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WD 130 - 2002
Basin 37
Expansion

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RECEIVED
DEC 31 2002
Department of Water Resources

December 31, 2002

Karl Dreher
Director, Idaho Department of Water Resources
1301 N. Orchard Street
Boise, ID 83706

Re: Public Comment by the North Snake Ground Water District In the Matter of Revising the Boundaries of Water District No. 130, Thousand Springs Area, Within the Eastern Snake Plain Aquifer, In Administrative Basin 37

Dear Karl:

Pursuant to Idaho Code § 42-604 and the Notice of Hearing for the above-referenced matter, please accept this letter and the enclosed attachments as written comment on behalf of the North Snake Ground Water District (NSGWD) to the proposed action by the Idaho Department of Water Resources (IDWR) to revise the boundaries of Water District No. 130 (hereinafter "the proposed action").

In accordance with Paragraph 2.11 of the Interim Stipulated Agreement for Areas Within and Near IDWR Administrative Basin 36 ("the Stipulated Agreement"), NSGWD supports the proposed action and with these comments seeks to work collaboratively with IDWR in the development of appropriate watermaster instructions. The NSGWD assumes that IDWR will issue a final order on the proposed action that is similar to the Final Order Creating Water District No. 130 entered on February 19, 2002, which included the following initial set of watermaster duties:

> 10. The Director concludes that the watermaster of the water district created by this order shall perform the following duties in accordance with guidelines, direction, and supervision provided by the Director:
>
> a. Curtail illegal diversions (i.e., any diversion without a water right or in excess of the elements or conditions of a water right);
>
> b. Measure and report the diversions under water rights;
>
> c. Enforce the provisions of stipulated agreements approved by the Director; and

d. Curtail out-of-priority diversions determined by the Director to be causing injury to senior priority water rights if not covered by a stipulated agreement or a mitigation plan approved by the Director.

While the NSGWD concurs with these initial set of watermaster instructions, NSGWD recognizes that the Director will likely issue further instructions in the future to refine and implement Instruction No. 10.d. The NSGWD feels it would be of assistance to the Director and the public, if information relating to the implementation or clarification of Instruction No. 10.d. were entered into the record at this time. This information may be used to facilitate the exchange of relevant data and information from other concerned citizens and IDWR, as well as open a dialogue for discussion of the issues that are raised by the information and data provided below.

The NSGWD believes that further watermaster instructions implementing or clarifying Instruction No. 10.d must be based on facts that are based on the best evidence available. Beginning in mid-November 2002, Spronk Water Engineers (SWE) (on behalf of NSGWD) requested data from IDWR regarding water rights in Basin 36 and Basin 37 Part 1, the areas that coincide with the proposed revised boundaries of Water District No. 130. This data included information on the type of use, priority date, diversion rate, diverted volume for each water right. Spronk Water Engineers intended to use the requested water rights information to prepare summaries of the cumulative decreed rate versus priority date for the ground and surface water rights in the proposed Water District No. 130, and other data summaries. The purpose of these summaries was intended to demonstrate and illustrate the complex interrelationship of ground and surface water rights in the proposed Water District No. 130. Despite the diligent efforts of the IDWR staff, the data that has been received by Spronk Water Engineers appears to be incomplete and cannot at this time be used for the intended purpose. Additional work by IDWR is necessary to completely develop the requested data.

NSGWD will augment these comments when Spronk Water Engineers able to complete their analysis. In addition to that augmentation, NSGWD believes that further watermaster instructions must be based on the following facts.

1. Administration of water rights in Water District 130 must incorporate the protections of, and be consistent with, the Swan Falls Agreement and the Swan Falls Contract (and the accompanying State Water Plan adopted by the legislature).

2. Depletions to the Thousand Springs reach from surface water transfers (winter water savings, etc.) must be calculated so as not to be attributed to ground water withdrawals in Water District 130.

3. Depletions to the Thousand Springs reach from Idaho Code 42-219 changes in surface water irrigation (which do not require a 42-222 transfer) must be calculated so as not to be attributed to ground water withdrawals in Water District 130.

The NSGWD believes that the following contractual instruments, decrees, plans, and related documents are essential components of the legal framework that must be utilized and accounted for in administering water rights within the ESPA, including Water District 130.

1. Swan Falls Agreement entered into between the State of Idaho and Idaho Power Company dated October 25, 1984;

2. Swan Falls Contract entered into between the State of Idaho and Idaho Power Company dated October 25, 1984;

3. Consent Judgment, Idaho Power Company vs. State of Idaho, et al., dated February 16, 1990;

4. Consent Judgment, Idaho Power Company vs. State of Idaho, et al., dated March 9, 1990;

5. 1976 State Water Plan (excerpt);[1]

6. 1982 State Water Plan (excerpt);

7. 1985 Amendment to the State Water Plan (excerpt);

8. 1986 State Water Plan (excerpt);

9. 1992 State Water Plan(excerpt);

10. 1996 State Water Plan(excerpt);

11. Map of ESPA ("Initial Boundaries of Water Districts 120 & 130");

12. Swan Falls Map (see also appendix to Water Appropriation Rules);

13. Preliminary Ground Water Response Zones map (September 21, 1999); and

14. Winter Savings Decree: Burley Irrigation District, et al, vs. Henry Eagle, dated July 10, 1968
    - 14-1 Decree of winter diversions, p. 1
    - 14-2 Decree of waters with April 1, 1939 priority date, p. 7
    - 14-3 Exhibit A: Saving of Winter Water: Special Storage Right
    - 14-4 Exhibit B: Winter Power Operations at the Minidoka Powerplant

[1] Because the state water plans are on file at IDWR, full copies of those plans have not been attached to these comments.

14-5 Exhibit C: Temporary Storage and Exchange of Water: Release of Jackson Lake and Palisades Water for Power Production
14-6 Exhibit D: Priority of Certain Existing and Future Water Rights
14-7 Exhibit E: Provisions Relating to Redefinition of Existing Jackson Lake Storage Rights and Annual Exchanges Thereof
14-8 Exhibit F: Delivery of Water; Measurement of Losses; Return Flow
14-9 Findings of Fact and Conclusions of Law

15. Winter Savings Decree: Aberdeen-Springfield Canal Company, et al., vs. Henry Eagle, dated March 12, 1969
15-1 Decree of winter diversions, p. 2
15-2 Decree of flood waters with April 1, 1939 priority date, p. 30
15-3 Exhibit A: Saving of Winter Water: Special Storage Right
15-4 Exhibit B: Winter Power Operations at the Minidoka Power Plant
15-5 Exhibit C: Temporary Storage and Exchange of Water: Release of Jackson Lake and Palisades Water for Power Production
15-6 Exhibit D: Priority of Certain Existing and Future Water Rights
15-7 Exhibit E: Provisions Relating to Redefinition of Existing Jackson Lake Storage Rights and Annual Exchanges Thereof
15-8 Exhibit F: Delivery of Water; Measurement of Losses; Return Flow

Thank you for the opportunity to submit these comments. If you require additional information, please feel free to contact me.

Sincerely,

BEEMAN & ASSOCIATES, P.C.

Josephine Beeman

Josephine P. Beeman

JPB:ja
Enclosures
cc: Jeff Martin
Greg Sullivan
Mike Faulkner
Clive Strong
John Simpson
Mike Creamer
Roger Ling
John Rosholt
Jerry Rigby
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AGREEMENT

This Agreement is made and entered into among the State of Idaho, by and through the Governor, hereinafter referred to as "State"; John V. Evans, in his official capacity as Governor of the State of Idaho; Jim Jones, in his official capacity as Attorney General of the State of Idaho; and Idaho Power Company, a corporation hereinafter referred to as "Company".

1. Effective Date

This Agreement shall take effect upon execution, except as to paragraphs 7, 8, and 11.

2. Executive Commitment

When the parties agree on certain actions to be taken by State, it is their intent to commit the executive branch of Idaho state government, subject to constitutional and statutory limitations, to take those actions.

3. Attorney General

Jim Jones is a party to this Agreement solely by reason of his official position as counsel for the State of Idaho and its agencies in Idaho Power Company v. State of Idaho, Ada County Civil Case No. 62237 and Idaho Power Company v. Idaho Department of Water Resources, Ada County Civil Case No. 81375.

4. Good Faith

When the parties agree to jointly recommend a particular piece of legislation or action by another entity, each party agrees to actively and in good faith support such legislation or action.

The State shall enforce the State Water Plan and shall assert the existence of water rights held in trust by the State and that the Snake River is fully appropriated as needed to enforce the State Water Plan. State and Company shall not take any position before the legislature or any court, board or agency which is inconsistent with the terms of this agreement.

5. Stay Of Current Court And Regulatory Action

A. The parties shall file a motion with the court in Ada County Civil Case Numbers 81375 and 62237, seeking a

stay of further proceedings until seven days following the adjournment of the First Regular Session of the 48th Idaho Legislature, except as to preservation of testimony pursuant to the Idaho Rules of Civil Procedure, completion of designated discovery filed by the State of Idaho and dismissal of various defendants by Company. The State shall designate in writing, within fifteen (15) days from the execution of this Agreement, those items of its discovery that must be responded to by Company. The Company shall respond to those items of discovery designated by the State within ninety (90) days from execution of this Agreement.

B. The parties shall request the Federal Energy Regulatory Commission (FERC) to stay any subordination-related decisions in any Company project listed in paragraph 7 licensing or relicensing proceeding pending implementation of this Agreement except as contemplated in paragraph 12 of this Agreement. The parties acknowledge, however, that FERC could independently take action prejudicial to their interests and, in such event, the parties may take reasonable actions necessary to protect their interests. Further, the State shall not file any motions to intervene in Project Numbers 2777 (Upper Salmon) and 2778 (Shoshone Falls); however, by agreeing to this provision, the Company in return waives any defense to the timeliness of a motion to intervene caused by this Agreement in the event this Agreement is not implemented. Company is not agreeing, however, that a motion to intervene would be timely if filed now.

C. The parties shall not attempt to influence any executive agency of the United States to take a particular position regarding subordination in any Company FERC licensing or relicensing proceeding pending implementation of this Agreement.

6. Legislative Program

The parties agree to propose and support the following legislation to implement this Agreement:

A. Enactment of Public Interest Criteria as set forth in Exhibit 1 attached hereto.

B. Funding for a general adjudication of the Snake River Basin generally as set forth in Exhibit 2 attached hereto.

C. Establishment of an effective water marketing system.

D. Funding for hydrologic and economic studies, as set forth in Exhibit 3 attached hereto.

E. Allocation of gains upon sale of utility property as set forth in Exhibit 4 attached hereto.

F. Limitations on IPUC jurisdiction as set forth in Exhibit 5 attached hereto.

G. Rulemaking and moratorium authority for Idaho Department of Water Resources generally as set forth in Exhibit 8 attached hereto.

7. Company's Water Right

State and Company agree that Company's water right shall be as follows (Bracketed names used below refer to Company projects):

A. State Water License Numbers 36-2013 (Thousand Springs), 37-2128 & 37-2472 (Lower Malad), 37-2471 (Upper Malad), 36-2018 (Clear Lake), 36-2026 (Sand Springs), 02-2057 (Upper Salmon), 02-2001A, 02-2001B, 02-2059, 02-2060 (Lower Salmon), 02-2064, 02-2065 (Bliss), 02-2056 (Twin Falls), 02-2036 (Shoshone Falls), 02-2032, 02-4000, 02-4001, and Decree Number 02-0100 (Swan Falls) entitle the Company to an unsubordinated right of 3900 c.f.s. average daily flow from April 1 to October 31, and 5600 c.f.s. average daily flow from November 1 to March 31, both to be measured at the Murphy U.S.G.S. gauging station immediately below Swan Falls. These flows are not subject to depletion. The Murphy gauging station is located at latitude 43° 17' 31", Longitude 116° 25' 12", in NW1/4NE1/4SE1/4 of Section 35 in Township 1 South, Range 1 West, Boise Meridian, Ada County Hydrologic Unit 17050103, on right bank 4.2 miles downstream from Swan Falls Power plant, 7.5 miles NE of Murphy, at river mile 453.5.

B. The Company is also entitled to use the flow of the Snake River at its facilities to the extent of its actual beneficial use but not to exceed those amounts stated in State Water License Numbers 36-2013 (Thousand Springs), 37-2128 & 37-2472 (Lower Malad),

37-2471 (Upper Malad), 36-2018 (Clear Lake), 36-2026 (Sand Springs),02-2057 (Upper Salmon), 02-2001A, 02-2001B, 02-2059, 02-2060 (Lower Salmon), 02-2064, 02-2065 (Bliss), 02-2056 (Twin Falls), 02-2036 (Shoshone Falls), 02-2032, 02-4000, 02-4001, and Decree Number 02-0100 (Swan Falls), but such rights in excess of the amounts stated in 7(A) shall be subordinate to subsequent beneficial upstream uses upon approval of such uses by the State in accordance with State law unless the depletion violates or will violate paragraph 7(A). Company retains its right to contest any appropriation of water in accordance with State law. Company further retains the right to compel State to take reasonable steps to insure the average daily flows established by this Agreement at the Murphy U.S.G.S. gauging station. Average daily flow, as used herein, shall be based upon actual flow conditions; thus, any fluctuations resulting from the operation of Company facilities shall not be considered in the calculation of the minimum daily stream flows set forth herein. This paragraph shall constitute a subordination condition.

C. The Company's rights listed in paragraph 7(A) and 7(B) are also subordinate to the uses of those persons dismissed from Ada County Case No. 81375 pursuant to the contract executed between the State and Company implementing the terms of I.C. §§ 61-539 and 61-540.

D. The Company's rights listed in paragraph 7(A) and 7(B) are also subordinate to those persons who have beneficially used water prior to October 1, 1984, and who have filed an application or claim for said use by June 30, 1985.

E. Company's ability to purchase, lease, own, or otherwise acquire water from sources upstream of its power plants and convey it to and past its power plants below Milner Dam shall not be limited by this agreement. Such flows shall be considered fluctuations resulting from operation of Company facilities.

F. Upon implementation of this Agreement, State and Company shall consent to entry of decrees in Ada County Civil Case Nos. 62237 and 81375 that describe the Company's water right as provided in paragraphs 7(A) through 7(E).

8. Damages Waiver

Company waives any claim against the State or its agencies for compensation or damages it may have or that may arise from any diminution in water available to Company at its facilities as a result of this Agreement. Company waives any claim for compensation or damages from any use approved by the state in accordance with paragraph 7B. Company retains its right to seek injunctions, compensation, damages, or other relief from any future appropriator, as defined in paragraph 7(B), whose use of water violates or will violate the Company's water right of 3900 c.f.s. average daily flow from April 1 to October 31, and 5600 c.f.s. average daily flow from November 1 to March 31, as measured at the Murphy gauging station, and also retains its rights against the state and its agencies as set out in paragraph 7(B).

9. Proposed 1180 Contract

The parties acknowledge that the Governor and the Company have finalized the terms of a contract that would implement the provisions of Senate Bill 1180 of the First Regular Session of the Idaho Legislature, presently codified as §§ 61-539 and 61-540, Idaho Code which is being executed on this date.

10. Agreement Not An Admission

The parties agree that this Agreement represents an attempt to compromise pending litigation, and it shall not be considered an admission, waiver, or abandonment of any issue of fact or law by any party, and no party will assert or contend that paragraphs 7, 8, and 11 have any legal effect until this Agreement is implemented by the accomplishment of the acts described in paragraph 13.

11. Status of State Water Plan

State and Company agree that the resolution of Company's water rights and recognition thereof by State together with the Idaho State Water Plan provide a sound comprehensive plan for the management of the Snake River watershed. Thus, the parties acknowledge that this Agreement provides a plan best adapted to develop, conserve, and utilize the water resources of the region in the public interest. Upon implementation of this agreement, State and Company will present the Idaho State Water Plan and this document to FERC as a comprehensive plan for the management of the Snake River Watershed.

12. Regulatory Approvals

A. Within 45 days of the execution of this Agreement, Company shall file appropriate pleadings or other documents with the Idaho Public Utilities Commission (IPUC), to obtain an order determining that the execution and implementation of this Agreement is in the public interest, and does not constitute an abandonment, relinquishment or transfer of utility property. Such pleadings or other documents shall also provide that the order shall state that any effect upon the Company's hydro generation resulting from execution and implementation of this Agreement shall not be grounds now or in the future for a finding or an order that the Company's rate base or any part thereof is overstated or that any portion of its electrical plant in service is no longer used and useful or not devoted to public service, nor will such effect upon the Company's hydro generation be grounds for a finding or an order reducing the Company's present or future revenue requirement or any present or future rate, tariff, schedule or charge.

In the event the IPUC does not issue an order acceptable to the parties, the parties will seek appropriate remedial legislation.

B. i. Within forty-five (45) days of the execution of this Agreement, the Company shall file with FERC a request for a declaratory ruling that the implementation of this agreement assures a sufficient supply of water for Project Numbers 1975 (Bliss), 2061 (Lower Salmon), 2777 (Upper Salmon), 2055 (C.J. Strike), 2778 (Shoshone Falls), 18 (Twin Falls), 2726 (Upper and Lower Malad), and 503 (Swan Falls).

ii. Within forty-five (45) days of implementation of this Agreement, the Company shall submit this Agreement and the consent decree to FERC in the proceedings for relicensing of Project Numbers 18 (Twin Falls), and 503 (Swan Falls) and the State and Company shall request that FERC recognize this Agreement as a definition of the Company's water rights in those proceedings.

iii. When any project listed in (i) hereof is hereafter due for relicensing proceeding, Company

shall submit this Agreement to FERC in the relicensing proceeding, and the State and Company shall request that FERC recognize this Agreement as a definition of the Company's water right in those proceedings.

C. The Governor and Attorney General on behalf of the State and its agencies shall seek intervention in support of the Company's efforts before the IPUC and FERC, and shall actively support the issuance of acceptable orders by both Commissions, and shall provide authorized witnesses to testify in the proceedings at the request of Company.

D. Company shall, if necessary, file appropriate pleadings or other documents with the Public Utility Commissioner of Oregon for an order similar to that stated in paragraph 12(A). Such filing, if necessary, shall be done within forty-five (45) days of the execution of this Agreement.

13. Conditions on Effectiveness

A. The provisions of paragraphs 7, 8, and 11 shall not be binding and effective until each of the following conditions have been implemented:

i. Amendment of the State Water Plan to implement the provisions of Exhibit 6;

ii. Enactment of the legislative program outlined in paragraph 6;

iii. Issuance of an appropriate order by IPUC as set forth in paragraph 12(A), or enactment of appropriate legislation by the State of Idaho, as set forth in Exhibit 5;

iv. Issuance of an appropriate order by FERC in a form acceptable to the parties as set out in paragraph 12(B)(i);

v. Dismissal with prejudice of the proceeding pending before the IPUC in Case No. U-1006-124;

vi. Issuance of an appropriate order by the Public Utility Commissioner of Oregon if Company has requested one; and

vii. Enactment by the State of Idaho of subordination legislation, as set forth in Exhibits 7A and 7B attached to this Agreement.

B. In the event any of these conditions are not implemented, or should this Agreement be terminated as provided in paragraph 16, then this Agreement shall be void.

14. Authority of Department of Water Resources and Idaho Water Resource Board Not Affected

This Agreement shall not be construed to limit or interfere with the authority and duty of the Idaho Department of Water Resources or the Idaho Water Resource Board to enforce and administer any of the laws of the state which it is authorized to enforce and administer.

15. Waiver, Modification or Amendment

No waiver, modification, or amendment of this Agreement or of any covenants, conditions, or limitations herein contained shall be valid unless in writing duly executed by the parties and the parties further agree that the provisions of this section may not be waived, modified, or amended except as herein set forth.

16. Termination of Contract

This Agreement shall terminate upon the failure to satisfy any of the conditions stated in paragraph 13. The parties shall meet on May 15, 1985, to determine if the contract shall be continued or terminated.

17. Subsequent Changes In Law

This Agreement is contingent upon certain enactments of law by the State and action by the Idaho Water Resource Board. Thus, within this Agreement, reference is made to state law in defining respective rights and obligations of the parties. Therefore, upon implementation of the conditions contained in paragraph 13, any subsequent final order by a court of competent jurisdiction, legislative enactment or administrative ruling shall not affect the validity of this Agreement.

18. Successors

The provisions of this Agreement shall bind and inure to the benefit of the respective successors and assigns of the parties.

19. Entire Agreement

This Agreement sets forth all the covenants, promises, provisions, agreements, conditions, and understandings between the parties and there are no covenants, provisions, promises, agreements, conditions, or understandings, either oral or written between them other than are herein set forth.

20. Effect of Section Headings

The section headings appearing in this Agreement are not to be construed as interpretations of the text but are inserted for convenience and reference only.

21. Multiple Originals

This Agreement is executed in quadruplicate. Each of the four (4) Agreements with an original signature of each party shall be an original.

IN WITNESS WHEREOF, the parties have executed this Agreement at Boise, Idaho, this 25th day of October, 1984.

STATE OF IDAHO

By: _____
JOHN V. EVANS
Governor of the
State of Idaho

IDAHO POWER COMPANY

By: _____
JAMES E. BRUCE
Chairman of the Board
and Chief Executive
Officer

By: _____
JIM JONES
Attorney General of the
State of Idaho

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the State of Idaho and electrical corporations regarding certain water rights and limiting the jurisdiction of the Idaho Public Utilities Commission. The following is the text of a contract signed on October 25, 1984 by the Idaho Power Company and the State of Idaho, addressing Idaho Session Laws, Chapter 259 which defines S.B. 1180. Section 3 of that law provides the emergency clause stating that the law will be in effect only after the signing of the contract.

CONTRACT TO IMPLEMENT Chapter 259, Sess. Laws, 1983

THIS CONTRACT, Made and entered by and between the STATE OF IDAHO, hereinafter referred to as "Idaho", acting by and through the Governor of the State of Idaho, pursuant to the provisions of Senate Bill No. 1180, 1983 Idaho Session Laws, Chapter 259, and the IDAHO POWER COMPANY, a Maine corporation, qualified to do business in Idaho, with its principal offices in Boise, Idaho, hereinafter referred to as the "Company";

WITNESSETH:

NOW THEREFORE, in consideration of the mutual covenants and agreements herein contained and other good and valuable consideration, the receipt of which is hereby acknowledged, the parties hereby agree as follows:

CONTRACT PROVISIONS

1. Definitions - (a) The phrase "consumptive water uses for domestic uses" means water for one or more households and water used for all other purposes including irrigation of a residential lot in connection with each of said households where total use, other than water for irrigation of the residential lot, does not exceed thirteen thousand (13,000) gallons per day. The above definition applies whether such uses are direct or from a municipal water supply. The term "residential lot" means either a lot in an approved subdivision or a lot created by metes and bounds description, which lot had been platted or described prior to November 19, 1982, or meets the minimum residential lot size requirement in effect on November 19, 1982, of the local government agency having jurisdiction. The minimum lot size may be changed by the government agency, but shall not exceed two and one-half acres. The term "consumptive water for domestic uses" shall include, in addition to the uses listed above, use of water for livestock.

(b) "Nonconsumptive Commercial, Nonconsumptive Municipal, Nonconsumptive Industrial Use" means any CMI use which does not deplete the water of the Snake River system above Swan Falls more than two acre-feet per day.

(c) The phrase "substantial investment in irrigation wells and irrigation equipment" means an actual expenditure or written commitment, pursuant to a water right application filed prior to November 19, 1982, or pursuant to a water right permit issued prior to November 19, 1982, for a portion of the costs of construction or purchase of a well, or of equipment to be used primarily for irrigation purposes which meets the following requirements:

1. The actual expenditure or written commitment for irrigation wells or for irrigation equipment equals or exceeds the amount of fifteen thousand dollars ($15,000) or the actual expenditure or written commitment equals or exceeds twenty-five (25) percent, whichever is less, of the total projected cost of the irrigation project; and

2. The actual expenditure or written commitment must have been made prior to November 19, 1982.

3. The parties have determined that the disjunctive "wells or equipment" more clearly effectuates the legislature's intent in this regard, notwithstanding the appearance of the conjunctive "wells and equipment" in § 61-540, **Idaho Code.**

(d) The acronym "IPUC" refers to the Idaho Public Utilities Commission and to any agency successor in function.

