

11/25/2002

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

RIGHT NUMBER: 29-13388

NAME AND ADDRESS: FALLS IRRIGATION DIST
310 VALDEZ ST
AMERICAN FALLS ID 83211

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 2.300 CFS
511.000 AFY

PRIORITY DATE: 06/18/1950

POINT OF DIVERSION:

T07S R31E S1 NENESE Within POWER County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

2.300 CFS
511.00 AFY

PLACE OF USE: IRRIGATION Within POWER County

T07S R31E S01	NESE	37.0	T07S R31E S01	NWSE	38.0
T07S R31E S01	SWSE	37.0	T07S R31E S01	SESE	18.0
T07S R31E S12	NWNE	16.0			

146 ACRES TOTAL

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: License

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 29-2571.

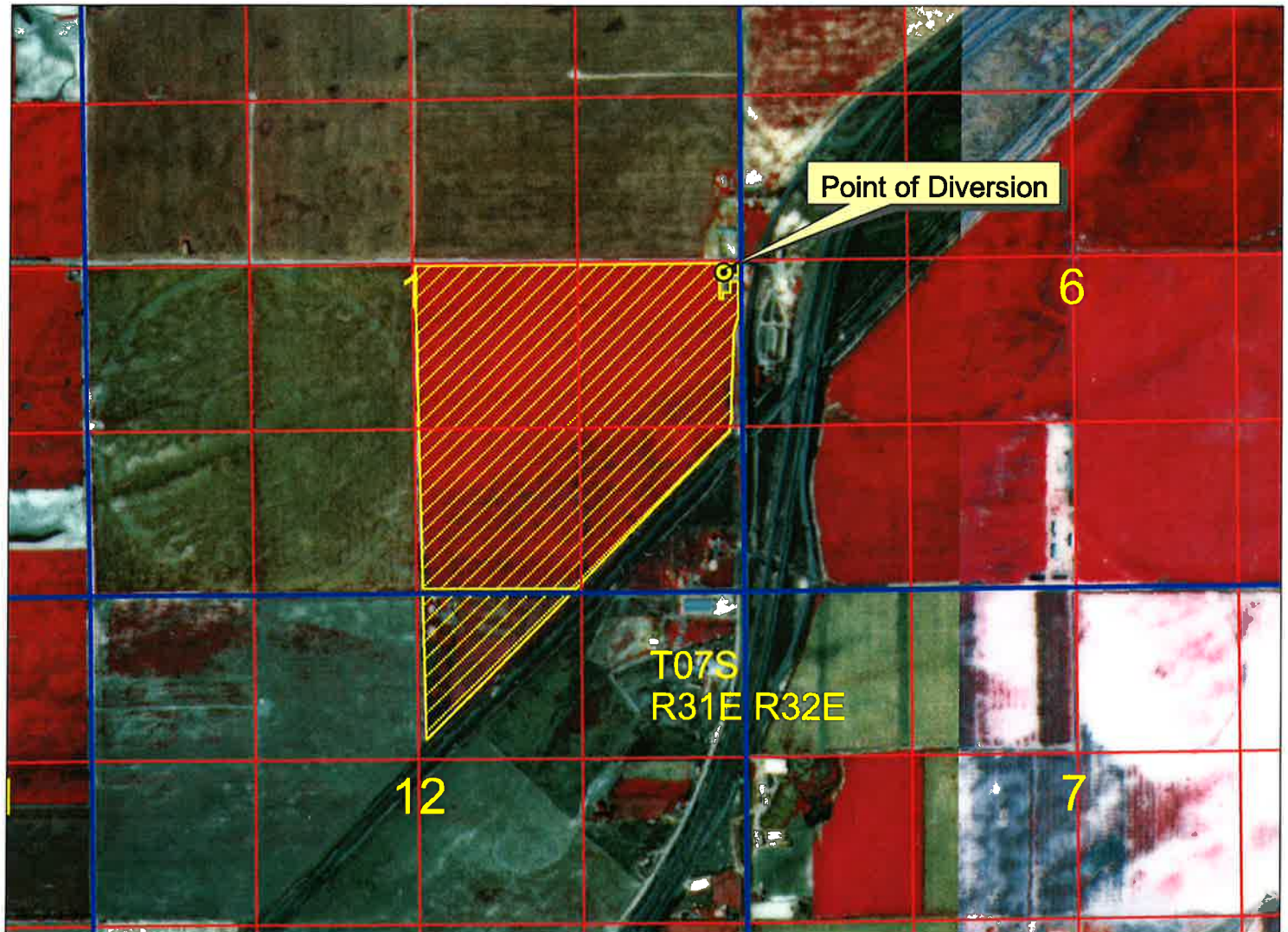
A2913388



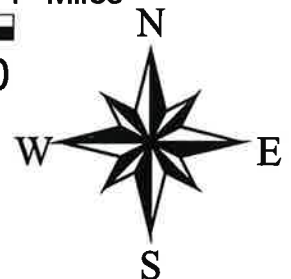


State of Idaho
Department of Water Resources
Eastern Region

Water Right: 29-13388



1:16000



- ⦿ Point(s) of Diversion
- ▨ Place of Use
- ▭ Section Lines
- ▭ Quarter Quarter Lines

GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: P. Meyer
Date: November 2002

June 17, 2003

FALLS IRRIGATION DISTRICT
310 VALDEZ ST
AMERICAN FALLS ID 83211

KATHLEEN CARR
US DEPARTMENT OF THE INTERIOR
OFFICE OF THE SOLICITOR
550 W FORT ST
BOISE ID 83724-0020

RE: Snake River Basin Adjudication (SRBA)
Preliminary Director's Reports – Basin 29
Notices of Claim #29-2262, 29-2288, 29-2267, 29-2306, 29-2307, 29-2310,
29-2341, 29-2380, 29-2568, 29-2614, 29-11167, 29-11168, 29-11169,
29-13388, 29-13389, 29-13426 and 29-13427

Dear Claimants:

The Preliminary Director's Reports for water rights claimed by both BOR and Falls Irrigation District were sent to you under separate cover. Please review these reports and reply before June 30, 2002, to Ernie Carlsen in the Idaho Falls office of IDWR (208/525-7161 or ecarlsen@idwr.state.id.us).

Your prompt reply to Mr. Carlsen will allow the staff to move forward with the task of compiling and publishing the many parts of the Director's Report.

Sincerely,

