R. 19 E.

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EXPLANATION

LAND CLASSES

- Class 1
- Class 2
- Class 3
- Class 4
- Class 6

DIVISION LANDS

- Supplemental Service Area
- Full Service Area

TWIN FALLS 8 MI.

U.S. 30

Hansen

MAIN TWIN FALLS CANAL

UNION PACIFIC

TWIN FALLS BRANCH

HANSEN BUTTE RELIFT CANAL

HANSEN BUTTE CANAL

HANSEN BUTTE RELIFT PUMPING PLANT

Murtaugh

SNAKE RIVER

MAIN TWIN FALLS CANAL

LOW LIFT CANAL

MILNER

Milner Reservoir

MILNER PUMPING PLANT

U.S. 30

BURLEY 9 MI.

TWIN FALLS HIGH LINE CANAL

Rock Creek

ROCK CREEK SIPHON SITE

RELIFT CANAL

HANSEN BUTTE CANAL

Murtaugh Lake

Cottonwood Cr.

Dry Creek

Artesian City

MILNER-SALMON FALLS CANAL

TWIN FALLS CO.
CASSIA CO.

Sheet 1
Sheet 2
Sheet 3

N

2000 0 2000 4000
SCALE OF FEET

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION

UPPER SNAKE RIVER PROJECT
SALMON FALLS DIVISION—MILNER-COTTONWOOD UNIT—IDAHO

LAND CLASSIFICATION

SHEET 1 OF 3

APRIL 1963

886-125-106

MICROFILMED

R. 19 E.

R. 18 E.

R. 20 E.

T. 10 S.

T. 11 S.

EXPLANATION

LAND CLASSES

- Class 1
- Class 2
- Class 3
- Class 4
- Class 6

DIVISION LANDS

- Supplemental Service Area
- Full Service Area

MAIN FALLS CANAL

TWIN FALLS 8 MI.

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UNION PACIFIC

TWIN FALLS BRANCH

SNAKE RIVER

MAIN CANAL

LOW LIFT CANAL

HANSEN BUTTE RELIFT CANAL

HANSEN BUTTE

HANSEN BUTTE RELIFT PUMPING PLANT

Murtaugh

Murtaugh Lake

MILNER

TWIN FALLS CANAL

Rock Creek

LINE HIGH CANAL

TWIN FALLS

ROCK CREEK SIPHON SITE

Dry Creek

Artesian City

MILNER-SALMON FALLS CANAL

Cottonwood Cr.

TWIN FALLS CO.
CASSIA CO.

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SCALE

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APRIL 1963

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T. 12 S.

EXPLANATION

LAND CLASSES

- Class 1
- Class 2
- Class 3
- Class 4
- Class 6

DIVISION LANDS

- Supplemental Service Area
- Full Service Area

TWIN FALLS CANAL

HIGH LINE CANAL

MILNER-GOODING CANAL

SALMON FALLS CANAL

WASTEWAY

MILNER DAM

HOLLISTER PUMP CANAL

HOLLISTER RELIFT PUMPING PLANT

HOLLISTER PUMPING PLANT

McMULLEN CREEK SIPHON SITE

Hub Butte

Bill Williams 2 Reservoir

Cottonwood Creek

McMullen Creek

LATERAL No. 213

LATERAL No. 172

LATERAL No. 17

LATERAL No. 1

LATERAL No. 2

LATERAL No. 3

LATERAL No. 4

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SCALE OF FEET

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Sheet 1 | Sheet 2 | Sheet 3

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION

UPPER SNAKE RIVER PROJECT
SALMON FALLS DIVISION – SALMON TRACT UNIT – LOWER AREA – IDAHO

LAND CLASSIFICATION

SHEET 2 OF 3

APRIL 1963

886-125-107

MICROFILMED

T. 14 S.

R. 15 E.

T. 13 S.

T. 12 S.

R. 16 E.

R. 17 E.

USGS GAGING STATION

Salmon Falls Reservoir

SALMON FALLS MAIN CANAL

LATERAL "A"

LATERAL "A-8"

LATERAL "A-101"

LATERAL No. A-8

LATERAL No. 21

LATERAL No. 21-4

LATERAL No. 21-3

LATERAL No. 13

LATERAL No. 13-1

Dry Creek Reservoir

Deep Creek (WELLS BRANCH)

UNION PACIFIC R.R.

U.S. 99

Rogerson

Hollister

HOLLISTER RELIFT PUMPING PLANT

HOLLISTER PUMP-IN CANAL

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R.17E.

ALMON

FALLS

MAIN CANAL

LATERAL

Dry Creek Reservoir

Deep Creek

(WELLS BRANCH)

UNION PACIFIC

Rogerson

Hollister

US 93

LATERAL No. 21

LATERAL No. 21-A

LATERAL No. 21-5

LATERAL No. A-101

LATERAL "A"

LATERAL No. A-8

LATERAL No. 3

LATERAL No. 1

LATERAL No. 15

LATERAL No. 13

HOLLISTER RELIFT PUMPING PLANT

HOLLISTER PUMP 17 CANAL

EXPLANATION

LAND CLASSES

- Class 1
- Class 2
- Class 3
- Class 4
- Class 6

DIVISION LANDS

- Supplemental Service Area

Sheet 1 Sheet 2 Sheet 3

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SCALE OF FEET

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION

UPPER SNAKE RIVER PROJECT
SALMON FALLS DIVISION — SALMON TRACT UNIT - UPPER AREA - IDAHO

LAND CLASSIFICATION

SHEET 3 OF 3

APRIL 1963

886-125-108

Proof of Publication

The Post-Register

State of Idaho,
County of Bonneville } ss.

I, E. F. McDermott, first being duly sworn, depose and say: That I am the Principal Clerk of The Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post-Register, a newspaper of general circulation, published daily, except Saturday, at Idaho Falls, Idaho; said Post-Register being a consolidation of the Idaho Falls Times, established in the year 1890, The Idaho Register, established in the year 1880 and the Idaho Falls Post, established in 1903, such consolidation being made on the 1st day of November, 1931, and each of said newspapers having been published continuously and uninterruptedly, prior to consolidation, for more than seventy-eighty (78) weeks and said Post-Register having been published continuously and uninterruptedly from the date of such consolidation, up to and including the last publication of notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post-Register for two consecutive weeks, first publication having been made on the 10th day of April, 19 75, last publication having been made on the 17th day of April, 19 75, and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

Elmer F. McDermott

Subscribed and sworn to before me, this 21st day of April, 19 75

Karen Hale
Notary Public

My commission expires April 5, 19 79

B10, 1M

MB

NOTICE OF AMENDED APPLICATION FOR WATER PERMIT

Notice is hereby given that Application for Permit No. 25-7004 in the name of United States of America, acting through the Regional Director, Region PN, Bureau of Reclamation, Box 043, Boise, Idaho, was filed for the diversion of 90,000 acre feet (except in extraordinary years when the reservoir may capture additional water during the irrigation season) of water from Willow Creek tributary of the Snake River, with the point of diversion within the NW¼NW¼, Sec. 22, T. 3N, R. 40E, B.M., Bonneville County. The water will be released at the above outlet facilities and delivered to existing diversions on Willow Creek or Water District No. 25. In addition, water will be delivered by substitution to Willow Creek lands above the reservoir and to lands in the Salmon Falls area by a new diversion from Milner Reservoir; to be used from April 1 to Oct. 31 for irrigation of lands in the Salmon Falls area and in areas not in existing irrigation districts. Also to be irrigated are lands in the Progressive and New Sweden Irrigation District and in the Butler Island Canal Co. No tabulation has been made of the lands in these three existing organizations. A tabulation of totals shows the following acreages:

Salmon Falls	64,592
Outside Districts	11,131
Progressive	33,000
New Sweden	22,540
Butler Island Canal Co.	1,100
TOTAL	132,363

The applicant now proposes to amend Application No. 25-7004, requesting that the water be used on the lands in Salmon Falls area and in areas not in existing irrigation districts. Also to be irrigated are dry lands in the Progressive Irrigation District, lands above, adjacent to the reservoir, and lands along Willow Creek below the reservoir. A tabulation of totals shows the following acreages:

Lands upstream from Reservoir	468
Lands adjacent to Reservoir	5,682
Lands on Willow Creek downstream from Res.	1,095
Progressive Irrigation District	7,891
Salmon Falls	64,592
TOTAL	79,728

Any protest to the proposed amending of the application must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401, on or before April 28, 1975.

R. KEITH HIGGINSON
Director

Published: April 10 & 17, 1975.

CW

RECEIVED
APR 24 1975
Department of Water Resources
Eastern District Office

T. 14 S.

R. 15 E.

T. 13 S.

T. 12 S.

R. 16 E.

R. 17 E.

USGS GAGING STATION

Salmon Falls Reservoir

SALMON FALLS MAIN CANAL

LATERAL "A"

LATERAL "A-101"

LATERAL No. A-8

LATERAL No. 1

LATERAL No. 21

LATERAL No. 21A

LATERAL No. 21B

LATERAL No. 15

LATERAL No. 13

Dry Creek Reservoir

Deep Creek (Wells Branch)

UNION PACIFIC

U.S. 93

Rogerson

Hollister

HOLLISTER RELIFT PUMPING PLANT

HOLLISTER PUMP CANAL

SALMO

R.15E.

T. 13 S.

T. 12 S.

T. 11 S.

R.16E.

R.17E.

ALMON

FALLS

2nd MAIN CANAL

LATERAL

Dry Creek Reservoir

Deep Creek

(WELLS BRANCH) LATERAL

LATERAL "A"

LATERAL "A-10"

LATERAL "A-101"

LATERAL No. A-8

LATERAL No. 21

LATERAL No. 21A

LATERAL No. 21B

LATERAL No. 21C

LATERAL No. 3

LATERAL No. 1

LATERAL No. 15

LATERAL No. 13

US 93

Hollister

Rogerson

UNION PACIFIC

HOLLISTER RELIFT PUMPING PLANT

HOLLISTER PUMP 17 CANAL

EXPLANATION

LAND CLASSES

- Class 1
- Class 2
- Class 3
- Class 4
- Class 6

DIVISION LANDS

- Supplemental Service Area

Sheet 3
Sheet 2
Sheet 1

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SCALE OF FEET

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION

UPPER SNAKE RIVER PROJECT
SALMON FALLS DIVISION – SALMON TRACT UNIT – UPPER AREA – IDAHO

LAND CLASSIFICATION

SHEET 3 OF 3

APRIL 1963

886-125-108

MICROFILMED

R. 19 E.

R. 18 E.

R. 20 E.

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T. 11 S.

EXPLANATION

LAND CLASSES

- Class 1
- Class 2
- Class 3
- Class 4
- Class 6

DIVISION LANDS

- Supplemental Service Area
- Full Service Area

MAIN FALLS CANAL

TWIN FALLS 8 MI.

U.S. 30

UNION PACIFIC

Hansen

TWIN FALLS BRANCH

HANSEN BUTTE EAST CANAL

SNAKE RIVER

MAIN FALLS CANAL

LIFT

LOW LINE

MILNER

Murtaugh

HANSEN BUTTE PUMPING PLANT

HANSEN BUTTE WEST CANAL

13 CANAL

Murtaugh Lake

Cottonwood Cr.

Rock Creek

TWIN FALLS HIGH LINE CANAL

ROCK CREEK SIPHON SITE

Dry Creek

Artesian City

MILNER-SALMON FALLS CANAL

TWIN FALLS CO.
CASSIA CO.

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EXPLANATION

LAND CLASSES

- Class 1
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- Class 3
- Class 4
- Class 6

DIVISION LANDS

- Supplemental Service Area
- Full Service Area

TWIN FALLS 8 MI.

U.S. 30

Hansen

MAIN FALLS CANAL

UNION PACIFIC

TWIN FALLS BRANCH

SNAKE RIVER

MAIN CANAL

Milner Reservoir

MILNER PUMPING PLANT

LIFT CANAL

LOW LINE CANAL

MILNER

U.S. 30

BURLEY 9 MI.

HANSEN BUTTE EAST CANAL

HANSEN BUTTE WEST CANAL

HANSEN BUTTE PUMPING PLANT

Murtaugh

Murtaugh Lake

Cottonwood Cr.

Rock Creek

HIGH LINE CANAL

FALLS

ROCK CREEK SIPHON SITE

Dry Creek

Artesian City

MILNER-SALMON FALLS CANAL

TWIN FALLS CO.
CASSIA CO.

Sheet 1
Sheet 2
Sheet 3

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SCALE OF FEET

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UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION

UPPER SNAKE RIVER PROJECT
SALMON FALLS DIVISION—MILNER-COTTONWOOD UNIT—IDAHO

LAND CLASSIFICATION

SHEET 1 OF 3

APRIL 1963

886-125-106

R. 16 E.

R. 17 E.

R. 18 E.

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EXPLANATION

LAND CLASSES

- Class 1
- Class 2
- Class 3
- Class 4
- Class 6

DIVISION LANDS

- Supplemental Service Area
- Full Service Area

TWIN FALLS CANAL

HIGH LINE CANAL

MILNER-DORSEY CANAL

WASTEWAY

NORTH SIDE PUMPING DIVISION

LATERAL No. 213

LATERAL No. 172

LATERAL No. 217

LATERAL No. 17

LATERAL No. 1

LATERAL No. 241

LATERAL No. 244

Hub Butte

Bill Williams Reservoir 2

McMULLEN CREEK SIPHON SITE

HOLLISTER PUMPING PLANT

HOLLISTER RELIFT PUMPING PLANT

HOLLISTER PUMP CANAL

Cottonwood Creek

McMullen Creek

SCALE OF FEET 2000 0 2000 4000

Sheet 1

Sheet 2

Sheet 3

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION

UPPER SNAKE RIVER PROJECT
SALMON FALLS DIVISION - SALMON TRACT UNIT - LOWER AREA - IDAHO

LAND CLASSIFICATION

SHEET 2 OF 3

APRIL 1963

886-125-107

MICROFILMED

RECEIVED
SEP 16 1969
Department of Reclamation

Proof of Publication

The Post-Register

State of Idaho,
County of Bonneville } ss.

I, E. F. McDermott, first being duly sworn, depose and say: That I am the Principal Clerk of The Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post-Register, a newspaper of general circulation, published daily, except Saturday, at Idaho Falls, Idaho; said Post-Register being a consolidation of the Idaho Falls Times, established in the year 1890, The Idaho Register, established in the year 1880 and the Idaho Falls Post, established in 1903, such consolidation being made on the 1st day of November, 1931, and each of said newspapers having been published continuously and uninterruptedly, prior to consolidation, for more than seventy-eighty (78) weeks and said Post-Register having been published continuously and uninterruptedly from the date of such consolidation, up to and including the last publication of notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post-Register for 2 issues ~~consecutive weeks~~, first publication having been made on the 28th day of August, 19 69, last publication having been made on the 4th day of September, 19 69, and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

E. F. McDermott

Subscribed and sworn to before me, this 5th day of September, 19 69

Karl S. Hale
Notary Public

My commission expires April 5th, 19 69

B10, 1M

LEGAL NOTICE

NOTICE OF APPLICATION FOR WATER

Notice is hereby given that The United States of America, acting through the Regional Director, Region 1, Bureau of Reclamation, Box 8008, Boise, Idaho, has on June 16, 1969, applied for permit under application No. 25-7004 to store 90,000 acre feet (except in extraordinary years when the reservoir may capture additional water during the irrigation season) of water from Willow Creek tributary of the Snake River.

The point of diversion is within the NW¼NW¼, Sec. 22, T. 3 N. R. 40 E. B.M., Bonneville County. The stored water will be released at the above outlet facilities and delivered to existing diversions on Willow Creek or Water District No. 36. In addition, water will be delivered by substitution to Willow Creek lands above the reservoir, and to lands in the Salmon Falls area by a new diversion from Milner Reservoir.

Said water is to be used from April 1 to October 31 for irrigation of lands in the Salmon Falls area and in areas not in existing irrigation districts. Also to be irrigated are lands in the Progressive and New Sweden Irrigation Districts and in the Butler Island Canal Company. No tabulation has been made of the lands in these three existing organizations. A tabulation of totals shows the following acreages:

Salmon Falls	64,592
Outside Districts	11,131
Progressive	33,000
New Swden	22,540
Butler Island Canal Co.	1,100
Total	132,363

Any protest against this application must be filed with the Department of Reclamation within ten (10) days from the last date of this notice.

R. KEITH HIGGINSON
State Reclamation Engineer

Pub: August 28 and September 4, 1969.

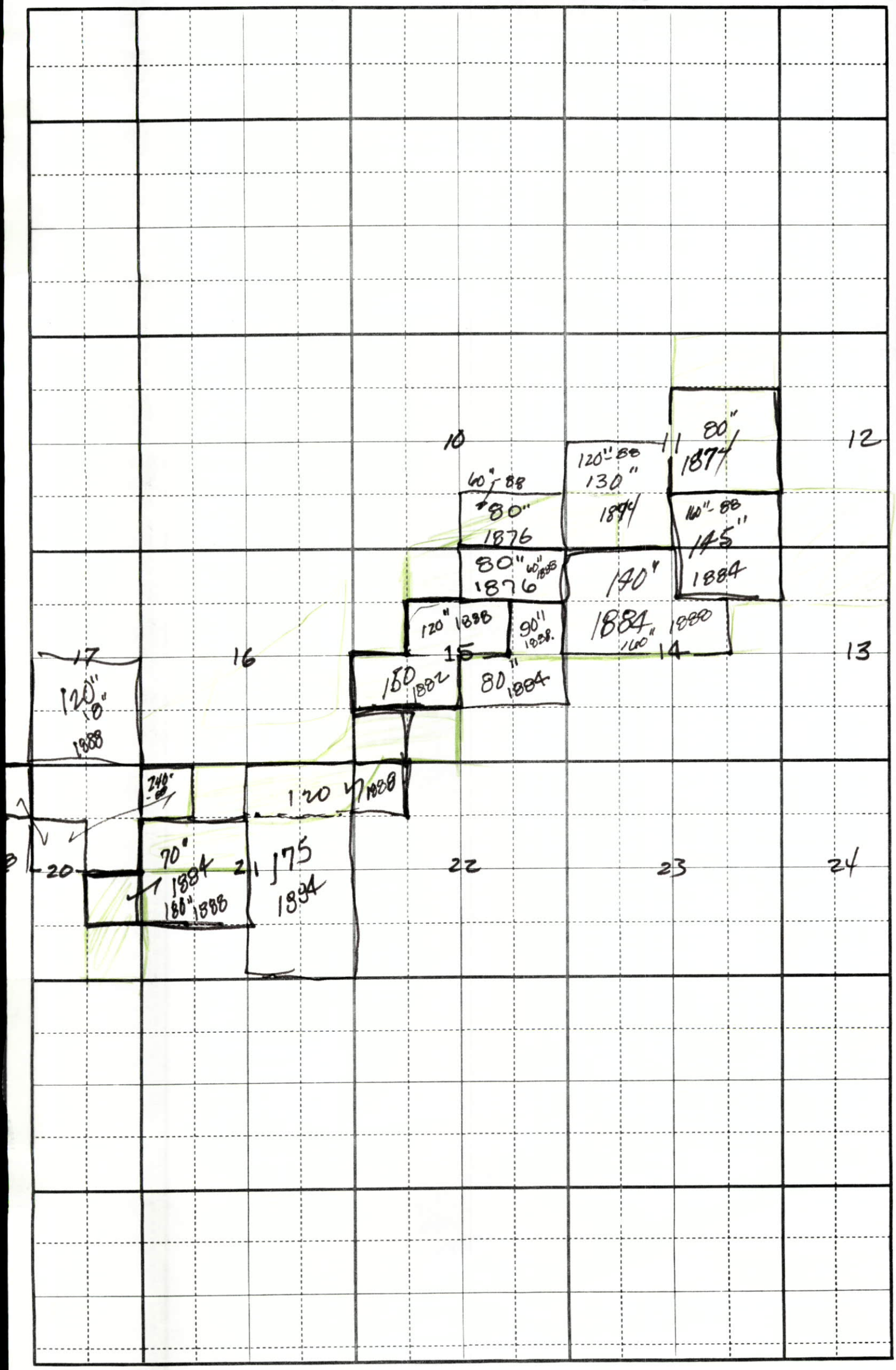
MICROFILMED

Bill submitted
9-16-69
K.H.

T 3 N R 39 E

NAME OF APPLICANT.....

Form No. 0



SCALE: 2 Inches Equal 1 Mile. Draw Plan In Ink.

NAME OF APPLICANT.....

Form No. 0

13V
R38E

18

19

160
4-1-80

1882
70"
120"

24

45" 88

180" 88

120" 88
20"
1882

55" 45"
1883
38" 88

26

25 90"

30"

50"
30" 88

SCALE: 2 Inches Equal 1 Mile. Draw Plan In Ink.

Form No. 217
12/99

FOR OFFICE USE ONLY
Amt. Of Fee $: 600.00
Receipt No. 2066647
Receipt by: DHCH
Date Receipted: 11-27-02

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

RECEIVED
NOV 27 2002
Department of Water Resources

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that the water has been applied according the the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accomanied by a completed field examination report prepared by a certified water right examiner.

1. Permit No. 25-7004 Telephone No. 208-378-5306

2. Name of Permit Holder(s): United States of America, Acting through the Regional Director Code 3100 Bureau of Reclamation

3. Mailing Address: 1150 North Curtis Road, Suite 100

   City: Boise State: ID Zip: 83704-1234

4. Source of Water: Willow Creek, trib. To Snake River If **GROUNDWATER** (well), Date Drilled: mo. _____ /yr. _____

   Well Driller: _____ Drilling Permit Number: _____-_____-___-_____-_____

5. Use(s) (as authorized by the water right permit):

   Domestic (No. of households): _____ Stockwater (No. and type of stock): _____

   Irrigation (No. of acres): 511,803 Other: See attached

6. Total rate of diversion and/or volume for which proof is submitted: _____ cfs **OR** 90,500 acre-feet

7. Measuring Device Requirement: **(refer to the approval conditions on your permit and respond accordingly)**
   *(This question is **not optional**. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)*

   Measuring Device: Is a measuring device required? Yes X **or** No _____
   Has the measuring device been installed? Yes X **or** No _____

8. Fee Enclosed: $ 600.00 (See Fee Schedule on the back of the instructions for filing proof of beneficial use)

9. Person to contact to accompany the Department representative during field examination of the water system.

   Name: Mike Beus, River Operations Manager Telephone No. 208-678-0461 extension 27

   Address: Bureau of Reclamation, Snake River Area Office, 1359 Hansen Avenue, Burley, ID 83318

10. ***The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted. I agree to relinquish and undeveloped portion of the permit to the State of Idaho.***

Signature of permit holder: _____ Manager, Snake River Area Office Date: 11/27/02
(include your title, if on behalf of company or organization)

MICROFILMED
MAR 0 5 2003

Proof of Beneficial Use Water Right No. 25-7004 - Attachment

5. Use(s) Other: The Ririe Project was constructed to impound and control the waters of Willow Creek, a Snake River tributary in eastern Idaho, for flood control, irrigation, and recreation. Significant fish and wildlife protection measures also were included.

Construction of Ririe Dam and Reservoir was authorized by the Flood Control Act of October 23, 1962, Public Law 87-874 (76 Stat. 1193). House Document No. 562, 87th Congress 2d Session, served as the basis for the authorization. Formal transfer of the project from the Corps of Engineers to the Bureau of Reclamation was consummated by a memorandum of agreement effective October 14, 1976. The Project environmental impact statement as filed with the Council on Environmental Quality on February 13, 1973, was made a part of this MOA. The EIS allocates 10,000 acre feet to a conservation and sediment pool, which is also to serve as a fishery.

Section 5 of the Fort Hall Indian Rights Act of 1990 (Act of November 16, 1990, Public Law 101-602, 102 Stat. 3059) authorizes the Secretary of the Interior to contract with an entity for 80,500 acre feet of Ririe storage to mitigate the impact of the implementation of the Shoshone-Bannock water rights settlement.

MICROFILMED
MAR 0 6 2003

RECEIVED
NOV 27 2002
Department of Water Resources

Form 211
10/93

Receipt No. C066047
Receipted By [illegible]
Date 11-27-02

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR AMENDMENT OF A PERMIT

United States of America, Acting through the Regional Director

Applicant Pacific Northwest Region Code 3100, Bureau of Reclamation Phone 208-378-5306

Address 1150 North Curtis Road Suite 100, Boise, Idaho 83706-1234

I am the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 25-7004, and request that the permit and permit map be amended and /or changed as follows:

Purpose of Amendment: ____ Change point of diversion ____ Add point of diversion

__X__ Change place of use __X__ Change nature of use ____ Change period of use __X__ Other **Add Remark: The reservoir storage capacity is 90,500 acre feet when filled to elevation 5112.8 and measured at the upstream face of the dam.**

1. Point of diversion: ____ 1/4 NW 1/4 NW 1/4, Section 22, Township 3 N., Range 40 E., B.M., County of Bonneville. Other points of diversion

2. Period and nature of use:

Amount 80,500 af for irrigation to storage purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum) (water use) (Begin month) (End month)

Amount 80,500 af for irrigation from storage purposes from 4-1 to 10-31 (both dates inclusive)
(cfs or acre-feet per annum) (water use) (Begin month) (End month)

** Amount 10,000 af ele. 5023.0 for fish & wildlife to storage purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum) (water use) (Begin month) (End month)

** Ririe Dam and Lake Environmental Impact Statement dated October 6, 1972, page 46, provides a 10,000 af pool for fish and wildlife. Construction of Ririe Dam and Reservoir was authorized by the Flood Control Act of October 23, 1962, P.L. 87-874 (76 Stat. 1193). House Document No. 562 served as the basis for the authorization. Formal transfer of the project from the Corps of Engineers to the Bureau of Reclamation was consummated by a memorandum of agreement effective October 14, 1976.

3. Place of use or land to be irrigated:

TWP	RANGE	SEC.	NE 1/4				NW 1/4				SW ¼				SE 1/4				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
Lands identified under water rights listed in Storage Contract 4-07-10-W0999 dated March 31, 1994, between the United States and Mitigation, Inc.																			

MICROFILMED
MAR 0 6 2003

Total number of acres to be irrigated = 511,803.0

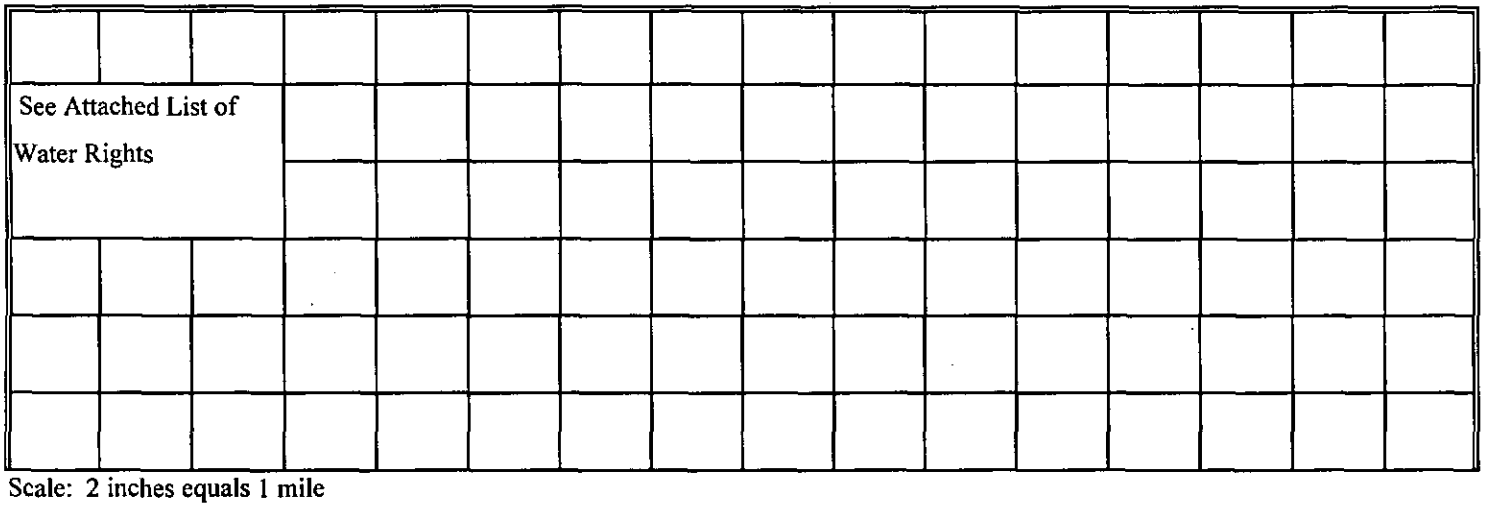
4. a. Who owns the property at the point of diversion? United States, The Department of the Interior, Bureau of Reclamation.

   b. Who owns the land to be irrigated at the place of use? See attached list of water rights in Contract No. 4-07-10-W0999 Exhibit B.

   c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. Section 5 Act of November 16, 1990, P. L. 101-602, 104 Stat. 3059 also known as the Fort Hall Indian Water Rights Act of 1990 - United States has entered into the contract in 4(b) above to provide the contractor storage space in Ririe Reservoir.

Complete the following map by showing land and point of diversion as proposed by this amendment.

Show 1/4 1/4, section, township, range and ditches. (the smallest subdivision represents 40 acres)



Scale: 2 inches equals 1 mile

I hereby request approval of this change subject to the fact that no one will be injured by the change, and that the change will be made at my own risk.

Signed this 11th day of NOV., 2002

Permit Holder Snake River Area Manager - USBR

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

Preliminary check by _____ Publication prepared by _____ Date

Published in _____ Publication dates

I, _____, of the Department of Water Resources hereby

_____

_____

Witness my hand this _____ day of _____, 20 _____.

SIGNATURE

MICROFILMED

MAR 0 6 2003

Form No. 204
7/94

For Office Use Only
Fee Receipted by JW
Date 11-26-97
Receipt No. C040749

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
NOV 26 1997
Department of Water Resources

REQUEST FOR EXTENSION OF TIME

TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF BENEFICIAL USE FOR A WATER RIGHT PERMIT

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time under the provisions of Section 42-204, Idaho Code in which to complete development of a water right.

Permit No. 25-07004

Name(s) of Permit Holder: United States of America, acting through the Regional Director, PN Region, Bureau of Reclamation

Mailing Address: 1150 North Curtis Road, Suite 100, Boise ID 83704-1234

Date Proof is Due: December 1, 1997 Telephone No. (208) 378- 5092

Describe what work has been completed toward the development of this water right:
(This must be filled out! If no work has been completed, show "none".)

Construction of the facility and appurtenant downstream facilities has been completed.

Costing $ _____

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

See attachment.

Permit holder(s) request an extension to 12-1, 2002.

FEE: $50.00

Richard M Rigby
(Signature) *
If other than permit holder, Power of Attorney must be supplied.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED and the time within which to submit proof of beneficial use is extended to **December 1, 2002.**

MICROFILMED
FEB 20 1998

Signed this 17 day of February, 19 98

Chief, Water Allocation Bureau

SRA-6434

RIRIE RESERVOIR

Attachment to application for extension of time -- Permit 25-07004

In June 1969, the Bureau of Reclamation (Reclamation) filed a water right permit application with your office for Ririe Dam and Reservoir. This application was later amended on March 3, 1975. Ririe Dam has been completed. As you may recall from our last request to extend the time for beneficial proof, Ririe Reservoir storage space was involved in the Shoshone Bannock Indian Water Rights Settlement (Settlement). The Settlement is now complete and storage space in Ririe Reservoir has been contracted to the shareholders in Mitigation, Inc.

Based on the above information we are now in a position to make beneficial proof on Permit No. 25-07004. However, we have at issue an application to amend the permit to add flow augmentation for anadromous fish as a beneficial use. Idaho Code 42-1763B(5) requests this amendment be held in abeyance until July 1, 1999.

Therefore, Reclamation is requesting a 5-year extension to December 1, 2002. During that time the amendment may be resolved and Reclamation will be able to make final proof on the Permit including flow augmentation, if approved.

MICROFILMED
FEB 2 0 1998

Form 204
11-91

RECEIVED
OCT 0 6 1992
Department of Water Resources

For Office Use Only
$15 Fee Receipted by GG
Date 10/9/92
Receipt No. C025964

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

REQUEST FOR EXTENSION OF TIME

TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF BENEFICIAL USE FOR A WATER RIGHT PERMIT

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time in which to complete development of water right under the provisions of Section 42-204, Idaho Code.

Permit No. 25-7004

Name(s) of Permit Holder: United States of America, acting through the Regional Director, PN Region, Bureau of Reclamation

Mailing Address: Box 043-550 West Fort Street, Boise ID 83724-0043

Date Proof is Due 12-01-92 Telephone No. (208) 334-1165

Describe what work has been completed toward the development of this water right:
(This must be filled out! If no work has been completed, show "none".)

Construction of the facility and appurtenant downstream facilities has been completed.

Costing $

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

See attachment

Permit holder(s) request an extension to December 1, 19 97.

FEE: $15.00

May E. Van Den Berg
(Signature)*

*If other than permit holder, Power of Attorney must be supplied

APPROVED

ACTION OF THE DEPARTMENT OF WATER RESOURCES

DEC 0 8 1992

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED and the time within which to submit proof of beneficial use is extended to December 1, 1997.

Signed this 16th day November, 19 92

L. Glen Saxton
Chief, Water Allocation Bureau

PN-424

RIRIE RESERVOIR

Attachment to application for extension of time--Permit 25-7004

As you are aware, water supplies of the Upper Snake River water users will be affected by additional Shoshone/Bannock diversions and development when the Shoshone-Bannock Reserved Water Right Settlement is implemented. The active storage capacity of Ririe Reservoir (80,500 acre-feet) was committed to these water users to mitigate the adverse effects of that settlement. The settlement provides for the storage in Ririe Reservoir to be contracted to an entity representing the water users. Mitigation Inc., the proposed contracting agent for the water users, has made application to Reclamation to contract for the active storage space in Ririe. An environmental assessment requisite to completion of a contract is expected to be completed in December 1992. The contract should be completed by mid-1993. Full beneficial use of the water will occur sometime after that.

For these reasons a five-year extension of time to submit proof of beneficial use (until December 1, 1997) is requested.

MICROFILMED
DEC 08 1992

Form 204
4/86

RECEIVED
NOV 30 1987
Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

For Office Use Only
$15 FEE Receipted by kw
Date 11-30-87
Receipt # 45744

REQUEST FOR EXTENSION OF TIME

Provide additional time in which to submit proof of beneficial use for a water right permit

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time in which to complete development of a water right under the provisions of Section 42-204, Idaho Code.

Permit No. 25-7004

Name(s) of Permit Holder: United States of America, acting through the Regional Director, PN Region, Bureau of Reclamation

Post Office Address: Box 043-550 West Fort Street

Boise, Idaho 83724 Telephone No. 208 334-1165

Date Proof is Due: 12-1-87

Describe what work has been completed toward the development of this water right: Construction of
(This must be filled out! If no work has been completed, show "none".)

the facility and appurtenant downstream facilities has been completed.

Costing $

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

See attachment

Permit holder(s) request an extension to December 1, 19 92.
(1 yr. minimum)

John W. Keys, III
(Signature)*

*IF OTHER THAN PERMIT HOLDER, POWER OF ATTORNEY MUST BE SUPPLIED.

FEE: $15.00

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED and the time within which to submit proof of beneficial use is extended to December 1, 1992.

RECEIVED
MAR 08 1988

Signed this 17th day of February, 19 88.

R. Glen Saxton
Chief, Operations Bureau

ATTACHMENT TO REQUEST FOR EXTENSION OF TIME
for
Permit No. 25-7004

Due to the reconstruction of Jackson Lake Dam and the operating restrictions placed upon water storage until such time as the reconstruction was completed, a decision was made to make water available from Ririe Dam and Reservoir to supplement other water supplies. Consequently, the final disposition of this storage has not been pursued.

The Bureau of Reclamation is currently conducting investigations concerning optimization of the Upper Snake River storage system including Ririe Dam and Reservoir. These investigations, being conducted in conjunction with the State of Idaho, are looking at past, present, and future uses of this resource in order to meet anticipated basin needs, to the extent possible, from existing storage facilities. This investigation will provide insight with respect to the final disposition of Ririe storage.

MICROFILMED
MAR 08 1988

Identification No. _____

Application No. 25-7004

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

APPROVED

APPLICATION FOR PERMIT

Amended March 3, 1975 (Date)

To Appropriate the Public Waters of the State of Idaho

(TYPE OR PRINT IN INK)

1. Name of applicant The United States of America, acting through the Regional Director, PN Region, Bureau of Reclamation

   post office address Box 043, Boise, Idaho 83724

2. Source of water supply Willow Creek which is a tributary of Snake River

3. a. Location of point of diversion is NW ¼ of NW ¼ of Section 22 Township 3 N., Range 40 E., B.M. Bonneville County; additional points of diversion if any: The stored water will be released at the above outlet facilities and delivered to existing diversions on Willow Creek or Progressive Irrigation District. In addition, water will be delivered by substitution to Willow Creek lands above the reservoir, by pumping from the reservoir to adjacent lands, and to lands in the Salmon Falls area by a new diversion from Milner Reservoir.

   b. If water is not consumed, it will be discharged into Willow Creek at a point in NW ¼ of NW ¼ of Section 22, Township 3 N., Range 40 E., B.M.

4. Water will be used for the following purposes:

   Amount 90,000 (~~cfs~~ acre-feet per annum) for irrigation purpose from April 1 to Oct. 31 (both dates inclusive)

   Amount _____ (cfs or acre-feet per annum) for _____ purpose from _____ to _____ (both dates inclusive)

   Amount _____ (cfs or acre-feet per annum) for _____ purpose from _____ to _____ (both dates inclusive)

5. Total quantity to be appropriated:

   a. Various cubic feet per second ~~and/or~~ depending on irrigation demand.

   b. 90,000 acre feet per annum., except in extraordinary years when the reservoir may capture additional water during the irrigation season.

6. Proposed diverting works:

   a. Description of ditches, flumes, pumps, headgates, etc. The diversions from Willow Creek, Progressive Irrigation District, and from Milner Reservoir as described in 3(a) above.

   b. Height of storage dam 184 feet, active reservoir capacity 90,000 acre feet; total reservoir capacity 100,000 acre feet, materials used in storage dam: Rockfill with impervious core

   Period of year during which storage will occur January 1 (Mo. Day) to December 31 (Mo. Day) inclusive.

   c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.

7. a. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years.

   b. Estimated construction cost is $ 15,000,000, cost of Ririe Dam and Reservoir.

8. Description of proposed uses:

   a. If water is **not** for irrigation:

   (1) Give the place of use of water: _____ ¼ of _____ ¼ of Section _____ Township _____ Range _____ B.M.

   (2) Amount of power to be generated: _____ hp under _____ feet of head.

   (3) List number of each kind of livestock to be watered _____

   (4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____.

   (5) If water is to be used for other purposes describe: _____

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
See attached tabulation of lands in Salmon Falls area and in areas not in existing irrigation districts. Also to be irrigated are dry lands in the Progressive Irrigation District, lands above, adjacent to the reservoir, and lands along Willow Creek below the reservoir. A tabulation of totals shows the following acreages:																			
				Lands upstream from Reservoir												468			
				Lands adjacent to Reservoir												5,682			
				Lands on Willow Creek downstream from Res.												1,095			
				Progressive Irrigation District												7,891			
				Salmon Falls												64,592			
											Total					79,728			

Total number of acres to be irrigated 79,728

c. Describe any other water rights used for the same purposes as described above. Numerous rights held by the United States, by Irrigation Districts, and by individuals.

9. a. Who owns the property at the point of diversion United States of America

b. Who owns the land to be irrigated or place of use Privately owned

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing Owners of land to be irrigated will contract with the Bureau of Reclamation, individually or through irrigation districts, for water stored in Ririe Reservoir.

10. Remarks

This is an application to store water in, and use water from, Ririe Reservoir, to be constructed by the Corps of Engineers of the Department of the Army as authorized by Congress under Public Law 87-874, Flood Control Act of 1962. Water will be diverted through existing facilities, or through new facilities to be constructed by individuals, canal companies, or irrigation districts or by the United States. Operation of Ririe Reservoir will be coordinated with operation of existing and future reservoirs in the Upper Snake River Basin to obtain maximum benefits from the storage consistent with water rights and agreements for exchange. The reservoir will be operated and maintained by the Bureau of Reclamation of the Department of the Interior, and storage will be subject to the limitations required to meet the flood control objectives of the project. Water for irrigation will be made available only under contracts entered into by the Department pursuant to the provisions of the Federal Reclamation Laws.

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

Drawings of areas to be irrigated are attached. Drawing No. 17-125-137 shows the Upper Snake River area and identifies the lands to be irrigated above the reservoir, adjacent to the reservoir, downstream from the reservoir along Willow Creek, and lands within the Progressive Irrigation District. One set of 3 drawings, identified as 886-125-106, 107, and 108, shows land classification of the Salmon Falls area.

Scale: 2 inches equal 1 mile

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Norman H. Moore
(Applicant) Acting Regional Director

Proposed Priority 6/16/1969

MB 3-18-75

Received by [illegible] Date 3/04/75 Time 8:00A

Preliminary check by LA Fee $_____

Receipted by [illegible] Date_____

Publication prepared by MB Date 4-4-75

Published in Post Register

Publication dates April 10 & 17, 1975

Publication approved [illegible] Date 4-24-75

Priority reduced to_____ Reason_____

Protests filed by:_____

Copies of protests forwarded by_____

Hearing held by_____ Date_____

Recommended for approval denial by_____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 25-7004, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before December 1, 1987.

c. Other: Use of water under this permit is subject to control by the watermaster of State Water District No. 01, Upper Snake River and tributaries.

Permanent measuring devices must be installed in such a manner that the amount of water entering the reservoir and the amount of water released from the reservoir can be measured.

Water stored under this permit and conveyed to downstream lands is subject to a shrinkage loss as determined by the watermaster.

The storage of water is contingent upon certification by the Department of Water Resources, of the applicant's dam under the dam safety provisions of the Idaho Code, authorizing storage.

The permit shall not be assigned, amended or transferred without first securing the written approval of the Department of Water Resources.

Subject to all prior water rights including those for stockwatering.

Witness my hand this 7th day of December, 1982.

A. Kenneth Dunn

A. KENNETH DUNN
Director

R. 19 E.

R. 18 E.

R. 21 E.

R. 20 E.

T. 10 S.

T. 10S.

T. 11 S.

EXPLANATION

LAND CLASSES

- Class 1
- Class 2
- Class 3
- Class 4
- Class 6

DIVISION LANDS

- Supplemental Service Area
- Full Service Area

TWIN FALLS 8 MI.

U.S. 30

Hansen

MAIN FALLS CANAL

UNION PACIFIC

TWIN FALLS BRANCH

SNAKE RIVER CANAL

Milner Reservoir

MILNER PUMPING PLANT

HANSEN BUTTE RELIFT CANAL

HANSEN BUTTE RELIFT PUMPING PLANT

Murtaugh

Murtaugh Lake

MAIN FALLS CANAL

LOW LIFT CANAL

MILNER

U.S. 30

BURLEY 9 MI.

TWIN FALLS HIGH LINE CANAL

Rock Creek

ROCK CREEK SIPHON SITE

Artesian City

MILNER-SALMON FALLS CANAL

TWIN FALLS CO. CASSIA CO.

Cottonwood Cr.

Dry Creek

Sheet 1

Sheet 2

Sheet 3

2000 0 2000 4000

SCALE OF FEET

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF REGLAMATION

UPPER SNAKE RIVER PROJECT
SALMON FALLS DIVISION — MILNER-COTTONWOOD UNIT — IDAHO

LAND CLASSIFICATION

SHEET 1 OF 3

APRIL 1963

886-125-106

R. 19 E.

R. 18 E.

R. 20 E.

T. 10 S.

T. 11 S.

T. 11 S.

EXPLANATION

LAND CLASSES

- Class 1
- Class 2
- Class 3
- Class 4
- Class 6

DIVISION LANDS

- Supplemental Service Area
- Full Service Area

MAIN FALLS CANAL

TWIN FALLS 8 MI.

U.S. 30

Hansen

UNION PACIFIC

TWIN FALLS BRANCH

SNAKE RIVER

MAIN CANAL

LOW LIFT CANAL

MILNER

Murtaugh

TWIN FALLS CANAL

HANSEN BUTTE RELIFT CANAL

HANSEN BUTTE RELIFT PUMPING PLANT

Murtaugh Lake

CALLENDER CR.

Rock Creek

HIGH LINE CANAL

TWIN FALLS CANAL

TWIN FALLS CO. CASSIA CO.

Artesian City

Dry Creek

MILNER-SALMON FALLS CANAL

ROCK CREEK SIPHON SITE

N

2000

UNI
DEPARTMENT
BUREAU C

UPPER SNAK
SALMON FALLS DIVISION—

LAND CL

APRIL 1963

R. 16 E.

R. 17 E.

R. 18 E.

T. 11 S.

T. 12 S.

EXPLANATION

LAND CLASSES

- Class 1
- Class 2
- Class 3
- Class 4
- Class 6

DIVISION LANDS

- Supplemental Service Area
- Full Service Area

TWIN FALLS

HIGH LINE CANAL

MILNER SALMON FALLS CANAL

CENTRAL MAIN CANAL

NORTH SIDE PUMPING DIVISION

WASTEWAY

LATERAL No. 214

LATERAL No. 213

LATERAL No. 17

LATERAL No. 17A

LATERAL No. 17B

LATERAL No. 1

LATERAL No. 2

LATERAL No. 3

Hub Butte

Bill Williams Reservoir

McMULLEN CREEK SIPHON SITE

McMullen Creek

Gutmansen Creek

HOLLISTER PUMPING PLANT

10 HOLLISTER RELIFT PUMPING PLANT

HOLLISTER PUMP

CANAL

SCALE OF FEET 2000 0 2000 4000

N

Sheet 1 | Sheet 2 | Sheet 3

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION

UPPER SNAKE RIVER PROJECT
SALMON FALLS DIVISION - SALMON TRACT UNIT - LOWER AREA - IDAHO

LAND CLASSIFICATION

SHEET 2 OF 3

APRIL 1963

886-125-107

T. 14 S.

R. 15 E.

T. 13 S.

T. 12 S.

R. 16 E.

R. 17 E.

USGS GAGING STATION

Salmon Falls Reservoir

SALMON FALLS MAIN CANAL

Dry Creek Reservoir

Deep Creek

(WELLS BRANCH)

UNION PACIFIC

Rogerson

Hollister

U.S. 93

LATERAL "B"

LATERAL "A"

LATERAL A-8

LATERAL No. 1

LATERAL No. 2

LATERAL No. 2½

LATERAL No. 2½A

LATERAL No. 3

LATERAL No. 13

LATERAL No. 15

HOLLISTER RELIFT PUMPING PLANT

HOLLISTER PUMP CANAL

SALMO

R.15E.

T. 13 S.

T. 12 S.

T. 11 S.

R.16E.

R.17E.

LMON

FALLS

MAIN CANAL

LATERAL

Dry Creek Reservoir

Deep Creek

(WELLS BRANCH)

UNION PACIFIC

Rogerson

93

LATERAL No. 21

LATERAL No. 21A

LATERAL No. 21B

LATERAL No. A-101

LATERAL No. A-8

LATERAL No. 1

LATERAL No. 13

U.S. 93

Hollister

HOLLISTER RELIFT PUMPING PLANT

HOLLISTER PUMP

17 CANAL

EXPLANATION

LAND CLASSES

- Class 1
- Class 2
- Class 3
- Class 4
- Class 6

DIVISION LANDS

- Supplemental Service Area

Sheet 3
Sheet 2
Sheet 1

2000 0 2000 4000
SCALE OF FEET

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION

UPPER SNAKE RIVER PROJECT
SALMON FALLS DIVISION – SALMON TRACT UNIT - UPPER AREA – IDAHO

LAND CLASSIFICATION

SHEET 3 OF 3

APRIL 1963

886-125-108

7-1654 (7-73)
Bureau of Reclamation

COMPUTATION SHEET

BY	DATE	PROJECT Ririe	SHEET 1 OF ____
CHKD BY	DATE	FEATURE Description of Lands Requesting Ririe Res. Storage	

	Name	Acres	Description	Sec	Twn	Rge
Lands around Res. 469 Ac.	Ammon LDS Stake	41	NE 1/4	8	2S	40E
	Christensen, J. Vestal	80	NW 1/4	17	2S	40E
		60	Lot 1,2,3,4, E½W½, E½	18	2S	40E
	Jones, Maiben	320/55	NW 1/4	9	2S	40E
	Stanger, William	137	Part of S½	15	2S	40E
		95	Part of N½	22	2S	40E
Lands along Res. 5682 Ac.	Brown, Karal M.	241	Part of	2	1N	40E
		206	Part of	9	2N	40E
		163	N½	10	2N	40E
		325	Part of	27	3N	40E
	Harris, Leo W.	83	E½ SE¼, NW¼ SE¼	2	2N	40E
		298	NE¼, W½ SE¼, NE¼ SE¼, NE¼ SW¼	11	2N	40E
	Harris, Max W.	63	W½ NW¼, SE¼ NW¼	23	2N	40E
		52	SW¼ SW¼, SE¼ SW¼	11	2N	40E
		162	E½ NE¼, SE¼	15	2N	40E
		85	N½ NE¼, SE¼ NE¼	22	2N	40E
		80	W½ NW¼	14	2N	40E
	Harris, Robert D.	81	W½ NE¼, NE¼ NW¼, NE¼ SE¼	23	2N	40E
		232	NW¼ NE¼, N½ NW¼, SW¼ NW¼, N½ SW¼, SE¼ SW¼,	13	2N	40E
		129	NW¼ SE¼, S½ SE¼, SE¼ NE¼,	14	2N	40E
	Jensen, ELmer N.	143	SW¼	27	2N	40E
		160	SE 1/4	28	2N	40E
	Johnson, E. Bud	394	Part of	13	3N	39E
		319	E½	24	3N	39E
		640	All	19	3N	40E
		93	Part of	16	3N	40E
		285	Part of	21	3N	40E
		320	Part of	28	3N	40E
	Jordan, Max	155	S½ S½,	23	3N	39E

7-1654 (7-73)
Bureau of Reclamation

COMPUTATION SHEET

BY	DATE [redacted]	PROJECT [redacted]	SHEET 2 OF ____
CHKD BY	DATE	FEATURE	

	Name	Acres	Description	Sec	Twn	Rge
Lands along Res.	Landon, Amle	32	NW¼ NW¼, SW½ SW¼	14	3N	40E
		119	SE¼ SW¼, S½ SE¼	15	3N	40E
		83	N½ NE¼, SW¼ NE¼	22	3N	40E
		40	NW¼ NW¼	23	3N	40E
	Payne, J. Henry	181	SW¼ NE¼, SW¼, N½ SE¼, NE¼ NE¼	10	1N	40E
		31	SW¼ NE¼, NW¼ NW¼, NW¼ SW¼	11	1N	40E
		9	SE¼ SW¼, SW¼ SE¼	23	2N	40E
		63	E½ E½, W½ W½, W½ NE¼, E½ NW¼	25	2N	40E
		165	NW¼, SW¼, W½ SE¼.	26	2N	40E
		118	W½ NE¼, E½ NW¼	35	2N	40E
	Summers, Thorland	64	N½ SW¼	17	3N	40E
		68	N½ SE¼	18	3N	40E
Lands below Res. 1095 Ac	Egan, C. J	100	SE¼	10	3N	39E
	Ferguson, Dearold	80	S½ SE¼	11	3N	39E
		80	N½ NE¼	14	3N	39E
	Miller, W. A.	60	S½ SE¼	17	3N	39E
	Reed, Wallace	75	NW¼ SE¼, SW¼ NE¼	11	3N	39E
	340 Ac being used	78	S½ SW¼	12	3N	39E
		100	N½ NW¼, N½ SE¼ NW¼	13	3N	39E
		136	SW¼ NE¼, NW¼	14	3N	39E
	Schwarz, Weston	155	SW¼ SW¼ Less Trs. 2 & 3	15	3N	39E
			SE¼ SE¼ S. of Willow Cr.	16	3N	39E
			N½ NE¼ Less 3.92 Acres	21	3N	39E
			NW¼ N. of Rd. (10.93 Ac)	22	3N	39E
	Sperry, John	280	SE¼ NE¼, SE¼, E½ SW¼ all South of Canal	15	3N	39E

7-1654 (7-73)
Bureau of Reclamation

COMPUTATION SHEET

BY	DATE	PROJECT	SHEET 3 OF ____
CHKD BY	DATE	FEATURE	

New Lands within the Progressive Irrig Dist 7891 Ac.

