File is missing
Some or all file
folders from
within.
Sent OUT email to
State Office on 12/22/05
per Jeff Rynerson
Barb Black

Power use not in
issue

Data base shows
power use.

— American Falls

Jim J. says his view
of issue in storage
is somewhat
con-inverted. I.e. the
owner can control
for new user.

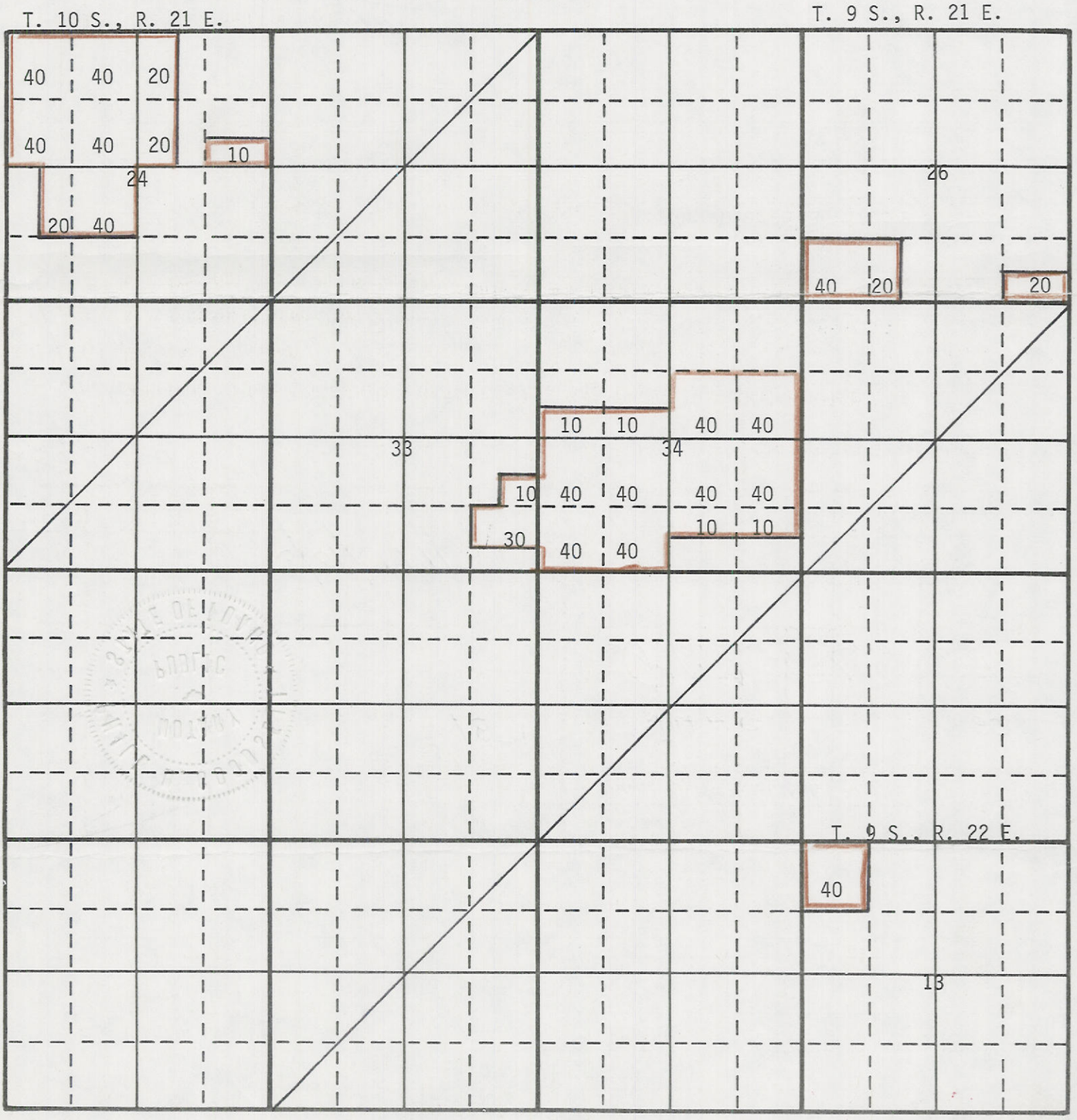
c. Describe the lands[redacted]place of use to which the right will be t[redacted]ferred:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
10 S	21 E	24		20	20	10	40	40	40	40	40	20							270
9 S	21 E	26											40	20				20	80
9 S	21 E	33													10			30	40
9 S	21 E	34			40	40			10	10	40	40	40	40	40	40	10	10	360
9 S	22 E	13						40											40

Total number of acres to be irrigated 790

4. Describe any other water rights used for the same purpose as described above. _____

5. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

MICROFILMED

Affidavit of Publication

RECEIVED
SEP 12 1977
Department of Water Resources
Eastern District Office

STATE OF IDAHO
} s.s.
COUNTY OF POWER

Phyllis Ringe ..... being first duly sworn

on oath, states:

That she ..... is the principal clerk of the printer of the Power County Press, a newspaper of general circulation in Power County, Idaho, published weekly at American Falls in said County; that said newspaper has been published in said County uninterruptedly and continuously for over seventy-eight consecutive weeks, prior to the first publication of the annexed notice or advertisement:

That the annexed notice or advertisement was published as per clipping attached in the regular and entire edition of said newspaper and not in any supplement thereof for ...2..... successive weekly issues thereof, the date of the first publication being the ...1st..... day of ...Sept.....19...77

the date of last publication being the

...8th..... day of ...Sept.....19...77

(Signed) Phyllis Ringe

Subscribed and sworn to before me this

...9th..... day of ...Sept....., 19...77

Rose Ann Funk
.....
Notary Public, residing at American Falls, Idaho.

My Commission expires the

(SEAL) ..... day of ....., 19 .....

NOTARY PUBLIC
Residing in American Falls, Idaho
My Commission Expires April 25, 1979

Legal Notice

Published in the Power County Press, American Falls, Idaho, on September 1 and September 8, 1977.

NOTICE OF APPLICATION FOR EXTENSION OF TIME TO AVOID FORFEITURE

Notice is hereby given that the United States of America, acting through the Regional Director of the Bureau of Reclamation, has on 8-17-77 applied to the Director of the Department of Water Resources, pursuant to Sec. 42-222 of the Idaho Code. for an extension of time to avoid forfeiture of License No. 01-2064 (American Falls Reservoir).

This request was made because the American Falls Reservoir has been operated below maximum capacity since the fall of 1972 -due to the deterioration of the original American Falls Dam. The applicant proposes to resume full use of this water right on or before October 1, 1978.

Protests against the granting of this extension of time must be filed with the Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401, on or before September 19, 1977.

C. Stephen Allred
Director

MICROFILMED

APPENDIX

CONTENTS

- Application for Extension of Time to Avoid Forfeiture of a Water Right dated October 15, 1981
- Letter from IDWR concerning status of Canyon View Water Rights dated March 28, 1985
- Letter from Hepworth, Nungerter, et al concerning status of litigation, dated December 8, 1986
- Schedule of Expenditures for Canyon View from December 1, 1971 through May 23, 1986, 5 pages, undated.

MICROFILMED
SEP 08 1992

NAME AND ADDRESS OF SENDER: L. DUR, R.R. TR 01-0023.0297 | ☐ Certified

No.	NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET, AND POST-OFFICE ADDRESS	POSTAGE	FEE	Handling Charge	Actual Value (If Registered)	Due Delivery Fee If C.O.D.	RR FEE	SD FEE	SH FEE	REM.
1	286	Canyon View Inv. Co.	.22	.20	.25						
2	287	Tom Sieler									
3	285	Theo F. Jaggers									
4	289	Winnifred Schaub									
5	290	Lucille Schroeder									
6	291	Arnold Schroeder									
7	292	Robert Schaub									
8	293	John Roshelt (TF Canal Co.)									
9											
10											
11											
12											
13											
14											
15											

#1 67 ½

MICROFILMED SEP 08

TOTAL NUMBER OF PIECES LISTED BY SENDER: 8

TOTAL NUMBER OF PIECES RECEIVED AT POST OFFICE:

POSTMASTER, PER (Name of receiving employee):

The full declaration of value is required on all domestic and international re... mail. Commercial Insurance—Payment of the full registry fee is requ... valued up to $1,000 or the full amount of the deductible if the def... $1,000. The maximum indemnity payable is $25,000 for registered ma... and $400 for insured mail. Special handling charges apply only to fir... class parcels. Special delivery service also includes special handling ...

FORM MUST BE COMPLETED BY TYPEWRITER, INK OR BALL POINT PEN

▸ U.S. GOVERNMENT PRINTING OFFICE: 1...

Notice of proposed change of water right

Published in The Power County Press October 16 & 23, 1985.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 01-2064

Notice is hereby given that the U.S. Bureau of Reclamation has applied to the Department of Water Resources for a change in the place of use of the waters of the Snake River (American Falls Storage) tributary to Columbia River. The right sought to be changed is evidenced by License No. R-269/01-2064 and is recorded as follows:

AMOUNT: 1,800,000 A.F.
PRIORITY: March 31, 1921
POINT OF DIVERSION: SE1/4SE1/4, Sec 30, T. 7S, 31E, B.M., Power County
from 1/1 to 12/31

The water is used for power generation and irrigation of 790 acres within the W1/2, Sec. 15, N1/2, SE1/4, Sec. 16, T. 8S, R. 23E, B.M.

TO BE CHANGED AS FOLLOWS

The water will be used to irrigate 790 acres within the W1/2NE1/4, SE1/4NE1/4, NW1/4, N1/2SW1/4, Sec. 24, T. 10S, R. 21E; S1/2SW1/4, SE1/4SE1/4, Sec. 26; EI/2SE1/4, Sec. 33; S1/2N1/2, S1/2, Sec. 34, T. 9S, R. 21E; NW1/4NW1/4, Sec. 13, T. 9S, R. 22E B.M.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 150 Shoup, Suite 15, Idaho Falls, Idaho 83402, on or before November 14, 1985.

A. Kenneth Dunn
Director

MICROFILMED

Notice of proposed change of water right

Published in The Power County Press October 16 & 23, 1985.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 01-2064

Notice is hereby given that the U.S. Bureau of Reclamation has applied to the Department of Water Resources for a change in the place of use of the waters of the Snake River (American Falls Storage) tributary to Columbia River. The right sought to be changed is evidenced by License No. R-269/01-2064 and is recorded as follows:

AMOUNT: 1,800,000 A.F.
PRIORITY: March 30, 1921
POINT OF DIVERSION: SE1/4SE1/4, Sec 30, T. 7S, 31E, B.M., Power County

The water is used from 1/1 to 12/31 for power generation and irrigation of 790 acres within the W1/2, Sec. 15, N1/2, SE1/4, Sec. 16, T. 8S R. 23E, B.M.

TO BE CHANGED AS FOLLOWS

The water will be used to irrigate 790 acres within the W1/2NE1/4, SE1/4NE1/4, NW1/4, N1/2SW1/4, Sec. 24, T. 10S, R. 21E; S1/2SW1/4, SE1/4SE1/4, Sec. 26; EI/2SE1/4, Sec. 33; S1/2N1/2, S1/2, Sec. 34, T. 9S, R. 21E; NW1/4NW1/4, Sec. 13, T. 9S, R. 22E B.M.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 150 Shoup, Suite 15, Idaho Falls, Idaho 83402, on or before November 14, 1985.

A. Kenneth Dunn
Director

APPLICATION FOR A PERMIT TO CONSTRUCT THE

AMERICAN FALLS RESERVOIR,

And to Store the Unappropriated Waters of the State of Idaho.

Application No. R 21513
Permit No. R 269
District No. 70

1. Name of Applicant: United States of America acting through B. E. Stoutemyer, District Counsel, U. S. Reclamation Service.
Postoffice Address: Burley. County: Cassia. State: Idaho.
I. If applicant is a corporation, give:

(a) Date and place on incorporation:
(b) Amount of capital stock: $
(c) Amount paid in: $
(d) Names and addresses of directors:

II. The financial resources of the applicant are: (a) Cash on hand: $ Receipts from sale of public lands and all repayments into the Reclamation fund under the Federal Reclamation Act, Warren Act, etc.
(b) Treasury stock: $
(c) Other resources:

2. Quantity of water to be stored Three Million (3,000,000) acre feet per annum.

3. Source of water supply Snake River, which is a tributary of Columbia River.

4. Water is to be used for: Domestic, irrigation and Power Purposes.

5. The outlet of the proposed reservoir is located North 62° West, 2150 feet distant from the southeast corner of Section 30, T. 7 S., R. 31 E., B.M., and is in the SW¼ SE¼ of Section 30, T. 7 S., R. 31 E.B.M., County of Power.

6. Fill out either (a) or (b).

(a) The reservoir is located in the channel of Snake River.
(b) The reservoir is to be filled through the Feeder Canal, which has a width at bottom of ft., width at top of ft., depth of ft., average grade per mile ft., capacity cubic feet per second.

7. (a) The area of the high water line of the reservoir is 76,460 acres.
(b) The available capacity of the reservoir is Three Million (3,000,000) acre feet.

8. Height of dam: 100 feet; length of dam at top 5750 feet; length of dam at bottom 800 feet. Material used in dam: Concrete, steel, rock and earth.

9. The estimated cost of proposed reservoir is $ Fifteen Million ($15,000,000) Dollars.

10. Amount of land to be irrigated 940,000 acres of old lands, 500,000 acres of new lands, said land being described in Use Permit mentioned in Paragraph 13 herein, which Use Permit is hereby referred to and made a part hereof.

11. The time required for the completion of such work is five (5) years.

12. The water stored in accordance with this permit will be conducted to the place of use through the Riley canal and other systems constructed under the terms of Permit No. 15134, filed by United States, on March 30, 1921.

BE IT KNOWN That the undersigned hereby makes application for permit to construct a reservoir and to store the unappropriated waters of the State of Idaho as herein set forth.

By United States, Applicant.
B.E. Stoutemyer, Agent.
Dist. Counsel U.S. Rec. Ser.

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Date of first receipt at office of Commissioner of Reclamation 2:30 p.m. March 30, 1921.

Returned to applicant for correction April 29, 1921.

Corrected Application received May 3, 1921.

APPROVAL OF COMMISSIONER OF RECLAMATION

The number of this Permit is R 269.
Recorded in book R 1 Page 269 Approved May 18, 1921.

This is to certify that I have examined the within application for a permit to construct a reservoir and to store the unappropriated public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of $ See Use Permit No. 15134 to be filed on or before
Work to begin on or before and to continue diligently
and uninterruptedly to completion, unless temporarily interrupted by circumstances
over which the permit holder has no control.
One-fifth of the work above specified to be completed on or before November 18, 1923.
The whole of said work to be completed on or before May 18, 1926.
Beneficial use of water stored in accordance herewith, to be made on or before
April 23, 1936, as set out in Permit No. 15134 for the appropriation of the public
waters of the State of Idaho, which is hereby referred to and made a part hereof.

Witness my hand this 18th day of May, 1921.

E. C. STEWART,
Commissioner of Reclamation

Use Permit No. 15134 described the land upon which the water is to be used, which includes lands in the following Sections, along with other described lands.

Township 7 South, Range 23 East.

Sections 28, 32, 33, 34, 35, and 36.

Township 8 South, Range 23 East.

Sections 1, 2, 3, 4, 7, 8, to 36, inclusive.

Township 9 South, Range 23 East.

Sections 1 to 7, inclusive.

Township 7 South, Range 24 East.

Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 20 to 36, inclusive.

Township 8 South, Range 24 East.

Sections 1 to 35, inclusive.

Township 7 South, Range 25 East.

Sections 6, 7, 18, 19, 20, 22, 25 to 36, inclusive.

Township 8 South, Range 25 East.

Sections 1 to 33 inclusive, 26, 27, 28, 29, and 30.

Township 7 South, Range 26 East.

Section 31.

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NE¼ SE¼, S½ SE¼
6 S., R. 13 E., B. M.
W¼ Sec. 17, S½ SE¼ Sec.
SE¼, S½ SE¼ Sec. 19,
E½, N½ NW¼, SW¼
½ SW¼ Sec. 20, W½
25, S½ Sec. 26, S½ Sec.
W¼, SE¼ Sec. 28, SE¼
29, NW¼ NE¼, S½ NE¼,
W¼ SE¼ Sec. 30, all Sec.
NW¼, NW¼ SW¼, S½
32, E½ NE¼, SE¼
½ NW¼, S½ SW¼, S½
33, N½, S½ SW¼, SE¼
Sec. 35, N½, SW¼,
¼ Sec. 36, T. 6 S., R. 14

W¼, SE¼ Sec. 1, NE¼,
Sec. 12, T. 7 S., R. 13 E.,

¼, S½ NW¼, N½ SW¼,
¼, N½ SE¼, SE¼ SE¼
N½, N½ S½ Sec. 2, S½
E¼ Sec. 3, S½ N½, SW¼,
, S½ SE¼ Sec. 4, all Sec.
½, NE¼ SW¼, S½ SW¼,
7, all Sec. 8, NW¼ NE¼,
NW¼, E½ SW¼, SE¼,
NE¼, NW¼, S½ Sec. 10,
Sec. 13, S½ Sec. 14, N½,
E¼ W¼ NE¼ Sec. 16
SW¼, NE¼ SE¼ Sec. 17,
N W¼, SE¼ NW¼,
¼ SE¼ Sec. 18, S½ NE¼,
, SE¼ Sec. 19, SW¼, S½
20, E½ NE¼, S½ SW¼,
21, N½, E½ SW¼, SE¼
½, SW¼, NW¼ SE¼,
Sec 23, NW¼, S½ SW¼,
, S½ SE¼ Sec. 24, all
26, NE¼, E½ NW¼, S½
½ NE¼, SE¼ NE¼,
Sec. 28, NE¼ NE¼,
, W½ NW¼ SE¼ Sec.
N½ SE¼ Sec. 30, NW¼
NE¼, N½ NW¼, SE¼
SW¼, NW¼ SE¼, S½
, NE¼, NE¼ NW¼, N½
¼ SW¼, SE¼ Sec. 33,
N½ SE¼ Sec. 34, N½,
SE¼ SW¼, SE¼ Sec.
35, T. 7 S., R. 14 E., B.

W¼, SW¼, W½ SE¼
, NW¼ Sec. 8, NW¼
SW¼, S½ SE¼ Sec. 19,
SW¼ SE¼ Sec. 20, S½
21, NW¼ SW¼, W½
22, SW¼ NW¼, SE¼
3, SE¼ SE¼ Sec. 24, all
NE¼, E½ SE¼ Sec.
NW¼, S½ SW¼, SW¼
27, NE¼, NE¼ NW¼,
S½ Sec. 28, all Sec. 29,
31 and E½ NW¼ NE¼
[illegible] T. 7 S., R. 1

SW¼ SE¼, N½ SE¼ Sec. 19, N½, NE¼ SW¼, N½ SE¼, S½ SE¼ Sec. 20, all Sec. 21, 22, 23, 24, 25, 26, 27 and 28, NE¼ NE¼, S½ NE¼, S½ NW¼, S½ Sec. 29, SE¼ Sec. 30, all Sec. 31, 32, 33, 34 and 35, NE¼, NE¼ NW¼, S½ NW¼, S½ Sec. 36, T. 8 S., R. 16 E., B. M.

SW¼ NW¼, W½ SW¼ Sec. 1, SW¼ NE¼, NW¼, S½ Sec. 2, N½, NW¼ SW¼, S½ SW¼, SE¼ Sec. 3, NE¼, S½ NW¼, S½ Sec. 4, NW¼ NE¼, S½ NE¼, NW¼, S½ Sec. 5, all Sec. 6, 7, 8 and 9, NW¼ Sec. 10, all Sec. 17, 18, 19, 20 and 21, W½, SW¼ SE¼ Sec. 22, SE¼ Sec. 25, S½ NW¼, S½ Sec. 26, all Sec. 27, 28, 29, 30, 31, 32, 33, 34 and 35, NE¼ SW¼, SW¼ SW¼, N½ SE¼ Sec. 36, T. 8 S., R. 17 E., B. M.

S½ SW¼ Sec. 16, SE¼ NE¼, SE¼ Sec. 20, NW¼ NE¼, NW¼, W½ SW¼ Sec. 21, NW¼, NE¼ SW¼, S½ SW¼, SE¼ Sec. 28, N½, SW¼, NE¼ SE¼, S½ SE¼ Sec. 29, SE¼ Sec. 30, N½, SW¼ Sec. 31, N½ NE¼, NW¼ Sec. 32, all Sec. 33, T. 8 S., R. 18 E., B. M.

S½ SE¼ Sec. 15, E½ NE¼, S½ SE¼ Sec. 21, all Sec. 22, S½ Sec. 23, SW¼ Sec. 24, S½ NE¼, NW¼, S½ Sec. 25, all Sec. 26 and 27, E½ Sec. 28, S½ SE¼ Sec. 31, S½ NE¼, S½ Sec. 32, NE¼, NE¼ NW¼, S½ NW¼, S½ Sec. 33, all Sec. 34, 35 and 36, T. 8 S., R. 21 E., B. M.

NE¼ NE¼, S½ NE¼, SE¼ Sec. 25, NW¼ NW¼, NE¼ SW¼, W½ SW¼ Sec. 30, NW¼, W½ SW¼ Sec. 31, S½ SW¼, NE¼ Sec. 35, NE¼, S½ NW¼, S½ Sec. 36, T. 8 S., R. 12 E., B. M.

All Sec. 1, 2 and 3, N½, N½ SW¼, SE¼ SW¼, SE¼ sec. 4, E½ SE¼ Sec. 7, S½ NW¼, S½ Sec. 8, N½ NE¼, SE¼ NE¼, NE¼ SW¼, S½ SW¼, SE¼ Sec. 9, all Sec. 10, 11, 12, 13, 14, 15, 16 and 17, E½ NE¼, NE¼ SE¼, S½ SE¼ Sec. 18, all Sec. 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36, T. 8 S., R. 23 E., B. M.

All of township 8 south, range 24 east, B. M.

All of township 8 south range 25 east B M

SW¼ SW¼ Sec. 4, SW¼ SW¼, S½ SE¼ Sec. 5, all Sec. 6, 7 and 8, W½, S½ SE¼ Sec. 9, S½ SW¼ Sec. 10, NW¼ NE¼, S½ NE¼, NW¼, S½ Sec. 15, all Sec. 16, 17 and 18, T. 8 S., R. 26 E., B. M.

NE¼ NE¼, N½ NW¼ Sec. 24, N½ NE¼, SW¼ NE¼, NW¼ Sec. 2, NE¼, N½ NW¼, SE¼ NW¼ Sec. 9 S., R. 11 E., B. M.

Sec. 5, all Sec. 10, 11, 12, 13, 14 and 15, NE¼ [illegible], S½ NE¼, SE¼ SW¼, SE¼ [illegible], 16, S½ SW¼ Sec. 18, N½ NW¼, SE¼ NW¼, SW¼ SW¼ Sec. 19, N½ SW¼, SE¼ Sec. 20, NE¼, NE¼ NW¼, S½ Sec 21, N½, N½ SW¼, SE¼ SW¼, N½ SE¼ Sec. 22, N½, N½ SW¼, SE¼ SW¼, N½ SE¼, SE¼ SE¼ Sec. 23 T. 10 S., R. 21 E., B. M.

All of township 10 south, range 22 east, B. M.

All of township 10 south, range 23 east, B. M.

All of township 10 south, range 24 east, B. M.

All Sec. 1, 2, 11, 12, 13 and 14, T. 11 S., R. 22 E., B. M.

All of township 11 south, range 23 east, B. M., except Secs. 28-33 inclusive

All Secs. 2 10, 16 20, 29 32, T. 11 S., R. 24 E., B. M.

That any protests against the approval of this application must be filed in the Department of Reclamation within forty (40) days from the date of this notice, such protest shall state the name and address of the protestant and shall clearly set forth his objections to the approval of the said application.

Dated this 10th day of October, 1939.

JAMES SPOFFORD,
Commissioner of Reclamation.

Date of first publication: Oct. 20
Date of last publication: Nov. 3
Last date for protest: November 19, 1939.

Service of the foregoing by copy is hereby admitted this [illegible] day of October 1939

LYNN CHANDLER,
Applicant

POOR QUALITY ORIGINAL

From Microfisch file
01-2068

Showing advertizement Listing place of use common with 01-2064 under this application for transfer

MICROFILMED

Affidavit of Publication

County of Power, }
State of Idaho, } SS.

O. J. Quane, being first duly sworn on his oath, states:

That he is the printer of the American Falls Press, a newspaper of general circulation in Power County, Idaho, published weekly at American Falls in said county; that said newspaper has been published in said county uninterruptedly and continuously for over seventy-eight consecutive weeks, prior to the first publication of the annexed notice or advertisement:

That the annexed notice or advertisement was published as per clipping attached in the regular and entire edition of said newspaper and not in any supplement thereof for four successive weekly issues thereof, the date of the first publication being the 16th day of April, 1931, the date of the last publication being the 7th day of May, 1931.

(Signed) O. J. Quane

Subscribed and sworn to before me this 18th day of May, 1931.

Notary public, residing at American Falls, Idaho.

My Commission expires the 8th day of Dec, 1933.

(SEAL).

(April 16-23-30-May 7)

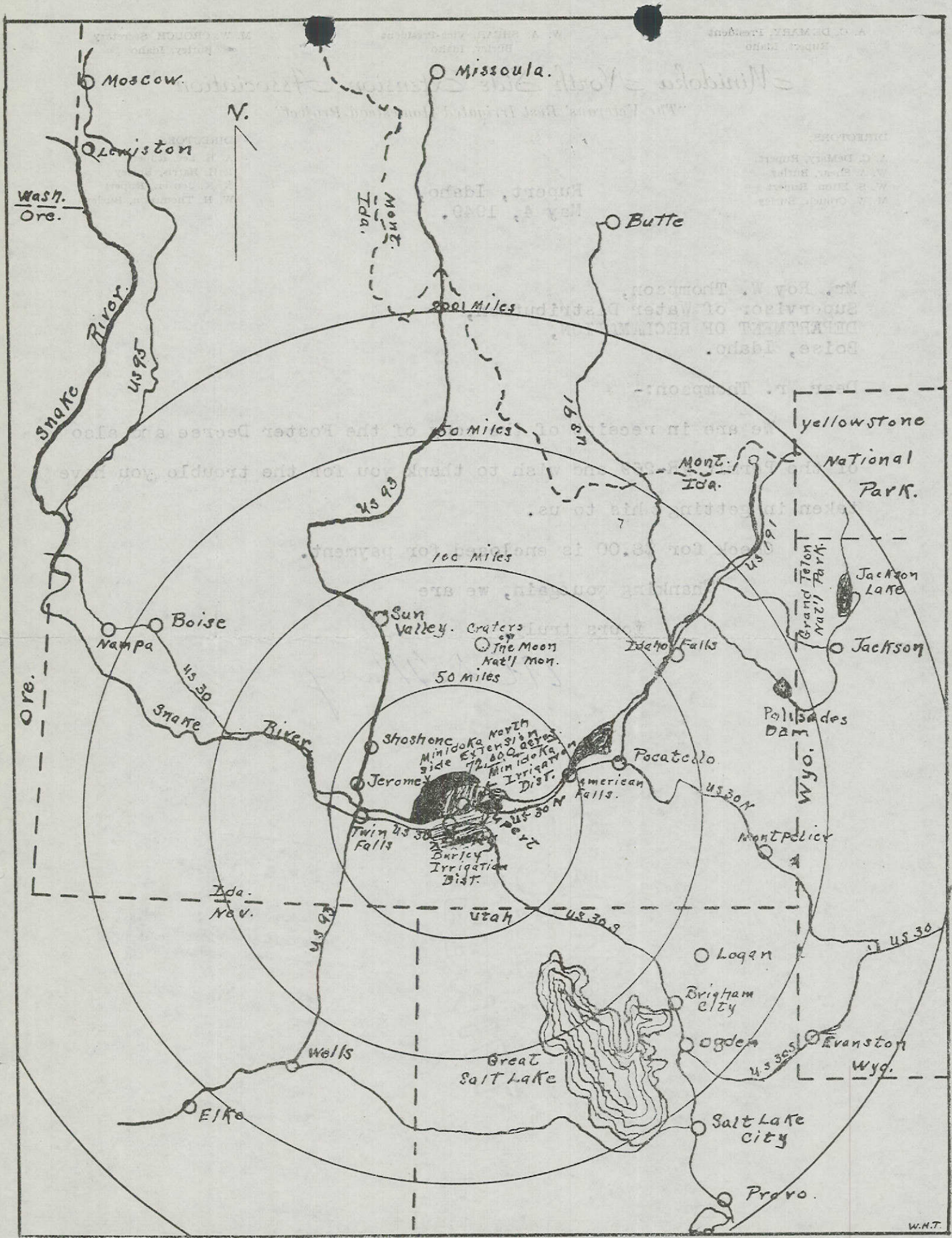
NOTICE FOR PUBLICATION.

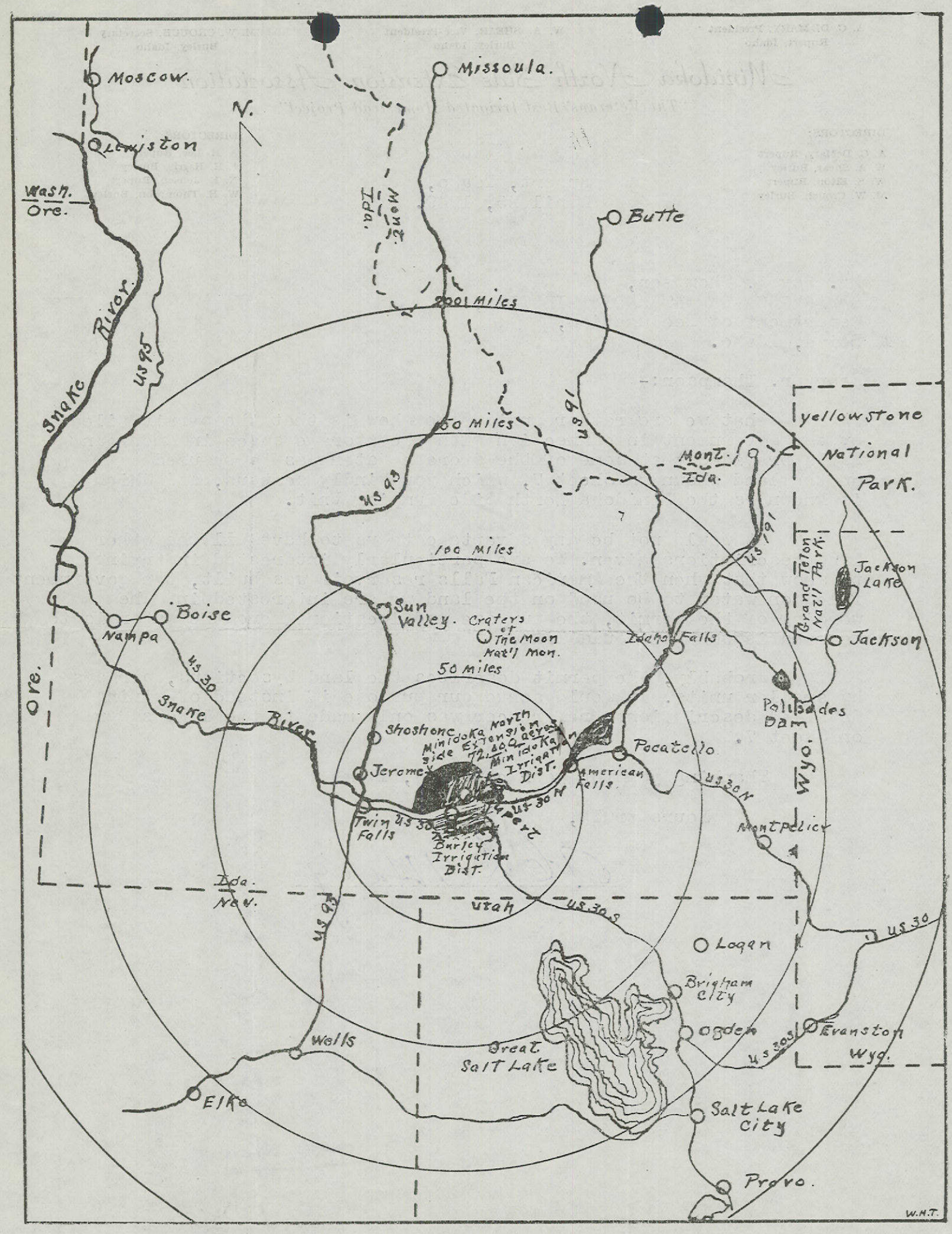
Notice is hereby given that at 2 P. M., on the 16th day of May, 1931, at Burley, County of Cassia, State of Idaho, before Anna J. Larson, notary public, proof will be submitted of the completion of works for the diversion of 1,800,000 acre-feet of the waters of Snake River, in accordance with the terms and conditions of a certain permit heretofore issued by the Commissioner of Reclamation of the State of Idaho.

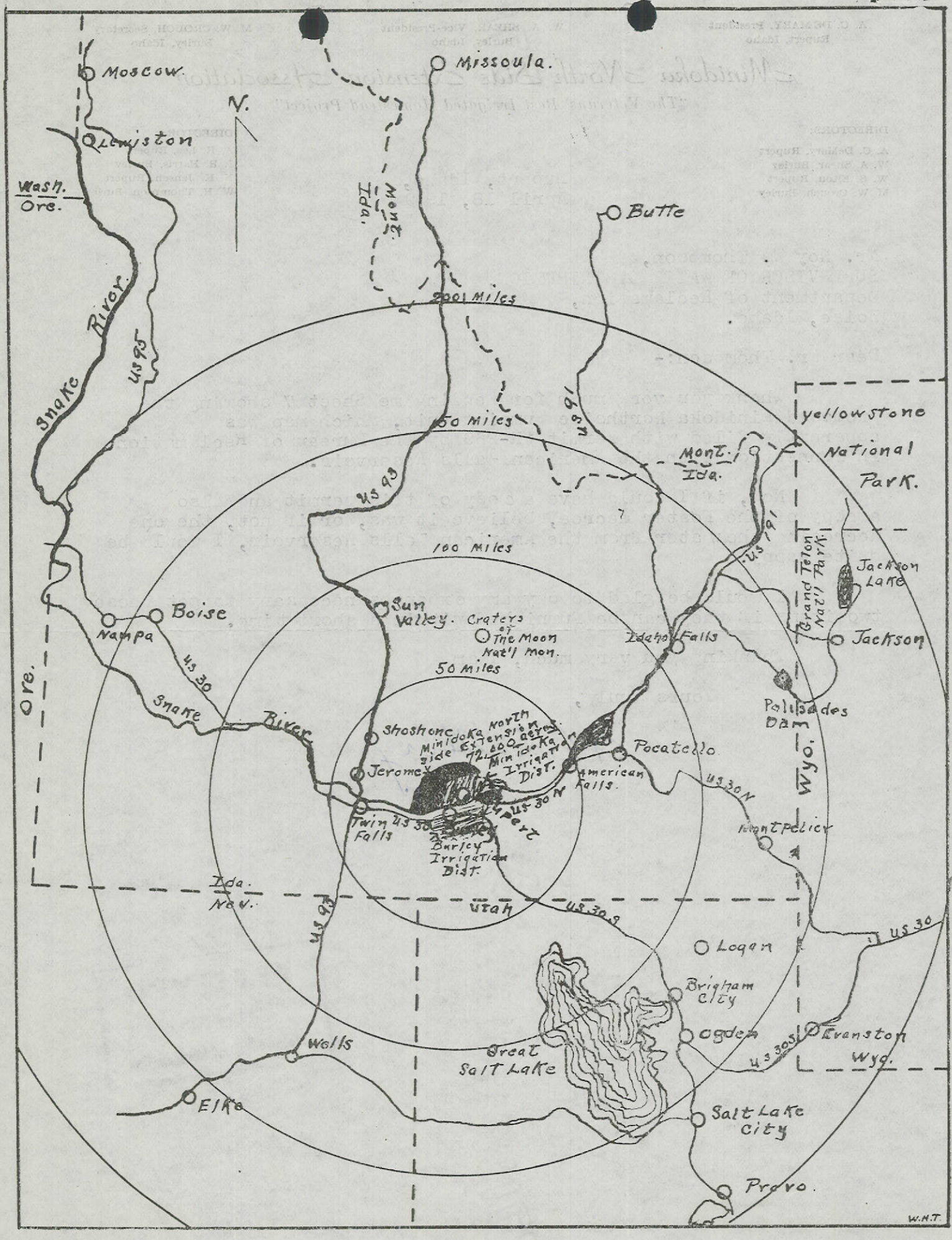
1. The name of the person or corporation holding said permit is United States of America.
2. The postoffice address of such person or principal place of business of such corporation is Reclamation Bureau, Burley, County of Cassia, State of Idaho.
3. The number of such Permit is R-269, and the date set for the completion of such work is May 18, 1931.
4. Said water is to be used for irrigation and domestic purposes.
5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is 1,800,000 acre-feet.
6. The amount of lands for which said water is available is 1,500,000 acres, particularly described as follows: The Snake River Valley and lower half of Wood River Valley.

R. W. FARIS,
Commissioner of Reclamation.

R-269


Moscow
Lewiston
Wash.
Ore.
N.
Missoula.
Mont.
Ida.
Butte
Snake River
US 95
200 Miles
US 93
US 191
Yellowstone National Park.
Mont.
Ida.
50 Miles
100 Miles
Grand Teton Nat'l Park
Jackson Lake
Jackson
Sun Valley.
Craters of the Moon Nat'l Mon.
Idaho Falls
Boise
Nampa
US 30
Ore.
Snake River
50 Miles
Palisades Dam
Wyo.
Shoshone
Minidoka North side Extension 120,000 acres
Minidoka Irrigation Dist.
Jerome
Pocatello
American Falls.
US 30N
Twin Falls
US 30
Burley Irrigation Dist.
Montpelier
Ida.
Nev.
Utah
US 30S
Logan
US 30
Brigham City
Ogden
Evanston
Wyo.
US 30S
Wells
Great Salt Lake
Elko
Salt Lake City
Provo
W.H.T.


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Pocatello
Jerome
Twin Falls
Burley Irrigation Dist.
US 30N
Montpelier
Ida.
Nev.
Utah
US 30S
Logan
Brigham City
Ogden
Evanston
Wyo.
US 30
Wells
Great Salt Lake
Elko
Salt Lake City
Provo
W.H.T.

Form 23

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE

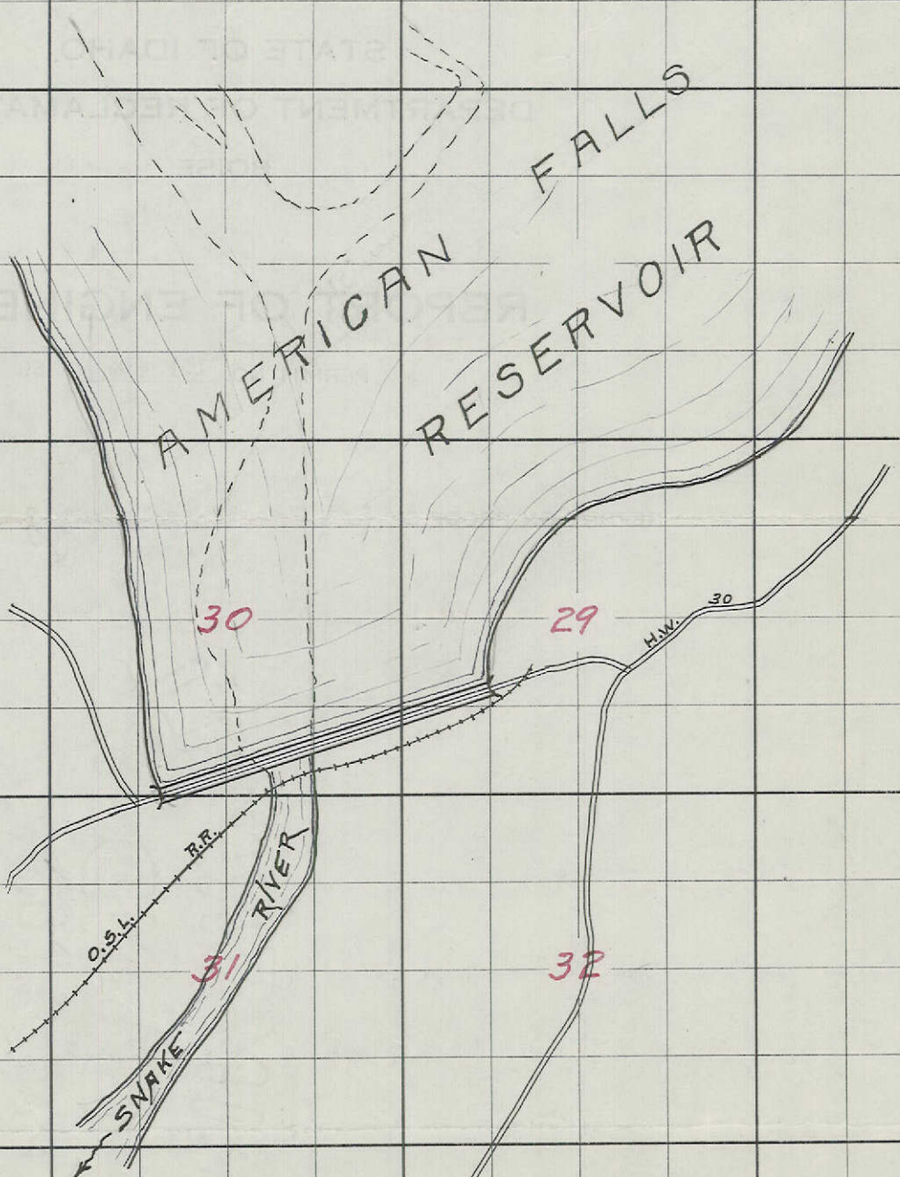
REPORT OF ENGINEER

PERMIT NO. 15134 & R-269

REPORT ON PROOF OF Beneficial Use Proof

C.F.R. - Permit 15134 - for 600 c.f.s.
" " R-269 - 1,100,000 Ac. ft. 1,700,00
No fees charged.
R.O.P.

R-269



SCALE: 2 INCHES EQUALS 1 MILE. DRAW MAP IN INK.

Form No. 11-A

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE, IDAHO

Re: 15134 & R-269

March 17, 1941

Date . . . . . .

Idaho Evening Times
Twin Falls, Idaho

Dear Sir:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to April 22, 1941, the date set for proof, the expense of the publication to be paid by the applicant,

S. R. Marean, Project Supt., Reclamation Bureau, Burley, Idaho

to whom you should furnish proof of publication on or prior to the date set for proof.

Please acknowledge receipt of this notice and furnish this office with a copy of the first publication.

Very truly yours,

E. V. BERG.

Commissioner of Reclamation

R-269

October 22, 1934

Re: Permit No. R-269

MR. W. G. BISSELL, Laywer
Cooding,
Idaho

Dear Sir:

We are enclosing herewith office receipt in the amount of $4.00 which was the fee due in connection with certified copy of the above numbered permit and Order of Commissioner of Reclamation in case of American Falls Reservoir District, Plaintiff, vs. American Falls Reservoir District No. 2, Defendant.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By_____
Assistant Chief Clerk

G
Encl.

R-269

R-269

October 19, 1934

HON. JAMES R. BOTHWELL
Twin Falls,
Idaho

Dear Judge Bothwell:

Shortly after our telephone conversation this afternoon, Mr. Faris came in the office and informed ~~th~~that he had an appointment which would take him out of town Saturday and that he would be unable to return before Sunday evening. In view of this fact, he thought that it would be better for him to call you Sunday evening rather than for you to call him as you had planned.

We are preparing a separate certificate for the Order which Mr. Faris issued in May, 1933, concerning the case in question, which will be placed in the file of Permit No. R-269.

As I stated over the telephone, Mr. Sloan requested only one print of each tracing. However, I called the Idaho Blueprint and Supply Co. and requested them to make two more blueprints of each tracing. These prints will be mailed out of that office on the stage tonight.

2 As you know, the land list which accompanied Permit No. 15134 is very voluminous and it requires a good deal of time to prepare a copy of same. We have but two girls who work regularly in this office, since the legislature dispossed of one last session. Therefore, as I explained to Mr. Sloan, it would be impossible for the regular office force to get out this copy within the required time, even though we dropped everything else to do it. Mr. Sloan stated that it would be alright for us to get all of the extra help needed in order to get the copy out so that it would reach Twin Falls not later than Sunday. We have four girls working on this copy and it will be mailed from Boise on the stage tomorrow evening. We are certifying it as you suggested.

Trusting that the foregoing will meet with your approval, we remain

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By_____
Chief Clerk & Office Engr.

PLH:RG

R-269

File: PERMIT No. R-269
(See Water District No. 36 Miscellaneous file)

BEFORE THE COMMISSIONER OF RECLAMATION

OF THE STATE OF IDAHO

R. W. FARIS Presiding

AMERICAN FALLS RESERVOIR DISTRICT, a quasi public corporation,

Plaintiff,

-vs-

AMERICAN FALLS RESERVOIR DISTRICT No. 2, a quasi public corporation,

Defendant.

ORDER

The application of the American Falls Reservoir District, a quasi public corporation, to administer the decree rendered by the United States District Court of the District of Idaho, Eastern Division, filed June 25, 1929, in the case of Woodville Canal Company, a corporation, plaintiff, v. Clark and Edwards Canal and Irrigation Company, a corporation, and others, in accordance with the terms thereof, came on regularly for hearing before the Commissioner at Boise, Idaho, on May 3, 1933, at 2 o'clock P. M., the American Falls Reservoir District appearing by its attorney, James R. Bothwell, Esq., of Twin Falls, Idaho, its President, R. E. Shepherd, of Jerome, Idaho, and the members of its Board of Directors, and the Twin Falls Canal Company appearing by James R. Bothwell, Esq., its attorney, N. V. Sharp, Director, W. R. Hatfield, Director, and W. G. Sloan, Engineer, and the North Side Canal Company appearing by R. P. Parry, Esq., of Twin Falls, Idaho, its attorney, W. A. Heiss, Chairman of the Board of Directors, Harvey W. Hurlebaus, Secretary, and R. E. Shepherd, Manager, and W. G. Bissell, Esq., of Gooding, Idaho, appearing in his personal capacity on his own behalf; and it appearing that due service of the application and notice of hearing thereon had been made upon American Falls Reservoir District No. 2, a

R-269

quasi public corporation, and said district not appearing, whereupon, after hearing the matter, the argument of the parties, the application was taken under advisement and the Commissioner now being fully advised in the premises, it is ORDERED, that in the administration of the decree hereinabove referred to, and commonly known as the Woodville Decree on Snake River, all of the stream flow of Snake River available under Permits Nos. 15134 and R-269 issued by the Department of Reclamation of the State of Idaho, shall be stored in the American Falls Reservoir to the extent of the full capacity of said reservoir during the storage season.

It is further FOUND, ORDERED and DETERMINED that Permits Nos. 15134 and R-269, as issued by the Department of Reclamation of the State of Idaho, and as referred to and defined in the said Woodville Decree, represent and constitute one water right.

It is further ORDERED, FOUND and DETERMINED that until the American Falls Reservoir shall fill in any given year, no water shall be delivered to the American Falls Reservoir District No. 2, a quasi public corporation, which holds a contract with the United States, from the direct flow of Snake River to be credited to said American Falls Reservoir District No. 2 as a direct flow right, and that any water used by the American Falls Reservoir District No. 2 in the spring of the year under said Permits Nos. 15134 and R-269, shall be charged to the said American Falls Reservoir District No. 2 as stored water, unless there shall be a surplus over and above 1,800,000 acre feet stored in American Falls Reservoir in any given year, in which event the surplus used shall not be charged as storage water.

DATED this 20th day of May, 1933.

R. W. FAHIS
Commissioner of Reclamation
of the State of Idaho

(SEAL)

R-269

RECEIVED
FEB 16 1933
DEPARTMENT OF RECLAMATION

Copy

Idaho Falls, Idaho
February 15, 1933

Mr. E. B. Darlington,

Burley, Idaho.

Dear Mr. Darlington:

While at Boise recently I examined the American Falls reservoir permits, R-269 and No. 15134. It is apparent from the permits themselves that the two filings were made in connection with one general project. The statutes made no provision for reservoir permits, although the state commissioner of reclamation by office ruling set up a form for that purpose. On this account it was customary to make what was known as a "use" filing in second-feet to accompany each reservoir filing. I was unable to find any ruling or opinion, however, on the question of whether the owner of such a "use" filing could also divert it while his reservoir was filling under the terms of the reservoir filing in acre-feet.

In the case of American Falls reservoir these rights have been decreed but reference is made in the decree to the permits themselves, so I think any information contained in the permits may legitimately be used in interpreting the decree.

The lands described in Permit 15134, reference being made in Permit R-269 to the same lands, embrace all the lands in southern Idaho that ever have been or ever could be irrigated from Snake River by diversions anywhere from Heise to Milner.

If, as has been my opinion, the 1,700,000 acre-feet and the 8,000 second-feet are separate rights, I believe that each owner of reservoir space is entitled to a proportionate share of the 8,000 second-feet for voting at the annual meeting, and for direct diversion, if he can so divert, in the ratio that his space bears to the reservoir capacity. Obviously there is some direct relationship between the two rights and unless one is embraced within the other as the American Falls Reservoir District #1 contends, it would seem to me that the above suggestion is the only practical

R-269

way of setting up such relationship at least until some judicial determination is made under the terms of par. 8, page 8, of the printed copy of the Woodville decree.

Very truly yours,

Lynn Crandall

Watermaster.

CC to:
James H. Bothwell, Twin Falls
R. W. Faris, Boise
R. E. Shepherd, Jerome

Re: PERMIT No. R-269 May 4, 1932

Your file Cont-08512(19)-HFC

GENERAL ACCOUNTING OFFICE,
Washington,
D. C.

Gentlemen:

Referring to your letter of April 29th, re fees for certificate of completion of works under Permit No. 15134 and Permit No. R-269, for the Minidoka Project, beg to advise that the authority for reducing the number of acre feet to second feet for the purpose of arriving at the fees to be paid, is contained in Sec. 5569, C. S., which reads, in part, as follows:

" * "

"No application shall be accepted and filed by the Department of Reclamation until the applicant shall have deposited with the department a filing fee of $1, if the quantity of water claimed is one cubic foot or less per second, and if the quantity of water claimed is in excess of one cubic foot per second, the fee to be so deposited by the applicant shall be increased 10 cents for each additional cubic foot or fraction thereof: Provided, That where flood and winter flow water for storage purposes is claimed, the fee to be paid by applicant on the filing of the application shall be $1, if the quantity claimed is 250 acre feet, or less, and if the quantity of water claimed is in excess of 250 acre feet the fee to be paid by the applicant shall be increased 10 cents for each additional 250 acre feet or fraction thereof. * * * * ."

From the foregoing, it is obvious that it was the intention of the Legislature to make 250 acre feet of storage equal to one cubic foot of natural flow per second.

The authority for the charge of 30 cents per second foot is contained in Sec. 5581, C. S.

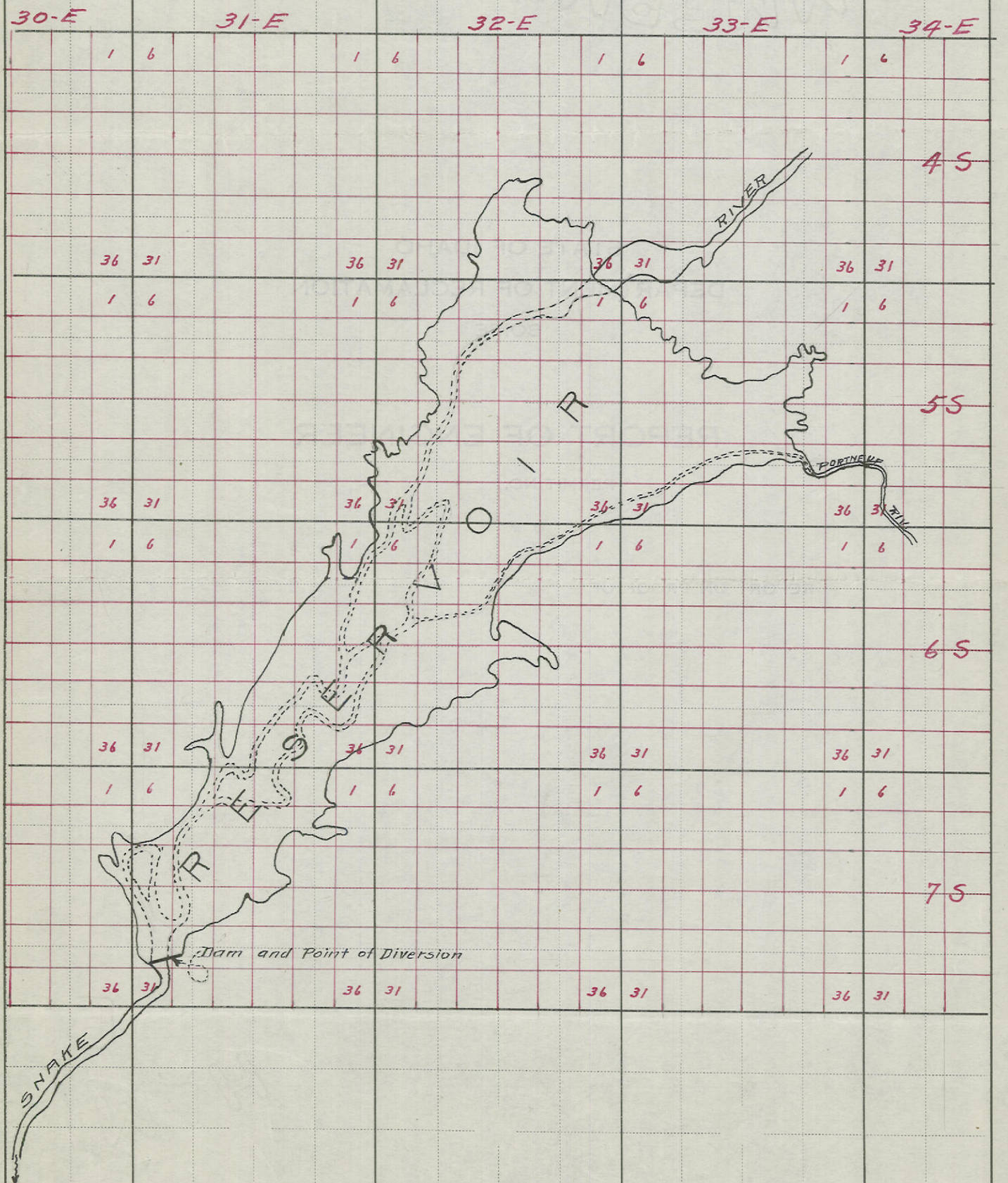
I do not understand that there is any question or controversy with reference to the fee to be paid under Permit No. 15134, which is a natural flow right, the fees for which are provided by Sec. 5581. These fees are long past due, and we trust that we may have your check to cover same without further delay.

Very truly yours,

RWF/mt

Commissioner of Reclamation

R-269



SCALE: 2 INCHES EQUALS 1 MILE. DRAW MAP IN INK.

RETURN RECEIPT

Received from the Postmaster the Registered or Insured Article, the original number of which appears on the face of this Card.

Bureau of Reclamation

(Signature or name of addressee.)

Claude E Buchner

(Signature of addressee's agent.)

May 18

BOISE IDAHO MAR 3 1931 REGISTERED

Date of delivery, ____, *19*

Form 3811

U. S. GOVERNMENT PRINTING OFFICE: 1930

Post Office Department

OFFICIAL BUSINESS

REGISTERED ARTICLE

No. 460

INSURED PARCEL

No. _____

PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, $300

POSTMARK OF DELIVERING OFFICE

BOISE MAR 3 1 3 PM 19 [illegible]

AND DATE OF DELIVERY

Return to _____

(NAME OF SENDER)

Street and Number, or Post Office Box, _____

BOISE,

IDAHO.

COMMISSIONER OF RECLAMATION

R-269

Form No. 7

15134
15,237 July 29, 1931

State of Idaho

DEPARTMENT OF RECLAMATION

BOISE

INSTRUCTIONS

PROOF OF COMPLETION OF WORKS

Bureau of Reclamation
Boise, Idaho

Boise, Idaho, March 2, 1931

DEAR SIR:

I enclose herewith blank form upon which to give notice that you are prepared and desire to submit proof of completion of works under your permit No. R-269.

This form should be filled out and mailed to the Department of Reclamation, at least 60 days before the date upon which proof is to be submitted, which proof MUST be on or before May 10, 1931. Upon receipt of the blank properly filled out, notice for publication will be sent to the paper direct from this office, which notice must be published a period of four weeks prior to the date of proof.

The proof may be submitted at any place convenient to you and two witnesses, where there is a notary public or other officer authorized to administer oaths.

The certificate that shall be issued under this proof does not give you a perpetual right to the use of the water for which application is made, as it only confirms the completion of the works of a capacity to divert and convey to the place of intended use a certain amount of water. The law requires that another proof be submitted when the water has been fully applied to a beneficial use, at which time license is issued for the amount of water actually in use. Information in regard to this last proof wil be furnished on request.

Very truly yours,

GEO. N. CARTER
Commissioner of Reclamation.

(April 16-23-30-May 7)

NOTICE FOR PUBLICATION.

Notice is hereby given that at 2 P. M., on the 16th day of May, 1931, at Burley, County of Cassia, State of Idaho, before Anna J. Larson, notary public, proof will be submitted of the completion of works for the diversion of 1,800,000 acre-feet of the waters of Snake River, in accordance with the terms and conditions of a certain permit heretofore issued by the Commissioner of Reclamation of the State of Idaho.

1. The name of the person or corporation holding said permit is United States of America.
2. The postoffice address of such person or principal place of business of such corporation is Reclamation Bureau, Burley, County of Cassia, State of Idaho.
3. The number of such Permit is R-269, and the date set for the completion of such work is May 18, 1931.
4. Said water is to be used for irrigation and domestic purposes.
5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is 1,800,000 acre-feet.
6. The amount of lands for which said water is available is 1,500,000 acres, particularly described as follows: The Snake River Valley and lower half of Wood River Valley.

R. W. FARIS,
Commissioner of Reclamation.

R-269

January 26, 1929.

Re: PERMIT No. 15134
PERMIT No. R-269X

HONORABLE W. D. GILLIS,
Attorney General of Idaho,
The Capitol.

Dear Sir:

Attention: Mr. BLAINE

Reference is had to your letter of January 24 enclosing copies of letters from W. O. COTTON to Senator Yeaman and to the Attorney General requesting information regarding the interpretation to be placed upon two permits to appropriate water, standing in the name of the United States, said permits claiming a diversion right of 8,000 second feet from Snake River and a storage right of 1,700,000 acre feet, according to Mr. Cotton's statement:

Permit No. 15134 was filed March 30, 1921, which is the priority date accorded the right. The amount of the filing is 8,000 second feet, for domestic, irrigation and power uses. The said permit appears to cover most of Southern Idaho with respect to the lands designated for irrigation. Such lands are generally enumerated in the permit as follows:

15134

R-269

All lands now irrigated from Snake River above Milner and South Fork from mouth of Canyon.

35,000	acres on the	Michaud Flat
115,000	"	Minidoka-North Side Pumping Unit
250,000 - 350,000	"	Bruneau or Mountain Home Projects (not both)
20,000	"	Wood River

The permit was amended July 27, 1928 to include:

46,500 additional acres of Wood River lands.

In the original filing the statement is made that there will be directly irrigated 1,540,780 acres, and indirectly irrigated, 460,275 acres. The 8,000 second feet are also specified to be for new lands. Proof of completion of works is due ~~April~~ May 8, 1931. On account of the size of this permit, it is entitled to a five-year extension within which to offer proof of completion of works. Application was made for such extension before the expiration of the ordinary five-year period allowed for proof of completion of works, and granted.

Permit No. R-269 was filed March 30, 1921, which is the date of priority accorded the right. It allows the storage of 3,000,000 acre feet of water, to be used upon 940,000 acres of old lands and 500,000 acres of new lands.

Permit No. 15134 is referred to and made a part of Permit No. R-269 by the following provision in Permit No. R-269:

> "Beneficial use of water stored in accordance herewith, to be made on or before April 23, 1926, as set out in 15134 for appropriation of the public waters of the State of Idaho, which is hereby referred to and made a part hereof."

15134

R-269

In Permit No. 15134 it is stated that the source of supply is Snake River and tributaries. The ordinary construction which would be placed upon this permit, claiming the source of supply designated as Snake River and tributaries, would be that the United States claimed 8,000 second feet of natural flow in addition to its storage right of 3,000,000 acre feet, evidenced by Permit No. R-269.

Ordinarily, the usual terminology of a so-called use permit, which in this case is Permit No. 15134, if such permit is taken out for the purpose of securing a right to divert waters released from storage, would be to state the source of supply as the American Falls Reservoir. I do not know how the United States regards the current custom of this Department in handling permits of this nature.

By way of explanation it might aid you in your consideration of the question asked by Mr. Cotton if you were given a brief résumé of the method of filing permits which involve both storage and natural flow. There is no statutory requirement or authorization for a storage permit, so-called; the custom of accepting applications for permit to store water grew out of the administration of a former State Engineer, Mr. Wilkie. I must confess that the entire matter has been somewhat clouded with misgiving so far as I have been able to understand the theory of the two filings thus required by Mr. Wilkie, in cases where water was to be stored and subsequently released and diverted from some natural stream any distance below the outlet of the reservoir.

R-269 15134

At one time the matter was taken up with Attorney General Black and some legal backing sought for the feasibility of changing the procedure and eliminating the two permits involving the same water, however, due to the material period of time during which this custom had operated, Mr. Black was somewhat fearful of inaugurating a change, but about two years ago this office did change the forms of application in cases where storage and natural flow were both involved in one water right. The change consisted of combining the theretofore two applications for permit into one, embodying all of the essential features and information relating to both storage and diversion of said storage when subsequently released from a reservoir and, also, the diversion of natural flow in addition to any storage water which might be diverted.

It might also give you some understanding of how this subject is looked upon from a legal viewpoint if you will consider an opinion of Judge Dietrich's covering a case where two permits - one for storage and the other diversion - were involved. Copy of said opinion is attached, and may I request that it be returned when it has served your purpose.

You will also observe that the storage right referred to by Mr. Cotton as being for 1,700,000 acre feet is actually for 3,000,000 acre feet; present completion of works is to the extent of 1,700,000 acre feet.

15134

R-269

HONORABLE W. D. GILLIS January 26, 1929.

There is also another permit of record and in good standing, owned by the United States, namely, No. 15237, which was filed April 21, 1921, for 9,000 second feet for power purposes with point of diversion at the American Falls dam; source of water supply is Snake River and tributaries; proof of completion of works is due on this Permit July 29, 1931. No reference is made in this Permit to the storage Permit No. R-269.

I trust that the foregoing will enable you to give your legal opinion as to the interpretation to be placed upon two permits of the nature above designated; such an opinion will be a distinct advantage to this Department in considering almost identical questions which frequently arise in consideration of storage permits.

The communications from Mr. Cotton are herewith returned.

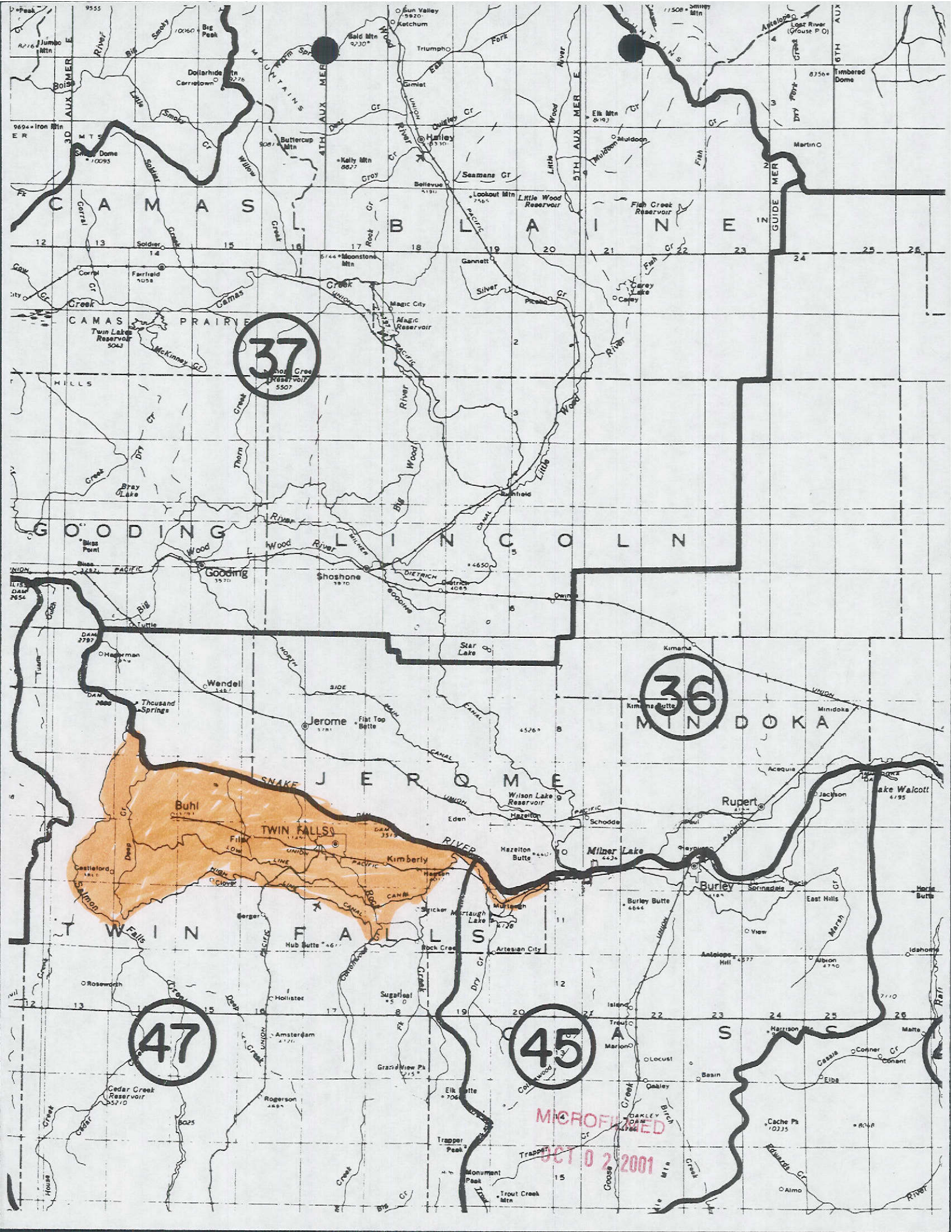
Very truly yours,

Commissioner of Reclamation.

GNC/tp

15134

R-269


CAMAS
BLAINE
CAMAS PRAIRIE
GOODING
LINCOLN
JEROME
MINIDOKA
TWIN FALLS
Sun Valley
Ketcho
Triumph
Bald Mtn
Dollarhide Mtn
Carrietown
Hailey
Bellevue
Seamans Gr
Lookout Mtn
Little Wood Reservoir
Fish Creek Reservoir
Elk Mtn
Muldoon
Martin
Timbered Dome
Buttercup Mtn
Kelly Mtn
Iron Mtn
Soldier
Fairfield
Moonstone Mtn
Gannett
Magic City
Magic Reservoir
Twin Lakes Reservoir
Camas Creek Reservoir
Casey
Carey Lake
Bliss
Gooding
Shoshone
Dietrich
Bellevue
Bliss Point
Bray Lake
Tuttle
Hagerman
Wendell
Thousand Springs
Star Lake
Kimama
Kimama Butte
Minidoka
Jerome
Flat Top Butte
Buhl
TWIN FALLS
Kimberly
Castleford
Hansen
Berger
Hub Butte
Rock Creek
Artesian City
Wilson Lake Reservoir
Eden
Hazelton
Hazelton Butte
Milner Lake
Schodde
Rupert
Acequia
Jackson
Lake Walcott
Burley
Springdale
Burley Butte
East Hills
Horse Butte
Antelope Hill
View
Albion
Idahome
Marion
Locust
Oakley
Basin
Elba
Cassia
Conner
Conant
Rosevelt
Hollister
Sugarloaf
Amsterdam
Grand View Pk
Cedar Creek Reservoir
Rogerson
Elk Butte
Trapper Peak
Monument Peak
Trout Creek Mtn
Cache Pk
Almo
Edwards Gr
Goose Creek
Oakley Dam
Malta
Harrison
Trout
Island
Snake River
Salmon Falls Creek
Deep Creek
Dry Creek
Rock Creek
Cedar Creek
Big Wood River
Little Wood River
Camas Creek
Silver Creek
Willow Creek
Soldier Creek
Muldoon
Fish Creek
Antelope Creek
Dry Fork
Corral Creek
Gannett Creek
Thorn Creek
Dry Creek
Big Smoky Creek
Little Smoky Creek
Deer Creek
Warm Springs Creek
Eagle Fork
Trail Creek
Broadford Road
Pacific
Union
Oregon Short Line
Milner Low Line
Minidoka Main Canal
North Side Canal
Gooding Canal
Dietrich Canal
Twin Falls Canal
Rock Creek Canal
Auxiliary Canal
Big Wood Canal
Hailey Dam
Magic Dam
Gooding Dam
Milner Dam
Twin Falls Dam
Idaho Power Dam
Oakley Dam
Cassia
Minidoka
Jerome
Gooding
Lincoln
Blaine
Camas
Twin Falls
37
36
47
45
MICROFILMED
OCT 0 2 2001

Keith
Norm
Wayne
Phil RJ2

Vault
File

Bureau's water Rights file for Am. Falls.

JOSEPH M. MEIER
COSHO, HUMPHREY, GREENER & WELSH, P.A.
Attorneys at Law
815 West Washington
Boise, Idaho 83702
(208) 344-7811
FAX: (208) 338-3290

Attorneys for Salmon River Canal Co., Ltd.

IN THE UNITED STATES BANKRUPTCY COURT

FOR THE DISTRICT OF IDAHO

In Re:	Case No. 93-01270
SALMON RIVER CANAL COMPANY, LTD.	**MOTION FOR AN ORDER APPROVING THE MUTUAL RECSISSION AND RESTITUTION AGREEMENT WITH BUREAU OF RECLAMATION AND THE DISBURSEMENT OF PROCEEDS**
Debtor.	

SALMON RIVER CANAL COMPANY, LTD., in accordance with its confirmed Chapter 11 Plan entered May 6, 1994, 11 U.S.C. § 363(b)(1) and (f), and 365; Bankruptcy Rules 2002(a)(2),(c)(1), (k), 6004(a),(b),(c),(e),(f), 6006, and 9014, and Local Bankruptcy Rule 2002.1 and 2002.2 moves this court for an order allowing the transfer of 6,518.1 acre feet of storage rights free and clear of the liens to the Bureau of Reclamation under the terms and conditions described in the Notice which is attached to this motion as Exhibit "1" and the letter agreements attached hereto as Exhibit "2" which are both incorporated herein by this reference.

Salmon River Canal Co., Ltd. also moves this court for an order allowing the distribution of the proceeds to the shareholders

Link to previous
Letter in file
Folder from
Author
Sent out email to
State Office on 12/22/05
per Jeff Kupernak
Barb Black

Power use not in
Excel

Date Excel shows
power use
— 20 percent 7 of 15

Tank capacity view
of Excel is storage
in gallons which
is not useful. I.e. the
owner can control
for recovery

7/92 RECEIVED

AUG 1 8 1992

Department of Water Resources

Ident. No. 3981

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TEMPORARY CHANGE APPLICATION

(To change point of diversion, place of use or purpose of use)

Name of applicant Minidoka Irrigation District Phone 436-3188

Post Office address Rupert, Idaho 83350

A. PURPOSE OF TRANSFER

1. x Change point of diversion ___ Add diversion point(s) x Change place of use
   ___ Change purpose of use ___ Other

2. Describe the proposed change(s) and the reason(s) therefor Applicant has insufficient water supply to complete the irrigation of growing crops on lands within the irrigation district in 1992. A & B Irrigation District has agreed to transfer a part of its storage water to applicant in 1992 to provide applicant a supplemental water source pursuant to the attached agreement.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount	Nature	Period of Use
X 01-2064A	3/20/21	>25,000 A/F	Irrigation	Aug. 15 to Nov. 1
X 01-2068A	11/20/39			to
				to
				to

2. Total amount of water being transferred _____ cubic feet/second and/or 25,000 acre-feet per annum.

3. Source of water American Falls and Palisades Reservoirs tributary to Snake River

4. Point(s) of Diversion:

Ident No.	Gov't Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
			SW	SE	30	7S	31E	Power	American Falls Dam
			NE	NE	17	1S	45E	Bonneville	Palisades Dam
			SE	SW	1	9S	25E	Cassia	Southside Canal
	1				1	9S	25E	Minidoka	Northside Canal

5. Lands irrigated or Place(s) of Use:

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
			SEE ATTACHED LIST																
			MINIDOKA IRRIGATION DISTRICT LANDS AND A & B IRRIGATION DISTRICT LANDS.																
											MICROFILMED								

OCT 0 2 2001

Total acres _____

6. General Information:

a. Who owns the water right to be changed? U.S. BOR - for benefit of A & B Irrigation District.

b. Describe the arrangement allowing use of the right See attached agreement, including condition by which this transfer is made and which shall be a condition in transfer approval.

c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
Lands within A & B Irrigation District will be irrigated with stored water retained by A & B Irrigation District.

d. Has the water right sought to be transferred been used this year? Yes If yes, explain. A & B Irrigation District has used and is retaining stored water as well.

e. Absent the changes, how would the right be used for the remainder of the year? If not used by A & B Irrigation District, it would be held over storage for use in 1993 for irrigation of lands within the district.

f. Describe other water rights used for the same purpose.
Nos. 4126, 4799, and contracted rights under 01-02064 (American Falls), 01-2068 (Palisades), 01-02019 (Walcott), and 01-10045 (Jackson).

g. Remarks: This transfer is for 25,000 acre-feet of stored water, conditioned upon a like transfer in 1993 of 25,000 acre-feet of stored water from applicant to A & B Irrigation District from applicant's stored water accrued after November 1, 1992.

I hereby assume all risk in accordance with House Bill No. 4 and assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in voiding its approval.

William D. McManus / President
(Signature of applicant)

FOR DEPARTMENT USE ONLY

Received by [illegible] Date 8-18-92 Fee $50
Receipted _____ # 0025254 Recommend: ____ approve ____ deny
Watermaster recommendation Telecon 8/18/92 "ok. to approve" Ron Carlson
wcg

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Temporary Change Application No. _____
And said application is hereby _____, subject to the following limitations and conditions:

1. This approval expires November 1, 1992 and thereafter the right reverts to the use existing prior to the temporary change.

2. Subject to the terms and conditions of the "Temporary Storage Water Exchange Agreement" dated August 17, 1992 attached hereto.

Witness my hand this 18th day of August, 1992.

R. Keith Higginson

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OCT 0 2 2001

Point of Diversion. MINIDOKA IRRIGATION [redacted]

The point of diversion of said water for use on those lands lying South of the Snake River in Cassia County is in the Southwest Quarter of the Southwest Quarter (SW 1/4 SW 1/4) of Section One (1), Township Nine (9) South, Range Twenty-five (25) East, Boise Meridian. The points of diversion of said water for use on that land lying North of the Snake River in the County of Minidoka is in the Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4) of Section One (1), Township Nine (9) South, Range Twenty-five (25) East, Boise Meridian.

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Lands to Which Appurtenant

That land lying South of the Snake River, County of Cassia, State of Idaho, in Sections Two (2), Three (3), Eight (8), Nine (9), Ten (10), Eleven (11), Sixteen (16), Seventeen (17), Eighteen (18), Nineteen (19), Twenty (20), Twenty-one (21), Twenty-nine (29), Thirty (30), and Thirty-one (31), Township Nine (9) South, Range Twenty-five (25), East Boise Meridian; Sections Twenty-five (25), and Thirty-six (36), Township Nine (9) South, Range Twenty-four (24) East, Boise Meridian; Sections One (1), Two (2), Eleven (11), Twelve (12), Fourteen (14), Fifteen (15), Twenty-two (22) and Twenty-three (23), Township Ten (10) South, Range Twenty-four (24) East, Boise Meridian.

That land lying North and West of the Snake River, County of Minidoka, State of Idaho, in Sections Twenty-eight (28), Twenty-nine (29), Thirty (30), Thirty-one (31), Thirty-two (32), Thirty-three (33), Thirty-four (34) and Thirty-five (35), Township Eight (8) South, Range Twenty-five (25) East, Boise Meridian; Sections Two (2), Three (3), Four (4), Five (5), Six (6), Seven (7), Eight (8), Nine (9), Eighteen (18), and Nineteen (19), Township Nine (9) South, Range Twenty-five (25) East, Boise Meridian; Sections Twenty-five (25), Thirty-two (32), Thirty-three (33), Thirty-four

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[redacted] H+B IRRIGATION DISTRICT

Point of Diversion

Southeast Quarter of the Southwest Quarter (SE 1/4 SW 1/4), Section Twenty-four (24), Township Ten (10) South, Range Twenty-one (21) E. B. M.

Lands to Which Appurtenant

Township Eight (8) South, Range Twenty-five (25) East of Boise Meridian: Sections Two (2) through Twenty-four (24) inclusive, Sections Twenty-seven (27) through Thirty (30) inclusive;

Township Seven (7) South, Range Twenty-five (25) East of Boise Meridian; Sections Twenty-seven (27) through Thirty-four (34) inclusive;

[redacted]

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OCT 0 2 2001

Township Eight (8) South, Range Twenty-four (24) East of Boise Meridian: Sections One (1) through Fifteen (15), Seventeen (17) through Thirty-six (36) inclusive;

Township Seven (7) South, Range Twenty-four (24) East of Boise Meridian: Sections 15, 22, 23, Twenty-six (26) through Thirty-five (35) inclusive;

Township Nine (9) South, Range Twenty-three (23) East of Boise Meridian: Sections One (1) through Seven (7) inclusive;

Township Eight (8) South, Range Twenty-three (23) East of Boise Meridian: Sections One (1) through Fifteen (15) inclusive, Seventeen (17) through Thirty-five (35) inclusive;

Township Nine (9) South, Range Twenty-three (23) East of Boise Meridian: Section 34;

Township Ten (10) South, Range Twenty-two (22) East of Boise Meridian: Sections Three (3) through Eleven (11) inclusive, Sections Fifteen (15) through Nineteen (19) inclusive;

Township Nine (9) South, Range Twenty-two (22) East of Boise Meridian: Sections One (1) through Five (5) inclusive, Seven (7) through Fifteen (15) inclusive

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AUG 18 1992
Department of Water Resources

TEMPORARY STORAGE WATER EXCHANGE AGREEMENT

THIS AGREEMENT, made and entered into this 17th day of August, 1992, by and between A & B Irrigation District, an irrigation district duly organized under the laws of the State of Idaho, of 11th and E Street, Rupert, Idaho, hereinafter referred to as "A & B", and Minidoka Irrigation District, an irrigation district duly organized under the laws of the State of Idaho, of 100 West, 50 South, Rupert, Idaho, hereinafter referred to as "Minidoka."

W I T N E S S E T H:

WHEREAS, there now exists a severe drought in Southern Idaho which has substantially reduced the water supplies in the Upper Snake River needed for irrigation of lands in Southern Idaho, including the lands of A & B and Minidoka; and,

WHEREAS, Minidoka relies in part for its water supply for the irrigation of lands within its boundaries a portion of the water stored each year in Jackson Reservoir, Palisades Reservoir, American Falls Reservoir and Lake Walcott, which storage facilities are owned and operated by the Bureau of Reclamation of the Department of Interior of the United States of America, which storage rights are identified pursuant to Minidoka's contract with the Bureau of Reclamation No. 14-06-100-1833, as amended; and,

WHEREAS, A & B for a portion of its water supply, relies upon a portion of the stored water stored each year in American Falls Reservoir and Palisades Reservoir for the irrigation of a portion of the lands within its boundaries, which storage rights are identified in a contract with the Bureau of Reclamation, Department of Interior, United States of America, Contract No. 14-06-100-2368, as amended; and,

WHEREAS, Minidoka has an insufficient water supply for the irrigation of the lands within the district for the year 1992; and,

WHEREAS, A & B has stored water accrued to its credit in 1992 that will not be required by A & B for the irrigation of the lands within the district in 1992, which surplus stored water would ordinarily be carried over in the above-referred to reservoirs for use by A & B for the irrigation of a portion of its lands in 1993; and,

WHEREAS, severe crop losses to crops now growing within Minidoka will occur in the event Minidoka is unable to provide

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additional water for the irrigation of lands within that district; and

WHEREAS, as a result of the emergencies that have occurred as a result of the severe drought conditions now being experienced, A & B has agreed to transfer a portion of its stored water to Minidoka for use by Minidoka in 1992, under the terms, covenants and conditions hereinafter contained.

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein contained, and the payment to be made by Minidoka to A & B as hereinafter provided:

1. A & B agrees, upon the performance by Minidoka of those covenants and agreements, to transfer to Minidoka 25,000 acre feet of stored water now accrued to the credit of A & B under its contract with the Bureau of Reclamation, for use by Minidoka in 1992 for the irrigation of lands within that district.

2. Minidoka, in consideration of the temporary transfer of 25,000 acre feet of stored water above-referred to from A & B to Minidoka, and the change in the point of diversion and place of use of said stored water for 1992, does hereby covenant and agree as follows:

(a) Minidoka will pay to A & B, upon the execution of this agreement and the approval of this agreement by the Bureau of Reclamation and the approval of temporary transfer in the point of diversion and place of use of said stored water, the sum of $68,750.00.

(b) Minidoka does hereby covenant and agree that the first 25,000 acre feet of stored water accruing to Minidoka after the 1992 irrigation season under Minidoka's rights under its Contract No. 14-06-100-1833 with the Bureau of Reclamation will be transferred to A & B for use by A & B during the 1993 irrigation season.

(c) Minidoka will indemnify and hold A & B harmless from all claims of whatsoever kind or nature which may arise from third parties based upon any alleged injury to any other water right as a result of the temporary transfer of stored water from A & B to Minidoka for use in 1992 and the temporary transfer of stored water from Minidoka to A & B for use by A & B in 1993.

