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In File

RECEIVED
JUL 12 2004
Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TEMPORARY CHANGE APPLICATION

RECEIVED
JUN 28 2004
Department of Water Resources
Eastern Region

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

Name of Applicant Albert Fullmer Phone 588-3383
Post Office Address Rt 1 Box 44 Darlington, ID 83231

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change purpose of use ☐ Other
2. Describe the proposed change(s) and the reason(s) thereof Changing place of use to facilitate delivery of water

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

1. Right Number 34-00452E Priority 6-1-85 Amount (cfs/ac-ft) 1.26 Nature of Use Irrigation Period of Use 5-01 to 10-15
2. Total amount of water being transferred 1.26 cubic feet per second and/or 2.49 acre-feet per annum
3. Source of water Surface tributary to Big Lost River
4. Point(s) of Diversion:

Ident No.	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
		NW	NW	NE	24	6N	25E	Custer	Burnett

5. Lands irrigated or place of use: LIMITED TO 63 acres within place of use

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
6N	25E	13			37	38									40				115
6N	26E	18									38								38

Total Acres 153

6 General Information:

TC-34-53

- a. Who owns the water right to be changed? Max Bingham
- b. Describe the arrangement allowing use of the right Agreement with owner
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
This ground is not being irrigated
- d. Has the water right sought to be transferred been used this year? no If yes, explain. _____
- e. Absent the changes, how would the right be used for the remainder of the year? Not possible to get water to place of use without transfer / Change of POA
- f. Describe other water rights used for the same purpose.
4/22/84 and storage POA
- g. Remarks: Due to shrink and drought he needs more water to irrigate new place of use.

I hereby assume all risk in accordance with Section 42-222A, Idaho Code, 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.

Alfred
(Signature of applicant)

FOR DEPARTMENT USE ONLY

Received by Kaw Date 6/28/04 Fee 50⁰⁰

Receipted Kaw # E030010 Recommend: / approve deny

Watermaster recommendation Approval

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Temporary Change Application No. TC-34-53

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

Witness my hand this 1st day of July, 2004:

Paul D. Smith
For the Director

State of Idaho
Department of Water Resources
Transfer of Water Rights

RECEIVED

JUN 28 2004

Department of Water Resources
Eastern Region

RECOMMENDATION OF WATERMASTER

TC 34-53

Transfer Application No:

Water Right No(s): 34-00452E

Transfer Applicant's Name: Albert Fullmer / Max Bingham

Watermaster's Recommendation:

- a) X I do not oppose approval of this application.
- b) I do not oppose approval of this application if it is conditioned as follows:
- c) I oppose approval of this application for the following reasons:
- d) Additional Comment:

Dated this 24th, day of June, 2004

Water District No: 34


Watermaster's Signature

6-23-04

TO WHOM IT MAY CONCERN

I MAX J. BINGHAM AGREE TO TRANSFER MY
6-1-85 WATER RIGHTS TO ALBERT FULLMER
FOR THE YEAR 2004 ONLY

Max J. Bingham

TC-34-53

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATION FOR)
TEMPORARY CHANGE OF A)
WATER RIGHT 34-452E)
Albert Fullmer)

**ORDER AUTHORIZING
TEMPORARY CHANGE**

TC-34-53

WHEREAS, a drought emergency has been declared for Custer County 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 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 June 28, 2004, Albert Fullmer submitted the attached Temporary Change Application TC-34-53 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. Diversion and use of right no(s). 34-452E is authorized only at the point of diversion and place of use described on the application.
2. This temporary Change approval does not authorize construction of a new well as a new point of diversion.
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 change 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.

ORDER AUTHORIZING
TEMPORARY CHANGE

TC-34-53

5. Right(s) 34-452E are limited to the irrigation of a total of 63 acres in a single irrigation season
6. 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.
7. 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.
8. 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.
9. The applicant shall measure the amount of water diverted and shall report the amount of water diverted under this approval.
10. The Water master of Water District No. 34 is authorized to administer the temporary change approval.
11. This Temporary change approval expires on October 31, 2004 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..

DATED this 1st day of July, 2004.