Donald V. Shaff
Manager
Adjudication Technical Section

DVS:ss:region
cc: Dala Walton, BOR
E. Carlsen, IDWR
R. Ling

NOTICE OF ERROR
REPLY

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

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

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: April 21, 2003

Water right number: 29-13388

FALLS IRRIGATION DIST

310 VALDEZ ST

AMERICAN FALLS ID 83211

Telephone Number: (208)226-5227

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

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

Increase quantity pumped.

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

Well has always produced more water.

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

DATE: 4/21/03

SIGNATURE: *Terrell Sorensen*

Please print your name: Terrell Sorensen

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

RECEIVED

APR 22 2003

Department of Water Resources
Eastern Region

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-13388 V1

WATER RIGHT NUMBER: 29-13388 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	VERN EAMES JR 2284 EAMES RD AMERICAN FALLS, ID 83211 (208)226-2765
Attorney	LING & ROBINSON C/O ROGER D LING PO BOX 396 RUPERT, ID 83350-0396 (208)436-4717
Current Owner	UNITED STATES OF AMERICA ACTING THROUGH REGIONAL DIRECTOR PN REGION BUREAU OF RECLAMATION 1150 N CURTIS RD SUITE 100 BOISE, ID 83706-1234 (208)378-5322
Present Owner	FALLS IRRIGATION DISTRICT 310 VALDEZ ST AMERICAN FALLS, ID 83211 (208)226-5227

Priority Date: 06/18/1950

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	2.300 CFS	511.00 AF
	<u>Total Diversion:</u>	2.300 CFS	511.00 AF

Location of Point(s) of Diversion

GROUND WATER	NE1/4NE1/4SE1/4	Sec. 1, Twp 07S, Rge 31E, B.M.
POWER County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	31E	35													X		X	X	
06S	31E	36	X	X	X	X	X		X	X	X	X	X	X	X	X	X	X	
06S	32E	29			X	X				X	X	X	X	X	X	X	X	X	
					L2	L6									L7	L3	L4	L8	

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[illegible]

