

RECEIVED

JUL 11 2008

DEPARTMENT OF
WATER RESOURCES

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

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

CIVIL CASE NUMBER: 39576

Ident. Number 63-4679
Date Received: 6/19/1990
Receipt No:

Received By:

RECEIVED

JUL 17 2008

WATER RESOURCES
WESTERN REGION

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

STATE OF IDAHO Phone: (208)334-3700
DEPT OF FISH & GAME
PO BOX 25
BOISE ID USA 83707

Amended

2. Date of Priority: 10/13/1920

3. Source: INDIAN CREEK Trib. to: BOISE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot		County	Type
01N	04E	29	SW	SW	ADA	
01N	04E	30	SE	SE	ADA	

5. Description of diverting works:

DAM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
RECREATION STORAGE	1/01	12/31		3000

7. Total Quantity Appropriated is:
3000 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot		Use	Acres
01N	04E	28	NW	SW	RECREATION STORAGE	
			SW	SW	RECREATION STORAGE	
01N	04E	29	NW	NW	RECREATION STORAGE	
			SW	SE	RECREATION STORAGE	

SCANNED

JUL 11 2008

SW	NE	RECREATION STORAGE
SW	NW	RECREATION STORAGE
SE	NW	RECREATION STORAGE
NE	SW	RECREATION STORAGE
NW	SW	RECREATION STORAGE
SW	SW	RECREATION STORAGE
SE	SW	RECREATION STORAGE
NE	SE	RECREATION STORAGE
NW	SE	RECREATION STORAGE
SE	SE	RECREATION STORAGE

01N	04E	30	NE	NE	RECREATION STORAGE
			SE	NE	RECREATION STORAGE
			NE	SE	RECREATION STORAGE
			SE	SE	RECREATION STORAGE

01N	04E	32	NE	NW	RECREATION STORAGE
			NW	NW	RECREATION STORAGE

11. Place of use in counties: ADA

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

13. Other Water Rights Used:

14. Remarks:

IDFG HAS A FLOOD EASEMENT WITH BLM.
Claim amended June 23, 2008 to reflect a recreation storage use.

15. Basis of Claim: Statutory Claim

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 XXX wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: None

For Organizations: I do solemnly swear or affirm under penalty of perjury that I am

Sharon W Kiefer, Assistant Director of Idaho Department of Fish & Game
Title Organization

That I have signed the foregoing document in the space below as

Sharon W Kiefer, Assistant Director of Idaho Department of Fish & Game
Title Organization

and that the statements contained in the foregoing document are true and correct.

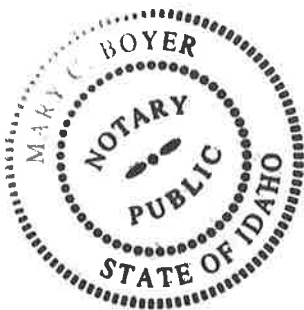
Signature of Authorized Agent Sharon W. Kiefer Date 7/10/08

Title and Organization

SCANNED
JUL 11 2008

State of Idaho)
)S.S.
County of Ada)

On this 10th day of July, in the year of 2008, before me,
Mary C. Boyer, a notary public, personally appeared Sharon W. Kiefer,
known to me to be that person(s) whose name(s) is (are) subscribed to the within
instrument, and acknowledged to me that he (she) (they) executed the same.



Mary C. Boyer
Notary Public

My Commission Expires on _____
My Commission Expires August 31, 2011

SCANNED
JUL 11 2009

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A63-04679
Date Received: 6/19/1990
Receipt No: T017346
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: STATE OF IDAHO
Address: DEPT. OF FISH & GAME
P.O. BOX 25
BOISE, ID

83707

2. Date of Priority: JAN 01, 1895

3. Source: INDIAN CREEK Trib. to: BOISE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
01N	04E	29		SW	SW		ADA
		30		SE	SE		ADA

5. Description of diverting works:
DAM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
FISH PROPAGATION	01/01	12/31			3000.00

7. Total Quantity Appropriated is:
C.F.S. (and/or) 3000.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
FISH PROPAGATION, RESERVOIR FOR GAME FISH, WILDLIFE AND RECREATIO

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
01N	04E	28	NW	SW		FISH	
			SW	SW		FISH	

A63-04679

Page 1

Date: 07/06/90

SCANNED
APR 14 2008

MICROFILMED
AUG 20 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01N	04E	29	SW	NE		FISH	
			NW	NW		FISH	
			SW	NW		FISH	
			SE	NW		FISH	
			NE	SW		FISH	
			NW	SW		FISH	
			SW	SW		FISH	
			SE	SW		FISH	
			NE	SE		FISH	
			NW	SE		FISH	
			SW	SE		FISH	
			SE	SE		FISH	
		30	NE	NE		FISH	
			SE	NE		FISH	
			NE	SE		FISH	
			SE	SE		FISH	
			NE	NW		FISH	
			NW	NW		FISH	
		32	NE	NW		FISH	
			NW	NW		FISH	

11. Place of use in counties: ADA

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

13. Other Water Rights Used:
NONE

14. Remarks:
IDFG HAS A FLOOD EASEMENT WITH BLM.

15. Basis of Claim: STATUTORY CLAIM

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
_____, 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 _____

#91.51

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A63-04679

Date Received: 6-19-90

Receipt No: T017346

Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: STATE OF IDAHO
Address: DEPT. OF FISH & GAME
P.O. BOX 25
BOISE, ID

83720
07

2. Date of Priority: JAN 01, 1895

3. Source: INDIAN CREEK

Trib. to: BOISE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
01N	04E	29	SW	SW	SW		ADA
		30	SE	SE	SE		ADA

5. Description of diverting works:
DAM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
~~WILDLIFE STORAGE~~ FISH	01/01	12/31			3000.00
~~RECREATION STORAGE~~ Propagation	~~01/01~~	~~12/31~~			~~3000.00~~

7. Total Quantity Appropriated is:

C.F.S. (and/or) 3000.00 A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

RESERVOIR FOR GAME FISH, WILDLIFE AND RECREATION

A63-04679

Page

1

Date: 02/14/89

MICROFILMED

AUG 20 1992

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
01N	04E	28	NW		SW		~~WILD-S~~	FISH P.
			SW		SW		~~WILD-S~~	"
		29	SW		NE		~~WILD-S~~	"
			NW		NW		~~WILD-S~~	"
			SW		NW		~~WILD-S~~	"
			SE		NW		~~WILD-S~~	"
			NE		SW		~~WILD-S~~	"
			NW		SW		~~WILD-S~~	"
			SW		SW		~~WILD-S~~	"
			SE		SW		~~WILD-S~~	"
			NE		SE		~~WILD-S~~	"
			NW		SE		~~WILD-S~~	"
			SW		SE		~~WILD-S~~	"
			SE		SE		~~WILD-S~~	"
		30	NE		NE		~~WILD-S~~	"
			SE		NE		~~WILD-S~~	"
			NE		SE		~~WILD-S~~	"
			SE		SE		~~WILD-S~~	"
		32	NE		NW		~~WILD-S~~	"
			NW		NW		~~WILD-S~~	"

11. Place of use in counties: ADA

12. Do you own the property listed above as place of use? ~~YES~~ No

13. Other Water Rights Used:

14. Remarks: IDFG HAS A FLOOD EASEMENT WITH BLM

15. Basis of Claim: STATUTORY CLAIM

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 Assistant Director of Idaho Dept of Fish & Game (IDFG), that I have signed the foregoing document in the space below as Acting Director of IDFG and that the statements contained in the foregoing document are true and correct.

Kenneth Prince
Signature of Authorized Agent
Assistant Director
IDFG
Title and Organization

3-15-90
Date

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 15th day
of March 19 90

Dorothy Baker
Notary Public

Seal

Residing at Emmett, Idaho
My Commission Expires 10/31/1991

4/5/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME

ID F86

CLAI

DENT. NO.

A63-04679

DATE RECEIVED

6-19-90

CK #

T017340

AMOUNT \$

91.51

YES

NO

Require
Info?