Ronald D. Carlson
Eastern Regional Manager

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

RECEIVED

JUN 20 2003

Department of Water Resources

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF A)
WATER RIGHT Herman Aikele)
34-452E)

ORDER AUTHORIZING
TEMPORARY CHANGE TC-34-24

WHEREAS, a drought emergency has been declared for Butte
County 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 6/11/03, Herman Aikele submitted the attached
Temporary Change Application TC-34-24 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. Diversion and use of right no(s) 34-452E is authorized only
at the point of diversion and place of use described on the application.
2. This temporary change approval does not authorize construction of a new
well as a new point of diversion.
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 change approval may only be used to provide a

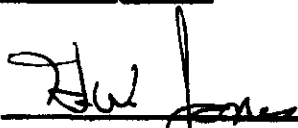
MICROFILMED

JUL 23 2003

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. Right(s) 34-452E are limited to the irrigation of a total of 146 acres in a single irrigation season.
6. 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.
7. 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.
8. 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.
9. The applicant shall measure the amount of water diverted and shall report the amount of water diverted under this approval.
10. The watermaster of Water District No 34 is authorized to administer the temporary change approval.
11. This temporary change approval expires on 10/15/2003 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.

DATED this 6 day of June 2003.

For 
RONALD D. CARLSON
EASTERN REGION MANAGER

Ident. No. TC-34-24

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TEMPORARY CHANGE APPLICATION

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

RECEIVED
JUN 11 2003
Department of Water Resources
Eastern Region

Name of Applicant Herman Aikela Phone 208-527-3113

Post Office Address Rt 1 Box 61 Moore, ID 83255

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change purpose of use ☐ Other

2. Describe the proposed change(s) and the reason(s) thereof Changing point of diversion to facilitate delivery of water.

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

Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
34-00452E	6-1-1885	1.26	Irrigation	5-1 to 10-15
				to
				to
				to

2. Total amount of water being transferred 1.26 cubic feet per second and/or 2.49 acre-feet per annum.

3. Source of water Surface Big Lost River tributary to Big Lost River sinus

4. Point(s) of Diversion:

Ident No.	Lot	%	%	%	Sec	Twp	Rge	County	Local name for diversion
		NW	SE	SE	4	5N	26E	Bu He	

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	26E	20		26				36	40			40	30						

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Total Acres 146

III 23 2003

6. General Information:

- a. Who owns the water right to be changed? Max Bingham
- b. Describe the arrangement allowing use of the right Agreement with owner
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
This ground is not being farmed.
- d. Has the water right sought to be transferred been used this year? No If yes, explain. _____
- e. Absent the changes, how would the right be used for the remainder of the year? Not possible to get water to place of use without transfer/change of POD.
- f. Describe other water rights used for the same purpose.
Mr. Aikeli's water right new place of use.
- g. Remarks: Wants to make sure he gets all of his allotment this is for shrink.

I hereby assume all risk in accordance with Section 42-222A, Idaho Code, 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.

Shannon Aikeli
(Signature of applicant)

FOR DEPARTMENT USE ONLY

Received by KCW Date 6/11/03 Fee 50⁰⁰
 Receipt # E628867 Recommend: ☒ approve ☐ deny
 Watermaster recommendation _____

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 Approved, subject to the following limitations and conditions:

Witness my hand this 6 day of June, 2003.

[Signature]
For the Director

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III 23 2003

I MAX BINGHAM AGREE TO TRANSFER
MY 6-1-1885 WATER RIGHT TO
HERMAN AIKELE for THE YEAR of 2003
ONLY

Max Bingham 6-9-03

TC-34-24

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III 23 2003

State of Idaho
Department of Water Resources
Transfer of Water Rights

TC-34-24

RECOMMENDATION OF WATERMASTER

Transfer Application No: 34-00452E

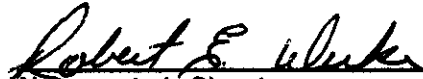
Water Right No(s):

Transfer Applicant's Name: Herman Aikele
Watermaster's Recommendation:

- a) X I do not oppose approval of this application.
- b) I do not oppose approval of this application if it is conditioned as follows:
- c) I oppose approval of this application for the following reasons:
- d) Additional Comment:

Dated this 10th day of June, 2003

Water District No: 34


Watermaster's Signature

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JUL 23 2003

Important Information About Your Water Right

December 14, 2001

MAX J BINGHAM
CHERYL J BINGHAM
520 VISTA DR
CLINTON, TN 37716

Dear Water Right Claimant(s):

The reverse side of this letter contains a copy of an **Order Amending Irrigation Period of Use Element in Partial Decree, Nunc Pro Tunc** (hereinafter "**Order**") for water right number 34-00452E. According to Idaho Department of Water Resources (IDWR) records, you are the current owner of this water right. If you are not the current owner, please contact IDWR immediately at:

Idaho Department of Water Resources
1301 North Orchard
Boise, ID 83706
800-451-4129

