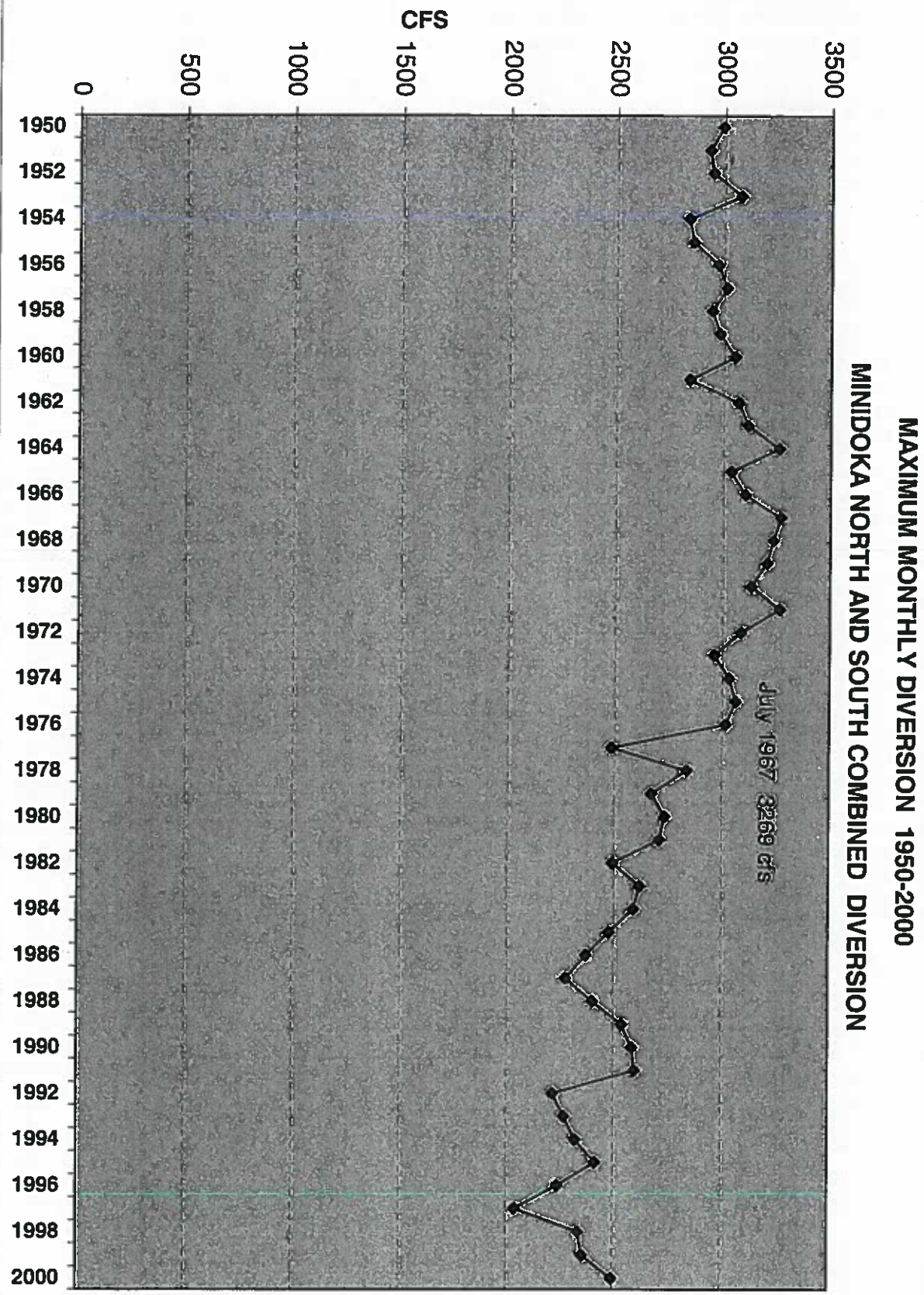
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Fruitland, Idaho 83619

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JUN 28 2005



IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 1-7

WATER RIGHT NUMBER: 1-7

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BURLEY IRRIGATION DIST 246 E 100 S BURLEY, ID 83318 (208)678-2511

Priority Date: 04/01/1939

Basis: Decreed

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/ to /	163.400 CFS	
	<u>Total Diversion:</u>	163.400 CFS	

Location of Point(s) of Diversion

SNAKE RIVER	NW1/4SE1/4SE1/4	Sec. 19, Twp 10S, Rge 22E, B.M.	✓ <i>carey</i>
CASSIA County			
SNAKE RIVER	NE1/4SE1/4NW1/4	Sec. 22, Twp 10S, Rge 22E, B.M.	✓ <i>coors</i>
CASSIA County			
SNAKE RIVER	SW1/4SE1/4SW1/4	Sec. 1, Twp 09S, Rge 25E, B.M.	✓ <i>canal</i>
CASSIA County			
SNAKE RIVER	L1 (SW1/4SE1/4SE1/4)	Sec. 30, Twp 10S, Rge 24E, B.M.	✓ <i>herbert</i>
CASSIA County			

Place of UseConditions of Approval:

1. 016 See remarks for additional conditions of approval.
2. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. & DISTRICT.

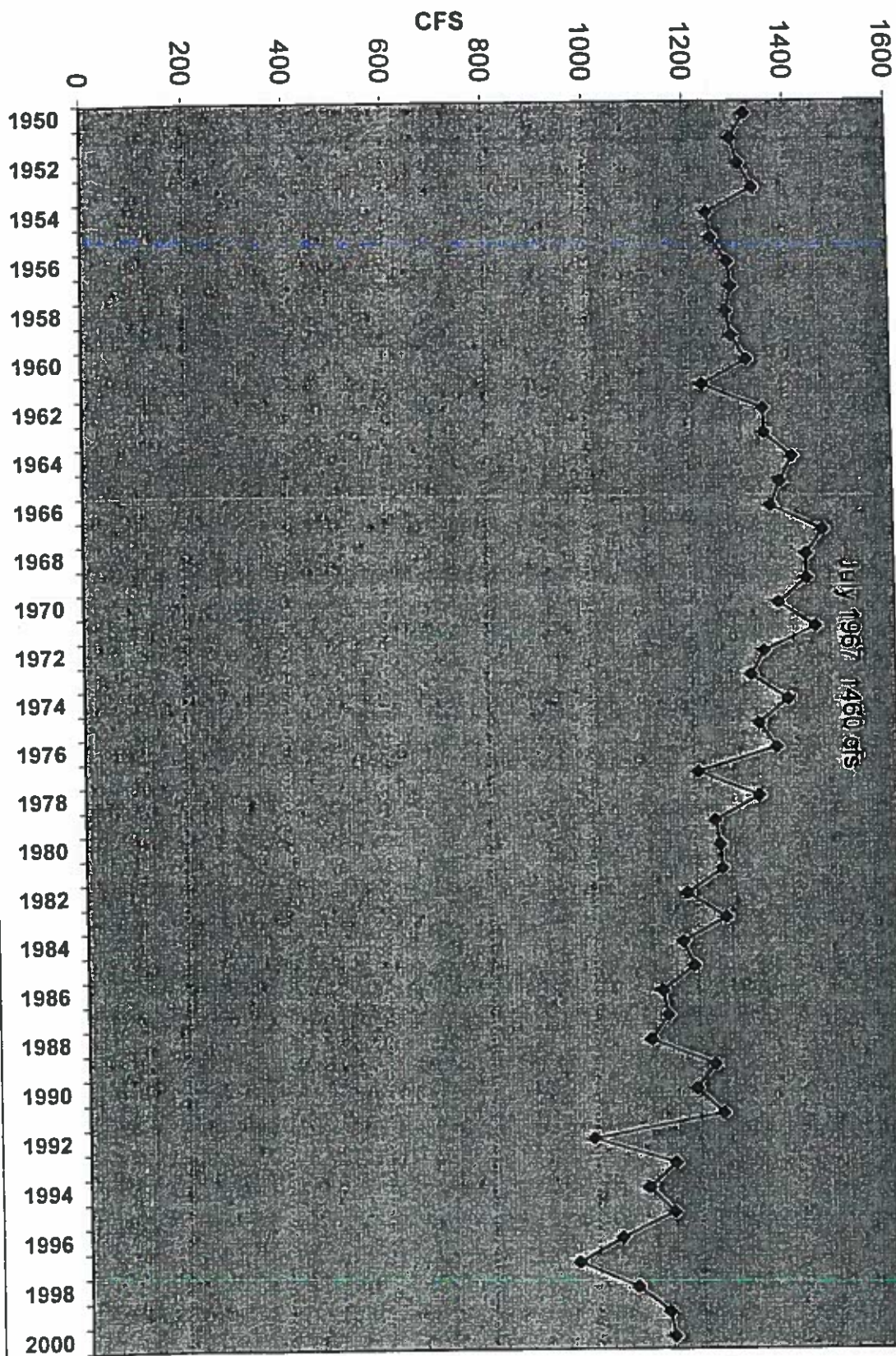
Remarks:

1. General LANDS IRRIGATED WITHIN BURLEY IRRIGATION DISTRICT.
TRANS. 3511.
A MEASURING DEVICE & LOCKABLE CONTROLLING WORKS OF A TYPE ACCEPTABLE TO THE DEPT. SHALL BE PERMANENTLY INSTALLED & MAINTAINED AS PART OF THE DIVERTING WORKS. THE BURLEY IRRIGATION DISTRICT SHALL COLLECT & PROVIDE AVERAGE DAILY DIVERSION RATES FOR THE HERBERT PUMP TO THE WATER DISTRICT 01 WATERMASTER.