(e) The phrase "Ada County Civil No. 81375" refers to the following legal action: Idaho Power Company vs. Idaho Department of Water Resources, et al., Ada County Civil No. 81375.

2. Mutual Covenants - (a) Notwithstanding the pending district court action in Ada County Civil No. 81375 all water users as defined in paragraphs 1(a), and 1(b), and all consumptive water users who have beneficially used water prior to November 19, 1982, pursuant to a valid permit, license or decreed right existing prior to November 19, 1982, or valid beneficial use claim, and any persons who have previously made substantial investments in irrigation wells or equipment for use pursuant to a water right application filed prior to November 19, 1982, even though such irrigation wells or irrigation equipment were not in operation prior to November 19, 1982, may continue the perfection of such water right in compliance with Idaho law without protest or interference by the Company.

(b) As soon as practicable after the effective date of this contract, the Company and Idaho shall dismiss with prejudice its pending case, Ada County Civil No. 81375, as to those persons who in the opinion of the Company and Idaho, come within the class of users identified in paragraph 2(a) above.

(c) As to those persons whom the Company and Idaho cannot initially determine, based upon the information available to them, whether or not they come within the class of users identified in paragraph 2(a) above, the Company and Idaho acting through the Idaho Department of Water Resources, shall endeavor to obtain the information necessary to make a decision as to such persons. To the extent it is requested by the Company to provide information, the Idaho Department of Water Resources shall recover its legally authorized costs for researching and producing data including copies. The Company shall subsequently dismiss with prejudice the pending case as to any other persons who are determined by the Company and Idaho based upon the information received to come within the class of users identified in paragraph 2(a) above.

(d) The Company and Idaho shall not assert any claim for injunctive relief or compensation for depleted flows at the Swan Falls Dam or other Company dam from those persons dismissed from Ada County Civil No. 81375, and will not protest the issuance of a permit or license to such persons on account of the depletion of flows at the Company's hydro dams for water uses coming within the provisions of **Idaho Code** § 61-539.

(e) The Company and Idaho shall not name as defendants in any action, or assert any claim against, holders of consumptive water uses for domestic, nonconsumptive commercial, nonconsumptive industrial, or nonconsumptive municipal uses from the Snake River watershed above Swan Falls Dam occurring from and after November 19, 1982, unless such action or claim is unrelated to such uses, or unless such uses would result in a violation of the Company's water right as defined in paragraph 7(A) of the contract attached hereto as Exhibit A, or in a violation of the minimum streamflow established by the State Water Plan.

3. Intent of the Act and of the Contract - (a) It is the intent of the Act (Chapter 259, S.L. 1983) and of this Contract, and the interpretation of both parties hereto, that dismissal of defendants by the Company pursuant hereto and failure of the Company to pursue any remedies against persons coming within the terms of paragraphs 2(d) and 2(e) hereof during the existence of this contract shall not expose the Company to claims before the IPUC in the event of later termination of this contract under the provisions of paragraph 7(a), and that the IPUC will lack jurisdiction of such claims in the event of termination of this Contract under the provisions of paragraph 7(a).

(b) In order to implement the Act and this contract in accordance with the intent, the Company and Idaho shall move the District Court in Ada County Civil No. 81375 under the provisions of I.R.C.P. 41(a)(2) to dismiss said case with prejudice as to the defendants entitled to dismissal under this Contract. The provisions of I.C. 61-539 relating to IPUC jurisdiction shall only apply as to the qualifying uses of each defendant so dismissed.

(c) The dismissal shall be binding upon the plaintiff irrespective of any declaration by a court of competent jurisdiction that S.B. 1180 is null, void or of no effect. The dismissal shall be construed as an abandonment by the Company of that portion of its claims for damage against the state and its agencies arising from the issuance of permits or licenses to those holders or their predecessors.

4. Third Party Beneficiaries - Persons coming within the class of users identified in paragraphs 2(a), 2(d) or 2(e) above are third party beneficiaries of this contract who may seek enforcement of applicable provisions, except as to paragraph 3, in accordance with the laws of the State of Idaho. By executing this contract, the Company agrees that its claimed water rights are subordinate to the rights coming within the provisions of paragraphs 2(a), 2(d) and 2(e).

5. Exceptions - No provision of this Contract is intended, nor shall it have the effect of limiting in any manner the nature or scope of the claims or defense which may be utilized by any party to the action remanded to district court by the Idaho Supreme Court in Case No. 13794. The parties agree that by executing this Contract, the State is not conceding nor agreeing that the users or uses identified in paragraphs 2(a), 2(d) or 2(e) in fact interfere with the Company's claimed water rights or that the surface water or ground water used or to be used by such users or uses does in fact contribute to the flow of the Snake River. The parties agree that by executing this Contract the Company is not conceding nor admitting that it cannot state or prove a claim against those water users identified in 2(a), 2(d) or 2(e), nor any other users or potential users of water from the same sources. Neither the plaintiff nor the defendant by this contract makes any admission regarding the nature or quality of the water rights at issue in this or any other litigation. Nor does the state make any admission that the ground waters or various reaches of the Snake River are an interconnected water system.

6. Term - This Contract shall take effect when executed and shall continue in effect until terminated in accordance with the provisions of paragraph 7 hereof.

7. Termination - (a) In the event the Act is amended or repealed, this Contract shall terminate on the effective date of said law amending or repealing the Act, unless the parties keep this contract in force by way of written addendum. In the event of termination under paragraph 7(a), this contract shall be null and void on and after the date of termination except as to paragraphs 1, 3, 7, and 8, which shall continue in force and effect.

(b) In addition to any termination that may occur under the provisions of paragraph 7(a) hereof, this contract shall terminate (1) on the date the contract has been performed according to its terms or (2) on the date any decree entered in Ada County Civil No. 81375 is final following on appeal or expiration of the period for appeal, whichever of the foregoing (1) or (2) occurs later. In the event of termination under paragraph 7(b), this contract shall be null and void on and after the date of termination, except as to paragraphs 1, 2(d), 2(e) and 3 which shall continue in force and effect.

(c) In the event that the agreement between the Governor, the Attorney General and the Company dated October 24, 1984 and attached hereto as Exhibit A is not implemented or is terminated by breach, then this contract shall also terminate, except to the extent this contract has been performed as of the date of termination.

8. Waiver of Defenses - In the event the Contract is terminated under the provisions of paragraph 7(a), the defenses of statute of limitations, abandonment, adverse possession, statutory forfeiture, laches, waiver and other applicable common law defenses due to action or inaction of the Company during the period the Contract was in existence shall not be available against the Company on behalf of persons against whom the Company did not attempt to state a claim based on the existence of this contract for a period of two (2) years after the date of such termination, unless the parties keep this Contract in force by way of written addendum.

9. Authority of Department of Water Resources not affected - This Contract shall not be construed to limit nor interfere with the authority and duty of the Idaho Department of Water Resources to enforce and administer any of the laws of the State which it is authorized to enforce and administer.

10. Modification - This Contract may not be modified except in writing executed by both of the parties hereto.

11. Successors - The provisions of this contract shall bind and inure to the benefit of the respective successors and assigns of the parties.

12. Entire Agreement - This Contract sets forth all the covenants, promises, provisions, agreements, conditions and understandings between the parties implementing the Act, and there are no covenants, provisions, promises, agreements, conditions or understandings, either oral or written between them other than are herein set forth.

13. Nonlimitations - This Contract is not intended, nor shall it be construed, to limit the rights of either party to prevent the institution or continuance of water uses not in compliance with the laws of the State of Idaho.

14. Effect of Section Headings - The section headings appearing in this Contract are not to be construed as interpretations of the text but are inserted for convenience and reference only.

15. Multiple Originals - This Contract is executed in triplicate. Each of the three contracts with an original signature of each party shall be an original.

IN WITNESS WHEREOF, the parties have executed this agreement at Boise, Idaho.

STATE OF IDAHO

By: *s/s John V. Evans*
JOHN V. EVANS
Governor of the
State of Idaho

IDAHO POWER COMPANY

By: *s/s James E. Bruce*
JAMES E. BRUCE
Chairman of the Board and
Chief Executive Officer

ATTEST:
s/s Pete T. Cenarrusa
Secretary of State

(Seal of the State of Idaho)

(Corporate Seal of Idaho Power Company)

ATTEST:

s/s Paul L. Jauregui
Secretary of Idaho Power

APPROVED AS TO FORM:

s/s Jim Jones
JIM JONES
Attorney General of the
State of Idaho

NO. FILED
A.M. P.M. 2:05
FEB 16 1990
JOHN BASTIDA, CLERK
BY Peggy Jackson DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

* * * * * * * * * * *

IDAHO POWER COMPANY, a corporation, Plaintiff, vs. STATE OF IDAHO, IDAHO DEPARTMENT OF WATER RESOURCES, et al. Defendants.	Case No. 81375 CONSENT JUDGMENT

* * * * * * * * * * *

Upon stipulation of Plaintiff and the State Defendants, and good cause appearing;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. Idaho Power Company's water rights shall be as follows (bracketed names below refer to Company projects):

A. State Water License Numbers 36-2013 (Thousand Springs), 37-2128 & 37-2472 (Lower Malad), 37-2471 (Upper Malad), 36-2018 (Clear Lake), 36-2026 (Sand Springs), 02-2057 (Upper Salmon), 02-2001A, 02-2001B, 02-2059, 02-2060 (Lower Salmon), 02-2064, 02-2065 (Bliss), 02-2056 (Twin Falls), 02-2036 (Shoshone Falls), 02-2032, 02-4000, 02-4001, and Decree Number 02-0100 (Swan Falls) entitle the Company to an unsubordinated right of 3900 c.f.s. average

daily flow from April 1 to October 31, and 5600 c.f.s. average daily flow from November 1 to March 31, both to be measured at the Murphy U.S.G.S. gauging station immediately below Swan Falls. These flows are not subject to depletion. The Murphy gauging station is located at latitude 43°17'31", Longitude 116°25'12", in NW1/4 NE1/4 SE1/4 of Section 35 in Township 1 South, Range 1 West, Boise Meridian, Ada County Hydrologic Unit 17050103, on right bank 4.2 miles downstream from Swan Falls Power Plant, 7.5 miles NE of Murphy, at river mile 453.5.

B. The Company is also entitled to use the flow of the Snake River at its facilities to the extent of its actual beneficial use, but not to exceed those amounts stated in State Water License Numbers 36-2013 (Thousand Springs), 37-2128 & 37-2472 (Lower Malad), 37-2471 (Upper Malad), 36-2018 (Clear Lake), 36-2026 (Sand Springs), 02-2057 (Upper Salmon), 02-2001A, 02-2001B, 02-2059, 02-2060 (Lower Salmon), 02-2064, 02-2065 (Bliss), 02-2056 (Twin Falls), 02-2036 (Shoshone Falls), 02-2032, 02-4000, 02-4001, and Decree Number 02-0100 (Swan Falls), but such rights in excess of the amounts stated in 1(A) shall be subordinate to subsequent beneficial upstream uses upon approval of such uses by the State in accordance with State law unless the depletion violates or will violate paragraph 1(A). Company retains it right to contest any appropriation of water in accordance with State law. Company further retains the right to compel State to take reasonable steps to insure the average daily flows established by this Agreement at the Murphy U.S.G.S. gauging station. Average daily flow, as used herein, shall be based upon actual flow conditions; thus, any fluctuations resulting from the operation of Company facilities shall not be considered in the calculation of the minimum daily stream flows set forth herein. This paragraph shall constitute a subordination condition.

C. The Company's rights listed in paragraph 1(A) and 1(B) are also subordinate to the uses of those persons dismissed from this case pursuant to the contract executed between the State and Company implementing the terms of Idaho Code §§61-539 and 61-540.

D. The Company's rights listed in paragraph 1(A) and 1(B) are also subordinate to those persons who have beneficially used water prior to October 1, 1984, and who have filed an application or claim for said use by June 30, 1985.

E. Company's ability to purchase, lease, own, or otherwise acquire water from sources upstream of its power plants and convey it to and past its power plants below Milner Dam shall not be limited by this agreement. Such flows shall be considered fluctuations resulting from operation of Company facilities.

2. The above-captioned case is hereby dismissed without prejudice as to all remaining defendants other than the State defendants.

3. The above-captioned case is hereby dismissed with prejudice as against the State defendants as to all claims of plaintiff not resolved by the decisions of the Idaho Supreme Court reported as Idaho Power Company v. State of Idaho, 104 Idaho 570, 661 P.2d 736 and 104 Idaho 575, 661 P.2d 741 (1983) or by the entry of this Judgment.

4. The Swan Falls Agreement, dated October 25, 1984, shall not be merged into nor integrated with this Judgment, but shall remain in full force and effect independent of this Judgment.

5. Each and all parties shall bear their own costs.

DATED this 12th day of February, 1990 ~~1989~~.

DISTRICT JUDGE

0726p

4

NO. FILED 4:15
A.M. P.M.
MAR 9 1990
JOHN BASTIDA CLERK
BY Kathleen Martinez
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

* * * * * * * * * * *

IDAHO POWER COMPANY, a corporation, Plaintiff, vs. STATE OF IDAHO, IDAHO DEPARTMENT OF WATER RESOURCES, et al. Defendants.	Case No. 62237 CONSENT JUDGMENT

* * * * * * * * * * *

Upon stipulation of Plaintiff and the State Defendants, and good cause appearing;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. Idaho Power Company's water rights shall be as follows (bracketed names below refer to Company projects):

A. State Water License Numbers 36-2013 (Thousand Springs), 37-2128 & 37-2472 (Lower Malad), 37-2471 (Upper Malad), 36-2018 (Clear Lake), 36-2026 (Sand Springs), 02-2057 (Upper Salmon), 02-2001A, 02-2001B, 02-2059, 02-2060 (Lower Salmon), 02-2064, 02-2065 (Bliss), 02-2056 (Twin Falls), 02-2036 (Shoshone Falls), 02-2032, 02-4000, 02-4001, and Decree Number 02-0100 (Swan

Falls) entitle the Company to an unsubordinated right of 3900 c.f.s. average daily flow from April 1 to October 31, and 5600 c.f.s. average daily flow from November 1 to March 31, both to be measured at the Murphy U.S.G.S. gauging station immediately below Swan Falls. These flows are not subject to depletion. The Murphy gauging station is located at latitude 43°17'31", Longitude 116°25'12", in NW1/4 NE1/4 SE1/4 of Section 35 in Township 1 South, Range 1 West, Boise Meridian, Ada County Hydrologic Unit 17050103, on right bank 4.2 miles downstream from Swan Falls Power Plant, 7.5 miles NE of Murphy, at river mile 453.5.

B. The Company is also entitled to use the flow of the Snake River at its facilities to the extent of its actual beneficial use, but not to exceed those amounts stated in State Water License Numbers 36-2013 (Thousand Springs), 37-2128 & 37-2472 (Lower Malad), 37-2471 (Upper Malad), 36-2018 (Clear Lake), 36-2026 (Sand Springs), 02-2057 (Upper Salmon), 02-2001A, 02-2001B, 02-2059, 02-2060 (Lower Salmon), 02-2064, 02-2065 (Bliss), 02-2056 (Twin Falls), 02-2036 (Shoshone Falls), 02-2032, 02-4000, 02-4001, and Decree Number 02-0100 (Swan Falls), but such rights in excess of the amounts stated in 1(A) shall be subordinate to subsequent beneficial upstream uses upon approval of such uses by the State in accordance with State law unless the depletion violates or will violate paragraph 1(A). Company retains it right to contest any appropriation of water in accordance with State law. Company further retains the right to compel State to take reasonable steps to insure the average daily flows established by this Agreement at the Murphy U.S.G.S. gauging station. Average daily flow, as used herein, shall be based upon actual flow conditions; thus, any fluctuations resulting from the operation of Company facilities shall not be considered in the calculation of the minimum daily stream flows set forth herein. This paragraph shall constitute a subordination condition.

C. The Company's rights listed in paragraph 1(A) and 1(B) are also subordinate to the uses of those persons dismissed from Ada County Case No. 81375 pursuant to the

contract executed between the State and Company implementing the terms of Idaho Code §§61-539 and 61-540.

D. The Company's rights listed in paragraph 1(A) and 1(B) are also subordinate to those persons who have beneficially used water prior to October 1, 1984, and who have filed an application or claim for said use by June 30, 1985.

E. Company's ability to purchase, lease, own, or otherwise acquire water from sources upstream of its power plants and convey it to and past its power plants below Milner Dam shall not be limited by this agreement. Such flows shall be considered fluctuations resulting from operation of Company facilities.

2. The above-captioned case is hereby dismissed without prejudice as to all remaining defendants other than the State Defendants.

3. The above-captioned case is hereby dismissed with prejudice as against the State defendants as to all claims of plaintiff not resolved by the decisions of the Idaho Supreme Court reported as Idaho Power Company v. State of Idaho, 104 Idaho 570, 661 P.2d 736 and 104 Idaho 575, 661 P.2d 741 (1983) or by the entry of this Judgment.

4. The Swan Falls Agreement, dated October 25, 1984, shall not be merged into nor integrated with this Judgment, but shall remain in full force and effect independent of this Judgment.

5. Each and all parties shall bear their own costs.

DATED this 7th day of March, 1990

DISTRICT JUDGE

5

State of Idaho

The State Water Plan — Part Two

Idaho Water Resource Board:

John F. Streiff
Chairman

George L. Yost
Vice-Chairman

Donald R. Kramer
Secretary

Joseph H. Nettleton

Franklin Jones

Scott W. Reed

Edwin C. Schlender

M. Reed Hansen

December 1976

Idaho Water Resource Board, Statehouse, Boise, Idaho 83720

The available and unappropriated waters of the Snake River Basin are allocated to satisfy existing uses, meet needs for future growth and development, and protect the environment. The allocations recognize and protect existing water uses and rights. The water allocations are made by large regions to allow the widest possible discretion in application.

Policy 32
Snake River Basin

Water Allocation Criteria

The greatest competition for water in the Snake River Basin exists along the main stem of the Snake River. Existing and potential uses include hydropower generation, irrigation, fish and wildlife, recreation and protection of water quality. The amount of water required for the potential uses exceeds the remaining available supply.

The river flow is regulated by numerous dams, reservoirs, direct diversions and return flows as it crosses the southern half of the state. Existing water rights are principally for irrigation and hydropower generation. Irrigation needs are normally met except during extreme low runoff years. Hydropower generation utilizes water remaining after irrigation diversions even though there are licensed water rights for hydro-generation at several points on the Snake River. Some of these rights are subordinated to upstream diversion and depletions and others are not. The largest unsubordinated right is at Swan Falls Dam (near the Murphy gage) with a flow right of 9,450 cfs (includes 3,300 cfs in claims). Substantial development has occurred above this point, thus reducing flows below the claimed right. Pending applications to divert water could reduce the flows to essentially zero during July, August and September of each year. The resulting impact would substantially reduce electrical energy generation at Swan Falls and at all other points downstream on the main stem Snake River. In the absence of protests from the public and water right holders, the Department of Water Resources has continued to issue permits to develop new water supplies for irrigation from Snake River.

Permits previously issued by the department, if fully developed, would reduce summertime flows in dry years to about 3,300 cfs near Murphy. Sequences of consecutive years of flows of this magnitude would have occurred in the early 1930's and again in the late 1950's and early 1960's if present developments, plus the already issued permits, had been fully developed at that time. These flows were computed in a study of major outstanding permits from the Snake River in southwestern Idaho (Technical Studies Report No. 3) and a preliminary estimate of effects of full development of outstanding groundwater permits in the Upper Snake.

A flow of 3,300 cfs at Swan Falls is about one-third of the flow necessary to meet the entitlement of hydro-generation at that power plant if the recorded water filings are valid. It is also less than the amount identified as needed for fish, wildlife and recreation purposes at Swan Falls or downstream. The potential uses of water in the main stem Snake River have been identified in sufficient detail to determine that remaining water supplies cannot fulfill all identified needs.

The Idaho Water Resource Board concluded, after considering all current and potential uses of water on the main stem Snake River, that depletion of flows below that currently available in the low flow months to maintain water for production of hydropower and other main stem water uses is not in the public interest.

Therefore, main stem Snake River flows will be protected against further appropriations and preserved to provide the following average daily flows at the following U.S. Geological Survey stream gaging stations:

Gaging Station	Protected Flow (Average Daily)
Milner	0 cfs
Murphy	3,300 cfs
Weiser	4,750 cfs

Studies indicate that sufficient water exists in excess of these flows to provide for additional uses if water conserving and storage facilities are constructed.

Water available in excess of the designated flows for development above an average annual flow basis are:

Gaging Station	Water Presently Available for Appropriation (Average Year)
Milner	1,437,000 acre-feet
Murphy	4,218,700 acre-feet
Weiser	7,821,000 acre-feet

The above average daily flows will allow the flow requirements contained in the Federal Power Commission License issued for the Hells Canyon hydropower complex to be met without signficantly affecting hydropower production. Article 43 of the license provides the management criteria,

"The project shall be operated in the interest of navigation to maintain 13,000 cfs flow into the Snake River at Lime Point (river mile 172) a minimum of 95 percent of the time, when determined by the Chief of Engineers to be

necessary for navigation. Regulated flows of less than 13,000 cfs will be limited to the months of July, August, and September, during which time operation of the project would be in the best interest of power and navigation, as mutually agreed to by the License and the Corps of Engineers. The minimum flow during periods of low flow or normal minimum plant operations will be 5,000 cfs at Johnson's Bar, at which point the maximum variation in river stage will not exceed one foot per hour. These conditions will be subject to review from time to time as requested by either party."

The Board further finds that this requirement is still in the public interest and should be maintained without change.

Within the above management framework, each future use of water can be considered individually. Water allocations for forestry, flood damage reduction, environmental quality, urban lands, land measures, mining and lake and reservoir management are included as components of other allocations.

Agriculture

Water is allocated for additional new and supplemental irrigation development. A minimum level of irrigation development of 850,000 acres by the year 2020 over that which existed in August 1975 is endorsed. The location of future development is expected to be: Upper Snake - 498,000 acres; Southwest Idaho - 292,000 acres, and Lower Snake - 60,000 acres. In addition, 255,000 acres are expected to receive supplemental irrigation water. At least 1.7 million acre-feet of water will be consumptively used to meet the minimum level of irrigation development. A maximum level of irrigation development is not identified but will be determined as water supplies, economic conditions, environmental standards and protected instream water rights allow. The Water Resource Project Feasibility Planning Program is directed to assist in appropriate studies to help accomplish the identified agricultural development.

Municipal and Industrial

Water is allocated for municipal and industrial purposes. It is projected that the basin population will more than double by year 2020 and additional industrialization will occur. Water necessary to process agricultural, forest, minerals, aquaculture and other products are included in this allocation. The plan provides for 830,000 acre-feet of diversion beyond August 1975 levels to meet this growth. The diversion is distributed as follows: Upper Snake - 420,000 acre-feet; Southwest Idaho - 275,000 acre-feet; and Lower Snake - 135,000 acre-feet. The net depletion will be about 105,000 acre-feet.

Electric Energy

Water is allocated for electric energy. Future electric energy requirements will be largely supplied from thermal plants. The plan provides for 170,000 acre-feet beyond August 1975 levels for consumptive use in cooling thermal power plants. The depletion is distributed as follows: Upper Snake - 75,000 acre-feet; Southwest Idaho - 30,000 acre-feet. In addition, flows in the Snake River will be stabilized for the hydropower generating capability of the river.

Navigation

No specific allocation of water is made for commercial or recreational navigation. Commercial navigation enroute to Lewiston on the Columbia River and Lower Snake River can be accommodated with the flows leaving Idaho in Snake River at Lewiston. Above Lewiston, commercial and recreational navigation should be accommodated within the protected flows on Snake River and the instream flows on tributary streams, however, both commercial and recreational navigation are included as components of the multi-lake and reservoir management program.