The Purpose of the **Order** is to set forth beginning and ending dates for the irrigation period of use for this water right. As stated in the face of the **Order**, this action was necessary following the decision of the Idaho Supreme Court in *A&B Irrigation Dist. v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998). This **Order** also incorporates into the **Partial Decree** an express statement that the **Partial Decree** is subject to such general provisions necessary for the definition or for the efficient administration of the water right. This express statement is necessary to comply with the requirements of Idaho Code section 42-1412(6). This **Order** in combination with the **Partial Decree** that was issued for this water right on January 15, 1998, sets forth all of the elements of your water right. The Snake River Basin Adjudication (SRBA) Court suggests that you keep this document in a safe location together with a copy of the **Partial Decree** to show evidence of the water right. The original of this **Order** and the original of the **Partial Decree** for this water right are on file with SRBA Court. If you do not have a copy of the original **Partial Decree**, one can be obtained by contacting the SRBA Court at (208) 736-3011. Please note that the **Order** is entered **Nunc Pro Tunc**, meaning that the **Order** will be treated as if it were issued the same date that the **Partial Decree** was originally issued.

Sincerely,



Diana Delaney
Case Administrator

MICROFILMED
JUL 23 2003

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

In Re SRBA)
)
)
Case No. 39576)

Water Right 34-00452E

ORDER AMENDING IRRIGATION PERIOD OF USE ELEMENT
IN PARTIAL DECREE AND INCORPORATING INTO PARTIAL
DECREE AN EXPRESS STATEMENT REGARDING GENERAL
PROVISIONS, *NUNC PRO TUNC*

A *Partial Decree* was entered for the above-captioned irrigation water right on January 15, 1998. The period of use element was decreed as "irrigation season." In *A&B Irrigation Dist. v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998), the Idaho Supreme Court remanded with the directive to include specific dates for the period of use element. Following remand, IDWR filed a *Supplemental Director's Report, Reporting Area 1, IDWR Basin 34, Regarding Revision of Period of use (For Irrigation Water Uses) and Conjunctive Management General Provisions*, which included an irrigation period of use recommendation for this water right. No objections were filed to this recommendation and the time period for filing objections has now expired.

THEREFORE, IT IS ORDERED that the period of use for the irrigation element of the above-captioned water right is hereby amended and decreed as:

PERIOD OF USE: 05-01 10-15

THE PERIOD OF USE FOR IRRIGATION DESCRIBED ABOVE MAY BE EXTENDED IN SEASONS OF UNUSUAL CHARACTERISTICS TO A BEGINNING DATE OF 04-20 AND AN ENDING DATE OF 10-31 AT THE DISCRETION OF THE DIRECTOR OF THE IDAHO DEPARTMENT OF WATER RESOURCES

IT IS FURTHER ORDERED that the *Partial Decree* for the above-captioned water right is hereby amended and decreed to contain the following:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the court at a point in time no later than the entry of a final unified decree. I.C. section 42-1412(6).

This order is being entered *nunc pro tunc* as of the date the *Partial Decree* was issued and is not intended to modify any subsequent administrative changes for the water right, if any, which occurred following entry of the *Partial Decree*.

RULE 54(b) CERTIFICATE

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

Dated December 14, 2001

Roger Burdick
ROGER BURDICK
Presiding Judge
Snake River Basin Adjudication

MICROFILMED
JUL 23 2003

In Re SRBA)
)
Case No. 39576)
)

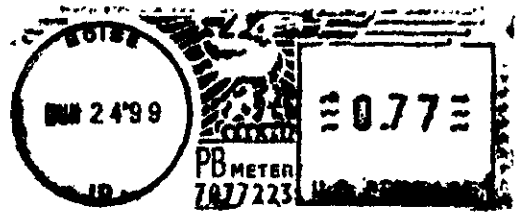
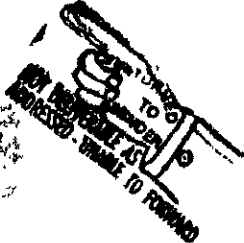
1998 JAN 15 PM 1:04

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

JUL 23 2003

Pan 6200

r Resources
in Bureau
83720
3720-0098



RECEIVED
JUL - 2 1999

Department of Water Resources

R34-00452E
MAX J BINGHAM
CHERYL J BINGHAM
520 VISTA DR
CLINTON

TN 37716

MICROFILMED
JUL 2 1999



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

June 23, 1999

RE: Water Rights in Reporting Area 1, Basin 34
Snake River Basin Adjudication (SRBA)

Dear Water Right Claimant(s):

Please find enclosed the Idaho Department of Water Resources supplemental recommendation for your water right(s) in basin 34 (Big Lost River drainage area). We have also enclosed instructions for reviewing (1) your recommended water right(s), and (2) other recommended right(s) in your area.