Name	Acres	Description	Sec	Twn	Rge
	90		28	1N	38E
	290		22	1N	38E
	482		14	1N	38E
	640		13	1N	38E
	107		11	1N	38E
	640		12	1N	38E
	369		1	1N	38E
	82		36	2N	38E
	625		31	2N	39E
	320		32	2N	39E
	325		30	2N	39E
	640		29	2N	39E
	68		19	2N	39E
	595		20	2N	39E
	96		18	2N	39E
	635		17	2N	39E
	42		7	2N	39E
	320		8	2N	39E
	227		6	2N	39E
	280		5	2N	39E
	367		31	3N	39E
	160		32	3N	39E
	244		30	3N	39E
	190		29	3N	39E
	57		20	3N	39E

Summary

Lands above reservoir	468
Lands along reservoir	5682
Lands below reservoir	1095
New Lands within the boundaries of Progressive Irrig. Dist.	7891
Total	15,136

FORM 7-128
REV 3-50
BUREAU OF RECLAMATION

COMPUTATION SHEET

BY ALK DATE 12-11-67 PROJECT _____ SHEET No. _____ OF _____

CHKD. BY _____ DATE _____ FEATURE Salmon Falls JOB No _____

OFFICE S.R.D.O. DETAIL Acre Summory FILE No _____

Milner-Cottonwood Area

Township	Range	Dry Acres	Irrigated Acres	Total
10S	19E	1,301.2	124.1	1,425.3
11S	18E	142.6	350.9	493.5
	19E	2,094.2	10,579.6	12,673.8
	20E	1,919.7	5,746.4	7,666.1
	21E	56.3	0	56.3
12S	18E	22.3	59.9	82.2
	19E	298.0	1,479.0	1,777.0
	20E	72.3	165.4	237.7
	Sub-total	5,906.6	18,505.3	24,411.9

Upper Area

11S	16E	53.9	693.0	746.9
12S	15E	67.5	245.2	312.7
	16E	837.9	697.6	1,535.5
	17E	400.6	1,092.3	1,492.9
13S	15E	218.4	214.7	433.1
	16E	1,708.1	2,290.2	3,998.3
14S	15E	298.8	263.3	562.1
	16E	120.9	115.2	236.1
	Sub-total	3,706.1	5,611.5	9,317.6

Lower Area

10S	15E	8.9	9.6	18.5
	16E	64.9	23.9	88.8
11S	15E	119.0	387.8	506.8
	16E	3,971.4	12,653.4	16,624.8
	17E	2,242.9	5,414.2	7,657.1
12S	16E	2,266.3	781.2	3,047.5
	17E	1,696.6	1,221.9	2,918.5
	Sub-total	10,370.0	20,492.0	30,862.0
	TOTALS	19,982.7	44,608.8	64,591.5

MICROFILMED

FORM 7-120
REV 3-50
BUREAU OF RECLAMATION

COMPUTATION SHEET

BY ALK DATE 12-11-67 PROJECT _____ SHEET No. 1 OF 35

CHKD BY ___ DATE ___ FEATURE Salmon Falls - Milner Cottonwood JOB No. _____

OFFICE S.R.D.O. DETAIL Acreage Tabulation FILE No. _____

IRRIGATED

DRY

T	R	Sec.	NE				NW				SW				SE				Total
			N W	S W	S E	N E	N W	S W	S E	N E	N W	S W	S E	N E	N W	S W	S E	N E	
11S	18E	1																	
		12	25.6	5.5	2.2	30.9									0.5	2.6	26.6	0.7	28.0
		13													54.6	13	2.6	0.5	114.6
		24																	
		36																	
		1																	142.6
12S	18E	1	2.2	7.4		12.1													
							0.4	17											22.3
																			22.3
10S	19E	26													2	32.7	18.9	27.2	38.2
		27	8.1				16	9.3	37.6	1	31.8	39.3	34.2	36.8	40	24.2	36.3	22.5	333.1
		28				4.1		4	1		36.8					30.2	21.3	31.9	215.0
		29														14.6	26.2		96.9
		31	10.2	0.4	17											22.7			128.2
		32	9	2.5	28.7		26.8	9.2	25.3		35.9	5	32	30	6.2				206.6
		34	31	6.9	9.6			92.7											47.0
		35	3.1	12.3			18.7	26.5	31.7		21.8		21.8	5.9					236.2
								36.3						34.1					
																			1301.2
12S	19E	1	2.2				3				27.6								32.8
		2		3							3					20	2.3		54.0
		3														14			15.4
		4	0.4	0.4	7		15.6	13	13								2.3		51.7
		5		2.7	18		10.8	9.6	3.5										48.3
		6	19.1		23			18.7			7.3	8.7			4.8				95.8
															32.9				298.0
																			1479.0

FORM 7-120
REV 3-50
BUREAU OF RECLAMATION

COMPUTATION SHEET

BY ALK DATE 12-11-67 PROJECT _____ SHEET No. 2 OF 35

CHKD BY _____ DATE _____ FEATURE Solmon Falls - Milner Coltonwood SUB No. _____

OFFICE S.R.D.O. DETAIL Acreage Tabulation FILE No. _____

IRRIGATED

DAY

T	R	Sec.	NE				NW				SW				SE				Total
			N E	N W	S W	S E	N E	N W	S W	S E	N E	N W	S W	S E	N E	N W	S W	S E	
15	19E	1																	236.3
		2	12	25.6	1.1		16.1		25.8						11.4	21.7	19.8	0.5	87.5
		5		0.7			24.5	20.2	4	22.3					28.4	29.2	10.9		142.6
		6	28.4	23.1	37.2	34.6	8.9	4.5	37	7.7	2.5	6.5	39.8	18.2	38.8	36.5	37.4	30.9	113.1
		7	5.2	18.3	36.5	35.1	27.4	12.9	74	24.2	17.2	18.6	36	18.8	36.8	36.5	37.4	30.9	286.9
		8							39.8	19	6.2	10.6	13.8	6.5	1.8	4.1	9.5		446.4
		11		27.9	10.2	1.4	8.9	4.5	37	7.7	2.5	2.9			3.6	17.4			33.1
		12											16.3	0.2					90.7
		13						8.8									17.5		26.0
		14								5.1				0.6		14.8			26.3
		15										7.7	18.9						20.5
		16											18.8	9.8		9.4	11.9	21.5	26.6
		17	1.9	2.8	9.9	6.3	14.9	29.4	33.7	32.2	40	38.6	39.3		34.4	35.2	6.8		72.2
		18	3.6																389.9
		19																	9.9
		20																	
		21																	
		22					37.2	39.3											76.5
		23	0.2	0.3			0.8			0.7			13.6						15.6
		24	37	34				18.2							7.5	9.8	37.2	3.1	118.8
		25	37.2	15.2	1.3		31.3		9.3						4.6			1.1	143.5
		26																	
		27																	
		28					5.3		1.2						2.5	2.7		1.2	14.7
		31	4.1		0.8										0.4	9.2			14.5
		32													0.5				0.5
		33																	
		34						1.7	13.3										15.0
		35																	
		36														10.9			10.9
																			2,094.2

		1																	415.8
		2	38.6	39.3	40	39.3	39.3	19.2	19.5	39.3	40	39.3	39.3	38.6	38.6	39.3	40	39.3	480.1
		5	22.3	19.5	40	39.3	40	7.5	19	17.7	6.1	22.8	0.9		26.5	39.3	39.3	39.2	493.4
		6	10.6	1	39.8	39	39.3	15.5	39.3		33.5	11.6	38.5	35.7	34.7	39.3	39	39.3	627.7
		7	38.6	39.2	40	39.3	39.1	31.8	39.3	39.3	35.1	39.3	18.2	1.7	39.3	39.3	40	39.3	543.7
		8	38.6	39.3	40	38.8	39.3	38.6	39.2	39.3	34.1	39.3	38.6	21.9	39.3	39.3	40	38.8	604.0
		11			38.1	38	39.3	25	38.6	39.3	37.2	37.5	38.1	39.3	39.3	39.3	38.6	38	171.5
		12	38.6	39.3	40	39.3	39.3	38.6	39.3	38.6	40	40	38.6	38.7	39.3	39.3	40	39.3	397.1
		13	38.6	39.3	40	39.3	39.3	38.6	39.3	38.6	40	40	38.6	39.3	39.3	39.3	40	39.3	626.5
		14	38.6	39.3	40	39.3	39.3	38.6	39.3	38.6	40	40	38.6	39.3	39.3	39.3	40	39.3	628.7
		15																	
		16																	
		17	38.6	39.3	40	39.3	39.3	38.6	39.3	38.6	40	40	38.6	39.3	39.3	39.3	40	39.3	612.6
		18	36.9	38.8	40	39.3	38.8	15.3	8.5		40	40	38.6	38.9	39.3	39.3	40	39.3	240.0
		19	38.6	39.3	40	39.3	39.3	32.3	38.3	39.3	40	40	38.3	39.3	39.3	39.3	40	39.3	497.5
		20	38.6	39.3	40	39.3	39.3	38.6	39.3	39.3	40	39.1	40	39.3	39.3	39.3	40	39.3	627.4
		21	39.7	40	40	39.3	39.3	39.3	39.3	40	40	40	39.3	40	39.3	39.3	40	39.3	617.0
		22	39.6	40	40	39.3	39.3	39.7	39.3	39.3	40	40	39.3	40	39.3	39.3	40	39.3	632.2
		23	35.7	40	40	39.3	39.3	39.4	38.4	39.3	39.3	39.3	39.3	18	39.3	39.3	40	39.3	583.3
		24																	10,579.6
		25																	
		26																	
		27																	
		28																	
		31																	
		32																	
		33																	
		34																	
		35																	
		36																	

FORM 7-120
REV 3-50
BUREAU OF RECLAMATION

COMPUTATION SHEET

BY ALK DATE 12-11-67 PROJECT _____ SHEET No. 3 OF 35

CHKD BY _____ DATE _____ FEATURE Salmon Falls - Milner Cottonwood JOB No. _____

OFFICE S.R.D.O. DETAIL Acreage Tabulation FILE No. _____

IRRIGATED

DRY

T	R	Sec.	NE				NW				SW				SE				Total
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	20E	13	18.4	28	19.3		34.5	30.1	21.3	2.5	27.1			5.1					322.5
		14																	296.3
		19							2.1										17.1
		21					5.4		0.8	0.3	4.6								144.8
		22																	410.4
		23	25.6		5.5	9	14.8	3.6		0.1	13.7			20.4					434.2
		24	38.6	36	40	36.5	38.8	5.6	29.5	31.3	39.3			20.3					72.9
		25		23.8			2.5	25.6			0.7								
		26	37.6		40	37.7	0.5	34.7	39.3	20.3	28.1			3.6					180.1
		27	38.6	29.1	38.5	39.9	40	25.5	20.3	18.4	39.3			32.9					
		28				16.9													513.0
		29																	543.2
		30	10.8						7	5.1	13								670.0
		31							2.3	3									755.8
		32													2.2				627.5
		33	13.1	1.5							7								421.8
		34	7.3					0.3	1.1	12.8					12.9				318.3
		35			0.9		12.9	6.6	23.7	3.5									18.5
																			5746.4
																			1,919.7
12S	21E	18						89.5	16.8										56.3
																			56.3
12S	20E	5	14.7					23.1	28.7										69.9
			2.8																2.4
		6						2.4											72.3
																			1654
																			1654

FORM 7-120
REV 3-50
BUREAU OF RECLAMATION

COMPUTATION SHEET

BY ALK DATE 12-11-67 PROJECT _____ SHEET No. 4 OF 35

CHKD BY _____ DATE _____ FEATURE Salmon Falls - Lower Area JOB No. _____

OFFICE S.R.D.O. DETAIL Acreage Tabulation FILE No. _____

IRRIGATED

DRY

T	R	Sec.	NE				NW				SW				SE				Total
			N E	N W	S W	S E	N E	N W	S W	S E	N E	N W	S W	S E	N E	N W	S W	S E	
11S	16E	1																	673
		2		6.6	3.7			0.9								8.1	1.2		320.1
		3					0.2	26.1	0.7	0.9					6.6			0.5	527.5
		4		0.3		31.9	0.7	5.6		7.5				0.2		19.2	4.7	1.5	562.9
		5					32.5	18.7	1.9	1.2				3.1	36.2			22.4	386.5
		6					32.7	3											381.1
		7		5.1										27.1		2.3	0.9	0.3	514.8
		8		1	2.2			4.6						8.7		9		59.8	443.2
		9		2.3			7.2		4.5										562.6
		10		5.8			2.3			0.6								2.1	606.5
		11					1.8		1.1	0.5					0.9				472.2
		12	25.4	23.1			9.9	3.4	5.9	28.9	5.5	2.5	5.8		1.8	38.5	31.9		234.3
		13	6.1	34.9			36.1	1.8	21.9	4.7	5.5	0.1	40		36.2		39.2		292.3
		14	0.3	14			12.3	3.8			4.5	40			24.9	2	34.6	1.8	444.1
		15	1.8				3.3	0.1	14.5		34.9				27.5	35.5			552.6
		16	3.8	2	3.8		2.8	15.1			28.1			3.2	39.3				286.5
		17	27.6		3.1		9.8					0.1	1.2		16.6			39.1	412.2
		18	39.3	0.4	0.5		7.9	5			0.6	9.6	3.1		6.5	7.5	32.3		306.5
		19		5.4	2.3		20.8						2.4			3.6	2.8		
		20			1.1	2.5	0.5										0.1		
		21		9.7		29										2.9			368.0
		22		37.6	5.8	27.5	1.2	16.5											470.5
		23			1.7	0.3	1.1	8.9	4.5	20.9				0.3	6.6	1.1	3.4		286.7
		24				0.6			7.2					7.2		35.6	2.3	2.3	3079
		25		35.4		0.4	39.3	24.9	31.3	9.2	40			1.5	29.9			12.8	439.5
		26	7.1		39.3		0.4	3.4	38.4	51.3	34.5	2.1	33.5	38.2	19.4	38.7	40	16.8	119.3
		27	20	19.1	4		5.1	29.4	40		5.9	11.6	31.4	17.8		19.3	34.6	13.3	381.8
		28	1.8		1						9.3	4.4		9			0.6	0.2	271.6
		29	2.1		2.3				4.2							6	1.7		585.2
		32			4														417.5
		33	7.6		36.3				0.4				27.2					11.5	298.5
		34	15.7		5				1.1	0.5						13.8	9.8	7.1	520.9
		35	39.9		14.8				37.4	26.8		15.7	35.5	39.3			19.9	6.4	297.3
			2.2	16.5	5		4.2	7.2			17.8						28.9	21.6	657
				38.3	5.6													34.6	
					6.6														

Page 2 of 2

Cont'd

FORM 9-120
REV 3 50
BUREAU OF RECLAMATION

COMPUTATION SHEET

BY ALK DATE 12-11-67 PROJECT _____ SHEET No. 5 OF 35

CHKD BY _____ DATE _____ FEATURE Salmon Falls - Lower Area JOB No. _____

OFFICE S.R.D.O. DETAIL Acreage Tabulation FILE No. _____

IRRIGATED

DRY

T	R	Sec.	NE				NW				SW				SE				Total	NE				NW				SW				SE				Total	Total
			N	W	S	E	N	W	S	E	N	W	S	E	N	W	S	E		N	W	S	E	N	W	S	E	N	W	S	E	N	W	S	E		
11S	16E	36	6.8		10						19.3		6.1	1.3	22.3	30.3	27.7	31.8	369.7																		273.5	3,971.4
11S	15E	1	5.1	30	28.8	0.9					24.7			1.6			11.9	2.4	114.4	39.3	40	39.3	29.8															
		12																	4.6	31.5	3																
11S	17E	7	1.9				4.3	34	3.8	6.3	9.8	3.6			0.2				28.1	39.4	36.3			25.3	18.9	4.6	36.8				36.7	40	28	27.6	39.1	39.3	39.8	43.3	29.6	39.3	36.9	38.6	3195	353.3	34.5	3,653.4
		9					1.4	3.8	6.3	2.6	14.1	0.7							74.7	16.1				18.9	4.6						40	28	27.6	39.3	39.8	43.3	39.3	40	38.9	40	2301			
		14					0.2	10.9	29.9	36.6	25	19.1	5.5	1.1	9.6	2.3	9.5	0.3	117.2	10.4	39.3			36.8							21.1	37.5	9.6	17.1	37	29.5	26.5	2.3	39.3	17	37.8	40	27.3	1804			
		15	9.9				11.5	8.9	3.1	0.9	0.9	23.6	0.3	2.9	1.1	35.7	1	9.4	214.5	39.3	38.1	35	19.8	37	21.6	38	40.1	40.7	36.2	41.4	29.3													
		16	0.6			1.4		27.1	32.8	29	39.5				7				281.9	37.5	38.5			29.2	30.5	29.2					37.5	9.6	17.1	4.2	16.2	1.9	17	37.8	38.1	40	27.3	2721			
		17																	134.0	40	32.4	35	19.8	37	21.6	38	40.1	40.7	36.2	41.4	29.3													
		18																	95.7	39.3	39.3																						
		19																	27.8	34	36	29	36.4	13.1	14.1	37.3	31.1	28.5	38.4	39.7	35.7													
		20																	158.8	38.1	39.8	37	37.4	36.2	31.3	38	40.1	32.3	41.3	40	40													
		21																	39.9	31.7	40	38.7	39.8	32.7	39.2	40.9	22.1	37.9															
		22																	26.1	37.2	40	38.7	36.3	39.1	41.9	29.7	39	39.7															
		23																	22.7	21.5	41	36.1	39.8	40	41	40.6	26.4	37.3															
		26																	10.7	40.9	38.7	40.9	40.9	40.9	41.2	42.1	38.8	39.1															
		27																	117.0	38.9	39.1	39.7	40.9	40	41.4	41.9	38.8	39.7															
		28																	84.2	39.1	39.7	39.7	37.9	39.7	39.7	39.7	39.7	39.7															
		31																	7.7																							
		34																	432.4																							
		35																	369.5																							
																			2,242.9																							
10S	15E	36																	8.9																							
																			8.9																							

FORM 7-170
REV 8-50
BUREAU OF RECLAMATION

COMPUTATION SHEET

BY ALK DATE 12-11-67 PROJECT _____ SHEET No. 6 OF 35

CHKD BY _____ DATE _____ FEATURE Salmon Falls - Lower Area JOB No. _____

OFFICE S.R.D.O. DETAIL Acreage Tabulation FILE No. _____

IRRIGATED

DRY

T.	R	Sec.	NE	NW	SW	SE	Total
12S	16E	31					12.3
		32					2.1
		33					9.5
		34					
		35					23.9
		1					255.1
		2					356.6
		3					363.1
		4					209.3
		5					3.2
		9					134
		10					21.9
		11					323.1
		12					566.6
		13					148.0
		14					6.0
							2,266.3
12S	17E	3					400.5
		4					142.4
		7					114.0
		8					116.1
		9					381.9
		10					294.9
		15					69.6
		16					142.4
		17					32.8
		18					2.0
		19					

1,221.9

1,686.6

FORM 7-120
REV 3-50
BUREAU OF RECLAMATION

COMPUTATION SHEET

BY ALK DATE 12-11-67 PROJECT _____ SHEET No. 7 OF 35

CHKD BY _____ DATE _____ FEATURE Salmon Falls - Upper Area JOB No. _____

OFFICE S.R.D.O. DETAIL Acreage Tabulation FILE No. _____

IRRIGATED

T	R	Sec.	NE				NW				SW				SE				Total
			N E	N W	S W	S E	N E	N W	S W	S E	N E	N W	S W	S E	N E	N W	S W	S E	
15	16E	18																	359
		19			8.9										38.3	37.8	38.8	39.2	220.1
		20						2			20.7	37.4	37.2	12.6		12	0.1		200.4
		29									1.4	38.2	5.2						109.4
		32						4	1.3	1.8	34.5	28.2			18.9				163.1
																			693.0
																			53.9
12S	16E	5	3.7												12.6	21.9	34.8	29.1	81.1
		9									38	34.3							262.1
		13									30.1	30.5	26.2						144.3
		22					35.8	36.3	11.6	8.8	24.2	28.9	26.2						48.8
		23							13.1	0.8		4.9							38.6
		25					39	30.4	39.5	40		39.2							292.3
		26							38.6	39.2									72.6
		27					13	10.8	35.2			28.7							55.0
		29			39.3														58.8
		32		39.3			17.2					21.3							39.3
		34		2.8	9.4				17.6				21						56.5
		35						39.8											24.8
		36					1	12.9				26.9							39.8
												37.6							64.0
																			837.9
12S	15E	35	1.4	2.2			6.7	15.2	38.3	3.7		36.3							67.5
		1													38.3	40	34.3	26.1	144.7
		12					18	15.5	20.9	19.3		18.9	13.6		17.7	9			73.7
																			2184
																			67.5
																			245.2
																			245.2
																			156.0
																			58.7
																			214.7

FORM 7-120
REV 3-50
BUREAU OF RECLAMATION

COMPUTATION SHEET

BY ALK DATE 12-11-67 PROJECT _____ SHEET No. 8 OF 35

CHKD BY _____ DATE _____ FEATURE Salmon Falls - Upper Area JOB No. _____

OFFICE S.R.D.O. DETAIL Acreage Tabulation FILE No. _____

IRRIGATED

DRY

T	R	Sec.	NW	SW	NE	SE	Total	NW	SW	NE	SE	Total	Total
14S	15E	11					142.4						142.4
		12					91.3						91.3
		14					65.1						65.1
							298.8						298.8
14S	16E	8										13.3	13.3
		9										107.6	107.6
												120.9	120.9
13S	16E	2										39.0	39.0
		3										7.4	7.4
		4										97.8	97.8
		5										77.4	77.4
		6										217.8	217.8
		7										203.0	203.0
		8										36.0	36.0
		9										180.9	180.9
		10										65.6	65.6
		15										95.4	95.4
		16										81.8	81.8
		17										154.1	154.1
		18										113.9	113.9
		20										152.0	152.0
		21										37.7	37.7
		27										40.0	40.0
		28										108.3	108.3
												1,708.1	1,708.1

FORM 7-120
REV 3-50
BUREAU OF RECLAMATION

COMPUTATION SHEET

BY ALK DATE 12-11-67 PROJECT _____ SHEET No. 9 OF 35

CHKD BY _____ DATE _____ FEATURE Salmon Falls - Upper Area JOB No. _____

OFFICE S.R.D.O. DETAIL Acreage Tabulation FILE No. _____

T	R	Sec.	DRY NE	DRY NW	DRY SW	DRY SE	DRY Total	IRRIGATED NE	IRRIGATED NW	IRRIGATED SW	IRRIGATED SE	IRRIGATED Total	Total
12S	17E	16	NE 1.8, SW 19.9	SE 1.1		SE 6, NW 30.1, SW 11.3	63.1	NE 32.4, NW 23.8, SW 40.3, SE 39.5, NW 8.5, 2.6, 17.7, SW 37.1, 18.7, 5.4, SE 39.1, 24.1, 37.8, 23, 27.4, 39.8, 39.2	NW 2.7			9.0	79.5
		17			NW 1.9								206.7
		18											8.0
		19	NE 3.9, 0.9		SE 1.1, SW 0.2, 21.5		28.2	NE 37.2, NW 39.3, SW 40, SE 15.9, NW 39.3, 38.6, SW 39.2, 38.6, SE 34.8, 6.6, 10.8				186.6	295.2
		20	NE 1.4, 22.7		SW 26.3, 0.1, SE 4.5		113.7	NE 3.7, NW 36.4, SW 21.1, SE 8.9					433.3
		30	NE 34.9, 2.9		SW 29.6, 11.2, 19								69.6
							400.6						1092.3

Proof of Publication

The Post-Register

State of Idaho,
County of Bonneville } ss.

I, E. F. McDermott, first being duly sworn, depose and say: That I am the Principal Clerk of The Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post-Register, a newspaper of general circulation, published daily, except Saturday, at Idaho Falls, Idaho; said Post-Register being a consolidation of the Idaho Falls Times, established in the year 1890, The Idaho Register, established in the year 1880 and the Idaho Falls Post, established in 1903, such consolidation being made on the 1st day of November, 1931, and each of said newspapers having been published continuously and uninterruptedly, prior to consolidation, for more than seventy-eighty (78) weeks and said Post-Register having been published continuously and uninterruptedly from the date of such consolidation, up to and including the last publication of notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post-Register for two consecutive weeks, first publication having been made on the 10th day of April, 19 75, last publication having been made on the 17th day of April, 19 75, and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

E. F. McDermott

Subscribed and sworn to before me, this 21st day of April, 19 75

Karen Hale
Notary Public

My commission expires April 5, 19 79

B10, 1M

NOTICE OF AMENDED APPLICATION FOR WATER PERMIT

Notice is hereby given that Application for Permit No. 25-7004 in the name of United States of America, acting through the Regional Director, Region PN, Bureau of Reclamation, Box 043, Boise, Idaho, was filed for the diversion of 90,000 acre feet (except in extraordinary years when the reservoir may capture additional water during the irrigation season) of water from Willow Creek tributary of the Snake River, with the point of diversion within the NW¼NW¼, Sec. 22, T. 3N, R. 40E, B.M., Bonneville County. The water will be released at the above outlet facilities and delivered to existing diversions on Willow Creek or Water District No. 25. In addition, water will be delivered by substitution to Willow Creek lands above the reservoir and to lands in the Salmon Falls area by a new diversion from Milner Reservoir; to be used from April 1 to Oct. 31 for irrigation of lands in the Salmon Falls area and in areas not in existing irrigation districts. Also to be irrigated are lands in the Progressive and New Sweden Irrigation District and in the Butler Island Canal Co. No tabulation has been made of the lands in these three existing organizations. A tabulation of totals shows the following acreages:

Salmon Falls	64,592
Outside Districts	11,131
Progressive	33,000
New Sweden	22,540
Butler Island Canal Co.	1,100
TOTAL	132,363

The applicant now proposes to amend Application No. 25-7004, requesting that the water be used on the lands in Salmon Falls area and in areas not in existing irrigation districts. Also to be irrigated are dry lands in the Progressive Irrigation District, lands above, adjacent to the reservoir, and lands along Willow Creek below the reservoir. A tabulation of totals shows the following acreages:

Lands upstream from Reservoir	468
Lands adjacent to Reservoir	5,682
Lands on Willow Creek downstream from Res.	1,095
Progressive Irrigation District	7,891
Salmon Falls	64,592
TOTAL	79,728

Any protest to the proposed amending of the application must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401, on or before April 28, 1975.

R. KEITH HIGGINSON
Director

Published: April 10 & 17, 1975.

RECEIVED
APR 24 1975
Department of Water Resources
Eastern District Office

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

December 18, 2002

UNITED STATES OF AMERICA
ACTING THROUGH THE REGIONAL DIRECTOR
CODE 3100
BUREAU OF RECLAMATION
1150 NORTH CURTIS RD
SUITE 100
BOISE ID 83704-1234

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 25-7004

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to contact you to schedule a field examination to determine and confirm the use being made of the water, and that it meets the permitted beneficial use.

Be advised that Section 42-248, Idaho Code, requires you or the owner of these water rights to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office.

If you have questions, please contact the **Eastern** Regional Office of the department in Idaho Falls (208) 525-7161.

Sincerely,

Deborah J. Gibson

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

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MAR 0 6 2003

Encl.
c: IDWR - Regional Office (w/encl.)

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 25-7004 Reviewed By: dgibson Date: December 17, 2002

	Yes	No		Yes	No
Proof received timely?	X		Drilling permit required?		X
License examination fee required?	X		Drilling permit No.:		
Appropriate fee submitted?	X		Drilling permit upgrade needed?		
Receipt No.:	C066047		Well driller's report filed?		X
Additional Amount Due:			Measuring device required?		X
Name and address same as permit?	X		Measuring device installed?	X	
Are the water uses correct?	X		Measure device waiver requested?		

Priority Calculation

Date proof received		11/27/2002
Date proof due	-	12/01/2002
Lapse notice sent	-	
No. of days late	=	0
Holiday allowance	+	
Priority date	+	06/16/1969
New priority date	=	06/16/1969

Deficiencies of Actions Items

Acknowledge proof.

MEMORANDUM

DATE: December 6, 2002

TO: Water Right File 25-7004

FROM: Shelley W. Keen SWK

RE: Application for Amendment

Last week the Bureau of Reclamation submitted an application to amend Permit 25-7004, which is for the storage of water in Ririe Reservoir. The amendment application proposes to change the nature of use of the inactive storage (10,000 af) to fish and wildlife storage purposes. The amendment reflects historic practice, and it is consistent with the contract executed between Mitigation, Inc., and the BOR after the Fort Hall Agreement was finalized. In other words, the does not offer any changes in operation or new concepts. Also, the potentially affected parties are part of Mitigation Inc. Therefore, I think that advertisement of the amendment application is probably not necessary. Instead, the amendment can be treated like a licensing amendment, i.e. the "changes" are confirmed by the field examination and implemented at licensing.

Norm Young concurs.
12/6/2002

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United States Department of the Interior

BUREAU OF RECLAMATION
Snake River Area Office
214 Broadway Avenue
Boise, Idaho 83702-7298

IN REPLY REFER TO:

RECEIVED
NOV 27 2002
Department of Water Resources

SRA-1000/PN-3100
WTR-1.10

NOV 27 2002

Mr. Karl Dreher
Director
Idaho Department of Water Resources
1301 North Orchard Street
Boise, ID 83706-2237

Subject: Application for Amendment and Proof of Beneficial Use for Water Right Permit No. 25-7004, Ririe Reservoir

Dear Mr. Karl Dreher:

Enclosed is an Application for Amendment of Permit and Proof of Beneficial Use for Permit No. 25-7004 for the Ririe Reservoir water right permit.

The Application for Amendment includes a change in the place of use. As you know, The 1990 Fort Hall Indian Water Rights Agreement (Agreement) between the Shoshone-Bannock Tribes of the Fort Hall Indian Reservation, the State of Idaho, the United States, and certain Idaho water users settled the tribes rights reserved under the Winters Doctrine within the Snake River Basin. The Congress approved the Agreement in the Fort Hall Indian Water Rights Act of 1990, Act of November 16, 1990, PL 101-602, which directed the Secretary of Interior to contract 80,500 acre-feet of storage space in Ririe Reservoir for protection of existing uses. Pursuant to the legislation above, the Bureau of Reclamation contracted with Mitigation, Inc. to provide storage space to the water users adversely impacted by the 1990 Fort Hall Indian Water Rights Agreement, Contract No. 4-07-10-WO999, dated March 31, 1994. The change in the place of use reflects the use under the above mentioned contract.

The Application for Amendment also changes the nature of use of 10,000 acre-feet (inactive storage) to "Fish and Wildlife to storage" up to elevation 5,023. This use was identified in the Environmental Impact Statement in 1973 and the Reservoir has historically been operated that way. The total beneficially used storage in the Amended Application for Permit and Proof of Beneficial Use is 90,500.0 acre-ft. This quantity of 90,500.0 acre-ft is consistent with the original permit application. In the original permit application under section 5(b), "Total quantity to be appropriated," Reclamation was approved for "90,000 acre-feet per anum, except in extraordinary years when the reservoir may capture additional water during the irrigation season." Historically, the reservoir has been operated with 10,000 acre-feet of storage up to

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elevation 5,023 for fish and wildlife purposes in additional to 80,500 acre-feet of storage for irrigation.

Also enclosed is a $650 check for the application fee and proof of beneficial use fee. If you have any questions, please contact Gail McGarry in our Regional Office at 378-5306.

Sincerely,

Jerrold D. Gregg
Area Manager

Enclosures

cc: Mitigation,Inc
PO Box 205
Rexburg, ID 83440-2550

Mr. Ron Carlson
Watermaster
Water District #1
900 N. Skyline Suite A
Idaho Falls, ID 83402
(w/encls to each)

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RECEIVED
NOV 27 2002
Department of Water Resources

B-27
USER-PN Reg
Rev. 5/61

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
PACIFIC NORTHWEST REGIONAL OFFICE

Minidoka, Palisades, and Ririe Projects

RECORD OF EXECUTION OF CONTRACT

Contractor: Mitigation, Inc.
Contract No: 4-07-10-W0999 Date of contract: March 31, 1994

Estimated amount involved: Annual reserved works O&M

Purpose: To provide noncontracted storage space (99,480 acre-feet) in Palisades and Ririe Reservoirs to water users adversely impacted by the 1990 Fort Hall Indian Water Rights Agreement, as provided by the Fort Hall Indian Water Rights Act of 1990 (Public Law 101-602).

Remarks: Approval given to basis of negotiation on 1/1/93 by Acting Commissioner Hancock.

Place: Boise, Idaho Date: 3-31-94

1. Contract transmitted to Field Solicitor for legal approval.

Mary E. VanDenBerg
Regional Supervisor of Water, Power, and Lands

Place: Boise, Idaho Date: March 31, 1994

2. Contract given legal approval.

John F. Hoidargen Jr.
Field Solicitor

3. Contract executed and transmitted to the following:

ORIGINAL CONTRACT - PN-360
DUPLICATE ORIGINAL TO CONTRACTOR
COPY TO: Assistant Commissioner - Program, Budget, and Liaison
Attention: W-6100, 6400, 6600
Assistant Commissioner - Resources Management, Attention: D-5600
Project Superintendent, Boise ID
Project Superintendent, Burley ID
Field Solicitor, Boise ID
PN-150, 360, 420, 430, 440 (2), 450, 460, 470, 933 (V.R.)
Public information mailing list (see attached list)

MAR 0 6 2003

[redacted]

Mr. Leonard M. Alex
Chairman
Tribal Council
Northwestern Band of the Shoshoni Nation
PO Box 637
Blackfoot ID 83221

Mr. Lynn Collins
Regional Solicitor
US Department of the Interior
6201 Federal Bldg.
125 South State Street
Salt Lake City UT 84138-1180

Mr. Jeff Fereday
Givens, Pursley, Webb and
Huntley
PO Box 2720
Boise ID 83701

Ms. Virgilena S. Le Clair
PO Box 459
Fort Hall ID 83203

Ms. DeLillian Reed
Secretary
The New Sweden Irrigation District
2350 W. 1700 South
Idaho Falls ID 83402-4815

Mr. John A. Rosholt
Attorney-at Law
PO Box 1906
Twin Falls ID 83303-1906

Ms. Barbara Scott-Brier
Office of the Solicitor
US Department of the Interior
500 NE. Multnomah St., Suite 607
Portland OR 97232

Mr. Clive Strong
Assistant Attorney General
State of Idaho
Statehouse
Boise ID 83720

Ms. Daria Zane
Environment & Natural Resources Division
US Department of Justice
General Litigation Section
PO Box 663
Washington DC 2004-4663

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MAR 0 6 2003

PN DRAFT 02/22/93
Last Rev. 2/17/94

Contract No. 4-07-10-W0999

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION

Minidoka, Palisades, and Ririe Projects, Idaho-Wyoming

REPAYMENT CONTRACT WITH MITIGATION, INC., FOR STORAGE CAPACITY IN PALISADES AND RIRIE RESERVOIRS

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MAR 0 6 2003

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PN DRAFT 02/22/93
Last Rev. 2/17/94

Contract No. 4-07-10-W0999

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION

Minidoka, Palisades, and Ririe Projects, Idaho-Wyoming

REPAYMENT CONTRACT WITH MITIGATION, INC., FOR STORAGE CAPACITY IN PALISADES AND RIRIE RESERVOIRS

THIS CONTRACT, made this 31st day of March, 19 94, pursuant to Federal Reclamation laws, and the Act of December 22, 1944 (58 Stat. 891), and the Act of October 23, 1962 (76 Stat. 1193), and the Act of November 16, 1990 (104 Stat. 3059), between the **UNITED STATES OF AMERICA**, hereinafter called the United States, acting through the Secretary of the Interior or the Secretary's duly authorized representative, represented by the Contracting Officer executing this contract, and **MITIGATION, INC.**, an Idaho corporation organized and existing under the laws of the State of Idaho, hereinafter called the Contractor.

WITNESSETH, THAT:

PART I - INTRODUCTION

Explanatory Recitals

2. (a) WHEREAS, the 1990 Fort Hall Indian Water Rights Agreement (hereinafter called the Agreement) by and between the United States, Shoshone-Bannock Tribes, State of Idaho, and certain Idaho water users provided formal

Recital 2

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approval by all involved parties of the settlement of litigation concerning Indian water rights, including provision for the protection of existing water users by making noncontracted Federal storage space available; and

(b) WHEREAS, the Fort Hall Indian Water Rights Act of 1990 (104 Stat. 3059) (hereinafter called the Act), authorizes and directs the Secretary of the Interior to implement the Agreement on behalf of the United States; the Act specifically directs the United States to contract with an appropriate contracting entity for noncontracted storage space in Palisades and Ririe Reservoirs; and

(c) WHEREAS, the Act further provides that the repayment obligation associated with the construction costs of the noncontracted space shall be deemed repaid and that the contracting entity shall pay those operation and maintenance costs associated with that space as defined in this contract; and

(d) WHEREAS, the United States has constructed the Palisades Project, including Palisades Dam and Reservoir, under the Act of September 30, 1950 (64 Stat. 1083), as a participating project of the Minidoka Project, Idaho-Wyoming and operates the project for the authorized purposes of irrigation, power, flood control, recreation, and fish and wildlife; and

(e) WHEREAS, the United States has constructed the Ririe Project, including Ririe Dam and Reservoir, under the Act of October 23, 1962 (76 Stat. 1193); and operates the project for the authorized purposes of flood control, irrigation, municipal water supply, and recreation; and

Recital 2 (continued)

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(f) WHEREAS, there is currently 18,980 acre-feet of noncontracted space in Palisades Reservoir and 80,500 acre-feet of noncontracted space in Ririe Reservoir for a total of 99,480 acre-feet; and

(g) WHEREAS, the Contractor desires to contract for the 99,480 acre-feet of noncontracted space in Palisades and Ririe Reservoirs in order to protect existing non-Indian water users from adverse effects that might result from implementation of the Agreement.

NOW, THEREFORE, in consideration of the mutual and dependent covenants and conditions contained herein, it is agreed hereto as follows:

Definitions

3. The following terms, whenever used in this contract, shall have the following meanings:

(a) "Advisory Committee" shall mean the committee defined by Article 31(c) of this contract or its duly authorized representative.

(b) "Contracting Officer" shall mean the representative of the United States executing this contract or the Contracting Officer's duly authorized representative.

(c) "Federal Reclamation Laws" shall mean the Act of June 17, 1902 (32 Stat. 388), and acts amendatory thereof or supplemental thereto, including without limitation hereof, the Acts of September 30, 1950 (Public Law 864, 81st Congress, 2d Session), and the Reclamation Reform Act of 1982 (Public Law 97-293).

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(d) "Irrigation season" shall mean a period of each year beginning April 1 and ending October 31 of that year.

(e) "Lower valley" shall mean the irrigated acres of the Snake River Basin that are served by canals diverting from the Snake River and its tributaries between American Falls Dam and Milner Dam.

(f) "Reservoir system" shall mean the existing and authorized Federal reservoirs on the Snake River and its tributaries down to and including Lake Walcott.

(g) "Secretary" shall mean the Secretary of the Interior or the Secretary's duly authorized representative.

(h) "Storage season" shall mean, with respect to the reservoir involved, the period beginning October 1 of one year and ending during the next year when, as to the particular reservoir, no more water is available for storage.

(i) "Upper valley" shall mean the irrigated acres of the Snake River Basin that are served by canals diverting from the Snake River and its tributaries above American Falls Dam.

(j) "Watermaster" shall mean the officer of the State of Idaho charged by law with the distribution of Snake River Water in the lower and upper valleys, or such other officer properly authorized by law and designated by mutual agreement of the Secretary and the Advisory Committee.

Purpose and Scope

4. (a) The purpose of this contract is to provide the Contractor with 99,480 acre-feet of space authorized for storage of water in Palisades and Ririe

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Reservoirs, which the Contractor may use under the conditions set forth herein towards the mitigation of adverse effects caused by implementation of the Agreement.

(b) Nothing in this contract shall diminish any preexisting valid water rights or the contract rights of other reservoir system space holders.

Contract Term

5. (a) This contract becomes operative upon the announcement by the Secretary that the 1990 Fort Hall Indian Water Rights Agreement is effective as provided by Article 18 of that Agreement.

(b) This contract may be canceled, terminated, or suspended, in whole or in part, at the option of the United States at any time under any of the following conditions:

(1) The failure of the Contractor, following written notice by the Secretary specifying an opportunity of 120 days to cure, (i) to pay charges due under this contract, or (ii) to abide by any applicable rule, regulation, order, or law heretofore or hereafter pertaining to water storage or water delivery; or

(2) The determination by the Secretary that the 1990 Fort Hall Indian Water Rights Agreement is no longer in effect.

PART II - PROVISIONS RELATING TO PALISADES RESERVOIR

Reservoir Capacity Available to Contractor- Palisades

6. Palisades Dam, constructed, operated, and maintained by the United States, provides a reservoir with an estimated active storage capacity of 1,200,000 acre-feet and, based on that estimated capacity, the use and benefit

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of one and five thousand eight hundred seventeen ten thousandths percent (1.5817%) of that capacity is allocated hereby to the Contractor. Beginning with the operative date of this contract, as defined in Article 5(a), the United States will make available to the Contractor the stored water accruing to that percentage of the active capacity of that reservoir, within the limits and on terms and conditions provided in this contract. That percentage shall, so long as the reservoir has an active capacity of 1,200,000 acre-feet, be treated as the equivalent of 18,980 acre-feet of active capacity. The latter figure may, however, be adjusted from time to time by agreement between the Secretary and the Advisory Committee whenever there are determinations that the active capacity is other than above stated.

Construction Charge Obligation- Palisades

7. (a) As provided by Section 5(a) of the Act, the repayment obligation associated with the construction costs for the 18,980 acre-feet of noncontracted storage space described above in Article 6 is deemed to be fully repaid.

(b) In the event the Secretary determines that additional investments are required to insure and sustain the operation and use of Palisades Dam and Reservoir, including any costs which might be required under various safety-of-dams programs, the Contractor shall repay its proportionate share to the same extent as required by all other Palisades Reservoir spaceholders. Such requirements shall be in addition to obligations specified in subarticle (a) above.

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Operation and Maintenance Obligation- Palisades

8. (a) The Contractor, beginning as provided in Article 6, and continuing during the period of operation and maintenance of the Palisades Dam and Reservoir by the United States, shall pay to the United States in advance one and fifty-eight hundredths percent (1.58%) of the costs of operating and maintaining that dam and reservoir, including whatever costs may be incurred in the delivery of water therefrom, which are apportionable to the irrigation storage rights therein. There shall be determined from time to time by the Secretary, after consultation with the Advisory Committee, the basis for distributing among the various purposes which by law are to be served by the dam and reservoir the costs of operation and maintenance thereof and the basis for assigning those costs for repayment. In determining the total costs annually apportioned to the storage rights there shall be deducted from the total annual cost of operation and maintenance of the dam and reservoir, those costs which are determined to be properly chargeable to other purposes served by the reservoir and for which other provision for repayment, in whole or in part, is made pursuant to law. The costs apportionable to the irrigation storage rights shall be distributed annually to all storage space that is made available for irrigation purposes.

(b) Beginning with January 1 of the year in which the use and benefit of Palisades space is first available to the Contractor as provided in Article 6, payment of the Contractor's share of Palisades Dam and Reservoir operation and maintenance costs shall be made for each calendar year on the basis of annual estimates by the Secretary. The notice of these annual

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estimates, hereinafter referred to as the operation and maintenance charge notice, shall contain a statement of the estimated cost of operation and maintenance of the dam and reservoir to be incurred in the calendar year involved and the amount of the Contractor's share of those estimated costs. The operation and maintenance charge notice shall be furnished to the Contractor following the announcement of the operative date of this contract, as provided in Article 5(a), and annually thereafter on or before February 1 of the calendar year for which the notice is issued, but, when requested by the Contractor, a preliminary estimate shall be given at such earlier date as is agreed on in writing. The Contractor shall pay the amount stated in the notice on or before April 1 of the year for which it is issued or such other date as may be agreed on in writing; Provided, however, That in the year this contract becomes operative, the Contractor shall pay such amount in advance as a condition of the Palisades space being made available to the Contractor for that year.

(c) Whenever, in the opinion of the Secretary, funds so advanced will be inadequate to meet the Contractor's share of the cost of operating and maintaining the dam and reservoir, the Secretary may give a supplemental operation and maintenance charge notice, stating therein the amount of the Contractor's share of the additional funds required, and the Contractor shall advance the additional amount on or before the date specified in the supplemental notice. If funds advanced by the Contractor under this article exceed the Contractor's share of the actual costs of operation and maintenance of the dam and reservoir for the year for which advanced, the surplus shall be credited on the operation and maintenance charges to become due for succeeding years.

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Nature and Extent of Storage Right- Palisades

9. (a) Beginning with the availability of space, as indicated in Article 6, the Contractor shall be entitled to have the following storage rights in Palisades Reservoir:

(1) The right to have stored to its credit during each storage season, one and five thousand eight hundred seventeen ten thousandths percent (1.5817%) of all water stored in Palisades Reservoir during that season under the Palisades storage right.

(2) The right to have stored to its credit during each storage season and with a priority as indicated in Article 14, water to which it is entitled through the curtailment of water diversions as provided in that article.

(3) The right to have held over from one irrigation season to the next, stored water to which it is entitled.

The total amount of stored water to the Contractor's credit at any time shall not, however, exceed the total amount of space in Palisades Reservoir available to the Contractor under this contract, and the Contractor's storage rights in Palisades Reservoir are hereby made subject to the provisions of (c) of this article.

(b) Stored water available under the rights in Palisades Reservoir created by this contract shall be available for delivery to the Contractor during any irrigation season within these limitations:

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(1) Except in cases of emergency, deliveries shall be limited to periods when the Contractor's natural flow rights are not sufficient to meet the Contractor's irrigation water requirements.

(2) Deliveries shall be limited at any time to the amount which can be delivered by means of the Contractor's proportionate share of the outlet capacity, taking into account the requirement of passing through the reservoir water belonging to prior rights and the physical limitations of the existing outlet works.

(c) Under the provisions of the Act of September 30, 1950, the active capacity of Palisades Reservoir will be used jointly for irrigation and flood control storage in accordance with the operating plan set forth in House Document No. 720, 81st Congress, and attached hereto as part of this contract, as that plan is implemented by rules of and regulations issued pursuant to Section 7 of the Act of December 22, 1944 (58 Stat. 890). All the Contractor's storage rights are subject to the operation of the reservoir in accordance with this subarticle. In the event Palisades Reservoir fails to fill during any storage season by reason of such flood control operations, the amount of shortage so attributable shall be prorated equally over all space allocated to storage of water for irrigation, municipal, or other miscellaneous purposes and shall be charged against all stored water including that, if any, carried over from prior irrigation seasons.

PART III - PROVISIONS RELATING TO RIRIE RESERVOIR

Reservoir Capacity Available to Contractor- Ririe

10. Ririe Dam, constructed, operated, and maintained by the United States, provides a reservoir with an estimated joint-use active storage capacity

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of 80,500 acre-feet and based on that estimated capacity, the use and benefit of one hundred percent (100%) of that capacity is allocated hereby to the Contractor. Beginning with the operative date of this contract, as defined in Article 5(a), the United States will make available to the Contractor the stored water accruing to that percentage of the joint-use active capacity of that reservoir, within the limits and on terms and conditions provided in this contract. The joint-use active capacity of the reservoir currently is considered to be 80,500 acre-feet; that figure may, however, be adjusted from time to time by agreement between the Secretary, the Contractor, and the Advisory Committee whenever there are determinations that the joint-use active capacity is other than above stated.

Construction Charge Obligation- Ririe

11. (a) As provided by Section 5(a) of the Act, the repayment obligation associated with the construction costs for the 80,500 acre-feet of noncontracted storage space described above in Article 10 is deemed to be fully repaid.

(b) In the event the Secretary determines that additional investments are required to insure and sustain the operation and use of Ririe Dam and Reservoir, including any costs which might be required under various safety-of-dams programs, the Contractor shall repay its appropriate share at the times and upon the terms to be negotiated by the parties. Failure to complete such negotiations shall not be the basis for any claim that the Agreement has been breached. Such requirements shall be in addition to obligations specified in subarticle (a) above.

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Operation and Maintenance Obligation- Ririe

12. (a) The Contractor, beginning as provided in Article 10, and continuing during the period of operation and maintenance of Ririe Dam and Reservoir by the United States, shall pay to the United States in advance one hundred percent (100%) of the costs of operating and maintaining that dam and reservoir, including whatever costs may be incurred in the delivery of water therefrom, which are apportionable to the irrigation storage rights therein. There shall be determined from time to time by the Secretary, after consultation with the Contractor, the basis for distributing among the various purposes which by law are to be served by the dam and reservoir the costs of operation and maintenance thereof and the basis for assigning those costs for repayment. In determining the total costs annually apportioned to the irrigation storage rights, there shall be deducted from the total annual cost of operation and maintenance of the dam and reservoir, those costs which are determined to be properly chargeable to other purposes served by the reservoir and for which other provision for repayment, in whole or in part, is made pursuant to law. The costs apportionable to the irrigation storage rights shall be distributed annually to all storage space that is made available for irrigation purposes.

(b) Beginning with January 1 of the year in which the use and benefit of Ririe space is first available to the Contractor as provided in Article 10, payment of the Contractor's share of Ririe Dam and Reservoir operation and maintenance costs shall be made for each calendar year on the basis of annual estimates by the Secretary. The notice of these annual estimates, hereinafter referred to as the operation and maintenance charge notice, shall contain a statement of the estimated cost of operation and

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maintenance of the dam and reservoir to be incurred in the calendar year involved and the amount of the Contractor's share of those estimated costs. The operation and maintenance charge notice shall be furnished to the Contractor following the announcement of the operative date, as provided in Article 5(a), and annually thereafter on or before February 1 of the calendar year for which the notice is issued, but, when requested by the Contractor, a preliminary estimate shall be given at such earlier date as is agreed on in writing. The Contractor shall pay the amount stated in the notice on or before April 1 of the year for which it is issued or such other date as may be agreed on in writing; Provided, however, That in the year this contract becomes operative, the Contractor shall pay such amount in advance as a condition of the Ririe space being made available for that year.

(c) Whenever, in the opinion of the Secretary, funds so advanced will be inadequate to meet the Contractor's share of the cost of operating and maintaining the dam and reservoir, the Secretary may give a supplemental operation and maintenance charge notice, stating therein the amount of the Contractor's share of the additional funds required, and the Contractor shall advance the additional amount on or before the date specified in the supplemental notice. If funds advanced by the Contractor under this article exceed the Contractor's share of the actual costs of operation and maintenance of the dam and reservoir for the year for which advanced, the surplus shall be credited on the operation and maintenance charges to become due for succeeding years.

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Nature and Extent of Storage Right- Ririe

13. (a) Beginning with the availability of space, as indicated in Article 10, the Contractor shall be entitled to the right to have stored to its credit during each storage season, one hundred percent (100%) of all stored water in the joint-use active capacity of Ririe Reservoir during that season under the Ririe storage right.

(b) Stored water available under the rights in Ririe Reservoir created by this contract shall be available for delivery to the Contractor during any irrigation season within these limitations:

(1) Deliveries shall be limited at any time to the amount which can be delivered by means of the Contractor's proportionate share of the outlet capacity, taking into account the requirement of passing through the reservoir water belonging to prior rights and the physical limitations of the existing outlet works.

(2) Notwithstanding the above limitation, at the Contracting Officer's option and following notification to the watermaster and the Advisory Committee, annual exchanges of stored water or stored water entitlements among Ririe Reservoir and the other reservoirs and spaceholders of the reservoir system may be made. Deliveries may be scheduled from such other reservoirs for convenience or to maintain Ririe Reservoir levels for recreational, fish, and wildlife purposes.

(c) Under the provisions of the Act of October 23, 1962, the active capacity of Ririe Reservoir can be used for flood control, irrigation, municipal water supply, and recreation. Operation of Ririe Reservoir will be in accordance with the operating provisions cited in the October 14, 1976,

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"Memorandum of Agreement Providing for the Transfer of the Ririe Lake Project from the Army Corps of Engineers to the Bureau of Reclamation," as may be amended by the United States. All of the Contractor's storage rights in Ririe Reservoir are subject to the operation of the reservoir in accordance with this subarticle. In the event Ririe Reservoir fails to fill during any storage season by reason of flood control operations, the amount of shortage so attributable shall be prorated equally over all space within Ririe Reservoir allocated to storage of water for irrigation, municipal, recreation, or other miscellaneous purposes and shall be charged against all stored water within Ririe Reservoir, including that, if any, carried over from prior irrigation seasons.

PART IV - PROVISIONS OF GENERAL APPLICATION

Saving of Winter Water; Special Storage Right

14. (a) Certain water users organizations have contracted with the United States to make, for a period of 150 consecutive days during the period from November 1 through April 30 of each storage season, no diversions of water from the Snake River or any of its tributaries by means of its existing diversion works or by any other means.

(b) The total savings of water during each storage season as the result of curtailment of winter diversions by the water users organizations diverting from the Snake River who have contracted with the United States to curtail or cease diversions is agreed to be 143,000 acre-feet, of which 135,000 acre-feet are attributable to curtailments by those diverting above American Falls Dam and 8,000 acre-feet below that point. The Contractor, not

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participating in the winter water savings program, shall be entitled to no storage in Palisades and Ririe Reservoirs by reason of the program set out in this article.

(c) The right to store water pursuant to this article shall be prior in time over the storage rights held by the United States for American Falls Reservoir (the latter having a priority dated March 30, 1921), or any storage rights held by the United States or the Contractor that are junior to the American Falls rights. The Contractor hereby consents to the granting of special storage rights with a like priority to all water users organizations and all water users who, directly or indirectly, contract to curtail storage season diversions substantially as provided in (a) of this article within these maxima as to special storage rights:

(1) For water users organizations and water users diverting above American Falls Dam -- 135,000 acre feet.

(2) For water users organizations and water users diverting between American Falls Dam and Milner Dam -- 8,000 acre-feet, exclusive of the special storage rights described in (d) of this article.

(d) The Contractor also hereby consents to permitting the North Side Canal Company and the Twin Falls Canal Company to store, in either American Falls or Palisades Reservoir, during the months of November through March of any storage season under a priority like that provided in (c) above, water that would otherwise accrue to them within these rights:

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The rights of the North Side Canal Company and of the Twin Falls Canal Company, respectively, to divert at Milner Dam for domestic and livestock uses during those months as follows:

North Side Canal Company....126,000 acre-feet

Twin Falls Canal Company....150,000 acre feet

within this limitation:

If, taking account of all storable water whether stored or not, Palisades and American Falls Reservoirs fail to fill during any storage season, any water diverted during that storage season by the North Side Canal Company in excess of 126,000 acre feet (but not to exceed the amount of deficiency in fill), and by the Twin Falls Canal Company in excess of 150,000 acre-feet (but not to exceed the amount of deficiency in fill), will be charged as of the end of that storage season against the allotment of American Falls storage to these respective companies.

This limitation in the case of the North Side Canal Company became effective the date Palisades Reservoir became operative, but in the case of the Twin Falls Canal Company became operative in the first year in which that company exercised the special storage provision to which consent is here given.

Consent to American Falls-Jackson Lake Exchange and Redefinition of Storage Rights

15. Certain upper valley water users organizations owning storage rights in American Falls Reservoir have agreed or will agree in connection with

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the acquisition of Palisades Reservoir rights to accept in exchange for a portion of their American Falls rights certain storage rights in Jackson Lake Reservoir below elevation 6,752 feet above sea level (U.S.G.S. datum), the provisions for such exchange being substantially as set out in the document entitled "Basic Provisions Incorporated or to be Incorporated in Contracts With Upper Valley and Lower Valley Water Users Organizations to Govern the Permanent Exchange of Certain American Falls and Jackson Lake Storage Rights," attached hereto as part of this contract, and these and other water users organizations have agreed or will agree to permit the United States to operate all space in Jackson Lake Reservoir on a hold-over basis. The Contractor hereby consents to such exchange and to such hold-over operating arrangements.

Winter Power Operation; Minidoka Powerplant

16. (a) The United States, in its operation of American Falls and Minidoka Dams during the storage season of each year, is required to pass through enough water to satisfy existing diversion rights in the stretch of river down to and including Milner Dam and certain power rights below Milner Dam, and has the privilege under an existing decree to use at Minidoka Dam 2,700 cubic feet per second of water for the development of power. While the United States must operate the American Falls and Minidoka Dams so as not to interfere with these third-party rights, it will be the objective of the United States in the operation of both its American Falls and Minidoka Dams to curtail the release of additional water from American Falls Reservoir for power production at the Minidoka Powerplant during the storage season of any year whenever operation of the powerplant to the full extent of the water rights for

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power production would result in loss of irrigation water otherwise storable in the reservoir system. Accordingly, except as it is determined by the Secretary that additional water may be passed through American Falls and Minidoka Dams without the loss of water that could be stored for irrigation in the reservoir system, the United States will, during each storage season, and continuing so long as the provisions of (c) of this article remain operative, limit the release of water through those dams as follows:

> To the amount of water required to provide flows below Minidoka Dam sufficient to meet existing diversion rights in the reach of the river through Milner Dam and the power rights required to be recognized under the provisions of the contract of June 15, 1923, between the United States and the Idaho Power Company (Symbol and No. Ilr-733), as those diversion and power rights may be modified from time to time.

To the extent that it is practicable to do so, the Advisory Committee will be informed in advanced of any plans for the release of water in excess of the foregoing limitations; and that Committee will be furnished written reports as of the close of the storage season of each year showing, among other things, the releases actually made and the minimum releases required to be made.

(b) Curtailment of releases as provided in (a) of this article will result in there being, in some years, additional water available for storage for irrigation purposes in American Falls, Island Park, and Palisades Reservoirs. In any storage season when these reservoirs fail to fill, the saved water attributable to such curtailment shall be credited, first, to Island Park

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Reservoir to the extent of 45,000 acre-feet without regard to the priority of the storage permits held for that reservoir, and thereafter to American Falls, Island Park, and Palisades Reservoirs in the order of priority of their respective storage permits, the crediting to Island Park Reservoir and to any storage right in any other reservoir (except the lower valley exchanged space in American Falls Reservoir) being contingent on the owners of these rights obligating themselves for their share of the annual payments for power replacement in keeping with the provisions of (e) of this article.

(c) For the purposes of this contract and without relinquishment of any part of the power rights herein described, it is assumed that but for curtailment of operations as provided in (a) of this article, units 1 through 6, or any replacement units, of the Minidoka Powerplant would be operated during the storage season of each year to the maximum extent practicable within the limits of the power rights therefor (2,700 second-feet as decreed by the District Court of the Fourth Judicial District of Idaho on June 20, 1913, in the case of Twin Falls Canal Company v. Charles N. Foster et al.) and that in consequence of operations under this article there may be losses in the production of power and energy at that plant. To offset such losses, the United States will, as nearly concurrently as practicable, make replacement by the delivery of power and energy into the Minidoka power system at the Minidoka Powerplant from other interconnected Federal powerplants being operated under the Federal Reclamation Laws. Payment for such replacement power and energy shall be made by the Contractor and all other contractors having reservoir

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rights benefiting from the water savings resulting from operations under the provisions of (a) of this article in annual amounts determined as follows:

> The payment for any year shall be the product, in dollars, of the then controlling average annual replacement requirement, in kilowatt-hours, times the price per kilowatt-hour, figured at 100 percent load factor, under the then existing rate schedule for the sale of firm power and energy from the plant or plants involved.

In determining replacement requirements under this article, no account is intended to be taken, by way of offset or otherwise, of the effect of any reservoir system storage operations on the seventh unit of the Minidoka Powerplant.

(d) The average annual replacement requirement shall be the average of the annual replacement requirements of each year of the 20-year period ending on September 30 of the prior year. In deriving this average there shall be used, as annual net power production losses for each year, a net power production loss calculated on the basis of the comparison of (1) the total energy that could have been produced by units 1 through 6, or any replacement units, of the Minidoka Powerplant based on the water flows actually recorded at the U.S.G.S. Minidoka gaging station (hereinafter called the Minidoka gage), corrected as hereinafter provided, and (2) the energy which theoretically could have been generated at those units with the flows at the Minidoka gage without a curtailment in winter power operation as provided in this article and exclusive of irrigation storage releases. Using conclusions reached as to flows and heads, the power loss calculations will be made by utilizing the power

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production curves shown in drawing No. 17-100-139 as shown in the document entitled "Criteria and Method for Determination of Certain Minidoka Powerplant Production Losses from Restrictions on Use of Water Rights," but increases in energy in any year by reason of taking American Falls storage into account as provided in subparagraph (iii) of this subarticle (d) shall be accounted for as compensating offset up to but not exceeding energy losses accruing in that year by reason of curtailment in power operations under this article.

To correct flows under (1) above, all storage releases except American Falls shall be excluded and the measure of American Falls storage passing the Minidoka gage shall be the increase in storage at that gage over that computed at the Blackfoot gaging station as shown in the annual report entitled " Watermaster's Report, Water District No. 1, Snake River and Tributaries above Milner, Idaho," [1] the latter further corrected for any American Falls storage that may have been present by reason of having been stored temporarily upstream and that portion of Palisades storage which was diverted above the Minidoka gage. In measuring American Falls storage, it shall be assumed that storage is released from downstream reservoirs first. The flow at the Minidoka gage without storage shall be taken to be the normal flow at that gage as shown by that same report. In determining water flows, with and without curtailment of power operations as provided by this article, these assumptions shall be used with respect to units 1 through 6, or any replacement units, of the Minidoka Powerplant:

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[1] Previously referred to as the "Water Distribution and Hydrometric Work, District 36, Snake River, Idaho."

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(i) There is a right for power production to maintain a flow of 2,700 second-feet at Minidoka Dam during the storage season of each year in accordance with the decree entered June 20, 1913, supra, if that flow, disregarding the storage of saved water in the reservoir system under the provisions of this article, would be available at Minidoka Dam.

(ii) There is a right to use, within the hydraulic capacity of these units, whatever natural flow passes Minidoka Dam during each irrigation season.

(iii) Although there is no right to have water stored under American Falls Reservoir rights released for power production, during the period that such storage is being released for irrigation there will be more energy produced by these units than is attributable to the natural flow rights therefor, which shall be taken into account as a compensating offset as provided above in this subarticle (d).

To determine controlling power heads, the effective power head for any period shall be derived on the basis of recorded forebay and tailwater elevations for that period.

The foregoing criteria for determinations of annual net power production losses may be changed from time to time but only if the changes are made in writing with the approval of the Secretary, the Advisory Committee, and the boards of directors of both the Burley and Minidoka Irrigation Districts. Determinations as to net power production losses for each year and the average annual replacement requirement under this article shall be made by a committee of three

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comprising the state watermaster of District No. 1, a representative to be selected jointly by the Burley and Minidoka Irrigation Districts and the North Side Canal Company, Ltd., and the officer of the United States in charge of the Minidoka Project, but, should that committee fail to make a determination for any year by January 1 of the year for which the determination is required, it may be made by the Secretary.

(e) The annual payment determined as provided in this article shall be apportioned among the benefiting reservoirs as follows:

Beginning with the first full storage season of Palisades operation, seventy-eight percent (78%) to American Falls, twelve percent (12%) to Island Park, and ten percent (10%) to Palisades. The amount apportioned to each reservoir shall be accounted for as part of the operation and maintenance costs for which provisions for payment for the Contractor's share is made elsewhere in this contract. The amount apportioned to American Falls Reservoir shall be distributed equally over all space available for irrigation storage, excluding the lower valley exchanged space but including in lieu thereof the upper valley exchanged space in Jackson Lake Reservoir.

(f) If the owners of any storage rights to benefit from the operation of this article fail to obligate themselves for their share of the annual payments for power replacement, hereunder, the saved water creditable to such rights and the power replacement costs chargeable thereto shall be redistributed according to a formula to be agreed on in writing between the

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Advisory Committee and the Secretary. In the event such agreement cannot be reached after reasonable consultation, the Secretary may adopt a binding formula pursuant to Article 34. Such formula shall, however, be as nearly consistent as practicable with the formula that would control but for such redistribution.

Temporary Storage and Exchange of Water; Release of Jackson Lake and Palisades Water for Power Production

17. (a) It is the purpose of the United States and the water users having storage rights in the reservoir system (including the Contractor) to have the reservoir system so operated as to effect the greatest practicable conservation of water. In keeping with this purpose, the endeavor will be to hold stored water in reservoir system space that is farthest upstream. Water in storage in any of the reservoirs of the system may, however, when the watermaster, and the Advisory Committee determine this to be in the interest of water conservation, be held temporarily in unoccupied space in any other reservoir in the system. And the Contractor hereby consents to the making, with the approval of the watermaster, of annual exchanges of stored water among the various reservoirs of the system. No such temporary holding of water or such annual exchanges shall, however, deprive any entity of water accruing to space held for its benefit.

(b) During any storage season, the United States, after consultation with the Advisory Committee may release stored water from Palisades Reservoir for the maintenance of power production at Palisades Dam Powerplant and may store such water in American Falls Reservoir. The release of such water will be confined, however, in storage seasons when it appears that American

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Falls, Palisades, and Jackson Lake reservoirs will fail to fill, to water required for the maintenance of a minimum firm power production (estimated to be about 11,000,000 kilowatt-hours per month at an average production of 15,000 kilowatts) and which can be stored in American Falls Reservoir; and no such release shall be made that will preclude the later delivery of water, by exchange or otherwise, to the upper valley entities entitled thereto.

Rental of Water; Sale of Space

18. (a) The Contractor may rent stored water which has accrued to its credit in any reservoir of the system, but such rentals shall be for only one year at a time and pursuant to rates and conditions to be approved in advance by the Secretary and the Advisory Committee. Such rates and conditions shall be in accordance with those contained in the Water Bank Rules of Water District No. 1 of the State of Idaho, so long as such rules shall be in effect.

(b) No sale of storage rights in the reservoir system, created or defined by this contract, shall be made except on terms and conditions approved by the Secretary.

Points of Delivery of Water; Measurement and Losses

19. (a) Stored water to which the Contractor is entitled under this contract will be delivered and measured at the outlets of the reservoir in which the water is actually stored, without regard to whether it is water accruing to storage rights in that reservoir. The Contractor will bear all losses chargeable to such water between the outlets of the delivering reservoir and the Contractor's point of diversion from the river.

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(b) In addition to other specific provisions as to the distribution of losses chargeable to stored water, there shall be charged against stored water held under this contract to the credit of the Contractor in any reservoir of the system at the end of any irrigation season one and one-half percent (1.5%) to offset evaporation losses. Such charge shall be made as of not later than the end of the ensuing storage season.

Ordering of Water

20. (a) The ordering of stored water shall be effected by the Contractor by notifying the watermaster, giving notice a reasonable period in advance, of the amount of water, within the limits of its water entitlements, to be diverted during each day of the irrigation season. The watermaster will be responsible for determining from day to day the amount of stored water required to be released from the various reservoirs of the system to comply with the requirements of the Contractor and all other entities entitled to the delivery of stored water only in response to orders from the watermaster. The watermaster shall be responsible for determining what portion of the Contractor's diversions is chargeable to stored water being held in the reservoir system for the Contractor, and diversions by the Contractor in excess of entitlements shall be charged against stored water subsequently accruing to the Contractor's credit under this contract or any other contract with respect to storage in the reservoir system.

(b) Actions by the watermaster under the provisions of this article shall be as agent of the Contractor.

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Complaints Regarding Water Supply

21. The United States and its officers, agents, and employees in charge of reservoirs in the reservoir system and the watermaster will use their best efforts and best judgment to deliver to the Contractor its proportionate share of the water to which it is entitled under this contract. Should the Contractor feel aggrieved because of an alleged mistake or inaccuracy in the delivery of water or in the division of stored water among the parties entitled to such water from the reservoir system, the Contractor shall immediately report such alleged mistake or inaccuracy to the watermaster and to the official of the United States in charge of the reservoir involved. If the watermaster finds that the Contractor's proportionate share of stored water is not being delivered, he will correct the error as early as possible. No liability, however, shall accrue against the United States, its officers, agents or employees, or the watermaster for damage, director indirect, arising by reason of shortages in the quantity of water available through the reservoir system by reason of drought, inaccuracy in distribution, hostile diversions by third parties, prior or superior claims, accident to or failure of the facilities comprising the reservoir system, whether or not attributable to negligence of officers, agents or employees of the United States, or other similar causes of whatsoever kind. Nor shall the Contractor's obligations to the United States under this contract be reduced by reason of such shortages or interruptions.

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Payment of Costs in Delivery and Distribution of Stored Water

22. (a) The Contractor shall pay, in addition to its proportionate share of the costs of operation and maintenance of the Palisades and Ririe Reservoirs as provided under Articles 8 and 12 of this contract, its proportionate share of all costs of the delivery and distribution of water beyond the outlet works of the delivering reservoirs. These costs shall include, with respect to costs incurred by the United States, all costs and expense of whatsoever nature or kind in connection with, growing out of, or resulting from the distribution of stored water, the protection of stored water between the reservoirs and the points of diversion from the river including the prevention of diversion of such water by parties not entitled thereto. Whatever costs of this character are incurred by the United States shall be distributed among the Contractor and all others on whose behalf such costs have been incurred on the basis that the operation and maintenance costs of the reservoir from which the water was delivered are distributed among the various rights. Unless otherwise agreed in writing by the Secretary and the Advisory Committee, such costs shall be paid annually and for billing purposes shall be included as part of the operation and maintenance costs under Articles 8 and 12 of this contract.

(b) The Contractor shall also pay its proportionate share of the costs incurred by the watermaster in the delivery and distribution of water in accordance with the provisions of Article 20 to the extent that those represent costs incurred other than by the activities of the United States in the delivery and distribution of water. The costs will be apportioned and paid in accordance with the provisions of the laws of the State of Idaho.

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Computation of Operation and Maintenance Costs

23. The costs which enter into the cost of operation and maintenance of the various reservoirs and the costs of delivery and distribution of water, portions of which costs are to be paid by the Contractor, shall embrace all expenditures of whatsoever kind in relation to the function for which the charge is made, including, but without limitation by reason of this enumeration, cost of surveys and investigations, labor, property, material and equipment, engineering, legal, superintendence, administration, overhead, general expenses, inspection, special services, and damage claims of all kinds whether or not involving the negligence of officers, agents or employees of the United States, but shall be exclusive of amounts which the law does not require to be repaid and which the Secretary determines as a matter of policy are to be treated as nonreimbursable.