Aquaculture

No specific allocation of water is made for aquaculture uses. Water necessary to process aquaculture products is included as a component of the municipal and industrial water allocation. Aquaculture is encouraged to continue to expand when and where water supplies are available and where such uses do not conflict with other public benefits. Future management and development of the Snake Plain aquifer may reduce the present flow of springs tributary to the Snake River. If that situation occurs, adequate water for aquaculture will be protected, however, aquaculture interests may need to construct different water diversion facilities than presently exist.

Recreation

No specific allocation of water is made for recreation. The instream flow program for fish and wildlife will provide water for recreation on tributary streams. Main stem Snake River recreation may be affected because of lower flows than presently exist particularly during summer months. Some existing reservoirs may experience greater seasonal fluctuations from increased use of stored water. The State Natural and Recreational River System and Greenway-Greenbelt System will aid and promote water-oriented recreation in the basin. Recreation is also a component of the multi-use lake and reservoir management program.

Indian Resource Use

No separate allocation of water is made for Indian resource use on the Indian reservations. Indian water needs are included as components of other water uses. Irrigation, municipal, industrial, electric energy and the instream flow program include water for Indian uses. Identification of specific needs is required before water allocations can be made specifically to Indian water uses. Several policies in the plan are designed to assist the Indian tribes in obtaining necessary information and incorporating their needs into the State Water Plan.

Fish and Wildlife

No specific allocation of water on the main stem Snake River is made for fish and wildlife, however, the plan does provide for maintaining flows on selected tributary streams to the Snake River for fish and wildlife.

Additional detailed study should be conducted on the principal streams before setting stream resource maintenance flows for fish and wildlife. Information provided by the Idaho Fish and Game Department in the report, *Stream Resource Maintenance Flow Studies, 1975* and *1976* will serve as a guide until detailed studies are complete. Completion of a State Fish and Game Plan will improve management decisions where fish and wildlife are involved. Flows in the Snake River will be less than identified as needed for fish and wildlife in some months of the year. However, significant habitat will be protected for fish and wildlife as a result of protected flows at Murphy and Weiser in the Snake River to meet other uses.

Water Quality and Pollution Control

No specific allocation of water is made for water quality and pollution control. As of this date no assessment has been completed which calls for or identifies flows necessary to maintain water quality. Other policies of the plan are based upon the assumption that the water quality goals established by the Congress in P.L. 92-500, The Federal Water Pollution Control Act Amendments of 1972, will be met in Idaho. The instream flow program is directed towards meeting fish, wildlife and recreation needs, not to dilution of pollution.

Interstate Considerations

The Snake River Compact, enacted in 1949, establishes the allocation of water between Idaho and Wyoming. No other compacts exist with regard to the allocation of the Snake River flows. The State of Washington has previously expressed its desire to see a minimum flow of 22,000 cfs at the Idaho-Washington boundary on the Snake River. The plan does not provide any minimum flow at that point except that which would result under the provisions of the Federal Power Commission License for Hells Canyon Dam of 5,000 cfs at Johnson's Bar. Flows at the Idaho-Washington border will be less than 22,000 cfs at times.

Administration of State Water Plan

The major policy action of the State Water Plan is the allocation of the available and unappropriated waters of the state to meet a selected level of future water use. The State Water Plan is the legal and administrative vehicle for reserving the future use of these waters to a selected level for each water use function. The allocation procedure is particularly critical in the Snake River Basin where studies have shown that future water uses will exceed supplies.

Periodic reviews at five-year intervals of the amount of water allocated to the various water use functions are to be part of the continuing planning process for updating the State Water Plan to meet current and projected needs. This periodic review will enable any apparent irregularities or discrepancies in the water allocated to any particular use to be identified and needed modifications made to the State Water Plan.

The allocation process as established by the State Water Plan, therefore, is specific for each water use function and will be administratively monitored and enforced. The allocation process is not specific as to where the water uses are to occur other than within the planning region. In this way, flexibility is maintained for the public to develop, use and manage the state's available water resources to meet desirable goals and means.

The impact of future development cannot be fully described at this time. The large number and scattered location of existing permits will have profound impact and could cause beneficial or adverse effects depending on the nature of development. Because the extent to which these permits may ultimately be developed is not known, impacts as a result of the State Water Plan will vary from area to area. The plan is based on development of water authorized by existing permits as the first stage of the allocations. The second stage of development will be based on approval of new permits when and where all economic, environmental and social criteria can be met. The plan does not determine where specific agricultural development must occur nor set instream flows for fish and wildlife, but it does preserve options and provide opportunities throughout the basin. In adopting this State Water Plan there are several actions that should be taken to protect the public interest in water resources. The Department of Water Resources will include in their basic program of water inventories and data collection the following:

1. Expand the data collection program and evaluation studies on water levels and outflow from the Snake Plain aquifer.

2. Maintain and expand the state collection program and evaluation studies of streamflows where needed.

3. Monitor water use efficiency of existing and new water uses throughout the basin.

4. Complete a thorough analysis of existing permits and their impact on the aquifer and streams of the basin.

5. Report to the Idaho Water Resource Board annually (October 1 to September 30) the:

    a) status of current water permits;

    b) number of new permits issued, location, quantity of water permitted and impact of diversion and depletion.

In addition to these items, it may also be in the public interest to preserve or cancel permits previously granted for large scale public development. These permits should be reevaluated now and in five years when the State Water Plan is updated.

6

Idaho State Water Plan



Adopted by the

Idaho Water Resource Board

January 19, 1982

2. REHABILITATION FUND

The Rehabilitation Fund should receive annual appropriations. These monies would be used to evaluate and rehabilitate abandoned mines and by-product storage areas and other abandoned projects that adversely affect the state's water resources.

The Water Management Fund and Rehabilitation Fund would be administered by the Department of Water Resources as prescribed by the legislature and consistent with the State Water Plan.

3. ENERGY DEVELOPMENT AND STUDY FUND

The Energy Development and Study Fund should receive annual appropriations. These monies would be used to expand geothermal energy research and development, solar energy research and development, conservation studies, pumped storage studies, and assist other programs affecting the adequacy of electrical and other energy supplies. This fund should be administred by the designated energy agency with water resources components assigned to the Idaho Department of Water Resources.

Basin Policies

POLICY 32
Snake River Basin

The available and unappropriated waters of the Snake River Basin are allocated to satisfy existing uses, meet needs for future growth and development, and protect the environment. The allocations recognize and protect existing water uses and rights. The water allocations are made by large regions to allow the widest possible discretion in application.

Water Allocation Criteria

The greatest competition for water in the Snake River Basin exists along the main stem of the Snake River. Existing and potential uses include hydropower generation, irrigation, fish and wildlife, recreation, and protection of water quality. The amount of water required for the potential uses exceeds the remaining available supply.

The river flow is regulated by numerous dams, reservoirs, direct diversions, and return flows as it crosses the southern half of the state. Existing water rights are principally for irrigation and hydropower generation. Irrigation needs are normally met except during extreme low runoff years. Hydropower generation utilizes water remaining after irrigation diversions even through there are licensed water rights for hydro-generation at several points on the Snake River. Some of these rights are subordinated to upstream diversion and depletions and others are not. The largest unsubordinated right is at Swan Falls Dam (near the Murphy gage) with a flow right of 9450 cfs (includes 3300 cfs in claims). Substantial development has occurred above this point, thus reducing flows below the claimed right. Pending applications to divert water could reduce the flows to essentially zero during July, August and September of each year. The resulting impact would substantially reduce electrical energy generation at Swan Falls and at all other points downstream on the main stem Snake River. In the absence of protests from the public and water right holders, the Department of Water Resources has continued to issue permits to develop new water supplies for irrigation from Snake River.

Permits previously issued by the department, if fully developed, would reduce summertime flows in dry years to about 3300 cfs near Murphy. Sequences of consecutive years of flows of this magnitude would have occurred in the early 1930's and again in the late 1950's and early 1960's if present developments, plus the already issued permits, had been fully developed at that time. These flows were computed in a study of major outstanding permits from the Snake River in southwestern Idaho (Technical Studies Report No. 3) and a preliminary estimate of effects of full development of outstanding groundwater permits in the Upper Snake.

A flow of 3300 cfs at Swan Falls is about one-third of the flow necessary to meet the entitlement of hydro-generation of that power plant if the recorded water filings are valid. It is also less than the amount identifed as needed for fish, wildlife and recreation purposes at Swan Falls or downstream. The potential uses of water in the main stem Snake River have been identified in sufficient detail to determine that remaining water supplies cannot fulfill all identified needs.

The Idaho Water Resource Board concluded, after considering all current and potential uses of water on the main stem Snake River, that depletion of flows below that currently available in the low flow months to maintain water for production of hydropower and other main stem water uses is not in the public interest.

Therefore, main stem Snake River flows will be protected against further appropriations and preserved to provide the following average daily flows at the following U.S. Geological Survey stream gaging stations:

Gaging Station	**Protected Flow (Average Daily)**
Milner	0 cfs
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Studies indicate that sufficient water exists in excess of these flows to provide for additional uses if water conserving and storage facilities are constructed.

Water available in excess of the designated flows for development above an average annual flow basis are:

Gaging Station	**Water Presently Available for Appropriation (Average Year)**
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The above average daily flows will allow the flow requirements contained in the Federal Power Commission License issued for the Hells Canyon hydropower complex to be met without significantly affecting hydropower production. Article 43 of the license provides the management criteria,

"The project shall be operated in the interest of navigation to maintain 13,000 cfs flow into the Snake River at Lime Point (river mile 172) a minimum of 95 percent of the time, when determined by the Chief of Engineers to be necessary for navigation. Regulated flows of less than 13,000 cfs will be limited to the months of July, August, and September, during which time operation of the project would be in the best interest of power and navigation, as mutally agreed to by the License and the Corps of Engineers. The minimum flow during periods of low flow or normal minimum plant operations will be 5,000 cfs at Johnson's Bar, at which point the maximum variation in river stage will not exceed one foot per hour. These conditions will be subject to review from time to time as requested by either party."

The Board further finds that this requirement is still in the public interest and should be maintained without change.

Within the above management framework, each future use of water can be considered individually. Water allocations for forestry, flood damage reduction, environmental quality, urban lands, land measures, mining, and lake and reservoir management are included as components of other allocations.

Agriculture

Water is allocated for additional new and supplemental irrigation development. A minimum level of irrrigation development of 850,000 acres by the year 2020 over that which existed in August 1975 is endorsed. The location of future development is expected to be: Upper Snake — 498,000 acres; Southwest Idaho — 292,000 acres and Lower Snake — 60,000 acres. In addition, 255,000 acres are expected to receive supplemental irrigation water. At least 1.7 million acre-feet of water will be consumptively used to meet the minimum level of irrigation development. A maximum level of irrigation development is not identified but will be determined as water supplies, economic conditions, environmental standards and protected instream water rights allow. The Water Resource Project Feasibility Planning Program is directed to assist in appropriate studies to help accomplish the identified agricultural development.

Municipal and Industrial

Water is allocated for municipal and industrial purposes. It is projected that the basin population will more than double by year 2020 and additional industrialization will occur. Water necessary to process agricultural, forest, minerals, aquaculture and other products are included in this allocation. The plan provides for 830,000 acre- feet of diversion beyond August 1975 levels to meet this growth. The diversion is distributed as follows: Upper Snake — 420,000 acre-feet; Southwest Idaho — 275,000 acre-feet; and Lower Snake — 135,000 acre-feet. The net depletion will be about 105,000 acre-feet.

Electric Energy

Water is allocated for electric energy. Future electric energy requirements will be largely supplied from thermal plants. The plan provides for 170,000 acre-feet beyond August 1975 levels for consumptive use in cooling thermal power plants. The depletion is distributed as follows: Upper Snake — 75,000 acre-feet; Southwest Idaho — 30,000 acre-feet. In addition, flows in the Snake River will be stabilized for the hydropower generating capability of the river.

Navigation

No specific allocation of water is made for commercial or recreationa navigation. Commercial navigation enroute to Lewiston on the Columbia Rive and Lower Snake River can be accommodated with the flows leaving Idaho i Snake River at Lewiston. Above Lewiston, commercial and recreational navigatio should be accommodated within the protected flows on Snake River and th instream flows on tributary streams, however, both commercial and recreationa navigation are included as components of the multi-lake and reservoir managemen program.

Aquaculture

No specific allocation of water is made for acquaculture uses. Water necessar to process aquaculture products is included as a component of the municipal an industrial water allocation. Aquaculture is encouraged to continue to expand whe and where water supplies are available and where such uses do not conflict wit other public benefits. Future management and development of the Snake Plai aquifer may reduce the present flow of springs tributary to the Snake River. If th situation occurs, adequate water for aquaculture will be protected, howeve aquaculture interests may need to construct different water diversion facilities tha presently exist.

Recreation

No specific allocation of water is made for recreation. The instream flo program for fish and wildlife will provide water for recreation on tributary stream Main stem Snake River recreation may be affected because of lower flows th presently exist particularly during summer months. Some existing reservoirs m experience greater seasonal fluctuations from increased use of stored water. T State Natural and Recreational River System and Greenway-Greenbelt System w aid and promote water-oriented recreation in the basin. Recreation is also component of the multi-use lake and reservoir management program.

Indian Resource Use

No separate allocation of water is made for Indian resource use on the Indi reservations. Indian water needs are included as components of other water us Irrigation, municipal, industrial, electric energy, and the instream flow progra include water for Indian uses. Identification of specific needs is required bef water allocations can be made specifically to Indian water uses. Several policies the plan are designed to assist the Indian tribes in obtaining necessary informati and incorporating their needs into the State Water Plan.

Fish and Wildlife

No specific allocation of water on the main stem Snake River is made for fish and wildlife, however, the plan does provide for maintaining flows on selected tributary streams to the Snake River for fish and wildlife. Additional detailed study should be conducted on the prinicipal streams before setting stream resource maintenance flows for fish and wildlife. Information provided by the Idaho Fish and Game Department in the report. "Stream Resource Maintenance Flow Studies," 1975 and 1976 will serve as a guide until detailed studies are complete. Completion of a State Fish and Game Plan will improve management decisions where fish and wildlife are involved. Flows in the Snake River will be less than identified as needed for fish and wildlife in some months of the year. However, significant habitat will be protected for fish and wildlife as a result of protected flows at Murphy and Weiser in the Snake River to meet other uses.

Water Quality and Pollution Control

No specific allocation of water is made for water quality and pollution control. As of this date no assessment has been completed which calls for or identifies flows necessary to maintain water quality. Other policies of the plan are based upon the assumption that the water quality goals established by the Congress in P.L. 92-500, The Federal Water Pollution Control Act Amendments of 1972, will be met in Idaho. The instream flow program is directed towards meeting fish, wildlife, and recreation needs, not to dilution of pollution.

Interstate Considerations

The Snake River Compact, enacted in 1949, establishes the allocation of water between Idaho and Wyoming. No other compacts exist with regard to the allocation of the Snake River flows. The State of Washington has previously expressed its desire to see a minimum flow of 22,000 cfs at the Idaho-Washington boundary on the Snake River. The plan does not provide any minimum flow at that point except that which would result under the provisions of the Federal Power Commission License for Hells Canyon Dam of 5000 cfs at Johnson's Bar. Flows at the Idaho-Washington border will be less than 22,000 cfs at times.

Administration of State Water Plan

The major policy action of the State Water Plan is the allocation of the available and unappropriated waters of the state to meet a selected level of future water use. The State Water Plan is the legal and administrative vehicle for reserving the future use of these waters to a selected level for each water use function. The allocation procedure is particularly critical in the Snake River Basin where studies have shown that future water uses will exceed supplies.

Periodic reviews at five-year intervals of the amount of water allocated to the various water use functions are to be part of the continuing planning process for updating the State Water Plan to meet current and projected needs. This periodic review will enable any apparent irregularities or discrepancies in the water allocated to any particular use to be identified and needed modifications made to the State Water Plan.

The allocation process as established by the State Water Plan, therefore, is specific for each water use function and will be administratively monitored and enforced. The allocation process is not specific as to where the water uses are to occur other than within the planning region. In this way, flexibility is maintained for the public to develop, use, and manage the state's available water resources to meet desirable goals and means.

The impact of future development cannot be fully described at this time. The large number and scattered location of existing permits will have a profound impact and could cause beneficial or adverse effects depending on the nature of development. Because the extent to which these permits may ultimately be developed is not known, impacts as a result of the State Water Plan will vary from area to area. The plan is based on development of water authorized by existing permits as the first stage of the allocations. The second stage of development will be based on approval of new permits when and where all economic, environmental, and social criteria can be met. The plan does not determine where specific agricultural development must occur nor set instream flows for fish and wildlife, but it does preserve options and provide opportunities throughout the basin. In adopting this State Water Plan there are several actions that should be taken to protect the public interest in water resources. The Department of Water Resources will include in their basic program of water inventories and data collection the following:

1. Expand the data collection program and evaluation studies on water levels and outflow from the Snake Plain aquifer.

2. Maintain and expand the state collection program and evaluation studies of streamflows where needed.

3. Monitor water use efficiency of existing and new water uses throughout the basin.

4. Complete a thorough analysis of existing permits and their impact on the aquifer and streams of the basin.

5. Report to the Idaho Water Resource Board annually (October 1 to September 30) the:
   a) status of current water permits;
   b) number of new permits issued, location, quantity of water permitted, and impact of diversion and depletion.

In addition to these items, it may also be in the public interest to preserve or cancel permits previously granted for large scale public development. These permits should be reevaluated now and in five years when the State Water Plan is updated.

POLICY 33 Panhandle Basins

The available and unappropriated waters of the Spokane, Pend Oreille-Clark Fork, and Kootenai river basins are allocated to satisfy existing and potential needs for economic development and environmental quality. This allocation recognizes and protects all existing and potential water uses and private and public rights.

Water Allocation Criteria

No special criteria are established for allocation and management of the water resources in the Panhandle Basins. Within this policy, each use of water can be considered individually. Water allocation for foresty, damage reduction, environmental quality, urban lands, land measures, mining, and lake and reservoir management are included as components of other allocations.

7

BEFORE THE IDAHO WATER RESOURCE BOARD

IN THE MATTER OF)
POLICY 32 OF THE) A RESOLUTION
STATE WATER PLAN)
)

WHEREAS, pursuant to Chapter 17, Title 42, Idaho Code, the Idaho Water Resource Board (Board) has the power and duty to adopt a comprehensive State Water Plan; and,

WHEREAS, portions of the Snake River Water Rights Agreement (Agreement) entered into by the Governor, the Attorney General, and the Idaho Power Company on October 25, 1984 are not in accord with the State Water Plan; and,

WHEREAS, the Board has conducted 12 formal hearings in affected areas of the state on proposed changes to Policy 32 of the State Water Plan;

NOW, THEREFORE, BE IT RESOLVED that, the Idaho Water Resource Board under its authority to establish water policy amends Policy 32 of the State Water Plan to read as follows:

Policy 32 - Snake River Basin

It is the policy of Idaho that the ground water and surface water of the basin be managed to meet or exceed a minimum average daily flow of zero measured at the Milner gaging station, 3900 cfs from April 1 to October 31 and 5600 cfs from November 1 to March 31 measured at the Murphy gaging station, and 4750 cfs measured at the Weiser gaging station. A minimum average daily flow of 5,000 cfs at Johnson's Bar shall be maintained and an average daily flow of 13,000 cfs shall be maintained at Lime Point (river mile 172) a minimum of 95 percent of the time. Lower flows may be permitted at Lime Point only during the months of July, August, and September.

Waters not held in trust by the State in accordance with Policy 32A shall be allocated according to the criteria established by Idaho Code 42-203A.

The minimum flows established for the Snake River at the Murphy and Weiser gaging stations are management constraints; they further insure that minimum flow levels of Snake River water will be available for hydropower, fish, wildlife, and recreational purposes. The establishment of a zero minimum flow at the Milner gaging station allows for existing uses to be continued and for some new uses above Milner. The zero flow established at Milner means that river flows downstream from that point to Swan Falls Dam may consist almost entirely of ground-water discharge during portions of low-water years. The Snake River Plain aquifer which provides this water must therefore be managed as an integral part of the river system.

The minimum flows established for Johnson's Bar and Lime Point are contained in the original Federal Power Commission license for the Hells Canyon hydropower complex. By adopting these flows, the Idaho Water Resource Board recognizes the importance of minimum flows to downstream uses and makes their maintenance a matter of state water policy. Article 43 of the power license provides that:

> "The project shall be operated in the interest of navigation to maintain 13,000 cfs flow in the Snake River at Lime Point (river mile 172) a minimum of 95 percent of the time, when determined by the Chief of Engineers to be necessary for navigation. Regulated flows of less than 13,000 cfs will be limited to the months of July, August, and September, during which time operation of the project would be in the best interest of power and navigation, as mutually agreed to by the Licensee and the Corps of Engineers. The minimum flow during periods of low flow or normal minimum plant operations will be 5,000 cfs at Johnson's Bar . . . . "

Snake River flows above the hydropower right at any Idaho Power facility are considered unappropriated and therefore are not held in trust by the state. This distinction is further addressed in Policy 32A.

Policy 32A - Water Held in Trust by the State

It is the policy of Idaho that water held in trust by the state pursuant to Idaho Code 42-203B be reallocated to new uses in accordance with the criteria established by Idaho Code 42-203A and 42-203C.

The agreement between the state of Idaho and Idaho Power Company dated October 25, 1984 provides that Idaho Power's

claimed water right of 8400 cfs at the Swan Falls dam may be reduced to 3900 cfs. The claimed water right of 8400 cfs is deemed appropriated and the amount above the minimum flow established in Policy 32 up to the 8400 cfs is held in trust by the state. The agreement further provides that Idaho Power's claimed water rights at facilities upstream from Swan Falls shall be considered satisfied when the company receives the minimum flow specified in Policy 32 at the Murphy gaging station. The 8400 cfs claim of the power company has not historically been available during summer months.

The 8400 cfs claimed right is reduced by the agreement to that flow available after satisfying all applications or claims that demonstrate water was beneficially used prior to October 1, 1984 even if such uses would violate the minimum flows established in Policy 32. Any remaining water above these minimum flows may be reallocated to new uses by the state providing such use satisfies existing Idaho law plus criteria the Legislature is requested by the agreement to establish as Idaho Code 42-203C. These additional criteria supplement Policy 1 of the Water Plan which urges that conformance with the State Water Plan be considered evidence of the public interest. The Idaho Water Resource Board recognizes that the specific criteria for defining public interest established by Idaho Code 42-203C are to be used in addition to the criteria set forth in Policy 1 for the reallocation of of hydropower rights.

Policy 32B - Domestic, Commercial, Municipal and Industrial (DCMI)

It is the policy of Idaho that 150 cfs of water for consumptive purposes held in trust by the state pursuant to Policy 32A be reallocated to meet future DCMI uses in accordance with state law.

While most DCMI uses are nonconsumptive or only partially consumptive, future growth in Idaho's population and commercial and industrial expansion will require an assured supply of water.

A continuous flow of 150 cfs provides approximately 108,600 acre-feet of water per year. This volume of water is assigned to consumptive uses within the basin for domestic, commercial, municipal, and other industrial purposes. Industrial purposes include processing, manufacturing, research and development, and cooling.

Adequate records should be kept and reviewed so that this reallocation can be modified as necessary. Increases in the

DCMI allocation, if necessary, will reduce the amount of water available for agricultural uses. The allocation will be reviewed as part of every Water Plan update.

Policy 32C - Agriculture

It is the policy of Idaho that appropriated water held in trust by the state pursuant to Policy 32A, less the amount of water necessary to provide for present and future DCMI uses as set forth in Policy 32B, shall be available for reallocation to meet new and supplemental irrigation requirements which conform to Idaho Code 42-203A, 203B, 203C, and 203D.

The policy allows for new and supplemental agricultural development through the reallocation of water held in trust by the state. The 1982 State Water Plan allocated water for a minimum level of new irrigation development of 850,000 acres plus supplemental water for 225,000 acres by the year 2020 over that which existed in 1975. This policy rescinds the 1982 allocations since there are no acres specified in that the type, location, and amount of use is unknown as is the effect of the evaluation called for in Policy 32A.