1. Is the name and address complete with zip code? ☒ YES ☐ NO ☐ *
2. Is a priority date entered? ☒ YES ☐ NO ☐ *
Is the priority date acceptable in view of mandatory filing dates?
See Adjudication Memos #1 and #4 to determine if a Permit is required. ☒ YES ☐ NO ☐ *
3. (a) Is a source entered? ☒ YES ☐ NO ☐ *
(b) Is a tributary to entered? (if required) ☒ YES ☐ NO ☐ *
4. Is the legal description of the p.d. sufficient? ☒ YES ☐ NO ☐ *
5. Is there a description of the diverting works? ☒ YES ☐ NO ☐ *
6. Are the water uses appropriate for the form? The short form is limited
to domestic and stockwater uses with direct diversion. All claims that
include storage or instream stockwater must use long form. ☒ YES ☐ NO ☐ *
Is the period of use included? ☒ YES ☐ NO ☐ *
Is a quantity claimed for each use? ☒ YES ☐ NO ☐ *
7. Is a total quantity claimed entered? ☒ YES ☐ NO ☐ *
8. If required is a consumptive use entered? ☒ YES ☐ NO ☐ *
Is the consumptive use correct? ☒ YES ☐ NO ☐ *
9. Are the non-irrigation uses listed properly? If this claim is on the
short form, and more than one domestic use is listed, single owner-
ship must be stated. If not under single ownership, see
Adjudication Memo # 4. ☒ YES ☐ NO ☐ *
10. Is (are) the place(s) of use and purpose(s) indicated? ☒ YES ☐ NO ☐ *
11. Is (are) the county(ies) entered? ☒ YES ☐ NO ☐ *
12. Is the ownership of p.u. checked? ☒ YES ☐ NO ☐ *
13. Are other water rights listed or "none" indicated? ☒ YES ☐ NO ☐ *
14. If required, are remarks correct? (If the claimant does not own
the place of use, authority for filing the claim must be
explained in the remarks.) ☒ YES ☐ NO ☐ *
15. Is the basis of the claim indicated? ☒ YES ☐ NO ☐ *
16. If the claimant requested a monthly docket sheet, is payment enclosed?
(If yes, describe payment status in "Comments" below.) ☒ YES ☐ NO ☐ *
17. Is the claim signed by the claimant, and is the signature appropriate?
Organizations must complete the organization block. ☒ YES ☐ NO ☐ *
18. Has the claim been signed, sealed, and dated by a notary? ☒ YES ☐ NO ☐ *
19. Was this claim filed on time, or was an extension granted? ☒ YES ☐ NO ☐ *
20. Is the fee enclosed correct? ☒ YES ☐ NO ☐ *
21. If this claim is based on an existing water right, has the
identification number been entered? ☒ YES ☐ NO ☐ *
22. Should this claim be data entered? ☒ YES ☐ NO ☐ *

Claim checked by: RRDate: 7-5-90Claim must be returned to claimant: ☐ (Yes) ☒ (No)Claimant must be notified of modifications: ☐ (Yes) ☒ (No)Receipt Prepared by: RRClaim data entered by: RRSent to claimant by: RRDate: 7-6Date: 7-6Date: 7-6Checked by: RRDate: 7-6

Comments: _____

MICROFILMED

AUG 20 1992

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FEB 18 2009

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
FEB 17 2009	
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 63-04679

I. FINDINGS OF FACT

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

On July 17, 2008, IDWR filed an *Amended Director's Report* for the claim. No objections were filed to the *Amended Director's Report*, and the time for objecting has expired.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein, IT IS RECOMMENDED that water right 63-04679 be decreed with the elements as set forth in the attached *Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b)*.

Dated Feb 17, 2009



Theodore R. Booth
Special Master
Snake River Basin Adjudication

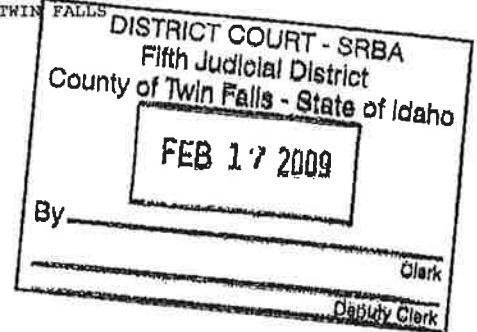
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

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

Water Right 63-04679



NAME AND ADDRESS:

STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 25
BOISE, ID 83707

SOURCE:

INDIAN CREEK TRIBUTARY: BOISE RIVER

QUANTITY:

2450.00 AFY

PRIORITY DATE:

10/13/1920

POINT OF DIVERSION:

T01N R04E S29
S30

SWSW
SESE

Within Ada County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
Recreation Storage

PERIOD OF USE
01-01 TO 12-31

QUANTITY
2450.00 AFY

PLACE OF USE:

Recreation Storage
T01N R04E S29

SWNW
NWSW
SESW
NWSE
SENE
SESE

Within Ada County

NESW
SWSW
NESE
SWSE
NESE

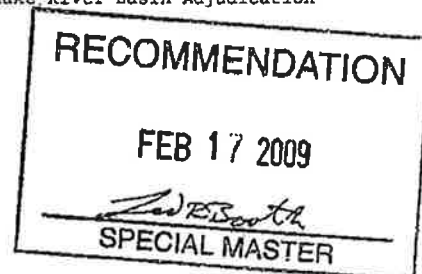
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication



RECEIVED

FEB 18 2009

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
FEB 17 2009	
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

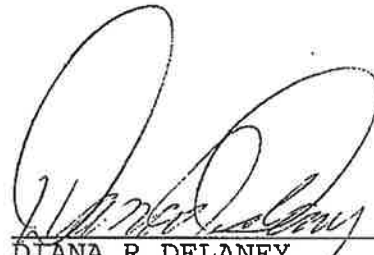
Water Right(s): 63-04679

On February 17, 2009, Special Master THEODORE R. BOOTH 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 February 17, 2009.



DIANA R DELANEY
Deputy Clerk

RECEIVED

FEB 18 2009

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
FEB 17 2009	
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): 63-04679

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 February 17, 2009, with sufficient first-class postage prepaid to the following:

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

STATE OF IDAHO
Represented by:
NATURAL RESOURCES DIV CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
PO BOX 44449
BOISE, ID 83711-4449

STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 25
BOISE, ID 83707
Phone: 208-334-3700

CERTIFICATE OF MAILING


DIANA R DELANEY
Deputy Clerk

PAGE 1
02/17/09

AMENDED DIRECTOR'S REPORT

Subcase No. 63-4679

In Re SRBA

Twin Falls County Civil Case No. 39576

Report to the SRBA District Court

**Prepared by the Idaho Department of Water Resources
David R. Tuthill, Jr., Director
Donald V. Shaff, Adjudication Bureau Chief**

July 16, 2008

DESCRIPTIVE SUMMARY

This is an Amended Director's Report submitted by the Director of the Idaho Department of Water Resources ("IDWR").

DISCUSSION

Pursuant to the *Order Granting Motion to File Late Objection and Motion to File Amended Notice of Claim* issued by Special Master Booth on June 24, 2008, the Director submits for filing with the Court, an Amended Director's Report for the aforementioned subcase (see attached print-out).



DONALD V. SHAFF
Adjudication Bureau Chief

07/15/2008

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

RIGHT NUMBER: 63-4679

NAME AND ADDRESS: STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 25
BOISE ID 83707

SOURCE: INDIAN CREEK

TRIBUTARY: BOISE RIVER

QUANTITY: 2,450.000 AFY

PRIORITY DATE: 10/13/1920

POINT OF DIVERSION:

T01N R04E S29 SWSW Within ADA County

T01N R04E S30 SESE Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
RECREATION STORAGE	01/01 12/31	2,450.00 AFY

PLACE OF USE: RECREATION STORAGE in ADA County

T01N R04E S29	SWNW	T01N R04E S29	NESW
T01N R04E S29	NWSW	T01N R04E S29	SWSW
T01N R04E S29	SESW	T01N R04E S29	NESE
T01N R04E S29	NWSE	T01N R04E S29	SWSE
T01N R04E S30	SENE	T01N R04E S30	NESE
T01N R04E S30	SESE		

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 - Beneficial Use

CERTIFICATE OF SERVICE

I certify that on July 16, 2008, 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:

STATE OF IDAHO
Represented by:
NATURAL RESOURCES DIV. CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
P.O. BOX 44449
BOISE, ID 83711-4449

STATE OF IDAHO
DEPT OF FISH & GAME
P.O. BOX 25
BOISE, ID 83707

DIRECTOR OF IDWR
P.O. BOX 83720
BOISE, ID 83720-0098

ADA COUNTY COURTHOUSE
200 W. FRONT ST
BOISE ID 83702-7300



Signature of person delivering form

07/15/2008

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

RIGHT NUMBER: 63-4679

NAME AND ADDRESS: STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 25
BOISE ID 83707

VERIFIED BY

KKC V2
7-15-08

SOURCE: INDIAN CREEK

TRIBUTARY: BOISE RIVER

QUANTITY: 2,450.000 AFY

PRIORITY DATE: 10/13/1920

POINT OF DIVERSION:

T01N R04E S29 SWSW Within ADA County

T01N R04E S30 SESE Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
RECREATION STORAGE	01/01 12/31	2,450.00 AFY

PLACE OF USE: RECREATION STORAGE in ADA County

T01N R04E S29	SWNW	T01N R04E S29	NESW
T01N R04E S29	NWSW	T01N R04E S29	SWSW
T01N R04E S29	SESW	T01N R04E S29	NESE
T01N R04E S29	NWSE	T01N R04E S29	SWSE
T01N R04E S30	SENE	T01N R04E S30	NESE
T01N R04E S30	SESE		