Operation of Palisades Powerplant

24. (a) The United States, in its operations of the Palisades Dam Powerplant, will be governed by the provisions of Article 17 and these criteria, among others: That the plant shall be operated so as to hold to a practicable minimum the loss of water that would otherwise be available for storage in the reservoir system for irrigation purposes; and that, until such time as a reregulating reservoir has been put into operation, wide fluctuations in the release of water to meet peak power loads will, during irrigation seasons, be confined to periods when this can be done without substantial variation from the flows that would otherwise be present in the river below the dam.

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(b) Notwithstanding provisions to the contrary in this contract, the Contractor consents to the operation of the Palisades dam powerplant, during a five-year period (but not beyond the end of the national defense emergency as declared by Proclamation of the President No. 2914 dated December 16, 1950, 3 CFR 1950 Supp., p. 271), beginning with the date when the first unit of that plant is first placed in service, in the following manner:

In addition to normal operation at other times within the limits provided by this contract, the plant may be operated to produce an average of 60,000 kilowatts (217,440,000 kilowatt-hours) during the period October through February of each storage season when the flow of the river at the dam is equal to or greater than that of those months of the median year during the periods 1928 through 1947 whenever such operation is required in the judgment of the Defense Electric Power Administrator, or his successors in functions, to help meet certified defense loads served from power systems with which the plant is interconnected, directly or indirectly.

Title to Project Works; Power and Miscellaneous Revenues

25. (a) Title to Palisades Dam and Reservoir and Ririe Dam and Reservoir and all works incidental and appurtenant thereto, including powerplants, built or to be built by the United States, shall remain in the United States until otherwise provided by the Congress.

(b) All revenues derived from the sale or other use or disposal of power and energy developed at Palisades or Ririe, including existing as well as any future powerplants and as well as miscellaneous revenues realized in connection with the development or operation of the project, shall be and remain the property of the United States.

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Priority of Certain Existing and Future Water Rights

26. (a) In connection with Island Park Reservoir, located on the North Fork (Henrys Fork) of Snake River, the United States holds water license No. R-590, with a priority date of March 14, 1935, and license No. R-686, with a priority date of June 12, 1940. Notwithstanding the later priority of license No. R-686, the Contractor hereby agrees that all storage rights held by the United States in connection with Island Park Reservoir may be treated as having the same priority as right under license No. R-590.

(b) In connection with Idaho Permit No. 15134, a direct diversion permit with a priority date of March 30, 1921, held in connection with American Falls Reservoir, the United States may contract with American Falls Reservoir District No. 2 to recognize the right of that district to have water license No. 15134 exercised substantially as follows:

American Falls Reservoir District No. 2 to have the right to divert as natural flow during each irrigation season under water license No. 15134, having a March 30, 1921 priority, as follows: From May 1 of each irrigation season continuing during that season so long as there is natural flow available for that priority, the first 1,700 cubic feet per second of flow to be available one-half (½) to American Falls Reservoir District No. 2 and one half (½) to American Falls Reservoir, 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 American Falls Reservoir District No. 2 within the maximum of

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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 water license No. 15134. Nothing herein shall prevent American Falls Reservoir District No. 2 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.

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.

And the Contractor agrees that it will not oppose an adjudication of a natural flow right of the waters of the Snake River for the benefit of American Falls Reservoir District No. 2 consistent with the foregoing criteria. The contract by the United States with American Falls Reservoir District No. 2 shall be on the condition, however, that that district assume its proportionate share of the obligation for the cost of replacement power under the provisions of Article 16. When such contract has become operative, the United Stated shall make application to the State of Idaho for amendment of water permit No. 15134 and the issuance thereunder with a priority date of March 30, 1921, requiring that the remainder of the right under the permit, 6,300 second-feet, to the extent such right remains outstanding, be used for storage in American Falls Reservoir,

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such right, however, if issued to the United States not to carry voting privileges in water users meetings under the laws of the State of Idaho. Such application shall, however, leave unaffected water license No. R-269 having a priority dated March 30, 1921.

(c) If the United States, under the Federal Reclamation Laws, hereafter constructs storage facilities on the Snake River or its tributaries above Milner Dam in addition to those now constructed or authorized to be constructed to provide water for irrigation purposes, the Contractor hereby agrees that, notwithstanding the establishment of a storage right for such additional facilities with a priority subsequent to that assigned to Palisades Dam and Reservoir, the United States may hereafter contract with water users organizations which then have storage rights in Palisades Reservoir, to operate not to exceed 300,000 acre-feet of such capacity for the storage of water for irrigation for the benefit of such organizations as though that capacity had a storage right of identical priority with that held for Palisades Dam and Reservoir.

Protection of Water Rights

27. In case any dispute arises as to the character, extent, priority or validity of any of the storage rights held in the name of the United States for the benefit of the Contractor in connection with its rights under this contract, the United States may, independently of the Contractor, bring and prosecute judicial proceedings for the determination of such dispute and take all other measures necessary toward the defense and protection of its water rights, and such proceedings may be brought and prosecuted by the Contractor.

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Refusal to Deliver Water in Case of Default

28. No water available to the Contractor under this contract shall be delivered to or for the Contractor if the Contractor is in arrears in the advance payment of operation and maintenance charges owed to the United States, if any, or more than twelve (12) months in arrears in the payment of any other amount owed to the United States under this contract. The Contractor shall refuse to deliver water to lands or parties who are in arrears in the advance payment of operation and maintenance charges due from such lands or parties to the United States or to the Contractor, or to lands or parties who are in arrears more than twelve (12) months in the payment of amounts due from such lands or parties to the United States or the Contractor to the United States under this contract. The provisions of this article are not exclusive and shall not in any manner prevent the United States from exercising any other remedy given by this contract or by law to enforce the collection of any payments due under the terms of this contract.

Levies and Assessments by Contractor; All Benefits Conditioned Upon Payment; Lien to Secure Obligations

29. (a) The Contractor shall cause to be levied and collected all necessary assessments and charges against its members and stockholders and will use all the authority and resources of the Contractor (including, without limitation by reason of this enumeration, its power to create liens and to withhold the delivery of water) to meet the obligations of the Contractor to the United States under this contract.

(b) Should the Contractor fail to levy the assessments and other charges against any land or the owners thereof as required by this contract, or,

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having levied, should the Contractor be prevented from collecting such assessments or other charges by any judicial proceedings or otherwise fail to collect them, such land and owners shall not be entitled to receive water made available under this contract and the Contractor, except as otherwise ordered by a court of competent jurisdiction, shall not deliver such water to such lands or the owners thereof unless and until arrangements for its delivery satisfactory to the Secretary have been made.

Charges for Delinquent Payments

30. (a) The Contractor shall be subject to interest, administrative and penalty charges on delinquent installments or payments. When a payment is not received by the due date, the Contractor shall pay an interest charge for each day the payment is delinquent beyond the due date. When a payment becomes 60 days delinquent, the Contractor shall pay an administrative charge to cover additional costs of billing and processing the delinquent payment. When a payment is delinquent 90 days or more, the Contractor shall pay an additional penalty charge of 6 percent per year for each day the payment is delinquent beyond the due date. Further, the Contractor shall pay any fees incurred for debt collection services associated with a delinquent payment.

(b) The interest charge rate shall be the greater of the rate prescribed quarterly in the Federal Register by the Department of the Treasury for application to overdue payments, or the interest rate of 0.5 percent per month prescribed by section 6 of the Reclamation Project Act of 1939 (Public Law 76-260). The interest charge rate shall be determined as of the due date and remain fixed for the duration of the delinquent period.

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(c) When a partial payment on a delinquent account is received, the amount received shall be applied, first to the penalty, second to the administrative charges, third to the accrued interest, and finally to the overdue payment.

Advisory Committee

31. (a) In its operation and maintenance of the various dams and reservoirs of the reservoir system, the United States, acting through the Regional Director of the Bureau of Reclamation or his designee or such other officer as may be designated in writing by the Secretary, shall consult from time to time with the Advisory Committee on the various matters specifically requiring consultation under the terms of this contract and on such other matters as will have a substantial bearing on the determination of the amount of stored water to be available in the various reservoirs and on the costs of operation and maintenance of these reservoirs which are required to be borne by the space allocated to irrigation storage. The representative of the United States will meet with the Advisory Committee from time to time, but not less often than two times each year, at such dates and places as may be fixed by the Advisory Committee.

(b) Informal memoranda concerning working arrangements for the carrying out of the provisions of this article may be entered into from time to time between the Regional Director or other designated representative of the Secretary and the Advisory Committee.

(c) The Advisory Committee is agreed to be the Committee of Nine, as that committee may be constituted from time to time. The Committee of Nine shall continue to function as the Advisory Committee under this contract until a

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different representative body has been designated by a vote of the majority of the water users voting at any regular annual meeting of the water users of Water District No. 1 held as provided by law. Further designations of bodies to serve as the Advisory Committee may be made from time to time by this same election process.

Ratification of Contract

32. The execution of this contract shall be authorized by a resolution of the Board of Directors of the Contractor adopted pursuant to its bylaws and in accordance with the controlling provisions of law. The Contractor, upon the execution of this contract, shall promptly furnish to the United States certified copies of said resolution of its Board of Directors.

Changes in Contractor's Organization

33. While this contract is in effect, no changes shall be made as to the Contractor's organization by partial or total consolidation or merger with another entity or by proceeding to dissolve or otherwise, except with the consent of the Secretary evidenced in writing.

Rules and Regulations

34. The Secretary reserves the right, after consultation with the Advisory Committee, to make such rules and regulations consistent with the provisions of this contract, as are proper and necessary to carry out its true intent and meaning, and as are proper and necessary to cover any details of the administration or interpretation of the contract which are not covered by its express provisions. The Contractor shall observe such rules and regulations.

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Eligibility for Service

35. (a) The Contractor may distribute water made available under this contract (1) as a supplemental irrigation supply within existing and future adjudicated diversion and use limitations to lands with valid rights to the surface waters of the Snake River or its tributaries, having a priority predating November 16, 1990, or (2) as otherwise may be authorized in writing by the Contracting Officer.

(b) The Contractor's current service area is that specified in Exhibit B to this contract. The Contractor shall annually provide the Contracting Officer with an update of Exhibit B; such update shall be provided by December 31 and will represent the service area for that year. All inclusions must meet the requirements of this Article and Article 36. Decisions on apportioning water made available under this contract to lands within a current service area or through rentals authorized under Article 18(a) may be made by the Contractor according to criteria it develops. The initial criteria are contained in Exhibit C to this contract. The Contractor will keep the Contracting Officer informed of changes in the criteria and shall provide the Contracting Officer with a copy of new criteria as they are developed.

Right to Use of Storage Capacity

36. The Contractor shall, subject to the limitations of Article 5(b) and upon the timely payment of operation and maintenance charges imposed pursuant to Articles 8 and 12 herein, retain the sole and perpetual right to use the storage capacity obtained by it under this contract: Provided, however, in addition to observing the requirements of Articles 8, 12, 18, 35, and 40(e) herein, that the

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Contractor maintains a service area consisting of the lands of its shareholders or others with primary appurtenant water rights likely to be adversely impacted from the implementation of the Agreement and that those lands are sufficient to beneficially use the water accruing to the storage capacity.

Reservoir System Operational Flexibility

37. (a) The United States operates and maintains a reservoir system on the Snake River including Jackson Lake, Palisades, American Falls, Minidoka, Island Park, Ririe, and Grassy Lake Dams and has certain operational flexibilities with respect to water storage, reservoir releases, and river flows.

(b) To the extent possible, the United States will operate the reservoir system to deliver water ordered pursuant to this contract. Daily accounting of storage ownership and use will assure that flow releases are properly charged to the Contractor's storage and that nonparties to this agreement are not charged.

Compliance with Reclamation Laws

38. (a) The parties agree that the delivery of water or the use of Federal facilities pursuant to this contract is subject to Reclamation law, as amended and supplemented, including, but not limited to, the Reclamation Reform Act of 1982 (Public Law 97-293).

(b) As provided herein by Articles 7 and 11, the construction charge obligation associated with the 99,480 acre-feet of storage space being made available under this contract is deemed to be repaid. Accordingly, all exemptions under Reclamation law that result from this repayment are applicable to the Contractor without further qualification.

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Contract Preparation and Administration Fee

39. (a) Upon execution of this contract, a $100 fee for the preparation of this contract is due and payable by the Contractor to the United States.

(b) All future contract actions, including new contracts, contract amendments, supplements, and assignments will be charged a $100 fee: Provided, That such fee shall be reviewed by the Secretary and revised from time to time to cover costs to the United States.

Standard Provisions

40. The Standard Provisions applicable to this contract are listed below. The full text of these articles is attached as Exhibit A and is hereby made a part of this contract.

A. General Obligation--Benefits Conditioned Upon Payment

B. Notices

C. Contingent on Appropriation or Allotment of Funds

D. Officials Not to Benefit

E. Assignment Limited--Successors and Assigns Obligated

F. Books, Records and Reports

G. Quality of Water

H. Water and Air Pollution Control

I. Water Conservation

J. Equal Opportunity

K. Compliance With Civil Rights Laws and Regulations

L. Medium for Transferring Payments

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IN WITNESS WHEREOF, the parties hereto have caused this contract to be executed the day and year first above written.

MITIGATION, INC.

By Dale Rockwood

Title President

SEAL:

ATTEST:

By L. Clark Stover

Title Secretary

UNITED STATES OF AMERICA

By John W. Keys III
Regional Director, PN Region
Bureau of Reclamation

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STATE OF IDAHO)
: ss
County of Madison)

On this 22nd day of March, 1994, before me, Ray W. Rigby, a Notary Public, personally appeared Dale Rockwood and L. Claude Storer, known to me to be respectively the President and Secretary of MITIGATION, INC., and the persons who executed the within instrument on behalf of said corporation, and acknowledged to me that said corporation 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.

Ray W. Rigby
Notary Public in and for the
State of IDAHO
Residing at: Rexburg, Idaho

(SEAL)

My commission expires: 3-12-99

* * * * * * * * * * * *

STATE OF IDAHO)
: ss
County of Ada)

On this 31st day of March, 1994, personally appeared before me John W. Keys, III, known to me 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.

Diana L. Jacobs
Notary Public in and for the
State of IDAHO
Residing at: Boise

(SEAL)

My commission expires: 5-23-94

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EXHIBIT A

STANDARD PROVISIONS

The Contractor, as referred to in the following Standard Provisions, shall be MITIGATION, INC.

GENERAL OBLIGATION--BENEFITS CONDITIONED UPON PAYMENT

A. (1) The obligation of the Contractor to pay the United States as provided in this contract is a general obligation of the Contractor notwithstanding the manner in which the obligation may be distributed among the Contractor's water users and notwithstanding the default of individual water users in their obligations to the Contractor.

(2) The payment of charges becoming due hereunder is a condition precedent to receiving benefits under this contract. The United States shall not make water available to the Contractor through project facilities during any period in which the Contractor may be in arrears in the advance payment of any operation and maintenance charges due the United States. The Contractor shall not furnish water made available pursuant to this contract for lands or parties which are in arrears in the advance payment of operation and maintenance charges levied or established by the Contractor.

NOTICES

B. Any notice, demand, or request authorized or required by this contract shall be deemed to have been given, on behalf of the Contractor, when mailed, postage prepaid, or delivered to the Regional Director, PN Region, Bureau of Reclamation, 1150 N. Curtis Road, Boise, Idaho 83706-1234, and on behalf of the United States, when mailed, postage prepaid, or delivered to the Registered Agent of the Contractor, PO Box 250, 25 N. 2nd E., Rexburg, Idaho 83440-0250. The designation of the addressee or the address may be changed by notice given in the same manner as provided in this article for other notices.

CONTINGENT ON APPROPRIATION OR ALLOTMENT OF FUNDS

C. The expenditure or advance of any money or the performance of any obligation of the United States under this contract shall be contingent upon appropriation or allotment of funds. Absence of appropriation or allotment of funds shall not relieve the Contractor from any obligations under this contract. No liability shall accrue to the United States in case funds are not appropriated or allotted.

OFFICIALS NOT TO BENEFIT

D. No Member of or Delegate to Congress, Resident Commissioner or official of the Contractor shall benefit from this contract other than as a water user or landowner in the same manner as other water users or landowners.

ASSIGNMENT LIMITED--SUCCESSORS AND ASSIGNS OBLIGATED

E. The provisions of this contract shall apply to and bind the successors and assigns of the parties hereto, but no assignment or transfer of this contract or any right or interest therein shall be valid until approved in writing by the Contracting Officer.

BOOKS, RECORDS AND REPORTS

F. The Contractor shall establish and maintain accounts and other books and records pertaining to administration of the terms and conditions of this contract, including: the Contractor's financial transactions, water supply data, project operation, maintenance and replacement logs, and project land and right-of-way use agreements; the water users' land-use (crop census), landownership, land-leasing and water-use data; and other matters that the Contracting Officer may require. Reports thereon shall be furnished to the Contracting Officer in such form and on such date or dates as the Contracting Officer may require. Subject to applicable Federal laws and regulations, each party to this contract shall have the right during office hours to examine and make copies of the other party's books and records relating to matters covered by this contract.

QUALITY OF WATER

G. The operation and maintenance of project facilities shall be performed in such manner as is practicable to maintain the quality of raw water made available through such facilities at the highest level reasonably attainable, as determined by the Contracting Officer. The United States does not warrant the quality of water and is under no obligation to construct or furnish water treatment facilities to maintain or better the quality of water.

WATER AND AIR POLLUTION CONTROL

H. The Contractor, in carrying out this contract, shall comply with all applicable water and air pollution laws and regulations of the United States and the State of Idaho, and shall obtain all required permits or licenses from the appropriate Federal, State, or local authorities.

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WATER CONSERVATION

1. Prior to the delivery of water provided from or conveyed through federally constructed or federally financed facilities pursuant to this contract, the Contractor shall develop an effective water conservation program acceptable to the Contracting Officer. The water conservation program shall contain definite water conservation objectives, appropriate economically feasible water conservation measures, and time schedules for meeting those objectives. At subsequent 5-year intervals, the Contractor shall submit a report on the results of the program to the Contracting Officer for review. Based on the conclusions of the review, the Contracting Officer and the Contractor shall consult and agree to continue or to revise the existing water conservation program.

EQUAL OPPORTUNITY

J. During the performance of this contract, the Contractor agrees as follows:

(1) The Contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The Contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to, the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Contracting Officer setting forth the provisions of this nondiscrimination clause.

(2) The Contractor will, in all solicitations or advertisements for employees placed by or on behalf of the Contractor, state that all qualified applicants will receive consideration for employment without discrimination because of race, color, religion, sex, or national origin.

(3) The Contractor will send to each labor union or representative of workers with which it has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the Contracting Officer, advising the said labor union or workers' representative of the Contractor's commitments under Section 202 of Executive Order 11246 of September 24, 1965, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(4) The Contractor will comply with all provisions of Executive Order No. 11246 of September 24, 1965, as amended, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(5) The Contractor will furnish all information and reports required by said amended Executive Order and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to its books, records, and accounts by the Contracting Officer and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(6) In the event of the Contractor's noncompliance with the nondiscrimination clauses of this contract or with any of the such rules, regulations, or orders, this contract may be canceled, terminated, or suspended, in whole or in part, and the Contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in said amended Executive Order, and such other sanctions may be imposed and remedies invoked as provided in said Executive Order, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(7) The Contractor will include the provisions of paragraphs (1) through (7) in every subcontract or purchase order unless exempted by the rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of said amended Executive Order, so that such provisions will be binding upon each subcontractor or vendor. The Contractor will take such action with respect to any subcontract or purchase order as may be directed by the Secretary of Labor as a means of enforcing such provisions, including sanctions for noncompliance: Provided, however, That in the event the Contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

COMPLIANCE WITH CIVIL RIGHTS LAWS AND REGULATIONS

K. (1) The Contractor shall comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d), Section 504 of the Rehabilitation Act of 1973 (P.L. 93-112, as amended), the Age Discrimination Act of 1975 (42 U.S.C. 6101, et seq.) and any other applicable civil rights laws, as well as with their respective implementing regulations and guidelines imposed by the U.S. Department of the Interior and/or Bureau of Reclamation.

(2) These statutes require that no person in the United States shall, on the grounds of race, color, national origin, handicap, or age, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving financial assistance from the Bureau of Reclamation. By executing this contract, the Contractor agrees to immediately take any measures necessary to implement this obligation, including permitting officials of the United States to inspect premises, programs, and documents.

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(3) The Contractor makes this agreement in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property discounts or other Federal financial assistance extended after the date hereof to the Contractor by the Bureau of Reclamation, including installment payments after such date on account of arrangements for Federal financial assistance which were approved before such date. The Contractor recognizes and agrees that such Federal assistance will be extended in reliance on the representations and agreements made in this article, and that the United States reserves the right to seek judicial enforcement thereof.

MEDIUM FOR TRANSMITTING PAYMENTS

L. All payments from the Contractor to the United States under this contract shall be by the medium requested by the United States on the date payment is due. The required method of payment may include checks, wire transfers, or other types of payment specified by the United States.

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CONTRACTOR'S SERVICE AREA

EXHIBIT B

Name of Entity	Snake River Basin Adjudication Claim No.	Total Acres
Bannock Jim Slough	A22-00654	604.8
Bear Trap Canal	Multiple Claims	2,413.5
Bigler Slough	A22-00351	80.0
Blackfoot Irrigation Co.	A01-00001J	11,053.3
Burgess Canal & Irrigating Co.	A01-00029	22,200.6
Butler Island Canal Co.	A01-00231	988.0
Butler Island Ditch No. 2	A01-10031	73.0
Butte & Market Lake Canal Co.	A01-00080B	22,052.5
Canyon Creek Canal Co., Inc.	A22-00195	11,265.0
Chester Canal & Irrigation Co.	A21-00060B	2,197.0
Conant Creek Canal Co., An Idaho Corp.	A21-00083	4,515.6
Consolidated Farmers Canal Co., Ltd.	A01-00043	10,068.0
Corbett Slough Ditch Co.	A01-00047	4,462.4
Craig-Mattson	Multiple Claims	459.0
Curr Ditch	Multiple Claims	1,295.5
Danskin Ditch Co.	A01-00052A	5,221.0
Dilts Irrigation Co.	A01-00236	630.0
Egin Irrigation Co.	A01-00057	6,103.0
Ellis-Bramwell Ditch Co.	A01-00257	332.0
Enterprise Canal Co., Ltd.	A01-00059	4,853.0
Enterprise Irrigation Dist.	A21-00159	6,885.0
Fall River Irrigation Co.	A21-11226	14,203.0
Farmers Friend Irrigation Co., Ltd.	A01-00061	10,857.0
Foster Agro	See Palisades Water Users	
Harrison Canal & Irrigation Co.	A01-00069	14,226.0
Kelly Hill	See Craig-Mattson	
Merlin H. Hill	A01-07020	60.0
Verdale E. Hill	See Kite & Nord Ditch	
Hill-Pettinger	Multiple Claims	267.0
Idaho Irrigation District	A01-00312	37,654.0
Independent Canal Co., Ltd.	A01-00079	7,272.0
Island Irrigation Co.	A01-00081C	3,760.0
Island Ward Canal Co.	A22-00605	3,269.0
Kite & Nord Ditch	A01-00242	209.0
LaBelle Irrigating Company	A01-00244	2,853.0
Last Chance Canal Co., Ltd.	A01-00095	3,690.0
The Lenroot Canal Co.	A01-00098	3,031.0
Liberty Park Irrigation Co., Inc.	A01-00104	5,427.0
Long Island Irrigation Co.	A01-00109G	16,021.8
Mc Bee Ditch	A21-00072C	105.0
Mc Cormick Rowe Ditch	A22-00425A	240.0
Nelson-Cory	Multiple Claims	218.0
New Lavaside Ditch Company Limited	A01-00132A	4,831.0
New Sweden Irrigation District	A01-02009A	28,130.1
Nielson-Hansen Canal	A01-00136C	269.0

CONTRACTOR'S SERVICE AREA

EXHIBIT B

Name of Entity	Snake River Basin Adjudication Claim No.	Total Acres
North Fremont Canal Systems, Inc.	A21-00073A	27,831.0
	A21-00073B	240.0
	A21-00140	6,912.0
	A21-00049	7,117.0
North Rigby Irrig. & Canal Co., Inc.	A01-00138	1,212.0
Osgood Canal Co., Inc.	A01-00181D	5,988.0
Palisades Water Users, Inc.	A01-10214	21,029.0
Parks & Lewisville Irrigation Co., Inc.	A01-00142A	9,800.0
Parsons Ditch Co.	A01-00146A	940.0
Peoples Canal & Irrigation Co.	A01-00147	15,483.5
Pioneer Ditch Company	A22-00457	311.0
Poplar Irrigation District	A01-00156	869.8
Progressive Irrigation District	A01-00066	30,504.6
Reid Canal Co.	A01-00182C	5,604.0
Rexburg Irrigation Co.	A22-00469	40.0
	A22-11027	6,745.0
Rigby Canal & Irrigation Co.	A01-00116T	3,916.0
Riverside Canal Co.	A01-00117BA	2,935.0
Ross & Rand Canal	A01-00230	168.0
Rudy Irrigation Canal Co., Ltd.	A01-00162H	5,528.0
St. Anthony Union Canal Co.	A01-00175	14,596.0
Salem Union Canal Company Limited	A01-00166	4,978.0
Earl Searle Family Partnership	A01-00116A	505.0
Silky Ditch	Multiple Claims	1,159.0
Snake River Valley Irrigation Dist.	A01-00038	20,864.0
Squirrel Creek Irrigation & Canal Co.	A21-00109C	1,175.0
Brent Stolworthy Family, Ltd., Partnership	A01-00162F	994.0
Sunnydell Irrigation District	A01-10013	3,860.0
Teton Irrigation & Manufacturing Co.	A22-00549	3,114.5
Teton Island Feeder Canal, Partnership	A22-00288	10,717.0
Texas Slough Irrigating Canal Co.	A01-00182A	4,033.0
Trego Ditch Co.	A01-00002A	1,302.0
Twin Groves Irrigation & Manufacturing	A01-10052	3,068.0
Watson Slough Ditch & Irrigation Co.	A01-00191H	2,638.0
Wearyrick Ditch Co.	A01-00193	1,542.0
West Labelle Irrigation Co., Ltd.	A01-00195G	1,875.0
Westside Mutual Canal	Multiple Claims	1,323.5
Wilford Irrigation & Manufacturing Co.	A22-12654	2,598.0
Woodmansee-Johnson-Rexburg Mill Ditch, Inc.	A22-00205	1,294.0
Woodville Canal Co.	A01-00196	2,648.0
TOTAL, ALL CLAIMS		511,803.0

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EXHIBIT C

CRITERIA FOR DETERMINING SERVICE PRIORITIES

Water will be distributed to those impacted as outlined in Article I, Section 1, and Article V of the By-Laws of Mitigation, Inc., as here set forth:

ARTICLE I. SHAREHOLDERS

Section 1.

(a) All persons, associations, partnerships, corporations, or instrumentalities of the State of Idaho who hold valid state water rights and are water users in Water District 01, who feel that the implementation of the 1990 Fort Hall Indian Water Rights Agreement will adversely impact their irrigation water supplies, either now or in the future, may subscribe for shares of the capital stock of said corporation, based upon the average of their diversions over the past five years, as recorded in the records of Water District 01.

(b) The board of directors shall determine from the evidence available, including said records of Water District 01, who qualifies as a stockholder and the number of shares of the corporation that said subscribers shall be allocated. Should any applicant for stock disagree with the conclusions of said board of directors, then said applicant may have the matter resolved by a board of arbitration, consisting of a person designated by said board of directors, also a person designated by the Bureau of Reclamation of the United States, from the Minidoka, Idaho office, and the District 01 Watermaster. The decision of said board of arbitration shall be binding upon the parties.

(c) Thereafter, any persons, associations, partnerships, corporations, or instrumentalities of the State of Idaho who hold valid state water rights and are water users in Water District 01, who were not allocated capital stock in the initial subscriptions, and determine that the implementation of the 1990 Fort Hall Indian Water Rights Agreement was adversely impacting their irrigation water supplies may apply to said board of directors to subscribe for capital stock in the corporation. If said board of directors determines that said applicant is qualified, meets the above criteria, and makes payment of such per share costs as determined by the Board of Directors that shall be no less than as have been previously paid by each other stockholder, together with interest at 12 percent per annum from the date of the initial stock subscription, then such applicant shall be entitled to become a stockholder of the corporation. If such applicant shall be refused the right to subscribe for all or any part of the stock requested, said applicant shall have the right to have the matter finally determined by said board of arbitration in the manner provided for above in Section 1.(b).

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ARTICLE V. WATER DISTRIBUTION.

Section 1. The legal title to all water rights acquired by the Corporation shall be held by the Corporation. The water right shall be made appurtenant to the land of all stockholders to which any water can be delivered.

Section 2. The Board of Directors, after consultation with such persons and officials as they deem necessary, may lease all, allocate all, or lease part and allocate part of the Corporation's water, attempting to collect reasonable charges for the water, keeping in mind that those most impacted should be most mitigated. Leases and allocations shall be billed in advance and no water shall be delivered until the billing therefor has been paid. All shareholders shall be billed equally per acre foot allocated.

Section 3. In the event that there is not adequate water available for use by the stockholders, a reasonable charge for which at market value would not cover the annual O & M for said water, the directors shall be entitled to pay any shortfall from reserves, or if such are inadequate, to assess the capital stock of all shareholders equally to cover said shortfall. Nonpayment of such assessment may result in the sale of the capital stock in the manner provided by law, or upon a uniform policy and procedure adopted by the board of directors.

Section 4. The corporation shall be under no duty and shall not be held liable for failure to deliver water during the irrigation season when such failure occurs from a deficiency of water or from other causes, including floods, tornados, Acts of God, fluctuation or loss of power, or other occurrences which are beyond the control of the corporation.

Section 5. No water shall be delivered to stockholders of this corporation until all past due and current assessments have been paid. No stock shall be transferred on the books of the corporation until all past due and unpaid assessments thereof are paid.

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The Following Documents Are
Part of This Contract

Document No.	
1.	Document entitled "Basic Provisions Incorporated, or to be Incorporated, in Contracts with Upper Valley and Lower Valley Water Users Organizations to Govern the Permanent Exchange of Certain American Falls and Jackson Lake Storage Rights"
2.	Document entitled "Criteria and Method for Determination of Certain Minidoka Powerplant Production Losses from Restrictions on Use of Water Rights"
3.	Document entitled "Palisades Project - Operating Plan for Palisades Reservoir as set Forth in the Appendixes of House Document No. 720, 81st Congress"
4.	Document entitled "Memorandum of Agreement Providing for the Transfer of the Ririe Lake Project from the Army Corps of Engineers to the Bureau of Reclamation for Operation and Maintenance"

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United States Department of the Interior

BUREAU OF RECLAMATION
Pacific Northwest Region
1150 North Curtis Road
Boise, Idaho 83706-1234

IN REPLY
REFER TO:

PN-442/715

MAR 1 8 1994

Mr. Ray Rigby
Attorney/Registered Agent
Mitigation, Inc.
PO Box 250
Rexburg ID 83440

Subject: Proposed Storage Contract with Mitigation, Inc., Fort Hall Indian Water Rights Act of 1990

Dear ~~Mr. Rigby~~ RAY:

Recent discussions between Mitigation, Inc., (MI) and Reclamation staff addressed certain provisions in the proposed contract (identified as "Last Rev. 2/17/94") furnished MI with our March 11, 1994 transmittal letter. Our understanding of these contract provisions is as follows.

Operation and Maintenance Obligation- Ririe (Article 12): Subarticle (a) of this article provides:

> "The Contractor . . . shall pay to the United States in advance *one hundred percent (100%) of the costs of operating and maintaining [Ririe] dam and reservoir,* including whatever costs may be incurred in the delivery of water therefrom, *which are apportionable to the irrigation storage rights therein.*" (emphasis added)

Ririe costs are allocated 77.2 percent to flood control, 21.1 percent to irrigation, and 1.7 percent to recreation. Accordingly, upon implementation of the contract, MI would be responsible for 100 percent of the 21.1 percent of the dam and reservoir operation and maintenance and related costs allocated to irrigation.

Saving of Winter Water . . . (Article 14): Subarticle (b) provides that none of the space conveyed to MI under the proposed contract is eligible for the early storage right priorities applicable to participating entities. We understand that some of the member companies and districts of MI participate in the winter water savings provisions under individual contracts, and some do not. The proposed contract will not change the winter water savings status of MI member companies and districts.

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Compliance with Reclamation Laws (Article 38): In accordance with the Fort Hall Indian Water Rights Act of 1990, the space conveyed to MI under the proposed contract is considered paid out and not subject to the acreage limitation, reporting, and full cost pricing provisions of the Reclamation Reform Act of 1982.

Further questions concerning this proposed contract may be directed in written form to the Regional Director at the above letterhead address, or by telephone to Lowell Oamek, (208) 378-5436, of this office.

Sincerely,

John W. Keys, III
Regional Director

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Department of Water Resources

FORT HALL INDIAN WATER RIGHTS ACT OF 1990

An Act to approve the Fort Hall Indian Water Rights Settlement, and for other purposes. (Act of November 16, 1990, Public Law 101-602, 104 Stat. 3059)

Section 1. [Short title.]- This Act may be cited as the "Fort Hall Indian Water Rights Act of 1990".

Sec. 2. [Definitions.]- For the purposes of this Act, and for no other purposes-

(1) The term "Agreement" means the "1990 Fort Hall Indian Water Rights Agreement" between the State of Idaho, the Shoshone-Bannock Tribes, the United States, and other participating parties.

(2) The term "Committee of Nine" means the advisory committee of water district 01, which is the instrumentality created by the Director of the Idaho Department of Water Resources pursuant to Idaho Code 42-604.

(3) The term "Final Decree" means the partial decree confirming the Tribal water rights described and quantified in Article 7 of the Agreement to be entered after the date of enactment of this Act and following submission of the Agreement as provided for in Article 10 of the Agreement in Civil Case No. 39576 filed in the Fifth Judicial District Court of the State of Idaho in and for Twin Falls County on June 17, 1987, entitled "In Re the General Adjudication of Rights to the Use of Water from the Snake River Basin Water System."

(4) The term "Fort Hall Indian Irrigation Project" means the Federal project constructed to provide water for the irrigation of Reservation lands and certain ceded lands.

(5) The term "Idaho Water Resource Board" means the Idaho State Water Resource Agency constituted in accordance with Idaho Constitution Article XV, section 7, or any successor agency.

(6) The term "Indian" means any person who is a member of a tribe recognized as eligible for special programs and services provided by the United States because of the person's status as an Indian; is recognized as an Indian under tribal law; or holds or is recognized by the Secretary as eligible to hold restricted trust property on the Reservation.

(7) The term "Indian lands" means (A) all lands within the exterior boundaries of the Reservation that are held in trust or owned for the Shoshone-Bannock Tribes or an Indian, and (B) those lands outside the exterior boundaries of the Reservation held in trust for or owned by the Shoshone-Bannock Tribes or held in trust for or owned subject to a restriction on alienation by a member of the Shoshone-Bannock Tribes.

(8) The term "Michaud Act" means the Act of August 31, 1954, chapter 1159, 68 Stat. 1026.

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(9) The term "Michaud Contract" means that Memorandum Agreement of April 25, 1957, between the Bureau of Reclamation and the Bureau of Indian Affairs relating to the water supply for the Michaud Division.

(10) The term "Michaud Division" means that division of the Fort Hall Indian Irrigation Project authorized by the Act of August 31, 1954, chapter 1159, 68 Stat. 1026.

EXPLANATORY NOTE

References in the text. Michaud Flats Project Act, Act of August 31, 1954 (ch. 1159, 68 Stat. 1026) referenced above appears in Volume II at page 1205. The Act and the Contract are amended by subsection 6(e) of this Act to the extent necessary to authorize uses in subsections (a), (b), and (c) of the proprietary rights described in article 7 of the Agreement.

(11) The term "Party" or "Parties" means any entity or entities that are party to the Agreement.

(12) The term "Reservation" means the Fort Hall Indian Reservation.

(13) The term "Secretary" means the Secretary of the Interior.

(14) The term "Tribes" or "Tribal" means the Shoshone-Bannock Tribes, its members, and its allottees.

(15) The term "Upper Snake River Basin" means that portion of the Snake River Basin upstream from the Hells Canyon Dam, the lowest of the 3 dams authorized as FERC Project No. 1971. (104 Stat. 3059)

Sec. 3. [Findings.]- The purpose of the Fort Hall Indian Water Rights Settlement Act of 1990 is to achieve a fair, equitable, and final settlement of all claims of the Shoshone-Bannock Tribes, its members, and its allottees and the United States on behalf of the Shoshone-Bannock Tribes, its members, and its allottees to water rights in the Upper Snake River Basin. (104 Stat. 3060)

Sec. 4. [Ratification of agreement.]- The Agreement is hereby approved, ratified, and confirmed. The Secretary is authorized and directed to implement the Agreement on behalf of the United States. (104 Stat. 3060)

Sec. 5. [Protection of existing uses.]- (a) [Contract for storage space.]- The Secretary is authorized and directed to contract with the Idaho Water Resource Board or another appropriate contracting entity acceptable to the Committee of Nine for 18,900 acre feet of storage space in the Palisades Reservoir and the 80,500 acre feet of storage space in the Ririe Reservoir provided that the contracting entity makes application for the noncontracted storage space within 1 year of the date of this Act and the contracting party agrees to pay all operation and maintenance costs associated with the space. The repayment obligation associated with the construction costs for such noncontracted storage space is hereby deemed repaid by this Act. All exemptions that result from such a repayment shall be deemed to be applicable without further qualification on the part of such contracting entity, and with

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respect to subsequent users of this water, the Reclamation laws shall apply only to the extent such laws would have applied to such subsequent users prior to the date of this Act.

(b) [Limitation on setting aside final decree.]- Neither the Committee of Nine nor the State shall have the right to set aside the Final Decree because either fails to make application for the storage space referred to in subsection (a) of this section within 1 year of the date of this Act. (104 Stat. 3060)

Sec. 6. [Use, transfer, and lease of tribal water rights.]- **(a) [Transfer and lease of tribal water rights within the reservation.]**- The Tribes shall have the right to transfer or lease within the Reservation all or any part of the Tribal water right confirmed in the Final Decree on the terms and conditions set forth in article 7 of the Agreement.

(b) [Rental of the Tribes' Federal contract storage water.]- The Tribes shall have the right to rent, pursuant to Idaho Code 421761 through 42-1765 as specified in article 7 of the Agreement, the water accruing to Federal storage space held in trust for the Tribes under the Michaud Act.

(c) [Instream flows.]- The Tribes shall have the right to use any or all of the water accruing to Federal storage space held in trust for the Tribes under the Michaud Act for instream flows for river reaches on or adjacent to the Reservation and up to 15,000 acre feet per year of the storage water rights described in articles 7.1.19 and 7.1.20 of the Agreement for instream flows in reaches of the Blackfoot River on the terms and conditions set forth in article 7.4 of the Agreement.

(d) [Requisite congressional approval.]- Ratification of the Agreement as provided for by section 4 of this Act shall constitute the congressional approval, to the extent it is required by Federal law, of the uses described in subsections (a), (b), and (c) of this section.

(e) [Amendment of Michaud Act and Contract.]- The Michaud Act and the Michaud Contract are hereby amended to the extent necessary to authorize the uses described in subsections (a), (b), and (c) of the proprietary rights described in article 7 of the Agreement.

(f) [No alienation or taxation of proceeds.]- The proceeds from leasing water pursuant to subsection (a) of this section or from renting all or any part of the water accruing to the Federal contract storage space pursuant to subsection (b) of this section shall not be subject to any form of taxation or alienation by the State.

(g) [No forfeiture, abandonment, loss, or constraints on income.]- The Tribes' exercise of the rights described in subsections (a), (b), and (c) of this section or nonuse of the Tribal water rights shall in no event be construed or interpreted as any forfeiture, abandonment, relinquishment, or other loss of all or any part of the Tribal water rights. Nor shall the exercise of the rights described in subsections (a) and (b) of this section be subject to any constraints on the amount of income or other compensation received by the Tribes.

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(h) [Limitation on off-reservation use.]- Except as authorized by this section, no Tribal water rights or water described in the Agreement may be sold, leased, rented, transferred, or otherwise used off the Fort Hall Indian Reservation. (104 Stat. 3061)

Sec. 7. [Contribution to Settlement.]- (a) **[Tribal Development Fund.]**- There are hereby authorized to be appropriated to the Department of the Interior Bureau of Indian Affairs $4,000,000 in the first fiscal year, $3,000,000 in the second fiscal year, and $3,000,000 in the third fiscal year following the effective date of this Act for payment to the Tribal Development Fund, which the Secretary is authorized and directed to establish for the Shoshone-Bannock Tribes. Within 60 days of appropriation of moneys for the Tribal Development Fund, the Secretary shall allocate and make payment to the Fund. Once the funds are deposited into the Tribal Development Fund, the Secretary shall disburse the funds to the Tribes upon request.

(b) [Reservation water management system.]- There is hereby authorized to be appropriated to the Department of the Interior Bureau of Indian Affairs the sum of $3,000,000 in the first fiscal year, $2,000,000 in the second fiscal year, and $2,000,000 in the third fiscal year following the effective date of this Act for use by the Tribes for development of a Reservation water management system. Within 60 days of appropriation of moneys for the Reservation water management system, the Secretary shall allocate and make payment to the Tribes for the purposes described in this section.

(c) [Acquisition of lands, grazing rights, and improvements.]- There are hereby authorized to be appropriated to the Department of the Interior Bureau of Indian Affairs $5,000,000 for the primary purposes of acquiring for the Fort Hall Indian Irrigation Project available lands and grazing rights adjacent to Grays Lake to enhance the operation and management of the project and of making related improvements as well as providing collateral benefits for the operation of the Fish and Wildlife Service Refuge at Grays Lake.

(d) [Limitation on per capita distributions.]- Under no circumstances may any appropriated funds authorized by subsections (a), (b), and (e) of this section be distributed on a per capita basis to members of the Tribes.

(e) [Limitation on setting aside final decree.]- Neither the Tribes nor the United States shall have the right to set aside the Final Decree because Congress fails to appropriate the funds authorized by subsection (a), (b), or (c) of this section or because the United States fails to acquire the grazing allotments adjacent to Grays Lake.

(f) [Trust responsibility.]- Nothing in this Act shall be construed or interpreted to alter the future trust responsibility of the United States to the Tribes nor to prohibit the Tribes from seeking additional authorization or appropriation of funds for Tribal programs or purposes. (104 Stat. 3061)

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Sec. 8. [Waiver of claims.]- **(a) [General authority.]**- Upon the effective date of the Agreement, the Tribes and the United States shall be deemed to have waived and released any and all water rights or claims to water rights of the Tribes, its members and its allottees from any source within the Upper Snake River Basin other than those set forth in article 7 of the Agreement. This release shall not apply to water right claims under State law of Tribal members for lands not defined as Indian lands for purposes of this Act nor to any other Indian tribe or to any Federal agency other than the Bureau of Indian Affairs, Fort Hall Indian Agency.

(b) [Waiver of claims against the United States.]- In consideration of performance by the United States of all actions required by the Agreement and this Act, including the congressional authorization, appropriation, and payment of all funds authorized in section 7 of this Act, the Tribes shall be deemed to have executed in return a waiver and release of any and all existing claims against the United States arising in whole or in part from or concerning water rights finally settled by the Agreement and for lands or water that have been inundated by the past construction or enlargement of American Falls Reservoir.

(c) [Waiver of claims against non-Federal persons.]- Upon entry of the Final Decree confirming the Tribal water rights, the United States and the Tribes agree not to make any claims against, or seek compensation from, any non-Federal person for lands or water that have been inundated by the past construction or enlargement of American Falls Reservoir. In the event funds are not paid as set forth in section 7, the Tribes are authorized to bring an action in the United States Claims Court for such funds plus applicable interest. The United States hereby waives any defense of sovereign immunity to such action. (104 Stat. 3062)

Sec. 9. [Individual members and allottees of the Tribes.]- The water rights described in the Agreement and confirmed in the Final Decree are in full satisfaction of all water right claims of members of the Tribes and allottees for Indian lands in the Upper Snake River Basin. If any Tribal member or allottee is decreed a water right for Indian lands in Civil Case No. 39576 filed in the Fifth Judicial District Court of the State of Idaho in and for Twin Falls County on June 17, 1987, entitled "In Re the General Adjudication of Rights to the Use of Water from the Snake River Basin Water System", there shall be a corresponding reduction made in the Tribal water rights set forth in the Agreement and the Final Decree. (104 Stat. 3063)

Sec. 10. [Effective date.]- **(a) [Disbursement of funds upon effective date.]**- The moneys appropriated pursuant to the authorization in section 7 of this Act shall not be disbursed until such time as the Agreement becomes effective. If the Agreement does not become effective, the moneys shall be returned to the General Fund of the Treasury, and the Agreement may be voided by any party to the Agreement.

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(b) [Force and effect.]- No provision of this Act shall be of any force unless the Agreement becomes effective as provided by article 18 of the Agreement.

Sec. 11. [Disclaimer.]- **(a)[General disclaimer.]**- Nothing in the Agreement or this Act shall be construed in any way to quantify or otherwise affect the water rights or water right claims of the city of Pocatello, Idaho, or of any Indian tribe, band, or community, other than the Shoshone-Bannock Tribes.

(b) [Reservation of tribal claims.]- Nothing in this Act shall be construed to waive any water rights or water right claims of the Tribe or the United States on behalf of the Tribes except as set forth in the Agreement. Nor shall anything in the Agreement or this Act affect the water rights or water right claims of any Federal agency, other than the Bureau of Indian Affairs, Fort Hall Indian Agency.

(e) [Reservation of rights.]- The parties expressly reserve all rights not granted, recognized, or settled by the Agreement or this Act.

(d) [Disclaimer regarding other agreements.]- Except as expressly provided in this Act, nothing herein shall be considered to amend, construe, supersede, or preempt any State law, Federal law, Tribal law, or interstate compact that pertains to the Snake River or its tributaries. (104 Stat. 3063)

Sec. 12. [Protection of tribal water rights.]- The Tribal water rights confirmed by the Final Decree shall bind and inure to the benefit of the Tribes and shall not be taken from them absent their consent and payment of just compensation. (104 Stat. 3064)

EXPLANATORY NOTES

Not Codified. This Act is not codified in the U.S. Code.

Legislative History. H.R. 5308, Public Law 101-602 in the 101st Congress. Reported in the House from Interior and Insular Affairs; House Reports No. 101-831. Passed the House on October 10, 1990. Passed the Senate on October 27, 1990.

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Department of Water Resources

THE 1990 FORT HALL INDIAN WATER RIGHTS AGREEMENT

* * *

By and Between

THE SHOSHONE-BANNOCK TRIBES

OF THE FORT HALL INDIAN RESERVATION,

THE STATE OF IDAHO, THE UNITED STATES,

and CERTAIN IDAHO WATER USERS

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THE 1990 FORT HALL INDIAN WATER RIGHTS AGREEMENT

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THE 1990
FORT HALL INDIAN
WATER RIGHTS AGREEMENT

ARTICLES OF AGREEMENT BY AND BETWEEN THE SHOSHONE-BANNOCK TRIBES OF THE FORT HALL INDIAN RESERVATION, THE STATE OF IDAHO, THE UNITED STATES, AND CERTAIN IDAHO WATER USERS.

In settlement of litigation involving claims made by the United States on behalf of the Shoshone-Bannock Tribes to water rights in the Upper Snake River Basin and its tributaries, the parties agree as follows:

ARTICLE 1. TITLE

These Articles of Agreement collectively comprise, and may be cited as, "The 1990 Fort Hall Indian Water Rights Agreement" or the "Agreement."

ARTICLE 2. PURPOSE

All parties to this Agreement seek to secure, and pledge their honor to maintain, peaceful settlements of conflicts over water among the parties in the Snake River Basin in Idaho.

ARTICLE 3. PREAMBLE

3.1 The State of Idaho, pursuant to Idaho Code § 42-1406A (Supp. 1989) has commenced in the Fifth Judicial District Court of the State of Idaho in and for the County of Twin Falls a general adjudication of the rights to the use of the water from that portion of the Snake River Basin located within the State of Idaho.

3.2 H. Con. Res. 16, 48th Idaho Leg., 1st Sess. (1985) directed the State to engage in good faith, government-to-government

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negotiations with the Shoshone-Bannock Tribes to settle the nature and extent of the Tribes' water rights reserved under the Winters Doctrine within the Snake River Basin in Idaho to avoid litigation.

3.3 The Tribes have a long-standing tradition of favoring negotiation as a means of resolving conflicts. Cong. Globe, 40th Cong., 3d Sess., p. 803, col. 1 (February 2, 1869).

3.4 The policy of the Congress and the federal Executive Branch is to facilitate negotiations among Indian tribes, states, private water users and federal agencies to avoid litigation. 55 Fed. Reg. 9223 (March 12, 1990).

3.5 Executive Order Nos. 85-9 and 87-9 provide that it is in the interest of the State of Idaho to settle through negotiated agreements, if possible, all claims for water rights reserved under federal law. These executive orders further instructed the Idaho Water Resource Board to represent the State and to provide for the effective involvement of interested Idaho water users and other members of the public in the negotiations.

3.6 The Fort Hall Business Council requested, by resolution dated July 17, 1985, that the United States, consistent with federal trust responsibilities to the Tribes, assist and participate in the negotiations leading to this Agreement.

3.7 The Tribes and the State agreed in a Memorandum of Understanding dated August 30, 1985, to commence good

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faith, government-to-government negotiations as early as October 15, 1985. On January 10, 1986, the Tribes, the State and the United States agreed to extend that August 30, 1985 Memorandum of Understanding. The parties subsequently entered into a Technical Studies Agreement establishing a methodology to review the Tribes' reserved water rights claims and to identify matters for further discussion and analysis.

3.8 On October 31, 1985, the Idaho Water Resource Board appointed an Ad Hoc Committee to recommend how best to provide for the effective involvement of interested Idaho water users and other members of the public in the negotiations. That committee submitted its recommendation for review by the Idaho Water Resource Board on December 6, 1985 and for action by negotiators on December 10, 1985. Based upon the recommendation of the committee, the Board designated the Committee of Nine as a party to the negotiations to represent the Idaho water users' interests and established a notice procedure to notify the general public of negotiation meetings. On December 10, 1985 the United States, the Tribes and the State agreed to the Board's proposal providing for open meetings and public participation in the negotiations.

3.9 On May 19, 1987, the Tribes, the State, and the United States, joined by a committee of private water users, executed a Second Memorandum of Understanding, which provided for the continuation of the negotiations.

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3.10 This Agreement is the culmination of negotiations undertaken by the parties since 1985.

ARTICLE 4. DEFINITIONS

The following definitions apply for the purposes of this Agreement:

4.1 "Acre foot" or "AF" means the amount of water necessary to cover one acre of land to a depth of one foot and is equivalent to 43,560 cubic feet or 325,851 gallons of water.

4.2 "Acre feet per year" or "AFY" means the number of acre feet of water used from January 1 to December 31.

4.3 "Allotted lands" means lands within or without the exterior boundaries of the Fort Hall Indian Reservation, which were allotted to individual Indians in accordance with applicable Tribal/federal agreement and federal statutes, and which are presently owned by Indians in restricted fee or trust status, and which are located in the counties of Bannock, Bingham, Caribou, and Power. The applicable Tribal/federal agreement and statutes include:

.1 the Agreement of May 14, 1880, ratified by Act of February 23, 1889, ch. 203, 25 Stat. 687; and

.2 the Act of March 3, 1911, ch. 210, 36 Stat. 1058, 1063.

4.4 "American Falls Reservoir" means a water storage facility of the federal Minidoka Project authorized by the Secretary of the Interior under the Reclamation Act of 1902, 32 Stat. 388-390 (April 23, 1904); examined and reported upon by a

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Board of Army Engineers and approved by the President on January 5, 1911, in accordance with the Act of June 25, 1910, 36 Stat. 835-836; and initially constructed in 1927 and subsequently replaced under the authority of the Act of December 28, 1973, Pub. L. 93-206, 87 Stat. 904-905.

4.5 "Annual diversion volume" means the maximum volume of water in AFY that can be diverted or stored by the holder of a water right.

4.6 "Annual volume of consumptive use" means the maximum volume of water in AFY that can be consumptively used by the holder of a water right.

4.7 "Basis of right" refers to the legal authority pursuant to which the water right is established or the document by which the right is evidenced.

4.8 "Beneficial use" means any use of water for DCMI, irrigation, hydropower generation, recreation, stockwatering, fish propagation and instream flow uses as well as any other uses that provide a benefit to the user of the water.

4.9 "Blackfoot Reservoir" means a water storage facility of the Federal Blackfoot Project authorized by the Act of March 1, 1907, ch. 2285, 34 Stat. 1015, 1024; the Act of April 30, 1908, ch. 153, 35 Stat. 70, 78; Act of April 14, 1910, ch. 140, 36 Stat. 269, 274; and the Act of May 24, 1922, ch. 199, 42 Stat. 552, 568.

4.10 "Ceded lands" means those lands within the Reservation as originally established under the Second Treaty of Fort

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Bridger of July 3, 1868, 15 Stat. 673 and companion executive orders of June 14, 1867, 1 C. Kappler 835-837 (1904), and July 30, 1869, 1 C. Kappler 838-839 (1904) and as fixed by the federal survey of 1873 that were ceded by the Tribes to the United States pursuant to the following Tribal/federal agreements:

.1 Agreement of May 14, 1880, ratified by the Act of February 23, 1889, ch. 203, 25 Stat. 687;

.2 Agreement of July 18, 1881, ratified by the Act of July 3, 1882, ch. 268, 22 Stat. 148;

.3 Agreement of May 27, 1887, ratified by the Act of September 1, 1888, ch. 936, 25 Stat. 452; and

.4 Agreement of February 5, 1898, ratified by the Act of June 6, 1900, ch. 813, 31 Stat. 692.

4.11 "Committee of Nine" or "Committee of Nine of Water District 01" means the advisory committee of Water District 01.

4.12 "Consumptive use" means the amount of water that does not remain in the water system after use or is not returned to the water system through return flows or seepage, whether or not treatment for purpose of maintaining water quality is required before the water may be returned to the water system, but does not include water lost through evaporation from storage.

4.13 "Cubic feet per second" or "CFS" means a rate of water discharge equivalent to approximately 448.83 gallons per minute.

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4.14 "DCMI" means domestic, commercial, municipal and industrial uses excluding hydroelectric generation. Domestic use means the diversion of water by one or more individuals, family units or households for drinking, cooking, laundering, sanitation and other personal comforts and necessities, stockwatering, and for the irrigation of a family lawn, garden or orchard not exceeding one-half acre of area per household. Industrial and commercial use means the use of water for any purpose that benefits an industrial or commercial enterprise. Industrial and commercial use of water include, but are not limited to, agricultural spraying, irrigation of plants in greenhouses, industrial cooling, mining, energy production, commercial recreation, and losses associated with any industrial or commercial operation. Municipal use means the delivery and use of water through an investor-owned, mutually-owned, tribally-owned or publicly-owned water utility or delivery system for all uses usual and ordinary to such systems. Such use includes but is not limited to uses of water for domestic, irrigation of lawns and gardens, commercial, industrial, fire protection, irrigation and other uses in park and recreation facilities, and street washing.

4.15 "Director" means the Director of the Idaho Department of Water Resources or any successor.

4.16 "Diversion" means the removal of water from its natural course or location by means of a ditch, canal, flume,

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bypass, pipeline, conduit, well, pump, or other act of man, or the impoundment of water in a reservoir for rediversion.

4.17 "Diversion rate" means the maximum rate in CFS at which water may be diverted at a point of diversion.

4.18 "Fee lands" means lands within the exterior boundaries of the Reservation held in fee with all federal restrictions on alienation removed.

4.19 "Fort Hall Indian Reservation" or "Reservation" means those lands within the boundaries of the Reservation, as originally established under the Second Treaty of Fort Bridger of July 3, 1868, 15 Stat. 673, and companion executive orders of June 14, 1867, 1 C. Kappler 835-837 (1904), and July 30, 1869, 1 C. Kappler 838-839 (1904), as fixed by the federal survey of 1873 that have not been ceded by the Tribes to the United States pursuant to the following Tribal/federal agreements:

.1 Agreement of May 14, 1880, ratified by the Act of February 23, 1889, ch. 203, 25 Stat. 687.

.2 Agreement of July 18, 1881, ratified by the Act of July 3, 1882, ch. 268, 22 Stat. 148.

.3 Agreement of May 27, 1887, ratified by the Act of September 1, 1888, ch. 936, 25 Stat. 452, excepting those lots within the Pocatello Townsite which were not ceded by such agreement.

.4 Agreement of February 5, 1898, ratified by the Act of June 6, 1900, ch. 813, 31 Stat. 672, excepting Allotment Nos. T-8, 45, 46, 48, 50, 61, and 71 owned

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by the Tribes or held in restricted fee or trust status for the Tribes by the United States.

4.20 "Fort Hall Indian Irrigation Project" means the federal project constructed, in part, to provide water for the irrigation of lands on the Reservation. The following federal statutes authorized the Fort Hall Indian Irrigation Project:

.1 Act of August 15, 1894, ch. 290, 28 Stat. 286, 305.

.2 Act of March 1, 1907, ch. 2285, 34 Stat. 1015, 1024.

.3 Act of April 30, 1908, ch. 153, 35 Stat. 70, 78.

.4 Act of April 4, 1910, ch. 140, 36 Stat. 269, 274.

.5 Act of May 24, 1922, ch. 199, 42 Stat. 552, 56.

.6 Act of May 9, 1924, ch. 151, 43 Stat. 117.

.7 Act of June 30, 1948, ch. 767, 62 Stat. 1167.

.8 Act of September 30, 1950, ch. 1114, 64 Stat. 1083.

.9 Act of August 31, 1954, ch. 1159, 68 Stat. 1026.

.10 Act of August 17, 1961, Pub. L. 87-154, 75 Stat. 390.

4.21 "Grays Lake" means the storage facility used to store water for the benefit of the Fort Hall Indian Irrigation Project.

4.22 "Idaho Department of Water Resources" or "IDWR" means the executive agency of the State of Idaho created by Idaho Code § 42-1701 (1977), or any successor agency.

4.23 "Idaho Water Resource Board" or "IWRB" means the Idaho State Water Resource Agency constituted in accordance with Idaho Const. art XV, § 7, or any successor agency.

4.24 "Impairment in the quality of water," applicable only in the context of a change in the water right described in

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Article 7.1.1 pursuant to Article 7.6, means a diminishment in the quality of water being diverted for a water right to the extent that it is no longer useful for its intended purpose.

4.25 "Indian" means any person who:

.1 is a member of a tribe recognized as eligible for special programs and services provided by the United States because of the person's status as an Indian; or

.2 is recognized as an Indian person under Tribal law; or

.3 holds or is recognized by the Secretary as eligible to hold restricted trust property on the Reservation.

4.26 "Indian lands" means all lands within the exterior boundaries of the Reservation that are held in trust for the Tribes or owned by Indians and those lands outside the exterior boundaries of the Reservation held in trust by the United States for the Tribes or an enrolled member thereof.

4.27 "Injury to a water right," applicable only in the context of a change of the water right described in Article 7.1.1 pursuant to Article 7.6, means a diminishment in quantity or an impairment in the quality of water available to a senior or a junior water right holder as a consequence of a change, except that no water right holder is required to continue to waste water for the benefit of any other water right holders.

4.28 "Instream flows" means a quantity of water in a stream reach to maintain or to enhance the integrity of an ecosystem.

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4.29 "Irrigation use" means application of water to the land surface or root zone of the soil for the purpose of producing crops, lawn or landscaping on that land.

4.30 "Michaud Contract" means that Memorandum Agreement of April 25, 1957 between the Bureau of Reclamation and the Bureau of Indian Affairs relating to the Water Supply for the Michaud Division of the Fort Hall Indian Reservation.

4.31 "Michaud Division" means that division of the Fort Hall Indian Irrigation Project authorized by the Act of August 31, 1954, ch. 1159, 68 Stat. 1026.

4.32 "Other rights" means other water rights used on all or a portion of the lands listed as the place of use for the water right described.

4.33 "Palisades Reservoir" means a water storage facility of the federal Minidoka Project initially authorized under the provisions of the federal reclamation laws by the presentation to the President and the Congress of the report of December 9, 1941, H.R. Doc. No. 457, 77th Cong., 1st Sess., by the Secretary of the Interior, and reauthorized by section 1 of the Act of September 30, 1950, ch. 1114, 64 Stat. 1083.

4.34 "Parties" means the United States, the State of Idaho, the Tribes, and the Committee of Nine of Water District 01.

4.35 "Period of use" means the time of the year when water may be used for a particular purpose.

4.36 "Person" means an individual, a partnership, a trust, an estate, a corporation, a municipal corporation, the state

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of Idaho or any political subdivision or instrumentality thereof, the United States or any political subdivision or instrumentality thereof, an Indian tribe or political subdivision or instrumentality thereof, or any other public or private entity.

4.37 "Place of use" means the location where water is used.

4.38 "Point of diversion" or "POD" means any location at which water is diverted from the water system. A numeral to the right of the legal description indicates the number of existing points of diversion within a tract.

4.39 "Point of injection" means any location at which water that has been diverted from the water system is placed back into the water system. A numeral to the right of the legal description indicates the number of existing points of injection within a tract.

4.40 "Point of rediversion" means the location at which water that has been diverted from the water system and then placed back into the water system is again diverted from the water system. A numeral to the right of the legal description indicates the number of existing points of rediversion within a tract.