(d) Minidoka agrees that the temporary change in the place of use of the 25,000 acre-feet of stored water of A & B shall be conditioned upon the temporary change in the place of use of 25,000 acre-feet of stored water of MID to A & B in 1993, and that said condition shall be a part of the approval of the

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temporary change in the place of use by the Director of the Department of Water Resources of the State of Idaho.

(e) That this agreement relates to actual water stored, and no reservoir loss shall be charged to A & B for the storage water to be transferred to A & B from Minidoka for use by A & B in the 1993 irrigation season, which stored water shall be the first storage water used by A & B in 1993.

(f) That the storage water to be transferred by Minidoka to A & B from the first water stored to the credit of Minidoka after the 1992 irrigation season shall be water stored to the credit of A & B in addition to all stored water that may accrue to A & B under its existing contractual rights with the Bureau of Reclamation.

3. That nothing in this agreement shall constitute an assumption by either party of the operation and maintenance obligations due to the Bureau of Reclamation for the storage of water under the contracts of the respective parties with the Bureau of Reclamation. It is further understood that any assessments of Water District 01 for the delivery of said stored water being temporarily transferred under this agreement shall be paid by the party to whom said stored water is delivered.

4. It is understood and agreed by the parties hereto that as a condition of this agreement, the terms herein and the temporary transfer of stored water from A & B to Minidoka for use by Minidoka in 1992 and a temporary transfer of stored water from Minidoka to A & B for use by A & B in 1993 is subject to the approval of said transfer by the Bureau of Reclamation, Department of Interior, United States of America and the Director of the Department of Water Resources of the State of Idaho.

5. Each of the parties shall execute such applications and requests as may be necessary to accomplish the temporary transfer of the storage waters of the respective parties under the terms of this agreement, and each shall take such action as may be necessary to accomplish said temporary transfers of stored water by the respective parties.

6. It is understood by the parties hereto that this transfer is being made upon the reliance by both parties on the diversion data provided by Water District 01, and in the event the remaining storage of A & B be adjusted for any reason other than the use of water by A & B and this or any other transfer, the amount transferred hereunder may be adjusted by A & B to insure an adequate water supply for A & B in 1992 for its lands served with stored water.

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IN WITNESS WHEREOF the parties have hereunto set their hands the day and year first above written.

A & B IRRIGATION DISTRICT

By: Carey Moore
President

ATTEST:

Virgil D Temple
Secretary

MINIDOKA IRRIGATION DISTRICT

By: William D. McMannus
President

ATTEST:

Helda Spencer
Secretary

STATE OF IDAHO)
)ss.
County of Minidoka)

On this 17th day of August, 1992, before me the undersigned Notary Public in and for said State, personally appeared CAREY MOORE and VIRGIL D. TEMPLE, known to me to be the President and Secretary of A & B Irrigation District, and acknowledged to me that they executed the same on behalf of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and

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affixed my official seal, the day and year in this certificate first above written.

Notary for Idaho
Residing at: Rupert, Idaho
My Commission Expires: 10/30/92

(SEAL)

STATE OF IDAHO)
)ss.
County of Minidoka)

On this 17th day of August, 1992, before me the undersigned Notary Public in and for said State, personally appeared Wilma D. McMahon and Nelda Stewart, known to me to be the President and Secretary of Minidoka Irrigation District, and acknowledged to me that they executed the same on behalf of said corporation.

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

Notary for Idaho
Residing at: Rupert, Idaho
My Commission Expires: 10/30/92

(SEAL)

A P P R O V A L

The Bureau of Reclamation, Department of the Interior of the United States of America does hereby approve the above emergency temporary transfers of stored water and this agreement.

DATED this _____ day of August, 1992.

BUREAU OF RECLAMATION
DEPARTMENT OF THE INTERIOR
UNITED STATES OF AMERICA

By: _____

OCT 0 2 2001

United States Department of the Interior

BUREAU OF RECLAMATION
Minidoka Project Office
1359 Hansen Avenue
Burley, Idaho 83318-1821

IN REPLY
REFER TO:
100
WTR-4.00

AUG 17 1992

Mr. Larry Moore, President
A&B Irrigation District,
P. O. Box 675
Rupert ID 83350

Subject: Water Exchange Between A&B Irrigation District and Minidoka Irrigation District and North Side Canal Company (Water Exchange)

Dear Mr. Moore:

You requested the approval of the Bureau of Reclamation for two emergency temporary transfers of Minidoka Project storage water between storage contractors. We approve the concept of the A&B Irrigation District transferring a portion of water held in its storage accounts to the accounts of Minidoka Irrigation District (MID) and North Side Canal Company (NSCC) in this drought. Such short term intra project transfer does not normally require formal administrative action by the Director of the Department of Water Resources of the State of Idaho (DWR) as your transfer agreement contemplates, however, if you choose to seek DWR's approval for your own purposes, the decision is up to you.

We note that one effect of the agreements is to allow A&B control over enough of MID and NSCC storage entitlement in water year 1993 to provide it with 55,000 acre-feet of water in addition to all the carryover and accrual to its own contract space. Unless other mutually acceptable arrangements are made, we intend to account for that 55,000 acre-feet of water by debiting MID and NSCC storage accounts in favor of A&B on or about the date in 1993 when the Upper Snake River water system goes on storage control. Any of the 55,000 acre-feet left in storage at the end of the 1993 irrigation season will revert back to the accounts of MID and NSCC for carryover into 1994.

The agreements were presented to us in final form late last week for expedited action as the product of negotiations between the affected water user organizations. We have not made a complete, independent analysis of the risks from the transactions to the Minidoka Irrigation District or the North Side Canal Company in 1993. We presume that the directors of these entities have carefully weighed the decisions to enter into these agreements with due regard for the present and future interests of their

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water users. Our approval is extended to assist these entities through this emergency situation. We are available to explore with you the long term ramifications of the agreements prior to their execution or at your earliest convenience.

Sincerely yours,

John M. Dooley
Project Superintendent

cc: PN-100, PN-1150, PN-400

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OCT 0 2 2001

United States Department of the Interior

BUREAU OF RECLAMATION
Minidoka Project Office
1359 Hansen Avenue
Burley, Idaho 83318-1821

IN REPLY
REFER TO:
100
WTR-4.00

AUG 17 1992

Mr. William McManus, President
Minidoka Irrigation District, Board of Directors
RR 1, Box 8
Rupert ID 83350-9701

Subject: Water Exchange Between A&B Irrigation District and Minidoka Irrigation District and North Side Canal Company (Water Exchange)

Dear Mr. McManus:

You requested the approval of the Bureau of Reclamation for two emergency temporary transfers of Minidoka Project storage water between storage contractors. We approve the concept of the A&B Irrigation District transferring a portion of water held in its storage accounts to the accounts of Minidoka Irrigation District (MID) and North Side Canal Company (NSCC) in this drought. Such short term intra project transfer does not normally require formal administrative action by the Director of the Department of Water Resources of the State of Idaho (DWR) as your transfer agreement contemplates, however, if you choose to seek DWR's approval for your own purposes, the decision is up to you.

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The agreements were presented to us in final form late last week for expedited action as the product of negotiations between the affected water user organizations. We have not made a complete, independent analysis of the risks from the transactions to the Minidoka Irrigation District or the North Side Canal Company in 1993. We presume that the directors of these entities have carefully weighed the decisions to enter into these agreements with due regard for the present and future interests of their

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water users. Our approval is extended to assist these entities through this emergency situation. We are available to explore with you the long term ramifications of the agreements prior to their execution or at your earliest convenience.

Sincerely yours,

John M. Dooley
Project Superintendent

cc: PN-100, PN-1150, PN-400

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7/92

RECEIVED
AUG 18 1992
Department of Water Resources

Ident. No. 3980

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TEMPORARY CHANGE APPLICATION

(to change point of diversion, place of use or purpose of use)

Name of applicant North Side Canal Company, Ltd. Phone 324-2319

Post Office address Jerome, Idaho 83338

A. PURPOSE OF TRANSFER

1. x Change point of diversion ___ Add diversion point(s) x Change place of use
   ___ Change purpose of use ___ Other

2. Describe the proposed change(s) and the reason(s) therefor Applicant has insufficient water supply to complete the irrigation of growing crops of its shareholders in 1992. A & B Irrigation District has agreed to transfer a part of its storage water to applicant in 1992 to provide applicant a supplemental water source pursuant to the attached agreement.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount	Nature	Period of Use
X 01-2064 B	3/20/21	> 30,000 A/F	Irrigation	Aug. 15 to Nov. 1
X 01-2068 B	11/20/39			to
				to

Above is in addition to applicant's contracted rights under said licenses held by Bureau of Reclamation.

2. Total amount of water being transferred _____ cubic feet/second and/or 30,000 acre-feet per annum.

3. Source of water American Falls Reservoir tributary to Snake River
   Palisades Reservoir

4. Point(s) of Diversion:

Ident No.	Gov't Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
			SW	SE	30	7S	31E	Power	American Falls Dam
			NE	NE	17	1S	45E	Bonneville	Palisades Dam
			SE	SE	22	10S	21E	Jerome	North Side Canal
			SW	NW	28	10S	21E	Jerome	North Side Canal

5. Lands irrigated or Place(s) of Use:

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
			SEE ATTACHED LIST																
			NSCC LANDS AND A & B IRRIGATION DISTRICT LANDS																

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Total acres _____

6. General Information:

a. Who owns the water right to be changed? U.S. BOR - for benefit of A & B Irrigation District.

b. Describe the arrangement allowing use of the right See attached agreement, including condition by which this transfer is made and which shall be a condition in transfer approval.

c. Describe the affect on the land now irrigated if the change is approved pursuant to this application: Lands within A & B Irrigation District will be irrigated with stored water retained by A & B Irrigation District.

d. Has the water right sought to be transferred been used this year? Yes If yes, explain. A & B Irrigation District has used and is retaining stored water as well.

e. Absent the changes, how would the right be used for the remainder of the year? If not used by A & B Irrigation District, it would be held over storage for use in 1993 for irrigation of lands within the district.

f. Describe other water rights used for the same purpose.

01-00210, 01-00212, 01-00213, 01-00215, 01-00220, 01-00005, 01-00016, 37-00507, 37-04240, 37-04241, A01-10042B, A01-10053A, A01-02064C, A01-10045B, A01-10043A.

g. Remarks: This transfer is for 30,000 acre-feet of stored water, conditioned upon a like transfer in 1993 of 30,000 acre-feet of stored water from applicant to A & B Irrigation District from applicant's stored water accrued after November 1, 1992.

I hereby assume all risk in accordance with House Bill No. 4 and assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in voiding its approval.

Russell Woolley
(Signature of applicant)

FOR DEPARTMENT USE ONLY

Received by JY Date 8-18-92 Fee $50

Receipted _____ # C025255 Recommend: ____ approve ____ deny

Watermaster recommendation Telecon 8/18/92 "OK, To approve" Ron Carlson, WCY

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Temporary Change Application No. _____

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

1. This approval expires November 1, 1992 and thereafter the right reverts to the use existing prior to the temporary change.

2. Subject to the terms and conditions of the "Temporary Storage Water Exchange Agreement" dated August 17, 1992 attached hereto.

Witness my hand this 18TH day of August, 1992.

R. Keith Higginson

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OCT 0 2 2001

[redacted] HFS IRRIGATION DISTRICT [redacted]

Point of Diversion

Southeast Quarter of the Southwest Quarter (SE 1/4 SW 1/4), Section Twenty-four (24), Township Ten (10) South, Range Twenty-one (21) E. B. M.

Lands to Which Appurtenant

Township Eight (8) South, Range Twenty-five (25) East of Boise Meridian: Sections Two (2) through Twenty-four (24) inclusive, Sections Twenty-seven (27) through Thirty (30) inclusive;

Township Seven (7) South, Range Twenty-five (25) East of Boise Meridian; Sections Twenty-seven (27) through Thirty-four (34) inclusive;

[redacted]

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Township Eight (8) South, Range Twenty-four (24) East of Boise Meridian: Sections One (1) through Fifteen (15), Seventeen (17) through Thirty-six (36) inclusive;

Township Seven (7) South, Range Twenty-four (24) East of Boise Meridian: Sections 15, 22, 23, Twenty-six (26) through Thirty-five (35) inclusive;

Township Nine (9) South, Range Twenty-three (23) East of Boise Meridian: Sections One (1) through Seven (7) inclusive;

Township Eight (8) South, Range Twenty-three (23) East of Boise Meridian: Sections One (1) through Fifteen (15) inclusive, Seventeen (17) through Thirty-five (35) inclusive;

Township Nine (9) South, Range Twenty-three (23) East of Boise Meridian: Section 34;

Township Ten (10) South, Range Twenty-two (22) East of Boise Meridian: Sections Three (3) through Eleven (11) inclusive, Sections Fifteen (15) through Nineteen (19) inclusive;

Township Nine (9) South, Range Twenty-two (22) East of Boise Meridian: Sections One (1) through Five (5) inclusive, Seven (7) through Fifteen (15) inclusive

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NORTH SIDE CANAL COMPANY, LTD.

Point of Diversion

At Milner Dam on the North side of Snake River (at the Southwest corner of the Northwest Quarter (on the section line) Section 28, Township 10 South, Range 21 E.B.M.)

Lands to Which Appurtenant

Township Ten (10) South, Range Twenty-one (21) East of Boise Meridian; Sections 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, 21, 22, 28, 29, 30; Township Nine (9) South, Range Twenty-one (21) East of Boise Meridian; Section 31; Township Nine (9) South, Range Twenty (20) East of Boise Meridian, Sections 19, 20, Twenty-six (26) through Thirty-six (36) inclusive; Township Ten (10) South, Range Twenty (20) East of Boise Meridian, Sections One (1) through Thirteen (13) inclusive, Sections 17, 18, 19, 25, 26, 30, 31, 32, 33, 34, 35; Township Eleven (11) South, Range Twenty (20) East of Boise Meridian, Sections 4, 5, 6; Township Nine (9) South, Range Nineteen (19) East of Boise Meridian; Sections Four (4) through Nine (9) inclusive, Sections 18, 21, 22, Sections Twenty-six (26) through

Thirty-six (36) inclusive; Township Ten (10) South, Range Nineteen (19) East of Boise Meridian, Sections One (1) through Seventeen (17) inclusive, Sections 23, 24, 25.

Township Ten (10) South, Range Eighteen (18) East of Boise Meridian, Sections 1, 2, 3, 4, 10, 11, 12; Township Nine (9) South, Range Eighteen (18) East of Boise Meridian, Sections One (1) through Twelve (12) inclusive, Sections 17, 34, 35, 36; Township Eight (8) South, Range Eighteen (18) East of Boise Meridian, Sections 5, 6, 8, 9, 16, 20, 21, 27, 28, 29, 30, 31, 32, 33; Township Seven (7) South, Range Eighteen (18) East of Boise Meridian; Sections 17, 18, 19, 30, 31; Township Nine (9) South, Range Seventeen (17) East of Boise Meridian, Sections One (1) through Twelve (12) inclusive, Sections 17, 18, 19; Township Eight (8) South, Range Seventeen (17) East of Boise Meridian, Sections One (1) through Ten (10) inclusive, Sections Sixteen (16) through Twenty-two (22) inclusive, Sections Twenty-five (25) through Thirty-six (36) inclusive; Township Seven (7) South, Range Seventeen (17) East of Boise Meridian, Sections Seven (7) through Thirty-six (36) inclusive. Township Nine (9) South, Range Sixteen (16) East of Boise Meridian, Sections One (1) through Seventeen (17) inclusive, 24; Township Eight (8) South, Range Sixteen (16) East of Boise Meridian, Sections One (1) through Thirty-six (36) inclusive (see Township).

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OCT 0 2 2001

Township Seven (7) South, Range Sixteen (16) East of Boise Meridian, Sections 11, 12, 13, 14, Twenty-one (21) through Thirty-six (36) inclusive; Township Nine (9) South, Range Fifteen (15) East of Boise Meridian, Sections One (1) through Six (6) inclusive, 11, 12; Township Eight (8) South, Range Fifteen (15) East of Boise Meridian; Sections One (1) through Thirty-six (36) inclusive. (whole township)

Township Seven (7) South, Range Fifteen (15) East of Boise Meridian, Sections Nineteen (19) through Twenty-two (22) inclusive, Sections Twenty-four (24) through Thirty-six (36) inclusive.

Township Nine (9) South, Range Fourteen (14) East of Boise Meridian, Sections One (1) through Four (4) inclusive; Township Eight (8) South, Range Fourteen (14) East of Boise Meridian, Sections One (1) through Six (6) inclusive, Sections Eight (8) through Seventeen (17) inclusive, Sections Twenty (20) through Twenty-eight (28), Sections Thirty-three (33) through Thirty-six (36).

Township Seven (7) South, Range Fourteen (14) East of Boise Meridian, Sections One (1) through Nine (9) inclusive, Sections Fourteen (14) through Thirty (30) inclusive, Sections Thirty-two (32) through Thirty-six (36) inclusive; Township Seven (7) South, Range Thirteen (13) East of Boise Meridian; Sections 1, 12.

Township Six (6) South, Range Fifteen (15) East of Boise Meridian, Sections 6, 7, 30, 31; Township Five (5) South, Range Fifteen (15) East of Boise Meridian, Section 31; Township Six (6) South, Range Fourteen (14) East of Boise Meridian, Sections 18, 19, 20, Twenty-five (25) through Twenty-eight (28) inclusive, Sections Thirty (30) through Thirty-six (36) inclusive; Township Six (6) South, Range

Thirteen (13) East of Boise Meridian, Sections 2, 4, Five (5) through Eleven (11), Thirteen (13) through Eighteen (18) inclusive, Sections Twenty (20) through Twenty-five (25), 36; Township Five (5) South, Range Thirteen (13) East of Boise Meridian, Sections 20, 21, 28, 29, 30, 31, 32;

Township Six (6) South, Range Twelve (12) East of Boise Meridian, Sections 1, 2, Seven (7) through Twelve (12) inclusive; Township Five (5) South, Range Twelve (12) East of Boise Meridian, Sections 15, 21, 22, 25, 26, 27, 28, 33, 34, 35, 36.

Township Six (6) South, Range Eleven (11) East of Boise Meridian, Sections 2, 3, 4, 9, 11, 12, 15, 16; Township Five (5) South, Range Eleven (11) East of Boise Meridian, Sections 8, 9, 10, 15, 16, 17, 20, 21, 22, 25, 26, 27, 28, 29, 33, 34, 35, 36.

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AUG 18 1992
Department of Water Resources

TEMPORARY STORAGE WATER EXCHANGE AGREEMENT

THIS AGREEMENT, made and entered into this 17th day of August, 1992, by and between A & B Irrigation District, an irrigation district duly organized under the laws of the State of Idaho, of 11th and E Street, Rupert, Idaho, hereinafter referred to as "A & B", and North Side Canal Company, Ltd., a non-profit water delivery corporation, duly organized under the laws of the State of Idaho, of N. Lincoln, Jerome, Idaho, hereinafter referred to as "Company."

W I T N E S S E T H:

WHEREAS, there now exists a severe drought in Southern Idaho which has substantially reduced the water supplies in the Upper Snake River needed for irrigation of lands in Southern Idaho, including the lands served by A & B and Company; and,

WHEREAS, Company relies in part for its water supply for the irrigation of lands within its boundaries a portion of the water stored each year in Jackson Reservoir, Palisades Reservoir, and American Falls Reservoir, which storage facilities are owned and operated by the Bureau of Reclamation of the Department of Interior of the United States of America, which storage rights are identified pursuant to Company's contract with the Bureau of Reclamation No. 14-06-W-28, as amended; and,

WHEREAS, A & B for a portion of its water supply, relies upon a portion of the stored water stored each year in American Falls Reservoir and Palisades Reservoir for the irrigation of a portion of the lands within its boundaries, which storage rights are identified in a contract with the Bureau of Reclamation, Department of Interior, United States of America, Contract No. 14-06-100-2368, as amended; and,

WHEREAS, Company has an insufficient water supply for the irrigation of the lands of its shareholders for the year 1992; and,

WHEREAS, A & B has stored water accrued to its credit in 1992 that will not be required by A & B for the irrigation of the lands within the district in 1992, which surplus stored water would ordinarily be carried over in the above-referred to reservoirs for use by A & B for the irrigation of a portion of its lands in 1993; and,

WHEREAS, severe crop losses to crops now growing by shareholders of Company will occur in the event Company is unable to provide

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OCT 12 2001

additional water for the irrigation of lands of its shareholders; and

WHEREAS, as a result of the emergencies that have occurred as a result of the severe drought conditions now being experienced, A & B has agreed to transfer a portion of its stored water to Company for use by Company in 1992, under the terms, covenants and conditions hereinafter contained.

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein contained, and the payment to be made by Company to A & B as hereinafter provided:

1. A & B agrees, upon the performance by Company of those covenants and agreements, to transfer to Company 30,000 acre feet of stored water now accrued to the credit of A & B under its contract with the Bureau of Reclamation, for use by Company in 1992 for the irrigation of lands of its shareholders.

2. Company, in consideration of the temporary transfer of 30,000 acre feet of stored water above-referred to from A & B to Company, and the change in the point of diversion and place of use of said stored water for 1992, does hereby covenant and agree as follows:

(a) Company will pay to A & B, upon the execution of this agreement and the approval of this agreement by the Bureau of Reclamation and the approval of temporary transfer in the point of diversion and place of use of said stored water, the sum of $82,500.00.

(b) Company does hereby covenant and agree that the first 30,000 acre feet of stored water accruing to Company after the 1992 irrigation season under Company's rights under its Contract No. 14-06-W-28 with the Bureau of Reclamation will be transferred to A & B for use by A & B during the 1993 irrigation season.

(c) Company will indemnify and hold A & B harmless from all claims of whatsoever kind or nature which may arise from third parties based upon any alleged injury to any other water right as a result of the temporary transfer of stored water from A & B to Company for use in 1992 and the temporary transfer of stored water from Company to A & B for use by A & B in 1993.

(d) Company agrees that the temporary change in the place of use of the 30,000 acre-feet of stored water of A & B shall be conditioned upon the temporary change in the place of use of 30,000 acre-feet of stored water of Company to A & B in 1993, and that said condition shall be a part of the approval of

WCRD
JUN 2 2001

the temporary change in the place of use by the Director of the Department of Water Resources of the State of Idaho.

(e) That this agreement relates to actual water stored, and no reservoir loss shall be charged to A & B for the storage water to be transferred to A & B from Company for use by A & B in the 1993 irrigation season, which stored water shall be the first storage water used by A & B in 1993.

(f) That the storage water to be transferred by Company to A & B from the first water stored to the credit of Company after the 1992 irrigation season shall be water stored to the credit of A & B in addition to all stored water that may accrue to A & B under its existing contractual rights with the Bureau of Reclamation.

3. That nothing in this agreement shall constitute an assumption by either party of the operation and maintenance obligations due to the Bureau of Reclamation for the storage of water under the contracts of the respective parties with the Bureau of Reclamation. It is further understood that any assessments of Water District 01 for the delivery of said stored water being temporarily transferred under this agreement shall be paid by the party to whom said stored water is delivered.

4. It is understood and agreed by the parties hereto that as a condition of this agreement, the terms herein and the temporary transfer of stored water from A & B to Company for use by Company in 1992 and a temporary transfer of stored water from Company to A & B for use by A & B in 1993 is subject to the approval of said transfer by the Bureau of Reclamation, Department of Interior, United States of America and the Director of the Department of Water Resources of the State of Idaho.

5. Each of the parties shall execute such applications and requests as may be necessary to accomplish the temporary transfer of the storage waters of the respective parties under the terms of this agreement, and each shall take such action as may be necessary to accomplish said temporary transfers of stored water by the respective parties.

6. It is understood by the parties hereto that this transfer is being made upon the reliance by both parties on the diversion data provided by Water District 01, and in the event the remaining storage of A & B be adjusted for any reason other than the use of water by A & B and this or any other transfer, the amount transferred hereunder may be adjusted by A & B to insure an adequate water supply for A & B in 1992 for its lands served with stored water.

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IN WITNESS WHEREOF the parties have hereunto set their hands the day and year first above written.

A & B IRRIGATION DISTRICT

By: Larry Moore
President

ATTEST:

Virgil D Temple
Secretary

NORTH SIDE CANAL COMPANY, LTD.

By: Russell Woolley
President

ATTEST:

Ted Diehl
Secretary

STATE OF IDAHO)
)ss.
County of Minidoka)

On this 17th day of August, 1992, before me the undersigned Notary Public in and for said State, personally appeared LARRY MOORE and VIRGIL D. TEMPLE, known to me to be the President and Secretary of A & B Irrigation District, and acknowledged to me that they executed the same on behalf of said district.

IN WITNESS WHEREOF, I have hereunto set my hand and

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OCT 02 2001

affixed my official seal, the day and year in this certificate first above written.

Notary for Idaho
Residing at: Rupert, Idaho
My Commission Expires: 2/22/97

(SEAL)

STATE OF IDAHO)
)ss.
County of Minidoka)

On this _____ day of August, 1992, before me the undersigned Notary Public in and for said State, personally appeared Ted Diehl and Russell Woolley, known to me to be the President and Secretary of North Side Canal Company, Ltd., and acknowledged to me that they executed the same on behalf of said corporation.

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

Notary for Idaho
Residing at: Jerome Idaho
My Commission Expires: 10/10/96

(SEAL)

A P P R O V A L

The Bureau of Reclamation, Department of the Interior of the United States of America does hereby approve the above emergency temporary transfers of stored water and this agreement.

DATED this _____ day of August, 1992.

BUREAU OF RECLAMATION
DEPARTMENT OF THE INTERIOR
UNITED STATES OF AMERICA

By: _____

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OCT 0 2 2001

United States Department of the Interior

BUREAU OF RECLAMATION
Minidoka Project Office
1359 Hansen Avenue
Burley, Idaho 83318-1821

TAKE PRIDE IN AMERICA

IN REPLY
REFER TO:
100
WTR-4.00

AUG 17 1992

Mr. Russell Woolley, President
North Side Canal Company
921 North Lincoln
Jerome ID 83338

Subject: Water Exchange Between A&B Irrigation District and Minidoka Irrigation District and North Side Canal Company (Water Exchange)

Dear Mr. Woolley:

You requested the approval of the Bureau of Reclamation for two emergency temporary transfers of Minidoka Project storage water between storage contractors. We approve the concept of the A&B Irrigation District transferring a portion of water held in its storage accounts to the accounts of Minidoka Irrigation District (MID) and North Side Canal Company (NSCC) in this drought. Such short term intra project transfer does not normally require formal administrative action by the Director of the Department of Water Resources of the State of Idaho (DWR) as your transfer agreement contemplates, however, if you choose to seek DWR's approval for your own purposes, the decision is up to you.

We note that one effect of the agreements is to allow A&B control over enough of MID and NSCC storage entitlement in water year 1993 to provide it with 55,000 acre-feet of water in addition to all the carryover and accrual to its own contract space. Unless other mutually acceptable arrangements are made, we intend to account for that 55,000 acre-feet of water by debiting MID and NSCC storage accounts in favor of A&B on or about the date in 1993 when the Upper Snake River water system goes on storage control. Any of the 55,000 acre-feet left in storage at the end of the 1993 irrigation season will revert back to the accounts of MID and NSCC for carryover into 1994.

The agreements were presented to us in final form late last week for expedited action as the product of negotiations between the affected water user organizations. We have not made a complete, independent analysis of the risks from the transactions to the Minidoka Irrigation District or the North Side Canal Company in 1993. We presume that the directors of these entities have carefully weighed the decisions to enter into these agreements with due regard for the present and future interests of their

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OCT 02 2001

water users. Our approval is extended to assist these entities through this emergency situation. We are available to explore with you the long term ramifications of the agreements prior to their execution or at your earliest convenience.

Sincerely yours,

John M. Dooley

John M. Dooley
Project Superintendent

cc: PN-100, PN-1150, PN-400

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NOTICE OF PROPOSED CHANGE OF WATER RIGHT NO. 01-2064

Notice is hereby given that the U.S. Bureau of Reclamation has applied to the Department of Water Resources for a change in the place of use of the waters of the Snake River (American Falls Storage) tributary to Columbia River. The right sought to be changed is evidenced by License No. R-2697 01-2064 and is recorded as follows:

AMOUNT: 1,800,000 A.F.
PRIORITY: March 30, 1921
POINT OF DIVERSION: SE1/4SE1/4, Sec 30, T. 7S, R. 31E, B.M., Power County.

The water is used from 1/1 to 12/31 for power generation and irrigation of 790 acres within the W1/2, Sec. 15, N1/2, SE1/4, Sec. 16, T. 8S, R. 23E, B.M.

TO BE CHANGED AS FOLLOWS

The water will be used to irrigate 790 acres within the W1/2NE1/4, SE1/4NE1/4, NW1/4, N1/2SW1/4, Sec. 24, T. 10S, R. 21E; S1/2SW1/4, SE1/4SE1/4, Sec. 26; E1/2SE1/4, Sec. 33; S1/2N1/2, S1/2, Sec. 34, T. 9S, R. 21E; NW1/4NW1/4, Sec. 13, T. 9S, R. 22E B.M.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 150 Shoup, Suite 15, Idaho Falls, Idaho 83402, on or before November 14, 1985.

A. KENNETH DUNN
Director

PUBLISH: Thursday, October 17, and 24, 1985.

Affidavit of Publication

STATE OF IDAHO, }
COUNTY OF TWIN FALLS } ss.

No 15583

I, Linda Copps McBurnie being first duly sworn upon oath, depose and say that I am Pubic Clerk of the TIMES-NEWS, published daily, at Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for Two consecutive Weeks, commencing with the issue dated October 17, 1985, and ending with the issue dated October 24, 1985.

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since such consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at which time said newspaper began daily publication under said name in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho, to be published weekly, will be published; and that at the head of the editorial column of said combined newspapers, and in each issue thereof, Thursday is announced as the day on which said legal notices will be published.

Linda Copps McBurnie

Subscribed and sworn to before me on this 24 day of October, 1985.

Donna Thuve

Notary Public in and for the County of Twin Falls, State of Idaho, residing at Twin Falls, Idaho

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Form No. 222 10/80

Transfer No. 01-2064

Water Right No. 3222

APPROVED

RECEIVED
JUN 20 1985
Department of Water Resources

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

To Change the Point of Diversion and/or the Place of Use

Name of applicant The United States of America, Acting through the Regional Director, PN Region, Bureau of Reclamation Phone 334-1908

Post Office address Box 043 - 550 West Fort Street, Boise, Idaho 83724

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

   a. Decree No. _____ Decreed to _____ (Name)

   in case of _____ vs _____

   dated in _____ in _____ (Name of court) county of _____

   b. License No. R-269 / 01-2064 issued by the Idaho Department of Water Resources

   c. Claim No. _____ on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant _____

3. Source of water Snake River - American Falls Storage tributary to Columbia River

4. Date of priority March 30, 1921

5. Water is used for the following purposes:

   amount 1,800,000 A.F for Irrigation purposes from Jan. 1 to Dec. 31

   amount 1,800,000 A.F for Power Generation purposes from Jan. 1 to Dec. 31

   amount _____ for _____ purposes from _____ to _____ (month/day — both dates inclusive)

6. Total amount of water under right: a. _____ cubic feet per second &/or

   b. 1,800,000 acre feet per annum

7. Location of original point of diversion is SE ¼ of SE ¼ of Section 30

   Township 7 S. Range 31 E., B.M., in Power County

   Additional points of diversion, if any _____

8. Lands irrigated or place of use: 1,500,000 acres within the serv organizations presented in Exhibit A, attached, including

Where is Exhibit A.

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼								
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE				
8 S	23 E	15					30	40	40	40	40	40	40	40					310 acres
8 S	23 E	16	40	40	40	40	40	40	40	40					40	40	40	40	480 acres

Total number of acres to be ~~irrigated~~ transferred 790

9. Describe any other water rights used for the same purpose as described above Groundwater License No. 20736/ 36-2080

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10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? _____ If yes, describe in item D, REMARKS.

Form No. 222 10/80

Transfer No. 01-2064

Water Right No. 3222

APPROVED

RECEIVED
JUN 20 1985
Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

To Change the Point of Diversion and/or the Place of Use

Name of applicant The United States of America, Acting through the Regional Director, PN Region, Bureau of Reclamation Phone 334-1908

Post Office address Box 043 - 550 West Fort Street, Boise, Idaho 83724

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

   a. Decree No. _____ Decreed to _____ (Name)

   in case of _____ vs _____

   dated in _____ in _____ (Name of court) county of _____

   b. License No. R-269 / 01-2064 issued by the Idaho Department of Water Resources

   c. Claim No. _____ on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant _____

3. Source of water Snake River - American Falls Storage tributary to Columbia River

4. Date of priority March 30, 1921

5. Water is used for the following purposes:

   amount 1,800,000 A.F for Irrigation purposes from Jan. 1 to Dec. 31

   amount 1,800,000 A.F for Power Generation purposes from Jan. 1 to Dec. 31

   amount _____ for _____ purposes from _____ to _____ (month/day — both dates inclusive)

6. Total amount of water under right: a. _____ cubic feet per second &/or b. 1,800,000 acre feet per annum

7. Location of original point of diversion is SE ¼ of SE ¼ of Section 30 Township 7 S. Range 31 E., B.M., in Power County

   Additional points of diversion, if any _____

8. Lands irrigated or place of use: 1,500,000 acres within the service areas of the organizations presented in Exhibit A, attached, including the following 790 acres.

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
8 S	23 E	15					30	40	40	40	40	40	40	40					310 acres
8 S	23 E	16	40	40	40	40	40	40	40	40					40	40	40	40	480 acres

Total number of acres to be ~~irrigated~~ transferred 790

9. Describe any other water rights used for the same purpose as described above Groundwater License No. 20736/ 36-2080

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10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? _____ If yes, describe in item D, REMARKS.

B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit part B).

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1. Amount of water: a. _____ cubic feet per second
   &/or
   b. _____ acre feet per annum

2. Point of diversion _____ ¼ _____ ¼, Section _____ Township _____
   Range _____, B.M., _____ County
   Additional points _____

3. Place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total number of acres to be irrigated _____

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. General Information

   a. Amount of water to be diverted _____ c.f.s. &/or 1,800,000 acre feet

   b. Description of diverting works American Falls Reservoir

   c. Describe the reasons for the proposed changes Change in place of use only.

2. Change in point of diversion NO CHANGE
   Point of diversion SE ¼ SE ¼, Section 30 Township 7S
   Range 31E, B.M., Power County
   Additional points _____

3. Change in place of use

   a. Are there leins, mortgages, or contracts on the lands from which you propose to transfer the water right which limit your authority to make the proposed change? Yes _____ No X. If yes, provide a statement agreeing to the proposed change from the holder of the lien, mortgage or contract.

   b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer
   No affect. Water supply has been provided from groundwater License No. 20736

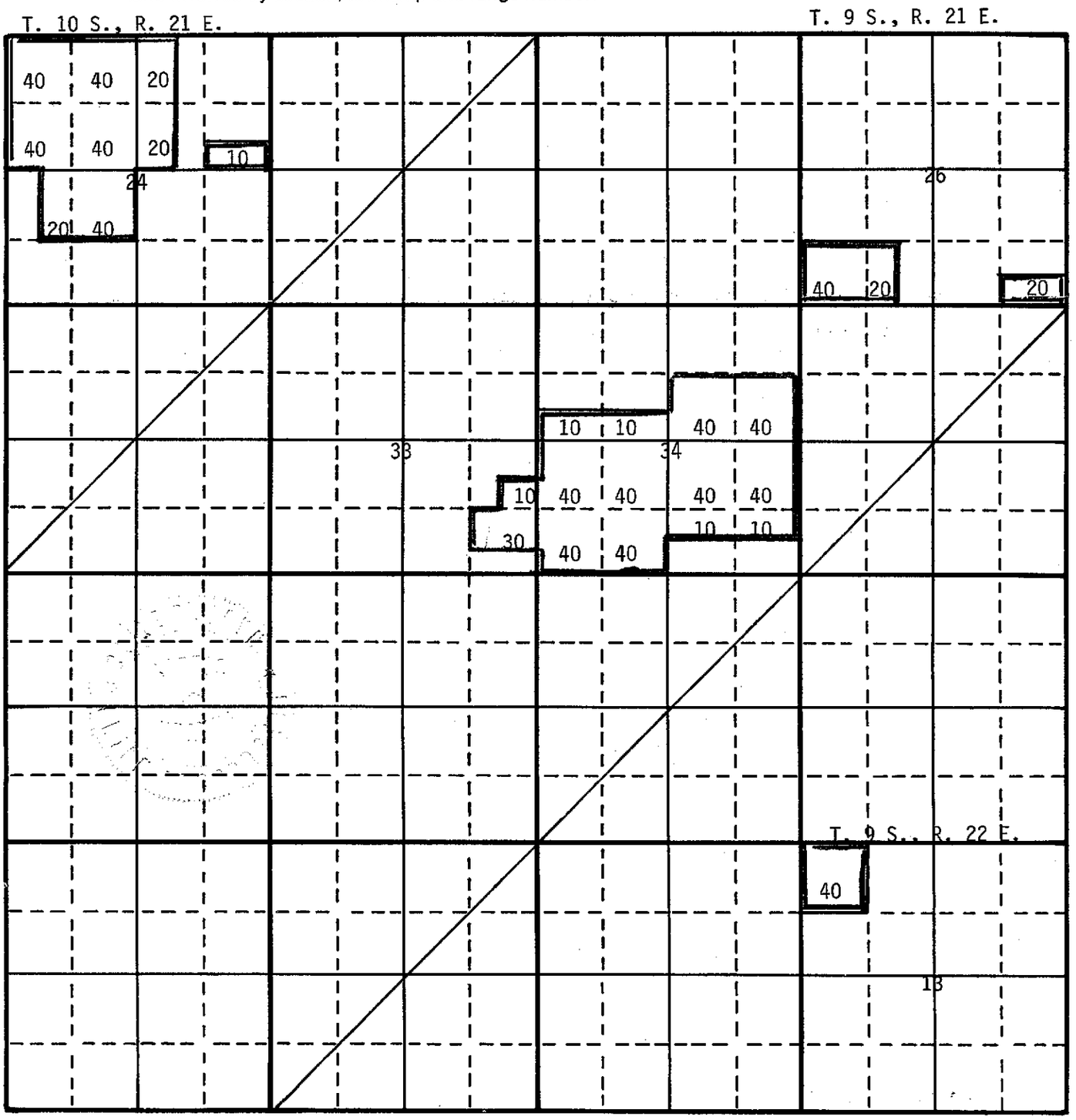
c. Describe the lands[illegible] place of use to which the right will be t[illegible]ferred:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
10 S	21 E	24		20	20	10	40	40	40	40	40	20							270
9 S	21 E	26											40	20				20	80
9 S	21 E	33													10			30	40
9 S	21 E	34			40	40			10	10	40	40	40	40	40	40	10	10	360
9 S	22 E	13						40											40

Total number of acres to be irrigated 790

4. Describe any other water rights used for the same purpose as described above. _____

5. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

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D. REMARKS

This application is to change the place of use of American Falls Reservoir storage water from lands described in License R-269 but which are not receiving service from said facility, to lands proposed to receive water service through the Unit A Extension of the North Side Pumping Division of the Minidoka Federal Reclamation Project. This storage water is intended to be supplemental to a direct flow water right on the newly replaced 790 acres.

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

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

R.W. Hoyt
(Signature of Applicant)

Subscribed and sworn to before me this 18th day of June, 1985

Phill H. Goodell
(Notary Public)

My commission expires 3/31/1991

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 01-2064 and said application is hereby APPROVED, subject to the following limitations and conditions:

1. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works. 2. Use of water under this right is subject to control by the watermaster of State Water District No. 01, Snake River. 3. Water under this right shall not be used on the 790 acres identified in item A.8 of this transfer.

Witness my hand this 27th day of December, 1985

L. Glen Saxton
Chief, Operations Bureau

FOR DEPARTMENT USE ONLY

Received by CW Date 6-25-85 Protest filed by

Prelim. check by KW Fee #50.00

Receipted by CW Date 9-05-85 #35487

Published in Power County Press

Pub. dates 10/17/85 + 10/24/85

Copies of protest forwarded by

Hearing held by Date

Watermaster recommendation requested on 10-10-84

WD #01 rec'd. 10-24-85

Recommended for approval denial

by RDC Jim

01 2064

Right No. C. 4118

R 269/01 2064

RECEIVED

AUG 10 1977

Department of Water Resources
Eastern District Office

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Application for Extension of Time to Avoid Forfeiture of a Water Right

Section 42-222 of the Idaho Code provides that a water right shall be lost and forfeited and the water revert to the state upon the failure of a water user to apply the water to beneficial use for a period of five (5) years. The Director may allow an additional five (5) year period of non-use without forfeiture upon a showing of reasonable cause.

Complete fully the following application and submit it to the Department of Water Resources, Statehouse, Boise, Idaho, 83720, with the statutory fee of $10.00 if the application involves 0.2 cfs or 20 acre feet or $30.00 if in excess of these amounts.

1. Name of water right holder United States of America - acting through the Regional Director - Bureau of Reclamation

   Post office address Box 043 - 550 West Fort Street, Boise, Idaho 83724

2. The right was obtained or is evidenced by:

   a. Decree to _____ (Name) in Case of _____

   vs. _____, Dated _____ in _____ (Name of Court)

   Court, County of _____. Fully describe decree _____

   b. License No. R-269/01-2064 issued by the Department of Water Resources.

   c. Claim No. _____ on file with the Department of Water Resources.

3. Source of water Snake River (Name of stream or source) tributary to Columbia River

4. Date of priority of right March 30, 1921

5. Amount of water a. _____ c.f.s. and/or

   b. 1,800,000 acre feet/annum

6. Water is used for Irrigation from January 1 to December 31

   Domestic purposes from January 1 to December 31

   _____ (Purpose) from _____ (Month-Day) to _____ (Month-Day)

7. Location of point of diversion is SW ¼ SE ¼ of Section 30

   Township 7 S., Range 31 E., B.M., in Power County;

   Additional points of diversion, if any Headworks of various canals and ditches identified in water right Certificate No. 4118 /Lic. No R 269

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
	Lands within the Minidoka Federal Reclamation Project identified in Water Right Certificate No. 4118.																		

Total number of acres irrigated 1,200,000±

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9. Give last date when water was applied to beneficial use October 1, 1972
Length of extension of time requested 1 years, or until October 1, 1978 (Date)

10. Explain fully your reasons for requesting an extension of time within which to resume the use of your water right and reasons for non-use Because of deterioration of the original American Falls Dam, the reservoir has been operated below maximum capacity since the fall of 1972. It has taken longer than 5 years to complete reconstruction of the dam so that full utilization of the reservoir could be resumed. We anticipate completion of the construction contract and return to full operations in the spring of 1978. An extension until October 1, 1978, is requested in order to provide for any unforseen delays in the construction schedule.

I hereby assert that no one will be injured by such extension. The information contained in this application is true to the best of my knowledge.

X Fred Tuma
(Signature of Applicant)

Subscribed and sworn to before me this 16 day of August, 1977.

Ed Thomas
(Notary Public)

My commission expires Life Residing at Boise, Idaho

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined this application for extension of time within which to resume the use of a water right and I hereby APPROVE said application subject to the following conditions or reasons.

The water under this license no. 01-2064 must be put to a beneficial use prior to September 1, 1982, to avoid forfeiture of the water right license.

Witness my hand this 29th day of September, 1977.

Director

For Department Use Only

Received by JJ Date 8-17-77 #9205 Time 11:45 Preliminary check by JJ
Fee $ 30.00 Receipted by KTW Date 8-17-77 Publication prepared by CW
Published in Canyon County Press Dates Sept 1 + 8-1977
Publication approved by me Date 9-10-77 Protests filed by:

Copies of protests forwarded by _____ Hearing held by _____ Date _____
Recommended for // Approval // Denial by _____

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO

COUNTY OF POWER

RECEIVED

OCT 24 1985

Department of Water Resources
Eastern District Office

.Brett.Crompton..... being first duly sworn on oath, states:

That ...he.. is the ....editor..... of the Power county Press, a newspaper of general circulation in Power County, Idaho, published weekly at American Falls in said county, that said newspaper has been published in said county uninterruptedly and continuously for over seventy-eight consecutive weeks, prior to the first publication of the annexed notice or advertisement:

That the annexed notice or advertisement was published as per clipping attached in the regular and entire edition of said newspaper and not in any supplement thereof

for...2... successive weekly issues thereof, the date of the first publication being the

.....16... day of .....October.....1985... and the date of last publication being the

.....23.. day of .....October.....19.85..

(Signed) Brett Crompton

Subscribed and sworn to before me this

.....23... day of .....October.....1985....

Paula Hobbs

Notary Public, residing at American Falls, Idaho

(SEAL)

My commission expires the

.....10. day of March 1986.

Notice of proposed change of water right

Published in The Power County Press October 16 & 23, 1985.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 01-2064

Notice is hereby given that the U.S. Bureau of Reclamation has applied to the Department of Water Resources for a change in the place of use of the waters of the Snake River (American Falls Storage) tributary to Columbia River. The right sought to be changed is evidenced by License No. R-269/01-2064 and is recorded as follows:

AMOUNT: 1,800,000 A.F.
PRIORITY: March 30, 1921
POINT OF DIVERSION:
SE1/4SE1/4, Sec 30, T. 7S, 31E, B.M., Power County

The water is used from 1/1 to 12/31 for power generation and irrigation of 790 acres within the W1/2, Sec. 15, N1/2, SE1/4, Sec. 16, T. 8S R. 23E, B.M.

TO BE CHANGED AS FOLLOWS

The water will be used to irrigate 790 acres within the W1/2NE1/4, SE1/4NE1/4, NW1/4, N1/2SW1/4, Sec. 24, T. 10S, R. 21E; S1/2SW1/4, SE1/4SE1/4, Sec. 26; E1/2SE1/4, Sec. 33; S1/2N1/2, S1/2, Sec. 34, T. 9S, R. 21E; NW1/4NW1/4, Sec. 13, T. 9S, R. 22E B.M.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 150 Shoup, Suite 15, Idaho Falls, Idaho 83402, on or before November 14, 1985.

A. Kenneth Dunn
Director

Affidavit of Publication

RECEIVED
SEP 12 1977
Department of Water Resources
Boise, Idaho

STATE OF IDAHO
} s.s.
COUNTY OF POWER

Phyllis Ringe being first duly sworn

on oath, states:

That she is the principal clerk of the printer of the Power County Press, a newspaper of general circulation in Power County, Idaho, published weekly at American Falls in said County; that said newspaper has been published in said County uninterruptedly and continuously for over seventy-eight consecutive weeks, prior to the first publication of the annexed notice or advertisement:

That the annexed notice or advertisement was published as per clipping attached in the regular and entire edition of said newspaper and not in any supplement thereof for 2 successive weekly issues thereof, the date of the first publication being the 1st day of Sept., 19 77

the date of last publication being the

8th day of Sept., 19 77

(Signed) Phyllis Ringe

Subscribed and sworn to before me this

9th day of Sept., 19 77

Notary Public, residing at American Falls, Idaho.

My Commission expires the

(SEAL) ..... day of ....., 19 .....

NOTARY PUBLIC
Residing in American Falls, Idaho
My Commission Expires April 28, 1979

Legal Notice

Published in the Power County Press, American Falls, Idaho, on September 1 and September 8, 1977.

NOTICE OF APPLICATION FOR EXTENSION OF TIME TO AVOID FORFEITURE

Notice is hereby given that the United States of America, acting through the Regional Director of the Bureau of Reclamation, has on 8-17-77 applied to the Director of the Department of Water Resources, pursuant to Sec. 42-222 of the Idaho Code, for an extension of time to avoid forfeiture of License No. 01-2064 (American Falls Reservoir).

This request was made because the American Falls Reservoir has been operated below maximum capacity since the fall of 1972 due to the deterioration of the original American Falls Dam. The applicant proposes to resume full use of this water right on or before October 1, 1978.

Protests against the granting of this extension of time must be filed with the Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401, on or before September 19, 1977.

C. Stephen Allred
Director

State of Idaho

License and Certificate of Water Right

Water License No. R-269

Water District No.

Amount 1,800,000 acre feet per annum

Priority March 30, 1921

THIS IS TO CERTIFY that UNITED STATES OF AMERICA, Acting through B. E. STOUTEMYER, District Counsel U.S. Reclamation Service of Portland, Oregon, made application for a permit to appropriate the public waters of the State of Idaho, dated March 30, 1921, 19 ; that Permit No. R-269 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 1,800,000 ~~second~~ acre feet per annum, was issued thereunder on July 12, 1932, 19 , showing that said works were completed on the 16th day of May, 19 31 ; and that on the 22nd day of April, 19 41,

UNITED STATES OF AMERICA

of Portland, State of Oregon, made proof to the satisfaction of the Commissioner of Reclamation of Idaho, of the right to use the waters of Snake River, a tributary of Columbia River, for the purpose of domestic and irrigation purposes, under Use Permit No. R-269 of the Commissioner of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the Commissioner of Reclamation of Idaho and entered of record in Volume 7 of Licenses, at page 4118, on the 9th day of July, 19 42;

Jackson Falls Reservoir

The right hereby confirmed dates from March 30, 1921, 19 ;

The Point of Diversion is located in the SW¼ ¼ SE¼ ¼, Sec. 30, Tp. 7 S, R. 31 E, B. M. Power

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 1,800,000 ~~cubic feet per second~~ acre feet per annum, of which amount 1,700,000 acre feet represents the rated cubical contents of the reservoir and 100,000 acre feet is the maximum annual bank storage.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated

The place where said water is used is on the lands in the following irrigation districts and on the lands of the projects of the following irrigation companies: Aberdeen-Springfield Canal Co., American Falls Reservoir Dist., American Falls Reservoir Dist. No. 2, Blackfoot Irrig. Co., Burgess Canal & Irrig. Co., Butte & Market Lake Canal Co., Corbett Slough Ditch Co., Dilts Irrig. Co., Enterprise Canal Co., Enterprise Irrig. Dist., Harrison Canal & Irrig. Co., Hillsdale Irrig. Dist., Idaho Irrig. Dist., Lenroot Canal Co., Milner Low Lift Irrig. Dist., Minidoka Irrig., Dist., New Sweden Irrig. Dist., Peoples Canal & Irrig. Co., Poplar Irrig. Dist., Progressive Irrig. Dist., Reid Canal Co., Rudy Irrig. Canal Co., Chas. D. Smith (individual), Snake River Valley Irrig. Dist., Trego Ditch Co., Utah-Idaho Sugar Co., the lands in the upper Snake River Valley are supplied by means of exchange water. The names of the canals or ditches or other works by which said water is conducted to such place of use are: Aberdeen, Martin, North Side Project, Twin Falls Canal Co., Woodville, Gooding, Blackfoot, Burgess, Butte & Market Lake, Corbett, Dilts, Enterprise Canal Co., Enterprise Dist., Harrison, Idaho, Lenroot, Milner Low Lift, Minidoka, New Sweden, Peoples, Poplar Irrig. Dist., Progressive Irrig. Dist., Reid, Rudy, Smith, Snake River Valley, Trego, Utah-Idaho Sugar Co.

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the Commissioner of Reclamation, affixed at Boise, Idaho, this 9th day of July, 19 42

E.V.BERG.

Commissioner of Reclamation

(SEAL)

01-2064

State of Idaho

License and Certificate of Water Right

Water License No. 18721 Amount .06 c.f.s.

Water District No. Priority Jan. 16, 1939

THIS IS TO CERTIFY that JACK J. LUCAS of Culdesac, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated Jan. 16, 1939, 19 ; that Permit No. 18721 was issued under said application; that Certificate of Completion of works, with a carrying capacity of .06 second feet, was issued thereunder on August 5, 1940, 19 , showing that said works were completed on the 17th day of July, 19 40 ; and that on the 21st day of July, 19 41 ,

JACK J. LUCAS

of Culdesac, State of Idaho, made proof to the satisfaction of the Commissioner of Reclamation of Idaho, of the right to use the waters of an unnamed spring ~~, a tributary of~~ , for the purpose of irrigation & domestic use , under Use Permit No. 18721 of the Commissioner of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the Commissioner of Reclamation of Idaho and entered of record in Volume 7 of Licenses, at page 4119, on the 27th day of March, 19 42 ;

The right hereby confirmed dates from January 16, 1939 ~~, 19~~ ;

The Point of Diversion is located in the SW¼ ¼ SE¼ ¼, Sec. 26, Tp. 36 N, R. 3 W, B. M. Nez Perce County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed .06 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
36 N	3 W	26	SE¼SE¼	3 1/2	3.0 Acres

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the Commissioner of Reclamation, affixed at Boise, Idaho, this 27th day of March, 19 42

E. V. BERG

Commissioner of Reclamation

(SEAL)

Application for a Permit to Construct the AMERICAN FALLS Reservoir

~~29-2555~~
01-2064

And to Store the Unappropriated Waters of the State of Idaho

Application No. R 21513
Permit No. R 269
District No. 70

1. Name of Applicant: United States of America acting through B.E. Stoutemyer, District Counsel, U. S. Reclamation Service.
Postoffice Address: ~~Boise~~ Burley County: ~~Ada~~ Cassia State: Idaho.

I. If applicant is a corporation, give:

(a) Date and place of incorporation:
(b) Amount of capital stock: $
(c) Amount paid in: $
(d) Names and addresses of directors:

II. The financial resources of the applicant are:
(a) Cash on hand: $ Receipts from sale of public lands and all repayments into the Reclamation fund under the Federal Reclamation Act, Warren Act, etc.
(b) Treasury stock: $
(c) ~~Bonds to be issued: $~~
(d) Other resources:

2. Quantity of water to be stored Three Million (3,000,000) acre feet per annum.

3. Source of water supply Snake River, which is a tributary of Columbia River.

4. Water is to be used for: Domestic, irrigation and power purposes.

5. The outlet of the proposed reservoir is located North 62° West 2150 feet distant from the southeast corner of Section 30, T. 7 S., R. 31 E., B. M., and is in the SW¼SE¼ of Section 30, T. 7 S., R. 31E. B. M., County of Power.

6. Fill out either (a) or (b).

(a) The reservoir is located in the channel of Snake River.

(b) The reservoir is to be filled through the Feeder Canal, which has a width at bottom of ft., width at top of ft., depth of ft., average grade per mile ft., capacity cubic feet per second.

7. (a) The area of the high water line of the reservoir is 76,460 acres.

(b) The available capacity of the reservoir is Three Million (3,000,000) acre feet.

8. Height of dam: 100 feet; length of dam at top 5750 feet; length of dam at bottom 800 feet.
Material used in dam: Concrete, steel, rock and earth.

9. The estimated cost of proposed reservoir is $ Fifteen Million ($15,000,000) Dollars

10. Amount of land to be irrigated 940,000 acres of old lands; 500,000 " " new " said land being described in Use Permit mentioned in Paragraph 13 herein, which Use Permit is hereby referred to and made a part hereof.

11. The time required for the completion of such work is five (5) years.

13. The water stored in accordance with this permit will be conducted to the place of use through the Riley canal/ and other systems. constructed under the terms of Permit No. 15134, filed by United States, on Mch. 30, 1921.

BE IT KNOWN That the undersigned hereby makes application for permit to construct a reservoir and to store the unappropriated waters of the State of Idaho as herein set forth.

United States, Applicant.

By B.E.Stoutemyer, Agent.
Dist.Counsel U.S.Rec.Ser.

269

Commissioner of Reclamation

Date of first receipt at office of ~~State Engineer~~ 2:30 p.m. March 30, 1921.

Returned to applicant for correction April 29, 1921.

Corrected application received May 3, 1921.

COMMISSIONER OF RECLAMATION

Approval of ~~State Engineer~~

The number of this Permit is R 269

Recorded in book R 1 Page 269 Approved May 18, 1921.

This is to certify that I have examined the within application for a permit to construct a reservoir and to store the unappropriated public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Permit No. 15134

Bond in the sum of $ See Use/ to be filed on or before

Work to begin on or before and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

One-fifth of the work above specified to be completed on or before November 18, 1923.

The whole of said work to be completed on or before May 18, 1926. 3/

Beneficial use of water stored in accordance herewith, to be made on or before April 23, 1936, 4/

as set out in Permit No. 15134 for the appropriation of the public waters of the State of Idaho, which is hereby referred to and made a part hereof.

Witness my hand this 18th day of May, 1921.

W. G. SWENDSEN,
~~State Engineer~~,
Commissioner of ~~Reclamation~~

Remarks:

STATE OF IDAHO

Department of Reclamation

In the Matter of the Application for Extension of Time under Permits R-269 and 15134, under the Provisions of Chapter 135, Idaho Session Laws of 1923.

ORDER GRANTING EXTENSION OF TIME

Under date of April 6, 1923, E. B. Stoutemyer, acting for and on behalf of permit holder, United States Government, filed an application for extension of time in which proof of completion of works under these Permits may be made, the said request being made under the provisions of Chapter 135, Idaho Session Laws of 1923.

The said application for extension of time was accompanied by and supported with the affidavits of A. F. Banks and Barry Dibble.

Pursuant to the provisions of said Chapter, I have this day considered the said application and supporting affidavits and find that the said Permits are eligible for extension under the provisions of said Chapter 135:

NOW, THEREFORE, It is hereby ordered that the time within which proof of completion of works under the said Permits must be made and filed in the office of the Department of Reclamation, be and the same is, hereby extended to April 23, 1931, being an extension of five years.

WITNESS my hand this 7th day of April, 1923.

W. G. SWENDSEN,
Commissioner of Reclamation.

STATE OF IDAHO

Department of Reclamation

Boise

In the matter of the Application of the United States of America for Extension of Time for Proof of Completion of Works under Permits Nos. R-269 and 15237

Order Granting Extension of Time For Completion of Works

WHEREAS, The United States of America, acting through B. E. Stoutemyer, District Counsel, Bureau of Reclamation of the Department of the Interior, has made formal application for extension of time within which to submit proof of completion of works under the terms and provisions of Permits Nos. R-269 and 15237; and,

WHEREAS, The said proofs of completion of works are now required to be made on or before May 18, 1926 and July 29, 1926, respectively, and cover the full period of time allowed by statute for the making of such proof; and,

WHEREAS, The said permits involve the construction of a dam and reservoir impounding more than 200,000 acre-feet of water; and

WHEREAS, Chapter 135, Session Laws of Idaho, 1923, provides that in cases involving the construction of a reservoir with a capacity in excess of 200,000 acre-feet, and wherein a satisfactory showing is made to the Commissioner of Reclamation that it will not be feasible nor practicable to complete such irrigation works within the period allowed by statute and by the permit for such completion and offering of proof of completion, and that there has actually been expended in excess of $100,000.00 on the construction of works comtemplated by such permit; that the said time for completion of such works for diversion and storage of water may, in the discretion of the Commissioner of Reclamation, be extended an additional period of time of five years; and,

WHEREAS, In the case of Permits R-269 and 15237, such satisfactory showing has been made:

NOW, THEREFORE, The time set for proofs of completion of works under Permits R-269 and 15237 is hereby extended to May 18, 1931 and July 29, 1931, respectively, and such extension of time for completion of works under these permits shall automatically extend the time for completion of one-fifth of the work required to be done in one-half of the time, and for making proof of application of water to beneficial use.

WITNESS, My hand and the seal of the Department of Reclamation, this the 10th day of July, 1926.

(SEAL)

W. G. SWENDSEN
Commissioner of Reclamation

PERMIT NO. R-269
CERTIFICATE OF COMPLETION OF RESERVOIR
AND RIGHT TO STORE WATER

t 1,800,000 Acre Feet Priority 3/30/21

This is to certify that the U.S. of America, acting through E.B. Darlington, Superintendent,
u of Reclamation, of Burley, County of Cassia, and State of Idaho, the holder of Permit No. R-269,
d upon Application No. 21513, bearing date of priority as of March 30, 1921, authorizing the con-
tion of a reservoir and the right to store the waters of Snake River, a tributary of Columbia River,
y of Power, State of Idaho, for Domestic, irrigation & power purposes, has fully complied with the
sions of the laws of the State of Idaho relating to the proof of completion of the works as set out
escribed in said Permit; that said works are adequate for the storage of 1,800,000 acre feet of
annually; that the location of the outlet of said reservoir is in the SW¼SE¼, Section 30, Township
Range 31 E.B.M.; that a right to store the said waters has been perfected in accordance with the
of Idaho and is hereby confirmed by the Commissioner of Reclamation and entered of record in Volume
Permits, at page 269, records of the Department of Reclamation on the 12th day of July, 1932, that
right hereby confirmed dates from March 30, 1921; and that the amount of water to which said right is,
is certificate, entitled, to store annually shall not exceed 1,800,000 acre feet.

Witness the seal and signature of the Commissioner of Reclamation, affixed at Boise, Idaho, this
day of July, A.D., 1932

LICENSE ISSUED 1800,000 Acre ft. Permanent
7-9-42 #4118

R. W. FARIS
Commissioner of Reclamation

of Completion of works made May 16, 1931
ficate of Completion of Works issued July 12, 1932

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has resumed the use of water to the extent shown below of License No. 01-2054.

Name(s) of License Holder United States of America

Post Office Address: Box 043-550 West Fort Street, Boise, Idaho

83724 Tel. No. 208-334-1165

Source of Water: Snake River

Extent of Use:
- ☒ Domestic undetermined (number of households)
- ☒ Stockwater undetermined (number and type of stock)
- ☒ Irrigation 1,200,000+ / (acres)
- ☐ Other 1,800,000 acre feet of storage

Date water was last applied to a beneficial use 1981

The above information is a true statement of the extent to which the water use identified by the above numbered license has been resumed.

Date

L. W. Floyd
Signature of license holder

PLACE
TEN CENT
STAMP
HERE

RECEIVED
JUL 9 1982
Department of Water Resources

IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

WARNING

The pending transfer on this right is being held in abeyance until 7/1/1999 per Idaho Code, 42-1763B (effective 7/1/96) and Order Staying Proceedings dated 6/96.

NO FURTHER ACTION WILL BE TAKEN ON THIS RIGHT UNTIL 7/99!

Bill Text

H0704

LEGISLATURE OF THE STATE OF IDAHO
Fifty-third Legislature Second Regular Session - 1996

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 704

BY RESOURCES AND CONSERVATION COMMITTEE

AN ACT

RELATING TO INTERIM AUTHORITY FOR RENTAL OF WATER TO AUGMENT FLOWS DURING THE MIGRATION OF SNAKE RIVER SALMON; AMENDING CHAPTER 17, TITLE 42, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 42-1763B, IDAHO CODE, TO STATE LEGISLATIVE FINDINGS AND INTENT, TO PROVIDE WATER RENTALS, TO PROVIDE CONDITIONS ON WATER RENTALS, TO PROVIDE APPLICATION TO CERTAIN CONTRACTUAL OBLIGATIONS, TO PROVIDE EFFECTIVENESS CONTINGENT ON CERTAIN CONDITIONS OCCURRING AND TO PROVIDE A SUNSET CLAUSE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Chapter 17, Title 42, Idaho Code, be, and the same is hereby amended by the addition thereto of a **NEW SECTION** , to be known and designated as Section 42-1763B, Idaho Code, and to read as follows:

42-1763B. INTERIM AUTHORITY FOR RENTAL OF STORAGE WATER TO AUGMENT FLOWS DURING THE MIGRATION OF SNAKE RIVER SALMON. (1) Legislative findings and intent regarding rental of storage water from U.S. bureau of reclamation projects in the Snake River basin within Idaho to augment lower Snake River flows during the migration of Snake River salmon.

(a) The legislature finds that the U.S. bureau of reclamation requested the release of four hundred twenty-seven thousand (427,000) acre feet of water to augment salmon flows in order to satisfy the conditions of the biological opinion issued by the national marine fisheries service on March 2, 1995. The legislature authorizes the U.S. bureau of reclamation to release water from its projects under the limited conditions of this section in 1996, 1997, 1998 and 1999.

(b) It is the intent of the legislature to promptly consider the repeal of subsections (2) and (3) of this section in the event that the provisions of the biological opinion issued by the national marine fisheries service on March 2, 1995, related to the provision of flows for salmon from the Snake River basin above Brownlee Reservoir are modified or declared arbitrary, capricious or otherwise unlawful, or are set aside by any federal court.

(2) Rental of storage water from U.S. bureau of reclamation storage.

(a) Notwithstanding the legislative approval required in section 42-108, Idaho Code, any storage water release from U.S. bureau of reclamation reservoirs within the state of Idaho for

use to augment river flows during the migration of Snake River salmon pursuant to this section must be rented through the water bank operated by the Idaho water resource board pursuant to sections 42-1761 through 42-1764, Idaho Code, or through local water rental committees, created pursuant to section 42-1765, Idaho Code, under their respective water bank rules; provided however, that the agricultural preference provisions of local rental pool rules shall not apply to any uncontracted space rented by the U.S. bureau of reclamation pursuant to this section.

(b) For any rental of water pursuant to this section, the director shall not be required to determine under section 42-1763, Idaho Code, whether the water supply is sufficient for the purpose for which it is sought, whether the rental would cause the use of water to be enlarged beyond that authorized under the water right to be rented, whether such use is in the public interest, or whether such use is consistent with the factors enumerated under subsection (3) of section 42-401, Idaho Code.

(3) Conditions on storage water rentals.

(a) Any storage water made available under this section shall be obtained only from willing lessors. Any water rented under this section from reservoirs located within a basin having a local rental pool committee established pursuant to section 42-1765, Idaho Code, shall be rented pursuant to this section only through the local rental pool committee.

(b) Storage water made available under this section shall be limited to four hundred twenty-seven thousand (427,000) acre feet annually. These releases from storage shall be reduced by other water the U.S. bureau of reclamation provides for augmentation of salmon flows from the Snake River and its tributaries.

(c) In no event shall the release of water under this section cause the water surface of Cascade Reservoir to be below the elevation required to maintain a storage volume of three hundred

thousand (300,000) acre feet, fifty thousand (50,000) acre feet of which is dead space, which is currently estimated to be at an elevation of four thousand eight hundred nine and two-tenths (4,809.2) feet.

(d) The U.S. bureau of reclamation shall submit a report to the director by January 15 of each year describing the time, volume, and purpose of storage water released for salmon purposes during the past year and shall report on the plan for releases for the spring and summer chinook by April 1 and on the plan for releases for the fall chinook by July 15 of each year.

(e) All storage water rented from U.S. bureau of reclamation reservoirs under this section must be used for power production purposes within the state of Idaho.

(f) Nothing herein shall entitle the U.S. bureau of reclamation to rent storage water upon termination or expiration of the permission given in this section.

(4) Nothing in this section shall be construed to alter in any way the existing contractual obligations of the U.S. bureau of reclamation or to constitute a finding by the legislature that the rental or use of storage water for augmentation of flows for salmon migration is a beneficial use of water, that it is in the public interest, or whether such use injures existing water rights.

(5) This section shall not become effective until the

director certifies to the governor that the U.S. bureau of reclamation's applications to transfer water right numbers 46[redacted] 4617, 4618, 4623, 4625, 4626, 4627, 4628, 4629, 4630, 4631, 4632, 4633 and 4636, and to amend water right permit numbers 25-07004 and 63-3618 will be held in abeyance until July 1, 1999.

(6) On and after January 1, 2000, this act shall be null, void and of no force and effect.

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

June 5, 1996

F.Y.I.

The Honorable Philip E. Batt
Governor, State of Idaho
State Capitol
Boise, ID 83720-0034

RE: CERTIFICATION REQUIRED BY H.B. 704

Dear Governor Batt:

This letter certifies that the Department of Water Resources will hold the U.S. Bureau of Reclamation's Applications for Transfer Numbers 4616, 4617, 4618, 4623, 4625, 4626, 4627, 4628, 4629, 4630, 4631, 4632, 4633 and 4636 and Applications to Amend Permit Numbers 25-07004 and 63-03618 in abeyance until July 1, 1999. This certification is required under subsection 5 of Section 42-1763B, Idaho Code, as a condition for the effectiveness of House Bill 704 approved by the 1996 Legislature which will become effective July 1, 1996.

The department will hold in abeyance all actions associated with the applications including action on requests for discovery or other matters relating to the applications. If you have questions about this matter or if I can provide additional information, I am available at your convenience.

Sincerely,

KARL J. DREHER
Director

c: The Honorable Pete T. Cenarrusa
John W. Keys, III
IDWR service list for BOR transfers
IDWR - Western Region
IDWR - Southern Region
IDWR - Eastern Region

until July 1, 1999, and the existing rights of the parties to raise issues regarding these matters shall not be diminished as a result of the issuance of this order.

2. The U.S. Bureau of Reclamation shall be authorized to release water to augment Snake River flows for salmon migration purposes during 1996, 1997, 1998 and 1999 in accordance with the provisions of section 42-1763B, Idaho Code.

3. Pursuant to section 42-1763B(3)(d), Idaho Code, the Bureau shall submit a report to the director by January 15 of each year describing the time, volume, and purpose of storage water released for salmon purposes during the past year and shall report on the plan for releases for the spring and summer chinook by April 1 and on the plan for releases for the fall chinook by July 15 of each year.

4. The Bureau, in addition, shall provide at least seven-days prior notice to the director of the actual amount, source and timing of water releases as they are made under section 42-1763B, Idaho Code, or if impracticable, as soon as feasible under the circumstances.

5. This is an interlocutory order issued pursuant to Rule 710 of the Department's Rules of Procedure, IDAPA 37.01.010710.

DATED this 5th day of June 1996.

KARL J. DREHER
Director

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATIONS FOR TRANSFER NOS. 4616, 4617, 4618, 4623, 4624, 4625, 4626, 4627, 4628, 4629, 4630, 4631, 4632, 4633, 4636, AND FOR THE AMENDMENT OF WATER RIGHT PERMIT NOS. 25-07004 AND 63-03618 IN THE NAME OF THE UNITED STATES BUREAU OF RECLAMATION	)	ORDER STAYING PROCEEDINGS

On May 15, 1995, the United States Bureau of Reclamation (Bureau) filed fifteen applications for transfer of water rights and two applications for amendment of water right permits with the Idaho Department of Water Resources (Department). The applications seek approval to use a combined total of up to 427,000 acre feet of water per year from Bureau reservoirs for flow augmentation purposes as a proposed contribution to salmon recovery efforts. The applications seek authorization to release water for the requested purposes beginning in the Spring of 1996.

Pursuant to the consent of the parties, the director entered an order on September 19, 1995, providing among other things that the Bureau's pending applications would be held without further action until April 1, 1996. In accordance with the stipulation of the parties, the order also directed the parties to address the issues and concerns raised by the Bureau's applications through draft legislation or other alternative means.

Legislation prepared in response to the issues and concerns identified as a result of this proceeding was introduced before the 1996 Idaho Legislature as House Bill No. 704. The legislation was approved on March 15, 1996, as Session Laws Ch. 282 to be codified as section 42-1763B, Idaho Code, with an effective date of July 1, 1996. Subsection 5 of section 42-1763B provides that the section shall not become effective until the director certifies to the Governor that the U.S. Bureau of Reclamation's applications at issue in this proceeding will be held in abeyance until July 1, 1999. Section 42-1763B, Idaho Code, as added by H.B. 704 provides as follows:

> 42-1763B. INTERIM AUTHORITY FOR RENTAL OF STORAGE WATER TO AUGMENT FLOWS DURING THE MIGRATION OF SNAKE RIVER SALMON. (1) Legislative findings and intent regarding rental of storage water from U.S. bureau of reclamation projects in the Snake River basin within Idaho to augment lower Snake River flows during the migration of Snake River salmon.
>
> (a) The legislature finds that the U.S. bureau of reclamation requested the release of four hundred twenty-seven thousand (427,000) acre feet of water to augment salmon flows in order to satisfy the conditions of the biological opinion issued by the national marine fisheries service on March 2, 1995. The legislature authorizes the U.S. bureau of reclamation to release water from its projects under the limited conditions of this section in 1996, 1997, 1998 and 1999.
>
> (b) It is the intent of the legislature to promptly consider the repeal of subsections (2) and (3) of this section in the event that the provisions of the biological opinion issued by the national marine fisheries service on March 2, 1995, related to the provision of flows for salmon from the Snake River basin above Brownlee Reservoir are modified or declared arbitrary, capricious or otherwise unlawful, or are set aside by any federal court.
>
> (2) Rental of storage water from U.S. bureau of reclamation storage.
>
> (a) Notwithstanding the legislative approval required in section 42-108, Idaho Code, any storage water release from U.S. bureau of reclamation reservoirs within the state of Idaho for use to augment river flows during the migration of Snake River salmon pursuant to this section must be

rented through the water bank operated by the Idaho water resource board pursuant to sections 42-1761 through 42-1764, Idaho Code, or through local water rental committees, created pursuant to section 42-1765, Idaho Code, under their respective water bank rules; provided however, that the agricultural preference provisions of local rental pool rules shall not apply to any uncontracted space rented by the U.S. bureau of reclamation pursuant to this section.

(b) For any rental of water pursuant to this section, the director shall not be required to determine under section 42-1763, Idaho Code, whether the water supply is sufficient for the purpose for which it is sought, whether the rental would cause the use of water to be enlarged beyond that authorized under the water right to be rented, whether such use is in the public interest, or whether such use is consistent with the factors enumerated under subsection (3) of section 42-401, Idaho Code.

(3) Conditions on storage water rentals.

(a) Any storage water made available under this section shall be obtained only from willing lessors. Any water rented under this section from reservoirs located within a basin having a local rental pool committee established pursuant to section 42-1765, Idaho Code, shall be rented pursuant to this section only through the local rental pool committee.

(b) Storage water made available under this section shall be limited to four hundred twenty-seven thousand (427,000) acre feet annually. These releases from storage shall be reduced by other water the U.S. bureau of reclamation provides for augmentation of salmon flows from the Snake River and its tributaries.

(c) In no event shall the release of water under this section cause the water surface of Cascade Reservoir to be below the elevation required to maintain a storage volume of three hundred thousand (300,000) acre feet, fifty thousand (50,000) acre feet of which is dead space, which is currently estimated to be at an elevation of four thousand eight hundred nine and two-tenths (4,809.2) feet.

(d) The U.S. bureau of reclamation shall submit a report to the director by January 15 of each year describing the time, volume, and purpose of storage water released for salmon purposes during the past year and shall report on the plan for releases for the spring and summer chinook by April 1 and on the plan for releases for the fall chinook by July 15 of each year.

(e) All storage water rented from U.S. bureau of reclamation reservoirs under this section must be used for power production purposes within the state of Idaho.

(f) Nothing herein shall entitle the U.S. bureau of reclamation to rent storage water upon termination or expiration of the permission given in this section.

(4) Nothing in this section shall be construed to alter in any way the existing contractual obligations of the U.S. bureau of reclamation or to constitute a finding by the legislature that the rental or use of storage water for augmentation of flows for salmon migration is a beneficial use of water, that it is in the public interest, or whether such use injures existing water rights.

(5) This section shall not become effective until the director certifies to the governor that the U.S. bureau of reclamation's applications to transfer water right numbers 4616, 4617, 4618, 4623, 4625, 4626, 4627, 4628, 4629, 4630, 4631, 4632, 4633 and 4636, and to amend water right permit numbers 25-07004 and 63-3618 will be held in abeyance until July 1, 1999.

(6) On and after January 1, 2000, this act shall be null, void and of no force and effect.

Having reviewed the prior stipulation of the parties in this proceeding and the provisions of House Bill 704, to be codified as section 42-1763B, Idaho Code, the director orders as follows:

ORDER

IT IS HEREBY ORDERED that, in accordance with the provisions of House Bill 704, to be codified as section 42-1763B(5), Idaho Code, effective July 1, 1996, the U.S. Bureau of Reclamation's Applications to transfer water right numbers 4616, 4617, 4618, 4623, 4624, 4625, 4626, 4627, 4628, 4629, 4630, 4631, 4632, 4633 and 4636, and to amend water right permit numbers 25-07004 and 63-3618 shall be held in abeyance until July 1, 1999.

IT IS FURTHER ORDER that:

1. All matters associated with this proceeding, including issues regarding the scope and nature of potential discovery and the holding of any hearing, shall be held in abeyance

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have, this 7th day of June, 1996, served the foregoing upon all parties of record in this proceeding, according to the Department of Water Resource's most current service list, by mailing a copy thereof to each party.

Deborah Drew-Ellis
Legal Secretary

MEMORANDUM

TO: FILE

FROM: TIM LUKE

DATE: June 17, 1992

RE: APPLICATION FOR TRANSFER NO.S 3883, 3884 & 3885 IN NAME OF U.S BUREAU OF RECLAMATION - MICROFILM RECORDS OF TRANSFERS

==========

In December of 1991, the Bureau of Reclamation (BOR) filed transfers on its water rights for reservoirs located in the Payette, Boise and Upper Snake River drainages. The transfers proposed release of up to 427,000 acre-feet of storage water from the various BOR reservoirs for enhancement of stream flows to aid in migration of anadramous fish. Three separate transfers were filed for the separate drainages even though all the transfers were filed by the BOR and proposed the release of storage water for stream flow augmentation.

These transfers generated over 30 protests from water user groups and over 600 form letter protests from individual water users. Nearly all of the form letter protestants were members of one of the 30 plus protest groups.

The 1992 Idaho Legislature passed legislation which provided statutory authorization for the rental of storage water under certain conditions to augment lower Snake River flows for salmon migration purposes. This legislation essentially removed the need for the BOR transfer filings. The BOR subsequently withdrew the applications.

Due to the voluminous correspondence, briefs, pleadings and testimony etc. related to these transfers, IDWR staff has elected to make one complete microfilm record of all three transfers. The complete microfilm record for the three transfers will be found in microfiche jackets for water right no. 01-2064. The microfiche jackets for right no.s 65-2917 and 63-3613 will contain copies of the original transfer applications 3883 and 3884 respectively. All other material for these two transfers and transfer no. 3885 will be found under microfiche jackets 01-2064. All of the hard copy material/documentation will be located in a separately marked file cabinet drawer for oversized microfilm documents in the DWR water rights vault.

Note: Certain documents found in the hard file have not been microfilmed. Non-microfilmed documents include all form letter protests, and testimony and exhibits submitted by the [illegible] March 2, 1992.

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JUN 2 2 1992

01-2064

INTER-DEPARTMENT MEMO — 1

DATE 1/10/83

FROM D. Hollingshead

TO Dove Tuthill DRT

SUBJECT American Falls Storage

the attached has been pulled from the American Falls Dam File since it does not pertain to Dam Safety, per se And returned to you in case you didn't have copies in water right file

need filming for water right file

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15134/01-2040

SIGNATURE

01-2064

RECEIVED
NOV 30 1988

MEMORANDUM

DATE: 29-Nov-1988

Department of Water Resources

FROM: Loren Holmes

TO: Bob Fleenor

SUBJECT: Follow up on Canyon View Transfer conference

The April 29, 1987 meeting was held as an informal conference so no taped record was made.

Canyon View entered on the record a report prepared by Tom Shafer, which summarizes Canyon View's actions in the matter up to the time of the conference. Canyon View also indicated that the possibility of selling the water rights was being explored, but that it was too soon to consider amending or withdrawing the transfer applications.

After some discussion, it became clear that the parties were not prepared to go ahead with a hearing in the near future and that Canyon View was uncertain about the future of the proposed irrigation project.

No written determination or follow-up was made after the conference and nothing has been added to the file since that date.

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TR[redacted]-0023, 01-0297, 01-2068, [redacted]-2064, 27-0004

CANYON VIEW IRRIGATION COMPANY
Conference Room, State of Idaho, Department of Water Resources
Twin Falls, ID

April 29, 1987 - 1:00 p.m.

ROSTER OF ATTENDANCE

Hearing Officer: Bob Flamor

Assisted by: Loren Holmes

Name	Address	Representing
Alan Oliver	Fort Hall Agency	B.I.A
Vincent Reid	901 Reid Road	Twin Falls
M.R. Wright	R. 3 Box 121 Blackfoot	Dist 27
Glen Herzinger	Rt 1 Box 327 Buhl	
Roger Clark	Rt 1 Box 101 Buhl	
Ed Hall	Box 6 Twin Falls Ida.	Dist #27
Arnold Schroeder	Box 316 Buhl Ida.	Rt
Jake F. Pruden	Box 104 Buhl, Ida.	Self
Rudy Pruden	R. R. 1 Buhl Ida	
Jack Eakin	Box 326 Twin Falls, ID	Twin Falls Canal Co.
Robert W. Schaer	Box 223 A Buhl Id	
Lowell Jagels	R#1 Buhl Id	Self
Walt Schroeder	R#1 Buhl Ida.	
Lonn Rosnock	P.O. 1904 TWF	TFCC
Elbert G Davis	P.O. Box 411 T.F.	Canyon View Irr Co.
Kent W. Foster	P.O. Box 129 Idaho Falls	Lakeland & Canyon View
THOMAS K SCHAFER	CHZM HILL P.O Box 8748 BOISE ID	Canyon View

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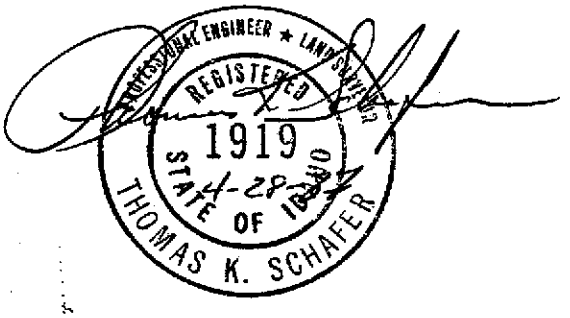
REPORT OF

WATER RIGHTS AND PROJECT DEVELOPMENT

CURRENT STATUS

CANYON VIEW IRRIGATION COMPANY

P.O. Box 411
Twin Falls, Idaho



Prepared by

CH2M HILL

April 1987

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AUTHORIZATION AND PURPOSE

By agreement dated August 14, 1986, the Board of Directors of Canyon View Irrigation Company (Canyon View) authorized CH2M HILL to prepare an application for submittal to the Idaho Department of Water Resources (IDWR) to extend the time for showing beneficial use of certain water rights of the company. Specifically, the work authorized by Canyon View was defined as follows:

- Collect, review, supplement, and verify data pertinent to the water rights of Canyon View
- Correlate application requirements and format with IDWR
- Develop appropriate application and exhibits for approval by Canyon View and submittal to IDWR

During the development stages of the work as authorized, certain other factors evolved that changed the scope of services and the format of the final document to be produced by CH2M HILL. Those factors include the following:

- A decision by Canyon View to explore the possibilities of selling its water rights
- A decision by Canyon View to explore a change in nature, place, and period of use of its water rights
- Continued delay in a Federal ratification of the Swan Falls Agreement and pendency of a general adjudication of the Snake River

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- Meetings with the Director of IDWR concluding that a current status report of the Canyon View project would best serve the needs of IDWR for water rights evaluation purposes

- Notification by IDWR of an administrative conference concerning the application by Canyon View to change the point of diversion and place of use of certain water rights

This report has been prepared to summarize the past activities of Canyon View to perfect a change in the point of diversion and place of use of its water rights, review the salient provisions of the Idaho Code relating to applications to IDWR made by Canyon View, and present information to support the on-going efforts of Canyon View to preserve and protect its water rights.