During the 8 year period from 1975 to 1983, about 140,000 acres of new development occurred within the basin. While the amount of new acreage varied significantly from year to year, the average was approximately 17,500 acres. Data are not available to estimate the number of acres that received supplemental water during this period. Idaho Code Section 42-203C limits the rate of new development in the basin above Murphy gaging station to 80,000 acres in any four year period. Therefore, the maximum development to the year 2020 above Murphy gaging station assuming no water supply constraint is 700,000 acres. Criteria placed on the reallocation of hydropower rights, limits on the rate of new development, plus the requirement that approval of new storage projects that divert water between November 1 and April 1 from the Snake River between Milner Dam and Murphy gaging station must mitigate the impact of diversions on hydropower generation (Policy 32I), will undoubtedly limit development to less then 700,000 acres.

Policy 32D - Hydropower

It is the policy of Idaho that hydropower use be recognized as a beneficial use of water, and that depletion of flows below the minimum average daily flows set forth in Policy 32 is not in the public interest.

The 1982 State Water Plan allocated 170,000 acre-feet for consumptive use in cooling thermal power plants. By establishing a minimum daily flow of 3300 cfs at Murphy and 4750 cfs at Weiser, stabilized flows were guaranteed for hydropower generation. The minimum daily flows for hydropower generation are now increased as stated in Policy 32. In addition, this policy specifically recognizes hydropower generation as a beneficial use of water and acknowledges the public interest in maintaining the minimum river flow at key points. Any water depletion for thermal power generation would now come from the block of water allocated to DCMI uses.

Policy 32E - Navigation

It is the policy of Idaho that water sufficient for commercial and recreational navigation is provided by the minimum flows established for the Snake River.

Commercial navigation enroute to Lewiston via the Columbia River and Lower Snake River can be accommodated with the flows leaving Idaho in the Snake River at Lewiston. Above Lewiston, commercial and recreational navigation should be accommodated within the protected flows on the Snake River and tributary streams.

Policy 32F - Aquaculture

It is the policy of Idaho that water necessary to process aquaculture products be included as a component of DCMI as provided in Policy 32B. The minimum flows established for the Murphy gaging station should provide an adequate water supply for aquaculture. It must be recognized that while existing water rights are protected, it may be necessary to construct different diversion facilities than presently exist.

Aquaculture can expand when and where water supplies are available and where such uses do not conflict with other beneficial uses. It is recognized, however, that future management and development of the Snake River Plain aquifer may reduce the present flow of springs tributary to the Snake River, necessitating changes in diversion facilities.

Policy 32G - Fish, Wildlife, and Recreation

It is the policy of Idaho that the minimum flows established under Policy 32 are sufficient and necessary to meet the minimum requirements for aquatic life, fish, and wildlife, and to provide water for recreation in the Snake River below Milner Dam. Streamflow depletion below the minimum flows is not in the public interest.

The policy reiterates the view that the minimum flows established in Policy 32 will protect fish, wildlife, aquatic life and recreation within the Snake River Basin at acceptable levels and that this is in the public interest. State law provides for the Water Resource Board to apply for a water right for unappropriated water for minimum flows necessary "for the protection of fish and wildlife habitat, aquatic life, recreation, aesthetic beauty, transportation and navigation values, and water quality." The minimum stream flow legislation, where appropriate, can be used on the Snake River and tributary streams to enhance these values. Tributary streams in the Snake River Basin which the Board has identified as key river segments needing protection are identified in Policy 7.

Policy 32H - Water Quality and Pollution Control

It is the policy of Idaho that the use of water to provide pollution dilution is not a beneficial use of water.

Existing state and federal water quality programs should be sufficient to protect the current high water quality associated with streams within the basin. Any allocation of water for minimum streamflow is directed towards meeting fish, wildlife, and recreational needs, not to the dilution of pollution.

Policy 32I - New Surface Storage

It is the policy of Idaho that applications for large surface storage projects upstream from the Murphy gage be approved when it is determined that those projects are needed to meet new uses after consideration of then existing public interest criteria. Approval of new storage projects that would divert water from the mainstem of the Snake River between Milner and the Murphy Gaging station during the period November 1 to March 31 should be coupled with provisions that mitigate the impact such depletions would have on the generation of hydropower.

This policy addresses the approval of new surface storage in the basin but does not apply to already approved projects. A study of all existing social, legal and economic constraints on allocation and use of water in existing storage facilities will be made to determine whether new storage projects are needed. An attempt will be made to modify those constraints that are found to prevent reasonably full use of existing storage. Such study shall not delay applications for new storage projects. In addition, permits for these new projects may be issued during the study period, if they are found to be in the public interest. Public interest as used within this policy does not include the provisions of § 42-203 (c) Idaho Code.

"Large surface storage projects" are those which have the potential for significantly impacting existing uses. Projects for which approval is required under § 42-1737, Idaho Code, would be such projects. Smaller projects could also have significant impacts, but stock water ponds, and waste water re-pumping ponds would not be included, for example.

New storage projects that would divert water from the Snake River between the Milner and Murphy gaging stations during the November 1 to April 1 period are subject to the requirement that the impact such depletions have on hydropower generation is mitigated. Mitigate is defined as causing to become less harsh or hostile, and is used here rather than compensate which connotes equivalence. Methodology will be developed by the Water Resource Board for use in calculating impacts on hydropower generation.

Policy 32J - Stored Water For Management Purposes

It is the policy of Idaho that reservoir storage be acquired in the name of the Idaho Water Resource Board to provide management flexibility in assuring the minimum flows designated for the Snake River.

The Department of Water Resources is expected to allocate the unappropriated waters and the power rights held in trust by the state in such a manner as to assure minimum flows at designated key points on the Snake River. The impacts of groundwater use within the basin on the timing of aquifer discharge to the river is such that at some time stored surface water may be necessary to maintain the designated minimum flows.

At this time there is unallocated reservoir storage within the basin which could be acquired by the state. These waters would provide flexibility for management decisions and provide assurance that the established minimum flows can be maintained.

The state should act to acquire sufficient reservoir storage for this purpose. In the future no unallocated stored water will be available and it may be impossible to acquire sufficient water to satisfy river demands. Until such time as these waters are needed for management purposes, they shall be credited to the Water Supply Bank and funds obtained from their lease or sale shall accrue to the Water Management Account.

PASSED AND APPROVED this 1st of March, 1985.

GENE M. GRAY, Chairman

ATTEST:

JAMES SHAWVER, Secretary

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IDAHO STATE WATER PLAN

Adopted by the

IDAHO WATER RESOURCE BOARD

December 12, 1986

A criterion the Idaho Water Resource Board must use in formulating water policy (Idaho Code 42-1734(b)(2)) is that, if in the interest of the state, optimum beneficial use shall be achieved by the integration and coordination of water use and by the augmentation of existing supplies. The integration and coordination of use of water, while recognizing existing water rights, will frequently require the exchange of water between right holders in order to make use of the most efficient points or sources of diversion. The Department of Water Resources should use this criterion in the water allocation process.

POLICY 5A - Snake River Basin

IT IS THE POLICY OF IDAHO THAT THE GROUND WATER AND SURFACE WATER OF THE BASIN BE MANAGED TO MEET OR EXCEED A MINIMUM AVERAGE DAILY FLOW OF ZERO MEASURED AT THE MILNER GAUGING STATION, 3,900 CFS FROM APRIL 1 TO OCTOBER 31 AND 5,600 CFS FROM NOVEMBER 1 TO MARCH 31 MEASURED AT THE MURPHY GAUGING STATION, AND 4,750 CFS MEASURED AT WEISER GAUGING STATION. A MINIMUM AVERAGE DAILY FLOW OF 5,000 CFS AT JOHNSON'S BAR SHALL BE MAINTAINED AND AN AVERAGE DAILY FLOW OF 13,000 CFS SHALL BE MAINTAINED AT LIME POINT (RIVER MILE 172) A MINIMUM OF 95 PERCENT OF THE TIME. LOWER FLOWS MAY BE PERMITTED AT LIME POINT ONLY DURING THE MONTHS OF JULY, AUGUST, AND SEPTEMBER.

The minimum flows established for the Snake River at the Murphy and Weiser gauging stations are management constraints; they further insure that minimum flow levels of Snake River water will be available for hydropower, fish, wildlife and recreational purposes. The establishment of a zero minimum flow at the Milner gauging station allows for existing uses to be continued and for some new uses above Milner. It also means that river flows downstream from that point to Swan Falls Dam may consist almost entirely of ground-water discharge during portions of low-water years. The Snake River Plain aquifer which provides this water must therefore be managed as an integral part of the river system.

The minimum flows established for Johnson's Bar and Lime Point are contained in the original Federal Power Commission license for the Hells Canyon hydropower complex. By adopting these flows, the Idaho Water Resource Board recognizes the importance of minimum flows to downstream uses and makes their maintenance a matter of state water policy. Article 43 of the power license provides that:

> "The project shall be operated in the interest of navigation to maintain 13,000 cfs flow in the Snake River at Lime Point (river mile 172) a minimum of 95 percent of the time, when determined by the Chief of Engineers to be necessary for navigation. Regulated flows of less than 13,000 cfs will be limited to the months of July, August, and September, during which time operation of the project would be in the best interest of power and navigation, as mutually agreed to by the Licensee and the Corps' of Engineers. The minimum flow during periods of low flow or normal minimum plant operations will be 5,000 cfs at Johnson's Bar . . . ."

Snake River flows above the hydropower right at any Idaho Power facility are considered unappropriated and therefore are not held in trust by the state. This distinction is further addressed in Policy 5B.

POLICY 5B - Snake River Trust Water

IT IS THE POLICY OF IDAHO THAT WATER HELD IN TRUST BY THE STATE PURSUANT TO IDAHO CODE 42-203B BE REALLOCATED TO NEW USES IN ACCORDANCE WITH THE CRITERIA ESTABLISHED BY IDAHO CODE 42-203A AND 42-203C.

The agreement between the state of Idaho and Idaho Power Company dated October 25, 1984 provides that Idaho Power's claimed water right of 8,400 cubic feet per second (cfs) at the Swan Falls Dam may be reduced to either 3,900 cfs or 5,600 cfs during set periods of the year. The claimed water right of 8,400 cfs is deemed appropriated and the amount above the minimum flow established in Policy 5A up to the 8,400 cfs is held in trust by the state. The agreement further provides that Idaho Power's claimed water rights at facilities upstream from Swan Falls shall be considered satisfied when the company receives the minimum flow specified in Policy 5A at the Murphy gauging station. The 8,400 cfs claim of the power company has not historically been available during summer months.

The 8,400 cfs claimed right is reduced by the agreement to that flow available after satisfying all applications or claims that demonstrate water was beneficially used prior to Oct. 1, 1984, even if such uses would violate the minimum flows established in Policy 5A. Any remaining water above these minimum flows may be reallocated to new uses by the state providing such use satisfies existing Idaho law. The criteria in Idaho Code 42-203C supplement Policy 1B of the Water Plan which urges that conformance with the State Water Plan be considered evidence of the public interest. The Idaho Water Resource Board recognizes that the specific criteria for defining public interest established by Idaho Code 42-203C are to be used in addition to the criteria set forth in Policy 1B for the reallocation of hydropower rights. Exempted from the public interest criteria in Idaho Code 42-203C are permitted uses for which beneficial use prior to July 1, 1985 can be proved.

POLICY 5C - Snake River DCMI (Domestic, Commercial, Municipal and Industrial)

IT IS THE POLICY OF IDAHO THAT 150 CFS OF WATER FOR CONSUMPTIVE PURPOSES HELD IN TRUST BY THE STATE PURSUANT TO POLICY 5B BE REALLOCATED TO MEET FUTURE DCMI USES IN ACCORDANCE WITH STATE LAW.

While most DCMI uses are nonconsumptive or only partially consumptive, future growth in Idaho's population and commercial and industrial expansion will require an assured supply of water.

A continuous flow of 150 cfs provides approximately 108,600 acre-feet of water per year. This volume of water is assigned to consumptive uses within the basin for domestic, commercial, municipal, and other industrial purposes. Industrial purposes include processing, manufacturing, research and development, and cooling.

Adequate records should be kept and reviewed so that this reallocation can be modified as necessary. Increases in the DCMI allocation, if necessary, will reduce the amount of water available for agricultural uses. The allocation will be reviewed as part of every Water Plan update.

POLICY 5D - Snake River Agriculture

IT IS THE POLICY OF IDAHO THAT APPROPRIATED WATER HELD IN TRUST BY THE STATE PURSUANT TO POLICY 5B, LESS THE AMOUNT OF WATER NECESSARY TO PROVIDE FOR PRESENT AND FUTURE DCMI USES AS SET FORTH IN POLICY 5C, SHALL BE AVAILABLE FOR REALLOCATION TO MEET NEW AND SUPPLEMENTAL IRRIGATION REQUIREMENTS WHICH CONFORM TO IDAHO CODE 42-203A, 203B, 203C, AND 203D.

This policy allows for new and supplemental agricultural development through the reallocation of water held in trust by the state. The 1982 State Water Plan allocated water for a minimum level of new irrigation development of 850,000 acres plus supplemental water for 225,000 acres by the year 2020 over that which existed in 1975. This policy rescinds the 1982 allocations since there are no acres specified in that the type, location, and amount of use is unknown as is the effect of the evaluation called for in Policy 5B prior to reallocation.

During the eight-year period from 1975 to 1983, about 140,000 acres of new development occurred within the basin. While the amount of new acreage varied significantly from year to year, the average was approximately 17,500 acres. Data are not available to estimate the number of acres that received supplemental water during this period.

Idaho Code Section 42-203C limits the rate of new development in the basin above Murphy gauging station to 80,000 acres in any four year period. Therefore, the maximum development to the year 2020 above Murphy gauging station assuming no water supply constraint is 700,000 acres. Criteria placed on the reallocation of hydropower rights, limits on the rate of new development, plus the requirement that approval of new storage projects that divert water between November 1 and April 1 from the Snake River between Milner Dam and Murphy gauging station must mitigate the impact of diversions on hydropower generation (Policy 5I), will undoubtedly limit development to less than 700,000 acres.

POLICY 5E - Snake River Hydropower

IT IS THE POLICY OF IDAHO THAT HYDROPOWER USE BE RECOGNIZED AS A BENEFICIAL USE OF WATER, AND THAT DEPLETION OF FLOWS BELOW THE MINIMUM AVERAGE DAILY FLOWS SET FORTH IN POLICY 5A IS NOT IN THE PUBLIC INTEREST.

The 1982 State Water Plan allocated 170,000 acre-feet for consumptive use in cooling thermal power plants. By establishing a minimum daily flow of 3,300 cfs at Murphy and 4,750 cfs at Weiser, stabilized flows were guaranteed for hydropower generation. The minimum daily flows for hydropower generation are now increased as stated in Policy 5A. In addition, this policy specifically recognizes hydropower generation as a beneficial use of water and acknowledges the public interest in maintaining the minimum river flow at key points. Any water depletion for thermal power generation would now come from block of water allocated to DCMI uses.

POLICY 5F - Snake River Navigation

IT IS THE POLICY OF IDAHO THAT WATER SUFFICIENT FOR COMMERCIAL AND RECREATIONAL NAVIGATION IS PROVIDED BY THE MINIMUM FLOWS ESTABLISHED FOR THE SNAKE RIVER.

Commercial navigation enroute to Lewiston via the Columbia River and Lower Snake River can be accommodated with the flows leaving Idaho in the Snake River at Lewiston. Above Lewiston, commercial and recreational navigation should be accommodated within the protected flows on the Snake River and tributary streams.

POLICY 5G - Snake River Aquaculture

IT IS THE POLICY OF IDAHO THAT WATER NECESSARY TO PROCESS AQUACULTURE PRODUCTS BE INCLUDED AS A COMPONENT OF DCMI AS PROVIDED IN POLICY 5C. THE MINIMUM FLOWS ESTABLISHED FOR THE MURPHY GAUGING STATION SHOULD PROVIDE AN ADEQUATE WATER SUPPLY

FOR AQUACULTURE. IT MUST BE RECOGNIZED THAT WHILE EXISTING WATER RIGHTS ARE PROTECTED, IT MAY BE NECESSARY TO CONSTRUCT DIFFERENT DIVERSION FACILITIES THAN PRESENTLY EXIST.

Aquaculture can expand when and where water supplies are available and where such uses do not conflict with other beneficial uses. It is recognized, however, that future management and development of the Snake River Plain aquifer may reduce the present flow of springs tributary to the Snake River, necessitating changes in diversion facilities.

POLICY 5H - Snake River Fish, Wildlife, and Recreation

IT IS THE POLICY OF IDAHO THAT THE MINIMUM FLOWS ESTABLISHED UNDER POLICY 5A ARE SUFFICIENT AND NECESSARY TO MEET THE MINIMUM REQUIREMENTS FOR AQUATIC LIFE, FISH, AND WILDLIFE, AND TO PROVIDE WATER FOR RECREATION IN THE SNAKE RIVER BELOW MILNER DAM. STREAMFLOW DEPLETION BELOW THE MINIMUM FLOWS IS NOT IN THE PUBLIC INTEREST.

The policy reiterates the view that the minimum flows established in Policy 5A will protect fish, wildlife, aquatic life and recreation within the Snake River Basin at acceptable levels and that this is in the public interest. State law provides for the Water Resource Board to apply for a water right for unappropriated water for minimum flows necessary "for the protection of fish and wildlife habitat, aquatic life, recreation, aesthetic beauty, transportation and navigation values, and water quality." The minimum stream flow legislation, where appropriate, can be used on the Snake River and tributary streams to enhance these values. Tributary streams in the Snake River Basin which the Board has identified as key river segments needing protection are identified in Policy 2B.

POLICY 5I - Snake River New Surface Storage

IT IS THE POLICY OF IDAHO THAT APPLICATIONS FOR LARGE SURFACE STORAGE PROJECTS UPSTREAM FROM THE MURPHY GAUGE BE APPROVED WHEN IT IS DETERMINED THAT THOSE PROJECTS ARE NEEDED TO MEET NEW USES AFTER CONSIDERATION OF THEN EXISTING PUBLIC INTEREST CRITERIA.

APPROVAL OF NEW STORAGE PROJECTS THAT WOULD DIVERT WATER FROM THE MAINSTEM OF THE SNAKE RIVER BETWEEN MILNER AND THE MURPHY GAUGING STATION DURING THE PERIOD NOVEMBER 1 TO MARCH 31 SHOULD BE COUPLED WITH PROVISIONS THAT MITIGATE THE IMPACT SUCH DEPLETIONS WOULD HAVE ON THE GENERATION OF HYDROPOWER.

This policy addresses the approval of new surface storage in the basin but does not apply to already approved projects. A study of all existing social, legal and economic constraints on allocation and use of water in existing storage facilities will be made to determine whether new storage projects are needed. An attempt will be made to modify those constraints that are found to prevent reasonably full use of existing storage. Such study shall not delay applications for new storage projects. In addition, permits for these new projects may be issued during the study period, if they are found to be in the public interest. Public interest as used within this policy does not include the provisions of Section 42-203C, Idaho Code.

"Large surface storage projects" are those which have the potential for significantly impacting existing uses. Projects for which approval is required under Section 42-1737, Idaho Code, would be such projects. Smaller projects could also have significant impacts, but stock water ponds and waste water re-pumping ponds would not be included, for example.

New storage projects that would divert water from the Snake River between the Milner and Murphy gauging stations during the November 1 to April 1 period are subject to the requirement that the impact such depletions have on hydropower generation is mitigated. Mitigate is defined as causing to become less harsh or hostile, and is used here rather than compensate which connotes equivalence. Methodology will be developed by the Water Resource Board for use in calculating impacts on hyropower generation.

POLICY 5J - Snake River Stored Water for Management

IT IS THE POLICY OF IDAHO THAT RESERVOIR STORAGE BE ACQUIRED IN THE NAME OF THE IDAHO WATER RESOURCE BOARD TO PROVIDE MANAGEMENT FLEXIBILITY IN ASSURING THE MINIMUM FLOWS DESIGNATED FOR THE SNAKE RIVER.

The Idaho Department of Water Resources is expected to allocate the unappropriated waters and the power rights held in trust by the state in such a manner as to assure minimum flows at designated key points on the Snake River. The impacts of ground--water use within the basin on the timing of aquifer discharge to the rivers is such that at some time stored surface water may be necessary to maintain the designated minimum flows.

At this time there is unallocated reservoir storage within the basin which could be acquired by the state. These waters would provide flexibility for management decisions and provide assurance that the established minimum flows can be maintained. The state should act to acquire sufficient reservoir storage for this purpose. In the future no unallocated stored water will be available, and it may be impossible to acquire sufficient water to satisfy river demands. Until such time as these waters are needed for management purposes, they shall be credited to the Water Supply Bank and funds obtained from their lease or sale shall accrue to the Water Management Account.

POLICY 5K - Water Quality of the Snake Plain Aquifer

IT IS THE POLICY OF IDAHO THAT THE STATE SHOULD DEVELOP AND ADMINISTER A PROGRAM TO PROTECT THE QUALITY OF THE WATER IN THE SNAKE PLAIN AQUIFER.

The Snake Plain Aquifer, consisting of basalt and interflow sediments, is a major source of irrigation and drinking water for some 200,000 Idaho residents. The permeability of the aquifer is principally a function of the density of fractures within the basalt. Very little pollution attenuation occurs when water flows through fractures in basalt, and the soil cover over much of the Snake Plain Aquifer is thin to nonexistent. For these reasons, the Snake Plain Aquifer has been proposed for federal designation as a sole-source aquifer.

Because of the importance of this aquifer to the economy of Idaho, the state should take the lead in protecting the quality of water in the aquifer. As a first step, the Department of Health and Welfare has published a Snake Plain Management Strategy. Legislation should be adopted to protect the quality of the water in the aquifer.

9

State of Idaho

THE STATE WATER PLAN

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Idaho Water Resource Board

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Adopted January 1992
Statehouse
Boise, Idaho 83720

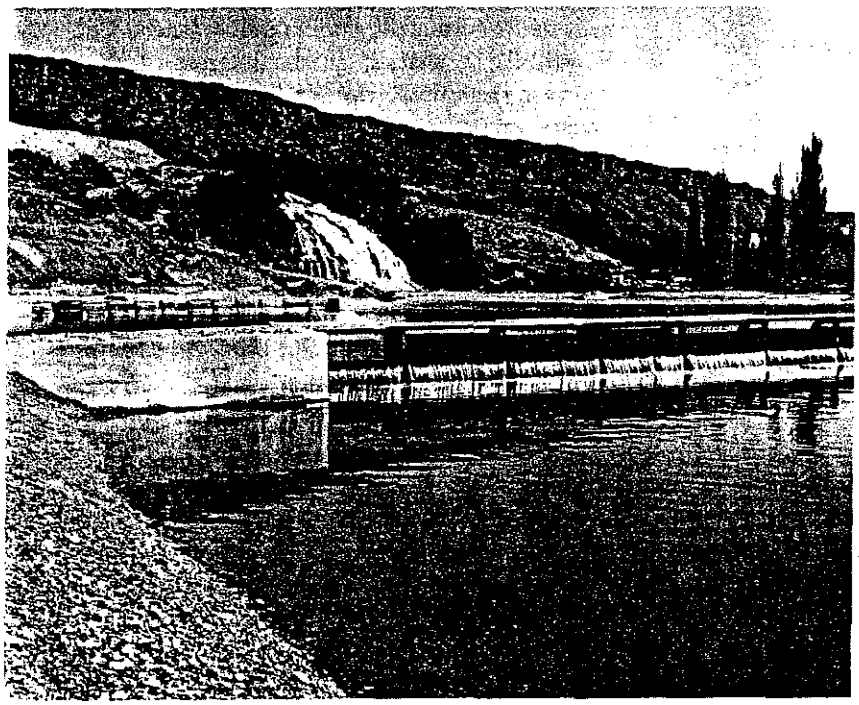
• *River Basins Group*

POLICY 5A - SNAKE RIVER BASIN

It is the policy of Idaho that the Swan Falls agreement between the state and Idaho Power Company establishes the framework for water management in the basin. Central to the agreement is the assumption that the Snake River is fully appropriated upstream from Swan Falls Dam except for trust water held by the state and occasional flood waters. The state recognizes that the exercise of water rights above Milner Dam has and may reduce flow at the dam to zero. Minimum average daily flows at the Murphy gauging station shall meet or exceed 3,900 cfs from April 1 to October 31 and 5,600 cfs from November 1 to March 31. The average daily flow measured at the Weiser gauge shall not be less than 4,750 cfs. A minimum average daily flow of 5,000 cfs at Johnson's Bar shall be maintained and an average daily flow of 13,000 cfs shall be maintained at Lime Point (river mile 172) a minimum of 95 percent of the time. Lower flows may be permitted at Lime Point during the months of July, August, and September, during which time the operation of Idaho Power's Hells Canyon dams shall be in the best interest of power and navigation as determined by the Corps of Engineers and Idaho Power Company.