IDAHO DEPARTMENT OF WATER RESOURCES

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07S 31E 29		X		X	X	X		X			X		X	X	X	X		X	X	X	X	
07S 31E 30																		X			X	
																		L3			L4	
07S 31E 31		X				X												X	X	X	X	
		L1				L2													L3			
07S 31E 32		X	X	X	X	X		X	X	X	X		X	X	X	X		X	X	X	X	
07S 31E 33		X	X	X	X	X		X	X	X	X		X	X	X	X		X	X	X	X	
07S 31E 34		X	X	X	X	X		X	X	X	X		X	X	X	X		X	X	X	X	
07S 31E 35		X	X	X	X	X		X	X	X	X		X	X	X	X		X	X	X	X	
07S 31E 36									X	X				X	X							
07S 32E 5		X	X	X		X		X	X	X	X		X	X	X	X			X	X		
		L7	L4	L3		L5		L6										L2	L1			
07S 32E 6		X	X	X	X	X		X	X	X	X		X	X	X	X		X	X	X	X	
		L1	L2			L3		L4	L5					L6	L7							
07S 32E 7		X	X	X	X	X		X	X	X	X		X	X	X	X		X	X	X	X	
						L1		L2						L3	L4							
07S 32E 8			X	X		X		X	X	X	X		X	X	X	X			X	X		
			L1	L2														L3	L4			
07S 32E 17			X	X		X		X	X	X	X		X	X	X	X						
			L1	L2																		
07S 32E 18		X	X	X	X	X		X	X	X	X		X	X	X	X		X	X	X	X	
						L1		L2						L3	L4							
07S 32E 19			X	X		X		X	X	X	X		X	X	X	X			X	X		
						L1		L2						L3	L4							
07S 32E 20								X														
07S 32E 30						X		X														
						L1																
08S 30E 1																		X	X	X	X	
																		L2	L3			
08S 30E 10																						
08S 30E 11											X		X	X	X	X		X	X	X	X	
											L3		L4					L1	L2			
08S 30E 12		X	X	X	X	X		X	X	X	X		X	X	X	X		X	X	X	X	
						L1		L2														

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08S 31E 9	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
08S 31E 10		X			X	X	X			X	X						
08S 31E 16	X	X															
08S 31E 17	X	X			X	X	X	X	X	X	X	X				X	
08S 31E 18	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
						L 1	L 2			L 3	L 4						
08S 31E 19						X	X			X	X						
						L 1	L 2			L 3	L 4						
08S 31E 30										X	X						
										L 3	L 4						
08S 31E 31							X			X							
							L 2			L 3							
09S 30E 1	X	X			X	X											
	L 1	L 2			L 3	L 4											
09S 30E 2	X	X			X												
	L 1	L 2			L 3												

Total Acres: 12621

Conditions of Approval:

1. 127 Place of use is within the boundary of Falls Irrigation District pursuant to Section 43-323, Idaho Code.
2. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
3. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
4. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Remarks:

1. Name/Address The beneficial use of the water represented hereby is for the landowners within the Falls Irrigation District pursuant to Contract No. 14-06-100-851, dated December 9, 1955 (as may be supplemented or amended) between the United States of America through the U.S. Bureau of Reclamation and the Falls Irrigation District for irrigation and other permitted purposes as authorized by the Act of August 31, 1954, Ch. 1159, 68 Stat. 1026, of the Michaud Flats Project.
2. Place of Use - Irrigation The rights listed below are limited to the irrigation of a combined total of 12,621 acres in a single irrigation season. Combined right nos. 01-13, 01-2061, 01-2064, 01-2068, 01-4051, 29-2262, 29-2267, 29-2288, 29-2306, 29-2307, 29-2310, 29-2341, 29-2380, 29-2568, 29-2614, 29-10044, 29-11167, 29-11168, 29-11169, 29-11170, 29-13388, 29-13389, 29-13426, 29-13427.
3. Place of Use - Irrigation This right is limited to the irrigation of 146 acres within the place of use described above in a single irrigation season.
4. Explanatory THIS RIGHT IS A SPLIT FROM FORMER RIGHT 29-2571.