DESCRIPTION OF WATER RIGHTS

By contract dated November 18, 1975, Canyon View agreed to purchase certain water rights of the Rockford Canal Company (Rockford). The water rights purchased by Canyon View are briefly described as follows:

- 77.9 cfs of the natural flow of the Snake River having a priority date of February 6, 1885, Decreed Right No. 01-0023

- 14.3 cfs of the flood waters of the Snake River having a priority date of April 1, 1939, Decreed Right No. 01-0297

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- 3,832.2 acre feet of storage space in Jackson Lake Reservoir, Wyoming Water Right

- 9,522.4 acre feet of storage space in Palisades Reservoir, License No. 01-2068

- 2,564.1425 acre feet of storage space in American Falls Reservoir, License No. 01-2064

Additionally, Canyon View has acquired certain waters of the Blackfoot River and holds an application for permit to appropriate water described as follows:

- 2.66 cfs of the natural flow of the Blackfoot River having a priority date of June 1, 1885, a portion of Water Right No. 27-0004

- Application for Permit No. 02-7100 for 399 cfs and/or 80,000 acre-feet per annum of the waters of the Snake River

APPLICATIONS AND REQUESTS

On July 23, 1976, Canyon View filed an application with IDWR to change the point of diversion and place of use of Water Right No.'s 01-0023, 01-0297, 01-2064 and 01-2068. The original application was amended on July 27, 1976, and October 14, 1976. On November 22, 1976, IDWR accepted Application No. 2024. The required notice was published in the Blackfoot News and the Times News in December, 1976. Based upon the records of IDWR, protests against granting of the application were received from the Twin Falls Canal Company and eight individual protestants. No further official action was taken by IDWR on Application No. 2024 until

April, 1987. At that time, IDWR issued a notice scheduling a conference for the purpose of "formulating and clarifying issues and determining interests of the parties in the matter." The conference is scheduled for April 29, 1987.

On April 14, 1981, Canyon View filed an application with IDWR for extension of time to avoid forfeiture of a water right. That application was approved by IDWR conditioned upon the water under Water Right No.'s 01-0023 and 01-0297 being put to beneficial use by April 1, 1988.

On March 28, 1985, pursuant to a request by Canyon View, IDWR issued a letter concerning the current status of the Snake River Water Rights of Canyon View. In summary, IDWR reported the status as follows:

- Application 02-7100 for 399 cfs with a priority date of July 18, 1972, was still pending action by the Director.

- Decreed Right No.'s 01-0023 and 01-0297 had been granted an extension of time to avoid forfeiture until April 1, 1988.

- Wyoming Water Right in Jackson Lake, License No. 01-2064 in American Falls Reservoir and License No. 01-2068 in Palisades Reservoir were currently rented on an annual basis through the Water District No. 1 storage rental pool.

It is assumed that rental of the storage rights through Water District No. 1 constitutes a beneficial use.

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NEGOTIATIONS AND LITIGATION

On April 16, 1976, an action entitled "Canyon View Irrigation Company v. Twin Falls Canal Company" was filed in the Fifth Judicial District of the State of Idaho. The purpose of the litigation was to determine if Canyon View could condemn a right-of-way to use the Twin Falls Canal Company (TFCC) system to transport its water from Milner Dam to Canyon View project lands. The suit was filed following extensive negotiations with TFCC which terminated when a contract for conveyance was rejected by the stockholders of TFCC. A decision favoring TFCC was returned on December 12, 1976. On November 26, 1980, the Idaho Supreme Court reversed the district court and found that Canyon View should have the right of condemnation.

On January 30, 1981, Canyon View filed an amended complaint in the Fifth Judicial District for condemnation as allowed by the Supreme Court decision. The last order filed in this case, designated as Civil No. 33112, was dated February 8, 1982, allowed Canyon View to enter upon lands of TFCC to acquire information necessary to determine what modifications were required to enlarge the TFCC system to carry Canyon View's water. Shortly after the February 8, 1982, order was entered, TFCC invited Canyon View, the United States on behalf of Salmon Falls Canal Company, and others interested in transporting water in the TFCC system to participate in a study to determine the modifications required and costs associated with an enlargement to carry the waters of TFCC and all interested parties in a single enlargement of the TFCC system. That study was completed in March, 1983. Since that time, TFCC has filed an application for an R&B Loan to finance improvements necessary to safely carry its water and the United States continues to evaluate alternatives. At this time, the TFCC R&B loan application is still pending and the general agricultural economy has reduced the

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interests of other project participants. Civil Case No. 33112 remains pending and has been delayed in part by the Swan Falls issue.

PROJECT EXPENDITURES BY CANYON VIEW

Since initiation of its proposed irrigation project in 1971, Canyon View Irrigation Company has expended significant amounts of time, energy, and money towards development. Actual expenditures for legal expenses, engineering costs, land purchases, water rights payments, and related costs totalled $1,019,884.79 through May, 1986. A summary of these costs appears in the Appendix of this report.

SUMMARY AND CONCLUSIONS

- Section 42-222, I.C. provides the procedure under which a change in point of diversion, place of use or nature of use of water under established rights are to be perfected. Canyon View properly filed its application to change the point of diversion and place of use of Water Right No's. 01-0023, 01-0297, 01-2068, and 01-2064 as evidenced IDWR's acceptance of Canyon View's Application No. 2024 on November 22, 1976. IDWR properly followed the procedures contained in 42-222, I.C. when it published the required notice on December 2 and 9, 1976, and received protests against Canyon View's application. Section 42-222, I.C. provides that the Director shall examine all the evidence and available information and shall approve the change in whole, or in part, or upon conditions. The Director may also deny the proposed change. If approved by the Director, the applicant shall be authorized to make the changes

as approved. The applicant has 5 years to apply the water to beneficial use upon receipt of an approved application for change.

The Director has neither approved nor denied Application No. 2024. Canyon View has, therefore, been precluded from applying its water to beneficial use. Pursuant to 42-222, I.C., time to place the water right, as amended, cannot begin prior to approval of the change requested.

- Section 42-204(1) provides, in part, that when an applicant is prevented from proceeding with his work by litigation of any nature which might bring his title to said water in question, IDWR, upon proper showing of evidence and being convinced that applicant is proceeding diligently and in good faith, shall extend the time so that the amount of time lost by such delays shall be added to the time given in the original permit. Clearly, litigation effecting Canyon View's ability to perfect title to its water coupled with the lack of approval or denial of its application for change of diversion and place of use are matters of record. Canyon View should, therefore, be entitled to at least 12 years from the date of final litigation and approval of its application for change to show beneficial use pursuant to 42-204(2). Section 42-204(3) permits the Director to allow additional time to demonstrate beneficial use upon proper showing by the applicant.

- Sufficient precedence exists to conclude that inclusion of Decreed Right No's. 01-0023 and 01-0297 in the Idaho Water Resource Board's rental pool would qualify as a beneficial use pursuant to Idaho Code. This leasing arrangement should be applicable to Canyon View's Blackfoot River Water Right No. 27-0004.

- Application for Permit No. 02-7100 for 399 cfs of the waters of the Snake River still pends before the Director. Ratification of the Swan Falls agreement would appear to be a condition precedent to any formal action by the Director. That ratification is still pending before FERC and may be the subject of subsequent litigation if approved by FERC. No formal action should be considered by Canyon View in this matter at this time.

BOT595/001

APPENDIX

CONTENTS

- Application for Extension of Time to Avoid Forfeiture of a Water Right dated October 15, 1981
- Letter from IDWR concerning status of Canyon View Water Rights dated March 28, 1985
- Letter from Hepworth, Nungerter, et al concerning status of litigation, dated December 8, 1986
- Schedule of Expenditures Canyon View from December 1971 through May 23, 1986, 5 pages, undated

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State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

October 15, 1981

RE: Application for Extension of Time to Avoid Forfeiture of a Water Right

Canyon View Irrigation Company
P.O. Box 411
Twin Falls, ID 83301

Gentlemen:

Enclosed herewith is a copy of your approved Application for Extension of Time to Avoid Forfeiture for Water Right Nos. 01-0023 and 01-0297. Be sure to note the condition of approval on the last page.

If you have any questions in this matter, please feel free to contact our office.

Sincerely,

David R. Tuthill

DAVID R. TUTHILL, JR., P.E.
Supervisor, Water Allocation Section

DRT:kw
Enclosure

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APPROVED

of a Water Right

Section 42[redacted] of the Idaho Code provides that a water right shall be lost and forfeited and the water revert to the state upon the failure of a water user to apply the water to beneficial use for a period of five (5) years. The Director may allow an additional five (5) year period of non-use without forfeiture upon a showing of reasonable cause.

Complete fully the following application and submit it to the Department of Water Resources Statehouse, Boise, Idaho, 83720, with the statutory fee of $10.00 if the application involves 0.2 cfs or 20 acre feet or $50.00 if in excess of these amounts.

1. Name of water right holder Canyon View Irrigation Company
   Post office address P. O. Box 411, Twin Falls, ID 83301
2. The right was obtained or is evidenced by: See Exhibit "A" attached hereto
   a. Decree to _____ (Name) in Case of _____
   vs. _____, Dated _____ in _____ (Name of Court)
   Court, County of _____. Fully describe decree _____
   b. License No. _____ issued by the Department of Water Resources.
   c. Claim No. _____ on file with the Department of Water Resources.
3. Source of water Snake River (Name of stream or source) tributary to _____
4. Date of priority of right See Exhibit "A"
5. Amount of water a. See Exhibit "A" c.f.s. and/or
   b. _____ acre feet/annum
6. Water is used for irrigation from April 1 to November 1
   _____ from _____ to _____
   _____ (Purpose) from _____ (Month-Day) to _____ (Month-Day)
7. Location of point of diversion is SE ¼ NE ¼ of Section 34
   Township 1 S, Range 36 E., B.M., in Bingham County:
   Additional points of diversion, if any None
8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
2S	33E	35	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
3S	33E	2	40	40	40	40	40	40	40	40	40	40							400
3S	33E	3				40			40		40	40	40	40	40	40	40	40	400
3S	33E	4													40				40
3S	33E	10	40	40	40	40	40	40	40	40	40	40	40	40		40	40	40	600
3S	33E	11			40	40				40	40					40			200
3S	33E	12							40	40	40	40	40	40		40	40		320
3S	33E	13		40	40		40	40	40	40	40	40	40	40	40	40	40	40	560
3S	33E	14													40	40			
3S	33E	15	40	40	40	40	40			40	40	40	40	40	40	40	40	40	560
3S	33E	20			40	40						40	40						160
3S	33E	24	40	40	40	40	40	40											240
3S	33E	29	40	40	40		40	40	40	40	40	40	40	40			40	40	520
3S	34E	18					40	40	40	40	40	40	40	40					320

Total number of acres irrigated 5,040

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9. Give last date when water was applied to beneficial use 10/15/77

Length of extension of time requested See attached Exhibit "B" years, or until 4/15/88 (Date)

10. Explain fully your reasons for requesting an extension of time within which to resume the use of your water right and reasons for non-use See Exhibit "B" attached hereto

I hereby assert that no one will be injured by such extension. The information contained in this application is true to the best of my knowledge.

by Hugo E. Meyer
(Signature of Applicant)

Subscribed and sworn to before me this 15th day of April, 1981.

Ann Hannon
(Notary Public)

My commission expires Sept. 6, 1981 Residing at Buhl, Idaho

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined this application for extension of time within which to resume the use of a water right and I hereby APPROVE said application subject to the following conditions or reasons.

1. That water under water rights 01-0023 and 01-0297 be put to beneficial use on or before April 1, 1988.

Witness my hand this 9th day of October, 19 81.

L. Glen Saxton
L. GLEN SAXTON
Chief, Operations Bureau

For Department Use Only

Received by Jm Date 4/14/81 Time 8:00 AM Preliminary check by Jm

Fee $ 50.00 Receipted by [illegible] Date 8-3-81 #19738 Publication prepared by [illegible]

Published in Bracket News Dates 8/20 & 8/27/81

Publication approved by [illegible] Date 9/1-4/81 Protests filed by: _____

Copies of protests forwarded by _____ Hearing held by _____ Date _____

Recommended for ✓ Approval // Denial by Jm

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EXHIBIT "A"

a. 77.9 cfs or 3,894.95 miner's inches of the Natural Flow of the Snake River having a priority date of February 6, 1895, being a portion of that right decreed to the American Falls Canal and Power Company under the terms of the Decree entered in the case of Rexburg Irrigation Company, et al, vs. Teton Irrigation Canal Company, et al, by Judge J. M. Stevens, judge of the District Court of the Sixth Judicial District of the State of Idaho, in and for the County of Fremont, dated December 16, 1910. (Also known as "The Rexburg Decree.")

b. 14.3 cfs or 716.7 miner's inches of the Flood Waters of the Snake River having a priority date of April 1, 1939, being a portion of that right decreed to the Aberdeen-Springfield Canal Company, in the case of Aberdeen-Springfield Canal Company et al, vs. Henry Eagle, et al, by Judge Willard C. Burton, judge of the District Court of the Seventh Judicial District of the State of Idaho, in and for the County of Fremont, dated March 12, 1969, (Also known as the "Supplemental Decree.")

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

March 28, 1985

Tom Shafer
P. O. Box 283
Twin Falls, Idaho 83301

Dear Mr. Shafer:

The following is the current status of the Snake River water rights of the Canyon View Irrigation Company:

Application 02-7100 Amount- 399 cfs Priority: 7/18/1972
This application is still pending action by the Director.

If the application is assigned to a new applicant, or amended, it must be reviewed under Section 42-203 of the IDAHO CODE. The following criteria must be considered:

1) Will the proposed use reduce the quantity of water under existing water rights?

2) Is the water supply insufficient for the purpose intended?

3) Is the application made in good faith or for delay or speculative purposes?

4) Has the applicant sufficient financial resources with which to complete the project?

5) Will the proposed use conflict with the local public interest?

Because there has been no development to date under this application, it would also be subject to rules imposed by the Swan Falls legislation package.

Decreed Right - 01-0023 77.9 cfs 2/6/1895
Decreed Right - 01-0297 14.3 cfs 4/1/1895

An extension of time to avoid forfeiture under Section 42-222 [illegible] IDAHO CODE has been granted until April 1, 1988 for the decreed rights.

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License - 01-2064 2564.1425 Acre Ft 3/30/1921
American Falls storage

License - 01-2068 9522.4 Acre Ft 7/28/1939
Palisades storage

Wyoming Water Right 3832.2 Acre Ft
Jackson storage

The above storage rights are currently rented on an annual basis through the Water District 01 storage rental pool.

A transfer of the decreed and licensed rights has been applied for. The rights can be assigned to a new owner and the transfer application amended to propose a different change in the rights. The following criteria must be considered on an application for transfer:

1) Are other water rights injured by the transfer?

2) Does the change constitute enlargement in the use of the original water right?

3) Does the change conflict with the local public interest?

If you have questions concerning this matter please feel free to contact this office.

Very truly yours,

Loren O Holmes

LOREN O.HOLMES
Southern Region Supervisor

LOH:marya

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CH2M HILL
BOISE

LAW OFFICES
HEPWORTH, NUNGESTER, FELTON, AND LEZAMIZ, CHARTERED
BLICK BUILDING — 133 SHOSHONE STREET NORTH
Post Office Box 389
TWIN FALLS, IDAHO 83303-0389
TELEPHONE (208) 734-7510

A Professional Corporation

JOHN C. HEPWORTH
WM. L. NUNGESTER
MICHAEL H. FELTON
JOHN T. LEZAMIZ
D. BRENT MARTENS
JEFFREY E. ROLIG
JOHN C. HOHNHORST
J. CHARLES HEPWORTH
PENELOPE PARKER-KIMBER

BUHL OFFICE
Professional Center — 1020 Main
Post Office Box 589
Buhl, Idaho 83316-0589
Telephone (208) 543-4368

December 8, 1986

OUR FILE NUMBER

6820

Elbert G. Davis, President
Canyon View Irrigation Company
P.O. Box 411
Twin Falls, ID 83303-0411

RE: Canyon View v. Twin Falls Canal Company

Dear Mr. Davis:

This letter is in response to a request from Thomas Schafer for a chronological summary and current status of litigation initiated on behalf of Canyon View Irrigation Company to perfect a diversion and conveyance right in the Twin Falls Canal Company system. It is Mr. Schafer's intent to include the litigation information in a report to be submitted to the Idaho Department of Water Resources for the purpose of establishing the time remaining to reestablish beneficial use of water purchase from Rockford Canal Company.

A review of the court files reveal that the initial action entitled "Canyon View Irrigation Company v. Twin Falls Canal Company" was filed in the Fifth Judicial District of the State of Idaho, in and for the County of Twin Falls on April 16, 1976, as Case No. 28301. The purpose of the case was to determine whether or not Canyon View could condemn a right-of-way to use Twin Falls Canal Company's main canal to transport its water. This suit was filed after an extended period of negotiations with the Canal Company, including the effort of having a contract put together which was rejected by the stockholders.

On December 12, 1976, a decision in favor of the Twin Falls Company was returned by Judge Bellwood. This decision was then appealed to the Idaho Supreme Court. After briefing and oral argument, the Supreme Court in Canyon View Irrigation Company vs. Twin Falls Canal Company, et al., 101 Idaho 604, 519 P.2d 122 (Nov. 26, 1980), reversed the district court and found that Canyon View should have the right of condemnation.

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The parties then again entered into negotiations to establish the rights granted Canyon View by the Supreme Court's decision. On January 30, 1981, Canyon View filed an amended complaint which was treated by the Twin Falls County Clerk as a

new action designated as Civil No. 33112. This action was for condemnation as allowed by the Supreme Court decision. The Twin Falls Canal Company stockholders had denied Canyon View the right to go upon the Canal Company's right-of-way to conduct surveys necessary to acquire the information to complete the study as to what modification of the canal were required in order to enlarge it to carry the Canyon View water. The last order filed in that case was dated February 8, 1982, which allowed Canyon View to go upon Twin Falls Canal Company's property to do the survey for its studies. Shortly after that order was entered, the Canal Company shifted its position and invited a study to be participated in not only by Twin Falls Canal Company and Canyon View, but also by Salmon Falls Canal Company, Artesian Irrigation Company, and other possible irrigators who could use such an enlarged ditch. Since that time studies have been in progress and Canyon View has contributed a substantial sum of money towards the engineering studies. Mr. Schafer has knowledge about these studies and their costs.

The progress of Civil No. 33112 has also been delayed by the famous Swan Falls case.

I hope this information is helpful to you.

Very truly yours,

HEPWORTH, NUNGESTER, FELTON
& LEZAMIZ

WM. L. NUNGESTER

WLN/pm

cc: Thomas K. Schafer

EXHIBIT "B"

9. Length of extension of time requested: Extension of an additional 5 years after expiration of the initial 5 year period is requested. Initial 5 year period will expire 10/14/82.

10. These water rights have been sold under contract of sale by Rockford Canal Co. to Canyon View Canal Co. Canyon View Canal Co. proposes to change the point of diversion to the Milner Dam in Twin Falls County, Idaho, and then transport the water to the main canal and Highline Canal system of the Twin Falls Canal Co. system to a point where the water will be placed in the Canyon View Canal System to be applied to a beneficial use in Twin Falls County, Idaho. The director of the Department of Water Resources already has on file a petition to change the point of diversion and place of use. The Twin Falls Canal Co. has resisted the plans of Canyon View Irrigation Co. to use a part of the Twin Falls Canal Co. canal system. Following unsuccessful attempts to negotiate with the Twin Falls Canal Co. for a right of way through its canal system, a declaratory judgment action was filed with the Twin Falls County District Court to determine the rights, if any, to condemn such a right of way through the Twin Falls Canal Co. system. The decision of the District Court was appealed to the Idaho Supreme Court, and only recently a decision was rendered by the Idaho Supreme Court granting unto Canyon View Irrigation Co. the right to institute condemnation proceedings to obtain a right of way through the Twin Falls Canal Co. system. Actions are now being taken to file a proceeding to condemn such a right of way.

As a result of the delays caused by the above litigation, it has been impossible for Canyon View Irrigation Co. to put this water to beneficial use. In the event Canyon View Irrigation Co. is successful in its litigation, a period of time will be required to complete construction of the irrigation system and to transport the water rights in question to the lands located in Twin Falls County, Idaho. It is also the applicant's understanding that the Idaho State Department of Water Resources has postponed taking action on the application of Canyon View Irrigation Co. to change the point of diversion and place of use of the above described water rights until such time as the condemnation proceeding with Twin Falls Canal Co. is completed. The delay occasioned by the court proceedings has been unavoidable and Canyon View Irrigation Co. asks for an additional 5 year period to complete all such litigation, to construct and improve the necessary canal system needed to transport the water to its lands in Twin Falls County, Idaho, and to complete the final action on its application to change point of diversion and place of use previously filed with the Department of Water Resources. The water in question was last used during the 1977 irrigation season, and accordingly the initial 5 year period will expire upon the end of the 1982 irrigation season. Accordingly, this request for extension asks that Canyon View Irrigation Co. be given until the commencement of the 1988 irrigation season to complete all the above steps needed to put the water to beneficial use and to avoid the forfeiture of the said water rights.

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Grandview Irrigation Co.

	Initials	Date
Prepared By		
Approved By		

Page -1-

	Date		1 Purchase Land or Water	2 Engineering Expense -	3 Legal Expenses	4 O & M.
1	12/1/71	C.E. Broadway		39375		
2	4/24/72	Jack Barnett		74520		
3	6/27/72	Roger D. Ling			20000	
4	7/-/72	Dept. of Water Admin. $914				
5	7/26/72	Valley Engineering		200000		
6	9/7/72	Riedesel & Strauber		50000		
7	9/8/72	Roger D. Ling			4.9.72	
8	9/8/72	Valley Engineering		232185		
9	10/26/72	Al Kramer - opt. on pumt.	30000			
10	11/30/72	Valley Engineering Co.		222809		
11	2/1/73	Hepworth, Nungester, Felton			31600	
12	2/1/73	Roger D. Ling			6562	
13	3/14/73	Valley Eng.		452922		
14	4/1/73	Al Kramer - Lease Land	100000			
15	4/18/73	Hepworth			25000	
16	5/11/73	Al Kramer - Lease Option	100000			
17	5/31/73	Valley Eng.		150000		
18	6/20/73	Al Kramer - Lease Option	100000			
19	7/5/73	" " " "	100000			
20	8/14/73	" " " "	100000			
21	8/23/73	Valley Eng.		195000		
22	8/23/73	Hansen & Assoc.		200000		
23	10/5/73	Al Kramer	100000			
24	10/31/73	Thayne Wiser - Reimb. for Kramer Lease	100000			
25	11/3/73	Al Kramer	100000			
26	11/13/73	Hansen & Assoc.		100000		
27	12/5/73	Al Kramer	100000			
28	12/7/73	Thane Wiser - Engineering		100000		
29	1/4/74	Al Kramer	100000			
30	1/8/74	Jack Barnett - consulting		100000		
31	1/8/74	Hansen & Assoc.		100000		
32	2/1/74	Al Kramer	100000			
33	3/8/74	" "	100000			
34	3/26/74	Hansen & Assoc.		212650		
35	4/2/74	Jack Barnett		135391		
36	4/11/74	Al Kramer - farm purchase	1110000			
37	4/11/74	" "	3040000			
38	4/11/74	Valley Eng.		171866		
39	4/23/74	Al Kramer	30000			
40	4/30/74	Hepworth, Nungester			77195	
		Subtotals - page 1	5670000	2582718	207329	

Prepared By	Initials	Date
Approved By		

Page -2-

			1 Purchase Land or Water	2 Engineering Expense	3 Legal Expenses	4 O & M
1	7/18/74	Jack Barnett		16902		
2	11/15/74	Hansen & Assoc.		148930		
3	4/15/75	Alfred Kramer - principal	3124800			
4	4/15/75	Donald Kramer - prin.	1080000			
5	7/24/75	Hepworth			750	
6	8/1/75	Alfred Kramer - Lease	30000			
7	?	~~Holden, Holden, Caldwell, Hahn Crapo~~				
8		~~(purchase water rights)~~	1516616			
9	12/5/75	Hepworth			15000	
10	12/15/75	Hepworth			30550	
11	?	~~Holden, Holden, etc.~~ bal of Rockford water right	~~1500000~~			
12	2/3/76	Hepworth			41500	
13	2/3/76	Valley Eng.		139275		
14	2/16/76	Holden, Holden, etc. purchase water right	2000000			
15	3/27/76	Valley Engineering		900000		
16	3/30/76	Hepworth			164875	
17	4/5/76	Al Kramer - land pymt.	2946240			
18	4/5/76	JUB Engineers		401907		
19	4/5/76	Valley Eng.		591456		
20	?	Holden, Holden, etc. bal. of Rockford water	1071616			
21	4/30/76	Hepworth			1272200	
22	6/11/76	Valley Eng.		500000		
23	6/17/76	Valley Eng.		500000		
24	7/20/76	Al Kramer - Lease	30000			
25	8/6/76	Valley Eng.		715330		
26	8/30/76	Hepworth			500000	
27	9/9/76	JUB Eng.		750000		
28	?	Anderson & Kelly - Eng.				
29	?	Hepworth			3579162	
30	12/4/76	Hepworth			632057	
31	12/14/76	Rockford Canal Co. ?	3964502			
32	2/9/77	Hepworth			120700	
33	3/25/77	Hepworth			10000	
34	4/8/77	J-U-B Eng. ?		1500000		
35	4/15/77	Farmers Nat'l - Kramer P&I pymt.	2232000			
36	?	Alfred Kramer - cash lease 80 ac.	30000			
37	11/8/77	Hepworth			97600	
38	12/1/77	Aberdeen - Springfield - const.				3689192
39	12/1/77	" " " - O&M				1753562
40	12/27/77	Holden Holden, etc. 2nd pymt. A-S water rights	3964502			
		Subtotal - page 2	20473660	6163800	1529342	5443554

Prepared By	Initials	Date
Approved By		

		1	2	3	4
		Purchase Land or Water	Engineering Expense	Legal Expenses	O & M
12/28/77	J-U-B - Eng.		15000 00		
1/31/78	Hepworth			108700	
4/13/78	J-U-B		67156		
4/13/78	Hepworth			18258	
4/15/78	Farmers - Kramer pymt. P&I	2232000			
6/13/78	Hepworth			123970	
9/15/78	J-U-B Eng.		31704		
9/19/78	Hepworth ?			491253	
11/27/78	Holden, Holden, etc. - A.I. water rights	3964502			
11/27/78	Hepworth			6200	
12/26/78	Al Kramer - lease pymt.	30000			
1/5/79	Hepworth			103705	
2/3/79	Hepworth			6000	
3/22/79	"			25130	
4/5/79	Farmers Nat'l Bank - P&I	3421066			
7/3/79	Bureau of Reclamation - Const.				391890
11/26/79	Holden, Holden, etc. - A.I. Water right	3964502			
1/3/80	Al Kramer	60000			
1/24/80	Idaho Water & Power - for Rockford canal water - Const.				1858816
2/14/80	Hepworth			65136	
4/3/80	Hepworth			17250	
5/5/80	"			8985	
10/10/80	Hepworth			42690	
11/8/80	"			11250	
11/18/80	Holden, etc. Water right payment	3964502			
12/5/80	Hepworth			105250	
12/29/80	Water & Power - const.				184496
1/8/81	Hepworth			50040	
1/16/81	Al Kramer - Sub lease	30000			
2/9/81	Hepworth			97885	
4/9/81	Hepworth			341515	
4/30/81	McCarter & Tuller - aerial photos		215000		
6/4/81	Hepworth			80250	
7/7/81	"			248700	
8/6/81	"			101211	
9/3/81	"			137750	
10/26/81	McCarter & Tuller		1000000		
11/17/81	Richard Kerbs - partial pymt. Water Purchase	664760			
12/10/81	Holden Kidwell etc. Rockford water pymt.	3964502			
12/31/81	Hepworth			183850	
	-				
	Subtotal - Page 3	22295834	3418260	26011148	7622202

4804 (04804) - Bull
8804 (08804) - Green

	Initials	Date
Prepared By		
Approved By		

			1 Purchase Land or Water	2 Engineering Expense	3 Legal Expenses	4 O & M
1	1/14/82	Al Kramer	30000			
2	1/14/82	Hepworth			45240	
3	1/19/82	Bureau of Recl. - const.				185096
4	2/4/82	Hepworth			19639	
5	3/11/82	Hepworth			22250	
6	3/10/82	Richard Kerbs	776902			
7	4/26/82	Hepworth			25710	
8	5/7/82	McCarter & Tuller		1155000		
9	5/7/82	Northern Testing Lab. - drainage, canal		115392		
10	6/14/82	" " "		52101		
11	7/9/82	McCarter & Tuller		1885000		
12	9/2/82	Northern Testing Lab. -		140897		
13	9/30/82	TFB & T. - TFCC joint Canal enlargement Study		1351350		
14	11/8/82	Aerial Mapping		1998500		
15	11/8/82	Northern Testing		140792		
16	11/24/82	Rockford Canal Co. - Prin.	3964502			
17	12/29/82	McCarter & Tuller		717500		
18	12/29/82	Aerial Mapping		780750		
19	1/12/83	Hepworth			8060	
20	1/12/83	Bureau of Recl.				184856
21	1/27/83	Al Kramer	30000			
22	3/1/83	TFB. & T. - TFCC joint Study for enlargement		55159		
23	3/31/83	McCarter & Tuller		500000		
24	5/2/83	Hepworth Aerial Mapping - joint use TFCC		780750	62500	
25	5/12/83	McCarter & Tuller		121750		
26	6/20/83	TFB & T. - joint study - enlargement		91091		
27	7/20/83	Hepworth			47000	
28	7/20/83	McCarter & Tuller		75000		
29	11/25/83	Rockford Canal Co. Prin = $16,451.27	3964502			
30	11/25/83	Hepworth			13262	
31	11/25/84	"			5979	
32	1/31/84	Bureau of Recl.				184496
33	2/16/84	Doerr & Trainor			67380	
34	2/16/84	Al Kramer	30000			
35	8/15/84	Doerr & Trainor			33930	
36	11/23/84	Rockford Canal Co.	3964502			
37	1/11/85	Al Kramer	30000			
38	2/11/85	Bureau of Reclamation				184496
39	2/11/85	Hepworth			36540	
40	2/11/85	Doerr & Trainor			82555	
			12701048	11691852	980915	738944

Page -5-

	Initials	Date
Prepared By		
Approved By		

			1	2	3	4	
			Purchase Land or Water	Engineering Expense	Legal Fees	O & M	
1	7/1/85	Hepworth			47514		1
2	10/3/85	Doerr & Trainor			14705		2
3	11/29/85	Rockford Canal Co.	3916450 2				3
4	3/5/86	Al Kramer	30000				4
5	5/9/86	Hepworth			65770		5
6	5/23/86	Aberdeen-Springfield				184496	6
7		Subtotal- Page 5	3994502		128015	184496	7
8							8
9							9
10		Grand Totals- Pgs. 1-5	65224404	2908333 0	5446749	2229996	10
11							11
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8804 (8480-1) Buff
8804 (8480-4) Green

MAILING LIST FOR TRANSFER-Canyon View
01-0023, 01-0297, 01-2068, 01-2064

Theo F. Jagels
Rt. 1
Buhl, ID 83316

Mrs. Winnifred Schaer
Rt. 1, Box 177
Buhl, ID 83316

Mrs. Lucille Schroeder
Buhl, ID 83316

Mr. Arnold Schroeder
Buhl, ID 83316

Robert W. Schaer
Rt. 1, Box 176
Buhl, ID 83316

Twin Falls Canal Company
c/o John Rosholt
P.O. Box 1906
Twin Falls, ID 83301

Canyon View Irrigation Co.,Inc. -Applicant
P.O. Box 411
Twin Falls, ID 83301

****
Protestants, but no current address:
****

Mr. Lynn Jagels
Mrs. Emil Jagels

Glen Gier

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SEP 08 1992

State of Idaho
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

CECIL D. ANDRUS
Governor

A. KENNETH DUNN
Director

2148 4th Ave. E.
Twin Falls, Idaho 83301
(208) 734-3578

March 10, 1987

Canyon View Irrigation Co., Inc.
P.O. Box 411
Twin Falls, ID 83301

RE: Canyon View Application for Transfer
01-0023, 01-0297, 01-2068, 01-2064

Gentlemen:

This office is scheduling an administrative conference in the matter of the application by Canyon View Irrigation Company to transfer the above numbered water rights.

In 1976, Canyon View Irrigation Company applied to the Department to transfer the water rights, purchased from the Rockford Canal Company in Bingham County, to lands West of Salmon Falls Creek in Twin Falls County.

Canyon View proposed to divert and transport the water via the existing Twin Falls Canal Company system.

Tentatively, the conference is set for Wednesday, April 2, in Twin Falls. Formal notices giving the exact time and place for the conference will be mailed about March 20.

Please let us know if you have any questions.

Very truly yours,

Loren O. Holmes

Loren O. Holmes, P.E.
Southern Region Supervisor

LH:mb

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SEP 08 1992

State of Idaho
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

CECIL D. ANDRUS
Governor

A. KENNETH DUNN
Director

2148 4th Ave. E.
Twin Falls, Idaho 83301
(208) 734-3578

March 10, 1987

Twin Falls Canal Company
c/o John Rosholt
P.O. Box 1906
Twin Falls, ID 83301

RE: Canyon View Application for Transfer
01-0023, 01-0297, 01-2068, 01-2064

Dear Mr. Rosholt:

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Loren O. Holmes

Loren O. Holmes, P.E.
Southern Region Supervisor

LH:mb

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SEP 08 1992

State of Idaho
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

CECIL D. ANDRUS
Governor

A. KENNETH DUNN
Director

2148 4th Ave. E.
Twin Falls, Idaho 83301
(208) 734-3578

March 10, 1987

Robert W. Schaer
Rt. 1, Box 176
Buhl, ID 83316

RE: Canyon View Application for Transfer
01-0023, 01-0297, 01-2068, 01-2064

Dear Mr. Schaer:

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Loren O. Holmes

Loren O. Holmes, P.E.
Southern Region Supervisor

LH:mb

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SEP 08 1992

State of Idaho
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

CECIL D. ANDRUS
Governor

A. KENNETH DUNN
Director

2148 4th Ave. E.
Twin Falls, Idaho 83301
(208) 734-3578

March 10, 1987

Mrs. Lucille Schroeder
Buhl, ID 83316

RE: Canyon View Application for Transfer
01-0023, 01-0297, 01-2068, 01-2064

Dear Mrs. Schroeder:

This office is scheduling an administrative conference in the matter of the application by Canyon View Irrigation Company to transfer the above numbered water rights.

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Very truly yours,

Loren O. Holmes, P.E.
Southern Region Supervisor

LH:mb

MICROFILMED
SEP 08 1992

State of Idaho
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

CECIL D. ANDRUS
Governor

A. KENNETH DUNN
Director

2148 4th Ave. E.
Twin Falls, Idaho 83301
(208) 734-3578

March 10, 1987

Mrs. Winnifred Schaer
Rt. 1, Box 177
Buhl, ID 83316

RE: Canyon View Application for Transfer
01-0023, 01-0297, 01-2068, 01-2064

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Very truly yours,

Loren O. Holmes

Loren O. Holmes, P.E.
Southern Region Supervisor

LH:mb

MICROFILMED
SEP 08 1992

State of Idaho
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

CECIL D. ANDRUS
Governor

A. KENNETH DUNN
Director

2148 4th Ave. E.
Twin Falls, Idaho 83301
(208) 734-3578

March 10, 1987

Theo F. Jagels
Rt. 1
Buhl, ID 83316

RE: Canyon View Application for Transfer
01-0023, 01-0297, 01-2068, 01-2064

Dear Mr. Jagels:

This office is scheduling an administrative conference in the matter of the application by Canyon View Irrigation Company to transfer the above numbered water rights.

In 1976, Canyon View Irrigation Company applied to the Department to transfer the water rights, purchased from the Rockford Canal Company in Bingham County, to lands West of Salmon Falls Creek in Twin Falls County.

Canyon View proposed to divert and transport the water via the existing Twin Falls Canal Company system.

Tentatively, the conference is set for Wednesday, April 2, in Twin Falls. Formal notices giving the exact time and place for the conference will be mailed about March 20.

Please let us know if you have any questions.

Very truly yours,

Loren O. Holmes

Loren O. Holmes, P.E.
Southern Region Supervisor

LH:mb

MICROFILMED
SEP 08 1992

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER OF WATER RIGHT NOS. 01-0023, 01-0297, 01-2068, AND 01-2064 IN THE NAME OF CANYON VIEW IRRIGATION COMPANY	NOTICE OF CONFERENCE

On July 23, 1976 Canyon View Irrigation Company applied to the Department of Water Resources to change the Place of Use of Water Right No. 01-0023, 01-0297, 01-2068, 01-2064.

Protests against granting of the application have been received from:

Theo F. Jagels
Mrs. Winnifred Schaer
Arnold Schroeder
Robert W. Schaer
Lynn Jagels
Twin Falls Canal Company
Lucille Schroeder
Mrs. Emil Jagels
Glen Gier

The Department has set a conference in this matter for 1:30 p.m. on Wednesday, April 1, 1987 at their office located at 2148 4th Avenue East, Twin Falls, ID to be combined with conference on related Applications for Transfer.

The conference is for the purpose of formulating and clarifying issues and determining the interests of the parties in the matter.

The conference will be held in accordance with provisions of Chapters 2 and 17, Title 42 and Chapter 52, Title 67 of the IDAHO CODE and Adopted Rules of Practice and Procedure of the Department of Water Resources.

A copy of Rule 8 of the Rules of Practice and Procedure concerning conferences is attached.

MICROFILMED
SEP 08 1992

Dated this 18 day of March, 1987.

Loren O. Holmes

State of Idaho
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

CECIL D. ANDRUS
Governor

A. KENNETH DUNN
Director

2148 4th Ave. E.
Twin Falls, Idaho 83301
(208) 734-3578

March 18, 1987

John A. Rosholt
Attorney at Law
P.O. Box 1906
Twin Falls, ID 83301

Re: Notices of Conference on Transfers 27-0004, (Hollingworth/Mynarcik), 01-0023, 01-0297, 01-2068, 01-2064 (Canyon View)

Dear Mr. Rosholt:

Enclosed please find copies of Notices of Conference for the above referenced transfers in the name of Canyon View Irrigation Company.

Also enclosed is a map showing directions to the new location of the Department office in Twin Falls.

If you have any questions, please feel free to contact us.

Very truly yours,

Loren O. Holmes, P.E.
Southern Region Supervisor

LH:mb

Enclosures

MICROFILMED
SEP 08 1992

ADDRESS OF SENDER: L Cook, Rt. TR 01-0023.0297 | ☐ Certified

NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET, AND POST-OFFICE ADDRESS	POSTAGE	FEE	Handling Charge	Actual Value (if Registered)	Insured Value IF C.O.D.	FEE	FEE	FEE	REMA
286	Canyon View Inv. Co.,	.12	.70	.75						
287	Tom Cooper									
285	Theo F. Jones									
289	Winnifred Schroeder									
290	Lucille Schroeder									
291	Arnold Schroeder									
292	Robert Schaus									
293	John Roshelt (TF Land Co.)									

MICROFILMED SEP 03 '98

TOTAL NUMBER OF PIECES RECEIVED AT POST OFFICE: 8

POSTMASTER, PER (Name of receiving employee)

The full declaration of value is required on all domestic and international registered mail. Commercial insurance—Payment of the full registry fee is required for articles valued up to $1,000 or the full amount of the deductible if the declared value exceeds $1,000. The maximum indemnity payable is $25,000 for registered mail and $600 for insured mail. Special handling charges apply only to third- and fourth-class parcels. Special delivery service also includes special handling service for third- and fourth-class parcels.

POSTMASTER: PLEASE COMPLETED BY TYPEWRITER, INK OR BALL POINT PEN

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PROTEST AGAINST APPROVAL OF TRANSFER NOS. 01-0023, 01-0297, 01-2068, AND 01-2064 IN THE NAME OF CANYON VIEW IRRIGATION COMPANY	NOTICE OF CONFERENCE

On July 23, 1976 Canyon View Irrigation Company applied to the Department of Water Resources to change the Place of Use of Water Right Nos. 01-0023, 01-0297, 01-2068 and 01-2064.

Protests against granting of the application have been received from:

Theo F. Jagels
Mrs. Winnifred Schaer
Arnold Schroeder
Robert W. Schaer
Lynn Jagels
Twin Falls Canal Company
Lucille Schroeder
Mrs. Emil Jagels
Glen Gier

The Department has set a conference in this matter for 1:00 p.m. on Wednesday, April 29, 1987 at their office located at 2148 4th Avenue East, Twin Falls, ID to be combined with conference on related Applications for Transfer.

The conference is for the purpose of formulating and clarifying issues and determining the interests of the parties in the matter.

The conference will be held in accordance with provisions of Chapters 2 and 17, Title 42 and Chapter 52, Title 67 of the IDAHO CODE and Adopted Rules of Practice and Procedure of the Department of Water Resources.

A copy of Rule 8 of the Rules of Practice and Procedure concerning conferences is attached.

MICROFILMED
SEP 08 1992

DATED This 9 day of April, 1987.

Loren O. Holmes

LOREN O. HOLMES
Southern Region Supervisor

State of Idaho
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

CECIL D. ANDRUS
Governor

A. KENNETH DUNN
Director

2148 4th Ave. E.
Twin Falls, Idaho 833(
(208) 734-3578

March 25, 1987

Robert W. Schaer
Rt. 1, Box 176
Buhl, ID 83316

Re: Application for Transfer of Water Rights 01-0023, 01-0297, 01-2068, & 01-2064 by Canyon View Irrigation Company.

Dear Mr. Schaer:

Due to attorney scheduling conflicts, the conference in the above matter set for April 1, 1987 has been cancelled.

The conference will be rescheduled as soon as an appropriate date can be selected.

Please let us know if you have any questions.

Very truly yours,

Loren O. Holmes, P.E.
Southern Region Supervisor

LH:mb

MICROFILMED
SEP 08 1992

State of Idaho
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

CECIL D. ANDRUS
Governor

A. KENNETH DUNN
Director

2148 4th Ave. E.
Twin Falls, Idaho 83301
(208) 734-3578

March 25, 1987

Mrs Lucille Schroeder
Buhl, ID 83316

Re: Application for Transfer of Water Rights 01-0023, 01-0297, 01-2068, & 01-2064 by Canyon View Irrigation Company.

Dear Mrs.Schroeder:

Due to attorney scheduling conflicts, the conference in the above matter set for April 1, 1987 has been cancelled.

The conference will be rescheduled as soon as an appropriate date can be selected.

Please let us know if you have any questions.

Very truly yours,

Loren O. Holmes, P.E.
Southern Region Supervisor

LH:mb

MICROFILMED
SEP 08 1992

State of Idaho
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

CECIL D. ANDRUS
Governor

A. KENNETH DUNN
Director

2148 4th Ave. E.
Twin Falls, Idaho 83301
(208) 734-3578

March 25, 1987

Mr. Arnold Schroeder
Buhl, ID 83316

Re: Application for Transfer of Water Rights 01-0023, 01-0297, 01-2068, & 01-2064 by Canyon View Irrigation Co.

Dear Mr Schroeder:

Due to attorney scheduling conflicts, the conference in the above matter set for April 1, 1987 has been cancelled.

The conference will be rescheduled as soon as an appropriate date can be selected.

Please let us know if you have any questions.

Very truly yours,

Loren O. Holmes, P.E.
Southern Region Supervisor

LH:mb

MICROFILMED
SEP 08 1992

State of Idaho
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

CECIL D. ANDRUS
Governor

A. KENNETH DUNN
Director

2148 4th Ave. E.
Twin Falls, Idaho 83301
(208) 734-3578

March 25, 1987

Mrs. Winnifred Schaer
Rt. 1, Box 177
Buhl, ID 83316

Re: Application for Transfer of Water Rights 01-0023, 01-0297, 01-2068, & 01-2064 by Canyon View Irrigation Co.

Dear Mrs. Shaer:

Due to attorney scheduling conflicts, the conference in the above matter set for April 1, 1987 has been cancelled.

The conference will be rescheduled as soon as an appropriate date can be selected.

Please let us know if you have any questions.

Very truly yours,

Loren O. Holmes, P.E.
Southern Region Supervisor

LH:mb

MICROFILMED
SEP 08 1992

State of Idaho
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

CECIL D. ANDRUS
Governor

A. KENNETH DUNN
Director

2148 4th Ave. E.
Twin Falls, Idaho 8330
(208) 734-3578

March 25, 1987

Theo F. Jagels
Rt. 1
Buhl, ID 83316

Re: Application for Transfer of Water Rights 01-0023, 01-0297, 01-2068, & 01-2064 by Canyon View Irrigation Co.

Dear Mr. Jagels:

Due to attorney scheduling conflicts, the conference in the above matter set for April 1, 1987 has been cancelled.

The conference will be rescheduled as soon as an appropriate date can be selected.

Please let us know if you have any questions.

Very truly yours,

Loren O. Holmes, P.E.
Southern Region Supervisor

LH:mb

MICROFILMED
SEP 08 1992

State of Idaho
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

CECIL D. ANDRUS
Governor

A. KENNETH DUNN
Director

2148 4th Ave. E.
Twin Falls, Idaho 83301
(208) 734-3578

Please file
BDF

March 25, 1987

Canyon View Irrigation Co., Inc.
P.O. Box 411
Twin Falls, ID 83301

01-0023
-0297
-2068
-2064

Re: Application for Transfer of Water Rights involving Canyon View Irrigation Co.

Gentlemen:

Due to attorney scheduling conflicts, the conference in the above matter set for April 1, 1987 has been cancelled.

The conference will be rescheduled as soon as an appropriate date can be selected.

Please let us know if you have any questions.

Very truly yours,

Loren O. Holmes, P.E.
Southern Region Supervisor

LH:mb

MICROFILMED
SEP 08 1992

State of Idaho
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

CECIL D. ANDRUS
Governor

A. KENNETH DUNN
Director

2148 4th Ave. E.
Twin Falls, Idaho 83301
(208) 734-3578

March 25, 1987

Twin Falls Canal Company
c/o John Rosholt
P.O. Box 1906
Twin Falls, ID 83301

Re: Application for Transfer of Water Rights involving Canyon View Irrigation Co.

Gentlemen:

Due to attorney scheduling conflicts, the conference in the above matter set for April 1, 1987 has been cancelled.

The conference will be rescheduled as soon as an appropriate date can be selected.

Please let us know if you have any questions.

Very truly yours,

Loren O. Holmes, P.E.
Southern Region Supervisor

LH:mb

MICROFILMED
SEP 08 1992

State of Idaho
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

CECIL D. ANDRUS
Governor

A. KENNETH DUNN
Director

2148 4th Ave. E.
Twin Falls, Idaho 83301
(208) 734-3578

March 25, 1987

Tom Schafer
CH2M Hill
P.O.Box 8748
Boise, ID 83707

Re: Application for Transfer of Water Rights involving Canyon View Irrigation Company.

Dear Mr. Schafer:

Due to attorney scheduling conflicts, the conference in the above matter set for April 1, 1987 has been cancelled.

The conference will be rescheduled as soon as an appropriate date can be selected.

Please let us know if you have any questions.

Very truly yours,

Loren O. Holmes, P.E.
Southern Region Supervisor

LH:mb

MICROFILMED
SEP 08 1992

State of Idaho
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

CECIL D. ANDRUS
Governor

A. KENNETH DUNN
Director

2148 4th Ave. E.
Twin Falls, Idaho 83301
(208) 734-3578

March 25, 1987

Kent W. Foster
Attorney at Law
P.O. Box 129
Idaho Falls, ID 83402

Re: Application for Transfer of Water Rights involving Canyon View Irrigation Company.

Dear Mr. Foster:

Due to attorney scheduling conflicts, the conference in the above matter set for April 1, 1987 has been cancelled.

The conference will be rescheduled as soon as an appropriate date can be selected.

Please let us know if you have any questions.

Very truly yours,

Loren O. Holmes, P.E.
Southern Region Supervisor

LH:mb

MICROFILMED
SEP 08 1992

State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

December 31, 1985

RE: Transfer of Water Right No. 01-2064

Bureau of Reclamation
Box 043
550 W. Fort St.
Boise, ID 83724

Gentlemen:

Enclosed is a copy of your approved Application for Transfer of the above referenced water right (Transfer No. 3222). Be sure to note the conditions of approval as listed on the final page.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

MICROFILMED

APPLICATION FOR TRANSFER OF

WATER RIGHT NO. 01-2064

RECEIVED
OCT 24 1985
Department of Water Resources
Eastern District Office

WATER DISTRICT 1

WATERMASTER Ronald D Carlson

DATE: Oct 21, 1985

COMMENTS: _____

✓ I do endorse approval of this change.

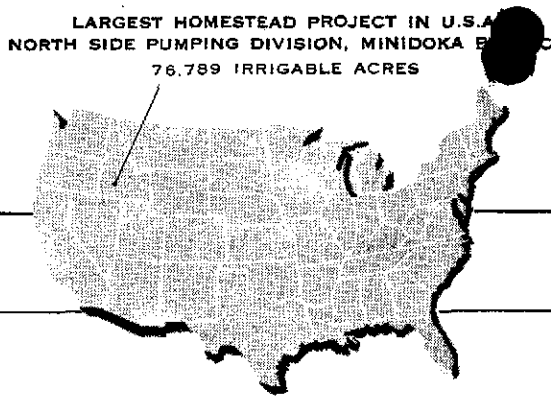
___ I do not endorse approval of this change.

I recommend the following conditions of approval:

_____

Watermaster

MICROFILMED



OFFICE: ELEVENTH AND E STREETS

A & B Irrigation District

P. O. BOX 675 RUPERT, IDAHO 83350 DIAL 436-3152

October 9, 1985

RECEIVED
OCT 15 1985
Department of Water Resources
Eastern District Office

Mr. Ernest Carlson
Department of Water Resources
150 Shoup, Suite 15
Idaho Falls, Idaho 83402

Dear Mr. Carlson:

This is in response to your telephone inquiry to the Bureau of Reclamation, in Boise, on September 26, 1985, concerning applications for change in place of use of storage water from Palisades Reservoir (No. 01-2068) and American Falls Reservoir (No. 01-2064). These applications were submitted by the Bureau in connection with the proposed Minidoka North Side Pump Division Extension Project.

The A&B Irrigation District has collaborated with the Bureau in developing this proposed project and we concur with the actions taken to cover the balance of the proposed extension lands under the above-referenced storage licenses. The changes in place of use will not injure the Irrigation District or any of its water users.

Sincerely yours,

Kenneth R. Shufeldt

Kenneth R. Shufeldt
Chairman of the Board

cc: Regional Director, Bureau of Reclamation
Boise, Idaho, Attention: 424

MICROFILMED

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
Eastern Region

150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

OCTOBER 9, 1985

Power County Press
174 Idaho Street
American Falls, Idaho 83211

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before NOVEMBER 04, 1985.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

MICROFILMED

Notice of proposed change of water right

Published in The Power County Press October 16 & 23, 1985.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 01-2064

Notice is hereby given that the U.S. Bureau of Reclamation has applied to the Department of Water Resources for a change in the place of use of the waters of the Snake River (American Falls Storage) tributary to Columbia River. The right sought to be changed is evidenced by License No. R-269/01-2064 and is recorded as follows:

AMOUNT: 1,800,000 A.F.
PRIORITY: March 30, 1921
POINT OF DIVERSION: SE1/4SE1/4, Sec 30, T. 7S, 31E, B.M., Power County
from 1/1 to 12/31
The water is used for power generation and irrigation of 790 acres within the W1/2, Sec. 15, N1/2, SE1/4, Sec. 16, T. 8S, R. 23E, B.M.

TO BE CHANGED AS FOLLOWS

The water will be used to irrigate 790 acres within the W1/2NE1/4, SE1/4NE1/4, NW1/4, N1/2SW1/4, Sec. 24, T. 10S, R. 21E; S1/2SW1/4, SE1/4SE1/4, Sec. 26; E1/2SE1/4, Sec. 33; S1/2N1/2, S1/2, Sec. 34, T. 9S, R. 21E; NW1/4NW1/4, Sec. 13, T. 9S, R. 22E B.M.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 150 Shoup, Suite 15, Idaho Falls, Idaho 83402, on or before November 14, 1985.

A. Kenneth Dunn
Director

Notice of proposed change of water right

Published in The Power County Press October 16 & 23, 1985.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 01-2064

Notice is hereby given that the U.S. Bureau of Reclamation has applied to the Department of Water Resources for a change in the place of use of the waters of the Snake River (American Falls Storage) tributary to Columbia River. The right sought to be changed is evidenced by License No. R-269/01-2064 and is recorded as follows:

AMOUNT: 1,800,000 A.F.
PRIORITY: March 30, 1921
POINT OF DIVERSION: SE1/4SE1/4, Sec 30, T. 7S, 31E, B.M., Power County

The water is used from 1/1 to 12/31 for power generation and irrigation of 790 acres within the W1/2, Sec. 15, N1/2, SE1/4, Sec. 16, T. 8S R. 23E, B.M.

TO BE CHANGED AS FOLLOWS

The water will be used to irrigate 790 acres within the W1/2NE1/4, SE1/4NE1/4, NW1/4, N1/2SW1/4, Sec. 24, T. 10S, R. 21E; S1/2SW1/4, SE1/4SE1/4, Sec. 26; E1/2SE1/4, Sec. 33; S1/2N1/2, S1/2, Sec. 34, T. 9S, R. 21E; NW1/4NW1/4, Sec. 13, T. 9S, R. 22E B.M.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 150 Shoup, Suite 15, Idaho Falls, Idaho 83402, on or before November 14, 1985.

A. Kenneth Dunn
Director

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
Eastern Region

150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

OCTOBER 9, 1985

Times News
P.O. Box 548
Twin Falls, ID 83301

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before NOVEMBER 04, 1985.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

MICROFILMED

3/46035 Legl Idaho Dept. of Water,
October 17 and 24 008.1 IN 10¾10
12:42

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
NO. 01-2064

Notice is hereby given that the U.S. Bureau of Reclamation has applied to the Department of Water Resources for a change in the place of use of the waters of the Snake River (American Falls Storage) tributary to Columbia River. The right sought to be changed is evidenced by License No. R-269/01-2064 and is recorded as follows:

AMOUNT: 1,800,000 A.F.
PRIORITY: March 31, 1921
POINT OF DIVERSION: SE1/4SE1/4, Sec 30, T. 7S, R. 31E, B.M., Power County, from 1/1 to 12/31

The water is used for power generation and irrigation of 790 acres within the W1/2, Sec. 15, N1/2, SE1/4, Sec. 16, T. 8S, R. 23E, B.M.

TO BE CHANGED AS FOLLOWS

The water will be used to irrigate 790 acres within the W1/2NE1/4, SE1/4NE1/4, NW1/4, N1/2SW1/4, Sec. 24, T. 10S, R. 21E; S1/2SW1/4, SE1/4SE1/4, Sec. 26; E1/2SE1/4, Sec. 33; S1/2N1/2, S1/2, Sec. 34, T. 9S, R. 21E; NW1/4NW1/4, Sec. 13, T. 9S, R. 22E B.M.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 150 Shoup, Suite 15, Idaho Falls, Idaho 83402, on or before November 14, 1985.

A. KENNETH DUNN
Director

PUBLISH: Thursday, October 17, and 24, 1985.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 01-2064

Notice is hereby given that the U.S. Bureau of Reclamation has applied to the Department of Water Resources for a change in the place of use of the waters of the Snake River (American Falls Storage)tributary to Columbia River. The right sought to be changed is evidenced by License No. R-269/01-2064 and is recorded as follows:

AMOUNT: 1,800,000 A.F.

PRIORITY: March ~~31~~ 30, 1921

POINT OF DIVERSION: SE1/4SE1/4, Sec 30, T. 7S, R. 31E, B.M., Power County

The water is used from 1/1 to 12/31 for power generation and irrigation of 790 acres within the W1/2, Sec. 15, N1/2, SE1/4, Sec. 16, T. 8S, R. 23E, B.M.

TO BE CHANGED AS FOLLOWS

The water will be used to irrigate 790 acres within the W1/2NE1/4, SE1/4NE1/4, NW1/4, N1/2SW1/4, Sec. 24, T. 10S, R. 21E; S1/2SW1/4, SE1/4SE1/4, Sec. 26; E1/2SE1/4, Sec. 33; S1/2N1/2, S1/2, Sec. 34, T. 9S, R. 21E; NW1/4NW1/4, Sec. 13, T. 9S, R. 22E B.M.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 150 Shoup, Suite 15, Idaho Falls, Idaho 83402, on or before November 14, 1985.

A. Kenneth Dunn
Director

Published in the Times News and the Power County Press Oct. 17 and Oct. 24, 1985.

MICROFILMED

CONVERSATION MEMO

TO: File

FROM: Ernest Carlsen

DATE: September 27, 1985

On September 26, 1985, I spoke with Ed Thomas from the Bureau of Reclamation to get some background information on preparation of the application and request documentation supporting their authority to initiate the transfer.

Mr. Thomas indicated the Bureau is attempting to establish an adequate water supply for irrigation of new land. The Bureau has already filed an application for a permit to divert natural flow the the Snake River. The permit, if granted, will function as the primary water right for the project. The application for transfer of storage water is intended to provide a supplemental water supply. Together, the permit and transfer will be basis for the entire water supply on the reclaimed land.

The application for transfer is actually an inter-district change. The storage water is being removed from land bordering the northern boundary of the A & B Irrigation District. This land is irrigated strictly by district wells and is to remote for the feasible delivery of surface water. Surface water can be delivered to the new place of use through the Minidoka Extension, also within the A & B Irrigation District.

Mr. Thomas stated the Bureau has been working closely with the irrigation district in developing the irrigation project and acquiring the needed water. He felt the district's position would be to support the proposed change. He will request they provide a written statement concuring with the storage water transfer.

MICROFILMED

United States Department of the Interior

BUREAU OF RECLAMATION
PACIFIC NORTHWEST REGION
FEDERAL BUILDING & U.S. COURTHOUSE
BOX 043 - 550 WEST FORT STREET
BOISE, IDAHO 83724

IN REPLY
REFER TO:

PN 420
870.

JUN 19 1985

RECEIVED
JUN 20 1985
Department of Water Resources

Mr. A. Kenneth Dunn, Director
Idaho Department of Water Resources
Statehouse
Boise, Idaho 83720

Dear Mr. Dunn:

As discussed with Mr. Norm Young of your Department, under the currently proposed plan, American Falls Reservoir will supply a portion of the water for the lands of the Minidoka Extension area proposed to be served from surface waters. Enclosed is an application to change the place of use of American Falls storage water to cover lands within the proposed Unit A extension area not shown on the original land list submitted with the American Falls application. We compute the filing fee for this application to be $50.00.

If you will sign and return the enclosed voucher, a Government check will be issued for $50.00 to cover the filing fee.

Sincerely yours,

L. W. Lloyd

Regional Director

Enclosures

MICROFILMED

APPLICATION FOR A PERMIT TO CONSTRUCT THE

AMERICAN FALLS RESERVOIR,

And to Store the Unappropriated Waters of the State of Idaho.

Application No. R 21513
Permit No. R 269
District No. 70

I. Name of Applicant: United States of America acting through B. E. Stoutemyer, District Counsel, U. S. Reclamation Service.
Postoffice Address: Burley. County: Cassia. State: Idaho.

1. If applicant is a corporation, give:

(a) Date and place on incorporation:
(b) Amount of capital stock: $
(c) Amount paid in: $
(d) Names and addresses of directors:

II. The financial resources of the applicant are: (a) Cash on hand: 0 Receipts from sale of public lands and all repayments into the Reclamation fund under the Federal Reclamation Act, Warren Act, etc.

(b) Treasury stock: 0
(c) Other resources:

2. Quantity of water to be stored Three Million (3,000,000) acre feet per annum.

3. Source of water supply Snake River, which is a tributary of Columbia River.

4. Water is to be used for: Domestic, irrigation and Power Purposes.

5. The outlet of the proposed reservoir is located North 62° West, 2150 feet distant from the southeast corner of Section 30, T. 7 S., R. 31 E., B.M., and is in the SW¼ SE¼ of Section 30, T. 7 S., R. 31 E.B.M., County of Power.

6. Fill out either (a) or (b).

(a) The reservoir is located in the channel of Snake River.
(b) The reservoir is to be filled through the Feeder Canal, which has a width at bottom of ft., width at top of ft., depth of ft., average grade per mile ft., capacity cubic feet per second.

7. (a) The area of the high water line of the reservoir is 76,460 acres.
(b) The available capacity of the reservoir is Three Million (3,000,000) acre feet.

8. Height of dam: 100 feet; length of dam at top 5750 feet; length of dam at bottom 800 feet. Material used in dam: Concrete, steel, rock and earth.

9. The estimated cost of proposed reservoir is $ Fifteen Million ($15,000,000) Dollars.

10. Amount of land to be irrigated 940,000 acres of old lands, 500,000 acres of new lands, said land being described in Use Permit mentioned in Paragraph 13 herein, which Use Permit is hereby referred to and made a part hereof.

11. The time required for the completion of such work is five (5) years.

12. The water stored in accordance with this permit will be conducted to the place of use through the Riley canal and other systems constructed under the terms of Permit No. 15134, filed by United States, on March 30, 1921.

BE IT KNOWN That the undersigned hereby makes application for permit to construct a reservoir and to store the unappropriated waters of the State of Idaho as herein set forth.

By United States, Applicant.
B.E. Stoutemyer, Agent.
Dist. Counsel U.S. Rec. Ser.

MICROFILMED

Date of first receipt at office of Commissioner of Reclamation 2:30 p.m. March 30, 1921.

Returned to applicant for correction April 29, 1921.

Corrected Application received May 3, 1921.

APPROVAL OF COMMISSIONER OF RECLAMATION

The number of this Permit is R 269.
Recorded in book R 1 Page 269 Approved May 18, 1921.

This is to certify that I have examined the within application for a permit to construct a reservoir and to store the unappropriated public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of $ See Use Permit No. 15134 to be filed on or before
Work to begin on or before and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.
One-fifth of the work above specified to be completed on or before November 18, 1923.
The whole of said work to be completed on or before May 18, 1926.
Beneficial use of water stored in accordance herewith, to be made on or before April 23, 1936, as set out in Permit No. 15134 for the appropriation of the public waters of the State of Idaho, which is hereby referred to and made a part hereof.
Witness my hand this 18th day of May, 1921.

A. G. SWENSEN,
Commissioner of Reclamation

Use Permit No. 15134 described the land upon which the water is to be used, which includes lands in the following Sections, along with other described lands.

Township 7 South, Range 23 East.

Sections 28, 32, 33, 34, 35, and 36.

Township 8 South, Range 23 East.

Sections 1, 2, 3, 4, 7, 8, to 36, inclusive.

Township 9 South, Range 23 East.

Sections 1 to 7, inclusive.

Township 7 South, Range 24 East.

Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 10 to 36, inclusive.

Township 8 South, Range 24 East.

Sections 1 to 35, inclusive.

Township 7 South, Range 25 East.

Sections 6, 7, 18, 19, 20, 22, 25 to 36, inclusive.

Township 8 South, Range 25 East.

Sections 1 to 25 inclusive, 26, 27, 28, 29, and 30.

Township 7 South, Range 26 East.

Section 31.

MICROFILMED

NE¼ SE¼, S½ SE¼ S. R. 13 E., B. M.

W½ Sec. 17, S½ SE¼ Sec. SE¼, S½ SE¼ Sec. 19, E½, N½ NW¼, SW¼ ½ SW¼ Sec. 20, W½ 25, S½ Sec. 26, S½ Sec. W½, SE¼ Sec. 28, SE¼ 29, NW¼ NE¼, S½ NE¼, ¼ SE¼ Sec. 30, all Sec. NW¼, NW¼ SW¼, S½ 32, S½ NE¼, SE¼ ½ NW¼, S½ SW¼, S½ 33, N½, S½ SW¼, SE¼ Sec. 36, N½, SW¼, ¼ Sec. 36, T. 6 S., R. 14

W¼, SE¼ Sec. 1, NE¼, Sec. 12, T. 7 S., R. 13 E.,

4, S½ NW¼, N½ SW¼, N½ SE¼, SE¼ SE¼ N½, N½ S½ Sec. 2, S½ ¼ Sec. 3, S½ N½, SW¼, S½ SE¼ Sec. 4, all Sec. ½, NE¼ SW¼, S½ SW¼, 7, all Sec. 8, NW¼ NE¼, NW¼, E½ SW¼, SE¼, NE¼, NW¼, S½ Sec. 10, Sec. 13, S½ Sec. 14, N½, W½ NE¼ Sec. 16 SW¼, NE¼ SE¼ Sec. 17, N W¼, SE¼ NW¼, SE¼ Sec. 18, S½ NE¼, SE¼ Sec. 19, SW¼, S½ 20, E½ NE¼, S½ SW¼, 21, N½, E½ SW¼, SE¼ ¼, SW¼, NW¼ NE¼, Sec. 23, NW¼, S½ SW¼, S½ SE¼ Sec. 24, all 26, NE¼, E½ NW¼, S½ ½ NE¼, SE¼ NE¼, Sec. 28, NE¼ NE¼, W½, NW¼ SE¼ Sec. 29, SE¼ Sec. 30, NW¼ NE¼, N½ NW¼, SE¼ SW¼, NW¼ SE¼, S½ 2, NE¼, NE¼ NW¼, N½ ¼ SW¼, SE¼ Sec. 33, N½ SE¼ Sec. 34, N½, SE¼ SW¼, SE¼ Sec. 36, T. 7 S., R. 14 E., B.

W¼, SW¼, W½ SE¼ ¼, SW¼ Sec. 8, NW¼ SW¼, S½ SE¼ Sec. 10, SW¼ SE¼ Sec. 20, S½ 21, NW¼ SW¼, W½ 22, SW¼ NW¼, SE¼ 3, SE¼ SE¼ Sec. 24, all NE¼, E½ SE¼ Sec. SW¼, S½ SW¼, SW¼ 27, NE¼, NE¼ NW¼, S½ Sec. 28, all Sec. 29, 31 and E½ NW¼ NE¼

SW¼ SE¼ Sec. 19, N½, NE¼ SW¼, N½ SE¼, SE¼ SE¼ Sec. 30, all Sec. 31, 32, 33, 34, 35, 36, 27 and 28, NE¼ NE¼, S½ NE¼, S½ NW¼, S½ Sec. 29, SE¼ Sec. 30, all Sec. 31, 32, 33, 34 and 35, NE¼, NE¼ NW¼, S½ NW¼, S½ Sec. 36, T. 5 S., R. 16 E., B. M.

SW¼ NW¼, W½ SW¼ Sec. 1, SW¼ NE¼, NW¼, S½ Sec. 2, N½, NW¼ SW¼, S½ SW¼, SE¼ Sec. 3, NE¼, S½ NW¼, S½ Sec. 4, NW¼ NE¼, S½ NE¼, NW¼, S½ Sec. 5, all Sec. 6, 7, 8 and 9, NW¼ Sec. 10, all Sec. 17, 18, 19, 20 and 21, W½, SW¼ SE¼ Sec. 22, SE¼ Sec. 25, S½ NW¼, S½ Sec. 26, all Sec. 27, 28, 29, 30, 31, 32, 33, 34 and 35, NE¼ SW¼, SW¼ SW¼, N½ SE¼ Sec. 36, T. 5 S., R. 17 E., B. M.

S½ SW¼ Sec. 16, SE¼ NE¼, SE¼ Sec. 20, NW¼ NE¼, NW¼, W½ SW¼ Sec. 21, NW¼, NE¼ SW¼, S½ SW¼, SE¼ Sec. 28, N½, SW¼, NE¼ SE¼, S½ SE¼ Sec. 29, SE¼ Sec. 30, N½, SW¼ Sec. 31, N½ NE¼, NW¼ Sec. 32, all Sec. 33, T. 5 S., R. 18 E., B. M.

S½ SE¼ Sec. 15, E½ NE¼, S½ SE¼ Sec. 21, all Sec. 22, S½ Sec. 23, SW¼ Sec. 24, S½ NE¼, NW¼, S½ Sec. 25, all Sec. 26 and 27, E½ Sec. 28, S½ SE¼ Sec. 31, S½ NE¼, S½ Sec. 32, NE¼, NE¼ NW¼, S½ NW¼, S½ Sec. 33, all Sec. 34, 35 and 36, T. 5 S., R. 21 E., B. M.

NE¼ NE¼, S½ NE¼, SE¼ Sec. 25, SW¼ NW¼, NE¼ SW¼, W½ SW¼ Sec. 30, NW¼, W½ SW¼ Sec. 31, S½ SW¼, NW¼ Sec. 35, NE¼, S½ NW¼, S½ Sec. 36, T. 8 S., R. 12 E., B. M.

All Sec. 1, 2 and 3, N½, N½ SW¼, SE¼ SW¼, SE¼ sec. 4, E½ SE¼ Sec. 7, S½ NW¼, S½ Sec. 8, N¼ NE¼, SE¼ NE¼, NE¼ SW¼, S½ SW¼, SE¼ Sec. 9, all Sec. 10, 11, 12, 13, 14, 15, 16 and 17, E½ NE¼, NE¼ SE¼, S½ SE¼ Sec. 18, all Sec. 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36, T. 8 S., R. 23 E., B. M.

All of township 8 south, range 24 east, B. M.

All of township 8 south range 25 east, B. M.

SW¼ SW¼ Sec. 4, SW¼ SW¼, S½ SE¼ Sec. 5, all Sec. 8, 7 and 8, W½, S½ SE¼ Sec. 9, S½ SW¼ Sec. 10, NW¼ NE¼, S½ NE¼, NW¼, S½ Sec. 15, all Sec. 16, 17 and 18, T. 8 S., R. 26 E., B. M.

NE¼ NE¼, N½ NW¼ Sec. 1, N½ NE¼, SW¼ NE¼, NW¼ Sec. 2, NE¼, N½ NW¼, SE¼ NW¼ Sec. 9 S., R. 14 E., B. M.

11, 12, 13, 14 and 15, NE¼ SE¼, S½ NE¼, SE¼ SW¼, SE¼ Sec. 16, S½ SW¼ Sec. 18, N½ NW¼, SE¼ NW¼, SW¼ SW¼ Sec. 19, N½ SW¼, SE¼ Sec. 20, NE¼, NE¼ NW¼, S½ Sec. 21, N½, N½ SW¼, SE¼ SW¼, N½ SE¼, SE¼ SE¼ Sec. 22 T. 10 S., R. 21 E., B. M.

All of township 10 south, range 22 east, B. M.

All of township 10 south, range 23 east, B. M.

All of township 10 south, range 24 east, B. M.

All Sec. 1, 2, 11, 12, 13 and 14, T. 11 S., R. 22 E., B. M.

All of township 11 south, range 23 east, B. M., except Secs. 28-35 inclusive

All Secs. 2 10, 16 20, 29 32, T. 11 S., R. 24 E., B. M.

That any protest against the approval of this application must be filed in the Department of Interior within forty-five days from the date of this notice; such protest shall state the name and address of the protestant and shall clearly set forth his objections to the approval of the said application.

Dated this 10th day of October, 1939.

JAMES SPOFFORD,
Commissioner of Reclamation.

Date of first publication: Oct. 20
Date of last publication: Nov. 3
Last date for protest: November 13, 1939

Service of the foregoing by copy, is hereby admitted this 12th day of October 1939

[illegible]
Applicant

POOR QUALITY ORIGINAL

From Microfiche file
01-2068

Showing advertizement Listing place of use common with 01-2064 under this application for transfer

MICROFILMED

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

TWIN FALLS CANAL COMPANY, Plaintiff,

Vs.

CHARLES N. FOSTER, et al, Defendants.

D E C R E E.

RIGHT NO. 3.

(From Lic. 66/01-2000)

01-0211

That the defendant, the SECRETARY OF THE INTERIOR OF THE UNITED STATES and his successors in office, is hereby awarded the use of the water of the natural flow of the Snake River diverted at Minidoka Dam for use upon the lands lying in the Minidoka Project under the canals of the Minidoka Project in Minidoka and Cassia Counties, Idaho, in the following amount from the following date; 1726 second feet from March 28, 1903, hereby designated as Right No. 3.

1 212

01 0000

RIGHT NO. 4.

That the defendants, THE TWIN FALLS NORTH SIDE LAND AND WATER COMPANY, and the NORTH SIDE CANAL COMPANY, are hereby awarded the use of the waters of the natural flow of Snake River diverted at Milner Dam on the North Side of Snake River for use on lands lying under the canal of the North Side Canal Company, in the following amount from the following date: 2250 second feet from October 7, 1905, and hereby designated as Right No. 4, said right being evidenced by the permit of the State Engineer of the State of Idaho, No. 1603 (01-2006), and being the right taken out by the Twin Falls Land & Water Company and thereafter conveyed to the Twin Falls North Side Land & Water Company for the use and benefit of the above named North Side Canal Company, said right including also a storage right for the storage of water of the Snake River as shown by said permit. ?

MICROFILMED

45-0512
1-216 STATES, and his successors in office is hereby awarded the use of the waters of the natural flow of Marsh Creek, a tributary of Snake River, in Cassia County, on the lands lying under the canals of the Minidoka

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

TWIN FALLS CANAL COMPANY, Plaintiff,

Vs.

CHARLES N. FOSTER, et al, Defendants.

D E C R E E.

01-09~~

1-213 01-0219

45-0572

That the defendant, the SECRETARY OF THE INTERIOR OF THE UNITED STATES, and his successors in office, is hereby awarded the use of the waters of the natural flow of Snake River for the purpose of filling Lake Wallcott Reservoir above Minidoka Dam, said water to be thereafter drawn out and used for irrigation and domestic purposes in the following amount from the following date: 2,500 second feet from December 14, 1909, hereby designated as Right No. 10.

use license # 01-2019 same right) use decreed date.

RIGHT NO. 10.

1 220

01-090~~

RIGHT NO. 11.

That the defendants, THE TWIN FALLS NORTH SIDE LAND AND WATER COMPANY and the NORTH SIDE CANAL COMPANY, are hereby awarded the use of the waters of the natural flow of Snake River at Milner Dam, to be diverted on the North Side of the Snake River at Milner Dam, for use on the lands under the canal system of said company in the following amount and from June 29, 1910; 3,000 second feet, or so much thereof as together with the

MICROFILMED

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

* * * * * * *

BURLEY IRRIGATION DISTRICT, ET AL,

Plaintiff,

vs.

HENRY EAGLE, Watermaster, Water District No. 36, State of Idaho,

Defendant.

Civil Action No. 2406

MOTION TO AMEND JUDGMENT BY INTERLINEATION

DISTRICT COURT
Fifth Judicial District
County of Twin Falls, State of Idaho
FILED NOV 3 1969
By H. A. LANCASTER
Clerk

* * * * * * *

01-0014H. A & B Irrigation District.

267.00 cubic feet of water per second.

Point of Diversion

Southeast Quarter of the Southwest Quarter (SE 1/4 SW 1/4), Section Twenty-four (24), Township Ten (10) South, Range Twenty-one (21) E.B.M.

Lands to Which Appurtenant

Township Eight (8) South, Range Twenty-five (25) East of Boise Meridian: Sections Two (2) through Twenty-four (24) inclusive, Sections Twenty-seven (27) through Thirty (30) inclusive;

Township Seven (7) South, Range Twenty-five (25) East of Boise Meridian; Sections Twenty-seven (27) through Thirty-four (34) inclusive;

Township Eight (8) South, Range Twenty-four (24) East of Boise Meridian: Sections One (1) through Fifteen (15), Seventeen (17) through Thirty-six (36) inclusive;

Township Seven (7) South, Range Twenty-four (24) East of Boise Meridian: Sections 15, 22, 23, Twenty-six (26) through Thirty-five (35) inclusive;

Township Nine (9) South, Range Twenty-three (23) East of Boise Meridian: Sections One (1) through Seven (7) inclusive;

Township Eight (8) South, Range Twenty-three (23) East of Boise Meridian: Sections One (1) through Fifteen (15) inclusive, Seventeen (17) through Thirty-five (35) inclusive;

Township Nine (9) South, Range Twenty-three (23) East of Boise Meridian: Section 34;

Township Ten (10) South, Range Twenty-two (22) East of Boise Meridian: Sections Three (3) through Eleven (11) inclusive, Sections Fifteen (15) through Nineteen (19) inclusive;

Township Nine (9) South, Range Twenty-two (22) East of Boise Meridian: Sections One (1) through Five (5) inclusive, Seven (7) through Fifteen (15) inclusive, Seventeen (17) through Twenty-three (23) inclusive, Twenty-seven (27) through Thirty-four (34) inclusive;

Township Eight (8) South, Range Twenty-two (22) East of Boise Meridian: Sections 24, 25, 30, 35;

Township Ten (10) South, Range Twenty-one (21) East of Boise Meridian: Sections One (1) through Four (4), Eight (8) through Sixteen (16), Twenty-one (21) through Twenty-four (24);

Township Nine (9) South, Range Twenty-one (21) East of Boise Meridian: Sections One (1) through Four (4), Seven (7) through Twelve (12), Fifteen (15) through Eighteen (18), 21, 22, 25, 26, Thirty-three (33) through Thirty-six (36) inclusive;

Township Eight (8) South, Range Twenty-one (21) East of Boise Meridian: Sections Twenty-two (22) through Twenty-seven (27), inclusive, Thirty-three (33) through Thirty-six (36) inclusive.

01-0015I. Otis Orton.

4.00 cubic feet of water per second.

Point of Diversion NE¼NE¼ NW¼NW¼

Lots One (1) and Four (4), Section Twenty-one (21), Township Ten (10) South, Range Twenty-two (22), E.B.M.

MICROFILMED

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

* * * * * * *

BURLEY IRRIGATION DISTRICT, ET AL,

Plaintiff,

vs.

HENRY EAGLE, Watermaster, Water District No. 36, State of Idaho,

Defendant.

Civil Action No. 2406

MOTION TO AMEND JUDGMENT BY INTERLINEATION

DISTRICT COURT
Fifth Judicial District
County of Twin Falls, State of Idaho
FILED NOV 3 1969
By H. A. LANCASTER
Deputy

* * * * * * *

01 0008 B. Minidoka Irrigation District.

266.60 cubic feet per second.

Point of Diversion

The point of diversion of said water for use on those lands lying South of the Snake River in Cassia County is in the Southwest Quarter of the Southwest Quarter (SW 1/4 SW 1/4) of Section One (1), Township Nine (9) South, Range Twenty-five (25) East, Boise Meridian. The points of diversion of said water for use on that land lying North of the Snake River in the County of Minidoka is in the Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4) of Section One (1), Township Nine (9) South, Range Twenty-five (25) East, Boise Meridian.

Lands to Which Appurtenant

That land lying South of the Snake River, County of Cassia, State of Idaho, in Sections Two (2), Three (3), Eight (8), Nine (9), Ten (10), Eleven (11), Sixteen (16), Seventeen (17), Eighteen (18), Nineteen (19), Twenty (20), Twenty-one (21), Twenty-nine (29), Thirty (30), and Thirty-one (31), Township Nine (9) South, Range Twenty-five (25), East Boise Meridian; Sections Twenty-five (25), and Thirty-six (36), Township Nine (9) South, Range Twenty-four (24) East, Boise Meridian; Sections One (1), Two (2), Eleven (11), Twelve (12), Fourteen (14), Fifteen (15), Twenty-two (22) and Twenty-three (23), Township Ten (10) South, Range Twenty-four (24) East, Boise Meridian.

That land lying North and West of the Snake River, County of Minidoka, State of Idaho, in Sections Twenty-eight (28), Twenty-nine (29), Thirty (30), Thirty-one (31), Thirty-two (32), Thirty-three (33), Thirty-four (34) and Thirty-five (35), Township Eight (8) South, Range Twenty-five (25) East, Boise Meridian; Sections Two (2), Three (3), Four (4), Five (5), Six (6), Seven (7), Eight (8), Nine (9), Eighteen (18), and Nineteen (19), Township Nine (9) South, Range Twenty-five (25) East, Boise Meridian; Sections Twenty-five (25), Thirty-two (32), Thirty-three (33), Thirty-four (34), Thirty-five (35) and Thirty-six (36), Township Eight (8) South, Range Twenty-four (24) East, Boise Meridian; all Sections lying North and West of the Snake River in Township Nine (9) South, Range Twenty-four (24) East, Boise Meridian; all Sections lying North and West of Snake River in Township Ten (10) South, Range Twenty-four (24) East, Boise Meridian; all Sections except Three (3), Five (5) and Six (6), Township Nine (9) South, Range Twenty-three (23) East, Boise Meridian; all Sections lying North of the Snake River in Township Ten (10) South, Range Twenty-three (23) East, Boise Meridian; Sections Twelve (12), Thirteen (13), Fourteen (14), Twenty-three (23), Twenty-four (24), Twenty-five (25), Twenty- six (26), Twenty-seven (27), Twenty-eight (28), Thirty-four (34), Thirty-five (35), and Thirty-six (36), Township Nine (9) South, Range Twenty-two (22) East, Boise Meridian; and Sections One (1), Two (2), Three (3), Ten (10), Eleven (11), Twelve (12), Thirteen (13), Fourteen (14), Fifteen (15), Twenty-three (23), and Twenty-four (24), Township Ten (10) South, Range Twenty-two (22) East, Boise Meridian, lying North of the Snake River.

01 0009 C. Milner Low-Lift Irrigation District.

MICROFILMED

#4118

STATE OF IDAHO
LICENSE AND CERTIFICATE OF WATER RIGHT

Water License No. R-269 Priority March 30, 1921 Amount 1,800,000 acre ft. per annum.