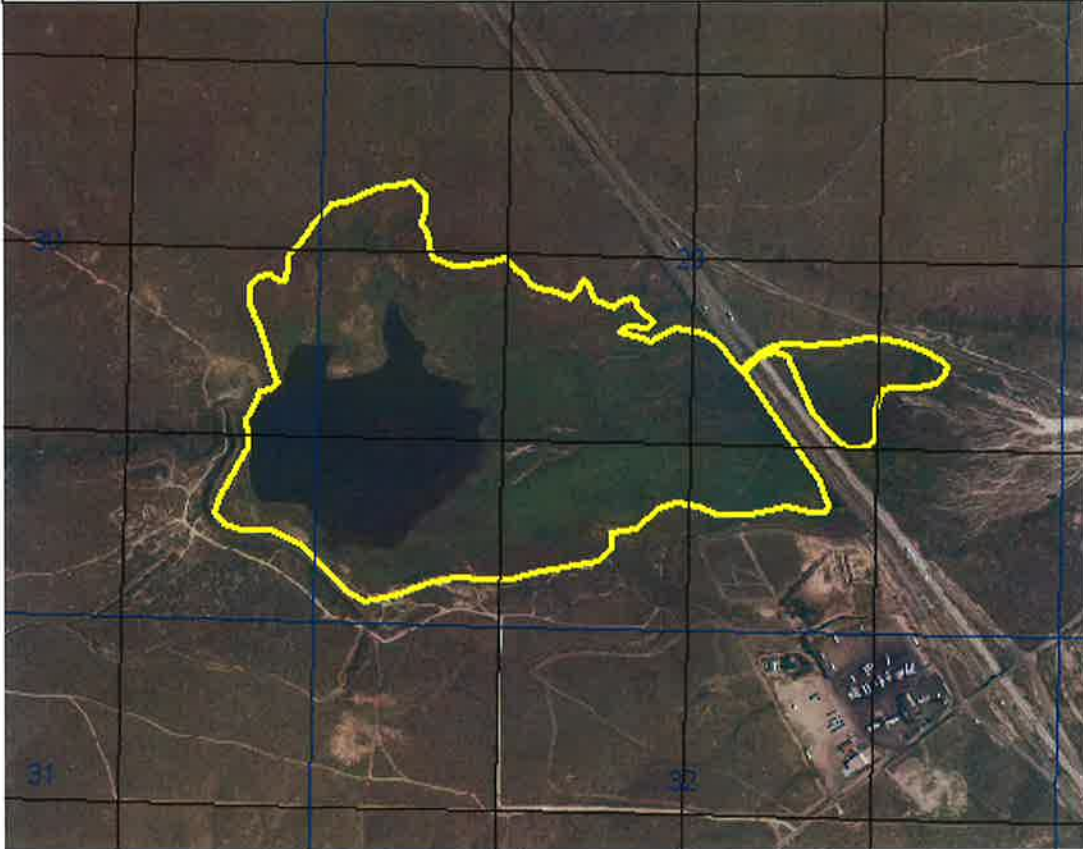
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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 - Beneficial Use

2004 aerial photo

Reservoir area $\approx$ 183 acres



At this point it is my intention to modify the POU shape for 63-4679. This will also be reflected in the POU description of the right.

Kelly K Christensen
July 15, 2008

Settlement Conf Notes

June 20, 2008

Priority = 1920 ±

Shelby did search on Indian Creek.

Dir to Storage Not an issue

Cindy Robertson

hearing Amended Claim by ~~Mid~~ July 15.

Dir Rpt due by July 31-

Resp 14 days following

Attending

Dave Barber

Cindy Robertson

Chris Bromley

Kelly Christensen

Christensen, Kelly

From: Christensen, Kelly
Sent: Monday, June 23, 2008 2:01 PM
To: Bromley, Chris
Subject: Amendment of 63-4679 Orchard Reservoir on Indian Creek

Attachments: 63-4679 DEPT OF FISH & GAME amend.doc

I have drafted an amended claim with the following changes;
Priority date to 10-13-1920
Use to Recreation storage

I did not change the volume, however, in researching the dam safety files I see where the department has identified the reservoir capacity as 2450 af as early as 1972 and through 1982. In 1984 the volume was determined to be 2035 af.

I do not recall during the meeting with Dave Barber on Friday of agreeing on a volume for the reservoir. I think that it would be reasonable to recognize the 2450 AF volume which would give the F & G the ability to reestablish that volume if necessary.

In researching water uses from Indian Creek I found that there is the following
63-3676 0.5 af storage right for stockwater storage 1941 priority date approximately 4 miles down stream
63-9937 0.62 cfs and 210 af storage from Indian Cr and Sand Cr for irr 1983 priority date approximately 17 miles downstream
63-4630 3.62 cfs for irrigation 1966 priority date again approximately 17 miles downstream

63-2046 2.58 cfs for irrigation 1906 priority date approximately 7 miles upstream

There are additional in-stream stockwater rights at or upstream of the reservoir but not downstream.

The reservoir is a part of the Boise River Irrigation district and additional information can be obtained from

Rex Barrie
PO Box 767
Star, Idaho 83669
208-908-5480



63-4679 DEPT OF
FISH & GAME a...

Unless you think that additional information should be obtained I am planning on using this e-mail as the basis to provide Dave Barber with the amendment and information.

Kelly K Christensen
Sr Water Resource Agt
Boise, Western Region
(208)-334-2190

Christensen, Kelly

From: Christensen, Kelly
Sent: Monday, June 16, 2008 3:51 PM
To: 'Barber, David'
Cc: Spencer, Nick
Subject: 63-4679 objection hearing June 20,2008 @ 3:45

Attachments: 63-4338 & 63-4679 State of ID obj review e-mail attach.doc

I have been assigned this claim to review (and possibly 63-4338 not objected to but related to the same reservoir).

The claim was disallowed primarily based upon lack of evidence however there is some new evidence now in the file. The overall issues needing to be addressed are;

1. The claimed use of fish propagation.
2. The priority date
3. Season of use
4. Volume of the reservoir

1. The claim is for the volume of the reservoir for fish propagation however the courts have ruled that facility volume is not an element for that use. It appears that an argument could be made for recreational storage.

2. Assuming a recreational storage use, the question then becomes when did the use begin as the reservoir was originally developed for an irrigation project.

3. Directly associated with the use would be the season of use. As the irrigation use would be expected to drain or significantly draw down the reservoir, this activity would impact both the claimed use of fish propagation, the potential use of recreation storage, or another alternative.

4. The department's dam safety section has recorded the reservoir volume as 2035 AFA.

There does appear a fair amount of information available about the historic development however at this point I do not have a firm position for a recommendation. I have attached a brief summary of much of the information that is in the file although it may not be entirely comprehensive. I would appreciate your input as to your perspective of a possible settlement agreement. In talking with the dam safety people, they indicated that there are problems with the dam and that one solution would be to partially breach the dam to a point where it would no longer be jurisdictional, but with the possibility of repairing and then eventually restoring the dam to its original configuration. It is my understanding that no decision has been made at this point.



63-4338 & 63-4679
State of ID ...

Kelly K Christensen
Sr Water Resource Agt
Boise, Western Region
(208)-334-2190

Idaho Dept of Water Resources
Objection review notes and narrative

Date: 6-13-2008

File: 63-4338 & 63-4679 State of ID obj review.doc

Prepared by Kelly K Christensen

Both claims have been recommended for disallowal.

63-4338 has not been objected to.

63-4679 has been objected to. The general basis for the recommendation was lack of information establishing priority date.

Data has been acquired that indicates that the reservoir was in existence by 1892.

Dam Safety records indicate that the dam failed in 1894 and was rebuilt from 1894 – 1902. Current data indicates that the storage capacity is 2035 af.

A copy of a reservoir inventory (document origin unknown) identifies the reservoir as originally identified as the J. M. Clark reservoir transferred to Orchard Irrigation Co. Notes indicate that proof of construction of the reservoir and such was accepted by G.L.O. letter of 2/27/95.

The original use was for irrigation associated with right 63-352 which was decreed in the Indian Creek Reservoir Ditch and Irrigation Co vs The Orchard Fruit Company (63-S) dated 5-25-1908. As no irrigation now exists from the reservoir, that right was not claimed in the SRBA. The reservoir was described in that decree through a meets and bounds description made 50 ft from the reservoir water line and containing 379.42 acres. The decree further identifies that there is a 10-mile main canal and about forty miles of lateral canals. The decree references a mortgage associated with The Orchard Fruit Company dated 1898 as being forfeited as of the date of the decree. A copy of the mortgage is not a part of the file and the extent of that mortgage is not known. No information was found in the files to indicate when the irrigation project ceased.

Evidence of priority submitted indicates that in 1920 Fish and Game stocked the reservoir with 70,000 Perch. This was followed by stocking Perch, Catfish, and Crappie in 1951. The next stocking date was identified as 1974 which was basically the starting date of a more consistent stocking pattern from that date to 2006. This coincides with the date that the reservoir was gifted to the Fish and Game. No statements were made regarding the ultimate use of the fish being placed into the reservoir. It is not known if the fish were later harvested or were just available for recreational fishing.

