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DEC 14 2018

DEPARTMENT OF
WATER RESOURCES

LAWRENCE G. WASDEN
Attorney General

DARRELL G. EARLY
Deputy Attorney General
Chief, Natural Resources Division

SHANTEL M. CHAPPLE KNOWLTON (ISB # 9759)
Deputy Attorney General
Natural Resources Division
700 W. State St., 2nd Floor
Boise, ID 83720-0010
Telephone: (208) 334-4200
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Electronic Mail: shantel.knowlton@ag.idaho.gov

Attorneys for the State of Idaho

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

In Re SRBA

Case No. 39576

Subcase Nos. 61-4029

**AFFIDAVIT OF SHANTEL M.
CHAPPLE KNOWLTON**

STATE OF IDAHO)
) ss.
COUNTY OF ADA)

SHANTEL M. CHAPPLE KNOWLTON, being duly sworn upon her oath, deposes and states that:

1. I am a Deputy Attorney General in the Office of the Attorney General of the State of Idaho and one of the attorneys of record for the State of Idaho in the above-entitled proceedings.

2. The following is based upon my own personal knowledge.

3. Attached hereto as the individual exhibits identified below are true and correct copies of the following:

- a. **Exhibit 1:** *Idaho Department of Water Resources Preliminary Recommendation of Water Rights Acquired Under State Law*, Water Right No. 61-4029 (Nov. 20, 1998) that I obtained from the Idaho Department of Water Resources ("IDWR").
- b. **Exhibit 2:** Selected pages from the *Director's Report for Irrigation and Other Uses for Reporting Area 6, Basin 61*, SRBA Case No. 39576 (Feb. 12, 1999) that I obtained from records maintained by the Office of the Attorney General for the State of Idaho.
- c. **Exhibit 3:** Selected pages from the *Affidavit of Service: Notice of Filing Directors Report Reporting Area 6, Basin 61 for Irrigation and Other Water Rights*, SRBA Case No. 39576 (March 29, 1999) that I obtained from records maintained by the Office of the Attorney General for the State of Idaho.
- d. **Exhibit 4:** *Partial Decree*, SRBA Subcase No. 61-4029 (Oct. 6, 2000) that I printed from the *Adjudication Backfile* for water right no. 61-4029 on IDWR's website. A copy of this document is available at http://www.idwr.idaho.gov/apps/ExtSearch/DocsImages/2r4m01_.PDF.
- e. **Exhibit 5:** *Motion for Leave to Have the Department of Water Resources File Amended Director's Reports*, SRBA Subcase Nos. 61-309 *et al.* (May 9, 2001) that I obtained from records maintained by the Office of the Attorney General for the State of Idaho.

- f. **Exhibit 6:** Selected pages from the *Amended Director's Reports RE: Season of Use Element for Irrigation Claims for Cold Springs Creek & Tributaries Basin 61, Reporting Area 6*, SRBA Case No. 39576 (Sept. 19, 2001) that I obtained from records maintained by the Office of the Attorney General for the State of Idaho.
- g. **Exhibit 7:** *Special Master's Report Findings of Fact and Conclusions of Law for Water Right No. 61-4029*, SRBA Subcase No. 61-4029 (Jan. 23, 2003) that I printed from the *Adjudication Backfile* for water right no. 61-4029 on IDWR's website. A copy of this document is available at http://www.idwr.idaho.gov/apps/ExtSearch/DocsImages/48m601_.PDF.
- h. **Exhibit 8:** *Order of Partial Decree for Water Right 61-4029*, SRBA Subcase No. 61-4029 (March 4, 2003) that I printed from the *Adjudication Backfile* for water right no. 61-4029 on IDWR's website. A copy of this document is available at http://www.idwr.idaho.gov/apps/ExtSearch/DocsImages/_1f01_.PDF.
- i. **Exhibit 9:** *Final Unified Decree* (Aug. 26, 2014) and selected pages from Attachment 2 to the *Final Unified Decree* that I printed from the SRBA Court's website. This document is available at <http://164.165.134.61/Images/2014-08/0039576XX09020.pdf> and http://www.srba.state.id.us/FUDA2_01_B61.HTM.

Further your affiant sayeth naught.

DATED this 13th day of December, 2018.



SHANTEL M. CHAPPLE KNOWLTON

SUBSCRIBED AND SWORN TO before me this 13th day of December, 2018.



Melinda Bouldin

Notary Public for Idaho

Residing at: Boise, ID

My commission expires: 12.8.22

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th day of December, 2018, I caused to be served a true and correct copy of the foregoing document by the methods indicated:

CLERK OF THE DISTRICT COURT SNAKE RIVER BASIN ADJUDICATION 253 THIRD AVENUE NORTH PO BOX 2707 TWIN FALLS, ID 83303-2707	☐ U.S. Mail, postage prepaid ☐ Hand Delivery ☒ Federal Express ☐ Facsimile: <u>(208) 736-2121</u> ☐ Statehouse Mail
S. BRYCE FARRIS SAWTOOTH LAW OFFICES, PLLC 1101 W. RIVER STREET, SUITE 110 P.O. BOX 7985 BOISE, ID 83707	☒ U.S. Mail, postage prepaid ☐ Hand Delivery ☐ Federal Express ☐ Facsimile: ☐ Statehouse Mail
IDWR DOCUMENT DEPOSITORY STATEHOUSE MAIL PO BOX 83720 BOISE, ID 83720-0098	☐ U.S. Mail, postage prepaid ☐ Hand Delivery ☐ Federal Express ☐ Facsimile: ☒ Statehouse Mail
US DEPARTMENT OF JUSTICE ENVIRONMENT & NATL' RESOURCES 550 WEST FORT STREET, MSC 033 BOISE, ID 83724	☒ U.S. Mail, postage prepaid ☐ Hand Delivery ☐ Federal Express ☐ Facsimile: ☐ Statehouse Mail



SHANTEL M. CHAPPLE KNOWLTON
Deputy Attorney General

EXHIBIT 1

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: NOV-20-1998
PAGE: A-873

RIGHTS FROM:	SOURCE: RYEGRASS CREEK	TRIBUTARY: COLD SPRINGS CREEK	
RIGHT NUMBER:	61-04029		
NAME & ADDRESS:	WILLIAM H WALKER MARGARET WALKER RT 1 BOX 458 GLENN'S FERRY ID 83623		
SOURCE:	RYEGRASS CREEK	TRIBUTARY: COLD SPRINGS CREEK	
QUANTITY:	5.14 CFS 6.7 AFY		
THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.			
PRIORITY DATE:	04/01/1927		
POINT OF DIVERSION:	T03S R09E S32 T04S R09E S07 S18	SESWSW SWSWNE SESENN	Within ELMORE County
PURPOSE AND PERIOD OF USE:	PURPOSE OF USE IRRIGATION STOCKWATER	PERIOD OF USE 03-15 11-15 01-01 12-31	QUANTITY 5.02 CFS 0.12 CFS
PLACE OF USE:	IRRIGATION T04S R09E S07 S18 235 ACRES TOTAL	Within ELMORE County SWNE 25 NWSE 9.3 NNNE 1.1 NESW 1.6	SENE 5.5 SWSE 2.7 SWNE 1.1 SESW 2.7 NESW 27 NWSE 8.4 SENW 30 SWSE 4.9
Place of use for STOCKWATER is same as IRRIGATION			
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:			
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.			

EXHIBIT 2

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: FEB-12-1999
PAGE: A-913

RIGHTS FROM:	SOURCE: RYEGRASS CREEK	TRIBUTARY: COLD SPRINGS CREEK	
RIGHT NUMBER:	61-04029		
NAME & ADDRESS:	WILLIAM H WALKER MARGARET WALKER RT 1 BOX 458 GLENNS FERRY ID 83623		
SOURCE:	RYEGRASS CREEK	TRIBUTARY: COLD SPRINGS CREEK	
QUANTITY:	5.14 CFS 6.7 AFY		
THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.			
PRIORITY DATE:	04/01/1927		
POINT OF DIVERSION:	T03S R09E S32 T04S R09E S07 S18	SESWSW SWSWNE SESENW	Within ELMORE County
PURPOSE AND PERIOD OF USE:	PURPOSE OF USE IRRIGATION STOCKWATER	PERIOD OF USE 03-15 11-15 01-01 12-31	QUANTITY 5.02 CFS 0.12 CFS
PLACE OF USE:	IRRIGATION T04S R09E S07 S18 235 ACRES TOTAL	Within ELMORE County SWNE 25 NWSE 9.3 NWNE 1.1 NESW 16	SENE 5.5 SWSE 2.7 SWNE 1.1 SESW 27 NESW 27 NENW 38 NWSE 8.4 SESW 39 SESW 30 SWSE 4.9
Place of use for STOCKWATER is same as IRRIGATION			
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:			
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.			

AJ5856NP

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

DATE: FEB-12-1999
PAGE: A-914

RIGHTS FROM:	SOURCE: RYEGRASS CREEK	TRIBUTARY: COLD SPRINGS CREEK
RIGHT NUMBER:	61-04029	(CONT)

OTHER PROVISIONS: (CONT)

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
IN BASIN 61 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
RIGHTS IN BASIN 61:

WATER RIGHT NO.	SOURCE
NONE	NONE

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
IN BASIN 61 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
RIGHTS IN THE SNAKE RIVER BASIN:

WATER RIGHT NO.	SOURCE
NONE	NONE

ALL WATER RIGHTS WITHIN BASIN 61 ARE FROM CONNECTED SOURCES
OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED
CONJUNCTIVELY.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
SECTION 42-1425, IDAHO CODE.
RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.
STOCKWATER, 500 RANGE CATTLE

EXHIBIT 3



24565

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

In Re SRBA)
Case No. 39576)
AFFIDAVIT OF SERVICE:
NOTICE OF FILING DIRECTORS REPORT
REPORTING AREA 6, BASIN 61
FOR IRRIGATION AND OTHER
WATER RIGHTS

STATE OF IDAHO)
) ss.
County of Ada)

I, David R. Tuthill, Jr., being first duly sworn on oath, depose and state as follows:

1. I am the Adjudication Bureau Chief for the Idaho Department of Water Resources (IDWR). I am authorized by the Director to make this affidavit pursuant to Idaho Code § 42-1701(3). I make this affidavit pursuant to the requirements of Idaho Code § 42-1411(7). The following actions were taken under my direction by IDWR.