In response to the Idaho Supreme Court's decision in Basin-wide Issue 5 after most water rights in the Basin 34 had been decreed, the SRBA Court requested me to file supplemental reports for Basin 34 regarding the period of use for irrigation water uses and general provisions. The enclosed documents fulfill that request.

Note you have just over 30 days in which to review your water rights and those of other claimants and to file any objection to our recommendations. Information on the other water rights can be found at the county courthouses in Arco, Blackfoot, Dubois, Idaho Falls, Rigby, and Challis and at all Idaho Department of Water Resources offices (see addresses in enclosure).

If the SRBA Court does not receive an objection to our recommendation from you and no other party objects to your water right, your water right will be decreed as recommended. You will receive your decree from the SRBA Court.

Completion of the SRBA is important for the future of water management in Idaho.

We invite you to contact our regional offices with any questions you have about your water right(s) or this adjudication process.

Sincerely,

Karl J. Dreher
Director

Enclosures

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JUL 23 2003

AJ5874NP

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

DATE: JUN-23-1999

PAGE: A-296

RIGHT NUMBER: 34-00282C

NAME & ADDRESS: CHERYL J BINGHAM
MAX J BINGHAM
3861 N HWY 93
LESLIE ID 83255

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

IRRIGATION

PERIOD OF USE

05-01 10-15

THE PERIOD OF USE FOR IRRIGATION DESCRIBED ABOVE MAY BE
EXTENDED IN SEASONS OF UNUSUAL CHARACTERISTICS TO A BEGINNING
DATE OF 04-20 AND AN ENDING DATE OF 10-31 AT THE DISCRETION OF
THE WATERMASTER FOR WATER DISTRICT 34.

MICROFILMED

111 2 3 2003

AJ5874NP

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

DATE: JUN-23-1999

PAGE: A-478

RIGHT NUMBER: 34-00452E

NAME & ADDRESS: MAX J BINGHAM
CHERYL J BINGHAM
520 VISTA DR
CLINTON TN 37716

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE
	IRRIGATION	05-01 10-15

THE PERIOD OF USE FOR IRRIGATION DESCRIBED ABOVE MAY BE
EXTENDED IN SEASONS OF UNUSUAL CHARACTERISTICS TO A BEGINNING
DATE OF 04-20 AND AN ENDING DATE OF 10-31 AT THE DISCRETION OF
THE WATERMASTER FOR WATER DISTRICT 34.

MICROFILMED

MAY 23 2003

AJ5874NP

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

DATE: JUN-23-1999

PAGE: A-1160

RIGHT NUMBER: 34-02438

NAME & ADDRESS: MAX J BINGHAM
CHERYL J BINGHAM
520 VISTA DR
CLINTON TN 37716

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE

04-01 11-01

MICROFILMED

III 23 2003

AJ5874NP

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

DATE: JUN-23-1999
PAGE: A-1589

RIGHT NUMBER: 34-10795

NAME & ADDRESS: MAX J BINGHAM
CHERYL J BINGHAM
520 VISTA DR
CLINTON TN 37716

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04-01 10-31

MICROFILMED

JUN 23 2003

**NOTICE OF FILING SUPPLEMENTAL REPORTS
FOR REPORTING AREA 1 (IDWR BASIN 34) REGARDING
REVISION OF THE FOLLOWING:**

- ▶ **Period of Use (For Irrigation Water Uses)**
- ▶ **Conjunctive Management General Provisions**

EXPLANATION

In response to the Idaho Supreme Court's decision in Basin-wide Issue 5, the Snake River Basin Adjudication (SRBA) District Court requested the Director of the Idaho Department of Water Resources (IDWR) to file supplemental reports for Basin 34 regarding the period of use for irrigation water uses and conjunctive management general provisions. This notice is to inform you that IDWR has filed those reports with the SRBA District Court.

Irrigation Season of Use

The supplemental report on irrigation season of use changes IDWR's recommendation for the irrigation season of use for irrigation water rights in Basin 34. Even water rights that have received partial decrees are receiving a new irrigation season recommendation because the Idaho Supreme Court determined that the use of the term "irrigation season" is not acceptable and specific dates must be set. The irrigation season of use recommendations only affect the season of use, and no other elements of the irrigation water rights.