On December 30, 1975 Robert and Roberta Halliday, James and Mary Ballantyne, Dayman Partnership, and Idaho Farmway gifted the Indian Creek Reservoir to the Fish and Game. The deed states in part that the gift "would establish a permanent place of recreation and which would preserve for the use of the public that certain reservoir known as Indian Creek Reservoir;"

Christensen, Kelly

From: Christensen, Kelly
Sent: Monday, June 16, 2008 11:44 AM
To: Williams, Ray
Subject: Possible settlement 63-4679 hearing date 6-20-2008

Ray,
I thought that I would send this just to you so that you could possibly squeeze this into Nicks day when convenient. I would like Nick's input on the following 3 paragraphs if he can squeeze it in in the next couple of days as this one is scheduled for June 20th at 3:45 pm.. Also I would like an e-mail address of an individual at F&G that it should be sent to. I am planning on CCing Dave Barber. I have already e-mailed Nick a compilation of information regarding this case earlier this day. I have briefly discussed this with Jan and this is basically what we came up with.

I have reviewed the file for 63-4679 and based upon the currently available information, have found the following; Fish propagation as a volume is not acceptable. In 1999 the SRBA ruled that facility volume would not be considered as a part of fish propagation. Evidence of priority submitted for Fish propagation indicates that Perch were stocked in 1920, 3 varieties of fish were stocked in 1951, and then starting in 1974 there has been a fairly continuous pattern of stocking fish up through 2006. A one time stocking in 1920 followed with a one time stocking in 1951 does not establish a good track record of beneficial use from 1920. The use starting in 1974 does indicate an organized practice of stocking, however that development is after the mandatory permit statutes and would have to be recommended for disallowal.

Based upon the currently available information it would seem reasonable to recognize the following.

Year-round use for Recreation Storage for 2035 Af with a 2-27-1895 priority date.

Dam safety records list the volume of the reservoir at 2035 AF and there is a document that identifies the Dam certification date as 2-27-1895.

Kelly K Christensen
Sr Water Resource Agt
Boise, Western Region
(208)-334-2190

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
JUN 24 2008	
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	) Subcase 63-04679)) ORDER GRANTING MOTION TO FILE) LATE OBJECTION AND MOTION TO) FILE AMENDED NOTICE OF CLAIM;)) ORDER SETTING DEADLINES
--	---

On June 27, 2007, the claimant of the above-captioned water right, the State of Idaho, Department of Fish and Game, through Deputy Attorney General David Barber, filed a *Motion to File Late Objection*, together with the Affidavits of Walton Poole and David Barber in support thereof. The matter was heard on June 20, 2008. Based upon the comments of the participants at the hearing, and upon the matters set forth in the Affidavits, and good cause appearing, the *Motion to File Late Objection* is **granted**. The Clerk of the Court is instructed to file the previously lodged objection.

At the June 20, 2008, hearing, the State of Idaho moved for permission to file an amended notice of claim for the water right. The motion to file an amended notice of claim is **granted**. The amended notice of claim shall be filed no later than **July 15, 2008**.

The Idaho Department of Water Resources is requested to file a director's report on the amended claim no later than **July 31, 2008**. Objections thereto shall be filed no later than **August 28, 2008**. Responses to any objections that may be filed are due **September 12, 2008**.

Dated June 24, 2008



THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING MOTION TO FILE LATE OBJECTION AND MOTION TO FILE AMENDED NOTICE OF CLAIM was mailed on June 24, 2008, with sufficient first-class postage to the following:

STATE OF IDAHO

Represented by:
NATURAL RESOURCES DIV CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
PO BOX 44449
BOISE, ID 83711-4449

STATE OF IDAHO

DEPT OF FISH & GAME
PO BOX 25
BOISE, ID 83707
Phone: 208-334-3700

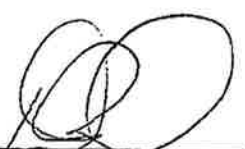
DIRECTOR OF IDWR

PO BOX 83720
BOISE, ID 83720-0098

ORDER

Page 1 6/24/08

FILE COPY FOR 02093


Deputy Clerk

Christensen, Kelly

From: Christensen, Kelly
Sent: Monday, June 16, 2008 10:37 AM
To: Spencer, Nick
Cc: Shurte, Jan
Subject: 63-4338, 63-4679 Fish & Game Orchard Reservoir

Attachments: 63-4338 & 63-4679 State of ID obj review.doc

Attached is a short summary of information I gleaned from the file and Dam Safety records.

As things stand, 63-4679 is the only claim that has been objected to. The big problem that I see is that it is for Fish Propagation for 3,000 af. Facility volume is not an element of a water right for fish propagation. Also as the facility is on-stream, there is no diversion rate associated with the reservoir itself. The reservoir was developed for irrigation which has ceased and was not even claimed.

What can we recognize as a valid use for the reservoir and at what priority date? Fish and Game received the reservoir and began a relatively consistent stocking program around 1975. They did have records of one-time stocking in 1920 and again in 1951. Fish propagation does not seem to fit the bill. First,

Possible solution is to file a late objection to 63-4338 and recognize at least the recreation portion of that right. Alternatively 63-4679 could be amended to another use(s). Could we ""assume"" that recreation was a part of the historic use of the reservoir? Doing this one could argue that we would then also have to recognize the wildlife use under the same premise. Could we recognize an unrecorded change in nature of use from irrigation storage to recreation storage thereby maintaining the historic priority date?



63-4338 & 63-4679
State of ID ...

Kelly K Christensen
Sr Water Resource Agt
Boise, Western Region
(208)-334-2190

MEMORANDUM

(Adjudication Memo No. 49)

TO: WATER MANAGEMENT DIVISION STAFF

FROM: NORM YOUNG

RE: 1) ADJUDICATION CLAIMS TOLLING FORFEITURE
2) FISH PROPAGATION FACILITY VOLUME

DATE: MARCH 24, 2000

On December 29, 1999, the Snake River Basin Adjudication (SRBA) district court issued its *Order on Challenge (Consolidated Issues) of "Facility Volume" Issue and "Additional Evidence" Issue*, Subcase Nos. 36-02708, et al., In Re SRBA, Case No. 39576. In that decision the SRBA district court determined, among other things that:

1. "Once a claimant files a claim in the SRBA, for a particular water right, the forfeiture provisions of I.C. § 42-222(2) are also tolled for purposes of establishing forfeiture, so long as the claimant continues to prosecute the claim to a partial decree."

2. Facility volume is not an element of a water right for fish propagation. While a facility volume condition could be carried over from a license into a partial decree, an additional remark would be added to the partial decree indicating that the condition has no effect on the use of the right.

Water Management Division will implement this decision as follows:

Adjudication Bureau:

1. Agents investigating water use in the SRBA shall only investigate water use prior to the date the water right claim was filed with IDWR for purposes of determining whether forfeiture has occurred. Field examinations made, photographs taken, or other evidence of non-use of a water right after the date a claim was filed with IDWR shall not be used in preparing the recommendation on the claim for the Director's Report.

2. Facility volume conditions will not be included in the Director's Report for fish propagation claims whether or not the claim is based upon an existing license that includes the facility volume condition.

Water Allocation Bureau:

1. Filing a claim and participating in the SRBA does not prevent a water user from making use of his/her water right. Therefore, in the context of transfer or other applicable administrative proceedings, IDWR will continue to consider nonuse of water after the filing of an SRBA claim as relevant to whether forfeiture has occurred.

2. Facility volume conditions will not be included in new permits for fish propagation and will not be carried over from a permit to the resulting license. IDWR will not, on its own initiative, endeavor to enforce a facility volume condition associated with any existing right.

Except as specifically discussed in this memorandum, IDWR standards regarding the investigation of SRBA water right claims and the processing of administrative applications remains unchanged.



RECEIVED

NOV 08 2006

WATER RESOURCES
WESTERN REGION

IDAHO DEPARTMENT OF FISH AND GAME

600 S. Walnut/P.O. Box 25
Boise, Idaho 83707

James E. Risch/Governor
Steven M. Huffaker/Director

November 6, 2006

Ms. Sandy Egbert
Idaho Department of Water Resources
Western Regional Office
2735 Airport Way
Boise, Id 83705

Dear Ms. Egbert:

In answer to your questions concerning the priority date for water right 63-4679 (fish propagation), the Idaho Department of Fish and Game maintains stocking records for all of its stocking activities in two databases. According to the historic fish stocking database, the earliest record that the Department has documenting the stocking of fish in Indian Creek Reservoir, Ada County, Idaho is of 70,000 yellow perch in 1920 (excerpt of database attached). Various species of various size classes and numbers have been stocked since that time depending upon water year and water availability. I hope this provides the information you need to document the priority date for fish propagation for that water right. If you have any questions or need any assistance, please contact Dr. Walt Poole in our Natural Resource Policy Bureau (208-287-2714).