2. The original Director's Report for Irrigation and Other Uses for Reporting Area 6, Basin 61 (the "Director's Report") was filed by IDWR with the SRBA District Court on February 16, 1999.

3. A Notice of Director's Report for Irrigation and Other Uses for Reporting Area 6, Basin 61 was prepared by IDWR pursuant to Idaho Code § 42-1411(6) and orders of this Court, a copy of which is attached as Exhibit 1. In this affidavit I will refer to this document as the "Notice."

4. The Notice and IDWR's individual recommendation for each claimant's water right(s), were served on each of the persons on the Affidavit of Mailing, attached as Exhibit 2 and incorporated by this reference by deposit with the United States Postal Service before 5:00 p.m. on February 18, 1999. Except for the United States, the Affidavit of Mailing lists the name and last known address of all the claimants or their attorneys, if any, whose rights are recommended in the Director's Report as of the mailing date.

5. The Notice and a complete copy of the Director's Report were mailed to IDWR's Eastern, Southern, and Northern Regional Offices by deposit into the U.S. Mail prior to 5:00 p.m., on February 18, 1999.

6. The Notice and a complete copy of the Director's Report were hand-delivered to IDWR's Western Regional Office on February 16, 1999.

7. The Notice and a complete copy of the Director's Report were mailed to the Elmore and Ada County courthouses by deposit into the U.S. Mail prior to 5:00 p.m., on February 18, 1999.

8. The Notice and a complete copy of the Director's Report were hand-delivered by IDWR personnel on February 18, 1999 to:

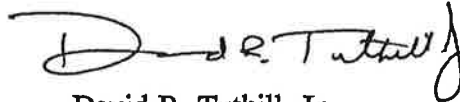
U.S. Department of Justice
Environment and Natural Resources Division
550 West Fort Street, MSC Box 033
Boise, ID 83706

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

U.S. Department of Justice
Environment and Natural Resources Division
550 West Fort Street, MSC Box 033
Boise, ID 83706

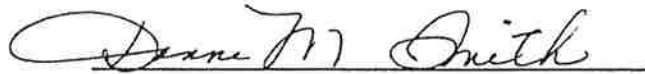
Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

DATED this 17th day of March, 1999.



David R. Tuthill, Jr.
Chief, Adjudication Bureau
Idaho Department of Water Resources

SUBSCRIBED AND SWORN before me this 17th day of March, 1999.



NOTARY PUBLIC FOR IDAHO

Residing at: Boise ID

My commission expires: 12/5/2000

CERTIFICATE OF SERVICE

I hereby certify that on the 29 day of March, 1999, I served a true and correct copy of this affidavit of service on the following persons by mailing in the U.S. Mail, with correct postage affixed thereto.

U.S. Department of Justice
Environment and Natural Resources Division
550 West Fort Street
Box 033
Boise, ID 83706

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

Sandy Egbert
Sandy Egbert

**NOTICE OF DIRECTOR'S REPORT
IDWR REPORTING AREA 6, BASIN 61
FOR IRRIGATION AND OTHER WATER RIGHTS**

The Director of the Idaho Department of Water Resources (IDWR) has filed with the Snake River Basin Adjudication (SRBA) District Court the Director's Report for irrigation and other water rights in IDWR Reporting Area 6, Basin 61. A map of the area covered by this Director's Report is attached to this Notice. This Director's Report contains the Director's recommendation to the SRBA court as to how each of your claimed water rights should be decreed in the SRBA.

This Director's Report includes claims for irrigation and other uses, including some small domestic and stock water uses. The Director's Report for most small domestic and stockwater rights for IDWR Basin 61 was sent to the SRBA court and individual water users on July 30, 1997. Some small domestic and stockwater claims were withheld from the earlier report. If a claim for small domestic and stockwater was withheld from last year's report, it is reported in this Director's Report.

Included with this Notice is the Director's recommendation for your water rights claimed in the SRBA not previously recommended in the small domestic and stockwater report. IDWR is providing individual reports like this one to all claimants of irrigation and other water rights in your area. A complete copy of the Director's Report, listing all of these irrigation and other rights claimed under state law and "dual based" claims by the federal government, is available at the SRBA courthouse in Twin Falls and the locations listed on the third page of this notice. Copies of the report can be made, but you may be charged for copying and mailing.

INSTRUCTIONS FOR REVIEWING YOUR OWN WATER RIGHT

The description of your right which is enclosed is only the Director's recommendation to the SRBA Court on your water right. The Court will decide how it will decree your water right. You are free to agree or disagree with the Director's recommendation. If you agree with the Director's recommendation you do not need to do anything, pending further notice as described below. If you disagree with the Director's recommendation, you need to file an objection as described below.

INSTRUCTIONS FOR REVIEWING THE WATER RIGHTS OF OTHERS

The complete Director's Report contains recommendations to the SRBA Court on your water right and all other irrigation and other rights in your area. The Court will decide how it will decree all water rights. The Director's recommendations in the full report are listed in two sections of the report:

- 1) **List of Recommended Water Rights** -- Water right recommendations are listed alphabetically by source and then chronologically by priority date within each source.

2) List of Claims Recommended to Be Disallowed -- Water rights recommended to be disallowed are listed numerically by water right number. A short statement of the reason for IDWR's recommendation for disallowance is provided.

Also included in the complete Director's Report are descriptions of the United States' claims under federal law that have also been claimed under a state law basis. These are called "dual based" claims. The Director does not investigate the federal portion of these claims and makes no recommendation whether they should be granted or not.

If you want to review someone else's water right you need to look at the complete Director's Report, which is available at the SRBA courthouse in Twin Falls and the locations listed on the third page of this notice. Copies of the report can be made, but you may be charged for copying and mailing.

INSTRUCTIONS FOR TAKING A WATER RIGHT CLAIM TO COURT

What do I do if I disagree with a recommendation?

If you disagree with any element of the recommendation for your water right or anyone else's water right and want to be heard in court, file an objection with the SRBA Court. Objections must be made on the standard objection form available from any IDWR office or from the SRBA Court. You may also download a copy of the objection form from the SRBA Web Site at www.srba.state.id.us.

Your objection must be **received** by the SRBA Court on or before **June 15, 1999**.

What do I do if someone else objects to my water right recommendation?

If someone files an objection to your water right, or anyone else's water right, you may file a response to that objection. Responses to objections must be made on the standard response form available from any IDWR office or from the SRBA Court.

Your response must be **received** by the SRBA Court on or before **October 14, 1999**.

What do I do if I want to participate in the court case on someone else's water right?

If you want to be involved in the court case on any water right in the Director's Report, you must file either an objection or a response by the dates listed above.

What happens if there are no objections to a water right?

After the deadline for filing objections, IDWR will file a list of all water right recommendations with no objections. The SRBA Court will hear the uncontested recommendations on **August 17, 1999**, at **1:30 P.M.** at the **SRBA Courthouse**. Partial decrees will be issued following this hearing.

How will I know about the proceedings on water right recommendations to which objections were filed?

A notice will be mailed to you for court dates on your water right or for those where you filed an objection or a response. You will not receive notice of court dates on any other water right recommendations.

Additional information regarding water right claims can be found on the SRBA Web Site at www.srba.state.id.us.

Note: The SRBA Court publishes a monthly Docket Sheet listing all objections and responses filed. It does not list court dates for individual water right cases, but provides general information helpful to all participants in the SRBA.

The Docket Sheet is available at your county courthouse and all IDWR offices, or you may subscribe by contacting the SRBA Court or IDWR. The annual subscription fee is \$7.50. The Docket Sheet is also available on the SRBA Web Site at www.srba.state.id.us.

CHANGES OF ADDRESS OR OWNERSHIP DURING THE SRBA COURT CASE

You must contact your regional IDWR office with your address change or if the ownership of your water right changes. Failure to notify IDWR may result in the loss of your water rights.

ADDITIONAL INFORMATION

If you have questions about the SRBA, public information brochures are available at any IDWR office. Maps and aerial photography of this reporting area, as well as assistance in using the maps and the photography, are available at the IDWR Western Region office in Boise. You are also welcome to call IDWR at any of its offices or the SRBA Court. You may also want to consider contacting an attorney to assist you.

**Snake River Basin Adjudication
District Court**
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707
(208) 736-3011

Idaho Department of Water Resources
1301 North Orchard
Box 83720
Boise, Idaho 83720-0098
(208) 327-7906
(800) 451-4129

**Idaho Department of Water Resources
Western Region**
2735 Airport Way
Boise, Idaho 83705-5082
(208) 334-2190

**Idaho Department of Water Resources
Northern Region**
1910 Northwest Blvd., Suite 210
Coeur d'Alene, ID 83814-2615
(208) 765-1450

**Idaho Department of Water Resources
Southern Region**
1341 Fillmore, Suite 200
Twin Falls, Idaho 83301-3380
(208) 736-3033

**Idaho Department of Water Resources
Eastern Region**
900 North Skyline, Suite A
Idaho Falls, Idaho 83402-3653
(208) 525-7161

Elmore County Courthouse
150 S. 4th E.
Mountain Home, ID 83647
(208) 587-2131

Ada County Courthouse
514 W. Jefferson
Boise, ID 83702
(208) 364-2214

DEFINITIONS OF THE ELEMENTS OF YOUR WATER RIGHT

RIGHT NUMBER: Your water right is identified by a number assigned by IDWR. The first two digits identify IDWR's administrative basin number; for example, 55 or 61.

NAME AND ADDRESS: Your name and address should appear here. IDWR will use the most recent name and address in their records for the water right.

SOURCE: The name and/or type of the source where you divert your water. For example: "groundwater," "unnamed spring," "Common Creek."

QUANTITY: The amount of water recommended in either cubic feet per second (cfs) and/or the volume of water in acre feet per year (AFY).