4.41 "Priority date" means the priority date assigned to the water right.

4.42 "Purpose of use" means the nature of use of the water right.

4.43 "Rent" means a temporary legal conveyance by the Tribes of the right to use storage water pursuant to Idaho Code

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§ 42-1761 for a fixed period of time during which ownership of the federal contract storage right is retained for the benefit of the Tribes.

4.44 "Reservation Watermaster" means the Tribal officer or any successor designated to administer the Tribal Water Code.

4.45 "Right number" means the number assigned to each decreed water right for purposes of identification. The first two numerals of the right number indicate the department's hydrologic basin number assigned by IDWR.

4.46 "Secretary" means the Secretary of the United States Department of the Interior or a duly authorized representative thereof.

4.47 "Shoshone-Bannock Water Bank" means the Tribal water bank established pursuant to Idaho Code § 42-1761 to provide for rental of stored water outside the Reservation.

4.48 "Snake River Basin Adjudication" or "SRBA" means Civil Case No. 39576 filed in the Fifth Judicial District Court of the State of Idaho in and for Twin Falls County on June 17, 1987 entitled In Re the General Adjudication of Rights to the Use of Water from the Snake River Basin Water System, which was commenced pursuant to Idaho Code § 42-1406A (Supp. 1989).

4.49 "Snake River Watermaster" means the Watermaster of Water District 01 or any successor.

4.50 "Source" means the named or described source of water within the water system.

4.51 "State" means the State of Idaho.

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4.52 "Stockwater" means the use of water solely for livestock or wildlife consumption including associated losses.

4.53 "Transfer" means any change in a point of diversion, place of use, period of use or purpose of use for a water right.

4.54 "Tribal water right(s)" means those water rights confirmed and recognized in this Agreement in Articles 6 and 7 as rights held in trust for the Tribes by the United States, including those rights so held for the benefit of individual Indians on Indian lands.

4.55 "Tribes" or "Tribal" means the Shoshone-Bannock Tribes of the Fort Hall Indian Reservation in Idaho as the collective successors-in-interest of Indian signatories to the Second Treaty of Fort Bridger of July 3, 1868, 15 Stat. 673, and subsequent Tribal/federal agreements.

4.56 "United States" means the United States of America.

4.57 "Upper Snake River Basin" means that portion of the Snake River Basin upstream from the Hells Canyon Dam, the lowest of the three dams authorized as FERC Project No. 1971.

4.58 "Water District 01" means the instrumentality created by the Director of the IDWR pursuant to Idaho Code § 42-604 (1977).

4.59 "Walton Right" means a water right claim asserted by a non-Indian based upon the decision in Colville Confederated Tribes v. Walton, 647 F.2d 42 (9th Cir. 1981).

4.60 "Water system" means all rivers, streams, lakes, springs, groundwater or other water sources within the Snake River Basin within the State of Idaho.

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4.61 "Winters Doctrine" means the federal legal principles announced by the United States Supreme Court in Winters v. United States, 207 U.S. 564 (1908).

ARTICLE 5. PARTIES AND AUTHORITY

5.1 The Governor has authority to execute this Agreement pursuant to Idaho Const. art. IV, § 5 and Idaho Code § 67-802 (Supp. 1989).

5.2 The Attorney General, or any duly designated official of the Office of the Idaho Attorney General, has authority to execute this Agreement pursuant to his authority to settle litigation as provided for in Idaho Const. art. IV, § 1, and Idaho Code § 64-1401 (Supp. 1989).

5.3 The Idaho Water Resource Board has authority to execute this Agreement pursuant to Idaho Code § 1734(3) (Supp. 1989) and Executive Order Nos. 85-9 and 87-9.

5.4 The Fort Hall Business Council has authority to execute this Agreement on behalf of the Tribes pursuant to the following:

.1 The sovereign powers reserved by and for the Tribes in the Second Treaty of Fort Bridger of July 3, 1868, 15 Stat. 673 as well as subsequent Tribal/federal agreements; and

.2 Article VI, Section 1(a) of the Tribes' 1936 Constitution and Bylaws, as amended.

5.5 The Secretary has authority to execute this Agreement on behalf of the United States Department of the Interior and in his trust capacity for the Tribes pursuant to Article I,

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§ 8, Clause 3 and Article II, § 2, Clause 2 of the Constitution of the United States, as well as 25 U.S.C. §§ 2 and 9 (1982) and 43 U.S.C. § 1457 (1982).

5.6 The United States Attorney General, or any duly designated official of the United States Department of Justice, has authority to execute this Agreement on behalf of the United States pursuant to the authority to settle litigation contained in 28 U.S.C. §§ 516-517 (1982).

5.7 The Committee of Nine executes this Agreement as an advisory committee of Water District 01.

5.8 Each signer for the United States, Tribes, and State, by executing this Agreement, represents and states that the signer has taken or will take the necessary administrative and legal action to procure the actual authority to bind the signer's principal.

ARTICLE 6. TRIBAL WATER RIGHTS FOR PRESENT AND FUTURE USE

6.1 The basis for the rights to use waters arising on, under, flowing across, adjacent to, or otherwise appurtenant to the Reservation to satisfy the purposes of the Reservation as set forth in the Second Treaty of Fort Bridger of July 3, 1868 and companion executive orders of June 14, 1867 and July 30, 1869, is the Winters Doctrine. The basis for these rights is reaffirmed in the following acts and agreements between the Tribes and the United States:

.1 Agreement of May 14, 1880, ratified by the Act of February 23, 1889, ch. 203, 25 Stat. 687.

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.2 Agreement of July 18, 1881, ratified by the Act of July 3, 1882, ch. 268, 22 Stat. 148.

.3 Agreement of May 27, 1887, ratified by the Act of September 1, 1888, ch. 936, 25 Stat. 452.

.4 Agreement of February 5, 1898, ratified by the Act of June 6, 1900, ch. 813, 31 Stat. 692.

.5 Act of May 9, 1924, ch. 151, 43 Stat. 117.

6.2 The parties hereto find and agree that the Tribal water rights for the present and future uses in the Upper Snake River Basin amount to a right to divert up to 581,031 AFY from the Snake River Basin for present and future irrigation, DCMI, instream flow, hydropower and stock water uses as set forth in Article 7 of this Agreement. Nonuse of all or any part of the Tribal water rights shall not be construed as a relinquishment, forfeiture or abandonment of the rights.

ARTICLE 7. LIST OF TRIBAL WATER RIGHTS

The parties agree that water supplied from the following sources shall constitute the Tribal water rights:

7.1 Surface water use rights:

.1 Right No. A01-10223

.i Source: Snake River/Sand Creek

.ii Annual Diversion Volume: 100,000 AFY increasing to 115,000 AFY as (1) future reservation lands are irrigated from this source, or (2) as corresponding amounts of the water rights for the ceded lands of the Fort

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Hall Indian Irrigation Project are relinquished by the United States.

.iii Diversion Rate: 390.00 CFS increasing to 470.00 CFS at the same relative rate as the volume in ii. above.

.iv Annual Volume of Consumptive Use: 60,986 AFY

.v Priority Date: June 14, 1867

.vi Points of Diversion:

SESWNE Sec 31 Twp 1N Rge 37E BM

(Snake River into Reservation Canal)

NENWNW Sec 7 Twp 2S Rge 37E BM

(Sand Creek into Reservation Canal)

Points of Injection:

NESWSE Sec 24 Twp 2S Rge 36E BM

(Reservation Canal into Blackfoot River)

Points of Rediversion:

NENENE Sec 13 Twp 3S Rge 35E BM

(Blackfoot River into Fort Hall Main Canal)

NWNENW Sec 14 Twp 3S Rge 35E BM

(Blackfoot River into North Canal)

Future points of diversion may be developed in accordance with Articles 7.6, 7.7 and 7.8.

.vii Purpose and Period of Use:

Irrigation 3/15 - 11/15

.viii Place of Use: 14,687 present and 8,672 future acres for a total of 23,359 acres.

.ix Basis of Right: Winters Doctrine

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.x Remarks:

.a The rate of diversion for this water right shall be measured at the head of the Reservation Canal located in SESWNE Sec 31 Twp 1N Rge 37E B.M.

.b The volume of diversion for this water right shall be measured at the Drop located in SENWSE Sec 13 Twp 2S Rge 36E BM downstream from the point at which Sand Creek empties into the Reservation Canal.

.c This right combined with the other rights described in Articles 7.1.18, 7.1.19 and 7.1.20 provide the water supply for up to 53,828 acres from the combined water sources but none of the limitations of diversion rate or volume shall be exceeded for this right in providing the water supply.

.d The available inflow to the Reservation Canal upstream from the Drop, including Sand Creek, shall be counted as part of this water right up to the demand of the North and Main Canals. The parties recognize that the water flow available from Sand Creek fluctuates to such extremes that only approximately 85

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percent (85%) of the flows from Sand Creek needed to meet the demand of the North and Main Canals would normally be useable as a part of this water right with the Equalizing Reservoir rehabilitated and maintained at 5,000 acre-feet active capacity. The cost of rehabilitating and maintaining the Equalizing Reservoir are estimated at between $5 and $15 million initially and $150,000 per year based upon 1989 costs. To avoid these great costs, the parties agree that the portion of Sand Creek that was used with the control afforded by the Equalizing Reservoir under conditions existing in 1989 shall continue to be used when the Snake River is under regulation by the Snake River Watermaster and will be considered part of this water right. When the Snake River is under regulation by the Snake River Watermaster fifteen percent (15%) of the computed Sand Creek flows, when returned to the Snake River through the Blackfoot River because of lack of control with the present Equalizing Reservoir, shall be considered as natural flow credited to

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downstream water users and for which no exchange of storage will be made under this Agreement. All of the remaining Sand Creek water not diverted through the Main and North Canals because of the physical limitations of the Equalizing Reservoir, in excess of fifteen percent (15%) up to 50,000 AFY as determined by gaging, when the Snake River is under regulation by the Snake River Watermaster shall be delivered to the North Side Canal Company in exchange for an equal amount of storage water from Palisades or Jackson Lake Reservoirs. The actual storage water from Palisades or Jackson Lake Reservoirs will be released to meet the Snake River diversion requirements of the Tribes that would have been met by Sand Creek. This water shall be deemed the first storage water released from the American Falls Reservoir for the North Side Canal Company.

.2 Right No. A27-11373

.i Source: Ross Fork Creek/Ross Fork Basin groundwater

.ii Annual Diversion Volume: 5,000 AFY

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.iii Diversion Rate: 29.07 CFS

.iv Annual Volume of Consumptive Use: 3,320 AFY

.v Priority Date: June 14, 1867

.vi Existing Points of Diversion:

SENWNE Sec 4, SESENE Sec 10, SENWSW Sec 17, SWSESW Sec 21, NESWNW Sec 34 all in Twp 5S Rge 36E BM

NWNWSE Sec 31 (2 POD), SWSWSE Sec 33 all in Twp 4S Rge 36E BM

NENENE Sec 36 Twp 4S Rge 35E BM

Future Points of Diversion may be developed as needed within the Ross Fork Creek basin to utilize this water right within the Ross Fork Creek basin.

.vii Purpose and Period of Use:

Irrigation 3/15 - 11/15

.viii Place of Use: 1,503 present and future acres.

.ix Basis of Right: Winters Doctrine

.x Remarks:

.a The Tribes shall have the option of using surface water or groundwater diverted within the Ross Fork Creek basin to satisfy this right, in whole or in part, provided that any diversions of surface water or groundwater by the Tribes in excess of 5,000 AFY from the Ross Fork Creek Basin shall be charged against the

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Tribal groundwater right set forth in Article 7.2.1 of this Agreement.

.3 Right No. A27-11374

.i Source: Lincoln Creek/Lincoln Creek Basin groundwater

.ii Annual Diversion Volume: 5,700 AFY

.iii Diversion Rate: 33.00 CFS

.iv Annual Volume of Consumptive Use: 3,768 AFY

.v Priority Date: June 14, 1867

.vi Existing Points of Diversion:

NENESE Sec 25 Twp 3S Rge 36E BM

NENWSE Sec 31 Twp 3S Rge 36E BM

Future points of diversion may be developed as needed within the Lincoln Creek Basin to utilize this water right within the Lincoln Creek drainage basin.

.vii Purpose and Period of Use:

Irrigation 3/15 - 11/15

.viii Place of Use: 1,701 present and future acres.

.ix Basis of Right: Winters Doctrine

.x Remarks:

.a The Tribes shall have the option of using surface water or groundwater diverted within the Lincoln Creek basin to satisfy this right, in whole or in part, provided that any diversions of surface water or

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groundwater by the Tribes in excess of 5,700 AFY from the Lincoln Creek basin shall be charged against the Tribal groundwater right set forth in Article 7.2.1 of this Agreement.

.4 Right No. 29-00466

.i Source: Bannock Creek

.ii Annual Diversion Volume: 3,095 AFY

.iii Diversion Rate: 16.25 CFS

.iv Annual Volume of Consumptive Use: 1,842 AFY

.v Priority Date: June 14, 1867

.vi Existing Points of Diversion:

NENWSE Sec 32 Twp 7S Rge 33E BM

SWSWSE Sec 21, NESWNW Sec 25 (2 POD) all in Twp 8S Rge 33E BM

NWSENE Sec 9, SWNESW Sec 22, SENESW Sec 27 all in Twp 9S Rge 33E BM

.vii Purpose and Period of Use:

Irrigation 3/15 - 11/15

.viii Place of Use: 774 present and future acres.

.ix Basis of Right: The basis of the right is the Winters Doctrine with the relative share and priorities of the water allocations determined by the Bannock Creek Decree [United States v. Daniels (D. Idaho April 9, 1907)].

.x Remarks:

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.5 Right No. 29-00467

.i Source: Bannock Creek, West Fork Bannock Creek

.ii Annual Diversion Volume: 629 AFY

.iii Diversion Rate: 3.30 CFS

.iv Annual Volume of Consumptive Use: 374 AFY

.v Priority Date: April 1, 1889

.vi Existing Points of Diversion:

NENWSE Sec 32 Twp 7S Rge 33E BM

SWSWSE Sec 21, NESWNW Sec 25 (2 POD) all in Twp 8S Rge 33E BM

NWSENE Sec 9, SWNESW Sec 22, SENESW Sec 27 all in Twp 9S Rge 33E BM

.vii Purpose and Period of Use:

Irrigation 3/15 - 11/15

.viii Place of Use: 157 present and future acres.

.ix Basis of Right: The basis of the right is the Winters Doctrine with the relative share and priorities of the water allocations determined by the Bannock Creek Decree [United States v. Daniels (D. Idaho April 9, 1907)].

.x Remarks:

.6 Right No. 29-00468

.i Source: Rattlesnake Creek

.ii Annual Diversion Volume: 571 AFY

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.iii Diversion Rate: 3.00 CFS

.iv Annual Volume of Consumptive Use: 340 AFY

.v Priority Date: April 1, 1892

.vi Existing Points of Diversion:

NENWSE Sec 32 Twp 7S Rge 33E BM

SWSWSE Sec 21, NESWNW Sec 25 (2 POD) all in Twp 8S Rge 33E BM

NWSENE Sec 9, SWNESW Sec 22, SENESW Sec 27 all in Twp 9S Rge 33E BM

.vii Purpose and Period of Use:

Irrigation 3/15 - 11/15

.viii Place of Use: 143 present and future acres.

.ix Basis of Right: The basis of the right is the Winters Doctrine with the relative share and priorities of the water allocations determined by the Bannock Creek Decree [United States v. Daniels (D. Idaho April 9, 1907)].

.x Remarks:

.7 Right No. 29-00469

.i Source: West Fork Bannock Creek

.ii Annual Diversion Volume: 190 AFY

.iii Diversion Rate: 1.00 CFS

.iv Annual Volume of Consumptive Use: 113 AFY

.v Priority Date: May 1, 1894

.vi Existing Points of Diversion:

NENWSE Sec 32 Twp 7S Rge 33E BM

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SWSWSE Sec 21, NESWNW Sec 25 (2 POD) all in Twp 8S Rge 33E BM

NWSENE Sec 9, SWNESW Sec 22, SENESW Sec 27 all in Twp 9S Rge 33E BM

.vii Purpose and Period of Use:

Irrigation 3/15 - 11/15

.viii Place of Use: 48 present and future acres.

.ix Basis of Right: The basis of the right is the Winters Doctrine with the relative share and priorities of the water allocations determined by the Bannock Creek Decree [United States v. Daniels (D. Idaho April 9, 1907)].

.x Remarks:

.8 Right No. 29-00470

.i Source: West Fork Bannock Creek

.ii Annual Diversion Volume: 248 AFY

.iii Diversion Rate: 1.30 CFS

.iv Annual Volume of Consumptive Use: 147 AFY

.v Priority Date: April 1, 1894

.vi Existing Points of Diversion:

NENWSE Sec 32 Twp 7S Rge 33E BM

SWSWSE Sec 21, NESWNW Sec 25 (2 POD) all in Twp 8S Rge 33E BM

NWSENE Sec 9, SWNESW Sec 22, SENESW Sec 27 all in Twp 9S Rge 33E BM

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.vii Purpose and Period of Use:

Irrigation 3/15 - 11/15

.viii Place of Use: 62 present and future acres.

.ix Basis of Right: The basis of the right is the Winters Doctrine with the relative share and priorities of the water allocations determined by the Bannock Creek Decree [United States v. Daniels (D. Idaho April 9, 1907)].

.x Remarks:

.9 Right No. 29-00471

.i Source: Bannock Creek

.ii Annual Diversion Volume: 248 AFY

.iii Diversion Rate: 1.30 CFS

.iv Annual Volume of Consumptive Use: 147 AFY

.v Priority Date: April 1, 1894

.vi Existing Points of Diversion:

NENWSE Sec 32 Twp 7S Rge 33E BM

SWSWSE Sec 21, NESWNW Sec 25 (2 POD) all in Twp 8S Rge 33E BM

NWSENE Sec 9, SWNESW Sec 22, SENESW Sec 27 all in Twp 9S Rge 33E BM

.vii Purpose and Period of Use:

Irrigation 3/15 - 11/15

.viii Place of Use: 62 present and future acres.

.ix Basis of Right: The basis of the right is the Winters Doctrine with the relative share and

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priorities of the water allocations determined by the Bannock Creek Decree [United States v. Daniels (D. Idaho April 9, 1907)].

.x Remarks:

.10 Right No. 29-00472

.i Source: West Fork Bannock Creek

.ii Annual Diversion Volume: 190 AFY

.iii Diversion Rate: 1.00 CFS

.iv Annual Volume of Consumptive Use: 113 AFY

.v Priority Date: April 1, 1898

.vi Existing Points of Diversion:

NENWSE Sec 32 Twp 7S Rge 33E BM

SWSWSE Sec 21, NESWNW Sec 25 (2 POD) all in Twp 8S Rge 33E BM

NWSENE Sec 9, SWNESW Sec 22, SENESW Sec 27 all in Twp 9S Rge 33E BM

.vii Purpose and Period of Use:

Irrigation 3/15 - 11/15

.viii Place of Use: 48 present and future acres.

.ix Basis of Right: The basis of the right is the Winters Doctrine with the relative share and priorities of the water allocations determined by the Bannock Creek Decree [United States v. Daniels (D. Idaho April 9, 1907)].

.x Remarks:

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.11 Right No. 29-00473

.i Source: West Fork Bannock Creek

.ii Annual Diversion Volume: 190 AFY

.iii Diversion Rate: 1.00 CFS

.iv Annual Volume of Consumptive Use: 113 AFY

.v Priority Date: April 1, 1898

.vi Existing Points of Diversion:

NENWSE Sec 32 Twp 7S Rge 33E BM

SWSWSE Sec 21, NESWNW Sec 25 (2 POD) all in Twp 8S Rge 33E BM

NWSENE Sec 9, SWNESW Sec 22, SENESW Sec 27 all in Twp 9S Rge 33E BM

.vii Purpose and Period of Use:

Irrigation 3/15 - 11/15

.viii Place of Use: 48 present and future acres.

.ix Basis of Right: The basis of the right is the Winters Doctrine with the relative share and priorities of the water allocations determined by the Bannock Creek Decree [United States v. Daniels (D. Idaho April 9, 1907)].

.x Remarks:

.12 Right No. 29-00474

.i Source: West Fork Bannock Creek

.ii Annual Diversion Volume: 190 AFY

.iii Diversion Rate: 1.00 CFS

.iv Annual Volume of Consumptive Use: 113 AFY

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.v Priority Date: April 1, 1901

.vi Existing Points of Diversion:

NENWSE Sec 32 Twp 7S Rge 33E BM

SWSWSE Sec 21, NESWNW Sec 25 (2 POD) all in Twp 8S Rge 33E BM

NWSENE Sec 9, SWNESW Sec 22, SENESW Sec 27 all in Twp 9S Rge 33E BM

.vii Purpose and Period of Use:

Irrigation 3/15 - 11/15

.viii Place of Use: 48 present and future acres.

.ix Basis of Right: The basis of the right is the Winters Doctrine with the relative share and priorities of the water allocations determined by the Bannock Creek Decree [United States v. Daniels (D. Idaho April 9, 1907)].

.x Remarks:

.13 Right No. A29-12049

.i Source: Bannock Creek

.ii Annual Diversion Volume: 18,833 AFY

.iii Diversion Rate: 98.87 CFS

.iv Annual Volume of Consumptive Use: 11,205 AFY

.v Priority Date: June 14, 1867

.vi Existing Points of Diversion:

NENWSE Sec 32 Twp 7S Rge 33E BM

SWSWSE Sec 21, NESWNW Sec 25 (2 POD) all in Twp 8S Rge 33E BM

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NWSENE Sec 9, SWNESW Sec 22, SENESW Sec 27 all in Twp 9S Rge 33E BM

NESWSE Sec 6 Twp 7S Rge 33E BM

(3 - 20 HP pumps for Michaud Project)

Future Points of Diversion may be developed within the Bannock Creek basin to utilize this water right within the Bannock Creek drainage basin.

.vii Purpose and Period of Use:

Irrigation 3/15 - 11/15

.viii Place of Use: 4,708 present and future acres.

.ix Basis of Right: Winters Doctrine

.x Remarks:

.a The Tribes and the United States agree to exercise this right in a manner that will ensure that persons with water rights decreed in the Bannock Creek Decree [United States v. Daniels (D. Idaho April 9, 1907)] and that are confirmed in the SRBA continue to receive their full legal entitlement.

.14 Right No. A29-12050

.i Source: Portneuf River/Jeff Cabin Creek

.ii Annual Diversion Volume: 970 AFY

.iii Diversion Rate: 9.70 CFS

.iv Annual Volume of Consumptive Use: 727.50 AFY

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.v Priority Date: June 14, 1867

.vi Points of Diversion:

Future Points of Diversion may be developed within the Portneuf River basin upstream from the point the river enters the Portneuf Reservoir in Sec 11 Twp 6S Rge 38E BM for use within the Portneuf River basin.

.vii Purpose and Period of Use:

Irrigation 4/1 - 11/1

.viii Place of Use: 485 present and future acres.

.ix Basis of Right: Winters Doctrine

.x Remarks:

.15 Right No. 29-00231

.i Source: Toponce Creek

.ii Annual Diversion Volume: 259.3 AFY

.iii Diversion Rate: 1.59 CFS

.iv Annual Volume of Consumptive Use: 154.3 AFY

.v Priority Date: February 16, 1869

.vi Points of Diversion: Toponce Creek

.vii Purpose and Period of Use:

Irrigation 1/1 - 12/31

.viii Place of Use: Allotment 61 (NESW, SENW, Sec 35 Twp 6S Rge 38E) for 79.53 acres.

.ix Basis of Right: The Winters Doctrine per the Memorandum Decision in United States v. Hibner, 27 F.2d 909 (D. Idaho, E.D. 1928) and

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the decree of the United States District Court, Eastern Division, dated April 8, 1929.

.x Remarks:

.16 Right No. 29-00238

.i Source: Toponce Creek

.ii Annual Diversion Volume: 282.5 AFY

.iii Diversion Rate: 1.733 CFS

.iv Annual Volume of Consumptive Use: 168.14 AFY

.v Priority Date: February 16, 1869

.vi Points of Diversion: Toponce Creek

.vii Purpose and Period of Use:

Irrigation 1/1 - 12/31

.viii Place of Use: Allotment 71 (SENW, SWNE, Sec 36 Twp 6S Rge 38E) for 86.67 acres.

.ix Basis of Right: The Winters Doctrine per the Memorandum Decision in United States v. Hibner, 27 F.2d 909 (D. Idaho, E.D. 1928) and the decree of the United States District Court, Eastern Division, dated April 8, 1929.

.x Remarks:

.17 Right No. A29-12051

.i Source: Mink Creek

.ii Annual Diversion Volume: 104.3 AFY

.iii Diversion Rate: 0.75 CFS

.iv Annual Volume of Consumptive Use: 62.1 AFY

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.v Priority Date: February 26, 1869

.vi Points of Diversion: SWNW Sec 21 Twp 7S Rge 35E BM

.vii Purpose and Period of Use:

Irrigation 3/15 - 11/15

.viii Place of Use: Allotment T-8 (SWNW Sec 21 Twp 7S Rge 35E BM for 31.75 acres)

.ix Basis of Right: The Winters Doctrine per decree of District Court of the Fifth Judicial District Court of the State of Idaho, in and for the County of Bannock dated June 5, 1926, in Smith v. City of Pocatello, Case No. 6669.

.x Remarks:

.18 Right No. A27-11375

.i Source: Blackfoot River

.ii Annual Diversion Volume: 150,000 AFY

.iii Diversion Rate: 1380 CFS

.iv Annual Volume of Consumptive Use: 79,546 AFY

.v Priority Date: June 14, 1867

.vi Points of Diversion:

SENWNW Sec 7 Twp 2S Rge 38E BM

(Blackfoot River into Little Indian Canal)

NENENE Sec 13 Twp 3S Rge 35E BM

(Blackfoot River into Fort Hall Main Canal)

NWNENW Sec 14 Twp 3S Rge 35E BM

(Blackfoot River into North Canal)

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SWSESW Sec. 3 Twp 7S Rge 32E BM

SENWSE Sec. 3 Twp 7S Rge 32E BM

NWNWSW Sec. 2 Twp 7S Rge 32E BM

NESENW Sec. 2 Twp 7S Rge 32E BM

NWNENE Sec. 1 Twp 7S Rge 32E BM

SWNWNW Sec. 6 Twp 7S Rge 33E BM

NESESW Sec. 6 Twp 7S Rge 33E BM

NESESW Sec. 6 Twp 7S Rge 33E BM

SWSWSW Sec. 30 Twp 6S Rge 33E BM

Future Points of Diversion may be developed to divert water from (1) anywhere on the Blackfoot River or (2) ground water within the Reservation as described in Remarks below.

.vii Purpose and Period of Use:

Irrigation 3/15 - 11/15

.viii Place of Use: 30,469 present and future acres.

.ix Basis of Right: Winters Doctrine

.x Remarks:

.a If the natural flow of the Blackfoot River is not sufficient to satisfy this right and other rights to divert Blackfoot River natural flow pursuant to state law, the Tribes may satisfy this Winters right by using the other rights described in Articles 7.1.19 and 7.1.20, provided that the combined use in

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satisfaction of this Winters right shall not exceed 150,000 AFY.

.b If the diversions under this right exceeds 150,000 AFY, the amount in excess of 150,000 AFY shall be charged against the Tribal water right in Article 7.1.1.

.c This right combined with other rights described in Articles 7.1.1, 7.1.19, and 7.1.20 can be used to irrigate up to 53,828 present and future acres from the combined water sources.

.d The Tribes and United States agree to exercise this water right in a manner that ensures persons diverting natural flow from the Blackfoot River prior to January 1, 1990, whose rights are decreed in the SRBA will continue to receive that full legal entitlement under state law. The parties will specifically enumerate all rights protected by this provision once the SRBA decree for this basin becomes final. These state created water rights are estimated to divert not more than 45,000 AFY of water from the Blackfoot River. In the event this estimate of the amount of existing diversions under state created water

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rights is exceeded as a result of the decree in the SRBA, the parties shall negotiate an equitable adjustment to the Tribal water rights to account for this change.

.e The Tribes and the United States agree to exercise this right in a manner that will not impair the project entitlements of the Fort Hall Indian Irrigation Project water users.

.f If the water supplied under this right and the other rights described in Articles 7.1.19 and 7.1.20 does not provide 150,000 AFY under the terms of this Agreement, the Tribes may divert groundwater within the Reservation under this right, exclusive of the water rights described in Article 7.2, such that the combined water supply from the other rights described in Articles 7.1.19 and 7.1.20 and surface and groundwater under this right yields 150,000 AFY.

.19 Right No. A27-02007

.i Source: Blackfoot River

.ii Annual Diversion Volume: 348,000 AFY

.iii Diversion Rate: Not limited

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.iv Annual Volume of Consumptive Use:

Included in the other rights described in Articles 7.1.1 and 7.1.18.

.v Priority Date: September 3, 1907

.vi Points of Diversion:

NWNE Sec 12 Twp 5S Rge 40E BM (Blackfoot River into Blackfoot Reservoir)

Points of Rediversion:

SENWNW Sec 7 Twp 2S Rge 38E BM
(Blackfoot River into Little Indian Canal)

NENENE Sec 13 Twp 3S Rge 35E BM
(Blackfoot River into Fort Hall Main Canal)

NWNENW Sec 14 Twp 3S Rge 35E BM
(Blackfoot River into North Canal)

.vii Purposes and Periods of Use:

Irrigation from Storage	3/15 - 11/15
	348,000 AFY
Storage for Irrigation	1/1 - 12/31
	348,000 AFY

.viii Place of Use: 30,469 present and future acres.

.ix Basis of Right: License acquired pursuant to Fort Hall Indian Irrigation Project Act.

.x Remarks:

.a The rediversion from storage under this right and the other right described in Article 7.1.20 may be used to satisfy the

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Blackfoot River natural flow to meet but not exceed the 150,000 AFY Winters entitlement under the water right described in Article 7.1.18. The Tribes may use water from storage under this right in excess of the amount needed to satisfy the Winters entitlement under Article 7.1.18; provided that uses in excess of that amount necessary to satisfy the 150,000 AFY Winters entitlement described in Article 7.1.18 shall be charged against the Tribal water right described in Article 7.1.1.

.b This right combined with other rights described in Articles 7.1.1, 7.1.18, and 7.1.20 can be used to irrigate up to 53,828 present and future acres from the combined water sources.

.c The Tribes and the United States agree to exercise this right in a manner that will not impair the project entitlements of the Fort Hall Indian Irrigation Project water users.

.20 Right No. A25-02160

.i Source: Grays Lake

.ii Annual Diversion Volume: 100,000 AFY

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.iii Diversion Rate: Not limited

.iv Annual Volume of Consumptive Use: Included in the other rights described in Articles 7.1.1 and 7.1.18.

.v Priority Date: August 23, 1919

.vi Points of Diversion:

SWSWSW Sec 1 Twp 5S Rge 42E BM

(Grays Lake/Clarks Cut Canal)

Points of Rediversion:

NWNE Sec 12 Twp 5S Rge 40E BM (Blackfoot Reservoir)

SENWNW Sec 7 Twp 2S Rge 38E BM

(Blackfoot River into Little Indian Canal)

NENENE Sec 13 Twp 3S Rge 35E BM

(Blackfoot River into Fort Hall Main Canal)

NWNENW Sec 14 Twp 3S Rge 35E BM

(Blackfoot River into North Canal)

.vii Purposes and Periods of Use:

Irrigation from Storage	3/15 - 11/15
	100,000 AFY
Storage for Irrigation	1/1 - 12/31
	100,000 AFY

.viii Place of Use: 30,469 present and future acres.

.ix Basis of Right: Permit numbers 14247 and R-161 acquired pursuant to the Fort Hall Indian Irrigation Project Act

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.x Remarks:

.a The rediversion from storage under this right and the other right described in Article 7.1.19 may be used to satisfy the Blackfoot River natural flow to meet but not exceed the 150,000 AFY Winters entitlement under the water right described in Article 7.1.18. The Tribes may use water from storage under this right in excess of the amount needed to satisfy the Winters entitlement under Article 7.1.18; provided that uses in excess of that amount necessary to satisfy the 150,000 AFY Winters entitlement described in Article 7.1.18 shall be charged against the Tribal water right described in Article 7.1.1.

.b This right combined with other rights described in Articles 7.1.1, 7.1.18, and 7.1.19 may be used to irrigate up to 53,828 present and future acres from the combined water sources.

.c The Tribes and the United States agree to exercise this right in a manner that will not impair the project entitlements of the Fort Hall Indian Irrigation Project water users.

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7.2 Groundwater use rights:

.1 Right No. A27-11376

.i Source: Groundwater within the Reservation

.ii Annual Diversion Volume: 125,000 AFY

.iii Diversion Rate: 813.40 CFS

.iv Annual Volume of Consumptive Use: 93,615 AFY

.v Priority Date: June 14, 1867

.vi Existing Points of Diversion:

SWSESW Sec. 3 Twp 7S Rge 32E BM

SENWSE Sec. 3 Twp 7S Rge 32E BM

NWNWSW Sec. 2 Twp 7S Rge 32E BM

NESENW Sec. 2 Twp 7S Rge 32E BM

NWNENE Sec. 1 Twp 7S Rge 32E BM

SWNWNW Sec. 6 Twp 7S Rge 33E BM

NESESW Sec. 6 Twp 7S Rge 33E BM

NESESW Sec. 6 Twp 7S Rge 33E BM

SWSWSW Sec. 30 Twp 6S Rge 33E BM

Additional existing points of diversion will be identified by February 1, 1991.

Future points of diversion may be developed to utilize this water right on any Indian lands.

.vii Purposes and Periods of Use:

Irrigation	3/15 - 11/15	115,000 AFY
DCMI	1/1 - 12/31	10,000 AFY

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.viii Place of Use: 42,592 present and future acres. Present and future DCMI uses on any Indian lands.

.ix Basis of Right: Winters Doctrine

.x Remarks:

.a If the Tribes' combined surface water and groundwater diversions from the Ross Fork Creek basin exceed 5,000 AFY, or the Tribes' combined surface water and groundwater diversions from the Lincoln Creek basin exceed 5,700 AFY, such excesses shall be charged against this Tribal groundwater right.

.b The nine wells used to supplement the surface water portion of the Michaud Division divert water included in this Tribal water right.

.c Lot Nos. 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17 of Block No. 191; Lot No. 1 of Block 192; Lot Nos. 1, 2, 3, 4, 5, 6, 7, and 8 of Block No. 196; Lot Nos. 19 and 20 of Block No. 341; Lot No. 5 of Block No. 593; and Lot No. 7 of Block No. 599 within the City of Pocatello remain Indian lands and may utilize water under this water right.

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.d Allotment Nos. 45, 46, 48, 50, 60 and 71 within the Portneuf River basin may utilize water under this right.

.2 Right No. A29-12052

.i Source: Bannock Creek basin groundwater

.ii Annual Diversion Volume: 23,500 AFY

.iii Diversion Rate: 154.93 CFS

.iv Annual Volume of Consumptive Use: 17,843 AFY

.v Priority Date: June 14, 1867

.vi Points of Diversion:

Future points of diversion may be developed as needed within the Bannock Creek basin to utilize this water right within the Bannock Creek drainage basin.

.vii Purpose and Period of Use:

Irrigation 3/15 - 11/15

.viii Place of Use: 8,704 future acres.

.ix Basis of Right: Winters Doctrine

.x Remarks:

.a The Tribes have the right to the annual yield of the Bannock Creek basin up to a combined surface and groundwater diversion of 48,500 AFY.

.b If the Tribes' combined surface and groundwater diversion from this basin exceeds 48,500 AFY, such excess shall be

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charged against the Tribal groundwater right in Article 7.2.1.

.c The Tribes and United States agree to exercise this water right in a manner that ensures persons diverting ground water from the Bannock Creek drainage basin prior to January 1, 1990, whose rights are decreed in the SRBA will continue to receive their full legal entitlement under state law. The parties will specifically enumerate the rights protected by this provision once the SRBA decree for this basin becomes final. These state created water rights are estimated to divert not more than 2,400 AFY of water from the ground water of the Bannock Creek drainage basin. In the event this estimate of the amount of existing diversions under state water rights is changed as a result of the decree in the SRBA, the parties shall negotiate an equitable adjustment to the Tribal Water Rights to account for this change.

7.3 Federal contract storage water rights held in trust by the United States for the benefit of the Tribes:

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.1 The United States holds in trust federal contract storage rights for water that accrues to two and eight thousand and fifty nine ten thousandths percent (2.8059%) of the storage space in American Falls Reservoir and six and nine thousand nine hundred and seventeen ten thousandths per cent (6.9917%) of the storage space in Palisades Reservoir for the benefit of the Tribes and 187.7 acres of other lands served by the Michaud Division of the Fort Hall Indian Irrigation Project. These federal contract storage rights are presently equivalent to the following storage space in American Falls and Palisades Reservoirs:

American Falls Reservoir	46,931 AF
Palisades Reservoir	83,900 AF

.2 The federal contract storage rights described in Article 7.3.1 may be used to irrigate up to 33,938 present and future acres of Indian lands with an annual volume of consumptive use not to exceed 79,542 AFY. Indian lands in excess of 33,938 acres may be irrigated with the water that accrues to the federal contract storage rights described in Article 7.3.1 if no other water rights are injured thereby.

.3 The Tribes and the Secretary agree to continue to exchange storage water from the federal contract storage rights described in Article 7.3.1 for water diverted from the Portneuf River as provided for in

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Article 8 of the Michaud Contract. The Tribes may identify the reservoir storage space to be used to provide storage water for this exchange. In the event no specific storage is identified, water from the Palisades storage space shall be the first water to be used for this exchange.

.4 The Tribes shall have the right to create a Shoshone-Bannock Water Bank pursuant to Idaho Code §§ 42-1761 through 42-1765 in order to rent as prescribed in Article 7 for any beneficial use outside the Reservation all or any part of the water accruing to the federal contract storage rights set forth in Article 7.3.1 that is not used on Indian lands as provided in Article 7.3.2 or exchanged pursuant to Article 7.3.3; provided that

.i storage water from Palisades Reservoir is rented and delivered for use within the Snake River Basin anywhere above Milner Dam, and

.ii storage water from the American Falls Reservoir is rented and delivered for use in the Snake River Basin anywhere within Idaho.

.5 The rental of the federal contract storage water rights in Article 7.3.1 through the Shoshone-Bannock Water Bank shall not be subject to any limitation based on the following:

.i any provision of the Michaud Contract except as set forth in Article 7.3.3;

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.ii any reduction of the quantity of water available under any other existing water rights since any such reductions are mitigated by the express federal commitments in Article 12.3;

.iii any conflict with the public welfare or local public interest of the citizens of Idaho or the conservation of its water since any such conflicts are mitigated by the express federal commitments in Article 12.3; or

.iv any refill penalty for renting water from American Falls Reservoir below Milner Dam because of the mitigation provided by the express federal commitments in Article 12.3.

.6 The parties agree that the purposes of the Shoshone-Bannock Water Bank are to:

.i put to beneficial use the Tribal water rights set forth in Article 7.3.1;

.ii provide a source of adequate water supplies to benefit new and supplemental water uses;

.iii provide a source of Tribal funding for improving water user facilities and efficiencies;

.iv provide a mechanism for the Tribes to realize the value of their federal contract storage rights resulting from settlement of this litigation; and

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.v provide for the continuation of good-faith cooperation among the parties to this Agreement.

The State agrees not to take any action that will interfere with the nature, scope, spirit and purposes of the Shoshone-Bannock Water Bank.

.7 The Shoshone-Bannock Water Bank provided for in Article 7.3.4 shall be operated by a Tribal Rental Pool Committee, which shall consist of the Superintendent of the Minidoka Project, the Snake River Watermaster, the Reservation Watermaster and three individuals designated by the Fort Hall Business Council unless the Tribes, the State and the United States mutually agree otherwise in writing.

.8 The Tribal Rental Pool Committee shall determine and establish priorities for rental of water from the Shoshone-Bannock Water Bank; provided that the Fort Hall Indian Irrigation Project water users shall have a right of first refusal to rent any storage water available for rent pursuant to Article 7.3.4.

.9 The Tribes may elect to assign for rental all or any portion of the water accruing to the federal contract storage rights in Article 7.3.1 that is not rented through the Shoshone-Bannock Water Bank or otherwise used or exchanged pursuant to Article 7 to any water bank created pursuant to state law in the Snake River basin above Milner Dam on the same terms and

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conditions as any other water user may assign water to such a water bank.

.10 The parties agree that proceeds from renting all or any part of the federal contract storage rights pursuant to Article 7 shall not be subject to any form of taxation or alienation by the State or the United States, as provided for by legislation required by this Agreement, absent the written consent of the Tribes.

.11 The Tribes' exercise of the right to rent the storage water accruing to the federal contract storage rights described in Article 7.3.1 shall in no event be construed or interpreted as

.i any forfeiture, abandonment, relinquishment, or other loss of all or any part of their federal contract storage rights, or

.ii subject to any constraints on the amount of rental income or other compensation received by the Tribes.

.12 Neither the State nor the United States shall be liable for any financial losses suffered by the Tribes or any other person as a result of any rental of water from the Shoshone-Bannock Water Bank pursuant to Article 7.3.4.

7.4 Instream flows on and adjacent to the Reservation:

.1 In addition to the rental of water for instream flows pursuant to Article 7.3, the Tribes shall be entitled

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to use storage water accrued to the federal contract storage space listed in Article 7.3.1 not used, exchanged, or rented pursuant to Article 7.3 for instream flows for river reaches on or adjacent to the Reservation.

.2 The Tribes shall have the right to use the natural flows of all waters arising wholly within and traversing only Reservation lands for instream flows.

.3 The Tribes shall have the right to use up to 15,000 AFY from the storage water rights described in Articles 7.1.19 and 7.1.20 for instream flows in reaches of the Blackfoot River. Prior to releasing water for instream flows in reaches of the Blackfoot River, the Tribes agree to give notice as provided in Article 8.5.

7.5 The Tribes may transfer or lease within the Reservation all or any portion of the tribal water rights set forth in this Article 7, if the transfer:

.1 is to any beneficial use,

.2 does not exceed the maximum diversion rate not withstanding the period of use,

.3 does not exceed the annual volume of diversion,

.4 does not exceed the annual volume of consumptive use,

.5 is to any place of use within the Reservation, except as to the water rights described in Articles 7.1.2, 7.1.3 and 7.1.14, where the place of use is specifically restricted by this Agreement, and

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.6 does not change the source, except as permitted by Articles 7.1.2, 7.1.3, and 7.1.18.

7.6 The Tribes may change the points of diversion and periods of use of the water right described in Article 7.1.1 provided the change:

.1 is to any beneficial use,

.2 does not exceed the maximum diversion rate not withstanding the period of use,

.3 does not exceed the annual volume of diversion,

.4 does not exceed the annual volume of consumptive use, and

.5 does not result in an injury to a water right.

7.7 Whenever the Tribes or the United States intend to change or add a point of diversion or change the period of use of all or part of the water right described in Article 7.1.1, the Tribes or the United States will prepare a written Notice of Transfer of this water right. The Tribes or the United States shall serve a copy of the Notice of Transfer on each member of the Intergovernmental Board and shall publish the Notice of Transfer at least once a week for two consecutive weeks in a newspaper printed within the county wherein the point of diversion lies, or in the event no newspaper is printed within that county, then in a newspaper of general circulation therein. The Tribes or the United States shall complete the service and publication at least one hundred and twenty (120) days

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prior to the intended change. The Notice of Transfer shall contain the following information:

.1 The amount of water in CFS and/or AFY that is to be changed including any reductions that will occur at any existing points of diversion, if applicable;

.2 The legal descriptions of the locations of any new or changed points of diversion including any points of diversion that will no longer be used, if applicable;

.3 The period of use during which the water will be used as a result of the change including periods during which water will no longer be used or periods during which water use will be reduced as a result of the change; and

.4 A statement that any person who believes that the change will injure a water right shall file a Notice of Objection with the Intergovernmental Board within ten days of the last date of service or publication.

7.8 Any person claiming that a change in a point of diversion or period of use of the Tribal water right in Article 7.1.1 will injure a water right shall first request mediation before the Intergovernmental Board prior to seeking judicial relief.

.1 In any proceeding, the person claiming that a change will injure the objector's water right shall have the burden of proving that an injury will occur.

.2 Upon receipt of any objection, the Intergovernmental Board shall attempt to mediate the dispute. After

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reviewing all relevant data and information, the Intergovernmental Board shall make a recommendation regarding the change if there is a consensus. In the event the Intergovernmental Board determines that the proposed change would injure an objector's water right, its recommendation shall address whether it is possible to mitigate the injury in a way that will allow the Tribes to achieve the purposes of the change.

.3 In the event that the Intergovernmental Board fails to mediate the dispute, judicial relief may be sought by the objector.

7.9 Except as provided in Article 7.3, no Tribal water rights or water may be sold, leased, rented, transferred or otherwise used off the Reservation.

7.10 Stock watering may occur anywhere on Indian lands from any part of the water system on Indian lands and may be used year around as a part of each water right defined in this Agreement except no diversion from a point off the Reservation for stockwater shall be made during the non-irrigation season.

7.11 The Tribes have the right to generate hydropower incidental to water delivery for the other purposes specified in this Agreement as well as pursuant to Article 7.5.

7.12 The Tribes may construct, operate and maintain future storage projects or reservoirs located within the Reservation to the extent that such projects are not

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inconsistent with the water rights set forth in this Agreement.

7.13 If any allottee or Tribal member is decreed a water right in the SRBA for Indian lands, there shall be a corresponding reduction in the Tribal water rights set forth in Article 7.

7.14 The State shall have the responsibility to deliver the federal contract storage water described in Article 7.3.1 within any established water district.

ARTICLE 8. ADMINISTRATION OF WATER RIGHTS

8.1 The Parties recognize and respect the sovereignty of the Tribes, the State, and the United States, as well as the powers and limitations accompanying the sovereignty of each government. In order to strike a balance among these sovereign interests, the parties, consistent with applicable law, agree to cooperate in administration of water resources to protect the use of all water rights decreed in the SRBA .

8.2 Except for the Snake River and the Blackfoot River, the parties agree to administer water rights within the Reservation as follows:

.1 The Tribes shall administer the distribution of all Tribal water rights within the Reservation.

.2 Upon reasonable notice, the Tribes and the United States agree to provide access to the State to inspect water monitoring devices and diversions within the

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Reservation. The Tribes and the United States may accompany the State.

.3 The Tribes shall adopt and submit a Tribal Water Code to the Secretary for approval. The Tribal Water Code shall, in part,

.i provide for a Reservation Watermaster,

.ii establish a Tribal Water Commission to manage the Tribal water delivery systems on the Reservation, and

.iii provide for monitoring of and enforcement of Tribal water rights.

.4 Pending adoption and approval of a Tribal Water Code, the Secretary, as trustee for the Tribes, shall temporarily administer the distribution of the Tribal water rights within the Reservation.

.5 Consistent with Article 8.2.1, the United States shall administer the distribution of the Fort Hall Indian Irrigation Project water rights and the Fort Hall Agency water rights from the point the water is delivered to the project facilities.

.6 The State shall administer the distribution of those rights acquired under state law within the Reservation that are not a part of the Fort Hall Agency, Tribal or Fort Hall Indian Irrigation Project water rights.

.7 Upon reasonable notice and in accordance with applicable law, the Tribes and the United States may inspect water monitoring devices and diversions within

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the Reservation for those water rights administered under Article 8.2.6. The State may accompany the Tribes and the United States.

.8 The Tribes or the United States shall install or cause to be installed monitoring devices for administration of Tribal water rights within the Reservation to the same extent as required of other water users in Idaho. The cost of these monitoring devices shall be paid from the funds authorized by Congress as required by Article 13.2. The United States, the Tribes and the State shall monitor those diversions that each party actually administers within the Reservation and report the diversion records each year to the Intergovernmental Board by March 1 of the year after each reporting year.

8.3 Although the water rights from the Blackfoot River have been delivered for over 100 years without any disputes arising between the Tribes, the United States, and the State over administration, the parties heretofore have been unable to agree upon their respective authority to administer water rights from the Blackfoot River. The parties agree to avoid litigation by continuing to administer the water rights decreed in the SRBA from the Blackfoot River as water rights from the Blackfoot River have been administered in the past. The parties also agree as follows:

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.1 To prepare and implement a Blackfoot River Water Management Plan to satisfy the purposes set forth in the Attachment;

.2 To install or cause to be installed monitoring devices on all present and future points of diversion from the Blackfoot River; and

.3 To provide access to inspect water monitoring devices and diversions on the Blackfoot River where necessary for administration of rights to divert water from the water system. A party requesting access to a monitoring device shall provide reasonable notice, and the party providing access to the monitoring device or diversion may accompany the inspecting party.

8.4 The parties agree to administer water rights from the Snake River as follows:

.1 The State shall account for and administer the diversion of water from the Snake River by all water users, including the United States and the Tribes, in conformance with the SRBA decree. The State, in administering such waters, shall ensure the delivery to all water users, including the United States and the Tribes, their legal entitlement to water from natural flow and storage. The United States shall be solely responsible for the physical operation of its Snake River diversion facilities in accordance with the Snake River Watermaster's direction. In the event the United States disputes the Snake River

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Watermaster's direction regarding the administration of its Snake River diversion, the dispute shall be resolved by the District Court. Distribution of the water after diversion by the United States shall be in accordance with Articles 8.2.1, 8.2.4, 8.2.5, and 8.3.

.2 IDWR shall provide the Intergovernmental board, upon request, any Snake River water measurement data or reports gathered or prepared by or for IDWR.

.3 Upon reasonable notice, the State agrees to provide the Tribes and the United States access to inspect water monitoring devices and diversions on the Snake River where necessary for purposes of the administration of Tribal or Fort Hall Indian Irrigation Project water rights from the water system. The State may accompany the party inspecting the monitoring device or diversion.

8.5 Because of the need to provide for cooperative planning and management of water resources, the Tribes or the United States agree to prepare a written Notice of Use of a Tribal water right whenever the Tribes or the United States intend to (1) transfer or lease within the Reservation the right to an existing use, (2) put to use within the Reservation any portion of the Tribal water right which is not in present use, or (3) undertake a combination of (1) and (2).

.1 The Notice of Use shall contain the following information:

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.i The Right Number of the Tribal water right(s) described in Articles 7.1.1 through 7.3.1 to be changed or used;

.ii A legal description of the location where the Tribes or the United States will use the water right;

.iii A legal description of the location where the Tribes or the United States will reduce the use of water as a consequence of the transfer and of the point of diversion where the Tribes or the United States will reduce the diversion, if applicable;

.iv The ownership status of the land where the Tribal water right will be used;

.v The legal description of the new point of diversion;

.vi A narrative description of the proposed diversion works such as the size of pumps, ditches, wells, etc.;

.vii The amount of water stated in AFY and in CFS to be used on the location described in Article 8.5.1.ii; and

.viii The nature of use of the Tribal water right at the location described in Article 8.5.1.ii.

.2 Notices involving 25 CFS or more, or 7,500 AFY or more and notices involving any increase in the diversion rate or volume of the right described in Article 7.1.1

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shall be served on each member of the Intergovernmental Board at least thirty (30) days prior to the transfer, lease or new use.

.3 Notices involving less than 25 CFS or less than 7,500 AFY shall be served on the Intergovernmental Board annually at the time of the annual report provided for in Article 8.2.8 provided that no notice will be required for transfers, leases or new uses of 0.04 CFS or 2.2 AFY or less.

8.6 The State agrees to provide written notice to the Tribes and the Fort Hall Agency Superintendent whenever an application for a state water right permit is sought for a water use in the Upper Snake River mainstem, the Blackfoot River basin, and the Portneuf River basin. The report shall contain among the following:

.1 the permit number of the state water right applied for;

.2 a legal description of the location of the proposed place of use;

.3 the ownership status of the land where the water will be used, if known;

.4 the legal description of the proposed point of diversion; and

.5 a narrative description of the proposed diversion works, such as the size of the pumps, ditches, wells, etc.

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ARTICLE 9. INTERGOVERNMENTAL BOARD

9.1 In recognition of the concerns of separate sovereigns as well as the hydrologic and economic inter-relationships of water use within the Snake River basin, the parties agree to continue cooperative efforts to efficiently manage water resources and to fairly resolve disputes arising under this Agreement without resorting to litigation.

9.2 The parties agree to create a three-member Intergovernmental Board composed of the Chairman of the Fort Hall Business Council, the Director of the Idaho Department of Water Resources, and the Secretary, or their designees.

9.3 The Intergovernmental Board shall assist in the implementation of this Agreement and shall mediate disputes arising among the parties regarding the interpretation of this Agreement.

ARTICLE 10. FINALITY OF SETTLEMENT AGREEMENT

10.1 In lieu of filing claims by or on behalf of the Tribes in the SRBA and pursuant to Idaho Code § 42-1409(3) (Supp. 1989), the parties agree to submit this Agreement to the Director. The Director shall submit this Agreement and an abstract of the water rights listed in this Agreement to the Fifth Judicial District Court of the State of Idaho, in and for the County of Twin Falls pursuant to Idaho Code § 42-1411 (Supp. 1989). Other persons not signatory to this Agreement may file objections.

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10.2 At the time the Director submits this Agreement and the abstract of this Agreement to the Fifth Judicial District Court of the State of Idaho in and for the County of Twin Falls, the State and the United States shall file a motion seeking approval of the water rights in the Agreement as a decree in the SRBA. The parties agree to jointly support and defend this Agreement against any and all objections or other challenges that may arise in any phase of the Adjudication, including any appeals, and in securing any necessary ratification of this Agreement.

10.3 The United States' and Tribal water rights confirmed in this Agreement shall be final and conclusive as to all parties to the Adjudication once the Agreement becomes effective as provided in Article 18.

10.4 The Tribal water rights recognized in Article 7 are in full satisfaction of all water rights or claims to water rights of the Tribes, its members, and its allottees within the Upper Snake River basin. If a member or an allottee is decreed a water right for Indian lands, then a corresponding reduction will be made in the Tribal water rights set forth in Article 7. This Agreement does not apply to state water right claims of Tribal members for non-Indian lands.

ARTICLE 11. DISCLAIMERS AND GENERAL PROVISIONS

11.1 Nothing in this Agreement shall be so construed or interpreted:

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MAR 0 6 2003

.1 To establish any standard to be used for the quantification of federal reserved water rights or any other Indian water claims of any other Indian Tribes in any judicial or administrative proceeding;

.2 To restrict the acquisition or exercise of an appropriative right to the use of water under state law for present Tribal or allotted lands, provided the Tribal water rights confirmed in this Agreement have been fully utilized at the time the application is made, or are not physically available for use through reasonable diversion facilities;

.3 To restrict the power of the United States to reserve, or of the United States or the Tribes to acquire water rights in the future, in accordance with this Agreement and other applicable law;

.4 To limit in any way the rights of the parties or any person to litigate any issue or question not resolved by this Agreement;

.5 To limit the authority of the United States or the Tribes to administer their respective water rights in accordance with the constitution, statutes, regulations, and procedures of the United States or of the Tribes except as expressly provided herein;

.6 To restrict, enlarge, or otherwise determine the subject matter jurisdiction of any state, tribal or federal court;

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MAR 0 6 2003

.7 To commit or obligate the United States, the State, or the Tribes to expend funds which have not been appropriated and budgeted;

.8 To quantify or otherwise determine Walton Right claims that may be made in the SRBA;

.9 To impair or impede the exercise of any Treaty rights reserved for members of the Tribe pursuant to Article 4 of the Second Fort Bridger Treaty of July 3, 1868, 15 Stat. 673;

.10 To waive or prejudice any contention by any party to this Agreement regarding the location and extent of the Reservation's northern and western boundaries along or within the Snake River and the Blackfoot River, as well as the ownership of the beds and banks of those rivers to the ordinary high water mark;

.11 To preclude the Tribes from participating in future water storage projects in the Upper Snake River basin;

.12 To quantify or otherwise determine any water right claims of the City of Pocatello under the Act of September 1, 1888, ch. 936, § 10, 25 Stat. 452 or the sources from which such claims may be satisfied, provided that in the event the City of Pocatello is determined to be entitled to such a right, such right shall be in addition to the Tribal water rights set forth in this Agreement;

.13 To quantify or otherwise determine any water right claims of the Northwestern Band of Shoshone, if any;

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.14 To waive any applicable federal environmental law;

.15 To impair or impede the exercise of any civil or regulatory authority of the Tribes, the State, or the United States; and

.16 To quantify or otherwise determine any water right claims for the United States that are not quantified in this Agreement.

11.2 This Agreement represents a settlement of federal reserved water right claims of the Tribes under the Winters Doctrine that are unique to the Reservation. The parties are unable to agree on whether the reserved water rights doctrine extends to ground water. In order to avoid litigation, however, this Agreement recognizes federal reserved water rights to groundwater for the Tribes as described in Article 7. Because this Agreement is a resolution of a disputed claim, it is not and shall not be used as precedent for any other federal reserved water right claim.

11.3 This Agreement has been reached in the process of good faith negotiations for the purpose of resolving legal disputes, including pending litigation, and all parties agree that no offers and/or compromises made in the course thereof shall be construed as admissions against interest or be used in any legal proceeding.

11.4 Entry of judgment as set forth above has been consented to by the parties without trial or adjudication of fact or law herein and without the judgment constituting evidence or an admission by any party, with respect to any issue.

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MAR 0 6 2003

11.5 The Tribes and the United States reserve the right to assert federal reserved water right claims for instream flows in the Salmon River basin, the Clearwater River basin, and the Snake River basin below Hells Canyon Dam; however, no such instream flow claims made by the Tribes or the United States on behalf of the Tribes below Hells Canyon Dam shall require water to be supplied from above Hells Canyon Dam to satisfy such claims. All parties to this Agreement agree to engage in good faith negotiations in an attempt to settle these remaining claims.

11.6 The Tribes reserve the right to develop geothermal ground water on the Reservation having a temperature of at least two hundred twelve (212) degrees Fahrenheit in the bottom of a well.

11.7 Performance by the United States of the actions required by this Agreement, including the Congressional authorization and appropriation of any funds for deposit in the Tribal Development Fund described in Article 13 shall be conditioned on the Tribes executing a waiver and release of any and all existing claims against the United States arising in whole or in part from or concerning water rights finally settled by this Agreement, and for lands or water that have been inundated by the past construction or enlargement of American Falls Reservoir.

11.8 None of the parties will assert any claim against another party arising out of the negotiation of this Agreement or the entry by the Fifth Judicial District Court of the State

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MAR 0 6 2003

of Idaho in and for the County of Twin Falls of a decree embodying the water rights listed in this Agreement.

11.9 The United States, in its trust capacity for the Tribes only, and the Tribes agree not to object to water right claims filed by non-federal water users within the Upper Snake River basin in the SRBA that have no potential impact on the Tribal water rights set forth in this Agreement.

11.10 The United States and the Tribes agree not to make any claims against, or seek compensation from, any non-federal party to this Agreement for lands or water that have been inundated by the past construction or enlargement of American Falls Reservoir.

ARTICLE 12. PROTECTION OF EXISTING USES

12.1 Nothing in this Agreement alters the water right priorities as established by Section 3(b) of the Michaud Act, or Article 15 of the Michaud Contract, which the United States and/or the Tribes entered into as part of the authorization of the Michaud Division.

12.2 The Secretary shall continue to provide all project water users within the Fort Hall Indian Irrigation Project their project water entitlements pursuant to their project contracts.

12.3 The United States agrees to seek legislation authorizing the Secretary to contract with the Idaho Water Resource Board or another appropriate contracting entity acceptable to the Committee of Nine for the 80,500 acre feet of noncontracted storage space in Ririe Reservoir and the

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MAR 0 6 2003

18,980 acre feet of noncontracted storage space in Palisades Reservoir, provided that such entity makes application for the space within one year of the date such legislation becomes law. This space is estimated to provide on average approximately 45,000 AFY. The legislation shall provide for forgiveness of the repayment obligation associated with the construction cost for the noncontracted storage space; provided the contracting entity shall be responsible for operation and maintenance costs associated with this storage space.

12.4 The parties agree not to unreasonably oppose the efforts of any party to further mitigate the effects of the implementation of this Agreement on existing water users.

ARTICLE 13. CONTRIBUTIONS TO SETTLEMENT

13.1 The United States agrees to seek appropriations to continue to acquire up to 9,000 acres of land and grazing rights at Grays Lake, at a cost not to exceed $5,000,000, for the acquisition of lands, grazing rights and related improvements to enhance the operation and management of the Fort Hall Indian Irrigation Project, particularly through increased storage capacity and retention period of the reservoir, and the operation of the United States Fish and Wildlife Service refuge at Grays Lake.

13.2 The United States agrees to assist the Tribes in implementing a Tribal water management system for the Reservation. The total cost of this federal assistance to the Tribes for this Tribal water management system shall

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not exceed $7,000,000. The United States agrees to seek appropriations of the $7,000,000 as follows:

.1 $2,000,000 in the first fiscal year following the effective date of this Agreement as set forth in Article 18, and

.2 an additional $5,000,000 payable over a twenty-year (20-year) period.

13.3 The United States agrees to seek an appropriation of $10,000,000 for a Tribal Development Fund payable in equal amounts of $2,000,000 each fiscal year for each of the five (5) years following the effective date of this Agreement as set forth in Article 18. Under no circumstances shall these funds be distributed on a per capita basis to members of the Tribes.

13.4 Federal financial contributions to this settlement will be budgeted for, subject to the availability of funds, by October 1 of the year following the year of enactment of the authorizing legislation described in Article 18.