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Yundt".

Steve Yundt
Chief, Fisheries Bureau

Cc
Walt Poole

Idaho Department of Fish and Game
Historic Stocking Records

Date	Year	Body of Water	Species	Number	Size (inches)	Pounds of
				of Fish Stocked		Fish Stocked
10/13	1920	INDIAN CREEK RES	Perch	70000		0.00
11/15	1951	INDIAN CREEK RES	Perch	3034	4	82.00
11/15	1951	INDIAN CREEK RES	Catfish	900	3-12	50.00
11/15	1951	INDIAN CREEK RES	Crappie	2021	3	43.00

DAM SUMMARY INVENTORY SHEET

ORCHARD

63 - 4338

Printed: Jun 13, 2008

Updated: Jun 13, 2008

STATUS _____ A
BASIN _____ 63
DAM NUMBER _____ 4338
FEDERAL ID NUMBER _____ ID00206
DAM NAME _____ ORCHARD
COUNTY _____ ADA
STREAM _____ INDIAN CREEK
REGION _____ W
PURPOSE _____ GHR
RISK CATEGORY _____ 2
SIZE CATEGORY _____ 2
Q_Q_SECTION _____ SESE
SECTION _____ 30
TOWNSHIP _____ 01N
RANGE _____ 04E
LATITUDE DEC _____ 43.38953321
LONGITUDE DEC _____ -116.01719
DAM TYPE _____ EARTH
STORAGE CAPACITY _____ 2035 *AcFT*
HEIGHT _____ 34 *Ft*
DRAINAGE AREA _____ 51 *SqMi*
RESERVOIR AREA _____ 195 *Ac*
YEAR COMPLETED _____ 1892
CREST ELEVATION _____ 3342 *Msl*
CREST LENGTH _____ 2800 *Ft*
SPILLWAY TYPE _____ RPCHAN
SPILLWAY DEPTH _____ 8.8 *Ft*
SPILLWAY CAPACITY _____ 1500 *Cfs*
SPILLWAY CONDITION _____ GD
SPILLWAY GATE COND _____ NA
OUTLET TYPE _____ STEEL
OUTLET SIZE _____ 24 *In*
OUTLET CAPACITY _____ 25 *Cfs*

OUTLET CONDITION _____ FR
OUTLET GATE CONDITION _____ FR
LAST OUTLET EXAM _____ 63-4338-OUTIN-03
OUTLET INSP INTERVAL _____ 5
IDF _____ Q500
IDF MAGNITUDE _____ 2110 *Cfs*
RELEASE CAPACITY _____ 1525 *Cfs*
OVERALL COND _____ FR
MAINTENANCE _____ ROUTINE
INSPECTION DATE _____ 3/15/2005 *Mo/Yr*
CERT ISSUE DATE _____ 11/12/2003 *Mo/dd/yr*
STORAGE AUTH DATE _____ 04/25/2005 *Mo/dd/yr*
STORAGE EXP DATE _____ 11/01/2007 *Mo/dd/yr*
SURVEY DATE _____ 5/5/2000 *Mo/dd/yr*
CALL UP DATE _____ *Mo/dd/yr*
INSP INTERVAL _____ 2 *Yr*
PHASE 1 INSP DATE _____
OPERATION PLAN _____ N
STATIC STABILITY _____
SEISMIC STABILITY _____ N
RESTRICTED _____
BOND _____ NA
JOINT INSPECTION _____ IF&G
QUAD NUMBER _____ Y10
QUAD NAME _____ INDIAN CREEK RES
DAM OWNER _____ IDAHO FISH AND GAME DEPARTMENT
ADDRESS-1 _____ C/O MIKE MAFFEY
ADDRESS-2 _____ PO BOX 25
CITY _____ BOISE
STATE _____ ID
ZIP CODE _____ 83707
ZIP SUFFIX _____ 0025
PHONE _____ 3343730
AREA CODE _____ 208

GEN_REMARK _____ DAM FAILED IN 1894 & WAS REBUILT FROM 1894-1902. NO CHANGED FROM 63-0352 & 63-0351. PART OF DAM IS LOCATED IN SEC 29 & 32 T1N - R4E.

TEC_REMARK _____

RESTRICT _____

ALT_CONT _____ FISH & GAME STATE OFFICE IS 600 S. WALNUT ST, BOISE.

BOND_SUM _____

Idaho Department of Water Resources

Dam Safety Report

Updated: Jun 13, 2008

Dam Name : ORCHARD

State ID Number : 63 - 4338

Federal ID Number: : ID00206

Reservoir

Drainage Area : 51 Sq Miles
Storage Capacity : 2035 Acre feet
Reservoir Area : 195 Acres
Reservoir Remarks :

Spillway

Spillway Type : RPCHAN
Spillway Condition : GD
Spillway Depth : 8.8 Feet
Spillway Gate Condition : NA
Spillway Width : 32 Feet
Spillway Deficiency :
Spillway Capacity : 1500 cfs
General Spillway Remarks: : SPILLWAY IS RPCHAN W/ CONC CREST. AUX SPILLWAY IS ERCHAN 4.0' DEEP NORTH OF DAM.
Spillway Deficiency Remarks :

Outlet

Outlet Type : STEEL
Outlet Gate Condition : FR
Outlet Size : 24 Inches
Outlet Inspection Interval : 5 years
Outlet Capacity : 25 cfs
Outlet Video : 63-4338-OUTIN-0
Outlet Condition : FR
Outlet Deficiency : DEGRADATION
General Outlet Remarks : OUTLET IS 4'X 6' CNARCH TUNNEL WITH 48" CMP ON LOWER END. UTLET CAP IS ESTIMATED. OUTLET HAS NOT BEEN USED FOR MANY YEARS & WILL NOT OPERATE AT FULL CAPACITY. LAST OUTLET EXAM COMPLETED 10/14/2003. NOTE: LOW OXYGEN LEVELS ENCOUNTERED IN CONDUIT AND SPECIAL PRECAUTIONS NEED TO BE
Outlet Deficiency Remarks: : OUTLET GATE INOPERABLE, OUTLET TUNNEL QUESTIONABLE, INCOMPLETE VIDEO TAPE INSPECTION.

Hydraulics

In Flow Design Flood (IDF) : Q500
Release Capacity : 1525 cfs
Inflow Design Flood Magnitude : 2110 cfs
Q10: : cfs
Q500: : 2110 cfs
Q100: : 1390 cfs
PMF: : cfs
General Hydraulic Remarks : SPILLWAY & RELEASE CAP ARE WITH 3.5' FB. SPILLWAY WILL PASS Q500 W/ 2.8' FB & NO FLOOD ROUTING.

Idaho Department of Water Resources

Dam Safety Report

Updated: Jun 13, 2008

Dam Name : ORCHARD

State ID Number : 63 - 4338

Federal ID Number : ID00206

General Information

Inventory : A

Hazard Category : 2

Purpose: : GHR

Size Category : 2

Location

Region : W

Latitude : 43.389533214

County : ADA

Longitude : -116.017189335

Stream: : INDIAN CREEK

IDTM Easting : 2336622.72

Township: : 01N

IDTM Northing : 1356273.14

Range: : 04E

Location Method : NAIP

Section: : 30

Horizontal Precision: : 50 Feet

Q_Q_Section: : SESE

Quad Number : Y10

Quad Name : INDIAN CREEK RES

Embankment Physical Characteristics

Dam Type : EARTH

Crest Elevation : 3342 Feet

Height : 34 Feet

Freeboard : 8.8 Feet

Crest Length : 2800 Feet

Year Completed : 1892

Crest_Width: 15 Feet

Condition : FR

Maintenance : ROUTINE

Owner

Dam Owner : IDAHO FISH AND GAME DEPART

Zip Code : 83707

Zip Suffix : 0025

Address 1 : C/O MIKE MAFFEY

Area Code : 208

Phone : 3343730

Address 2 : PO BOX 25

Owner_e_mail:

City: : BOISE

State : ID

Alternate Contacts FISH & GAME STATE OFFICE IS 600 S. WALNUT ST, BOISE.

Regulatory Data

Inspection Date : 3/15/2005

Restricted :

Storage Authorization Date : 4/25/2005

Phase 1 Report :

Storage Expiration Date : 11/1/2007

Operation Plan : N

Certificate Issue Date: : 11/12/2003

Seismic Analysis : N

Survey Date : 5/5/2000

Static Stability: :

Call Up Date :

Joint Inspection : IF&G

Deadline Date: : 11/1/2007

Operation Plan : N

Bond : NA

Inspection Interval : 2 years

General : DAM FAILED IN 1894 & WAS REBUILT FROM 1894-1902. NO CHANGED FROM 63-0352 & 63-0351. PART OF DAM IS LOCATED IN SEC 29 & 32 T1N - R4E.