SCANNED

JUN 28 2005

MAXIMUM MONTHLY DIVERSION 1950-2000
13080500 BURLEY SOUTH SIDE CANAL CANAL



SCANNED

JUN 28 2005

13080500 HISTORIC DIVERSION BURLEY SOUTH SIDE CANAL (4800-AE-FT)													(CFS)
W-YR	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	ANN
1950	221	0	0	0	0	0	306	1093	1076	1324	1215	748	5982
1951	335	0	0	0	0	0	437	768	1175	1295	1023	865	5897
1952	345	0	0	0	0	0	133	1145	1158	1309	1252	849	6190
1953	499	0	0	0	0	0	299	852	847	1337	1246	785	5865
1954	441	0	0	0	0	0	350	1130	918	1244	1221	852	6156
1955	371	0	0	0	0	0	138	1028	1097	1252	1132	852	5870
1956	359	0	0	0	0	0	504	1106	1138	1285	1168	753	6313
1957	296	0	0	0	0	0	165	759	1188	1291	1212	847	5758
1958	208	0	0	0	0	0	124	1173	1149	1280	1231	728	5893
1959	322	0	0	0	0	0	531	802	1225	1290	1140	684	5994
1960	143	0	0	0	0	0	314	1189	1255	1319	1181	891	6292
1961	208	0	0	0	0	0	128	1202	1230	1203	1012	239	5222
1962	168	0	0	0	0	0	134	894	1057	1350	1218	934	5756
1963	299	0	0	0	0	0	104	665	961	1351	1216	763	5361
1964	450	0	0	0	0	0	22	901	755	1404	1347	950	5827
1965	529	0	0	0	0	0	44	958	1244	1379	999	887	6039
1966	377	0	0	0	0	0	430	1241	1139	1361	1132	620	6301
1967	302	0	0	0	0	0	66	716	976	1460	1314	901	5735
1968	439	0	0	0	0	0	267	1199	1153	1428	743	723	5952
1969	267	0	0	0	0	0	460	1386	1087	1428	1321	702	6651
1970	255	0	0	0	0	0	225	790	981	1373	1296	639	5560
1971	314	0	0	0	0	0	155	764	1076	1443	1308	766	5825
1972	371	0	0	0	0	0	363	1212	1091	1343	1195	603	5665
1973	306	0	0	0	0	0	145	1028	1141	1316	1127	807	6088
1974	163	0	0	0	0	0	128	1212	1249	1387	1143	832	5152
1975	346	0	0	0	0	0	3	361	1165	1330	1114	689	5765
1976	364	0	0	0	0	0	118	1033	1207	1363	992	511	4873
1977	171	0	0	0	0	54	691	759	975	1208	934	460	4897
1978	106	0	0	0	0	0	89	759	1161	1327	994	460	4897
1979	355	0	0	0	0	0	213	1002	1239	1195	888	728	5619
1980	231	0	0	0	0	0	314	720	913	1249	1005	711	5143
1981	322	0	0	0	0	0	387	859	1148	1252	1052	827	5846
1982	270	0	0	0	0	0	138	904	1118	1182	948	607	5167
1983	169	0	0	0	0	0	249	724	1257	1213	751	827	5190
1984	210	0	0	0	0	0	202	707	1151	1171	1192	1036	5637
1985	316	0	0	0	0	0	198	1112	1171	1192	948	612	5320
1986	262	0	0	0	0	0	412	945	1052	1129	943	573	5567
1987	257	0	0	0	0	0	721	894	1139	1007	943	605	5567
1988	298	0	0	0	0	0	388	1003	1096	1106	1229	842	5183
1989	244	0	0	0	0	0	213	903	1106	1229	916	600	5280
1990	286	0	0	0	0	0	576	795	914	1192	989	635	4798
1991	281	0	0	0	0	0	237	351	1060	1244	989	635	4798
1992	324	0	0	0	0	0	706	992	897	851	786	474	5029
1993	190	0	0	0	0	0	76	693	862	1150	821	644	4436
1994	325	0	0	0	0	0	402	732	1097	1072	823	620	5071
1995	120	0	0	0	0	0	235	405	682	1145	909	639	4136
1996	171	0	0	0	0	0	336	626	1013	1044	838	585	4613
1997	272	0	0	0	0	28	323	842	907	961	764	560	4657
1998	221	0	0	0	0	0	301	563	706	1073	934	533	4330
1999	187	0	0	0	0	0	185	564	916	1134	820	610	4415
2000	276	0	0	0	0	0	464	893	1143	1086	907	583	5353
AVERAGE : 1950-2000	286	0	0	0	0	2	277	881	1068	1246	1044	693	5496

SCANNED

JUN 28 2005

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: A01-00007Z0
Date Received: 8/08/1989
Receipt No: 5009172
Received By: AD

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BURLEY IRR. DISTRICT 208-678-2511
Address: RT. 1 BOX 1416
BURLEY, ID 83318-0000

2. Date of Priority: APR 01, 1939

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
09S	25E	1	SW	SE	SW		CASSIA
10S	22E	19	NW	SE	SE		CASSIA
		22	NE	SE	NW		CASSIA

5. Description of diverting works:
MINIDOKA DAM & PUMPS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	163.400		

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

8. Total consumptive use is 142026.9 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER INCIDENTAL TO IRRIGATION USES.

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
10S	21E	25	SW	NE		IRR	40.0

A01-00007Z0

Page 1

Date: 09/01/89

SCANNED
JUN 28 2005

MICROFILMED
MAR 20 1993

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
10S	21E	25	SE		NW		IRR	39.6
							Section Acres	79.6
	22E	19	SW		SE		IRR	40.0
			SE		SE		IRR	42.7
							Section Acres	82.7
		20	NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	44.8
			SE		SW		IRR	13.8
			NE		SE		IRR	27.5
			NW		SE		IRR	20.5
			SW		SE		IRR	40.9
			SE		SE		IRR	40.0
							Section Acres	267.5
		21	NE		SW		IRR	10.1
			NW		SW		IRR	30.0
			SW		SW		IRR	25.7
			SE		SW		IRR	47.5
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	24.0
			SE		SE		IRR	42.2
							Section Acres	259.5
		22	SW		NE		IRR	18.7
			NE		NW		IRR	11.3
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	20.8
			NW		SW		IRR	40.0
			SW		SW		IRR	48.6
			NE		SE		IRR	40.0
			NW		SE		IRR	21.7
			SW		SE		IRR	40.0
			SE		SE		IRR	24.3
							Section Acres	345.4
		23	SW		NW		IRR	15.3

A01-0000720

Page

2

Date: 09/01/89

SCANNED

JUN 28 2005

MICROFILMED

MAR 20 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
10S	22E	23	SE	NW		IRR	6.0
						Section Acres	21.3
		24	NE	SE		IRR	36.1
			NW	SE		IRR	36.1
			SW	SE		IRR	7.0
			SE	SE		IRR	16.0
						Section Acres	95.2
		25	NE	NE		IRR	39.3
			NW	NE		IRR	39.4
			SW	NE		IRR	40.0
			SE	NE		IRR	39.3
			NE	NW		IRR	50.5
			SE	NW		IRR	50.5
			NE	SW		IRR	40.0
			NW	SW		IRR	17.0
			SW	SW		IRR	40.0
			SE	SW		IRR	36.0
			NE	SE		IRR	17.0
			NW	SE		IRR	40.0
			SW	SE		IRR	1.2
			SE	SE		IRR	24.2
						Section Acres	474.4
		26	NE	NE		IRR	34.9
			NW	NE		IRR	34.9
			SW	NE		IRR	34.9
			SE	NE		IRR	35.1
			NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	28.0
			SE	NW		IRR	28.0
			NE	SW		IRR	7.3
			NW	SW		IRR	40.0
			SW	SW		IRR	35.9
			SE	SW		IRR	40.0
			NE	SE		IRR	45.5
			NW	SE		IRR	41.2
			SW	SE		IRR	40.0
			SE	SE		IRR	35.0
						Section Acres	560.7