13.5 The state will seek an authorization to provide $250,000 of in kind services to assist the Tribes in implementing this Agreement and will seek an appropriation of the monies necessary to pay the filing fees for the Tribes and the United States claims quantified as a part of this Agreement. These fees are estimated to be $250,000.

ARTICLE 14. SUCCESSORS

This Agreement shall bind and inure to the benefit of the respective successors of the parties.

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ARTICLE 15. ENTIRE AGREEMENT

15.1 This Agreement sets forth all understandings between the parties with respect to water rights and claims to water rights for the Tribes, its members, and its allottees in the Upper Snake River basin. There are no other understandings--no covenants, promises, agreements, conditions, either oral or written--between the parties other than those contained herein. The parties expressly reserve all rights not granted, recognized or settled by this Agreement.

15.2 Ratification of the water rights set forth in Article 7 is irrevocable; however, the balance of this Agreement may be modified only upon the joint consent of the legislative bodies of the Tribes and the State, and to the extent an interest of the United States may be affected, the Secretary or the United States Attorney General, as appropriate.

ARTICLE 16. EFFECT OF HEADINGS

Headings appearing in this Agreement are inserted for convenience and reference and shall not be construed as interpretations of the text.

ARTICLE 17. MULTIPLE ORIGINALS

This Agreement is executed in quintuplicate. Each of the five (5) agreements with an original signature of each party shall be an original.

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MAR 0 6 2003

ARTICLE 18. EFFECTIVE DATE

18.1 This Agreement shall be effective only when all of the following events have occurred:

.1 This Agreement is executed;

.2 A decree acceptable to the parties quantifying the water rights in this Agreement and the water rights of the United States for the Fort Hall Indian Irrigation Project and for the Bureau of Indian Affairs Fort Hall Agency has been entered by the Fifth Judicial District Court of the State of Idaho in and for the County of Twin Falls and become final and nonappealable;

.3 Adoption by the Idaho Water Resource Board of the Shoshone-Bannock Water Bank Rules and Regulations consistent with Article 7.3;

.4 All federal and state expenditures required by this Agreement have been authorized;

.5 Ratification of this Agreement by the Legislature of the State of Idaho;

.6 Approval of the Agreement by the general membership of the Shoshone-Bannock Tribes;

.7 The Bureau of Reclamation has entered into a storage contract with the Idaho Water Resource Board or a designee of the Committee of Nine in accordance with Article 12.3; and

.8 Congressional approval of this Agreement.

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MAR 11 6 2003

The parties have executed this Agreement on the date following their respective signatures.

CECIL ANDRUS
Governor, State of Idaho

7-5-90
Date

KESLEY EDMO
Chairman, Shoshone-Bannock Tribal Council

7/5/90
Date

GENE M. GRAY
Chairman,
Idaho Water Resource Board

7-5-90
Date

HOWARD FUNKE
Tribal Attorney
Shoshone-Bannock Tribes

7/5/90
Date

CLIVE J. STRONG for JIM JONES
Attorney General,
State of Idaho

7/5/90
Date

DR. EDDIE F. BROWN
Assistant Secretary for
Indian Affairs

7-10-90
Date

PAUL BERGGREN
Chairman
Committee of Nine

7/9/90
Date

RICHARD B. STEWART
for Assistant Attorney General
Land and Natural Resources
Division
U.S. Department of Justice

7/10/90
Date

WATER FILMED
MAR 0 6 2003

BLACKFOOT RIVER WATER MANAGEMENT PLAN
STATEMENT OF PURPOSES
April 20, 1990

A Blackfoot River Water Management Plan shall be developed to assist in the implementation of The 1990 Fort Hall Water Rights Agreement as decreed in the SRBA. This Plan is proposed to encourage the open sharing of data and management resources to assist the effective management of the water resources in the Snake River Basin.

Nothing in the Plan nor in this Statement of Purposes shall be interpreted or implemented to change any portion of the decree in the SRBA.

The purposes of the Plan shall be as follows:

1. Determine the natural flow at each point of diversion on the Blackfoot River.
2. Determine the storage accumulation to Blackfoot Reservoir.
3. Determine the Blackfoot Reservoir storage used for 1) Tribal Lands; 2) non-Indian project lands; 3) instream flows; 4) natural losses and 5) operational losses.
4. Determine the storage accumulation to Grays Lake given any restrictions due to grazing leases.
5. Determine the Grays Lake storage used for 1) Tribal Lands; 2) non-Indian project lands; 3) instream flows; 4) natural losses and 5) operational losses.
6. Determine how gains to the Reservation Canal below the head and above the drop will be measured.
7. Determine when natural flow from the Blackfoot River and gains to the Reservation Canal are not sufficient to meet the Tribal water needs and calls for 1) Blackfoot Reservoir storage or 2) Reservation Canal diversions will be necessary.
8. Determine when water stored in Grays Lake will be moved to the Blackfoot Reservoir given any restrictions due to grazing leases.
9. Distribute Blackfoot River natural flow among the users by priority giving deference to the Tribe's protection of existing non-Indian non-project water users.
10. Deliver Blackfoot Reservoir and Grays Lake Storage to owners.
11. Define the computations that will be used to determine the amount of storage water that is exchanged as a result of the operational limitations of the Equalizing Reservoir to utilize Sand Creek as part of the Tribal water right.

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MAR 0 6 2003

September 30, 2002

US DEPT OF INTERIOR
BUREAU OF RECLAMATION
PN REGIONAL OFFICE
1150 N CURTIS RD STE 100
BOISE, ID 83706-1234

PROOF DUE NOTICE

RE: PERMIT NO. 25-7004

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before December 01, 2002. (See last page of your approval permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a completed field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

Sincerely,

Deborah J. Gibson, Admin. Assistant
Water Allocation Bureau

Enclosures

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MAR 0 6 2003

CERTIFIED MAIL
7000 1670 0013
NO. 9129 7269

ANALYSIS SHEET FOR EXTENSION OF TIME

Permit No. 25-07004 Reviewed by JJ Date 2-5-98

BASIC INFORMATION

11-26-97 Date stamp received

yes Extension received timely

yes Fee received and receipted

yes Name and signature same as permit

yes Address Change

BASIS FOR EXTENSION REQUEST

_____ Has adequate work been completed to demonstrate due diligence?

_____ Has the permit been involved in litigation?
Is supporting documentation needed to complete the file?_____ Requested?_____

yes Is delay by a government agency?
Is supporting documentation needed to complete the file? yes Requested?_____

_____ Is the project more than 25,000 acre feet for irrigation or 10,000 acre feet for a reservoir?

ACTION TAKEN Recommend extend to Dec. 1, 2002, on basis of Gov. Agency delay - Noted in file (amendment)

PRIORITY CALCULATION

Date extension received	_____	= _____
Proof due date	_____	= _____
Number of days late	_____	= _____
Priority date	_____	_____
New Priority Date	_____	= _____

DATA ENTRY

New Address 1150 N. Curtis Rd, Ste 100, Boise 83704-1234

Change Proof Due Date 12-1-2002

Change Priority Date X

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

February 17, 1998

US Dept of Interior
Bureau of Reclamation
1150 N Curtis Rd STE 100
Boise ID 83704-1234

RE: Permit No. 25-07004

Dear Permit Holder:

Enclosed is a copy of the approved request for extension of time submitted in connection with the above referenced permit which extends the time within which to submit proof of beneficial use to **December 1, 2002.** Please note that the department has granted this extension based on governmental agency delay. It is important that you work diligently toward the completion of the development during the construction period allowed since the department **may not** be able to grant additional extensions in connection with this permit.

Section 42-248, Idaho Code, which became effective on July 1, 1996, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Please contact any office of the department for the proper form to file a change of ownership of a water right and/or a change in the address of the owner.

Please contact the department if you have any questions regarding this matter.

Sincerely,

Julie L. Yarbrough

JULIE L. YARBROUGH
Senior Secretary, Water Allocation Bureau

Enclosure

c: IDWR - Regional Office

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FEB 20 1998

WARNING

The pending ~~transfer~~ amendment 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!

JDI

United States Department of the Interior

BUREAU OF RECLAMATION
Pacific Northwest Region
1150 North Curtis Road, Suite 100
Boise, Idaho 83706-1234

RECEIVED
NOV 2 6 1997
Department of Water Resources

IN REPLY
REFER TO:

SRA-6434/PN-3110
WTR-4.10

NOV 2 6 1997

Ms. Julie L. Yarborough
Senior Secretary
Idaho Department of Water Resources
PO Box 83720
Boise ID 83720-0098

Dear Ms. Yarbrough:

Subject: Water Right Permit No. 25-07004 Proof Due Notice

Enclosed is our response to your letter dated September 30, 1997, regarding Proof Due Notice on Ririe Reservoir, Water Right Permit No. 25-07004. Ririe Reservoir is complete and the Shoshone-Bannock settlement involving this reservoir space is now final. However, a pending amendment to this permit is held in abeyance by the State until 1999. We are asking for an extension of five years on the permit for this reason.

Sincerely,

Richard M Rigby

Richard M. Rigby
Program Manager
Water Rights and Acquisition

Enclosure

cc: PN-3000
Field Solicitor, Boise, ID
Attention: PN-1150 (TSullins)
Manager, Snake River Area Office - East, Burley, ID
Attention: SRA-6434 (Dwalton)

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FEB 2 0 1998

September 30, 1997

US DEPT OF INTERIOR
BUREAU OF RECLAMATION
1150 N CURTIS RD
BOISE ID 837041234

PROOF DUE NOTICE

RE: PERMIT NO. 25-07004

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before December 1, 1997. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

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FEB 20 1998

CERTIFIED MAIL
NO. 590 662 221

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

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FEB 20 1998

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

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FEB 20 1998

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.

FILMED
FEB 20 1998

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

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FEB 20 1998

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.

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FEB 20 1998

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

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FEB 20 1998

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.

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FEB 20 1998

(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

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FEB 20 1998

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

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FEB 20 1998

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

MICROFILMED
FEB 20 1998

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

November 16, 1992

Mr. Ed Thomas
USDI - Bureau of Reclamation
Box 043-550 West Fort Street
Boise, ID 83734-0043

Re: Permit No. 25-07004

Dear Permit Holder:

Enclosed is a copy of your approved Request for Extension of Time submitted in connection with the above referenced permit. The time within which to submit proof of beneficial use is extended to December 1, 1997.

Please note that the department has granted this extension based upon governmental agency delay. It is important that you work diligently toward the completion of this project during the construction period allowed. The department may not be able to grant additional requests.

If you have any questions or if I can be of any further assistance, please feel free to contact me.

Sincerely,

Karen L. Gustafson

Karen L. Gustafson
Secretary/Records Manager

Enclosure

c: IDWR-Regional Office

RECEIVED
DEC 08 1992

MEMORANDUM

TO: File

FROM: Karen L. Gustafson

DATE: October 16, 1992

RE: Request for Extension of Time and Fee

On October 6, 1992, the Department received a request for extension of time for this permit. However, the permit holder failed to attach the necessary $15 fee. On that same day, I returned the extension request explaining the need for the fee.

On October 7, 1992, the Department received a check in the amount of $15 from the Department of the Treasury in San Francisco. The receptionist contacted me to see if I had any outstanding documents requiring payments. We determined the fee belonged with the extension request and receipted it as such.

I telephoned Mr. Ed Thomas at the Bureau of Reclamation and asked that he return the original extension request.

On October 16, 1992, Mr. Thomas came into the office with the original extension request. He stated that he did not believe the $15 fee we had received was for this extension. He could find no record in his Department that indicated it had been requested.

It was decided that we would hold both the extension request and the fee for 30 days in the hopes that another agency will call and clarify the situation. It not, we will accept both the fee and the extension request.

Karen Gustafson

RECEIVED

DEC 08 1992

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

October 6, 1992

USDI - Bureau of Reclamation
Box 043-550 West Fort Street
Boise, ID 83734-0043

Re: Permit No. 25-07004

Dear Permit Holder:

Returned is the Request for Extension of Time you submitted to our office in connection with the above referenced permit. Unfortunately, it is unacceptable as filed.

In order for the Department to process your request, it must be accompanied by a $15 filing fee. In order to be in compliance with all of the required dates, please return the extension and $15 filing fee no later than December 1, 1992.

If you have any questions or if I can be of further assistance, please feel free to contact me.

Sincerely,

Karen Gustafson

Karen L. Gustafson
Secretary/Records Manager

Enclosure

MICROFILMED

DEC 08 1992

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 83724-0043

IN REPLY REFER TO:
PN-420

RECEIVED
OCT 06 1992
Department of Water Resources

OCT 5 - 1992

Mr. R. Kieth Higginson - Karen G.
Director
Department of Water Resources
Statehouse
Boise ID 83720

Subject: Permit No. 25-7004--Ririe Reservoir (Water Rights)

Dear Mr. Higginson:

Enclosed is an application for extension of time to complete beneficial use of water under the referenced permit. The filing fee will be delivered to your office.

Sincerely,

Mary E. VanDenBerg

Regional Supervisor of
Water, Power, and Lands

Enclosure

MICROFILMED
DEC 08 1992

September 30, 1992

US DEPT OF INTERIOR
BUREAU OF RECLAMATION
ATTN: 424 BOX 043
550 W FORT ST
BOISE ID 83724

PROOF DUE NOTICE

RE: PERMIT NO. 25-07004

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before December 1, 1992. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

Karen L. Gustafson
Secretary/Records Manager

Enclosures

CERTIFIED MAIL
NO. 139514
MAILED
DEC 08 1992

February 19, 1988

Bureau of Reclamation
Box 043-550 W. Fort St.
Boise, ID 83724

Gentlemen:

Re: Permit No. 25-7004

Enclosed is a copy of the approved request for extension of time. The time within which to submit proof of beneficial use is extended to December 1, 1992.

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

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosure

RECEIVED
MAR 08 1988

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
NOV 30 1987
Department of Water Resources

IN REPLY
REFER TO: PN 420
870.-

Mr. R. Keith Higginson, Director
Department of Water Resources
Statehouse
Boise, Idaho 83720

Dear Mr. Higginson:

Subject: Permit No. 25-7004--Ririe Reservoir

Enclosed is an application for extension of time for the referenced permit. Current operating restrictions at Jackson Lake and the corresponding need to utilize Ririe Reservoir water as replacement has curtailed pursuing final disposition of Ririe storage. Current studies are investigating potential uses of this facility and will be used to determine the final uses of the storage water.

The filing fee will be delivered to your office.

Sincerely yours,

John W. Keys, III

Regional Director

Enclosure

MICROFILMED
MAR 08 1988

138955

CERTIFIED MAIL
September 30, 1987

U.S. DEPT. OF INTERIOR
ATT: 424 BOX 043
550 W. FORT ST.
BOISE, ID 83724

PROOF DUE NOTICE

RE: Permit No. 25-7004

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before December 1, 1987. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a completed field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this Department on or before the above described proof due date, or the permit will no longer be of any force nor effect.

Sincerely,

RITA FLECK
Secretary/Records Manager

Enclosures

RECEIVED
MAR 08 1988

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 16, 1982

RE: Permit No. 25-7004

United States of America
Bureau of Reclamation
Box 043
Boise, ID 83724

Gentlemen:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the fourth page.

Be sure to note the special condition requiring you to install and maintain measuring devices. We have enclosed a description of the different types of measuring devices accepted by this office.

If the diversion dam is 10 feet or more in height, or has an impounding capacity of 50 acre-feet or more, certain dam safety requirements must be met. Please contact the regional office nearest you for details.

We have enclosed a form entitled "Making Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit into a license.

Sincerely,

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

DRT:kw
Enclosures

MEMORANDUM

TO: File No. 25-7004

FROM: Dave Tuthill DT

DATE: November 18, 1982

RE: Application for Permit No. 25-7004 - Ririe Reservoir

I spoke with Ron Carlson regarding the problem areas addressed in the attached memo dated November 12, 1982. Based on his experience as Watermaster of Water District 01, he is very familiar with the problems associated with approval of the permit. His responses are listed in the order of the problem areas identified on the memo.

1. Place of Use

Ron sees no problem with the place of use as identified in the amended application.

2. Availability of Water

Computerized tracking of water available for storage has shown that the concerns addressed in the 1975 letter regarding availability of storage water are unfounded. There is an ample available supply.

3. Stream Resource Maintenance Flow (SRMF)

The attempt by U. S. Fish and Wildlife Service to establish a SRMF has been abandoned. Ron indicates that regulation of the reservoir by the U. S. Corps of Engineers to prevent flood flows has mandated releases of 0 cfs during certain periods. Impacts on stockwater users are being mitigated on a case by case basis by the BOR, as no stockwater flows are provided during certain periods.

4. Other

Concerning channel losses for irrigation of lands for downstream, Ron does not see this to be a problem because in a practical sense, storage water from Ririe would be used to irrigate lands upstream on the Snake River system, in exchange for American Falls water to be used downstream on the newly irrigated lands.

Ron does not see any reason to not approve the application at this time.

Based on this conversation and my review of the file, I recommend that we approve the application with the attached conditions of approval, and that no memorandum decision be written.

MICROFILMED

SUGGESTED CONDITIONS OF APPROVAL

1. Use of water under this permit is subject to control by the watermaster of State Water District No. 01, Upper Snake River and tributaries.

2. Permanent measuring devices must be installed in such a manner that the amount of water entering the reservoir and the amount of water released from the reservoir can be measured.

3. Water stored under this permit and conveyed to downstream lands is subject to a shrinkage loss as determined by the watermaster.

4. The storage of water is contingent upon certification by the Department of Water Resources, of the applicant's dam under the dam safety provisions of the Idaho Code, authorizing storage.

5. The permit shall not be assigned or ~~sold~~ transferred or encumbered without first securing the written approval of the Dept of Water Resources.

6. Subject to all ~~prior~~ water right including those for storage.

MEMORANDUM

TO: Glen Saxton

FROM: Dave Tuthill DRT

DATE: November 12, 1982

RE: Status of Application No. 25-7004

I have conducted a review of the file for the above-referenced unprotested water right application and have found several problem areas, which have been analyzed separately as follows:

1. Place of Use

The original application, which was filed on June 16, 1969, was vague with respect to lands irrigated. The Department pressured the BOR for a more explicit place of use via letters dated March 13, 1969; August 23, 1971; and April 14, 1972. These requests resulted in the BOR filing an amended application on March 4, 1975. The land list on the amended application includes "only the lands on Willow Creek that have no other source of supply than from Willow Creek, presently dry lands within the Progressive Irrigation District, and lands included in the (yet undeveloped) Salmon Falls Division, Upper Snake River Project."

2. Availability of Water

In a letter dated June 20, 1975, the Department advised the applicant that (1) because of its size the application could have significant impact on existing water rights, and (2) serious questions have arisen concerning the availability of water to satisfy the requested appropriation. The letter indicated that a decision regarding the application would be deferred until an operational study could be made.

3. Stream Resource Maintenance Flow (SRMF)

The first mention of the SRMF concept relating to Ririe Reservoir that I can find in the file is in a letter dated July 16, 1975, from the Corps of Engineers to the U. S. Fish and Wildlife Service. In the letter the Corps refers to a meeting on July 11, 1975, where the BOR met with the Department regarding the application. The Corps stated "the permit for storage will be granted on the basis of intended use of water for project mitigation to be released at a rate of 25 cfs or the reservoir inflow, whichever is less except during periods of extreme icing conditions in the channel." The Corps went on to argue against the U. S. Fish and Wildlife Service proposal for 60 cfs and 120 cfs releases.

In a letter dated June 8, 1976, the Department objected to not being party to continued talks regarding stream resource maintenance flows. As a result of this letter, a meeting was held on June 30, 1976. The Department's

position after this meeting was to concur with the consensus of all agencies in attendance, that a 3 year study should be conducted by the U. S. Fish and Wildlife Service to determine the adequacy of a non-irrigation season minimum flow of 30 cfs. This flow was not considered to immediately require an amendment of the permit to include a SRMF as a use since 30 cfs is available as natural flow normally. The Department indicated that based on the results of the study, an amendment could be required. No follow-up action to this decision is documented in the file.

Based on the problem areas (2) and (3) above, we may want to contact the BOR to obtain any additional operational information that they may have compiled prior to approval of the application. However, neither of the problem areas necessarily prevents approval. Both problem areas could be explored after approval of the application but prior to licensing.

United States Department of the Interior

WATER AND POWER RESOURCES SERVICE
PACIFIC NORTHWEST REGION
FEDERAL BUILDING & U.S. COURTHOUSE
BOX 043-550 WEST FORT STREET
BOISE, IDAHO 83724

RD
yours WCK - should we respond?
Legal JPB - see below

IN REPLY
REFER TO PN 420
137.-

RECEIVED
SEP 26 1980
Department of Water Resources

SEP 17 1980

Mr. C. Stephen Allred, Director
Department of Water Resources
State of Idaho
Boise, Idaho 83720

Dear Mr. Allred:

Enclosed for your information is a copy of the decision of the Field Solicitor denying a claim submitted by Mr. William O. Kepler for alleged damages to his property. This was the first of twelve claims received to date which allege property damage due to loss of winter stock water in Willow Creek resulting from winter flood control operations at Ririe Dam. A copy is also being sent to Mr. Carlson at your Eastern Regional Office.

Sincerely yours,

John W. Keys, III

ASSISTANT Regional Director

Enclosure

cc: Mr. Ronald D. Carlson, Supervisor
Department of Water Resources
Eastern Region
1515 Lincoln Road
Idaho Falls, Idaho 83401 523-7186
w/copy of enclosure

Legal: until Ririe Dam has a permit, they have no right to stop the flow of water through the dam. Without permit, they are not an appropriator. Commitment of this "stored" water to the local water bank does not establish a water right, either. There must be an existing right to be committed to the water bank.
JPB

State: Yes

United States Department of the Interior

OFFICE OF THE SOLICITOR
PORTLAND REGION-BOISE FIELD OFFICE
FEDERAL BUILDING & U.S. COURTHOUSE
BOX 020-550 WEST FORT STREET
BOISE, IDAHO 83724

420 (EO Thomas)

CERTIFIED - RETURN RECEIPT

SEP 11 1980

Mr. William O. Kepler
Route 8, Box 58
Idaho Falls, Idaho 83401

T-P-B-383(Ir.)

Dear Mr. Kepler:

After thorough review of your claim dated February 20, 1980, in the amount of $167,200 under the provisions of the Energy and Water Development Appropriation Act of 1980 for alleged damages arising from winter operations of Ririe Dam and Reservoir, we have determined that your claim must be denied. The explanation for this denial is as follows.

The closure of the outlet gates at Ririe Dam during the winter prevents the blocking of flood control works with ice. Substantial flooding in populated areas would occur if these flood control works were not operational. The waters stored as a result of the closure have and will be put to a beneficial and appropriative use, such as irrigation or recreation.

No permit

You own approximately 120 acres bordering along Willow Creek. You lease your farm to Mr. Ray Lott. The lessee pastures approximately 75 head of cattle on the farm. During the winter the livestock waters directly out of Willow Creek. There has been no diversion of water for livestock from the creek during the winter months.

You own shares in Harrison Canal and Irrigation Company which entitles you to approximately 178 inches of water. The company obtains its water from storage at Palisades Dam and Reservoir. In its contract for storage, the company agrees to make no diversion of water for a period of 150 consecutive days during the period from November 1 through April 30 of each storage season. See Contract No. 14-06-W-30 between the United States and Harrison Canal and Irrigation Company dated December 12, 1952, article 17, copy enclosed. Thus, to the extent your claim rests on your water through your shares in the Harrison Canal and Irrigation Company, your claim must be denied.

Most of your water rights are natural flow rights which were assigned a priority date of April 1, 1880, in an adjudication of water rights in Willow Creek and Sand Creek. See Eagle Rock and Willow Creek Water Company v. Henry W. Kiefer et al., District Court of the 5th Judicial Disrict of Idaho, July 20, 1901, copy enclosed. Your water rights of 80 inches came through the party at the adjudication named John R. Seedal. The court found in the decree that stock raising was one of the beneficial purposes of the waters diverted by the parties. However, it also requires the parties to measure their use of water at the point of diversion under the

Weir System. It is clear from this that the court only decreed appropriative water rights diverted from the stream. The watering of livestock directly from Willow Creek is not an exercise of these decreed water rights since no diversion capable of measurement by the Weir System has been made.

Furthermore, it is apparent under Idaho law that an actual physical diversion is necessary to establish an appropriative water right. In State Department of Parks v. Idaho Department of Water Administration, 96 Idaho 440, 530 P.2d 924 (1974), the Idaho Supreme Court ruled that although a specific statute allowed the Department of Parks to appropriate waters for an in-stream use, the general statutory scheme would require an actual physical diversion. Also see I.C. 42-101, 42-201, and 42-202. Watering livestock in Willow Creek is not a diversion of water from the stream and therefore would not qualify as an appropriative water right under Idaho statutes and case law.

Therefore, the only water right you can claim to have for watering livestock in Willow Creek is the right of a riparian owner. In Idaho, a riparian water right is subordinate and cannot interfere with the water right of an appropriator. See Schodde v. Twin Falls Land and Water Company, 224 U.S. 107 (1912); Jones v. McIntire, 60 Idaho 338, 91 P.2d 373 (1939); Hutchinson v. Watson Slough Ditch Company, 16 Idaho 484, 101 P. 1059 (1909). The United States through storage of winter flows in Willow Creek in Ririe Dam and Reservoir is appropriating these waters for irrigation and recreational uses. These are beneficial uses for which the United States has stored, diverted, and appropriated the winter flows in Willow Creek. Since you as a riparian owner had no right to prevent diversion by or seek damages from any appropriator, you have no compensable interest which has been taken by the United States.

You have the opportunity to request reconsideration of this decision in writing to our office within 6 months of the receipt of this decision.

Sincerely yours,

Can WPRS really be considered an appropriator when permit has not issued?

Joseph B. Brooks
Field Solicitor

Enclosure

bcc: Regional Director, Boise, Idaho
Project Superintendent, Burley, Idaho
Regional Solicitor, Portland, Oregon

United States Department of the Interior
FISH AND WILDLIFE SERVICE
~~BUREAU OF SPORT FISHERIES AND WILDLIFE~~
Division of Ecological Services
4620 Overland Road, Room 211
Boise, Idaho 83705

RECEIVED
AUG 2 1976
Department of Water Resources

DIRECTOR	
PLANNING	
WATER PLAN	
TECH. STUDIES	
OPERATIONS	
ENGINEERING	
WATER RIGHTS	
INTERSTATE	
LEGAL	
FISCAL	
BOARD	

Ririe
Water Right

July 30, 1976

Director
Idaho Dept. of Water Resources
Statehouse
Boise, Idaho 83720

Dear Sir:

On June 30, 1976, an interagency meeting was held in Boise to continue discussions on the feasibility of stream resource maintenance flows from Ririe Dam, Willow Creek, Idaho (CE). The meeting was called at the request of the Director, Idaho Department of Water Resources. Present were representatives of the U.S. Fish and Wildlife Service (F&WS), Bureau of Reclamation (BR), Corps of Engineers (CE), Idaho Department of Fish and Game (IDF&G), and Idaho Department of Water Resources (IDWR). Mr. Nee, of my staff, agreed to provide a summary of the meeting to the participants. The people who were at the meeting have informally reviewed a preliminary draft of the summary. This is the final draft.

The purposes of the meeting were (1) to review the impacts of the Ririe minimum stream flows which were discussed in our June 1, 1976 letter to CE, (2) to obtain the views of IDWR on Ririe stream resource maintenance flows, and (3) to determine appropriate language for the draft Ririe Cooperative Agreement.

Mr. Dunn, IDWR, Boise, advised the group that no water rights exist for flows from Ririe Dam greater than reservoir inflow. Additional stream resource maintenance flows would require a State water right to use water for this purpose. BR has already applied for irrigation and flood control water rights. If IDWR is to consider providing a water right for streamflows out of Ririe Dam, BR would have to amend its Ririe application and have it approved by the Director, IDWR.

Mr. Shira, BR, Boise, said dam releases from storage would require either (1) project re-authorization, if water costs were to be non-reimbursable, or (2) approval of the Congressional Public Works committees, if fish and wildlife interests would reimburse the project for the water. Mr. Nee felt that we should not seek re-authorization of the project for stream flows, until we know if winter releases of 30 cfs will freeze in the downstream channel.

Messrs. Patton and Rickel, CE, Walla Walla, emphasized that no winter releases would be allowed which would cause flood problems. The winter temperature of the reservoir outflow water is not yet known. This, and other unknowns, make it impractical to predict the winter conditions that would cause 30 cfs to freeze in the downstream channel.

Mr. Woodworth, BR, Boise suggested a 3-year study of actual winter conditions to determine when and where icing would occur in the downstream channel with a 30 cfs release. After considering the period suggested for the study, the group agreed that a 3-year study would be satisfactory. Mr. Dunn advised that probably no amendment to the water right application would be necessary for the study because releases greater than inflow may not be required. And even if required they would only be for a 3-year period.

Mr. Peterson, BR, Boise, expressed concern that BR planning for the Salmon Falls Tract is being held up by the Ririe stream flow controversy. He feared that the proposed 3-year study would cause further delays in planning for the use of Ririe water on lands of the Salmon Falls Tract.

Mr. Nee suggested that BR plan for enough Ririe water to develop all of the Tract lands except an acreage approximately equivalent to the amount of water needed for the 3-year, 30 cfs winter flow study. Subsequently, if winter flows are deemed feasible, the fishery interests would seek authorization to continue using the water for stream resource maintenance flows. Mr. Peterson said the 30 cfs winter flow is equivalent to that needed to irrigate about 500 acres of Tract lands. This would require about 3000 acre-feet of storage.

Mr. Patton then offered a proposal to the group as follows:

1. Minimum dam releases for stream resource maintenance flows would be reservoir inflow or the flows listed below, whichever is less.

Oct 1 - Apr 14 = 30 cfs
(Oct 15 - Nov 15 = 45 cfs at least once/4 yrs; if there's reasonable assurance that 45 cfs won't seriously deplete the next year's irrigation storage.)

Apr 15 - May 15 = 45 cfs

May 15 - Sept 30 = 30 cfs

2. BR would withhold development of enough Tract lands to assure sufficient winter flows for the 3-year study. Mr. Peterson, BR, Boise, noted that the Salmon Falls Tract project cannot use this Ririe water for several years, so withholding development of some lands for the study

would not inconvenience BR. Mr. Patton continued that the water right application with IDWR would not be amended unless fishery interests obtained approval for minimum releases greater than reservoir inflow.

Mr. Nee said that if the 3-year study shows that a 30 cfs winter release does freeze and lead to flood damage, more often than not, other alternatives would be explored to sustain the fishery.

The group agreed that Mr. Patton's proposal seemed reasonable, and he in turn agreed to rewrite the relevant portion of the draft Ririe Cooperative Agreement to conform to the proposal. The meeting adjourned.

The FWS is preparing a separate letter to CE formally requesting the 3-year study.

Sincerely yours,

Richard J. Fisher
Field Supervisor

INTER-DEPARTMENT MEMO — 1

FROM Gen D

DATE 6-30-76

TO Keith

SUBJECT

Result of meeting on Rivie is that F&WL will try and determine during next 3 winters if 30 cfs flow can be maintained in channel of Willow Creek w/o freezing. If so then Bureau will ammend water right to include as water use. Because natural flows are very near 30 cfs I agreed water right would not need to be ammended until final decision is made. Eagle Rock canal diversion was abandoned (over)

SIGNATURE

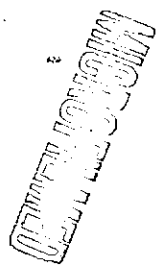
at least for the time being. J. McNee (FEWL) will send minutes of meeting.

KC

ATTENDANCE ROSTER

June 30,1976

Name	Organization
Wayne E. Peterson	USBR
Joe Wensman	USBR
Terry Holubetz	IFG
Jim Budolfson	USBR
Jim Nee	USFWS-Boise
Ray Oligher	CofE - Walla Walla
R. E. Patton	CofE - Walla Walla
Kenneth Dunn	Idaho Department of Water Resources
Bob Rickel	CofE-W[2]
Don Shira	USBR
Dick Woodworth	USBR



NPWEN-DB 25 June 1976

Mr. R. Keith Higginson, Director
State of Idaho
Department of Water Resources
Statehouse
Boise, Idaho 83720

Dear Mr. Higginson:

This is in answer to your letter of 8 June 1976 concerning water discharges from Ririe project and stream resource maintenance flows proposed by U. S. Fish and Wildlife Service.

We also were surprised that representatives of your Department were not at the meeting on 18 May 1976, but I believe that misunderstanding has now been corrected. I have been assured by the Fish and Wildlife Service that you and representatives of the U. S. Bureau of Reclamation, will be at the next meeting scheduled for 8:30 a.m. on 30 June 1976 in the Boise Federal Building, Room 523.

As to the suggestion that the Corps would divert Snake River water through Eagle Rock Canal to Willow Creek, we did not answer that statement by U. S. Fish and Wildlife Service as we do not have authority for such diversions. In addition, it is questionable that it would accomplish the desired stream resource maintenance flows.

Our position on water releases from Ririe project as related to stream resource maintenance flows is that no water should be released from reservoir storage for this purpose. Storage of water for stream resource maintenance flows was not included in the project authorizing document.

REP/ji
REC
WFH
EHC
CJA
GSB
Engr

Sincerely yours,

C. J. ALLAIRE
Colonel, CE
District Engineer

Copies furnished:
Bureau of Reclamation, Boise
Fish and Wildlife Service, Boise

Hydrology Section
Fish and Wildlife Section

25-XX02

RECEIVED
JUN 11 1976
Department of Water Resources

STATE OF IDAHO
OFFICE OF THE GOVERNOR
BOISE

CECIL D. ANDRUS
GOVERNOR

June 10, 1976

DIRECTOR
PLANNING
WATER
TECHNICAL
STAFF
LEGAL
BOARD
FILES

Wilmot K. Moll
2201 Bannock Highway
Pocatello, Idaho 83201

Dear Mr. Moll:

Thank you for the kind comments regarding the State's efforts to help the victims of the Teton Dam disaster.

I am forwarding a copy of your letter to Mr. Keith Higginson, Director of the State of Idaho's Department of Water Resources. I am certain that Mr. Higginson will appreciate receiving your thoughts on both the Teton and Ririe dams.

Again, thank you for taking the time to write to me for your timely suggestions.

Sincerely,

Cecil D. Andrus

CECIL D. ANDRUS
GOVERNOR

MC

cc: Keith Higginson

MICROFILMED

2201 Pennock Hwy
Pocatello, Id. 83201
June 4th 1976

Dear Governor Androus :

Thank you for such good work at a time when the Teton dam broke, and for organizing help for the families that had to be evacuated.

We agree that helping people has first priority, but we feel that the investigation into, cause of the of the collapse, should proceed rapidly.

We read that a geologist at the college here, thinks that the site was not suitable, and that the site of the Ririe dam may also be wrong.

If there is any truth to this surmise, steps should be taken immediately to correct the faulty situation before it causes trouble, because ririe has greater potential for distruction. It is on willow creek which flows through some very valuable farms and flows into Snake river at the North edge of Idaho Falls.

So the possibillities for distruction, are terrific.

Get the best experienced engineers to investigate this mistake, We have had men that are not qualified, to build such important work they have the paper and not the experience. to do the job.

Yours repectfully Wilmot Kantner Holl

Wilmot Kantner Holl

a retired electrician that has some very valuable experience and some engineering knowledge.

June 8, 1976

District Engineer
Corps of Engineers
Walla Walla District
Building 602
City-County Airport
Walla Walla, WA 99362

Dear Sir:

I was surprised to receive a copy of the recent letter to you from Mr. Richard J. Fisher, Field Supervisor of the U.S. Fish and Wildlife Service in Boise referring to the Ririe Dam Project on Willow Creek in Eastern Idaho. First, I was disappointed that a meeting had apparently been held last month between representatives of various state and federal agencies discussing the appropriation and utilization of waters of Willow Creek without a representative of this department being invited to be present.

I know that you understand that no permit has been issued by this department for storage of water in Ririe Reservoir and that the only application we have received is application no. 25-7004, which seeks a permit to use water for irrigation purposes only. There is no provision in that application for stream resource maintenance flows. In order for that to be added to the project, it will be necessary that the Bureau's application be amended and readvertised. Until such time as a permit has been issued, this department will object to any release of water from Ririe Reservoir for beneficial uses, including stream resource maintenance flows.

I was also surprised by Mr. Fisher's suggestion that the Corps could simply decide to divert water from the Snake River during cold weather periods and transfer it through the Eagle

Rock Canal to Willow Creek. This is apparently to be done without the benefit of consideration of other users of water rights and without filing an application for a permit with this department. To this proposal, we must also object.

It is my suggestion that another meeting of the interested agencies be held at which a thorough discussion of the water right considerations in connection with the proposals of the U.S. Fish and Wildlife Service can be properly reviewed.

Very truly yours,

R. KEITH HIGGINSON
Director

RKH/slg

CC: Mr. Richard J. Fisher
Bureau of Reclamation, Boise

COPY

United States Department of the Interior

FISH AND WILDLIFE SERVICE

~~BUREAU OF SPORT FISHERIES AND WILDLIFE~~

Division of Ecological Services

4620 Overland Rd., Rm. 211

Boise, Idaho 83705

RECEIVED

JUN 3 1976

Department of Water Resources

DIRECTOR	
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WATER RIGHTS	
INTERSTATE	
LEGAL	
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June 1, 1976

District Engineer
Corps of Engineers
Bldg. 602, City-County Airport
Walla Walla, Washington 99362

Dear Sir:

On May 18, 1976, an interagency meeting was held in Boise to continue discussions about the feasibility of stream resource maintenance flows from Ririe Dam, Willow Creek, Idaho (CE). Present at the meeting were representatives of the U.S. Fish and Wildlife Service, Idaho Department of Fish and Game, Bureau of Reclamation and the Corps of Engineers. This letter summarizes our understanding of the meeting's accomplishments and formally requests the release of proper stream flows from the dam.

Regional Director Martinson's memorandum of November 15, 1973, to the Regional Director, Bureau of Reclamation, Boise, advised that as an interim measure a 25 cfs fisheries flow be released from Ririe Dam, and that after dam construction, studies should be conducted to determine the precise flow requirements for fish and wildlife.

Through the cooperation of Messrs. Van Stone and Rickel of the Corps of Engineers, Walla Walla, a controlled flow study was conducted in April of this year. From this study we determined the lower resource maintenance flows needed for Willow Creek. We recommend that flows be provided in Willow Creek from Ririe Dam downstream to the Eagle Rock Canal as follows:

October 1 through April 14	30 cfs
April 15 through May 15	45 cfs
May 16 through September 30	30 cfs

In addition, in all water years when the carry-over water, plus the expected inflow, exceeds the total active space of the reservoir, a a discharge from Ririe Dam of 45 cfs is recommended from October 15 to November 15. This autumn flow should be provided at least once every four years to allow brown trout to spawn.

MICROFILMED

Our analysis shows that without the project, the stream reach between Ririe Dam and Eagle Rock Canal would provide an average of 510 angler-days annually. In 1974, only about half of that average occurred due to poor fisherman access and greatly degraded water quality. Sediment pollution in Willow Creek has steadily increased since 1960 from construction activities and poor agricultural practices in the watershed. However, these conditions are expected to improve in view of recent laws, such as PL 92-500, that provide for controlling point and non-point sources of pollution. Thus, the stream quality will closely approach pre-1960 conditions, i.e., clear and cooler water capable of supporting a 50:50 ratio of game fish to rough fish, including a large number of rainbow and cutthroat trout (some up to 4 lbs.). Brown trout were introduced to lower Willow Creek in the early 1960's. In view of the future improved conditions without the project, the 510 angler-days mentioned above is a conservative estimate of annual fishing use.

Ririe Dam project should be managed to provide a downstream fish environment equivalent to future without-project conditions. This can best be accomplished by means of adequate year-round stream resource maintenance flows. We realize that at some times, reservoir inflow will be less than the recommended stream resource maintenance flows. The provision of flows greater than the mean monthly inflow can be considered enhancement. However, we believe that enhancement flows for recreational fishing are a part of the authorization as a recreation feature.

Surveys by the Idaho Department of Fish and Game show that anglers prefer stream fishing to reservoir fishing. At Ririe Dam Project a downstream fishery will have considerable value, especially since the reservoir fishery will be almost wholly put-and-take. Because anglers value stream fishing more highly than reservoir fishing, we recommend that you shift part of your interest away from creating a reservoir fishery to restoring the valuable downstream fishery.

Finally, to avoid the planned winter shutoff of Ririe Dam outflow, we recommend that during extremely cold winters you divert water from the Snake River into the Eagle Rock Canal, transfer it past the canal's confluence with Willow Creek and then pass it (1) either down the project's floodway and back to Snake River or (2) down Sand Creek to Blackfoot River. Whichever water transport route is used, the water volume diverted at Snake River, plus that contributed by Willow Creek, must be large enough to keep the route ice-free during extreme winter conditions. We suspect that about 50 cfs diverted at Snake River and 30 cfs contributed by Willow Creek would keep the water transport route ice-free during the coldest winter conditions. The winter diversion flow into the Eagle Rock Canal should be supplied from Palisades Reservoir as an additionsl flood control measure.

We are pleased with the cooperative attitude which developed at the May 18 meeting and urge that it continue.

Sincerely,

Richard J. Fisher

Richard J. Fisher
Field Supervisor

cc: BR, Boise
Id Dept F&G, Boise & Idaho Falls
Id Dept Water Resources, Boise
EPA, Seattle
BOR, Seattle

MICROFILMED

DEPARTMENT OF THE ARMY
WALLA WALLA DISTRICT, CORPS OF ENGINEERS
BLDG. 602, CITY-COUNTY AIRPORT
WALLA WALLA, WASHINGTON 99362

NPWEN-DB

16 July 1975

Mr. R. Kahler Martinson
Regional Director
U. S. Fish and Wildlife Service
P. O. Box 3737
Portland, Oregon 97208

Dear Mr. Martinson:

This is in regard to your letter of 6 June 1975 to the Bureau of Reclamation and their answer to you on 3 July 1975 concerning minimum flow releases from Ririe Dam and Lake for stream resource maintenance purposes.

We have discussed your proposal with the Bureau and the Idaho State Department of Water Resources during a meeting on 11 July 1975. The Bureau has made application to the State Department of Water Resources for a permit to store all of Willow Creek water in excess of existing water rights. The permit for storage will be granted on the basis of intended use of water including water for project mitigation to be released at a flow rate of 25 cfs or the reservoir inflow whichever is less except during periods of extreme icing conditions in the channel.

We cannot agree to your proposal for 60-cfs and 120-cfs releases unless you can show immediate and convincing need for those amounts of flow. Flows of that magnitude would exceed natural flows during the majority of the time. Also, such flows would probably eliminate much of the irrigation and reservoir recreation potential of the project. It is apparent that, if your suggested flows were provided, storage space would be needed in the reservoir which would require Congressional project reauthorization.

As a result of previous meetings and correspondence with you, over the last several years, we have understood that 25 cfs would meet your needs. That flow, which appeared reasonable, is basic to our water supply studies which will serve as a basis for our final cost allocation. These water supply studies must be completed soon to establish operating schedules and to provide timely transfer of the project to the Bureau of Reclamation.

cc: Idaho State Department of Water Resources, Boise

NPWEN-DB 16 July 1975
Mr. R. Kahler Martinson

Because of the reasons stated, we propose to complete the agreements necessary for transfer of the project to the Bureau of Reclamation based on 25-cfs minimum flow.

Sincerely yours,

NELSON P. CONOVER
Colonel, CE
District Engineer

Copies furnished:
Bureau of Reclamation, Boise
Idaho State Department of Water Resources, Boise ✓

June 20, 1975

Mr. Rodney J. Vissia
Regional Director
Bureau of Reclamation
Pacific Northwest Regional Office
Box 042, FBUSCH
550 West Fort Street
Boise, ID 83724

RE: APPLICATION NO. 25-7004

Dear Mr. Vissia:

The Department of Water Resources has reviewed the above-referenced application and supplemental information you have supplied. Because of its size, this application could have significant impact on existing water rights. Serious questions have also arisen concerning the availability of water to satisfy the requested appropriation. Therefore, I will defer making a decision on the application until an operation study has been completed.

In preparation of the operation study, I request that our respective staff work closely to avoid misunderstanding in later interpretation of the results. I would suggest your staff continue to make direct contact with my staff to prepare the needed operation study.

Very truly yours,

R. KEITH HIGGINSON
Director

RKH:AKD:slg

United States Department of the Interior
BUREAU OF RECLAMATION

PACIFIC NORTHWEST REGIONAL OFFICE
FEDERAL BUILDING & U.S. COURTHOUSE
BOX 043 - 550 WEST FORT STREET
BOISE, IDAHO 83724

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APR 9 1975
Department of Water Resources

DIRECTOR
PLANNING
WATER PLAN
TECH RESOURCES
OPERATIONS
ENGINEERING
WATER RIGHTS
REPRESENTATIVE
LEGAL
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BOARD
FILES

IN REPLY
REFER TO: 424
780.

APR 4 1975

Mr. A. Kenneth Dunn
Operations Division
Department of Water Resources
Statehouse
Boise, Idaho 83720

Dear Mr. Dunn:

This is in reply to your March 21, 1975, letter regarding our ~~amended~~ application for permit No. 25-7004 to appropriate water of Willow Creek by storage in Ririe Reservoir.

The proposed allocation of reservoir storage space is as follows:

1.	Lands above reservoir by exchange	2,380	acre-feet
2.	Lands adjacent to reservoir	18,370	"
3.	Lands along Willow Creek below reservoir	3,440	"
4.	Dry lands within Progressive Irr. Dist.	16,000	"
5.	Salmon Falls Division, Upper Snake R. Proj.	39,810	"
	Subtotal	80,000	"
6.	Exclusive flood control space	10,000	"
7.	Dead and inactive space	10,000	"
	Total	100,000	"

The proposed operation would be such as to not adversely effect downstream water rights and entitlements.

Sincerely yours,

Norman H. Moore

Assistant Regional Director

CONSERVE AMERICA'S ENERGY

Save Energy and You Serve America!

DEPARTMENT OF THE ARMY
WALLA WALLA DISTRICT, CORPS OF ENGINEERS
BLDG. 602, CITY-COUNTY AIRPORT
WALLA WALLA, WASHINGTON 99362

RECEIVED
Department of Water Resources

/Mr. R. Keith Higginson/

NPWEN-DB

24 March 1975

Mr. Rodney J. Vissia
Regional Director
U.S. Bureau of Reclamation
Box 043
550 West Fort Street
Boise, Idaho 83724

Dear Mr. Vissia:

Inclosed for your review are five copies of our revised Memorandum of Agreement providing for transfer of the Ririe Lake project from the Corps of Engineers to the Bureau of Reclamation.

The agreement has been reviewed by our higher authority, but it should be signed by Walla Walla District and Pacific Northwest Region. You will note the major change in the inclosed draft is the replacement of excessive words by reference to other documents.

Present construction progress indicates the dam and outlet works will be complete in early 1976. See inclosed listing of our estimated transfer and completion dates for all major project features.

We feel the execution of this agreement is quite urgent, particularly in view of the fish and wildlife aspects. Therefore, I suggest a meeting as soon as possible if your review indicates any major differences.

Sincerely yours,

2 Incl (5 cys ea)
As stated

NELSON P. CONOVER
Colonel, CE
District Engineer

Copy furnished:
See attached

NPWEN-DB

24 March 1975

Mr. Rodney J. Vissia

CF: w/incl
Mr. Richard J. Fisher
Field Supervisor
U.S. Fish and Wildlife Service
Boise, Idaho 83702

Mr. Joseph C. Greenley, Director
Idaho Fish and Game Department
Boise, Idaho 83701

Mr. R. Keith Higginson, Director
State of Idaho Department
of Water Resources
Boise, Idaho 83720

RIRIE PROJECT FEATURES
Corps - Bureau Transfer

	Estimated Transfer Date	Estimated Completion Date
Dam and Spillway	January 1976*	October 1976
Outlet Works	January 1976	October 1976
Channel	January 1977	June 1977
Reservoir	January 1976	September 1975
Recreation Sites	July 1977	July 1977
Damsite Buildings and Grounds	January 1977	January 1977
Boundary Survey and Monumentation	January 1976	September 1975
Access Road (Meadow Creek Road)	To Bonneville County	October 1976
Permanent Operating Equipment	July 1977	July 1977
Hydrologic Stations	June 1976	June 1976
Wildlife Management Area "A"	Upon Signing of Agreement	
Wildlife Management Area "B"	Upon Signing of Agreement	

*Suggest Bureau operators on job September 1975.

DACW68-75-C-0124

MEMORANDUM OF AGREEMENT
PROVIDING FOR THE TRANSFER
OF THE RIRIE LAKE PROJECT
FROM
THE ARMY CORPS OF ENGINEERS
TO
THE BUREAU OF RECLAMATION

RIRIE LAKE PROJECT

WILLOW CREEK

IDAHO

CORPS OF ENGINEERS, U. S. DEPARTMENT OF THE ARMY

BUREAU OF RECLAMATION, U. S. DEPARTMENT OF THE INTERIOR

UNCLASSIFIED

INDEX

ARTICLE I	PROJECT WORKS TO BE TRANSFERRED AND TRANSFER
ARTICLE II	PROPERTY ACCOUNTABILITY AND INVENTORY
ARTICLE III	FISH AND WILDLIFE AND OUTDOOR RECREATION
ARTICLE IV	OPERATION OF PROJECT WORKS
ARTICLE V	ENVIRONMENTAL CONSIDERATIONS
ARTICLE VI	LIAISON OFFICERS
ARTICLE VII	PUBLIC RELATIONS
ARTICLE VIII	ALTERATION OF MEMORANDUM

EXHIBITS

EXHIBIT 1	Master Plan Drawings (3)
Exhibit 2	Project Real Estate Drawings (3)
Exhibit 3	Project Fish and Wildlife Drawings (2)
Exhibit 4	Project Inventory

EXHIBITS BY REFERENCE

1	Cooperative Agreement
2	Reservoir Regulation Manual
3	Project Master Plan
4	Project EIS

DACW68-75-[redacted]0124
Draft ~~6/1/73~~
~~12/4/74~~
3/21/75

MEMORANDUM OF AGREEMENT
PROVIDING FOR THE TRANSFER OF THE RIRIE LAKE PROJECT
FROM THE ARMY CORPS OF ENGINEERS TO THE BUREAU
OF RECLAMATION FOR OPERATION

THIS MEMORANDUM OF AGREEMENT is hereby entered into by and between the Department of the Army, Corps of Engineers, hereinafter referred to as the Corps, acting through the District Engineer, Walla Walla District, and the Department of the Interior, Bureau of Reclamation, hereinafter referred to as the Bureau, acting through the Regional Director, Pacific Northwest Regional Office, for the purpose of establishing policies and principles to govern the signatory agencies and assigning responsibilities to those agencies in providing the orderly transfer of Ririe project jurisdiction from the Corps of Engineers to the Bureau of Reclamation and, upon authorization of the Secretary of the Army and the Secretary of the Interior and pursuant to Public Law 87-874, the Flood Control Act of 1962, 87th Congress, 2nd Session approved October 23, 1962 (76 Stat. 1173), and House Document Number 562, 87th Congress, 2nd Session (1962),

WITNESSETH, THAT:

WHEREAS, the Corps has under authority of Section 203 of the Flood Control Act of October 23, 1962, undertaken the construction of the Ririe Project herein called the project; and

WHEREAS,in accordance with that Act the Project upon completion of construction is to be transferred to the Bureau for operation and maintenance; and

WHEREAS, it is desirable for the efficient operation of the Project that the terms and conditions of the transfer be agreed upon by the two parties;

NOW, THEREFORE, in consideration of the mutual and dependent stipulations herein contained, it is mutually agreed by and between the parties hereto as follows:

ARTICLE I. PROJECT WORKS TO BE TRANSFERRED AND TRANSFER:

a. Transfer of Project responsibility from the Corps to the Bureau will include transfer of all lands, structures, appurtenances, agreements and/or non-construction contracts in force at that time. The described project is set forth in Ririe Project "General Design Memorandum No. 3," dated April 1966 and as subsequently modified by all Project Feature Design Memorandums and as shown on the attached drawing exhibits 1, 2, and 3.

b. Prior to actual transfer of any physical project works the following joint reviews and inspections will be performed:

(1) Dam, outlet works, outlet channel, and reservoir. - In two parts; the initial review of each at a mutually determined time approximately six months before completion of construction, and the final review upon actual completion of construction.

(2) Wildlife Management Areas, "A" and "B". - Final review and transfer upon execution of this agreement.

(3) All other works and facilities, including but not limited to: siphons, recreation sites, dam area structures and facilities, water gates, recording equipment, weather stations, snow courses. - Final review and transfer upon completion of construction of each item or facility.

A joint memorandum of each review and/or inspection shall be prepared indicating any deficiencies and corrective action for such deficiencies.

c. Within 60 days following final review of any project works, that item shall become the responsibility of Bureau for funding and operation and maintenance subject only to correction of construction deficiencies.

d. All project lands will be transferred by formal transfer document. Transfer of custody and accountability by District Engineer will include all acquisition and outgrant documents for all Project lands.

ARTICLE II. PROPERTY ACCOUNTABILITY AND INVENTORY:

The initial property and transfer items inventory will be conducted jointly upon execution of this agreement and the final inventory will be jointly made upon completion of the last item of project construction. Such inventory will become exhibit 4 to this Agreement.

Accountability for property will rest with the Corps until complete and final project transfer has occurred. During that period, the Bureau will be responsible to the Corps for all property acquired by either party until final transfer. The Reservoir Superintendent will be designated as the Responsible Employee. A copy of each document acknowledging acquisition of nonexpendable property by the Bureau, is to be furnished the Corps by the Reservoir Superintendent for purposes of establishing property accountability.

ARTICLE III. FISH AND WILDLIFE AND OUTDOOR RECREATION:

Project compensation for fish and wildlife resources are outlined in a separate document "Cooperative Agreement Concerning the Use of Lands and Waters for Fish and Wildlife Conservation and Management, Ririe Lake Project, Willow Creek, Idaho," which is made a part of this agreement by reference.

ARTICLE IV. OPERATING PROJECT WORKS:

The operation of the Project Works shall be in accord with plans, regulations and directives contained in the jointly developed "Reservoir Regulation Manual" and "Project Master Plan" which are made parts of this agreement by reference.

ARTICLE V. ENVIRONMENTAL CONSIDERATIONS:

The Project "Environmental Impact Statement" is made a part of this agreement by reference. The Bureau will initiate a post-impoundment data collection program for the purpose of maintaining the lake water quality. The Bureau will also initiate other programs or studies, when applicable, to preserve or maintain the environment.

ARTICLE VI. LIAISON OFFICERS:

The Corps and Bureau will each designate a Project Liaison Officer who will be authorized to receive communications and act immediately under this agreement within the scope of the orders and regulations of his agency. After final project transfer is complete, this article is void.

ARTICLE VII. PUBLIC RELATIONS:

The Corps, as construction agency, will assume the lead in all public relations. The Corps will endeavor to note in all appropriate public notices, press releases, etc., the contributions as applicable of each agency. After final project transfer is complete, this article is void.

ARTICLE VIII. ALTERATIONS OF MEMORANDUM:

This transfer agreement may be revised, updated, or amended by mutual agreement of the parties hereto.

IN WITNESS WHEREOF, we have hereunto subscribed our names for and on behalf of our respective departments and enter into this Memorandum of Agreement this _____ of _____, _____.

DEPARTMENT OF THE ARMY,
CORPS OF ENGINEERS

By _____

DEPARTMENT OF THE INTERIOR,
BUREAU OF RECLAMATION

By _____



DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item	Initial	Date
	LH	4-25-75
(1)	"	"
(2)	"	"
(3)	"	"
(4)	"	"
(5)		
(6)	"	"
(7)	"	"
(8)	"	"
(9)	"	"
(10)	"	"
(11)	MB	4/24/75
(12)		
(13)	"	4-28-75
(14)	"	"

Application No. 25-7004

✓ Source
✓ Point of Diversion
✓ County
✓ Quantity of Water and Period of Use
✓ Description of Diverting Works
✓ Time required for B/U of water
✓ Place of Use or Acres Irrigated
✓ Map
✓ Signature
Fee — Federal Did we receive an amended appl. advertising fee?

In form to receipt yes

Send Copies to:
Idaho State Health Department
Idaho Fish and Game Department
Bureau of Land Management

Request Special Use Permit from U.S.F.S.
Request Easement from B.L.M.
Request Information from Applicant

In form for advertising yes

Platted on Map No.

Located within Water District No. 25, 01

NA Critical groundwater area: yes no

NA Groundwater levels:

Declining, Stable, Increasing

(comment)

Other rights on the same place of use yes

Comments: Numerous rights

Affidavit of Publication received(date) April 24

Final date for protests April 28, 1975
Protests received: yes no x

All requested information received from agencies or applicant: yes NA no

Action recommended:

✓ Approve Deny

6-16-69 Proposed Priority

Reason for Reduction

✓ Measuring device required

See attached sheet for other conditions of approval

No special conditions for approval

(15) District Eastern By Lurlin O. Hahn Date Apr 28 1975

RECEIVED
Department of Water Resources

March 21, 1975

Regional Director
U. S. Bureau of Reclamation
550 W. Fort Street
Boise, Idaho 83724

Re: Amended Application for Permit No. 25-7004

Dear Sir:

Your amended application to appropriate water of Willow Creek by storage in Ririe Dam has been received by the department. As required by state statutes, we are advertising the application to provide other water users who might be injured, an opportunity to protest the application.

We also request the answers to the following questions to enable the department to evaluate the effect of your application:

(1) proposed allocation of reservoir storage space
(2) affect of proposed operation procedure on downstream water rights

Your cooperation and early reply to this matter will be appreciated.

Very truly yours,

A. KENNETH DUNN
Administrator
Operations Division

AKD:mjr

INTER-DEPARTMENT MEMO — 1

DATE 12-75

RECEIVED
MAR 14
Department of Water Resources

FROM Ken D

TO Bob Fleenor

SUBJECT Ririe

Steve would like to look at the ammended application to Ririe to be sure it does not conflict with the discussions they have been having with the Bureau and Corp

Ken

SIGNATURE

United States Department of the Interior
BUREAU OF RECLAMATION
PACIFIC NORTHWEST REGIONAL OFFICE
FEDERAL BUILDING & U.S. COURTHOUSE
BOX 043-550 WEST FORT STREET
BOISE, IDAHO 83724

RECEIVED
MAR 4 1975
Department of Water Resources

IN REPLY
REFER TO: 400
870.

MAR 3 1975

Mr. R. Keith Higginson, Director
Idaho Department of Water Resources
Western District Office
Statehouse - Annex 3
Boise, Idaho 83720

Dear Mr. Higginson:

Enclosed is an amended application for a permit to appropriate the public waters of the State of Idaho for storage of water in Ririe Reservoir, and for diversion of the stored water for use on lands in the Willow Creek area and for use on lands on the Salmon Falls Division, Upper Snake River Project. The original application was filed with the Idaho Water Resource Board on February 10, 1969, but was returned for filing with your office. This was done by our letter of June 13, 1969, along with a voucher covering the filing fee.

The amended application includes only the lands on Willow Creek that have no other source of water supply other than from Willow Creek, presently dry lands within the Progressive Irrigation District, and lands included in the Salmon Falls Division, Upper Snake River Project.

Attached to the amended application are tabulations by section, township, and range of the lands to be irrigated from Ririe storage, and maps showing their location.

Sincerely yours,

Norman H. Moore

Acting Regional Director

Enclosures

CONSERVE AMERICA'S ENERGY

Save Energy and You Serve America!

April 4, 1975

RE: Amended Application for Permit No. 25-7004 U.S.A., Bureau of Reclamation
Claim to a Water Right No. 25-4017 James

The Post Register
P.O. Box 1800
Idaho Falls, ID 83401

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
District Engineer

Bill submitted 4-24-75 by MB

RDC:MB

Enc: Legal Notices (2)

NOTICE OF AMENDED APPLICATION FOR WATER PERMIT

Notice is hereby given that Application for Permit No. 25-7004 in the name of United States of America, acting through the Regional Director, Region PN, Bureau of Reclamation, Box 043, Boise, Idaho, was filed for the diversion of 90,000 acre feet (except in extraordinary years when the reservoir may capture additional water during the irrigation season) of water from Willow Creek tributary of the Snake River, with the point of diversion within the NW¼NW¼, Sec. 22, T. 3N, R. 40E, B.M., Bonneville County. The water will be released at the above outlet facilities and delivered to existing diversions on Willow Creek or Water District No. 25. In addition, water will be delivered by substitution to Willow Creek lands above the reservoir and to lands in the Salmon Falls area by a new diversion from Milner Reservoir; to be used from April 1 to Oct. 31 for irrigation of lands in the Salmon Falls area and in areas not in existing irrigation districts. Also to be irrigated are lands in the Progressive and New Sweden Irrigation District and in the Butler Island Canal Co. No tabulation has been made of the lands in these three existing organizations. A tabulation of totals shows the following acreages:

Salmon Falls	64,592
Outside Districts	11,131
Progressive	33,000
New Sweden	22,540
Butler Island Canal Co.	1,100
TOTAL	132,363

The applicant now proposes to amend Application No. 25-7004, requesting that the water be used on the lands in Salmon Falls area and in areas not in existing irrigation districts. Also to be irrigated are dry lands in the Progressive Irrigation District, lands above, adjacent to the reservoir, and lands along Willow Creek below the reservoir. A tabulation of totals shows the following acreages:

Lands upstream from Reservoir	468
Lands adjacent to Reservoir	5,682
Lands on Willow Creek downstream from Res.	1,095
Progressive Irrigation District	7,891
Salmon Falls	64,592
TOTAL	79,728

Any protest to the proposed amending of the application must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401, on or before April 28, 1975.