Restrictions :

RECEIVED

MAY 26 2008 2008 MAY 23 PM 03:45
DEPARTMENT OF DISTRICT COURT - SRBA
WATER RESOURCES TWIN FALLS CO., IDAHO
FILED

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	)	ORDER SETTING SUBCASE(S)
	)	FOR INITIAL HEARING
Case No. 39576	)	
_____	)	SUBCASE NO: 63-04679

The Initial Hearing for this subcase will be held before
Special Master THEODORE R. BOOTH

FRIDAY, JUNE 20, 2008 at 03:45 PM (MT)
IDAHO SUPREME COURT BUILDING
451 WEST STATE STREET
BOISE, ID

ATTENDANCE IS MANDATORY. All parties are required to
attend and must have full settlement authority.

At the Initial Hearing you will have an opportunity
to meet with a representative of the Idaho Department of
Water Resources (IDWR) and/or the objector in an attempt
to reconcile any difference between the claim and the
Director's Report. Bring any and all information you
believe is relevant to your claim and/or objection. If
the claim cannot be reconciled at the Initial Hearing,
the court will set the subcase(s) for trial within 45
days of the Initial Hearing. IF YOU INTEND TO AMEND YOUR
CLAIM, YOU MUST DO SO AT OR BEFORE THE INITIAL HEARING.

Settlement documents must be filed with the court by
JUNE 16, 2008 or hearing will not be vacated.

IT IS SO ORDERED.

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

Page 1 5/22/08

(continued)

Dated: MAY 23, 2008

/S/ THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the ORDER SETTING
SUBCASE(S) FOR INITIAL HEARING was mailed on MAY 23, 2008,
with sufficient first-class postage to the following:

STATE OF IDAHO

Represented by:

NATURAL RESOURCES DIV CHIEF

STATE OF IDAHO

ATTORNEY GENERAL'S OFFICE

PO BOX 44449

BOISE, ID 83711-4449

STATE OF IDAHO

DEPT OF FISH & GAME

PO BOX 25

BOISE, ID 83707

Phone: 208-334-3700

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098

RECEIVED

MAY 26 2008

DEPARTMENT OF
WATER RESOURCES

2008 MAY 23 PM 03:44
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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	)	ORDER SETTING HEARING
	)	
Case No. 39576	)	
_____	)	SUBCASE NO: 63-04679

Please be advised that Special Master THEODORE R BOOTH
has set for hearing the MOTION TO FILE LATE OBJECTION.

FRIDAY, JUNE 20, 2008 at 03:45 PM (MT)

IDAHO SUPREME COURT BUILDING
451 WEST STATE STREET
BOISE, ID

IT IS SO ORDERED.

Dated: MAY 23, 2008

/S/ THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

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

Page 1 5/22/08

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the ORDER SETTING HEARING was mailed on MAY 23, 2008, with sufficient first-class postage to the following:

STATE OF IDAHO

Represented by:

NATURAL RESOURCES DIV CHIEF

STATE OF IDAHO

ATTORNEY GENERAL'S OFFICE

PO BOX 44449

BOISE, ID 83711-4449

STATE OF IDAHO

DEPT OF FISH & GAME

PO BOX 25

BOISE, ID 83707

Phone: 208-334-3700

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098

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

In Re SRBA
Case No. 39576

A. Subcase Number: 63-4679
(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: State of Idaho,
Department of Fish and Game
Address: 600 S. Walnut St.
P. O. Box 25
Boise, Idaho 83707
Daytime Phone: (208) 334-3700

Name and Address of Attorney, if any:

Attorney Name: LAWRENCE G. WASDEN
Attorney General
CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division
DAVID J. BARBER (ISB # 2597)
Deputy Attorney General
Attorney Address: Office of the Attorney General
IRW Building, Second Floor
700 West State Street
P.O. Box 44449
Boise, ID 83711-4449
Attorney Phone No. (208) 334-2400

SCANNED
APR 14 2008

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

Name: STATE OF IDAHO
DEPT OF FISH & GAME
Address: PO Box 25
Boise, ID 836707

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

1. ☒ **Name and Address**
Should be: See Attachment I.
2. ☒ **Source**
Should be: See Attachment I.
3. ☒ **Quantity**
Should be: See Attachment I.
4. ☒ **Priority Date**
Should be: See Attachment I.
5. ☒ **Points of Diversion**
Should be: See Attachment I.
6. ☐ **Instream Flow Description**
Should be: Not applicable.
7. ☒ **Purpose(s) of Use**
Should be: See Attachment I.
8. ☒ **Period of Year**
Should be: See Attachment I.
9. ☒ **Place of Use**
Should be: See Attachment I.
10. ☐ **Other Provisions**
Should be: _____

11. I object because:

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

E. REASONS SUPPORTING OBJECTION(S):

The State of Idaho, Department of Fish and Game, hereinafter "IDFG," is the owner of the land at the place of use. It has maintained an active program of stocking fish since the 1920's. It would like to retain this use of this reservoir.

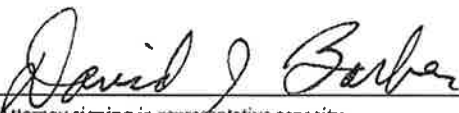
F. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

DAVID J. BARBER, Deputy Attorney General, duly sworn, upon oath, deposes and says:

That the State of Idaho, Department of Fish and Game, in its proprietary capacity is filing this objection and that I am a Deputy Attorney General authorized to represent the State of Idaho, Department of Fish and Game, which is a party/claimant in this proceeding, as defined by I.C. § 42-1401A(1) and (7), and I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

LAWRENCE G. WASDEN
Attorney General
CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division
DAVID J. BARBER
Deputy Attorney General


By Attorney signing in representative capacity

Subscribed and sworn to before me on: June 26, 2007
(Insert Date)




Notary Public for IDAHO
Residing at: BOISE, ID
My commission expires: 2/8/2012

INSTRUCTIONS FOR MAILING

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

G. CERTIFICATE OF MAILING

I certify that on June 26, 2007, I caused the original and the copies of this objection, including all attachments, to be served on the following persons by the method designated:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
Twin Falls, Idaho 83303
U.S. MAIL
2. One copy to the owner of the water right at the following address:
State of Idaho,
Department of Fish and Game
600 S. Walnut St
P. O. Box 25
Boise, Idaho 83707
STATEHOUSE MAIL
3. Copies to:
Special Master Theodore Booth
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707
U.S. MAIL
IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098
STATEHOUSE MAIL
United States Department of Justice
Environment & Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724
U.S. MAIL
Chief of Natural Resource Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449
(not applicable)



Signature of Objector or attorney
Mailing on Objector's behalf

ATTACHMENT I

RIGHT NUMBER: 63-4679

NAME AND:
ADDRESS: STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 25
BOISE ID 83707

SOURCE: INDIAN CREEK TRIBUTARY: BOISE RIVER

QUANTITY: 3000 AFY

PRIORITY
DATE: 01/01/1895

POINT OF
DIVERSION: I01N R04E S29 SWSW Within ADA County
I01N R10E S30 SESE Within ADA County

PURPOSE
AND PERIOD:
OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
FISH PROPAGATION	01/01 12/31	3,000 AFY

PLACE
OF USE:

FISH PROPAGATION Within ADA County

I01N R04E S28 NWSW	I01N R04E S28 SWSW
I01N R04E S29 SWNE	
I01N R04E S29 NWNW	I01N R04E S29 SWNW I01N R04E S29 SENW
I01N R04E S29 NESE	I01N R04E S29 NWSE I01N R04E S29 SWSE I01N R04E S29 SESE
I01N R04E S30 NENE	I01N R04E S30 SENE
I01N R04E S32 NENW	I01N R04E S30 NWNW 32?

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 - Beneficial Use

2. I was awarded a Bachelor of Science degree in Biology from North Texas State University in 1971. I was awarded a Masters of Science degree in Biology / Aquatic Ecology from North Texas State University in 1973. I received my doctoral degree in Zoology / Aquatic Ecology from Idaho State University in 1981.

3 I began working for the Idaho Department of Fish and Game in May, 2006 in the Natural Resources Policy Bureau as a Staff Biologist. One of my jobs is to coordinate with the Idaho Office of the Attorney General regarding matters pending before the Snake River Basin Adjudication.

4. The Idaho Department of Fish and Game has actively managed a warm water and cold water fishery in Indian Creek Reservoir for many years. This management has included the stocking of fish according to the stocking records described in Attachment I. Attachment I is a true and correct copy of records maintained by the Idaho Department of Fish and Game.

5. Further your affiant sayeth naught.


WALTON POOLE

SUBSCRIBED AND SWORN to before me this 25th day of June 2007.