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10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
10S	22E	27	NE	NE		IRR	38.8
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	42.0
			NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	37.0
			SE	NW		IRR	40.0
			NE	SW		IRR	34.1
			NW	SW		IRR	36.3
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NE	SE		IRR	39.0
			NW	SE		IRR	41.9
			SW	SE		IRR	35.6
			SE	SE		IRR	40.0

Section Acres 624.7

28	NE	NE	IRR	39.0
	NW	NE	IRR	40.0
	SW	NE	IRR	40.0
	SE	NE	IRR	39.9
	NE	NW	IRR	39.5
	NW	NW	IRR	17.2
	SE	NW	IRR	38.0
	NE	SW	IRR	40.0
	NW	SW	IRR	32.4
	SE	SW	IRR	40.0
	NE	SE	IRR	40.0
	NW	SE	IRR	40.0
	SW	SE	IRR	38.0
	SE	SE	IRR	41.6

Section Acres 525.6

29	NE	NE	IRR	42.4
	NW	NE	IRR	24.6
	SW	NE	IRR	40.0
	SE	NE	IRR	40.0
	NE	NW	IRR	40.0
	NW	NW	IRR	40.0
	NE	SE	IRR	40.0
	NW	SE	IRR	7.6

Section Acres 274.6

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
10S	22E	30	NE		NE		IRR	40.0
			NW		NE		IRR	26.0
			SW		NE		IRR	34.0
			SE		NE		IRR	15.5
			NE		NW		IRR	30.0
			NW		NW		IRR	39.0
			SW		NW		IRR	39.0
			SE		NW		IRR	26.0
							Section Acres	249.5
		33	NE		NE		IRR	41.9
			NW		NE		IRR	30.0
			SW		NE		IRR	11.5
			SE		NE		IRR	30.2
			NE		NW		IRR	18.4
							Section Acres	132.0
		34	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	38.4
			SE		NE		IRR	40.0
			NE		NW		IRR	41.6
			NW		NW		IRR	38.5
			SW		NW		IRR	38.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			SE		SW		IRR	15.9
			NE		SE		IRR	38.5
			NW		SE		IRR	30.3
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
							Section Acres	521.2
		35	NE		NE		IRR	39.1
			NW		NE		IRR	40.0
			SW		NE		IRR	35.0
			SE		NE		IRR	40.6
			NE		NW		IRR	40.0
			NW		NW		IRR	39.7
			SW		NW		IRR	40.0
			SE		NW		IRR	39.2

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
10S	22E	35	NE	SW		IRR	41.7
			NW	SW		IRR	41.6
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NE	SE		IRR	41.0
			NW	SE		IRR	42.0
			SW	SE		IRR	39.7
			SE	SE		IRR	42.2
						Section Acres	641.8
		36	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	42.2
			SE	NE		IRR	40.0
			NE	NW		IRR	38.2
			NW	NW		IRR	36.8
			SW	NW		IRR	40.0
			SE	NW		IRR	36.8
			NE	SW		IRR	40.0
			NW	SW		IRR	38.9
			SW	SW		IRR	40.0
			SE	SW		IRR	38.8
			NE	SE		IRR	45.0
			NW	SE		IRR	39.0
			SW	SE		IRR	38.1
			SE	SE		IRR	39.3
						Section Acres	633.1
	23E	16	SW	SW		IRR	30.7
						Section Acres	30.7
		17	SW	NW		IRR	0.5
			SW	SE		IRR	35.1
			SE	SE		IRR	35.1
						Section Acres	70.7
		19	NE	NE		IRR	16.8
			NW	NW		IRR	5.1
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SW	SE		IRR	36.6

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10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
10S	23E	19	SE	SE		IRR	32.9
						Section Acres	171.4
		20	SW	SW		IRR	26.3
						Section Acres	26.3
		21	NW	NW		IRR	43.4
			SW	SW		IRR	35.4
			SE	SW		IRR	35.4
			SW	SE		IRR	21.2
						Section Acres	135.4
		26	SW	SW		IRR	10.0
						Section Acres	10.0
		27	SW	NE		IRR	37.9
			SW	NW		IRR	34.7
			SE	NW		IRR	41.4
			NE	SW		IRR	37.7
			NW	SW		IRR	40.0
			SW	SW		IRR	37.6
			SE	SW		IRR	40.0
			NE	SE		IRR	18.3
			NW	SE		IRR	18.3
			SW	SE		IRR	40.0
			SE	SE		IRR	26.6
						Section Acres	372.5
		28	NE	NE		IRR	15.4
			NW	NE		IRR	15.4
			SW	NE		IRR	34.3
			SE	NE		IRR	40.5
			NE	NW		IRR	17.2
			NW	NW		IRR	17.2
			SW	NW		IRR	40.8
			SE	NW		IRR	40.8
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	37.0

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10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
10S	23E	28	NE		SE		IRR	38.9
			NW		SE		IRR	38.9
			SW		SE		IRR	38.9
			SE		SE		IRR	38.9
							Section Acres	534.2
		29	SE		NE		IRR	41.5
			SW		NW		IRR	6.4
			SW		SW		IRR	9.6
			NE		SE		IRR	38.2
			SW		SE		IRR	30.7
			SE		SE		IRR	38.2
							Section Acres	164.6
		30	NE		NE		IRR	3.0
			NW		NE		IRR	3.0
			SW		NE		IRR	7.6
			SE		NE		IRR	7.6
			NE		NW		IRR	3.0
			NW		NW		IRR	3.0
			NE		SW		IRR	23.3
			NW		SW		IRR	23.3
			SW		SW		IRR	18.3
			SE		SW		IRR	18.3
			NE		SE		IRR	23.3
			NW		SE		IRR	23.4
			SW		SE		IRR	18.3
			SE		SE		IRR	18.3
							Section Acres	193.7
		31	NE		NE		IRR	22.2
			NW		NE		IRR	22.2
			SW		NE		IRR	22.2
			SE		NE		IRR	22.2
			NE		NW		IRR	22.2
			NW		NW		IRR	22.2
			SW		NW		IRR	22.2
			SE		NW		IRR	22.2
			NE		SW		IRR	20.5
			NW		SW		IRR	20.5
			SW		SW		IRR	20.5
			SE		SW		IRR	20.5

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10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
10S	23E	31	NE		SE		IRR	20.5
			NW		SE		IRR	20.5
			SW		SE		IRR	20.5
			SE		SE		IRR	20.5

Section Acres 341.6

32	NE	NE	IRR	1.6
	NW	NE	IRR	40.0
	SW	NE	IRR	40.0
	SE	NE	IRR	3.7
	NE	NW	IRR	27.7
	NW	NW	IRR	32.9
	SW	NW	IRR	37.4
	SE	NW	IRR	27.7
	NE	SW	IRR	40.7
	NW	SW	IRR	31.9
	SW	SW	IRR	40.0
	SE	SW	IRR	40.0
	NE	SE	IRR	40.0
	NW	SE	IRR	38.8
	SW	SE	IRR	39.0
	SE	SE	IRR	38.6

Section Acres 520.0

33	NE	NE	IRR	40.0
	NW	NE	IRR	43.2
	SW	NE	IRR	40.2
	SE	NE	IRR	41.3
	NE	NW	IRR	40.0
	NW	NW	IRR	41.0
	SW	NW	IRR	40.7
	SE	NW	IRR	40.0
	NE	SW	IRR	38.5
	NW	SW	IRR	40.0
	SW	SW	IRR	36.0
	SE	SW	IRR	38.5
	NE	SE	IRR	41.7
	NW	SE	IRR	40.7
	SW	SE	IRR	40.7
	SE	SE	IRR	39.6

Section Acres 642.1

34	NE	NE	IRR	36.6
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10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
10S	23E	34	NW		NE		IRR	40.2
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		NW		IRR	35.7
			NW		NW		IRR	40.0
			SW		NW		IRR	39.5
			SE		NW		IRR	34.2
			NE		SW		IRR	40.0
			NW		SW		IRR	35.2
			SW		SW		IRR	40.0
			SE		SW		IRR	39.7
			NE		SE		IRR	39.9
			NW		SE		IRR	39.0
			SW		SE		IRR	38.6
			SE		SE		IRR	40.0

Section Acres 618.6

35	NE	NE	IRR	39.9
	NW	NE	IRR	23.0
	SW	NE	IRR	40.0
	SE	NE	IRR	17.4
	NE	NW	IRR	40.4
	NW	NW	IRR	39.0
	SW	NW	IRR	37.9
	SE	NW	IRR	40.0
	NE	SW	IRR	40.0
	NW	SW	IRR	40.0
	SW	SW	IRR	40.0
	SE	SW	IRR	40.0
	NE	SE	IRR	40.0
	NW	SE	IRR	40.0
	SW	SE	IRR	40.0
	SE	SE	IRR	40.0