R. KEITH HIGGINSON

Director

Published in the Post Register, Idaho Falls, Idaho, 83401, on April 10 and April 17, 1975.

25-7004

July 3, 1974

Mr. Norman H. Moore
Assistant Regional Director
United States Department of the Interior
Bureau of Reclamation
Federal Building & U. S. Courthouse
Box 043 - 550 West Fort Street
Boise, Idaho 83724

Dear Norm:

Thank you for your recent letter bringing me up to date with regard to the studies being made concerning allocation of the storage for the Ririe Reservoir and our application for water right permit #25-7004.

You indicated that your staff had completed a special study this past year. I would appreciate it if that staff study could be made available to this department for part of its record concerning this matter.

We also would very much like to participate in discussions which are held by the Bureau, Water District 01, Progressive Irrigation District, the Army Corps of Engineers, and others concerning this matter in the future. Since the department, under reorganization, now is responsible for all programs relative to the development and use of Idaho's water resources, we feel that participation by our staff would be beneficial, both to you as an applicant and to the state of Idaho.

Very truly yours,

R. KEITH HIGGINSON
Director

RKH:mjr

United States Department of the Interior
BUREAU OF RECLAMATION
FEDERAL BUILDING & U.S. COURTHOUSE
BOX 043-550 WEST FORT STREET
BOISE, IDAHO 83724

RECEIVED
JUN 21 1974
Department of Water Administration

IN REPLY
REFER TO: 440
870.

JUN 20 1974

Mr. R. Keith Higginson, Director
Idaho Department of Water Administration
Statehouse, Annex 2
Boise, Idaho 83720

Dear Mr. Higginson:

This letter is in response to the recent inquiry received from your office regarding information relative to application (No. 25-7004) filed on June 13, 1969, by the Bureau of Reclamation for a permit to store 90,000 acre-feet of water in Ririe Reservoir, now under construction by the Corps of Engineers. Approval of this application by your Department has been delayed pending final identification of the lands which will ultimately receive water from Ririe Reservoir.

As you are probably aware, applications for irrigation storage space in Ririe Reservoir exceeded the amount available when water user interest was initially solicited in the mid-1960's. To resolve the disparity between applications received and the quantity of water available, the Ririe Reservoir Storage Allocation Advisory Committee was formed. Membership on the Committee was made up of persons representing Upper Snake River water user groups and organizations and the Bureau of Reclamation. The Committee was last active in 1967 after arriving at a tentative allocation of the 80,000 acre-feet of joint irrigation-flood control space in Ririe Reservoir.

In making its determinations, the Committee gave primary consideration to meeting the needs of applicants from the Willow Creek area since these water users could not benefit from any new storage facilities or ground water development elsewhere in the Upper Snake River Basin. Following allotments based on the best water supply and requirement data available for that area, the Committee then considered applications from downstream water users and other individuals or entities in the Upper Snake River Basin area who could benefit from storage space in Ririe Reservoir through an exchange arrangement. These allotments were also arrived at using the best information on existing water supplies and needs available to the Committee. Through this procedure, a number of the applicants were

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Save Energy and You Serve America!

allotted only a portion of the amount originally requested, others received no allotment, and some received a quantity of storage space equal to or greater than was applied for.

Due to continued delays in constructing Ririe Dam, for a variety of reasons, it is quite possible that some of the original applicants are no longer interested in storage space. In the interim some new applications have also been received. To provide a better assessment of water needs, land identification, and soil quality in the Willow Creek area, than was available to the Allocation Committee, our staff initiated and completed a special study this past year. This study also introduces the concept of diverting surplus Snake River water through facilities of the Progressive Irrigation District during the early irrigation season for use by irrigators who are or would be dependent upon Willow Creek for their entire water supply. This arrangement would have two positive effects: (1) Maintain higher water levels in Ririe Reservoir during the peak demand for recreational activity at the site; and (2) firm up the reservoir yield for late season irrigation needs.

Back for copy

In late April of this year, a meeting was held between officials of the Progressive Irrigation District, Mr. Art Larson, Watermaster of Water District No. 01, and representatives from the Corps of Engineers and the Bureau of Reclamation. The concept of a water exchange through District facilities was quite favorably received but no formal action has, as yet, been taken to firm up the arrangement. In addition, initial steps have been taken to update and evaluate current water user interest in Ririe Reservoir storage space. With the usual difficulties in scheduling meetings and contacts during the busy irrigation season, we do not foresee being able to complete an updated allocation of Ririe Reservoir space until sometime this fall.

At such time that the identity of water users to be served is known along with a description of their lands, points of diversion, and other data of interest to your Department, this information will be forwarded to you. In the interim, if we can be of any further assistance please feel free to contact our office at any time.

Sincerely yours,

Norman H. Moore

Assistant Regional Director

User	Total other than Willow Storage	Other Storage AF/Ac	Proposed allocation Rice	Total acres	AF/A Rice	Total Storage AF/A
New Sweden	81,~~398~~ 938	3.6	4,000	30,500	.11	3.71
Progressive	49,514	1.5	16,000	33,000-	.49	1.99
Butler Island	1,350	1.1	500	~~1~~100-	.45	1.59
Outside (Rice)	~~22,700~~		22,700	11,131-	2.01	2.01
Salmon Falls			36,800	64,592-	.56	.56

Microfilm

DRAFT:RGH:lc
2/27/69

SUPPLEMENTAL WATER USERS IN RIRIE RESERVOIR

New Sweden Irrigation District

The New Sweden Irrigation District consisted of about 22,500 acres served by the Great Western and Porter Canals. Water for an additional 7500 to 8000 acres served by the Martin Canal Company is diverted into and carried by the Great Western Canal to a point where the Martin Canal picks it up. The New Sweden District has natural flow rights amounting to about 700 cfs. Of this total, rights amounting to 170 cfs are of an early enough priority that they have not been cut during the period of operation of Water District 36. The New Sweden District has a right of 400 cfs with a priority date of Jan. 24, 1891. This right has not been cut in about 45% of the years. The districts has rights totaling 600 cfs that would be good 20 of 47 years.

The New Sweden District owns storage in Jackson Lake, American Falls and Palisades Reservoirs. The storage in Jackson Lake and American Falls which is a relatively firm supply amounts to 45,588 acre-feet or 2.00 acre-feet per acre of irrigated land. An additional 31,400 acre feet of space in Palisades is owned by the district. Individuals in the New Sweden District contracted for 4950 acre feet of Palisades storage through the Palisades Water Users Inc. The total storage holdings of the New Sweden Irrigation District is 81,938 acre-feet or 3.6 acre-feet per acre.

In summary the New Sweden District has natural flow rights amounting to 0.38 miners inches per acre that have not been cut and an additional 0.96 miners inches per acre that are good about 45% of the time. The maximum amount of stored water used by the New Sweden District since Palisades became operational occurred in 1960 and amounted to 75,000 acre feet or 3.3 acre-feet. The maximum per acre diversion between

1930 and 1967 occurred in 1962 and amounted to 9.0 acre feet per acre. The minimum occurred in 1931 and amounted to 4.5 acre-feet per acre.

Progressive Irrigation

This district consists of 33,000 acres irrigated by the Anderson and Eagle Rock canals. The district has natural flow rights amounting to 1100 cfs. Five hundred cfs of this right have not been cut, A right for an additional 300 cfs with an April 15, 1889 priority date has been cut only 4 times in 48 years, twice late in the irrigation season when demand would be fairly low. The Progressive Irrigation also has natural flow rights in Willow Creek. It has not been possible to determine the extent or the dependability of these rights.

The Progressive owns storage in Jackson Lake, American Falls and Palisades Reservoirs. Their holdings in Jackson Lake and American Falls amount to 19,694 acre-feet. The district owns 28,500 acre-feet of Palisades storage. Individual in the Progressive District own 1320 acre-feet in Palisades through the Palisades Water Users, Inc. The total space holdings of the Progressive District is 49,514 acre-feet or 1.5 acre-feet per acre.

In summary, the Progressive Irrigation District has natural flow rights amounting to about 1.22 miners inches per acre that are relatively dependable rights. The maximum amount of stored water used by the Progressive since Palisades became operation occurred in 1960 and amounted to 1.40 acre-feet per acre. The maximum per acre diversion by the Progressive occurred in 1960 and was 8.9 acre-feet per acre. The minimum amount occurred in 1945 and was 5.5 acre-feet per acre.

Butler Island Canal Company

Approximately 1200 acres of land are irrigated by the Butler Island canal. The canal has natural flow rights for 52.74 cfs. Of

this total, 42.74 [redacted]h a June 1, 1885, priority da[redacted] have never been cut off.

The Butler Island Canal Company owns 250 acre-feet of storage in Palisades Reservoir. That is the only storage owned by the company. One member of the company owns 1100 acre-feet of Palisades space purchased through the Palisades Water Users, Inc. According to Henry Eagle, District 36 Watermaster, the land this water was purchased for does not have a natural flow right and Palisades is operated as a firm supply, requiring a large carryover. Mr. Eagle did not know how many acres of land were irrigated with this space. This acreage is included in the 1200 acres under the canal.

In summary, the Butler Island Canal Company has natural flow rights amounting 1.78 miners inches per acre that have never been cut. The maximum amount of stored water used by the Butler Island canal (since Palisades became operational occurred in 1959) and amounted to nearly 1.0 acre foot per acre. The maximum per acre diversion between 1930 and 1967 occurred in 1934, the year the earliest priority rights were cut. (The diversion was 15.8 acre-feet per acre.) The minimum diversion occurred in 1954 and was 8.4 acre-feet per acre. This canal has been below 10.0 acre feet per acre 6 times in 38 years.

Storage Use

The "critical" water supply period in the Upper Snake since Palisades Reservoir became operational occurred in period of 1960-61. Going into the 1960 irrigation season both the Progressive Irrigation District and the New Sweden Irrigation District had 100% of their storage space filled. Water requirements in the area for 1960 season were slightly below average. Even so both districts went on stored water in May. The New Sweden diverted practically as much water in June as in July using some 16,000 acre feet of stored water in doing so. The diversions of the Progressive district in 1960 were the highest on record even though the irrigation requirements were below average. Both districts

used all or nearly all of their storage allotments.

In 1961 the Progressive had 84% of its space filled, and the New Seden had 68% of its space filled. The Progressive had 20% of its storage allotment left at the end of the 1961 irrigation season. The New Sweden District diverted more water in June of 1961 than in July. The June diversions included about 7500 acre-feet of stored water.

If it can be argued that "shortages" did occur in the 1960-61 period, it can also be argued that poor management of storage space was responsible for it.

Conclusions

The New Sweden Irrigation District has a firm, dependable annual supply of 4.3 acre-feet per acre. Total natural flow and storage rights available are 13.1 acre-feet per acre. The New Sweden Irrigation District should have no trouble meeting the requirements of the farmers with its present supply.

The Progressive Irrigation District has a firm, dependable annual supply of 8.0 acre-feet per acre. Total natural flow and storage rights available 11.6 acre-feet per acre plus water rights in Willow Creek that are not accounted for. The Progressive Irrigation District should have absolutely no trouble meeting demands of the farmers with proper management.

The Butler Island Canal Company has a firm dependable annual supply of 10.8 acre-feet per acre. Total natural flow and storage rights available to the Butler Island Canal amount to 14.6 acre-feet per acre. The Bulter Island Canal Company is capable of serving its lands without any trouble.

Water Rights from Willow and Sand Creek
which are appurtenant to Progressive ~~Irrigation~~ Dist.

4-1-80	140"	7.8
4-1-81	54"	1.08
4-1 82	215"	[illegible]
4-1-83	755"	15.10
4-1-84	1469"	[illegible]
4-1-85	2122"	[illegible]
11-1-85	75"	1.50
4-1-86	1384"	[illegible]
4-1-88	80"	[illegible]
5-1-88	9941"	[illegible]
	~~15,235"~~	32 [illegible] 1.9835 = 6KK.04 AF
	16 235	

Butler Island — 250

Mary E. Hubbard Rte 2 Alden has 1110
acre ft to be diverted through Butler Island

Progressive 4E/94 + Jess Humphreys 350 2+ I.F.
Verl Virgin 350 IF I.F.
Jane Thompson Est. 600 I.F. R2
Charles Larson 20 I.F. R2-

Nude parcels water users

Camp Minno average yield 27000 acre-feet.
Hydrology

Camp Minno No. 1
Hydrology -

Camp Minno 5
Kimball Camp Minno.

New Sweden (cont)
Loydd Stolworthy I.F.

200
2400

Progressive
New Sweden
Dillon Island

287K acre-feet
3400 acre-feet
1100 acre-feet

MICROFILMED

1,195
720
7675
46,765

Jackson 342-2711

SALMON FALLS	64,502		
OUTSIDE DISTRICTS	(11,151)		
Progressive	55,000	~~46,765 acres~~ 48,194	10
New Sweden	23,590	76,988	
Butler Island	4,100	~~28,750~~	

Great Western Canal

Pike

2334.

660. cfs.
$61330.00
30
30

451
$ 123,540
20
2.5
2.5
4

360 ac. ft/s
80
28,800

288000
48194
336,194

Progressive — to April 1st — Eclipse Li. Female Fever

May 1	1880	160 cfs.
Apr 5	1880	340
Apr 15	1880	300 cfs.
Jan 22,	1916	300 cfs.

Belle Island — June 1 1883 — 42.74 cfs

Jan 22, 1916 — 10.

Pilot Head water. — to July 10, 1889 — 209 cfs.

total 851.92 May 1 1912

834.92 to Nov 5, 1910.

Palisades Water users with Storage in Palisades delivered under the following Canals.

Progressive

Jess R. Humphreys	Rte 2, I.F.,	350
Charles M Larson	I.F. Rte 2	20
Jane Thompson Estate	Rte 2 I.F.	600
Verl Virgin	Rte 2 I.F.	350
Marsden Williams	1300 Jefferson Idaho Falls	1,550
		2870

New Sweden

Brinkman Farms.	Rte 5 I.F.	300 ac-ft.
C.W. Burke	Rte 5 I.F.	1550 ac-ft.
Andrus, Ray B.	Rte 5 I.F.	15 ac-ft.
Donald J Cook	Rte 5. I.F.	540
A. N. Ison	Rte 5. I.F.	15
		2320

~~Rattlesnake~~

Joseph Nishioka	I.F. Rte 2	230
Morland Larson	I.F. Rte 2	150
E.A. Stalworthy	611 11th St. I.F.	200
Gerald Stalworthy	I.F.	200
		30.00

Rattlesnake Islands

Mary E. Hubbard	Rte 2, Ririe	1100
		1100

United States Department of the Interior
BUREAU OF RECLAMATION

FEDERAL BUILDING & U.S. COURTHOUSE
BOX 043 - 550 WEST FORT STREET
BOISE, IDAHO 83702

IN REPLY
REFER TO: 760

MAY 15 1972

Mr. R. Keith Higginson
Director, Department of Water Administration
Statehouse - Annex 2
Boise, Idaho 83707

Dear Mr. Higginson:

We regret that your letter of April 14, 1972, was not acknowledged immediately. A complete reply to your letter cannot be made as yet. It will take some additional time and field work to determine definitely which landowners in the Willow Creek area wish to contract for this storage and which other districts could best benefit from this kind of storage.

We will submit the information as soon as available.

Sincerely,

Norman H. Moore

Acting Regional Director

April 14, 1972

Re: Application for Permit No. 25-7004

Mr. Edwin F. Sullivan
Regional Director
Bureau of Reclamation
Regional Office, Region 1
Federal Bldg. & U. S. Courthouse
Box 043
Boise, Idaho 83702

Dear Mr. Sullivan:

Reference is made to our letter to you dated August 23, 1971, concerning your Application for Permit No. 25-7004, covering storage of water in Ririe Reservoir. As that letter indicated, we need information concerning the proposed area of use of the 90,000 acre-feet of water from this project. It is also important that we receive information concerning the need for water and the studies which you have made showing the water requirements for the various canals to be served, particularly in those areas where total annual use may exceed 5 acre-feet per acre.

Since this application has been in the office since June, 1969, and since the dam is currently under construction, it is important that we complete action on this application at an early date.

Your prompt return of the requested information will be greatly appreciated.

Very truly yours,

R. KEITH HIGGINSON
Director

RKH:mjl

August 23, 1971

Regional Director
Region 1
U.S. Bureau of Reclamation
Box 8008
Boise, Idaho 83705

Re: Application 25-7004
Ririe Reservior

Dear Sir:

This office would like to complete its action with regard to your application for a water permit No. 25-7004 for storage and use of water from Ririe Reservoir. As you know, the application currently proposes storage and use of 90,000 acre feet of water from Willow Creek for supplemental irrigation of 132,363 acres of land. The service area is described as:

Salmon Falls	64,592 acres
Outside Districts	11,131 "
Progressive	33,000 "
New Sweden	22,540 "
Butler Island Canal Co.	1,100 "
TOTAL	132,363

It is our understanding that since this application was filed in June of 1969, negotiations have continued among the organizations desiring an allocation of storage space. We are concerned that the final proposal for Ririe storage use may be substantially different than applied for.

It is therefore requested that you furnish us with a listing of the companies and individuals which you have or intend to contract for Ririe storage water. In connection with each company we will also need information on the water supply available to it from sources other than Ririe Reservoir. In the event that the total available from such sources exceeds one second foot for each 50 acres to be served or more than 5 acre feet of water per acre, we will also need engineering studies and data to support the need for more than the statutory maximum water use limits.

We would be pleased to meet with you to discuss these matters if you should desire.

Very truly yours,

R. KEITH HIGGINSON
Director

RKH:pk

August 21, 1969

Re: Application for Permit No. 25-7004 - Bureau of Reclamation, U.S.A.

Post Register
333 Northgate Mile
Idaho Falls, Idaho 83401

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 ample 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 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 of Reclamation, along with the publication bill. In order to receive payment, the following certification must appear on the bill:

> I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of same has been paid.

_____
Signature of claimant

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:DR
Enc: Legal notice

NOTICE OF APPLICATION FOR WATER

Notice is hereby given that The United States of America, acting through the Regional Director, Region 1, Bureau of Reclamation, Box 8008, Boise, Idaho, has on June 16, 1969, applied for permit under application no. 25-7004 to store 90,000 acre feet (except in extraordinary years when the reservoir may capture additional water during the irrigation season) of water from Willow Creek tributary of the Snake River.

The point of diversion is within the $NW\frac{1}{4}NW\frac{1}{4}$, Sec. 22, T. 3 N, R. 40 E, B.M., Bonneville County. The stored water will be released at the above outlet facilities and delivered to existing diversions on Willow Creek or Water District #36. In addition, water will be delivered by substitution to Willow Creek lands above the reservoir, and to lands in the Salmon Falls area by a new diversion from Milner Reservoir.

Said water is to be used from April 1 to October 31 for irrigation of lands in the Salmon Falls area and in areas not in existing irrigation districts. Also to be irrigated are lands in the Progressive and New Sweden Irrigation Districts and in the Butler Island Canal Company. No tabulation has been made of the lands in these three existing organizations. A tabulation of totals shows the following acreages:

Salmon Falls	64,592
Outside Districts	11,131
Progressive	33,000
New Sweden	22,540
Butler Island Canal Co.	1,100
Total	132,363

Any protest against this application must be filed with the Department of Reclamation within ten (10) days from the last date of this notice.

R. KEITH HIGGINSON
State Reclamation Engineer

Published in the Post Register, Idaho Falls, Idaho, on August 28 and September 4, 1969.

MICROFILMED

Standard Form 1034-A
7 GAO 5000
1034-211

PUBLIC VOUCHER FOR PURCHASES AND SERVICES OTHER THAN PERSONAL

VOUCHER NO. IE 1-69

U.S. DEPARTMENT, BUREAU, OR ESTABLISHMENT AND LOCATION

Department of the Interior
Bureau of Reclamation
Boise, Idaho

DATE VOUCHER PREPARED: June 10, 1969

CONTRACT NUMBER AND DATE:

REQUISITION NUMBER AND DATE:

SCHEDULE NO.

PAID BY

PAYEE'S NAME AND ADDRESS

State Department of Reclamation
Boise, Idaho

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
		Fee for permit for Ririe Dam and Reservoir				$100.00

(Use continuation sheet(s) if necessary) (Payee must NOT use the space below) TOTAL $100.00

PAYMENT:
- ☐ COMPLETE
- ☐ PARTIAL
- ☐ FINAL
- ☐ PROGRESS
- ☐ ADVANCE

DIFFERENCES

Amount verified; correct for 100.00

(Signature or initials) lm

MEMORANDUM

ACCOUNTING CLASSIFICATION

Irrigation facilities
14X0661 Corps of Engrs $100.00

PAID BY

CHECK NUMBER | ON TREASURER OF THE UNITED STATES | CHECK NUMBER | ON (Name of bank)

CASH $ | DATE

* U.S. GOVERNMENT PRINTING OFFICE : 1966 O—233-843

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
REGIONAL OFFICE, REGION I
BOX 8008
BOISE, IDAHO 83707

IN REPLY
REFER TO: 424

Department of Reclamation

JUN 1 9 1969

Mr. R. Keith Higginson
State Reclamation Engineer
Statehouse - Annex 2
Boise, Idaho 83707

Dear Mr. Higginson:

Enclosed is an application for a permit to appropriate the public waters of the State of Idaho for storage of water in Ririe Reservoir, and for diversion of the stored water for use on lands in the upper Snake River Basin. This application was originally filed with the Idaho Water Resource Board on February 10, 1969, but was returned for filing in your office under the provisions of recent legislation.

A voucher for $100 covering the filing fee is enclosed for your signature. Please sign and return it for prompt payment.

A minor change has been made in the original filing in the acreage of land outside of Districts that would receive irrigation water. This was made following an inquiry from the Director of the Water Resource Department. Actually, there are no firm contracts covering lands that will receive irrigation water, and we anticipate some adjustment in the area outside Districts that will receive water.

The application is for 90,000 acre feet of space per annum, the full active capacity of the reservoir, even though the plans of the Corps of Engineers for the reservoir specify 80,000 acre feet of space for irrigation use and 10,000 acre feet of space exclusively for flood control purposes. We have included the 10,000 acre feet of flood control space in the event this space might contain water for a brief period of time during the irrigation season.

Your May 14, 1969 letter advising us that the 40th Session of the Legislature amended Section 42-1737 so that this application and others may now be filed with your office called our attention to our earlier informal submittal of applications for the Lynn Crandall and Clark Fork Ranch Dam sites. We plan to make formal application to your office for the two permits as soon as a priority date has been assigned to the Ririe application. Our hydrologists and the Watermaster for Water District No. 36 have concluded that for operational reasons Ririe should have an earlier priority than Lynn Crandall or Clark Fork Ranch.

Sincerely,

Norman H. Moore
Acting for H. T. Nelson
Regional Director

Enclosure

Copy to: Dr. Robert R. Lee, Director, Idaho Water Resource Board, Boise, Idaho (w/o encl.)

PALISADES WATER USERS, INC. - 1963

Name	Address	Canal	Allotment
Allen, Howard	Thornton, Rt. 1	Sunnydell	900
Andersen, Alton	Idaho Falls, Rt. 3	-	400
Anderson, Clinton	Thornton	Nelson-Corey	120
Anderson, Laura S.	Thornton, Box 45	Nelson-Corey	300
Anderson, Ross	Thornton	Liberty Park	400
Andrus, Ray B.	Idaho Falls, Rt. 5	New Sweden	15
Arrington Construction Co.	Idaho Falls, 795 Saturn	Pump (Butte & Market Lake decree)	370
Baker, Ted	Irwin	Swan Valley	240
Bennett, Charles	Rigby, Box 292	Rigby	370
Bills, Wm. Harvey	Rigby, Rt. 1	Rudy	600
Blakely, C. Warren	Rigby, Rt. 2	Arnsberger	240
Blakely, Marion	Ririe	Heise pump	800
Bloach, K. V.	Rigby, Rt. 2	Farmers Friend	15
Bloach, Thos. E.	Rigby, Rt. 2	Kite & Nord	160
Bramwell, Garth	Roberts, Star Route	Pump Dry Bed	600
Bramwell, Jay	Blackfoot	-	600
Bramwell, Keith	Roberts, Star Route	-	1,100
Brinkman Farms (N.J.)	Idaho Falls, Rt. 5	New Sweden	300
Brown, Mrs. Lizzie	Roberts, Rt. 1	Pump (Butte & Market Lake decree)	400
[illegible]nside, Noel	Ririe, Box 572	Nelson-Holt	480
[illegible]own, Roscoe	Rigby, Rt. 1	Ross & Rand	60
Burke, C. W.	Idaho Falls, Rt. 5	New Sweden	1,550
Bybee, Walter L.	Thornton, Rt. 1	Sunnydell	260
Byrne, J. R.	Thornton, Rt. 1	Sunnydell	720
Burgess, Bill	Rigby	Clark & Edwards	40
Butler, Kelsie	Idaho Falls, Rt.2,Box 44	Harrison	15
Byrd, Paul	Palisades	Swan Valley	15
Cheney, Marion S.	Thornton, Rt. 1	Pump	15
City of Idaho Falls	Box 220	Keller	180
Clark, Jess G.	Rigby, Rt. 2	Clark & Edwards	70
Clark, Lane	Idaho Falls, 1385 Kearney	Pump	15
Clark, Merlyn C.	Rigby, Rt. 1	Rudy & Harrison	1,840
Clement Bros.	Lewisville	Kennedy	240
Cook, Donald J.	Idaho Falls, Rt. 5	New Sweden	540
Cox, Robert J.	Rigby, Rt. 2	Rudy	15
Criner, Lew	Rigby, Box 77	Rudy	15
Croft, James A.	Rigby, Rt. 2	Croft Ditch from Dry Bed	200
Danielsen, M. J.	Idaho Falls, Rt. 4	-	240
Eddie, Lloyd	Rigby, Rt. 2	Croft ditch	10
Egan, C. J.	Idaho Falls, RFD	Enterprise	15
Fell, Harry	Rigby, Rt. 2, Box 36	Rigby	120
Field, Harvey H.	Rigby, Rt. 1	Burgess	15
Ford, Milo	Irwin	Swan Valley	250
[illegible]x, Dewey	Ririe	Pump	400
[illegible]ranson, Merlin V.	Blackfoot, Rt. 3	Reservation	192

K-670

Name	Address	Canal	Allotment
Frodsham, Lee M.	Burley, Rt. 2	Pump nr. Burley	1,050
Fullmer, Vern	Rigby, Rt. 1	Rudy	300
Gardner, Burton L.	Thornton	Croft	10
Geisler, Chester H.	Lorenzo	White	95
Gunerson, Aden C.	Thornton	-	15
Hacking, C. M.	Thornton, Rt. 1	Pump nr.Lenrood head	150
Hagenbarth, D. V.	Dillon, Mont. 533 So. Nelson	Sheridan Cr.	190
Hamilton, Delmer H.	Rigby, Rt. 2	Pump Dry bed	15
Hanson, Irvin,Theo,Edw.	Lorenzo	West Labelle	250
Hunter, Ralph	Shelley	-	15
Harris, Cleon	Ririe, Box 344	Enterprise	15
Harrop, Cleo J.	Lorenzo	West Labelle	160
Hatfield, Howard & Dora	Irwin	Swan Valley	240
Heyrend, Alfred	Rigby, Rt. 2	Pump from feeder	30
Hickman, Geo. L.	Rigby, Rt. 2	Pump	15
Hill, Horace,	Thornton, Rt. 1	Hill-Pettinger	240
Hill, Verdale E.	Rigby, Rt. 2	Kite & Nord	144
Hill, Wm. Howard	Thornton, Rt. 1	Hill-Pettinger	200
Hix Bros.	Idaho Falls, Rt. 2	Pump - Butte & Market Lake	550
Hogan, O. A.	Ririe, Star Route	Riley	480
olden, C. R. estate	Idaho Falls, Box 659	Bear Island	720
olden, Wm. S.	Idaho Falls	Swan Valley	540
ubbard, Mary E.	Rigby, Rt. 2	Butler Island No. 2	1,100
Humphreys, Jess R.	Idaho Falls, Rt. 2	Progressive	350
Hunter, Reed	Roberts, Star Route	Lower end Parks & Lewisville	120
Hunter, Vaughn M.	Roberts, Star Route	Pump Lower Feeder	500
Isom, A. N.	Idaho Falls, Rt. 5	New Sweden	15
Jackson, Thos. W.	Roberts, Star Rt.	Pump	192
Jacobsen, Lathen	Irwin	Swan Valley	480
Jennings, Eddie L.	Rigby, Rt. 2	Rudy	840
Jones, J. W.	Rigby, Rt. 2	Pump, Dry Bed	120
Jensen, Eugene J.	Rigby, Rt. 2	Rudy	600
Jorgensen, John D.	Idaho Falls, Rt. 5	Martin	400
Koon, Robert M.	Rexburg, Rt. 1		15
Koon, Vance C.	Thornton	Pump nr. Thornton	1,000
Kunz, Homer E.	Victor,	Pump, Teton Basin	10
Kunz, James H.	Victor	Pump, Teton Basin	10
Kunz, M. Grant	Victor	Pump, Teton Basin	10
Kunz, Walter & Sons	Victor	Pump, Teton Basin	10
Landon, Harold J.	Rigby, Rt. 2	Rudy	350
Larson, Charles M.	Idaho Falls, Rt. 2	Progressive	20
McCulloch, Elvin	Tetonia, Box 95	Pump, Teton R.	1,750
McKay, Archie,	Swan Valley	Swan Valley	10
Mackay, Robert D.	Idaho Falls, Rt. 2	Pump at end of Parks & Lewisville	432
anning, Henry W.	c/o Otis Orten, 403 E. Main, Burley	Pump nr. Heyburn	1,250

R-6 10

Name	Address	Canal	Allotment
Martin, Leonard	Idaho Falls, Rt. 2	East of River Roberts	400
Miller, David R.	Swan Valley	Swan Valley	450
Moore, Willard A.	Rigby, Rt. 2	Farmers Friend	240
Moss, J. Elmer	Rigby, Rt. 2	Cheney	400
Munns, G. H.	Thornton	Pump	15
Munns, Howard	Thornton, Rt. 1	Spring Cr. nr. Kenan 1890 decree	400
Eugene Black & Wayne Esplin	Box 248, Shelley	Pump	480
Newby, Marvin M.	Idaho Falls, 1040 Bower	Pump nr. Heise	1,090
Newman, Levis L.	Rigby, Rt. 1	Rudy	300
Nishioka, Joseph	Idaho Falls, Rt. 5	New Sweden	230
Ormond, Clyde	Rigby, Rt. 2, Box 72	Clark & Edwards	15
Pacific Supply Cooperative	Heyburn	Pump nr. Burley	30
Park, Clarence W.	Rigby, Rt. 2	Enterprise	15
Peterson, Dave & Jess	Irwin	Swan Valley	450
Pitman, Elmer	Rigby, Rt. 1	Rudy	760
Pitman, John	Rigby, Rt. 1	Harrison	160
Poore, Harold	Ririe, Box 502	Enterprise	15
Price, Clifford R.	Rigby, Rt. 1	Rudy	120
Price, Fred	Rigby, Rt. 2	Harrison	150
Price, M. M.	Rigby, Rt. 1	Rudy	960
Price, Russell R.	Idaho Falls, Rt.1,Box126	Rudy	600
Radford, Dellas	Rigby, Rt. 2		74
Radford, Elmer	Ririe, Box 343	Harrison	200
Quinn, Mrs. Robert	Ririe	Pump nr. Heise	100
Richards, D. F.	Idaho Falls	Henrys Lake	480
Richards, Gladys D.	Idaho Falls	Henrys Lake	400
Richards, Maryellen	Idaho Falls	Henrys Lake	400
Rose, Roger K.	Idaho Falls, 3100 Rollandet	Swan Valley	15
Roth, Thomas H.	Lorenzo	Hill Pettinger	450
Rutledge, Virgil G.	Lorenzo, Rt. 1	White	280
Sakaguchi, Sam S.	Idaho Falls, Rt. 5	Kennedy	276
Schuetz, Charles	Idaho Falls, Rt. 5	Kennedy	200
Scott, Duwayne	Rigby, Rt. 2	Steele	600
Sellers, H. Allen	Rigby, Rt. 2	Rudy	240
Sermon, Wayne	Swan Valley, Box 36	Swan Valley	400
Simmons, Robert J.	Rigby, Rt. 2	Rudy	240
Smith, D. Worth	Rigby, Rt. 2	Indian Cr.	100
Smith, Ervin B.	Thornton	Bannock Jim	120
Smith, Floyd B.	Rigby, Rt. 1	Farmers Friend	15
Snarr, Merland	Idaho Falls, Rt. 5	New Sweden	150
Snedaker, Max	Thornton	Bannock Jim	15
Stevast, James	Rigby, Rt. 2	Rudy	480
Stoltenberg, Francis	Hamilton, Rt. 1, Box 200	Swan Valley	300

R-6-70

Name	Address	Canal	Allotment
Stolworthy, E. A.	Idaho Falls, 611 11th St.	New Sweden	200 —
Stolworthy, Gerald	Idaho Falls	New Sweden	200 —
Stolworthy, Lloyd	Idaho Falls	New Sweden	200 —
Thompson, Jane (estate)	Idaho Falls, Rt. 2	Progressive	600 —
Tomchak, H. W.	Roberts	Pump	30
Traughber, Paul E.	Irwin	Swan Valley	480
Tyler, J. D.	Idaho Falls, Rt. 1	Harrison	15
Tyler, LeMond	Ririe	Clark & Edwards	100
Virgin, Verl	Idaho Falls, Rt. 2	Progressive	350 —
Walker, Geo. E.	Rigby, Rt. 1	Pump	15
Ward, Wayne R.	Idaho Falls, Rt. 2, Box 316	Pump	15
Weeks Bros.	Swan Valley	Swan Valley	180
Weeks, Abram	Irwin	Swan Valley	100
Weeks, Mrs. Abram	Irwin	Swan Valley	100
Weeks, Arvey A.	Swan Valley	Swan Valley	300
Weeks, Howard	Irwin	Swan Valley	110
Weeks, James	Swan Valley	Swan Valley	150
Weeks, Jay	Irwin	Swan Valley	300
Weeks, Jess	Irwin	Swan Valley	600
Weeks, Walter	Irwin	Swan Valley	300
White, Carl K.	Rigby, Rt. 2	Pump, Dry Bed	360
Williams, Marsden	Idaho Falls, 1300 Jefferson	New Sweden	1,550 —
Winterfield, Fritz & Delbert	Swan Valley	Swan Valley	600
Young, Henry	Irwin	Swan Valley	15
Young, William N.	Rigby	Burgess	80
			50,230

MICROFILMED

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
REGIONAL OFFICE, REGION 1
BOX 8008
BOISE, IDAHO 83707

IN REPLY
REFER TO: 424

MAY 9 1969

MAY 9 1969

Dr. Robert R. Lee, Director
Idaho Water Resource Board
Statehouse
Boise, Idaho 83707

Dear Dr. Lee:

You have asked several important questions regarding the use of the water stored in Ririe Reservoir. Your inquiry followed our submittal of an application for a permit to appropriate the public waters of the State of Idaho for the Ririe Reservoir.

The answers to your questions will follow the same order as presented in your March 13 letter.

1. The colored map is more complete than the accompanying tabulation. At the time we made the tabulation we were uncertain as to whether or not some of the land in T. 3 N., R. 39 E., was in the Progressive Irrigation District. Omission of the other lands from the tabulation was an error. Please refer to our answers to questions 3 and 4 for a more complete discussion of allocations.

2. There has been interest expressed in contracting for 80,000 acre-feet of holdover space by irrigation users of the Upper Snake area. However, the application includes the additional 10,000 acre-feet of flood control space reserved annually between April 15 and December 15 for controlling summer thunderstorms in the event this space might contain water for a brief period of time during an irrigation season.

3. The space allocation for Ririe Reservoir is considered tentative, and there are no firm contracts for space at this time as contract negotiations are still underway. Applications for space in the reservoir have been reviewed by an allocation advisory committee, and the tentative allocation is as follows:

Progressive Irrigation District	16,000 AF
New Sweden Irrigation District	4,000 AF
Butler Island Canal Co.	500 AF
Ririe Water Users Association	22,700 AF
Salmon Falls	36,800 AF

Is there any priority among these?

The Ririe Water Users Association will include all individual water users not now in irrigation districts. The tentative allocations were based on information in the applications that had been received, plus knowledge of probable requirements for supplemental water.

4. The available irrigation storage space in Ririe Reservoir will be used for holdover purposes. It was assumed that the spaceholders would call for their accrued storage water in the dry years of 1931, 1941, and 1961. The total usable water in these years would have amounted to approximately 169,000 acre-feet, or an average of 4,700 acre-feet per year over the 36-year period studied.

   Under the circumstances, the dryland areas cannot expect to receive a full supply of water from Ririe Reservoir and this is being emphasized during contract negotiations for storage space. It is expected that there will be adjustments in the areas that will contract for water, and that most of the land will need to have a partial supply of water from another source such as well pumping. Likewise, it is recognized that much more than the yield from 36,800 acre-feet of Ririe storage space will be needed to supplement the present supply of supplemental lands of the Salmon Falls Division.

5. A careful evaluation of the yield of water for effective irrigation use led to the conclusion that present irrigators could not reasonably be expected to pay more than $7.75 per acre-foot for this space. This would result in a return over a 40-year repayment period of $620,000 from the 80,000 acre-feet of space, which would be sufficient to cover the estimated irrigation allocation and thus meet the requirements of the authorization. The above per acre-foot rate is the same as charged for Palisades space in the Upper Snake River area. In addition, the water users will pay a proportionate share of the Ririe Project operation and maintenance costs assigned to irrigation.

   On the basis that the entire 80,000 acre-feet of available space would be used as holdover, the annual direct benefits associated with this space have been estimated to amount to $23,300 as reported on page 12-2 of the Ririe General Design Memorandum.

We will be pleased to discuss the application at a meeting with you, if this will assist you in making a prompt review of the facts relating to the proposed use of water stored in Ririe Reservoir.

Sincerely,

Acting for H. T. Nelson
Regional Director

CHARLES J. MARSHALL, CHAIRMAN, JEROME
LE ROY STANLEY, VICE CHAIRMAN, IDAHO FALLS
ROBERT M. SANDY, PRIEST RIVER
FERRIS M. KUNZ, MONTPELIER
JOSEPH H. NETTLETON, MURPHY
THOMAS OLMSTEAD, TWIN FALLS
JOHN F. STREIFF, LEWISTON
GEORGE L. YOST, EMMETT
R. KEITH HIGGINSON, EX-OFFICIO MEMBER
STATE RECLAMATION ENGINEER

STATE OF IDAHO

IDAHO WATER RESOURCE BOARD
STATEHOUSE
BOISE, IDAHO 83707

DR. ROBERT S. LEE, DIRECTOR
WILLIAM S. HOLDEN
GOVERNOR'S SPECIAL REPRESENTATIVE

March 13, 1969

Mr. Harold T. Nelson
Regional Director, Region 1
U. S. Bureau of Reclamation
P. O. Box 8008
Boise, Idaho

Dear Mr. Nelson:

Your application for a water right for irrigation storage in Ririe Reservoir has raised several important questions regarding the use of this project. These include:

1. The listing of lands intended to receive water is inconsistent with the colored map. Please indicate which is correct, the list and its totals, or the map.

Map lands not included in list:

T3N, R38E, Sec. 27
T5N, R38E, Sec. 16
T3N, R39E, Sec. 2, 19, 20, 24, 25
T3N, R40E, Sec. 14, 15, 22, 23
T2N, R40E, Sec. 22

2. The application shows 90,000 acre feet of water for irrigation use each year. Ririe has only 80,000 acre feet of irrigation space.

3. Please indicate the amount of space allocated to each proposed user of water stored in Ririe Reservoir. What was the basis for these allocations?

4. Please show the amount of water you expect the indicated lands would receive, both on an average basis and during a repeat of the conditions prevailing in the 1930's. What alternative sources of water would the 7,466 acres of dry land in the "outside districts" have in years when Ririe would yield no supply?

This question also relates to the amount of yield Ririe Reservoir will produce. We are unable to discern how much Ririe water will be used by

the Salmon Falls Project from this application and the Salmon Falls report. Apparently the amount would be less than the 26,400 acre feet per year (Ririe Dam and Reservoir Hydrology Design Memorandum, Table 10 and footnotes, USCE). Surely the amount would not be as little as the 4,700 acre feet per year shown in the Ririe General Design Memorandum (pages 9-5 revised and 12-2 revised).

5. Please indicate the proposed water charges to the Ririe users from the allocated irrigation costs. Have you established a basis for determining the benefits of water to each of the proposed users?

The above questions are posed to help the Board determine how Ririe Reservoir will be used and the relative merits of those uses. Determination of whether the proposed uses are valid under Idaho law will be made by the State Reclamation Engineer. However, the planned use of a reservoir, which is a valuable resource, is of importance to the Board in formulating plans for the use of the State's water.

Sincerely yours,

ROBERT R. LEE
Director

RRL:fdr
cc: Idaho Department of Reclamation
District Engineer, Walla Walla
District, USCE
IWRB Board Members

MICROFILMED

Identification No. 25-7004

Application No. _____

THIS APP HAS BEEN AMENDED— SEE OTHER FILE.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

(TYPE OR PRINT IN INK)

1. Name of applicant The United States of America, acting through the Regional Director, Region 1, Bureau of Reclamation

   post office address Box 8008, Boise, Idaho 83705

2. Source of water supply Willow Creek which is a tributary of Snake River

3. a. Location of point of diversion is NW ¼ of NW ¼ of Section 22 Township 3 N. Range 40 E. B.M. Bonneville County; additional points of diversion if any: The stored water will be released at the above outlet facilities and delivered to existing diversions on Willow Creek or Water District #36. In addition, water will be delivered by substitution to Willow Creek lands above the reservoir, and to lands in the Salmon Falls area by a new diversion from Milner Reservoir.

   b. If water is not consumed, it will be discharged into Willow Creek at a point in NW ¼ of NW ¼ of Section 22 Township 3 N. Range 40 E. B.M.

4. Water will be used for the following purposes:

   Amount 90,000 (cfs or acre-feet per annum) for Irrigation purpose from April 1 to Oct. 31 (both dates inclusive)

   Amount _____ (cfs or acre-feet per annum) for _____ purpose from _____ to _____ (both dates inclusive)

   Amount _____ (cfs or acre-feet per annum) for _____ purpose from _____ to _____ (both dates inclusive)

5. Total quantity to be appropriated:

   a. Various cubic feet per second depending on irrigation demand.

   b. 90,000 acre feet per annum., except in extraordinary years when the reservoir may capture additional water during the irrigation season.

6. Proposed diverting works:

   a. Description of ditches, flumes, pumps, headgates, etc. The diversions from Willow Creek, Water District #36, and from Milner Reservoir as described in 3(a) above.

   b. Height of storage dam 184 feet, active reservoir capacity 90,000 acre feet; total reservoir capacity 100,000 acre feet, materials used in storage dam: Rockfill with impervious core

   Period of year during which storage will occur January 1 (Mo. Day) to December 31 (Mo. Day) inclusive.

   c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.

7. a. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years.

   b. Estimated construction cost is $15,000,000, cost of Ririe Dam and Reservoir.

8. Description of proposed uses:

   a. If water is **not** for irrigation:

   (1) Give the place of use of water: _____ ¼ of _____ ¼ of Section _____ Township _____ Range _____ B.M.

   (2) Amount of power to be generated: _____ hp under _____ feet of head.

   (3) List number of each kind of livestock to be watered _____

   (4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____.

   (5) If water is to be used for other purposes describe: _____

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
See attached tabulations of lands in Salmon Falls area and in areas not in existing irrigation districts. Also to be irrigated are lands in the Progressive and New Sweden Irrigation Districts and in the Butler Island Canal Company. No tabulation has been made of the lands in these 3 existing organizations. A tabulation of totals shows the following acreages:																			
						Salmon Falls						64,592							
						Outside Districts						11,131							
						Progressive						33,000							
						New Sweden						22,540							
						Butler Island Canal Co.						1,100							
										Total		132,363							

Total number of acres to be irrigated 132,363

c. Describe any other water rights used for the same purposes Numerous rights held by the United States, by Irrigation Districts and by individuals.

9. a. Who owns the property at the point of diversion United States of America

b. Who owns the land to be irrigated or place of use Privately-owned

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing Owners of land to be irrigated will contract with the Bureau of Reclamation, individually or through irrigation districts, for water stored in Ririe Reservoir.

10. Remarks

This is an application to store water in, and use water from, Ririe Reservoir, to be constructed by the Corps of Engineers of the Department of the Army as authorized by Congress under Public Law 87-874, Flood Control Act of 1962. Water will be diverted through existing facilities, or through new facilities to be constructed by individuals, canal companies, or irrigation districts or by the United States. Operation of Ririe Reservoir will be coordinated with operation of existing and future reservoirs in the Upper Snake River Basin to obtain maximum benefits from the storage consistent with water rights and agreements for exchange.

The reservoir will be operated and maintained by the Bureau of Reclamation of the Department of the Interior and storage will be subject to the limitations required to meet the flood control objectives of the project. Water for irrigation will be made available only under contracts entered into by the Department pursuant to the provisions of the Federal Reclamation Laws.

11. Map of proposed project:

Drawings of areas to be irrigated are attached. One unnumbered drawing shows the Upper Snake River area, one drawing, identified as Map No. 47-55A, shows the area around Burley, and one set of 3 drawings, identified as 886-125-106, 107 and 108 shows land classification of the Salmon Falls area.

Scale: 2 inches equal 1 mile

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

(Applicant)

Received by ej Date 6-16-69 Time 8:00 a.m. Over.
Preliminary check by Over Fee $ 100.00
Receipted by ej Date 6-25-69
Publication prepared by O R Date 8-21-69
Published in Post Register
Publication dates August 28 & Sept. 4
Publication approved K.d. Date 9-15-69
Priority reduced to _____ Reason _____

_____

_____

_____

Protests filed by: _____

_____

_____

Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by _____

ACTION OF STATE RECLAMATION ENGINEER

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____.

1. Approval of said application is subject to the following limitations and conditions:

   a. SUBJECT TO ALL PRIOR WATER RIGHTS.

   b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19____.

   c. Other: _____

   _____

   _____

   _____

2. Denial of said application is for the following reasons: _____

   _____

   _____

   _____

   _____

   _____

Witness my hand this _____ day of _____ 19____.

_____
State Reclamation Engineer

T. 14 S.

R. 15 E.

T. 13 S.

T. 12 S.

R. 16 E.

R. 17 E.

USGS GAGING STATION

Salmon Falls Reservoir

SALMON FALLS MAIN CANAL

LATERAL No. 21

LATERAL No. 21A

LATERAL No. 21B

HOLLISTER RELIFT PUMPING PLANT

Hollister

U.S. 93

Dry Creek Reservoir

Deep Creek

LATERAL 7

LATERAL 8

LATERAL A-101

LATERAL No. 1

LATERAL No. 15

(WELLS BRANCH)

LATERAL No. A-8

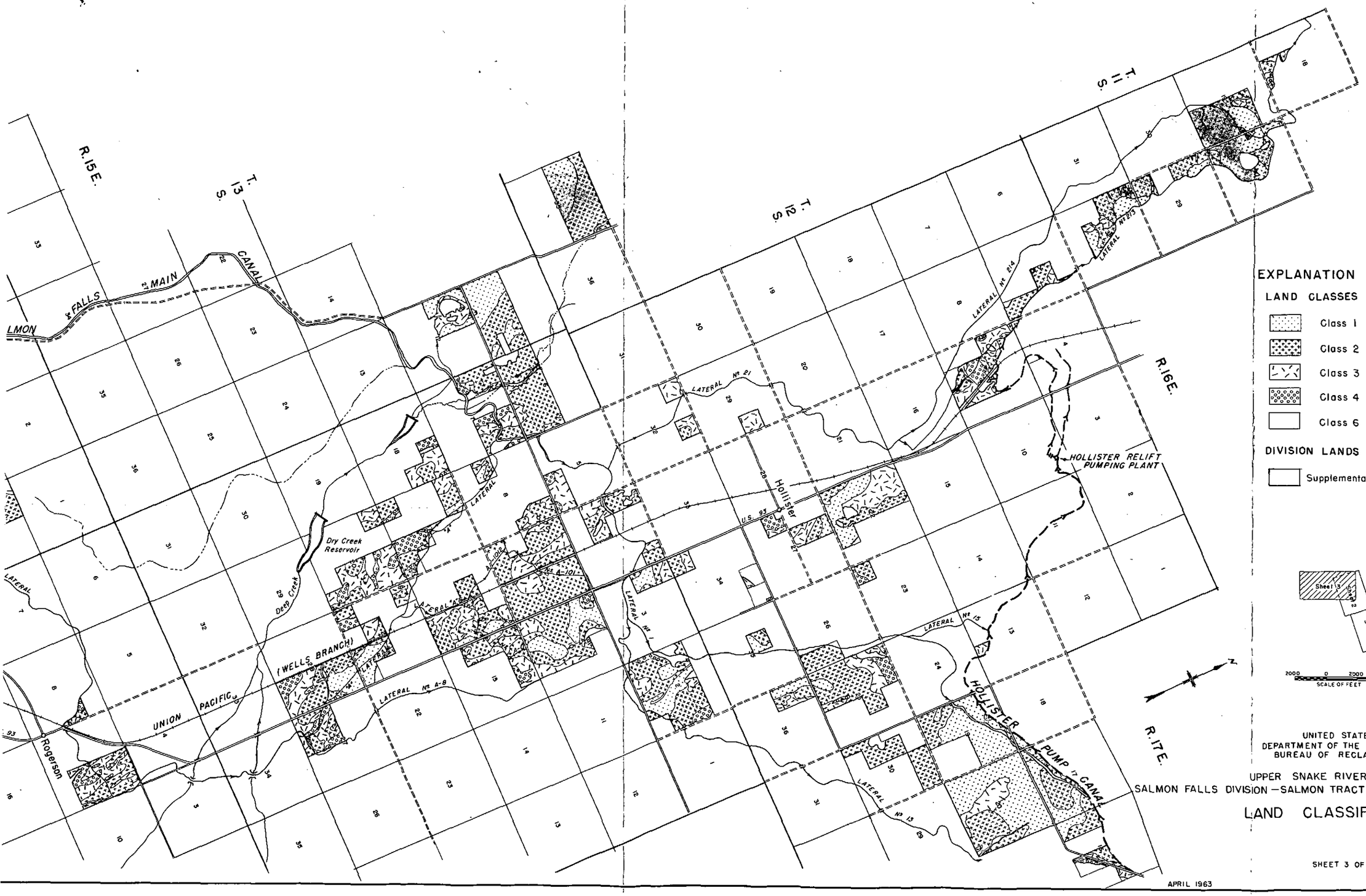
UNION PACIFIC

Rogerson

HOLLISTER PUMP 17 CANAL

LATERAL No. 13

SALMO



UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION

UPPER SNAKE RIVER PROJECT
SALMON FALLS DIVISION—SALMON TRACT UNIT - UPPER AREA - IDAHO

LAND CLASSIFICATION

SHEET 3 OF 3

APRIL 1963

886-125-108

R. 19 E.

R. 18 E.

R. 20 E.

T. 10 S.

T. 11 S.

EXPLANATION

LAND CLASSES

- Class 1
- Class 2
- Class 3
- Class 4
- Class 6

DIVISION LANDS

- Supplemental Service Area
- Full Service Area

TWIN FALLS 8 MI.

U.S. 30

Hansen

Murtaugh

Murtaugh Lake

Artesian City

MAIN FALLS CANAL

UNION PACIFIC

TWIN FALLS BRANCH

SNAKE RIVER

MAIN CANAL

LOW LIFT CANAL

MILNER

TWIN FALLS MAIN

HANSEN BUTTE EAST CANAL

HANSEN BUTTE WEST CANAL

HANSEN BUTTE PUMPING PLANT

HANSEN BUTTE CANAL

Rock Creek

HIGH LINE CANAL

TWIN FALLS

ROCK CREEK SIPHON SITE

Dry Creek

MILNER-SALMON FALLS CANAL

Cottonwood Cr.

TWIN FALLS CO.
CASSIA CO.

N

2000 0 200
SCALE OF FEET

UNITED STA
DEPARTMENT OF THE
BUREAU OF RECL

UPPER SNAKE RIVE
SALMON FALLS DIVISION — MILNER-

LAND CLASS

SHEET 1 O

APRIL 1963

R. 19 E.

R. 20 E.

R. 21 E.

18 E.

T. 10 S.

T. 11 S.

EXPLANATION

LAND CLASSES

- Class 1
- Class 2
- Class 3
- Class 4
- Class 6

DIVISION LANDS

- Supplemental Service Area
- Full Service Area

TWIN FALLS 8 MI.

U.S. 30

Hansen

MAIN FALLS CANAL

TWIN FALLS BRANCH

UNION PACIFIC

HANSEN BUTTE EAST CANAL

SNAKE RIVER CANAL

MAIN LOW LIFT CANAL

Murtaugh

Milner Reservoir

MILNER PUMPING PLANT

MILNER

U.S. 30

BURLEY 9 MI.

HANSEN BUTTE PUMPING PLANT

HANSEN BUTTE WEST CANAL

HANSEN BUTTE CANAL

Murtaugh Lake

Rock Creek

HIGH LINE CANAL

FALLS

ROCK CREEK SIPHON SITE

Artesian City

Dry Creek

MILNER-SALMON FALLS CANAL

TWIN FALLS CO. CASSIA CO.