THIS IS TO CERTIFY that UNITED STATES OF AMERICA, acting through B. E. Stoutemyer, District Counsel, U. S. Reclamation Service of Portland, Oregon, made application for a permit to appropriate the public waters of the State of Idaho, dated March 30, 1921; that Permit No. R-269 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 1,800,000 acre feet per annum was issued thereunder on July 12, 1932, showing that said works were completed on the 16th day of May, 1931; and that on the 22nd day of April, 1941,

UNITED STATES OF AMERICA

of Portland, State of Oregon, made proof to the satisfaction of the Commissioner of Reclamation of Idaho, of a right to the use of the waters of Snake River, a tributary of Columbia River, stored in American Falls Reservoir, for the purpose of Domestic and irrigation purposes, under Use Permit No. R-269 of the Commissioner of Reclamation, and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the Commissioner of Reclamation of Idaho and entered of record in Volume 7 of Licenses, at page 4118, on the 9th day of July, 1942;

The right hereby confirmed dates from March 30, 1921;

The Point of Diversion is located in the SW¼ SE¼, Sec. 30, Tp. 7 S., R. 31 E.B.M., Power County.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 1,800,000 acre feet per annum, of which amount 1,700,000 acre feet represents the rated cubical contents of the reservoir and 100,000 acre feet is the maximum annual bank storage.

Description and location of use:

The place where said water is used is on the lands in the following irrigation districts and on the lands of the projects of the following irrigation companies: Aberdeen-Springfield Canal Co., American Falls Reservoir Dist., American Falls Reservoir Dist. No. 2, Blackfoot Irrig. Co., Burgess Canal & Irrig. Co., Butte & Market Lake Canal Co., Corbett Slough Ditch Co., Dilts Irrig. Co., Enterprise Canal Co., Enterprise Irrig. Dist., Harrison Canal & Irrig. Co., Hillsdale Irrig. Dist., Idaho Irrig. Dist., Lenroot Canal Co., Milner Low Lift Irrig. Dist., Minidoka Irrig. Dist., New Sweden Irrig. Dist., Peoples Canal & Irrig. Co., Poplar Irrig. Dist., Progressive Irrig. Dist., Reid Canal Co., Rudy Irrig. Canal Co., Chas D. Smith (individual), Snake River Valley Irrig. Dist., Trego Ditch Co., Utah-Idaho Sugar Co., the lands in the upper Snake River Valley are supplied by means of exchange water. The names of the canals or ditches or other works by which said water is conducted to such place of use are: Aberdeen, Martin, North Side Project, Twin Falls Canal Co., Woodville, Gooding, Blackfoot, Burgess, Butte & Market Lake, Corbett, Dilts, Enterprise Canal Co., Enterprise Dist., Harrison, Idaho, Lenroot, Milner Low Lift, Minidoka, New Sweden, Peoples, Poplar Irrig. Dist., Progressive Irrig. Dist., Reid, Rudy, Smith, Snake River Valley, Trego, Utah-Idaho Sugar Co.

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the Commissioner of Reclamation, affixed at Boise, Idaho, this 9th day of July, 1942.

E. V. BERG
Commissioner of Reclamation

(Seal)

MICROFILMED

STATE OF IDAHO

LICENSE AND CERTIFICATE OF

STATE OF IDAHO

LICENSE AND CERTIFICATE OF

WATER RIGHT

Water License No. R-269

To UNITED STATES OF AMERICA

Source of Supply - Snake River.

Power County

Amount 1,800,000 acre Feet

Point of Diversion SW¼SE¼, Sec. 30, Twp. 7 S. Rge. 31 E.B.M.

Place of Use - Lands Under American Falls Reservoir

Purpose - Domestic and irrigation

Date of Priority -March 30, 1921

Recorded - July 9, 1942

in Book 7 of Licenses, Page 4118

01-2064

4118 1118

State of Idaho

License and Certificate of Water Right

Water License No. R-269 /01-2064

Water District No. .....

Amount 1,800,000 acre feet per annum

Priority March 30, 1921

THIS IS TO CERTIFY that UNITED STATES OF AMERICA, Acting through B. E. STOUTEMYER, District Counsel U.S. Reclamation Service of Portland, Oregon, made application for a permit to appropriate the public waters of the State of Idaho, dated March 30, 1921, 19 ; that Permit No. R-269 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 1,800,000 acre feet per annum/second feet, was issued thereunder on July 12, 1932, 19 , showing that said works were completed on the 16th day of May, 19 31 ; and that on the 22nd day of April, 19 41,

UNITED STATES OF AMERICA

of Portland, State of Oregon, made proof to the satisfaction of the Commissioner of Reclamation of Idaho, of the right to use the waters of Snake River, a tributary of Columbia River, for the purpose of domestic and irrigation purposes, under Use Permit No. R-269 of the Commissioner of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the Commissioner of Reclamation of Idaho and entered of record in Volume 7 of Licenses, at page 4118, on the 9th day of July, 19 42;

The right hereby confirmed dates from March 30, 1921, 19 ;

The Point of Diversion is located in the SW¼ NW¼ SE¼ NW¼, Sec. 30, Tp. 7 S, R. 31 E, B. M. Power

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 1,800,000 cubic feet per second acre feet per annum, of which amount 1,700,000 acre feet represents the rated cubical contents of the reservoir and 100,000 acre feet is the maximum annual bank storage.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated

The place where said water is used is on the lands in the following irrigation districts and on the lands of the projects of the following irrigation companies: Aberdeen-Springfield Canal Co., American Falls Reservoir Dist., American Falls Reservoir Dist. No. 2, Blackfoot Irrig. Co., Burgess Canal & Irrig. Co., Butte & Market Lake Canal Co., Corbett Slough Ditch Co., Dilts Irrig. Co., Enterprise Canal Co., Enterprise Irrig. Dist., Harrison Canal & Irrig. Co., Hillsdale Irrig. Dist., Idaho Irrig. Dist., Lenroot Canal Co., Milner Low Lift Irrig. Dist., Minidoka Irrig., Dist., New Sweden Irrig. Dist., Peoples Canal & Irrig. Co., Poplar Irrig. Dist., Progressive Irrig. Dist., Reid Canal Co., Rudy Irrig. Canal Co., Chas. D. Smith (individual), Snake River Valley Irrig. Dist., Trego Ditch Co., Utah-Idaho Sugar Co., the lands in the upper Snake River Valley are supplied by means of exchange water. The names of the canals or ditches or other works by which said water is conducted to such place of use are: Aberdeen, Martin, North Side Project, Twin Falls Canal Co., Woodville, Gooding, Blackfoot, Burgess, Butte & Market Lake, Corbett, Dilts, Enterprise Canal Co., Enterprise Dist., Harrison, Idaho, Lenroot, Milner Low Lift, Minidoka, New Sweden, Peoples, Poplar Irrig. Dist., Progressive Irrig. Dist., Reid, Rudy, Smith, Snake River Valley, Trego, Utah-Idaho Sugar Co.

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the Commissioner of Reclamation, affixed at Boise, Idaho, this 9th day of July, 19 42

E.V.BERG.

Commissioner of Reclamation

(SEAL)

MICROFILMED

01-2064

Standard Form 1034
September 1973
4 Treasury FRM 2000
1034-115

PUBLIC VOUCHER FOR PURCHASES AND SERVICES OTHER THAN PERSONAL

VOUCHER NO.

U.S. DEPARTMENT, BUREAU, OR ESTABLISHMENT AND LOCATION

U. S. Department of the Interior
Bureau of Reclamation
Box 043 - 550 West Fort Street
Boise, Idaho 83724

DATE VOUCHER PREPARED: June 10, 1985

SCHEDULE NO.

CONTRACT NUMBER AND DATE: 5-07-10-W0547

PAID BY

REQUISITION NUMBER AND DATE: Unit A Extension Water Right Applications Minidoka Project

PAYEE'S NAME AND ADDRESS

Idaho Department of Water Resources -Eastern Region
Statehouse 150 Shoup, Suite 15
~~Boise, Idaho 83720~~ Idaho Falls, ID 83402

DATE INVOICE RECEIVED

DISCOUNT TERMS

PAYEE'S ACCOUNT NUMBER

SHIPPED FROM | TO | WEIGHT

GOVERNMENT B/L NUMBER

NUMBER AND DATE OF ORDER	DATE OF DELIVERY OR SERVICE	ARTICLES OR SERVICES (Enter description, item number of contract or Federal supply schedule, and other information deemed necessary)	QUANTITY	UNIT PRICE COST	UNIT PRICE PER	AMOUNT [1]
		Water Right Applications for Unit A Extension Application for change in place of use - American Falls Reservoir				$50.00

(Use continuation sheet(s) if necessary) **(Payee must NOT use the space below)** TOTAL $50.00

PAYMENT:
- ☐ COMPLETE
- ☐ PARTIAL
- ☐ FINAL
- ☐ PROGRESS
- ☐ ADVANCE

APPROVED FOR =$50.00

EXCHANGE RATE =$1.00

DIFFERENCES

BY [2]

TITLE Realty Specialist

Amount verified; correct for

(Signature or initials)

Pursuant to authority vested in me, I certify that this voucher is correct and proper for payment.

(Date) (Authorized Certifying Officer) [2] (Title)

ACCOUNTING CLASSIFICATION

MICROFILMED

PAID BY

CHECK NUMBER ON TREASURER OF THE UNITED STATES

CHECK NUMBER ON (Name of bank)

CASH $

DATE

PAYEE [3]

[1] When stated in foreign currency, insert name of currency.
[2] If the ability to certify and authority to approve are combined in one person, one signature only is necessary; otherwise the approving officer will sign in the space provided, over his official title.
[3] When a voucher is receipted in the name of a company or corporation, the name of the person writing the company or corporate name, as well as the capacity in which he signs, must appear. For example: "John Doe Company, per John Smith, Secretary", or "Treasurer", as the case may be.

PER X Ronald D Carlson

TITLE Regional Supervisor

☆ U.S. GOVERNMENT PRINTING OFFICE : 341-526 (6295)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

December 28, 1976

RE: Application for Transfer No. 01-0023/01-0297/01-2068/01-2064
CANYON VIEW IRRIGATION COMPANY

Mr. William Nungester
Attorney at Law
1020 Main
Buhl, Idaho 83316

Dear Mr. Nungester:

Please find enclosed three additional protests filed by Theo Jagels, E. H. Gier and Arnold Schroeder in reference to the above application for transfer.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

Enclosures

cc: IDWR-State Office
Kent Foster

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

December 28, 1976

RE: Application for Transfer No. 01-0023/01-0297/01-2068/01-2064
CANYON VIEW IRRIGATION COMPANY

Mr. Theo F. Jagels
Rt. #1
Buhl, Idaho 83316

Dear Mr. Jagels:

This is to acknowledge receipt of the protest to issuance of the above referenced application which you submitted. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for transfer:

1. Are other water rights injured by the transfer?

2. Does the change constitute an enlargement in the use of the original right?

An approved application for transfer issued by this department is subject to all prior water rights and does not in any way convey or establish a right-of-way over private or governmental lands. Any right-of-way or easement must be obtained by the individuals concerned through action outside of the water right proceedings.

You will be notified at a later date as to the time and place set for conference and/or hearing to discuss the matters of protest. If we may be of any further assistance, please feel free to contact us.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

cc: IDWR - State Office

MICROFILMED

RECEIVED
DEC 21 1976
Department of Water Resources
Eastern District Office

Route 1
Buhl, Idaho
83316

STATE OF IDAHO
DEPARTMENT OF WATER RESOURSES
1515 Lincoln Road
Idaho Falls, Idaho 83401

Dear Sir;

I am protesting the water right change No. 01-0023/01-0297/01-2068/01-2064 because of the following reasons;

1.

I feel our water rights are endangered because the water share property value will go down if there is a second party on the end of our canal. Canyon View Irrigation Co. has proposed that the share holders of the Twin Falls Canal Co. will be responsible to deliver 100% of their water to their siphon at the Salmon Falls canyon. They also are stating we will take (Twin Falls canal Co) full responsibility for any breaks or seapage which will occur while water is in our canal. This is one of the reasons our water share and land value will decrease.

2.

The Canyon View Irrigation Co. has not showed any respect to the property owners whose land is in the Twin Falls Canal banks. I am one of these property owners. Our property border is the center of the High line canal for one mile. The Canyon View surveyors came on our property without permission and put stakes over all the banks and rock X markers in the canal maintence road way. The land owners in my area decided to keep the surveyors off our property when they surveyed again. We did this and now for protecting our property we are being sued for $82,500.

3.

The amount of water Canyon View has filed on to water the 31280 Acres our canal would have to be increased at least 50% on the last 50 miles and 30% on the first 75miles. With this much extra water in the system the banks where I live will be increased with 4 to 5 Ft. of loose dirt. My house and property I feel will become endangered with this extra water in a loose newly added dirt bank. In the last 5 years there have been 6 breaks on our property, 3 were bad.

4.

We are now receiving 120% water (Example= 80 Acres Full water = 60 inches) Canyon View Irr. Co. is cutting us back to 100% or 50 inches on 80 acres, so there cost of rebuilding the system will be less. This will jeopardize the market value of our land and our water share value.

In Conclusion I am stating that Canyon View has alternative ways of getting water to there land without using our system. There is 20,000 Acres of good desert land south of our system which they could build there canal. If they would build there canal in the desert the initial cost would be a little more but they could put irrigate 10 times the desert land which would make the cost per acre watered one half of the present proposing.

I have lived on this place since March 1918.

Very Truly yours,

Theo. F. Jagels

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

December 28, 1976

RE: Application for Transfer No. 01-0023/01-0297/01-2068/01-2064
CANYON VIEW IRRIGATION COMPANY

Mr. & Mrs. Arnold Schroeder
RR 1 Box 264
Buhl, Idaho 83316

Dear Mr. & Mrs. Schroeder:

This is to acknowledge receipt of the protest to issuance of the above referenced application which you submitted. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for transfer:

1. Are other water rights injured by the transfer?

2. Does the change constitute an enlargement in the use of the original right?

An approved application for transfer issued by this department is subject to all prior water rights and does not in any way convey or establish a right-of-way over private or governmental lands. Any right-of-way or easement must be obtained by the individuals concerned through action outside of the water right proceedings.

You will be notified at a later date as to the time and place set for conference and/or hearing to discuss the matters of protest. If we may be of any further assistance, please feel free to contact us.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

cc: IDWR - State Office

MICROFILMED

Buhl, Idaho
Dec. 19. 1976

Idaho Dept. of Water reso
15 15 Lincoln Rd.
Idaho Falls, Idaho

RECEIVED
DEC 21 1976
Department of Water Resources
Eastern District Office

Dear Sir:

We are protesting application for Water right - 01-0023-0297 01-2068 01-2064 or any new right into ~~Twin~~ twin Falls Canal co. property, including the twin Falls Canal Co's High Line Canal system. We own a little over ~~of~~ a mile of land joining this Canal. This system as it is, has already broken twice, running its total amount of Water onto our land, this was cause by rodents & Water pressure, by adding more Water into this Canal, would make the danger of breaking still worse. Also we have seep problems, which also would ~~of~~ increase. It would also cause more expense to maintain, such as rip wrapping to protect banks from cutting.

MICROFILMED

away. Also if two companies would own one system, there would be problems negociating. This newly proposed system would force us to forfeit a portion of our water right, which in turn, would cut down our crop production, and value of our land.

Sincerely
Mrs. Linda Schroeder
Mr. Arnold Schroeder

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

December 28, 1976

RE: Application for Transfer No. 01-0023/01-0297/01-2068/01-2064
CANYON VIEW IRRIGATION COMPANY

Mr. E. H. Gier
Rt. #1
Buhl, Idaho 83316

Dear Mr. Gier:

This is to acknowledge receipt of the protest to issuance of the above referenced application which you submitted. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for transfer:

1. Are other water rights injured by the transfer?

2. Does the change constitute an enlargement in the use of the original right?

An approved application for transfer issued by this department is subject to all prior water rights and does not in any way convey or establish a right-of-way over private or governmental lands. Any right-of-way or easement must be obtained by the individuals concerned through action outside of the water right proceedings.

You will be notified at a later date as to the time and place set for conference and/or hearing to discuss the matters of protest. If we may be of any further assistance, please feel free to contact us.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

cc: IDWR - State Office

MICROFILMED

RECEIVED
DEC 20 1976
Department of Water Resources
Eastern District Office

December 14, 1976

Idaho Department of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho

Dear Sir:

I have been looking at the possiblies that could happen and I feel I have to oppose it.

My first objection would be the value of the water rights, I feel that our water(Twin Falls Canal) would be devalued and thier water (Canyon View Irrigation) increased in value.

The second objection would be the problem we would have with silt in the irragating water. In past years our water has been shut off during the winter months, and when the water starts in the spring the silt has been a problem from the banks caving in. Now if the canal is built up to carry extra water it would create a definit problem for years to come, in that corragations and feeder ditches would silt in and at the same time crops would suffer for it. And we all know who is going to lose in the end the farmer.

I am also wondering, I thought the Salmon Falls canal was to get some water for thier already irragatable land. I think they should get thier water first. I believe Congress has it on the books.

So I am definitly opposed to the diversion of water rights previously held by Rockland Canal Co.

Yours truly,

E. H. Gier

E. H. Gier

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

RECEIVED
DEC 20 1976
Department of Water Resources

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

December 17, 1976

RE: Application for Transfer No. 01-0023/01-0297/01-2068/01-2064
CANYON VIEW IRRIGATION COMPANY

Mr. William Nungester
Attorney at Law
1020 Main
Buhl, Idaho 83316

Dear Mr. Nungester:

Please find enclosed copies of three additional protests received in connection with the above referenced application for transfer.

If you have any questions concerning this matter, please feel free to contact this office.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

Enclosures (3)

cc: IDWR - State Office
Kent Foster, Attorney at Law

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

December 17, 1976

RE: Application for Transfer No. 01-0023/01-0297/01-2068/01-2064
CANYON VIEW IRRIGATION COMPANY

Mr. Glen Gier
Route 1
Buhl, Idaho 83316

Dear Mr. Gier:

This is to acknowledge receipt of the protest to issuance of the above referenced application which you submitted. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for transfer:

1. Are other water rights injured by the transfer?

2. Does the change constitute an enlargement in the use of the original right?

An approved application for transfer issued by this department is subject to all prior water rights and does not in any way convey or establish a right-of-way over private or governmental lands. Any right-of-way or easement must be obtained by the individuals concerned through action outside of the water right proceedings.

You will be notified at a later date as to the time and place set for conference and/or hearing to discuss the matters of protest. If we may be of any further assistance, please feel free to contact us.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

cc: IDWR - State Office

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

December 17, 1976

RE: Application for Transfer No. 01-0023/01-0297/01-2068/01-2064
CANYON VIEW IRRIGATION COMPANY

Mr. & Mrs. Lynn Jagels
Rt. #1, Box 267
Buhl, Idaho 83316

Dear Mr. & Mrs. Jagels:

This is to acknowledge receipt of the protest to issuance of the above referenced application which you submitted. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for transfer:

1. Are other water rights injured by the transfer?

2. Does the change constitute an enlargement in the use of the original right?

An approved application for transfer issued by this department is subject to all prior water rights and does not in any way convey or establish a right-of-way over private or governmental lands. Any right-of-way or easement must be obtained by the individuals concerned through action outside of the water right proceedings.

You will be notified at a later date as to the time and place set for conference and/or hearing to discuss the matters of protest. If we may be of any further assistance, please feel free to contact us.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

cc: IDWR - State Office

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

December 17, 1976

RE: Application for Transfer No. 01-0023/01-0297/01-2068/01-2064
CANYON VIEW IRRIGATION COMPANY

Mr. Robert Schaer
Rt. #1, Box 176
Buhl, Idaho 83316

Dear Mr. Schaer:

This is to acknowledge receipt of the protest to issuance of the above referenced application which you submitted. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for transfer:

1. Are other water rights injured by the transfer?

2. Does the change constitute an enlargement in the use of the original right?

An approved application for transfer issued by this department is subject to all prior water rights and does not in any way convey or establish a right-of-way over private or governmental lands. Any right-of-way or easement must be obtained by the individuals concerned through action outside of the water right proceedings.

You will be notified at a later date as to the time and place set for conference and/or hearing to discuss the matters of protest. If we may be of any further assistance, please feel free to contact us.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

cc: IDWR - State Office

MICROFILMED

RECEIVED
DEC 14 1976
Department of Water Resources
Eastern District Office

Robert W. Dokken
RT Buhl Idaho
Box 176 - 83316

Dec. 13, 1976

Idaho Dept. of Water Resources
1515 Lincoln Road
Idaho Fall, Idaho

Dear Sirs: I am writing in regard to an legal advertisment that appeared in the Twin Falls Times News on Dec. 2-9, 1976. This pertains to the change of diversion points from various points in eastern Idaho to the Milner diversion and the Twin Falls canal ~~Si~~ head gate by the Canyon View Irrigation Co. This water has supposedly been purchased by Canyon View from various Canal Co. ect. in eastern Idaho. I would like to know the exact legal stations of this water at this time such as has ownership been legaly transferred to canyon View Inc. in such a way that they control this water?

I wish to protest this application on several different grounds. The first should be obvious to anyone that canyon View has no right legal or otherwise to convey this water in the Twin Falls Canal Co. system. Secondly this proposal was soundly defeated in a stockholders vote held by Twin Falls Canal Co. 2 yeas ago.

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(2) The sentiment against this attempt of Canyon View Inc. to force their way into (arbitrarily) our canal system has increased since this vote was taken. The arrogance and overbearing attitude of the Canyon View attorney and officials is unbelievable as if we stockholders of T.F.C.Co are fools and of no worth. I can assure you gentlemen this is going to be a long and very bitter battle with lasting scars that will be a long time healing. Much of this could be averted by your denial of this application to change the diversion point of this water.

I protest this further as a bonified stockholder of 130 shares of Twin Falls Canal Co. stock on the ground that if Canyon View should be allowed to put their water in our canal it will be very one knows a two party ditch is worth less than half as much as a one party ditch. thereby we have lost at least one half the value of our canal system and property.

(2) I own land along nearly one half (½) mile of T.F.C. Co right of way on both sides of the canal. This being the Highline canal toward the lower end of that canal. This property is located in Twin Falls Co. Township Eleven (11) south, Range Fourteen (14) section 19 S ½ S ½ W ¼ south east of castle ford Idaho

MICROFILMED

(2) Being owner of property on both sides of the canal I also own the canal right of way its self. The Twin Falls canal co. only has the right to convey water and maintain the canal system. In order for Canyon View to bring water through my property or any one elses they will have to condem a right of way of their own. This is an attorneys opinion not mine.

(3) My final protest is on the reconstruction that will have to be done on the High line canal particularly at this lower end. as near as I figure this system will have to be one(1) and one half($\frac{1}{2}$) times larger than its present size where it goes through my property. The disurbance of our normal farming procedures, the disruption of water deliveries, loss of pasture, reconstruction of fences, irrigation structures, ditches and on and on is unbelievable.

Gentlemen I beg you to deny the premature and presumptious application by Canyon View Inc. as it is merely an attempt to gain extra leverage for their side in the up coming battle.

Sincerily Your Robert W. Schaer
Route I Buhl Idaho
Box 176 - 83316 - Phone 537-6626

P.S.
I am a lifetime resident (43) of the very area.

MICROFILMED

RECEIVED
DEC 16 1976
Department of Water Resources
Eastern District Office

December 14, 1976

Dear Sirs;

I am against any proposed change of water right and against this whole plan of yours. My mom is against this same plan.

Thank you
Mr Lynn Jagels
Mrs. Emil Jagels

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
No.01-0023/01-0297/01-2068/01-2064 (Parts)

Notice is hereby given that Canyon View Irrigation Company, Twin Falls, Idaho, has applied to the Department of Water Resources for a change in the point of diversion and place of use of the Snake River water rights previously held by the Rockford Canal Company. The rights sought to be changed are 77.9 c.f.s., with a priority of 2-06-95, of the right decreed to the American Falls Canal and Power Company in case of Rexburg Irrigation Company et al. -vs- Teton Irrigation Canal Company, dated December 16, 1910 (also known as the Rexburg Decree); 14.3 c.f.s., with a priority of 4-01-39, of the flood waters of the Snake River decreed to Aberdeen-Springfield Canal Company in the case of Aberdeen-Springfield Canal Company -vs- Henry Eagle, dated March 12, 1969; 9,522.4 A.F., with a priority of 7-28-39, of storage in Palisades Reservoir evidenced by water right License No. 01-2068; and 2,564.1 A.F., with a priority of 3-30-21, of storage from American Falls Reservoir and evidenced by water right License No. 01-2064. These rights were previously appurtenant to the following described lands of the Rockford Canal Company: 640 acres in Sec. 35, T. 2S, R. 33E, and 4,080 acres located within Sec. 2, 3, 4, 10, 11, 12, 13, 14, 15, 20, 24, 28, T. 3S, R. 33E, and 320 acres in Sec. 18, T. 3S, R. 34E, B.M. These rights were previously diverted within the SE¼NE¼ Sec. 34, T. 1S, R. 36E, B.M., Bingham County.

TO BE CHANGED AS FOLLOWS

The water will be used to irrigate 31,280 acres within T. 8S, R. 12E, T. 9S, R. 12E, T. 10S, R. 12E, T. 9S, R. 13E, T. 10S, R. 13E. The water will be diverted at the Milner Dam through the Twin Falls Canal Company headgate located within the NE¼SE¼ Sec. 29, T. 10S, R. 21E, B.M., Twin Falls County.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, on or before December 20, 1976.

MICROFILMED

December 14,1976

RECEIVED
DEC 16 1976
Department of Water Resources
Eastern District Office

Idaho Department of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho

Dear Sir;

I am definitly opposed to the diversion of water rights previously held by Rockland Canal Co.

My first objection would be the value of the water rights. I feel that their water (Canyon View Irragation) would be increased in value, and our water (Twin Falls Canal) would decrease in valve.

The second objection would be the silt in the irragting water. In past years our water has been shut off during the winter months, and when the water starts in the spring the silt has been a problem from the banks caving in. Now if the canal is built up to carry extra water it would create adefinit problem for years to come, in that corragations and feeder ditches would silt in and at the same time the crops would suffer for it. And we all know who is going to lose in the end, the Farmer.

Yours truly,

Glen Gier

Glen Gier

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

EASTERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

RECEIVED
DEC 14 1976
Department of Water Resources

BDF

December 10, 1976

RE: Application for Transfer of Water Right No. 01-0023/01-0297/01-2068/01-0264
CANYON VIEW IRRIGATION COMPANY

Mr. William Nungester
Attorney at Law
1020 Main
Buhl, Idaho 83316

Dear Mr. Nungester:

Enclosed please find copies of the protests filed by the Twin Falls Canal Company and Mrs. Winnifred Schaer against the above referenced application. You should be aware that the following are the items we can consider at a conference and/or hearing in either approving or denying an application for transfer:

1. Are other water rights injured by the transfer?

2. Does the change constitute an enlargement in the use of the original right?

You will be notified at a later date as to the time and place set for conference and/or hearing to discuss the matters of protest. If we may be of further assistance, please contact us.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:ME

cc: Kent Foster - Attorney at Law

MICROFILMED

RECEIVED
DEC 9 1976
Department of Water Resources
Eastern District Office

Rupert, Idaho
December 8, 1976.

Mr. Keith Higginson, Director,
Idaho Department of Water Resources,
1515 Lincoln Road,
Idaho Falls, Idaho

Dear Mr. Higginson:

According to a legal notice in Twin Falls Times-News of December 6, 1976, Canyon View Irrigation Company of Twin Falls has applied for a change in diversion point and use of certain water rights from various eastern Idaho points to the headgate of Twin Falls Canal Company at Milner Dam.

Please, please, do not grant such a change at this time. It can serve no useful purpose and can cause serious harm to the West End of the Twin Falls tract. Canyon View has no facilities at all to transport that water from the end of the Twin Falls High Line Canal (about a mile or so west of my place) to the proposed land development project. Nor do they have any irrigation system west of the Salmon Falls Creek Canyon, to receive the water either for storage or distribution to land. In fact, as of now, most of the land they plan to irrigate is pretty much in limbo. The proposed land consists mostly of "filings" on land which the BLM has not even decided to open for agricultural development. This all takes time before the water can be used. Meanwhile, where will the water go from the end of the High Line? — over the productive farms of the West End, there is no place else for it.

DISAPPROVED

Canyon View have been conducting surveys in the West End all summer with the avowed purpose of enlarging the High Line canal - particularly west of Clover pumps to the end of the canal and then building a new canal to the Salmon Falls Creek canyon following the present Lateral One, known locally as the Schade Ditch. They propose installing a syphon in the canyon to carry their water to a reservoir. The cost of such construction is astronomical, in fact, one of the Canyon View promoters has admitted privately that the cost of water delivered would be prohibitive. They could not pay for the project from prospective crops.

By this legal maneuver of transferring their water into Twin Falls Canal Co system, they believe they can force the cost of rebuilding the High Line on to stockholders of the Twin Falls Canal Co. Their claim is that since some of their rights predate ours, they can take precedence over our water in our canal system.

If that be the case, the Twin Falls Canal Company has two choices: 1. Undertake the rebuilding of the High Line (all canal structures will need replacements, as well as bridges) and raise the water assessments to pay for it. That is not economically feasible. 2. Cut off all water to farmers west of Clover pumps and carry Canyon View water. There is no other alternative. None at all.

MICROFILMED

3 Canyon View will, in any case have to build a canal or pipeline from the end of the High Line to the canyon and some means to transporting the water across the canyon. At this time not one square inch of right of way for such construction has been ~~~~ acquired. No Environmental Impact studies have been made on either the proposed canal to replace the Schlake Ditch, the effect on the canyon of constructing a siphon or the on the proposed site for their reservoir.

The Schlake Ditch is notorious for sink holes and breaks. Every year some crops are washed out. The volume of water in that lateral ~~~~ is minute compared to what Canyon View will carry. A very thorough geological survey including core drillings should be made before a canal is built there. The site of their proposed reservoir is another questionable decision. The formation there is shale rock and gravel. Many farmers are wondering about seepage - what will be the effect on the canyon wall? Will it undermine Balanced Rock?

It seems extremely premature to transfer this water until Canyon View have completed environmental impact studies and can prove their project will not cause damage. They should have clear title to necessary rights of way first.

MICROFILMED

I most sincerely beg you, "do not make the transfer as requested by Canyon View". Such an act will only increase the tension in the West End which is already at the danger point. It is most serious.

I have lived here since 1929. To contemplate the wanton destruction of all the productive farms and comfortable homes between the Clover pumps and Salmon Falls Creek Canyon, north through Lucerne to Snake River is heart breaking. But one must not stand in the way of PROGRESS!(?) must one.

In any case, thank you for your time and consideration.

Hopefully,
Winnifred Schaer

Mrs Winnifred Schaer
Route 1 Box 177
Buhl 83316.

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

December 10, 1976

RE: Application for Transfer of Water Right No. 01-0023/01-0297/01-2068/01-2064
CANYON VIEW IRRIGATION COMPANY

Mrs. Winnifred Schaer
Rt. #1, Box 177
Buhl, Idaho 83316

Dear Mrs. Schaer:

This is to acknowledge receipt of the protest to issuance of the above referenced application which you submitted. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for transfer:

1. Are other water rights injured by the transfer?

2. Does the change constitute an enlargement in the use of the original right?

An approved application for transfer issued by this department is subject to all prior water rights and does not in any way convey or establish a right-of-way over private or governmental lands. Any right-of-way or easement must be obtained by the individuals concerned through action outside of the water right proceedings.

You will be notified at a later date as to the time and place set for conference and/or hearing to discuss the matters of protest. If we may be of any further assistance, please feel free to contact us.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:ME

CC: IDWR - State Office

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

December 10, 1976

RE: Application for Transfer of Water Right No. 01-0023/01-0297/01-2068/01-2064
CANYON VIEW IRRIGATION COMPANY

Mr. Thomas G. Nelson
Attorney at Law
P.O. Box 525
Twin Falls, Idaho 83301

Dear Mr. Nelson:

This is to acknowledge receipt of the protest to issuance of the above referenced application which you submitted on behalf of the Twin Falls Canal Company. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for transfer:

1. Are other water rights injured by the transfer?

2. Does the change constitute an enlargement in the use of the original right?

An approved application for transfer issued by this department is subject to all prior water rights and does not in any way convey or establish a right-of-way over private or governmental lands. Any right-of-way or easement must be obtained by the individuals concerned through action outside of the water right proceedings.

You will be notified at a later date as to the time and place set for conference and/or hearing to discuss the matters of protest. If we may be of any further assistance, please feel free to contact us.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:ME

CC: IDWR - State Office

PARRY, ROBERTSON, DALY & LARSON
LAWYERS
THE IDAHO FIRST NATIONAL BANK BUILDING
P. O. BOX 525
TWIN FALLS, IDAHO 83301

R. P. PARRY
T. M. ROBERTSON
JOHN H. DALY (1913-1988)
BERT LARSON
C. G. McINTYRE
JOHN R. COLEMAN
THOMAS G. NELSON
JOHN A. ROSHOLT
FRED D. DECKER
ROBERT C. PAINE
J. EVAN ROBERTSON

TELEPHONE
(208) 733-3722

OUR FILE NUMBER

December 8, 1976

RECEIVED
DEC 9 1976
Department of Water Resources
Eastern District Office

Department of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401

Dear Sir:

Enclosed is a protest on behalf of the Twin Falls Canal Company to the proposed change application of Canyon View Irrigation Company. Would you please send us a copy of the application filed by Canyon View.

Yours very truly,

Thomas G. Nelson

THOMAS G. NELSON

TGN:bg

Enclosure

MICROFILMED

RECEIVED
DEC 9 1976
Department of Water Resources
Eastern District Office

PARRY, ROBERTSON, DALY & LARSON
P. O. Box 525
Twin Falls, Idaho 83301
Telephone: 733-3722

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

In the Matter of the proposed change of water right No. 01-0023/01-0297/01-2068/01-2064 (Parts), Canyon View Irrigation Company	Protest of Twin Falls Canal Company to Application for change in point of diversion in place of use.

* * * * * * * * * * *

COMES NOW the Twin Falls Canal Company, by and through their attorneys, Parry, Robertson, Daly & Larson, and respectfully allege:

(1) Protestant Twin Falls Canal Company is a non-profit, public irrigation corporation, which owns and operates a complex system of canals and ditches so to deliver water to member shareholders who farm 202,000 acres in Twin Falls County, Idaho.

(2) The instant application proposes the transfer of point of diversion to the headgate of the Twin Falls Canal Company near Milner Dam in the SE¼ of Section 29, Township 10 South, Range 21 East, Boise Meridian, Twin Falls County, Idaho.

(3) The Twin Falls Canal Company presently opposes the proposal by the Canyon View Irrigation Company to share the use of the Main Canal and the High Line Canal and Lateral 1A, or any portion of the system of the Twin Falls Canal

MICROFILMED

Company for the purpose of conveying any water of Canyon View Irrigation Company to the intended place of use.

(4) Any alleged right of Canyon View Irrigation Company to condemn a right of way in the Twin Falls Canal Company canals is subject to judicial determination, either in a present civil action on file in the District Court of the Fifth Judicial District in and for the county of Twin Falls, Idaho, entitled Canyon View Irrigation Company v. Twin Falls Canal Company, Civil No. 28301, or other actions instituted for condemnation.

(5) No permissions have been given by the Twin Falls Canal Company, or to their knowledge by any of the stockholders of the company to the Canyon View Irrigation District to divert or convey water through any part of the Twin Falls Canal Company system.

NOW, THEREFORE, The Twin Falls Canal Company hereby protests the above-numbered application to change point of diversion and place of use of the water rights of the Canyon View Irrigation Company as purchased from the Rockford Canal Company, for the following reasons, to-wit:

1. The Canyon View Irrigation District has no legal permission to use the facilities of the Twin Falls Canal Company for diversion or conveyance of water.

2. Any approval of the proposed point of diversion and place of use are contingent upon a favorable judgment in the civil action pending in the Fifth Judicial District of the State of Idaho, entitled Canyon View Irrigation District v. Twin Falls Canal Company, Civil No. 28301, or other actions to be instituted, and that the application for change in point of diversion and place of use presupposes such favorable judgment and is consequently not now timely or appropriate, and for that reason such application should be denied.

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3. In the alternative, for the same reasons as stated in paragraph 2 above, any order of the Department issued pursuant to the instant Application should be conditioned upon obtainng the legal right of ways as are necessary, within a reasonable period of time.

WHEREFORE, the Twin Falls Canal Company by and through their attorneys, Parry, Robertson, Daly & Larson, respectfully request that the above-referenced application of the Canyon View Irrigation Company be in all respects refused and denied.

DATED this 8th day of December, 1976.

PARRY, ROBERTSON, DALY & LARSON

By: Thomas G. Nelson
Attorneys for Protestant
Twin Falls Canal Company

CERTIFICATE OF MAILING

I hereby certify that on the 8th day of December, 1976, I mailed a true and correct copy of the foregoing instrument to the following, postage prepaid:

Hepworth, Nungester, Felton & Hart
Attorneys at Law
1020 Main
Buhl, Idaho 83316

Holden, Holden, Kidwell, Hahn & Crapo
Attorneys at Law
P. O. Box 129
Idaho Falls, Idaho 83401

PARRY, ROBERTSON, DALY & LARSON

By: Thomas G. Nelson

MICROFILMED

SEE TRANS # 2024 IN FILE 03-0023 FOR MORE INFORMATION

(PROTESTED)

138392

June 30, 1982

Bureau of Reclamation
Box 043
550 West Fort St.
Boise, ID 83724

Gentlemen:

Re: Permit No. 01-2064

On September 1, 1982 the Extension of Time to Avoid Forfeiture of Water Right for the above referenced license will expire. Pursuant to Section 42-222 Idaho Code, we have enclosed a card for reporting the resumption of use of the water right.

If you have resumed the use of the water right described by the license, please complete the enclosed postcard and return it to this office prior to September 1, 1982. If we do not receive the card by that date, the right shall revert to the State of Idaho and shall be again subject to appropriation.

Please contact me if you have further questions on this matter.

Sincerely,

RITA I. FLECK
Sr. Secretary

Enclosure

United States Department of the Interior
BUREAU OF RECLAMATION
PACIFIC NORTHWEST REGION
FEDERAL BUILDING & U.S. COURTHOUSE
BOX 043-550 WEST FORT STREET
BOISE, IDAHO 83724

RECEIVED
JUL 9 1982
Department of Water Resource

IN REPLY
REFER TO: PN 420
870.-

JUL 8 1982

State of Idaho
Department of Water Resources
Statehouse
Boise, Idaho 83720

Ladies and Gentlemen:

Re. Water Certificate No. 4118/01-2064
American Falls Reservoir

The completed card for reporting the resumption of use of water right, which was requested with your June 30, 1982, letter is attached.

Sincerely yours,

L. W. Lloyd

Regional Director

MICROFILMED

August 4, 1982

Bureau of Reclamation
Box 043-550 West Fort St.
Boise, ID 83724

Gentlemen:

Re: License No. 01-2064

This office acknowledges receipt of the postcard stating that the uses of American Falls Reservoir have been resumed. No further processing is necessary.

Sincerely,

RITA I. FLECK
Sr. Secretary

September 30, 1977

Re: Permit No. 01-2064

U.S.A. Bureau of Reclamation
Box 043, 550 West Fort St.
Boise, Idaho 83724

Gentlemen:

Enclosed is a copy of the approved application for extension of time to avoid forfeiture of a water right. Please note the conditions of approval as listed on the second page.

Sincerely,

BOBBY D. FLEENOR
Chief, Operations Bureau

BDF:jfr

Encl.

August 26, 1977

RE: Extension of time No. 01-2064 U.S. AMERICA

Power County Press
174 Idaho Street
American Falls, Idaho 83211

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

Bill submitted 9-12-77 by me

RDC:CW

Enc: Legal Notice (1)

MICROFILMED

NOTICE OF APPLICATION FOR EXTENSION

OF TIME TO AVOID FORFEITURE

Notice is hereby given that the United States of America, acting through the Regional Director of the Bureau of Reclamation, has on 8-17-77 applied to the Director of the Department of Water Resources, pursuant to Sec. 42-222 of the Idaho Code, for an extension of time to avoid forfeiture of License No. 01-2064 (American Falls Reservoir.)

This request was made because the American Falls Reservoir has been operated below maximum capacity since the fall of 1972 due to the deterioration of the original American Falls Dam. The applicant proposes to resume full use of this water right on or before October 1, 1978.

Protests against the granting of this extension of time must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401, on or before September 19, 1977.

C. STEPHEN ALLRED

Director

Published in the Power County Press, American Falls, Idaho, on September 1 and September 8, 1977.

RECEIVED

United States Department of the Interior

BUREAU OF RECLAMATION
PACIFIC NORTHWEST REGION
FEDERAL BUILDING & U.S. COURTHOUSE
BOX 043-550 WEST FORT STREET
BOISE, IDAHO 83724

RECEIVED
AUG 18 1977
Department of Water Resources
Eastern District Office

IN REPLY
REFER TO: 420

AUG 17 1977

State of Idaho
Department of Water Resources
Statehouse
Boise, Idaho 83720

Gentlemen:

RE: Water Certificate No. 4118
Water License No. 269/01-2064
American Falls Reservoir

Enclosed for your records is an application filed as a matter of comity, for an extension of time under the non-use provisions of 42l.C.222.

Sincerely yours,

Regional Director

MICROFILMED

AMERICAN REVOLUTION BICENTENNIAL 1776-1976

RECEIVED

MAY 13 1977

Department of Water Resources
Eastern District Office

APPLICATION FOR TRANSFER OF WATER RIGHT

NO. 01-0023/01-0297/01-2068/01-2064

RECOMMENDATION OF WATERMASTER

I, Arthur L. Lawson, watermaster of Snake River, of Water District No. 01, County of Bonneville, Bingham, etc., State of Idaho, whose address is P.O. Box 1099, Idaho Falls, Idaho have read the attached copy of the application for transfer of water right for Canyon View Irrig. Co. (name), and to the best of my knowledge believe the application to be true.

A. I hereby endorse the above numbered Application for Transfer and recommend that the Director of the Department of Water Resources approve the transfer subject to the following conditions: Reconciliation of legal problems re B/W, and approval by USBR re storage allotments.

OR

B. I do not endorse approval of the above numbered Application for Transfer as requested for the following reasons: _____

Dated at Idaho Falls, Idaho, this 12th day of May 1977.

Arthur L Lawson
(signature)

Please use reverse side if needed.

March 6, 1970

COPY

Mr. Art Larsen, Watermaster
Water District No. 36
P. O. Box 697
Idaho Falls, Idaho 83401

Dear Art:

You have recently asked for direction concerning the storage rights in American Falls Reservoir.

I have interpreted the 1968 Supplemental Adjudication - Snake River entered on July 10, 1968, as providing that storage can be made in American Falls Reservoir whenever water is available for Water License No. 15134, with priority date of March 30, 1921. This interpretation is based on the following language of Page 5 of the supplemental decree.

> "Water available at American Falls Reservoir for the March 30, 1921 priority, under Water License No. 15134, other than that to be available to American Falls Reservoir District No. 2 as above provided, to be available for storage in American Falls Reservoir."

Holding of water in the upstream reservoirs with credit to downstream storage rights is good water conservation practice, and it should be continued for the benefit of all water users in the Upper Snake River Basin. However, any time American Falls physically fills, upstream credit must be voided. At no time should the total American Falls storage, including credits, exceed the storage capacity of 1,700,000 acre feet.

Once filled each season, American Falls Reservoir should not be allowed to refill at the expense of junior users, except for the storage right provided under Water License No. 15134. Once American Falls Reservoir has filled either physically or with upstream credits, storage should be restricted subject to filling all junior rights. Therefore, the practice

of filling American Falls Reservoir with a subsequent drawdown and then calling on water in other reservoirs to refill American Falls, should not be allowed to continue.

If you have any questions regarding this or other matters, please contact me.

Very truly yours,

R. KEITH HIGGINSON
State Reclamation Engineer

RKH:mjl

COPY

MEMORANDUM

To: C. Stephen Allred

From: A. Kenneth Dunn

Subject: Storage in American Falls Reservoir

Date: March 5, 1970

I interpret the 1968 Supplemental Adjudication - Snake River as providing that storage can be made in American Falls Reservoir whenever water is available for water license No. 15134, priority date of March 30, 1921. My opinion is based on the following quote on Page 5 of the supplemental decree.

> "Water available at American Falls Reservoir for the March 30, 1921 priority, under water license No. 15134, other than that to be available to American Falls Reservoir District No. 2 as above provided, to be available for storage in American Falls Reservoir."

In regard to storing water in upstream reservoirs with credit given to American Falls, my opinion is that at any time American Falls fills the upstream, credit should be void. At no time should the total American Falls storage including credits exceed capacity of American Falls Reservoir.

American Falls Reservoir should not be allowed to refill at the expense of junior users, except for the storage right provided under license No. 15134. Once American Falls Reservoir has filled either physically or with upstream credits, storage should be restricted subject to filling all junior rights. Any right established by American Falls for refilling the reservoir would be under the "constitutional doctrine," and can not be administered by the watermaster.

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Memo:
to: [redacted]
from: Stine

American Falls and other Reservoirs within the State of Idaho.

I Believe that we should instruct our watermasters that storage under a license with a given priority should be limited to the face amount of the license or permit for each season. If additional storage over and above the amount licensed or under permit is desired, that additional storage should carry a subsequent priority, depending upon when the additional storage was initiated.

I believe that with respect to American Falls the reservoir, taking into account all storage credited to American Falls in other upstream reservoirs, should not be allowed to store more than 1,700,000 acre-feet in any one year under a priority of _____. In the event license 13134 is used in storage instead of used directly, that storage along with the water diverted directly should not exceed the requirements of _____ acres of land, approximately _____ acre-feet annually.

[redacted]

RECEIVED
FEB 26 1970
Department of Reclamation

PARRY, ROBERTSON, DALY & LARSON
LAWYERS
FIDELITY BANK BUILDING
P. O. BOX 525
TWIN FALLS, IDAHO 83301

TELEPHONE
(208) 733-3722

R. P. PARRY
T. M. ROBERTSON
JOHN H. DALY (1913-1968)
BERT LARSON
C. G. McINTYRE
JOHN R. COLEMAN
THOMAS G. NELSON
JOHN A. ROSHOLT
FRED D. DECKER

February 25, 1970

Mr. Robert Hamilton
Department of Reclamation
State House - Annex 2
Boise, Idaho 83707

Re: Burley Irrigation District, et al v. Henry Eagle

Dear Bob,

Pursuant to your telephone call of Friday, I have done some research on Exhibit "D" in regard to the paragraph entitled "Priority of Certain Existing and Future Water Rights." As I understand it, your question, or should I say Art Larson's question, or should I say someone else's question, is "whether or not the American Falls Reservoir can store water after the reservoir has physically filled in any given year?" Phrased another way, can the American Falls Reservoir store water during what is commonly referred to as the irrigation season?

In reading Exhibits "D" through "I" to the complaint under the paragraph entitled "Priority of Certain Existing and Future Water Rights," I believe it was intended that this paragraph merely spell out a contractual answer to the long standing disagreement between American Falls Reservoir District No. 2 and all of the other spaceholders of the Reservoir. As you know, the Palisades contracts, which were confirmed in the Supplemental Adjudication Action, settled once and for all this age old dispute as to what the natural flow right of American Falls Reservoir District No. 2, in fact, was.

The contracts entered by the parties, as well as the Supplemental Decree which confirmed these rights, does not go beyond the provisions in the Decree nor the exhibits. It is my understanding that the action, including the Decree which was finally entered, did not attempt to delineate a storage season for the American Falls Reservoir District other than the way it has been treated in the past by the watermaster of Water District No. 36.

Because you were referring only to Exhibit D to the Decree, I am enclosing copies of Exhibits "D" through "I" which were attached to the complaint. Basically, all of the paragraphs are the same and these are examples of the

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five types of form contracts which were used by the Bureau of Reclamation in negotiating the Palisades contracts.

In my opinion, the question which you are asking is beyond the scope of the Supplemental Adjudication Action. My understanding of Idaho water law indicates that there is basically no difference between a so-called "natural flow" permit and a "storage" permit. Under some decrees, storage in various reservoirs is limited to certain times of the year. I don't think that the permits obtained in connection with the American Falls Reservoir do that. It would be my guess that the American Falls Reservoir is entitled to store water when such is available to fill March 30, 1921 rights, if there is sufficient water in the river to supply all of the rights with earlier priority dates.

The situation to which I am sure you are referring is one which is sometimes caused by a series of unusual events and through which events in some years the American Falls Reservoir has physically filled more than once, or has, in fact, obtained some additional storage water under its 1921 priority date even though the lower valley companies are operating on their natural flow rights. In my humble opinion, the watermaster is obligated to allow American Falls Reservoir to store water when there is sufficient water to store in American Falls and still fill all of the rights which are prior to March 30, 1921. I am sure that the river has been operated in this manner since the construction of the American Falls Reservoir and historically through the different watermasters. In my opinion the Supplemental Adjudication Decree did not in any way alter this situation. If some of the upper valley waterusers have an objection to this manner of operation, I think they must bring an action in the courts and prove their allegations. I do not think it would be proper for the State Department of Reclamation or the watermaster of Water District No. 36 to in 1970 change the manner of operating the American Falls Reservoir when, in fact, the Adjudication Decree did not specify any change, and the suggested change would be contrary to the manner in which the State has directed that the American Falls Reservoir be operated since the time that it was constructed.

It would seem to me that the State of Idaho and all of the waterusers who have been parties to the various decrees entered on the river, prior to the Burley Irrigation District v. Henry Eagle case are probably estopped from raising the issue inasmuch as they agreed to this operation by contract with the Bureau of Reclamation and they further agreed to this manner of operation as far back as June 25, 1929 in paragraphs II and V of the Woodville Decree.

I don't mean to sound like an advocate in this letter, but I feel that the American Falls Reservoir can store water anytime there is water available under their priority whether or not the Reservoir has filled previously. In my opinion, the Department of Reclamation and Water District No. 36 should continue to handle storage in the Reservoir as they have in the past until a court of competent jurisdiction directs them to do otherwise.

I hope that this helps to answer the question which you posed in your telephone call. If there are other questions of which I might be of assistance, please don't hesitate to be in contact with me.

Thank you for giving me a chance to express my opinion on this matter.

Sincerely,

John A. Rosholt

JOHN A. ROSHOLT

JAR:vw

Encls.

EXHIBIT D

Contract No. 14-06-W-37

CONTRACT BETWEEN

THE UNITED STATES OF AMERICA
and
RUDY IRRIGATION CANAL COMPANY

Concerning Storage Capacity in American Falls and Palisades Reservoirs, and Related Matters

Minidoka and Palisades Projects - Idaho

MICROFILMED

FORM A

UNITED STATES
DEPARTMENT OF THE INTERIOR
Bureau of Reclamation

Minidoka and Palisades Projects
Idaho

Contract With
RUDY IRRIGATION CANAL COMPANY
Concerning Storage Capacity in American Falls and
Palisades Reservoirs, and Related Matters

EXPLANATORY NOTE

Attached is Form A of a proposed typical contract to be made with a company or district diverting from the Snake River above American Falls Dam, which contractor:

1. Now owns space in American Falls Reservoir and is about to acquire additional space, these combined rights in American Falls to be the subject, in part, of a permanent exchange with Jackson Lake;

2. Now owns space in Jackson Lake Reservoir and will own more as the result of the permanent exchange, with all its Jackson Lake rights to be redefined in this contract; and

3. Is now acquiring Palisades space, part of which is to be preferred.

The contract will have some alternate provisions, depending on whether it is made with a company or a district and whether it is determined at the outset that there are new lands to be served.

The contract will not fit cases in which the contractor has existing rights either in American Falls or Jackson Lake or both which cannot readily be consolidated and redefined in one contract at this time.

Article No.	Title	Page No.
	Provisions Relating to Exchange and Redefinition of Existing American Falls and Jackson Lake Storage Rights; Winter Power Operations at the Minidoka Powerplant (Articles 18 through 24)	
B-18	Permanent Exchange of American Falls and Jackson Lake Storage Rights	21-23
19	Guarantee in Event Minidoka Exchanged Space Fails to Fill	23-24
B-20	Redefinition of Jackson Lake Storage Rights	24-26
21	Operation and Maintenance Obligation - Jackson Lake	26-27
22	Relinquishment of Rights in American Falls Reservoir	27-28
23	Status of Company's Rights Under Prior Jackson Lake Contract	28
24	Winter Power Operation; Minidoka Powerplant	28-36
	Provisions of General Application to All Rights Established or Defined by This Contract (Articles 25 through 51)	
C-25	Temporary Storage and Exchange of Water; Release of Jackson Lake and Palisades Water for Power Production	37-38
26	Rental of Water; Sale of Space	38
27	Points of Delivery of Water; Measurement and Losses	38-39
28	Ordering of Water	39-40
29	Complaints Regarding Water Supply	40-41
30	Payment of Costs in Delivery and Distribution of Stored Water	41-42
31	Computation of Costs	42
32	Title to and Operation of Powerplants; Power Revenues	43-44
33	Title to Storage Works; Miscellaneous Revenues	44-45
D-34	Priority of Certain Existing and Future Water Rights	45-48
35	Protection of Water Rights	48
36	Refusal to Deliver Water in Case of Default	48-49
37	Levies and Assessments by Company; All Benefits Conditioned Upon Payment; Lien to Secure Obligations	49-50
38	Lands for Which Water is Furnished; Limitations on Area	50-51
39	Limitation on Service to New Lands	51-52
40	Termination or Modification of Excess Land Provision	52

EXHIBIT E

Contract No. 14-06-W-23

CONTRACT BETWEEN

THE UNITED STATES OF AMERICA
and
THE TREGO DITCH COMPANY

Concerning Storage Capacity in American Falls and Palisades Reservoirs, and Related Matters

Minidoka and Palisades Projects - Idaho

MICROFILMED

FORM B

UNITED STATES
DEPARTMENT OF THE INTERIOR
Bureau of Reclamation

Minidoka and Palisades Projects
Idaho

Contract With
THE TREGO DITCH COMPANY
Concerning Storage Capacity in American Falls and
Palisades Reservoirs, and Related Matters

EXPLANATORY NOTE

Attached is Form B of a proposed typical contract to be made with a company or district diverting from the Snake River above American Falls Dam, which contractor:

1. Now owns space in American Falls Reservoir and is about to acquire additional space, these combined rights in American Falls to be the subject, in part, of a permanent exchange with Jackson Lake;

2. Does not now own space in Jackson Lake Reservoir but will own some as the result of the permanent exchange; and

3. Is now acquiring Palisades space, part of which is to be preferred.

The contract will have some alternate provisions, depending on whether it is made with a company or a district and whether it is determined at the outset that there are new lands to be served.

The contract will not fit cases in which the contractor has existing rights in American Falls which cannot readily be consolidated and redefined in one contract at this time.

Article No.	Title	Page No.
	Provisions Relating to Exchange and Redefinition of Existing American Falls and Jackson Lake Storage Rights; Winter Power Operations at the Minidoka Powerplant (Articles 18 through 23)	
B 18	Permanent Exchange of American Falls and Jackson Lake Storage Rights	21-22
19	Guarantee in Event Minidoka Exchanged Space Fails to Fill	23-24
B 20	Redefinition of Jackson Lake Storage Rights	24-26
21	Operation and Maintenance Obligation - Jackson Lake	26-27
22	Relinquishment of Rights in American Falls Reservoir	27-28
23	Winter Power Operation; Minidoka Powerplant	28-36
	Provisions of General Application to All Rights Established or Defined by This Contract	
C 24	Temporary Storage and Exchange of Water; Release of Jackson Lake and Palisades Water for Power Production	36-37
25	Rental of Water; Sale of Space	37-38
26	Points of Delivery of Water; Measurement and Losses	38
27	Ordering of Water	39
28	Complaints Regarding Water Supply	39-40
29	Payment of Costs in Delivery and Distribution of Stored Water	40-41
30	Computation of Costs	41-42
31	Title to and Operation of Powerplants; Power Revenues	42-44
32	Title to Storage Works; Miscellaneous Revenues	44-45
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34	Protection of Water Rights	48
35	Refusal to Deliver Water in Case of Default	48-49
36	Levies and Assessments by Company; All Benefits Conditioned Upon Payment; Lien to Secure Obligation	49-50
37	Lands for Which Water is Furnished; Limitations on Area	50-51
38	Limitation on Service to New Lands	51
39	Termination or Modification of Excess Land Provisions	52
40	Penalty for Delinquency in Payment	52

EXHIBIT F

Contract No. 14-06-W-11

UNITED STATES
DEPARTMENT OF THE INTERIOR
Bureau of Reclamation

Minidoka and Palisades Reservoirs
Idaho

Contract With
THE FARMERS FRIEND IRRIGATION COMPANY, LTD.
Concerning Storage Capacity in Palisades Reservoir,
And Related Matters

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Contract No. 14-06-W-11

UNITED STATES
DEPARTMENT OF THE INTERIOR
Bureau of Reclamation

Minidoka and Palisades Projects
Idaho

Contract With
THE FARMERS FRIEND IRRIGATION COMPANY, LTD.
Concerning Storage Capacity in Palisades Reservoir,
And Related Matters

THIS CONTRACT, Made this 12th day of December 19 52, pursuant to the Federal Reclamation Laws, between THE UNITED STATES OF AMERICA (hereinafter called the United States), acting through the Under Secretary of the Interior, and THE FARMERS FRIEND IRRIGATION COMPANY, LTD. (hereinafter called the Company), a corporation organized and existing under the laws of the State of Idaho and having its principal place of business at Elva, Idaho,

WITNESSETH, That:

2. WHEREAS, the United States, under the Federal Reclamation Laws, has heretofore constructed and is now operating Jackson Lake, Island Park, American Falls, and Lake Walcott reservoirs, among others, and is now constructing Palisades Dam and Reservoir Project (herein called the Palisades Project);

3. WHEREAS, the Company, desiring to cooperate with the United States and the various other water users organizations that enter into like contracts in the water conservation program that will be made

MICROFILMED

EXHIBIT G

Contract No. 14-06-W-46

CONTRACT BETWEEN

THE UNITED STATES OF AMERICA
and
WATSON SLOUGH DITCH COMPANY, LTD.
and
WATSON SLOUGH IRRIGATION COMPANY, LTD.

Concerning Storage Capacity in Palisades Reservoir,
And Related Matters

Minidoka and Palisades Projects - Idaho

MICROFILMED

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34	Rules and Regulations	41
35	Representative of the Secretary	41
36	Notices	42
37	Discrimination Against Employees or Applicants for Employment Prohibited	42
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Contract No. 14-06-W-46

UNITED STATES
DEPARTMENT OF THE INTERIOR
Bureau of Reclamation

Minidoka and Palisades Projects
Idaho

Contract With
WATSON SLOUGH DITCH COMPANY, LTD.
and
WATSON SLOUGH IRRIGATION COMPANY, LTD.
Concerning Storage Capacity in Palisades Reservoir,
And Related Matters

THIS CONTRACT, Made this 18th day of December 1952, pursuant to the Federal Reclamation Laws, between THE UNITED STATES OF AMERICA (hereinafter called the United States), acting through the Under Secretary of the Interior, and WATSON SLOUGH DITCH COMPANY, LTD., and WATSON SLOUGH IRRIGATION COMPANY, LTD. (jointly referred to hereinafter as the Company unless otherwise indicated), corporations organized and existing under the laws of the State of Idaho and having their principal places of business at Riverside, Idaho,

WITNESSETH, That:

2. WHEREAS, the United States, under the Federal Reclamation Laws, has heretofore constructed and is now operating Jackson Lake, Island Park, American Falls, and Lake Walcott reservoirs, among others, and is now constructing Palisades Dam and Reservoir Project (herein called the Palisades Project);

3. WHEREAS, the Company, desiring to cooperate with the United States and the various other water users organizations that enter into

MICROFILMED

Office Copy - R.P.P.
563

EXHIBIT H

File 106 B (4) Contract No. 14-06-W-28

UNITED STATES
DEPARTMENT OF THE INTERIOR
Bureau of Reclamation

Minidoka and Palisades Projects
Idaho

Contract With
NORTH SIDE CANAL COMPANY, LTD.
Concerning Storage Capacity in American Falls and
Palisades Reservoirs, and Related Matters

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MICROFILMED

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UNITED STATES
DEPARTMENT OF THE INTERIOR
Bureau of Reclamation

Minidoka and Palisades Projects
Idaho

Contract With
NORTH SIDE CANAL COMPANY, LTD.
Concerning Storage Capacity in American Falls and
Palisades Reservoirs, and Related Matters

THIS CONTRACT, Made this 12th day of December, 1952, pursuant to the Federal Reclamation Laws, between THE UNITED STATES OF AMERICA (hereinafter called the United States), acting through the Secretary of the Interior, and NORTH SIDE CANAL COMPANY, LTD. (hereinafter called the Company), a corporation organized and existing under the laws of the State of Idaho and having its principal place of business at Jerome, Idaho,

WITNESSETH, That:

2. WHEREAS, the United States, under the Federal Reclamation Laws, has heretofore constructed and is now operating Jackson Lake, Island Park, American Falls, and Lake Walcott reservoirs, among others, and is now constructing Palisades Dam and Reservoir Project (herein called the Palisades Project);

3. WHEREAS, the Company, desiring to cooperate with the United States and the various other water users organizations that enter into like contracts in the water conservation program that will be made

MICROFILMED

EXHIBIT I

Excerpts from Contract No. 14-06-W-73, between United States of America and American Falls Reservoir District #2, Article 20, beginning page 20

Water Supply

20. (a) The water supply to be available under this contract comprises both water accruing to capacity in American Falls Reservoir and certain natural flow rights held for the District, both as more fully defined herein.

(b) The United States will operate and maintain the existing American Falls Dam and Reservoir, and will make available to the District stored water accruing to twenty-three and fifty-three hundredths per cent (23.53%) of the active capacity of that reservoir within the limits and on the terms and conditions provided in this contract. This percentage shall, so long as the reservoir has an active capacity of 1,700,000 acre-feet, be treated as the equivalent of 400,000 acre-feet of active capacity. The latter figure may, however, be adjusted from time to time by agreement between the Secretary and the District whenever there are determinations that the active capacity is other than above stated.

(c) The District shall be entitled to have delivered to it during each irrigation season its proportionate share of all irrigation water stored in American Falls Reservoir during the storage season ending during or immediately preceding that irrigation season. The District shall also be entitled to have held over from one irrigation season to the next for its use in that next season stored water to which it is entitled, but the total amount of stored water which will be held over for the use of the District during an irrigation season shall not exceed the amount that can be stored in the space made available to the District under (b) of this article. Stored water available under the rights in American Falls Reservoir as defined

herein shall be available for delivery to the District during any irrigation season within these limitations:

That deliveries shall be limited at any time to the amount which can be delivered by means of the District's proportionate share of the outlet capacity, taking into account the requirement of passing through the reservoir water belonging to prior rights under the physical limitations of the existing outlet works.

(d) The United States will continue to hold Idaho water license No. 15134, a direct diversion permit having a priority date of March 30, 1921, with the District to have rights thereunder as follows:

The right to divert as natural flow thereunder from May 1 of each irrigation season continuing during that season so long as there is natural flow available for that priority one-half of the first 1,700 cubic feet per second of flow, except that in any year in which American Falls Reservoir is full to capacity on April 30 or fills after that date, taking into account any water that may be temporarily stored to its credit in upstream reservoirs, all water diverted by the District within the maximum of 1,700 cubic feet per second during the year prior to the initial storage draft on American Falls Reservoir after the reservoir finally fills in that year shall be considered as natural flow under that license. Nothing herein shall prevent the District from diverting water under said license prior to May 1 of a given irrigation season but all such diversions shall be charged as storage in the event

the reservoir is not full on April 30 of that season or does not fill after April 30 of that season, unless diversions so made are of amounts that, but for the diversions, would have spilled past Milner Dam and have been in excess of amounts required to be so spilled to satisfy third-party rights.

Water available at American Falls Reservoir for the March 30, 1921 priority under water license No. 15134, other than that to be available to the District as above provided, shall be available for storage in American Falls Reservoir.

Affidavit of Publication

County of Power, }
State of Idaho, } ss.

O. J. Quane, being first duly sworn on his oath, states:

That he is the printer of the American Falls Press, a newspaper of general circulation in Power County, Idaho, published weekly at American Falls in said county; that said newspaper has been published in said county uninterruptedly and continuously for over seventy-eight consecutive weeks, prior to the first publication of the annexed notice or advertisement:

That the annexed notice or advertisement was published as per clipping attached in the regular and entire edition of said newspaper and not in any supplement thereof for four successive weekly issues thereof, the date of the first publication being the 16th day of April, 1931, the date of the last publication being the 7th day of May, 1931.

(Signed) O. J. Quane

Subscribed and sworn to before me this 18th day of May, 1931.

M. C. Lockhart

Notary public, residing at American Falls, Idaho.

My Commission expires the 8th day of Dec, 1933.

(SEAL).

(April 16-23-30-May 7)

NOTICE FOR PUBLICATION.

Notice is hereby given that at 2 P. M., on the 16th day of May, 1931, at Burley, County of Cassia, State of Idaho, before Anna J. Larson, notary public, proof will be submitted of the completion of works for the diversion of 1,800,000 acre-feet of the waters of Snake River, in accordance with the terms and conditions of a certain permit heretofore issued by the Commissioner of Reclamation of the State of Idaho.

1. The name of the person or corporation holding said permit is United States of America.

2. The postoffice address of such person or principal place of business of such corporation is Reclamation Bureau, Burley, County of Cassia, State of Idaho.

3. The number of such Permit is R-269, and the date set for the completion of such work is May 16, 1931.

4. Said water is to be used for irrigation and domestic purposes.

5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is 1,800,000 acre-feet.

6. The amount of lands for which said water is available is 1,500,000 acres, particularly described as follows: The Snake River Valley and lower half of Wood River Valley.

R. W. FARIS,
Commissioner of Reclamation.

R-269

A. C. DE MARY, President
Rupert, Idaho

W. A. SHEAR, Vice-President
Burley, Idaho

M. W. CROUCH, Secretary
Burley, Idaho

Minidoka North Side Extension Association

"The Veterans' Best Irrigated Homestead Project"

DIRECTORS:
A. C. DeMary, Rupert
W. A. Shear, Burley
W. S. Elton, Rupert
M. W. Crouch, Burley

DIRECTORS:
A. H. Lee, Rupert
I. H. Harris, Burley
N. K. Jensen, Rupert
W. H. Thompson, Burley

Rupert, Idaho,
May 4, 1949.

Mr. Roy W. Thompson,
Supervisor of Water Distribution,
DEPARTMENT OF RECLAMATION,
Boise, Idaho.

Dear Mr. Thompson:-

We are in receipt of the copy of the Foster Decree and also of the Permit #R-269 and wish to thank you for the trouble you have taken in getting t his to us.

Check for $8.00 is enclosed for payment.

Thanking you again, we are

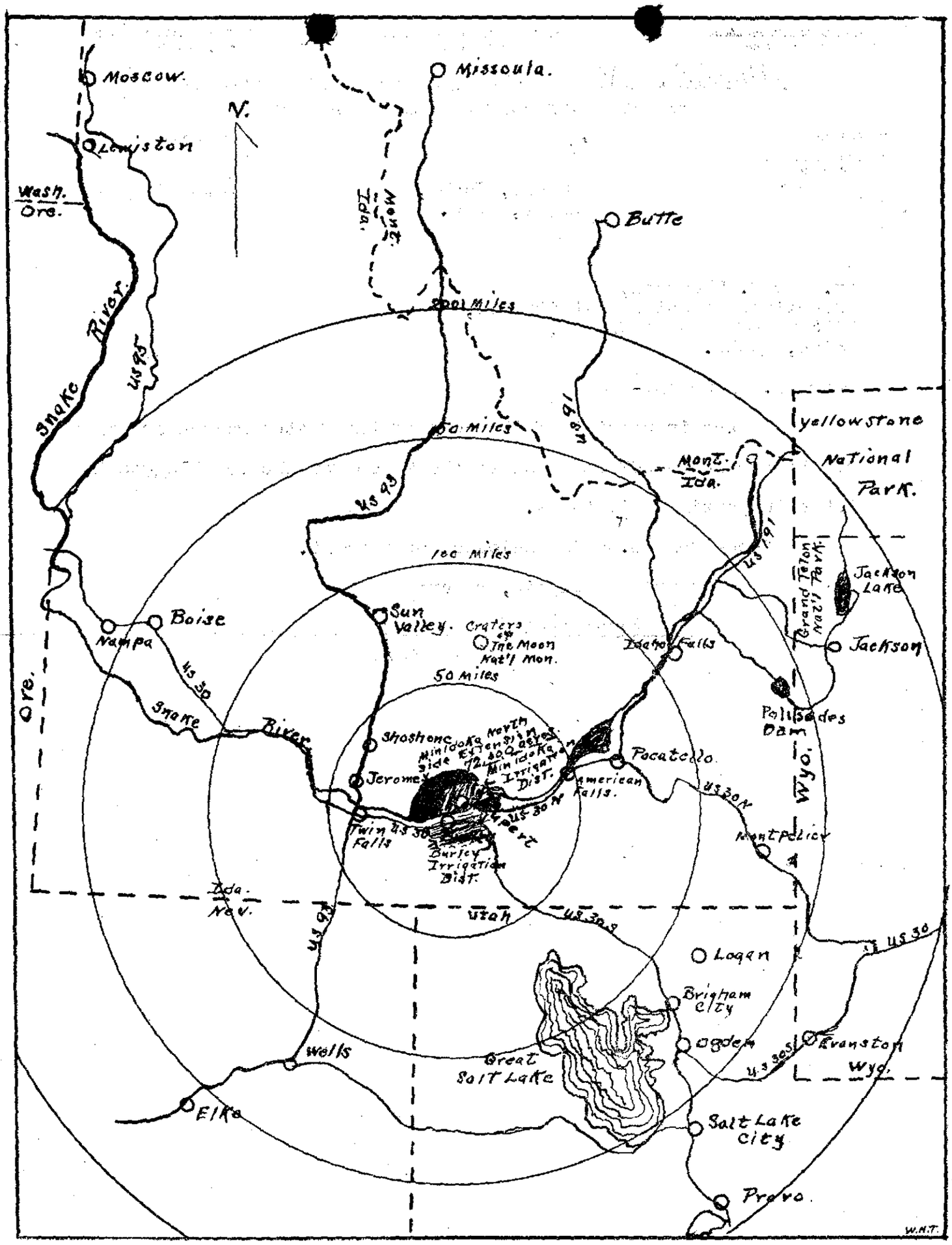
Yours truly,

A C DeMary

R 21491

RECEIVED
Department of Reclamation

R-269


Moscow.
Lewiston
Wash.
Ore.
Snake River.
US 95
N.
Missoula.
Mont.
Ida.
Butte
200 Miles
150 Miles
100 Miles
50 Miles
US 93
US 91
Yellowstone National Park.
Mont.
Ida.
Grand Teton Nat'l Park.
Jackson Lake
Jackson
Idaho Falls
Palisades Dam
Wyo.
Ore.
Boise
Nampa
US 30
Snake River
Sun Valley.
Craters of the Moon Nat'l Mon.
Shoshone
Minidoka North side Extension 12,400 acres
Minidoka Irrigation Dist.
Jerome
Twin Falls
US 30 N
Burley Irrigation Dist.
Pocatello
American Falls.
US 30N
Montpelier
Ida.
Nev.
Utah
US 30S
Logan
Brigham City
Ogden
Evanston
Wyo.
US 30
Wells
Elko
Great Salt Lake
Salt Lake City
Provo
W.H.T.

R-269

May 3, 1949

Mr. A. C. DeMary, President
Minidoka North Side Extension Association
Rupert, Idaho

Dear Mr. DeMary:

We are enclosing herewith a copy of the Foster Decree; also a copy of Permit No. R-269, in its entirety, together with the land descriptions in which you are interested, copied from Permit No. 15134, which was filed in this Department on the same date as Permit No. R-269 was filed. Said copied land descriptions have been referred to under Permit No. 15134 as the same place of use covering both Permits.

We are also enclosing a descriptive part of the License issued under Permit No. R-269. We hope this covers all of the information requested, which is compiled in the most concise manner.

The cost of this copy work is $8.00, for which you may remit your check, at your convenience.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Supervisor of Water Distribution

RWT:bh
Enc.

R-269

A. C. DE MARY, President
Rupert, Idaho

W. A. SHEAR, Vice-President
Burley, Idaho

M. W. CROUCH, Secretary
Burley, Idaho

Minidoka North Side Extension Association

"The Veterans' Best Irrigated Homestead Project"

DIRECTORS:
A. C. DeMary, Rupert
W. A. Shear, Burley
W. S. Elton, Rupert
M. W. Crouch, Burley

DIRECTORS:
A. H. Lee, Rupert
I. H. Harris, Burley
N. K. Jensen, Rupert
W. H. Thompson, Burley

Rupert, Idaho,
April 25, 1949.

Mr. Roy W. Thompson,
SUPERVISOR OF WATER DISTRIBUTION,
Department of Reclamation,
Boise, Idaho.

Dear Mr. Thompson:-

What we are rather anxious to s how is that the permit filed by the government in connection with the storage space in American Falls provided that some of the storage water was to be used on the land shown on Sheet 7, which you kindly sent us, and which is known as the Minidoka North Side Pumping Unit.

It would not be any advantage to us to have all the other land descriptions given. We are particularly interested in trying to show that when the American Falls reservoir was built, the government filed on water to be used on the land we are interested in. The wording of the permit, the purpose and location where the water is to be used is what we would like.

Probably, the permit describes the land bysections, perhaps by smaller units. It would serve our purpose if instead of giving detailed descriptions, reference was only made to the land shown on Sheet 7.

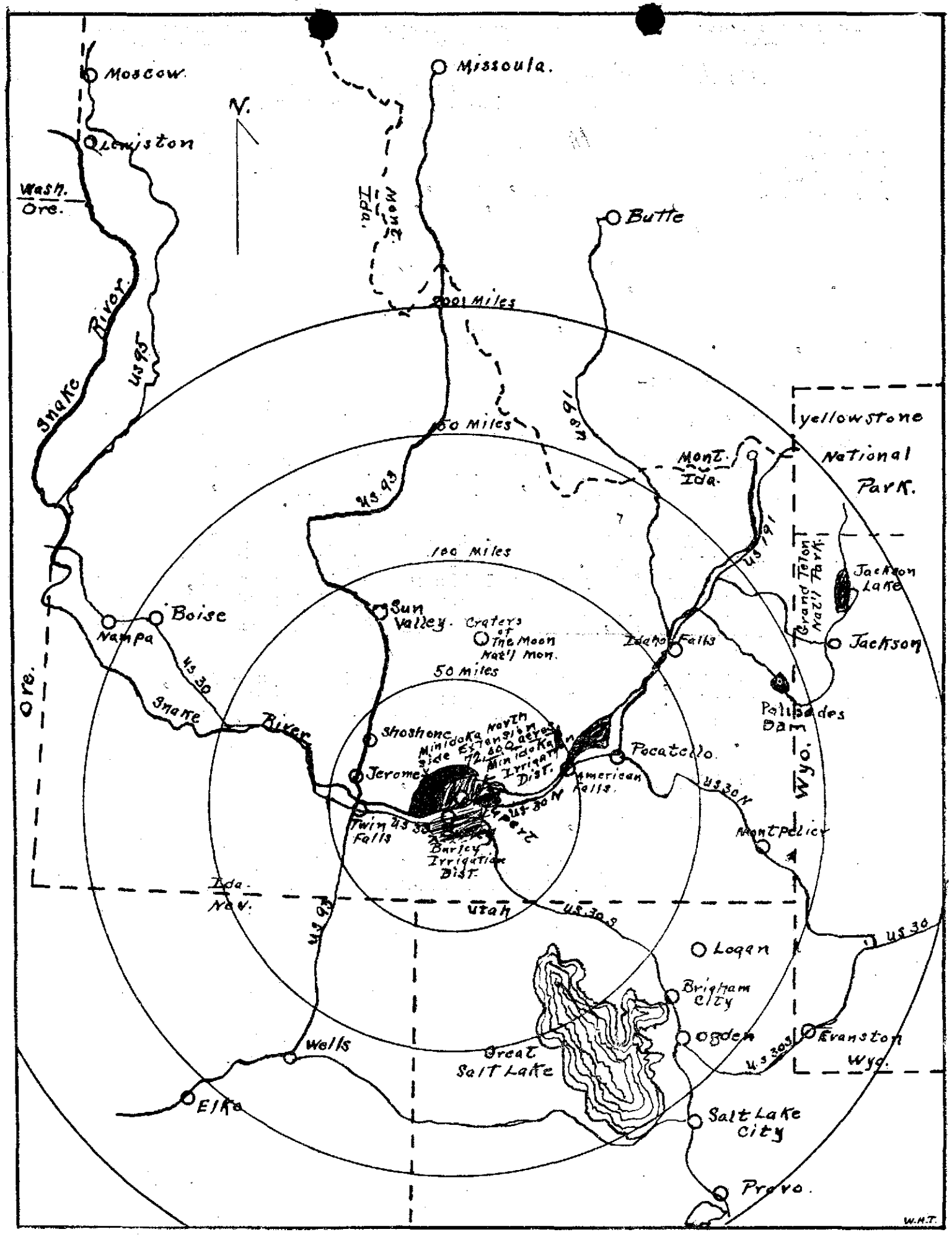
Thanking you for your courtesy, I am

Yours truly,

A C DeMary

RECEIVED
Department of Reclamation

R-269


Moscow
Lewiston
Wash.
Ore.
Snake River
US 95
N.
Missoula.
Mont.
Ida.
Butte
200 Miles
100 Miles
50 Miles
US 93
US 191
Yellowstone National Park
Mont.
Ida.
Grand Teton Nat'l Park
Jackson Lake
Jackson
Idaho Falls
Palisades Dam
Wyo.
Ore.
Boise
Nampa
US 30
Snake River
Sun Valley
Craters of The Moon Nat'l Mon.
Shoshone
Minidoka North Side Extension 60,000 acres
Minidoka Irrigation Dist.
Jerome
Twin Falls
Burley Irrigation Dist.
American Falls
Pocatello
US 30N
Montpelier
Ida.
Nev.
Utah
US 30S
Logan
Brigham City
Ogden
Evanston
Wyo.
Wells
Great Salt Lake
Elko
Salt Lake City
Provo
W.H.T.

April 20, 1949

Mr. A. C. DeMary
Rupert, Idaho

Dear Mr. DeMary:

Your letter of the 18th received, in which you requested a copy of Permit No. R-269. Before we prepare a copy of this Permit, we wish to explain that at the same time Application for Permit was filed in this office, a companion Permit No. 15134 for 8,000 cubic feet per second of natural flow water at American Falls Dam was also filed. As these two permits were granted at the same time, the land description or place of use was given and is so recorded under Permit No. 15134, which consists of approximately 26 pages of land description.

Permit No. R-269 does not give the land description or place of use, but refers to Permit No. 15134 for place of use.

Before we copy said permit, as per your request, we wish to know if you will require the list of land descriptions as given in Permit No. 15134.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Supervisor of Water Distribution

RWT:bh

R-269

A. C. DE MARY, President
Rupert, Idaho

W. A. SHEAR, Vice-President
Burley, Idaho

M. W. CROUCH, Secretary
Burley, Idaho

Minidoka North Side Extension Association

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DIRECTORS:
A. H. Lee, Rupert
I. H. Harris, Burley
N. K. Jensen, Rupert
W. H. Thompson, Burley

Rupert, Idaho,
April 18, 1949.

Mr. Roy W. Thompson,
SUPERVISOR OF WATER DISTRIBUTION,
Department of Reclamation,
Boise, Idaho.

Dear Mr. Thompson:-

Thank you very much for sending me Sheet 7 showing the proposed Minidoka Northside Pumping Unit, which map was apparently filed with Permit #R-269 by the Bureau of Reclamation in connection with the American Falls Reservoir.

Now, if I could have a copy of this permit and also a copy of the Foster decree, believe it was, or if not, the one decreeing the water from the American Falls Reservoir, I would be quite happy.

I would be glad to pay any expenses necessary to get these two items if they can be furnished within a short time.