The minimum flows established for the Snake River at the Murphy and Weiser gauging stations are management and permitting constraints; they further insure that the state will be able to assure an adequate hydropower resource base and better protect other values recognized by the state, such as fish propagation, recreation, and aesthetic interests, all of which would be adversely impacted by an inadequate stream flow. The zero flow at Milner Dam is not a target or goal to be achieved, and may not necessarily be desirable. It is rather, a recognition of the current condition in which zero flow passes Milner Dam during certain periods of time. The state should seek to acquire water whenever it becomes available in order to mitigate the impacts of low flow below the dam.

River flows downstream from that point to Swan Falls Dam consist almost entirely of ground-water discharge during portions of low-water years. The Snake River Plain aquifer which provides this water must therefore be managed as an integral part of the river system.



Aquaculture facility along the Snake River near Buhl, Idaho.

The minimum flows established for Johnson's Bar and Lime Point are contained in the original Federal Power Commission license for the Hells Canyon hydropower complex. By adopting these flows, the Idaho Water Resource Board recognizes the importance of minimum flows to downstream uses and makes their maintenance a matter of state water policy. The Water Resource Board recognizes that the license requirements relate to the provision of water for navigation and power, and not to other instream uses. The Board realizes that the state has no authority to require releases of stored water by the power com-

pany, but believes the license conditions serve the public interest. When the Hells Canyon hydropower complex is relicensed, the Water Board will reevaluate the public interest. Article 43 of the power license provides that:

> "The project shall be operated in the interest of navigation to maintain 13,000 cfs flow in the Snake River at Lime Point (river mile 172) a minimum of 95 percent of the time, when determined by the Chief of Engineers to be necessary for navigation. Regulated flows of less than 13,000 cfs will be limited to the months of July, August, and September, during which time operation of the project would be in the best interest of power and navigation as mutually agreed to by the Licensee and the Corps' of Engineers. The minimum flow during periods of low flow or normal minimum plant operations will be 5,000 cfs at Johnson's Bar..."

Snake River flows above the hydropower right at any Idaho Power facility are considered unappropriated and therefore are not held in trust by the state. This distinction is further addressed in Policy 5B.

POLICY 5B - SNAKE RIVER TRUST WATER
It is the policy of Idaho that water held in trust by the state pursuant to Idaho Code 42-203B be reallocated to new uses in accordance with the criteria established by Idaho Code 42-203A and 42-203C.

The agreement between the state of Idaho and Idaho Power Company dated October 25, 1984 provides that Idaho Power's claimed water right of 8,400 cubic feet per second (cfs) at the Swan Falls Dam may be reduced to either 3,900 cfs or 5,600 cfs during set periods of the year. The claimed water right of 8,400 cfs is deemed appropriated and the amount above the minimum flow established in Policy 5A up to the 8,400 cfs is held in trust by the state. The trust water area is defined by Rule 1,5. in the Idaho Department of Water Resources' Rules and Regulations for Water Appropriation. The agreement further provides that Idaho Power's claimed water rights at facilities upstream from Swan Falls shall be considered satisfied when the company receives the minimum flow specified in Policy 5A at the Murphy gauging station. The 8,400 cfs claim of the power company has not historically been available during summer months.

The 8,400 cfs claimed right at Swan Falls is reduced by the agreement to that flow available after satisfying all applications or claims that demonstrate water was beneficially used prior to Oct. 1, 1984, even if such uses would violate the minimum flows established in Policy 5A. Any remaining water above these minimum flows may be reallocated to new uses by the state providing such use satisfies existing Idaho law. The criteria in Idaho Code 42-203C supplement Policy 1B of the Water Plan which urges that conformance with the State Water Plan be considered evidence of the public interest. The Idaho Water Resource Board recognizes that the specific criteria for defining public interest established by Idaho Code 42-203C are to be used in addition to the criteria set forth in Policy 1B for the reallocation of hydropower rights. Exempted from the public interest criteria in Idaho Code 42-203C are permitted uses for which beneficial use prior to July 1, 1985 can be proved.

POLICY 5C - SNAKE RIVER DCMI (Domestic, Commercial, Municipal, and Industrial)
It is the policy of Idaho that 150 cfs of the water held in trust by the state above Swan Falls Dam pursuant to Policy 5B be reallocated to meet future DCMI consumptive uses in accordance with state law.

While most DCMI uses are nonconsumptive or only partially consumptive, future growth in Idaho's population and commercial and industrial expansion will require an assured supply of water.

A continuous flow of 150 cfs provides approximately 108,600 acre-feet of water per year. This volume of water is assigned to consumptive uses within the basin for domestic, commercial, municipal, and other industrial purposes. Industrial purposes include processing, manufacturing, research and development, and cooling.

Adequate records should be kept and reviewed so that this reallocation can be modified as necessary. increases in the DCMI allocation, if necessary, will reduce the amount of water available for agricultural uses. The allocation will be reviewed as part of every Water Plan update.

POLICY 5D - SNAKE RIVER AGRICULTURE
It is the policy of Idaho that appropriated water held in trust by the state pursuant to Policy 5B, less the amount of water necessary to provide for present and future DCMI uses as set forth in Policy 5C, shall be available for reallocation to meet new and supplemental irrigation requirements which conform to Idaho Code 42-203A, 203B, 203C, and 203D.

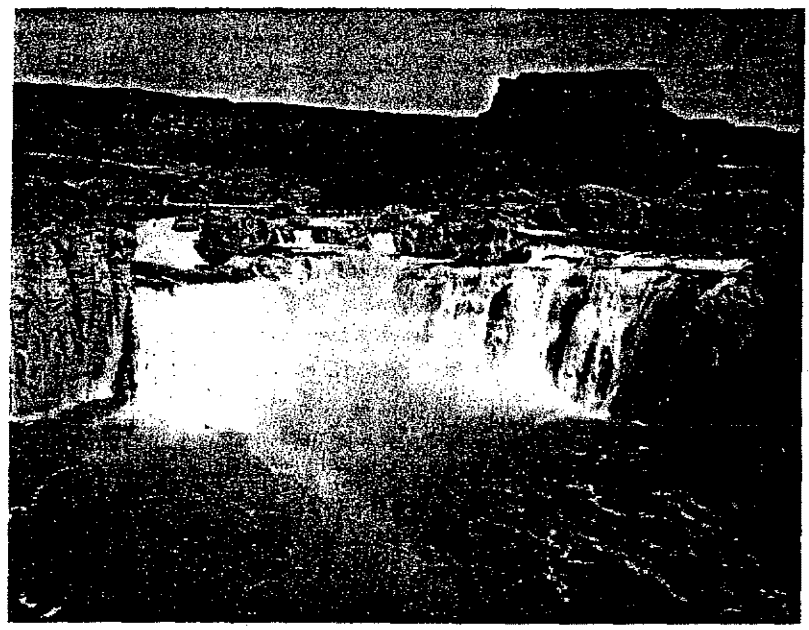
This policy allows for new and supplemental agricultural development through the reallocation of water held in trust by the state. The 1982 State Water Plan allocated water for a minimum level of new irrigation development of 850,000 acres plus supplemental water for 225,000 acres by the year 2020 over that which existed in 1975. This policy rescinds the 1982 allocations since there are no acres specified in that the type, location, and amount of use is unknown as is the effect of the evaluation called for in Policy 5B prior to reallocation.

During the eight-year period from 1975 to 1983, about 140,000 acres of new development occurred within the basin. While the amount of new acreage varied significantly from year to year, the average was approximately 17,500 acres. Data are not available to estimate the number of acres that received supplemental water during this period.

Idaho Code Section 42-203C limits the rate of new development in the basin above Murphy gauging state to 80,000 acres in any four year period. Therefore, the maximum development to the year 2020 above Murphy gauging station assuming no water supply constraint is 700,000 acres. Criteria placed on the reallocation of hydropower rights, limits on the rate of new development, plus the requirement that approval of new storage projects that divert water between November 1 and April 1 from the Snake River between Milner Dam and Murphy gauging station must mitigate the impact of diversions on hydropower generation (Policy 5I), will undoubtedly limit development to less than 700,000 acres.

POLICY 5E - SNAKE RIVER HYDROPOWER
It is the policy of Idaho that hydropower use be recognized as a beneficial use of water, and that depletion of flows below the minimum average daily flows set forth in Policy 5A is not in the public interest.

The 1982 State Water Plan allocated 170,000 acre-feet for consumptive use in cooling thermal power plants. By establishing a minimum daily flow of 3,300 cfs at Murphy and 4,750 cfs at Weiser, stabilized flows were guaranteed for hydropower generation. The minimum daily flows for hydropower generation are now increased as stated in Policy 5A. In addition, this policy specifically recognizes hydropower generation as a beneficial use of water and acknowledges the public interest in maintaining the minimum river flow at key points. Any water


Shoshone Falls on the Snake River.

depletion for thermal power generation would now come from the block of water allocated to DCMI uses.

POLICY 5F - SNAKE RIVER NAVIGATION

It is the policy of Idaho that water sufficient for commercial and recreational navigation is provided by the minimum flows established for the Snake River.

Commercial navigation en route to Lewiston via the Columbia River and Lower Snake River can be accommodated with the flows leaving Idaho in the Snake River at Lewiston. Above Lewiston, commercial and recreational navigation should be accommodated within the protected flows on the Snake River and tributary streams.

POLICY 5G - SNAKE RIVER AQUACULTURE

It is the policy of Idaho that water necessary to process aquaculture products be included as a component of DCMI as provided in Policy 5C. The minimum flows established for the Murphy gauging station should provide an adequate water supply for aquaculture. It must be recognized that while existing water rights are protected, it may be necessary to construct different diversion facilities than presently exist.

Aquaculture can expand when and where water supplies are available and where such uses do not conflict with other beneficial uses. It is recognized, however, that future management and development of the Snake River Plain Aquifer may reduce the present flow of springs tributary to the Snake River, necessitating changes in diversion facilities.

POLICY 5H - SNAKE RIVER NEW SURFACE STORAGE

It is the policy of Idaho that applications for large surface storage projects upstream from the Murphy gauge be approved when it is determined that those projects are needed to meet new uses after consideration of then existing public interest criteria. Approval of new storage projects that would divert water from the main stem of the Snake River between Milner and the Murphy gauging station during the period November 1 to March 31 should be coupled with provisions that mitigate the impact such depletions would have on the generation of hydropower.

This policy addresses the approval of new surface storage in the basin, but does not apply to already approved projects. A study of all existing social, legal and economic constraints on allocation and use of water in existing storage facilities will be made to determine whether new storage projects are needed. An attempt will be made to modify those constraints that are found to prevent reasonably full use of existing storage. Such study shall not delay applications for new storage projects. In addition, permits for these new projects may be issued during the study period, if they are found to be in the public interest. Public interest as used within this policy does not include the provisions of Section 42-203C, Idaho Code.

"Large surface storage projects" are those which have the potential for significantly impacting existing uses. Projects for which approval is required under Section 42-1737, Idaho Code, would be such projects. Smaller projects could also have significant impacts, but stock water ponds and waste water repumping ponds would not be included, for example.

New storage projects that would divert water from the Snake River between the Milner and Murphy gauging stations during the November 1 to April 1 period are subject to the requirement that the impact such depletions have on hydropower generation is mitigated. Mitigate is defined as causing to become less harsh or hostile, and is used here rather than compensate which connotes equivalence. Methodology will be developed by the Water Resource Board for use in calculating impacts on hydropower generation.

POLICY 5I - SNAKE RIVER STORED WATER FOR MANAGEMENT

It is the policy of Idaho that reservoir storage be acquired in the name of the Idaho Water Resource Board to provide management flexibility in assuring the minimum flows designated for the Snake River.

The Idaho Department of Water Resources is expected to allocate the unappropriated waters and the power rights held in trust by the state in such a manner as to assure minimum flows at designated key points on the Snake River. The impacts of groundwater use within the basin on the timing of aquifer discharge to the rivers is such that at some time stored surface water may be necessary to maintain the designated minimum flows.

At this time there is little or no unallocated reservoir storage within the basin which could be acquired by the state. The state should act to acquire any available reservoir storage in order to provide flexibility for management decisions and provide assurance that the established minimum flows can be maintained. Until such time as these waters are needed for management purposes, they shall be credited to the Water Supply Bank and funds obtained from their lease or sale shall accrue to the Water Management Account. The Board should have priority in acquiring water from the Water Bank, if necessary, to meet the minimum flows established by the Swan Falls Agreement.

POLICY 5J - WATER QUALITY OF THE SNAKE RIVER PLAIN AQUIFER

It is the policy of Idaho that the state should develop and administer a program to protect the quality of the water in the Snake River Plain Aquifer.

The Snake River Plain Aquifer, consisting of basalt and interflow sediments, is a major source of irrigation and drinking water for some 200,000 Idaho residents. The permeability of the aquifer is principally a function of the density of fractures within the basalt. Very little pollution attenuation occurs when water flows through fractures in basalt, and the soil cover over much of the Snake Plain Aquifer is thin to nonexistent. For these reasons, the Eastern Snake Plain Aquifer was designated a sole-source aquifer by the Environmental Protection Agency in the fall of 1991.

Because of the importance of this aquifer to the economy of Idaho, the state should take an active role in protecting the quality of water in the aquifer. As a first step, the Department of Health and Welfare has published a Snake Plain Management Strategy. The adoption of the Ground Water Quality Plan will provide additional protection mechanisms to preserve the quality of ground water in the Snake River Plain Aquifer. Legislation should be adopted to protect the quality of the water in the aquifer.

POLICY 5K - SNAKE RIVER COMPONENTS OF COMPREHENSIVE PLAN

It is the policy of Idaho to implement the provisions of the South Fork of the Boise River Subbasin and the Payette River Reaches components of the Comprehensive State Water Plan.

In 1991 the Idaho Legislature approved the Water Resource Board's comprehensive plans for the South Fork of the Boise River Basin and for portions of the Payette River. These plans contain state protected river designations and recommendations concerning other aspects of water use. As an approved plan, the positions and policies contained therein are the state's official position an water use in the affected areas.

POLICY 6A - BEAR RIVER BASIN

It is the policy of Idaho that water use and management in the Bear River Basin conform to the allocations set forth in the Bear River Compact (Idaho Code 42-3402).

The Bear River Compact has been in effect since 1958, and water allocations for the entire basin were adopted in 1978. The compact must be reviewed at intervals of less than twenty years and may be amended during the review process. The goal of Idaho's representatives on the commission should be to seek as much of the unconsumed flow entering the Great Salt Lake as possible for Idaho while negotiating in good faith with the other states.

POLICY 6B - BEAR LAKE

It is the policy of Idaho to protect and whenever possible improve the quality of the water in Bear Lake.

The Bear River Compact specifies how Bear Lake water shall be used for irrigation and hydropower generation, but does not address the issue of

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IDAHO STATE WATER PLAN



ADOPTED BY

THE
IDAHO
WATER RESOURCE
BOARD

DECEMBER 1996

River Basins Group

The River Basins Group contains resource management policies specific to the state's three major river basin networks: the Snake River Basin, the Bear River Basin in southeast Idaho, and the northern Panhandle river basins.

- *Snake River Basin*

5A - SWAN FALLS AGREEMENT

It is the policy of Idaho that the Swan Falls agreement between the state and Idaho Power Company establishes the framework for water management in the Snake River basin.

Comment: The Swan Falls Agreement was signed in 1985 by the State of Idaho and the Idaho Power Company. The Idaho Water Resource Board is committed to continued implementation of this agreement. Minimum flows in the Snake River are crucial to the Swan Falls Agreement. During portions of low water years, river flows downstream from Milner Dam to Swan Falls Dam consist almost entirely of ground water discharge. The Eastern Snake Plain aquifer which provides this water must therefore be managed conjunctively as an integral part of the river system. This agreement also calls for the adjudication of water rights in the Snake River Basin to enhance the state's water management capabilities.

5B - SNAKE RIVER MINIMUM FLOWS

It is the policy of Idaho that minimum average daily flows at the Murphy gaging station shall meet or exceed 3,900 cfs from April 1 to October 31 and 5,600 cfs from November 1 to March 31. The average daily flow measured at the Weiser gage shall not be less than 4,750 cfs. A minimum average daily flow of 5,000 cfs at Johnson's Bar shall be maintained and an average daily flow of 13,000 cfs shall be maintained at Lime Point (river mile 172) a minimum of 95 percent of the time. The exercise of water rights above Milner Dam has and may reduce flow at the dam to zero.

Comment: In licensing the Milner hydropower project, the Federal Energy Regulatory Commission (FERC) specified "target flows" for the Snake River at Milner. The target flow must be satisfied only when water in excess of prior irrigation rights is available. Water for target flows may be acquired from storage or may be leased from the Upper Snake Rental Pool. The State should seek to acquire water whenever it becomes available in order to mitigate the impacts of low flow below the Dam.

The minimum flows established for the Snake River at the Murphy and Weiser gaging stations are management and permitting constraints; they further insure that the State will be able to assure an adequate hydropower resource base and better protect other values recognized by the State such as fish propagation, recreation, and aesthetic interests, all of which would be adversely impacted by an inadequate stream flow.

The minimum flows established for Johnson's Bar and Lime Point are contained in the original Federal Power Commission (now FERC) license for the Hells Canyon hydropower complex. By adopting these flows, the Idaho Water Resource Board recognizes the importance of minimum flows to downstream uses and makes their maintenance a matter of state water policy. Lower flows may be permitted at Lime Point during the months of July, August, and September, during which time the operation of the Hells Canyon dams shall be in the best interest of power and navigation as determined by the Corps of Engineers and Idaho Power Company as owner of the Hells Canyon power facilities.

The Idaho Water Resource Board recognizes that FERC license requirements relate primarily to the provision of water for navigation and power and not to other instream uses. The Board realizes that the state has no authority to require releases of stored water by the power company, but believes the license conditions serve the public interest. When the Hells Canyon hydropower complex is relicensed, the Water Board will reevaluate the public interest.

Snake River flows above the hydropower right at any Idaho Power facility are considered unappropriated and therefore are not held in trust by the state. This distinction is further addressed in Policy 5C.

5C - SNAKE RIVER TRUST WATER

It is the policy of Idaho that water held in trust by the state pursuant to Idaho Code 42-203B be reallocated to new uses in accordance with the criteria established by Idaho Code 42-203A and 42-203C.

Comment: The agreement between the State of Idaho and Idaho Power Company dated October 25, 1984 provides that Idaho Power's claimed water right of 8,400 cubic feet per second (cfs) at the Swan Falls Dam may be reduced to either 3,900 cfs or 5,600 cfs during set periods of the year. The claimed water right of 8,400 cfs is deemed appropriated and the amount above the minimum flow established in Policy 5B up to the 8,400 cfs is held in trust by the state. The trust water area is defined by Rule 30 in the Idaho Department of Water Resources' Rules for Water Appropriation (see also Fig.1).

The agreement further provides that Idaho Power's claimed water rights at facilities upstream from Swan Falls shall be considered satisfied when the company receives the minimum flow specified in Policy 5B at the Murphy gaging station. The 8,400 cfs claim of the power company has not historically been available during summer months.

The 8,400 cfs claimed right at Swan Falls is reduced by the agreement to that flow available after satisfying all applications or claims that demonstrate water was beneficially used prior to Oct. 1, 1984, even if such uses would violate the minimum flows established in Policy 5B. Any remaining water above these minimum flows may be reallocated to new uses by the state providing such use satisfies existing Idaho law.

However, due to continued spring flow decline in the Thousand Springs area since the late 1950s, water availability to satisfy additional beneficial uses is limited. A moratorium, as defined in Idaho Code 42-1806, on further water development has been in place since May 15, 1992.

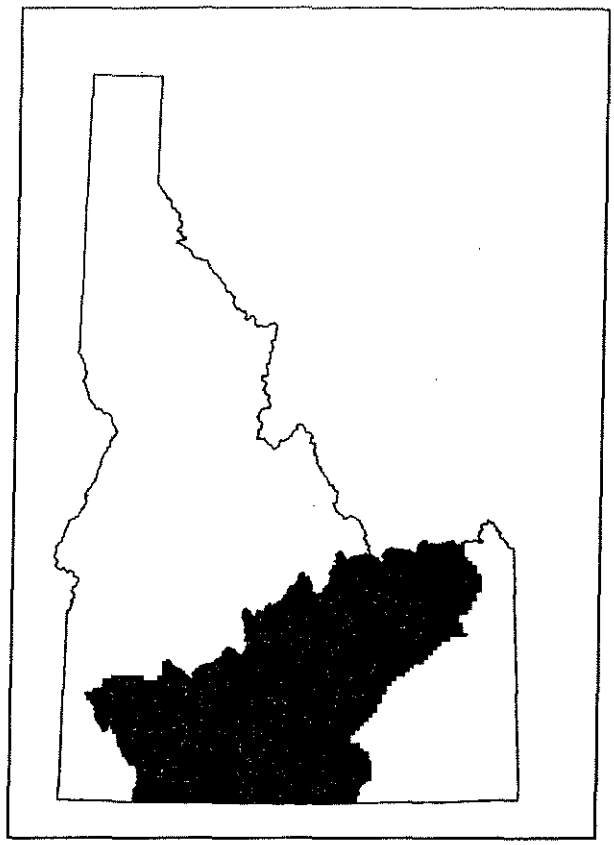


Figure 1. Snake River Basin Trust Water Area.

5D - SNAKE RIVER BASIN DCMI

It is the policy of Idaho that 150 cfs of the water held in trust by the state above Swan Falls Dam pursuant to Policy 5C be reallocated to meet future domestic, commercial, municipal, and industrial consumptive uses in accordance with state law.

Comment: While most DCMI (Domestic, Commercial, Municipal, and Industrial) water uses are negligibly consumptive, future growth in Idaho's population and commercial and industrial expansion will require an assured supply of water.

A continuous flow of 150 cfs provides approximately 108,600 acre-feet of water per year. This volume of water is assigned to consumptive uses within the basin for domestic, commercial, municipal, and other industrial purposes. Industrial purposes include processing, manufacturing, research and development, and cooling.

During the ten-year period from 1985 to 1995, about 120 cfs was developed for DCMI uses within the trust water area. Adequate records should be kept and reviewed so that this allocation can be modified as necessary. Increases in the DCMI allocation, if necessary, will reduce the amount of water available for agricultural uses. The allocation will be reviewed as part of every Water Plan update.

5E - SNAKE RIVER BASIN AGRICULTURE

It is the policy of Idaho that appropriated water held in trust by the state pursuant to Policy 5C, less the amount of water necessary to provide for present and future DCMI uses as set forth in Policy 5D, shall be available for reallocation to meet new and supplemental irrigation requirements which conform to Idaho Code 42-203A, 203B, 203C, and 203D.

Comment: During the ten-year period from 1985 to 1995, about 45,600 acres of new irrigation development occurred within the trust water area. Data are not available to estimate the number of acres that received supplemental water during this period.