PRIORITY DATE: The date used to determine the priority of your right in relation to other rights using water from the same source.

POINT OF DIVERSION: The legal location where you divert water from its source; generally described as 1/4 1/4 sections down to a 40-acre tract, or smaller. Other legal descriptions that might be used are: government lots, block, subdivision, parcel numbers, townsite names, mining claim information, homestead entry surveys and other survey information.

PURPOSE OF USE: The general category of the type of use you can make of your water. Typical purposes of use include irrigation, domestic, and stock watering.

PERIOD OF USE: The period of time during the year when you can use the water for your right.

PLACE OF USE: The legal location where you use your water right; generally described as 1/4 1/4 sections down to a 40-acre tract. Other legal descriptions that might be used are: government lots, block, subdivision, parcel numbers, townsite names, mining claim information, homestead entry surveys and other survey information.

BASIS OF CLAIM: The method that was used to establish your claim. Examples include prior decree, posted notice, beneficial use (historical) method, license, permit.

DUAL BASED CLAIMS: In some cases, the federal government has claimed one right under two theories: a state basis and a federal law basis. Both theories will be reported on one form for that single water right. In most cases, the priority dates are different and will be listed separately. The federal law basis is separately indicated in a box such as this:

```
*****
*                                     *
*                                     *
*                                     *
*****
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IDWR does not investigate or make recommendations regarding federal law based claims.

**NOTICE OF FILING OF
FEDERAL RESERVED RIGHTS CLAIMS
IN BASIN 61**

INTRODUCTION

The United States of America (USA) has filed with the Snake River Basin Adjudication (SRBA) District Court claims to the federal reserved rights in Basin 61.

Complete copies of the claims to federal reserved rights in Basin 61 is available at the SRBA courthouse in Twin Falls and the locations listed at the end this notice. You may review the claims to federal reserved rights at those locations. Copies of the claims can be made, but you may be charged for copying and mailing.

INSTRUCTIONS FOR TAKING A CLAIM TO COURT

What do I do if I disagree with a federal reserved water right claim?

If you disagree with any element of the claims to federal reserved water rights in Basin 61 and want to be heard in court, file an objection with the SRBA Court. Objections must be made on the standard objection form available from any IDWR office or from the SRBA Court. You may also download a copy of the objection form from the SRBA Web Site at www.srba.state.id.us.

Your objection to federal reserved water rights in Basin 61 must be **received** by the SRBA Court on or before **June 15, 1999**.

What do I do if I want to participate in the court case on a claim to federal reserved right?

If you want to be involved in the court case on any of the claims to federal reserved rights, you must file either an objection or a response by the dates provided in this notice.

Your responses must be **received** by the SRBA Court on or before **October 14, 1999**.

What happens if there are no objections to a federal reserved water right claim?

An evidentiary hearing on the uncontested federal reserved water rights will be held on **August 17, 1999**, at **1:30 A.M.** at the Snake River Basin Adjudication Courthouse. Partial decrees will be issued following this hearing.

How will I know about the proceedings on claims to federal reserved water rights to which objections were filed?

A notice will be mailed to you for court dates on those claims where you filed an objection or a response. You will not receive notice of court dates on any other claims to federal reserved rights.

Additional information regarding federal reserved water right claims can be found on the SRBA Web Site at www.srba.state.id.us.

Note: The SRBA Court publishes a monthly Docket Sheet listing all objections and responses filed. It does not list court dates for individual water right cases, but provides general information helpful to all participants in the SRBA.

The Docket Sheet is available at your county courthouse and all IDWR offices, or you may subscribe by contacting the SRBA Court or IDWR. The annual subscription fee is \$7.50. The Docket Sheet is also available on the SRBA Web Site at www.srba.state.id.us.

ADDITIONAL INFORMATION

If you have questions about the SRBA, public information brochures are available at any IDWR office. You may also want to consider contacting an attorney to assist you if you have questions regarding water rights claimed under federal law.

LOCATION OF COPIES OF FEDERAL CLAIMS IN BASIN 61 FOR REVIEW

**Snake River Basin Adjudication
District Court**
253 Third Avenue North.
P. O. Box 2707
Twin Falls, Idaho 83303-2707
(208) 736-3011

Idaho Department of Water Resources
1301 North Orchard
Box 83720
Boise, Idaho 83720-0098
(208) 327-7906
(800) 451-4129

**Idaho Department of Water Resources
Western Region**
2735 Airport Way
Boise, Idaho 83705-5082
(208) 334-2190

**Idaho Department of Water Resources
Northern Region**
1910 Northwest Blvd., Suite 210
Coeur d'Alene, ID 83814-2615
(208) 765-1450

**Idaho Department of Water Resources
Southern Region**
1341 Fillmore, Suite 200
Twin Falls, Idaho 83301-3380
(208) 736-3033

**Idaho Department of Water Resources
Eastern Region**
900 North Skyline, Suite A
Idaho Falls, Idaho 83402-3653
(208) 525-7161

Elmore County Courthouse
150 S. 4th E.
Mountain Home, ID 83647
(208) 587-2131

Ada County Courthouse
514 W. Jefferson
Boise, ID 83702
(208) 364-2214

DEFINITIONS OF THE ELEMENTS OF YOUR WATER RIGHT

RIGHT NUMBER: Your water right is identified by a number assigned by IDWR. The first two digits identify IDWR's administrative basin number; for example, 55 or 61.

NAME AND ADDRESS: Your name and address should appear here. IDWR will use the most recent name and address in their records for the water right.

SOURCE: The name and/or type of the source where you divert your water. For example: "groundwater," "unnamed spring," "Common Creek."

QUANTITY: The amount of water recommended in either cubic feet per second (cfs) and/or the volume of water in acre feet per year (AFY).

PRIORITY DATE: The date used to determine the priority of your right in relation to other rights using water from the same source.

POINT OF DIVERSION: The legal location where you divert water from its source; generally described as 1/4 1/4 sections down to a 40-acre tract, or smaller. Other legal descriptions that might be used are: government lots, block, subdivision, parcel numbers, townsite names, mining claim information, homestead entry surveys and other survey information.

PURPOSE OF USE: The general category of the type of use you can make of your water. Typical purposes of use include irrigation, domestic, and stock watering.

PERIOD OF USE: The period of time during the year when you can use the water for your right.

PLACE OF USE: The legal location where you use your water right; generally described as 1/4 1/4 sections down to a 40-acre tract. Other legal descriptions that might be used are: government lots, block, subdivision, parcel numbers, townsite names, mining claim information, homestead entry surveys and other survey information.

BASIS OF CLAIM: The method that was used to establish your claim. Examples include prior decree, posted notice, beneficial use (historical) method, license, permit.

DUAL BASED CLAIMS: In some cases, the federal government has claimed one right under two theories: a state basis and a federal law basis. Both theories will be reported on one form for that single water right. In most cases, the priority dates are different and will be listed separately. The federal law basis is separately indicated in a box such as this:

```
*****
*                                     *
*                                     *
*****
```

IDWR does not investigate or make recommendations regarding federal law based claims.

NOTICE OF DIRECTOR'S REPORT
AFFIDAVIT OF SERVICE, EXHIBIT 2
DATE MAILED: 02/12/1999

DATE: 02/09/99

PAGE: 37

CLAIM NO.	NAME AND ADDRESS	CLAIM NO.	NAME AND ADDRESS
61-10141	MARY L TUCKER 700 E HWY 30 MOUNTAIN HOME ID 83647	61-04076	UNION PACIFIC RAILROAD CO REAL ESTATE DEPT ATTN JAMES ROTH OMAHA NE 68102
61-04074	UNION PACIFIC RAILROAD CO REAL ESTATE DEPT ATTN JAMES ROTH OMAHA NE 68102	61-04075	UNION PACIFIC RAILROAD CO REAL ESTATE DEPT ATTN JAMES ROTH OMAHA NE 68102
61-10856	GINA M URQUIDI 8268 ROBINSON RD KUNA ID 83634	61-10856	MICHAEL J URQUIDI 6850 W AMITY RD BOISE ID 83709
61-11803	SCOTT D WAGNER 140 SEABREEZE AVE MOUNTAIN HOME ID 83647	61-11803	THERESSA G WAGNER 140 SEABREEZE AVE MOUNTAIN HOME ID 83647
61-00284	MARGARET WALKER RT 1 BOX 458 GLENN'S FERRY ID 83623	61-04029	MARGARET WALKER RT 1 BOX 458 GLENN'S FERRY ID 83623
61-00283	MARGARET WALKER RT 1 BOX 458 GLENN'S FERRY ID 83623	61-00283	WILLIAM H WALKER RT 1 BOX 458 GLENN'S FERRY ID 83623
61-00284	WILLIAM H WALKER RT 1 BOX 458 GLENN'S FERRY ID 83623	61-04029	WILLIAM H WALKER RT 1 BOX 458 GLENN'S FERRY ID 83623
61-07246A	EARL E WARD 1000 N 025 E RUPERT ID 83350	61-07283A	EARL E WARD 1000 N 025 E RUPERT ID 83350
61-07246A	EDITH L WARD 1000 N 025 E RUPERT ID 83350	61-07283A	EDITH L WARD 1000 N 025 E RUPERT ID 83350
61-07246A	HAROLD D WARD 1000 N 025 E RUPERT ID 83350	61-07283A	HAROLD D WARD 1000 N 025 E RUPERT ID 83350
61-07319	CARL R WERTEL 1480 S 18 W MOUNTAIN HOME ID 83647	61-07319	SYBILLE M WERTEL 1480 S 18 W MOUNTAIN HOME ID 83647
61-07081A	DANIEL L WEST HC 85 BOX 20-A MOUNTAIN HOME ID 83647	61-07081B	DANIEL L WEST HC 85 BOX 20-A MOUNTAIN HOME ID 83647

EXHIBIT 4

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

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 61-04029

NAME AND ADDRESS: MARGARET WALKER
WILLIAM H WALKER
RT 1 BOX 458
GLENN'S FERRY, ID 83623

SOURCE: RYEGRASS CREEK TRIBUTARY: COLD SPRINGS CREEK

QUANTITY: 5.14 CFS
6.70 AFY

PRIORITY DATE: 04/01/1927

POINT OF DIVERSION: T03S R09E S32 SESWSW Within Elmore County
T04S R09E S07 SWSWNE
S18 SESENW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	5.02 CFS
	Stockwater	01-01 TO 12-31	0.12 CFS

PLACE OF USE:	Irrigation		Within Elmore County
	T04S R09E S07	SWNE 25.0	SENE 5.5
		NESW 27.0	SESW 39.0
		NWSE 9.3	SWSE 2.7
	S18	NWNE 1.1	SWNE 1.1
		NENW 38.0	SENW 30.0
		NESW 16.0	SESW 27.0
		NWSE 8.4	SWSE 4.9

235.0 Acres Total

Stockwater	Within Elmore County
Same as Irrigation	

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

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

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

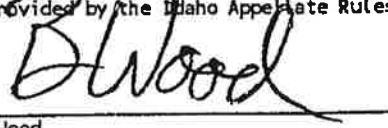

Barry Wood
Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication

EXHIBIT 5

COPY

Springs Creek and its tributaries as identified on the attached Exhibit A and is supported by the attached affidavits of John B. McCallum and Dave Tuthill. Any objections to the existing Director's Report recommendations would not be affected and would maintain their present status.

Respectfully submitted this 9 day of May, 2001.

MOORE SMITH BUXTON & TURCKE,
CHARTERED



BRUCE M. SMITH
Attorney for Charter Mountain Ranch, Inc.
and Ark Properties, LLC.

CERTIFICATE OF SERVICE

I hereby certify that on this 9 day of May, 2001, a true and correct copy of the MOTION FOR LEAVE TO HAVE THE DEPARTMENT OF WATER RESOURCES FILE AMENDED DIRECTOR'S REPORTS was delivered, addressed to the following:

Snake River Basin Adjudication
Clerk of the Court
253 3rd Avenue North
Twin Falls, Idaho 83303

☒ via U.S. MAIL
☐ via HAND DELIVERY
☐ via OVERNIGHT MAIL
☐ via FACSIMILE

Idaho Department of Water Resources
Document Depository
PO Box 83720
Boise, Idaho 83720-0098

☒ via U.S. MAIL
☐ via HAND DELIVERY
☐ via OVERNIGHT MAIL
☐ via FACSIMILE

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

☒ via U.S. MAIL
☐ via HAND DELIVERY
☐ via OVERNIGHT MAIL
☐ via FACSIMILE

The US Dept. of Justice
Environment & Natural Resources Division
550 West Fort Street, MSC 033
Boise, Idaho 83724

☒ via U.S. MAIL
☐ via HAND DELIVERY
☐ via OVERNIGHT MAIL
☐ via FACSIMILE

All Claimants on Exhibit A

☒ via U.S. MAIL



BRUCE M. SMITH

	Water Right Number	Claimant Name	SRBA Status
1	61-00309	Ark Properties, LLC	At Issue
2	61-00312	Ark Properties, LLC	At Issue
3	61-00316	Ark Properties, LLC	At Issue
4	61-00317	Barber Caven Ranches	PD Issued
5	61-00318	Half Moon Ranch	PD Issued
6	61-00319	Half Moon Ranch	PD Issued
7	61-00320	Half Moon Ranch	PD Issued
8	61-00321	Half Moon Ranch	PD Issued
9	61-00322	Double Anchor Ranch, Inc.	PD Issued
10	61-00323	Double Anchor Ranch, Inc.	PD Issued
11	61-00326	Double Anchor Ranch	At Issue
12	61-00327	Double Anchor Ranch	At Issue
13	61-00328	Ark Properties, LLC, LLC	At Issue
14	61-00330	Double Anchor Ranch, Inc.	PD Issued
15	61-00331	Double Anchor Ranch, Inc.	PD Issued
16	61-00332	Charter Mountain Ranch, Inc.	At Issue
17	61-00333	Charter Mountain Ranch, Inc.	At Issue
18	61-00334	Charter Mountain Ranch, Inc.	At Issue
19	61-00335	Charter Mountain Ranch, Inc.	At Issue
20	61-00336	Charter Mountain Ranch, Inc.	At Issue
21	61-00337	Charter Mountain Ranch, Inc.	At Issue
22	61-00338	Charter Mountain Ranch, Inc.	At Issue
23	61-00339	Charter Mountain Ranch, Inc.	At Issue
24	61-00340	Charter Mountain Ranch, Inc.	At Issue
25	61-00341	Samuel D. Blackwell	PD Issued
26	61-00342	Samuel D. Blackwell	PD Issued
27	61-00343	Charter Mountain Ranch, Inc.	At Issue
28	61-00345	Joe Black & Sons	PD Issued
29	61-00346	Barber Caven Ranches	PD Issued
30	61-00347	Joe Black & Sons	PD Issued
31	61-00364	Charter Mountain Ranch, Inc.	At Issue
32	61-02007	Joe Black & Sons	PD Issued
33	61-02008	Charter Mountain Ranch, Inc.	At Issue
34	61-02012	Charter Mountain Ranch, Inc.	At Issue
35	61-02031	Annabeth Bean	PD Issued
36	61-02038	Double Anchor Ranch, Inc.	PD Issued
37	61-02048	Barber Caven Ranches	PD Issued
38	61-02052	Joe Black & Sons	PD Issued
39	61-02064	Otto Neuer	PD Issued
40	61-02100	Charter Mountain Ranch, Inc.	At Issue
41	61-02111	Charter Mountain Ranch, Inc.	At Issue
42	61-02338	Wilson Ranch	PD Issued
43	61-04029	Margaret Walker	PD Issued
44	61-04147	Double Anchor Ranch, Inc.	PD Issued
45	61-07200	Ellis Living Trust	PD Issued
46	61-10299	Samuel D. Blackwell	PD Issued
47	61-10349	Double Anchor Ranch, Inc.	PD Issued
48	61-10363	Charter Mountain Ranch, Inc.	At Issue
49	61-10577	Ark Properties, LLC	At Issue
50	61-10578 (combined nos.: 61-00310; 61-00344; 61-00329)	Ark Properties, LLC	At Issue
51	61-10579 (combined nos.: 61-00311; 61-00313; 61-00315)	Ark Properties, LLC	At Issue
52	61-10660	Half Moon Ranch	PD Issued
53	61-10718	Wilson Ranch	PD Issued
54	61-11807	Charter Mountain Ranch, Inc.	At Issue
55	61-11844	Charter Mountain Ranch, Inc.	At Issue
56	61-11854	Charter Mountain Ranch, Inc.	At Issue
57	61-11885	Charter Mountain Ranch, Inc.	At Issue
58	61-11899	Half Moon Ranch	PD Issued

	Water Right Number	Claimant Name	SRBA Status
1	61-00317	Barber Caven Ranches	PD Issued
2	61-00318	Half Moon Ranch	PD Issued
3	61-00319	Half Moon Ranch	PD Issued
4	61-00320	Half Moon Ranch	PD Issued
5	61-00321	Half Moon Ranch	PD Issued
6	61-00322	Double Anchor Ranch, Inc.	PD Issued
7	61-00323	Double Anchor Ranch, Inc.	PD Issued
8	61-00330	Double Anchor Ranch, Inc.	PD Issued
9	61-00331	Double Anchor Ranch, Inc.	PD Issued
10	61-00341	Samuel D. Blackwell	PD Issued
11	61-00342	Samuel D. Blackwell	PD Issued
12	61-00345	Joe Black & Sons	PD Issued
13	61-00346	Barber Caven Ranches	PD Issued
14	61-00347	Joe Black & Sons	PD Issued
15	61-02007	Joe Black & Sons	PD Issued
16	61-02031	Annabeth Bean	PD Issued
17	61-02038	Double Anchor Ranch, Inc.	PD Issued
18	61-02048	Barber Caven Ranches	PD Issued
19	61-02052	Joe Black & Sons	PD Issued
20	61-02064	Otto Neuer	PD Issued
21	61-02338	Wilson Ranch	PD Issued
22	61-04029	Margaret Walker	PD Issued
23	61-04147	Double Anchor Ranch, Inc.	PD Issued
24	61-07200	Ellis Living Trust	PD Issued
25	61-10299	Samuel D. Blackwell	PD Issued
26	61-10349	Double Anchor Ranch, Inc.	PD Issued
27	61-10660	Half Moon Ranch	PD Issued
28	61-10718	Wilson Ranch	PD Issued
29	61-11899	Half Moon Ranch	PD Issued
30	61-00309	Ark Properties, LLC	At Issue
31	61-00312	Ark Properties, LLC	At Issue
32	61-00316	Ark Properties, LLC	At Issue
33	61-00326	Double Anchor Ranch	At Issue
34	61-00327	Double Anchor Ranch	At Issue
35	61-00328	Ark Properties, LLC, LLC	At Issue
36	61-00332	Charter Mountain Ranch, Inc.	At Issue
37	61-00333	Charter Mountain Ranch, Inc.	At Issue
38	61-00334	Charter Mountain Ranch, Inc.	At Issue
39	61-00335	Charter Mountain Ranch, Inc.	At Issue
40	61-00336	Charter Mountain Ranch, Inc.	At Issue
41	61-00337	Charter Mountain Ranch, Inc.	At Issue
42	61-00338	Charter Mountain Ranch, Inc.	At Issue
43	61-00339	Charter Mountain Ranch, Inc.	At Issue
44	61-00340	Charter Mountain Ranch, Inc.	At Issue
45	61-00343	Charter Mountain Ranch, Inc.	At Issue
46	61-00364	Charter Mountain Ranch, Inc.	At Issue
47	61-02008	Charter Mountain Ranch, Inc.	At Issue
48	61-02012	Charter Mountain Ranch, Inc.	At Issue
49	61-02100	Charter Mountain Ranch, Inc.	At Issue
50	61-02111	Charter Mountain Ranch, Inc.	At Issue
51	61-10363	Charter Mountain Ranch, Inc.	At Issue
52	61-10577	Ark Properties, LLC	At Issue
53	61-10578 (combined nos.: 61-00310; 61-00344; 61-00329)	Ark Properties, LLC	At Issue
54	61-10579 (combined nos.: 61-00311; 61-00313; 61-00315)	Ark Properties, LLC	At Issue
55	61-11807	Charter Mountain Ranch, Inc.	At Issue
56	61-11844	Charter Mountain Ranch, Inc.	At Issue
57	61-11854	Charter Mountain Ranch, Inc.	At Issue
58	61-11885	Charter Mountain Ranch, Inc.	At Issue

EXHIBIT 6

**AMENDED DIRECTOR'S REPORTS
RE: SEASON OF USE ELEMENT
FOR IRRIGATION CLAIMS FOR