If you claimed an irrigation water right a description of the Director's irrigation season of use recommendation for your claim is attached to this Notice. You need to carefully review the new season of use recommended for your irrigation right. The complete Irrigation Season of Use Supplemental Report for Basin 34 is available at the SRBA courthouse in Twin Falls and the locations listed on the third page of this notice. Copies of the report can be made, but you may be charged for copying and mailing.

Conjunctive Management General Provisions

Additionally, the Director of IDWR has filed with the SRBA District Court his supplemental report on conjunctive management for Basin 34, along with related provisions regarding the interconnection of water resources within the Snake River Basin. This Report is the Director's recommendation for the conjunctive management general provisions that should be decreed for Basin 34. Attached to this Notice is a complete copy of the conjunctive management general provisions the Director recommends for Basin 34.

INSTRUCTIONS FOR REVIEWING THESE REPORTS

You are free to agree or disagree with the Director's recommendations. If you agree with the Director's recommendations you do not need to do anything, pending further notice as described below. If you disagree with the Director's recommendations, you need to file an objection as described below. **You may only object to the Director's recommendations on irrigation season of use and conjunctive management.** You may not object to any other elements of your water right under this notice unless you have evidence that the irrigation season of use or conjunctive management recommendations affect other elements of your right.

MICROFILMED

JUN 23 2003

INSTRUCTIONS FOR TAKING AN ISSUE TO COURT

What do I do if I disagree with a conjunctive management provision or a season of use recommendation?

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

Your objection to IDWR's conjunctive management provision, or the irrigation season of use for the rights listed above must be **received** by the SRBA Court on or before **July 30, 1999**.

What do I do if someone else objects to a conjunctive management provision or a season of use recommendation?

If someone files an objection to a conjunctive management provision, or the season of use recommendation for your water right or anyone else's water right, you may file a response to that objection. Responses to objections must be made on the standard response form available from any IDWR office or from the SRBA Court. Your response must be received by the SRBA Court on or before **September 10, 1999**.

What happens if there are no objections to a recommendation?

After the deadline for filing objections, the SRBA Court will hear the uncontested recommendations on **October 19, 1999**, at **1:30 P.M.** at the **SRBA Courthouse**. Any part of the report to which no objections are filed may be decreed by the district court.

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

A notice will be mailed to you for court dates on your water right or for those where you filed an objection or a response. You will not receive notice of court dates on any other water right recommendations. Additional information regarding the SRBA can be found on the SRBA Web Site at www.srba.state.id.us.

Note: The SRBA Court publishes a monthly Docket Sheet listing all objections and responses filed. It does not list court dates for individual water right cases, but provides general information helpful to all participants in the SRBA. The Docket Sheet is available at your county courthouse and all IDWR offices, or you may subscribe by contacting the SRBA Court or IDWR. The annual subscription fee is \$7.50. The Docket Sheet is also available on the SRBA Web Site at www.srba.state.id.us.

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ADDITIONAL INFORMATION

If you have questions about the SRBA, public information brochures are available at any IDWR office. You are also welcome to call IDWR at any of its offices or the SRBA Court. You may also want to consider contacting an attorney to assist you.

Snake River Basin Adjudication District Court

253 Third Avenue North
P O Box 2707
Twin Falls, Idaho 83303-2707
(208) 736-3011

Idaho Department of Water Resources

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

Idaho Department of Water Resources Western Region

2735 Airport Way
Boise, Idaho 83705-5082
(208) 334-2190

Idaho Department of Water Resources Northern Region

1910 Northwest Blvd., Suite 210
Coeur d'Alene, ID 83814-2615
(208) 769-1450

Idaho Department of Water Resources Southern Region

1341 Fillmore, Suite 200
Twin Falls, Idaho 83301-3380
(208) 736-3033

Idaho Department of Water Resources Eastern Region

900 North Skyline, Suite A
Idaho Falls, Idaho 83402-3653
(208) 525-7161

Bingham County Courthouse

501 N. Maple
Blackfoot, ID 83221

Butte County Courthouse

248 W. Grand Ave.
Arco, ID 83213

Custer County Courthouse

801 Main St
Challis, ID 83226

Jefferson County Courthouse

134 N. Clark
Rigby, ID 83442

Bonneville County Courthouse

605 N. Capital Ave
Idaho Falls, ID 83402

Clark County Courthouse

320 W. Main
Dubois, ID 83423

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The director recommends that the following general provisions be included in the decree determining rights to water from Basin 34.