Idaho Code Section 42-203C limits the rate of new development in the basin above the Murphy gaging station to 80,000 acres in any four-year period. Impact on existing water rights, mitigation for the impact of diversions on hydropower generation, and criteria placed on the reallocation of hydropower rights, however, limits the rate of new development.

5F - SNAKE RIVER BASIN HYDROPOWER

It is the policy of Idaho that hydropower use be recognized as a beneficial use of water, and that depletion of flows below the minimum average daily flows set forth in Policy 5B is not in the public interest.

Comment: This policy specifically recognizes hydropower generation as a beneficial use of water and acknowledges the public interest in maintaining the minimum river flow at key points.

By establishing minimum daily flows at Murphy and Weiser, stabilized flows are guaranteed for hydropower generation.

5G - SNAKE RIVER NAVIGATION

It is the policy of Idaho that water sufficient for commercial and recreational navigation is provided by the minimum flows established for the Snake River.

Comment: Commercial navigation en route to Lewiston via the Columbia River and Lower Snake River can be accommodated with the flows leaving Idaho in the Snake River at Lewiston. Above Lewiston, commercial and recreational navigation on the river should be accommodated within the protected flows on the Snake River and tributary streams.

5H - SNAKE RIVER BASIN SPRINGS

It is the policy of Idaho to seek to maintain spring flows in the American Falls and Thousand Springs reaches of the Snake River which will sustain beneficial uses of surface and ground water supplies in accordance with state law.

Comment: Spring discharge in the American Falls and Thousand Springs reaches of the Snake River are vital to the Snake River Basin and Idaho economy. The springs near American Falls provide an important part of Snake River flow appropriated by Magic Valley irrigators. In the Thousand Springs reach, spring flow is the only practical source of water for many of the state's aquaculture facilities.

During portions of low-water years, river flows downstream from Milner Dam to the Murphy gaging station consist almost entirely of ground-water discharge from the Thousand Springs reach. Maintaining these discharges should be the goal of water managers. Managed recharge of the aquifers and continued efforts to efficiently use ground water are two strategies for maintaining spring discharges in these reaches.

5I - SNAKE RIVER BASIN NEW STORAGE

It is the policy of Idaho that applications for large surface storage projects upstream from the Murphy gage be approved subject to the requirement that the use is in the public interest.

Comment: "Large surface storage projects" are those which have the potential for significantly impacting existing uses. Projects for which approval is required under Section 42-1737, Idaho Code, would be such projects. This policy addresses the approval of new surface storage in the basin, but does not apply to already approved projects. Approval of new storage projects that would divert water from the main stem of the Snake River between Milner and the Murphy gaging station during the period November 1 to March 31 should be coupled with provisions that mitigate the impact such depletions would have on the generation of hydropower.

5J - STORAGE ACQUISITION

It is the policy of Idaho that reservoir storage be acquired in the name of the Idaho Water Resource Board to provide management flexibility in assuring the minimum flows designated for the Snake River.

Comment: The Idaho Department of Water Resources is expected to allocate the unappropriated waters and the power rights held in trust by the state in such a manner as to assure minimum flows at designated key points on the Snake River. The impacts of ground water use within the basin on the timing of aquifer discharge to the rivers is such that at some time stored surface water may be necessary to maintain the designated minimum flows.

At this time there is little reservoir storage within the basin which could be acquired by the State. The State should act to acquire any available, feasible reservoir storage in order to provide flexibility for management decisions and provide assurance that the established minimum flows can be maintained. Until such time as these waters are needed for management purposes, they shall be credited to the Water Supply Bank and funds obtained from their lease or sale shall accrue to the Water Management Account. The Board should have priority in acquiring water from the Water Bank, if necessary, to meet the minimum flows established by the Swan Falls Agreement.

Flood control space at Brownlee Reservoir should be considered for salmon flow augmentation. If the 500,000 acre-feet evacuated for flood control purposes downstream could be held and released for flow augmentation during downstream salmon migration, this could replace valuable water supplies taken from the upper Snake River Basin.

● *Bear River Basin*

6A - BEAR RIVER COMPACT

It is the policy of Idaho that water use and management in the Bear River Basin conform to the allocations set forth in the Bear River Compact [Idaho Code 42-3402].

Comment: The Bear River Compact has been in effect since 1958, and water allocations for the entire basin were adopted in 1978. The compact must be reviewed at intervals of not less than twenty years and may be amended during the review process.

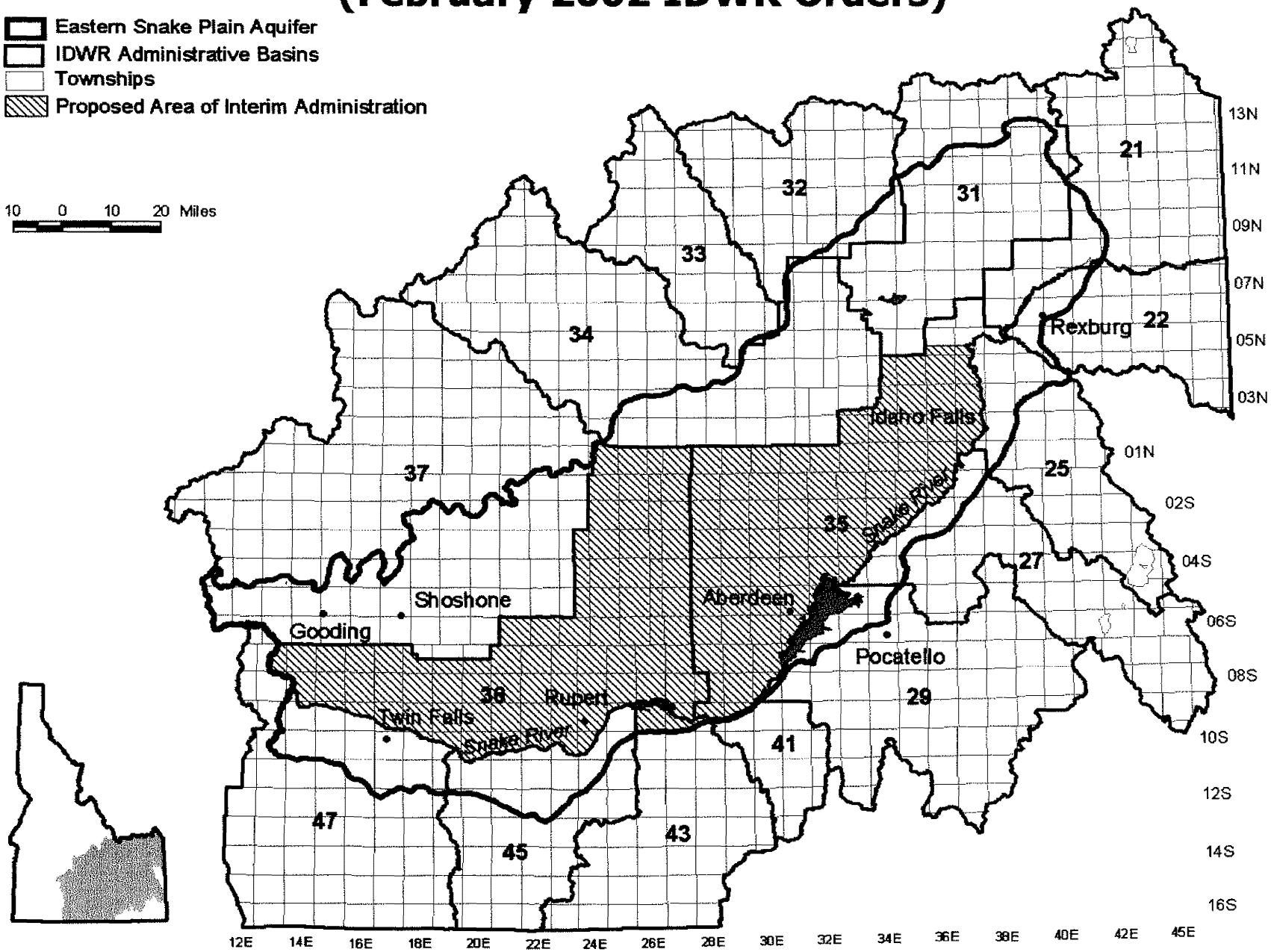
The goal of Idaho's representatives on the commission should be to urge conjunctive management of ground and surface water resources within the Bear River Basin and to seek as much of the unconsumed flow entering the Great Salt Lake as possible for Idaho while negotiating in good faith with the other states.

6B - INTERSTATE WATER DELIVERY

It is the policy of Idaho that Idaho water users in the Lower Division of the Bear River Basin must be protected from inequitable water allocation in the event of a water emergency and the scheduling of interstate water deliveries.

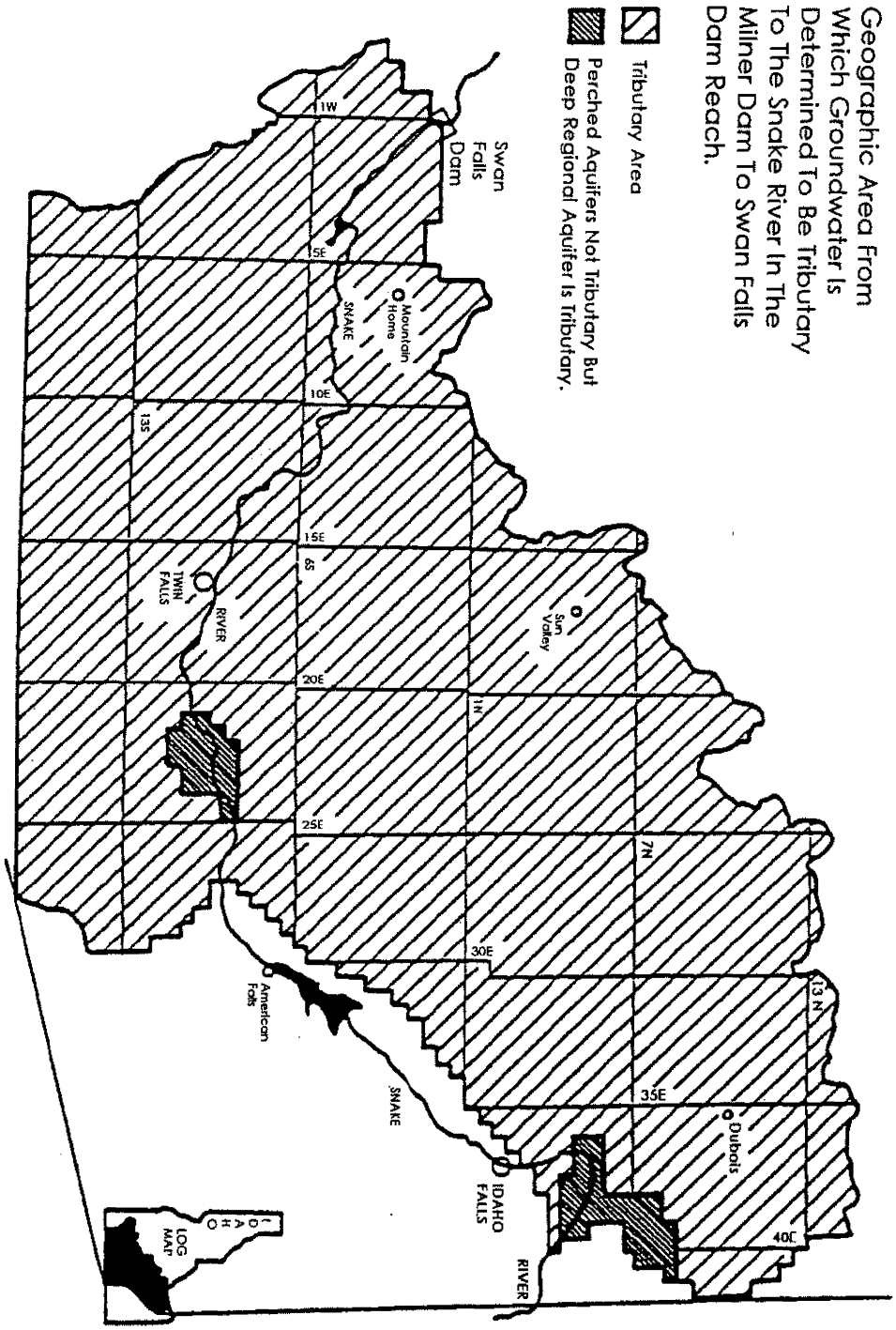
11

INITIAL BOUNDARIES OF WATER DISTRICTS 120 & 130
(February 2002 IDWR Orders)



12

APPENDIX A


Geographic Area From Which Groundwater Is Determined To Be Tributary To The Snake River In The Milner Dam To Swan Falls Dam Reach.
Tributary Area
Perched Aquifers Not Tributary But Deep Regional Aquifer Is Tributary.
Swan Falls Dam
Mountain Home
SNAKE
TWIN FALLS
RIVER
Sun Valley
American Falls
SNAKE
IDAHO FALLS
Dubois
RIVER
LOG MAP
IDAHO
1W
15E
10E
13S
6S
15E
20E
1N
25E
7N
30E
13N
35E
40E

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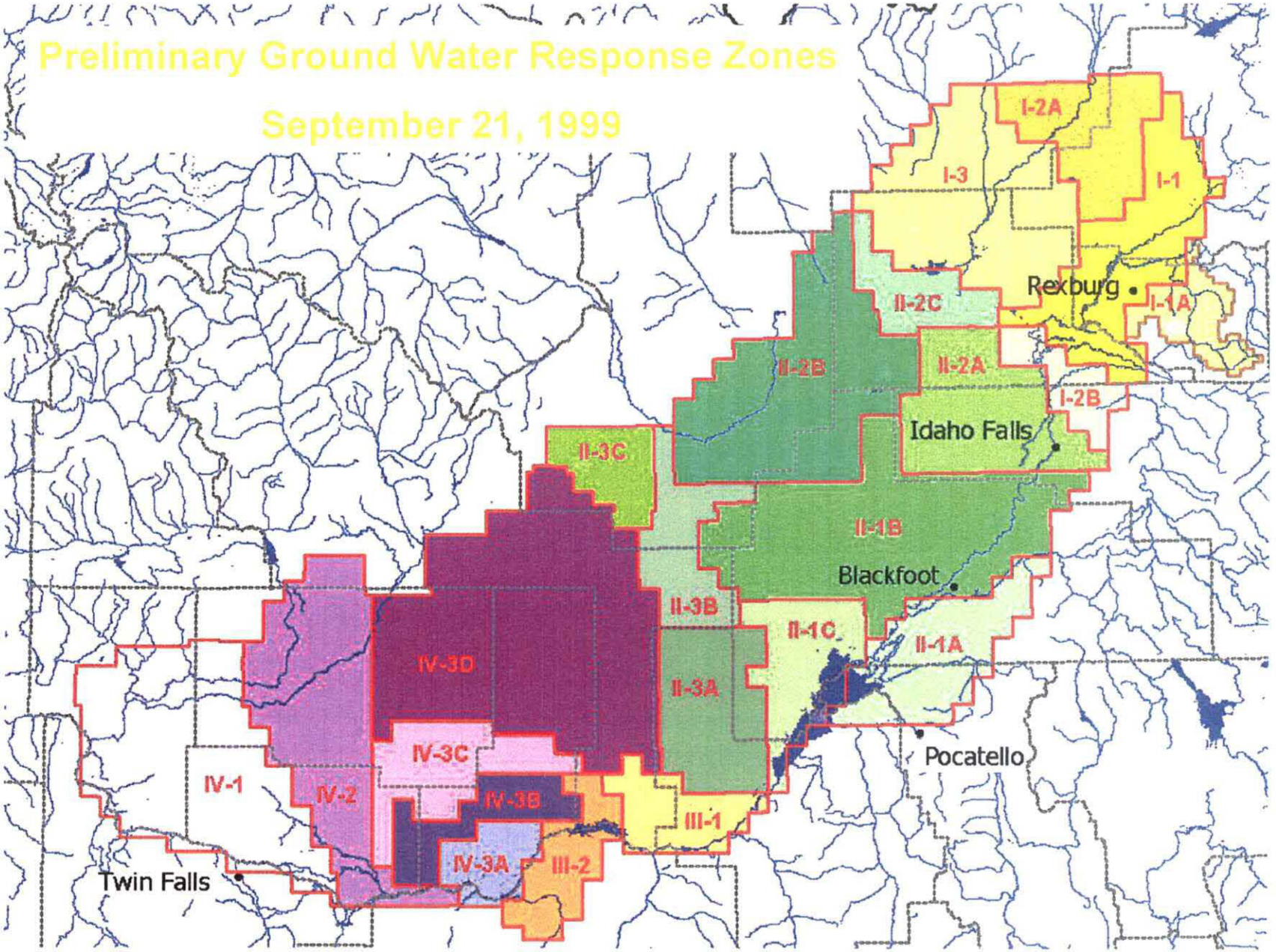

Source: Karl Dreher, IDWR, 2002

Book 34 Judgment Page 333

IN THE DISTRICT COURT OF THE [illegible] DISTRICT FOR THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS.

Amended 11-3-69 Bk 34 Page 131

BURLEY IRRIGATION DISTRICT, et al,

Plaintiffs,

vs.

HENRY EAGLE, Watermaster, Water District No. 36, State of Idaho,

Defendant.

No. 2406

SUPPLEMENTAL DECREE

DISTRICT COURT
Fifth Judicial District
County of Twin Falls, Idaho
FILED: JUL 10 1968
H. Y. LANCASTER, Clerk
By [signature] Deputy Clerk

This matter having come on regularly before the Court and the Court having made and entered its Findings of Fact and Conclusions of Law herein directing that Decree be entered accordingly and good cause appearing therefor,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

1. That the rights hereinafter decreed shall be supplemental to the decrees entered in the cases of Woodville Cana. Co. v. Clark & Edwards Canal & Irrigation Company, et al, in the District Court of the United States for the District of Idaho, Eastern Division, on June 25, 1928, Twin Falls Canal Company v. Charles N. Foster, et al, in the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Twin Falls, on June 20, 1915, Roxburg Irrigation Company, et al. v. Teton Irrigation Canal Company, et al, in the District Court of the Sixth Judicial District of the State of Idaho, in and for the County of Fremont, on December 18, 1910, and said Decrees and the Findings of Fact and Co[illegible] upon which they are based are binding upon all plaintiffs herein.

2. That the parties hereinafter named have the right to divert and use, for [illegible] purposes, the waters of the Snake River [illegible] the amounts and [illegible] y dates listed, which water shall be diverted at the point and be appurtenant to the lands described herein:

01-0004 A. [illegible] Canal Company.

600 cubic feet per second (being the right recognized in paragra[illegible]

14-1

of the Woodville Decree) with a priority date of December 22, 1915.

Point of Diversion

At Milner Dam on the South side of Snake River (in the Northeast Quarter of the Southeast Quarter (NE 1/4 SE 1/4) of Section 29, Township 10 South, Range 21, E. B. M.)

Lands to Which Appurtenant

The lands lying in Twin Falls County, Idaho, South of the Snake River and East of Little Salmon River, to-wit: Sections 29, 30, 31, 32, in Township Ten (10) South, Range Twenty-one (21) East of Boise Meridian; Sections 31, 34, 35, 36, 25, in Township Ten (10) South, Range Twenty (20) East of Boise Meridian; Sections 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, in Township Ten (10) South, Range Nineteen (19) East of Boise Meridian; Sections 1, 12, 13 in Township Eleven (11) South, Range Nineteen (19) East of Boise Meridian; Sections 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36 in Township Ten (10) South, Range Eighteen (18) East of Boise Meridian; Sections One (1) to Thirty-three (33) inclusive in Township Eleven (11) South, Range Eighteen (18) East of Boise Meridian; Sections Twenty-nine (29) to Thirty-six (36) inclusive, in Township Nine (9) South, Range Seventeen (17) East of Boise Meridian; All of said Township, in Township Ten (10) South, Range Seventeen (17) East of Boise Meridian; Section Nos. One (1) to Fifteen (15) inclusive and Section Twenty-four (24) in Township Eleven (11) South, Range Seventeen (17) East of Boise Meridian; Sections Sixteen (16) to Thirty-six (36) inclusive in Township Nine (9) South, Range Sixteen (16) East of Boise Meridian; Section Nos. One (1) to Thirty-six (36) inclusive in Twp. Ten (10) South, Range Sixteen (16) East of Boise Meridian; Sections 1, 2, 12 in Township Eleven (11) South, Range Sixteen (16) East of Boise Meridian; Section Nos. Five (5) to Thirty-six (36) inclusive in Township Nine (9) South, Range Fifteen (15) East of Boise Meridian; Section Nos. One (1) to Thirty-six (36) inclusive in Township Ten (10) South, Range Fifteen (15) East of Boise Meridian; Sections 5, 6, 7 in Township Eleven (11) South, Range

Fifteen (15) East of Boise Meridian; Sections Twenty-eight (28) to Thirty-three (33) inclusive, in Twp. Eight (8) South, Range Fourteen (14) East of Boise Meridian; Sections Four (4) to Thirty-six (36) inclusive, and Section One (1) in Twp. Nine (9) South, Range Fourteen (14) East of Boise Meridian; Section Nos. One (1) to Thirty-six (36) inclusive, in Twp. Ten (10) South, Range Fourteen (14) East of Boise Meridian; Sections One (1) to Twelve (12) inclusive, and Seventeen (17) to Twenty (20) inclusive in Township Eleven (11) South, Range Fourteen (14) East of Boise Meridian; Sections 1, 12, 13, 14, 23, 24, 25, 26, 36 in Township Nine (9) South, Range Thirteen (13) East of Boise Meridian; Sections 1, 2, 10, 11, 12, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, 28, 33, 34, 35, 36 in Township Ten (10) South, Range Thirteen (13) East of Boise Meridian; Sections 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 24 in Township Eleven (11) South, Range Thirteen (13) East of Boise Meridian; and all other lands lying North of the Main and Highline Canals of the plaintiff's canal system, South of said Snake River and East of said Little Salmon River.

01-0005 B. North Side Canal Company.

(1) 300 cubic feet per second (being the right recognized in paragraph 6 of the Woodville Decree) with a priority date of December 23, 1915.

01-0016 (2) 1260 cubic feet per second (being the right recognized in paragraph 7 of the Woodville Decree) with a priority date of ~~December 23, 1915.~~ August 6, 1920

amended 11-3-69 ASR eg

Point of Diversion

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

Lands to Which Appurtenant

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

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

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

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

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

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

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

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

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

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

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

01-0006 C. American Falls Reservoir District No. 2.

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 (1/2) to American Falls Reservoir District No. 2 and one-half (1/2) 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 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.

Point of Diversion

At Milner Dam on the North side of Snake River (at the Southwest corner of the Northwest Quarter (on the section line), Section 25, Township 10 South, Range 21, E.B.M.)

Lands to Which Appurtenant

Township 2 South, Range 18 East, Boise Meridian:
Sections 28 through 33.

Township 3 South, Range 18 East, Boise Meridian:
Sections 14, 15, 22, 23, 25, and 36.

Township 3 South, Range 19 East, Boise Meridian:
Sections 14 through 27, 30, 31, 35, and 36.

MICROFILMED

Township 3 South, Range 20 East, Boise Meridian:
Sections 30 and 31.

Township 4 South, Range 14 East, Boise Meridian:
Sections 35 and 36.

Township 4 South, Range 15 East, Boise Meridian:
Sections 31 and 36.

Township 4 South, Range 16 East, Boise Meridian:
Sections 19 and 20; Sections 25 through 36.

Township 4 South, Range 17 East, Boise Meridian:
Sections 27 through 36.

Township 4 South, Range 18 East, Boise Meridian:
Sections 28 through 33.

Township 4 South, Range 19 East, Boise Meridian:
Sections 1 and 2; Sections 5 through 35.

Township 4 South, Range 20 East, Boise Meridian:
Sections 30 and 31.

Township 5 South, Range 14 East, Boise Meridian:
Sections 1, 2, 3; 10 through 15; 22 through 27; 34,
35, and 36.

Township 5 South, Range 15 East, Boise Meridian:
Sections 1 through 21; Sections 26 through 36.