COLD SPRINGS CREEK & TRIBUTARIES
BASIN 61
Reporting Area 6**

In Re SRBA
Twin Falls County Civil Case No. 39576

RECEIVED
SEP 19 2001
OFFICE OF THE
ATTORNEY GENERAL

Report to the SRBA District Court

Prepared by the Idaho Department of Water Resources
Karl J. Dreher, Director
David R. Tuthill, Jr., Adjudication Bureau Chief

September 14, 2001

MAIL



DESCRIPTIVE SUMMARY

These are Amended Director's Reports submitted by the Director of the Idaho Department of Water Resources (IDWR).

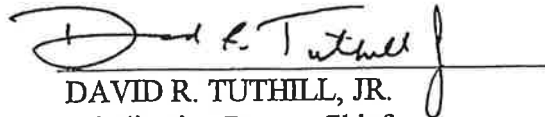
DISCUSSION

Pursuant to the *Motion for Leave to Have the Department of Water Resources File Amended Director's Reports* dated May 9, 2001 filed by attorney Bruce Smith on behalf of Charter Mountain Ranch, Inc. and Ark Properties, Inc. and *Order Setting Subcase Deadlines* issued by Special Master Cushman on July 16, 2001, the Director submits for filing with the Court, Amended Director's Reports pertaining to the season of use element for the water rights attached hereto.

The recommendations for water right numbers: 61-00309, 61-00312, 61-00316, 61-02012, 61-02100, 61-61-10577, & 61-10579 remain disallowed as previously reported by IDWR in its Basin 61 Irrigation & Others Director's Report. These disallowed water rights are the first group of attachments and the print-out's are arranged in numerical order.

For the remaining water right recommendations, the season of use element has been amended to February 15 to November 15, except for the recommendations for water numbers: 61-04147 and 61-10718. The season of use for the recommendation for water right number: 61-04147 owned by Double Anchor Ranch, Inc. remains the same as previously reported, which is: 2/15 to 5/01 since it is a flood water right. Additionally, the recommendation for water right number: 61-10718 is a stockwater right with a year-round season of use. Thus, IDWR did not prepare an amended director's report for this water right number since it is not an irrigation claim and the season of use element will not change.

Respectfully submitted this 14th day of September, 2001.


DAVID R. TUTHILL, JR.
Adjudication Bureau Chief

CERTIFICATE OF MAILING

I certify that on 9-14, 2001 I served the original and/or copies of this form, including all attachments, to the following persons by delivering the original and/or copies, as follows:

1. **Original to:**

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

☐ Overnight Mail
☐ Regular Mail
☐ Hand-Delivered
☒ Facsimile

2. **Copies to:**

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

Samuel D. Blackwell
P.O. Box 398
King Hill, ID 83633-0398

U.S. Dept. of Justice
Environment & Natural Resources Division
550 West Fort Street, MSC 033
Boise, ID 83724

Joe Black & Sons
P.O. Box 67
Hammett, ID 83627

Charles Honsinger
P.O. Box 2773
Boise, ID 83702-2773

Margaret & William Walker
Rt 1, Box 458
Glenns Ferry, ID 83623

Perce E. Hall
340 E. 2nd N
Mountain Home, ID 83647

Annebeth N Bean
315 S. Harding St
Boise, ID 83705

Otto Neuer
Cold Springs Ranch
Hammett, ID 83627

Barber Caven Ranches
6874 Fairview
Boise, ID 83704

Frances Ellis Living Trust
Gary Ellis Living Trust
HC 63
Hammett, ID 83627

Half Moon Ranch
6874 Fairview Avenue
Boise, ID 83704

Wilbur F. Wilson Ranch
P.O. Box 33
Hammett, ID 83627

Bruce M. Smith
225 North 9th, Suite 420
Boise, ID 83702

Elmore County Courthouse
150 S. 4th E
Mountain Home, ID 83647

Samuel Egbert
Signature of person delivering form

IDAHO DEPARTMENT OF WATER RESOURCES 09/12/2001
RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW
WATER RIGHT NO.: 61-4029

NAME AND ADDRESS: WILLIAM H WALKER
RT 1 BOX 458
GLENN'S FERRY ID 83623

MARGARET WALKER
RT 1 BOX 458
GLENN'S FERRY ID 83623

PERIOD OF USE: 02/15 to 11/15

EXHIBIT 7

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

JAN 23 2003

By _____
Clerk
Deputy Clerk

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

In Re SRBA	)	SPECIAL MASTER'S REPORT
	)	
Case No. 39576	)	FINDINGS OF FACT AND
	)	CONCLUSIONS OF LAW
_____	)	FOR WATER RIGHT 61-04029

I. FINDINGS OF FACT

A notice of claim was filed for this water right pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of this water right.

A Partial Decree was issued for water right 61-04029 on October 26, 2000. On May 10, 2001, Charter Mountain Ranch, Inc. and Ark Properties, LLC filed a *Motion for Leave to have the Department of Water Resources File Amended Director's Reports*. The *Amended Director's Report* was filed on September 14, 2001. Objection deadlines to the *Amended Director's Reports* were set and followed docket sheet procedure. No objections were filed and the time for filing has expired.

II. CONCLUSIONS OF LAW

Therefore, based on the file and record herein and pursuant to the *Amended Director's Report*, IT IS RECOMMENDED that this water right be decreed with the elements as set forth in the attached *Special Master's Recommendation for Amended Partial Decrees Pursuant to I.R.C.P. 54(b)*.

DATED January 23, 2003.



THOMAS R. CUSHMAN
Special Master
Snake River Basin Adjudication

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

DISTRICT COURT-SRBA

Fifth Judicial District

County of Twin Falls - State of Idaho

In Re SRBA

Case No. 39576

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 61-04029

JAN 23 2003

By

Clerk

Deputy Clerk

NAME AND ADDRESS: MARGARET WALKER
WILLIAM H WALKER
RT 1 BOX 458
GLENN'S FERRY, ID 83623

SOURCE: RYEGRASS CREEK TRIBUTARY: COLD SPRINGS CREEK

QUANTITY: 5.14 CFS
6.70 AFY

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE
SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 04/01/1927

POINT OF DIVERSION: T03S R09E S32 SESWSW Within Elmore County
T04S R09E S07 SWSWNE
S18 SESENW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	02-15 TO 11-15	5.02 CFS
	Stockwater	01-01 TO 12-31	0.12 CFS

PLACE OF USE:	Irrigation	Stockwater
	T04S R09E S07	SWNE 25.0
		NESW 27.0
		NWSE 9.3
	S18	NWNE 1.1
		NENW 38.0
		NESW 16.0
		NWSE 8.4
		235.0 Acres Total

Stockwater Within Elmore County
Same as Irrigation

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

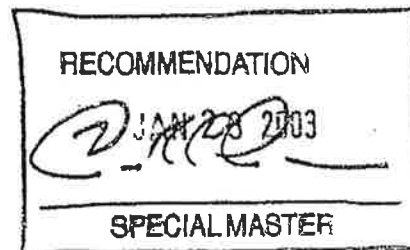
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
USE.

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

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication



DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

JAN 23 2003

By

Clerk

Deputy Clerk

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

In Re SRBA

Case No. 39576

CERTIFICATE OF MAILING

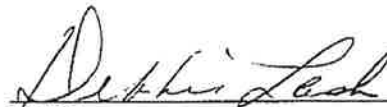
Water Right(s): 61-04029

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on January 23, 2003, with sufficient first-class postage prepaid to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

MARGARET WALKER
WILLIAM H WALKER
RT 1 BOX 458
GLENN'S FERRY, ID 83623
Phone: 208-366-2235



DEBBIE LASH
Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
01/23/03

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

JAN 23 2003

By _____
Clerk

Deputy Clerk

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

In Re SRBA)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 61-04029

On January 23, 2003, Special Master THOMAS R CUSHMAN
issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s)
pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party
to the adjudication including parties to the subcase, may file a Motion
to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate
in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION
shall constitute a waiver of the right to challenge it before the
Presiding Judge.

DATED January 23, 2003.

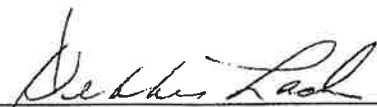

DEBBIE LASH
Deputy Clerk

EXHIBIT 8

RECEIVED
MAR 5 2003
Department of Water Resources

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED
2003 MAR 4 PM 1 34

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

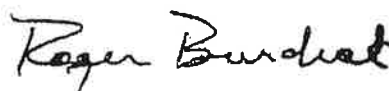
In Re SRBA)
Case No. 39576) **ORDER OF PARTIAL DECREE**
) **For Water Right 61-04029**
)

On 01-23-2003, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 61-04029 is hereby decreed as set forth in the attached *Partial Decree* Pursuant to I.R.C.P. 54(b).

DATED March 4, 2003



ROGER S. BURDICK
Presiding Judge
Snake River Basin Adjudication

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

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

AMENDED:

FILED

In Re SRBA

Case No. 39576

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 61-04029

2003 MAR 4 PM 1 34

NAME AND ADDRESS: MARGARET WALKER
WILLIAM H WALKER
RT 1 BOX 458
GLENN'S FERRY, ID 83623

SOURCE: RYEGRASS CREEK TRIBUTARY: COLD SPRINGS CREEK

QUANTITY: 5.14 CFS
6.70 APY

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE
SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 04/01/1927

POINT OF DIVERSION: T03S R09E S32 SESWSW Within Elmore County
T04S R09E S07 SWSWNE
S18 SESENW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	02-15 TO 11-15	5.02 CFS
	Stockwater	01-01 TO 12-31	0.12 CFS

PLACE OF USE:	Irrigation	Within Elmore County
	T04S R09E S07	SENE 5.5
		SESW 39.0
		SWSE 2.7
	S18	SWNE 1.1
		SENW 30.0
		SESW 27.0
		SWSE 4.9
	235.0 Acres Total	

Stockwater Within Elmore County
Same as Irrigation

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
USE.

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

EXHIBIT 9

ORIGINAL

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

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

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

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
AUG 26 2014	
By _____	Clerk
_____	Deputy Clerk

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT

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

In Re SRBA

Case No. 39576

FINAL UNIFIED DECREE

I. PROCEDURE