Section Acres 597.6

36	NE	NE	IRR	26.0
	NW	NE	IRR	27.1
	SW	NE	IRR	40.0
	SE	NE	IRR	28.4
	NE	NW	IRR	32.3
	NW	NW	IRR	31.8
	SW	NW	IRR	34.9
	SE	NW	IRR	38.7

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
10S	23E	36	NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	39.0
			NE		SE		IRR	34.1
			NW		SE		IRR	38.0
			SW		SE		IRR	38.0
			SE		SE		IRR	37.8
							Section Acres	566.1
	24E	1	SW		SE		IRR	33.7
							Section Acres	33.7
		12	NW		NE		IRR	22.2
			SW		NE		IRR	22.2
			NE		NW		IRR	40.0
			NW		NW		IRR	10.4
			SE		NW		IRR	22.2
			NE		SW		IRR	30.0
			SW		SW		IRR	30.0
			SE		SW		IRR	30.0
			NW		SE		IRR	30.0
			SW		SE		IRR	30.0
							Section Acres	267.0
		13	SW		NW		IRR	36.4
			SE		NW		IRR	36.4
			NE		SW		IRR	31.6
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	31.6
							Section Acres	216.0
		14	SE		NE		IRR	31.8
			NE		SE		IRR	19.3
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	22.0
							Section Acres	153.1
		21	SW		SE		IRR	14.2

10. Place of Use: Continued

Township 10S	Range 24E	Section 21	1/4 SE	of 1/4 SE	Lot	Use IRR	Acres 40.0
						Section Acres	54.2
		22	SW	NE		IRR	9.0
			SE	NE		IRR	9.0
			NE	SW		IRR	33.0
			NW	SW		IRR	10.7
			SW	SW		IRR	40.0
			SE	SW		IRR	33.0
			NE	SE		IRR	33.3
			NW	SE		IRR	38.7
			SW	SE		IRR	38.7
			SE	SE		IRR	33.3
						Section Acres	278.7
		23	NE	NE		IRR	34.0
			NW	NE		IRR	29.3
			SW	NE		IRR	31.7
			SE	NE		IRR	40.0
			NE	NW		IRR	12.8
			SW	NW		IRR	38.4
			SE	NW		IRR	40.0
			NE	SW		IRR	37.0
			NW	SW		IRR	32.0
			SW	SW		IRR	2.0
			SE	SW		IRR	40.0
			NE	SE		IRR	35.7
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	37.4
						Section Acres	490.3
		24	NE	NW		IRR	38.7
			NW	NW		IRR	39.7
			SW	NW		IRR	36.3
			SE	NW		IRR	36.4
			NE	SW		IRR	8.3
			NW	SW		IRR	40.0
			SW	SW		IRR	33.8
			SE	SW		IRR	8.3
			NE	SE		IRR	39.1
			NW	SE		IRR	40.0

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10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
10S	24E	24	SW	SE	IRR	40.0
			SE	SE	IRR	8.3

Section Acres 368.9

25	NE	NE	IRR	31.1
	NW	NE	IRR	31.1
	SW	NE	IRR	31.1
	SE	NE	IRR	31.1
	NE	NW	IRR	40.0
	NW	NW	IRR	30.1
	SW	NW	IRR	40.2
	SE	NW	IRR	40.0
	NE	SW	IRR	36.0
	NW	SW	IRR	36.9
	SW	SW	IRR	37.0
	SE	SW	IRR	40.0
	NE	SE	IRR	36.6
	NW	SE	IRR	40.0
	SW	SE	IRR	40.0
	SE	SE	IRR	36.7

Section Acres 577.9

26	NE	NE	IRR	40.0
	NW	NE	IRR	40.0
	SW	NE	IRR	40.0
	SE	NE	IRR	40.0
	NE	NW	IRR	39.8
	NW	NW	IRR	38.9
	SW	NW	IRR	40.0
	SE	NW	IRR	40.0
	NE	SW	IRR	36.4
	NW	SW	IRR	38.6
	SW	SW	IRR	40.0
	SE	SW	IRR	40.0
	NE	SE	IRR	41.7
	NW	SE	IRR	40.0
	SW	SE	IRR	27.2
	SE	SE	IRR	44.5

Section Acres 627.1

27	NE	NE	IRR	35.4
	NW	NE	IRR	37.5

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
10S	24E	27	SW		NE		IRR	30.0
			SE		NE		IRR	35.4
			NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	37.9
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	38.0
			NE		SE		IRR	37.5
			NW		SE		IRR	37.5
			SW		SE		IRR	29.0
			SE		SE		IRR	29.0
							Section Acres	587.2
		28	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	27.0
			SW		SW		IRR	38.6
			SE		SW		IRR	38.9
			NE		SE		IRR	37.3
			NW		SE		IRR	27.0
			SW		SE		IRR	39.0
			SE		SE		IRR	37.4
							Section Acres	445.2
		29	SW		SW		IRR	19.2
			SE		SW		IRR	39.4
			NE		SE		IRR	16.0
			NW		SE		IRR	14.0
			SW		SE		IRR	38.5
			SE		SE		IRR	38.6
							Section Acres	165.7
		30	SE		SW		IRR	14.9
			SW		SE		IRR	14.0
			SE		SE		IRR	34.7
							Section Acres	63.6

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10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
10S	24E	31	NE	NE		IRR	13.3
			NW	NE		IRR	22.5
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	12.8
			NW	NW		IRR	29.7
			SW	NW		IRR	40.0
			SE	NW		IRR	29.8
			NE	SW		IRR	34.9
			NW	SW		IRR	34.9
			SW	SW		IRR	34.9
			SE	SW		IRR	34.9
			NE	SE		IRR	39.6
			NW	SE		IRR	32.2
			SW	SE		IRR	44.5
			SE	SE		IRR	21.2
					Section Acres		505.2
		32	NE	NE		IRR	37.3
			NW	NE		IRR	34.0
			SW	NE		IRR	40.4
			SE	NE		IRR	36.8
			NE	NW		IRR	21.5
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	37.7
			NW	SW		IRR	35.0
			SW	SW		IRR	35.5
			SE	SW		IRR	37.7
			NE	SE		IRR	40.0
			NW	SE		IRR	38.2
			SW	SE		IRR	38.2
			SE	SE		IRR	40.0
					Section Acres		592.3
		33	NE	NE		IRR	38.1
			NW	NE		IRR	38.1
			SW	NE		IRR	40.0
			SE	NE		IRR	36.8
			NE	NW		IRR	38.7
			SW	NW		IRR	40.3

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10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
10S	24E	33	SE		NW		IRR	39.1
			NE		SW		IRR	40.0
			NW		SW		IRR	39.9
			SW		SW		IRR	40.0
			SE		SW		IRR	39.7
			NE		SE		IRR	39.2
			NW		SE		IRR	39.2
			SW		SE		IRR	39.2
			SE		SE		IRR	39.2

Section Acres 587.5

34	NE	NE	IRR	40.0
	NW	NE	IRR	40.0
	SW	NE	IRR	40.0
	SE	NE	IRR	40.0
	NE	NW	IRR	40.0
	NW	NW	IRR	38.2
	SW	NW	IRR	40.0
	SE	NW	IRR	40.0
	NE	SW	IRR	40.0
	NW	SW	IRR	40.0
	SW	SW	IRR	40.0
	SE	SW	IRR	40.0
	NE	SE	IRR	41.8
	NW	SE	IRR	40.9
	SW	SE	IRR	40.7
	SE	SE	IRR	40.0

Section Acres 641.6

35	NE	NE	IRR	40.0
	NW	NE	IRR	40.0
	SW	NE	IRR	40.0
	SE	NE	IRR	40.0
	NE	NW	IRR	40.0
	NW	NW	IRR	41.5
	SW	NW	IRR	41.0
	SE	NW	IRR	40.0
	NE	SW	IRR	40.0
	NW	SW	IRR	40.0
	SW	SW	IRR	40.0
	SE	SW	IRR	40.0
	NE	SE	IRR	36.5
	NW	SE	IRR	37.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
10S	24E	35	SW	SE		IRR	38.7
			SE	SE		IRR	38.7
			Section Acres				633.4
		36	NE	NE		IRR	36.0
			NW	NE		IRR	37.9
			SW	NE		IRR	38.2
			SE	NE		IRR	38.0
			NE	NW		IRR	38.8
			NW	NW		IRR	34.5
			SW	NW		IRR	34.5
			SE	NW		IRR	39.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	19.1
			NE	SE		IRR	35.1
			NW	SE		IRR	36.3
			Section Acres				507.4
	25E	19	SW	SW		IRR	31.8
			Section Acres				31.8
		30	NW	NE		IRR	27.2
			SW	NE		IRR	4.0
			NE	NW		IRR	40.0
			NW	NW		IRR	30.7
			SW	NW		IRR	40.0
			NE	SW		IRR	33.3
			NW	SW		IRR	37.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NE	SE		IRR	21.2
			NW	SE		IRR	21.0
			SW	SE		IRR	35.0
			SE	SE		IRR	4.6
			Section Acres				374.0
		31	NE	NE		IRR	8.6
			NW	NE		IRR	28.0
			NW	NW		IRR	43.8