Sheet 1

Sheet 2

Sheet 3

N

2000 0 2000 4000

SCALE OF FEET

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION

UPPER SNAKE RIVER PROJECT
SALMON FALLS DIVISION—MILNER-COTTONWOOD UNIT—IDAHO

LAND CLASSIFICATION

SHEET 1 OF 3

APRIL 1963

886-125-106

R. 16 E.

R. 17 E.

R. 18 E.

T. 11 S.

T. 12 S.

EXPLANATION

LAND CLASSES

- Class 1
- Class 2
- Class 3
- Class 4
- Class 6

DIVISION LANDS

- Supplemental Service Area
- Full Service Area

TWIN FALLS

HIGH LINE CANAL

SALMON FALLS CANAL

CANAL

WASTEWAY

MAIN CANAL

LATERAL

Hub Butte

Bill Williams Reservoir

McMULLEN CREEK SIPHON SITE

HOLLISTER PUMPING PLANT

HOLLISTER RELIFT PUMPING PLANT

HOLLISTER PUMP CANAL

Cottonwood Creek

McMullen Creek

2000 0 2000 4000
SCALE OF FEET

N

Sheet 1

Sheet 2

Sheet 3

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION

UPPER SNAKE RIVER PROJECT
SALMON FALLS DIVISION – SALMON TRACT UNIT – LOWER AREA – IDAHO

LAND CLASSIFICATION

SHEET 2 OF 3

APRIL 1963

886-125-107

REV. 3-50
BUREAU OF RECLAMATION

COMPUTATION SHEET

GPO 857487

BY _____ DATE _____ PROJECT Rivie SHEET No. 1 OF 3

CHKD. BY _____ DATE _____ FEATURE Water Right Application JOB No. _____

OFFICE _____ DETAIL _____ FILE No. _____

T	R	Sec	NE				NW				SW				SE				Dry Acres	Irrig Acres	Total
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
3N	37E	12		P	P											P	P		195	170	365
		13		P	P					P											
		35							P	P										16	16
		35							P	P										26	26
3N	38E	25					P	✓	P	P										105	105
		26	P		P	P															
		26											✓	✓						78	78
4N	38E	2		✓	✓		P	P											20	160	180
5N	38E	35																			
1N	39E	25	✓	✓	P	P					✓		✓		✓	✓			80		80
2N	39E	10		✓	✓		✓		✓											60	60
3N	39E	10													P	P	P	P		103	103
		11			✓								✓			✓	✓	✓		200	200
		11	✓	✓															55	25	80
4N	40E	20									P	P	✓	P							
3N	39E	12											✓	✓							
		13						✓	✓											300	300
		14			✓		P	P	P	P											
		14	✓	P																80	80
		15	✓	✓	✓	✓	✓		✓	P										240	240
		15											✓								
		16																✓	15	140	155
		21	✓	P																	
		22						P													
		17															P	P		60	60
		23											✓	✓			✓	✓	160		160
5N	39E	6												✓					40		40
1N	40E	2											✓								
		10	✓		✓				✓		✓	✓	✓	✓							
		11		✓				✓				✓									
1N	41E	26											✓	✓					700	0	700
		27											✓	✓	✓	✓	✓	✓			
2N	40E	23												✓			✓				
		25	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓		✓			✓			
		26	✓	✓		✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓			
		35		✓	✓		✓			✓											

25-7004

FORM 7-120
REV. 3-50
BUREAU OF RECLAMATION

COMPUTATION SHEET

GPO 857487

BY _____ DATE _____ PROJECT Kinzie SHEET No. 2 OF 3

CHKD. BY _____ DATE _____ FEATURE Widow Right Approach JOB No. _____

OFFICE _____ DETAIL _____ FILE No. _____

T	R	Sec	NE				NW				SW				SE				Dry Acres	Irrig Acres	Total
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
2N	40E	10													✓	✓	✓	✓	320		320
		15																✓			
		16	✓																		
		27									✓	✓	✓						320		320
		28													✓	✓	✓	✓			
		1											✓						500	80	580
		2									✓				✓	✓	✓	✓			
		11	✓	✓	✓						✓				✓	✓					
		12	✓				✓	✓			✓	✓									
		13		Pt			✓	✓											320		320
		14		✓	✓						✓				✓	✓	✓	✓			
		23	✓	✓			✓								✓						
4N	40E	1											✓		✓	✓					
		12	✓	✓	✓		✓	✓	✓		✓	✓	✓		✓	✓	✓	✓			
		11	✓	✓				Pt	✓		✓				✓						
		13		✓	✓		✓	✓											1950	178	2128
		14		✓												✓					
		23	✓	✓	✓										Pt			Pt			
		24					✓	✓	✓		✓	Pt									
		1					✓	✓													
		2	P		P														320		320
4N	41E	6					✓	✓	✓												
5N	41E	31										✓	✓	✓	✓	✓	✓				
4N	40E	13							✓		✓	✓	✓	✓	✓	✓	✓		320		320
		14	✓		✓											✓		✓			
		19	P																	30	30
		19					P													20	20
		35					P	P												18	18
		28										✓							75	250	325
		29		✓	✓	✓	✓	✓							✓						
5N	40E	28																			
		33																			
		34																			
2S	39E	2									✓	✓	✓		✓						
		11	✓	✓	✓		✓	✓			✓	✓	✓		✓						
		12		✓					✓		✓	✓	✓		✓	✓	✓				
		13	✓	✓	✓		✓	✓			✓	✓							170	30	200
		24	✓																		
2S	40E	4										✓									
		17					✓	✓	✓												
		18	✓	✓	✓		✓	✓	✓		✓	✓	✓		✓	✓	✓				
		19	✓	✓	✓		✓	✓	✓												

25-7004

FORM 7-120
REV. 3-50
BUREAU OF RECLAMATION

COMPUTATION SHEET

GPO 857487

BY _____ DATE _____ PROJECT Rivie SHEET No. 3 OF 3

CHKD. BY _____ DATE _____ FEATURE Water Right Application JOB No. _____

OFFICE _____ DETAIL _____ FILE No. _____

T	R	Sec	NE				NW				SW				SE				Dry Acres	Irrig Acres	Total
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
2S	40E	8									✓	✓	✓	✓	✓	✓	✓	✓	320		320
		9						✓	✓	✓									133	27	160
		15	✓	✓	✓											✓	✓	✓	345		345
		22	✓	✓	✓	✓	✓	✓	✓												
1N	40E	29	✓	✓	✓	✓															
		32			✓	✓													400		400
1S	40E	4		✓																	
2S	38E	6		✓	✓						✓	✓	✓	✓	✓	✓			150	200	350
4S	39E	27						✓	✓	✓	✓								40	100	140
		28	✓	✓	✓	✓															
9S	30E	6	P	P	P	P													80		80
10S	22E	19	✓			✓															
		30	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		40	40
10S	24E	28						P	P	P	P	P	P							58	58
2N	40E	11													✓	✓	✓				
		14													✓	✓	✓		600		600
		15	✓	✓	✓	✓															
		22					✓	✓	✓	✓											
3N	40E	14						✓				✓									
		15											✓				✓	✓	300		300
		22	✓	✓	✓																
		23						✓													
5N	38E	16						✓		✓	✓								109		109
																			Totals	8337	2794	11,131

P- Partial

25-7004

FORM 7-120
REV. 3-50
BUREAU OF RECLAMATION

COMPUTATION SHEET

GPO 857482

BY ALK DATE 12-11-67 PROJECT _____ SHEET No. _____ OF _____

CHKD. BY _____ DATE _____ FEATURE Salmon Falls JOB No _____

OFFICE S.R.D.O. DETAIL Acre Summary FILE No. _____

Milner-Cottonwood Area

Township	Range	Dry Acres	Irrigated Acres	Total
10S	19E	1,301.2	124.1	1,425.3
11S	18E	142.6	350.9	493.5
	19E	2,094.2	10,579.6	12,673.8
	20E	1,919.7	5,746.4	7,666.1
	21E	56.3	0	56.3
12S	18E	22.3	59.9	82.2
	19E	298.0	1,479.0	1,777.0
	20E	72.3	165.4	237.7
	Sub-total	5,906.6	18,505.3	24,411.9

Upper Area

11S	16E	53.9	693.0	746.9
12S	15E	67.5	245.2	312.7
	16E	837.9	697.6	1,535.5
	17E	400.6	1,092.3	1,492.9
13S	15E	218.4	214.7	433.1
	16E	1,708.1	2,290.2	3,998.3
14S	15E	298.8	263.3	562.1
	16E	120.9	115.2	236.1
	Sub-total	3,706.1	5,611.5	9,317.6

Lower Area

10S	15E	8.9	9.6	18.5
	16E	64.9	23.9	88.8
11S	15E	119.0	387.8	506.8
	16E	3,971.4	12,653.4	16,624.8
	17E	2,242.9	5,414.2	7,657.1
12S	16E	2,266.3	781.2	3,047.5
	17E	1,696.6	1,221.9	2,918.5
	Sub-total	10,370.0	20,492.0	30,862.0
	TOTALS	19,982.7	44,608.8	64,591.5

25-2004

FORM 7-120
REV 3-50
BUREAU OF RECLAMATION

COMPUTATION SHEET

BY ALK DATE 12-11-67 PROJECT _____ SHEET No. 1 OF 35

CHKD. BY _____ DATE _____ FEATURE Salmon Falls-Milner Cottonwood JOB No. _____

OFFICE S.R.D.O. DETAIL Acreage Tabulation FILE No. _____

95-7004

IRRIGATED

DAY

T	R	Section	NE					NW					SW					SE					Total	NE					NW					SW					SE					Total
			N E	N W	S W	S E		N E	N W	S W	S E		N E	N W	S W	S E		N E	N W	S W	S E			N E	N W	S W	S E		N E	N W	S W	S E		N E	N W	S W	S E		N E	N W	S W	S E	
11S	18E	1																0.7			0.5	26.8	28.0																					
		12	25.6	5.5	2.2	30.9												34.8	13	2.6			114.6				15.9	1.5																
		13																									38.6																	
		24																										39.3	40	38.9															
		36																												36														
																							142.6																					
12S	18E	1		2.2	7.4	12.7																	22.3				30.4	2.5	10	17														
																							22.3																					
10S	19E	26													3.2	33		2	32.7	40	24.2	35.9	38.2																					
		27		8.1				16	9.3	37.6	37.8	39.3	30.4	21.8				32.7	30.2	36.3	21.3	333.1																						
		28				4.7			4	1	36.8	34.2	10.4	17.2				18.9	14.6	22.5	31.9	215.0																						
		29											0.7					27.2				96.9																						
		31	10.2			17	0.9											17.7	22.1	34	26.2	128.2																						
		32	9	28.7	2.5			26.8	9.2	25.3	5	32	5.4	30								206.6																						
		34	31	6.4	9.6					32.7				4.1					6.2			47.0																						
		35		9.1	12.3			18.7	26.5	36.3	35.4	21.8	34.1									236.2																						
																						1,301.2																						
12S	19E	1	2.2					3				27.6										32.8	22.1	35.1	38	31.3	5	36	38	38	36	38	32										268.1
		2		3							3							28	20	14	1.9		54.0	37.2	38.2	37	38.2	38	37.4	38	26	38		30	2								292.0
		3								13	13			5				2.3				15.4	38.4	39	39	39	39.6	38.9	35	39	5													312.0
		4	0.9	0.9	7			15.6		13												51.7	36	37.6	34	23.5		38.9															177.5
		5		2.7	8			10.8	9.6	18.7	3.5											48.3	36.4	80.3		16.1		28.9															113.8
		6	19.1		23							8.7						4.8			32.9	95.8	7.4	35.1	9.6	39.3		16.7	18.1	40	18.6												315.6
																						298.0																					1479.0

FORM 7-120
REV. 5-50
BUREAU OF RECLAMATION

COMPUTATION SHEET

BY ALK DATE 12-11-67 PROJECT _____ SHEET No. 2 OF 35

CHKD. BY _____ DATE _____ FEATURE Salmon Falls - Milner Cottonwood SUB No. _____

OFFICE S.R.D.O. DETAIL Acreage Tabulation FILE No. _____

25-7004

IRRIGATED

DAY

T	R	Sec.	NE				NW				SW				SE				Total	NE				NW				SW				SE				Total
			N E	N W	S W	S E	N E	N W	S W	S E	N E	N W	S W	S E	N E	N W	S W	S E		N E	N W	S W	S E	N E	N W	S W	S E	N E	N W	S W	S E	N E	N W	S W	S E	
11S	19E	1																	236.3																	
		2		12	25.6	1.1	16.1				8.6		25.8		11.4	21.7		0.5	87.5																	
		5		0.7	37.2	34.5	24.5	20.2	24.2	17.2	4	22.3							113.1																	
		6		23.1	37.2	34.5	37	12.9	18.6	36	7.1	18.2	18.2	24.8	28.4	29.2	10.9		286.9																	
		7		18.3	36.5	35.7	34.8	27.4	18.6	36	19	18.8	18.8	34.6	38.8	36.5	31.4	30.9	446.4																	
		8		5.2			2.5	13.8			6.2	10.6							33.1																	
		11		21.9	10.2	1.4	8.9	4.5	6.5	1.8	2.4		4.1		5.6	17.9			90.7	31.8	22.3	39.3	34.7	5.8	1.3	23.3	36.1	24.6	39.3	23.4	1.9	38.6	36	14.6	23.4	38.6	146
		12						16.3	0.2				9.5						26.0	37.9	39.3	39.3	39.3	39.3	34.6	16.9	16.7	40	39.3	39.2	35.1	27.1	39.3	39.3	39.3	39.3	39.3
		13						8.8					17.5						26.3	10.9	38.6	38.6	38.6	39.3	27.7	39.3	39.7	40	38.6	39.3	35.1	18.2	38.6	39.3	39.3	39.3	39.3
		14									5.1				14.8				20.5	39.3	38.6	38.6	38.6	39.3	12.8	34.4		40	39.3	39.2	34.1	37.9	39.3	39.3	39.3	39.3	39.3
		15									7.7	18.9							26.6	37.9	38.6	38.6	38.6	39.3	38.6	39.3	39.3	40	39.3	39.2	38.6	39.3	39.3	39.3	39.3	39.3	39.3
		16									18.8	9.6			4.9	21.5			72.2	38.6	38.6	38.6	38.6	39.3	38.6	39.3	39.3	40	39.3	39.2	38.6	39.3	39.3	39.3	39.3	39.3	39.3
		17		2.8	32	9.4	14.9	29.4	33.7	32.2	39.3	38.6	39.3	37.3	34.4	35.2	6.8		389.9	38.6	38.6	38.6	38.6	39.3	38.6	39.3	39.3	40	39.3	39.2	38.6	39.3	39.3	39.3	39.3	39.3	39.3
		18		3.6		6.3													9.9	38.6	39.3	40	26.5	35.5	39.3	39.3	40	39.3	39.3	39.3	39.3	39.3	39.3	39.3	39.3	39.3	39.3
		19																		40	40	40	40	40	39.7	40	39.6	40	40	40	40	40	40	40	40	40	40
		20																		39.3	39.3	39.3	39.3	39.3	39.3	39.3	38.1	40	39.3	39.3	39.3	39.3	39.3	39.3	39.3	39.3	39.3
		21																		39.3	39.3	39.3	39.3	40	39.3	39.3	39.8	40	39.3	39.2	38.6	39.3	39.3	39.3	39.3	39.3	39.3
		22						39.3											76.5	38.6	40	40	39.1	40	40	39.3	40	40	40	40	40	40	40	40	40	40	40
		23		0.3	0.2		0.8	37.2			0.7	13.6							15.6	31.7	39	40	37	39.3	38.6	39.3	39.8	40	37.2	38.6	39.3	38.6	39.3	39.3	39.3	39.3	39.3
		24		34	37											37.2	3.1		118.8				10.9	12.3	20.4	10.2	13.7	31.5	38.6	38.1	39.3	38.6	39.3	39.3	39.3	39.3
		25		15.2	31.2	1.3	31.3	18.2	9.3						4.6	9.8	1.1		143.5																	
		26																		38.6	38.7	39.3	39.3	40	38	39.3	39.3	40	40	39.3	38.6	39.3	39.3	39.3	39.3	39.3	39.3
		27																		38.6	39.3	40	39.3	40	38.6	39.3	39.3	40	40	39.3	38.6	39.3	39.3	39.3	39.3	39.3	39.3
		28						5.3	1.8	1.2					2.5	2.7	1.2		14.7	38.6	38.9	40	39.3	40	39.2	33	38.1	39.3	39.2	38.6	39.3	39.3	39.3	39.3	39.3	39.3	39.3
		31		4.1		0.8									0.4	9.2			14.5	6.7	30.4	39.3	39.3	40	6.5	37.5	38.1		8.5	27.8	39.1	40	39.3	39.3	39.3	39.3	39.3
		32													0.5				0.5	18	39.3	39.3	39.3	40	39.3	39.3	40	40	38.3	38.3	39.3	39.3	39.3	39.3	39.3	39.3	39.3
		33																		23.8	38.6	38.8	39.3	40	38.6	38.6	40	26.7	15.7	39.3	38.6	39.3	39.3	39.3	39.3	39.3	39.3
		34					1.7		13.3										15.0	39.3	38.8	39.3	39.3	40	39.3	37.6	39.3	40	39.3	39.3	39.3	40	39.3	39.3	39.3	39.3	39.3
		35																		38.6	39.3	39.3	39.3	40	39.3	39.3	39.3	40	39.3	39.3	39.3	40	39.3	39.3	39.3	39.3	39.3
		36													10.9				10.9	38.1	39.3	39.9	36.6	40	38.6	39.3	39.3	40	39.3	39.4	18	40	39.3	39.3	39.3	35.7	583.3
																			2,094.2																	10,579.6

FORM 7-120
REV. 3-50
BUREAU OF RECLAMATION

COMPUTATION SHEET

BY ALK DATE 12-11-67 PROJECT _____ SHEET No. 3 OF 35

CHKD. BY _____ DATE _____ FEATURE Salmon Falls - Milner Cottonwood JOB No. _____

OFFICE S.R.D.O. DETAIL Acreage Tabulation FILE No. _____

35-7004

IRRIGATED

DRY

T	R	Sec	NE N E	NE N W	NE S W	NE S E	NW N E	NW N W	NW S W	NW S E	SW N E	SW N W	SW S W	SW S E	SE N E	SE N W	SE S W	SE S E	Total
11S	20E	13	18.9	8.6	3	27.1	28	30.7		34.5	19.3	21.7		25	32.5	31.2	33.4	37.6	322.5
		14													35.7	38.8	39.3	35.2	296.3
		19										2.1							17.1
		21		4.6									0.8		39.3	37.4	22.3	38.6	144.8
		22								5.9					39.3	40	39.3	38.6	410.4
		23	25.6	3.1	15.8	13.7		3.6		14.8	6.5		0.1		40	39.3	39.3	38.6	434.2
		24	38.6	39.3	40	39.3	36	5.6	6.1	38.8	40	29.5	33	31.3	36.5	39.8	29.4	39.3	72.9
		25		0.7			23.8	25.6	2.5										
		26	37.6	0.5	13.6	28.1		34.7		0.5		39.3	22	20.3	8.4	37.7	3.6		180.1
		27	38.6	39.3	40	39.3	36	25.5	37	40	40	20.3	10.7	18.4	31.3	39.9	32.9	26.5	
		28					29.1				38.5				16.9				5130
		29																	543.2
		30	10.8	0.5	0.6	1.3						7	5.1	1					670.0
		31										2.3	3						755.8
		32																	627.5
		33	13.1	1.5		7									2.2				421.8
		34	7.3				0.3	1.1							12.9	12.8			318.3
		35					6.6	23.7	22.3	12.9	0.9	3.5							18.5
																			5,746.4
11S	21E	18						89.5	16.8										1,919.7
																			56.3
																			56.3
12S	20E	5	2.8	14.7			23.1	28.7											69.9
		6					2.4												2.4
																			72.3
																			1654
																			1654

FORM 7-120
REV. 3-50
BUREAU OF RECLAMATION

COMPUTATION SHEET

BY ALK DATE 12-11-67 PROJECT ______ SHEET No. 4 OF 35

CHKD. BY ____ DATE ____ FEATURE Salmon Falls - Lower Area JOB No. ______

OFFICE S.R.D.O. DETAIL Acreage Tabulation FILE No. ______

25-2004

T 11S, R 16E

IRRIGATED

Sec.	NE NE	NE NW	NE SW	NE SE	NW NE	NW NW	NW SW	NW SE	SW NE	SW NW	SW SW	SW SE	SE NE	SE NW	SE SW	SE SE	Total
1									2.6	8.3	38.5	17.9					67.3
2				0.5		24.3	26.2	14.1	39.7	37.3	31.3	38.2	28	24.9	32.6	23.1	320.1
3	38.6	39.2	40	39.3	38		37.2	36.1		36.7	38.1	34.3	31.3	40	39.3	33.8	527.5
4	37.7	35	40	38.8	32.5	27.4	39.2	20.9	39.1	29.6	30	39.3	38.8	37.8	39.1	37.7	562.9
5	38.5	26.4		36.1	32.2	38.4	37.4	28.2	28.9	28.2	29.6	39.3			23.9		386.5
6	38.9	39.2	40	39.3			35	40					39.3	40	34.6	35.3	381.1
7		33.3	39.6	38.8	6	37.1	37.9	40	40	24.9	24.7	39.3	37	38.8	39.1	38.3	514.8
8		36.3	38.2		39.3	31	39.3	36.5	40	39.1	37.6	38.2	23	24.1	20.6		443.2
9	27.1	37	40	38.8	33	17.8	31.8	31.4	32.3	39.3	38.6	39.3	38.8	40	39.3	38.1	562.6
10	38.6	39.3	39	39.3	35.4	38.1	38.8	38.8	37.2	37.2	37.9	35.2	39.3	36.6	39.3	36.5	606.5
11	38.6	24.3	37.7	39.3	39.3	38.6			36.4	39.3	32.9	36.6	39.2	33.7		37.3	472.2
12					31.2	26.9	34.9	24.7	21.5	30.7	36.1	28.3					234.3
13	19.7	39.3		25.7	10.4		36.7			37.4	33.2		21.2		39.3	29.4	292.3
14	38.6	35.2	21.1	39	30.8	38.6	39.3	30.1		27.2	31	38.6			38.3	36.3	444.1
15	38.6	39.3	40	37.5	39.3	22.4	38.7	40	37.3	38.1	31.7	37.2	36.3	37.6		38.6	552.6
16		14.5	37.4	34.4	39.3	29.2		9.5			36.3	22.4	38.2	30.3			286.5
17	12.1	26.3	39.1		28.2	38.2	25.5	40	39.4	39.3	14.6		31.5	39.9		38.1	412.2
18		33.9	38.6		38.8			34.7	31.9			11.2	30.8	25.5	28.8	32.3	306.5
19																	
20	36.1	38.7	33.4	37.1	36.7	18.9		6.2			1	24.4	33.6	26	38.9	37	368.0
21				18.8	36.6	34.5	39.9	40	40	39.3	37.1	39	33.1	39.8	38.4	34.5	470.5
22	38.6	24.7		39.3	5.5	29.1	33.7	0.3		19.9	27.2	38.6	29.8				286.7
23	37.3	37.8	35.3	21.3	39.3	34.1	39	40	40	39.3	34.9	36.7		35.2	37.7		507.9
24	32.5	39.3	40	38					28.6	34.1	38.6	39.3	36.2	36.9	39.3	36.7	439.5
25	35.3	39.3			35.9	8.8											119.3
26		39.3	40		38.8	24.3	22.4	40	40	13.1		18.2		39.9	30.7	35.1	381.8
27					38.2	38.1	38.8	33.7	28.4	31.9	38.1	24.4					271.6
28	35.1	36.4	38.2	35.7	32.9	38.6	39.3	33	40	39.3	38.6	39.3	33.1	35.5	36.7	33.5	585.2
29	1.9	36.3	37.9	37	38.9	3.3	4	39.6	37.2	1.2		30.7	33.3	38.3	39.3	38.6	417.5
32	38.6	39.3	39.1	39.3	28.8			10.5					39.3	19.3	5.7	38.6	298.5
33	38.1	29.1	29	38.8	39.5	38.6	39.3	39.6	40	39.3	38.6		38.8	36.3	21.1	15	520.9
34					15	37.8	38.4	26.3	37	38.8	38.1	39.3			26.6		297.3
35	32	33.7															65.7
																	12,403.6

DRY

Sec.	NE NE	NE NW	NE SW	NE SE	NW NE	NW NW	NW SW	NW SE	SW NE	SW NW	SW SW	SW SE	SE NE	SE NW	SE SW	SE SE	Total
1																	
2			6.6	3.7			0.9							8.1	1.2		20.5
3					0.2	26.1	0.7	0.9	38.1				6.6			0.5	73.1
4		0.3			0.7	5.6		7.5		0.4	0.2						14.7
5			31.9				1.9	1.2	2.3	7	3.1		36.2	14.2	1.5	22.9	121.7
6					32.5	18.7	3		40	37.4	27.1	38.9			4.7	0.4	202.7
7	37.7	5.1			32.7					8.6	8.7		2.3			0.3	95.4
8	13.4	1		2.2		4.6							4			34.8	60.0
9	5.8	2.3			2.3	7.2		4.5	0.6								22.7
10					1.8			1.1	0.5					0.4		2.1	59
11							39.3	28.4			5.5			1.8	38.5		113.5
12		14.2	23.1	25.4		9.4	3.4	5.9	4.5	5.5	2.5	5.8	24.9	36.2	39.2	31.9	231.9
13	7.9		36.9	6.1	12.3	36.1	1.8	21.9	40	0.1		39.3	2	34.8			239.8
14			14	0.3	3.8			4.7	36.4	8.5	2.4		35.5	27.5		1.8	134.9
15				1.8		3.3	0.1				3.2				39.3		47.7
16	25.9	2.1	2	3.8	3.8	2.8	15.1	14.5	28.7	27.4	0.1	1.2		6.5	16.6	34.7	185.2
17	5.3	4.9		27.6	3.1		9.8				9.6	31	7.5		32.3		134.2
18	37.5	5.4	0.4	39.3	0.5	20.8	7.4	5	0.5	0.6		2.4	3.6	0.1	2.8		126.3
19	7.1	2.3															9.4
20	2.5												2.9				5.4
21	29	27.5	37.6	9.7	1.2	1.1											106.1
22		0.3	5.8		16.5	8.9	4.5	7.2	20.9	6	7.2	0.3	1.1	3.4	6.6	29.9	118.6
23		0.6	1.7									1.5	35.6	2.3		19.4	61.1
24	0.4				39.3	24.9	31.3	40	9.2	2.1				2.3			149.5
25	0.3		35.4	7.1	3.4	29.4	38.4	34.5	37.3	33.5	38.2	38.5	12.8	40	39	16.8	405.2
26	38.6			39.3		5.7	0.4			11.6	31.4	17.8	36.7		2.6	2.5	186.6
27	31.6	20	19.1	4	1			5.9	9.3	4.4		9	19.3	34.6	31.4	13.3	202.9
28			1.8					4.2							0.6	0.2	6.8
29	5.5		2.1	2.3									6	1.7			17.6
32																	
33		7.2	7.6					0.4				27.2			7.1	11.5	61.0
34	38.3	16.5	15.7	36.3	5			1.1	0.5				13.8	9.8	6.4	21.6	165.0
35	6.6	5.6	39.4	39.3	14.8	4.2	7.2	37.4	26.8	17.8	15.7	35.5	39.3	19.9	28.4	34.6	372.5
																	3,697.9

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FORM 7-120
REV. 3-50
BUREAU OF RECLAMATION

COMPUTATION SHEET

BY ALK DATE 12-11-67 PROJECT _____ SHEET No. 5 OF 35

CHKD. BY _____ DATE _____ FEATURE Salmon Falls - Lower Area JOB No. _____

OFFICE S.R.D.O. DETAIL Acreage Tabulation FILE No. _____

05-7004

IRRIGATED

DRY

T	R	Sec.	NE					NW					SW					SE					NE					NW					SW					SE					Total	Total
			NE	NW	SW	SE		NE	NW	SW	SE		NE	NW	SW	SE		NE	NW	SW	SE		NE	NW	SW	SE		NE	NW	SW	SE		NE	NW	SW	SE		NE	NW	SW	SE			
11S	16E	36																																									249.8	
																																										12,403.6	
																																										12,653.4	
11S	15E	1	9.9	5.1	30	28.9	0.9											36.2	23.9	40	39.3		39.3	40	39.3	33.8		38.4	32.6	29.6	28.2		35.4	28.9	39.3	12.5		36.2	23.9	40	39.3		353.3	114.4
		12	0.6			4																	29.6	31.5																	34.5	4.6
11S	17E	7	6.1		0.2			1.9		9.8	3.6		0.2					29.6	39.3	40	33.8		39.1	36.3	25.3			28.1															387.8	1190
		9		4.3	34	1.1				(14.1)			35.1					36.9	38.9	40			39.3		18.9			74.7																
		14		1.9	3.8	6.3				0.7	31.2		2.6	16.1																															
		15	11.5	10.4	29.4	22.6	15.7			27.6	20.9		24.1	10.4				27.3	0.5	27.6	17.3		39.3	39.3	10.4			117.2																
		16	27.1	0.9	36.6	8.1	6.6			4.4	33.1		9.3					7.8	32	16.7			17	40				214.5																
		17		25		19.1	0.9			31.6			40					25					39.3	40				281.9																
		18	0.5	9.6	2.3	5.5	23.6			11.4	4.1									30.3			32.4	38.1				134.0																
		19	3.9	2.9	4.5	1.1	0.3			6.3			0.2						16.5	0.1			35	19.8				95.7																
		20	34.6	1.1		9.4				1.5			39.1										34	17.4				27.8																
		21	0.1	35.7	7		2.7			4.5			9.4						21				38.1	39.8				158.8																
		22			2.5	9.4				1.4			7.2										37.2	39.8				39.9																
		23	3				2.8						1.3						1.8				37.7	39.1				26.1																
		26		0.7						7.4									13.8				21.5	41				22.7																
		27	21.4	2.2	4.5	25.6	2.7						29.8						1.3				38.7	41.9				10.7																
		28	2.5	1.9	26.1		15.4						1						29.8				40.4	29.7				117.0																
		31																	1				40.9	39				84.2																
																				20.5									7.7																
		34	31.6	20	20.6	24.1	33.9	15.8		22.6	30.1		29.8					30.2	24.6	29.6	40		26.9	39.6	31	27.3		432.4																
		35		31.1	37.2	36.4	32.2	39		12.2	2.3		1					1.2	24	31.1	21.4		37.4	15.9	32.7			369.5																
																												2,242.9																
		36																	1.6									8.9														9.6	
10S	15E	36																	1.6									8.9														9.6	

FORM 7-120
REV 3-50
BUREAU OF RECLAMATION

COMPUTATION SHEET

BY ALK DATE 12-11-67 PROJECT ______ SHEET No. 6 OF 35
CHKD. BY ____ DATE ____ FEATURE Salmon Falls - Lower Area JOB No. ______
OFFICE S.R.D.O. DETAIL Acreage Tabulation FILE No. ______

25-2004

T	R	Sec.	DRY NE NE	DRY NE NW	DRY NE SW	DRY NE SE	DRY NW NE	DRY NW NW	DRY NW SW	DRY NW SE	DRY SW NE	DRY SW NW	DRY SW SW	DRY SW SE	DRY SE NE	DRY SE NW	DRY SE SW	DRY SE SE	DRY Total	IRRIGATED NE NE	IRRIGATED NE NW	IRRIGATED NE SW	IRRIGATED NE SE	IRRIGATED NW NE	IRRIGATED NW NW	IRRIGATED NW SW	IRRIGATED NW SE	IRRIGATED SW NE	IRRIGATED SW NW	IRRIGATED SW SW	IRRIGATED SW SE	IRRIGATED SE NE	IRRIGATED SE NW	IRRIGATED SE SW	IRRIGATED SE SE	IRRIGATED Total
10S	16E	31																												8.3	4					12.3
		32												1.6			0.2	1.7	3.5															2.1		2.1
		33											13	8.8					21.8												9.5					9.5
		34												5.3		0.9	22	10.2	38.4																	
		35											1.2						1.2																	
																			64.9																	23.9
12S	16E	1			36.7	9.9			33.3	23.7	13	12.2	38.6	13.7	20.9	18.6	3.7	31.3	255.1																	
		2			17.7	27.4			24.1	35	34.1	36.6	30.9	20.3	17.9	31.9	39.3	35.4	356.6																	
		3	36	1.9	39.9	26.6			38.8	25.7	27.3	31.1	31.9	12	21.8	30.7	34.1	5.3	363.1		34.5			38.5	35.3											108.3
		4	37.2	29.6	25.9	38.3	0.7			7.2	8.5			4.6	19.4	35	0.5	2.4	209.3			14.1		35.5	38.2	39.3	27.4	20.7	39.3	34.5	11					260.0
		5																3.2	3.2	32.9	0.1		39.6									24				91.6
		9		4	2.1		7.3												13.4		7.3	6.3		16.7	9.4		1.2									40.9
		10	4.2	17.7															21.9																	
		11	27.8	39.3	40	33.4	25.9	11.1		7.7	3.4				39.2	37.5	19.3	38.5	323.1																	
		12	38.6	9.4	37.7	39.3	38.6	36	37.6	39.3	39.3	39.3	38.6	38.6	38.3	32.4	38.2	25.4	566.6																	
		13					38.4	23.6	5	37.1	24.6	4.6		0.4		5	9.3		148.0	38.6	38.9	39	39.3									39.3	34.1	13.1	38.6	280.4
		14	6																6.0																	
																			2,266.3																	781.2
12S	17E	3	26.2	30.9	32.9	31.7	35.8	2	4.4	37.5	39.4	35.2	34.8	24.6	9.3	28.7	7.5	13.6	400.5						36.3	33.9										70.2
		4							3.5	5.7	27.9	3.3		23.3	13.4	10.6	29.1	25.4	142.4																	
		7										2.8	17.8	28	9.3	3.5	27.9	25.2	114.0																	
		8									1	23.8	35.7	36.6			12	7	116.1																	
		9	37.5	31.8	33.3	38	4.4		29.2	25.8	34.7	24.8	29.3	10.2	27.7	29.4	3.1	22.7	381.9												18.8			36.2	16.1	71.1
		10			39.8	6.8			36.9	39.9	38.1	28	38.2	31.5	0.1	23.9	11.7		294.9																	
		15		16.4			28.6	23		1.6									69.6																	
		16	18.4	4.8	37.4	15.3		22.6	4.7	33.6	4.2					1.4			142.4	20.9	35.2	1.5		40.7	10.9	32.7	7.5									149.4
		17	10.7	7.8		14	0.3												32.8		30.9	40.8	12.1	39.5	39	39.6	40.5	34.3	39.4	10.6	0.4		10.7			337.8
		18		2															2.0	38.6	36	40	39.3	39.3	18.2	18.5	40	40	18.6	18.4	39.3	39.3	40	39.3	29.7	534.5
		19																			11.4			31.5	16											58.9
																			1,696.6																	1,221.9

FORM 7-120
REV. 3-50
BUREAU OF RECLAMATION

COMPUTATION SHEET

BY ALK DATE 12-11-67 PROJECT _____ SHEET No. 7 OF 35

CHKD. BY _____ DATE _____ FEATURE Salmon Falls - Upper Area JOB No. _____

OFFICE S.R.D.O. DETAIL Acreage Tabulation FILE No. _____

25-7004

IRRIGATED

DRY

T	R	Sec.	NE				NW				SW				SE				Total	NE				NW				SW				SE				Total
			E	W	S	E	E	W	S	E	E	W	S	E	E	W	S	E		E	W	S	E	E	W	S	E	E	W	S	E	E	W	S	E	
11S	16E	18												21.6				7.6	35.9							6.7										220.1
		19			8.9														8.9																	200.4
		20					2												2.0					4	1.3		1.8									109.4
		29																	7.1																	163.1
		32																	53.9																	693.0
12S	16E	5	3.7																3.7	2.9	37	29.1	12.6									29.1	34.8	29.9			81.1
		9																		5.8	29.1			7.1	28	33.6	34.3	38	21.5								262.1
		13																11.8	11.8						4.9		30.5	26.4									144.3
		22						35.8	36.3	35.1	9.5	8.8	11.6	13.1	0.8	38.6	34.8		185.8																			
		23						39	30.4	34.6	0.8	40	39.3	38.6	39.2				38.6	9.6				26.3			39.2											48.8
		25		30.4												34			292.3																	550.0
		26						13			10.6		35.2						72.6																	
		27			39.3				17.2					17.6					58.8					21.3												21.3
		29																	39.3																	
		32		39.3															56.5																	21.0
		34		9.4		2.8													24.8																	
		35							12.9		39.8								39.8																			64.0
		36							1										13.9																	697.6
																			837.9																	
12S	15E	35		2.2		1.9		15.2	38.3	3.7									67.5	40	37.1	35.5		32.6	23.4		36.3									245.2
								6.7											67.5	39.3																245.2
13S	15E	1										18	15.5	20.9	19.3	39.3	40	34.3	144.7					17.7	9	18.9	13.6	39.4	39.3	38.6	38.7	39.3	40	34.3	26.1	156.0
		12																	73.7																	58.7
																			218.4																	214.7

FORM 7-120
REV. 3-50
BUREAU OF RECLAMATION

COMPUTATION SHEET

BY ALK DATE 12-11-67 PROJECT _____ SHEET No. 8 OF 35

CHKD. BY _____ DATE _____ FEATURE Salmon Falls - Upper Area JOB No. _____

OFFICE S.R.D.O. DETAIL Acreage Tabulation FILE No. _____

95-7014

IRRIGATED

T	R	Sec.	NE						NW						SW						SE						Total
			N E	N W	S W	S E			N E	N W	S W	S E			N E	N W	S W	S E			N E	N W	S W	S E			
14S	15E	11																									142.4
		12							38.9	33.2	37.3	40				3.8	23.4	28.9				1.6	1.1	25.2			91.3
		14	22.6						6.8	1.6	1.1	25.2			11.6	35.5	15.2				38.3	34					65.1
									8.5	34					28.3	3.1					11.4						298.8
	16E	8	13.3																								13.3
		9	1.6	9.1	22.4						36.6	37.3			13.5	28					34.3	34.4					107.6
																											120.9
13S	16E	2	31.4	33.8	39.5	20.2			39.6	38.6																	39.0
			2.2		19.3				0.4	10.3	2.9	18.5	7														
		3	2.7	18.1		7.7			9																		7.4
		4	10.8						22.9	1.9	34.1																97.8
		5							3	19.6	36.5																77.4
		6							29	1											38.1	39.3	27.1				217.8
		7	31.4	33.8	39.5	20.2			31.4	7.5	6.7	26.5															2030
		8	2.2						39.6	36																	36.0
		9			19.3				36.1		27.6	23.7										15.7	17.9				180.9
		10								27.6												36.8	11.7				65.6
		15	37.9																								95.4
		16	2.7	18.1		7.7			3	19.6	36.5		7									30.8	39.3	27.5			81.8
		17																				6.5	28.2				154.1
		18	38.6	36		39.3			38.4																		113.9
		20	15.9	19.1	5.2	14.1				4.6												12.2	24	6.3			152.0
		21																									37.7
		27							4.8	18.5	5.6	2.7	13.2														40.0
		28	0.8		11.5	3.2																0.5	37.1				108.3
																											1,708.1

DRY

T	R	Sec.	NE						NW						SW						SE						Total
			N E	N W	S W	S E			N E	N W	S W	S E			N E	N W	S W	S E			N E	N W	S W	S E			
14S	15E	11																									182.2
		12																									81.1
		14																									263.3
	16E	8																									115.2
		9																									115.2
13S	16E	2																									350.3
		3																									68.5
		4																									67.1
		5																									71.8
		6																									64.5
		7																									343.8
		8																									358.5
		9																									97.0
		10																									212.0
		15																									52.2
		16																									141.4
		17																									168.2
		18																									111.1
		20																									183.8
		21																									2,290.2
		27																									
		28																									

FORM 7-120
REV. 3-50
BUREAU OF RECLAMATION

COMPUTATION SHEET

BY ALK DATE 12-11-67 PROJECT _____ SHEET No. 9 OF 35

CHKD. BY _____ DATE _____ FEATURE Salmon Falls - Upper Area JOB No. _____

OFFICE S.R.D.O. DETAIL Acreage Tabulation FILE No. _____

25-7014

T	R	Sec.	IRRIGATED NE								NW								SW								SE								Total
			N E	N W	S W	S E					N E	N W	S W	S E					N E	N W	S W	S E					N E	N W	S W	S E					
12S	17E	16			1.8	19.9																													79.5
		17												1.1							1.9														206.7
		18																									6								80
		19	3.9	0.9											21.5	0.2			1.7				28.5	29.2	39.3	30.1									295.2
		20	1.4			22.7									28.3	0.1			4.5																433.3
		30	34.9	2.9										16.1	29.6	11.2	19																		69.6
																																			1092.3
			32.4	23.8	40.3	39.5	8.5	2.6	17.7	37.1	18.1	18.2	18.8	37.6	39.2	27.4	39.8	39.2	5.9	39.7	24.1	37.8	13.7	39.2	38.6	34.8	8.3	10.8	6.6	8					
			31.2	59.3	40	16.9	39.3	38.6	39.5	40	8.9	39.2	38.6	34.8	6.6	10.8																			
			3.7	36.4					21.1																											
			63.1						2.7																											
			9.0																																	
			28.2																																	
			186.6																																	
			113.7																																	
			400.6																																	

Proof of Publication

The Post-Register

State of Idaho,
County of Bonneville } ss.

I, E. F. McDermott, first being duly sworn, depose and say: That I am the Principal Clerk of The Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post-Register, a newspaper of general circulation, published daily, except Saturday, at Idaho Falls, Idaho; said Post-Register being a consolidation of the Idaho Falls Times, established in the year 1890, The Idaho Register, established in the year 1880 and the Idaho Falls Post, established in 1903, such consolidation being made on the 1st day of November, 1931, and each of said newspapers having been published continuously and uninterruptedly, prior to consolidation, for more than seventy-eighty (78) weeks and said Post-Register having been published continuously and uninterruptedly from the date of such consolidation, up to and including the last publication of notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post-Register for 2 issues ~~consecutive weeks~~, first publication having been made on the 28th day of August, 19 69, last publication having been made on the 4th day of September, 19 69, and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

E. F. McDermott

Subscribed and sworn to before me, this 5th day of September, 19 69.

Karl D. Hale
Notary Public

My commission expires April 5th, 19 69

B10, 1M

LEGAL NOTICE

NOTICE OF APPLICATION FOR WATER

Notice is hereby given that The United States of America, acting through the Regional Director, Region 1, Bureau of Reclamation, Box 8008, Boise, Idaho, has on June 16, 1969, applied for permit under application No. 25-7004 to store 90,000 acre feet (except in extraordinary years when the reservoir may capture additional water during the irrigation season) of water from Willow Creek tributary of the Snake River.

The point of diversion is within the NW¼NW¼, Sec. 22, T. 3 N, R. 40 E, B.M., Bonneville County. The stored water will be released at the above outlet facilities and delivered to existing diversions on Willow Creek or Water District No. 36. In addition, water will be delivered by substitution to Willow Creek lands above the reservoir, and to lands in the Salmon Falls area by a new diversion from Milner Reservoir.

Said water is to be used from April 1 to October 31 for irrigation of lands in the Salmon Falls area and in areas not in existing irrigation districts. Also to be irrigated are lands in the Progressive and New Sweden Irrigation Districts and in the Butler Island Canal Company. No tabulation has been made of the lands in these three existing organizations. A tabulation of totals shows the following acreages:

Salmon Falls	64,592
Outside Districts	11,131
Progressive	33,000
New Swden	22,540
Butler Island Canal Co.	1,100
Total	132,363

Any protest against this application must be filed with the Department of Reclamation within ten (10) days from the last date of this notice.

R. KEITH HIGGINSON
State Reclamation Engineer

Pub: August 28, and September 4, 1969.

Bill submitted
9-16-69
K.H.

STATE OF IDAHO

Department of Reclamation

No. 3198

Boise, Idaho, 6-25, 1969.

RECEIVED FROM Bureau of Reclamation $ 100.00

One hundred + no/100 DOLLARS

RETURNED
DEC 08 1992

FOR		
App. Fee	$ 100	00
	$	
	$	
	$	
TOTAL	$ 100	00

E. J. Woods

STATE RECLAMATION DEPARTMENT

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

SEPTEMBER 1, 1985

DEAR PERMIT HOLDER:

ACCORDING TO OUR RECORDS, YOU ARE THE HOLDER OF A WATER PERMIT ON WHICH PROOF OF BENEFICIAL USE OF WATER WAS NOT SUBMITTED BEFORE JULY 1, 1985, WHICH INDICATES YOUR PROJECT IS NOT COMPLETE. THEREFORE, YOU NEED TO BE AWARE OF CHANGES IN IDAHO LAW, EFFECTIVE JULY 1, 1985, WHICH IMPACT ALL WATER PERMITS ISSUED BY THIS DEPARTMENT.

SPECIFICALLY, PURSUANT TO SECTION 42-203D, IDAHO CODE, THE DEPARTMENT MUST REVIEW ALL PERMITS FOR WHICH DEVELOPMENT OF WATER USE WAS NO COMPLETED ON OR BEFORE JULY 1, 1985, TO DETERMINE IF THEY MEET THE NEW REQUIREMENTS OF CHAPTER 2, TITLE 42, IDAHO CODE. RULES AND REGULATIONS GOVERNING THE RE-EVALUATION OF PERMITS ARE NOT YET FINALIZED. HOWEVER, IF YOU COMPLETED THE DEVELOPMENT UNDER YOUR PERMIT BEFORE JULY 1, 1985, YOU SHOULD SUBMIT A PROOF OF BENEFICIAL USE STATEMENT, STATING THAT THE PROJECT WAS COMPLETED BEFORE JULY 1, 1985 SO THAT YOUR PERMIT WILL NOT BE SUBJECT TO THE REVIEW REQUIREMENTS OF SECTION 42-203D, WHICH READS AS FOLLOWS:

> 42-203D. REVIEW OF PERMITS - OPPORTUNITY FOR HEARING. - (1)THE DEPARTMENT SHALL REVIEW ALL PERMITS ISSUED PRIOR TO THE EFFECTIVE DATE [JULY 1, 1985] OF THIS SECTION, EXCEPT TO THE EXTENT A PERMIT HAS BEEN PUT TO BENEFICIAL USE PRIOR TO JULY 1, 1985, TO DETERMINE WHETHER THEY COMPLY WITH THE PROVISIONS OF CHAPTER 2, TITLE 42, IDAHO CODE. IF THE DEPARTMENT FINDS THAT THE PROPOSED USE DOES NOT SATISFY THE CRITERIA OF CHAPTER 2, TITLE 42, IDAHO CODE, THEN THE DEPARTMENT SHALL EITHER CANCEL THE PERMIT OR IMPOSE THE CONDITIONS REQUIRED TO BRING THE PERMIT INTO COMPLIANCE WITH CHAPTER 2, TITLE 42, IDAHO CODE. IF THE DEPARTMENT FINDS THAT THE PERMIT SATISFIES THE CRITERIA ESTABLISHED IN CHAPTER 2, TITLE 42, IDAHO CODE, THEN THE DEPARTMENT SHALL ENTER AN ORDER CONTINUING THE PERMIT. (2)THE DEPARTMENT SHALL PROVIDE AN OPPORTUNITY FOR HEARING IN ACCORDANCE WITH SECTION 42-1701A, IDAHO CODE, AND SECTIONS 67-5209 THROUGH 67-5215, IDAHO CODE, FOR EACH HOLDER OF A PERMIT THAT IS PROPOSED EITHER TO BE CANCELLED OR MADE SUBJECT TO NEW CONDITIONS.

YOU MAY OBTAIN PROOF OF BENEFICIAL USE FORMS FROM THE DEPARTMENT. IF YOU HAVE ANY QUESTIONS, PLEASE LET US KNOW.

SINCERELY,

L. Glen Saxton

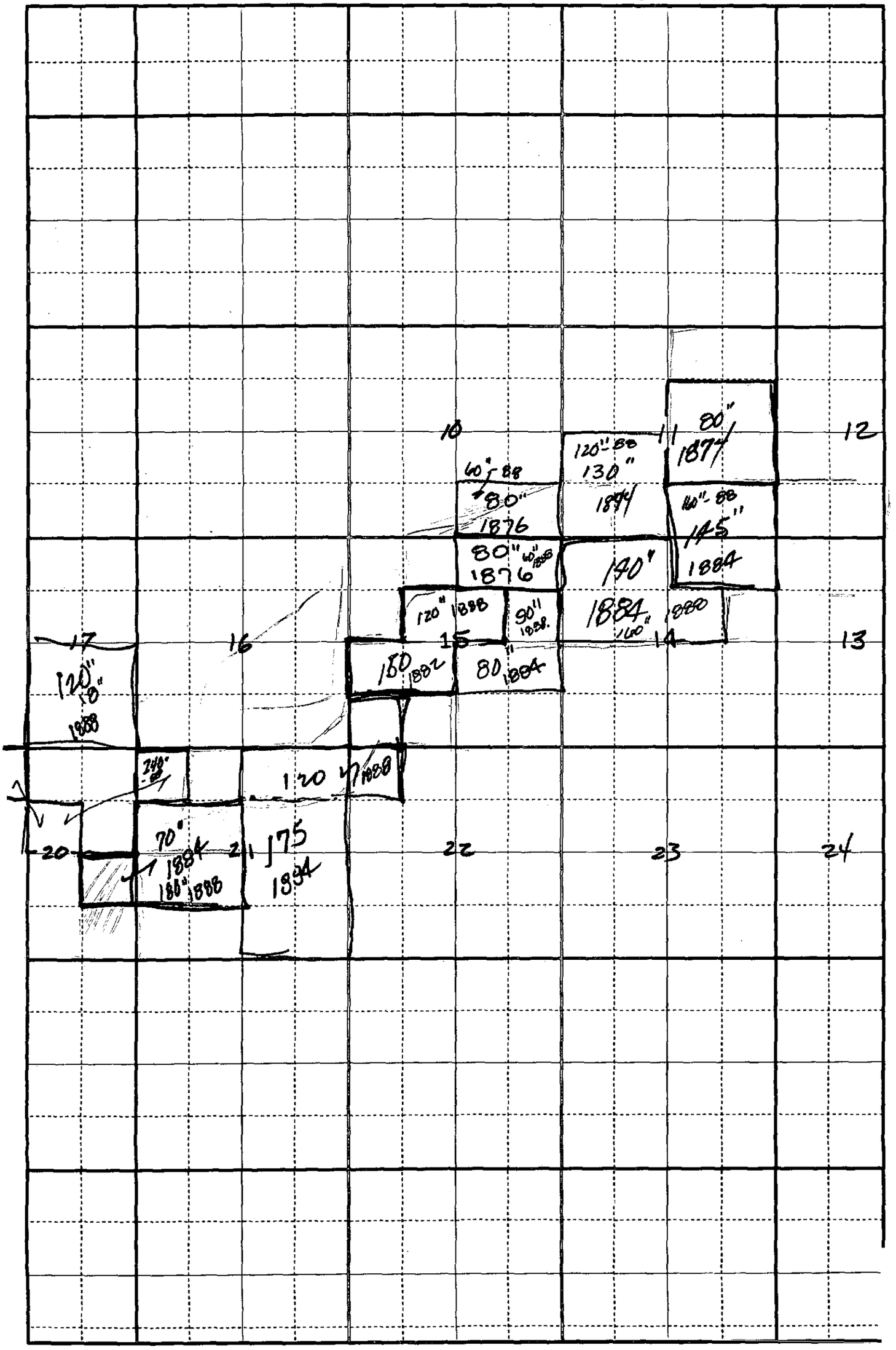
L. GLEN SAXTON
CHIEF, OPERATIONS BUREAU

MICROFILMED
MAR 08 1988

T 3 N R 39 E

NAME OF APPLICANT.....

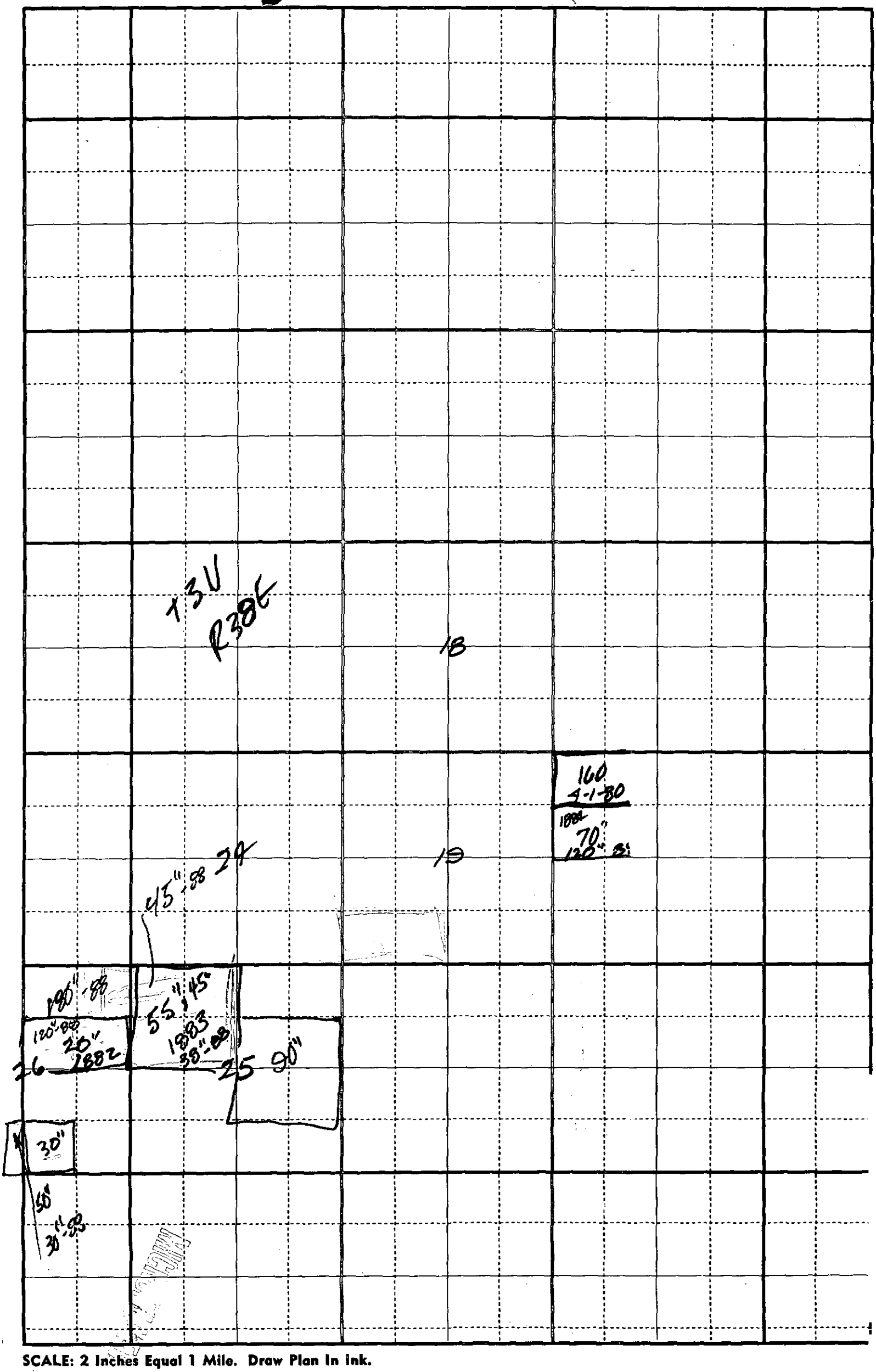
Form No. 0



SCALE: 2 Inches Equal 1 Mile. Draw Plan in Ink.

NAME OF APPLICANT.....

Form No. 0



SCALE: 2 Inches Equal 1 Mile. Draw Plan In ink.

User	Total other than Storage	Other Storage AF/Ac	Proposed allocation Rice	Total acres	AF/A Rice	Total Storage AF/A
New Sweden	81,~~398~~ 938	3.6	4,000	30,500	.11	3.71
Progressive	49,514	1.5	16,000	33,000-	.49	1.99
Butler Island	1,350	1.1	500	~~1800~~ -	.45	1.59
Outside (Rice)	~~22,700~~		22,700	11,131 -	2.01	2.01
Salmon Falls			36,800	64,592 -	.56	.56

DRAFT:RGH:lc
2/27/69

SUPPLEMENTAL WATER USERS IN RIRIE RESERVOIR

New Sweden Irrigation District

The New Sweden Irrigation District consisted of about 22,500 acres served by the Great Western and Porter Canals. Water for an additional 7500 to 8000 acres served by the Martin Canal Company is diverted into and carried by the Great Western Canal to a point where the Martin Canal picks it up. The New Sweden District has natural flow rights amounting to about 700 cfs. Of this total, rights amounting to 170 cfs are of an early enough priority that they have not been cut during the period of operation of Water District 36. The New Sweden District has a right of 400 cfs with a priority date of Jan. 24, 1891. This right has not been cut in about 45% of the years. The district has rights totaling 600 cfs that would be good 20 of 47 years.

The New Sweden District owns storage in Jackson Lake, American Falls and Palisades Reservoirs. The storage in Jackson Lake and American Falls which is a relatively firm supply amounts to 45,588 acre-feet or 2.00 acre-feet per acre of irrigated land. An additional 31,400 acre feet of space in Palisades is owned by the district. Individuals in the New Sweden District contracted for 4950 acre feet of Palisades storage through the Palisades Water Users Inc. The total storage holdings of the New Sweden Irrigation District is 81,938 acre-feet or 3.6 acre-feet per acre.

In summary the New Sweden District has natural flow rights amounting to 0.38 miners inches per acre that have not been cut and an additional 0.96 miners inches per acre that are good about 45% of the time. The maximum amount of stored water used by the New Sweden District since Palisades became operational occurred in 1960 and amounted to 75,000 acre feet or 3.3 acre-feet. The maximum per acre diversion between

1930 and 1967 occurred in 1962 and amounted to 9.0 acre feet per acre. The minimum occurred in 1931 and amounted to 4.5 acre-feet per acre.

Progressive Irrigation

This district consists of 33,000 acres irrigated by the Anderson and Eagle Rock canals. The district has natural flow rights amounting to 1100 cfs. Five hundred cfs of this right have not been cut, A right for an additional 300 cfs with an April 15, 1889 priority date has been cut only 4 times in 48 years, twice late in the irrigation season when demand would be fairly low. The Progressive Irrigation also has natural flow rights in Willow Creek. It has not been possible to determine the extent or the dependability of these rights.

The Progressive owns storage in Jackson Lake, American Falls and Palisades Reservoirs. Their holdings in Jackson Lake and American Falls amount to 19,694 acre-feet. The district owns 28,500 acre-feet of Palisades storage. Individual in the Progressive District own 1320 acre-feet in Palisades through the Palisades Water Users, Inc. The total space holdings of the Progressive District is 49,514 acre-feet or 1.5 acre-feet per acre.

In summary, the Progressive Irrigation District has natural flow rights amounting to about 1.22 miners inches per acre that are relatively dependable rights. The maximum amount of stored water used by the Progressive since Palisades became operation occurred in 1960 and amounted to 1.40 acre-feet per acre. The maximum per acre diversion by the Progressive occurred in 1960 and was 8.9 acre-feet per acre. The minimum amount occurred in 1945 and was 5.5 acre-feet per acre.

Butler Island Canal Company

Approximately 1200 acres of land are irrigated by the Butler Island canal. The canal has natural flow rights for 52.74 cfs. Of

this total, 42.74 with a June 1, 1885, priority date have never been cut off.

The Butler Island Canal Company owns 250 acre-feet of storage in Palisades Reservoir, That is the only storage owned by the company. One member of the company owns 1100 acre-feet of Palisades space purchased through the Palisades Water Users, Inc. According to Henry Eagle, District 36 Watermaster, the land this water was purchased for does not have a natural flow right and Palisades is operated as a firm supply, requiring a large carryover. Mr. Eagle did not know how many acres of land were irrigated with this space. This acreage is included in the 1200 acres under the canal.

In summary, the Butler Island Canal Company has natural flow rights amounting 1.78 miners inches per acre that have never been cut. The maximum amount of stored water used by the Butler Island canal since Palisades became operational occurred in 1959 and amounted to nearly 1.0 acre foot per acre. The maximum per acre diversion between 1930 and 1967 occurred in 1934, the year the earliest priority rights were cut. The diversion was 15.3 acre-feet per acre. The minimum diversion occurred in 1954 and was 8.4 acre-feet per acre. This canal has been below 10.0 acre feet per acre 6 times in 38 years.

Jack.

Storage Use

The "critical" water supply period in the Upper Snake since Palisades Reservoir became operational occurred in period of 1960-61. Going into the 1960 irrigation season both the Progressive Irrigation District and the New Sweden Irrigation District had 100% of their storage space filled. Water requirements in the area for 1960 season were slightly below average. Even so both districts went on stored water in May. The New Sweden diverted practically as much water in June as in July using some 16,000 acre feet of stored water in doing so. The diversions of the Progressive district in 1960 were the highest on record even though the irrigation requirements were below average. Both districts

what is avg.? How much below?

used all or nearly all of their storage allotments.

In 1961 the Progressive had 84% of its space filled, and the New Seden had 68% of its space filled. The Progressive had 20% of its storage allotment left at the end of the 1961 irrigation season. The New Sweden District diverted more water in June of 1961 than in July. The June diversions included about 7500 acre-feet of stored water.

If it can be argued that "shortages" did occur in the 1960-61 period, it can also be argued that poor management of storage space was responsible for it.

Conclusions

The New Sweden Irrigation District has a firm, dependable annual supply of 4.3 acre-feet per acre. Total natural flow and storage rights available are 13.1 acre-feet per acre. The New Sweden Irrigation District should have no trouble meeting the requirements of the farmers with its present supply.

The Progressive Irrigation District has a firm, dependable annual supply of 8.0 acre-feet per acre. Total natural flow and storage rights available are 11.6 acre-feet per acre plus water rights in Willow Creek that are not accounted for. The Progressive Irrigation District should have absolutely no trouble meeting demands of the farmers with proper management.

The Butler Island Canal Company has a firm dependable annual supply of 10.8 acre-feet per acre. Total natural flow and storage rights available to the Butler Island Canal amount to 14.6 acre-feet per acre. The Bulter Island Canal Company is capable of serving its lands without any trouble.

WATER RIGHTS from Willow and Sand Creek which are appurtenant to Progressive ~~Irrigation~~ Dist.

4-1-80	140"	2.8
4-1-81	54"	1.08
4-1-82	215"	4.30
4-1-83	755"	15.10
4-1-84	1469"	29.38
4-1-85	2122"	42.44
11-1-85	75"	1.50
4-1-86	1384"	27.68
4-1-88	80"	1.60
5-1-88	994/"	19.82
	~~15,235"~~	324.10 x 1.9835 = 644.04 AF
	16 235	

Butler Island — 250

Mary E. Hubbard Rte 2 Rigby has 1100 acre ft to be diverted through Butler Island.

Progressive	49/94 +	Jess Hammpreys	350	2+ I.F.
		Verl Virgin	350	R.2 I.F
		Jane Thompson ed.	600	I.F R2
		Charles Larson	20	I.F R2

Ruck palisades water users

Corp shows average yield 27000 acre feet.

Hydrology

Design Memo No. 1

Hydrology -

Design Memo - 5

General Design Memo.

New Sweden (cont)
Loydd Stolworthy I.F.

200
~~200~~
3400

Progressive — 2870 acre-feet
New Sweden — 3400 acre-feet
Bother Island — 1100 acre-feet

MICROFILMED

12185
7209
2707
4676

all killed
1907

Jackson 342-2711

SALMON FALLS	(64,592)	
OUTSIDE DISTRICTS	(11,131)	
Progressive	33,000	~~46769 acft~~ 48194
New Sweden	22,540	76,988
Butler Island	1,100	~~228250~~

GREAT WESTERN CANAL

~~SYDNEY~~ Parker

2334.

660. cfs.
50 | 33040
30
30

451
5 | 22540
20
25
25
4

360 days
800
288,000

288000
48194
336,194

Progressive — to April 15 ... 800 sec ft. Snake River

Aug 1	1880	160 cfs.
Apr 3.	1880	340
Apr 15	1889	300 cfs
Jan 22,	1916	300 cfs.

Butler Island. — June 1 1883 — 42.74 cfs.
Jan 22, 1916 — 10.

Power & Irrigation. ... to July 10, 1889 — 209 cfs.
total 851.82 May 1 1922
834.82 to Nov 15, 1919.

RECEIVED

Palisades Water users with Storage in Palisades delivered under the following Canals.