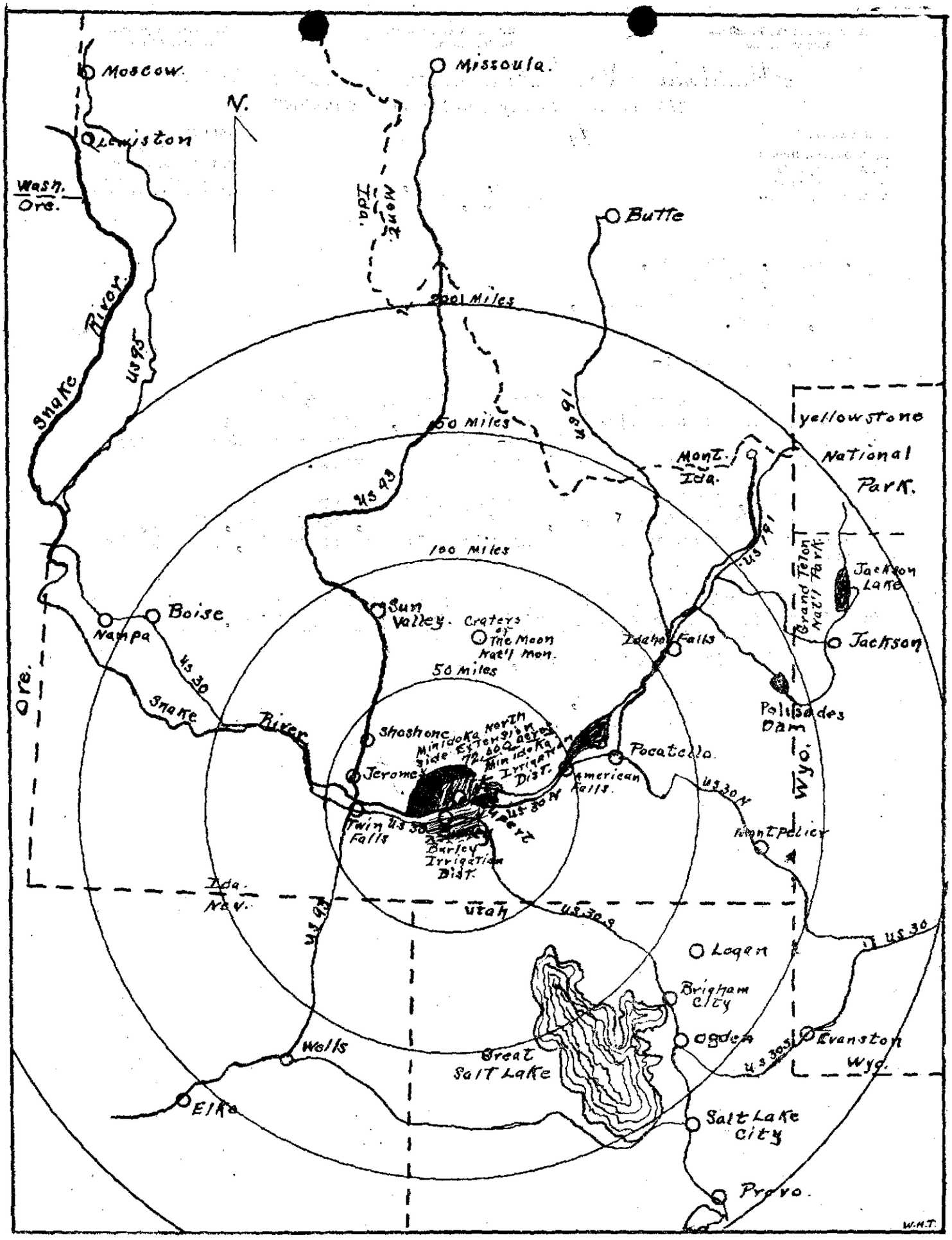
Thanking you very much, I am

Yours truly,

A C DeMary

RECEIVED
APR
Department of Reclamation

R-269


Moscow
Missoula
N.
Lewiston
Wash.
Ore.
Mont.
Ida.
Butte
Snake River
US 95
220 Miles
50 Miles
US 91
US 93
Yellowstone National Park
Mont.
Ida.
100 Miles
US 191
Grand Teton Nat'l Park
Jackson Lake
Jackson
Sun Valley
Craters of The Moon Nat'l Mon.
Idaho Falls
Boise
Nampa
Ore.
US 30
Snake River
50 Miles
Palisades Dam
Wyo.
Shoshone
Minidoka North Side Extension 72,000 acres
Minidoka Irrigation Dist.
Pocatello
Jerome
American Falls
US 30N
Twin Falls
US 30S
Burley Irrigation Dist.
Montpelier
Ida.
Nev.
Utah
US 93
US 30S
Logan
US 30
Brigham City
Ogden
Evanston
Wyo.
US 30S
Wells
Great Salt Lake
Elko
Salt Lake City
Provo
W.H.T.

April 14, 1949

Mr. A. C. DeMary
Rupert, Idaho

Dear Mr. DeMary:

Enclosed is a copy of one sheet of a tracing filed in the office of the Department of Reclamation to accompany filing for American Falls Reservoir by the Bureau of Reclamation.

Permit No. R-269: Said Permit includes all lands as shown on the enclosed map.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Supervisor of Water Distribution

RWT:bh

R-269

June 29, 1942

James & James
Attorney at Law
Gooding, Idaho

Gentlemen:-

In answer to your letter of June 26thm wish to state that we have this day granted water licenses to the United States on American Falls Reservoir.

The storage permit is for a total of 1,800,000 acre feet; - specified as 1,700,000 acre feet of cubic contents in reservoir and 100,000 acre feet maximum annual bank storage.

The other certificate is for 1,700 second feet as representing the capacity at the head of the Gooding canal.

Very truly yours,

E. V. Berg
Commissioner of Reclamation

EVB:lap

R-269

JAMES & JAMES
ATTORNEYS AT LAW
GOODING, IDAHO

A. F. JAMES
ANDREW F. JAMES

June 26, 1942

RECEIVED
JUN 27 1942
Department of Reclamation

Mr. E. V. Berg
State Commissioner of Reclamation
Boise, Idaho

Dear Mr. Berg:

We have received from Mr. B. E. Stoutemeyer, attorney for the Reclamation Bureau, a copy of the letter which he wrote you on June 23rd relative to the issuance of water licenses on American Falls Reservoir, and a copy of your letter written him under date of June 8th. When the license is issued, will you please inform me as to the amount of water allowed under such license?

Very truly yours,

JAMES & JAMES

AFJ/mm

BY:

R-269

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

LYNN CRANDALL, WATERMASTER

IDAHO FALLS, IDAHO

WATER DISTRICT NO. 36

Chase A. Clark, GOVERNOR
E. V. Berg, COMMISSIONER

June 26, 1942

RECEIVED
JUN 27 1942
Department of Reclamation

Mr. E. V. Berg
State Commissioner of Reclamation
Boise, Idaho

Dear Mr. Berg:

Bank storage credited to American Falls Reservoir varies considerably depending how high the reservoir is held during the season and how rapidly it is drawn down. When held at high stages the seepage and evaporation losses offset the bank storage, so that the bank storage is usually greater when the reservoir is rapidly drawn down to low levels.

The net credit to the reservoir from bank storage in excess of reservoir evaporation has been as follows during recent years.

1941	7,200	acre-ft.
1940	32,000	"
1939	0	"
1938	0	"
1937	17,300	"
1936	0	"

Evaporation losses during the drawdown period each year would probably average 60,000 to 70,000 acre-feet, which would have to be added to the above figures to get total amount of bank storage, so that the bank storage might readily amount to 100,000 acre-feet before deducting evaporation losses.

I wonder if the license could be so worded that it would be for a total of 1,800,000 acre-feet of which 1,700,000 acre-feet would be the rated capacity of the reservoir and 100,000 acre-feet for bank storage. The amount available under the 100,000 acre-feet right in any particular year would then depend on the conditions as they existed during that year. This would prevent the reservoir being enlarged to 1,800,000 acre-feet under the original priority date. With a segregation of the right into two items somewhat as above outlined I believe that the license could be issued for 1,800,000 acre-feet, which I have understood was the amount specified in the proof of completion of works.

Very truly yours,

Lynn Crandall

Watermaster.

R-269

June 25, 1942

Mr. Lynn Crandall, Watermaster
Idaho Falls, Idaho

Dear Mr. Crandall:

We received a letter from Mr. Stoutemyer in connection with the Government's Proof of Beneficial Use of the Waters of American Falls Reservoir. Their claim is for 1,800,000 acre feet and while, he says, the measured capacity is for 1,700,000 acre feet, there probably is about 100,000 acre feet of bank storage for which they should have credit.

No doubt the bank storage is quite heavy, especially under certain conditions, however, this asset is to a large extent balanced by surface evaporation loss. I suppose the consumptive use by plants in the reservoir area previous to submergence would be a factor, though, this is just a saving of water and takes up a certain space in the reservoir like water from any other source.

The matter of granting 1,700,000 or 1,800,000 acre feet might be important to subsequent appropriators, such as the Portneuf-Marsh Co. and might also complicate matters inasmuch as the Court designated the storage amount to be 1,700,000 acre feet.

Please state in the operation of this reservoir how you handle the items of bank storage and evaporation. Also from your more detailed knowledge of the various features of the reservoir your opinion as to which of the two figures above quoted would be more nearly correct.

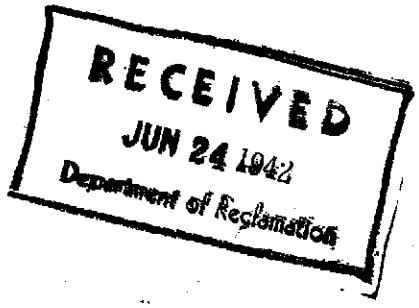
Very truly yours,
E. V. BERG
COMMISSIONER OF RECLAMATION

EVB:ml.

Gth Permit 269 R.

UNITED STATES
DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION
603 Post Office Building
Portland, Oregon
June 23,1942



Mr. E. V. Berg,
State Commissioner of Reclamation,
Boise, Idaho.

Dear Mr. Berg:

Upon my return from a trip to Idaho, I find your letter of June 8 on my desk.

While the measured or estimated capacity of the American Falls Reservoir above ground is considered to be 1,700,000 acre-feet, it has been found that we have a substantial amount of what is called bank storage capacity in connection with this reservoir; that is to say, when the reservoir is filling the water runs out into the loose material on the borders of the reservoir and then when the reservoir is drawn down this underground or bank storage drains back into the reservoir. I think this probably amounts to as much as 100,000 acre-feet.

Another factor which makes it possible to store in many years more than the estimated above ground capacity of the reservoir is the fact that it frequently happens that we draw out some of the stored water and then a little rise in the river at a later date or a shutting down of some of the canals on account of rain or some other cause enables us to refill the emptied capacity so that part of the capacity is frequently filled more than once in a season.

Inasmuch as we made satisfactory proof of completion of capacity of 1,800,000 acre-feet and a certificate was issued for that amount, I think that question should be considered settled and that all that should be required at this time is the proof of beneficial use of the stored water.

Aside from this question of the difference between the 1,700,000 acre-feet and the 1,800,000 acre-feet, the plan outlined in your letter is satisfactory to me; that is, if there is a license issued for storage in the American Falls Reservoir up to the 1,800,000 acre-feet capacity of the reservoir and another license for the 1700 second-feet which has been diverted out of natural flow into the Milner-Gooding canal, I would think that the two

R-269

licenses in that form would cover the necessary requirements of the project.

Very truly yours,

B. E. Stoutemyer

B. E. Stoutemyer
District Counsel

2269

March 31, 1942

Re: 15134 & R-269

Mr. B. E. Stoutemyer
District Counsel Bureau of Reclamation
Room 603, Post Office Bldg.
Portland, Oregon

Dear Mr. Stoutemyer: American Falls Reservoir.

We are ready to issue licenses on the above numbered permits--one for flow and one for storage waters. Since t is is supplemental water, and the landsto be irrigated were designated in the publications under the names of the Canal Companies, would it be satisfactory with your office if we listed the names of the Canal Companies instead of the subdivisions on the licenses? We are enclosing one of our license forms for your perusal.

Very truly yours,
E. V. BERG,
Commissioner of Reclamation

BY: Chief Clerk.

ml.
encl.

R-269

Form 23

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 15134 & R-269

This proof is for Beneficial Use In Water District No.

1. Name of applicant U. S. of A.
2. Source of water supply: Snake River
3. Location of point of diversion: Is in the SW¼SE¼ (R-269) of Section 30
   T. 7 S R. 31 E County of Power
4. Describe works as they exist, giving dimensions and capacities of same: A concrete dam 87 feet high and 5260 feet long, provided with 6-I5 Ft. power outlets, I5 spillway outlets, each 33ft long X II.3ft high, and 20 discharge gates 5 X5 Ft. Water is beneficially used directly or indirectly through the diversions of over 50 canals of Irrigation Companys and districts serving approximately 8I0000. acres of irrigated land
5. Water is used for:
6. State whether or not water has been turned into works of diversion: Yes
7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation): Supplemental waters in Upper Snake River valley as far west as the Twin Falls North Side Canal Co.

(Submit map on attached plat, showing location and details of above description.

8. What large stream would the water here appropriated finally reach? Columbia River

Remarks: Waters included in this filing are almost wholly supplemental to other, older rights.

This examination was made on the 22nd. day of July, 1941

(Signed) Fred T. Dolman
Examiner.

R-269

American Falls Dam
c/o S. R. Marean
U. S. Bureau of Reclamation
Burley, Ida.

66

Permit No. 15134 & R-269

Examination for Beneficial Use

County Power

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.

2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.

3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.

4. If any unusual conditions are discovered, make a plain statement of them under remarks.

5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.

Form 23

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE

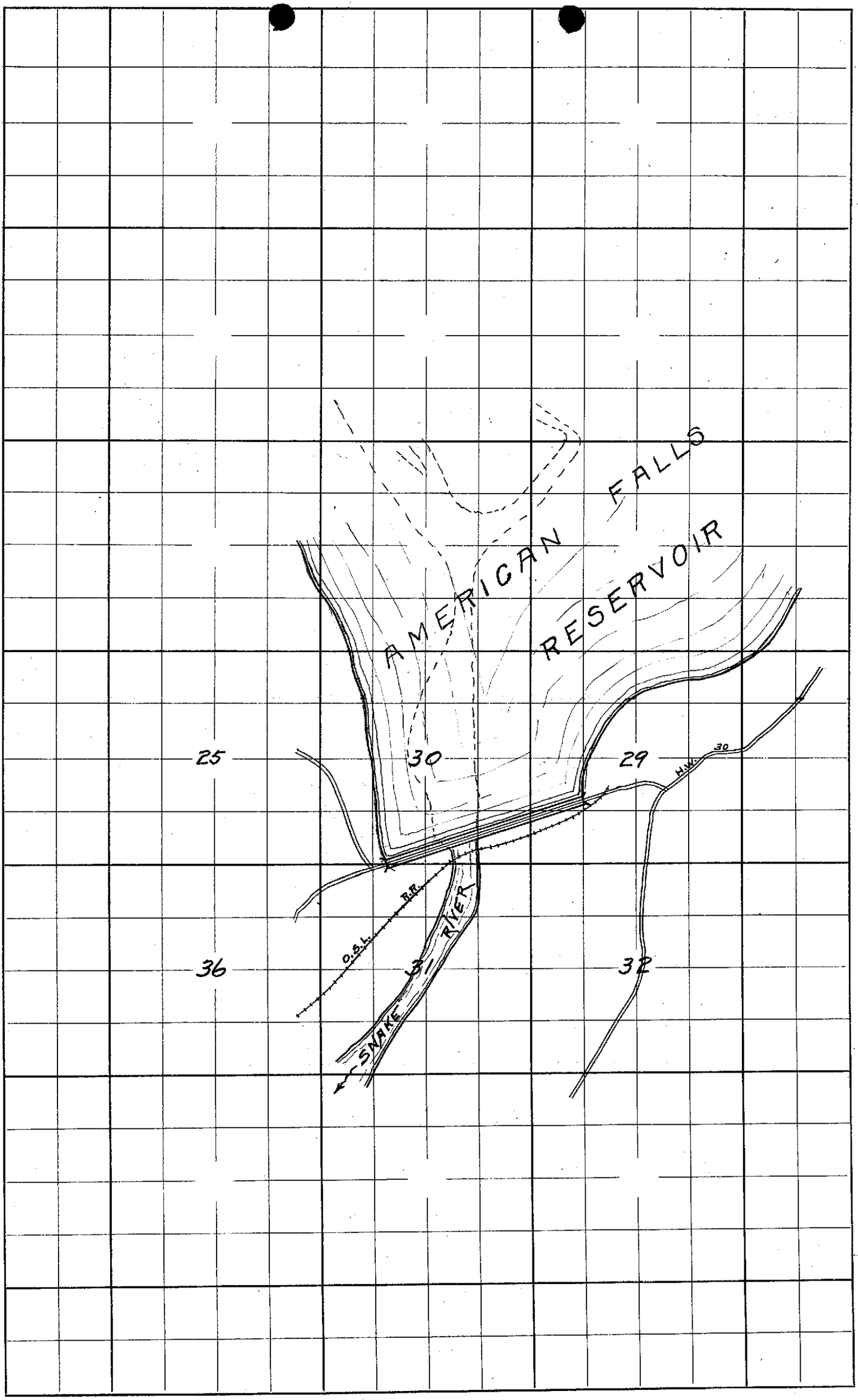
REPORT OF ENGINEER

PERMIT NO. 15134 & R-269

REPORT ON PROOF OF Beneficial Use Proof

C.F.K. Permits 15134 - for 8.00 C.F.S.
" " R-269 - " " 1,700.00
No fees charged
F.P.T.

R-269



SCALE: 2 INCHES EQUALS 1 MILE. DRAW MAP IN INK.

NOTICE FOR PUBLICATION

NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at eleven A. M. on the 22nd day of April, 1941, at Burley, County of Cassia, State of Idaho, before S. H. Kunau, a notary public, proof will be submitted of the application to beneficial use of 1,800,000 acre-feet per annum, total rate of diversion for storage and direct use being in excess of 9,000 cubic feet per second of the waters of Snake River, in accordance with the terms and conditions of Permits No. 15134 and R-269 heretofore issued by the Commissioner of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are United States of America, address Superintendent U. S. Reclamation Bureau, Burley, Idaho.

The use to which said water has been applied is irrigation and domestic use.

The amount applied to beneficial use is 1,800,000 acre-feet per annum, at a total rate of diversion for storage and for direct use in excess of 9,000 second-feet.

The place where said water is used is on the lands in the following irrigation districts and on the lands of the projects of the following irrigation companies:

Aberdeen-Springfield Canal Company
American Falls Reservoir District
American Falls Reservoir District No. 2
Blackfoot Irrigation Company
Burgess Canal & Irrigation Company
Butte & Market Lake Canal Company
Corbett Slough Ditch Company
Dilts Irrigation Company
Enterprise Canal Company
Enterprise Irrigation District
Harrison Canal & Irrigation Company
Hillsdale Irrigation District
Idaho Irrigation District
Lenroot Canal Company
Milner Low Lift Irrigation District
Minidoka Irrigation District
New Sweden Irrigation District
Peoples Canal & Irrigation Company
Poplar Irrigation District
Progressive Irrigation District
Reid Canal Company
Rudy Irrigation Canal Company
Charles D. Smith (individual)
Snake River Valley Irrigation District
Trego Ditch Company
Utah-Idaho Sugar Company

The lands in the Upper Snake River Valley are supplied by means of exchange of water.

The names of the canals or ditches or other works by which said water is conducted to such place of use are:

Aberdeen
Martin
North Side Project
Twin Falls Canal Co.
Woodville
Gooding
Blackfoot
Burgess
Butte & Market Lake
Corbett
Dilts
Enterprise Canal Co.
Enterprise District
Harrison
Idaho
Lenroot
Milner Low Lift
Minidoka
New Sweden
Peoples
Poplar Irr. Dist.
Progressive Irr. Dist.
Reid
Rudy
Smith
Snake River Valley
Trego
Utah-Idaho Sugar Company

R-269

The right to take water from such works is based upon Permits No. R-269 and 15134.

The source of supply from which such water is diverted is Snake River.

The date of priority which said user is prepared to establish is March 30, 1921.

E. V. BERG
Commissioner of Reclamation

Pub. Times: March 20, 27, April 3, 10, 1941

AFFIDAVIT OF PUBLICATION

RECEIVED APR 22 1941 Department of Reclamation

No. 639

STATE OF IDAHO, } ss.
COUNTY OF TWIN FALLS, }

I, Lisa Maloney being first duly sworn upon oath depose and say that I am Principal Clerk of the IDAHO EVENING TIMES, published daily, except Sunday, at Twin Falls, Idaho, and do solemnly swear that a copy of the notice or advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for 4 consecutive Thursdays, commencing with the issue dated March 20, 1941, and ending with the issue dated April 10, 1941

And I do further certify that said newspaper has been published as a daily paper, except Sunday, under said name and in said city and county, continuously and uninterruptedly during a period of more than twelve consecutive months prior to the first publication of said notice or advertisement.

And I further certify that pursuant to Section 58-108 I. C. A., 1932, as added thereto by Chapter 154, Idaho 1933 Session Laws, Thursday of each week has been designated as the day on which legal notices required by law or by order of any court of competent jurisdiction within the State of Idaho, to be published weekly, will be published; and that at the head of the editorial column of said paper, and in each issue thereof, Thursday is announced as the day on which said legal notices will be published.

Lisa Maloney

Subscribed and sworn to before me this 10th day of April, 1941

Josephine Graves

Notary Public in and for the County of Twin Falls, State of Idaho, residing at Twin Falls, Idaho

R-269

April 24, 1941

Re: 15134 & R-269

Mr. S. R. Marean, Supt.
U. S. Bureau of Reclamation
Burley, Idaho

Dear Mr. Marean:

This will acknowledge receipt of the depositions of two witnesses, and the affidavit of proof of publication of the Idaho Evening Times, all in connection with Beneficial Use proof on the above numbered permits.

Before final action can be taken in this matter, the law requires that a field examination be made by an engineer from this department. We are unable to say just when this examination will be made, since this department has but one field engineer, who makes examinations all over the State.

However, Mr. Tolman, field engineer for the Department, will try and contact you at the time set for examination, so that you may arrange to show him over the grounds.

Under separate cover, we are mailing the forms requested in your letter of April 22nd.

Very truly yours,

E. V. BERG.
Commissioner of Reclamation.

By: Chief Clerk.

ml.

R-269

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION

Burley, Idaho

RECEIVED
APR 24 1941
Department of Reclamation

April 22, 1941

Mr. E. V. Berg, Commissioner
Department of Reclamation
State of Idaho
Boise, Idaho

Dear Sir:

Reference is made to previous correspondence on the subject of proof of application of water to beneficial use in connection with American Falls Reservoir.

In order for this office to have the necessary number of copies of the proceedings, will you please forward to this office eight copies of Form 17, "Proof of Application of Water to Beneficial Use, Deposition of Witness," and six copies of Form 16, "Proof of Application of Water to Beneficial Use, Deposition of Holder."

Your courtesy in this matter will be greatly appreciated.

Very truly yours,

S. R. Marean
Superintendent

R-269

J. C. BASKILL S. H. KUNAU

Burley Realty & Abstract Company

Farms, City Property, Business Opportunities
Investments and Insurance

Associated with Cassia County Abstract Company, Ltd.

BURLEY, IDAHO

RECEIVED
APR 22 1941
Department of Reclamation

April 22, 1941.

Mr. E. V. Berg,
Commissioner of Reclamation.
State House,
Boise, Idaho.

Dear Sir:-

Re; 15134 & R-269
U. S. Bureau
American Falls Dam.

I hand you herewith the following papers

Deposition of Holder signed by Stanley R. Marean.

Deposition of Witness E. H. Neal

Deposition of Witness J. B. Stocking.

Affidavit of Publication.

I trust that all papers will be found in order.

Very truly yours.

S. H. Kunau

R-269

Form 16.

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE, IDAHO

RECEIVED
APR 22 1941
Department of Reclamation

Permits No. R-269 and 15134

Proof of Application of Water to Beneficial Use

Deposition of Holder

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. Stanley R. Marean, Superintendent of the U. S. Bureau of Reclamation at Burley, Idaho, acting for and on behalf of and as agent for the United States of America, the holder of the said permits.

Ques. 2. If acting in behalf of corporation, state its name, principal place of business (if a foreign corporation, give name of postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf.

Ans. The United States of America, principal place of business is Washington, D. C., Idaho office, U. S. Reclamation, Bureau, Burley, Idaho; my position and authority is stated above.

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. Permit R-269, Permit Date May 18, 1921; Priority Date March 30, 1921.
Permit 15134, Permit Date Apr. 23, 1921; Priority Date March 30, 1921.

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Source of water supply is Snake River, diverted into American Falls Reservoir by dam at American Falls, Power County, Idaho, and into the headgates of the canals named on the attached list, marked Exhibit A. The point of diversion is in Secs. 29 & 30, Twp. 7 S, R. 31, E.B.M.

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use.

Ans. The American Falls Reservoir is formed by the American Falls dam, a concrete dam approximately 100' in height and 5260' in length. There are 20 discharge gates, each with capacity of 1300 second-feet, and 15 spillway gates with capacity of 4,000 second-feet each. The water is carried to places of use through the canals aforementioned. The water used above American Falls is secured by means of exchange.

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have actually been irrigated with said water.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. The water is used for irrigation and domestic purposes. The lands irrigated are the lands of the various projects named on the attached list of Projects Irrigated, marked Exhibit B. A supplemental water supply is furnished for approximately 1,000,000 acres of land, most of which is cultivated and well improved.

Ques. 7. If for other than for irrigation purposes; state how applied, amount of horse power generated, etc.

Ans. The other use is for domestic purposes incidental to irrigation farming.

R-269

Ques. 8. What is the minimum amount of water required for the purpose specified above?

Ans. Diversions in excess of 9,000 second-feet and storage of 1,800,000 acre feet per annum.

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. .....

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.

Ans. Has been fully applied to beneficial use.

Ques. 11. State when, how, in what amount and to what extent waters other than those diverted under the above mentioned permit have been diverted and applied to beneficial use upon the lands herein described. Give full particulars regarding such other appropriations and rights claimed thereunder.

Ans. The projects on which this water supply has been used all have other water rights as set out in the Woodville Decree and other court decrees, and have also ~~known~~ used the water rights decreed to them in such court decrees.

(Sign) Stanley D. Duncan

I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Burley, County of Cassia, State of Idaho, on this 22d day of April, A. D. 19 41.

Seal

S. H. Kunnan

Notary Public for Idaho,
residing at Burley, Idaho

My commission expires March 1, 1943

EXHIBIT B

RECEIVED
APR 22 1941
Department of Reclamation

LIST OF PROJECTS IRRIGATED

Aberdeen-Springfield Canal Company
American Falls Reservoir District
American Falls Reservoir District No. 2
Blackfoot Irrigation Company
Burgess Canal & Irrigation Company
Butte & Market Lake Canal Company
Corbett Slough Ditch Company
Dilts Irrigation Company
Enterprise Canal Company
Enterprise Irrigation District
Harrison Canal & Irrigation Company
Hillsdale Irrigation District
Idaho Irrigation District
Lenroot Canal Company
Milner Low Lift Irrigation District
Minidoka Irrigation District
New Sweden Irrigation District
Peoples Canal & Irrigation Company
Poplar Irrigation District
Progressive Irrigation District
Reid Canal Company
Rudy Irrigation Canal Company
Charles D. Smith (individual)
Snake River Valley Irrigation District
Trego Ditch Company
Utah-Idaho Sugar Company

EXHIBIT A

RECEIVED
APR 22 1941
Department of Reclamation

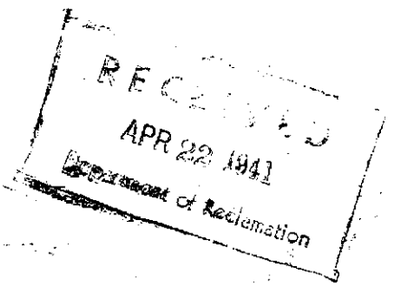
LIST OF CANALS

Aberdeen
Martin
North Side Project
Twin Falls Canal Co.
Woodville
Gooding
Blackfoot
Burgess
Butte & Market Lake
Corbett
Dilts
Enterprise Canal Co.
Enterprise District
Harrison
Idaho
Lenroot
Milner Low Lift
Minidoka
New Sweden
Peoples
Poplar Irr. Dist.
Progressive Irr. Dist.
Reid
Rudy
Smith
Snake River Valley
Trego
Utah-Idaho Sugar Company

R-269

Form 17

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO



PERMIT NO. R-269 and 15134

Proof of Application of Water to Beneficial Use

Deposition of Witness

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. E. H. Neal, age 42, Aberdeen, Idaho - Manager, Aberdeen-Springfield Canal Company, Aberdeen, Idaho.

Ques. 2. Are you acquainted with The United States, the holder of Permits No. R-269 and 15134? How long have you known him and where does he reside?

Ans. I am 42 years old, and have known the United States as long as I can remember. It is located on the North American Continent.

Ques. 3. Have you read or heard read said Permits No. R-269 and 15134, and are you familiar with their provisions and conditions?

Ans. Yes.

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water frrom point of diversion to place of use.

Ans. Source of water supply is Snake River. Place of diversion is the American Falls reservoir formed by works at American Falls, Power County, Idaho, and diversion is into the headgates of the canals named on the attached list, marked Exhibit A. Storage works consist of a dam, spillway and outlet works in Snake River. The concrete dam is approximately 100' in height and 5260' in length. There are 20 discharge gates, each with a capacity of 1300 second-feet, and 15 spillway gates with capacity of 4,000 second feet each. The water is carried to places of use through the canals aforementioned. The water used above American Falls is secured by means of exchange.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. I estimate that the American Falls Reservoir will store 1,800,000 acre-feet per annum. Have seen it filled to full capacity. The various canals which convey the water to the lands irrigated have ample capacity to convey more than that amount of water.

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each sub-division in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvement which have been made as a direct result of said use.

Ans. The water is used for irrigation and domestic purposes. The lands irrigated are the lands of the various projects named on the attached list marked Exhibit B. A supplemental water supply is furnished for approximately 1,000,000 acres of land, most of which is cultivated and well improved.

R-269

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent

Ans. The other use is for domestic purposes incidental to irrigation farming.

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Most of the reclaimed land is well improved, cultivated land. I estimate that total diversions in excess of 9,000 second-feet and storage of 1,800,000 acre feet per annum are needed for the irrigation of the lands to which this water supply is applied.

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. I am the manager of the Aberdeen Springfield Canal, one of the Companies named in Exhibit B.

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. I have lived in Snake River Valley for 11 years, and for the last 11 years have observed the use of American Falls water on such lands. The lands above American Falls are supplied with stored water by means of exchange.

(Signed) E. H. Neal

I hereby certify that the foregoing testimony was read to the above subbscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Burley, County of Cassia, State of Idaho, on this day of April, A. D. 1941.

April 22 S. H. Kinnan
Notary Public.

My commission expires March 1, 1943

EXHIBIT A

RECEIVED
APR 22 1941
Department of Reclamation

LIST OF CANALS

Aberdeen
Martin
North Side Project
Twin Falls Canal Co
Woodville
Gooding
Blackfoot
Burgess
Butte & Market Lake
Corbett
Dilts
Enterprise Canal Co
Enterprise District
Harrison
Idaho
Lenroot
Milner Low Lift
Minidoka
New Sweden
Peoples
Poplar Irrigation District
Progressive Irrigation District
Reid
Rudy
Smith
Snake River Valley
Trego
Utah-Idaho Sugar Company

R269

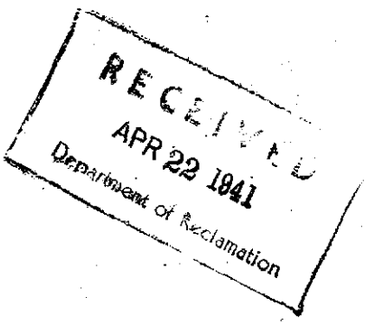
EXHIBIT B

LIST OF PROJECTS IRRIGATED

Aberdeen-Springfield Canal Company
American Falls Reservoir District
American Falls Reservoir District No. 2
Blackfoot Irrigation Company
Burgess Canal & Irrigation Company
Butte & Market Lake Canal Company
Corbett Slough Ditch Company
Dilts Irrigation Company
Enterprise Canal Company
Enterprise Irrigation District
Harrison Canal & Irrigation Company
Hilldale Irrigation District
Idaho Irrigation District
Lenroot Canal Company
Milner Low Lift Irrigation District
Minidoka Irrigation District
New Sweden Irrigation District
Peoples Canal & Irrigation Company
Poplar Irrigation District
Progressive Irrigation District
Reid Canal Company
Rudy Irrigation Canal Company
Charles D. Smith (individual)
Snake River Valley Irrigation District
Trego Ditch Company
Utah-Idaho Sugar Company

Form 17

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO



PERMIT NO. R-269 and 15134

Proof of Application of Water to Beneficial Use

Deposition of Witness

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. J. B. Stocking, age 67 years ,residence Jerome,Idaho. occupation, Watermaster Northside Canal Co., Post office address Jerome, Idaho.

Ques. 2. Are you acquainted with The United States, the holder of Permit No. R-269 and 15134? How long have you known him and where does he reside?

Ans. I am 67 years old, and have known the United States as long as I can remember. It is located on the North American Continent.

Ques. 3. Have you read or heard read said Permit No. R-269 and 15134, and are you familiar with its provisions and conditions?

Ans. Yes.

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water frrom point of diversion to place of use.

Ans. Source of water supply is Snake River. Place of diversion is the American Falls reservoir formed by works at American Falls, Power County, Idaho, and diversion is into the headgates of the canals named on the attached list, marked Exhibit A. Storage works consist of a dam, spillway and outlet works in Snake River. The concrete dam is approximately 100' in height and 5260' in length. There are 20 discharge gates, each with a capacity of 1300 second-feet, and 15 spillway gates with capacity of 4,000 second-feet each. The water is carried to places of use through the canals aforementioned. The water used above American Falls is secured by means of exchange.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. I estimate that the American Falls Reservoir will store 1,800,000 acre-feet per annum. Have seen it filled to full capacity. The various canals which convey the water to the lands irrigated have ample capacity to convey more than that amount of water.

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each sub-division in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvement which have been made as a direct result of said use.

Ans. The water is used for irrigation and domestic purposes. The lands irrigated are the lands of the various projects named on the attached list marked Exhibit B. A supplemental water supply is furnished for approximately 1,000,000 acres of land, most of which is cultivated and well improved.

R-269

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent

Ans. The other use is for domestic purposes incidental to irrigation farming.

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Most of the reclaimed land is well improved, cultivated land. I estimate that total diversions in excess of 9,000 second-feet and storage of 1,800,000 acre-feet per annum are needed for the irrigation of the lands to which this water supply is applied.

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. I am the Water-master of the Northside Canal Company one of the Companies named in Exhibit B.

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. Have lived in Snake River Valley for 23 years, and for the last 14 years have observed the use of American Falls water on such lands. The lands above American Falls are supplied with stored water by means of exchange.

(Signed) E. B. Fleschner

I hereby certify that the foregoing testimony was read to the above subbscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Burley, County of Cassia, State of Idaho, on this day of April 22, A. D. 19 41

S. H. Kunau
Notary Public.

My commission expires March 1st, 1943.

EXHIBIT A

LIST OF CANALS

Aberdeen
Martin
North Side Project
Twin Falls Canal Co
Woodville
Gooding
Blackfoot
Burgess
Butte & Market Lake
Corbett
Dilts
Enterprise Canal Co
Enterprise District
Harrison
Idaho
Lenroot
Milner Low Lift
Minidoka
New Sweden
Peoples
Poplar Irrigation District
Progressive Irrigation District
Reid
Rudy
Smith
Snake River Valley
Trego
Utah-Idaho Sugar Company

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EXHIBIT B

LIST OF PROJECTS IRRIGATED

Aberdeen-Springfield Canal Company
American Falls Reservoir District
American Falls Reservoir District No. 2
Blackfoot Irrigation Company
Burgess Canal & Irrigation Company
Butte & Market Lake Canal Company
Corbett Slough Ditch Company
Dilts Irrigation Company
Enterprise Canal Company
Enterprise Irrigation District
Harrison Canal & Irrigation Company
Hillsdale Irrigation District
Idaho Irrigation District
Lenroot Canal Company
Milner Low Lift Irrigation District
Minidoka Irrigation District
New Sweden Irrigation District
Peoples Canal & Irrigation Company
Poplar Irrigation District
Progressive Irrigation District
Reid Canal Company
Rudy Irrigation Canal Company
Charles D. Smith (individual)
Snake River Valley Irrigation District
Trego Ditch Company
Utah-Idaho Sugar Company

Form No. 22-B

State of Idaho

DEPARTMENT OF RECLAMATION

BOISE

Re: 15134 & R-269
U. S. Bureau
American Falls Dam.

INSTRUCTIONS

PROOF OF BENEFICIAL USE OF WATER

Boise, Idaho,

April 12, 1941

S. H. Kunau
Burley, Idaho

Dear Sir:

I enclose herewith the following forms to be used in connection with proof of beneficial use of water under Permit No. 15134-R269

Deposition of Permit Holder,
Depositions of Two Witnesses.

In submitting this proof the following instructions should be CAREFULLY followed out, since failure to do so may result in the loss of rights:

1. On April 22, 1941, the date set for proof, the enclosed forms (one for permit holder and one each for two disinterested witnesses) should be filled out and sworn to, at Burley, Idaho before S. H. Kunau, Notary Public

2. When the depositions have been taken they should be mailed to this office, together with affidavit of publication of notice.

When these have been received, together with report of the examining engineer, if everything is properly executed, you will be further advised as to fees due, etc., before certificate is issued.

Yours truly,

E. V. BERG,
Commissioner of Reclamation.

R-269

Form No. 11-A

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE, IDAHO

Re: 15134 & R-269

Date March 17, 1941. . . . . .

Gooding Leader
Gooding, Idaho

Dear Sir:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to April 22, 1941. , the date set for proof, the expense of the publication to be paid by the applicant,

to whom you should furnish proof of publication on or prior to the date set for proof.

Please acknowledge receipt of this notice and furnish this office with a copy of the first publication.

Very truly yours,

E. V. BERG.

Commissioner of Reclamation

R-269

Form No. 11-A

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE, IDAHO

Re: 15134 & R-269

March 17, 1941

Date . . . . . .

Idaho Evening Times
Twin Falls, Idaho

Dear Sir:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to April 22, 1941, the date set for proof, the expense of the publication to be paid by the applicant,

S. R. Mclean, Project Supt., Reclamation Bureau, Burley, Idaho

to whom you should furnish proof of publication on or prior to the date set for proof.

Please acknowledge receipt of this notice and furnish this office with a copy of the first publication.

Very truly yours,

E. V. BERG.

Commissioner of Reclamation

R-269

Form No. 11-A

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE, IDAHO

Re: 15134 & R-269

Date . March 17, 1941. . . . . .

North Side News
Jerome, Idaho

Dear Sir:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to April 22, 1941, the date set for proof, the expense of the publication to be paid by the applicant,

S. R. Marean, Project Supt., Reclamation Bureau, Burley, Idaho.

to whom you should furnish proof of publication on or prior to the date set for proof.

Please acknowledge receipt of this notice and furnish this office with a copy of the first publication.

Very truly yours,

E. V. BERG.

Commissioner of Reclamation

R-269

Form No. 11

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) March 14, 1941

(P. O.) Burley, Idaho

TO THE COMMISSIONER OF RECLAMATION:

Boise, Idaho.

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the ~~Twin Falls~~ Idaho Evening Times of Twin Falls, Idaho, in Twin Falls County, the North Side News of Jerome, Idaho in Jerome County, and the ~~county in which the works are situated.~~ Gooding Leader of Gooding, Idaho in Gooding County, in which three counties the major portion of the lands irrigated under these permits are situated.

S. O. Marean
Project Superintendent, Reclamation Bureau, Burley, Idaho, as agent for the United States, the holder of the permits.

(In case of canals or other works designed to divert and carry more than 50 cubic feet of water per second, the following certificate must be signed by a well-known and competent engineer)

I hereby certify that the facts set forth in the attached notice are true.

Lynn Landall
Engineer.

R-269

Progressive Irrigation District
Reid Canal Company
Rudy Irrigation Canal Company
Charles D. Smith (individual)
Snake River Valley Irrigation District
Trego Ditch Company
Utah-Idaho Sugar Company

The lands in the Upper Snake River Valley are supplied by means of exchange of water.

The names of the canals or ditches or other works by which said water is conducted to such place of use are:

Aberdeen
Martin
North Side Project
Twin Falls Canal Co
Woodville
Gooding
Blackfoot
Burgess
Butte & Market Lake
Corbett
Dilts
Enterprise Canal Co
Enterprise District
Harrison
Idaho
Lenroot
Milner Low Lift
Minidoka
New Sweden
Peoples
Poplar Irr. Dist.
Progressive Irr. Dist.
Reid
Rudy
Smith
Snake River Valley
Trego
Utah-Idaho Sugar Company

The right to take water from such works is based upon Permits No. R-269 and 15134.

The source of supply from which such water is diverted is Snake River.

The date of priority which said user is prepared to establish is March 30, 1921.

E. V. Berg
Commissioner of Reclamation.

R-269

Notice for Publication

NOTICE OF PROOF APPLICATION OF WATER
TO BENEFICIAL USE

Notice is hereby given that at eleven A. M. on the 22nd day of April, 1941, at Burley, County of Cassia, State of Idaho, before S. H. KUNAU, a notary public, proof will be submitted of the application to beneficial use of 1,800,000 acre-feet per annum, total rate of diversion for storage and direct use being in excess of 9,000 cubic feet per second of the waters of Snake River, in accordance with the terms and conditions of Permits No. 15134 and R-269 heretofore issued by the Commissioner of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are United States of America, address, Superintendent, U. S. Reclamation Bureau, Burley, Idaho.

The use to which said water has been applied is irrigation and domestic use.

The amount applied to beneficial use is 1,800,000 acre-feet per annum, at a total rate of diversion for storage and for direct use in excess of 9,000 second-feet.

The place where said water is used is on the lands in the following irrigation districts and on the lands of the projects of the following irrigation companies:

Aberdeen-Springfield Canal Company
American Falls Reservoir District
American Falls Reservoir District No. 2
Blackfoot Irrigation Company
Burgess Canal & Irrigation Company
Butte & Market Lake Canal Company
Corbett Slough Ditch Company
Dilts Irrigation Company
Enterprise Canal Company
Enterprise Irrigation District
Harrison Canal & Irrigation Company
Hillsdale Irrigation District
Idaho Irrigation District
Lenroot Canal Company
Milner Low Lift Irrigation District
Minidoka Irrigation District
New Sweden Irrigation District
Peoples Canal & Irrigation Company
Poplar Irrigation District

R-269

March 1, 1941.

Re: 15134 & R-269.

Mr. B. E. Stoutemyer
603 Post Office Bldg.
Portland, Oregon

Dear Mr. Stoutemyer:

I have taken up the matters suggested in your letter of February 14th with the Attorney General. He concurs in your view that the naming of the projects benefitted by the American Falls Reservoir is sufficient. Also, it is clear that all the water in the Reservoir is used as a supplemental water right and so there would be no charge of $1.00 per acre, as would be in the case of lands receiving a primary water right.

Hoping the above explanation is satisfactory, I am

Very truly yours,

E. V. BERG, Commissioner of Reclamation.

EVB:ml.

R 269

COPY

603 Post Office Building
Portland, Oregon
February 27, 1941

RECEIVED
FEB 28 1941
Department of Reclamation

Mr. E. V. Berg,
State Commissioner of Reclamation,
Boise, Idaho

My dear Mr. Berg:

Referring to my letter of February 14, 1941, in regard to proof of beneficial use under the American Falls Reservoir Permit R-269.

We will have to prepare our proof of beneficial use in the near future and may have to send to southern California for our former project superintendent, Mr. Templin, to subscribe to some of the required affidavits, as our present superintendent, Mr. Marean, has been on the project only a short time. Mr. Templin spent most of his life on the Minidoka project and the American Falls reservoir project, but reached the retirement age a short time ago and has now moved to southern California.

It will also be necessary for us to decide in the near future as to the form of notice which should be published.

We will thereforeappreciate it if you will give us the benefit of your advice concerning the matters referred to in my letter of February 14 at the earliest date possible.

Very truly yours,

B. E. Stoutemyer
District Counsel

(original by air mail,
copy byregular mail)

R-269

UNITED STATES
DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION
603 Post Office Building
Portland, Oregon
February 14, 1941

Mr. E. V. Berg,
Commissioner of Reclamation,
State of Idaho,
Boise, Idaho.

My dear Mr. Berg:

Your letter of February 5, 1941, addressed to "U.S.A. Reclamation Service, Dist. Engineer, Burley, Idaho", in regard to proof of beneficial use under Permits 15134 and R-269, has been referred to me.

Permit R-269 covers the filing for the American Falls Reservoir. Water from the American Falls Reservoir has been used as a supplemental water supply on about a million acres of land, including most of the irrigated lands of the entire Snake River Valley. The lands in the lower valley are supplied with stored water turned out of the reservoir, and the lands in the upper valley are supplied by means of exchanging American Falls Reservoir water for Jackson Lake water. The rights under this permit were decreed to the United States by the court some years ago in the final decree commonly referred to as the Woodville decree, to which decree practically all of the appropriators of water in the Snake River Valley at that time were parties. If it were necessary to describe all these lands by legal subdivisions, the publication of the notice would be extremely expensive; and the payment of the fee of $1 for each 40-acre tract under such conditions would also be very expensive.

I notice that in section 41-211, Idaho Code, Annotated, it is provided, among other things, that such notice to the department shall state:

> "4. The place of such use, and if for irrigation, the description by legal subdivisions of the land so irrigated."

but there is a proviso at the end of this section reading:

> "Provided, also, that whenever irrigation systems cover more than 25,000 acres, that proof of beneficial use may

R-269

be made at any time within a period of ten years from the date set for the completion of the works, and in all such cases proof of beneficial use may be made by the person, company or corporation constructing the irrigation works on behalf of the project, and in such cases, the lands upon which the water has been used need not be described by legal subdivisions, but may be described generally as the lands under the irrigation system, and it shall only be necessary to show in such cases that the quantity of water beneficially applied for irrigation has been applied within the limits of the project."

At the end of section 41-213 there is a similar provision applicable to projects which cover an area of 25,000 acres or more.

It is my understanding that as to projects covering more than 25,000 acres, the statute does not require the description of the land by legal subdivisions, but that "the lands upon which the water has been used need not be described by legal subdivisions, but may be described generally as the lands under the irrigation system."

In the case of the American Falls Reservoir, where the water has been used on a million acres of land including most of the irrigated land of the Snake River Valley, the length of the published notice and the cost of publication would be very much reduced if the lands were described by listing the irrigation districts and irrigation projects in which they are located, instead of setting out the legal subdivisions of all the land irrigated.

It is also noticed that in section 41-215 there is a provision reading,

"Provided further, that in the case of water used for irrigation, where the right sought is additional to an existing water right, and where the department of reclamation is not required to make an examination of the ditches or the lands of the user in order to determine that the water has been applied to a beneficial use, no fee for examining the ditches or lands of the user shall be paid to the department."

The American Falls Reservoir water is used as a supplemental water supply for about a million acres of lands which already had water rights under the various canals of the Snake River Valley. The decreed rights which have already been secured under the decree of the court are conclusive as to the parties to the decree, which in this case

P-269

includes practically all the appropriators in the Snake River Valley except such as may have made appropriations after the time of the Woodville decree and which therefore would take later priorities.

The right established by license is declared to be a prima facie right only, and while the license may be of some value I doubt if it is of sufficient value to justify the expense which would be involved if we had to describe each legal subdivision in our published notice and pay a fee of $1 for each 40-acre tract.

Please advise as to your opinion and the practice of your office as to whether proof on such a filing as that at American Falls could be made under the provisos above quoted.

I am submitting for your consideration a preliminary draft of proposed notice for publication, in which I have named the different projects and irrigation districts in which the lands are located and the various canals which are entitled to water from American Falls Reservoir, but have not attempted to list all the lands by legal subdivisions.

Very truly yours,

B. F. Stoutemyer
District Counsel

encl

R-269

February 28, 1941.

Re: R-269, 15134.
American Falls Dam.

Mr. B. E. Stoutemyer
603 Post Office Bldg.
Portland, Oregon

Dear Mr. Stoutemyer:

We are inclosing your form of publication of Beneficial Use proof which has been approved and signed. The name of the notary public must be "filled in" before whom proof is to be made. We are also inclosing forms for authorization to publish in the newspaper of your choice in the County where the dam is situated. We will need both the original and duplicate of the authorization, the inclosed notice of publication, and a carbon copy for our files.

On the 12th of April beneficial use proof forms for the holder and two witnesses will be mailed to the notary public. We are inclosing copies for your perusal.

Very truly yours,

E. V. BERG.
Commissioner of Reclamation.

By
Chief Clerk.

ml.
encl.

R-269

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE

Febr. 5, 1941.

Re: 15134 & R-269

U.S.A. RECLAMATION SERVICE
Dist. Engineer
Burley, Idaho

Dear Sir:

I enclose herewith blank notice for proof of application of water to beneficial use under your Permit No. **15134 R-269** which should be filled out and returned to this office at least 40 days before the date upon which you wish to make proof. The proof must be submitted before a notary public or other officer authorized by law to administer oaths. The date for proof, as set out in your permit, is **April 23, 1941.**, and if proof is submitted subsequent to said date, your priority will be brought down a length of time equal to the time elapsing between the date proof should have been made and the date proof is actually made.

Yours truly,

E. V. BERG.

Commissioner of Reclamation

R-269

Form No. 22-B

State of Idaho

DEPARTMENT OF RECLAMATION

BOISE

INSTRUCTIONS

PROOF OF COMPLETION OF WORKS
AND
PROOF OF BENEFICIAL USE OF WATER

BOISE, IDAHO,

DEAR SIR:

I enclose herewith the following forms to be used in connection with proof of completion of works and beneficial use of water under Permit No. _____

DEPOSITION OF PERMIT HOLDER.
DEPOSITIONS OF TWO WITNESSES.

In submitting this proof the following instructions should be CAREFULLY followed out, since failure to do so may result in the loss of rights:

1. On _____, the date set for proof, the enclosed forms (two for permit holder and two each for two disinterested witnesses) should be filled out and sworn to, at _____ _____ before _____

2. When the depositions have been taken they should be mailed to this office, together with affidavit of publication of notice.

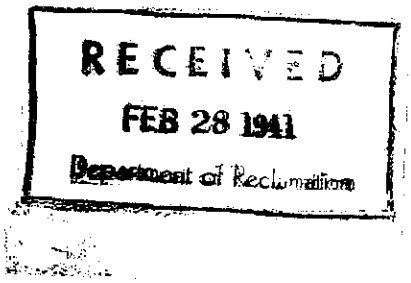
When these have been received, together with report of the examining engineer, if everything is properly executed, you will be further advised as to fees due, etc., before certificate is issued.

Yours truly,
W. G. SWENDSEN,
Commissioner of Reclamation.

R-269

UNITED STATES
DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION
603 Post Office Building
Portland, Oregon
February 27,1941



Mr. E. V. Berg,
State Commissioner of Reclamation,
Boise, Idaho.

My dear Mr. Berg:

Referring to my letter of February 14, 1941, in regard to proof of beneficial use under the American Falls Reservoir Permit R-269.

We will have to prepare our proof of beneficial use in the near future and may have to send to southern California for our former project superintendent, Mr. Templin, to subscribe to some of the required affidavits, as our present superintendent, Mr. Marean, has been on the project only a short time. Mr. Templin spent most of his life on the Minidoka project and the American Falls Reservoir project, but reached the retirement age a short time ago and has now moved to southern California.

It will also be necessary for us to decide in the near future as to the form of notice which should be published.

We will therefore appreciate it if you will give us the benefit of your advice concerning the matters referred to in my letter of February 14 at the earliest date possible.

Very truly yours,

B. E. Stoutemyer

B. E. Stoutemyer
District Counsel

(original by air mail,
copy by regular mail)

R-269

Form No. 22-B

State of Idaho

DEPARTMENT OF RECLAMATION

BOISE

INSTRUCTIONS

PROOF OF COMPLETION OF WORKS
AND
PROOF OF BENEFICIAL USE OF WATER

BOISE, IDAHO,

DEAR SIR:

I enclose herewith the following forms to be used in connection with proof of completion of works and beneficial use of water under Permit No. _____

DEPOSITION OF PERMIT HOLDER.
DEPOSITIONS OF TWO WITNESSES.

In submitting this proof the following instructions should be CAREFULLY followed out, since failure to do so may result in the loss of rights:

1. On _____, the date set for proof, the enclosed forms (two for permit holder and two each for two disinterested witnesses) should be filled out and sworn to, at _____ _____before_____

2. When the depositions have been taken they should be mailed to this office, together with affidavit of publication of notice.

When these have been received, together with report of the examining engineer, if everything is properly executed, you will be further advised as to fees due, etc., before certificate is issued.

Yours truly,
W. G. SWENDSEN,
Commissioner of Reclamation.

R-269

Form No. 11-A

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE, IDAHO

Date . . . . . .

Dear Sir:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to , the date set for proof, the expense of the publication to be paid by the applicant,

to whom you should furnish proof of publication on or prior to the date set for proof.

Please acknowledge receipt of this notice and furnish this office with a copy of the first publication.

Very truly yours,

Commissioner of Reclamation

R-269

No tice of Publication

NOTICE OF PROOF APPLICATION OF WATER
TO BENEFICIAL USE.

Notice is hereby given that at eleven A. M. on the 22nd day of April, 1941, at Burley, County of Cassia, State of Idaho, Before _____, a notary public, p roof will be submitted of the application to beneficial use of 1,800,000 acre-feet per annum, total rate of diversion for storage and direct use being in excess of 9,000 cubic feet per second of the waters of Snake River, in accordance with the terms and conditions of Permits No. 15134 and R-269 heretofore issued by the Commissioner of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are United States of America, address superintendent, U. S. Reclamation Bureau, Burley, Idaho.

The use to which said water has been applied is irrigation and domestic use.

The amount applied to beneficial use is 1,800,000 acre-feet per annum, at a total rate of diversion for storage and for direct use in excess of 9,000 second-feet.

The place where said water is used is on the lands in the following irrigation districts and on the lands of the projects of the following irrigation companies:

Aberdeen-Springfield Canal Company
American Falls Reservoir District
American Falls Reservoir District No. 2
Blackfoot Irrigation Company
Burgess Canal & Irrigation Company
Butte & Market Lake Canal Company
Corbett Slough Ditch Company
Dilts Irrigation Company
Enterprise Canal Company
Enterprise Irrigation District
Harrison Canal & Irrigation Company
Hillsdale Irrigation District
Idaho Irrigation District
Lenroot Canal Company
Milner Low Lift Irrigation District
Minidoka Irrigation District
New Sweden Irrigation District
Peoples Canal & Irrigation Company
Poplar Irrigation District

R-269

Pro[redacted]essive Irrigation District
Reid Canal Company
Rudy Irrigation Canal Company
Charles D. Smith(individual)
Snake River Valley Irrigation District
Trego Ditch Company
Utah-Idaho Sugar Company

The lands in the Upper Snake River Valley are supplied by means of exchange of water.

The names of the canals or ditches or other works by which said water is conducted to such place of use are:

Aberdeen
Martin
North Side Project
Twin Falls Canal Co.
Woodville
Gooding
Blackfoot
Burgess
Butte & Market Lake
Corbett
Dilts
Enterprise Canal Co.
Enterpriste District
Harrison
Idaho
Lenroot
Milner Low Lift
Minidoka
New Sweden
Peoples
Poplar Irrigation Dist.
Reid
Rudy
Smith
Snake River Valley
Trego
Utah-Idaho Sugar Company

The right to take water from such works is based upon Permits No. R-269 and 15134.

The source of supply from which such water is diverted is Snake River.

The date of priority which said user is prepared to establish is March 30, 1921.

E. V. BERG.
Commissioner of Reclamation.

R-269

January 27, 1937

Re: Permit No. R-269

Indian Irrigation Service
Department of Interior
Fort Hall, Idaho

Gentlemen:

We are enclosing herewith, Office Receipt No. 16096 in the amount of $2.50 covering fee remitted by you for a certified copy of the above numbered water permit.

Thanking you, we are

Very truly yours

R. W. FARIS
Commissioner of Reclamation

by
Ass't Chief Clerk

cj
encl

R-269

November 28, 1936

Re: Permit No. R-269

TOM C. GUYN, Engineer
Office of Indian Affairs--Irrigation Service
Fort Hall, Idaho

Dear Sir:

In accordance with your request dated November 24th, we are enclosing herewith, a copy of the above numbered Reservoir Permit which is the American Falls filing.

Will you kindly remit $2.50 for this copy?

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

by
Ass't Chief Clerk

cj
encl

R-269

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS
IRRIGATION SERVICE

R-269

Fort Hall, Idaho
November 24, 1936

Mr. R. W. Faris,
Commissioner of Reclamation,
Boise, Idaho

Dear Mr. Faris:

I have a request from our legal department for a copy of the American Falls Reservoir filing. We do not have a copy of this filing, and if possible, we would be glad to secure one.

Will you please advise if this can be furnished by your office, and also what charges, if any, will be connected with furnishing it. It is not necessary that this be a certified copy.

Very truly yours,

Tom C. Guyn,
Engineer

TCG:LG

RECEIVED
NOV 27 1936
Department of Reclamation

R-269

MEMORANDUM

TO WHOM IT MAY CONCERN:

Permit Nos. 15134 and R-269

Kindly give Mr. R. P. Parry, attorney-at-law, Twin Falls, Idaho, notice in connection with anything pertaining to proof of application of water to beneficial use.

Under this right Mr. Parry is not the agent for the Government, however, he represents large interests who receive water under this right and is therefore very much interested.

PAUL HENRY,
Department of Reclamation

PH/jh

R-269

April 29, 1936

Re: Permits Nos. R-269 & 15134

HON. JAMES R. BOTHWELL,
Attorney at Law,
Twin Falls, Idaho

Dear Judge Bothwell:

In response to your letter of April 22nd we are herewith enclosing copies of all the papers, as well as the letters, referring to proof of application of water to beneficial use under each of the above numbered permits.

In my letter of April 17th, I explained the situation regarding this matter, so I do not feel that there is any point in going further into the matter at this time. At any rate, the copies will suffice to give you a clear cut picture of the whole affair.

Will you please remit $1.50 for this service.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By_____
Chief Clerk & Office Engr.

PLH/rg
Encl.

R-269

April 28, 1936

Mr. R. P. Parry
Attorney-at-Law
Twin Falls, Idaho

Re: Permits 15134 and R-269

Dear Mr. Parry:

I have your letter of April 21st with regard to beneficial use of the water under the above permits. In view of the fact that you have a number of clients who are vitally interested in these rights, it certainly is in order that you be given notice at the time when final proof is offered.

We are, therefore, placing copies of the enclosed memorandum in each of these files so that whoever is in charge of the office records at the time proof is offered, you should be given notice.

Trusting that this will meet with your approval, I am

Very truly yours,

Chief Clerk and Office Engineer

PH/jh
enc

R-269

WALTERS, PARRY AND THOMAN
ATTORNEYS AT LAW
FIRST NATIONAL BANK BUILDING
TWIN FALLS, IDAHO

E. A. WALTERS
R. P. PARRY
J. P. THOMAN
J. R. KEENAN

April 21, 1936.

RECEIVED
APR 23 1936
Department of Reclamation

Mr. Paul Henry,
Department of Reclamation,
Boise, Idaho.

Re: Permits R-269 and 15134.

My dear Mr. Henry:

I wish to thank you for your letter of the 17th, advising that there will be no hearing at Burley on the 23rd, of proof of water to beneficial use on the above permits.

If it conforms to your office practice, we would appreciate it very much if you could make a notation in the file on these two permits that we are to be notified of any hearings or proof thereon. As you know, our clients have a vast investment in the water rights under these permits, and desire at all times to be sure that their rights are fully protected.

With kindest personal regards,

Very truly yours,

WALTERS, PARRY AND THOMAN

By R. P. Parry

RPP:N.

R-269

April 17, 1936

Re: Permits Nos. R-269 & 15134

HON. JAMES H. BOTHWELL,
Attorney at Law,
Twin Falls, Idaho

Dear Judge:

In response to your letter of April 15th, with regard to final proof under the above permits, please be advised that while notice was published in connection with each of these permits, stating that proof would be offered at Burley, counsel for the government has since served notice that it is not desirable to offer proof at this time and that the maximum time would be taken for offering such proofs of beneficial use.

According to the original date set out in the permits, final proof would be due, under both of these rights, on April 23rd of this year. However, an extension of time was granted the government on the 7th day of April, 1923, for an additional 5 years in which to complete the works. This order automatically extends the time for final proof a like period and as above state, Mr. Stoutemyer is of the opinion that it will be taken.

In view of the fact that the proofs will not be offered on April 22nd, we presume that you will not desire copies of the papers in connection therewith.

If there is any further information you desire in connection with this matter, kindly advise us.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By _____
Chief Clerk & Office Engr.

PLH/rg

R-269

April 17, 1936

Re: Permits Nos. R-269 & 15134

MR. R. P. PARRY,
Attorney at Law,
Twin Falls, Idaho

Dear Sir:

In response to your letter of April 16th, with regard to final proof under the above permits, please be advised that while notice was published in connection with each of these permits, stating that proof would be offered at Burley, counsel for the government has since served notice that it is not desirable to offer proof at this time and that the maximum time would be taken for offering such proofs of beneficial use.

According to the original date set out in the permits, final proof would be due, under both of these rights, on April 23rd of this year. However, an extension of time was granted the government on the 7th day of April, 1923, for an additional 5 years in which to complete the works. This order automatically extends the time for final proof a like period and as above stated, Mr. Stoutemyer is of the opinion that it will be taken.

If there is any further information you desire in connection with this matter, kindly advise us.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By _____
Chief Clerk & Office Engr.

PLH/rg

R-269

April 7, 1936

Re: Permits Nos. R-269 & 15134

MR. B. E. STOUTEMYER, District Counsel
503 Post Office Building,
Portland, Oregon

Dear Sir:

I have your letter of April 6th with reference to final proof under each of the above permits.

Upon examining the records, I find that what you say with respect to the 5 year's extension of time, granted under these permits, is true and while beneficial use proof was originally due, under each of them, on April 23, 1936, you are, unquestionably, entitled to an additional 5 years for submitting final proofs. Perhaps the bureau still intends to reclaim some of the desert lands lying under the Milner-Gooding Canal and if that is true, no doubt, the full time will be needed.

At the time when the order, extending completion of works proof 5 years, was issued the department failed to make the proper notation on what we term the first of the month book, which is a record of all permits upon which notices of proofs due are to be served. As you know, it is customary to mail these notices about 60 days prior to the date when proof is due, in order to allow sufficient time for publication and while I was aware of the extension of time, granted under these permits, I was under the impression that beneficial use of the water had been made and that, consequently, the government was in a position to go ahead with the proofs.

In view of what you say, it, no doubt, would be wise to withdraw the notices, which are being published at the present time, and permit these proofs to go until some later date. With this in mind, I have made the proper notation on the records so that notice will be given the bureau, of the proofs, in 1941.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By _____
Chief Clerk & Office Engr.

PLH/rg
cc - Mr. Dana Templin, Acting Supervisor,
U. S. Bureau of Reclamation, Burley, Idaho

R-269

March 30, 1936

Re: Permits Nos. R-269 & 15134

MR. DANA TEMPLIN, Acting Spperintendent
U. S. Bureau of Reclamation,
Burley, Idaho

Dear Sir:

In response to your letter of March 26th we are mailing, under separate cover, 10 sets of depositions for offering beneficial use proof under the above numbered permits. Each of the sets consists of one for the holder and one each for two witnesses and as you no doubt knew, this department will require only one set for each permit. As we previously stated, a set will be furnished to Mr. Kunau, the notary public, about April 10th so that he will be sure to have them for the proofs on April 22nd. These proofs must be taken entirely separate from each other, although you may use the same witnesses in each case.

No doubt, both the Gooding Leader and the Twin Falls News will bill you for the cost of each publication as soon as they have been completed. Possibly they will not furnish affidavits of publication until they have received payment, but since it is the government, it is more than likely that they will be willing to furnish these instruments immediately. If you are able to procure the affidavits from the newspapers, kindly attach them to the depoeitions when you mail them to this office.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By_____
Chief Clerk & Office Engr.

PLH/rg

R-269

UNITED STATES

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

Burley, Idaho,
March 26, 1936.

Mr. R. W. Faris,
State Commissioner of Reclamation,
Boise, Idaho.

Dear Mr. Faris:

Will you please send us the necessary blanks for making proof of beneficial use under Permits R-269 and 15134, to be made April 22.

In addition to the number that will be required by your office, it will be necessary for the Bureau of Reclamation to have 5 of each blank for each permit.

Very truly yours,

Dana Templin

Dana Templin,
Acting Superintendent.

RECEIVED
MAR 27 1936
Department of Reclamation

R-269

Form No. 11

RECEIVED
MAR 11 1936
DEPARTMENT OF RECLAMATION

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

Permit R-269 - American Falls Reservoir

(Date) ..March 10,.....1936.....

(P.O.) .....Burley, Idaho.....

TO THE COMMISSIONER OF RECLAMATION:

Boise, Idaho.

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the Twin Falls Daily Times of Twin Falls, Idaho, published in the county in which the works are situated.

UNITED STATES OF AMERICA, acting through the Bureau of Reclamation

By Dana Templin
Acting Project Superintendent,
Burley, Idaho

(In case of canals or other works designed to divert and carry more than 50 cubic feet of water per second, the following certificate must be signed by a well-known and competent engineer)

I hereby certify that the facts set forth in the attached notice are true.

RECEIVED
MAR 17 1936
Department of Reclamation

Dana Templin
Engineer.

R-269

Form 10

NOTICE FOR PUBLICATION

NOTICE OF PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10 a. m. on the 22nd day of April, 19 36, at ~~Boise~~ Burley, County of ~~Ada~~ Cassia, State of Idaho, before ~~the State Commissioner of Reclamation of the~~ S. H. Kunau, Notary Public State of Idaho, proof will be submitted of the application to beneficial use of 1,800,000 acre-feet ~~xxxxx~~ per annum ~~xxxx~~ of the waters of Snake River in accordance with the terms and conditions of Permit No. R-269 heretofore issued by the ~~State Engineer~~ Commissioner of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are the United States of America, acting through its agent B. E. Stoutemyer, District Counsel, Bureau of Reclamation, address Room 603 Post Office Building, Portland, Oregon

The use to which said water has been applied is for storage in American Falls Reservoir and thereafter for use for irrigation and domestic purposes.

The amount applied to beneficial use is one million eight hundred thousand (1,800,000) acre-feet per year.

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated) under an irrigation system covering more than 25,000 acres, namely the American Falls Reservoir, and upon the lands irrigated from the said above named irrigation system, including the lands under the canals of the various companies and districts holding contracts with the United States for water from American Falls Reservoir, which includes the major part of the irrigated lands of the Snake River Valley.

The name of the canal or ditch or other works by which said water is conducted to such place of use is the American Falls Reservoir and the canals of the various projects having rights therein.

The right to take water from such works is based upon Permit No. R-269

The source of supply from which such water is diverted is Snake River

The date of the priority which said user is prepared to establish is March 30, 1921

R. W. FARIS

Commissioner of ~~Engineer~~ Reclamation.

R-269

Form No. 11-A

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Date March 17, 1936

Re: Permit No. R-269

EDITOR, TWIN FALLS DAILY TIMES
Twin Falls,
Idaho

DEAR SIR:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to April 22, 1936, the date set for proof, the expense of the publication to be paid by the applicant, Mr. Dana Templin, Acting Project Superintendent, United States Bureau of Reclamation, Burley, Idaho to whom you should furnish proof of publication on or prior to the date set for proof.

Please acknowledge receipt of this notice and furnish this office with a copy of the first publication.

Very truly yours,

R. W. FARIS

Commissioner of Reclamation

R-269

UNITED STATES

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

Burley, Idaho,
March 16, 1936.

Mr. R. W. Faris,
State Commissioner of Reclamation,
Boise, Idaho.

Dear Sir: Attention - Paul L. Henry.

In compliance with your letter of March 13, we have amended the notices of publication of final proof in connection with Permits R-269 and 15134, pertaining to the American Falls Reservoir and Milner-Gooding Canal, respectively.

The name of S. H. Kunau, Notary Public, of Burley, Idaho, has been inserted as the person before whom the proof shall be made, and the notices are returned herewith.

Very truly yours,

Dana Templin

Encls.

Dana Templin,
Acting Superintendent.

RECEIVED
MAR 17 1936
Department of Reclamation

R-269

March 13, 1936

Re: Permits Nos. R-269 & 15134

MR. DANA TEMPLIN, Acting Project Superintendent,
U. S. Bureau of Reclamation,
Burley, Idaho

Dear Sir:

Under date of March 11th we received, in completed form, notice for publication for each of the above permits in connection with final proof and also your authorizations for the publication of each notice.

The statute reads that a notice in connection with final proof under any permit shall be published in the county wherein the major portion of the land to be irrigated is located. The lands benfitted by the waters diverted from Snake River under the terms of Permit No. 15134 are largely located in Lincoln County. Therefore, you were correct in making out your authorization, to designate the Lincoln County Journal of Shoshone. Permit No. R-269, under which a certificate of completion of works has been issued for 1,800,000 acre feet of water per annum from Snake River, probably benefits more land in Twin Falls County than in any other county in the Snake River Valley, so the notice under this permit can be properly published in the Twin Falls Daily Times, as you have indicated.

In both cases you have specified that proof will be offered before the State Commissioner of Reclamation. The statutes provide that proof may be offered before any official who is empowered to administer oaths and while in special cases, when hearing testimony, the commissioner is empowered to administer oaths, it is not the practice of this department for him to take any proofs. Proof of completion of works was offered before Anna J. Larsen, Notary Public, in your Burley office. However, we find, on checking the records of the Secretary of State, that she is no longer a Notary Public, so kindly designate some other Notary for the purpose of taking these proofs. The Notary Public, of course, has no jurisdiction except to take the acknowledgements of the various parties executing the depositions and submit them to this department for its consideration and determination.

Will you kindly make this correction on both copies of each notice, which we are herewith returning, and return them to this department at the earliest possible date so that there will be ample time for the publications.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By _____
Chief Clerk & Office Engr.

PLH/rg
Encl. cc - Mr. B. E. Stoutemyer, District Counsel, Portland, Oregon

R-269

Form No. 9

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE

B. E. STOUTEMYER, District Counsel
U. S. Reclamation Service,
Federal Building,
Portland, Oregon

February 12, 1936

Dear Sir:—

I enclose herewith blank notice of proof of application of water to beneficial use under your permit No. R-269, which should be filled out and returned to this office at least 60 days before the date upon which you wish to make proof. The date for proof, as set out in your permit, is April 23, 1936, and, if proof is submitted subsequent to said date, your priority will be brought down a length of time equal to the time elapsing between the date proof should have been made and the date proof is actually made.

Yours truly,

R. W. FARIS, Commissioner of Reclamation.

R-269

June 27, 1935

Re: Permit No. R-269

MR. BRANCH BIRD, Lawyer
Gooding,
Idaho

Dear Sir:

Please find copies of the depositions, on file in this office, which were submitted in connection with Proof of Completion of Storage Works under permit No. R-269. Since you did not request it, these copies are not certified.

There will be no charge in connection with this service.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By_____
Assistant Chief Clerk

G
Encl.

R-269

[redacted]. G. BISSELL BRANCH BIR[redacted]

BISSELL & BIRD
LAWYERS
GOODING, IDAHO

June 26, 1935

RECEIVED
JUN 27 1935
Department of Reclamation

Commissioner of Reclamation
State House
Boise, Idaho

Dear Sir:

Will you kindly furnish us the copies of the depositions given in connection with the proof of completion of reservoir permit No. R-269.

of works

Very sincerely yours,

BISSELL & BIRD

BB/mw

By Brandt Bird

R-269

February 26, 1938

Re: Permit No. R-269

MR. C. R. BLACK
City Engineer,
Idaho Falls, Idaho

Dear Sir:

In conformance with your request of February 23rd, we are enclosing herewith certified copy of the above numbered permit.

There is a fee of $3.50 due in connection with this service which you will kindly remit at your earliest convenience.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By_____
Assistant Chief Clerk

C
Encl.

R-269

Idaho Falls, Idaho.
Feb.23, 1935.

RECEIVED
FEB 25 1935
DEPARTMENT OF RECLAMATION

Commissioner of Reclamation,
Boise, Idaho.

Dear Sir:-

Will you please send me a certified copy of the filing for storage made by the American Falls Reservoir Dist. for the storage of the water of Snake River in the American Falls Resevoir.

Send me a statement of the charge for the City of Idaho Falls, Idaho.

Yours truly,

C R Black.
City Engineer,
Idaho Falls, Idaho.

RECEIVED
FEB 25 1935
DEPARTMENT OF RECLAMATION

2-269

October 22, 1954

Re: Permit No. R-269

MR. W. G. BISSELL, Lawyer
Gooding,
Idaho

Dear Sir:

We are enclosing herewith office receipt in the amount of $4.00 which was the fee due in connection with certified copy of the above numbered permit and Order of Commissioner of Reclamation in case of American Falls Reservoir District, Plaintiff, vs. American Falls Reservoir District No. 2, Defendant.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By_____
Assistant Chief Clerk

G
Encl.

R-269

October 19, 1934

HON. JAMES R. BOTHWELL
Twin Falls,
Idaho

Dear Judge Bothwell:

Shortly after our telephone conversation this afternoon, Mr. Faris came in the office and informed ~~that~~ that he had an appointment which would take him out of town Saturday and that he would be unable to return before Sunday evening. In view of this fact, he thought that it would be better for him to call you Sunday evening rather than for you to call him as you had planned.

We are preparing a separate certificate for the Order which Mr. Faris issued in May, 1933, concerning the case in question, which will be placed in the file of Permit No. R-269.

As I stated over the telephone, Mr. Sloan requested only one print of each tracing. However, I called the Idaho Blueprint and Supply Co. and requested them to make two more blueprints of each tracing. These prints will be mailed out of that office on the stage tonight.

2 As you know, the land list which accompanied Permit No. 15134 is very voluminous and it requires a good deal of time to prepare a copy of same. We have but two girls who work regularly in this office, since the legislature dispossed of one last session. Therefore, as I explained to Mr. Sloan, it would be impossible for the regular office force to get out this copy within the required time, even though we dropped everything else to do it. Mr. Sloan stated that it would be alright for us to get all of the extra help needed in order to get the copy out so that it would reach Twin Falls not later than Sunday. We have four girls working on this copy and it will be mailed from Boise on the stage tomorrow evening. We are certifying it as you suggested.

Trusting that the foregoing will meet with your approval, we remain

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By _____
Chief Clerk & Office Engr.

PLH:RC

R-269

W. G. BISSELL BRANCH BIRD

BISSELL & BIRD
LAWYERS
GOODING, IDAHO

RECEIVED
OCT 19 1934
DEPARTMENT OF RECLAMATION

October 18, 1934

Mr. R. W. Faris
Commissioner of Reclamation
Boise, Idaho

Dear Sir:

Enclosed please find check covering the expenses of certified copy of application for American Falls Reservoir permit and order administering the waters of Snake river.

Very sincerely yours,

W. G. Bissell

WGB/mw

Enclosure

P-269

October 17, 1934

Re: Permit No. R-269

MR. W. G. BISSELL
Lawyer,
Gooding, Idaho

Dear Sir:

In conformance with your request of October 4, 1934, we are enclosing herewith certified copy of all papers from application for Permit No. R-269 to proof of completion of works of same, together with certified copy of Order of Commissioner of Reclamation in re American Falls Reservoir District, a quasi public corporation, Plaintiff, vs. American Falls Reservoir District No. 2, a quasi public corporation, Defendant.

The fee for preparation of these copies is $4.00.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By_____
Assistant Chief Clerk

G
Encls. 2

R-269

W. G. BISSELL BRANCH BIRD

BISSELL & BIRD
LAWYERS
GOODING, IDAHO

October 11, 1934

Mr. Mans H. Coffin
Director of Water Resources
Department of Reclamation
Boise, Idaho

My dear Sir:

Your favor of the 8th, in re certain copies of papers is at hand and contents noted.

I must have the certified copies for use in court at Pocatello on the 22nd and hope you will bear the matter in mind and get the copies to me in time for use, as this is very essential.

With best personal regards, I am

Very sincerely yours,

W. G. Bissell

WGB/mw

R-269

File: PERMIT No. R-269
(See Water District No. 36 Miscellaneous file)

BEFORE THE COMMISSIONER OF RECLAMATION

OF THE STATE OF IDAHO

R. J. FARIS Presiding

AMERICAN FALLS RESERVOIR DISTRICT, a quasi public corporation,

Plaintiff,

-vs-

AMERICAN FALLS RESERVOIR DISTRICT No. 2, a quasi public corporation,

Defendant.

ORDER

The application of the American Falls Reservoir District, a quasi public corporation, to administer the decree rendered by the United States District Court of the District of Idaho, Eastern Division, filed June 25, 1929, in the case of Woodville Canal Company, a corporation, plaintiff, v. Clark and Edwards Canal and Irrigation Company, a corporation, and others, in accordance with the terms thereof, came on regularly for hearing before the Commissioner at Boise, Idaho, on May 3, 1933, at 2 o'clock P. M., the American Falls Reservoir District appearing by its Attorney, James H. Bothwell, Esq., of Twin Falls, Idaho, its President, R. E. Shepherd, of Jerome, Idaho, and the members of its Board of Directors, and the Twin Falls Canal Company appearing by James H. Bothwell, Esq., its attorney, N. V. Sharp, Director, W. F. Hatfield, Director, and W. G. Sloan, Engineer, and the North Side Canal Company appearing by R. W. Perry, Esq., of Twin Falls, Idaho, its attorney, C. A. Heiss, Chairman of the Board of Directors, Harvey C. Burlsbaus, Secretary, and R. E. Shepherd, Manager, and C. C. Bissell, Esq., of Gooding, Idaho, appearing in his personal capacity on his own behalf; and it appearing that due service of the application and notice of hearing thereon had been made upon American Falls Reservoir District No. 2, a

R-269

quasi public corporation, and said district not appearing, whereupon, after hearing the matter, the argument of the parties, the application was taken under advisement and the Commissioner now being fully advised in the premises, it is ORDERED, that in the administration of the decree hereinabove referred to, and commonly known as the Woodville Decree on Snake River, all of the stream flow of Snake River available under Permits Nos. 15134 and R-269 issued by the Department of Reclamation of the State of Idaho, shall be stored in the American Falls Reservoir to the extent of the full capacity of said reservoir during the storage season.

It is further FOUND, ORDERED and DETERMINED that Permits Nos. 15134 and R-269, as issued by the Department of Reclamation of the State of Idaho, and as referred to and defined in the said Woodville Decree, represent and constitute one water right.

It is further ORDERED, FOUND and DETERMINED that until the American Falls Reservoir shall fill in any given year, no water shall be delivered to the American Falls Reservoir District No. 2, a quasi public corporation, which holds a contract with the United States, from the direct flow of Snake River to be credited to said American Falls Reservoir District No. 2 as a direct flow right, and that any water used by the American Falls Reservoir District No. 2 in the spring of the year under said Permits Nos. 15134 and R-269, shall be charged to the said American Falls Reservoir District No. 2 as stored water, unless there shall be a surplus over and above 1,800,000 acre feet stored in American Falls Reservoir in any given year, in which event the surplus used shall not be charged as storage water.

DATED this 20th day of May, 1933.

R. E. FARIS
Commissioner of Reclamation
of the State of Idaho

(SEAL)

R-269

May 6, 1933

RE: PERMITS NOS. R-269, 15134

MR. BRANCH BIRD
Attorney at Law
Gooding, Idaho

Dear Sir:

We are herewith enclosing office receipt for $4.00, which amount represents fees paid by you for copies of records under the above permits.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By_____
Chief Clerk & Office Engr.

PLH:MC
Encl.

R-269

W. G. BISSELL BRANCH BIRD

BISSELL & BIRD
LAWYERS
GOODING, IDAHO

RECEIVED
MAY 5 1933
DEPARTMENT OF RECLAMATION

May 4, 1933.

Commissioner of Reclamation,
Boise, Idaho.

Dear Sir:

Enclosed find our check for $4.00 to cover cost of permits Nos. R-269 and 15,134, forwarded with your letter of May 2nd.

Thanking you for your prompt attention to this request, we are

Very sincerely yours,

BISSELL & BIRD

Branch Bird

BB:MS

R-269

May 2, 1933

RE: PERMITS NOS. R-269, & 15134
U. S. Reclamation Service

MR. BRANCH BIRD
Attorney at Law
Gooding, Idaho

Dear Sir:

In response to your letter of April 26 we are herewith enclosing a copy of each of the above permits.

Permit No. R-269 is complete as it appears of record in this department. There is a land list which covers 38 of our large permit sheets on both sides which was filed at the time application was made for Permit No. 15134. Since the date of approval of the last named permit an amendment has been filed to the land list which includes 46,419 acres more land. Thus if we were to prepare copies of this land list it would take several days and the cost would likely be prohibitive from a standpoint of its worth to you.

As you will see, certificates of completion of works have been issued under each of these permits, and I am of the opinion that the descriptions contained in the certificates will suffice for your purposes. The land list was amended prior to the issuance of certificate of completion of works under Permit No. 15134, so it contains the general description of all the lands included under the permit.

The charge for preparing these copies is $4.00.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By _____
Chief Clerk & Office Engineer

PLH:MC
Encls.

R-269

W. G. BISSELL BRANCH BIRD

BISSELL & BIRD
LAWYERS
GOODING, IDAHO

April 26, 1933.

Commissioner of Reclamation,
Boise, Idaho.

Dear Sir:

Will you kindly forward us a copy of reservoir permit No. R-269, which we understand is the number of theAmerican Falls Reservoir permit.

Will you also furnish us a copy of permit No. 15,134, which we understand to have been filed March 30, 1921, and has to do with natural flow of Snake River. An application ~~and~~ for amendment was afterwards made. Please include this application and the department's action thereon.

If either of the above mentioned permits or papers includes long and detailed descriptions, please omit such detailed descriptions, and state in your own words what lands in general are included in such original descriptions. However, if the descriptions are not too long or too detailed, please furnish the requested documents in full.

Thanking you for your early attention to this request, we are

Very sincerely yours,

BISSELL & BIRD

Branch Bird

BB:MS

RECEIVED
APR 27 1933
DEPARTMENT OF RECLAMATION

R-269

March 28, 1935

RE: PERMITS NOS. R-269, 15134

HON. JAMES R. BOTHWELL
Attorney at Law
Twin Falls, Idaho

Dear Sir:

We are herewith enclosing receipt for $12.00 in acknowledgment of the fee paid by you in connection with services by this Department in furnishing you with certified copies of the above numbered permits, together with certified copies of other papers filed in our office under these permits.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By _____
Chief Clerk & Office Engr.

PLH:MC
Encl.

R-269

RECEIVED
FEB 16 1933
DEPARTMENT OF RECLAMATION

Copy

Idaho Falls, Idaho

February 15, 1933

Mr. W. B. Darlington,

Burley, Idaho.

Dear Mr. Darlington:

While at Boise recently I examined the American Falls reservoir permits, R-269 and No. 15134. It is apparent from the permits themselves that the two filings were made in connection with one general project. The statutes made no provision for reservoir permits, although the state commissioner of reclamation by office ruling set up a form for that purpose. On this account it was customary to make what was known as a "use" filing in second-feet to accompany each reservoir filing. I was unable to find any ruling or opinion, however, on the question of whether the owner of such a "use" filing could also divert it while his reservoir was filling under the terms of the reservoir filing in acre-feet.

In the case of American Falls reservoir these rights have been decreed but reference is made in the decree to the permits themselves, so I think any information contained in the permits may legitimately be used in interpreting the decree.

The lands described in Permit 15134, reference being made in Permit R-269 to the same lands, embrace all the lands in southern Idaho that ever have been or ever could be irrigated from Snake River by diversions anywhere from Heise to Milner.