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
10S	25E	31	SW	NW		IRR	43.9
			NW	SW		IRR	12.0
			Section Acres				136.3
11S	22E	1	NE	NE		IRR	38.6
			NW	NE		IRR	40.0
			SW	NE		IRR	39.8
			SE	NE		IRR	38.6
			NE	NW		IRR	40.0
			NW	NW		IRR	39.5
			SW	NW		IRR	40.0
			SE	NW		IRR	39.7
			NE	SW		IRR	40.0
			NW	SW		IRR	40.3
			SW	SW		IRR	40.0
			SE	SW		IRR	39.7
			NE	SE		IRR	38.6
			NW	SE		IRR	40.0
			SW	SE		IRR	39.8
			SE	SE		IRR	38.6
			Section Acres				633.2
		2	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	39.2
			SE	NE		IRR	39.3
			NE	NW		IRR	39.1
			NW	NW		IRR	40.0
			SW	NW		IRR	39.7
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
			Section Acres				637.3
		3	NE	SE		IRR	41.0
			SE	SE		IRR	40.7
			Section Acres				81.7

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10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
11S	22E	10					
			NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	13.9
			SE	NE		IRR	39.4
			NW	SE		IRR	38.2
			SW	SE		IRR	38.0

Section Acres 209.5

11	NE	NE	IRR	42.3
	NW	NE	IRR	42.3
	SW	NE	IRR	42.3
	SE	NE	IRR	42.3
	NE	NW	IRR	41.3
	NW	NW	IRR	41.5
	SW	NW	IRR	41.0
	SE	NW	IRR	41.3
	NE	SW	IRR	38.5
	NW	SW	IRR	40.0
	SW	SW	IRR	41.0
	SE	SW	IRR	41.0
	NE	SE	IRR	40.0
	NW	SE	IRR	40.0
	SW	SE	IRR	40.0
	SE	SE	IRR	40.0

Section Acres 654.8

12	NE	NE	IRR	40.0
	NW	NE	IRR	40.0
	SW	NE	IRR	40.0
	SE	NE	IRR	40.0
	NE	NW	IRR	40.0
	NW	NW	IRR	40.0
	SW	NW	IRR	40.0
	SE	NW	IRR	40.0
	NE	SW	IRR	40.0
	NW	SW	IRR	40.0
	SW	SW	IRR	40.0
	SE	SW	IRR	40.0
	NE	SE	IRR	40.0
	NW	SE	IRR	40.0
	SW	SE	IRR	40.0
	SE	SE	IRR	40.0

Section Acres 640.0

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10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
11S	22E	13	NE		NE		IRR	41.3
			NW		NE		IRR	41.3
			SW		NE		IRR	41.3
			SE		NE		IRR	41.3
			NE		NW		IRR	40.0
			NW		NW		IRR	41.8
			SW		NW		IRR	35.0
			SE		NW		IRR	40.0
			NE		SW		IRR	41.0
			NW		SW		IRR	41.4
			SW		SW		IRR	41.0
			SE		SW		IRR	42.0
			NE		SE		IRR	42.7
			NW		SE		IRR	41.9
			SW		SE		IRR	41.9
			SE		SE		IRR	42.0
							Section Acres	655.9
		14	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	39.9
			NE		NW		IRR	41.4
			NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			SE		NW		IRR	41.4
			NE		SE		IRR	40.0
			NW		SE		IRR	15.0
			SE		SE		IRR	15.0
							Section Acres	392.7
		24	NE		NE		IRR	35.6
			NW		NE		IRR	36.0
			NE		NW		IRR	10.5
							Section Acres	82.1
	23E	1	NE		NE		IRR	38.2
			NW		NE		IRR	40.0
			SW		NE		IRR	40.9
			SE		NE		IRR	38.2
			NE		NW		IRR	40.0

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10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
11S	23E	1	NW		NW		IRR	40.0
			SW		NW		IRR	41.7
			SE		NW		IRR	41.3
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0
			NE		SE		IRR	38.0
			NW		SE		IRR	36.3
			SW		SE		IRR	40.0
			SE		SE		IRR	39.0
							Section Acres	633.6
		2	NE		NE		IRR	41.8
			NW		NE		IRR	40.8
			SW		NE		IRR	41.0
			SE		NE		IRR	40.0
			NE		NW		IRR	41.0
			NW		NW		IRR	40.9
			SW		NW		IRR	41.0
			SE		NW		IRR	40.8
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	39.3
							Section Acres	646.6
		3	NE		NE		IRR	38.0
			NW		NE		IRR	38.0
			SW		NE		IRR	38.0
			SE		NE		IRR	38.3
			NE		NW		IRR	45.4
			NW		NW		IRR	40.0
			SW		NW		IRR	37.0
			SE		NW		IRR	37.3
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	41.0
			SE		SW		IRR	42.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
11S	23E	3	NE	SE		IRR	40.0
			NW	SE		IRR	39.0
			SW	SE		IRR	44.2
			SE	SE		IRR	44.0

Section Acres 642.2

4	NE	NE	IRR	40.2
	NW	NE	IRR	42.3
	SW	NE	IRR	40.0
	SE	NE	IRR	40.0
	NE	NW	IRR	35.0
	NW	NW	IRR	36.1
	SW	NW	IRR	42.1
	SE	NW	IRR	42.0
	NE	SW	IRR	38.0
	NW	SW	IRR	39.5
	SW	SW	IRR	40.2
	SE	SW	IRR	39.3
	NE	SE	IRR	37.0
	NW	SE	IRR	37.1
	SW	SE	IRR	38.3
	SE	SE	IRR	36.7

Section Acres 623.8

5	NE	NE	IRR	39.0
	NW	NE	IRR	41.5
	SW	NE	IRR	40.0
	SE	NE	IRR	39.6
	NE	NW	IRR	37.0
	NW	NW	IRR	37.1
	SW	NW	IRR	41.9
	SE	NW	IRR	40.1
	NE	SW	IRR	39.9
	NW	SW	IRR	39.9
	SW	SW	IRR	39.9
	SE	SW	IRR	40.1
	NE	SE	IRR	40.0
	NW	SE	IRR	40.0
	SW	SE	IRR	39.3
	SE	SE	IRR	40.0

Section Acres 635.3

6	NE	NE	IRR	20.8
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10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
11S	23E	6	NW		NE		IRR	20.8
			SW		NE		IRR	20.8
			SE		NE		IRR	20.8
			NE		NW		IRR	20.8
			NW		NW		IRR	20.8
			SW		NW		IRR	20.8
			SE		NW		IRR	20.8
			NE		SW		IRR	20.8
			NW		SW		IRR	20.8
			SW		SW		IRR	20.8
			SE		SW		IRR	20.8
			NE		SE		IRR	20.8
			NW		SE		IRR	20.8
			SW		SE		IRR	20.8
			SE		SE		IRR	20.9

Section Acres 332.9

7	NE	NE	IRR	20.5
	NW	NE	IRR	20.5
	SW	NE	IRR	20.5
	SE	NE	IRR	20.5
	NE	NW	IRR	20.5
	NW	NW	IRR	20.5
	SW	NW	IRR	20.5
	SE	NW	IRR	20.5
	NE	SW	IRR	20.5
	NW	SW	IRR	20.5
	SW	SW	IRR	20.5
	SE	SW	IRR	20.5
	NE	SE	IRR	20.5
	NW	SE	IRR	20.5
	SW	SE	IRR	20.5
	SE	SE	IRR	20.5

Section Acres 328.0

8	NE	NE	IRR	40.0
	NW	NE	IRR	40.0
	SW	NE	IRR	40.0
	SE	NE	IRR	40.0
	NE	NW	IRR	40.0
	NW	NW	IRR	40.0
	SW	NW	IRR	40.0
	SE	NW	IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
11S	23E	8	NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	37.8
			SE		SW		IRR	40.0
			NE		SE		IRR	40.4
			NW		SE		IRR	40.0
			SW		SE		IRR	38.5
			SE		SE		IRR	40.0
							Section Acres	636.7
		9	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	38.7
			NE		SE		IRR	37.0
			NW		SE		IRR	37.6
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
							Section Acres	633.3
		10	NE		NE		IRR	39.8
			NW		NE		IRR	39.8
			SW		NE		IRR	39.6
			SE		NE		IRR	39.7
			NE		NW		IRR	39.8
			NW		NW		IRR	39.8
			SW		NW		IRR	39.6
			SE		NW		IRR	39.7
			NE		SW		IRR	39.8
			NW		SW		IRR	39.8
			SW		SW		IRR	39.6
			SE		SW		IRR	39.7
			NE		SE		IRR	39.8
			NW		SE		IRR	39.8
			SW		SE		IRR	39.6