On June 17, 1987, the State of Idaho, ex rel. A. Kenneth Dunn in his official capacity as Director of the Idaho Department of Water Resources, filed a petition in the above-entitled Court seeking commencement of a "general adjudication inter se of all rights arising under state or federal law to the use of surface and ground waters from the Snake River basin water system and for the administration of such rights." *Petition* at 2. On November 19, 1987, this Court issued its *Commencement Order* thereby initiating the above-entitled general stream adjudication of all rights to the use of the waters of the Snake River Basin within the State of

Idaho pursuant to Idaho Code § 42-1406A (Supp. 1987).¹ The *Commencement Order* adopted by reference this Court's October 14, 1987, *Memorandum Opinion on Commencement of Adjudication* as "further findings of fact and further conclusions of law as permitted by I.R.C.P. 52(a)." *Commencement Order* at 4.

As set forth in the *Memorandum Opinion on Commencement of Adjudication*, Idaho Code § 42-1406A (Supp. 1987) required that the adjudication be commenced within the terms of the McCarran Amendment, 43 U.S.C. § 666. This Court determined that for the adjudication to come within the terms of the McCarran Amendment the entire Snake River Basin water system within the State of Idaho had to be adjudicated. This Court defined the entire Snake River Basin water system within Idaho as follows:

Beginning at the point where the southern boundary line of the state of Idaho meets the western boundary line of the state of Idaho, then following the western boundary of the state north to the northern boundary of the Clearwater Basin, in Idaho, in section 36, T. 36 N., R. 6 W., B.M., then following the northern watershed divide of the Clearwater River Basin north and east to the eastern boundary of the state of Idaho in section 4, T. 42 N., R. 11 E., B.M., then following the eastern boundary of the state southeast to the northern boundary of the Bear River Basin in section 35, T. 10 S., R. 46 E., B.M., then following the northern watershed divide of the Bear River Basin, in Idaho, southwest to the southern boundary of the state of Idaho in section 26, T. 16 S., R. 28 E., B.M., then following the southern boundary line of the state of Idaho west to the point of beginning.

Commencement Order at 5. A map showing the boundaries of the Snake River Basin water system is attached for illustrative purposes as Attachment 1, as required by Idaho Code § 42-1413 (2003). The following counties are wholly located within the boundaries of the Snake River Basin water system:

Ada	Canyon	Idaho	Owyhee
Adams	Clark	Jefferson	Payette

¹ Idaho Code § 42-1406A was added by section 1 of chapter 18, 1985 Idaho Sess. L. at 28. Section 42-1406A was subsequently amended by section 11 of chapter 454, 1994 Idaho Sess. L. at 1452-53, and now appears as an uncodified law in the 1994 Idaho Session Laws.

Bingham	Clearwater	Jerome	Teton
Blaine	Custer	Lemhi	Twin Falls
Boise	Elmore	Lewis	Valley
Bonneville	Fremont	Lincoln	Washington
Butte	Gem	Madison	
Camas	Gooding	Minidoka	

Commencement Order at 5. The following counties are partly located within the boundaries of the Snake River Basin water system:

Bannock	Nez Perce
Caribou	Oneida
Cassia	Power
Latah	Shoshone

Id. at 6.

The *Commencement Order* also determined that “all classes of water uses . . . within the water system [must] be adjudicated as part of the Snake River Basin adjudication.” *Id.* At 6. On January 17, 1989, however, this Court entered its *Findings of Fact, Conclusions of Law, and Order Establishing Procedures for Adjudication of Domestic and Stock Water Uses* that allowed claimants of *de minimis* domestic and stock water rights, as defined in Idaho Code § 42-1401A(5) and (12) (Supp. 1988), to elect to defer adjudication of their claims; provided, all such claimants “shall be joined as parties in this proceeding and will be bound by all decrees entered in this case, including the final decree.” *Findings of Fact* at 3.

The *Commencement Order* directed the Director of the Idaho Department of Water Resources (“Director”): 1) to investigate the water system as provided in Idaho Code § 42-1410 (Supp. 1987); 2) to prepare the notice of order commencing a general adjudication containing that information required by Idaho Code § 42-1408A(1) (Supp. 1987); 3) to serve notice of the order commencing a general adjudication in accordance with chapter 14, title 42, Idaho Code; and 4) to file with this Court affidavits and other documents stating the

persons served with a notice of order commencing the adjudication. *Commencement Order* at 7-8.

Based upon the claims submitted; the files and records of the Idaho Department of Water Resources and the Court; the examination of the ditches, diversions, lands irrigated, and other uses of water within the water system; the Director's Reports and evidence herein, this Court enters the following findings of fact and conclusions of law:

II. FINDINGS OF FACT

1. All requirements for joinder of the United States as a party under state and federal law, including but not limited to 43 U.S.C. § 666, have been satisfied.
2. The Nez Perce Tribe participated in this proceeding by filing notices of claim for water rights reserved under federal law and by filing a general notice of appearance with the Court. *Notice of Claim to a Water Right Reserved Under Federal Law* (filed with Dept. of Water Res. March 25, 1993); *Notice of Appearance* (March 18, 1993).
3. The Northwestern Band of the Shoshoni Nation participated in this proceeding by filing notices of claim for water rights reserved under federal law and by filing a general notice of appearance with the Court. *Partial Protective Filing by the Northwestern Band of the Shoshoni Nation of Notices of Claim for Water Rights Reserved Under Federal Law* (filed with Dept. of Water Res. March 25, 1993); *Notice of Appearance on Behalf of the Northwestern Band of the Shoshoni Nation* (March 22, 1993).
4. The Shoshone-Bannock Tribes sought and were granted intervention in this proceeding. *Order Granting Permissive Intervention by the Shoshone-Bannock Tribes* (April 12, 1993).

5. The Shoshone-Paiute Tribes of the Duck Valley Indian Reservation sought and were granted intervention in this proceeding. *Motion to Intervene and Request for Expedited Hearing* (SRBA Consolidated Subcase No. 51-12756, Jan. 12, 1999); *Order Granting Tribes' Motion to Intervene, Order Requiring Written Status Reports and Order for Scheduling Conference Reports* (SRBA Subcases Nos. 51-12756 et al., Dec. 6, 1999).

6. The Director served notice of the commencement of the Snake River Basin Adjudication ("SRBA") in accordance with chapter 14, title 42, Idaho Code and the orders of this Court. This included service of the notice of commencement on the State of Idaho and the United States; service of the notice of commencement on all other persons by publication; service of the notice of commencement by posting in each county courthouse, county recorder's office and county assessor's office in which any part of the water system is located; service of the notice of commencement by mail on each person listed as owning real property on the real property assessment roll within the boundaries of the Snake River Basin water system; and filing of a copy of the notice of commencement in the office of the county recorder in each county in which any part of the water system is located.

7. In addition to the steps taken in paragraph 6, the Idaho Department of Water Resources also served notices of commencement on persons who may have used water within the water system, but were not listed as owners of real property. The sources of information the Idaho Department of Water Resources reviewed for this purpose were: 1) water right records of the Idaho Department of Water Resources for each basin wholly or partly within the water system; 2) cooperating farm/ranch operator records of the United States Department of Agriculture, Agricultural Stabilization and Conservation Service for each basin wholly or partly within the water system; and 3) mining claim records on federal

land of the United States Department of Interior, Bureau of Land Management for each basin wholly or partly within the water system.

8. The Director has completed an examination of the Snake River Basin water system and submitted Director's Reports to this Court in conformance with the requirements of chapter 14, title 42, Idaho Code and the orders of this Court.

9. As required by title 42, chapter 14, Idaho Code and this Court's orders, claims to water rights arising under state or federal law to the use of the surface and ground waters from the Snake River Basin water system have been adjudicated resulting in the issuance of partial decrees that have been certified as final pursuant to I.R.C.P. 54(b).²

10. Idaho Code § 42-1412(8) (2003) provides that: "Upon resolution of all objections to water rights acquired under state law, to water rights established under federal law, and to general provisions, and after entry of partial decree(s), the district court shall combine all partial decrees and the general provisions into a final decree." The Court finds that the conditions of Idaho Code § 42-1412(8) (2003) have been met with respect to the water rights identified in Attachments 2, 4, 5 and 6 and the general provisions in Attachment 3, enabling the Court to issue this Final Unified Decree.

III. CONCLUSIONS OF LAW

1. The SRBA is a general stream adjudication *inter se* of all water rights arising under state or federal law to the use of surface and ground waters from the Snake River Basin water system and for the administration of such rights.

2. The State of Idaho is a party to this proceeding.