Progressive		
Jesse R. Humphreys	Rte 2. I.F.	350
Charles M Larson	I.F. Rte 2	20
Jane Thompson Estate	Rte 2 I.F.	600
Verl Virgin	Rte 2 I.F.	350
Marsden Williams	1300 Jefferson Idaho Falls	1,550
		2870
New Sweden		
Brinkman Farms	Rte 5 I.F.	300 ac-ft.
C.W. Burke	Rte 5 I.F.	1550 ac-ft.
Andrus, Ray B.	Rte 5 I.F.	15 ac-ft.
Donald J Cook	Rte 5. I.F.	540
A. N. Isom	Rte 5. I.F.	15
~~Rutherford~~		3320
Joseph Nishioka	I.F. Rte 2	230
Morland Larson	I.F. Rte 2.	150
E.A. Stalworthy	611 11th St. I.F.	200
Gerald Stalworthy	I.F.	200
		3200
Rutherford		
Mary E. Hubbard	Rte 2, Rigby	1100
		1100

TITLE OF CASE: Eagle Rock and Willow Cr. Water Co., et al
vs.
Henry W. Kiefer, et al

SOURCE Willow Cr. and Sand Cr. PAGE 1
WATER DIST. 16 COUNTY Bingham
JUDICAL DIST. 5th JUDGE Joseph C. Rich
DATE OF DEGREE 7-20-01 RECORDED IN BOOK NO. ___ AT PAGE NO. ___ FILE NO. 16-1

P.N.	D.N.	DECREED OWNER	NAME	PRESENT OWNER	AMT. INCHES ☐ SEC-FT ☐	PRIORTY	DIVERSION SUBDIV.	SEC.	TWR	RG.	REMARKS, LAND TO BE IRRIGATED, ETC.	C.T.
				Trans 566	80							
		Orville Buck		Trans.567	(160)	4-1-74					S½NE¼, N½SE¼, 11-3N-39E	
		Frank Cleverly			130	"					SW¼, 11-3N-39E	
		Abel Cleverly			80	4-1-76					S½SE¼, 10-3N-39E	
		Caroline Heath			80	"					N½NE¼, 15-3N-39E	
		Anderson Bro.'s Bank			140	4-1-80					S½SW¼, 27; N½NW¼, 34-3N-38E	
		Henry W. Kiefer			160	"					NW¼NW¼, 21; N½NW¼, SW¼NE¼ 20-3N-39E	
		H. F. Haskins		Hash Slough	140	"					NE¼NW¼ 21; SW¼NW¼, 21; SE¼NE¼ 20-3N-39E	
		John R. Seedall			160	"					S½SE¼, Sec. 23; S½SW¼, 24; NE¼, 26-3N-38E	
		A. H. Jackson		Trans 280	100 (154)	4-1-81					Transferred from S½SE¼ SE¼, 17-3N-39E	
		Henry Catmull			55	4-1-82					SE¼SW¼, 6; Lot 1, 7-2N-38E	
		Louis Elge, Adm. Jeppa Soelfver Est.			65	"					SW¼NE¼, 5-2N-38E	
		J. D. Evans			35	"					Lot 2, 7-2N-38E	
		Robert Irwin			40	"					S½NW¼, 26; S½NE¼, 26 3N-38E	
		O. S. Lee, Sr.			150	"					N½SW¼, SE¼NW¼, SW¼NE¼, 15-3N-39E	
		John F. Williams			15	"					NE¼NE¼, 12-2N-37E	
		Herman Elijah Palmer			45	"					S½SE¼, 1-2N-37E Lot 7,6-2N-37E "See 86 right 30"	
		Frank W. Beam			120	4-1-83					N½SE¼, SE¼NE¼, 32-3N-38E	
		Thomas Kerr			200	"					SW¼, S½NW¼, 33-3N-38E	
		Charles G. Martin			50	"					160 ac. near cor. of 16-2N-40E	
		Herman Bauman			175	"					NE¼, 33; S½NW¼, N½SW¼, 34-3N-38E	
		Robert W. Bruce			80	"					N½SE¼, 33-3N-38E	

LEGEND P.N. = PRIORTY NUMBER D.N. = DECREE NUMBER C.T. = CUMULATIVE TOTAL

TITLE OF CASE: Eagle Rock & Willow Cr. Water Co., et al vs. Henry W. Kiefer, et al

SOURCE: Willow Cr. & Sand Cr. PAGE:

WATER DIST. 16 COUNTY: Bingham

JUDICAL DIST. 7-20-01 JUDGE: Joseph C. Rich

DATE OF DECREE: RECORDED IN BOOK NO.: AT PAGE NO.: FILE NO. 16-1

P.N.	D.N.	DECREED OWNER NAME PRESENT OWNER	AMT. INCHES SEC. FT.	PRIORTY	DIVERSION SUBDIV.	SEC.	TWP.	RG.	REMARKS, LAND TO BE IRRIGATED, ETC.	C.T.
		Christ Zbindler	80	4-1-83					S½SE¼, 33-3N-38E	
		John Ritchie	55	"					NW¼, 25-3N-38E	
		Mary Christina Ritchie, Admin. Joseph Ritchie, Est	45	"					NW¼, 25-3N-38E	
		Alfred Raiscot	100	"					SE¼NE¼, NE¼SE¼, Lots 1, 2, -5-2N-38E; S½SE¼-32-3N38E	
		R. W. Norton	155	4-1-84					NW¼, 2-2N-38E	
		Andrew A. Anderson	80	"					N½SE¼, 10-2N-38E	
		Axel Anderson	160	"					NE¼, 10-2N-38E	
		Mary & Hyrum S. Mulliner	135	"					NW¼, 11-2N-38E	
		Lee Norton	134	"					SE¼, 3-2N-38E	
		Joseph S. Mulliner	160	"					SW¼, 2-2N-38E	
		J. Davis (or Davies) Sr.	140	"					NW¼, SW¼NE¼, 14-3N-39E	
		James Buck	145	"					S½SE¼ 11; N½NE¼, 14-3N-39E	
		Mrs. Mary C. Mann	80	"					N½SE¼, SE¼NE¼, 15-3N-39E	
		S. L. Cox	120	"					NW¼, 23-2N-38E	
		H. F. Haskins	70	"					SE¼NW¼, SW¼NW¼, NW¼SW¼, 21; NE¼SE¼, 20-3N-39E	
		Alfred Rasicot	100	"					SE¼NE¼, NE¼SE¼, Lots 1, 2 -5, 2N-38E; S½SE¼, 32-3N-38E	
		Joseph Tolley	70	"					NW¼, 20-3N-39E	
		Rasmus Nelson	175	"					E½, 21-2N-38E (all but W²SE¹ in Dist.	
		Robert Irwin	60	"					S½NW¼, S½NE¼, 26-3N-38E	
		James Irwin	100	"					SW¼, Sec. 26; E½SE¼, 27 E½NE¼, 34-3N-38E 4-1-86 right 100"	
		J. H. Robertson	100	"					W½SE¼, 27; W½NE¼, 34-3N-38E	

LEGEND P.N. = PRIORTY NUMBER D.N. = DECREE NUMBER C.T. = CUMULATIVE TOTAL

TITLE OF CASE: Eagle Rock and Willow Cr. Water Co., et al vs. Henry W. Kiefer, et al

SOURCE: Willow Cr. & Sand Cr. PAGE: 3

WATER DIST.: 16 COUNTY: Bingham

JUDICAL DIST.: 5th JUDGE: Joseph C. Rich

DATE OF DECREE: 7-20-01 RECORDED IN BOOK NO. ___ AT PAGE NO. ___ FILE NO. 16-1

P.N.	D.N.	DECREED OWNER NAME PRESENT OWNER	AMT. INCHES SEC. FT.	PRIORTY	DIVERSION SUBDIV.	SEC.	TWR	RG.	REMARKS, LAND TO BE IRRIGATED, ETC.	C.T.
		J. F. Hash	150	4-1-84					SW¼, 32-3N-38E	
		C. J. Owens	200	4-1-85					E½SW¼, W½SE¼ 6; NE¼, 7-2N-39E. See 4-1-86 p. 4	
		H. L. Hansen	160	"					NW¼, 13-2N-38E	
		Edward W. Safstrom	160	"					N½, 15-2N-38E	
		W. C. Olsen	160	"					NW¼, SW¼NE¼, 6-2N-39E - 1886 right P. 4 NE¼, 6-2N-39E 1888 " P. 6	
		David W. Clark	120	"					N½SW¼SW¼, 11-2N-38E	
		John P. Kelley	40	"					SE¼SW¼, 11-2N-38E	
		George P. Ward	160	"					E½SW¼, W½SE¼ 7-2N-39E See 4-1-86 right	
		J. F. Norton Trans. 260	(0) 160	"					S½SE¼, 15-2N-38E	
		Edward Cox	50	"					SW¼, 10-2N-38E	
		L. M. Clifford	50	"					SE¼, 9-2N-38E	
		Mrs. Christina Forbush	160	"					E½SW¼, Lots 3,4-30-3N-39E	
		J. A. Senter	140	"					SW¼, 27; SE¼, 28-2N-38E out	
		John Peterson	75	"					SW¼, 15; NW¼ 22-2N-38E	
		Adam Smith	120	"					SW¼, 32-3N-38E	
		Joseph Tolley	70	"					NW¼, 20-3N-39E	
		Harvey Dahlstrom	25	"					E½SW¼, Lots 3,4-31-3N-39E	
		J. H. Dahlstrom	25	"					Lots 1, 2, E½NW¼, 31-3N-39E	
		J. H. Payne	157	"					NW¼, 9-2N-38E	
		Robert Livingstone	100	"					No description	
		William H. Price	75	11-1-85					SE¼-35-3N-38E; S½NE¼, 25-3N-38E	

LEGEND P.N. = PRIORTY NUMBER D.N. = DECREE NUMBER C.T. = CUMULATIVE TOTAL

TITLE OF CASE: Eagle Rock and Willow Cr. Water Co., et al
vs.
Henry W. Kiefer, et al

SOURCE: Willow Cr. & Sand Cr. PAGE:
WATER DIST.: 16 COUNTY: Bingham
JUDICAL DIST.: 5th JUDGE: Joseph C. Rich
DATE OF DECREE: RECORDED IN BOOK NO.: AT PAGE NO.: FILE NO. 16-1

P.N.	D.N.	DECREED OWNER NAME PRESENT OWNER	AMT. INCHES SECOND FEET	PRIORTY	DIVERSION SUBDIV.	SEC.	TWR	RG.	REMARKS, LAND TO BE IRRIGATED, ETC.	C.T.
		Alick Robbie	60	4-1-86					S½NW¼, 20-2N-38E	
		~~Hyrum Frew~~	160	"					N½NE¼, N½NW¼, 32-3N-38E	
		John Chaffin Trans 20	0 (45)	"					Part NW¼, 14-2N-38E	
		Gus Johnson	60	"					Part NW¼, 14-2N-38E	
		S. A. Norton Trans 20	0 (55)	"					Part NW¼, 14-2N-38E 55 acres (same land - See J. A. Denning below)	
		J. H. Denning	160	"					S½SE¼, 13; N½NE¼, 24-2N-38E	
		James Jennings	22	"					N½NE¼, NE¼NW¼, Lot 1, Sec. 19-2N-39E	
		John T. Heath	22	"					NE¼SE¼ 24, 2N-38E; Lot 3, NE¼SW¼, NW¼SE¼, 19-2N-39E	
		William Grow	22	"					SE¼, 35-2N-38E	
		Andrew C. Anderson	22	"					SW¼, 2-1N-38E	
		Rasmus Hoff	26	"					W½NE¼, E½NW¼, Lot 2, Sec. 18-2N-39E	
		W. C. Kelly	21	"					SE¼NE¼, 24-2N-38E; Lot 2, SE¼NW¼, SW¼NE¼, 19-2N-39E	
		C. Anderson	19	"					SW¼NE¼, N½NW¼SE¼, 25-2N-38E	
		C. Forbush	21	"					E½SW¼, Lots 3,4, 30-3N-39E	
		J. H. Dahlstrom	21	"					Lots 1,2, E½NW¼, 31-3N-39E See 1885 right 25"	
		Harvey Dahlstrom	21	"					E½SW¼, Lots 3,4 - 31-3N-39E " " " 25"	
		W. C. Olsen	21	"					NW¼, SW¼NE¼, 6-2N-39E " 5-1-88 NE¼, 6-2N-39E " 4-1-85	
		C. J. Owens	42	"					E½SW¼, W½SE¼, 6; NE¼, 7-2n-39E (See 4-1-85 - 4-1-88 160" 4-1-85	
		G. P. Ward Court Order Trans.	0 (21)	"					E½SW¼, W½SE¼, 7; 2N-39E - 120" 5-1-88	
		Henry Denning	42	"					NE¼, 12; E½E½SW¼, Sec. 13; SE¼NW¼, SW¼NE¼, N½NE¼, SW¼, N½NW¼SE¼, 13-2N-38E	
		J. A. Denning	21	"					S½SE¼, 13; N½NE¼ 24-2N-38E -same land-See J. H. Denning	

LEGEND P.N. = PRIORTY NUMBER D.N. = DECREE NUMBER C.T. = CUMULATIVE TOTAL

TITLE OF CASE: Eagle Rock & Willow Cr. Water Co., et al vs. Henry W. Kiefer, et al

SOURCE Willow Cr. & Sand Cr. PAGE 7

WATER DIST. 16 COUNTY Bingham

JUDICAL DIST. 5th JUDGE Joseph C. Rich

DATE OF DECREE 7-20-01 RECORDED IN BOOK NO. ___ AT PAGE NO. ___ FILE NO. 16-1

P.N.	D.N.	DECREED OWNER NAME PRESENT OWNER	AMT. INCHES SECOND FEET	PRIORTY	DIVERSION SUBDIV.	SEC.	TWP.	RG.	REMARKS, LAND TO BE IRRIGATED, ETC.	C.T.
		Ephraim Denning	22	4-1-86					SE¼SW¼, SW¼SE¼, 24; NE¼NW¼, NW¼NE¼-25-2N-38E	
		Miller Kenton	22	"					SE¼SE¼, 24; NE¼NE¼ 25-2N-38E Lot 4, 19; Lot 1, 30-2N-39E	
		George Eastman	11	"					W½SE¼ 18-2N-39E	
		Gid Oram	21	"					E½SW¼, Lots 3, 4 - 18-2N-39E	
		H. N. Owen	22	"					S½NW¼, N½SW¼. 25-2N-38E	
		John Empey	22	"					NE¼, 35-2N-38E	
		A. M. Rawson	22	"					SE¼, 26-2N-38E	
		F. J. Fowers	22	"					Lots 1, 2, S½NE¼ - 2-1N-38E	
		Joseph Anderson	22	"					Lots 3, 4, S½NW¼, 1-1N-38E	
		James Irwin	100	"					E½SE¼,27; E½NE¼,34-3N-38E; SW¼, 26-3N-38E	
		William Clark	175	"					NE¼, E½SE¼, 14-2N-38E	
		Amanda Anderson, Adm. Martin Anderson, est.	120	"					SW¼SW¼, 25; S½SE¼, NW¼SE¼, 26-3N-38E (S½SE¼ and)	
		Herman Elijah Palmer	30	"					S½SE¼, 1-2N-37E; Lot 7, 6-2N-37E. See "82" right 45	
		John F. Williams	10	"					NE¼NE¼, 12-2N-37E	
		Mary L. & W. H. Holden	60	"					E½SE¼, 6-2N-38E	
		William H. Price	90	"					S½NE¼, 86 ac. in SE¼, 25-3N-38E. See 11-1-85 right	
		Rhoda Price	70	"					75 ac. in SE¼, 25-3N-38E	
		J. Davis, Jr. (or Davies)	70	4-1-87					SW¼SW¼, 15; NW¼NW¼, 22; N½NE¼, 21-3N-39E	
		Casper Sauer	90	4-1-88					N½SE¼, SE¼SE¼, 7-2N-38E	
		Anna Dick	80	"					Lots 3, 4 - 5-2N-38E	
		Frank W. Beam	120	5-1-88					N½SE¼, SE¼NE¼, 32-3N-38E	

LEGEND P.N. = PRIORTY NUMBER D.N. = DECREE NUMBER C.T. = CUMULATIVE TOTAL

TITLE OF CASE: Eagle Rock & Willow Cr. Water Co., et al vs. Henry W. Kiefer, et al

SOURCE: Willow Cr. & Sand Cr. PAGE: 6

WATER DIST.: 16 COUNTY: Bingham

JUDICAL DIST.: 5th JUDGE: Joseph C. Rich

DATE OF DECREE: 7-20-01 RECORDED IN BOOK NO. ____ AT PAGE NO. ____ FILE NO. 16-1

P.N.	D.N.	DECREED OWNER NAME PRESENT OWNER	AMT. INCHES SEC. FT.	PRIORTY	DIVERSION SUBDIV.	SEC.	TWP	RG.	REMARKS, LAND TO BE IRRIGATED, ETC.	C.T.
		Hyrum Frew	120	5-1-88					N½NE¼, N½NW¼, 32-3N-38E	
		R. W. Norton	120	"					NW¼, 2-2N-38E	
		Axel Anderson	120	"					NE¼, 10-2N-38E	
		C. J. Owens	240	"					E½SW¼, W½SE¼ 6- NE¼, 7-2N-39E	
		H. L. Hansen	120	"					NW¼, 13-2N-38E	
		Joseph B. Mulliner	120	"					SW¼, 2-2N-38E	
		W. C. Olsen	160	"					NE¼, 6-2N-39E; NW¼, 6-SW¼NE¼ , 6-2N-39E	
		John P. Kelley	30	"					SE¼SW¼, 11-2N-38E	
		J. F. Norton	120	"					S½SE¼, 15-2N-38E	
		Gus Johnson	45	"					Part NW¼, 14-2N-38E	
		J. H. Denning	120	"					S½SE¼, 13; N½NE¼, 24-2N-38E. same land -see J. A. Denning	
		John T. Heath	120	"					NE¼SE¼,24; Lot 3, NE¼SW¼, NW¼SW¼ 19-2N-39E	
		Andrew C. Anderson	120	"					SW¼, 2-1N-38E	
		W. C. Kelley	120	"					SE¼NE¼, 24-2N-38E.; Lot 2, SE¼NW¼, SW¼NE¼, 19 2N-39E	
		Henry Denning	240	"					NE¼, 12; E½E½SW,13; SE¼NW¼, SW¼NE¼, N½NE¼SW¼, N½NW¼SE¼, 13-2N-38E	
		Ephriam Denning	120	"					SE¼SW¼, SW¼SE¼ 24; NE¼NW¼, NW¼NE¼, 25-2N-38E	
		George Eastman	60	"					W½SE¼ 18-2N-39E	
		H. N. Owen	120	"					S½NW¼, N½SW¼, 25-2N-38E	
		A. M. Rawson	120	"					SE¼, 26-2N-38E	
		Joseph Anderson	120	"					Lots 3,4, S½NW¼ -1-1N-38E	
		Orville Buck	120	"					S½NE¼, N½SE¼, 11-3[illegible]-39E	

LEGEND P.N. = PRIORTY NUMBER D.N. = DECREE NUMBER C.T. = CUMULATIVE TOTAL

TITLE OF CASE: Eagle Rock & Willow Cr. Water Co., et al vs. Henry W. Kiefer, et al

SOURCE: Willow Cr. & Sand Cr. PAGE: 1

WATER DIST.: 16 COUNTY: Bingham

JUDICAL DIST.: 5th JUDGE: Joseph C. Rich

DATE OF DECREE: 7-20-01 RECORDED IN BOOK NO. ____ AT PAGE NO. ____ FILE NO. 16-1

P.N.	D.N.	DECREED OWNER NAME PRESENT OWNER	AMT. INCHES 1/50 CFS	PRIORTY	DIVERSION SUBDIV.	SEC.	TWR	RG.	REMARKS, LAND TO BE IRRIGATED, ETC.	C.T.
		Caroline Heath	60	5-1-88					N½NE¼, 15-3N-39E	
		O. S. Lee, Sr.	120	"					N½SW¼, SE¼NW¼, SW¼NE¼, 15-3N-39E	
		J. Davis, Sr. (or Davies)	160	"					NW¼, SW¼NE¼, 14-3N-39E	
		Mrs. Mary C. Mann	90	"					N½SE¼, SE¼NE¼, 15-3N-39E	
		Edward Cox	120	"					SW¼, 10-2N-38E	
		Mrs.Christina Forbush	120	"					E½SW¼, Lots 3,4 - 30-3N-39E	
		J. Davis (or Davies) Jr.	120	"					SW¼SW¼ 15; NW¼NW¼ 22; N½NE¼, 21-3N-39E	
		John Peterson	180	"					SW¼, 15; NW¼ 22; 2N-38E	
		H. F. Haskins	180	"					E½NW¼, SW¼NW¼, NW¼SW¼ 21; SE¼NE¼, NE¼SE¼ 20 -3N-39 E.	
		Robert W. Bruce	60	"					N½SE¼, 33-3N-38E	
		Adam Smith	120	"					SW¼, 32-3N-38E	
		A. H. Jackson Trans 280	18 (120)	"					SE¼, 17-3N-39E. Trans. from S½SE¼	
		Mary Christen Ritchie, Admin. Joseph Ritchie Est.	38	"					NW¼ 25-3N-38E.	
		Joseph Tolley (or John F.)	120	"					NW¼, 20-3N-39E	
		Alick Robbie	60	"					S½NW¼ 20-2N-38E	
		Thomas Kerr	150	"					SW¼, S½NW¼, 33-3N-38 E.	
		Andrew A. Anderson	60	"					N½SE¼, 10-2N-38E	
		Hyrum S. & Mary Mulliner	120	"					NW¼, 11-2N-38E	
		Lee Norton	120	"					SE¼, 3-2N-38E	
		Edward W. Safstrom	240	"					N½, 15-2n-38E	
		David W. Clark	90	"					N½SW¼SW¼, 11-2N-38E	

LEGEND P.N. = PRIORTY NUMBER D.N. = DECREE NUMBER C.T. = CUMULATIVE TOTAL

TITLE OF CASE: Eagle Rock & Willow Cr. Water Co., et al vs. Henry W. Kiefer, et al

SOURCE: Willow Cr. & Sand Cr. PAGE:

WATER DIST. 16 COUNTY: Bingham

JUDICAL DIST. 5th JUDGE: Joseph C. Rich

DATE OF DECREE 7-20-01 RECORDED IN BOOK NO.: AT PAGE NO.: FILE NO. ~~16-1~~

P.N.	D.N.	DECREED OWNER / NAME / PRESENT OWNER	AMT. INCHES / SEC. FT.	PRIORTY	DIVERSION SUBDIV.	SEC.	TWP	RG.	REMARKS, LAND TO BE IRRIGATED, ETC.	C.T.
		George P. Ward	120	5-1-88					E½SW¼, W½SE¼, 7-2N-39E	
		John Chaffin	33	"					Part NW¼, 14-2N-38E	
		S. A. NORTON	42	"					Part NW¼ 14-2N-38E 55 acres	
		James Jenning	120	"					N½NE¼ NE¼NW¼, Lot 1, Sec. 19-2N-39E	
		William Grow	120	"					SE¼, 35-2N-38E NW¼, 34-2N-38E	
		Rasmus Hoff	160	"					W½NE¼, E½NW¼, Lot 2, Sec. 18-2N-39E	
		C. Anderson	105	"					SW¼NE¼, N½NW¼SE¼ 25-2N-38E	
		J. A. Danning	120	"					S½SE¼, 13; N½NE¼, 24-2N-38E -Same land-See J. H. Denning SE¼SE¼, 24; NE¼NE¼, 25-2N-38E	
		Miller Kenton	120	"					Lot 4, 19; Lot 1, 30-2N-39E	
		Gid Oram	120	"					Lots 3, 4, E½SW¼, 18-2N-39E	
		John Empey	120	"					NE¼, 35-2N-38E	
		F. J. Fowers	120	"					Lots 1, 2, S½NE¼, 2-1N-38E	
		Frank Cleverly	120	"					SW¼, 11-3N-39E	
		Abel Cleverly	60	"					S½SE¼, 10-3N-39E	
		Charles G. Martin	120	"					160 ac. near cor. of 16-2N-40E	
		James Buck	160	"					S½SE¼, 11-N½NE¼, 14-3N-39E	
		S. L. Cox	120	"					NW¼, 23-2N-38E	
		L. M. Clifford	120	"					SE¼, 9-2N-38E	
		J. A. Senter	240	"					SW¼, 27; SE¼, 28-2N-38E	
		Henry W. Kiefer	240	"					NW¼NW¼, 21; N½NW¼, SW¼NE¼, 20-3N-39E	
		Herman Bauman	180	"					NE¼, 33; S½NW¼, N½SW¼, 34-3N-38E	

LEGEND P.N. = PRIORTY NUMBER D.N. = DECREE NUMBER C.T. = CUMULATIVE TOTAL

TITLE OF CASE: Eagle Rock & Willow Cr. Water Co., et al
vs.
Henry W. Kiefer, et al

SOURCE: Willow Cr. & Sand Cr. PAGE:
WATER DIST.: 16 COUNTY: Bingham
JUDICAL DIST.: 5th JUDGE: Joseph C. Rich
DATE OF DECREE: 7-20-01 RECORDED IN BOOK NO.: AT PAGE NO.: FILE NO.: 16-1

P.N.	D.N.	DECREED OWNER NAME PRESENT OWNER	AMT. INCHES SEC. FT.	PRIORTY	DIVERSION SUBDIV.	SEC.	TWP.	RG.	REMARKS, LAND TO BE IRRIGATED, ETC.	C.T.
		Christ Zbendler (or Zbinden)	60	5-1-88					S½SE¼, 33 - 3N-38E	
		John R. Seedall	180	"					S½SE¼, 23; S½SW¼ 24; NE¼, 26-3N-38E	
		John Ritchie	45	"					NW¼, 25-3N-38E	
		Alfred Rasicot	165	"					SE¼NE¼, NE¼SE¼, Lots 1,2 - 5 - 2N-38E S½SE¼, 32-3N-38E	
		Harvey Dahlstrom	120	"					Lots 3, 4, E½SW¼, 31-3N-39E	
		J. H. Dahlstrom	120	"					Lots 1, 2, E½NW¼ 31-3N-39E	
		Robert Irwin	120	"					S½NW¼, S½NE¼, 26-3N-38E	
		William Clark	180	"					NE¼, E½SE¼ 14-2N-38E	
		Amanda Anderson, Admin Martin Anderson, Est.	90	"					SW¼SW¼ 25; S½SE¼, NW¼SE¼ 26-3N-38E (S½SE¼ & NW¼SE¼ 26 omit)	
		Herman Elijah Palmer	90	"					S½SE¼, 1-2N-37E-Lot 7, 6-2N-37E	
		J. D. Evans	28	"					Lot 2, 7-2N-38E	
		Robert Livingstone	120	"					No description	
		J. F. M. Hash	120	"					SW¼, 32-3N-38E	
		Mary L. & W. H. Holden	60	"					E½SE¼, 6-2N-38E	
		Anna Dick	240	"					Lots 3, 4 - 5-2N-38E SE¼, 35-3N-38E	
		William H. Price	125	"					86 ac. SE¼, 25-S½NE¼, 25-3N-38E	
		Henry Catmull	56	"					SE¼SW¼ 6; Lot 1, 7-2N-38E	
		Wallace E. Ramsey	120	"					NW¼, 10-2N-38E	
		I. D. Cooper	240	"					SW¼, 19-3N-38E; NE¼, 19-3N-38E (N 2 NE omit)	
		Robert Fife	120	"					SW¼, 13-2N-38E	
		A. W. Beach	60	"					S½SE¼, 34-3N-38E	

LEGEND P.N. = PRIORTY NUMBER D.N. = DECREE NUMBER C.T. = CUMULATIVE TOTAL

TITLE OF CASE: Eagle Rock & Willow Cr. Water Co., et al vs. Henry W. Kiefer, etal

SOURCE: Willow Cr. & Sand Creek | PAGE: 10

WATER DIST.: 16 | COUNTY: Bingham

JUDICAL DIST.: 5th | JUDGE: Joseph C. Rich

DATE OF DECREE: 7-20-01 | RECORDED IN BOOK NO. ____ AT PAGE NO. ____ | FILE NO. 16-1

P.N.	D.N.	DECREED OWNER NAME PRESENT OWNER	AMT. INCHES / SEC. FT.	PRIORTY	DIVERSION SUBDIV.	SEC.	TWP.	RG.	REMARKS, LAND TO BE IRRIGATED, ETC.	C.T.
		Charles Longhurst	60	5-1-88					Pts. E½NE¼, S½SW¼NE¼, 11-2N-38E	
		James E. Steele	120	"					W½NE¼, E½NW¼, 1-2N-38E	
		James E. Steele, Trustee Iona Townsite	120	"					SE¼, 1-2N-38E	
		William G. Steele	90	"					Lots 6,7 - 6-2N-39E; E½NE¼, 1-2N-38E	
		Frank Herbert	120	"					S½SW¼, 1-2N-38E	
		C. H. Dayton	120	"					NE¼, 30-3N-39E	
		T. Gudmunsen(or I)	30	"					SE¼SW¼, 26-3N-38E	
		Rasmus Nelson	240	"					E½, 21-2N-38E (W2SE out)	
		James Irwin	240	5-1-88					E½SE¼ 27; SW¼ 26; E½NE¼ 34-3N-38E	
		J. H. Robertson	120	"					W½SE¼ 27; W½NE¼ 34-3N-38E	
		J. H. Payne	180	"					NW¼ 9-2N-38E	
		John F. Williams	30	"					NE¼NE¼, 12-2N-37E	
		Louis Elge, Admin Jeppa Soelver Est	120						SW¼NE¼ 5-2N-38E	
		Casper Sauer	90	"					N½SE¼, SE¼SE¼, 7-2N-38E	
		Rhoda Price	55	"					75 ac. SE¼, 25-3N-38E	
		Anderson's Bros. Bank	105	"					S½SW¼, 27; N½NW¼ 34-3N-38E	
		Peter J. Lindahl	180	"					E½NW¼, W½NE¼, Lots 1,2 - 18-2N-39E	
		Squire G. Crowley	145	"					E½NW¼, Lots 1,2, NW¼SE¼ 30-3N-39E 170 ac.	
		Joseph Higham	90	"					N½SE¼, 34 + 40 ac. on East 3N-38E	
		S. Forbush	90	"					University land 120 ac. 35-2N-38E	
		L. N. Mattson	60	"					Part NE¼, 11-2N-38E	

LEGEND P.N. = PRIORTY NUMBER D.N. = DECREE NUMBER C.T. = CUMULATIVE TOTAL

TITLE OF CASE: Eagle Rock & Willow Cr. Water Co., et al vs. Henry W. Kiefer, et al

SOURCE: Willow Cr. and Sand Cr. PAGE: 11

WATER DIST.: 16 COUNTY: Bingham

JUDICAL DIST.: 5th JUDGE: Joseph C. Rich

DATE OF DECREE: 7-20-01 RECORDED IN BOOK NO. ____ AT PAGE NO. ____ FILE NO. 16-1

P.N.	D.N.	DECREED OWNER NAME PRESENT OWNER	AMT. INCHES SEC. FT.	PRIORTY	DIVERSION SUBDIV.	SEC.	TWR	RG.	REMARKS, LAND TO BE IRRIGATED, ETC.	C.T.
		A. E. Stanger	90	5-1-88					Lots 1, 2 - 2-2N-38E; SE¼SE¼, 35-3N-38E	
		James C. Carter	30	"					SW¼NE¼, 2-2N-38E	
		Lovina J. Hansen	60	"					E½SE¼ 2, 2N-38E	
		W. J. Rushton	60	"					N½SW¼, 1-2N-38E	
		Ole Olsen	120	"					NW¼, 7-2N-39E	
		Eagle Rock & Willow Cr. Water Co.	4000	5-1-89						
		Idaho Canal Co.	8000	5-1-89						

I F ... F N ... P = PRIORITY NUMBER D.N. = DECREE NUMBER C.T. = CUMULATIVE TOTAL

TITLE OF CASE: Progressive Irrigation District vs. Sievers, Watermaster

SOURCE: Willow Cr. & Sand Cr. PAGE: 12

WATER DIST.: 16 COUNTY: Bingham

JUDICAL DIST.: 6th JUDGE: Preston Thatcher

DATE OF DECREE: 7-27-55 RECORDED IN BOOK NO. ____ AT PAGE NO. ____ FILE NO. 16 SD1

P.N.	D.N.	DECREED OWNER	NAME	PRESENT OWNER	AMT. INCHES □ SEC. FT. □	PRIORTY	DIVERSION SUBDIV.	SEC.	TWR	RG.	REMARKS, LAND TO BE IRRIGATED, ETC.	C.T.
		Progressive Irrigation District			100	4-1-02						
			TRANSFERS		Inches							
		W. M. Duncan			21	4-1-86	NE¼NE¼ "	17 "			Pts. NE¼SW¼, SE¼ 8; NE¼NE¼, 17-1S-40E	
		John Chaffin		Trans 20	100	4-1-86					E½, SW¼NW¼, 16-2N-38E	
		Eli T. Simmons		Trans 280	54	4-1-81					N½NE¼ 26-3N. 38E 60 ac.	
		" "		"	102	5-1-88					" " " " "	
		C. O. Holm		Trans 260	160	4-1-85					SW¼, 1-1N-38E	
		William Reed		Trans 566	40	4-1 -74		16	1S	40E	Rogers Ditch W½NW¼, W½SW¼, 10; E½NE¼, E½SE¼ 9-1S-40E	
		" "		Little Poison Cr. #567	40	4-1-74	SENE	13	1S	40 E	E½SW¼, W½SE¼, 19-2S-40E - through Beasley Ditches	
		" "		Ally Lyon's Cr.			SWNE	34	"	"	" " "	
		" "		Mill Creek			SWSW	19	2S	"	" " "	
		" "	" "				E½SW	"	"	"	" " "	

LEGEND P.N. = PRIORTY NUMBER D.N. = DECREE NUMBER C.T. = CUMULATIVE TOTAL

TITLE OF CASE: REXBURG IRRIGATION CO., et al vs. TETON Irrigation Canal Co., et al

SOURCE: Snake River & Tributaries | PAGE:

WATER DIST.: | COUNTY:

JUDICAL DIST.: 6th | JUDGE: J. M. Stevens

DATE OF DECREE: 12-16-10 | RECORDED IN BOOK NO.: AT PAGE NO.: FILE NO.:

P.N.	D.N.	DECREED OWNER	NAME	PRESENT OWNER	AMT. INCHES □ SEC. FT. □	PRIORTY	DIVERSION SUBDIV.	SEC.	TWR	RG.	REMARKS, LAND TO BE IRRIGATED, ETC.	C.T.
		Keefer, J. H.		Willow Creek	160	5-28-84					160 acres of land 80 rds wide, 1 mile long T. 1 S., R. 40 E - known as Table Rock Ranch	
		Wakeman, Herman		Meyers Creek	240	7-1-86					SE¼SE¼, 20; SW¼SW¼ 21, E½NE¼,29; W½NW¼,28-3S-43E	
		Whitman, Jay		Willow Creek	40	2-9-03					E½SE¼, 9; W½SW¼ 10; SE¼NE¼ 15; SW¼NW¼, NW¼SW¼ 14-1N-43E	

LEGEND P.N. = PRIORTY NUMBER D.N. = DECREE NUMBER C.T. = CUMULATIVE TOTAL

United States Department of the Interior

BUREAU OF RECLAMATION

FEDERAL BUILDING & U.S. COURTHOUSE
BOX 043 - 550 WEST FORT STREET
BOISE, IDAHO 83702

IN REPLY
REFER TO: 760

MAY 15 1972

RKH
BDF

RECEIVED
MAY 3 1972
Department of Water Administration

Mr. R. Keith Higginson
Director, Department of Water Administration
Statehouse - Annex 2
Boise, Idaho 83707

Dear Mr. Higginson:

We regret that your letter of April 14, 1972, was not acknowledged immediately. A complete reply to your letter cannot be made as yet. It will take some additional time and field work to determine definitely which landowners in the Willow Creek area wish to contract for this storage and which other districts could best benefit from this kind of storage.

We will submit the information as soon as available.

Sincerely,

Norman H. Moore

Acting Regional Director

April 14, 1972

Re: Application for Permit No. 25-7004

Mr. Edwin F. Sullivan
Regional Director
Bureau of Reclamation
Regional Office, Region 1
Federal Bldg. & U. S. Courthouse
Box 043
Boise, Idaho 83702

Dear Mr. Sullivan:

Reference is made to our letter to you dated August 23, 1971, concerning your Application for Permit No. 25-7004, covering storage of water in Ririe Reservoir. As that letter indicated, we need information concerning the proposed area of use of the 90,000 acre-feet of water from this project. It is also important that we receive information concerning the need for water and the studies which you have made showing the water requirements for the various canals to be served, particularly in those areas where total annual use may exceed 5 acre-feet per acre.

Since this application has been in the office since June, 1969, and since the dam is currently under construction, it is important that we complete action on this application at an early date.

Your prompt return of the requested information will be greatly appreciated.

Very truly yours,

R. KEITH HIGGINSON
Director

RKH:mjl

August 23, 1971

Regional Director
Region 1
U.S. Bureau of Reclamation
Box 8008
Boise, Idaho 83705

Re: Application 25-7004
Ririe Reservior

Dear Sir:

This office would like to complete its action with regard to your application for a water permit No. 25-7004 for storage and use of water from Ririe Reservoir. As you know, the application currently proposes storage and use of 90,000 acre feet of water from Willow Creek for supplemental irrigation of 132,363 acres of land. The service area is described as:

Salmon Falls	64,592 acres
Outside Districts	11,131 "
Progressive	33,000 "
New Sweden	22,540 "
Butler Island Canal Co.	1,100 "
TOTAL	132,363

It is our understanding that since this application was filed in June of 1969, negotiations have continued among the organizations desiring an allocation of storage space. We are concerned that the final proposal for Ririe storage use may be substantially different than applied for.

It is therefore requested that you furnish us with a listing of the companies and individuals which you have or intend to contract for Ririe storage water. In connection with each company we will also need information on the water supply available to it from sources other than Ririe Reservoir. In the event that the total available from such sources exceeds one second foot for each 50 acres to be served or more than 5 acre feet of water per acre, we will also need engineering studies and data to support the need for more than the statutory maximum water use limits.

We would be pleased to meet with you to discuss these matters if you should desire.

Very truly yours,

R. KEITH HIGGINSON
Director

RKH:pk

August 21, 1969

Re: Application for Permit No. 25-7004 - Bureau of Reclamation, U.S.A.

Post Register
333 Northgate Mile
Idaho Falls, Idaho 83401

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 ample 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 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 of Reclamation, along with the publication bill. In order to receive payment, the following certification must appear on the bill:

> I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of same has been paid.

_____
Signature of claimant

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:DR
Enc: Legal notice

NOTICE OF APPLICATION FOR WATER

Notice is hereby given that The United States of America, acting through the Regional Director, Region 1, Bureau of Reclamation, Box 8008, Boise, Idaho, has on June 16, 1969, applied for permit under application no. 25-7004 to store 90,000 acre feet (except in extraordinary years when the reservoir may capture additional water during the irrigation season) of water from Willow Creek tributary of the Snake River.

The point of diversion is within the $NW\frac{1}{4}NW\frac{1}{4}$, Sec. 22, T. 3 N, R. 40 E, B.M., Bonneville County. The stored water will be released at the above outlet facilities and delivered to existing diversions on Willow Creek or Water District #36. In addition, water will be delivered by substitution to Willow Creek lands above the reservoir, and to lands in the Salmon Falls area by a new diversion from Milner Reservoir.

Said water is to be used from April 1 to October 31 for irrigation of lands in the Salmon Falls area and in areas not in existing irrigation districts. Also to be irrigated are lands in the Progressive and New Sweden Irrigation Districts and in the Butler Island Canal Company. No tabulation has been made of the lands in these three existing organizations. A tabulation of totals shows the following acreages:

Salmon Falls	64,592
Outside Districts	11,131
Progressive	33,000
New Sweden	22,540
Butler Island Canal Co.	1,100
Total	132,363

Any protest against this application must be filed with the Department of Reclamation within ten (10) days from the last date of this notice.

R. KEITH HIGGINSON
State Reclamation Engineer

Published in the Post Register, Idaho Falls, Idaho, on August 28 and September 4, 1969.

Standard Form 1034-A
7 GAO 5000
1034-211

PUBLIC VOUCHER FOR PURCHASES AND SERVICES OTHER THAN PERSONAL

VOUCHER NO. RE 1-69

U.S. DEPARTMENT, BUREAU, OR ESTABLISHMENT AND LOCATION

Department of the Interior
Bureau of Reclamation
Boise, Idaho

DATE VOUCHER PREPARED: June 10, 1969

CONTRACT NUMBER AND DATE:

REQUISITION NUMBER AND DATE:

SCHEDULE NO.

PAID BY

PAYEE'S NAME AND ADDRESS

State Department of Reclamation
Boise, Idaho

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
		Fee for permit for Ririe Dam and Reservoir				$100.00
					TOTAL	$100.00

(Use continuation sheet(s) if necessary) (Payee must NOT use the space below)

PAYMENT:
- ☐ COMPLETE
- ☐ PARTIAL
- ☐ FINAL
- ☐ PROGRESS
- ☐ ADVANCE

DIFFERENCES

Amount verified; correct for 100.00

(Signature or initials) lm

MEMORANDUM

ACCOUNTING CLASSIFICATION

Irrigation Facilities
14X0661 Corps of Engrs $100.00

PAID BY

CHECK NUMBER ON TREASURER OF THE UNITED STATES | CHECK NUMBER ON (Name of bank)

CASH $ | DATE

★ U.S. GOVERNMENT PRINTING OFFICE : 1966 O—233-843

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION

REGIONAL OFFICE, REGION 1
BOX 8008
BOISE, IDAHO 83707

RECEIVED
JUN 16 1969
Department of Reclamation

IN REPLY
REFER TO: 424

JUN 13 1969

Mr. R. Keith Higginson
State Reclamation Engineer
Statehouse - Annex 2
Boise, Idaho 83707

Dear Mr. Higginson:

Enclosed is an application for a permit to appropriate the public waters of the State of Idaho for storage of water in Ririe Reservoir, and for diversion of the stored water for use on lands in the upper Snake River Basin. This application was originally filed with the Idaho Water Resource Board on February 10, 1969, but was returned for filing in your office under the provisions of recent legislation.

A voucher for $100 covering the filing fee is enclosed for your signature. Please sign and return it for prompt payment.

A minor change has been made in the original filing in the acreage of land outside of Districts that would receive irrigation water. This was made following an inquiry from the Director of the Water Resource Department. Actually, there are no firm contracts covering lands that will receive irrigation water, and we anticipate some adjustment in the area outside Districts that will receive water.

The application is for 90,000 acre feet of space per annum, the full active capacity of the reservoir, even though the plans of the Corps of Engineers for the reservoir specify 80,000 acre feet of space for irrigation use and 10,000 acre feet of space exclusively for flood control purposes. We have included the 10,000 acre feet of flood control space in the event this space might contain water for a brief period of time during the irrigation season.

Your May 14, 1969 letter advising us that the 40th Session of the Legislature amended Section 42-1737 so that this application and others may now be filed with your office called our attention to our earlier informal submittal of applications for the Lynn Crandall and Clark Fork Ranch Dam sites. We plan to make formal application to your office for the two permits as soon as a priority date has been assigned to the Ririe application. Our hydrologists and the Watermaster for Water District No. 36 have concluded that for operational reasons Ririe should have an earlier priority than Lynn Crandall or Clark Fork Ranch.

Sincerely,

Norman H. Moore

Acting for H. P. Nelson
Regional Director

Enclosure

Copy to: Dr. Robert R. Lee, Director, Idaho Water Resource Board, Boise, Idaho (w/o encl.)

RECEIVED
MAY 27 1969
Department of Reclamation

PALISADES WATER USERS, INC. - 1963

Name	Address	Canal	Allotment
Allen, Howard	Thornton, Rt. 1	Sunnydell	900
Anderson, Alton	Idaho Falls, Rt. 3	-	400
Anderson, Clinton	Thornton	Nelson-Corey	120
Anderson, Laura S.	Thornton, Box 45	Nelson-Corey	300
Anderson, Ross	Thornton	Liberty Park	400
Andrus, Ray B.	Idaho Falls, Rt. 5	New Sweden	15
Arrington Construction Co.	Idaho Falls, 795 Saturn	Pump (Butte & Market Lake decree)	370
Baker, Ted	Irwin	Swan Valley	240
Bennett, Charles	Rigby, Box 292	Rigby	370
Bills, Wm. Harvey	Rigby, Rt. 1	Rudy	600
Blakely, C. Warren	Rigby, Rt. 2	Arnsberger	240
Blakely, Marion	Ririe	Heise pump	800
Blosch, K. V.	Rigby, Rt. 2	Farmers Friend	15
Blosch, Thos. E.	Rigby, Rt. 2	Kite & Nord	160
Bramwell, Garth	Roberts, Star Route	Pump Dry Bed	600
Bramwell, Jay	Blackfoot	-	600
Bramwell, Keith	Roberts, Star Route	-	1,100
Brinkman Farms (N.J.)	Idaho Falls, Rt. 5	New Sweden	300
Brown, Mrs. Lizzie	Roberts, Rt. 1	Pump (Butte & Market Lake decree)	400
[illegible]enside, Noel	Ririe, Box 572	Nelson-Holt	480
[illegible]own, Roscoe	Rigby, Rt. 1	Ross & Rand	60
Burke, C. W.	Idaho Falls, Rt. 5	New Sweden	1,550
Bybee, Walter L.	Thornton, Rt. 1	Sunnydell	260
Byrne, J. R.	Thornton, Rt. 1	Sunnydell	720
Burgess, Bill	Rigby	Clark & Edwards	40
Butler, Kelsie	Idaho Falls, Rt.2,Box 44	Harrison	15
Byrd, Paul	Palisades	Swan Valley	15
Cheney, Marion S.	Thornton, Rt. 1	Pump	15
City of Idaho Falls	Box 220	Keller	180
Clark, Jess C.	Rigby, Rt. 2	Clark & Edwards	70
Clark, Lane	Idaho Falls, 1385 Kearney	Pump	15
Clark, Merlyn C.	Rigby, Rt. 1	Rudy & Harrison	1,840
Clement Bros.	Lewisville	Kennedy	240
Cook, Donald J.	Idaho Falls, Rt. 5	New Sweden	540
Cox, Robert J.	Rigby, Rt. 2	Rudy	15
Criner, Lew	Rigby, Box 77	Rudy	15
Croft, James A.	Rigby, Rt. 2	Croft Ditch from Dry Bed	200
Danielsen, M. J.	Idaho Falls, Rt. 4	-	240
Eddie, Lloyd	Rigby, Rt. 2	Croft ditch	10
Egan, C. J.	Idaho Falls, RFD	Enterprise	15
Fell, Harry	Rigby, Rt. 2, Box 36	Rigby	120
Field, Harvey H.	Rigby, Rt. 1	Burgess	15
Ford, Milo	Irwin	Swan Valley	250
[illegible]ox, Dewey	Ririe	Pump	400
[illegible]randsen, Merlin V.	Blackfoot, Rt. 3	Reservation	192

R-670

Name	Address	Canal	Allotment
Frodsham, Lee M.	Burley, Rt. 2	Pump nr. Burley	1,050
Fullmer, Vern	Rigby, Rt. 1	Rudy	300
Gardner, Burton L.	Thornton	Croft	10
Geisler, Chester H.	Lorenzo	White	95
Gunerson, Aden C.	Thornton	-	15
Hacking, C. M.	Thornton, Rt. 1	Pump nr.Lenrood head	150
Hagenbarth, D. V.	Dillon, Mont. 533 So. Nelson	Sheridan Cr.	190
Hamilton, Delmer H.	Rigby, Rt. 2	Pump Dry bed	15
Hanson, Irvin,Theo,Edw.	Lorenzo	West Labelle	250
Hunter, Ralph	Shelley	-	15
Harris, Cleon	Ririe, Box 344	Enterprise	15
Harrop, Cleo J.	Lorenzo	West Labelle	160
Hatfield, Howard & Dora	Irwin	Swan Valley	240
Heyrend, Alfred	Rigby, Rt. 2	Pump from feeder	30
Hickman, Geo. L.	Rigby, Rt. 2	Pump	15
Hill, Horace,	Thornton, Rt. 1	Hill-Pettinger	240
Hill, Verdale E.	Rigby, Rt. 2	Kite & Nord	144
Hill, Wm. Howard	Thornton, Rt. 1	Hill-Pettinger	200
Hix Bros.	Idaho Falls, Rt. 2	Pump - Butte & Market Lake	550
Hogan, O. A.	Ririe, Star Route	Riley	480
olden, C. R. estate	Idaho Falls, Box 659	Bear Island	720
olden, Wm. S.	Idaho Falls	Swan Valley	540
ubbard, Mary E.	Rigby, Rt. 2	Butler Island No. 2	1,100
Humphreys, Jess R.	Idaho Falls, Rt. 2	Progressive	350
Hunter, Reed	Roberts, Star Route	Lower end Parks & Lewisville	120
Hunter, Vaughn M.	Roberts, Star Route	Pump Lower Feeder	500
Ieom, A. N.	Idaho Falls, Rt. 5	New Sweden	15
Jackson, Thos. W.	Roberts, Star Rt.	Pump	192
Jacobsen, Lathen	Irwin	Swan Valley	480
Jennings, Eddie L.	Rigby, Rt. 2	Rudy	840
Jones, J. W.	Rigby, Rt. 2	Pump, Dry Bed	120
Jensen, Eugene J.	Rigby, Rt. 2	Rudy	600
Jorgensen, John D.	Idaho Falls, Rt. 5	Martin	400
Koon, Robert M.	Rexburg, Rt. 1		15
Koon, Vance C.	Thornton	Pump nr. Thornton	1,000
Kunz, Homer E.	Victor,	Pump, Teton Basin	10
Kunz, James H.	Victor	Pump, Teton Basin	10
Kunz, M. Grant	Victor	Pump, Teton Basin	10
Kunz, Walter & Sons	Victor	Pump, Teton Basin	10
Landon, Harold J.	Rigby, Rt. 2	Rudy	350
Larson, Charles M.	Idaho Falls, Rt. 2	Progressive	20
McCulloch, Elvin	Tetonia, Box 95	Pump, Teton R.	1,750
McKay, Archie,	Swan Valley	Swan Valley	10
Mackay, Robert D.	Idaho Falls, Rt. 2	Pump at end of Parks & Lewisville	432
anning, Henry W.	c/o Otis Orten, 403 E. Main, Burley	Pump nr. Heyburn	1,250

R-670

Name	Address	Canal	Allotment
Martin, Leonard	Idaho Falls, Rt. 2	East of River Roberts	400
Miller, David R.	Swan Valley	Swan Valley	450
Moore, Willard A.	Rigby, Rt. 2	Farmers Friend	240
Moss, J. Elmer	Rigby, Rt. 2	Cheney	400
Munns, G. H.	Thornton	Pump	15
Munns, Howard	Thornton, Rt. 1	Spring Cr. nr. Kenan 1890 decree	400
Eugene Black & Wayne Esplin	Box 248, Shelley	Pump	480
Newby, Marvin M.	Idaho Falls, 1040 Bower	Pump nr. Heise	1,090
Newman, Lewis L.	Rigby, Rt. 1	Rudy	300
Nishioka, Joseph	Idaho Falls, Rt. 5	New Sweden	230 —
Ormond, Clyde	Rigby, Rt. 2, Box 72	Clark & Edwards	15
Pacific Supply Cooperative	Heyburn	Pump nr. Burley	30
Park, Clarence W.	Rigby, Rt. 2	Enterprise	15
Peterson, Dave & Jess	Irwin	Swan Valley	450
Pitman, Elmer	Rigby, Rt. 1	Rudy	760
Pitman, John	Rigby, Rt. 1	Harrison	160
Poore, Harold	Ririe, Box 502	Enterprise	15
Price, Clifford R.	Rigby, Rt. 1	Rudy	120
Price, Fred	Rigby, Rt. 2	Harrison	150
Price, M. M.	Rigby, Rt. 1	Rudy	960
Price, Russell R.	Idaho Falls, Rt.1,Box126	Rudy	600
Radford, Dellas	Rigby, Rt. 2		74
Radford, Elmer	Ririe, Box 343	Harrison	200
Quinn, Mrs. Robert	Ririe	Pump nr. Heise	100
Richards, D. F.	Idaho Falls	Henrys Lake	480
Richards, Gladys D.	Idaho Falls	Henrys Lake	400
Richards, Maryellen	Idaho Falls	Henrys Lake	400
Rose, Roger K.	Idaho Falls, 3100 Rollandet	Swan Valley	15
Roth, Thomas H.	Lorenzo	Hill Pettinger	450
Rutledge, Virgil C.	Lorenzo, Rt. 1	White	280
Sakaguchi, Sam S.	Idaho Falls, Rt. 5	Kennedy	276
Schuetz, Charles	Idaho Falls, Rt. 5	Kennedy	200
Scott, Duwayne	Rigby, Rt. 2	Steele	600
Sellers, H. Allen	Rigby, Rt. 2	Rudy	240
Sermon, Wayne	Swan Valley, Box 36	Swan Valley	400
Simmons, Robert J.	Rigby, Rt. 2	Rudy	240
Smith, D. Worth	Rigby, Rt. 2	Indian Ct.	100
Smith, Ervin B.	Thornton	Bannock Jim	120
Smith, Floyd B.	Rigby, Rt. 1	Farmers Friend	15
Snarr, Morland	Idaho Falls, Rt. 5	New Sweden	150 —
Snedaker, Max	Thornton	Bannock Jim	15
Stevast, James	Rigby, Rt. 2	Rudy	480
Stoltenberg, Francis	Hamilton, Rt. 1, Box 200	Swan Valley	300

R-670

Name	Address	Canal	Allotment
Stolworthy, E. A.	Idaho Falls, 611 11th St.	New Sweden	200 —
Stolworthy, Gerald	Idaho Falls	New Sweden	200 —
Stolworthy, Lloyd	Idaho Falls	New Sweden	200 —
Thompson, Jane (estate)	Idaho Falls, Rt. 2	Progressive	600 —
Tomchak, H. W.	Roberts	Pump	30
Traughber, Paul E.	Irwin	Swan Valley	480
Tyler, J. D.	Idaho Falls, Rt. 1	Harrison	15
Tyler, LeMond	Ririe	Clark & Edwards	100
Virgin, Verl	Idaho Falls, Rt. 2	Progressive	350 —
Walker, Geo. B.	Rigby, Rt. 1	Pump	15
Ward, Wayne R.	Idaho Falls, Rt. 2, Box 316	Pump	15
Weeks Bros.	Swan Valley	Swan Valley	180
Weeks, Abram	Irwin	Swan Valley	100
Weeks, Mrs. Abram	Irwin	Swan Valley	100
Weeks, Arvey A.	Swan Valley	Swan Valley	300
Weeks, Howard	Irwin	Swan Valley	110
Weeks, James	Swan Valley	Swan Valley	150
Weeks, Jay	Irwin	Swan Valley	300
Weeks, Jess	Irwin	Swan Valley	600
Weeks, Walter	Irwin	Swan Valley	300
White, Carl R.	Rigby, Rt. 2	Pump, Dry Bed	360
Williams, Marsden	Idaho Falls, 1300 Jefferson	New Sweden	1,550 —
Winterfield, Fritz & Delbert	Swan Valley	Swan Valley	600
Young, Henry	Irwin	Swan Valley	15
Young, William N.	Rigby	Burgess	80
			50,230

R-670

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION

REGIONAL OFFICE, REGION 1
BOX 8008
BOISE, IDAHO 83707

IN REPLY
REFER TO: 424

MAY 0 1969

IDAHO WATER RESOURCE BOARD MAY 2 1969

		BOARD	
	CHAIRMAN		
1	DIRECTOR		5/5
2	ADMIN. ASSISTANT		5/6
	PLANNING		
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3	DEVELOPMENT		
	LARGE PROJECTS		
	SMALL PROJECTS		
	OFFICE MANAGER		
	FILE C E - Ririe		

Dr. Robert R. Lee, Director
Idaho Water Resource Board
Statehouse
Boise, Idaho 83707

Dear Dr. Lee:

You have asked several important questions regarding the use of the water stored in Ririe Reservoir. Your inquiry followed our submittal of an application for a permit to appropriate the public waters of the State of Idaho for the Ririe Reservoir.

The answers to your questions will follow the same order as presented in your March 13 letter.

1. The colored map is more complete than the accompanying tabulation. At the time we made the tabulation we were uncertain as to whether or not some of the land in T. 3 N., R. 39 E., was in the Progressive Irrigation District. Omission of the other lands from the tabulation was an error. Please refer to our answers to questions 3 and 4 for a more complete discussion of allocations.

2. There has been interest expressed in contracting for 80,000 acre-feet of holdover space by irrigation users of the Upper Snake area. However, the application includes the additional 10,000 acre-feet of flood control space reserved annually between April 15 and December 15 for controlling summer thunderstorms in the event this space might contain water for a brief period of time during an irrigation season.

3. The space allocation for Ririe Reservoir is considered tentative, and there are no firm contracts for space at this time as contract negotiations are still underway. Applications for space in the reservoir have been reviewed by an allocation advisory committee, and the tentative allocation is as follows:

Progressive Irrigation District	16,000 AF
New Sweden Irrigation District	4,000 AF
Butler Island Canal Co.	500 AF
Ririe Water Users Association	22,700 AF
Salmon Falls	36,800 AF

Is there any priority among these

The Ririe Water Users Association will include all individual water users not now in irrigation districts. The tentative allocations were based on information in the applications that had been received, plus knowledge of probable requirements for supplemental water.

4. The available irrigation storage space in Ririe Reservoir will be used for holdover purposes. It was assumed that the spaceholders would call for their accrued storage water in the dry years of 1931, 1941, and 1961. The total usable water in these years would have amounted to approximately 169,000 acre-feet, or an average of 4,700 acre-feet per year over the 36-year period studied.

   Under the circumstances, the dryland areas cannot expect to receive a full supply of water from Ririe Reservoir and this is being emphasized during contract negotiations for storage space. It is expected that there will be adjustments in the areas that will contract for water, and that most of the land will need to have a partial supply of water from another source such as well pumping. Likewise, it is recognized that much more than the yield from 36,800 acre-feet of Ririe storage space will be needed to supplement the present supply of supplemental lands of the Salmon Falls Division.

5. A careful evaluation of the yield of water for effective irrigation use led to the conclusion that present irrigators could not reasonably be expected to pay more than $7.75 per acre-foot for this space. This would result in a return over a 40-year repayment period of $620,000 from the 80,000 acre-feet of space, which would be sufficient to cover the estimated irrigation allocation and thus meet the requirements of the authorization. The above per acre-foot rate is the same as charged for Palisades space in the Upper Snake River area. In addition, the water users will pay a proportionate share of the Ririe Project operation and maintenance costs assigned to irrigation.

   On the basis that the entire 80,000 acre-feet of available space would be used as holdover, the annual direct benefits associated with this space have been estimated to amount to $23,300 as reported on page 12-2 of the Ririe General Design Memorandum.

We will be pleased to discuss the application at a meeting with you, if this will assist you in making a prompt review of the facts relating to the proposed use of water stored in Ririe Reservoir.

Sincerely,

Acting for H. T. Nelson
Regional Director

CHARLES J. MARSHALL, CHAIRMAN, JEROME
LE ROY STANGER, VICE CHAIRMAN, IDAHO FALLS
ROBERT M. BANDY, PRIEST RIVER
FERRIS M. KUNZ, MONTPELIER
JOSEPH H. NETTLETON, MURPHY
THOMAS OLMSTEAD, TWIN FALLS
JOHN F. STREIFF, LEWISTON
GEORGE L. YOST, EMMETT
R. KEITH HIGGINSON, EX-OFFICIO MEMBER
(STATE RECLAMATION ENGINEER)

STATE OF IDAHO

IDAHO WATER RESOURCE BOARD
STATEHOUSE
BOISE, IDAHO 83707

DR. ROBERT B. LEE, DIRECTOR
WILLIAM S. HOLDEN
GOVERNOR'S SPECIAL REPRESENTATIVE

March 13, 1969

Mr. Harold T. Nelson
Regional Director, Region 1
U. S. Bureau of Reclamation
P. O. Box 8008
Boise, Idaho

Dear Mr. Nelson:

Your application for a water right for irrigation storage in Ririe Reservoir has raised several important questions regarding the use of this project. These include:

1. The listing of lands intended to receive water is inconsistent with the colored map. Please indicate which is correct, the list and its totals, or the map.

Map lands not included in list:

T3N, R38E, Sec. 27
T5N, R38E, Sec. 16
T3N, R39E, Sec. 2, 19, 20, 24, 25
T3N, R40E, Sec. 14, 15, 22, 23
T2N, R40E, Sec. 22

2. The application shows 90,000 acre feet of water for irrigation use each year. Ririe has only 80,000 acre feet of irrigation space.

3. Please indicate the amount of space allocated to each proposed user of water stored in Ririe Reservoir. What was the basis for these allocations?

4. Please show the amount of water you expect the indicated lands would receive, both on an average basis and during a repeat of the conditions prevailing in the 1930's. What alternative sources of water would the 7,466 acres of dry land in the "outside districts" have in years when Ririe would yield no supply?

This question also relates to the amount of yield Ririe Reservoir will produce. We are unable to discern how much Ririe water will be used by

the Salmon Falls Project from this application and the Salmon Falls report. Apparently the amount would be less than the 26,400 acre feet per year (Ririe Dam and Reservoir Hydrology Design Memorandum, Table 10 and footnotes, USCE). Surely the amount would not be as little as the 4,700 acre feet per year shown in the Ririe General Design Memorandum (pages 9-5 revised and 12-2 revised).

5. Please indicate the proposed water charges to the Ririe users from the allocated irrigation costs. Have you established a basis for determining the benefits of water to each of the proposed users?

The above questions are posed to help the Board determine how Ririe Reservoir will be used and the relative merits of those uses. Determination of whether the proposed uses are valid under Idaho law will be made by the State Reclamation Engineer. However, the planned use of a reservoir, which is a valuable resource, is of importance to the Board in formulating plans for the use of the State's water.

Sincerely yours,

ROBERT R. LEE
Director

RRL:fdr
cc: Idaho Department of Reclamation
District Engineer, Walla Walla
District, USCE
IWRB Board Members

Hold for Permit

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
REGIONAL OFFICE, REGION 1
BOX 8008
BOISE, IDAHO 83707

IN REPLY
REFER TO: 424

RECEIVED
JAN 22 1968
Department of Reclamation

Dr. Robert R. Lee, Director
Idaho Water Resource Board
Statehouse
Boise, Idaho 83707

FEB 10 1968

Dear Dr. Lee:

Enclosed for review by the Idaho Water Resource Board is an application for a permit to appropriate the public waters of the State of Idaho for Ririe Dam and Reservoir. As you know, Congress has authorized construction of these facilities by the Corps of Engineers. The Bureau of Reclamation was authorized to arrange for use of available stored water for irrigation purposes.

For your convenience in reviewing this application, we are enclosing a copy of General Design Memorandum No. 3 prepared by the Corps of Engineers. This document describes the planned construction at the dam and reservoir, but it does not provide details concerning the proposed use of stored water.

The enclosed application shows the water is to be used to provide supplemental water for lands in the Progressive and New Sweden Irrigation Districts and the Butler Island Canal Company, and to provide full or supplemental supplies for land outside irrigation district boundaries along Willow Creek and Snake River. Some of the land is along Willow Creek above the site of Ririe Reservoir, so it will be necessary to substitute storage to supply downstream users in exchange for upstream use of natural flow.

It is also planned that a portion of the stored water will be used on the Salmon Falls Project. The tabulation of irrigable acres on this project reveals totals of 19,983 acres of dry land and 44,609 acres of presently irrigated land. The total area to receive water from Ririe Reservoir consists of 105,350 acres of presently irrigated land, and 27,449 acres of land now dry.

If you have questions concerning use of the water stored in Ririe Reservoir for irrigation, we will be pleased to furnish information that we have available to date. Most of the information we have applies to the Salmon Falls area.

Sincerely,

H. L. Nelson

Regional Director

Enclosure

Copy to: Mr. R. Keith Higginson, State Reclamation Engineer, 107 Statehouse, Boise, Idaho 83707 (w/o encl.)

CHARLES J. MARSHALL, CHAIRMAN, JEROME
LE ROY STANGER, VICE CHAIRMAN, IDAHO FALLS
ROBERT M. BANDY, PRIEST RIVER
FERRIS M. KUNZ, MONTPELIER
JOSEPH H. NETTLETON, MURPHY
THOMAS OLMSTED, TWIN FALLS
JOHN F. STREIFF, LEWISTON
GEORGE L. YOST, EMMETT
R. KEITH HIGGINSON, EX-OFFICIO MEMBER
(STATE RECLAMATION ENGINEER)

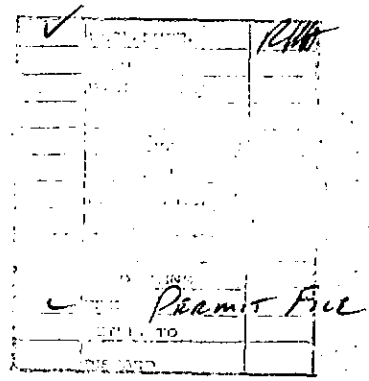
STATE OF IDAHO

IDAHO WATER RESOURCE BOARD
STATEHOUSE
BOISE, IDAHO 83707

DR. ROBERT R. LEE, DIRECTOR
WILLIAM S. HOLDEN
GOVERNOR'S SPECIAL REPRESENTATIVE

RECEIVED
FEB 14 1969
Department of Reclamation

February 13, 1969



Mr. H. T. Nelson
Regional Director, Region 1
U. S. Bureau of Reclamation
P. O. Box 8008
Boise, Idaho 83707

Dear Mr. Nelson:

This is to acknowledge your letter of February 10, 1969, transmitting your application for a permit to appropriate the public waters of the State of Idaho for Ririe Dam and Reservoir. We will review this application and bring it before the Board as soon as our staff capabilities permit.

As you know, Idaho State law calls for a formal hearing to consider applications for storage in excess of 10,000 acre feet. You will be informed when the hearing for this application is set.

Sincerely yours,

Robert R. Lee

ROBERT R. LEE
Director

RRL:fdr
cc: Board Members