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10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
11S	23E	10	SE	SE		IRR	39.7
Section Acres							635.6
		11	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	39.7
			NE	NW		IRR	40.0
			NW	NW		IRR	39.0
			SW	NW		IRR	39.1
			SE	NW		IRR	40.0
			NE	SW		IRR	39.0
			NW	SW		IRR	40.0
			SW	SW		IRR	37.6
			SE	SW		IRR	39.4
			NE	SE		IRR	39.0
			NW	SE		IRR	37.6
			SW	SE		IRR	40.0
			SE	SE		IRR	39.0
Section Acres							629.4
		12	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	38.7
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
Section Acres							638.7
		13	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
11S	23E	13	SE		NE		IRR	40.0
			NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0

Section Acres 640.0

14	NE	NE	IRR	40.0
	NW	NE	IRR	40.0
	SW	NE	IRR	40.0
	SE	NE	IRR	40.0
	NE	NW	IRR	40.0
	NW	NW	IRR	40.0
	SW	NW	IRR	39.6
	SE	NW	IRR	40.0
	NE	SW	IRR	40.0
	NW	SW	IRR	40.0
	SW	SW	IRR	38.3
	SE	SW	IRR	40.0
	NE	SE	IRR	40.0
	NW	SE	IRR	39.0
	SW	SE	IRR	40.0
	SE	SE	IRR	40.0

Section Acres 636.9

15	NE	NE	IRR	40.0
	NW	NE	IRR	40.0
	SW	NE	IRR	40.0
	SE	NE	IRR	36.4
	NE	NW	IRR	40.0
	NW	NW	IRR	40.0
	SW	NW	IRR	40.0
	SE	NW	IRR	40.0
	NE	SW	IRR	40.0
	NW	SW	IRR	40.0

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10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
11S	23E	15	SW		SW		IRR	40.0
			SE		SW		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0

Section Acres 636.4

16	NE	NE	IRR	40.0
	NW	NE	IRR	14.0
	SW	NE	IRR	40.0
	SE	NE	IRR	40.0
	NE	NW	IRR	39.5
	NW	NW	IRR	39.5
	SW	NW	IRR	39.5
	SE	NW	IRR	39.5
	NE	SW	IRR	40.0
	NW	SW	IRR	40.0
	SW	SW	IRR	34.4
	SE	SW	IRR	40.0
	NE	SE	IRR	40.0
	NW	SE	IRR	40.0
	SW	SE	IRR	40.0
	SE	SE	IRR	40.0

Section Acres 606.4

17	NE	NE	IRR	40.0
	NW	NE	IRR	40.0
	SW	NE	IRR	40.4
	SE	NE	IRR	40.0
	NE	NW	IRR	40.0
	NW	NW	IRR	40.0
	SW	NW	IRR	40.0
	SE	NW	IRR	40.0
	NE	SW	IRR	40.4
	NW	SW	IRR	40.0
	SW	SW	IRR	40.0
	SE	SW	IRR	40.0
	NE	SE	IRR	40.0
	NW	SE	IRR	40.0
	SW	SE	IRR	40.0
	SE	SE	IRR	40.0

Section Acres 640.8

10. Place of Use: Continued

Total Acres 33286.2

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:
A01-00007Z1

14. Remarks:

IRR. ACRES NOT STATED WITHIN BURLEY IRR. DISTRICT.
TRANS. 3246. A TOTALIZING METER OF A TYPE APPROVED BY THE
DEPT. SHALL BE PERMANENTLY INSTALLED ON THE DIVERSION PTS.
USING PUMPS TO DIVERT WATER.
COORS PUMP: NESENW 22, T10S, R22E.
CAREY PUMP: NWSESE 19, T10S, R22E.
SOUTHSIDE MAIN CANAL: SWSESW 1, T9S, R25E.
LARGE CLAIM REPRESENTED BY CLAIM SUFFIXES Z0 & Z1.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

BURLEY IRR. DISTRICT ET AL
Decree Plaintiff

vs

HENRY EAGLE
Decree Defendant

16. Signature(s)

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

Number of attachments: _____

For Organizations:

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

Signature of Authorized Agent

Title and Organization

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 _____

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: A01-00007Z1
Date Received: 8/08/1989
Receipt No: 5009172
Received By: AD

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: LARGE CLAIM
Address: BOISE, ID 00000
2. Date of Priority: JAN 01, 1901
3. Source: LARGE CLAIM Trib. to:
4. Point of Diversion:
- | Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|--------------|
| 65N | 46E | 36 | NE | NE | NE | | SUBSCRIPTION |
5. Description of diverting works:
MINIDOKA DAM & PUMPS
6. Water is used for the following purposes:
- | Purpose | From | To | C.F.S | (or) | A.F.A. |
|-----------------------|-------|-------|------------|------|--------|
| GW RECHARGE FROM STOR | 04/15 | 10/15 | 999999.000 | | |
7. Total Quantity Appropriated is:
999999.000 C.F.S. (and/or) 999999.00 A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:
STOCKWATER INCIDENTAL TO IRRIGATION
10. Place of Use:
- | Township | Range | Section | 1/4 of | 1/4 of | Lot | Use | Acres |
|----------|-------|---------|--------|--------|-----|-----|-------|
| 11S | 23E | 18 | NE | NE | | IRR | 20.6 |
| | | | NW | NE | | IRR | 20.6 |
| | | | SW | NE | | IRR | 20.6 |
- A01-00007Z1 Page 1 Date: 09/01/89

SCANNED
JUN 28 2005

MICROFILMED
MAR 20 1993

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
11S	23E	18	SE		NE		IRR	20.6
			NE		NW		IRR	20.6
			NW		NW		IRR	20.6
			SW		NW		IRR	20.6
			SE		NW		IRR	21.3
			NE		SW		IRR	20.6
			NW		SW		IRR	20.6
			SW		SW		IRR	20.6
			SE		SW		IRR	20.6
			NE		SE		IRR	20.6
			NW		SE		IRR	20.6
			SW		SE		IRR	20.6
			SE		SE		IRR	21.3
			Section Acres					331.0
		19	NE		NE		IRR	24.8
			NW		NE		IRR	24.8
			SW		NE		IRR	24.8
			SE		NE		IRR	25.1
			NE		NW		IRR	24.8
			NW		NW		IRR	24.8
			SW		NW		IRR	24.8
			SE		NW		IRR	25.5
			SW		SW		IRR	10.1
			SW		SE		IRR	10.1
			Section Acres					219.6
		20	NE		NE		IRR	39.9
			NW		NE		IRR	39.9
			SW		NE		IRR	39.9
			SE		NE		IRR	40.0
			NE		NW		IRR	40.0
			NW		NW		IRR	39.3
			SW		NW		IRR	35.2
			SE		NW		IRR	40.0
			NE		SW		IRR	5.1
			NE		SE		IRR	35.9
			NW		SE		IRR	19.8
			Section Acres					375.0
		21	NE		NE		IRR	40.0
			NW		NE		IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
11S	23E	21	SW		NE		IRR	40.0
			SE		NE		IRR	41.6
			NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			SW		NW		IRR	41.2
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	21.1
			SE		SW		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	42.3
							Section Acres	626.2
		22	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		NW		IRR	40.0
			NW		NW		IRR	39.0
			SW		NW		IRR	40.0
			SE		NW		IRR	38.0
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	39.6
			SE		SW		IRR	40.0
			NE		SE		IRR	41.2
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.8
							Section Acres	638.6
		23	NE		NE		IRR	38.3
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	39.4
			NE		NW		IRR	39.2
			NW		NW		IRR	39.2
			SW		NW		IRR	39.2
			SE		NW		IRR	39.2
			NE		SW		IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
11S	23E	23	NW		SW		IRR	40.0
			SW		SW		IRR	39.0
			SE		SW		IRR	38.8
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	37.6
			SE		SE		IRR	39.1

Section Acres 629.0

24	NE	NE	IRR	40.0
	NW	NE	IRR	40.0
	SW	NE	IRR	40.0
	SE	NE	IRR	40.0
	NE	NW	IRR	40.0
	NW	NW	IRR	38.4
	SW	NW	IRR	39.0
	SE	NW	IRR	40.0
	NE	SW	IRR	39.2
	NW	SW	IRR	38.0
	SW	SW	IRR	38.1
	SE	SW	IRR	39.2
	NE	SE	IRR	40.0
	NW	SE	IRR	39.2
	SW	SE	IRR	40.0
	SE	SE	IRR	40.0