1. The following definitions apply to these provisions:
 - a. The "Howell gage" is a stream gaging station on the Big Lost River located upstream from Mackay Reservoir in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 30, Township 8 North, Range 21 East, B.M.
 - b. The "2-B gage" is a stream gaging station on the Big Lost River located downstream from Mackay Dam in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 18, Township 7 North, Range 24 East, B.M.
 - c. Mackay Reservoir is "full" when the water surface elevation of the reservoir is at the spillway crest as it was configured on November 19, 1987.
 - d. The "Back Channel" separates from the main channel of the Big Lost River in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 5, Township 8 North, Range 22 East, B.M.
 - e. "Basin 34" refers to IDWR Administrative Basin 34 as it is described in the Amended Director's Report Part 1 for Reporting Area 1 (Basin 34) dated December 15, 1995.
 - f. As used in these provisions the term "water rights" refers to water rights as decreed in the case In Re SRBA, Fifth Judicial District Court Case No. 39576.
2. During the time period from November 1 of each year to the beginning of the subsequent irrigation season (the "non-irrigation period"), all or a portion of the water of the Big Lost River flowing into Mackay Reservoir may be diverted for storage under water right nos. 34-00012 and 34-10873 so long as the natural flow in the Big Lost River at the 2-B gage is not less than fifty cubic feet per second. During the non-irrigation period, all other rights to the water of the Big Lost River are subordinate to right nos. 34-00012 and 34-10873, except that natural flow downstream of Mackay Dam not needed to maintain a natural flow of not less than fifty cubic feet per second at the 2-B gage may be diverted for domestic uses and livestock watering under water rights authorized for these purposes during the non-irrigation period.
3. Water rights from the Big Lost River diverted below Mackay Dam and Reservoir may be rotated into storage with the consent of the Big Lost River Irrigation District when such practice improves the efficiency of water use.

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Such rotation is subject to the following conditions and review and approval by the Director of the Idaho Department of Water Resources.

- a. Water may only be rotated into storage if it will be beneficially used at the place of use under the water right during the year in which it is stored.
 - b. Rotation into storage cannot occur prior to the reasonable need for irrigation water.
 - c. Rotation into storage can only occur when the water is otherwise deliverable to the place of use under the water right.
 - d. The diversion rate of water rights being rotated into storage shall be included in the calculation of total combined diversion rate limitations.
 - e. If the reservoir fills after water has been rotated into storage, all water in the reservoir at the time it fills becomes storage water of the Big Lost River Irrigation District.
 - f. Any water stored under such rotation that is not used in the same irrigation season in which it is stored shall become storage water of the Big Lost River Irrigation District at the end of the irrigation season.
4. Holders of water rights with points of diversion on the Back Channel shall control the flow of water into the Back Channel as follows:
- a. When the flow of water at the Howell gage is less than 1,400 cubic feet per second, the flow in the Back Channel shall be kept as near as practicable to 150 cubic feet per second.
 - b. When the flow of water at the Howell gage equals or exceeds 1,400 cubic feet per second, the flow in the Back Channel shall be kept as near as practicable to 200 cubic feet per second unless all surface water rights, including water rights with a junior priority, are satisfied.
 - c. The Director of the Idaho Department of Water Resources shall identify a measuring location on the Back Channel where the holders of water rights from the Back Channel shall construct the necessary facilities to measure the flow in the Back Channel to comply with these conditions.

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- d. These provisions shall not be considered to enlarge the amount of water to which appropriators diverting from the Back Channel are entitled.
- 5. The following surface water rights from the following sources of water in Basin 34 shall be administered separately from all other surface water rights in Basin 34:

SEE ATTACHMENT A

- 6. The following surface water rights from the Big Lost River and its tributaries upstream of Mackay Reservoir shall be administered separately from all other non-storage, surface water rights from the Big Lost River downstream of Mackay Reservoir during two periods of time as follows:
 - a. From the beginning of the irrigation season until the time on the rising stage of the Big Lost River when the maximum flow at the Howell gage reaches at least 750 cubic feet per second at any time for three consecutive days; and
 - b. After the time on the falling stage of the Big Lost River when the minimum flow recedes to no more than 300 cubic feet per second at any time for three consecutive days until the end of the irrigation season.

SEE ATTACHMENT B

- 7. All water rights within Basin 34 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.