If, as has been my opinion, the 1,700,000 acre-feet and the 8,000 second-feet are separate rights, I believe that each owner of reservoir space is entitled to a proportionate share of the 8,000 second-feet for voting at the annual meeting, and for direct diversion, if he can so divert, in the ratio that his space bears to the reservoir capacity. Obviously there is some direct relationship between the two rights and unless one is embraced within the other as the American Falls Reservoir District #1 contends, it would seem to me that the above suggestion is the only practical

way of setting up such relationship at least until some judicial determination is made under the terms of par. 8, page 8, of the printed copy of the Woodville decree.

Very truly yours,

Lynn Crandall

Watermaster.

CC to:
James H. Rothwell, Twin Falls
R. W. Faris, Boise
R. E. Shepherd, Jerome

(COPY)

November 10, 1932

Re: Permit No. R-269

Hon. JAMES R. BOTHWELL

Twin Falls, Idaho

Dear Judge:

We have your letter of November 7, 1932, requesting abstract of the filings by the United States covering American Falls reservoir, - that is, the 8,000 second-foot filing, - and we are enclosing herewith a copy of the permit with summary of land list attached thereto and Certificate of Completion of Works to divert 1700 second feet of water. The detailed land list covers some thiry-eight typewritten pages in our large record book, and we assume that the summary will answer the purpose; but in case you need the complete list, we will be glad to furnish it to you.

The charge for making this copy is $1.00.

Very truly yours,

Commissioner of Reclamation

RWF/mt

Enc.

(SEE PERMIT FILE NO. 15134)

R-269

R 269

August 10th
1 9 3 2

MR. E. B. DARLINGTON
Bureau of Reclamation
Burley, Idaho

Dear Sir:

We are enclosing certificates under Permit Nos. R-269 and 15134. The seal has been affixed as per your letter of the 9th inst.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By_____
Clerk

Encls.

R-269

July 13, 1932

MR. E. B. DARLINGTON
Superintendent
Bureau of Reclamation
Burley, Idaho

Dear Sir:

We are enclosing herewith two certificates of COMPLETION OF WORKS issued under Permits R-269 and 15134, form which accompanied United States Treasury check, and office receipts in the amounts of $2160.00 and $510.00.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By_____

Encls.

R-269

Re: PERMIT No. R-269

May 4, 1932

Your file Cont-03512(19)-HFC

GENERAL ACCOUNTING OFFICE,
Washington,
D. C.

Gentlemen:

Referring to your letter of April 29th, re fees for certificate of completion of works under Permit No. 15134 and Permit No. R-269, for the Minidoka Project, beg to advise that the authority for reducing the number of acre feet to second feet for the purpose of arriving at the fees to be paid, is contained in Sec. 5569, C. S., which reads, in part, as follows:

" * * * *

"No application shall be accepted and filed by the Department of Reclamation until the applicant shall have deposited with the department a filing fee of $1, if the quantity of water claimed is one cubic foot or less per second, and if the quantity of water claimed is in excess of one cubic foot per second, the fee to be so deposited by the applicant shall be increased 10 cents for each additional cubic foot or fraction thereof: Provided, That where flood and winter flow water for storage purposes is claimed, the fee to be paid by applicant on the filing of the application shall be $1, if the quantity claimed is 250 acre feet, or less, and if the quantity of water claimed is in excess of 250 acre feet the fee to be paid by the applicant shall be increased 10 cents for each additional 250 acre feet or fraction thereof. * * * *."

From the foregoing, it is obvious that it was the intention of the Legislature to make 250 acre feet of storage equal to one cubic foot of natural flow per second.

The authority for the charge of 30 cents per second foot is contained in Sec. 5581, C. S.

I do not understand that there is any question or controversy with reference to the fee to be paid under Permit No. 15134, which is a natural flow right, the fees for which are provided by Sec. 5581. These fees are long past due, and we trust that we may have your check to cover same without further delay.

Very truly yours,

RAF/mt

Commissioner of Reclamation

R-269

January 7, 1932

Re: Permits Nos. 15134 & R-269

Mr. E. B. Darlington
Bureau of Reclamation
Burley, Idaho

Dear Sir:

Enclosed herewith are vouchers for the payment of fees for ~~Beneficial Use proof~~ Proof of Completed Works on the above numbered permits. The Commissioner has signed them in the place designated by your office.

All fees of this Department are fixed by legislation. (Refer to Section 5569, Idaho Compiled Statutes.)

Very truly yours,

R. W. PARIS
Commissioner of Reclamation

By_____

PH/LP
Encl.

R-269

COPY

UNITED STATES

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

Burley, Idaho
January 6, 1932.

Mr. R. W. Faris,
Commissioner,
Department of Reclamation,
State of Idaho,
Boise, Idaho.

Dear Mr. Faris:

Receipt is acknowledged of your letter of January 4, 1932, advising of the fees on Permit No. 15134, and Permit No. R-269.

Attached hereto find two vouchers providing for the payment of the fees in amounts as stated in your letter. These vouchers are forwarded for your signature as indicated thereon, and should be returned to this office for further attention. It will be necessary to forward the vouchers to our Washington office for payment.

In returning the vouchers please advise if the rates charged by the State for services of this kind are fixed by legislation or are set by regulation. This information is necessary to complete the vouchers.

Yours very truly,

(Signed) E. B. Darlington
Superintendent

Encls.

R-269

UNITED STATES

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

Burley, Idaho,
January 16, 1932.

Mr. R. W. Faris,
Commissioner of Reclamation,
Boise, Idaho.

Dear Mr. Faris:

Receipt is acknowledged of your office letter of January 4, 1932, stating that upon receipt of the fees named licenses will be issued on Permits No. 15134 and Permit No. R-269.

In connection with the preparation of vouchers, this office would like to have a reference to the section of the statute which provides for the fee of 1.2 mills per acre-foot upon the 1,800,000 acre-feet covered by Permit No. R-269. There has been no difficulty in locating the statute which provides for the 30¢ per acre-foot in connection with the Gooding Canal but the statute providing for the acre-foot fee has not been found. Doubtless your office can readily give this reference, and it will save considerable time on our part and on the part of the disbursing officers if you can give us the reference. Sec. 5581

On examination of some of the session laws on this subject, it is noticed that as Chapter 53 of the Session Laws of 1923, Section 5581 on the subject of fees of the department has been re-enacted with an amendment inserted which provides:

> "Provided further, That in the case of water used for irrigation, where the right sought is additional to an existing water right, and where the Department of Reclamation is not required to make an examination of the ditches or the lands of the user in order to determine that the water has been applied to a beneficial use, no fee for examining the ditches or lands of the user shall be paid to the department, and this proviso shall apply to rights already initiated, as well as rights to be hereafter acquired."

Sec. 5569.

As the Milner-Gooding Canal (and also American Falls Reservoir) is being used for the purpose of furnishing supplemental water to lands already irrigated, it may be well to consider whether these filings, being for supplemental water supply, are not exempt from the fees. I will be glad to have your views on this point.

Very truly yours,

E. B. Darlington

E. B. Darlington, Superintendent.

Cc-D.C., Portland.

R-269

January 18, 1932

Re: Permit Nos. R-269 and 15134

Mr. E. B. Darlington
Supt. U.S. Bureau of Reclamation
BURLEY, IDAHO

Dear Mr. Darlington:

We have your communication of January 16 in regard to fees for certificate of Completion of Works under the above mentioned permit. As you suggest, the fee for examination of the distributing system is fixed by Section 5581 of our statutes at the rate of 30¢ per second foot. There is no statute definitely fixing the fee to be charged on a storage permit, but the practice of this office for many years past, has been to deduce a charge from the fees fixed by Section 5569 on the assumption that a second foot of water is equivalent to 250 acre feet of storage or vise versa. This practice has never been questioned or objected to so far as we are aware.

With reference to the amendment contained in the 1923 Session Laws, Section 5581, as we understand and construe it, this amendment applies to circumstances where an examination has already been made and no further examination is required or necessary; so that in neither case would your condition come within the provisions of this amendment. As a matter of fact, I think it is the general understanding that this amendment was secured for the benefit of the Twin Falls South Side Canal System at a time when it was desired to supplement or increase the delivery through the existing system, the fees for examination of which had already been paid, and certificate of Completion of Works issued.

Very truly yours,

Commissioner of Reclamation

RWF/lwp

R-269

January 4, 1932

Re: Permit Nos. R-269 and 15134

Mr. E. B. Darlington
Reclamation Bureau
Burley, Idaho

Dear Sir:

The engineer's report on the above numbered permits has been received in this office, and upon receipt of the following fees your ~~licenses will~~ certificates will be issued. The fee on Permit No. 15134 is $510.00 which is calculated at the rate of 30¢ per second foot. → Comp. of Works

Permit No. $-269 calls for the storage of 1,800,000 acre feet of water. Your fee on this permit is $2,160.00.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By_____

PH/LP

R-269

Form 23

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

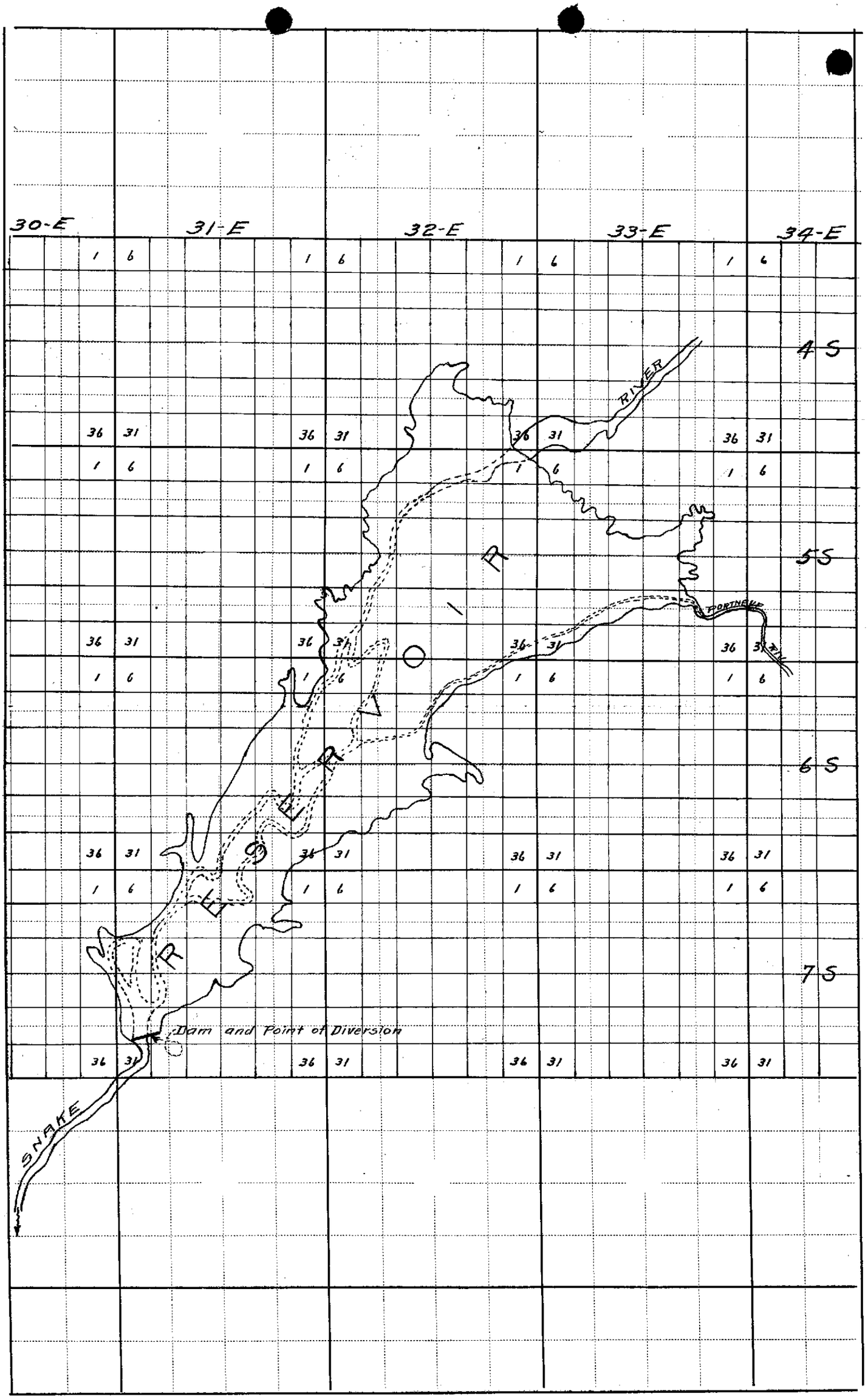
BOISE

REPORT OF ENGINEER

PERMIT NO._____

REPORT ON PROOF OF_____

R-269



SCALE: 2 INCHES EQUALS 1 MILE. DRAW MAP IN INK.

Form 23

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Reservoir Permit No. 269

This proof is for COMP. WORKS In Water District No.

1. Name of applicant: U. S. America
2. Source of water supply: Snake River
3. Location of point of diversion: Is in the (American Falls Project) of Section

T. R. County of

4. Describe works as they exist, giving dimensions and capacities of same: Gravity type Concrete dam 5260 ft long x 87 ft. high with 6-15 ft. power outlets, 15-spillway gates 33' long x 11.3' high, 20 discharge gates 5x5, all gate operating mechanism is by electric control.

5. Water is used for: Irrigation and domestic use
6. State whether or not water has been turned into works of diversion: yes
7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation): The Snake River Valley and lower half of Wood River Valley Approx. 1,500,000 acres.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? Columbia River

Remarks: The ponded area is about 25 miles in length and covers an area of 56,000 Acres.

This examination was made on the 8th day of August 1931

(Signed) Fred H. Tolman
Examiner.

R-269

U. S. A.
Office at Burley
(E.B.Darlington)

Res. Permit No. 269

Examination for COMP.WORKS

County (Am. Falls Project)

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion, and accurately plat same.

2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.

3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.

4. If any unusual conditions are discovered, make a plain statement of them under remarks.

5. Always see the holder, if possible, and go over the whole ground with him, and make your report only upon actual existing facts and conditions.

May 23, 1931.

Re: Permits Nos. 15134 & R-269.

Mr. E. B. Darlington, Superintendent,
Bureau of Reclamation,
Burley, Idaho.

Dear Sir:-

We are in receipt of your letter of the 9th inst., enclosing depositions in the matter of proof of completion of works under the above permits. The affidavits of publication have also been received .

These papers are in proper form and acceptable and will be placed on file here without final action until the reports can be made by our examining engineer, at which time you will be further advised.

Very truly yours,
R. W. FARIS
Commissioner of Reclamation.
By
Chief Clerk.

R-269

Form 15

PERMIT NO. R-269

Proof of Completion of Works

DEPOSITION OF HOLDER

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. United States of America, acting through E. B. Darlington, Superintendent, Bureau of Reclamation, Burley, Idaho.

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business, your position with reference to same, and your authority for appearing in its behalf.

Ans. United States of America - Post Office Address - Bureau of Reclamation, Burley, County of Cassia, State of Idaho.

Ques. 3. State number and date of permit, amount of water you are authorized to divert, source, and point of diversion.

Ans. The number of the permit is R-269. The date of the permit is March 30, 1921. The amount authorized to be stored is 3,000,000 acre feet. Works are completed for 1,800,000 acre feet. The source of said water is Snake River. The outlet of the reservoir is located North 62° West 2150 feet distant from the southeast corner of Sec 30, T. 7 S., R. 31 E., B.M., in Power County, Idaho.

Ques 4. State purpose for which water is to be used, and, if for irrigation, state the number of acres and give description of the land you intend to reclaim.

Ans. Water is used for domestic purposes, irrigation and power. Number of acres irrigated, 1,500,000. Lands in Snake River and Wood River Valleys, as described in permit.

Ques. 5. State whether or not the water has been turned into your works of diversion, and, if so, when and to what extent.

Ans. Water has been stored in reservoir to its full capacity. ~~Date, 1928 and 1929.~~

Ques. 6. State whether or not the works of diversion are fully completed, and whether or not they comply in all respects with the terms of the permit.

Ans. Storage works are fully completed. They comply with terms of permit.

Ques. 7. If the works of diversion do not comply with all the terms of your permit, state fully those particulars in which there is any variance.

Ans. --

Ques. 8. Give description of works, state dimensions and capacity of each part, and give cost of same.

Ans. Storage works consist of dam, spillway and outlet works in Snake River, near town of American Falls. The length of the dam is about 5260 ft. There are 20 discharge gates, each 5'5' with capacity of 1300 second feet and 15 spillway gates, 33 ft. x 11'-4" and capacity of 4000 second feet each. The total cost is about $7,500,000.

* Gates 5ft x 5ft.

(Sign here.) E. B. Darlington

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, in Burley, County of Cassia, State of Idaho, on this 16th day of May, A. D. 1931

Anna J. Larsen
Notary Public for State of Idaho, Residing at Burley, Idaho

My Commission expires July 25, 1931

R-269

Form 14

The Depositions of two Witnesses, in this form, taken separately, required in each case.

Permit No. R-269

Proof of Completion of Works

DEPOSITION OF WITNESS

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. Dana Templin, Burley, Idaho; occupation civil engineer; post office address, Burley, Idaho.

Ques. 2. Are you acquainted with United States of America, the holder of Permit No. R-269, authorizing the ~~diversion~~ storage of 3,000,000 ~~second~~ acre feet of the waters of Snake River, at ~~American Falls~~ Reservoir for irrigation purposes? How long have you known him, and where does he reside?

Ans. Yes.

Ques. 3. Have you read or heard read said Permit No. R-269, and are you familiar with its terms and conditions?

Ans. Yes.

Ques. 4. (If for irrigation purposes). Are you acquainted with the land proposed to be irrigated under said permit? If so, describe same, state its character, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Yes. Lands in Snake River and Wood River Valleys, as described in Permit. Arable land susceptible of irrigation. Water requirement varies from one second foot to 80 acres, to one second foot to 25 acres.

Ques. 5. Are the works of diversion fully completed and of sufficient capacity to convey the entire amount of water set out in the permit from point of diversion to place of use?

Ans. Storage works are fully completed to storage capacity of 1,800,000 acre feet.

Ques. 6. Describe the works of diversion as they now exist, and give your estimate of their capacity.

Ans. [redacted] Storage works consist of dam, spillway and out-let works in Snake River, near town of AmericanFalls. The length of the dam is about 5860 ft. There are 20 discharge gates, each 5'x6' with * capacity of [redacted] 1300 second feet and 15 spillway gates, 33 ft. x 11'-4" ~~(Sign here.)~~ and capacity of 4000 second feet each. The total cost is about $7,500,000. (Sign here.) Dana Templin

D. T.

* Gates 5'x5'

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Burley County of Cassia, State of Idaho, on this 16th day of May, A. D. 1931

Anna Larsen
Notary Public for Idaho, residing at Burley, Idaho

My commission expires July 25, 1931.

R-269

Form 14

The Depositions of two Witnesses, in this form, taken separately, required in each case.

Permit No. R-269

Proof of Completion of Works

DEPOSITION OF WITNESS

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. Frank O. Redfield, Burley, Idaho, Occupation, Assistant Secretary, Burley Irrigation District, Burley, Idaho.

Ques. 2. Are you acquainted with United States of America, the holder of Permit No. R-269, authorizing the ~~diversion~~ storage of 3,000,000 ~~second~~ acre feet of the waters of Snake River, at ~~American Falls~~ Reservoir for irrigation purposes? How long have you known him, and where does he reside?

Ans. Yes

Ques. 3. Have you read or heard read said Permit No. R-269, and are you familiar with its terms and conditions?

Ans. Yes.

Ques. 4. (If for irrigation purposes). Are you acquainted with the land proposed to be irrigated under said permit? If so, describe same, state its character, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Yes. Lands in Snake River and Wood River valleys, as described in Permit. Arable land susceptible of irrigation. Water requirement varies from one second foot to 80 acres, to one second foot to 25 acres.

Ques. 5. Are the works of diversion fully completed and of sufficient capacity to convey the entire amount of water set out in the permit from point of diversion to place of use?

Ans. Storage works are fully completed to storage capacity of 1,800,000 acre feet.

Ques. 6. Describe the works of diversion as they now exist, and give your estimate of their capacity.

Ans. [redacted]. Storage works consist of dam, spillway and outlet works in Snake River, near town of American Falls. The length of the dam is about 5260 ft. There are 20 discharge gates, each* 5'5' with capacity of 1300 second feet and 15 spillway gates, 33 ft. x 11'-4" and capacity of 4000 second feet each. The total cost is about $7,500,000.

* Gates 5 ft x 5 ft.

(Sign here.) Frank O Redfield

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Burley County of Cassia, State of Idaho, on this 16th day of May, A. D. 1931

Notary public for State of Idaho residing at Burley, Idaho

My commission expires July 25, 1931

R-269

April 6, 1931

Re: PERMIT No. R-269
15134
15237

Mr. E. S. DARLINGTON
Superintendent, Bureau
of Reclamation
Burley-Idaho

Dear Mr. Darlington:

It has just come to my attention that the Bureau of Reclamation has not given notice of intention to make proof of completion of works under its storage permit No. R-269, American Falls Reservoir, and associate use permit No. 15134; the said proof is due on or before May 18, 1931.

Notice of due date of proof was mailed to the Boise Office of the Bureau of Reclamation on March 2, and registry return receipt, signed by CLAUDE E. BUCKNER, is of record.

Due to the closing of the Boise Office, it occurs to me that possibly this notice has gone astray.

Another use permit will have its proof of completion of works due on or before July 29, 1931; it is number 15237 and, also, seems to be associated with the reservoir Permit No. R-269.

Very truly yours,

Assistant Commissioner
of Reclamation

R-269

AMERICAN FALLS PRESS

O. J. QUANE, EDITOR

AMERICAN FALLS, IDAHO

April 10, 1931.

Hon. R. W. Faris,

Boise, Idaho.

Dear Sir:

We are in receipt of copy of "Notice For Publication" of the application of B. E. Stoutemyer.

The first insertion of this notice will be given in our issue of April 16, 1931.

Respectfully,

O. J. Quane.

O. J. Quane.

R-269

Form No. 11-A

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE, IDAHO

Date April 9, 1931

The American Falls Press
American Falls, Idaho

DEAR SIR:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to May 16, 1931, the date set for proof, the expense of the publication to be paid by the applicant, B. E. Stoutemyer, Dist. Counsel, Reclamation Bureau (c/o) E.B.Darlington) Burley, Idaho to whom you should furnish proof of publication on or prior to the date set for proof.

Please acknowledge receipt of this notice and furnish this office with a copy of the first publication.

Very truly yours,

R. W. FARIS

Commissioner of Reclamation

R-269

May 16

R-269

Form No. 11

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) April 9th 1931

(P. O.) Burley Idaho

TO THE COMMISSIONER OF RECLAMATION:

Boise, Idaho.

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the American Falls Press of American Falls Ida., published in the county in which the works are situated.

P. E. Montemyer
Dist Counsel. U. S.
Reclamation Bureau

(In case of canals or other works designed to divert and carry more than 50 cubic feet of water per second, the following certificate must be signed by a well-known and competent engineer.)

I hereby certify that the facts set forth in the attached notice are true.

E. B. Darlington
Engineer.
Superintendent.
Bureau of Reclamation

R-269

R-269

RETURN RECEIPT

Received from the Postmaster the Registered or Insured Article, the original number of which appears on the face of this Card.

Bureau of Reclamation

(Signature or name of addressee.)



Edward E Buchner

(Signature of addressee's agent.)

May 8

Date of delivery, _____, *19*

Form 3811

U. S. GOVERNMENT PRINTING OFFICE: 1930

Post Office Department

OFFICIAL BUSINESS

REGISTERED ARTICLE

No. 460

INSURED PARCEL

No. _____

PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE AND FEES PAID

POST OFFICE OF DELIVERING OFFICE

BOISE MAR 3 1:30 P.M. IDAHO

AND DELIVERY

Return to RECLAMATION

(NAME OF SENDER)

Street and Number, or Post Office Box, _____

RECLAMATION COMMISSIONER OF RECLAMATION

BOISE, IDAHO.

R-269

Form No. 7

15134

15,231 Cert. 7 193

State of Idaho

DEPARTMENT OF RECLAMATION

BOISE

INSTRUCTIONS

PROOF OF COMPLETION OF WORKS

Bureau of Reclamation

Boise, Idaho

Boise, Idaho, March 2, 1931

DEAR SIR:

I enclose herewith blank form upon which to give notice that you are prepared and desire to submit proof of completion of works under your permit No. R-269.

This form should be filled out and mailed to the Department of Reclamation, at least 60 days before the date upon which proof is to be submitted, which proof MUST be on or before May 18, 1931. Upon receipt of the blank properly filled out, notice for publication will be sent to the paper direct from this office, which notice must be published a period of four weeks prior to the date of proof.

The proof may be submitted at any place convenient to you and two witnesses, where there is a notary public or other officer authorized to administer oaths.

The certificate that shall be issued under this proof does not give you a perpetual right to the use of the water for which application is made, as it only confirms the completion of the works of a capacity to divert and convey to the place of intended use a certain amount of water. The law requires that another proof be submitted when the water has been fully applied to a beneficial use, at which time license is issued for the amount of water actually in use. Information in regard to this last proof wil be furnished on request.

Very truly yours,

GEO. N. CARTER

Commissioner of Reclamation.

(April 16-16-30-May 7)

NOTICE FOR PUBLICATION.

Notice is hereby given that at 3 P. M. on the 16th day of May, 1931, at Burley, County of Cassia, State of Idaho, before Anna J. Larson, notary public, proof will be submitted of the completion of works for the diversion of 1,800,000 acre-feet of the waters of Snake River, in accordance with the terms and conditions of a certain permit heretofore issued by the Commissioner of Reclamation of the State of Idaho.

1. The name of the person or corporation holding said permit is [redacted]

2. The postoffice address [redacted]

3. If a corporation is [redacted] Burley, County of [redacted] Idaho.

4. The number of such permit is [redacted] and the date set for the completion of such work is May [redacted] Said water is to be used for irrigation and domestic purposes.

5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is 1,800,000 acre-feet.

6. The amount of lands for which said water is available is 1,600,000 acres, particularly described as follows: The Snake River Valley and lower half of Wood River Valley.

R. W. FARIS,
Commissioner of Reclamation.

R-269

PERMIT NO. R-269 and

PERMIT NO. 15134.

APPLICATION FOR EXTENSION OF TIME.

To the Commissioner of Reclamation
of the State of Idaho.

Dear Sir:-

Pursuant to the provisions of Chapter 135 of the Idaho Session Laws of 1923, pages 196, 197, 198, 199 and 200, amending Section 5570 of the Compiled Statutes of Idaho, and particularly that provision thereof reading as follows:

> "Provided, further, That the time for completion of works under any permit involving the construction of a reservoir of more than two hundred thousand acre-feet capacity or for the appropriation of water to be impounded in such reservoir of more than two hundred thousand acre-feet capacity, may upon application to the state commissioner of reclamation supported by a showing that additional time is needed on account of the time required for organizing, financing and constructing works of such large size, be extended by the state commissioner of reclamation for an additional period of five years, but not to exceed ten years in all from the date of permit, and that extension of time for completion of works under this proviso shall automatically extend the time for completion of the twenty per cent required to be done in half the time, and for making proof of application of water to beneficial use. Provided, That no such extension shall be granted unless the applicant for such extension shall show that there has been actually expended toward the construction of said reservoir (including expenditures for the purchase of rights of way and property in connection therewith) at least $100,000."

the United States of America, the holder of Permits Nos. 15134 and R-269, acting for this purpose through B. E. Stoutemyer, District Counsel, U. S. Reclamation Service, its agent, respectfully applies to your honorable Commissioner for extension of time for completion of works

R-269

under said Permit No. 15134 until April 23, 1931, and under said Permit R-269 until May 18, 1931, and respectfully shows that said Permits Nos. 15134 and R-269 involve the construction of a reservoir of more than 200,000 acre-feet capacity, namely, that certain proposed reservoir known as the American Falls Reservoir, the same being more fully described in said Permits, and having a proposed capacity as set out in said Permits of about 3,000,000 acre-feet.

That additional time is needed for completion of works under said Permits on account of the time required for organizing, financing, and constructing works of the very large size involved in the said proposed American Falls Reservoir Project.

That the United States has actually expended in good faith under said Permits, and toward the construction of said American Falls Reservoir (including expenditures for the purchase of rights of way and property in connection therewith) more than Five Hundred Thousand ($500,000) Dollars.

That this application is supported by a showing consisting of the Affidavits of Messrs. Barry Dibble and F. A. Banks, which are hereto attached and made a part hereof.

Dated this 5th day of April, 1923.

UNITED STATES OF AMERICA,
Applicant.

By B. E. Stuntemeyer
District Counsel, U. S.
Reclamation Service.

Agent for the Applicant.

R-269

AFFIDAVIT OF F. A. BANKS.

STATE OF IDAHO,)
) ss.
COUNTY OF POWER.)

F. A. BANKS, being first duly sworn deposes and says:

That he is an irrigation engineer and has been employed in irrigation engineering work by the United States Reclamation Service for more than 16 years last past. That he is now employed by the United States as the Engineer in charge of the proposed American Falls Reservoir.

That affiant is familiar with the work involved in organizing, financing and constructing the said reservoir and the time which may reasonably be required for the completion thereof, and is also familiar with the work heretofore done by the United States under Permits Nos. 15134 and R-269 toward the construction of said reservoir, and the amount expended thereon by the United States.

And affiant further deposes and says that additional time is needed for completion of works under said Permits on account of the time required for organizing, financing, and constructing works of the very large size involved under said Permits.

That the said Permits Nos. 15134 and R-269 involve the construction of a reservoir of more than two hundred thousand (200,000) acre-feet capacity, namely, the American Falls Reservoir, having a capacity as set out in said Permits of about Three Million (3,000,000) acre-feet.

R-269

That the United States has actually expended toward the construction of said reservoir (including expenditures for the purchase of rights of way and property in connection therewith) more than five hundred thousand ($500,000) Dollars.

E. A. Barker

Subscribed and sworn to before me this 31st day of March, 1923.

Notary Public.

Residing at: American Falls, Idaho

My commission expires: Nov. 18, 1924

(seal)

R-269

AFFIDAVIT OF BARRY DIBBLE.

STATE OF IDAHO,)
) ss.
COUNTY OF POWER.)

BARRY DIBBLE, being first duly sworn deposes and says:

That he is an irrigation and electrical engineer and has been employed by the United States for more than Seven years last past as Project Manager of the Minidoka Project. That his said employment as Project Manager of the Minidoka Project includes work in connection with the proposed American Falls Reservoir.

That affiant is familiar with the work involved in organizing, financing and constructing the said reservoir and the time which may reasonably be required for the completion thereof, and is also familiar with the work heretofore done by the United States under Permits Nos. 15134 and R-269 toward the construction of said reservoir, and the amount expended thereon by the United States.

And affiant further deposes and says that additional time is needed for completion of works under said Permits on account of the time required for organizing, financing, and constructing works of the very large size involved under said Permits.

That the said Permits Nos. 15134 and R-269 involve the construction of a reservoir of more than two hundred thousand (200,000) acre-feet capacity, namely, the American Falls Reservoir, having a capacity as set out in said Permits of about Three Million (3,000,000) acre-feet.

R-269

That the United States has actually expended toward the construction of said reservoir (including expenditures for the purchase of rights of way and property in connection therewith) more than five hundred thousand ($500,000) Dollars.

Barry Ohaus

Subscribed and sworn to before me this 31st day of March, 1923.

James L. Faust

Notary Public.

Residing at: American Falls, Idaho

(seal) My commission expires: Nov. 18, 1924

2-269

STATE OF IDAHO

Department of Reclamation

In the Matter of the Application for Extension of Time under Permits R-269 and 15134, under the Provisions of Chapter 135, Idaho Session Laws of 1923.

ORDER GRANTING EXTENSION OF TIME

Under date of April 6, 1923, E. B. Stoutemyer, acting for and on behalf of permit holder, United States Government, filed an application for extension of time in which proof of Completion of Works under these Permits may be made, the said request being made under the provisions of Chapter 135, Idaho Session Laws of 1923.

The said application for extension of time was accompanied by and supported with the affidavits of A. F. Banks and Barry Dibble.

Pursuant to the provisions of said Chapter, I have this day considered the said application and supporting affidavits and find that the said Permits are eligible for extension under the provisions of said Chapter 135:

NOW, THEREFORE, It is hereby ordered that the time within which proof of completion of works under the said Permits must be made and filed in the office of the Department of Reclamation, be and the same is, hereby extended to April 23, 1931, being an extension of five years.

Commissioner of Reclamation

R-269

Form No. 18

State of Idaho

DEPARTMENT OF RECLAMATION

BOISE

Permit No. R-269
B.E. Stoutemyer, U.S.R.S.
Boise, Idaho.

Boise, Idaho,
May 21, 1921.

Dear Sir:

I enclose herewith above numbered permit. BE SURE AND NOTE LIMITATIONS AND CONDITIONS OF SAME as given under approval of State Engineer on the third page.

W. G. Swendsen,

Commissioner of Reclamation.

R-269

No tice of Publication

NOTICE OF PROOF APPLICATION OF WATER
TO BENEFICIAL USE.

Notice is here y given that at eleven A. M. on the 22nd day of April, 1 41, at Burley, County of Cassia, State of Idaho, Before Dyer Sampson, a notary public, p roof will be submitted of the application to beneficial use of 1,800,000 acre-feet per annum, total rate of diversion for storage and direct use being in excess of 9,000 cubic feet per second of the waters of Snake River, in accordance with the terms and conditions of Permits No. 15134 and R-269 heretofore issued by the Commissioner of Reclamation of the State of Idaho.

The n me and postoffice address of the person or cor oration holding said permit are United States of America, address superintendent, U. S. Reclamation Bureau, Burley, Idaho.

The use to which said water has been applied is irrigation and domestic use.

The amount applied to beneficial use is 1,800,000 acre-feet per annum, at a total rate of diversion for storage and for direct use in excess of 9,000 second-feet.

The place where said water is used is on the lands in the following irrigation districts and on the lands of the projects of the following irrigation companies:

Aberdeen-Springfield Canal Company
American Falls Reservoir District
American Falls Reservoir District No. 2
Blackfoot Irrigation Company
Burgess Canal & Irrigation Company
Butte & Market Lake Canal Company
Corbett Slough Ditch Company
Dilts Irrigation Company
Enterprise Canal Company
Enterprise Irrigation District
Harrison Canal & Irrigation Company
Hillsdale Irrigation District
Idaho Irrigation District
Lenroot Canal Company
Milner Low Lift Irrigation District
Minidoka Irrigation District
New Sweden Irrigation District
Peoples Canal & Irrigation Company
Poplar Irrigation District

R-269

Progressive Irrigation District
Reid Canal Company
Rudy Irrigation Canal Company
Charles D. Smith(individual)
Snake River Valley Irrigation District
Trego Ditch Company
Utah-Idaho Sugar Company

The lands in the Upper Snake River Valley are supplied by means of exchange of water.

The names of the canals or ditches or other works by which said water is conducted to such place of use are:

Aberdeen
Martin
North Side Project
Twin Falls Canal Co.
Woodville
Gooding
Blackfoot
Burgess
Butte & Market Lake
Corbett
Dilts
Enterprise Canal Co.
Enterpriste District
Harrison
Idaho
Lenroot
Milner Low Lift
Minidoka
New Sweden
Peoples
Poplar Irrigation Dist.
Reid
Rudy
Smith
Snake River Valley
Trego
Utah-Idaho Sugar Company

The right to take water from such works is based upon Permits No. R-269 and 15134.

The source of supply from which such water is diverted is Snake River.

The date of priority which said user is prepared to establish is March 30, 1921.

E. V. BERG.
Commissioner of Reclamation.

R-269

DEPARTMENT OF THE INTERIOR

UNITED STATES RECLAMATION SERVICE BES-FH.

OFFICE OF
DISTRICT COUNSEL

Boise, Idaho, April 5, 1923.

Mr. W. G. Swendsen,
State Commissioner of Reclamation,
Boise, I d a h o .

Dear Sir:-

Please find enclosed our application for extension of time for completion of works under Permit #R-269 and Permit #15134, both of which permits relate to the American Falls Reservoir.

This application is made under Chapter 135 of the Idaho Session Laws of 1923, pages 196 to 200, amending Section 5570 of the Compiled Statutes, and is supported by two affidavits, one by Mr. F. A. Banks, and one by Mr. Barry Dibble.

If any additional information is needed in connection with this application, please let me know and we will be glad to furnish it.

Very truly yours,

B. E. Stoutemyer

District Counsel.

enc.

CC-Chief Counsel.
Denver
American Falls

R-269

STATE OF IDAHO

Department of Reclamation

In the Matter of the Application for Extension of Time under Permits R-269 and 15134, under the Provisions of Chapter 135, Idaho Session Laws of 1923.	ORDER GRANTING EXTENSION OF TIME

Under date of April 6, 1923, E. B. Stoutemyer, acting for and on behalf of permit holder, United States Government, filed an application for extension of time in which proof of Completion of Works under these Permits may be made, the said request being made under the provisions of Chapter 135, Idaho Session Laws of 1923.

The said application for extension of time was accompanied by and supported with the affidavits of A. F. Banks and Barry Dibble.

Pursuant to the provisions of said Chapter, I have this day considered the said application and supporting affidavits and find that the said Permits are eligible for extension under the provisions of said Chapter 135:

NOW, THEREFORE, It is hereby ordered that the time within which proof of completion of works under the said Permits must be made and filed in the office of the Department of Reclamation, be and the same is, hereby extended to April 23, 1931, being an extension of five years.

WITNESS my hand this 7th day of April, 1923.

M. O. Swanson
Commissioner of Reclamation

R-269

such works for diversion and storage of water may, in the discretion of the Commissioner of Reclamation, be extended an additional period of time of five years; and,

WHEREAS, In the case of Permits R-269 and 15237, such satisfactory showing has been made:

NOW, THEREFORE, The time set for proofs of completion of works under Permits R-269 and 15237 is hereby extended to May 18, 1931 and July 29, 1931, respectively, and such extension of time for completion of works under these permits shall automatically extend the time for completion of one-fifth of the work required to be done in one-half of the time, and for making proof of application of water to beneficial use.

WITNESS, My hand and the seal of the Department of Reclamation, this the 10th day of July, 1926.

Commissioner of Reclamation.

15237

R-269

APPLICATION FOR A PERMIT TO CONSTRUCT THE

AMERICAN FALLS RESERVOIR

And to Store the Unappropriated Waters of the State of Idaho

Application No. R 21513
Permit No. R 269
District No. 70

1. Name of Applicant: United States of America acting through B. E. Stoutemyer, District Counsel, U. S. Reclamation Service. Postoffice Address: Boise, County: Ada, State: Idaho.

LL. The financial resources of the applicant are:

(a) Cash on hand: $ receipts from sale of public lands and all repayments into the Reclamation fund under the Federal Reclamation Act, Warrent Act, etc.

2. Quantity of water to be stored Three Million (3,000,000) acre feet per annum.

3. Source of water supply Snake River, which is a tributary of Columbia River.

4. Water is to be used for: Domestic, irrigation and power purposes.

5. The outlet of the proposed reservoir is located North 62 West 2150 feet distant from the southeast corner of Section 30, T. 7 S., R. 31 E., B. M., and is in the $SW\frac{1}{4}SE\frac{1}{4}$ of Section 30, T. 7 S., R. 31 E., B. M., County of Power.

6. Fill out either (a) or (b).

(a) The reservoir is located in the channel of Snake River.

7. (a) The area of the high water line of the reservoir is 76,460 acres.
(b) The available capacity of the reservoir is Three Million (3,000,000) acre feet.

8. Height of dam: 100 feet, length of dam at top 5750 feet; length of dam at bottom 800 feet. Material used in dam: Concrete, steel, rock and earth.

9. The estimated cost of proposed reservoir is Fifteen Million ($15,000,000) Dollars.

10. Amount of land to be irrigated 940,000 acres of old lands; 500,000 acres of new lands, said land being described in Use Permit mentioned in Paragraph 13 herein, which Use Permit is hereby referred to and made a part hereof.

11. The time required for the completion of such work is five (5) years.

13. The water stored in accordance with this permit will be conducted to the place of use through the Riley Canal, and other systems, constructed under the terms of Permit No. 15134, filed by United States, on Mch. 30, 1921.

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R-269

these Permits may be made, the said request being made under the provisions of Chapter 135, Idaho Session Laws of 1923.

R-269

The said application for extension of time was accompanied by and supported with the affidavits of A. F. Banks and Barry Dibble.

Pursuant to the provisions of said Chapter, I have this day considered the said application and supporting affidavits and find that the said Permits are eligible for extension under the provisions of said Chapter 135:

NOW, THEREFORE, IT IS HEREBY ORDERED That the time within which proof of completion of works under the said Permits must be made and filed in the office of the Department of Reclamation, be and the same is, hereby extended to April 23, 1931, being an extension of five years.

Witness my hand this 7th day of April, 1923.

W. G. SWENDSEN
Commissioner of Reclamation

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

In the matter of the Application of the United States of America for Extension of Time for Proof of Completion of Works under Permits Nos. R-269 and 15237	ORDER GRANTING EXTENSION OF TIME FOR COMPLETION OF WORKS

WHEREAS, The United States of America, acting through B. E. Stoutemyer, District Counsel, Bureau of Reclamation, of the Department of the Interior, has made formal application for extension of time within which to submit proof of completion of works under the terms and provisions of Permits Nos. R-269 and 15237; and,

WHEREAS, The said proofs of completion of works are now required to be made on or before May 18, 1826 and July 29, 1926, respectively, and cover the full period of time allowed by statute for the making of such proof; and,

WHEREAS, The said permits involve the construction of a dam and reservoir impounding more than 200,000 acre-feet of water; and

WHEREAS, Chapter 135, Session Laws of Idaho, 1923, provides that in cases involving the construction of a reservoir with a capacity in excess of 200,000 acre feet, and wherein a satisfactory showing is made to the Commissioner of Reclamation that it will not be feasible nor practicable to complete such irrigation works within the period allowed by statute and by the permit for such completion and offering of proof of completion and that there has actually been expended in excess of $100,000.00 for the constructions of works contemplated by such permit; that the said time for completion of such works for diversion and storage of water may, in the discretion of the Commissioner of Reclamation, be extended an additional period of time of five years; and,

R-269

STATE OF IDAHO

Department of Reclamation

Boise

In the Matter of the Application of the United States of America for Extension of Time for Proof of Completion of Works under Permits Nos. R-269 and 15237	Order Granting Extension of Time For Completion of Works

WHEREAS, The United States of America, acting through B. E. Stoutemyer, District Counsel, Bureau of Reclamation of the Department of the Interior, has made formal application for extension of time within which to submit proof of completion of works under the terms and provisions of Permits Nos. R-269 and 15237; and,

WHEREAS, The said proofs of completion of works are now required to be made on or before May 18, 1926 and July 29, 1926, respectively, and cover the full period of time allowed by statute for the making of such proof; and,

WHEREAS, THe said permits involve the construction of a dam and reservoir impounding more than 200,000 acre-feet of water; and

WHEREAS, Chapter 135, Session Laws of Idaho, 1923, provides that in cases involving the construction of a reservoir with a capacity in excess of 200,000 acre-feet, and wherein a satisfactory showing is made to the Commissioner of Reclamation that it will not be feasible nor practicable to complete such irrigation works within the period allowed by statute and by the permit for such completion and offering of proof of completion, and that there has actually been expended in excess of $100,000.00 on the construction of works contemplated by such permit; that the said time for completion of

R-269

WHEREAS, In the case of Permits R-269 and 15237, such satisfactory showing has been made:

NOW, THEREFORE, The time set for proofs of completion of works under Permits R-269 and 15237 is hereby extended to May 18, 1931 and July 29,1931, respectively, and such extension of time for completion of works under these permits shall automatically extend the time for completion of one-fifth of the work required to be done in one-half of the time, and for making proof of application of water to beneficial use.

WITNESS, My hand and the seal of the Department of Reclamation, this the 10th day of July, 1926.

W. G. SWENDSEN
Commissioner of Reclamation

(SEAL)

R-269

603 Postoffice Building
Portland, Oregon
May 4, 1931

American Falls Press,

American Falls, Idaho.

Gentlemen:

Under date of April 9, 1913, Mr. R. W. Faris, state commissioner of reclamation, transmitted to you an order for publication of notice of proof of completion of works under Permit R-269.

As the bill for the publication of this notice is to be paid by the federal government, the usual government forms for the publication of government notices will be necessary. We are enclosing the usual "advertising order" signed by the acting commissioner of the Bureau of Reclamation; also "statement of advertising rates" to be filled out by you and returned with your bill; also "public voucher for advertising" on which your bill should be made out.

When the publication is complete, your bill on the enclosed form of voucher, together with your statement of advertising rates duly executed and sworn to, should be forwarded to the Reclamation Bureau, Burley, Idaho, for payment by the fiscal agent at that office.

The order for publication, forwarded to you on April 9, 1931 by Mr. R. W. Faris, should be returned to this office.

Very truly yours,

B. E. Stoutemyer
District Counsel

encls

copy to Mr. Faris

R-269

UNITED STATES

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

603 Postoffice Building
Portland, Oregon
April 16, 1931

Commissioner of Reclamation,
State of Idaho,
Boise, Idaho.

Dear Sir:

Will you kindly send us copies of the notice and order for publication in connection with the proof of completion of works on the American Falls reservoir Permit R-269 and the diversion permit No. 15134, which notices Mr. Darlington and I signed in your office on April 9?

Very truly yours,

B. E. Stoutemyer

B. E. Stoutemyer
District Counsel

R-269

FORM 8

Notice for Publication

Notice is hereby given that at 2 P M., on the 16th day of May 1931, at Burley, County of Cassia, State of Idaho, before Anna J. Larson a notary public, proof will be submitted of the completion of works for the diversion of 1800 000 ~~cubic feet per second~~ acre feet of the waters of Snake River ~~United States~~ in accordance with the terms and conditions of a certain permit heretofore issued by the Commissioner of Reclamation of the State of Idaho.

1. The name of the person or corporation holding said permit is United States of America

2. The postoffice address of such person or principal place of business of such corporation is Reclamation Bureau Burley, County of Cassia, State of Idaho.

3. The number of such Permit is No R 269, and the date set for the completion of such work is May 18th 1931

4. Said water is to be used for Irrigation and domestic purposes.

5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is 1800 000 ~~cubic feet per second.~~ acre feet

6. The amount of lands for which said water is available is 1500000 acres, particularly described as follows: the Snake River Valley and lower half of Henrys River Valley

R. W. Faris

Commissioner of Reclamation.

R-269

UNITED STATES

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

Burley, Idaho,
May 16, 1931.

Mr. R. W. Faris,
Commissioner of Reclamation,
Boise, Idaho.

Dear Mr. Faris:

Enclosed are Depositions of Holder and Depositions of Witnesses in the matter of proof of completion of works on Permits No. 15134 and R-269, Snake River; also affidavit of publication of notice by the North Side News, Jerome, Idaho, in respect to Permit No.15134. I am advised by the editor of the American Falls Press, American Falls, Idaho, that he is mailing direct to your office today the affidavit of publication of notice with respect to Permit R-269.

In order that we may keep the files complete in our several offices, I will ask that you be good enough to send me a few additional copies of Form No. 14 and Form No. 15, upon which the depositions are made.

Trusting that you will find the proof on these permits in due form and acceptable within the meaning of the State statutes, I am,

Very truly yours,

E. B. Darlington

E. B. Darlington,
Superintendent.

Encls.

R-269

July 14, 1926.

Re: Permits R-269-15237
American Falls Reservoir

Mr. B. E. Stoutemyer, District Counsel,
Bureau of Reclamation,
Boise, Idaho.

Dear Sir:-

We enclose herewith order extending the time for completion of works under the above numbered permits.

Very truly yours,
W. G. SWENDSEN,
Commissioner of Reclamation.

By_____
Chief Clerk.

1 Enc.

R-269

April 26, 1923.

Re: Permits R-269; 15134.

Mr. B. E. Stoutemyer,
District Counsel, U.S.R.S.,
Boise, Idaho.

Dear Sir:-

Enclosed you will find copy of the ORDER granting extension of time under the above permits, under the provisions of Chapter 135, Idaho Session Laws of 1923.

Very truly yours,

W. G. SWENDSEN,

Commissioner of Reclamation.

By

Chief Clerk.

Encl.

R-269

January 26, 1929.

Re: PERMIT No. 15134
PERMIT No. R-269X

HONORABLE W. D. GILLIS,
Attorney General of Idaho,
The Capitol.

Dear Sir:

Attention: Mr. BLAINE

Reference is had to your letter of January 24 enclosing copies of letters from W. O. COTTON to Senator Yeaman and to the Attorney General requesting information regarding the interpretation to be placed upon two permits to appropriate water, standing in the name of the United States, said permits claiming a diversion right of 8,000 second feet from Snake River and a storage right of 1,700,000 acre feet, according to Mr. Cotton's statement:

Permit No. 15134 was filed March 30, 1921, which is the priority date accorded the right. The amount of the filing is 8,000 second feet, for domestic, irrigation and power uses. The said permit appears to cover most of Southern Idaho with respect to the lands designated for irrigation. Such lands are generally enumerated in the permit as follows:

15134

R-269

All lands now irrigated from Snake River above Milner and South Fork from mouth of Canyon.

35,000	acres on the	Michaud Flat
115,000	"	Minidoka-North Side Pumping Unit
250,000 - 350,000	"	Bruneau or Mountain Home Projects (not both)
20,000	"	Wood River

The permit was amended July 27, 1928 to include:

46,500 additional acres of Wood River lands.

In the original filing the statement is made that there will be directly irrigated 1,540,780 acres, and indirectly irrigated, 460,275 acres. The 8,000 second feet are also specified to be for new lands. Proof of completion of works is due ~~April 23~~ April 23, 1931. On account of the size of this permit, it is entitled to a five-year extension within which to offer proof of completion of works. Application was made for such extension before the expiration of the ordinary five-year period allowed for proof of completion of works, and granted.

Permit No. R-269 was filed March 30, 1921, which is the date of priority accorded the right. It allows the storage of 3,000,000 acre feet of water, to be used upon 940,000 acres of old lands and 500,000 acres of new lands.

Permit No. 15134 is referred to and made a part of Permit No. R-269 by the following provision in Permit No. R-269:

> "Beneficial use of water stored in accordance herewith, to be made on or before April 23, 1926, as set out in 15134 for appropriation of the public waters of the State of Idaho, which is hereby referred to and made a part hereof."

15134

R-269

In Permit No. 15134 it is stated that the source of supply is Snake River and tributaries. The ordinary construction which would be placed upon this permit, claiming the source of supply designated as Snake River and tributaries, would be that the United States claimed 8,000 second feet of natural flow in addition to its storage right of 3,000,000 acre feet, evidenced by Permit No. R-269.

Ordinarily, the usual terminology of a so-called use permit, which in this case is Permit No. 15134, if such permit is taken out for the purpose of securing a right to divert waters released from storage, would be to state the source of supply as the American Falls Reservoir. I do not know how the United States regards the current custom of this Department in handling permits of this nature.

By way of explanation it might aid you in your consideration of the question asked by Mr. Cotton if you were given a brief résumé of the method of filing permits which involve both storage and natural flow. There is no statutory requirement or authorization for a storage permit, so-called, the custom of accepting applications for permit to store water grew out of the administration of a former State Engineer, Mr. Wilkie. I must confess that the entire matter has been somewhat clouded with misgiving so far as I have been able to understand the theory of the two filings thus required by Mr. Wilkie, in cases where water was to be stored and subsequently released and diverted from some natural stream any distance below the outlet of the reservoir.

R-269 15134

At one time the matter was taken up with Attorney General Black and some legal backing sought for the feasibility of changing the procedure and eliminating the two permits involving the same water, however, due to the material period of time during which this custom had operated, Mr. Black was somewhat fearful of inaugurating a change, but about two years ago this office did change the forms of application in cases where storage and natural flow were both involved in one water right. The change consisted of combining the theretofore two applications for permit into one, embodying all of the essential features and information relating to both storage and diversion of said storage when subsequently released from a reservoir and, also, the diversion of natural flow in addition to any storage water which might be diverted.

It might also give you some understanding of how this subject is looked upon from a legal viewpoint if you will consider an opinion of Judge Dietrich's covering a case where two permits - one for storage and the other diversion - were involved. Copy of said opinion is attached, and may I request that it be returned when it has served your purpose.

You will also observe that the storage right referred to by Mr. Cotton as being for 1,700,000 acre feet is actually for 3,000,000 acre feet; present completion of works is to the extent of 1,700,000 acre feet.

15134

R-209

APPLICATION FOR A PERMIT TO CONSTRUCT THE

AMERICAN FALLS RESERVOIR,

And to Store the Unappropriated Waters of the State of Idaho.

Application No. R 21513
Permit No. R 269
District No. 70

1. Name of Applicant: United States of America acting through B. E. Stoutemyer, District Counsel, U. S. Reclamation Service.
Postoffice Address: Burley. County: Cassia. State: Idaho.
I. If applicant is a corporation, give:

(a) Date and place on incorporation:
(b) Amount of capital stock: $
(c) Amount paid in: $
(d) Names and addresses of directors:

II. The financial resources of the applicant are: (a) Cash on hand: $ Receipts from sale of public lands and all repayments into the Reclamation fund under the Federal Reclamation Act, Warren Act, etc.

(b) Treasury stock: $
(d) Other resources:

2. Quantity of water to be stored Three Million (3,000,000) acre feet per annum.

3. Source of water supply Snake River, which is a tributary of Columbia River.

4. Water is to be used for: Domestic, irrigation and power purposes.

5. The outlet of the proposed reservoir is located North 62° West, 2150 feet distant from the southeast corner of Section 30, T. 7 S., R. 31 E., B.M., and is in the SW¼ SE¼ of Section 30, T. 7 S., R. 31 E.B.M., County of Power.

6. Fill out either (a) or (b).

(a) The reservoir is located in the channel of Snake River.
(b) The reservoir is to be filled through the Feeder Canal, which has a width at bottom of ft., width at top of ft., depth of ft., average grade per mile ft., capacity cubic feet per second.

7. (a) The area of the high water line of the reservoir is 76,460 acres.
(b) The available capacity of the reservoir is Three Million (3,000,000) acre feet.

8. Height of dam: 100 feet; length of dam at top 5750 feet; length of dam at bottom 800 feet.
Material used in dam: Concrete, steel, rock and earth.

9. The estimated cost of proposed reservoir is $ Fifteen Million ($15,000,000) Dollars.

10. Amount of land to be irrigated 940,000 acres of old lands, 500,000 acres of new lands, said land being described in Use Permit mentioned in Paragraph 13 herein, which Use Permit is hereby referred to and made a part hereof.

11. The time required for the completion of such work is five (5) years.

13. The water stored in accordance with this permit will be conducted to the place of use through the Riley canal and other systems constructed under the terms of Permit No. 15134, filed by United States, on March 30, 1921.

BE IT KNOWN That the undersigned hereby makes application for permit to construct a reservoir and to store the unappropriated waters of the State of Idaho as herein set forth.

By United States, Applicant.
B.E. Stoutemyer, Agent.
Dist. Counsel U.S. Rec. Ser.

R 269

Date of first receipt at office of Commissioner of Reclamation 2:30 p.m. March 30, 1921.

Returned to applicant for correction April 29, 1921.

Corrected Application received May 3, 1921.

APPROVAL OF COMMISSIONER OF RECLAMATION

The number of this Permit is R 269.
Recorded in book R 1 Page 269 Approved May 18, 1921.

This is to certify that I have examined the within application for a permit to construct a reservoir and to store the unappropriated public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of $ See Use Permit No. 15134 to be filed on or before
Work to begin on or before and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.
One-fifth of the work above specified to be completed on or before November 18, 1923.
The whole of said work to be completed on or before May 18, 1926.
Beneficial use of water stored in accordance herewith, to be made on or before April 23, 1936, as set out in Permit No. 15134 for the appropriation of the public waters of the State of Idaho, which is hereby referred to and made a part hereof.

Witness my hand this 18th day of May, 1921.

W. G. SWENDSEN,
Commissioner of Reclamation

Use Permit No. 15134 described the land upon which the water is to be used, which includes lands in the following Sections, along with other described lands.

Township 7 South, Range 23 East.

Sections 28, 32, 33, 34, 35, and 36.

Township 8 South, Range 23 East.

Sections 1, 2, 3, 4, 7, 8, to 36, inclusive.

Township 9 South, Range 23 East.

Sections 1 to 7, inclusive.

Township 7 South, Range 24 East.

Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 20 to 36, inclusive.

Township 8 South, Range 24 East.

Sections 1 to 35, inclusive.

Township 7 South, Range 25 East.

Sections 6, 7, 18, 19, 20, 22, 25 to 36, inclusive.

Township 8 South, Range 25 East.

Sections 1 to 23 inclusive, 26, 27, 28, 29, and 30.

Township 7 South, Rnege 26 East.

Section 31.

R-269

Township 8 South, Range 26 East.

Sections 4, 5, 6, 7, 8, 9, 10, 15, 16, 17, 18.

On July 9, 1942, License and Certificate of Water Right was issued under this Permit, in the amount of 1,800,000 acre feet per annum, with priority of March 30, 1921, of which amount, 1,700,000 acre feet represents the rated cubical contents of the reservoir and 100,000 acre feet is the maximum annual bank storage.

This License recites that the description and location of use is as follows:

"The place where said water is used is on the lands in the following irrigation districts and on the lands of the projects of the following irrigation companies: Aberdeen-Springfield Canal Co., American Falls Reservoir Dist., American Falls Reservoir Dist. No. 2, Blackfoot Irrigation Co., Burgess Canal & Irrig. Co., Butte & Market Lake Canal Co., Corbett Slough Ditch Co., Dilts Irrig. Co., Enterprise Canal Co., Enterprise Irrig. Dist., Harrison Canal & Irrig. Co., Hillsdale Irrig. Dist., Idaho Irrig. Dist., Lenroot Canal Co., Milner Low Lift Irrig. Dist., Minidoka Irrig., Dist., New Sweden Irrig. Dist., Peoples Canal & Irrig. Co,, Poplar Irrig. Dist., Progressive Irrig. Dist., Reid Canal Co., Rudy Irrig. Canal Co., Chas D. Smith (individual), Snake River Valley Irrig. Dist, Trego Ditch Co., Utah-Idaho Sugar Co., the lands in the upper Snake River Valley are supplied by means of exchange water. The names of the canal or ditches or other works by which said water is conducted to such place of use are: Aberdeen, Martin, North Side Project, Twin Falls Canal Co., Woodville, Gooding, Blackfoot, Burgess, Butte & Market Lake, Corbett, Dilts, Enterprise Canal Co., Enterprise Dist., Harrison, Idaho, Lenroot, Milner Low Lift, Minidoka, New Sweden, Peoples, Poplar Irrig. Dist., Progressive Irrig. Dist., Reid, Rudy, Smith, Snake River Valley, Trego, Utah-Idaho Sugar Co.

R-269

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TEMPORARY EXCHANGE OF WATER NO. TC-01-20 IN THE NAME OF ABERDEEN-SPRINGFIELD CANAL CO. AND PEOPLES CANAL AND IRRIGATION CO.	**ORDER AUTHORIZING TEMPORARY EXCHANGE**

WHEREAS, a drought emergency has been declared for Bingham and Power Counties to allow administrative actions to lessen the severe impacts of the drought conditions in the counties; and

WHEREAS, section 42-222A, Idaho Code, provides that upon declaration of a drought emergency, the director of the Department of Water Resources ("Department") is authorized to allow temporary changes in the point of diversion, the place of use, and the purpose of use for valid existing water rights or temporary exchanges of water authorized under water rights when the director determines that such changes can be accomplished in accordance with the provisions of section 42-222A, *Idaho Code*; and

WHEREAS, on October 12, 2001 the Aberdeen-Springfield Canal Company and Peoples Canal and Irrigation Co. ("Applicants") submitted the attached Temporary Application for Exchange of Water ("Application") to the Department; and

WHEREAS, the Department has reviewed the application and has determined the application can be approved with certain conditions;

ORDER

IT IS HEREBY ORDERED that the application is **APPROVED** subject to the following conditions:

1. The agreement to exchange contract rights between the applicants as described on the application is authorized at the point of diversion and place of use described on the application.

2. The watermaster of Water District No. 01 is authorized to administer the temporary change approval. The watermaster shall regulate and keep a record of the amount of water diverted and accumulated as proposed by the application, including the exchange of contract water rights owned by the applicants.

3. The applicant assumes all risk of curtailment or mitigation should the diversion and use of water under the temporary change approval cause injury to other water rights, constitute an enlargement in use of the original right, be inconsistent with the conservation of water resources within the state of Idaho, or not be in the local public interest.

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4. This temporary exchange approval may only be used to provide a replacement water supply to lands or other uses that normally have a full water supply, except for the drought condition. This temporary exchange approval may not be used to provide water for new development or to allow expansion of the use of water under existing water rights.

5. This temporary approval does not authorize the use of diversion works or a delivery system owned by or managed by a corporation or an irrigation district without the written consent of such corporation or irrigation district.

6. The applicants agree to hold the director and the state of Idaho harmless from all liability on account of the diversion and use of water under this temporary change approval.

7. This temporary exchange approval does not grant any right-of-way or easement to use the diversion works or conveyance works of another person or entity.

8. The Water District 01 watermaster shall measure and record the amount of water diverted under this approval.

9. This temporary exchange approval expires at the end of the period described on the application unless rescinded or extended by the director. Thereafter, the water right shall revert to the point of diversion, place of use and nature of use existing prior to the temporary change approval.

10. By diversion and use of water under this temporary exchange, the applicant acknowledges and agrees that the Director may terminate diversion of water under this temporary change if the Director determines there is interference with or injury to other water rights.

DATED this 26TH day of NOVEMBER, 2001.

Norman C. Young, Administrator
Water Management Division

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BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TEMPORARY EXCHANGE OF WATER WATER NO. TC-01-16 IN THE NAME OF NORTH SIDE CANAL CO. AND A&B IRRIGATION DISTRICT	**ORDER AUTHORIZING TEMPORARY EXCHANGE**

WHEREAS, a drought emergency has been declared for Jerome, Gooding and Elmore Counties to allow administrative actions to lessen the severe impacts of the drought conditions in the counties; and

WHEREAS, section 42-222A, Idaho Code, provides that upon declaration of a drought emergency, the director of the Department of Water Resources ("Department") is authorized to allow temporary changes in the point of diversion, the place of use, and the purpose of use for valid existing water rights or temporary exchanges of water authorized under water rights when the director determines that such changes can be accomplished in accordance with the provisions of section 42-222A, Idaho Code; and

WHEREAS, on August 10, 2001 the North Side Canal Company and A & B Irrigation District ("applicants") submitted the attached Temporary Application for Exchange of Water ("application") to the Department; and

WHEREAS, the Department has reviewed the application and has determined the application can be approved with certain conditions;

ORDER

IT IS HEREBY ORDERED that the application is **APPROVED** subject to the following conditions:

1. The agreement to exchange contract rights between the applicants as described on the application is authorized at the point of diversion and place of use described on the application.

2. The watermaster of Water District No. 01 is authorized to administer the temporary change approval. The watermaster shall regulate and keep a record of the amount of water diverted and accumulated as proposed by the application, including the exchange of contract water rights owned by the applicants.

3. The applicant assumes all risk of curtailment or mitigation should the diversion and use of water under the temporary change approval cause injury to other water rights, constitute an enlargement in use of the original

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right, be inconsistent with the conservation of water resources within the state of Idaho, or not be in the local public interest.

4. This temporary exchange approval may only be used to provide a replacement water supply to lands or other uses which normally have a full water supply, except for the drought condition. This temporary exchange approval may not be used to provide water for new development or to allow expansion of the use of water under existing water rights.

5. This temporary approval does not authorize the use of diversion works or a delivery system owned by or managed by a corporation or an irrigation district without the written consent of such corporation or irrigation district.

6. The applicants agree to hold the director and the state of Idaho harmless from all liability on account of the diversion and use of water under this temporary change approval.

7. This temporary exchange approval does not grant any right-of-way or easement to use the diversion works or conveyance works of another person or entity.

8. The Water District 01 watermaster shall measure and record the amount of water diverted under this approval.

9. This temporary exchange approval expires on December 31, 2001 unless rescinded or extended by the director. Thereafter, the water right shall revert to the point of diversion, place of use and nature of use existing prior to the temporary change approval.

10. By diversion and use of water under this temporary exchange, the applicant acknowledges and agrees that the Director may terminate diversion of water under this temporary change if the Director determines there is interference with or injury to other water rights.

DATED this 17TH day of AUGUST, 2001.

Norman C. Young, Administrator
Water Management Division

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RECEIVED
AUG 14 2001
Department of Water Resources
Southern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR EXCHANGE OF WATER

Under the provisions of Section 42-240, *Idaho Code*, any person holding a surface water right may apply to exchange such water for the use of water from the same source or a different surface water source. Surface water right holders may also apply to exchange for the use of water authorized for diversion under one or more other valid water rights from the same source or a different surface water source.

1. INFORMATION ABOUT THE APPLICANT

Applicant North Side Canal Company
(Name of Applicant)

North Lincoln, Jerome, Idaho 83338 Telephone No: (208) 324-2319
(Mailing Address) (Zip Code)

Applicant's Water Right(s) to be exchanged (See Exhibit "A" attached hereto)
Attach a photocopy of the License, Permit, Transfer, Decree, or Claim evidencing the right(s) or attach a printout obtained from IDWR.

2. INFORMATION ABOUT THE CO-APPLICANT

Complete this portion if the applicant proposes to exchange for water diverted under a water right held by another party. The co-applicant is the holder of the right to be exchanged for the applicant's right. If more space is needed, please attach another sheet containing information about each co-applicant.

Co-applicant A & B Irrigation District
(Name of Co-applicant)

P. O. Box 675, Rupert, Idaho 83350-0675 Telephone No: (208) 436-3152
(Mailing Address) (Zip Code)

Co-applicant's Water Right(s) to be exchanged (See Exhibit "A" attached hereto)
Attach a photocopy of the License, Permit, Transfer, Decree, or Claim evidencing the right(s) or attach a printout obtained from IDWR.

3. EXCHANGE AGREEMENT – Attach a copy of the written agreement between the applicant and the co-applicant(s).

4. EXCHANGE INFORMATION – Complete Part A *or* Part B to explain how the proposed exchange will operate.

Part A – For an exchange involving two or more water right holders.

The applicant proposes to divert _____ cfs and/or 19,200 acre feet per year of water authorized to be diverted under the co-applicant's water right(s) listed above at SW ¼ of NW ¼, Govt. Lot _____ Sec. 28 Township 10 S Range 21 E. B.M., Jerome County. (Milner Dam, Northside)
Additional points of diversion, if any: Released from storage in NENE of Sec.17, T1S, R45EBM
In exchange for authorization to divert water as described above, _____ cfs and/or 19,200 acre feet per year of water authorized for diversion under the applicant's water right(s) listed above will be (*complete 1 or 2 below*):

1. made available to the co-applicant for diversion at SE ¼ of SW ¼, Govt. Lot _____ Sec. 24 Township 10 S Range 21 E. B.M., Jerome County.
   Additional points of diversion, if any: Released from storage at SWSE of Sec. 30, T7S, R31EBM, Power County in 2002.

OR

2. released from storage by the co-applicant into _____ at _____ ¼ of _____ ¼, Govt. Lot _____ Sec. _____ Township _____ Range _____ B.M., _____ County.

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Part B – For an exchange involving only the applicant's water right(s).

The applicant proposes to divert _____ cfs and/or _____ acre feet per year of water at _____ ¼ of _____ ¼, Govt. Lot _____ Sec. _____ Township _____ Range _____ B.M., _____ County. Additional points of diversion, if any: _____

In exchange for authorization to divert water as described above, _____ cfs and/or _____ acre feet per year of water authorized for diversion under the applicant's water right(s) listed above will be (*complete 1 or 2 below*):

1. diverted from _____ at _____ ¼ of _____ ¼, Govt. Lot _____ Sec. _____ Township _____ Range _____ B.M., _____ County and injected into _____ at _____ ¼ of _____ ¼, Govt. Lot _____ Sec. _____ Township _____ Range _____ B.M., _____ County.

OR

2. released from storage by the applicant into _____ at _____ ¼ of _____ ¼, Govt. Lot _____ Sec. _____ Township _____ Range _____ B.M., _____ County.

Additional Explanation – Attach additional sheets if necessary.

_____

_____

_____

_____

_____

* If this exchange is not intended to be a permanent arrangement, please describe the circumstances under which the proposed exchange will terminate. Exchange is for storage water for use in 2001 for storage water accruing after November 1, 2001 pursuant to Idaho Code Section 42-222A.

5. **MAPS** – Attach two maps, one showing the water right(s) as it is (they are) now used, and another showing how the water right(s) will be used under the proposed exchange. Each map should be on an 8½"x11" sheet and should clearly identify the locations of the point(s) of diversion, injection, and re-diversion of water and the place(s) of use by 40-acre subdivisions, section, township and range of the public land survey. Photocopies of USGS 7½-minute topographic quadrangles are preferred as base maps.

SIGNATURE

Applicant hereby asserts that no one will be injured by such exchange of water and acknowledges that the applicant and/or the co-applicant will be responsible for all actions taken pursuant to this exchange. I understand that any willful misrepresentations made in this application may result in voiding its approval.

Ted Diehl, Manager — July 31, 2001

Applicant's Signature (and title if application is for an organization) — Date

Tom Trimble Mgr. — 8-7-01

Co-Applicant's Signature — Date

FOR DEPARTMENT USE ONLY

This exchange application contains _____ pages, including attachments.
Received by _____ Date 8-10-01 Fee $50.00
Receipted by _____ Date 8-10-01 Receipt No. 1055492
Preliminary review by _____
Published in _____
Publication dates _____
Protests filed by _____
Copies of protests forwarded by _____
Watermaster recommendation requested on _____
Watermaster recommendation received on _____
Hearing held by _____ Date _____

Recommended for Approval _____ **Denial** _____ **By** _____

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EXHIBIT "A"
to
Application for Exchange of Water
- North Side Canal Company -

1. Applicant's Water Right(s) to be exchanged: (continued from page 1)
Portion of stored water in storage water Account No. 13087000 in Water District 01 accruing in Bureau of Reclamation storage facilities beginning November 1, 2001 under Water Right Nos. 01-02064 and 01-10045 as affirmed and allocated by Contract No. 14-06-W-28 between United States, Bureau of Reclamation and applicant.

2. Co-applicant's Water Right(s) to be exchanged: (cont. from page 1)
Portion of stored water in storage water Account No. 13085500 in Water District 01 accrued in Bureau of Reclamation storage facilities under Water Right Nos. 01-02064, 01-2068, and 01-10045 as affirmed and allocated by Contract No. 14-06-100-2368 between United States, Bureau of Reclamation and co-applicant.

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TEMPORARY STORAGE WATER EXCHANGE AGREEMENT

THIS AGREEMENT, made and entered into this 31st day of July, 2001, by and between A & B Irrigation District, an irrigation district duly organized under the laws of the State of Idaho, of 11th and E Streets, Rupert, Idaho, hereinafter referred to as "A & B", and North Side Canal Company, Ltd., a non-profit water delivery corporation, duly organized under the laws of the State of Idaho, of N. Lincoln, Jerome, Idaho, hereinafter referred to as "Company."

W I T N E S S E T H :

WHEREAS, there now exists a severe drought in Southern Idaho which has substantially reduced the water supplies in the Upper Snake River needed for irrigation of lands in Southern Idaho, including the lands served by A & B and Company; and

WHEREAS, Company relies in part for its water supply for the irrigation of lands within its boundaries a portion of the water stored each year in Jackson Reservoir, Palisades Reservoir, and American Falls Reservoir, which storage facilities are owned and operated by the Bureau of Reclamation of the Department of Interior of the United States of America, which storage rights are identified pursuant to Company's contract with the Bureau of Reclamation No. 14-06-W-28, as amended; and

WHEREAS, A & B for a portion of its water supply, relies upon a portion of the stored water stored each year in American Falls Reservoir and Palisades Reservoir for the irrigation of a portion of the lands within its boundaries, which storage rights are identified in a contract with the Bureau of Reclamation, Department of Interior, United States of America, Contract No. 14-06-100-2368, as amended; and

WHEREAS, Company has an insufficient water supply for the irrigation of the lands of its shareholders for the year 2001; and

WHEREAS, A & B has stored water accrued to its credit in 2001 that will not be required by A & B for the irrigation of the lands within the district in 2001, which surplus stored water would ordinarily be carried over in the above-referred to reservoirs for use by A & B for the irrigation of a portion of its lands in 2002; and

WHEREAS, severe crop losses to crops now growing by shareholders of Company will occur in the event Company is unable to provide additional water for the irrigation of lands of its shareholders; and

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WHEREAS, as a result of the emergencies that have occurred as a result of the severe drought conditions now being experienced and the declaration of a drought emergency designated for Twin Falls County and Jerome County by the Director of the Department of Water Resources and approved by the Governor of the State of Idaho, A & B has agreed to transfer a portion of its stored water to Company for use by Company in 2001 in exchange for stored water of the Company accruing to its space after the 2001 irrigation season for use in 2002, under the terms, covenants and conditions hereinafter contained.

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein contained, and the payment to be made by Company to A & B as hereinafter provided:

1. A & B agrees, upon the performance by Company of the following covenants and agreements, to transfer to Company 19,200 acre-feet of stored water now accrued to the credit of A & B under its contract with the Bureau of Reclamation, for use by Company in 2001 for the irrigation of lands of its shareholders.

2. Company, in consideration of the temporary transfer of 19,200 acre-feet of stored water above referred to from A & B to Company, and the change in the point of diversion and place of use of said stored water for 2001, does hereby covenant and agree as follows:

(a) Company will pay to A & B, upon the execution of this agreement and approval of the exchange of storage water under this agreement by the Bureau of Reclamation and the approval of temporary transfers in the point of diversion and place of use of 19,200 acre-feet of stored water of A & B to the point of diversion and place of use of Company in 2001 and the approval of the temporary transfer and the point of diversion and place of use of 19,200 acre-feet of stored water of Company to the point of diversion and place of use of A & B in 2002, the sum of $56,640.00.

(b) Company does hereby covenant and agree that the first 19,200 acre-feet of stored water accruing to Company after the 2001 irrigation season under Company's rights as a spaceholder under its Contract No. 14-06-W-28 with the Bureau of Reclamation will be transferred to A & B for use by A & B during the 2002 irrigation season, or so much thereof as may be necessary to insure that the amount of storage water available to A & B for use in the 2002 irrigation season is equal to the storage water that is available to A & B when all of its space allocated to it under its spaceholder contract with the Bureau of Reclamation has filled. To the extent the temporary transfer of stored water from Company to A & B in 2002 is less than 19,200 acre-feet needed to fill all of the space of A & B in 2002, the amount of stored water to be transferred to A & B in

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exchange shall be reduced pro rata with other entities with which A & B has accomplished a temporary exchange of stored water which must be repaid for the 2002 irrigation season.

(c) Company will indemnify and hold A & B harmless from all claims of whatsoever kind or nature which may arise from third parties based upon any alleged injury to any other water right as a result of the temporary transfer of stored water from A & B to Company for use in 2001 and the temporary transfer of stored water from Company to A & B for use by A & B in 2002.

(d) Company agrees that the temporary change in the place of use of the 19,200 acre-feet of stored water of A & B shall be conditioned upon the temporary change in the place of use of 19,200 acre-feet of stored water of Company to A & B in 2002, and that said condition shall be a part of the approval of the temporary change in the place of use by the Director of the Department of Water Resources of the State of Idaho.

(e) That this agreement relates to actual water stored, and no reservoir loss shall be charged to A & B for the storage water to be transferred to A & B from Company for use by A & B in the 2002 irrigation season, which stored water shall be the first storage water used by A & B in 2002.

(f) That the storage water to be transferred by Company to A & B from the first water stored to the credit of Company after the 2001 irrigation season shall be water stored to the credit of A & B in addition to all stored water that may accrue to A & B under its existing contractual rights with the Bureau of Reclamation during the 2001-2002 storage season for use in 2002, until the sum of said stored water equals the total water that can be stored in the space of the storage facilities to which A & B is entitled under its contract with the Bureau of Reclamation.

3. That nothing in this agreement shall constitute an assumption by either party of the operation and maintenance obligations due to the Bureau of Reclamation for the storage of water under the contracts of the respective parties with the Bureau of Reclamation. It is further understood that any assessments of Water District 01 for the delivery of said stored water being temporarily transferred under this agreement shall be paid by the party to whom said stored water is delivered.

4. It is understood and agreed by the parties hereto that as a condition of this agreement, the terms herein and the temporary transfer of stored water from A & B to Company for use by Company in 2001 in exchange for a temporary transfer of stored water from Company to A & B for use by A & B in 2002 is subject to the approval

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of said transfer by the Bureau of Reclamation, Department of Interior, United States of America, and the Director of the Department of Water Resources of the State of Idaho.

5. Each of the parties shall execute such applications and requests as may be necessary to accomplish the temporary exchange and transfer of the storage waters of the respective parties under the terms of this agreement, and each shall take such action as may be necessary to accomplish said temporary exchanges of stored water by the respective parties.

6. It is understood by the parties hereto that this transfer is being made upon the reliance by both parties on the diversion data provided by Water District 01, and in the event the remaining storage of A & B be adjusted for any reason other than the use of water by A & B and this or any other transfer, the amount transferred hereunder may be adjusted by A & B to insure an adequate water supply for A & B in 2001 for its lands served with stored water.

IN WITNESS WHEREOF the parties have hereunto set their hands the day and year first above written.

A & B IRRIGATION DISTRICT

By: _____
President

ATTEST:

_____
Secretary

NORTH SIDE CANAL COMPANY, LTD.

By: Russell Wolley
President

ATTEST:

_____
Secretary

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STATE OF IDAHO)
)
County of Minidoka)

On this 8 day of August, 2001, before me, the undersigned, a Notary Public in and for said State, personally appeared Harold Workman and Dana Swenson, known to me to be the President and Secretary of A & B Irrigation District, and acknowledged to me that they executed the same on behalf of the district.

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

(SEAL)

Notary Public for Idaho
Residing at: Rupert Id.
My Commission expires: 10-31-2003

STATE OF IDAHO)
)
County of Jerome)

On this 31st day of July, 2001, before me, the undersigned, a Notary Public in and for said State, personally appeared Russell Woolley and Jed Diehl, known to me to be the President and Secretary of North Side Canal Company, Ltd., and acknowledged to me that they executed the same on behalf of said corporation.

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

(SEAL)

Notary Public for Idaho
Residing at: Jerome, Idaho
My Commission expires: 7-16-03

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BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TEMPORARY EXCHANGE OF WATER WATER NO. TC-01-15 IN THE NAME OF ABERDEEN-SPRINGFIELD CANAL CO. AND A&B IRRIGATION DISTRICT

ORDER AUTHORIZING TEMPORARY EXCHANGE

WHEREAS, a drought emergency has been declared for Bingham and Power Counties to allow administrative actions to lessen the severe impacts of the drought conditions in the counties; and

WHEREAS, section 42-222A, Idaho Code, provides that upon declaration of a drought emergency, the director of the Department of Water Resources ("Department") is authorized to allow temporary changes in the point of diversion, the place of use, and the purpose of use for valid existing water rights or temporary exchanges of water authorized under water rights when the director determines that such changes can be accomplished in accordance with the provisions of section 42-222A, Idaho Code; and

WHEREAS, on August 10, 2001 the Aberdeen-Springfield Canal Company and A & B Irrigation District ("applicants") submitted the attached Temporary Application for Exchange of Water ("application") to the Department; and

WHEREAS, the Department has reviewed the application and has determined the application can be approved with certain conditions;

ORDER

IT IS HEREBY ORDERED that the application is **APPROVED** subject to the following conditions:

1. The agreement to exchange contract rights between the applicants as described on the application is authorized at the point of diversion and place of use described on the application.

2. The watermaster of Water District No. 01 is authorized to administer the temporary change approval. The watermaster shall regulate and keep a record of the amount of water diverted and accumulated as proposed by the application, including the exchange of contract water rights owned by the applicants.

3. The applicant assumes all risk of curtailment or mitigation should the diversion and use of water under the temporary change approval cause injury to other water rights, constitute an enlargement in use of the original

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right, be inconsistent with the conservation of water resources within the state of Idaho, or not be in the local public interest.

4. This temporary exchange approval may only be used to provide a replacement water supply to lands or other uses which normally have a full water supply, except for the drought condition. This temporary exchange approval may not be used to provide water for new development or to allow expansion of the use of water under existing water rights.

5. This temporary approval does not authorize the use of diversion works or a delivery system owned by or managed by a corporation or an irrigation district without the written consent of such corporation or irrigation district.

6. The applicants agree to hold the director and the state of Idaho harmless from all liability on account of the diversion and use of water under this temporary change approval.

7. This temporary exchange approval does not grant any right-of-way or easement to use the diversion works or conveyance works of another person or entity.

8. The Water District 01 watermaster shall measure and record the amount of water diverted under this approval.

9. This temporary exchange approval expires on December 31, 2001 unless rescinded or extended by the director. Thereafter, the water right shall revert to the point of diversion, place of use and nature of use existing prior to the temporary change approval.

10. By diversion and use of water under this temporary exchange, the applicant acknowledges and agrees that the Director may terminate diversion of water under this temporary change if the Director determines there is interference with or injury to other water rights.

DATED this 17TH day of AUGUST, 2001.

Norman C. Young, Administrator
Water Management Division

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AUG 1 4 2001
Department of Water Resources
Southern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR EXCHANGE OF WATER

Under the provisions of Section 42-240, *Idaho Code*, any person holding a surface water right may apply to exchange such water for the use of water from the same source or a different surface water source. Surface water right holders may also apply to exchange for the use of water authorized for diversion under one or more other valid water rights from the same source or a different surface water source.

1. INFORMATION ABOUT THE APPLICANT

Applicant Aberdeen-Springfield Canal Company
(Name of Applicant)

P. O. Box 857 Aberdeen, Idaho 83210 Telephone No: (208) 397-4193
(Mailing Address) (Zip Code)

Applicant's Water Right(s) to be exchanged (See Exhibit "A" attached hereto)
Attach a photocopy of the License, Permit, Transfer, Decree, or Claim evidencing the right(s) or attach a printout obtained from IDWR.

2. INFORMATION ABOUT THE CO-APPLICANT

Complete this portion if the applicant proposes to exchange for water diverted under a water right held by another party. The co-applicant is the holder of the right to be exchanged for the applicant's right. If more space is needed, please attach another sheet containing information about each co-applicant.