Township 5 South, Range 16 East, Boise Meridian:
Sections 1 through 12; Sections 25 through 32.

Township 5 South, Range 17 East, Boise Meridian:
Sections 1 through 17; Sections 26 through 36.

Township 5 South, Range 18 East, Boise Meridian:
Sections 4 through 8; 17, 18, 27, 28, 31 through 33.

Township 5 South, Range 19 East, Boise Meridian:
Sections 4, 5, and 6.

Township 6 South, Range 14 East, Boise Meridian:
Sections 1, 2, 3; 9 through 15; 21 through 24; 26, and 27.

Township 6 South, Range 15 East, Boise Meridian:
Sections 1 through 12; 16 through 21.

Township 6 South, Range 17 East, Boise Meridian:
Sections 1 and 2.

Township 6 South, Range 18 East, Boise Meridian:
Sections 3 through 17; 21 through 28; 34 through 36.

Township 6 South, Range 19 East, Boise Meridian:
Sections 2 and 3; 6 through 23; 26 through 34.

Township 7 South, Range 18 East, Boise Meridian:
Sections 1, 2, 11, and 12.

Township 7 South, Range 19 East, Boise Meridian:
Sections 2 and 3.

Township 8 South, Range 19 East, Boise Meridian:
Sections 13, 14, 23; 32 through 36.

Township 8 South, Range 20 East, Boise Meridian:
Sections 18, 30, and 31.

Township 9 South, Range 19 East, Boise Meridian:
Sections 1, 2, 3, 11, and 12.

Township 9 South, Range 20 East, Boise Meridian:
Sections 4 through 11; 13 through 16.

Township 9 South, Range 21 East, Boise Meridian:
Sections 29 through 32.

3. The following parties are entitled to divert and use, pro rata, for irrigation and other purposes, the waters of the Snake River in the amounts listed, with the same priority date of April 1, 1939, which water shall be diverted at the point and be appurtenant to the lands described herein.

A. Burley Irrigation District.

01-0007

163.4 cubic feet per second.

Point of Diversion

At Minidoka Dam on the South side of Snake River (in the South Half (S 1/2) of Section One (1), Township Nine (9) South, Range Twenty-five (25) E.B.M.

14.2

Lands to Which Appurtenant

Lands located in Township 10 S., Range 25 E.B.M.:
Sec. 19, 30 (Except E 1/2 of NE 1/4 and NE 1/4 of SE 1/4) and 31 (Except E 1/2, E 1/2 of SW 1/4 and SW 1/4 of SW 1/4).

Lands located in Township 10 S., Range 24 E.B.M. lying East of Main South Side Gravity Canal:
Sec. 1 (Except E 1/2 of SE 1/4), 12 (Except E 1/2 of E 1/2), 13 (Except E 1/2 of E 1/2 and SW 1/4 of SE 1/4), and 14.

Lands located in Township 10 S., Range 24 E.B.M., lying South of U. S. Government Lateral 315 and South and East of Snake River:
Sec. 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36 (Except S 1/2 of SE 1/4).

Lands located in Township 10 S., Range 23 E.B.M., lying South of Snake River:
Sec. 16, 17, 18, 19, 20, 21, 22, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36.

INCORPORATED

Lands located in Township 10 S., Range 22 E. B. M., lying South of Snake River:
Sec. 19, 20 (Except E 1/2 of NE 1/4 and NW 1/4 of NE 1/4), 21 (Except N 1/2), 22 (Except NW 1/4), 23, 24, 25, 26, 27, 28, 29, (Except S 1/2 of SE 1/4, SW 1/4 of NW 1/4 and SE 1/4), 30 (Except S 1/2), 33 (Except S 1/2, NW 1/4 of NW 1/4 and S 1/2 of NW 1/4) 34 (Except SW 1/4 of SW 1/4), 35 and 36.

Lands located in Township 10 S., Range 21 E. B. M., lying South of Snake River:
Sec. 25 (Except S 1/2, NW 1/4 and NW 1/4 of NE 1/4).

Lands located in Township 11 S., Range 24 E. B. M.:
Sec. 1 (Except S 1/2, NE 1/4 and E 1/2 of NW 1/4), 2 (Except SE 1/4 of SE 1/4), 3, 4, 5, 6, 7, 8, 9, 10 (Except SE 1/4 and SE 1/4 of NE 1/4), 15 (Except S 1/2, NE 1/4, S 1/2 of NW 1/4 and NE 1/4 of NW 1/4), 16 (Except SE 1/4 of SE 1/4), 17, 18, 19, 20, 21, (Except NE 1/4 of NE 1/4, S 1/2 of NE 1/4, SE 1/4 and S 1/2 of SW 1/4), 29 (Except SE 1/4 and S 1/2 of SW 1/4) and 30 (Except NE 1/4 of SE 1/4 and S 1/2 of SE 1/4).

Lands located in Township 11 S., Range 23 E. B. M.:
Sec. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 (Except SW 1/4 of SW 1/4), 20 (Except NW 1/4 of SW 1/4 , S 1/2 of SW 1/4, and SW 1/4 of SE 1/4), 21, 22, 23, 24, 25, 26, 27 (Except S 1/2 of SE 1/4 and SW 1/4) and 28 (Except S 1/2 of NE 1/4, NW 1/4 of NW 1/4, S 1/2 of NW 1/4 and S 1/2).

Lands located in Township 11 S., Range 22 E. B. M.:
Sec. 1, 2, 3, (Except W 1/2, W 1/2 of NE 1/4, SE 1/4 of NE 1/4 and NW 1/4 of SE 1/4), 10 (Except W 1/2 and S 1/2 of SE 1/4), 11, 12, 13, 14, (Except S 1/2 of SW 1/4 and SW 1/4 of SE 1/4), 15, (Except W 1/2 of NE 1/4, NW 1/4 and S 1/2) and 24 (Except NW 1/4 of NW 1/4, S 1/2 of NW 1/4, SW 1/4 of NE 1/4 and S 1/2).

01-0008 B. Minidoka Irrigation District.

266.60 cubic feet per second.

Point of Diversion

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

MICROFILMED

Lands to Which Appurtenant

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

That land lying North and West of the Snake River, County of Minidoka, State of Idaho, in Sections Twenty-eight (28), Twenty-nine (29), Thirty (30), Thirty-one (31), Thirty-two (32), Thirty-three (33), Thirty-four (34) and Thirty-five (35), Township Eight (8) South, Range Twenty-five (25) East, Boise Meridian; Sections Two (2), Three (3), Four (4), Five (5), Six (6), Seven (7), Eight (8), Nine (9), Eighteen (18), and Nineteen (19), Township Nine (9) South, Range Twenty-five (25) East, Boise Meridian; Sections Twenty-five (25), Thirty-two (32), Thirty-three (33), Thirty-four (34), Thirty-five (35) and Thirty-six (36), Township Eight (8) South, Range Twenty-four (24) East, Boise Meridian; all Sections lying North and West of the Snake River in Township Nine (9) South, Range Twenty-four (24) East, Boise Meridian; all Sections lying North and West of Snake River in Township Ten (10) South, Range Twenty-four (24) East, Boise Meridian; all Sections except Three (3), Five (5) and Six (6), Township Nine (9) South, Range Twenty-three (23) East, Boise Meridian; all Sections lying North of the Snake River in Township Ten (10) South, Range Twenty-three (23) East, Boise Meridian; Sections Twelve (12), Thirteen (13), Fourteen (14), Twenty-three (23), Twenty-four (24), Twenty-five (25), Twenty- six (26), Twenty-seven (27), Twenty-eight (28), Thirty-four (34), Thirty-five (35), and Thirty-six (36), Township Nine (9) South, Range Twenty-two (22) East, Boise Meridian; and Sections One (1), Two (2), Three (3), Ten (10), Eleven (11), Twelve (12), Thirteen (13), Fourteen (14), Fifteen (15), Twenty-three (23), and Twenty-four (24), Township Ten (10) South, Range Twenty-two (22) East, Boise Meridian, lying North of the Snake River.

01-000 9

C. Milner Low-Lift Irrigation District.

121.00 cubic feet of water per second.

Point of Diversion:

The Southeast Quarter of the Southeast Quarter (SE 1/4 SE 1/4) of Section Twenty-nine (29), Township Ten (10) South, Range Twenty-one (21) East Boise Meridian.

Lands to Which Appurtenant

Township 10 South, Range 21, E. B. M.:
Section 29: That part of the S 1/2 lying south of the Milner Lake and Twin Falls canal.

Microfilmed

Township 10 South, Range 21, E.B.M:
Section 30: That part of the S 1/2 of Section 30 lying south and east of the Twin Falls canal.

Township 10 South, Range 20, E.B.M.:
Section 35: That part of the S 1/2 of Section 35 lying south and east of the Twin Falls canal.

Township 10 South, Range 20, E.B.M.:
Section 36: All of Section 36 lying south and east of Twin Falls canal, except the U. P. Railroad right-of-way.

Township 10 South, Range 21, E.B.M.:
Section 31: All of Section 31, except U. P. Railroad right-of-way.

Township 10 South, Range 21, E.B.M.:
Section 32: All of Section 32, except U. P. Railroad right-of-way and Bean Growers Whse. Association property.

Township 10 South, Range 21, E.B.M.:
Section 33: The NW 1/4, W 1/2 of the NE 1/4, SW 1/4, NW 1/4 of the SE 1/4.

Township 11 South, Range 20, E.B.M.:
Section 5: That part of the SE 1/4 SE 1/4 lying southeast of Twin Falls canal.

Township 11 South, Range 20, E.B.M.:
Section 4: That part of the S 1/2 lying south and east of Twin Falls canal.

Township 11 South, Range 20, E.B.M.:
Section 3: That part lying south and east of Twin Falls canal.

Township 11 South, Range 20, E.B.M.:
Section 2: That part lying south and east of Twin Falls canal.

Township 11 South, Range 20, E.B.M.:
Section 1: All of Section 1 except the N 1/2 of the SW 1/4 and the SE 1/4 of the SW 1/4.

Township 11 South, Range 21, E.B.M.:
Section 6: All of Section 6.

Township 11 South, Range 21, E.B.M.:
Section 5: All of Section 5.

Township 11 South, Range 21, E.B.M.:
Section 4: All of Section 4, except the N 1/2 of the NE 1/4.

Township 11 South, Range 21, E.B.M.:
Section 3: S 1/2 of the SW 1/4, NW 1/4 of the SW 1/4, SW 19 A. of the SW 1/4 of the NW 1/4.

Township 11 South, Range 20, E.B.M.:
Section 8: That part south and east of Twin Falls canal.

Township 11 South, Range 20, E.B.M.:
Section 9: All of Section 9.

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Township 11 South, Range 20, E.B.M.:
Section 10: All of Section 10.

Township 11 South, Range 20, E.B.M.:
Section 11: All of Section 11.

Township 11 South, Range 20, E.B.M.:
Section 12: All of Section 12.

Township 11 South, Range 21, E.B.M.:
Section 7: That part of Section 7 lying north of U. S. Highway 30.

Township 11 South, Range 21, E.B.M.:
Section 8: That part of Section 8 lying northwest of U. S. Highway 30.

Township 11 South, Range 19, E.B.M.:
Section 13: 10 Acres southeast of Murtaugh Lake and 6 Acres north and west of Murtaugh Lake of the SE 1/4 of the SE 1/4, W 1/2 of the SE 1/4, W 1/2 of the NE 1/4.

Township 11 South, Range 20, E.B.M.:
Section 17: That part of the SE 1/4 lying south and east of Murtaugh Lake.

Township 11 South, Range 20, E.B.M.:
Section 16: That part of Section 16 lying north and east of Murtaugh Lake.

Township 11 South, Range 20, E.B.M.:
Section 15: All of Section 15.

Township 11 South, Range 20, E.B.M.:
Section 14: NW 1/4, that part of the NE 1/4 lying north and west of Milner Low Lift No. 3 canal, that part of the SW 1/4 lying west and below Milner Low Lift No. 3 canal.

Township 11 South, Range 20, E.B.M.:
Section 13: That part of the NW 1/4 lying north and west and below Milner Low Lift No. 3 canal.

Township 11 South, Range 19, E.B.M.:
Section 24: That part lying north and east and below Milner Low Lift main canal, excepting that part of the Murtaugh Lake in the E 1/2 of the NE 1/4.

Township 11 South, Range 20, E.B.M.:
Section 19: That part lying north and below Milner Low Lift main canal, and that part lying south of Murtaugh Lake.

Township 11 South, Range 20, E.B.M.:
Section 20: That part lying south of Murtaugh Lake.

Township 11 South, Range 20, E.B.M.:
Section 21: That part lying north and west and below Milner Low Lift main canal, and that part of the NW 1/4 of the NW 1/4 lying south and east of Murtaugh Lake.

Township 11 South, Range 20, E.B.M.:
Section 22: N 1/2 of the NW 1/4, N 1/2 of the NE 1/4.

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Township 11 South, Range 20, E. B. M.:
Section 30: That part of the N 1/2 of the NE 1/4 lying north and below Milner Low Lift main canal.

Township 11 South, Range 20, E. B. M.:
Section 29: That part of the N 1/2 of the NW 1/4, and that part of the N 1/2 of the NE 1/4 lying north and below Milner Low Lift main canal.

Township 11 South, Range 20, E. B. M.:
Section 28: That part of the N 1/2 of the NW 1/4, and that part of the NE 1/4 lying north and below Milner Low Lift main canal.

01-0010 D. Twin Falls Canal Company.

180.0 cubic feet of water per second.

Point of Diversion

At Milner Dam on the South side of Snake River (in the Northeast Quarter of the Southeast Quarter (NE 1/4 SE 1/4) of Section Twenty-nine (29), Township Ten (10) South, Range Twenty-one (21) E. B. M.

Lands to Which Appurtenant

The lands described in detail in Paragraph XIII (a) foregoing.

01-0011 E. Clarence Tilley.

7.00 cubic feet of water per second.

Point of Diversion

Southeast corner of the Southwest Quarter of the Northwest Quarter (SW 1/4.NW 1/4), Section Twelve (12), Township Eight (8) South, Range Thirty (30) E. B. M.

Lands to Which Appurtenant

Tax No. 18, described as commencing at a point 83 rods and 1.5 feet West of the Northeast Corner of the Northeast Quarter of Section Fourteen, Township Eight South, Range Thirty East of the Boise Meridian, thence running West along the North line of said Section Fourteen 22 rods and 12 feet, thence South 20 rods, thence East 22 rods and 12 feet, thence North 20 rods, more or less, to the North line of said Section Fourteen, and place of beginning.

Tax No. 6, described as beginning at a point 20 feet North of the Southeast Corner of Lot 4, Section Eleven, Township Eight South, Range Thirty East of the Boise Meridian, thence running West parrallel to the South line 440 feet, thence North 1074 feet, to the Sputh line of Snake River, thence North 71° 37' East along South line of River 464 feet to the East line of Lot 4, thence North 75° 54' East 657 feet, thence South 1400 feet to the South line of Lot 3, thence West 637 feet, thence North 20 feet to the place of beginning.

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Tax No. 33, described as beginning at the Southwest Corner of Lot 4, Section Eleven, Township Eight South, Range Thirty East of the Boise Meridian, thence running East along the South line of said Lot Four 884 feet, thence North 1094 feet, more or less, to the South bank of Snake River, thence South 71° 37' West along the South Bank of Snake River 932 feet to intersection with the West line of said Lot 4, thence South along the West line of said Lot Four 830 feet, more or less, to the point of beginning.

Tax No. 1, described as beginning at a point 75 feet South of the Southwest Corner of said Lot 4, running West 1484 feet, more or less, to intersection with East bank of Snake River in Section Ten, Township Eight South, Range Thirty East of the Boise Meridian, thence North 59° 28' East along the East Bank of said Snake River 1722 feet, more or less, to intersection with the East line of said Lot 1, thence South along the East line of said Lot One 875 feet, more or less, to point of beginning.

Tax No. 2, described as beginning at a point 15 feet South of the Southwest Corner of Lot 4, Section Eleven, Township Eight South, Range Thirty East of the Boise Meridian, running thence West 1484 feet, more or less, to the East bank of Snake River in Lot 1, of Section Ten, Township Eight South, Range Thirty East of the Boise Meridian, thence South 37° 04' West along the East bank of Snake River 383 feet, thence East 1715 feet, more or less, to intersection with the East line of said Lot 1, thence North 306 feet, more or less, to point of beginning.

Tax No. 35, described as beginning at a point 20 feet West of the Northeast Corner of the Southwest Quarter of the Southwest Quarter of Section Eleven, Township Eight South, Range Thirty East of the Boise Meridian, running thence South parallel to the East line of said Southwest Quarter of said Section Eleven aforesaid 646 feet. thence West 1304 feet, more or less, to the intersection with the West line of said Section Eleven, thence North along said Section line 646 feet, thence East 1304 feet, more or less, to point of beginning.

Tax No. 17, described as commencing at a point 103 rods 10 feet West of the Northeast Corner of Section Fourteen, Township Eight South, Range Thirty East of the Boise Meridian, thence running South 20 rods 8 1/2 feet, thence West 18 rods 12 1/2 feet, thence North 20 rods 8 1/2 feet, thence East 18 rods, 12 1/2 feet to the point of beginning.

Tax No. 3, described as follows, to-wit: Beginning at a point on the East line of Lot 1 of Section Ten, Township Eight South, Range Thirty East of the Boise Meridian, which point is 653 feet South of the Southwest Corner of Lot 4 of Section Eleven, Township and Range aforesaid, running thence West 1917 feet, more or less, to the East bank of Snake River, thence North 36° 38' East along said East Bank 339 feet, more or less, thence East 1715 feet, more or less, to the East line of Lot 1, Section Ten, Township and Range aforesaid, thence South 272 feet, more or less, to the point of beginning.

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Tax No. 4, more particularly described as follows, to-wit: Beginning at the Southeast Corner of Section Ten, in Township Eight South, Range Thirty East of the Boise Meridian, running thence North 660 feet, thence West 1900 feet, more or less, to the East line of Snake River, thence South 5° 74' East 622 feet along said East line of Snake River, to the South line of Section Ten, aforesaid, thence East 1865 feet, more or less, to the point of beginning.

Tax No. 7, more particularly described as follows, to-wit: Beginning at a point 748 feet West of the Southeast Corner of Lot 3, in Section Eleven, Township Eight South, Range Thirty East of the Boise Meridian, running thence North 1° 41' West 1500 feet, more or less, to the South bank of Snake River, thence North 73° 50' East 787 feet to intersect with the East line of said Lot 3, thence South 1100 feet, thence South 46°15' East 888 feet to the South line of Lot Two, thence West 1340 feet to the point of beginning.

Tax No. 11, more particularly described as follows, to-wit: Beginning at the Northeast Corner of the Southwest Quarter of the Southeast Quarter of Section Eleven, Township Eight South, Range Thirty East of the Boise Meridian, running thence South 80 rods, thence West 43 rods 6 1/2 feet, thence North 26 rods, thence West 15 rods 8 feet, thence South 4 rods 13 feet, thence West 20 rods 3 feet, thence South 21 rods 3 feet, thence West 56 rods, thence North 77 rods, thence East 16 rods, thence North 3 rods, thence East 118 rods to the point of beginning.

Tax No. 12, more particularly described as follows, to-wit: Beginning at the Northwest Corner of the Southeast Quarter of the Southwest Quarter of Section Eleven, in Township Eight South, Range Thirty East of the Boise Meridian, running thence East 42 rods, thence South 3 rods, thence West 18 rods, thence South 77 rods, thence West 24 rods, thence North 80 rods to the point of beginning.

Tax No. 14, more particularly described as follows, to-wit: Beginning at the Northeast Corner of Section Fifteen, in Township Eight South, Range Thirty East of the Boise Meridian, running thence South 660 feet, thence West 1830 feet, more or less, to intersect the left bank of Snake River, thence North 5° 37' West along said Left Bank 662 feet to the North line of said Section Fifteen, thence East along said North line 1865 feet, more or less, to the point of beginning.

Tax No. 66, more particularly described as follows, to-wit: Beginning at a point 28 feet North and 364.6 feet West of the Southeast Corner of the Southwest Quarter of the Southwest Quarter of Section Eleven, Township Eight South, Range Thirty East of the Boise Meridian, running thence North 646 feet, thence West 955.4 feet, thence South 646 feet, thence East 955.4 feet to the point of beginning.

01-0012 F. William Kencell.

4.00 cubic feet of water per second.

Point of Diversion

South Half of the Northeast Quarter (S 1/2 NE 1/4), Section Eleven (11) East, Township Eight (8) South, Range Thirty (30) E. B. M.

Lands to Which Appurtenant

Tax No. 1, Township 8 South, Range 30 East of the Boise Meridian. Beginning at a point 75 feet South of the Southwest corner of Lot 4, Section 11, Township 8 South of Range 30 East of the Boise Meridian; thence running West 1484 feet to intersect with South bank of Snake River in Lot 1, Section 10; thence North 59° 28' East along South bank of Snake River 1722 feet to intersect East line of Lot 1; thence South along said line 875 feet to place of beginning.

Tax No. 2, Township 8 South, Range 30 East of the Boise Meridian. Beginning at a point 75 feet South of the Southwest corner of Lot 4, Section 11, Township 8 South of Range 30 East of the Boise Meridian; thence West 1484 feet to the East bank of Snake River in Lot 1, Section 10; thence South 37° 04' West along the East bank of Snake River 383 feet; thence East 1715 feet to East line of Lot 1; thence North 306 feet to the place of beginning.

Tax No. 3, Township 8 South, Range 30 East of the Boise Meridian. Beginning at a point on the East line of Lot 1, Section 10, Township 8 South of Range 30 East of the Boise Meridian; 653 feet South of the Southwest corner of Lot 4, Section 11; thence West 1917 feet to the East bank of the Snake River; thence North 36° 38' East along the East bank 339 feet; thence East 1715 feet to the East line of Lot 1, Section 10, thence South 272 feet to the place of beginning.

Tax No. 4, Township 8 South, Range 30 East of the Boise Meridian. Beginning at the Southeast corner of Section 10, Township 8 South of Range 30 East of the Boise Meridian; thence running North 660 feet; thence West 1900 feet to the East line of Snake River; thence South 5° 73' East 622 feet along East line of Snake River to the South line of Section 10; thence East 1865 feet to the place of beginning.

Tax No. 6, Township 8 South, Range 30 East of the Boise Meridian. Beginning at a point 20 feet North of the Southeast corner of Lot 4, Section 11, Township 8 South of Range 30 East of the Boise Meridian; thence running West parallel to the South line 440 feet; thence North 1074 feet to the South line of Snake River; thence North 71° 37' East along South line of river 464 feet to the East line of Lot 4, thence North 75° 54' East 657 feet; thence South 1400 feet to the South line of Lot 3; thence West 637 feet; thence North 20 feet to the place of beginning.

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Tax No. 55, Township 8 South, Range 30 East of the Boise Meridian. Beginning at a point 20 feet West of the Southeast corner of Lot 4, Section 11, Township 8 South of Range 30 East of the Boise Meridian; thence South 646 feet; thence West 1304 feet to the West line of Section 11; thence North along said line 646 feet; thence East 1304 feet to the place of beginning.

Tax No. 7, Township 8 South, Range 30 East of the Boise Meridian. Beginning at a point 748 feet West of the Southeast corner of Lot 3, Section 11, Township 8 South of Range 30 East of the Boise Meridian; thence running North 1° 41' West 1500 feet to the South bank of Snake River; thence North 73° 50' East 787 feet to intersect with the East line of Lot 3; thence South 1100 feet; thence South 46° 15' East 888 feet to the South line of Lot 2; thence West 1340 feet to the place of beginning.

Tax No. 66, Township 8 South, Range 30 East of the Boise Meridian. Beginning at a point 28' North and 364.6' West of the Southeast corner of the Southwest Quarter of the Southwest Quarter of Section 11; thence North 646'; thence West 955.4'; thence South 646'; thence East 955.4 feet to the point of beginning.