Section Acres 631.1

25	NE	NE	IRR	39.3
	NW	NE	IRR	40.0
	SW	NE	IRR	40.0
	SE	NE	IRR	39.0
	NE	NW	IRR	40.0
	NW	NW	IRR	40.0
	SW	NW	IRR	40.0
	SE	NW	IRR	40.0
	NE	SW	IRR	40.0
	NW	SW	IRR	40.0
	SW	SW	IRR	24.0
	SE	SW	IRR	29.0
	NE	SE	IRR	40.0
	NW	SE	IRR	40.0
	SW	SE	IRR	22.0
	SE	SE	IRR	20.3

Section Acres 573.6

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
11S	23E	26	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	24.0
			NW		SW		IRR	13.2
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	10.0
			SE		SE		IRR	10.8
							Section Acres	458.0
		27	NE		NE		IRR	36.0
			NW		NE		IRR	41.0
			SW		NE		IRR	41.6
			SE		NE		IRR	36.0
			NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			SW		NW		IRR	10.0
			SE		NW		IRR	29.5
			NE		SE		IRR	15.4
							Section Acres	289.5
		28	NE		NE		IRR	40.0
			NW		NE		IRR	22.6
							Section Acres	62.6
24E		1	NE		NW		IRR	39.0
			NW		NW		IRR	29.0
			SW		NW		IRR	9.3
			SE		NW		IRR	39.0
							Section Acres	116.3
		2	NE		NE		IRR	40.0
			NW		NE		IRR	39.2
			SW		NE		IRR	39.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
11S	24E	2	SE		NE		IRR	40.0
			NE		NW		IRR	39.0
			NW		NW		IRR	39.5
			SW		NW		IRR	38.2
			SE		NW		IRR	39.0
			NE		SW		IRR	40.0
			NW		SW		IRR	38.6
			SW		SW		IRR	39.0
			SE		SW		IRR	40.0
			NE		SE		IRR	8.7
			NW		SE		IRR	40.0
			SW		SE		IRR	19.0

Section Acres 539.2

3	NE	NE	IRR	40.6
	NW	NE	IRR	41.1
	SW	NE	IRR	40.0
	SE	NE	IRR	40.0
	NE	NW	IRR	42.0
	NW	NW	IRR	41.7
	SW	NW	IRR	41.6
	SE	NW	IRR	40.0
	NE	SW	IRR	38.0
	NW	SW	IRR	39.1
	SW	SW	IRR	37.5
	SE	SW	IRR	40.0
	NE	SE	IRR	39.4
	NW	SE	IRR	38.5
	SW	SE	IRR	39.0
	SE	SE	IRR	40.0

Section Acres 638.5

4	NE	NE	IRR	40.0
	NW	NE	IRR	40.0
	SW	NE	IRR	43.5
	SE	NE	IRR	40.0
	NE	NW	IRR	40.0
	NW	NW	IRR	40.0
	SW	NW	IRR	40.0
	SE	NW	IRR	40.0
	NE	SW	IRR	40.0
	NW	SW	IRR	41.0
	SW	SW	IRR	44.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
11S	24E	4	SE	SW		IRR	43.9
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0

Section Acres 652.4

5	NE	NE	IRR	39.8
	NW	NE	IRR	41.6
	SW	NE	IRR	41.0
	SE	NE	IRR	41.0
	NE	NW	IRR	40.0
	NW	NW	IRR	40.0
	SW	NW	IRR	38.3
	SE	NW	IRR	38.3
	NE	SW	IRR	38.3
	NW	SW	IRR	38.3
	SW	SW	IRR	39.3
	SE	SW	IRR	40.0
	NE	SE	IRR	40.0
	NW	SE	IRR	40.0
	SW	SE	IRR	40.0
	SE	SE	IRR	38.1

Section Acres 634.0

6	NE	NE	IRR	34.7
	NW	NE	IRR	34.7
	SW	NE	IRR	40.0
	SE	NE	IRR	40.1
	NE	NW	IRR	31.9
	NW	NW	IRR	31.9
	SW	NW	IRR	31.0
	SE	NW	IRR	40.0
	NE	SW	IRR	40.0
	NW	SW	IRR	40.0
	SW	SW	IRR	40.0
	SE	SW	IRR	40.0
	NE	SE	IRR	40.0
	NW	SE	IRR	40.0
	SW	SE	IRR	40.0
	SE	SE	IRR	14.0

Section Acres 578.3

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
11S	24E	7	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		NW		IRR	40.0
			NW		NW		IRR	24.2
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW		IRR	31.8
			SW		SW		IRR	31.8
			SE		SW		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
							Section Acres	607.8
		8	NE		NE		IRR	40.0
			NW		NE		IRR	38.6
			SW		NE		IRR	40.0
			SE		NE		IRR	39.0
			NE		NW		IRR	41.0
			NW		NW		IRR	40.1
			SW		NW		IRR	40.0
			SE		NW		IRR	40.6
			NE		SW		IRR	37.8
			NW		SW		IRR	40.5
			SW		SW		IRR	40.0
			SE		SW		IRR	37.8
			NE		SE		IRR	39.2
			NW		SE		IRR	37.8
			SW		SE		IRR	37.8
			SE		SE		IRR	39.0
							Section Acres	629.2
		9	NE		NE		IRR	37.5
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	38.0
			NE		NW		IRR	37.6
			NW		NW		IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
11S	24E	9	SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	33.2
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	33.2
			SE	SE		IRR	40.0
Section Acres							619.5
		10	NE	NE		IRR	23.9
			NW	NE		IRR	40.0
			SW	NE		IRR	10.4
			NE	NW		IRR	39.9
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	13.1
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	3.2
Section Acres							330.5
		11	NE	NW		IRR	5.2
			NW	NW		IRR	5.2
Section Acres							10.4
		15	NW	NW		IRR	13.2
Section Acres							13.2
		16	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	25.3
			NE	NW		IRR	42.0
			NW	NW		IRR	42.2
			SW	NW		IRR	39.5
			SE	NW		IRR	39.5
			NE	SW		IRR	39.5

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
11S	24E	16	NW		SW		IRR	39.5
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0
			NW		SE		IRR	35.4
			SW		SE		IRR	35.4

Section Acres 538.3

17	NE	NE	IRR	40.0
	NW	NE	IRR	40.0
	SW	NE	IRR	40.0
	SE	NE	IRR	40.0
	NE	NW	IRR	37.3
	NW	NW	IRR	39.0
	SW	NW	IRR	40.0
	SE	NW	IRR	37.3
	NE	SW	IRR	38.0
	NW	SW	IRR	40.0
	SW	SW	IRR	40.0
	SE	SW	IRR	40.0
	NE	SE	IRR	36.0
	NW	SE	IRR	36.3
	SW	SE	IRR	40.0
	SE	SE	IRR	40.0

Section Acres 623.9

18	NE	NE	IRR	36.2
	NW	NE	IRR	35.6
	SW	NE	IRR	35.6
	SE	NE	IRR	37.7
	NE	NW	IRR	36.8
	NW	NW	IRR	34.5
	SW	NW	IRR	34.5
	SE	NW	IRR	36.0
	NE	SW	IRR	36.0
	NW	SW	IRR	33.4
	SW	SW	IRR	34.7
	SE	SW	IRR	35.7
	NE	SE	IRR	33.9
	NW	SE	IRR	36.2
	SW	SE	IRR	36.2
	SE	SE	IRR	33.9

Section Acres 566.9

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
11S	24E	19	NE		NE		IRR	39.9
			NW		NE		IRR	42.0
			SW		NE		IRR	42.0
			SE		NE		IRR	36.4
			NE		NW		IRR	40.0
			NW		NW		IRR	36.1
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	36.4
			NW		SW		IRR	40.0
			SW		SW		IRR	36.2
			SE		SW		IRR	36.3
			NE		SE		IRR	40.0
			NW		SE		IRR	36.4
			SW		SE		IRR	36.5
			SE		SE		IRR	40.0
							Section Acres	618.2
		20	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0
			NE		SE		IRR	42.4
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.3
							Section Acres	642.7
		21	NE		NW		IRR	34.2
			NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			SE		NW		IRR	34.2
			NW		SW		IRR	27.6
							Section Acres	176.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
11S	24E	29	NE		NE		IRR	12.0
			NW		NE		IRR	40.0
			SW		NE		IRR	30.0
			NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	16.0
			NW		SW		IRR	18.0
							Section Acres	276.0
		30	NE		NE		IRR	38.8
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	38.8
			NE		NW		IRR	38.3
			NW		NW		IRR	38.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	20.6
			NW		SW		IRR	40.0
			SW		SW		IRR	13.4
			NW		SE		IRR	22.7
							Section Acres	410.6
							Total Acres	14056.1

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:
A01-00007Z0

14. Remarks:
IRR. ACRES NOT STATED WITHIN BURLEY IRR. DISTRICT.
TRANS. 3246. A TOTALIZING METER OF A TYPE APPROVED BY THE
DEPT. SHALL BE PERMANENTLY INSTALLED ON THE DIVERSION PTS.
USING PUMPS TO DIVERT WATER.
COORS PUMP: NESENW 22, T10S, R22E.
CAREY PUMP: NWSESE 19, T10S, R22E.
SOUTHSIDE MAIN CANAL: SWSESW 1, T9S, R25E.