Co-applicant A & B Irrigation District
(Name of Co-applicant)

P. O. Box 675, Rupert, Idaho 83350-0675 Telephone No: (208) 436-3152
(Mailing Address) (Zip Code)

Co-applicant's Water Right(s) to be exchanged (See Exhibit "A" attached hereto)
Attach a photocopy of the License, Permit, Transfer, Decree, or Claim evidencing the right(s) or attach a printout obtained from IDWR.

3. EXCHANGE AGREEMENT – Attach a copy of the written agreement between the applicant and the co-applicant(s).

4. EXCHANGE INFORMATION – Complete **Part A** *or* **Part B** to explain how the proposed exchange will operate.

Part A – **For an exchange involving two or more water right holders.**

The applicant proposes to divert _____ cfs and/or 7,000 acre feet per year of water authorized to be diverted under the co-applicant's water right(s) listed above at SE ¼ of SW ¼, Govt. Lot _____ Sec. 34 Township 1 S Range 36 E. B.M., Bingham County.
Additional points of diversion, if any: Released from storage in NENE of Sec.17, T1S, R45EBM
In exchange for authorization to divert water as described above, _____ cfs and/or 7,000 acre feet per year of water authorized for diversion under the applicant's water right(s) listed above will be (*complete 1 or 2 below*):

1. made available to the co-applicant for diversion at SE ¼ of SW ¼, Govt. Lot _____ Sec. 24 Township 10S Range 21 E. B.M., Jerome County.
   Additional points of diversion, if any: Released from storage in 2002 in SWSE of Sec.30, T7S, R31EBM, Power County.

OR

2. released from storage by the co-applicant into _____ at _____ ¼ of _____ ¼, Govt. Lot _____ Sec. _____ Township _____ Range _____ B.M., _____ County.

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Part B – **For an exchange involving only the applicant's water right(s).**

The applicant proposes to divert _____ cfs and/or _____ acre feet per year of water at _____ ¼ of _____ ¼, Govt. Lot _____ Sec. _____ Township _____ Range _____ B.M., _____ County. Additional points of diversion, if any: _____

In exchange for authorization to divert water as described above, _____ cfs and/or _____ acre feet per year of water authorized for diversion under the applicant's water right(s) listed above will be (*complete 1 or 2 below*):

1. diverted from _____ at _____ ¼ of _____ ¼, Govt. Lot _____ Sec. _____ Township _____ Range _____ B.M., _____ County and injected into _____ at _____ ¼ of _____ ¼, Govt. Lot _____ Sec. _____ Township _____ Range _____ B.M., _____ County.

OR

2. released from storage by the applicant into _____ at _____ ¼ of _____ ¼, Govt. Lot _____ Sec. _____ Township _____ Range _____ B.M., _____ County.

Additional Explanation – Attach additional sheets if necessary.

_____

_____

_____

_____

_____

* If this exchange is not intended to be a permanent arrangement, please describe the circumstances under which the proposed exchange will terminate. Exchange is for storage water for use in 2001 for storage water accruing after November 1, 2001 pursuant to Idaho Code Section 42-222A.

5. **MAPS** – Attach two maps, one showing the water right(s) as it is (they are) now used, and another showing how the water right(s) will be used under the proposed exchange. Each map should be on an 8½"x11" sheet and should clearly identify the locations of the point(s) of diversion, injection, and re-diversion of water and the place(s) of use by 40-acre subdivisions, section, township and range of the public land survey. Photocopies of USGS 7½-minute topographic quadrangles are preferred as base maps.

SIGNATURE

Applicant hereby asserts that no one will be injured by such exchange of water and acknowledges that the applicant and/or the co-applicant will be responsible for all actions taken pursuant to this exchange. I understand that any willful misrepresentations made in this application may result in voiding its approval.

_____ 8/1/01

Applicant's Signature (and title if application is for an organization) Date

_____ 8-7-01

Co-Applicant's Signature Date

FOR DEPARTMENT USE ONLY

This exchange application contains _____ pages, including attachments.
Received by _____ Date 8-10-01 Fee $50.00
Receipted by _____ Date 8-10-01 Receipt No. 0055492
Preliminary review by _____
Published in _____
Publication dates _____
Protests filed by _____
Copies of protests forwarded by _____
Watermaster recommendation requested on _____
Watermaster recommendation received on _____
Hearing held by _____ Date _____

Recommended for Approval _____ **Denial** _____ **By** _____

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EXHIBIT "A"
to
Application for Exchange of Water
- Aberdeen-Springfield Canal Company -

1. Applicant's Water Right(s) to be exchanged: (continued from page 1)
Portion of stored water in storage water Account No. 13061610 in Water District 01 accruing in Bureau of Reclamation storage facilities beginning November 1, 2001 under Water Right Nos. 01-02064, 01-2068 and 01-10045 as affirmed and allocated by Contract No. 14-06-W-24 between United States, Bureau of Reclamation and applicant.

2. Co-applicant's Water Right(s) to be exchanged: (cont. from page 1)
Portion of stored water in storage water Account No. 13085500 in Water District 01 accrued in Bureau of Reclamation storage facilities under Water Right Nos. 01-02064 and 01-2068 as affirmed and allocated by Contract No. 14-06-100-2368 between United States, Bureau of Reclamation and co-applicant.

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TEMPORARY STORAGE WATER EXCHANGE AGREEMENT

THIS AGREEMENT, made and entered into this 31st day of July, 2001, by and between A & B Irrigation District, an irrigation district duly organized under the laws of the State of Idaho, of 11th and E Streets, Rupert, Idaho, hereinafter referred to as "A & B," and Aberdeen-Springfield Canal Company, a non-profit water delivery corporation, duly organized under the laws of the State of Idaho, of P. O. Box 857, Aberdeen, Idaho, hereinafter referred to as "Company."

W I T N E S S E T H :

WHEREAS, there now exists a severe drought in Southern Idaho which has substantially reduced the water supplies in the Upper Snake River needed for irrigation of lands in Southern Idaho, including the lands served by A & B and Company; and

WHEREAS, Company relies in part for its water supply for the irrigation of lands within its boundaries a portion of the water stored each year in Jackson Reservoir, Palisades Reservoir, and American Falls Reservoir, which storage facilities are owned and operated by the Bureau of Reclamation of the Department of Interior of the United States of America, which storage rights are identified pursuant to Company's contract with the Bureau of Reclamation No. 14-06-W-24, as amended; and

WHEREAS, A & B for a portion of its water supply, relies upon a portion of the stored water stored each year in American Falls Reservoir and Palisades Reservoir for the irrigation of a portion of the lands within its boundaries, which storage rights are identified in a contract with the Bureau of Reclamation, Department of Interior, United States of America, Contract No. 14-06-100-2368, as amended; and

WHEREAS, Company has an insufficient water supply for the irrigation of the lands of its shareholders for the year 2001; and

WHEREAS, A & B has stored water accrued to its credit in 2001 that will not be required by A & B for the irrigation of the lands within the district in 2001, which surplus stored water would ordinarily be carried over in the above-referred to reservoirs for use by A & B for the irrigation of a portion of its lands in 2002; and

WHEREAS, severe crop losses to crops now growing by shareholders of Company will occur in the event Company is unable to provide additional water for the irrigation of lands of its shareholders; and

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WHEREAS, as a result of the emergencies that have occurred as a result of the severe drought conditions now being experienced and the declaration of a drought emergency designated for Bingham and Power Counties by the Director of the Department of Water Resources and approved by the Governor of the State of Idaho, A & B has agreed to transfer a portion of its stored water to Company for use by Company in 2001 in exchange for stored water of the Company accruing to its space after the 2001 irrigation season for use in 2002, under the terms, covenants and conditions hereinafter contained.

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein contained, and the payment to be made by Company to A & B as hereinafter provided:

1. A & B agrees, upon the performance by Company of the following covenants and agreements, to transfer to Company 7,000 acre-feet of stored water now accrued to the credit of A & B under its contract with the Bureau of Reclamation, for use by Company in 2001 for the irrigation of lands of its shareholders.

2. Company, in consideration of the temporary transfer of 7,000 acre-feet of stored water above referred to from A & B to Company, and the change in the point of diversion and place of use of said stored water for 2001, does hereby covenant and agree as follows:

(a) Company will pay to A & B, upon the execution of this agreement and approval of the exchange of storage water under this agreement by the Bureau of Reclamation and the approval of temporary transfers in the point of diversion and place of use of 7,000 acre-feet of stored water of A & B to the point of diversion and place of use of Company in 2001 and the approval of the temporary transfer and the point of diversion and place of use of 7,000 acre-feet of stored water of Company to the point of diversion and place of use of A & B in 2002, the sum of $20,650.00.

(b) Company does hereby covenant and agree that the first 7,000 acre-feet of stored water accruing to Company after the 2001 irrigation season under Company's rights as a spaceholder under its Contract No.14-06-W-24, as amended, with the Bureau of Reclamation will be transferred to A & B for use by A & B during the 2002 irrigation season, or so much thereof as may be necessary to insure that the amount of storage water available to A & B for use in the 2002 irrigation season is equal to the storage water that is available to A & B when all of its space allocated to it under its spaceholder contract with the Bureau of Reclamation has filled. To the extent the temporary transfer of stored water from Company to A & B in 2002 is less than 7,000 acre-feet needed to fill all of the space of A & B in 2002, the amount of stored water to be transferred to A & B in

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exchange shall be reduced pro rata with other entities with which A & B has accomplished a temporary exchange of stored water which must be repaid for the 2002 irrigation season.

(c) Company will indemnify and hold A & B harmless from all claims of whatsoever kind or nature which may arise from third parties based upon any alleged injury to any other water right as a result of the temporary transfer of stored water from A & B to Company for use in 2001 and the temporary transfer of stored water from Company to A & B for use by A & B in 2002.

(d) Company agrees that the temporary change in the place of use of the 7,000 acre-feet of stored water of A & B shall be conditioned upon the temporary change in the place of use of 7,000 acre-feet of stored water of Company to A & B in 2002, and that said condition shall be a part of the approval of the temporary change in the place of use by the Director of the Department of Water Resources of the State of Idaho.

(e) That this agreement relates to actual water stored, and no reservoir loss shall be charged to A & B for the storage water to be transferred to A & B from Company for use by A & B in the 2002 irrigation season, which stored water shall be the first storage water used by A & B in 2002.

(f) That the storage water to be transferred by Company to A & B from the first water stored to the credit of Company after the 2001 irrigation season shall be water stored to the credit of A & B in addition to all stored water that may accrue to A & B under its existing contractual rights with the Bureau of Reclamation during the 2001-2002 storage season for use in 2002, until the sum of said stored water equals the total water that can be stored in the space of the storage facilities to which A & B is entitled under its contract with the Bureau of Reclamation.

3. That nothing in this agreement shall constitute an assumption by either party of the operation and maintenance obligations due to the Bureau of Reclamation for the storage of water under the contracts of the respective parties with the Bureau of Reclamation. It is further understood that any assessments of Water District 01 for the delivery of said stored water being temporarily transferred under this agreement shall be paid by the party to whom said stored water is delivered.

4. It is understood and agreed by the parties hereto that as a condition of this agreement, the terms herein and the temporary transfer of stored water from A & B to Company for use by Company in 2001 in exchange for a temporary transfer of stored water from Company to A & B for use by A & B in 2002 is subject to the approval

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of said transfer by the Bureau of Reclamation, Department of Interior, United States of America, and the Director of the Department of Water Resources of the State of Idaho.

5. Each of the parties shall execute such applications and requests as may be necessary to accomplish the temporary exchange and transfer of the storage waters of the respective parties under the terms of this agreement, and each shall take such action as may be necessary to accomplish said temporary exchanges of stored water by the respective parties.

6. It is understood by the parties hereto that this transfer is being made upon the reliance by both parties on the diversion data provided by Water District 01, and in the event the remaining storage of A & B be adjusted for any reason other than the use of water by A & B and this or any other transfer, the amount transferred hereunder may be adjusted by A & B to insure an adequate water supply for A & B in 2001 for its lands served with stored water.

IN WITNESS WHEREOF the parties have hereunto set their hands the day and year first above written.

A & B IRRIGATION DISTRICT

By: _____
President

ATTEST:

_____
Secretary

ABERDEEN-SPRINGFIELD CANAL COMPANY

By: _____
President

ATTEST:

_____
Secretary

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STATE OF IDAHO)
)
County of Minidoka)

On this 8 day of August, 2001, before me, the undersigned, a Notary Public in and for said State, personally appeared Mark Workman and Diana Walker, known to me to be the President and Secretary of A & B Irrigation District, and acknowledged to me that they executed the same on behalf of the district.

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

(SEAL)

Notary Public for Idaho
Residing at: Rupert Id.
My Commission expires: 10-31-2003

STATE OF IDAHO)
)
County of Minidoka)

On this 1 day of August, 2001, before me, the undersigned, a Notary Public in and for said State, personally appeared Bob Knudsen, Jr. and Steven T. Hawser, known to me to be the President and Secretary of Aberdeen-Springfield Canal Company, and acknowledged to me that they executed the same on behalf of said corporation.

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

(SEAL)

Notary Public for Idaho
Residing at: Aberdeen Id
My Commission expires: 12-10-05

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BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TEMPORARY EXCHANGE OF WATER WATER NO. TC-01-14 IN THE NAME OF ABERDEEN-SPRINGFIELD CANAL CO. AND FALLS IRRIGATION DISTRICT

ORDER AUTHORIZING TEMPORARY EXCHANGE

WHEREAS, a drought emergency has been declared for Bingham and Power Counties to allow administrative actions to lessen the severe impacts of the drought conditions in the counties; and

WHEREAS, section 42-222A, Idaho Code, provides that upon declaration of a drought emergency, the director of the Department of Water Resources ("Department") is authorized to allow temporary changes in the point of diversion, the place of use, and the purpose of use for valid existing water rights or temporary exchanges of water authorized under water rights when the director determines that such changes can be accomplished in accordance with the provisions of section 42-222A, Idaho Code; and

WHEREAS, on August 10, 2001 the Aberdeen-Springfield Canal Company and Falls Irrigation District ("applicants") submitted the attached Temporary Application for Exchange of Water ("application") to the Department; and

WHEREAS, the Department has reviewed the application and has determined the application can be approved with certain conditions;

ORDER

IT IS HEREBY ORDERED that the application is **APPROVED** subject to the following conditions:

1. The agreement to exchange contract rights between the applicants as described on the application is authorized at the point of diversion and place of use described on the application.

2. The watermaster of Water District No. 01 is authorized to administer the temporary change approval. The watermaster shall regulate and keep a record of the amount of water diverted and accumulated as proposed by the application, including the exchange of contract water rights owned by the applicants.

3. The applicant assumes all risk of curtailment or mitigation should the diversion and use of water under the temporary change approval cause injury to other water rights, constitute an enlargement in use of the original

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right, be inconsistent with the conservation of water resources within the state of Idaho, or not be in the local public interest.

4. This temporary exchange approval may only be used to provide a replacement water supply to lands or other uses which normally have a full water supply, except for the drought condition. This temporary exchange approval may not be used to provide water for new development or to allow expansion of the use of water under existing water rights.

5. This temporary approval does not authorize the use of diversion works or a delivery system owned by or managed by a corporation or an irrigation district without the written consent of such corporation or irrigation district.

6. The applicants agree to hold the director and the state of Idaho harmless from all liability on account of the diversion and use of water under this temporary change approval.

7. This temporary exchange approval does not grant any right-of-way or easement to use the diversion works or conveyance works of another person or entity.

8. The Water District 01 watermaster shall measure and record the amount of water diverted under this approval.

9. This temporary exchange approval expires on December 31, 2001 unless rescinded or extended by the director. Thereafter, the water right shall revert to the point of diversion, place of use and nature of use existing prior to the temporary change approval.

10. By diversion and use of water under this temporary exchange, the applicant acknowledges and agrees that the Director may terminate diversion of water under this temporary change if the Director determines there is interference with or injury to other water rights.

DATED this 17TH day of AUGUST, 2001.

Norman C. Young, Administrator
Water Management Division

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RECEIVED
AUG 14 2001
Department of Water Resources
Southern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR EXCHANGE OF WATER

Under the provisions of Section 42-240, *Idaho Code*, any person holding a surface water right may apply to exchange such water for the use of water from the same source or a different surface water source. Surface water right holders may also apply to exchange for the use of water authorized for diversion under one or more other valid water rights from the same source or a different surface water source.

1. INFORMATION ABOUT THE APPLICANT

Applicant Aberdeen-Springfield Canal Company
(Name of Applicant)

P. O. Box 857, Aberdeen, Idaho 83210 Telephone No: (208) 397-4193
(Mailing Address) (Zip Code)

Applicant's Water Right(s) to be exchanged (See Exhibit "A" attached hereto)

Attach a photocopy of the License, Permit, Transfer, Decree, or Claim evidencing the right(s) or attach a printout obtained from IDWR.

2. INFORMATION ABOUT THE CO-APPLICANT

Complete this portion if the applicant proposes to exchange for water diverted under a water right held by another party. The co-applicant is the holder of the right to be exchanged for the applicant's right. If more space is needed, please attach another sheet containing information about each co-applicant.

Co-applicant Falls Irrigation District
(Name of Co-applicant)

310 Valdez Street, American Falls, Idaho 83211 Telephone No: (208) 226-5227
(Mailing Address) (Zip Code)

Co-applicant's Water Right(s) to be exchanged (See Exhibit "A" attached hereto)

Attach a photocopy of the License, Permit, Transfer, Decree, or Claim evidencing the right(s) or attach a printout obtained from IDWR.

3. **EXCHANGE AGREEMENT** – Attach a copy of the written agreement between the applicant and the co-applicant(s).

4. **EXCHANGE INFORMATION** – Complete **Part A** *or* **Part B** to explain how the proposed exchange will operate.

Part A – For an exchange involving two or more water right holders.

The applicant proposes to divert _____ cfs and/or 15,000 acre feet per year of water authorized to be diverted under the co-applicant's water right(s) listed above at SE ¼ of SW ¼, Govt. Lot _____ Sec. 34 Township 1 S Range 36 E.B.M., Bingham County.
Additional points of diversion, if any: Released from storage in NENE of Sec.17, T1S, R45EBM
In exchange for authorization to divert water as described above, _____ cfs and/or 15,000 acre feet per year of water authorized for diversion under the applicant's water right(s) listed above will be (*complete 1 or 2 below*):

1. made available to the co-applicant for diversion at SW ¼ of SE ¼, Govt. Lot _____ Sec. 30 Township 7 S Range 31 E.B.M., Power County.
   Additional points of diversion, if any: Released from storage in 2002 in SWSE of Sec.30 in T7S, R31EBM, Power County.
   OR
2. released from storage by the co-applicant into _____ at _____ ¼ of _____ ¼, Govt. Lot _____ Sec. _____ Township _____ Range _____ B.M., _____ County.

Part B – For an exchange involving only the applicant's water right(s).

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The applicant proposes to divert _____ cfs and/or _____ acre feet per year of water at _____ ¼ of _____ ¼, Govt. Lot _____ Sec. _____ Township _____ Range _____ B.M., _____ County. Additional points of diversion, if any: _____

In exchange for authorization to divert water as described above, _____ cfs and/or _____ acre feet per year of water authorized for diversion under the applicant's water right(s) listed above will be (*complete 1 or 2 below*):

1. diverted from _____ at _____ ¼ of _____ ¼, Govt. Lot _____ Sec. _____ Township _____ Range _____ B.M., _____ County and injected into _____ at _____ ¼ of _____ ¼, Govt. Lot _____ Sec. _____ Township _____ Range _____ B.M., _____ County.

OR

2. released from storage by the applicant into _____ at _____ ¼ of _____ ¼, Govt. Lot _____ Sec. _____ Township _____ Range _____ B.M., _____ County.

Additional Explanation – Attach additional sheets if necessary.

_____

_____

_____

_____

_____

If this exchange is not intended to be a permanent arrangement, please describe the circumstances under which the proposed exchange will terminate. Exchange is for storage water for use in 2001 for storage water accruing after November 1, 2001 pursuant to Idaho Code Section 42-222A.

5. MAPS – Attach two maps, one showing the water right(s) as it is (they are) now used, and another showing how the water right(s) will be used under the proposed exchange. Each map should be on an 8½"x11" sheet and should clearly identify the locations of the point(s) of diversion, injection, and re-diversion of water and the place(s) of use by 40-acre subdivisions, section, township and range of the public land survey. Photocopies of USGS 7½-minute topographic quadrangles are preferred as base maps.

SIGNATURE

Applicant hereby asserts that no one will be injured by such exchange of water and acknowledges that the applicant and/or the co-applicant will be responsible for all actions taken pursuant to this exchange. I understand that any willful misrepresentations made in this application may result in voiding its approval.

Steven J. Howser, General Manager — 8/1/01

Applicant's Signature (and title if application is for an organization) — Date

Steven W. Stark, President — 8/8/01

Co-Applicant's Signature — Date

FOR DEPARTMENT USE ONLY

This exchange application contains _____ pages, including attachments.
Received by _____ Date 8-10-01 Fee $50.00
Receipted by _____ Date 8-10-01 Receipt No. 0055492
Preliminary review by _____
Published in _____
Publication dates _____
Protests filed by _____
Copies of protests forwarded by _____
Watermaster recommendation requested on _____
Watermaster recommendation received on _____
Hearing held by _____ Date _____

Recommended for Approval _____ **Denial** _____ **By** _____

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EXHIBIT "A"
to
Application for Exchange of Water
- Aberdeen-Springfield Canal Company -

1. Applicant's Water Right(s) to be exchanged: (continued from page 1)
Portion of stored water in storage water Account No. 13061610 in Water District 01 accruing in Bureau of Reclamation storage facilities beginning November 1, 2001 under Water Right Nos. 01-02064, 01-2068, and 01-10045 as affirmed and allocated by Contract No. 14-06-W-24 between United States, Bureau of Reclamation and applicant.

2. Co-applicant's Water Right(s) to be exchanged: (cont. from page 1)
Portion of stored water in storage water Account No. 13076400 in Water District 01 accrued in Bureau of Reclamation storage facilities under Water Right Nos. 01-02064 and 01-2068 as affirmed and allocated by Contract No. 14-06-100-851 between United States, Bureau of Reclamation and co-applicant.

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TEMPORARY STORAGE WATER EXCHANGE AGREEMENT

THIS AGREEMENT, made and entered into this 31st day of July, 2001, by and between Falls Irrigation District, an irrigation district duly organized under the laws of the State of Idaho, of 310 Valdez Street, American Falls, Idaho, hereinafter referred to as "Falls," and Aberdeen-Springfield Canal Company, a non-profit water delivery corporation, duly organized under the laws of the State of Idaho, of P. O. Box 857, Aberdeen, Idaho, hereinafter referred to as "Company."

W I T N E S S E T H :

WHEREAS, there now exists a severe drought in Southern Idaho which has substantially reduced the water supplies in the Upper Snake River needed for irrigation of lands in Southern Idaho, including the lands served by Falls and Company; and

WHEREAS, Company relies in part for its water supply for the irrigation of lands within its boundaries a portion of the water stored each year in Jackson Reservoir, Palisades Reservoir, and American Falls Reservoir, which storage facilities are owned and operated by the Bureau of Reclamation of the Department of Interior of the United States of America, which storage rights are identified pursuant to Company's contract with the Bureau of Reclamation No. 14-06-W-24, as amended; and

WHEREAS, Falls for a portion of its water supply, relies upon a portion of the stored water stored each year in American Falls Reservoir and Palisades Reservoir for the irrigation of a portion of the lands within its boundaries, which storage rights are identified in a contract with the Bureau of Reclamation, Department of Interior, United States of America, Contract No. 14-06-100-851, as amended; and

WHEREAS, Company has an insufficient water supply for the irrigation of the lands of its shareholders for the year 2001; and

WHEREAS, Falls has stored water accrued to its credit in 2001 that will not be required by Falls for the irrigation of the lands within the district in 2001, which surplus stored water would ordinarily be carried over in the above-referred to reservoirs for use by Falls for the irrigation of a portion of its lands in 2002; and

WHEREAS, severe crop losses to crops now growing by shareholders of Company will occur in the event Company is unable to provide additional water for the irrigation of lands of its shareholders; and

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WHEREAS, as a result of the emergencies that have occurred as a result of the severe drought conditions now being experienced and the declaration of a drought emergency designated for Bingham and Power Counties by the Director of the Department of Water Resources and approved by the Governor of the State of Idaho, Falls has agreed to transfer a portion of its stored water to Company for use by Company in 2001 in exchange for stored water of the Company accruing to its space after the 2001 irrigation season for use in 2002, under the terms, covenants and conditions hereinafter contained.

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein contained, and the payment to be made by Company to Falls as hereinafter provided:

1. Falls agrees, upon the performance by Company of the following covenants and agreements, to transfer to Company 15,000 acre-feet of stored water now accrued to the credit of Falls under its contract with the Bureau of Reclamation, for use by Company in 2001 for the irrigation of lands of its shareholders.

2. Company, in consideration of the temporary transfer of 15,000 acre-feet of stored water above referred to from Falls to Company, and the change in the point of diversion and place of use of said stored water for 2001, does hereby covenant and agree as follows:

(a) Company will pay to Falls, upon the execution of this agreement and approval of the exchange of storage water under this agreement by the Bureau of Reclamation and the approval of temporary transfers in the point of diversion and place of use of 15,000 acre-feet of stored water of Falls to the point of diversion and place of use of Company in 2001 and the approval of the temporary transfer and the point of diversion and place of use of 15,000 acre-feet of stored water of Company to the point of diversion and place of use of Falls in 2002, the sum of $44,250.00.

(b) Company does hereby covenant and agree that the first 15,000 acre-feet of stored water accruing to Company after the 2001 irrigation season under Company's rights as a spaceholder under its Contract No. 14-06-W-24, as amended, with the Bureau of Reclamation will be transferred to Falls for use by Falls during the 2002 irrigation season, or so much thereof as may be necessary to insure that the amount of storage water available to Falls for use in the 2002 irrigation season is equal to the storage water that is available to Falls when all of its space allocated to it under its spaceholder contract with the Bureau of Reclamation has filled. To the extent the temporary transfer of stored water from Company to Falls in 2002 is less than 15,000 acre-feet needed to fill all of the space of Falls in 2002, the amount of stored water to be transferred to Falls in

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exchange shall be reduced pro rata with any other entities with which Falls may have accomplished a temporary exchange of stored water which must be repaid for the 2002 irrigation season.

(c) Company will indemnify and hold Falls harmless from all claims of whatsoever kind or nature which may arise from third parties based upon any alleged injury to any other water right as a result of the temporary transfer of stored water from Falls to Company for use in 2001 and the temporary transfer of stored water from Company to Falls for use by Falls in 2002.

(d) Company agrees that the temporary change in the place of use of the 15,000 acre-feet of stored water of Falls shall be conditioned upon the temporary change in the place of use of 15,000 acre-feet of stored water of Company to Falls in 2002, and that said condition shall be a part of the approval of the temporary change in the place of use by the Director of the Department of Water Resources of the State of Idaho.

(e) That this agreement relates to actual water stored, and no reservoir loss shall be charged to Falls for the storage water to be transferred to Falls from Company for use by Falls in the 2002 irrigation season, which stored water shall be the first storage water used by Falls in 2002.

(f) That the storage water to be transferred by Company to Falls from the first water stored to the credit of Company after the 2001 irrigation season shall be water stored to the credit of Falls in addition to all stored water that may accrue to Falls under its existing contractual rights with the Bureau of Reclamation during the 2001-2002 storage season for use in 2002, until the sum of said stored water equals the total water that can be stored in the space of the storage facilities to which Falls is entitled under its contract with the Bureau of Reclamation.

3. That nothing in this agreement shall constitute an assumption by either party of the operation and maintenance obligations due to the Bureau of Reclamation for the storage of water under the contracts of the respective parties with the Bureau of Reclamation. It is further understood that any assessments of Water District 01 for the delivery of said stored water being temporarily transferred under this agreement shall be paid by the party to whom said stored water is delivered.

4. It is understood and agreed by the parties hereto that as a condition of this agreement, the terms herein and the temporary transfer of stored water from Falls to Company for use by Company in 2001 in exchange for a temporary transfer of stored water from Company to Falls for use by Falls in 2002 is subject to the approval

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of said transfer by the Bureau of Reclamation, Department of Interior, United States of America, and the Director of the Department of Water Resources of the State of Idaho.

5. Each of the parties shall execute such applications and requests as may be necessary to accomplish the temporary exchange and transfer of the storage waters of the respective parties under the terms of this agreement, and each shall take such action as may be necessary to accomplish said temporary exchanges of stored water by the respective parties.

6. It is understood by the parties hereto that this transfer is being made upon the reliance by both parties on the diversion data provided by Water District 01, and in the event the remaining storage of Falls be adjusted for any reason other than the use of water by Falls and this or any other transfer, the amount transferred hereunder may be adjusted by Falls to insure an adequate water supply for Falls in 2001 for its lands served with stored water.

IN WITNESS WHEREOF the parties have hereunto set their hands the day and year first above written.

FALLS IRRIGATION DISTRICT

By: Steve W. Isaak
President

ATTEST:

Secretary

ABERDEEN-SPRINGFIELD CANAL COMPANY

By:
President

ATTEST:

Secretary

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STATE OF IDAHO)
)
County of MINIDOKA)

On this 8th day of August, 2001, before me, the undersigned, a Notary Public in and for said State, personally appeared Steven O. Haak and Terrell Sorenson, known to me to be the President and Secretary of Falls Irrigation District, and acknowledged to me that they executed the same on behalf of the district.

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

(SEAL) ROGER D. LING NOTARY PUBLIC STATE OF IDAHO

Notary Public for Idaho
Residing at: Rupert, Idaho
My Commission expires: 10/30/2006

STATE OF IDAHO)
)
County of Bingham)

On this 1 day of August, 2001, before me, the undersigned, a Notary Public in and for said State, personally appeared BOB Knudsen, Jr. and Steven T. Houser, known to me to be the President and Secretary of Aberdeen-Springfield Canal Company, and acknowledged to me that they executed the same on behalf of said corporation.

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

(SEAL) TERI FEHRINGER NOTARY PUBLIC STATE OF IDAHO

Notary Public for Idaho
Residing at: Aberdeen, Id.
My Commission expires: 12-10-05

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BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TEMPORARY EXCHANGE OF WATER NO. TC-01-13 IN THE NAME OF TWIN FALLS CANAL CO. AND A & B IRRIGATION DISTRICT

ORDER AUTHORIZING TEMPORARY CHANGE

WHEREAS, a drought emergency has been declared for Twin Falls and Jerome Counties to allow administrative actions to lessen the severe impacts of the drought conditions in the counties; and

WHEREAS, section 42-222A, Idaho Code, provides that upon declaration of a drought emergency, the director of the Department of Water Resources ("Department") is authorized to allow temporary changes in the point of diversion, the place of use, and the purpose of use for valid existing water rights when the director determines that such changes can be accomplished in accordance with the provisions of section 42-222A, Idaho Code; and

WHEREAS, on August 10, 2001 the Twin Falls Canal Company and A & B Irrigation District ("applicants") submitted the attached Temporary Change Application ("application") to the Department; and

WHEREAS, the Department has reviewed the application and has determined the application can be approved with certain conditions;

ORDER

IT IS HEREBY ORDERED that the application is **APPROVED** subject to the following conditions:

1. The agreement to exchange contract rights between the applicants as described on the application is authorized at the point of diversion and place of use described on the application.

2. The watermaster of Water District No. 01 is authorized to administer the temporary change approval. The watermaster shall regulate and keep a record of the amount of water diverted and accumulated as proposed by the application, including the exchange of contract water rights owned by the applicants.

3. The applicant assumes all risk of curtailment or mitigation should the diversion and use of water under the temporary change approval cause injury to other water rights, constitute an enlargement in use of the original

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right, be inconsistent with the conservation of water resources within the state of Idaho, or not be in the local public interest.

4. This temporary change approval may only be used to provide a replacement water supply to lands or other uses which normally have a full water supply, except for the drought condition. This temporary change approval may not be used to provide water for new development or to allow expansion of the use of water under existing water rights.

5. This temporary approval does not authorize the use of diversion works or a delivery system owned by or managed by a corporation or an irrigation district without the written consent of such corporation or irrigation district.

6. The applicant agrees to hold the director and the state of Idaho harmless from all liability on account of the diversion and use of water under this temporary change approval.

7. This temporary change approval does not grant any right-of-way or easement to use the diversion works or conveyance works of another person or entity.

8. The Water District 01 watermaster shall measure and record the amount of water diverted under this approval.

9. This temporary change approval expires on December 31, 2001 unless rescinded or extended by the director. Thereafter, the water right shall revert to the point of diversion, place of use and nature of use existing prior to the temporary change approval.

10. By diversion and use of water under this temporary change, the applicant acknowledges and agrees that the Director may terminate diversion of water under this temporary change if the Director determines there is interference with or injury to other water rights.

DATED this 14TH day of August, 2001.

Norman C. Young, Administrator
Water Management Division

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RECEIVED
AUG 14 2001
Department of Water Resources
Southern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR EXCHANGE OF WATER

Under the provisions of Section 42-240, *Idaho Code*, any person holding a surface water right may apply to exchange such water for the use of water from the same source or a different surface water source. Surface water right holders may also apply to exchange for the use of water authorized for diversion under one or more other valid water rights from the same source or a different surface water source.

1. INFORMATION ABOUT THE APPLICANT

Applicant Twin Falls Canal Company
(Name of Applicant)

357 6th Avenue West, Twin Falls, Idaho 83301 Telephone No: (208) 733-6731
(Mailing Address) (Zip Code)

Applicant's Water Right(s) to be exchanged (See Exhibit "A" attached hereto)
Attach a photocopy of the License, Permit, Transfer, Decree, or Claim evidencing the right(s) or attach a printout obtained from IDWR.

2. INFORMATION ABOUT THE CO-APPLICANT

Complete this portion if the applicant proposes to exchange for water diverted under a water right held by another party. The co-applicant is the holder of the right to be exchanged for the applicant's right. If more space is needed, please attach another sheet containing information about each co-applicant.

Co-applicant A & B Irrigation District
(Name of Co-applicant)

P. O. Box 675, Rupert, Idaho 83350-0675 Telephone No: (208) 436-3152
(Mailing Address) (Zip Code)

Co-applicant's Water Right(s) to be exchanged (See Exhibit "A" attached hereto)
Attach a photocopy of the License, Permit, Transfer, Decree, or Claim evidencing the right(s) or attach a printout obtained from IDWR.

3. **EXCHANGE AGREEMENT** – Attach a copy of the written agreement between the applicant and the co-applicant(s).

4. **EXCHANGE INFORMATION** -- Complete **Part A** *or* **Part B** to explain how the proposed exchange will operate.

Part A – For an exchange involving two or more water right holders.

The applicant proposes to divert _____ cfs and/or 24,000 acre feet per year of water authorized to be diverted under the co-applicant's water right(s) listed above at _____ ¼ of _____ ¼, Govt. Lot _____ Sec. 30 Township 10S Range 21E B.M., Twin Falls County. (Milner Dam, Southside)
Additional points of diversion, if any: released from storage in NENE of Sec.17, T1S, R45EBM
In exchange for authorization to divert water as described above, _____ cfs and/or 24,000 acre feet per year of water authorized for diversion under the applicant's water right(s) listed above will be (*complete 1 or 2 below*):

1. made available to the co-applicant for diversion at SE ¼ of SW ¼, Govt. Lot _____ Sec. 24 Township 10 S Range 21 E B.M., Jerome County.
   Additional points of diversion, if any: Released from storage in 2002 in the SWSE of Sec. 30 in T7S, R31EBM, Power County. **OR**

2. released from storage by the co-applicant into _____ at _____ ¼ of _____ ¼, Govt. Lot _____ Sec. _____ Township _____ Range _____ B.M., _____ County.

Part B – For an exchange involving only the applicant's water right(s).

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The applicant proposes to divert _____ cfs and/or _____ acre feet per year of water at _____ ¼ of _____ ¼, Govt. Lot _____ Sec. _____ Township _____ Range _____ B.M., _____ County. Additional points of diversion, if any: _____

In exchange for authorization to divert water as described above, _____ cfs and/or _____ acre feet per year of water authorized for diversion under the applicant's water right(s) listed above will be (*complete 1 or 2 below*):

1. diverted from _____ at _____ ¼ of _____ ¼, Govt. Lot _____ Sec. _____ Township _____ Range _____ B.M., _____ County and injected into _____ at _____ ¼ of _____ ¼, Govt. Lot _____ Sec. _____ Township _____ Range _____ B.M., _____ County.

OR

2. released from storage by the applicant into _____ at _____ ¼ of _____ ¼, Govt. Lot _____ Sec. _____ Township _____ Range _____ B.M., _____ County.

Additional Explanation – Attach additional sheets if necessary.

_____

_____

_____

_____

_____

* If this exchange is not intended to be a permanent arrangement, please describe the circumstances under which the proposed exchange will terminate. Exchange is for storage water for use in 2001 for storage water accruing after November 1, 2001 pursuant to Idaho Code Section 42-222A.

5. **MAPS** – Attach two maps, one showing the water right(s) as it is (they are) now used, and another showing how the water right(s) will be used under the proposed exchange. Each map should be on an 8½"x11" sheet and should clearly identify the locations of the point(s) of diversion, injection, and re-diversion of water and the place(s) of use by 40-acre subdivisions, section, township and range of the public land survey. Photocopies of USGS 7½-minute topographic quadrangles are preferred as base maps.

SIGNATURE

Applicant hereby asserts that no one will be injured by such exchange of water and acknowledges that the applicant and/or the co-applicant will be responsible for all actions taken pursuant to this exchange. I understand that any willful misrepresentations made in this application may result in voiding its approval.

John C. Alexander Gen. Mgr. — July 31, 2001

Applicant's Signature (and title if application is for an organization) — Date

Twin Falls Canal — 8-8-01

Co-Applicant's Signature, A & B Irrigation District — Date

FOR DEPARTMENT USE ONLY

TC-01-13

This exchange application contains _____ pages, including attachments.

Received by _____ Date 8-10-01 Fee $50.00

Receipted by _____ Date 8-10-01 Receipt No. 0055492

Preliminary review by _____

Published in _____

Publication dates _____

Protests filed by _____

Copies of protests forwarded by _____

Watermaster recommendation requested on _____

Watermaster recommendation received on _____

Hearing held by _____ Date _____

Recommended for Approval X **Denial** _____ **By** T Luke N. Young

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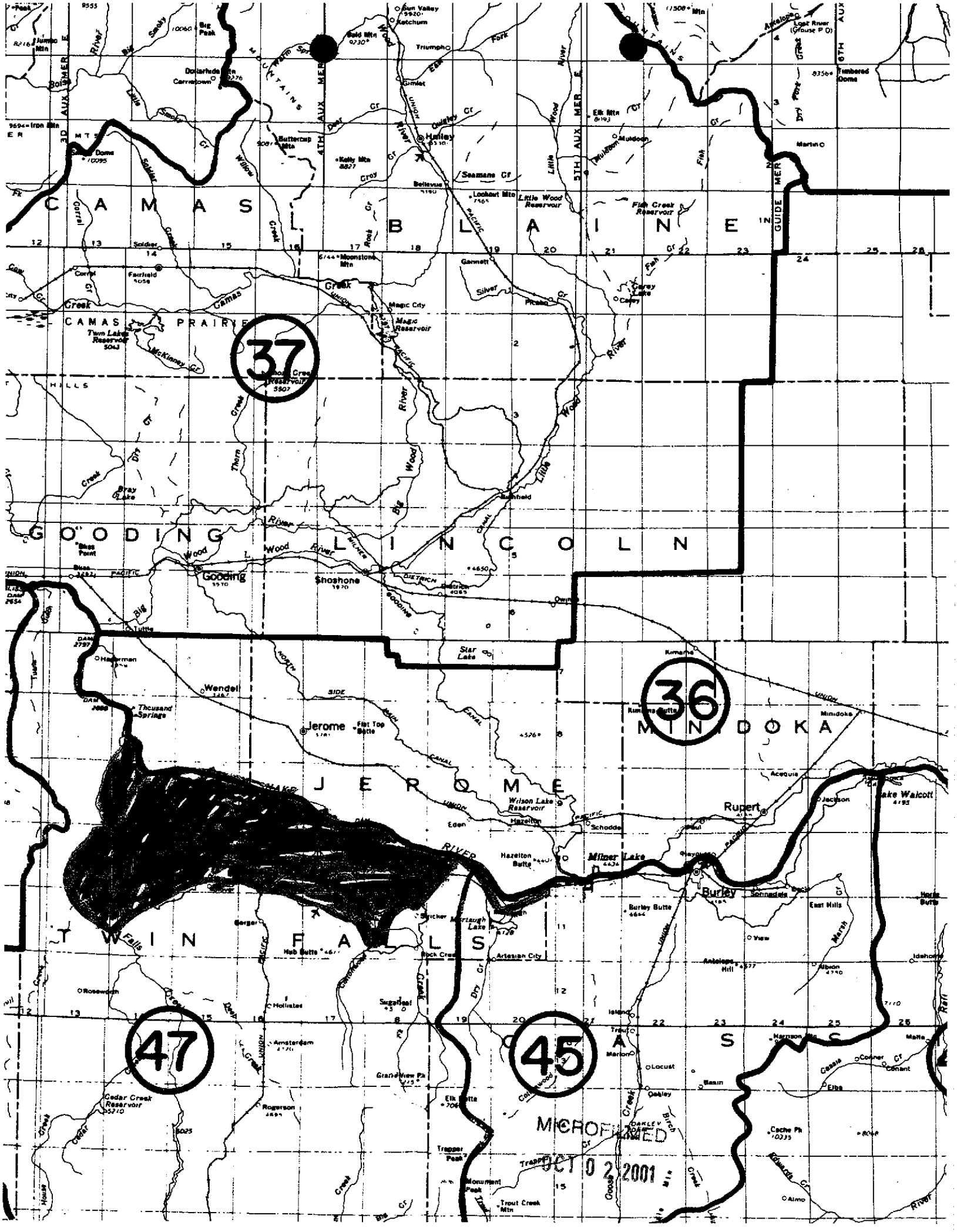
OCT 0 2 2001

EXHIBIT "A"
to
Application for Exchange of Water
- Twin Falls Canal Company -

1. Applicant's Water Right(s) to be exchanged: (continued from page 1)
Portion of stored water in storage water Account No. 13087500 in Water District 01 accruing in Bureau of Reclamation storage facilities beginning November 1, 2001 under Water Right Nos. 01-02064 and 01-10045 as affirmed and allocated by Contract No. 14-06-W-60 between United States, Bureau of Reclamation and applicant.

2. Co-applicant's Water Right(s) to be exchanged: (cont. from page 1)
Portion of stored water in storage water Account No. 13085500 in Water District 01 accrued in Bureau of Reclamation storage facilities under Water Right Nos. 01-02064 and 01-2068 as affirmed and allocated by Contract No. 14-06-100-2368 between United States, Bureau of Reclamation and co-applicant.

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TEMPORARY STORAGE WATER EXCHANGE AGREEMENT

THIS AGREEMENT, made and entered into this 31st day of July, 2001, by and between A & B Irrigation District, an irrigation district duly organized under the laws of the State of Idaho, of 11th and E Streets, Rupert, Idaho, hereinafter referred to as "A & B", and Twin Falls Canal Company, a non-profit water delivery corporation, duly organized under the laws of the State of Idaho, of 357 6th Avenue West, Twin Falls, Idaho, hereinafter referred to as "Company."

W I T N E S S E T H :

WHEREAS, there now exists a severe drought in Southern Idaho which has substantially reduced the water supplies in the Upper Snake River needed for irrigation of lands in Southern Idaho, including the lands served by A & B and Company; and

WHEREAS, Company relies in part for its water supply for the irrigation of lands within its boundaries a portion of the water stored each year in Jackson Reservoir and American Falls Reservoir, which storage facilities are owned and operated by the Bureau of Reclamation of the Department of Interior of the United States of America, which storage rights are identified pursuant to Company's contract with the Bureau of Reclamation No. 14-06-W-60; and

WHEREAS, A & B for a portion of its water supply, relies upon a portion of the stored water stored each year in American Falls Reservoir and Palisades Reservoir for the irrigation of a portion of the lands within its boundaries, which storage rights are identified in a contract with the Bureau of Reclamation, Department of Interior, United States of America, Contract No. 14-06-100-2368, as amended; and

WHEREAS, Company has an insufficient water supply for the irrigation of the lands of its shareholders for the year 2001; and

WHEREAS, A & B has stored water accrued to its credit in 2001 that will not be required by A & B for the irrigation of the lands within the district in 2001, which surplus stored water would ordinarily be carried over in the above-referred to reservoirs for use by A & B for the irrigation of a portion of its lands in 2002; and

WHEREAS, severe crop losses to crops now growing by shareholders of Company will occur in the event Company is unable to provide additional water for the irrigation of lands of its shareholders; and

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WHEREAS, as a result of the emergencies that have occurred as a result of the severe drought conditions now being experienced and the declaration of a drought emergency designated for Twin Falls County and Jerome County by the Director of the Department of Water Resources and approved by the Governor of the State of Idaho, A & B has agreed to transfer a portion of its stored water to Company for use by Company in 2001 in exchange for stored water of the Company accruing to its space after the 2001 irrigation season for use in 2002, under the terms, covenants and conditions hereinafter contained.

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein contained, and the payment to be made by Company to A & B as hereinafter provided:

1. A & B agrees, upon the performance by Company of the following covenants and agreements, to transfer to Company 24,000 acre-feet of stored water now accrued to the credit of A & B under its contract with the Bureau of Reclamation, for use by Company in 2001 for the irrigation of lands of its shareholders.

2. Company, in consideration of the temporary transfer of 24,000 acre-feet of stored water above referred to from A & B to Company, and the change in the point of diversion and place of use of said stored water for 2001, does hereby covenant and agree as follows:

(a) Company will pay to A & B, upon the execution of this agreement and approval of the exchange of storage water under this agreement by the Bureau of Reclamation and the approval of temporary transfers in the point of diversion and place of use of 24,000 acre-feet of stored water of A & B to the point of diversion and place of use of Company in 2001 and the approval of the temporary transfer and the point of diversion and place of use of 24,000 acre-feet of stored water of Company to the point of diversion and place of use of A & B in 2002, the sum of $70,800.00.

(b) Company does hereby covenant and agree that the first 24,000 acre-feet of stored water accruing to Company after the 2001 irrigation season under Company's rights as a spaceholder under its Contract No. 14-06-W-60 with the Bureau of Reclamation will be transferred to A & B for use by A & B during the 2002 irrigation season, or so much thereof as may be necessary to insure that the amount of storage water available to A & B for use in the 2002 irrigation season is equal to the storage water that is available to A & B when all of its space allocated to it under its spaceholder contract with the Bureau of Reclamation has filled. To the extent the temporary transfer of stored water from Company to A & B in 2002 is less than 24,000 acre-feet needed to fill all of the space of A & B in 2002, the amount of stored water to be transferred to A & B in

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exchange shall be reduced pro rata with other entities with which A & B has accomplished a temporary exchange of stored water which must be repaid for the 2002 irrigation season.

(c) Company will indemnify and hold A & B harmless from all claims of whatsoever kind or nature which may arise from third parties based upon any alleged injury to any other water right as a result of the temporary transfer of stored water from A & B to Company for use in 2001 and the temporary transfer of stored water from Company to A & B for use by A & B in 2002.

(d) Company agrees that the temporary change in the place of use of the 24,000 acre-feet of stored water of A & B shall be conditioned upon the temporary change in the place of use of 24,000 acre-feet of stored water of Company to A & B in 2002, and that said condition shall be a part of the approval of the temporary change in the place of use by the Director of the Department of Water Resources of the State of Idaho.

(e) That this agreement relates to actual water stored, and no reservoir loss shall be charged to A & B for the storage water to be transferred to A & B from Company for use by A & B in the 2002 irrigation season, which stored water shall be the first storage water used by A & B in 2002.

(f) That the storage water to be transferred by Company to A & B from the first water stored to the credit of Company after the 2001 irrigation season shall be water stored to the credit of A & B in addition to all stored water that may accrue to A & B under its existing contractual rights with the Bureau of Reclamation during the 2001-2002 storage season for use in 2002, until the sum of said stored water equals the total water that can be stored in the space of the storage facilities to which A & B is entitled under its contract with the Bureau of Reclamation.

3. That nothing in this agreement shall constitute an assumption by either party of the operation and maintenance obligations due to the Bureau of Reclamation for the storage of water under the contracts of the respective parties with the Bureau of Reclamation. It is further understood that any assessments of Water District 01 for the delivery of said stored water being temporarily transferred under this agreement shall be paid by the party to whom said stored water is delivered.

4. It is understood and agreed by the parties hereto that as a condition of this agreement, the terms herein and the temporary transfer of stored water from A & B to Company for use by Company in 2001 in exchange for a temporary transfer of stored water from Company to A & B for use by A & B in 2002 is subject to the approval

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of said transfer by the Bureau of Reclamation, Department of Interior, United States of America, and the Director of the Department of Water Resources of the State of Idaho.

5. Each of the parties shall execute such applications and requests as may be necessary to accomplish the temporary exchange and transfer of the storage waters of the respective parties under the terms of this agreement, and each shall take such action as may be necessary to accomplish said temporary exchanges of stored water by the respective parties.

6. It is understood by the parties hereto that this transfer is being made upon the reliance by both parties on the diversion data provided by Water District 01, and in the event the remaining storage of A & B be adjusted for any reason other than the use of water by A & B and this or any other transfer, the amount transferred hereunder may be adjusted by A & B to insure an adequate water supply for A & B in 2001 for its lands served with stored water.

IN WITNESS WHEREOF the parties have hereunto set their hands the day and year first above written.

A & B IRRIGATION DISTRICT

By: _____
President

ATTEST:

_____
Secretary

TWIN FALLS CANAL COMPANY

By: _____
President

ATTEST:

_____
Secretary

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STATE OF IDAHO)
)
County of Minidoka)

On this 8 day of August, 2001, before me, the undersigned, a Notary Public in and for said State, personally appeared Harold Mahoney and Diana Warnstaff, known to me to be the President and Secretary of A & B Irrigation District, and acknowledged to me that they executed the same on behalf of the district.

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

(SEAL)

Notary Public for Idaho
Residing at: Rupert Id.
My Commission expires: 10-31-2005

STATE OF IDAHO)
)
County of Twin Falls)

On this 31 day of July, 2001, before me, the undersigned, a Notary Public in and for said State, personally appeared John Hanck and DAN Shewmaker, known to me to be the President and Secretary of Twin Falls Canal Company, and acknowledged to me that they executed the same on behalf of said corporation.

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

(SEAL)

KAY PUSCHEL NOTARY PUBLIC STATE OF IDAHO

Notary Public for Idaho
Residing at: Twin Falls ID
My Commission expires: 4-28-06

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Keith
Norm
Wayne
Phil RJ2

Vault
File

Bureau's Water Right file for Am. Falls.

JOSEPH M. MEIER
COSHO, HUMPHREY, GREENER & WELSH, P.A.
Attorneys at Law
815 West Washington
Boise, Idaho 83702
(208) 344-7811
FAX: (208) 338-3290

Attorneys for Salmon River Canal Co., Ltd.

IN THE UNITED STATES BANKRUPTCY COURT

FOR THE DISTRICT OF IDAHO

In Re:	
	Case No. 93-01270
SALMON RIVER CANAL COMPANY, LTD.	**MOTION FOR AN ORDER APPROVING THE MUTUAL RECSISSION AND RESTITUTION AGREEMENT WITH BUREAU OF RECLAMATION AND THE DISBURSEMENT OF PROCEEDS**
Debtor.	

SALMON RIVER CANAL COMPANY, LTD., in accordance with its confirmed Chapter 11 Plan entered May 6, 1994, 11 U.S.C. § 363(b)(1) and (f), and 365; Bankruptcy Rules 2002(a)(2),(c)(1), (k), 6004(a),(b),(c),(e),(f), 6006, and 9014, and Local Bankruptcy Rule 2002.1 and 2002.2 moves this court for an order allowing the transfer of 6,518.1 acre feet of storage rights free and clear of the liens to the Bureau of Reclamation, under the terms and conditions described in the Notice which is attached to this motion as Exhibit "1" and the letter agreements attached hereto as Exhibit "2" which are both incorporated herein by this reference.

Salmon River Canal Co., Ltd. also moves this court for an order allowing the distribution of the proceeds to the shareholders

and lien creditors as set forth in Paragraph 13 of the Notice of Sale.

DATED this 31st day of October, 1994.

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

Joseph M. Meier

JOSEPH M. MEIER
COSHO, HUMPHREY, GREENER & WELSH, P.A.
Attorneys at Law
815 West Washington
Boise, Idaho 83702
(208) 344-7811
FAX: (208) 338-3290

Attorneys for Salmon River Canal Co., Ltd.

IN THE UNITED STATES BANKRUPTCY COURT

FOR THE DISTRICT OF IDAHO

In Re:	
	Case No. 93-01270
SALMON RIVER CANAL COMPANY, LTD.	**NOTICE OF MUTUAL RESCISSION AND RESTITUTION AGREEMENT BETWEEN THE UNITED STATES AND THE SALMON RIVER CANAL COMPANY, LTD. CONCERNING THE AMERICAN FALLS WATER STORAGE RIGHT FREE AND CLEAR OF LIENS AND INTERESTS AND NOTICE OF HEARING**
Debtor.	

TO: ALL PARTIES IN INTEREST, SHAREHOLDERS OF SALMON RIVER CANAL CO., LTD., AND CREDITORS:

You are hereby notified that Salmon River Canal Co., Ltd., which is operating under a confirmed plan of reorganization, which plan was confirmed on May 6, 1994, will transfer all of its interest as well as the interest of all shareholders in the company in the following described property pursuant to the confirmed Chapter 11 Plan; 11 U.S.C. § 363(b)(1) and (f) and 11 U.S.C. 365 ; Bankruptcy Rules 2002(a)(2),(c)(1), (k), 6004(a),(b),(c),(e),(f), 6006, and 9014, and Local Bankruptcy Rule 2002.1 and 2002.2 for the benefit of the stockholders and creditors of the above entitled

EXHIBIT

bankruptcy estate unless a written objection to said transaction is filed with the U.S. Bankruptcy Court, 550 West Fort Street, MSC 042, Boise, Idaho 83274; the U.S. Trustee, P.O. Box 110, Boise, Idaho 83701; Salmon River Canal Co., Ltd., 2700 Highway 93, Twin Falls, ID 83301; and Joseph M. Meier, 815 West Washington, Boise, Idaho 83702, on or before the **25th** day of **November**, 1994. This transfer shall be free and clear of liens and interests as described in this notice.

Description of Property to be Transferred:

1. All of the Salmon River Canal Co., Ltd.'s right, title and interest in and to 6,518.1 acre feet of storage rights located in the American Falls Reservoir, State of Idaho, including any right, title and interest to those rights which may be held or claimed by the approximate 170 separate shareholders holding 60,050.65 shares of Salmon River Canal Co., Ltd. These storage rights are held by Salmon River Canal Co., Ltd., by virtue of a contract with the United States. These storage rights are also subject to a written lease executed between Salmon River Canal Co., Ltd. and Southwest Irrigation concerning the 1994 water year.

2. Consideration: United States Department of Interior, Bureau of Reclamation, hereinafter referred to as "BUREAU" has offered to rescind the contractual arrangement with Salmon River Canal Co., Ltd., and provide restitution in the amount of $150.00 an acre foot for the 6,518.1 acre feet of storage rights for the total consideration of $977,715.00. The 6,518.1 acre feet of storage rights (hereinafter "THE ASSET") are held by Salmon River Canal Co., Ltd. The transfer to the BUREAU of the asset and payment by the BUREAU of the restitution/consideration described

herein shall be accomplished by the parties executing a written recision agreement, terminating all rights which the company may have under its storage rights contract or other documents.

3. Authority for transfer of the right to storage space in American Falls Reservoir is as described in the Amended Plan confirmed by this court on May 6, 1994, as well as the Code sections and bankruptcy rules, including local rules, referred to above.

4. A private transaction is scheduled between Salmon River Canal Co., Ltd. and the BUREAU, which transaction shall be closed within twenty days of this Court's order approving the transaction, wherein the Bureau shall pay the entire restitution amount described herein. In no event, however, shall the proceeds be paid later than December 31, 1994, so long as this court has approved this transaction.

5. Salmon River Canal Co., Ltd. has received at least one other offer on the water rights from Southwest Irrigation for $150.00 an acre foot. Salmon River Canal Co., Ltd. has not received any offers exceeding $150.00 an acre foot. The BUREAU maintains that Salmon River Canal Co., Ltd. may not sell or transfer these rights to third parties without:

a) Obtaining the written consent of the BUREAU;

b) That approval of the sale by BUREAU would only be granted, if at all, after full compliance with federal laws, including but not limited to the Endangered Species Act of 1973, as amended, 16 U.S.C. 1531 et seq., and the National Environmental Policy Act 42 U.S.C. 4321;

c) That the BUREAU is entitled to exercise a contractual

first right of refusal on any sale of the subject storage rights;

d) That the BUREAU shall oppose any transfer or sale in this proceeding on the grounds that the BUREAU retains a contractual right to disapprove any assignment to third parties which is statutorily protected by the Federal Non-assignment of Contracts Act, 41 U.S.C. 15.

6. The asset shall be transferred to the BUREAU free and clear of any rights in accordance with a mutual rescission contract between the BUREAU and Salmon River Canal Co., Ltd. as described in the letter agreements which are attached as Exhibit "2" to the motion for approval of this transfer filed with the U.S. Bankruptcy Court. In the event of a conflict between the terms and provisions of the above referenced documents, the terms and provisions of this Notice by Salmon River Canal Co., Ltd. shall prevail.

7. Debtor, pursuant to its corporate Articles of Incorporation, By-laws, rules and regulations, is permitted to convey assets of the corporation, including water storage rights. Section 16 of the by-laws provides that when not otherwise provided, a majority of the votes cast shall decide all questions at stockholders' meetings. A special shareholders meeting was called on June 29, 1994, wherein the majority of the shares entitled to vote approved a sale of the American Falls water storage rights for a minimum of $150.00 an acre foot.

8. In the event of a proper filing and timely objection by a party in interest, Salmon River Canal Co., Ltd. alternatively proposes that the court either : a) sell at public auction the property on the same terms and provisions(except the sale would not involve rescission of the contract but rather transfer of all

right, title and interest to the Storage rights to the buyer) as provided herein for cash or cashier's check in a greater amount to be received from third parties; or b) establish its own terms and conditions and hold a public auction of the estate property. The BUREAU has advised Debtor that it shall object to any public auction on the grounds set forth in clause 5 above.

9. Except as provided herein, the property shall be transferred and any contract assigned subject to the BUREAU or other successful bidder satisfying and paying any and all transfer fees and costs, together with any title search fees, or other costs which may be incurred by the BUREAU or other successful bidder to consummate the terms of this transaction. The transfer is contingent upon bankruptcy court approval whether or not a timely objection is filed.

10. The BUREAU or any successful bidder shall assume all of the obligations and duties of Salmon River Canal Co., Ltd. contained in any contracts between the BUREAU and any other party concerning the property described herein. Any costs incurred by BUREAU or other successful bidder, including obtaining an opinion of counsel, shall be at BUREAU's, or other successful bidders, sole cost and expense, and shall not abate any portion of the purchase price described herein. Salmon River Canal Co., Ltd. shall cooperate in the process.

11. Each party shall pay its own costs and attorney fees incurred, including but not limited to any abstract of title, attorney opinion, etc.

12. The terms of this transfer shall be governed and construed by the laws of the state of Idaho and other appropriate

federal law.

13. Salmon River Canal Co., Ltd. is aware that the following entities may claim an interest in the property.

a) The so-called "Shareholder-Lenders" consisting of those persons described on Exhibit "A" which is attached hereto and incorporated herein by this reference. These individuals, pursuant to the Plan of Reorganization confirmed on May 6, 1994, and an order approving the grant of a secured lien entered May 6, 1994, lent monies to Salmon River Canal Co., Ltd. which helped to consummate the terms of the confirmed Chapter 11 Plan. At the time of this sale, these lenders are owed the approximate sum of $730,500.00. Pursuant to the Plan and the order granting the secured lien, these lenders have a lien on the American Falls storage rights. Pursuant to the Plan and loan documents with these creditors, however, these creditors have agreed to release the lien so long as the proceeds are disbursed as described hereinafter:

(1) The total purchase price shall be divided among the existing shares of Salmon River Canal Co., Ltd. consisting of 60,050.65 shares. This represents $16.28 per share. Salmon River Canal Co., Ltd. shall disburse $16.28 per share directly to the shareholders who have paid the 1994 assessment in full.

(2) The balance of the proceeds received attributable to those shareholders who did not pay the 1994 assessment in full shall be paid to their pro-rata portion of the loan. Any amounts remaining after the shareholder's portion of the loan is paid in full shall be disbursed to that shareholder. Attached hereto as Exhibit "B" is a breakdown of the shareholders of Salmon River Canal Co., Ltd., the amount of the proceeds they shall receive

and/or which shall be applied to their unpaid portion of the 1994 assessment.

b. The approximate 170 shareholders of this company, may claim a right to the asset pursuant to Idaho law and this court's order entered January 14, 1994 which order was incorporated into the confirmed Chapter 11 Plan.

c. Southwest Irrigation may claim an interest in this asset pursuant to a lease agreement it entered with Salmon River Canal Co., Ltd. for the water year 1994. Thereafter, Salmon River Canal Co., Ltd. alleges that Southwest Irrigation's rights under the 1994 lease will not be affected by this sale as the term of that lease shall have expired on the effective date of this sale. There shall be no interference with Southwest Irrigation's use of the water in 1994.

14. OBJECTIONS TO SALE: If a timely objection to the Notice of Transfer by Salmon River Canal Co., Ltd. is filed on or before the **25th** day of **November**, 1994, as provided herein, the court will conduct a hearing on the **30th** day of **November**, 1994 at the hour of **9:30** o'clock a.m. at the U.S. Bankruptcy Court, Federal Building, 5th Floor, 550 West Fort Street, Boise, Idaho, to determine and rule on Salmon River Canal Co., Ltd.'s motion to transfer property free and clear of liens and other interests and to assign any contract rights and any objection thereto. Even if a timely objection is not filed, Debtor still intends to appear at the hearing on November 30, 1994 to obtain approval of the Debtor's motion.

15. The court shall, in its sole discretion, on said date, determine whether or not to approve the above described transfer,

or in the alternative, to conduct a public auction of said property and assignments on the same terms and provisions as contained herein. You are further notified that the BUREAU would object to any public auction of the American Falls storage rights on the grounds set forth in clause 5 above.

16. In the event the property is transferred to a party other than the BUREAU, the successful purchaser shall deposit with Salmon River Canal Co., Ltd., in cash or cashier's check, the total purchase price within ten (10) days of the entry of the court order. Failure to deposit the entire purchase price shall void the sale in its entirety.

17. After approval of the transfer and at the time of closing, the successful purchaser shall receive a bill of sale, or other transfer document from Salmon River Canal Co., Ltd. in appropriate form, transferring to the purchaser all of Salmon River Canal Co., Ltd.'s right, title and interest in and to the American Falls storage rights.

18. An effort has been made by Salmon River Canal Co., Ltd. to insure that the information contained herein is accurate. The BUREAU, or any other bidder, shareholder, party in interest, is deemed to have full knowledge of the size, location, nature, condition, character, title, or other relevant information pertaining to Salmon River Canal Co., Ltd.'s interest in the property and the contracts and permits therein appurtenant. By virtue of this disclaimer, the BUREAU or any other purchaser shall have no claim or cause of action against Salmon River Canal Co., Ltd., its directors, officers and employees, or its counsel for any damages or other relief arising out of or associated with the

transfer of Salmon River Canal Co., Ltd.'s interest in the property.

19. The BUREAU or a successful purchaser shall be entitled to possession of the asset upon conclusion of the closing as herein provided, however, use of the water shall only be effective on January 1, 1995, after the lease with Southwest Irrigation District expires.

20. It is the opinion of Salmon River Canal Co., Ltd. that this transaction is in conformance with the Plan of Reorganization and is in the best interests of the estate and its stockholders. For further information you may contact the Salmon River Canal Co., Ltd., 2700 Highway 93, Twin Falls, ID 83301 or Joseph M. Meier, Attorney, 815 West Washington, Boise, Idaho 83702.

DATED THIS 31st Day of October, 1994

Joseph M. Meier, attorney for
Salmon River Canal Co., Ltd.

EXHIBIT "A"

Lending Party	Percentage of total
Paul C. Kunkel..... 3104 Hawthorne Ogden, UT 84403	.526039
Vera Ward..... 2471 E 3400 N Twin Falls, ID 83301	5.260389
Donald F. McGregor and Sharon L. McGregor..... 3003 N 2300 E Twin Falls, ID 83301	13.150973
Leon Rice..... P. O. Box 200 Filer, ID 83328	1.052078
Eugene Myers..... 3659 Highway 93 Twin Falls, ID 83301	1.578117
Ralph F. Schnell..... P. O. Box 122 Rogerson, ID 83302	34.718569
W. T. Williams, Inc..... 2600 N 2941 E Twin Falls, ID 83301	10.520779
Brian L. McGregor and Wendolyn S. McGregor..... 3022 N 2300 E Twin Falls, ID 83301	7.890584
Jonathan W. B. Cosby..... 3461 Jackson Street San Francisco, CA 94118	24.723830
R. J. Owen & Ruth Owen..... 2633 E 2500 N Twin Falls, ID 83301	.052603
Dan Montgomery & Louisa Montgomery..... 2761 E 3650 N Twin Falls, ID 83301	.526039
TOTAL	100.00000%

Date of report: 10/19/94

PRELIMINARY REPORT
CONCERNING THE DISTRIBUTION OF PROCEEDS
FROM THE SALE OF AMERICAN FALLS WATER RIGHTS

STOCKHOLDER	SHARES	*PROCEEDS TO BE PAID DIRECTLY TO STOCKHOLDER	*PROCEEDS TO BE APPLIED TO 1994 ASSESSMENT BALANCE
LAMAR D. ANDREASON	55.00	895.40	0.00
KENNETH P. ASTON	9.25	150.59	0.00
WM E. BABCOCK, WM A BABCOCK, J SCHUH, C B	344.50	0.00	5,608.46
EDWARD BABCOCK	257.51	0.00	4,192.26
DANNY JOE BEARD	231.70	0.00	3,772.08
LENORA JUNE BICKFORD	190.00	3,093.20	0.00
BRUCE L. BILLINGTON	60.00	976.80	0.00
JAMES R. AND CYNTHIA L. BITZENBURG	200.00	0.00	3,256.00
LEE W. BITZENBURG	407.35	17.43	6,614.23
WILLIAM LEE BITZENBURG	10.00	162.80	0.00
BOCK M. L. AND RUBY MAXINE BLANKENSHIP	178.00	2,897.84	0.00
C. J. BOSS	521.10	8,483.51	0.00
ERNEST V. AND ROXANNA D. BOWMAN	8.20	0.00	133.50
JAMES M. BUCKLEY AND MARIE ANN BUCKLEY	10.00	162.80	0.00
JOE & CONNIE L. BUTLER	130.00	2,116.40	0.00
TOM CALLEN	0.00	0.00	0.00
TIM & GLENNA CHADWICK	53.95	0.00	878.31
DAVID H. & LISA, DAVID B. & JENNIE CHADWI	300.00	0.00	4,884.00
JONATHAN COSBY AND ANN COSBY, TRUSTEES	2,322.40	37,808.67	0.00
ALICE V. COURTNAY (ESTATE)/C.R. COURTNAY	28.00	455.84	0.00
CLARENCE C. AND/OR PATRICIA A. COURTNAY	20.00	325.60	0.00
JOHN D. COURTNAY AND SUSAN L. COURTNAY &	598.55	0.00	9,744.39
JOHN K. COURTNAY	20.00	325.60	0.00
MIKE AND DEBRA COURTNAY	132.95	0.00	2,164.43
LARRY K. CROOKHAM	1,263.75	0.00	20,573.85
ARTHUR I., CHRISTOPHER K., & JOHN R. DAHL	318.00	0.00	5,177.04
DAHL,ROBERT,JAMES AND DOROTHY WILSON	732.36	11,922.82	0.00
DAVID W. & RONENA DAVIS / RONALD M. BOLDT	2.00	0.00	32.56
GLEN C. & CLARICE DAVIS	500.45	8,147.33	0.00
GLEN C. DAVIS AND CLARICE M. DAVIS	11.00	179.08	0.00
WAYNE P. DEAN	327.45	5,330.89	0.00
DEY FARM CO.	1,100.00	17,908.00	0.00
DELVA DOUGLAS	10.00	162.80	0.00
STEPHEN B. ELLIS	295.00	4,802.60	0.00
LEROY FLEENOR AND MAUREEN FLEENOR	30.00	488.40	0.00
DENNIS S. FLORA	494.91	8,057.13	0.00
DEVERN & BARBARA FULLER	539.15	8,777.36	0.00
DEVERN G. & E. MAURICE FULLER	95.20	1,549.86	0.00
LYLE E. AND DONNA FULLER	831.60	0.00	13,538.45
MAURICE & DONNA FULLER	191.00	3,109.48	0.00
FULLMER FARMS	175.00	2,849.00	0.00

*(AMOUNT OF PROCEEDS TO BE PAID DIRECTLY TO STOCKHOLDER OR APPLIED TO BALANCE OF 1994 ASSESSMENT ARE SUBJECT TO CHANGE DUE TO THE ACCUMULATION OF INTEREST FROM THE DATE OF THIS REPORT TO THE TIME WHEN THE PROCEEDS ARE ACTUALLY RECEIVED AND DISTRIBUTED TO THE STOCKHOLDERS. COSTS OF THE SALE WILL ALSO BE DEDUCTED FROM THE PROCEEDS PRIOR TO DISTRIBUTION.)

EXHIBIT "B"

Date of report: 10/19/94

PRELIMINARY REPORT
CONCERNING THE DISTRIBUTION OF PROCEEDS
FROM THE SALE OF AMERICAN FALLS WATER RIGHTS

STOCKHOLDER	SHARES	*PROCEEDS TO BE PAID DIRECTLY TO STOCKHOLDER	*PROCEEDS TO BE APPLIED TO 1994 ASSESSMENT BALANCE
LANAR D. ANDREASON	55.60	895.40	0.00
KENNETH P. ASTON	9.25	150.59	0.00
WM E. BABCOCK, WM A BABCOCK, J SCHUH, C B	344.50	0.00	5,608.46
EDWARD BABCOCK	257.51	0.00	4,192.26
DANNY JOE BEARD	231.70	0.00	3,772.08
LENORA JUNE BICKFORD	190.00	3,093.20	0.00
BRUCE L. BILLINGTON	60.00	976.80	0.00
JAMES R. AND CYNTHIA L. BITZENBURG	200.00	0.00	3,256.00
LEE W. BITZENBURG	407.35	17.43	6,614.23
WILLIAM LEE BITZENBURG	10.00	162.80	0.00
BUCK M. L. AND RUBY MAXINE BLANKENSHIP	176.00	2,867.84	0.00
C. J. BOSS	521.10	8,483.51	0.00
ERNEST V. AND ROXANNA D. BOWMAN	8.20	0.00	133.50
JAMES M. BUCKLEY AND MARIE ANN BUCKLEY	10.00	162.80	0.00
JOE & CONNIE L. BUTLER	130.00	2,116.40	0.00
TOM CALLEN	0.00	0.00	0.00
TIM & GLENNA CHADWICK	53.95	0.00	878.31
DAVID H. & LISA, DAVID B. & JENNIE CHADWI	300.00	0.00	4,884.00
JONATHAN COSBY AND ANN COSBY, TRUSTEES	2,322.40	37,808.67	0.00
ALICE V. COURTNAY (ESTATE)/C.E. COURTNAY	28.00	455.84	0.00
CLARENCE C. AND/OR PATRICIA A. COURTNAY	20.00	325.60	0.00
JOHN D. COURTNAY AND SUSAN L. COURTNAY &	598.55	0.00	9,744.39
JOHN K. COURTNAY	20.00	325.60	0.00
MIKE AND DEBRA COURTNAY	132.95	0.00	2,164.43
LARRY K. CROOKHAM	1,263.75	0.00	20,573.85
ARTHUR I., CHRISTOPHER E., & JOHN H. DAHL	318.00	0.00	5,177.04
DAUK,ROBERT,JAMES AND DOROTHY WILSON	732.36	11,922.82	0.00
DAVID W. & ROWENA DAVIS / RONALD M. BOLDT	2.00	0.00	32.56
GLEN C. & CLARICE DAVIS	500.45	8,147.33	0.00
GLEN C. DAVIS AND CLARICE M. DAVIS	11.00	179.08	0.00
WAYNE P. DEAN	327.45	5,330.89	0.00
DEY FARM CO.	1,100.00	17,908.00	0.00
DELVA DOUGLAS	10.00	162.80	0.00
STEPHEN B. ELLIS	295.00	4,802.60	0.00
LEROY FLEENOR AND MAUREEN FLEENOR	30.00	488.40	0.00
DENNIS B. FLORA	484.91	8,857.13	0.00
BEVERN & BARBARA FULLER	539.15	8,777.36	0.00
BEVERN G. & M. MAURICE FULLER	95.20	1,549.86	0.00
LYLE E. AND DONNA FULLER	831.60	0.00	13,534.45
MAURICE & DONNA FULLER	191.00	3,109.48	0.00
FULLMER FARMS	175.00	2,849.00	0.00

*(AMOUNT OF PROCEEDS TO BE PAID DIRECTLY TO STOCKHOLDER OR APPLIED TO BALANCE OF 1994 ASSESSMENT ARE SUBJECT TO CHANGE DUE TO THE ACCUMULATION OF INTEREST FROM THE DATE OF THIS REPORT TO THE TIME WHEN THE PROCEEDS ARE ACTUALLY RECEIVED AND DISTRIBUTED TO THE STOCKHOLDERS. COSTS OF THE SALE WILL ALSO BE DEDUCTED FROM THE PROCEEDS PRIOR TO DISTRIBUTION.)

KEITH FULLNER	560.91	9,131.61	0.00
MARIE FUSTON	4.60	65.12	0.00
GLAVIN & GLAVIN FARMS, INC.	48.57	790.72	0.00
LORENE GLAVIN	1.66	27.02	0.00
RICHARD & RONALD GRIFF	1,606.80	26,158.70	0.00
ARTHUR H. GRIFF	335.89	5,468.29	0.00
HARRY & SUSAN DEHAAN	209.80	0.00	3,415.54
F. W. HARDER COMPANY	1,242.84	6,826.77	13,406.67
LUCILLE HELMS	100.00	1,628.00	0.00
KENT AND DONNA RAE HENSTOCK	257.78	0.00	4,196.66
JAMES HERD	85.00	0.00	1,383.80
JAMES & JANET ANN HERD	120.00	0.00	1,953.60
CITY OF HOLLISTER	51.00	830.28	0.00
RANDLE A. & PATRICIA C. DURHAM	109.80	1,787.54	0.00
ARTHUR ELLIS HUDELSON	229.90	3,742.77	0.00
CHARLES ROBERT HUMPHRIES	100.00	0.00	1,628.00
GEORGE M. & DONNA K. HUMPHRIES	593.90	0.00	9,668.69
ELMER IHLER	468.90	0.00	7,633.69
FRED W. AND LYNN C. JAYNES	440.70	0.00	7,174.60
CHARLES H. AND JOLENE G. JENSEN	160.00	0.00	2,604.80
WILLIAM A. PETERS & JANICE A. PETERS	156.40	2,546.19	0.00
BETTY L. BUBAK	407.39	1,121.54	5,510.77
TED L. JOHNSON	484.18	0.00	7,882.45
DOUGLAS O. AND DIANA L. JONES	200.00	3,256.00	0.00
WALTER P. JONES, JR.	464.35	0.00	7,559.62
LESLIE R. JONES, INC.	688.20	11,203.90	0.00
ORA W. & WILDRED JONES	269.40	4,385.83	0.00
KARL L. & KIMBERLY J. JOSLIN	1,132.74	0.00	18,441.01
HELEN P. SCHULER	424.88	6,917.05	0.00
ANTHONY L. KEVAN	1.00	16.28	0.00
RICHARD C. KEVAN	312.14	5,081.64	0.00
WILLIAM M. KEVAN	364.10	0.00	5,927.55
MICHAEL A. AND BONNIE JEAN KNIGHT	5.00	81.40	0.00
KNUDSON RANCH, INC.	250.20	4,073.26	0.00
CLARISSA KUNKEL	299.33	0.00	4,869.84
GLENN R. & JUNE H. KUNKEL	90.00	1,465.20	0.00
PAUL C .AND ADRIANA KUNKEL	190.10	3,094.83	0.00
THOMAS M. KUNKEL	155.70	0.00	2,534.80
MICHAEL T. AND CARRIE M. LAMMERS	10.00	0.00	162.80
A. JOHN,CAROLYN,ROBERTJ.,RHEA,JAMES LANTI	432.78	7,045.66	0.00
WILLIAM J. AND MARGUERITE LANTING	500.00	8,140.00	0.00
TERRY J. AND JACQUE P. LEA	80.00	0.00	1,302.40
JIM D. LEICHLITER & BOBETTE COATES	400.00	6,512.00	0.00
JIMMY B. & ANITA K. LEICHLITER	109.00	0.00	1,774.52
JOHNIE E. AND MARION LEWIS	65.00	1,058.20	0.00
LOUGHMILLER FARMS, INC.	2,005.75	0.00	32,653.61
ANDREW C. & DEBRA J. LOUGHMILLER	295.70	0.00	4,814.00
GENEVIEVE I. & GEORGE THAINE LOUGHMILLER	20.00	0.00	325.60
WILLIAM J. AND SUE LOUGHMILLER	139.09	0.00	2,264.39
WALDO MARTENS	105.20	1,712.66	0.00
ROBERT B. & NOVELEA R. MARTIN	10.00	0.00	162.80
BILL J. & HELEN MATHEY	527.75	8,591.77	0.00
DANIEL R. MCATEE AND BETTY SUE MCATEE	32.00	520.96	0.00
DONALD F. & SHARON L. MCGREGOR	1,148.10	18,691.99	3,352.00

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OLA N. MCGREGOR	308.80	4,884.00	0.00
DALE MESSNER	852.42	0.00	13,877.46
EUGENE MESSNER	607.18	0.00	9,864.89
LARRY, CINDI, GLENN, LINDA MEYER, G&L FAR	246.10	0.00	4,006.51
JERRY AND PATTI MILLER	267.10	0.00	4,348.39
JOE D. & NORMA LOU MILLER	450.42	7,332.84	0.00
JUSTIN C. & RUTH A. MILLS	129.40	2,106.63	0.00
MONTEVIEW TRUST	643.90	10,482.69	0.00
DAN MONTGOMERY	50.00	0.00	814.00
FRED K. & LOUISA P. MONTGOMERY	200.05	0.00	3,256.81
GERALD F. MUEGERL	208.55	3,395.19	0.00
WALTER & SHERIDAN MUELLER	170.00	0.00	2,767.60
J. EUGENE MYERS	334.00	5,437.52	0.00
GLENN GARY NELSON	357.50	0.00	5,820.10
VICTOR H. NELSON	206.29	3,358.40	0.00
VICTOR H. & MAXINE M. NELSON	1,538.08	25,039.94	0.00
RICHARD & CARLYNN I. NOH	223.00	0.00	3,630.44
R. J. OWEN	78.05	1,270.65	0.00
ELMER R. PARROTT	1,314.35	0.00	21,397.62
JOHN AND BETTY PASTOOR	1,108.85	18,052.08	0.00
JOSEPHINE PASTOOR	34.75	0.00	565.73
B. L. PATRICK	851.87	13,868.44	0.00
JAMES L. PATRICK	163.40	2,660.15	0.00
MARION PERDERGRAFT	460.70	0.00	7,500.20
PETERS RANCH, INC.	481.48	7,838.49	0.00
PICKETT AND SONS, A PARTNERSHIP	391.85	0.00	6,379.32
NELDA POINDEXTER	65.20	1,061.46	0.00
POWELL FARM CORPORATION	917.64	14,939.18	0.00
HENRY RAYBORN	752.30	0.00	12,247.44
MYRTLE E. REED	314.55	0.00	5,120.87
CECIL LEON & LOIS M. RICE	5.00	81.40	0.00
HOMER (ESTATE) & ELIZABETH ROBERTS	440.00	7,163.20	0.00
ROBERT J. AND SEARCH ROWE	132.95	0.00	2,164.43
DONALD E. RYAN	233.30	3,798.12	0.00
SALMON RIVER CANAL CO., LTD.	11.95	194.55	0.00
SAM FARMS, INC.	309.25	0.00	5,034.59
RALPH F. SCHNELL	1,220.58	19,871.04	0.00
GLENN D. AND JUDY M. SCHROEDER	200.00	0.00	3,256.00
RICHARD SCHULER	110.74	0.00	1,802.85
DWIGHT L. & SUSAN E. SHAW	254.70	4,146.52	0.00
SHOLL ENTERPRISES, INC.	820.65	13,360.18	0.00
SHIRREL E. & CAROL ANN SILVESTER	563.87	0.00	9,179.80
M. B. SKEEN	165.00	2,686.20	0.00
DANIEL W. & SHIRLEY K. SKINNER	54.66	889.86	0.00
SKINNER, INC.	309.25	0.00	5,034.59
KEITH SLIGAR	152.55	2,483.51	0.00
DAVID B. & GAIL B. BOWMAN	65.00	1,058.20	0.00
L. R. SORENSON	6.00	97.68	0.00
LILLIE B. STONE (ESTATE)	131.10	2,134.31	0.00
LYNN & SHERIE E. TANNER	650.00	10,582.00	0.00
DENIS J. & ELLEN A. TAYLOR	442.45	0.00	7,203.49
LINDA TAYLOR	226.30	3,684.16	0.00
KENNETH D. AND DIANA M. THAETE	203.20	3,308.18	0.00
CECIL W. & NORMA G. THORNTON	484.72	7,891.24	0.00

** (AMOUNT OF PROCEEDS TO BE PAID DIRECTLY TO STOCKHOLDER OR APPLIED TO BALANCE OF 1994 ASSESSMENT ARE SUBJECT TO CHANGE DUE TO THE ACCUMULATION OF INTEREST FROM THE DATE OF THIS REPORT TO THE TIME WHEN THE PROCEEDS ARE ACTUALLY RECEIVED AND DISTRIBUTED TO THE STOCKHOLDERS. COSTS OF THE SALE WILL ALSO BE DEDUCTED FROM THE PROCEEDS PRIOR TO DISTRIBUTION.)*

TERRY W. THORNTON	200.00	3,256.00	0.00
G.NELSON,MURPHY,HAFER,HAFER,HANSEN,MORTGO	563.50	9,173.78	0.00
CITY OF TWIN FALLS	411.20	6,694.34	0.00
CITY OF TWIN FALLS AND TWIN FALLS COUNTY	66.05	1,075.29	0.00
LAURA COURTNAY ULRICH	20.00	0.00	325.60
RAYMOND E. & ALICE G. ULRICH(ESTATE)	300.00	0.00	4,884.00
ROLAND N. & JANETTE ULRICH	200.00	0.00	3,256.00
WILBUR ULRICH	261.65	0.00	4,259.66
ELVIS UTLEY (CLEDA UTLEY FARM)	169.55	2,760.27	0.00
ROBERT VALENTINE,CPA TRUSTEE FOR VALENTIN	739.65	12,041.50	0.00
MICHAEL A. VELLY AND DENISE VELLY	10.00	0.00	162.80
KATHERINE WANBOLT, TRUSTEE	538.50	8,773.29	0.00
RALPH S. WARD (ESTATE)	1,424.20	23,185.98	0.00
WILLIAM EARL WARD AND MARY C. WARD	22.00	0.00	358.16
LLOYD J. AND BARBARA C. WEBB	562.46	9,157.17	0.00
DAN OR DELLA WHITNEY	7.00	0.00	113.96
WILLIAMS FAMILY PARTNERSHIP	561.31	9,138.13	0.00
W. T. WILLIAMS, INC.	899.50	14,643.86	0.00
BETTY J. WRIGHT	311.05	0.00	5,063.89
JOE YRAGUI ESTATE	15.52	252.67	0.00
PAULA HOPPE	22.00	0.00	358.16
RODNEY B. DAVIS	108.51	1,767.68	0.00
FRANCES KROGSTAD	16 25	264.55	0.00
	60,050.65	590,375.85	387,248.75

** (AMOUNT OF PROCEEDS TO BE PAID DIRECTLY TO STOCKHOLDER OR APPLIED TO BALANCE OF 1994 ASSESSMENT ARE SUBJECT TO CHANGE DUE TO THE ACCUMULATION OF INTEREST FROM THE DATE OF THIS REPORT TO THE TIME WHEN THE PROCEEDS ARE ACTUALLY RECEIVED AND DISTRIBUTED TO THE STOCKHOLDERS. COSTS OF THE SALE WILL ALSO BE DEDUCTED FROM THE PROCEEDS PRIOR TO DISTRIBUTION.)*

Agreement For Proposed Transaction To Convey Storage Rights In American Falls Reservoir

The Bureau of Reclamation ("Reclamation") hereby accepts the offer submitted to it on September 9, 1994 by the Salmon River Canal Company, LTD. ("SRCC"), and herein attached and incorporated by reference, whereby the SRCC offers to sell to Reclamation all of its right to and interest in 6,518.1 acre-feet of storage rights located in American Falls Reservoir, State of Idaho, for $150.00 per acre-foot, or the total of $977,715.00. Reclamation's acceptance of said offer is subject to the following minor clarifications:

A. Clause 7 of the attached September 9, 1994 SRCC offer shall be amended to read as follows:

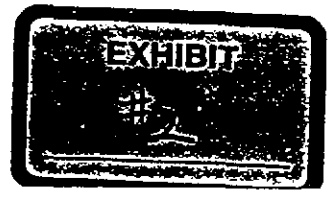
"This offer shall be governed and construed by the laws of the United States, and by the laws of the State of Idaho when appropriate. Nothing stated herein shall be construed as waiving, or expressing an intent to waive, the sovereign immunity of the United States."