² At the time of entry of this Final Unified Decree there are a total of 103 subcases pending final resolution. A separate *Order Regarding Subcases Pending Upon Entry of Final Unified Decree* is being entered contemporaneously herewith, which provides for the continued processing of the subcases listed therein.

3. The Director was withdrawn as a party to this proceeding in 1994. Idaho Code § 42-1401B (2003); *State of Idaho, ex rel. Higginson v. United States*, 128 Idaho 246, 256-57, 912 P.2d 614, 624-25 (1995).
4. The United States is a party to this proceeding under 43 U.S.C. § 666.
5. This Final Unified Decree is conclusive as to the nature and extent of all rights of the United States to the use of the waters of the Snake River Basin water system within the State of Idaho with a priority date before November 19, 1987, including, but not limited to, water rights held by the United States in trust for any Indian tribe, except for those water rights expressly exempted by Idaho Code § 42-1420 (2003) or by order of this Court.
6. The Nez Perce Tribe, the Northwestern Band of the Shoshoni Nation, the Shoshone-Bannock Tribes, and the Shoshone-Paiute Tribes of the Duck Valley Indian Reservation are parties to this proceeding.
7. The *Consent Decree Approving Entry of Partial Final Decrees Determining the Rights of the United States as Trustee for the Benefit of the Nez Perce Tribe and the Nez Perce Tribe to the Use of Water in the Snake River Basin within Idaho and Partial Final Decrees Determining Minimum Stream Flow Water Rights Held by the Idaho Water Resources Board* with its six attachments dated January 30, 2007 ("*Nez Perce Consent Decree*"), is included in Attachment 4 and is hereby incorporated into this Final Unified Decree by reference. The *Nez Perce Consent Decree* is conclusive as to the nature and extent of all rights of the Nez Perce Tribe to the use of the waters of the Snake River Basin water system within the State of Idaho with a priority date before November 19, 1987, except for those water rights expressly exempted by Idaho Code § 42-1420 (2003) or by order of this Court.

8. The *Revised Partial Final Consent Decree Determining the Rights of the Shoshone-Bannock Tribes to the Use of Water in the Upper Snake River Basin*, dated August 13, 2014 ("*Shoshone-Bannock Consent Decree*"), is included in Attachment 4 and is hereby incorporated into this Final Unified Decree by reference. The *Shoshone-Bannock Consent Decree* is conclusive as to the nature and extent of all rights of the Shoshone-Bannock Tribes to the use of the waters of the Snake River Basin water system within the State of Idaho with a priority date before November 19, 1987, except for those water rights expressly exempted by Idaho Code § 42-1420 (2003) or by order of this Court.

9. The *Revised Consent Decree Approving Entry of Partial Decrees Determining the Rights of the United States as Trustee for the benefit of the Shoshone-Paiute Tribes to the Use of Water in the Snake River Basin within Idaho* with its three attachments, dated December 12, 2006 ("*Shoshone-Paiute Consent Decree*"), is included in Attachment 4 and is hereby incorporated into this Final Unified Decree by reference. The *Shoshone-Paiute Consent Decree* is conclusive as to the nature and extent of all rights of the Shoshone-Paiute Tribes of the Duck Valley Indian Reservation to the use of the waters of the Snake River Basin water system within the State of Idaho with a priority date before November 19, 1987, except for those water rights expressly exempted by Idaho Code § 42-1420 (2003) or by order of this Court.

10. This Final Unified Decree is conclusive as to the nature and extent of all rights of the Northwestern Band of the Shoshoni Nation to the use of the waters of the Snake River Basin water system within the State of Idaho with a priority date before November 19, 1987, except for those water rights expressly exempted by Idaho Code § 42-1420 (2003) or by order of this Court.

11. Claimants in each of the SRBA basins received notice of the commencement of the SRBA in accordance with chapter 14, title 42, Idaho Code and orders of this Court. These notice procedures satisfy constitutional due process requirements. *LU Ranching Co. v. U.S.*, 138 Idaho 606 (2003).

IV. ORDER

NOW THEREFORE this Court ORDERS, ADJUDGES AND DECREES as follows:

1. This Final Unified Decree is conclusive as to the nature and extent of all water rights within the Snake River Basin within the State of Idaho with a priority date prior to November 19, 1987, except the following described water rights shall not be lost by failure to file a notice of claim, as provided in Idaho Code § 42-1420 (2003):

- a. Any domestic and stock water right, as defined in Idaho Code § 42-111 (1990), Idaho Code § 42-1401A(5) (1990), and Idaho Code § 42-1401A(12) (1990), the adjudication of which was deferred in accordance with this Court's June 28, 2012, *Order Governing Procedures in the SRBA for Adjudication of Deferred De Minimis Domestic and Stock Water Claims*;
- b. A water right application for permit filed under chapters 2 or 15, title 42, Idaho Code;
- c. A water right permit issued under chapters 2 or 15, title 42, Idaho Code, unless the Director required the permit holder to file a notice of claim in accordance with subsection (7) of section 42-1409, Idaho Code;
- d. A water right license issued under chapters 2 or 15, title 42, Idaho Code, if proof of beneficial use was not filed with the Department of Water Resources

before November 19, 1987, unless the Director required the license holder to file a notice of claim in accordance with subsection (7) of section 42-1409, Idaho Code; and

- e. A claim to a water right under federal law, if the priority of the right claimed is later than November 18, 1987.

All other water rights with a priority before November 19, 1987, not expressly set forth in this Final Unified Decree are hereby decreed as disallowed.³ Any water rights with a priority date subsequent to November 18, 1987, were not required to be claimed in the SRBA, but to the extent any such water rights were claimed in the SRBA and a partial decree issued, the partial decree is conclusive as to the nature and extent of the right.

2. All partial decrees issued by this Court are set forth in Attachments 2 and 4 to this Final Unified Decree and are incorporated herein by reference.

3. Attachment 2 consists of a name index and a copy of all partial decrees issued by this Court.

4. General provisions decreed by this Court are set forth in Attachment 3 to this Final Unified Decree and are incorporated herein by reference.

5. Attachment 4 consists of the federal and tribal reserved water rights partially decreed and/or otherwise memorialized in a consent decree issued in conjunction with the approval of a federal reserved water right settlement, including all consent decrees and all attachments thereto; all partial decrees issued by this Court as part of the respective settlements; and all Federal, State and/or Tribal legislation necessary to enact and approve the water right settlements. In the case of any conflict between this Final Unified Decree and the partial

³ Excepting those claim numbers listed in the *Order Regarding Subcases Pending Upon Entry of Final Unified Decree* entered contemporaneously herewith.

consent decrees approving reserved water right settlements, the partial consent decrees approving the reserved water right settlements as set forth in Attachment 4 shall control.

6. All claims to water rights filed in this proceeding that were decreed disallowed by this Court are set forth in Attachment 5 to this Final Unified Decree and are incorporated herein by reference.

7. The water right numbers for those water rights of record with the Idaho Department of Water Resources that were required to be claimed but were not claimed in this proceeding and therefore were decreed disallowed by this Court are set forth in Attachment 6 and are incorporated herein by reference. The portion of any disallowed water right that was deferrable pursuant to this Court's June 28, 2012, *Order Governing Procedures in the SRBA for Adjudication of Deferred De Minimis Domestic and Stock Water Claims* is not affected by this paragraph.

8. This Final Unified Decree is binding against all persons including any persons that deferred filing of domestic and/or stock water claims pursuant to this Court's June 28, 2012, *Order Governing Procedures in the SRBA for Adjudication of Deferred De Minimis Domestic and Stock Water Claims*, which is set forth in Attachment 7 to this Final Unified Decree and is incorporated herein by reference.

9. The adjudication of deferred domestic and stock water claims and the administration of such rights prior to their adjudication shall be governed by this Court's June 28, 2012, *Order Governing Procedures in the SRBA for Adjudication of Deferred De Minimis Domestic and Stock Water Claims* and applicable state law.

10. All water rights based on beneficial uses, licenses, permits, posted notices, and statutory claims required to be claimed in this proceeding are superseded by this Final

Unified Decree. Provided, however, this Final Unified Decree does not supercede the third-party beneficiary contractual rights conferred on certain classes of water rights pursuant to the "Contract to Implement Chapter 259, Sess. Law 1983" as authorized by 1983 Idaho Sess. Laws 689 and codified as Idaho Code § 61-540 (2002). The scope of third-party beneficiaries and contract rights are defined in this Court's *Order on State of Idaho's Motion for Partial Summary Judgment on Issue No. 2*. Subcase No. 00-91013 (Basin-Wide Issue 13) (July 12, 2011) included as Attachment 9.