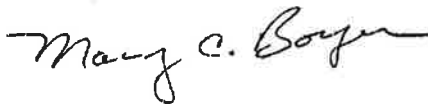
NOTARY PUBLIC FOR IDAHO

Residing at Boise Id

My Commission expires

My Commission Expires
August 31, 2011





CERTIFICATE OF MAILING

I certify that on this 26th day of June 2007, I caused to be served the original and copies of this AFFIDAVIT OF WALTON POOLE DATED JUNE 25, 2007 on the following persons by the indicated methods:

1. Original to:

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

- ☒ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Federal Express
☐ Facsimile: (208) 736-2121
☐ Statehouse Mail

2. Copies to

Special Master Theodore Booth
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
☐ Email: tbooth@srba.state.id.us
☐ Facsimile: _____
☐ Statehouse Mail

State of Idaho
Dept. of Fish and Game
P.O. Box 25
Boise, ID 83707

- ☐ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Federal Express
☐ Facsimile: _____
☒ Statehouse Mail

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

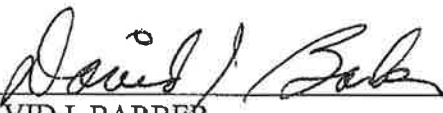
- ☒ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Federal Express
☐ Facsimile: _____
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IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

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☐ Hand Delivery
☐ Federal Express
☐ Facsimile: _____
☒ Statehouse Mail

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

Not Applicable



DAVID J. BARBER
Deputy Attorney General

**Indian Creek Reservoir Stocking Records
Prior to 1967**

COUNTY	DATE	YEAR	SPECIES	NUMBER	SIZE (inches)	POUNDS	ASSOCIATION	HATCHERY
	10/13	1920	INDIAN CREEK RES	70000		0.00	D P RICH	
Ada	11/15	1951	INDIAN CREEK RES	3034	4	82.00		EAGLE SALVAGE
Ada	11/15	1951	INDIAN CREEK RES	900	3-12	50.00		EAGLE SALVAGE
Ada	11/15	1951	INDIAN CREEK RES	2021	3	43.00		EAGLE SALVAGE

**Indian Creek Reservoir Stocking Records
1967 - 2006**

Date Stocked	Species Type	Size	Number Stocked
10/30/74	Unspecified Crappie	Fingerling (3-6 Inches)	2,000
10/30/79	Largemouth Bass	Catchable (6 Inches+)(ls)	600
07/08/80	Channel Catfish	Fry (0-3 Inches)	900
10/24/80	Bluegill	Catchable (6 Inches+)(ls)	10
10/24/80	Largemouth Bass	Fingerling (3-6 Inches)	40
10/24/80	Unspecified Crappie	Fingerling (3-6 Inches)	400
03/24/82	Unspecified Rainbow	Catchable (6 Inches+)(ls)	2,730
03/28/83	Unspecified Rainbow	Catchable (6 Inches+)(ls)	1,113
05/18/84	Unspecified Rainbow	Catchable (6 Inches+)(ls)	1,020
05/24/85	Unspecified Rainbow	Catchable (6 Inches+)(ls)	840
04/02/86	Mt Lassen Rainbow	Catchable (6 Inches+)(ls)	1,610

02/20/87	Mt Lassen Rainbow	Catchable (6 Inches+)(Is)	1,007
03/11/88	Mt Lassen Rainbow	Catchable (6 Inches+)(Is)	1,015
05/04/88	Mt Lassen Rainbow	Catchable (6 Inches+)(Is)	1,050
09/23/88	Channel Catfish	Fingerling (3-6 Inches)	100
03/31/89	Fish Lake Rainbow	Catchable (6 Inches+)(Is)	1,020
10/30/89	Lahontan Cutthroat	Fingerling (3-6 Inches)	5,616
04/05/90	Lahontan Cutthroat	Fingerling (3-6 Inches)	6,325
04/20/90	Unspecified Rainbow	Catchable (6 Inches+)(Is)	1,955
08/29/90	Lahontan Cutthroat	Fingerling (3-6 Inches)	5,438
11/01/90	Domestic Kamloops	Fingerling (3-6 Inches)	2,040
02/27/91	Unspecified Rainbow	Catchable (6 Inches+)(Is)	2,000
04/09/91	Hayspur Rainbow	Fingerling (3-6 Inches)	15,120
04/09/91	Mt Lassen Rainbow	Catchable (6 Inches+)(Is)	3,072
09/13/91	Channel Catfish	Fingerling (3-6 Inches)	1,002
09/18/91	Hayspur Rainbow	Fingerling (3-6 Inches)	5,000
09/30/93	Channel Catfish	Fingerling (3-6 Inches)	3,000
09/29/98	Channel Catfish	Fingerling (3-6 Inches)	1,650
05/01/06	Bluegill	Fingerling (3-6 Inches)	95
05/01/06	Largemouth Bass	Catchable (6 Inches+)(Is)	487
05/02/06	Bluegill	Fingerling (3-6 Inches)	349
05/25/06	Bluegill	Fingerling (3-6 Inches)	58
06/06/06	Bluegill	Fingerling (3-6 Inches)	458

RECEIVED

JUN 27 2007

DEPARTMENT OF
WATER RESOURCES

LAWRENCE G. WASDEN
Attorney General

CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division

DAVID J. BARBER (ISB #2597)
DAVID I. STANISH (ISB #7310)
Deputy Attorney General
P.O. Box 44449
Boise, Idaho 83711-4449
Telephone: (208) 334-2400
Facsimile: (208) 334-2690

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

In Re SRBA) Subcase No. 63-4679
)
)
) AFFIDAVIT OF DAVID J. BARBER DATED
) JUNE 25, 2007
Case No. 39576)
)
)
)

STATE OF IDAHO)
)ss
County of Ada)

DAVID J. BARBER, being first duly sworn upon oath, deposes and states:

1. I am a competent adult over the age of eighteen years, and the statements made herein are based upon my own personal knowledge of the events described.

2 I had discussed with Dr. Walt Poole the possibility of filing an objection to the Director's recommendation to disallow water right no. 63-4679. I made a number of phone calls

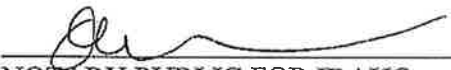
to Dr. Poole beginning on June 18, 2007 through June 20, 2007 to find out what the present position of the agency was about an objection to the Director's recommendation of disallowal of this water right. I was not able to reach Dr. Poole until after the deadline.

3. Further your affiant sayeth naught


DAVID J. BARBER

SUBSCRIBED AND SWORN to before me this 25th day of June 2007.




NOTARY PUBLIC FOR IDAHO
Residing at Boise, ID
My Commission expires 2/8/2012

CERTIFICATE OF MAILING

I certify that on this 26th day of June 2007, I caused to be served the original and copies of this AFFIDAVIT OF DAVID J. BARBER DATED JUNE 25, 2007 on the following persons by the indicated methods:

1 Original to:

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

- ☒ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Federal Express
☐ Facsimile: (208) 736-2121
☐ Statehouse Mail

2 Copies to

Special Master Theodore Booth
Snake River Basin Adjudication
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☐ Statehouse Mail

State of Idaho
Dept. of Fish and Game
P.O. Box 25
Boise, ID 83707

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☐ Facsimile: _____
☒ Statehouse Mail

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

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PO Box 83720
Boise, ID 83720-0098

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☐ Federal Express
☐ Facsimile: _____
☒ Statehouse Mail

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

Not Applicable



DAVID J. BARBER
Deputy Attorney General

COPY

RECEIVED
JUN 27 2007
DEPARTMENT OF
WATER RESOURCES

LAWRENCE G. WASDEN
Attorney General

CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division

DAVID J. BARBER (ISB #2597)
Deputy Attorney General
P. O. Box 44449
Boise, Idaho 83711-4449
Telephone: (208) 334-2400
Facsimile: (208) 334-2690

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

In Re SRBA	)	Subcase No 63-4679
	)	
	)	MOTION TO FILE LATE OBJECTION
	)	
Case No. 39576	)	
	)	
	)	
	)	

The State of Idaho, Department of Fish and Game ("IDFG"), by and through the undersigned deputy attorney general, moves this Court to enter an order accepting for filing the attached *Objection* for the above-entitled subcase. The grounds for this motion are as follows:

1. Objections to water rights recommended in the Director's Report for Basin 63, Part 3, for Irrigation and Other Water Rights were due on June 20, 2007

2. The undersigned deputy attorney general had discussed in a general way the preparation and filing of an objection for this water right with Dr. Poole of IDFG. However, no final decision had been made by June 18, 2007. The undersigned deputy attorney general attempted to contact Dr. Poole at IDFG on several occasions during the period from June 18-20, 2007 regarding the filing of an objection for this water right. He did not reach Dr. Poole until after the deadline. *Affidavit of David J. Barber Dated June 25, 2007* at 1-2. A timely objection was not filed as a consequence.

3. Water right no. 63-4679 provides water to a 3,000 acre foot storage reservoir known as "Indian Creek Reservoir," that the IDFG has stocked with cold water and warm water fish. *Affidavit of Walton Poole Dated June 25, 2007* at 1-2. Recent years of drought have depleted the water and reduced the fishery. Since this reservoir is close to the largest metropolitan area of the State, it may provide a substantial recreational fishing opportunity to nearby residents

4. While no timely objections have been filed to this water right, it is in the best interest of justice that the attached *Objection* be filed to resolve the issues raised by the movant.