B. Clause 9 of the attached September 9, 1994 SRCC offer shall be deleted.

C. Clause 4 of the attached September 9, 1994 SRCC offer shall be amended to read as follows:

"SRCC has also represented to the Bureau that a sale may be consummated pursuant to the terms of a confirmed chapter 11 bankruptcy plan entered May 6, 1994, in the United States Bankruptcy Court for the District of Idaho. That plan contemplated sale of the above-entitled water rights after notice and hearing. Once accepted, consummation of the transaction shall be conditioned upon approval by the Bankruptcy Court pursuant to the confirmed plan of SRCC and the Bankruptcy Code after notice and hearing. Failure to obtain Bankruptcy Court approval shall make the transaction voidable at the option of either party. A sale upon Bankruptcy Court approval requires notice and an opportunity for interested parties to object and submit competing bids subject to Bankruptcy Court review. SRCC shall consider structuring this transaction in another form required by the Bureau which is reasonable and appropriate under federal and state law. The Bureau maintains that any assignment of the subject storage rights to any party other than the Bureau requires the approval of the Bureau; further, such approval by the Bureau would only by granted after full compliance with Federal Laws, including, but not limited to the Endangered Species Act of 1973, as amended, 16 U.S.C. 1631 et seq."

D. Clause 2 of the attached September 9, 1994 SRCC offer shall be amended to read as follows:



"After Bankruptcy Court approval of the transaction with Reclamation, the purchase price must be paid on or before December 31, 1994, or 20 days after the Court enters the order approving the sale, whichever first occurs. In the event the Bankruptcy Court does not approve the transaction before December 31, 1994, then the purchase price shall be paid within 20 days of the entry of that order after December 31, 1994."

E. The following provision shall apply to the attached September 9, 1994 SRCC offer:

"Nothing contained in this agreement shall be construed as binding the United States to expend in any one fiscal year any sum in excess of appropriations made by Congress for the purposes of this agreement for that fiscal year or as involving the United States in any contract or other obligation for the further expenditure of money in excess of such appropriations."

I, John W. Keys, III, the authorized representative of the United Sates, Bureau of Reclamation, hereby accept the offer of SRCC attached and incorporated by reference, and subject to the clarifications outlined above.

John W. Keys, III Oct. 14, 1994

Regional Director Date
Pacific North Region
Bureau of Reclamation

We, Karl Joslin, and Gerrit W. Peters, the authorized representatives of the Salmon River Canal Company, hereby agree to the sale of the American Falls storage rights in accordance with the SRCC offer attached and incorporated by reference, and subject to the clarifications outlined above.

(S E A L)

Karl Joslin 10-17-94

President Date
Salmon River Canal Company

Attest:

Gerrit W. Peters
Secretary

STATE OF IDAHO)
: ss
County of Ada)

On this 14TH day of OCTOBER, 1994, personally appeared before me JOHN W. KEYS, III, to me known to be the official of the United States of America that executed the within and foregoing instrument and acknowledged said instrument to be the free and voluntary act and deed of said United States, for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute said instrument.

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

(SEAL) KENNETH M. SLOBY NOTARY PUBLIC STATE OF IDAHO

Kenneth M. Sloby
Notary Public in and for the
State of Idaho
Residing at: BOISE, IDAHO

My commission expires: 11-28-96

* * * * * * * * * *

STATE OF IDAHO)
: ss
County of Twin Falls)

On this 14th day of October, 1994, before me, Alvis D Ellsman, a Notary Public, personally appeared Kirk Goslin and Connie Peters, known to me to be, respectively, the Chairman and Secretary, of the SALMON RIVER CANAL COMPANY, and the persons who executed the within instrument and acknowledged to me that the SALMON RIVER CANAL COMPANY executed the same.

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

Alvis D Ellsman
Notary Public in and for the
State of Idaho
Residing at:

(SEAL)

My commission expires:

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

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

COUNSELORS AND ATTORNEYS AT LAW

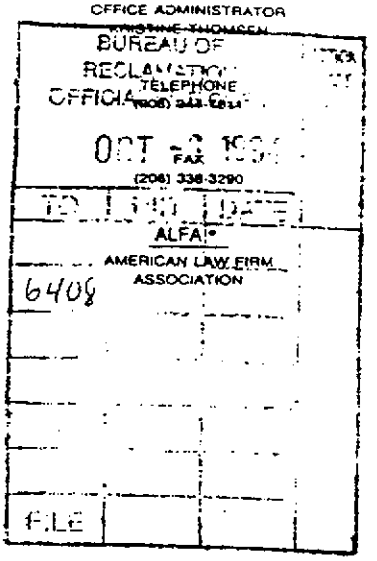
CARNEGIE BUILDING

815 WEST WASHINGTON STREET

BOISE, IDAHO 83702

DALE CLEMONS (1911-1983)

OFFICE ADMINISTRATOR
KRISTINE THOMSEN



October 5, 1994

VIA FAX: 378-5066
Mr. Rich Rigby
Regional Office
Bureau of Reclamation
1150 North Curtis Road
Boise, Idaho 83706

Re: American Falls Storage Rights -- Salmon River Canal Company
CHGW File No. 4254-004

Dear Mr. Rigby:

This is to confirm our telephone conversation on October 3, 1994. At that time I indicated that the Board of Directors of Salmon River Canal Co., Ltd. had met and agreed to alter Paragraph 8 of my letter dated September 9, 1994 and agree that the offer shall remain open until October 14, 1994 at 5:00 o'clock p.m.

Please feel free to call me if you have any questions.

Very truly yours,

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

Joseph M. Meier
Counsel for Salmon River Canal Company

JMM:sa
cc Tony Sullins, Esq.
Officer of the Solicitor

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

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

COUNSELORS AND ATTORNEYS AT LAW

CARNEGIE BUILDING

815 WEST WASHINGTON STREET

BOISE, IDAHO 83702

DALE CLEMONS (1911-1983)

OFFICE ADMINISTRATOR
KRISTINE THOMSEN

TELEPHONE
(208) 344-7811

FAX
(208) 338-3290

ALFA *
AMERICAN LAW FIRM ASSOCIATION

BUREAU OF RECLAMATION
OFFICIAL FILE COPY
SEP 12 1994
ACTION MADE BY
6406
FILE

September 9, 1994

Mr. Rich Rigby
Regional Office
Bureau of Reclamation
1150 North Curtis Road
Boise, Idaho 83706

Re: American Falls Storage Rights -- Salmon River Canal Company
CHGW File No. 4254-004

Dear Mr. Rigby:

As you know, this firm represents the Salmon River Canal Company, Ltd. ("SRCC"). We have had a series of conversations with you and your counsel over the last several months regarding the bankruptcy of SRCC and its ownership interest in the Snake River storage rights located in the Palisades Reservoir and the American Falls Reservoir. It is our understanding from the discussions that the Bureau of Reclamation ("Bureau") is not interested in purchasing the 140 acre-feet of storage rights located in the Palisades Reservoir, State of Idaho.

Previously, the Bureau has offered to purchase the American Falls storage rights for $100 an acre-foot. This offer is hereby rejected, and the following counter-offer is hereby made to the Bureau.

1. SRCC agrees to sell to the Bureau all of its right, title and interest in 6,518.1 acre-feet of storage rights located in the American Falls Reservoir, State of Idaho, for $150 an acre-foot, or the total of $977,715.00. This purchase price is the same as at least one other offer received by SRCC for this water.

2. The purchase price must be paid on or before December 31, 1994.

3. This proposed transaction will require further documentation and approval, including preparation of approval of a definite agreement and mutually acceptable terms by appropriate counsel should this offer be accepted.

4. SRCC has also represented to the Bureau that a sale may be consummated pursuant to the terms of a confirmed chapter 11 bankruptcy plan entered May 6, 1994, in the United States Bankruptcy Court for the District of Idaho. That plan contemplated sale of the above-entitled water rights after notice and hearing. Once accepted, consummation of the transaction shall be conditioned upon approval by the Bankruptcy Court pursuant to the confirmed plan of SRCC and the Bankruptcy Code after notice and hearing. Failure to obtain Bankruptcy Court approval shall make the transaction voidable at the option of either party. A sale upon Bankruptcy Court approval requires notice and an opportunity for interested parties to object and submit competing bids subject to Bankruptcy Court review. SRCC shall consider structuring this transaction in another form required by the Bureau which which is reasonable and appropriate under federal and state law.

5. SRCC understands that Bureau may conduct its own due diligence , within the period described in paragraph 8, by obtaining opinion of its counsel, at Bureau's expense, concerning SRCC's rights, title and interest to the asset described above. SRCC shall cooperate in this process.

6. Each party to pay its own costs and attorney fees incurred in this transaction, including but not limited to any abstract, attorney opinion, etc.

7. This offer shall be governed and construed by the laws of the State of Idaho.

8. This offer shall remain open for a period of thirty days from the date of this letter, at which time it shall expire.

9. Bureau agrees to retain all information obtained from SRCC on a confidential basis, and Bureau agrees not to expose such information to any other persons except those of its employees that are necessary for its due diligence investigation, and to its technical experts and attorneys, and Bureau agrees not to use any of such information for any reason other than the purpose of Bureau's due diligence investigation in this transaction.

10. Each party shall execute whatever documents which shall be required by the terms of this letter.

If you accept this offer outlined as set forth in the letter, please sign and date a copy of this letter in the space provided below and return it to me.

Very truly yours,

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

Joseph M. Meier
Counsel for Salmon River Canal Company

JMM/d
cc Tony Sullins, Esq.
Officer of the Solicitor
550 West Fort Street, MSC 020
Boise, Idaho 83724
Salmon River Canal Company, Ltd.
Randy Peterman

* * * * * * * * * * * * * * *

I, _____, the authorized representative of the United States Government, Bureau of Reclamation, hereby accept the offer of SRCC and approve the terms specified above.

_____
Name Date

ROUTING SLIP

Distribution	Provided for your: file	
Date: 11/7/02	Information	
To: Christine	Comments	
From: Debbie G.	Approval	
	Signature	

Special Notes: Please file in the water right file. They are: 01-2064, 01-2068, 01-1064.3. (Usually they are referenced on the form. Just this one is different.)

Thanks - dg

RECEIVED
NOV - 6 2002
Department of Water Resources

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

TC - 01 - 32

IN THE MATTER OF APPLICATION FOR)
TEMPORARY CHANGE OF WATER TC-01-32) **ORDER AUTHORIZING**
IN THE NAME OF BUTTE MARKET LAKE CANAL) **TEMPORARY EXCHANGE**
CANAL CO & SNAKE RIVER VALLEY IRRIGATION)
DISTRICT)
_____)

WHEREAS, a drought emergency has been declared for Jefferson, Bonneville, & Bingham Counties to allow administrative actions to lessen the severe impacts of the drought conditions in the county; and

WHEREAS, section 42-222A, Idaho Code, provides that upon declaration of a drought emergency, the director of the Department of Water Resources ("Department") is authorized to allow temporary changes in the point of diversion, the place of use, and the purpose of use for valid existing water when the director determines that such changes can be accomplished in accordance with the provisions of section 42-222A, *Idaho Code*; and

WHEREAS, on October 31, 2002, Butte Market Lake Canal Co ("Applicants") submitted the attached Temporary Application for Exchange of Water ("Application") to the Department; and

WHEREAS, the Department has reviewed the application and has determined the application can be approved with certain conditions:

ORDER

IT IS HEREBY ORDERED that the application is **APPROVED** subject to the following conditions:

1. The agreement to exchange contract rights between the applicants as described on the application is authorized at the point of diversion and use of use described on the application.

2. The Water Master of Water District No. 01 is authorized to administer the temporary change approval. The water master shall regulate and keep a record the amount of water diverted and accumulated as proposed by application, including the exchange of contract water rights owned by the applicants.

3. The applicant assumes all risk of curtailment or mitigation should the diversion and use of water under the temporary change approval cause injury to other water rights, constitute an enlargement in use of the original right, be inconsistent with the conservation of water resources within the state of Idaho, or not be in the local public interest.

4. This temporary exchange approval may only be used to provide a replacement water supply to lands or other uses that normally have a full water supply, except for the drought condition. This temporary change approval may not be used to provide water for new development or to allow expansion of the use of water under existing water rights.

TC - 01 - 32

5. This temporary approval does not authorize the use of diversion works or a delivery system owned by or managed by a corporation or an irrigation district without the written consent of such corporation or irrigation district.

6. The applicant agrees to hold the director and the state of Idaho harmless from all liability on account of the diversion and use of water under this temporary change approval.

7. This temporary exchange approval does not grant any right-of-way or easement to use the diversion works or conveyance works of another person or entity.

8. The Water District 01 watermaster shall measure and record the amount of water diverted under this approval.

9. This temporary exchange approval expires on December 31,2002, unless rescinded or extended by the director. Thereafter, the water right shall revert to the point of diversion, place of use and nature of use existing prior to the temporary change approval.

10. By diversion and use of water under this temporary exchange, the applicant acknowledges and agrees that the director may terminate diversion of water under this temporary change if the director determines there is interference with or injury to other water rights.

DATED this 31st day of Oct, 2002.

RONALD D. CARLSON
EASTERN REGIONAL MANAGER

Form 240
7/98

Exchange No. TC-01-32

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR EXCHANGE OF WATER

Under the provisions of Section 42-240, *Idaho Code*, any person holding a surface water right may apply to exchange such water for the use of water from the same source or a different surface water source. Surface water right holders may also apply to exchange for the use of water authorized for diversion under one or more other valid water rights from the same source or a different surface water source. A filing fee of $100.00 must be submitted with this application.

1. INFORMATION ABOUT THE APPLICANT

Applicant BUTTE MARKET LAKE CANAL COMPANY
(Name of Applicant)

PO BOX 283, ROBERTS, ID 83444 Telephone No: 524-1295
(Mailing Address) (Zip Code)

Applicant's Water Right(s) to be exchanged SEE EXHIBIT "A" ATTACHED HERETO
Attach a photocopy of the License, Permit, Transfer, Decree, or Claim evidencing the right(s) or attach a printout obtained from IDWR.

2. INFORMATION ABOUT THE CO-APPLICANT

Complete this portion if the applicant proposes to exchange for water diverted under a water right held by another party. The co-applicant is the holder of the right to be exchanged for the applicant's right. If more space is needed, please attach another sheet containing information about each co-applicant.

Co-applicant SNAKE RIVER VALLEY IRRIGATION DISTRICT
(Name of Co-applicant)

221 S EMERSON, SHELLEY ID 83274 Telephone No: 357-3420
(Mailing Address) (Zip Code)

Co-applicant's Water Right(s) to be exchanged SEE EXHIBIT "A" ATTACHED HERETO
Attach a photocopy of the License, Permit, Transfer, Decree, or Claim evidencing the right(s) or attach a printout obtained from IDWR.

3. EXCHANGE AGREEMENT -- Attach a copy of the written agreement between the applicant and the co-applicant(s).

4. EXCHANGE INFORMATION -- Complete **Part A** *or* **Part B** to explain how the proposed exchange will operate.

Part A -- For an exchange involving two or more water right holders.

The applicant proposes to divert _____ cfs and/or 5,000 acre feet per year of water authorized to be diverted under the co-applicant's water right(s) listed above at NW ¼ of NW ¼, Govt. Lot _____ Sec. 22 Township 05N Range 38E B.M., MADISON County.
Additional points of diversion, if any: released from storage
In exchange for authorization to divert water as described above, _____ cfs and/or 5,000 acre feet per year of water authorized for diversion under the applicant's water right(s) listed above will be (*complete 1 or 2 below*):

1. made available to the co-applicant for diversion at SW ¼ of NW ¼, Govt. Lot _____ Sec. 01N Township 15 Range 37E B.M., BONNEVILLE County.
   Additional points of diversion, if any: released from storage in 2003

OR

2. released from storage by the co-applicant into _____ at _____ ¼ of _____ ¼, Govt. Lot _____ Sec. _____ Township _____ Range _____ B.M., _____ County.

TC-01-32

EXHIBIT "A"
to
Application for Exchange of Water
- Butte Market Lake Canal Company –

1. **Applicant's Water Right(s) to be exchanged: (continued from page 1)**
   Portion of stored water in storage water Account No. 13057025 in Water District 01 accruing in Bureau of Reclamation storage facilities beginning November 1, 2001.

2. **Co-Applicant's Water Right(s) to be exchanged: (continued from page 1)**
   Portion of stored water in storage water Account No. 13059525 in Water District 01 accrued in Bureau of Reclamation storage facilities.

TC-01-32

PRIVATE LEASE AGREEMENT
FOR 2002

WHEREAS, no water has been assigned to the Water District 1 Rental Pool, and;

WHEREAS, Butte Market Lake Canal Comp. of Roberts, IDAHO,

needs additional water for the 2001 irrigation season, and;

WHEREAS, Snake River Valley Irrigation District, has agreed to provide 5000 acre feet of storage for the 2002 season as provided in Rule 10 of the Water District 1 Rental Procedures, and under the following terms and conditions:

(1) Butte Market Lake Canal Company will pay 3.00 to Snake River Valley Irrigation District and .95 to Water District 1 for administration fees per acre foot of water. (Total of $19,750)

(2) Butte Market Lake Canal Company will provide to Snake River Valley Irrigation the first 5000 acre feet of accrued storage during the winter and spring of 2003.

NOW THEREFORE, upon the payment of the appropriate Rental Pool fees, and the approval of the Watermaster, the parties of this lease agreement agree and request that the Watermaster change the point of delivery for 5000 acre feet of _____ storage from Snake River Valley Irrigation District to Butte Market Lake Canal Co., for the year ending

November 1, 2002.

Signed this 8 day of Aug, 2002.

Carlon S. Nielson
Assignor

Butte Market Lake Canal Co.
Mark Nicholson, President.
Lessee

The proposed change is Approved / Denied this _____ day of _____, 2002.

_____
Ronald D. Carlson
Watermaster/WaterBank Manager

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 28, 2002

ROGER D LING
LING & ROBINSON
PO BOX 396
RUPERT ID 83350-0396

RE: Aberdeen-Springfield Canal Company and Falls Irrigation District

Dear Mr. Ling:

Enclosed is an Order Authorizing Temporary Exchange for the above-referenced parties. Enclosed with the Order and its attachments I am enclosing a receipt for the fee you paid in this matter.

If you have any questions, please contact Mr. Saxton or me at 327-7900.

Sincerely,

Deborah J. Gibson

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Encl.
C: Ron Carlson & Skip Jones – Eastern Region

Sunny: 8/27
Please file in the water right files.
Thanks
dg
(01-2064, 01-2068, 01-10045)

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TEMPORARY EXCHANGE OF WATER RIGHT TC-01-30 IN THE NAME OF ABERDEEN-SPRINGFIELD CANAL COMPANY AND FALLS IRRIGATION DISTRICT	**ORDER AUTHORIZING TEMPORARY EXCHANGE**

WHEREAS, a drought emergency has been declared for Bingham and Power Counties to allow administrative actions to lessen the severe impacts of the drought conditions in the counties; and

WHEREAS, section 42-222A, Idaho Code, provides that upon declaration of a drought emergency, the director of the Department of Water Resources ("Department") is authorized to allow temporary changes in the point of diversion, the place of use, and the purpose of use for valid existing water rights or temporary exchanges of water authorized under water rights when the director determines that such changes can be accomplished in accordance with the provisions of section 42-222A, Idaho Code; and

WHEREAS, on August 13, 2002, the Aberdeen-Springfield Canal Company and Falls Irrigation District ("applicants") submitted the attached Temporary Application for Exchange of Water("application") to the Department; and

WHEREAS, the Department has reviewed the application and has determined the application can be approved with certain conditions;

ORDER

IT IS HEREBY ORDERED that the application is **APPROVED** subject to the following conditions:

1. The agreement to exchange contract rights between the applicants as described on the application is authorized at the point of diversion and place of use described on the application.

2. The watermaster of Water District No. 01 is authorized to administer the temporary change approval. The watermaster shall regulate and keep a record of the amount of water diverted and accumulated as proposed by the application, including the exchange of contract water rights owned by the applicants.

3. The applicant assumes all risk of curtailment or mitigation should the diversion and use of water under the temporary change approval cause injury to other water rights, constitute an enlargement in use of the original right, be inconsistent with the conservation of water resources within the state of Idaho, or not be in the local public interest.

4. This temporary exchange approval may only be used to provide a replacement water supply to lands or other uses that normally have a full water supply, except for the drought condition. This temporary exchange approval may not be used to provide water for new development or to allow expansion of the use of water under existing water rights.

5. This temporary approval does not authorize the use of diversion works or a delivery system owned by or managed by a corporation or an irrigation district without the written consent of such corporation or irrigation district.

6. The applicants agree to hold the director and the state of Idaho harmless from all liability on account of the diversion and use of water under this temporary change approval.

7. This temporary exchange approval does not grant any right-of-way or easement to use the diversion works or conveyance works of another person or entity.

8. The Water District 01 watermaster shall measure and record the amount of water diverted under this approval.

9. This temporary exchange approval expires on December 31, 2002 unless rescinded or extended by the director. Thereafter, the water right shall revert to the point of diversion, place of use and nature of use existing prior to the temporary exchange approval.

10. By diversion and use of water under this temporary exchange, the applicant acknowledges and agrees that the director may terminate diversion of water under this temporary change if the director determines there is interference with or injury to other water rights.

DATED this 27th day of August, 2002.

L. GLEN SAXTON, P.E.
Chief, Water Allocation Bureau

RECEIVED

AUG 1 3 2002

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR EXCHANGE OF WATER

Under the provisions of Section 42-240, *Idaho Code*, any person holding a surface water right may apply to exchange such water for the use of water from the same source or a different surface water source. Surface water right holders may also apply to exchange for the use of water authorized for diversion under one or more other valid water rights from the same source or a different surface water source.

1. INFORMATION ABOUT THE APPLICANT

Applicant Aberdeen-Springfield Canal Company
(Name of Applicant)

P.O. Box 857, Aberdeen, Idaho 83210 Telephone No: (208) 397-4193
(Mailing Address) (Zip Code)

Applicant's Water Right(s) to be exchanged (See Exhibit "A" attached hereto)
Attach a photocopy of the License, Permit, Transfer, Decree, or Claim evidencing the right(s) or attach a printout obtained from IDWR.

2. INFORMATION ABOUT THE CO-APPLICANT

Complete this portion if the applicant proposes to exchange for water diverted under a water right held by another party. The co-applicant is the holder of the right to be exchanged for the applicant's right. If more space is needed, please attach another sheet containing information about each co-applicant.

Co-applicant Falls Irrigation District
(Name of Co-applicant)

310 Valdez Street, American Falls, Idaho 83211 Telephone No: (208) 226-5227
(Mailing Address) (Zip Code)

Co-applicant's Water Right(s) to be exchanged (See Exhibit "A" attached hereto)
Attach a photocopy of the License, Permit, Transfer, Decree, or Claim evidencing the right(s) or attach a printout obtained from IDWR.

3. **EXCHANGE AGREEMENT** – Attach a copy of the written agreement between the applicant and the co-applicant(s).

4. **EXCHANGE INFORMATION** – Complete **Part A** *or* **Part B** to explain how the proposed exchange will operate.

Part A – For an exchange involving two or more water right holders.

The applicant proposes to divert _____ cfs and/or 12,000 acre feet per year of water authorized to be diverted under the co-applicant's water right(s) listed above at SE ¼ of SW ¼, Govt. Lot _____ Sec. 34 Township 1 S Range 36 E. B.M., Bingham County.
Additional points of diversion, if any: Released from storage in NENE of Sec. 17, T1S, R45 EBM
In exchange for authorization to divert water as described above, _____ cfs and/or 12,000 acre feet per year of water authorized for diversion under the applicant's water right(s) listed above will be (*complete 1 or 2 below*):

1. made available to the co-applicant for diversion at SW ¼ of SE ¼, Govt. Lot _____ Sec. 30 Township 7 S Range 31 E. B.M., Power County.
   Additional points of diversion, if any: Released from storage in 2003 in SWSE of Sec. 30 in T7S, R31 EBM, Power County.
   OR

2. released from storage by the co-applicant into _____ at _____ ¼ of _____ ¼, Govt. Lot _____ Sec. _____ Township _____ Range _____ B.M., _____ County.

Part B – For an exchange involving only the applicant's water right(s).

The applicant proposes to divert _____ cfs and/or _____ acre feet per year of water at _____ ¼ of _____ ¼, Govt. Lot _____ Sec. _____ Township _____ Range _____ B.M., _____ County. Additional points of diversion, if any: _____
In exchange for authorization to divert water as described above, _____ cfs and/or _____ acre feet per year of water authorized for diversion under the applicant's water right(s) listed above will be (*complete 1 or 2 below*):

1. diverted from _____ at _____ ¼ of _____ ¼, Govt. Lot _____ Sec. _____ Township _____ Range _____ B.M., _____ County and injected into _____ at _____ ¼ of _____ ¼, Govt. Lot _____ Sec. _____ Township _____ Range _____ B.M., _____ County.

OR

2. released from storage by the applicant into _____ at _____ ¼ of _____ ¼, Govt. Lot _____ Sec. _____ Township _____ Range _____ B.M., _____ County.

Additional Explanation – Attach additional sheets if necessary.

_____
_____
_____
_____
_____

* If this exchange is not intended to be a permanent arrangement, please describe the circumstances under which the proposed exchange will terminate. Exchange is for storage water for use in 2002 for storage water accruing after November 1, 2002 pursuant to Idaho Code Section 42-222A.

5. **MAPS** – Attach two maps, one showing the water right(s) as it is (they are) now used, and another showing how the water right(s) will be used under the proposed exchange. Each map should be on an 8½"x11" sheet and should clearly identify the locations of the point(s) of diversion, injection, and re-diversion of water and the place(s) of use by 40-acre subdivisions, section, township and range of the public land survey. Photocopies of USGS 7½-minute topographic quadrangles are preferred as base maps.

SIGNATURE

Applicant hereby asserts that no one will be injured by such exchange of water and acknowledges that the applicant and/or the co-applicant will be responsible for all actions taken pursuant to this exchange. I understand that any willful misrepresentations made in this application may result in voiding its approval.

Steve Howe Manager-Aberdeen-Springfield Canal Company 7/29/02
Applicant's Signature (and title if application is for an organization) Date

Steve W. Stark President-Falls Irrigation Dist. 8-1-02
Co-Applicant's Signature DATE

FOR DEPARTMENT USE ONLY

This exchange application contains _____ pages, including attachments.
Received by _____ Date 8-13-02 Fee $50.00
Receipted by _____ Date 8-13-02 Receipt No. CO63965
Preliminary review by _____
Published in _____
Publication dates _____
Protests filed by _____
Copies of protests forwarded by _____
Watermaster recommendation requested on _____
Watermaster recommendation received on _____
Hearing held by _____ Date _____

Recommended for Approval _____ **Denial** _____ **By** _____

EXHIBIT "A"
to
Application for Exchange of Water
- Aberdeen-Springfield Canal Company -

1. Applicant's Water Right(s) to be exchanged: (continued from page 1)
Portion of stored water in storage water Account No. 13061610 in Water District 01 accruing in Bureau of Reclamation storage facilities beginning November 1, 2002 under Water Right Nos. 01-02064, 01-2068, and 01-10045 as affirmed and allocated by Contract No. 14-06-W-24 between United States, Bureau of Reclamation and applicant.

2. Co-applicant's Water Right(s) to be exchanged: (cont. from page 1)
Portion of stored water in storage water Account No. 13076400 in Water District 01 accrued in Bureau of Reclamation storage facilities under Water Right Nos. 01-02064 and 01-2068 as affirmed and allocated by Contract No. 14-06-100-851 between United States, Bureau of Reclamation and co-applicant.

TEMPORARY STORAGE WATER EXCHANGE AGREEMENT

THIS AGREEMENT, made and entered into this 29th day of July, 2002, by and between Falls Irrigation District, an irrigation district duly organized under the laws of the State of Idaho, of 310 Valdez Street, American Falls, Idaho, hereinafter referred to as "Falls," and Aberdeen-Springfield Canal Company, a non-profit water delivery corporation, duly organized under the laws of the State of Idaho, of P. O. Box 857, Aberdeen, Idaho, hereinafter referred to as "Company."

W I T N E S S E T H :

WHEREAS, there now exists a severe drought in Southern Idaho which has substantially reduced the water supplies in the Upper Snake River needed for irrigation of lands in Southern Idaho, including the lands served by Falls and Company; and

WHEREAS, Company relies in part for its water supply for the irrigation of lands within its boundaries a portion of the water stored each year in Jackson Reservoir, Palisades Reservoir, and American Falls Reservoir, which storage facilities are owned and operated by the Bureau of Reclamation of the Department of Interior of the United States of America, which storage rights are identified pursuant to Company's contract with the Bureau of Reclamation No. 14-06-W-24, as amended; and

WHEREAS, Falls for a portion of its water supply, relies upon a portion of the stored water stored each year in American Falls Reservoir and Palisades Reservoir for the irrigation of a portion of the lands within its boundaries, which storage rights are identified in a contract with the Bureau of Reclamation, Department of Interior, United States of America, Contract No. 14-06-100-851, as amended; and

WHEREAS, Company has an insufficient water supply for the irrigation of the lands of its shareholders for the year 2002; and

WHEREAS, Falls has stored water accrued to its credit in 2002 that will not be required by Falls for the irrigation of the lands within the district in 2002, which surplus stored water would ordinarily be carried over in the above-referred to reservoirs for use by Falls for the irrigation of a portion of its lands in 2003; and

WHEREAS, severe crop losses to crops now growing by shareholders of Company will occur in the event Company is unable to provide additional water for the irrigation of lands of its shareholders; and

EXHIBIT "A"

WHEREAS, as a result of the emergencies that have occurred as a result of the severe drought conditions now being experienced and the declaration of a drought emergency designated for Bingham and Power Counties by the Director of the Department of Water Resources and approved by the Governor of the State of Idaho, Falls has agreed to transfer a portion of its stored water to Company for use by Company in 2002 in exchange for stored water of the Company accruing to its space after the 2002 irrigation season for use in 2003, under the terms, covenants and conditions hereinafter contained.

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein contained, and the payment to be made by Company to Falls as hereinafter provided:

1. Falls agrees, upon the performance by Company of the following covenants and agreements, to transfer to Company 12,000 acre-feet of stored water now accrued to the credit of Falls under its contract with the Bureau of Reclamation, for use by Company in 2002 for the irrigation of lands of its shareholders.

2. Company, in consideration of the temporary transfer of 12,000 acre-feet of stored water above referred to from Falls to Company, and the change in the point of diversion and place of use of said stored water for 2002, does hereby covenant and agree as follows:

(a) Company will pay to Falls, upon the execution of this agreement and approval of the exchange of storage water under this agreement by the Bureau of Reclamation and the approval of temporary transfers in the point of diversion and place of use of 12,000 acre-feet of stored water of Falls to the point of diversion and place of use of Company in 2002 and the approval of the temporary transfer and the point of diversion and place of use of 12,000 acre-feet of stored water of Company to the point of diversion and place of use of Falls in 2003, the sum of $35,400.00.

(b) Company does hereby covenant and agree that the first 12,000 acre-feet of stored water accruing to Company after the 2002 irrigation season under Company's rights as a spaceholder under its Contract No. 14-06-W-24, as amended, with the Bureau of Reclamation will be transferred to Falls for use by Falls during the 2003 irrigation season, or so much thereof as may be necessary to insure that the amount of storage water available to Falls for use in the 2003 irrigation season is equal to the storage water that is available to Falls when all of its space allocated to it under its spaceholder contract with the Bureau of Reclamation has filled. To the extent the temporary transfer of stored water from Company to Falls in 2003 is less than 12,000 acre-feet needed to fill all of the space of Falls in 2003, the amount of stored water to be transferred to Falls in

exchange shall be reduced pro rata with any other entities with which Falls may have accomplished a temporary exchange of stored water which must be repaid for the 2003 irrigation season.

(c) Company will indemnify and hold Falls harmless from all claims of whatsoever kind or nature which may arise from third parties based upon any alleged injury to any other water right as a result of the temporary transfer of stored water from Falls to Company for use in 2002 and the temporary transfer of stored water from Company to Falls for use by Falls in 2003.

(d) Company agrees that the temporary change in the place of use of the 12,000 acre-feet of stored water of Falls shall be conditioned upon the temporary change in the place of use of 12,000 acre-feet of stored water of Company to Falls in 2003, and that said condition shall be a part of the approval of the temporary change in the place of use by the Director of the Department of Water Resources of the State of Idaho.

(e) That this agreement relates to actual water stored, and no reservoir loss shall be charged to Falls for the storage water to be transferred to Falls from Company for use by Falls in the 2003 irrigation season, which stored water shall be the first storage water used by Falls in 2003.

(f) That the storage water to be transferred by Company to Falls from the first water stored to the credit of Company after the 2002 irrigation season shall be water stored to the credit of Falls in addition to all stored water that may accrue to Falls under its existing contractual rights with the Bureau of Reclamation during the 2002-2003 storage season for use in 2003, until the sum of said stored water equals the total water that can be stored in the space of the storage facilities to which Falls is entitled under its contract with the Bureau of Reclamation.

3. That nothing in this agreement shall constitute an assumption by either party of the operation and maintenance obligations due to the Bureau of Reclamation for the storage of water under the contracts of the respective parties with the Bureau of Reclamation. It is further understood that any assessments of Water District 01 for the delivery of said stored water being temporarily transferred under this agreement shall be paid by the party to whom said stored water is delivered.

4. It is understood and agreed by the parties hereto that as a condition of this agreement, the terms herein and the temporary transfer of stored water from Falls to Company for use by Company in 2002 in exchange for a temporary transfer of stored water from Company to Falls for use by Falls in 2003 is subject to the approval

of said transfer by the Bureau of Reclamation, Department of Interior, United States of America, and the Director of the Department of Water Resources of the State of Idaho.

5. Each of the parties shall execute such applications and requests as may be necessary to accomplish the temporary exchange and transfer of the storage waters of the respective parties under the terms of this agreement, and each shall take such action as may be necessary to accomplish said temporary exchanges of stored water by the respective parties.

6. It is understood by the parties hereto that this transfer is being made upon the reliance by both parties on the diversion data provided by Water District 01, and in the event the remaining storage of Falls be adjusted for any reason other than the use of water by Falls and this or any other transfer, the amount transferred hereunder may be adjusted by Falls to insure an adequate water supply for Falls in 2002 for its lands served with stored water.

IN WITNESS WHEREOF the parties have hereunto set their hands the day and year first above written.

FALLS IRRIGATION DISTRICT

By: Steve W. Isaak
President

ATTEST:

Secretary

ABERDEEN-SPRINGFIELD CANAL COMPANY

By:
President

ATTEST:

Secretary

STATE OF IDAHO)
)
County of Power)

On this 10th day of August, 2002, before me, the undersigned, a Notary Public in and for said State, personally appeared Steve W. Isaak and Terell Anderson, known to me to be the President and Secretary of Falls Irrigation District, and acknowledged to me that they executed the same on behalf of the district.

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

GERRY LEE HUNT (SEAL) NOTARY PUBLIC STATE OF IDAHO

Gerry Lee Hunt
Notary Public for Idaho
Residing at: American Falls
My Commission expires: 1-14-08

STATE OF IDAHO)
)
County of Bingham)

On this 29 day of July, 2002, before me, the undersigned, a Notary Public in and for said State, personally appeared Bob Knudsen, Jr. and Steven T. Howser, known to me to be the President and Secretary of Aberdeen-Springfield Canal Company, and acknowledged to me that they executed the same on behalf of said corporation.

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

(SEAL) TERI FEHRINGER NOTARY PUBLIC STATE OF IDAHO

Teri Fehringer
Notary Public for Idaho
Residing at: Aberdeen Id.
My Commission expires: 12-10-05

RECEIVED
AUG 13 2002
Department of Water Resources

ROGER D. LING
BRENT T. ROBINSON

JASON D. WALKER
TIMOTHY J. SCHNEIDER
ASSOCIATES

LING & ROBINSON
ATTORNEYS AT LAW
615 "H" STREET
P. O. BOX 396
RUPERT, IDAHO 83350-0396

AREA CODE 208
TELEPHONE 436-4717
FAX 436-6804

August 9, 2002

Karl J. Dreher, Director
Idaho Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, ID 83720

RE: **Application for Exchange of Water -- Falls Irrigation District with Aberdeen-Springfield Canal Company**

Dear Karl:

Enclosed for filing with IDWR is an Application for Exchange of Water between Aberdeen-Springfield Canal Company and Falls Irrigation District. I have enclosed a check in the sum of $50.00 as the filing fee for the Application. If you desire any further information to support this Application, please feel free to contact this office. We are anxious for the Application to be approved as the need for the delivery of the storage water being exchanged is immediate.

Very truly yours,

Roger D. Ling jb

Signed in the absence of
Mr. Ling to avoid delay

Roger D. Ling

RDL/jb

encs

RECEIVED
AUG 26 2002
Department of Water Resources

LING & ROBINSON
ATTORNEYS AT LAW
618 "H" STREET
P. O. BOX 396
RUPERT, IDAHO 83350-0396

AREA CODE 208
TELEPHONE 436-4717
FAX 436-0804

ROGER D. LING
BRENT T. ROBINSON

JASON D. WALKER
TIMOTHY J. SCHNEIDER
ASSOCIATES

FACSIMILE TRANSMITTAL COVER SHEET

TO: Norm Young FAX NO: (208) 327-2866

DATE: 8/26/02

COMPANY: IDWR TIME: 3:40 P.m.

From: ☒ Roger D. Ling ☐ Brent T. Robinson
☐ Jason D. Walker ☐ Timothy J. Schneider

Memo: _____

☐ Original will follow by mail
☐ For your information
☐ For filing with the Court
☐ Call me to discuss this matter
☐ Immediate attention required
☐ Other: _____

☐ Original will not follow by mail
☐ Pursuant to your request
☐ Review and call with revisions
☐ Sign and return promptly
☐ Please have signature notarized

We are transmitting 9 pages, including this page.

If you do not receive all pages clearly, or if the transmission is not successfully received, please call this firm as soon as possible at (208) 436-4717 and ask for _____. THANK YOU.

* * * * * * * * *

IMPORTANT/CONFIDENTIAL: This message is intended only for the use of the individual or entity to which it is addressed. This message contains information from the law firm of Ling & Robinson which may be privileged, confidential and exempt from disclosure under applicable law. No privilege or confidence is intended to be waived by the facsimile transmission of this message. If the reader of this message is not the intended recipient, or the employee, or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately at our telephone number set forth above by calling collect. We will be happy to arrange for the return of this message by the United States postal service to us at no cost to you.

United States Department of the Interior

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

IN REPLY REFER TO:

SRA-6400
WTR-1.10

August 31, 2001

RECEIVED
SEP - 4 2001
LING & ROBINSON

Mr. Roger D. Ling, Esq.
Attorney at Law
P.O. Box 396
Rupert, Idaho 83350-0396

Subject: Voluntary Transfers of Project Water

We have reviewed the *Temporary Storage Water Exchange Agreements* entered into between A&B Irrigation District and Northside Canal Company, Twin Falls Canal Company, and Aberdeen-Springfield Canal Company, as well as the agreement between Falls Irrigation District and Aberdeen-Springfield Canal Company. These agreements are consistent with Reclamation Manual policy, specifically Water Transfer Policy WTR P02 (copy enclosed). Minidoka and Palisades Project Spaceholder contracts allow the annual exchanges of water. Also, since the transactions transfer Minidoka and Palisades Project water between spaceholders whose lands are qualified to receive both Minidoka and Palisades Project water no decision will be required on our part.

Exchanges of stored water among these entities normally take place with the Water District 1, Rental Pool. However, the current exception recognizes that each of the recipients of stored water is within a State of Idaho designated drought area. These agreements rely upon the Idaho Drought Emergency Statutes and also comply with Water District #1 Rental Pool Rules.

Thank you for the opportunity to review these documents. If we can be of further assistance in finding ways to better manage water in these times of drought, please let us know.

Sincerely,

Jerrold D. Gregg
Area Manager

Enclosure

cc: Stuart Stanger, Deputy Area Manager, Snake River Area Office - East, Burley, Idaho
Mike Beus, Water Operations Manager, Snake River Area Office - East, Burley, Idaho

Reclamation Manual

Policy

Subject: Voluntary Transfers of Project Water

Purpose: Provides for transfers of project water in accordance with State and Federal law and supplements and expands upon the December 16, 1988, *Principles Governing Voluntary Water Transactions That Involve or Affect Facilities Owned or Operated by the Department of the Interior*, issued by the Assistant Secretary - Water and Science.

Authority: Reclamation Act of 1902, and acts amendatory thereof and supplementary thereto.

Contact: Office of Policy, D-5000

1. **Introduction.** The Assistant Secretary - Water and Science approved *Principles Governing Voluntary Water Transactions That Involve or Affect Facilities Owned or Operated by the Department of the Interior* (the *1988 Principles*) dated December 16, 1988. The *1988 Principles* pertain, among other things, to transfers of project water involving projects owned by Reclamation. Within the framework provided by the *1988 Principles*, Reclamation has been, and continues to be, supportive of voluntary transfers and conversions of project water in accordance with State and Federal law from existing to new users and/or uses. This policy statement supplements and expands upon the *1988 Principles* insofar as those principles pertain to transfers of project water.

2. **Applicability.**

   A. The *1988 Principles* and these policies apply to all transfers of project water except to the extent that such transfers are governed by legislation specific to a project and any rules and regulations, or other Reclamation guidance, promulgated pursuant to such legislation (e.g., transfers of project water made pursuant to the Central Valley Project Improvement Act and sales of water in the Colorado-Big Thompson Project). Furthermore, to the extent that a water service, repayment, or other type of contract in existence as of the date of these policies already governs the terms and conditions under which a project contractor and the end users thereof may make transfers of project water (e.g., existing provisions of Central Arizona Project contracts and provisions in existing contracts which allow for sub-contracts), then the following policies will apply only to the extent that the contract does not address matters covered by one or more of these policies. Finally, these policies will not supplant rules and guidelines for state water banks in existence as of the date of these policies. Generally speaking, proposals which satisfy the *1988 Principles* and the implementing policies set forth herein will be approved by Reclamation.

   B. In addition, the *1988 Principles* and these policies will be applied by Reclamation when resolving situations in which transfers of project water have occurred

inappropriately without Reclamation's prior approval, resulting in unauthorized users and/or uses of project water. Furthermore, Reclamation will apply these principles and policies to legislatively and judicially authorized or directed transfers of project water to the extent that such authorizations or directives leave Reclamation with the discretion to determine the terms of its approval of a transfer of project water.

C. The level of Reclamation requirements will be evaluated on a case-by-case basis or as specified by contract. When appropriate, additional Regional guidance may be developed to supplement these policies and guidelines to address particular local circumstances.

3. **Definitions.** For the purposes of this policy:

A. **Reclamation Project** means any project acquired or constructed pursuant to the authority of the Reclamation Act of 1902,[1] and all acts amendatory thereof and supplementary thereto. The term does not include projects constructed pursuant to the authority of the Small Reclamation Projects Act, as amended,[2] or to the Reclamation Wastewater and Groundwater Study and Facilities Act, as amended.[3]

B. **WCUA Project** means any project acquired or constructed pursuant to the Water Conservation and Utilization Act of 1939, as amended (WCUA),[4] and pursuant to the authority of the Interior Department Appropriation Act, 1940.[5]

C. **Project** means both Reclamation projects and WCUA projects.

D. **Project Water** means surface or ground water, including project return flows, which is pumped, diverted, and/or stored:

(1) Based upon the exercise of water rights which have been appropriated or acquired by the United States or others, or which have been decreed, permitted, certificated, licensed, or otherwise granted to the United States or others, for a Reclamation project or a WCUA project, or

(2) Based upon a withdrawal or reservation of water from appropriation by the United States for a Reclamation project or a WCUA project, or

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[1] Act of June 17, 1902, ch. 1093, 32, Stat. 388.
[2] 43 U.S.C. 422a,
[3] Title 16, P.L. 102-575.
[4] Act of Aug. 11, 1939, ch. 717, 53 Stat. 1418, 16 U.S.C. 590y - 590z-10.
[5] Act of May 10, 1939, ch. 119, 53 Stat. 685, 710.

(3) In accordance with section 215 of the Reclamation Reform Act of 1982 (43 U.S.C. 390oo), or

(4) Based upon an act of Congress which allocated or apportioned water to a Reclamation project or a WCUA project.

E. **Project Contractor** means any individual or entity which has a repayment or water service contract or other agreement with the United States that provides for the use of project water by such individual or entity.

F. **End User** is an individual or entity which receives project water from a project contractor.

G. **Change in the Type of Use** means a change from the historical beneficial use to which project water has been put to a different beneficial use, with project water being considered to have been changed from an existing irrigation use to another type of use only if the project water involved is no longer used to irrigate crops or any other vegetation or becomes a chemically treated, potable water supply.

H. **Transfer of Project Water** or **Transfer** means:

(1) Any transaction in which a project contractor leases or sells, on a temporary or permanent basis, all or a portion of the project water to which the project contractor is entitled:

(a) To another project contractor or other individual or entity which is located outside of the selling or leasing project contractor's boundaries (or, if the selling or leasing project contractor is an individual or entity which does not have legal boundaries, then outside of a project's service area), whether or not there is a change in the type of use of the project water involved, or

(b) To any individual or entity which is located within the selling or leasing project contractor's legal boundaries (or, if the selling or leasing project contractor is an individual or entity which does not have legal boundaries, then within a project's service area), when there is a change in the type of use of the project water involved.

(2) Any transaction in which an end user leases or sells, on a temporary or permanent basis, all or a portion of the project water to which the end user is entitled:

(a) To an individual or entity located outside of the legal boundaries of the project contractor within which the selling or leasing end user is located, whether or not there is a change in the type of use of the project water involved, or

(b) To an individual or entity which is located within the legal boundaries of the project contractor within which the selling or leasing end user is located, when there is a change in the type of use of the project water involved.

(3) Any situation in which there is a change in the type of use, on a temporary or permanent basis, made of project water even though the change is effected without a lease or sale of project water from a project contractor and/or end user to another individual or entity (i.e., it is the project contractor and/or end user itself which continues to use project water, but converts it from the existing use to a new use).[6]

A "transfer of project water" is not synonymous with, and may or may not involve, a "change of water rights" or a "transfer of water rights" within the meaning of the applicable state's water laws. Whether or not any given transfer of project water will require a "change of water rights" or a "transfer of water rights" pursuant to a state's water laws and procedures will depend, among other things, upon the decreed or permitted place of use and type of use of project water rights as compared to the place of use and type of use to be made of project water as the result of a proposed transfer. Determinations in this regard will need to be made on a case-by-case basis, considering the facts of each case and the water laws of the pertinent state.

4. **Objectives Which Reclamation Seeks to Achieve.** Reclamation's overall objective is to facilitate voluntary transfers of project water between willing parties in a timely and economical manner pursuant to State and Federal law and in such a way that the Federal government is in no lesser financial position than it would have been had a transfer not occurred. In addition, Reclamation will, in such situations as it deems appropriate, encourage parties to undertake voluntary transfers of project water. However, Reclamation will not compel transfers unless so required by legislative directive or judicial decision.

5. **Policies.** Regardless of whether or not Reclamation owns the water rights for a project, and, when it does, regardless of the nature of Reclamation's ownership interest in such

[6] Accordingly, when a project contractor or end user is itself the one who continues to use untreated, raw project water which is converted from the irrigation of commercial crops to the irrigation of other vegetation (including, but not limited to, lawns and ornamental shrubbery used in residential and commercial landscaping; gardens; golf courses, parks, and other developed recreational facilities, commercial nurseries, and pasture for animals raised only for personal pleasure and use), then such a conversion is not a "change in the type of use" of project water and is, therefore, not a "transfer of project water" subject to this policy.

water rights, Reclamation has an interest in and legal responsibilities with respect to transfers of project water and the resulting uses of project water by virtue of: (i) Federal statutes which require that anyone receiving project water must have a contract with the Secretary of the Interior, (ii) Reclamation's obligations to ensure that uses of project water are in accordance with a project's individually authorized purposes or other generally authorized purposes, (iii) contracts which Reclamation has with existing project contractors, and (iv) Federal ownership of facilities. To effect these interests and legal responsibilities, proposed transfers of project water must be in accordance with the *1988 Principles* and the following policies.

A. **Authorized Project Purposes.** A change in the type of use of project water may be made only if the new use is an authorized project purpose or is within the scope of the Sale of Water for Miscellaneous Purposes Act of 1920 (43 U.S.C. 521) or other applicable statute.

B. **Reclamation Approval Requirements.** Transfers of project water will require Reclamation's approval, unless already provided for by statute, judicial decision, or a water service, repayment, or other form of contract in existence as of the date of these policies. Regardless of Reclamation's approval authority, either the transferror or transferee, or sometimes both, depending upon the relevant circumstances, must have a contract with Reclamation for the delivery of project water. In addition, further implementing agreements may be required.

C. **Protection of Project Purposes and Project Contractors.** Subject to compliance with, and evaluation of analysis prepared pursuant to paragraph 5D, Reclamation will approve proposals for the transfer of project water as long as project purposes and operations and Reclamation's contractual obligations to others are protected. In addition to its public involvement procedures, when Reclamation receives a proposal to transfer project water it will, as appropriate, notify, consult with, and take into account the views of the other project contractors which receive project water from, and of any other entities which have assumed responsibility for the operation and maintenance of, the project involved before reaching a decision concerning such proposal.

D. **Compliance With Federal Law.** In addition to complying with the Federal laws and contracts applicable to project service from the project involved, transfers of project water must also be in accordance with all other applicable Federal laws, including, but not limited to the National Environmental Policy Act and the Endangered Species Act, and must not impair the Secretary of the Interior's trust obligations to Native Americans.

E. **Compliance With State and Other Laws.** Transfers of project water must comply with all applicable State, Tribal, and local laws, including, but not limited to, those concerning the appropriation, diversion, storage, and use of water and changes of water rights.

F. **Pricing of Project Water by Sellers and Lessors.** To the extent permitted by law, the seller or lessor of project water (either a project contractor or an end user) will be allowed to establish the price at which it will sell or lease project water to a buyer or lessee, with the proceeds of such sale or lease to be retained by the selling or leasing project contractor or end user.

G. **Charges Payable to Reclamation for Transferred Project Water.** The individual or entity which will have a repayment or water service contract or other agreement with the United States for the use of project water after it has been transferred will be responsible for paying appropriate charges to Reclamation for the transferred project water.

(1) At a minimum, the charges fixed by Reclamation for transferred project water will ensure that the Federal Government will be in no lesser financial position than it would have been had a transfer not occurred.

(2) When a transfer of project water involves a change in the type of use from irrigation to a different beneficial use, and the capital costs allocable to a project's irrigation purpose have not been repaid, subsidies associated with the provision of project water for irrigation purposes will not follow the transferred project water. Charges payable to Reclamation for transferred project water will be consistent with the new use to which the transferred water is put. On projects where contractual obligations for the repayment of construction costs allocable to irrigation purposes have been fulfilled, charges payable to Reclamation for the transferred project water will be negotiable. In either situation, Reclamation will not attempt to recapture the value of past subsidies in setting charges for transferred project water.

H. **Disposition of Revenues Received by Reclamation.** Revenues received by Reclamation from the charges established pursuant to paragraph G above will be credited in accordance with the provisions of the authority under which the contract for the transfer of project water is made and the applicable policies in effect at the time.

I. **Reallocation of Construction Costs.** It is not necessary to consider reallocation of project construction costs for short-term or temporary transfers of project water. Cost reallocation should only be considered if the transfer is permanent and then only on a

MEMORANDUM

TO: **FILE** 01-02064L

FROM: **VAULT**

RE: **TRANSFER #** 69903

DATE: 5-28-2002

= =

Original Transfer Application, Form and correspondence regarding the above referenced Transfer is located within:

FILE # 01-00035AF

Keen, Shelley

From: Carlson, Ron
Sent: Friday, October 26, 2001 12:17 PM
To: Keen, Shelley
Subject: Storage exchanges

MEMORANDUM TO FILE

DATE: September 2001

From: Ron Carlson

TO: FILE TC-01-20

This year there were several storage exchange agreements, including one between Aberdeen Springfield and A & B Irrigation District. I have no objection to the exchange agreements. I do have some problems with the process. Without the emergency transfer/exchange statute these transactions would have been accomplished through the Water District 1 Rental Pool. I believe there are significant issues associated with using the emergency transfer/exchange statutes to allow transacting storage exchanges around the IWRB's established rental pools. The department ends up approving temporary exchanges or transfers that would be impossible otherwise. These subject exchanges could have never been done because the parties are not the water right holder of record. The only process recognized by the Bureau of Reclamation is the Rental Pool. Fortunately these exchanges are past and, hopefully, soon will be forgotten. They clearly can not stand much exposure to the light!

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JAN 0 9 2001

TC-01-20

LING & ROBINSON
ATTORNEYS AT LAW
615 'H' STREET
P. O. BOX 396
RUPERT, IDAHO 83350-0396

ROGER D. LING
BRENT T. ROBINSON

JASON D. WALKER
TIMOTHY J. SCHNEIDER
ASSOCIATES

AREA CODE 208
TELEPHONE 436-4717
FAX 436-6804

RECEIVED
OCT 12 2001
Idaho Department of Water Resources

October 11, 2001

Karl J. Dreher, Director
Idaho Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, ID 83720

RE: **Application for Exchange of Water --**
Peoples Canal and Irrigation Company
with Aberdeen-Springfield Canal Company

Dear Mr. Dreher:

Enclosed is our firm's check in the sum of $50.00 for the filing fee that was inadvertently not included with the letter forwarding the Application for Exchange of Water between Aberdeen-Springfield Canal Company and Peoples Canal and Irrigation Company on October 4, 2001. Thank you for your courtesies extended.

Very truly yours,

Judy Barnes

Judy Barnes, Secretary to
Roger D. Ling

jb

enc

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JAN 0 9 2001

Idaho Department of Water Resources Receipt

Receipt ID C056982

Payment Amount $50.00 **Date Received** 10/12/2001 4:04:17 PM **Region** State **Status**

Payment Type Check **Check Number** 33601

Payer LING NIELSEN AND ROBINSON

Comment EXCHANGE OF WATER PEOPLES CANAL AND IRRIGATION COMPANY WITH ABERDEEN SPRINGFIELD CANAL COMPANY

Fee Detail

Amount	Description	Fund	FD	PCA	SO
$50.00	RENTAL POOL	0490	2	13602	1205

Signature Line (Dept. Representative)

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JAN 0 9 2001

TC-01-20

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TELEPHONE 436-4717
FAX 436-6804

RECEIVED
OCT 9 - 2001
Department of Water Resources

October 4, 2001

Karl J. Dreher, Director
Idaho Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, ID 83720

RE: **Application for Exchange of Water --**
Peoples Canal and Irrigation Company
with Aberdeen-Springfield Canal Company

Dear Mr. Dreher:

Enclosed for filing with IDWR is an Application for Exchange of Water between Aberdeen-Springfield Canal Company and Peoples Canal and Irrigation Company. I have enclosed a check in the sum of $50.00 as the filing fee for the Application. If you desire any further information to support the Application, please feel free to contact this office. We are of course anxious for the Application to be approved as some of the storage water has been used by ASCC in contemplation that the exchange will be approved.

Very truly yours,

Roger D. Ling

RDL/jb

encs

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JAN 0 9 2001

TC-01-20

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR EXCHANGE OF WATER

Under the provisions of Section 42-240, *Idaho Code*, any person holding a surface water right may apply to exchange such water for the use of water from the same source or a different surface water source. Surface water right holders may also apply to exchange for the use of water authorized for diversion under one or more other valid water rights from the same source or a different surface water source.

1. INFORMATION ABOUT THE APPLICANT

Applicant Aberdeen-Springfield Canal Company
(Name of Applicant)

P. O. Box 857, Aberdeen, Idaho 83210 Telephone No: (208) 397-4193
(Mailing Address) (Zip Code)

Applicant's Water Right(s) to be exchanged (See Exhibit "A" attached hereto.)
Attach a photocopy of the License, Permit, Transfer, Decree, or Claim evidencing the right(s) or attach a printout obtained from IDWR.

2. INFORMATION ABOUT THE CO-APPLICANT

Complete this portion if the applicant proposes to exchange for water diverted under a water right held by another party. The co-applicant is the holder of the right to be exchanged for the applicant's right. If more space is needed, please attach another sheet containing information about each co-applicant.

Co-applicant Peoples Canal and Irrigation Company
(Name of Co-applicant)

1050 W. Hwy. 39, Blackfoot, Idaho 83221-5307 Telephone No: _____
(Mailing Address) (Zip Code)

Co-applicant's Water Right(s) to be exchanged (See Exhibit "A" attached hereto.)
Attach a photocopy of the License, Permit, Transfer, Decree, or Claim evidencing the right(s) or attach a printout obtained from IDWR.

3. EXCHANGE AGREEMENT – Attach a copy of the written agreement between the applicant and the co-applicant(s).

4. EXCHANGE INFORMATION – Complete **Part A** *or* **Part B** to explain how the proposed exchange will operate.

Part A – For an exchange involving two or more water right holders.

The applicant proposes to divert _____ cfs and/or 4,000 acre feet ~~per year~~ in 2001 of water authorized to be diverted under the co-applicant's water right(s) listed above at SE ¼ of SW ¼, Govt. Lot _____ Sec. 34 Township 1 South Range 36 East B.M., Bingham County.
Additional points of diversion, if any: Released from storage in NENE of Sec.17, T1S, R45EBM Palisades
In exchange for authorization to divert water as described above, _____ cfs and/or 4,000 acre feet in 2002 of water authorized for diversion under the applicant's water right(s) listed above will be (*complete 1 or 2 below*):

FIRTH DIVERSION OF SNAKE RIVER

1. made available to the co-applicant for diversion at _____ ¼ of _____ ¼, Govt. Lot _____ Sec. _____ Township _____ Range _____ B.M., Bingham County.
   Additional points of diversion, if any: Released from storage in 2002 in NENE of Sec.17, T9S, R45EBM, Bingham County.

OR

2. released from storage by the co-applicant into _____ at _____ ¼ of _____ ¼, Govt. Lot _____ Sec. _____ Township _____ Range _____ B.M., _____ County.

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Part B – For an exchange involving only the applicant's water right(s).

19 2001

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TC-01-20

The applicant proposes to divert _____ cfs and/or _____ acre feet per year of water at _____ ¼ of _____ ¼, Govt. Lot _____ Sec. _____ Township _____ Range _____ B.M., _____ County. Additional points of diversion, if any: _____
In exchange for authorization to divert water as described above, _____ cfs and/or _____ acre feet per year of water authorized for diversion under the applicant's water right(s) listed above will be (*complete 1 or 2 below*):

1. diverted from _____ at _____ ¼ of _____ ¼, Govt. Lot _____ Sec. _____ Township _____ Range _____ B.M., _____ County and injected into _____ at _____ ¼ of _____ ¼, Govt. Lot _____ Sec. _____ Township _____ Range _____ B.M., _____ County.

OR

2. released from storage by the applicant into _____ at _____ ¼ of _____ ¼, Govt. Lot _____ Sec. _____ Township _____ Range _____ B.M., _____ County.

Additional Explanation – Attach additional sheets if necessary.

_____

_____

_____

_____

_____

* If this exchange is not intended to be a permanent arrangement, please describe the circumstances under which the proposed exchange will terminate. Exchange is for storage water for use in 2001 for storage water accruing after November 1, 2001 pursuant to Idaho Code Section 42-222A.

5. **MAPS** – Attach two maps, one showing the water right(s) as it is (they are) now used, and another showing how the water right(s) will be used under the proposed exchange. Each map should be on an 8½"x11" sheet and should clearly identify the locations of the point(s) of diversion, injection, and re-diversion of water and the place(s) of use by 40-acre subdivisions, section, township and range of the public land survey. Photocopies of USGS 7½-minute topographic quadrangles are preferred as base maps.

SIGNATURE

Applicant hereby asserts that no one will be injured by such exchange of water and acknowledges that the applicant and/or the co-applicant will be responsible for all actions taken pursuant to this exchange. I understand that any willful misrepresentations made in this application may result in voiding its approval.

Joaquin D. Tuma, Attorney for — October 4, 2001

Applicant's Signature (and title if application is for an organization) and Co-Applicant — Date

FOR DEPARTMENT USE ONLY

This exchange application contains 9 pages, including attachments.
Received by S. Keen Date 10/9/2001 Fee $50.00
Receipted by J. Masi Date 10/12/2001 Receipt No. C056982
Preliminary review by S. Keen
Published in N/A per §42-222A(3), Idaho Code.
Publication dates _____
Protests filed by _____
Copies of protests forwarded by _____
Watermaster recommendation requested on 10/12/2001
Watermaster recommendation received on 10/26/2001
Hearing held by _____ Date _____

Recommended for Approval _____ **Denial** _____ **By** S. Keen

JAN 09 2001

TC-01-20

EXHIBIT "A"
to
Application for Exchange of Water
- Aberdeen-Springfield Canal Company -

1. Applicant's Water Right(s) to be exchanged: (continued from page 1)
Portion of stored water in storage water Account No. 13061610 in Water District 01 accruing in Bureau of Reclamation storage facilities beginning November 1, 2001 under Water Right Nos. 01-02064, 01-2068, and 01-10045 as affirmed and allocated by Contract No. 14-06-W-24 between United States, Bureau of Reclamation and applicant.

2. Co-applicant's Water Right(s) to be exchanged: (cont. from page 1)
Portion of stored water in storage water Account No. 13061525 in Water District 01 accrued in Bureau of Reclamation storage facilities under Water Right Nos. 01-02064 and 01-2068 as affirmed and allocated by Contract No. 14-06-W-44 between United States, Bureau of Reclamation and co-applicant.

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TC-01-20

TEMPORARY STORAGE WATER EXCHANGE AGREEMENT

THIS AGREEMENT, made and entered into this 28th day of September, 2001, by and between Peoples Canal and Irrigation Company, a non-profit water delivery corporation, duly organized under the laws of the State of Idaho, of 1050 West Highway 39, Blackfoot, Idaho 83221-5307, hereinafter referred to as "Peoples," and Aberdeen-Springfield Canal Company, a non-profit water delivery corporation, duly organized under the laws of the State of Idaho, of P. O. Box 857, Aberdeen, Idaho 83210, hereinafter referred to as "Company."

W I T N E S S E T H :

WHEREAS, there now exists a severe drought in Southern Idaho which has substantially reduced the water supplies in the Upper Snake River needed for irrigation of lands in Southern Idaho, including the lands served by Peoples and Company; and

WHEREAS, Company relies in part for its water supply for the irrigation of lands within its boundaries a portion of the water stored each year in Jackson Reservoir, Palisades Reservoir, and American Falls Reservoir, which storage facilities are owned and operated by the Bureau of Reclamation of the Department of Interior of the United States of America, which storage rights are identified pursuant to Company's contract with the Bureau of Reclamation No. 14-06-W-24, as amended; and

WHEREAS, Peoples for a portion of its water supply, relies upon a portion of the stored water stored each year in American Falls Reservoir for the irrigation of the lands within its boundaries, which storage rights are identified in a contract with the Bureau of Reclamation, Department of Interior, United States of America, Contract No. 14-06-W-44, as amended; and

WHEREAS, Company has an insufficient water supply for the irrigation of the lands of its shareholders for the year 2001; and

WHEREAS, Peoples has stored water accrued to its credit in 2001 that will not be required by Peoples for the irrigation of the lands within the district in 2001, which surplus stored water would ordinarily be carried over in the above-referred to reservoir for use by Peoples for the irrigation of a portion of its lands in 2002; and

WHEREAS, severe crop losses to crops now growing by shareholders of Company will occur in the event Company is unable to provide additional water for the irrigation of lands of its shareholders; and

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JAN 0 9 2001

TC-01-20

WHEREAS, as a result of the emergencies that have occurred as a result of the severe drought conditions now being experienced and the declaration of a drought emergency designated for Bingham and Power Counties by the Director of the Department of Water Resources and approved by the Governor of the State of Idaho, Peoples has agreed to transfer a portion of its stored water to Company for use by Company in 2001 in exchange for stored water of the Company accruing to its space after the 2001 irrigation season for use in 2002, under the terms, covenants and conditions hereinafter contained.

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein contained, and the payment to be made by Company to Peoples as hereinafter provided:

1. Peoples agrees, upon the performance by Company of the following covenants and agreements, to transfer to Company 4,000 acre-feet of stored water now accrued to the credit of Peoples under its contract with the Bureau of Reclamation, for use by Company in 2001 for the irrigation of lands of its shareholders.

2. Company, in consideration of the temporary transfer of 4,000 acre-feet of stored water above referred to from Peoples to Company, and the change in the point of diversion and place of use of said stored water for 2001, does hereby covenant and agree as follows:

(a) Company will pay or make arrangements to pay to Peoples, upon the execution of this agreement and approval of the exchange of storage water under this agreement by the Idaho Department of Water Resources and the approval of temporary transfers in the point of diversion and place of use of 4,000 acre-feet of stored water of Peoples to the point of diversion and place of use of Company in 2001 and the approval of the temporary transfer and the point of diversion and place of use of 4,000 acre-feet of stored water of Company to the point of diversion and place of use of Peoples in 2002, the sum of $11,800.00.

(b) Company does hereby covenant and agree that the first 4,000 acre-feet of stored water accruing to Company after the 2001 irrigation season under Company's rights as a spaceholder under its Contract No.14-06-W-24, as amended, with the Bureau of Reclamation will be transferred to Peoples for use by Peoples during the 2002 irrigation season, or so much thereof as may be necessary to insure that the amount of storage water available to Peoples for use in the 2002 irrigation season is equal to the storage water that is available to Peoples when all of its space allocated to it under its spaceholder contract with the Bureau of Reclamation has filled. To the extent the temporary transfer of stored water from Company to Peoples in 2002 requires less than 4,000 acre-feet to fill all of the space of

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JAN 0 9 2001

Peoples in 2002, the amount of stored water to be transferred to Peoples in exchange shall be reduced to the amount needed to fill all of the space of Peoples in 2002.

(c) Company will indemnify and hold Peoples harmless from all claims of whatsoever kind or nature which may arise from third parties based upon any alleged injury to any other water right as a result of the temporary transfer of stored water from Peoples to Company for use in 2001 and the temporary transfer of stored water from Company to Peoples for use by Peoples in 2002.

(d) Company agrees that the temporary change in the place of use of the 4,000 acre-feet of stored water of Peoples shall be conditioned upon the temporary change in the place of use of 4,000 acre-feet of stored water of Company to Peoples in 2002, and that said condition shall be a part of the approval of the temporary change in the place of use by the Director of the Department of Water Resources of the State of Idaho.

(e) That this agreement relates to actual water stored, and no reservoir loss shall be charged to Peoples for the storage water to be transferred to Peoples from Company for use by Peoples in the 2002 irrigation season, which stored water shall be the first storage water used by Peoples in 2002.

(f) That the storage water to be transferred by Company to Peoples from the water stored to the credit of Company after the 2001 irrigation season shall be water stored to the credit of Peoples in addition to all stored water that may accrue to Peoples under its existing contractual rights with the Bureau of Reclamation during the 2001-2002 storage season for use in 2002, until the sum of said stored water equals the total water that can be stored in the space of the storage facilities to which Peoples is entitled under its contract with the Bureau of Reclamation.

(g) It is understood that Company has made an exchange of storage water with other spaceholders within reclamation storage facilities under which Company has committed to those spaceholders the obligation to deliver to them the first water stored in Company's space after the 2001 irrigation season, and that Company is required to replace the water exchanged with those spaceholders before it may use water accruing in its space to return water to Peoples.

3. That nothing in this agreement shall constitute an assumption by either party of the operation and maintenance obligations due to the Bureau of Reclamation for the storage of water under the contracts of the respective parties with the Bureau of Reclamation. It is further understood that any assessments of Water District 01 for the delivery of said stored water being temporarily

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JAN 09 2001

TC-01-20

transferred under this agreement shall be paid by the party to whom said stored water is delivered.

4. It is understood and agreed by the parties hereto that as a condition of this agreement, the terms herein and the temporary transfer of stored water from Peoples to Company for use by Company in 2001 in exchange for a temporary transfer of stored water from Company to Peoples for use by Peoples in 2002 is subject to the approval of said transfer by the Bureau of Reclamation, Department of Interior, United States of America, and the Director of the Department of Water Resources of the State of Idaho.

5. Each of the parties shall execute such applications and requests as may be necessary to accomplish the temporary exchange and transfer of the storage waters of the respective parties under the terms of this agreement, and each shall take such action as may be necessary to accomplish said temporary exchanges of stored water by the respective parties.

6. It is understood by the parties hereto that this transfer is being made upon the reliance by both parties on the diversion data provided by Water District 01, and in the event the remaining storage of Peoples be adjusted for any reason other than the use of water by Peoples and this or any other transfer, the amount transferred hereunder may be adjusted by Peoples to insure an adequate water supply for Peoples in 2001 for its lands served with stored water.

IN WITNESS WHEREOF the parties have hereunto set their hands the day and year first above written.

PEOPLES CANAL AND IRRIGATION COMPANY

ATTEST:

Secretary

By: President

ABERDEEN-SPRINGFIELD CANAL COMPANY

ATTEST:

Secretary

By: President

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JAN 0 9 2001

TC-01-20

STATE OF IDAHO)
)
County of Bingham)

On this 2 day of October, 2001, before me, the undersigned, a Notary Public in and for said State, personally appeared Van Baldwin and Steven H. Murdock, known to me to be the President and Secretary of Peoples Canal and Irrigation Company, and acknowledged to me that they executed the same on behalf of the corporation.

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

(SEAL)

Jeri Fehringer
Notary Public for Idaho
Residing at: Aberdeen, Id.
My Commission expires: 12-10-05

STATE OF IDAHO)
)
County of Bingham)

On this 28 day of September, 2001, before me, the undersigned, a Notary Public in and for said State, personally appeared Bob Knudsen, Jr. and Steven T. Howser, known to me to be the President and Secretary of Aberdeen-Springfield Canal Company, and acknowledged to me that they executed the same on behalf of said corporation.

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

(SEAL)

Jeri Fehringer
Notary Public for Idaho
Residing at: Aberdeen, Id.
My Commission expires: 12-10-05

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JAN 09 2001

TC-01-20

A P P R O V A L

The Director of the Idaho Department of Water Resources does hereby approve the above emergency temporary transfer and exchange of stored water under this agreement.

DATED this ____ day of _____, 2001.

IDAHO DEPARTMENT OF WATER RESOURCES

By: _____
Director

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JAN 09 2001

WR5808NP
(OD-26)

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

08/14/01 14:36:13
Page 1

Water Right Number - 01-02064 Prefix Translation: WATER RIGHT Old (D) Number - R269

*** C - CURRENT OWNER ***
US DEPT OF INTERIOR

1 - BUREAU OF RECLAMATION
2 - 1150 N CURTIS RD
3 -
City- BOISE State- ID Zip- 837061234
Phone - 208-378-5155

Priority Date: 03/30/1921
Region: 15 EASTERN
Stage: L - LICENSE
Status:

Source: SNAKE RIVER
Tributary: COLUMBIA RIVER

Point of Diversion

Twn	Rng	Sec	Tract	Lot	RFlg	County	Diversion Name	Diversion Rate	Diversion No.
07S	31E	30	SE SE			(77) POWER			

Water Use

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
02	IRRIGATION STORAGE	01/01	12/31		1800000.00
03	IRRIGATION FROM STORAGE	01/01	12/31		1800000.00
29	POWER STORAGE	01/01	12/31		1800000.00
30	POWER FROM STORAGE	01/01	12/31		1800000.00

Total Div. Rate:
Total Div. Volume: 1800000.00
Total Div. Capacity:
Total Consumptive Use: 0.0,
KW Usage:

Place of Use

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County

Diversion Means -

Non-Irrigation Use -

Other Rights for Same Use -

Remarks

No Remarks found.

Old Water Right Numbers

No Old Water Right Numbers found.

Conditions of Approval

01E - A measuring device and lockable controlling works of a type
- acceptable to the Department shall be permanently installed and
- maintained as part of the diverting works.
005 - Use of water under this right is subject to control by the
- watermaster of State Water District No. 01.

OCT 0 2 2001
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Water right number - 01-02064 Prefix Translation: WATER RIGHT

Decree Plaintiff	Decree Defendant	Decree Date
		00/00/0000

Comments
No Comments Found

Audit Fields - 09/10/87 CONVERT 05/21/88 CONVERT 07/24/90 CURTIS 04/29/91 CURTIS 01/26/92 POST-STD
02/04/93 ZIMMERMA 02/11/93 ZIMMERMA 05/19/95 JJOHNSON 05/30/95 SCURTIS 09/24/97 JJOHNSON

Water Rights Dates and Flags Area

Proof Due Date	00/00/0000	Field Exam Made	00/00/0000	Field Exam Fee	
Approved/Denied	00/00/0000	Protested Date	00/00/0000	Swan Falls	
Proof Made Date	00/00/0000	Hearing Date	00/00/0000	Temporary Right	P
Exam to S.O. Date	00/00/0000	Verified Date	00/00/0000	DLE/Carey Act	
Order Show Cause	00/00/0000	Receipt Number	X999999	Water District	01
Licensed Date	00/00/0000	Appl Received	00/00/0000	Transfer/Amended	T
Presumption Flag		Name Connector		POU Ownership Flag	N
SRBA Decreed Flag					

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OCT 0 2 2001

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

TRANSMITTAL COVER SHEET

FAX NUMBER: (208) 327-5400

DATE: Aug. 22, 2001

TO: Falls Irrig. Dist. **FROM:** Deborah Gibson

(208)226-2752 (208)327-7953 Phone

DOCUMENT DESCRIPTION: Order Authorizing Temporary Exchange with Aberdeen-Springfield Canal Co.

COVER SHEET + 2 **PAGES**

CONTACT: Debbie **IF YOU DO NOT RECEIVE ALL THE PAGES.**

THANK YOU!

Unable to fax.

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OCT 0 2 2001

P.01

TRANSACTION REPORT

AUG-22-01 WED 01:22 PM

DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE	M#
AUG-22	01:21 PM	912082262752---80935	43″	0	SEND	COM. E-3	

436-8341
Ask for Computerized fax receiver.

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OCT 0 2 2001

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

TRANSMITTAL COVER SHEET

FAX NUMBER: (208) 327-5400

DATE: Aug. 22, 2001

TO: A & B Irrigation District **FROM:** Deborah Gibson

(208) 436-~~3154~~ 8341

(208) 327-7953 phone

DOCUMENT DESCRIPTION: 3 Orders Authorizing Temporary Change

COVER SHEET + 6 **PAGES**

CONTACT: Debbie **IF YOU DO NOT RECEIVE ALL THE PAGES.**

Done

THANK YOU!

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OCT 0 2 2001

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

TRANSMITTAL COVER SHEET

FAX NUMBER: (208) 327-5400

DATE: Aug. 22, 2001

TO: Aberdeen - Springfield CC. (208)397-4510

FROM: Deborah Gibson (208)327-7953 phone

DOCUMENT DESCRIPTION: 2 Orders Authorizing Temporary Exchange with Falls Irrigation Dist. & A&B Irrigation Dist.

COVER SHEET + 4 **PAGES**

CONTACT: Debbie **IF YOU DO NOT RECEIVE ALL THE PAGES.**

Done

THANK YOU!

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OCT 0 2 2001

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

TRANSMITTAL COVER SHEET

FAX NUMBER: (208) 327-5400

DATE: Aug. 22, 2001

TO: North Side Canal Co.
324-8906

FROM: Deborah Gibson

DOCUMENT DESCRIPTION: Order Authorizing Temporary Exchange

COVER SHEET + 2 **PAGES**

CONTACT: Debbie (208) 327-7953 **IF YOU DO NOT RECEIVE ALL THE PAGES.**

THANK YOU!

Done

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OCT 0 2 2001

Receipt Details for ID C055492

Status	Adjustment Type	Version
		1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
8/10/2001 2:27:00 PM	8/10/2001 2:52:16 PM	STATE	$200.00	Check
Payer	LING NIELSEN AND ROBINSON			

Account Information:

Check #	Account #	Credit Card Name	Authorization #
33419			
Card Expiration Date	**Credit Card Transaction #**		

Comment WATER RIGHTS 01-02064 01-2068 01-10045

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
$200.00	TRANSFERS	56105	0229	21		1155

Refund(s):

Amount	Payee	Date	Document Number

MICROFILMED
OCT 0 2 2001

Idaho Department of Water Resources Receipt

Receipt ID C055492

Payment Amount	$200.00	**Date Received**	8/10/2001 2:27:00 PM	**Region**	State	**Status**	
Payment Type	Check	**Check Number**	33419				

Payer LING NIELSEN AND ROBINSON

Comment WATER RIGHTS 01-02064 01-2068 01-10045

Fee Detail

Amount	Description	Fund	FD	PCA	SO
$200.00	TRANSFERS	0229	21	56105	1155

Signature Line (Dept. Representative)

AUG 0 2 2001

LING & ROBINSON
ATTORNEYS AT LAW
615 "H" STREET
P. O. BOX 396
RUPERT, IDAHO 83350-0396

ROGER D. LING
BRENT T. ROBINSON

JASON D. WALKER
TIMOTHY J. SCHNEIDER
ASSOCIATES

AREA CODE 208
TELEPHONE 436-4717
FAX 436-6804

RECEIVED
AUG 10 2001
Department of Water Resources

August 9, 2001

RECEIVED
AUG 14 2001
Department of Water Resources
Southern Region

Karl J. Dreher, Director
Idaho Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, ID 83720

RE: **Applications for Exchange of Water --**
A & B Irrigation District with North Side Canal Company,
Twin Falls Canal Company, and Aberdeen-Springfield Canal Company;
Falls Irrigation District with Aberdeen-Springfield Canal Company

Dear Karl:

Enclosed for filing with IDWR is an Application for Exchange of Water between Aberdeen-Springfield Canal Company and A & B Irrigation District, an Application for Exchange of Water between Aberdeen-Springfield Canal Company and Falls Irrigation District, an Application for Exchange of Water between Twin Falls Canal Company and A & B Irrigation District, and an Application for Exchange of Water between North Side Canal Company and A & B Irrigation District. I have enclosed a check in the sum of $200.00 as the filing fee for the four Applications at the fee of $50.00 per Application. If you desire any further information to support these Applications, please feel free to contact this office. We are of course anxious for these Applications to be approved so that the storage water can be exchanged in the very near future.

Very truly yours,

Roger D. Ling

RDL/jb

enclosures

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OCT 02 2001