14. Remarks: Continued

LARGE CLAIM REPRESENTED BY SUFFIXES Z0 & Z1.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

BURLEY IRR. DISTRICT ET AL

Decree Plaintiff

vs

HENRY EAGLE

Decree Defendant

16. Signature(s)

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

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am _____ of

Title
_____, that I have signed the foregoing
Organization
document in the space below as _____ of

Title
_____ and that the statements contained in the
Organization
foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization

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 _____

SCANNED
JUN 28 2005

MICROFILMED
MAR 20 1993

RECEIVED

MAY 25 2005

IN THE DISTRICT OF IDAHO, 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 1-7
Date Received: 9/14/1989
Receipt No: 3027702
Received By: [Signature]

AMENDED

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

1. Name of Claimant(s)

BURLEY IRRIGATION DIST Phone: (208) 678-2511
246 E 100 S
BURLEY ID USA 83318

RECEIVED
JUN 09 2005

Department of Water Resources
Eastern Region

2. Date of Priority: 04/01/1939

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	LOCAL NAME
10S	22E	19	NW SE SE 01	CASSIA	CAREY
09S	25E	1	SW SE SW	CASSIA	DAM
10S	22E	22	NE NW 03	CASSIA	COORS
10S	22E	30	SW SE SE 01	CASSIA	HERBERT
10S	23E	21	NE NE 02	CASSIA	BURLEY AIRPORT
10S	23E	22	NW SW 02	CASSIA	BURLEY GOLF COURSE
10S	22E	21	NW NW 04	CASSIA	ANDERSON (SIMPLOT)
10S	22E	21	NW NE 02	CASSIA	ANDERSON (SIMPLOT)
10S	23E	19	NW NE 02	CASSIA	PEVEY

5. Description of diverting works:

MINIDOKA DAM & PUMPS

6. Water is used for the following purposes:

PROFILED

SCANNED

JUN 28 2005

Purpose
IRRIGATION

From To
4/15 10/15

C.F.S.
163.4

(or) A.F.A

7. Total Quantity Appropriated is:
163.4 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

This claim is for 47,818 acres within the boundary of the Burley Irrigation District.

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:

14. Remarks:

A measuring device of a type approved by the Department shall be permanently installed and maintained as part of the diverting works.

IRR. ACRES NOT STATED WITHIN BURLEY IRR. DISTRICT.

TRANS. 3246.

A TOTALIZING METER OF A TYPE APPROVED BY THE DEPT. SHALL BE PERMANENTLY INSTALLED ON THE DIVERSION PTS.

USING PUMPS TO DIVERT WATER.

COORS PUMP: NESENW 22, T10S, R22E.

CAREY PUMP: NWSESE 19, T10S, R22E.

SOUTHSIDE MAIN CANAL: SWSESW 1, T9S, R25E.

LARGE CLAIM REPRESENTED BY CLAIM SUFFIXES Z0 & Z1.

CONFORMED ATTORNEY MAILING ADDRESS DMS

5-25-2005, DJ: CLAIM AMENDED TO RECORD INCREASE IN ACRES AND POINTS OF DIVERSION.

15. Basis of Claim: Decreed

16. Signature(s)

SCANNED

JUN 28 2005

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

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am Manager of _____ Title

Burley Irrigation District Organization, that I have signed the foregoing

document in the space below as Manager of _____ Title

Burley Irrigation District Organization and that the statements contained in the

foregoing document are true and correct. Douglas Jones Signature of Authorized Agent

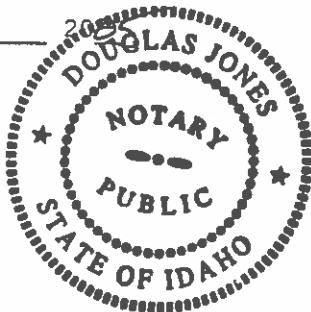
Manager Burley Irrigation District Title and Organization

May 25, 2005 Date

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 25th

of May 2005



Douglas Jones Notary Public

Residing at Buhl ID

My commission Expires 8/8/2007

SCANNED

JUN 28 2005

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: A01-00007
Date Received: 10/28/1988
Receipt No: 5009172
Received By: Adm

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BURLEY IRR. DISTRICT
Address: RT. 1 BOX 1416
BURLEY, ID

678-2511

83318-0000

2. Date of Priority: APR 01, 1939

3. Source: SNAKE RIVER

Trib. to: COLUMBIA RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
09S	25E	1	SW	SE	SW		CASSIA
10S	22E	19	NW	SE	SE		CASSIA
		22	NE	SE	NW		CASSIA

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	4/15	10/15	163.400		

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
10S	21E	25				IRR	
	22E	19				IRR	

A01-00007

Page 1

Date: 06/01/89

SCANNED

MICROFILMED

JUN 28 2005

MAR 20 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres		
10S	22E	20			IRR			
		21			IRR			
		23			IRR			
		24			IRR			
		25			IRR			
		26			IRR			
		27			IRR			
		28			IRR			
		29			IRR			
		30			IRR			
		33			IRR			
		34			IRR			
		35			IRR			
		36			IRR			
			23E	16			IRR	
				17			IRR	
				18			IRR	
				19			IRR	
				20			IRR	
				21			IRR	
				22			IRR	
				25			IRR	
				26			IRR	
				27			IRR	
				28			IRR	
				29			IRR	
				30			IRR	
				31			IRR	
				32			IRR	
				33			IRR	
			34			IRR		
			35			IRR		
			36			IRR		
			24E	1			IRR	
				13			IRR	
				14			IRR	
	21				IRR			
	22				IRR			
	23				IRR			
	24				IRR			
	25				IRR			
	26				IRR			
	27				IRR			
	28				IRR			
	29				IRR			

SCANNED

JUN 28 2005

MICROFILMED

MAR 20 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
10S	24E	30			IRR	
		31			IRR	
		32			IRR	
		33			IRR	
		34			IRR	
		35			IRR	
		36			IRR	
	25E	19			IRR	
		30			IRR	
		31			IRR	
11S	22E	1			IRR	
		2			IRR	
		3			IRR	
		10			IRR	
		11			IRR	
		12			IRR	
		13			IRR	
		14			IRR	
		15			IRR	
		24			IRR	
	23E	1			IRR	
		2			IRR	
		3			IRR	
		4			IRR	
		5			IRR	
		6			IRR	
		7			IRR	
		8			IRR	
		9			IRR	
		10			IRR	
		11			IRR	
		12			IRR	
		13			IRR	
		14			IRR	
		15			IRR	
		16			IRR	
		17			IRR	
		18			IRR	
		19			IRR	
		20			IRR	
		21			IRR	
		22			IRR	
		23			IRR	
		24			IRR	
		25			IRR	

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
11S	23E	26			IRR	
		27			IRR	
		28			IRR	
	24E	1			IRR	
		2			IRR	
		3			IRR	
		4			IRR	
		5			IRR	
		6			IRR	
		7			IRR	
		8			IRR	
		9			IRR	
		10			IRR	
		15			IRR	
		16			IRR	
		17			IRR	
		18			IRR	
		19			IRR	
		20			IRR	
		21			IRR	
		29			IRR	
		30			IRR	

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:

14. Remarks:

IRR. ACRES NOT STATED WITHIN BURLEY IRR. DISTRICT.
 TRANS. 3246. A TOTALIZING METER OF A TYPE APPROVED BY THE
 DEPT. SHALL BE PERMANENTLY INSTALLED ON THE DIVERSION PTS.
 USING PUMPS TO DIVERT WATER.
 COORS PUMP: NESENE 22, T10S, R22E.
 CAREY PUMP: NWSESE 19, T10S, R22E.
 SOUTHSIDE MAIN CANAL: SWSESW 1, T9S, R25E.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

BURLEY IRR. DISTRICT ET AL
 Decree Plaintiff

vs

HENRY EAGLE
 Decree Defendant

A01-00007

Page

4

Date: 06/01/89

SCANNED
 JUN 28 2005

MICROFILMED
 MAR 20 1993

16. Signature(s)

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

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am President of _____
Title

Burley Irrigation Dist., that I have signed the foregoing
Organization
document in the space below as President of
Title

Burley Irrigation District and that the statements contained in the
Organization
foregoing document are true and correct.

Gayle Richne
Signature of Authorized Agent

Pres. Burley Irrig. Dist.
Title and Organization

June 13, 1989
Date

State of Idaho)
County of Cassia) SS.

Subscribed and sworn (or affirmed) before me this 13th day
of June 19 89

Janet Rasmussen
Notary Public

Seal

Residing at Burley, Cassia, Idaho
My Commission Expires 9-23-1992