5. Oral argument is requested on this motion.

PRAYER FOR RELIEF

1. That the Court set this matter for hearing.
2. That the Court enters an order that directs the Clerk to file the attached *Objection*.
3. That the Court grants such other and further relief as the Court deems just and proper.

DATED this 26^h day of June 2007.

LAWRENCE G WASDEN
Attorney General

CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division


DAVID J. BARBER
Deputy Attorney General
Natural Resources Division

CERTIFICATE OF SERVICE

I certify that on the 26th day of June 2007, I caused to be served the original and/or copy of this MOTION TO FILE LATE OBJECTION on each of the following persons by the indicated method

1. Original to:

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

- ☒ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Federal Express
☐ Facsimile: (208) 736-2121
☐ Statehouse Mail

2. Copies to

Special Master Theodore Booth
Snake River Basin Adjudication
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☐ Email: tbooth@srba.state.id.us
☐ Facsimile: _____
☐ Statehouse Mail

State of Idaho
Dept. of Fish and Game
PO Box 225
Boise, ID 83303

- ☒ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Federal Express
☐ Email: tbooth@srba.state.id.us
☐ Facsimile: _____
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United States Department of Justice
Environment and Natural Resource
Division
550 West Fort Street, MSC 033
Boise, ID 83724

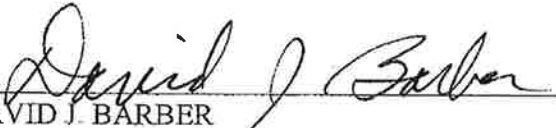
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☐ Facsimile: _____
☒ Statehouse Mail

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

Not Applicable



DAVID J. BARBER
Deputy Attorney General

11/13/2006

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

RIGHT NUMBER: 63-4679

NAME AND ADDRESS: STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 25
BOISE ID 83707

SOURCE: INDIAN CREEK

TRIBUTARY: BOISE RIVER

QUANTITY: 3,000.000 AFY

PRIORITY DATE: 01/01/1895

POINT OF DIVERSION:

T01N R04E S29 SWSW Within ADA County

T01N R04E S30 SESE Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
FISH PROPAGATION	1/01 12/31	3,000.00 AFY

PLACE OF USE: FISH PROPAGATION in ADA County

T01N R04E S28	NWSW	T01N R04E S28	SWSW
T01N R04E S29	SWNE	T01N R04E S29	NWNW
T01N R04E S29	SWNW	T01N R04E S29	SENW
T01N R04E S29	NESW	T01N R04E S29	NWSW
T01N R04E S29	SWSW	T01N R04E S29	SESW
T01N R04E S29	NESE	T01N R04E S29	NWSE
T01N R04E S29	SWSE	T01N R04E S29	SESE
T01N R04E S30	NENE	T01N R04E S30	SENE
T01N R04E S30	NESE	T01N R04E S30	SESE
T01N R04E S32	NENW	T01N R04E S32	NWNW

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

IDFG HAS A FLOOD EASEMENT WITH BLM.

No beneficial use found.

EXPLANATORY MATERIAL: BASIS OF CLAIM -

No beneficial use found: This is included for a claim based on beneficial use that is proposed to be disallowed because beneficial use of water was not confirmed by IDWRs field examination or by other evidence submitted by the claimant.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-4679

WATER RIGHT NUMBER: 63-4679

Owner Type Name and Address
 Current Owner STATE OF IDAHO
 DEPT OF FISH & GAME
 PO BOX 25
 BOISE, ID 83707
 (208)334-3700

Priority Date: 01/01/1895 -
 Basis: Statutory Claim
 Status: Active

Source Tributary
 INDIAN CREEK BOISE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
FISH PROPAGATION	1/01 to 12/31		3,000.00 AF
	<u>Total Diversion:</u>		3,000.00 AF

Location of Point(s) of Diversion

INDIAN CREEK	SW1/4SW1/4	Sec. 29, Twp 01N, Rge 04E, B.M.
ADA County		
INDIAN CREEK	SE1/4SE1/4	Sec. 30, Twp 01N, Rge 04E, B.M.
ADA County		

Place of Use

FISH PROPAGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	04E	28									X	X							
01N	04E	29			X		X	X	X	X	X	X	X	X	X	X	X	X	
01N	04E	30	X			X									X			X	
01N	04E	32					X	X											

Conditions of Approval:

1. IDFG HAS A FLOOD EASEMENT WITH BLM.

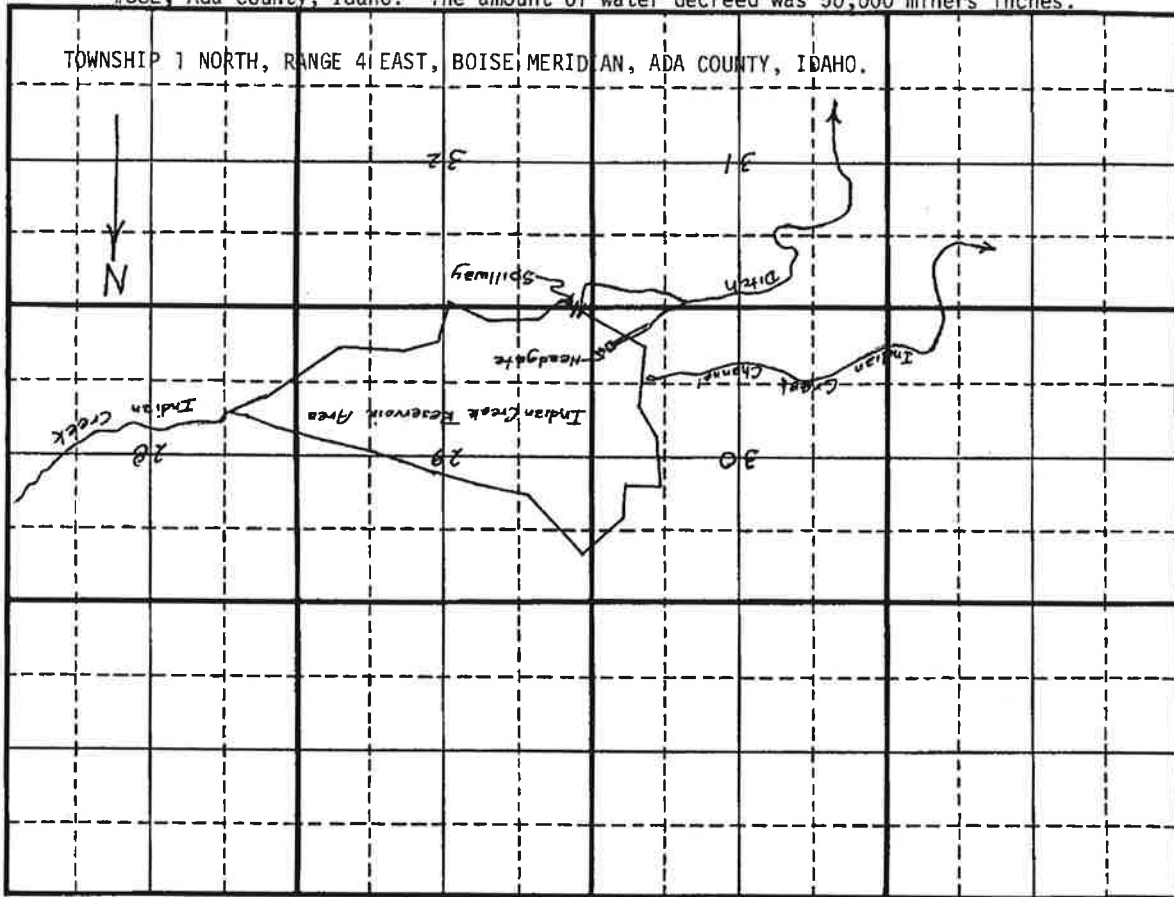
SCANNED
 APR 14 2008

CLAIM TO A WATER RIGHT

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

MICROFILMED

- (8) Remarks The Idaho Dept. of Fish and Game has been assigned all rights, title and interest of the dam and reservoir area formerly owned by the Indian Creek Reservoir, Ditch and Irrigation Company, Limited, together with all of its water rights as decreed in that court case of Indian Creek Res. vs. Orchard Fruit Co., Third Judicial Court dated May 25, 1908 filed of record in Book "G" of Judgments at page 608, Instrument #882, Ada County, Idaho. The amount of water decreed was 50,000 miners inches.



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of ADA) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 3rd day of August, 19 79.

[Signature]
(Claimant)

[Signature]
Notary Public
Residing at Boise, Idaho

My commission expires 9-24-80

FOR DEPARTMENT USE ONLY

Received by <u>lw</u>	Date <u>8/16/79</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>CLS</u>	Date		claimant by:	
\$20.00 fee received by <u>State</u>	Date			
Published in <u>Statesman</u>				
Dates <u>8/23 & 8/30/79</u>				