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ATTACHMENT A

WATER SOURCE: BADDY CREEK

34-00002
34-02508
34-13565

WATER SOURCE: CEDAR CREEK

34-00834
34-00835
34-00839
34-02303

WATER SOURCE: ELKHORN CREEK

34-00766

WATER SOURCE: GRANT CREEK

34-00769
34-02245

WATER SOURCE: LEHMAN CREEK

34-00472
34-04068

WATER SOURCE: LOWER CEDAR CREEK

34-00146
34-00153
34-00175
34-00543
34-00582
34-00585
34-00586
34-00808
34-00884
34-00885
34-00886
34-10434
34-10435

WATER SOURCE: PINTO CREEK

34-00341

WATER SOURCE: ROCK CREEK

34-00057

34-00058
34-00836
34-04039
34-10585

WATER SOURCE: ROCK SPRINGS CREEK

34-00352

WATER SOURCE: SAGE CREEK

34-00334
34-00335
34-00336

WATER SOURCE: UPPER CEDAR CREEK

34-10538
34-12399

WATER SOURCE: WILLOW CREEK

34-00057
34-00058

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ATTACHMENT B

Big Lost River and Tributaries Above Mackay Dam

WATER SOURCE: BARTLETT CREEK

34-00056

WATER SOURCE: BIG LOST RIVER

34-00004	34-00220	34-00561	34-00760
34-00024	34-00221	34-00562	34-00764
34-00025	34-00222	34-00563	34-00767
34-00026	34-00252	34-00566	34-00768A
34-00030	34-00290A	34-00567	34-00768B
34-00048	34-00290B	34-00568	34-00770
34-00054	34-00291A	34-00573A	34-00771
34-00055A	34-00291B	34-00573B	34-00772
34-00055B	34-00292A	34-00583B	34-00774
34-00084A	34-00292B	34-00583C	34-00775
34-00084B	34-00293A	34-00584D	34-00805
34-00097	34-00293B	34-00584F	34-00859A
34-00099	34-00294A	34-00626B	34-00860A
34-00103	34-00294B	34-00627B	34-00867
34-00125A	34-00297A	34-00628B	34-00868
34-00125B	34-00297B	34-00629B	34-10164
34-00139	34-00298A	34-00630B	34-10165
34-00145	34-00324A	34-00693	34-10166
34-00147B	34-00324B	34-00694	34-10227
34-00147C	34-00325A	34-00699A	34-10228
34-00147D	34-00338	34-00699B	34-10229
34-00148B	34-00339	34-00699C	34-10250
34-00148C	34-00340	34-00700A	34-10282
34-00148D	34-00344	34-00700C	34-10557
34-00151	34-00346	34-00701A	34-10558
34-00152	34-00347	34-00701C	34-10563
34-00154	34-00348	34-00702A	34-10567
34-00155	34-00349	34-00702B	34-10568
34-00156	34-00351	34-00702C	34-10587
34-00158	34-00363	34-00734	34-10619
34-00161A	34-00364	34-00735	34-10688
34-00162A	34-00421	34-00742	34-10920
34-00162B	34-00454	34-00743	34-13566
34-00208A	34-00455	34-00755	
34-00208B	34-00456	34-00757	
34-00211	34-00535	34-00758	

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WATER SOURCE: BIG LOST RIVER, EAST FORK

34-00625

34-00662

WATER SOURCE: BIG LOST RIVER, NORTH FORK

34-00053A

34-00053B

34-00053C

34-00053D

34-00053E

34-13550

WATER SOURCE: BIG LOST RIVER AND PARSONS CREEK

34-00142

34-00564

34-00565

34-00611B

34-00612B

34-00613B

34-00626A

34-00627A

34-00628A

34-00629A

34-00630A

34-00773

34-10553

**WATER SOURCE: BIG LOST RIVER, PARSONS CREEK AND POLE
STACKYARD CREEK**

34-00812

34-00813

34-00815

34-00816

34-00867

WATER SOURCE: BOONE CREEK AND FOX CREEK

34-00529

WATER SOURCE: BRADSHAW SPRINGS

34-00128A

34-10620

WATER SOURCE: DEER CREEK

34-00624

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WATER SOURCE: GARDEN CREEK

34-07010

WATER SOURCE: HAMILTON SPRINGS

34-00398

34-00399

34-07034

WATER SOURCE: HOWELL SPRING

34-00337

WATER SOURCE: LONE CEDAR CREEK

34-02144

WATER SOURCE: NAVARRE CREEK

34-00081

34-00820

34-00821

WATER SOURCE: NEWTON CREEK

34-07005

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WATER SOURCE: PARSONS CREEK

34-00443
34-00444
34-00445
34-00611A
34-00612A
34-00613A
34-00801
34-00802

WATER SOURCE: PARSONS CREEK AND POLE STACKYARD CREEK

34-10801

WATER SOURCE: POISON SPRING

34-07124

WATER SOURCE: RIDER CREEK

34-04001

WATER SOURCE: SPRING

34-00337
34-04019
34-04137
34-07124
34-10168
34-10251

WATER SOURCE: SPRINGS

34-10635

WATER SOURCE: THOUSAND SPRINGS CREEK

34-04127
34-10167

WATER SOURCE: UNNAMED STREAM

34-04005A
34-04005B

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WATER SOURCE: WARM SPRINGS CREEK