11. All prior water right decrees and general provisions within the Snake River Basin water system are superseded by this Final Unified Decree except as expressly provided otherwise by partial decree or general provisions of this Court.

12. This Final Unified Decree shall not be construed to define, limit or otherwise affect the apportionment of benefits to lands within an irrigation district pursuant to chapter 7, title 43, Idaho Code.

13. This Final Unified Decree shall not be construed to supersede or affect otherwise the following: 1) any administrative changes to the elements of a water right completed after the entry of a partial decree but prior to the entry of this Final Unified Decree; or 2) elements of a water right defined by a license where, in accordance with Idaho Code § 42-1421(3) (2003), a partial decree was issued based on a permit prior to the issuance of the license.

14. The time period for determining forfeiture of a partial decree based upon state law shall be measured from the date of issuance of the partial decree by this Court and not from the date of this Final Unified Decree. State law regarding forfeiture does not apply to partial decrees based upon federal law.

15. The decreed water rights shall be administered in the Snake River Basin water system in accordance with this Final Unified Decree and applicable federal, state and tribal law, including the administrative provisions set forth in the federal reserved water right settlement agreements in Attachment 4.

16. Nothing in this Final Unified Decree shall be interpreted or construed as exempting the holder of a decreed water right based on state law from exercising or changing such right in compliance with applicable Idaho law.

17. This Court retains jurisdiction of this proceeding to: a) resolve any issues related to the Final Unified Decree that are not reviewable under the Idaho Administrative Procedures Act and/or the rules of the Idaho Department of Water Resources; b) adjudicate any domestic or stock water rights deferred under this Court's June 28, 2012, *Order Governing Procedures in the SRBA for Adjudication of Deferred De Minimis Domestic and Stock Water Claims*; and c) enter partial decrees, orders of disallowance, or other final determination for the pending subcases listed in the *Order Regarding Subcases Pending Upon Entry of Final Unified Decree* entered contemporaneously herewith. Any order amending or modifying this Final Unified Decree, including the attachments hereto, will be entered on the register of action for Civil Case No. 39576 in the District Court of the Fifth Judicial District of the State of Idaho, in and for the County of Twin Falls, and will be filed with the Idaho Department of Water Resources in lieu of issuing an Amended Final Unified Decree. Attachment 8 contains instructions on how to access any orders amending this Final Unified Decree.

18. The incorporation by reference of partial decrees and orders of this Court contained in the Attachments to this Final Unified Decree does not constitute a reissuance of such partial decrees and orders.

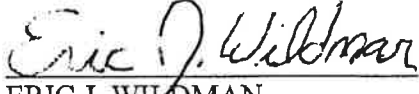
19. This Final Unified Decree, including the entirety of Attachments 1 through 10 listed below, shall be entered in the records of the clerk of the District Court for the Fifth Judicial District of the State of Idaho, in and for the County of Twin Falls.

Attachment 1	Snake River Basin Water System Map.
Attachment 2	Partially Decreed Water Rights, including a name index, consisting of 770 pages.
Attachment 3	General Provisions, consisting of 113 pages.
Attachment 4	Federal and Tribal Reserved Water Right Settlements, including all Consent Decrees and all Attachments thereto, all Partial Decrees issued by this Court as part of the Respective Settlements, and all Federal, State and/or Tribal Legislation Necessary to Enact and Approve the Water Right Settlements consisting of 2,857 pages.
Attachment 5	List of Water Right Numbers for Filed Water Right Claims Decreed as Disallowed consisting of 66 pages.
Attachment 6	List of Water Right Numbers for Unclaimed Water Rights Decreed as Disallowed consisting of 24 pages.
Attachment 7	June 28, 2012, <i>Order Governing Procedures in the SRBA for Adjudication of Deferred De Minimis Domestic and Stock Water Claims</i> consisting of 6 pages.
Attachment 8	Instructions on Searching the Final Unified Decree consisting of 5 pages.
Attachment 9	<i>Order on State of Idaho's Motion for Partial Summary Judgment on Issue No. 2.</i> Subcase No. 00-91013 (Basin-Wide Issue 13) (July 12, 2011).
Attachment 10	<i>Register of Actions</i> , Twin Falls County Case No. 39576 (i.e., SRBA Main Case).

20. A certified paper and electronic copy of the entire Final Unified Decree shall be provided to the Director. The Director shall record the Final Unified Decree excluding all

Attachments other than Attachments 7 and 8 in the office of the county recorder of each county in which the place of use or point of diversion of any individual decreed water right in the Final Unified Decree is located. The Director shall maintain a copy of the Final Unified Decree for public inspection.

DATED this 25th day of August, 2014.


ERIC J. WILDMAN
Presiding Judge
Snake River Basin Adjudication

ATTACHMENT 2

PARTIALLY DECREED WATER RIGHTS, INCLUDING A NAME INDEX AND A WATER RIGHT NUMBER INDEX (water right number index in electronic copy only).

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| 3. | PARTIAL DECREES | Beginning Page 771 |

FINAL UNIFIED DECREE BY SUBCASE NUMBER

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61-00246 IRELAND RANCHES
 61-00247 IRELAND RANCHES
 61-00250 STANLEY G NORSTEBON MILDRED M NORSTEBON JAMES S NORSTEBON
 61-00251 FROSTY ALZOLA
 61-00252B LLOYD M HANSEN USDI BLM DEBORA M HANSEN
 61-00252C CHESTER J TINDALL
 61-00252D TED HOFFMAN RITA HOFFMAN
 61-00253 IRELAND RANCHES
 61-00258 FORREST FREER
 61-00260 PHILIP M TAIT
 61-00261A PHILIP M TAIT
 61-00261B JACK S COX JEANETTE L COX
 61-00263 MOUNTAIN HOME IRRIGATION D
 61-00264 MOUNTAIN HOME IRRIGATION D
 61-00266 MOUNTAIN HOME IRRIGATION D
 61-00269 HELEN PERCY STEPHEN PERCY
 61-00270A JR, H P HONEYCUTT
 61-00270B HELEN PERCY STEPHEN PERCY
 61-00271A CAROLYN E HUNT RAY HUNT
 61-00271B CAROLYN E HUNT RAY HUNT
 61-00272 ROSALIE S FOSTER USDI BLM DELMAR FOSTER
 61-00273 RAYMOND G KNUDSON USDI BLM
 61-00274 LOIS J DAVISON
 61-00275 STEPHEN PERCY HELEN PERCY
 61-00277 CARL REYNOLDS & SONS
 61-00278 CARL REYNOLDS & SONS
 61-00279 CARL REYNOLDS & SONS
 61-00281A ARK PROPERTIES LLC JOHN MCCALLUM
 61-00281B MICHAEL KENN BECKMAN CARLA B BECKMAN
 61-00282A ARK PROPERTIES LLC JOHN MCCALLUM
 61-00282B MICHAEL KENN BECKMAN CARLA B BECKMAN
 61-00283 MARGARET WALKER WILLIAM H WALKER
 61-00284 WILLIAM H WALKER MARGARET WALKER
 61-00287 DAVID E OWEN DARLENE S OWEN
 61-00293B MARY BATRUEL CARLENE SMITH ROGER L JONES
 61-00293C IDAHO FRESH PAK INC
 61-00293D CARLENE SMITH CARLENE SMITH BATRUEL DAIRY
 61-00294 MAGIC WEST INC
 61-00295 THREE ISLAND LLC
 61-00297 CHARTER MOUNTAIN RANCH INC JOHN MCCALLUM
 61-00298 CHARTER MOUNTAIN RANCH INC JOHN MCCALLUM
 61-00299 CARLENE SMITH CARLENE SMITH BATRUEL DAIRY
 61-00300 ARK PROPERTIES LLC JOHN MCCALLUM
 61-00301A CHARTER MOUNTIAN RANCH INC
 61-00301B CHARTER MOUNTAIN RANCH INC
 61-00302 ARK PROPERTIES LLC JOHN MCCALLUM
 61-00303A CARLENE SMITH CARLENE SMITH BATRUEL DAIRY
 61-00303B BATRUEL DAIRY USDI BLM BATRUEL DAIRY
 61-00304A CARLENE SMITH CARLENE SMITH BATRUEL DAIRY
 61-00304B BATRUEL DAIRY USDI BLM BATRUEL DAIRY
 61-00308 BATRUEL DAIRY USDI BLM BATRUEL DAIRY
 61-00317 BARBER CAVEN RANCHES
 61-00318 HALF MOON RANCH
 61-00319 HALF MOON RANCH
 61-00320 HALF MOON RANCH
 61-00321 HALF MOON RANCH

61-02321 USDI BLM
 61-02324 USDI BLM
 61-02325 USDI BLM
 61-02326 USDI BLM
 61-02327 USDI BLM
 61-02332 USDI BLM
 61-02333 USDI BLM
 61-02338 WILBUR F WILSON RANCH
 61-04002A SUNRISE PARK INC
 61-04002B PHYLLIS M PETERSON BARRY J PETERSON
 61-04006 WILLIAM F CARLETON DOROTHY H CARLETON
 61-04008 RICHARD C KING CELIA C KING
 61-04010 FRED L HINES JOY HINES
 61-04011 W W SANDERS MAE G SANDERS
 61-04012 BARTON FARMS INC
 61-04013 JOHN R DOHERTY
 61-04016 LINA J DILLINGHAM
 61-04017 JR SIMPLOT COMPANY
 61-04019 RALPH ROBERT TOWLE GARY R TOWLE WESLEY H TOWLE
 61-04021 LINA J DILLINGHAM
 61-04022 PAUL D SCHOOLCRAFT VANCH A LEE SCHOOLCRAFT
 61-04023 THOMAS J BASABE SUSAN BASABE
 61-04027 JOE HOFFMAN MIRIAM V HOFFMAN
 61-04029 WILLIAM H WALKER MARGARET WALKER
 61-04033 PORTER W CRINER CLYDEAN F CRINER
 61-04034 THEODORE S WOLFORD
 61-04035A JOHN F KIEFFER
 61-04035B JOHN F KIEFFER
 61-04035C JOHN F KIEFFER
 61-04038 CARLENE SMITH CARLENE SMITH BATRUEL DAIRY
 61-04041A ETHEL R COLEMAN
 61-04041B DON TVEIDT JR.
 61-04044 JEAN M SMITH
 61-04045 JEAN M SMITH
 61-04046 USDI BLM
 61-04050 JAMES D TINDALL JESSIE MAY TINDALL
 61-04056 USDI BLM
 61-04057 USDI BLM STATE OF IDAHO
 61-04058 USDI BLM STATE OF IDAHO
 61-04059 TODD SCHAFER
 61-04060 J ROBERT CROMAR MARILYN D CROMAR
 61-04061 LEONARD BLEDSOE EMMA L BLEDSOE
 61-04062 LEONARD BLEDSOE EMMA L BLEDSOE
 61-04063 LEONARD BLEDSOE EMMA L BLEDSOE
 61-04064 J R SIMPLOT COMPANY
 61-04065 CUTLER BROTHERS ROSS W CUTLER
 61-04067A REBA J BETTENCOURT ANTHONY BETTENCOURT
 61-04067B ANTHONY BETTENCOURT REBA J BETTENCOURT
 61-04070 JOHN GUIASOLA ELVA GUIASOLA
 61-04071 LOIS J DAVISON
 61-04072 BLAIR & TRAIL PTR
 61-04073 KING HILL WATER USERS ASSN
 61-04074 UNION PACIFIC RAILROAD CO
 61-04075 UNION PACIFIC RAILROAD CO
 61-04076 UNION PACIFIC RAILROAD CO
 61-04078 LYONAL DWAIN MOOSO
 61-04079 ALICE TRAIL LEE T TRAIL
 61-04085 TERRELL K PETERMAN JEROME E PETERMAN RUTH PETERMAN
 61-04086 GRACE E RAINEY NED E RAINEY
 61-04087 RANDY M RAMSEY LINDA M RAMSEY
 61-04088 IRMA B LANGSTON RAY A LANGSTON
 61-04089 BETTY L ANDERTON REUBEN BUDD ANDERTON
 61-04090 RALPH CRANE VERNESSE CRANE
 61-04094 ROBERT L BATES SHERRY J BATES
 61-04096 USDI BLM