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Comments:Dates and Other Information:

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

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Priority Date	8/29/2002 10:55:22 AM	pmeyer			Active
POD	8/29/2002 11:16:11 AM	pmeyer			Active
Source	8/29/2002 11:16:22 AM	pmeyer			Active
POU	8/29/2002 11:19:54 AM	pmeyer			Active
POU	8/29/2002 11:22:35 AM	pmeyer			Active
Use	8/29/2002 12:09:57 PM	pmeyer			Active
Season	8/29/2002 1:56:55 PM	pmeyer			Active
Quantity	8/29/2002 1:57:50 PM	pmeyer			Active
Quantity	8/29/2002 1:59:10 PM	pmeyer			Active
Summary			08/29/2002	pmeyer	Active
POU	6/12/2003 10:39:46 AM	dshaff			Active
Summary			06/12/2003	dshaff	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Priority Date	8/29/2002 10:55:22 AM	pmeyer	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?

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POD	8/29/2002 11:13:56 AM	pmeyer	Edited point location
POD	8/29/2002 11:16:11 AM	pmeyer	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file? (No) 10. Is a POD remark and/or condition required?
Source	8/29/2002 11:16:22 AM	pmeyer	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?
POU	8/29/2002 11:19:54 AM	pmeyer	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (No) 6. Can the claimed POU be verified using the water right file? (Yes) 7. Is there evidence that there has been a change in the POU? (Yes) 8. Can the claim be verified as an accomplished transfer? (Yes) 13. Does the file contain all the necessary information to verify the POU? (Yes) 14. Is a POU remark and/or condition required? Description for Question 8 - Acreage removed from NE 1/4 of Sec 1. Acreage in NENE of 12 is now irrigated. Parent was split and portin 29-13389 was moved to NENE 28-08S-30E. Description for Question 13 - 1987 NAPP overflights
POU	8/29/2002 11:21:12 AM	pmeyer	Edited shape boundary
POU	8/29/2002 11:21:43 AM	pmeyer	Edited PLS

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POU	8/29/2002 11:22:35 AM	pmeyer	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (No) 6. Can the claimed POU be verified using the water right file? (Yes) 7. Is there evidence that there has been a change in the POU? (Yes) 8. Can the claim be verified as an accomplished transfer? (Yes) 13. Does the file contain all the necessary information to verify the POU? (Yes) 14. Is a POU remark and/or condition required? Description for Question 8 - Acreage removed from NE 1/4 of Sec 1. Acreage in NENE of 12 is now irrigated. Parent was split and portion 29-13389 was moved to NENE 28-08S-30E. Description for Question 13 - 1987 NAPP overflights
Use	8/29/2002 12:09:57 PM	pmeyer	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?
Season	8/29/2002 1:56:56 PM	pmeyer	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a Period of Use? (Yes) 5. Can the claimed Period of Use be verified using the water right file? (Yes) 14. Is irrigation claimed as a Purpose of Use? (No) 16. Is the Period of Use on the decree, license or transfer shorter on either the start date or end date than allowable under current IDWR standards? (No) 18. Is a Period of Use remark and/or condition required?
POD	8/29/2002 1:57:50 PM	pmeyer	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (Yes) 8. Does the parent right have an annual diversion volume limit? (Yes) 10. Is a irrigation a purpose of use? (Yes) 12. Is a Quantity remark or condition required? Description for Question 10 - Per licensing examination

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POD	8/29/2002 1:59:11 PM	pmeyer	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (Yes) 8. Does the parent right have an annual diversion volume limit? (Yes) 10. Is a irrigation a purpose of use? (No) 12. Is a Quantity remark or condition required? Description for Question 10 - Per licensing examination. Licensed at 3.5 afa/ac. 146 acres * 3.5 afa/ac. = 511 afa
Summary	8/29/2002 2:25:59 PM	pmeyer	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (Yes) 5. Is an additional remark and/or condition required? (Yes) 6. Would you like to view the recommended right? (Yes) 7. Is this a split or combined right? (No) 8. Do you have documents you would like to attach or link to the file? (Yes) 9. Would you like to set the verification date?
POU	6/12/2003 10:39:46 AM	dshaff	(Yes) 1. Is the basis of this claim a Decree or License? (No) 2a. Is the POU required? (Yes) 14. Is a POU remark and/or condition required?
Summary	6/12/2003 11:38:32 AM	dshaff	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (Yes) 5. Is an additional remark and/or condition required? (Yes) 6. Would you like to view the recommended right? (Yes) 7. Is this a split or combined right? (No) 8. Do you have documents you would like to attach or link to the file? (Yes) 9. Would you like to set the verification date?