34-00123A
34-00123B
34-00124A
34-00124B
34-00236
34-00237
34-00251
34-00353
34-00420
34-00457
34-00458
34-00467
34-00468
34-00469
34-00470A
34-00471
34-00483A
34-00483B
34-00527
34-00528
34-00703A
34-00703B
34-00703C
34-00704A
34-00704B
34-00704C
34-00803
34-00861A
34-00861B
34-00869

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**INSTRUCTIONS FOR FILING
OBJECTIONS TO WATER RIGHTS IN THE
SNAKE RIVER BASIN ADJUDICATION
BASED UPON THE SUPPLEMENTAL DIRECTOR'S REPORT**

The attached form is for your use if you file an objection to irrigation season recommendations and/or general provisions, as recommended in the Supplemental Director's Report. You may copy or reproduce this blank form.

To object to more than one water right, you must use a **separate form for each objection** and there must be **only one objector** for each form.

Your objection must be **received and filed** by the court on or before the deadline specified in the notice that the Idaho Department of Water Resources mailed to you. If you are filing 25 or more objections you must contact the Clerk of the SRBA court at least 14 days before the filing deadline and arrange an appointment for filing

You may attach any explanation or documentation that you feel is necessary to support your objection.

INSTRUCTIONS FOR COMPLETING THE OBJECTION FORM

- A. **Subcase.** Fill in the water right number to which you are objecting at the top of the form in the blank following Subcase. The water right number will become the Subcase Number.
- B. **Name and Address of Person Objecting.** Enter your name, address and daytime telephone in the blanks provided.
- C. **Claimant of Water Right As Listed in Supplemental Director's Report.** Fill in the claimant/owner blank of the water right to which you are objecting as it is listed in the Supplemental Director's Report
- D. **Elements of the Water Right.** If you disagree with irrigation season or general provisions listed in the Supplemental Director's Report, check the appropriate box(es) and write in the space provided what you think the element should be. If objecting to a general provision, please indicate the number of the provision, and the basin it was reported in.
- E. **Reasons supporting objection.** Attach to the objection form a separate sheet explaining why you are objecting. (this is optional)
- F. **Verification.** You must sign the objection form in front of a notary. By filing this objection form, you are certifying that the objection is well-grounded in fact; that it is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and that it is not filed for any improper purpose, such as to harass, cause unnecessary delay or needlessly increase the cost of litigation.
- G. **Certificate of Mailing.** Fill in the appropriate blanks for the date and the owner of the water right, and sign the form. Remember that the original objection form must be mailed to the Clerk of the SRBA District Court with copies mailed to the parties listed in this section.

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

In Re SRBA

Case No. 39576

A. Subcase _____

STANDARD FORM 1a

**OBJECTION TO IRRIGATION SEASON
AND/OR CONJUNCTIVE MANAGEMENT
GENERAL PROVISIONS**

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: _____

Name & address of attorney, if any:

Address: _____

Daytime Phone: (____) _____

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

Name: _____

Address: _____

D. ELEMENTS OBJECTED TO:

8. Period (Irrigation Season) of Use

Should be: _____

12. General Provision

Number: _____ **Reported in Basin:** _____

Comments: _____

E. REASONS SUPPORTING OBJECTION: (if you have additional reasons, please attach to this form)

This standard form is for the sole purpose of objecting to the Director's supplemental recommendations on irrigation season of use and general provisions. This form may not be used to object to any other elements of your water right.

If you have evidence that the recommendations on irrigation season of use and/or conjunctive management adversely affect other elements of your water right, please contact the Snake River Basin Adjudication at 208-736-3011. A deputy clerk of the court will inform you of how to proceed.

F. VERIFICATION (Must be Completed)

State of _____)
)ss.
County of _____)

_____, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

Subscribed and sworn to before me on: _____

(Attorney signing in representative capacity)

Notary Public
for _____

Residing at: _____

My Commission Expires: _____

INSTRUCTIONS FOR MAILING

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

G. CERTIFICATE OF MAILING

I certify that on _____, 199__, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

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

2. One copy to the claimant of the water right at the following address:

Name: _____

Address: _____

3. Copies to:

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

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

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

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Signature of Objector or attorney