Tax No. 11, Township 8 South, Range 30 East of the Boise Meridian. Beginning at the Northeast corner of the Southwest Quarter of the Southeast Quarter of Section 11, Township 8 South, of Range 30 East of the Boise Meridian; thence running South 80 rods; thence West 43 rods 6 1/2 feet; thence Northwest 26 rods; thence West 15 rods 8 feet; thence South 4 rods 13 feet; thence West 20 rods 3 feet; thence South 21 rods 3 feet; thence West 56 rods; thence North 77 rods; thence East 16 rods; thence North 3 rods; thence East 118 rods to the place of beginning.

Tax No. 12, Township 8 South, Range 30 East of the Boise Meridian. Beginning at the Northwest corner of the Southeast Quarter of the Southwest Quarter of Section 11, Township 8 South, Range 30 East of the Boise Meridian; thence running East 42 rods; thence South 3 rods; thence West 18 rods; thence South 77 rods; thence West 24 rods; thence North 80 rods to the place of beginning.

Tax No. 78, Township 8 South, Range 30 East of the Boise Meridian. Beginning at the Southwest corner of the Southeast Quarter of the Southeast Quarter of Section 11; thence North 12 rods; thence East 10 rods; thence South 12 rods; thence West 10 rods to the point of beginning.

Tax No. 17, Township 8 South, Range 30 East of the Boise Meridian. Beginning at a point 103 rods 10 feet West of the Northeast corner of Section 14, Township 8 South of Range 30 East of the Boise Meridian; thence running South 20 rods 8 1/2 feet; thence West 18 rods 12 1/2 feet; thence North 20 rods 8 1/2 feet; thence East 18 rods 12 1/2 feet to the place of beginning.

Tax No. 18, Township 8 South, Range 30 East of the Boise Meridian. Beginning at a point 83 rods 1 1/2 feet West of the Northeast corner of Section 14, Township 8 South, Range 30 East of the Boise Meridian; thence running West 22 rods 12 feet; thence South 20 rods; thence East 22 rods 12 feet; thence North 20 rods to the place of beginning.

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Tax No. 16, Township 8 South, Range 30 East of the Boise Meridian. Beginning at the Northwest corner of Section 15, Township 8 South of Range 30 East of the Boise Meridian; thence running South 660 feet; thence West 1830 feet to intersect left bank of the Snake River; thence North 5° 37' West along left bank 662 feet to the North line of Section 15; thence East along said line 1865 feet to the place of beginning.

Tax No. 31, Township 8 South, Range 30 East of the Boise Meridian. All that portion of the Northwest Quarter of the Northwest Quarter, Section 14, Township 8 South, Range 30 East of the Boise Meridian, excepting from said tract the following described tract of land, to-wit: Beginning at the Southwest corner of the said Northwest Quarter of the Northwest Quarter of Section 14; running thence East 495.0 feet; thence North 440.0 feet; thence West 495.0 feet; thence South 440 feet to the point of beginning.

01-0013 G. Falls Irrigation District.

125.00 cubic feet of water per second.

Point of Diversion

Lot Four (4) Southeast Quarter of the Southeast Quarter (SE 1/4 SE 1/4) of Section Thirty (30), Township Seven (7) South, Range Thirty (30) E.B.M.

Lands to Which Appurtenant

All irrigable lands within the district boundary in Secs. 5, 6, 7, 8, 17, 18 of Twp. 7 S., R. 32 E., B.M.

All irrigable lands within the district boundary in Secs. 12, 13, 14, 15, 20, 21, 22, 23, 24, 27, 31, 32 of Twp. 7 S., R. 31 E., B.M.

All irrigable lands within the district boundary in Secs. 5, 6, 7, 18 of Twp. 8 S., R. 31 E., B.M.

All irrigable lands within the district boundary in Secs. 1, 11, 12, 13, 14, 15, 21, 22, 23, 24, 26, 27, 28 of Twp. 8 S., R. 30 E., B.M.

01-0014 H. A & B Irrigation District.

267.00 cubic feet of water per second.

Point of Diversion

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

Lands to Which Appurtenant

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

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

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Township Nine (9) South, Range Twenty-four (24) East of Boise Meridian: Sections One (1) through Fifteen (15), Seventeen (17) through Thirty-six (36) inclusive;

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

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

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

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

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

Township Nine (9) South, Range Twenty-two (22) East of Boise Meridian: Sections One (1) through Five (5) inclusive, Seven (7) through Fifteen (15) inclusive, Seventeen (17) through Twenty-three (23) inclusive, Twenty-seven (27) through Thirty-four (34) inclusive;

Township Eight (8) South, Range Twenty-two (22) East of Boise Meridian: Sections 24, 25, 30, 35;

Township Ten (10) South, Range Twenty-one (21) East of Boise Meridian: Sections One (1) through Four (4), Eight (8) through Sixteen (16), Twenty-one (21) through Twenty-four (24);

Township Nine (9) South, Range Twenty-one (21) East of Boise Meridian: Sections One (1) through Four (4), Seven (7) through Twelve (12), Fifteen (15) through Eighteen (18), 21, 22, 25, 26, Thirty-three (33) through Thirty-six (36) inclusive;

Township Eight (8) South, Range Twenty-one (21) East of Boise Meridian: Sections Twenty-two (22) through Twenty-seven (27), inclusive, Thirty-three (33) through Thirty-six (36) inclusive.

01-0015 I. Otis Orton.

4.00 cubic feet of water per second.

Point of Diversion

Lots One (1) and Four (4), Section Twenty-one (21), Township Ten (10) South, Range Twenty-two (22), E.B.M.

Lands to Which Appurtenant

N 1/2 of Section 21 and Lots1 and 3,E 1/4 of NE 1/4 of Section 20, Township 10 South, Range 22 East, Boise Meridian.

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4. That the contracts entered into between various of the parties Plaintiff and the United States of America, Bureau of Reclamation, as the same have been amended and modified, in connection with the Palisades project and other projects, were intended to be, and are, binding upon all persons claiming rights to the use of the waters of the Snake River and its tributaries, above Milner Dam, and constitute a common plan for the administration of the Snake River.

5. That the following provisions of the contracts as amended, which provisions are common to each amended contract entered into between each party thereto, and the United States of America, Bureau of Reclamation, are hereby ratified, confirmed and approved:

(a) The provisions relating to "Saving of Winter Water; Special Storage Right". A copy of a typical example of such a common paragraph is attached hereto as Exhibit A and by this reference made a part hereof as though set out in full herein;

(b) The provisions relating to "Permanent Exchange of the American Falls and Jackson Lake Storage Rights and Redifinition of Storage Rights". A copy of a typical example of such a common paragraph is attached hereto as Exhibit B and by this reference made a part hereof as though set out in full herein;

(c) The provisions relating to "Temporary Storage and Exchange of Water; Release of Jackson Lake and Palisades for Power Production". A copy of a typical example of such a common paragraph is attached hereto as Exhibit C and by this reference made a part hereof as though set out in full herein.

(d) The provisions relating to "Priority of Certain Existing and Future Water Rights". A copy of a typical example of such a common paragraph is attached hereto as Exhibit D and by this reference made a part hereof as though set out in full herein.

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EXHIBIT "A"

Excerpt from United States Department of the Interior, Bureau of Reclamation, Minidoka and Palisades Projects, Idaho, Contract No. 14-06-W-28 with the North Side Canal Company, Ltd.

Saving of Winter Water: Special Storage Right

17. (a) The Company is hereby recognized as having the right to divert at Milner Dam for domestic and livestock uses during the months of November through March of each storage season not to exceed 126,000 acre-feet, but within this limitation:

> If, taking account of all storable water, whether stored or not, Palisades and American Falls reservoirs fail to fill during the storage season in question, any water diverted by the Company during that storage season in excess of 126,000 acre-feet (but not to exceed the amount of deficiency in fill) will be charged as of the end of the storage season against the Company's allotment of American Falls storage,

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and, beginning with the date announced by the Secretary as to the time when Palisades will be ready for operation, the Company shall confine its diversions from the Snake River during the months of November through March of each storage season to the rights here recognized.

(b) After Palisades Reservoir is in operation, the Company may, to the extent that it curtails its diversions during the months of November through March of any storage season below the rights defined in (a) of this article, store in that season an equivalent amount of saved water in either American Falls or Palisades Reservoir space available to it, the amount not to exceed 126,000 acre-feet in any storage season. This right to store water shall be prior in time

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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 Company that are junior to the American Falls rights. The Company hereby consents to the granting of special storage rights with a like priority to other water users who, directly or indirectly, contract to curtail storage season diversions for not less than 150 consecutive days out of each storage season within these maxima as to total 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 and Milner Dam — 8,000 acre-feet, exclusive of the special storage rights described in (c) of this article.

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

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

150,000 acre-feet, but within this limitation:

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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 by the Twin Falls Canal Company during that storage season 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 Twin Falls Canal Company's allotment of American Falls storage.

This definition of rights of the Twin Falls Canal Company as a limitation on its rights, it is understood, need not be made operative until the first year in which that company exercises the special storage provision to which consent is here given.

Distribution of Rights to Share in Palisades Capacity Made Available to the Company

18. Under the provisions of articles 16 and 17, the Company will be entitled to stored water accruing to a certain active capacity in Palisades Reservoir, which rights are in addition to those now appurtenant to lands owned by its stockholders which are included within the American Falls Reservoir District or within the Hillsdale Irrigation District. Subject to the payment of all proper assessments and levies and compliance with other conditions validly imposed under law, the rights to share in stored water so to become available and the obligations related thereto shall be apportioned equally and ratably among

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all the outstanding shares of the Company's stock, it being understood for clarity that thirteen and eight tenths per cent (13.8%) of such rights is appurtenant to shares of Company stock which, as of the date of this contract, are appurtenant to lands within the boundaries of the Hillsdale Irrigation District and eighty-six and two tenths per cent (86.2%) of such rights is appurtenant to shares of Company stock which, as of the date of this contract, are appurtenant to lands within the boundaries of American Falls Reservoir District.

Provisions Relating to Exchange and Redefinition of Existing American Falls and Jackson Lake Storage Rights; Winter Power Operations at the Minidoka Powerplant

(Articles 19 through 24)

Permanent Exchange of American Falls and Jackson Lake Storage Rights

19. The United States, as of the date of this contract, operates and maintains for the benefit of lands in the lower valley served by the South Side Pumping and Gravity divisions of the Minidoka Project and by the Company the following capacities, respectively, in Jackson Lake Reservoir below elevation 6752:

Minidoka Project	325,810 acre-feet
Company	10,000 acre-feet
Total	335,810 acre-feet

Beginning October 1, 1952, there will be operated and maintained in Jackson Lake Reservoir, in lieu of the latter rights, the upper valley exchanged space as defined in article 20, and there will be made

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Excerpt from United States Department of the Interior, Bureau of Reclamation, Minidoka and Palisades Projects, Idaho, Contract No. 14-06-W-28 with the North Side Canal Company, Ltd., prior to the execution of the amendatory and supplemental provisions which recognize the rights of the Minidoka Irrigation District as more particularly set out in Exhibit "E" hereto.

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Provisions Relating to Exchange and Redefinition of Existing American Falls and Jackson Lake Storage Rights; Winter Power Operations at the Minidoka Powerplant

(Articles 19 through 24)

Permanent Exchange of American Falls and Jackson Lake Storage Rights

19. The United States, as of the date of this contract, operates and maintains for the benefit of lands in the lower valley served by the South Side Pumping and Gravity divisions of the Minidoka Project and by the Company the following capacities, respectively, in Jackson Lake Reservoir below elevation 6752:

Minidoka Project	325,810 acre-feet
Company	10,000 acre-feet
Total	335,810 acre-feet

Beginning October 1, 1952, there will be operated and maintained in Jackson Lake Reservoir, in lieu of the latter rights, the upper valley exchanged space as defined in article 20, and there will be made

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available to the Company fifty-nine hundredths per cent (0.59%) of the active capacity of American Falls Reservoir (being 10,000 acre-feet in terms of a total active capacity of 1,700,000 acre-feet), this comprising part of the lower valley exchanged space as defined in article 20.

Definition of Upper Valley Exchanged Space;
Guarantee in Event Lower Valley Exchanged Space Fails to Fill

20. It is anticipated that various upper valley holders of storage rights in American Falls Reservoir will have acquired in lieu of those rights seventy-six and seven tenths per cent (76.7%) of the total active capacity in Jackson Lake Reservoir as of October 1, 1952, these rights in Jackson Lake Reservoir being hereinafter called the upper valley exchanged space; and nineteen and seventy-five hundredths per cent (19.75%) of the active space in American Falls Reservoir will be held for the South Side Pumping and Gravity divisions of the Minidoka Project (nineteen and sixteen hundredths per cent (19.16%)) and the Company (fifty-nine hundredths per cent (0.59%)), these rights being hereinafter called the lower valley exchanged space. The seventy-six and seven tenths per cent (76.7%) in Jackson Lake and the nineteen and seventy-five hundredths per cent (19.75%) in American Falls shall, so long as the respective total active capacities are not less than 847,000 and 1,700,000 acre-feet, be treated as the equivalent of 335,810 acre-feet. 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 capacities are other than

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above stated. Beginning with the 1952-1953 storage season, there shall be a determination, at the end of each storage season in which the lower valley exchanged space fails to fill, taking carryover storage into account, (1) of the amount by which the American Falls storable inflow to which the lower valley exchanged space was entitled during that season failed to fill that space; and (2) of the amount, if any, by which the Jackson Lake storable inflow to which the upper valley exchanged space was entitled during that season failed to fill that exchanged space. If the amount under (1) exceeds that under (2), there shall be credited to the lower valley exchanged space and charged to the upper valley exchanged space an amount of stored water equal to the difference, but not in excess of the amount required to fill the lower valley exchanged space as of the end of that storage season. The determinations under this article shall be made by a committee of three comprising the state watermaster of District No. 36, a representative to be selected jointly by the Burley and Minidoka irrigation districts and the Company, and the officer of the United States in charge of the Minidoka Project.

Redefinition of Company's Jackson Lake Storage Rights

21. (a) The United States will operate and maintain Jackson Lake Reservoir and, beginning October 1, 1952, will make available to the Company stored water accruing to seventy-six and two thousand four hundred ninety-nine ten thousandths per cent (76.2499%) (312,007 acre-feet of present capacity) of the capacity in the reservoir above

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elevation 6752 and will operate the entire reservoir in accordance with the following criteria:

The entire reservoir will be operated so as to hold over, in any space available in the reservoir, from one irrigation season to the next for use in that next season, stored water to which any holder of space in the reservoir is entitled, but the total amount of stored water which will be held for the use of any holder of space during any irrigation season shall not exceed the space available to that holder. The United States shall, however, in its operation of the reservoir, have the right, after consultation with the Advisory Committee, to lower the water surface elevation in Jackson Lake in each storage season in order to avoid damage to the dam during winter weather and to provide incidental flood control, but, except in cases of operation and maintenance emergencies, such release of water shall not result in loss of storable water in that storage season. If losses do result, these shall be prorated equally over all space in the reservoir and shall be charged against stored water including that, if any, carried over from prior irrigation seasons. Determination of the relative rights of the various holders of space in the reservoir to reservoir inflow during each storage season shall, however, continue to be on the basis of the difference in priorities for the storage of water held by

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the United States for the capacity below elevation 6752 and those held for the capacity above that elevation.

(b) Stored water available under the rights in Jackson Lake Reservoir as defined in this article shall be available for delivery to the Company during any irrigation season within these limitations:

(1) Except in cases of emergency, deliveries shall be limited to periods when the Company's natural flow rights and rights to water stored in reservoirs downstream from Jackson Lake Reservoir are not sufficient to meet the Company's irrigation water requirements.

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

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Operation and Maintenance Obligation - Jackson Lake

22. (a) The Company, during the period of operation and maintenance of Jackson Lake Dam and Reservoir by the United States, shall pay to the United States thirty-six and eighty-four hundredths per cent (36.84%) of the costs of operating and maintaining that dam and reservoir, including whatever costs may be incurred in the delivery of water therefrom.

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EXHIBIT "C"

Excerpt from United States Department of the Interior, Bureau of Reclamation, Minidoka and Palisades Projects, Idaho, Contract No. 14-06-W-59 with the American Falls Reservoir District.

Provisions of General Application to All Rights Established or Defined by This Contract

(Articles 19 through 43)

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

19. (a) It is the purpose of the United States and the water users having storage rights in the reservoir system (including the District) 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

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interest of water conservation, be held temporarily in unoccupied space in any other reservoir of the system. And the District 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 Jackson Lake and Palisades reservoirs for the maintenance of power production at Palisades dam powerplant and may store such water, as Jackson Lake or Palisades water as the case may be, in American Falls Reservoir. The release of such water will be confined, however, in storage seasons when it appears that American 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.

14.6

Rental of Water: Sale of Space

20. (a) The District 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 at rates to be approved in advance by the Secretary and the Advisory Committee. Rates shall not exceed the annual costs under

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EXHIBIT "D"

Excerpt from United States Department of the Interior, Bureau of Reclamation, Minidoka and Palisades Projects, Idaho, Contract No. 14-06-W-59 with the American Falls Reservoir District.

Priority of Certain Existing and Future Water Rights

28. (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, 21-2157 the District 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 rights under license No. R-590.

(b) In connection with Idaho Permit No. 15134, 01-2040 (30 Mar 21) 1700 cfs 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 (1/2) to American Falls Reservoir District No. 2 and one-half (1/2) to American Falls Reservoir, except that [illegible] in which American Falls Reservoir is full to capacity on April 30 or fills after that date, taking

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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 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 District 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 17. When such contract has become operative, the

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United States 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, 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 District 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

29. 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

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EXHIBIT "E"

Excerpt from United States, Department of the Interior, Bureau of Reclamation, Contract with Minidoka Irrigation District Concerning Storage Capacity in American Falls, Jackson Lake and Palisades Reservoirs, and Related Matters; Contract No. 14-06-100-1833.

PROVISIONS RELATING TO REDEFINITION OF EXISTING JACKSON LAKE STORAGE RIGHTS AND ANNUAL EXCHANGES THEREOF; HOLDOVER RIGHTS AND RIGHTS TO RELEASE OF WATER AND RELATED MATTERS; OPERATION AND MAINTENANCE OBLIGATIONS—JACKSON LAKE; WINTER POWER OPERATION; MINIDOKA POWERPLANT
(Articles 21 through 24)

14-7

REDEFINITION OF JACKSON LAKE STORAGE RIGHTS OF DISTRICT AND WATER USERS COMING WITHIN ITS JURISDICTION; AND ANNUAL EXCHANGES THEREOF

21. (a) The United States will continue to operate and maintain the existing Jackson Lake Reservoir and, beginning October 1, 1958, will make available to the District stored water accruing to 42.49% of the active capacity of that reservoir below elevation 6752, within the limits and on the terms and conditions provided in this contract. This percentage shall, so long as the reservoir has a total active capacity of 847,000 acre-feet, be treated as the equivalent of one hundred eighty-six thousand thirty (186,030) acre-feet of active capacity below elevation 6752. 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.

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(b) After the District's irrigation season commences in any calendar year, as determined by the Watermaster, the District shall have the right to effect annual exchanges of water out of stored water that is exchangeable, not to exceed the extent of the District's use of Jackson Lake stored water in that year, if requested by written notice within 60 days after the commencement of the District's irrigation season in that calendar year. Any such exchanges shall be made out of water stored to the credit of upper valley water users in American Falls Reservoir or out of any water in that reservoir that is available for exchange. To the extent that there is water to effect such exchanges, they shall be effected without charge for transmission losses between Jackson Lake and American Falls Reservoir. The request for such exchanges made by the District shall be directed in writing to the officer in charge of the Minidoka Project and the Watermaster and those officers shall forthwith initiate and carry through the exchanges within the limits herein stated.

HOLDOVER RIGHTS AND RIGHTS TO RELEASE OF WATER AND RELATED MATTERS

22. (a) Beginning with the 1958-1959 storage season, the United States will operate Jackson Lake Reservoir so as to hold over, in any space available in the reservoir, from one irrigation season to the next for use in that next season, stored water to which any holder of space in the reservoir is entitled, but the total amount of stored water which will be held for the use of any holder of space during any irrigation season shall not exceed the space available to that holder.

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the United States shall, however, in its operation of the reservoir, have the right, after consultation with the Advisory Committee, to lower the water surface elevation in Jackson Lake in each storage season in order to avoid damage to the dam during winter weather and to provide incidental flood control, but, except in cases of operation and maintenance emergencies, such release of water shall not result in loss of storable water in that storage season. If losses do result these shall be prorated equally over all space in the reservoir and shall be charged against stored water including that, if any carried over from prior irrigation seasons. Determination of the relative rights of the various holders of space in the reservoir to reservoir inflow during each storage season shall, however, continue to be on the basis of the difference in priorities for the storage of water held by the United States for the capacity below elevation 6752 and those held for the capacity above that elevation. Reservoir permits issued by the State of Wyoming for the capacity below elevation 6752 are as follows:

Permit No.	Capacity in acre-feet 2/	Priority
R 894	299,000	August 23, 1906
R 1903	392,990	August 18, 1910
R 2185	438,000	July 24, 1911

The capacity below elevation 6752 shall continue to be operated, as it has been historically, on a pooled or vertical basis as to priorities with respect to storable inflow.

(b) Stored water accruing to the rights in Jackson Lake Reservoir as defined in this article shall be available for physical delivery to the District during any irrigation season within these limitati

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2/ Capacities are stated in cumulative totals.

(1) Except in cases of emergency, deliveries shall be limited to periods when the District's natural flow rights and rights to water stored in Palisades and American Falls Reservoirs downstream from Jackson Lake Reservoir are not sufficient to meet the District's irrigation water requirements, but this provision, except for limitations in the District's and in the landowners' reservoir capacity, does not preclude the District from designating for purposes of allocation, on paper, reservoirs from which the District and its water users are to receive the water, or from designating the reservoir in which the carry-over water will be stored at the end of a particular irrigation season.

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

(c) All carry-over of stored water in Jackson Lake Reservoir, whether held under individual water right applications coming within the jurisdiction of the District or in the name of the District itself, shall be restricted to the carry-over rights as defined in this article as being held for the District and to those held under water right applications

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to lands within the jurisdiction of the District, and other carry-over or drop-down rights or claims of rights are hereby abandoned.

(d) Rights under the interim exchange arrangement which was consummated in 1955 and extended from year to year since that date are terminated as of October 1, 1958, but any stored water then carried over in the District's share of the lower valley exchanged space, as defined in that interim arrangement, will be carried as a credit to the District's Jackson Lake capacity as defined in this article as of the beginning of the 1958-1959 storage season.

OPERATION AND MAINTENANCE OBLIGATION—JACKSON LAKE

23. (a) The District, during the period of operation and maintenance of Jackson Lake Reservoir by the United States, shall pay to the United States twenty-one and nine thousand six hundred thirty-four ten thousandths percent (21.9634%) of the costs of operating and maintaining that reservoir, including whatever costs may be incurred in the delivery of water therefrom.

(b) Beginning with the 1959 irrigation season, payment of the District's obligation under (a) above 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 maintenance under (a) above to be incurred in the calendar year involved, and the amount of the District's share of these estimated costs. The operation and maintenance charge notice shall be furnished to the District on or before February 1 of the calendar year

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for which the notice is issued, but, when requested by the District, a preliminary estimate shall be given at such earlier date as is agreed upon in writing. The District shall pay the amount stated in the notice on or before April 1 of the year for which issued or such other date as may be agreed on.

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

WINTER POWER OPERATION: MINIDOKA POWERPLANT

24. (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 2700 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

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American Falls and Minidoka powerplants to curtail the releases of additional water from American Falls Reservoir for power production at these powerplants during the storage season of any year whenever operation of these powerplants to the full extent of their respective water rights for 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 has, during each storage season beginning October 1, 1952, and ending in 1958, and will, commencing with the storage season of 1958-1959 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 and the District will be informed in advance 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.

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(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 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 of the Minidoka powerplant would be operated 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 attributable to those

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units. Payment for such power and energy losses shall be made, on the basis of an average annual replacement requirement, by all contractors having reservoir rights benefiting from the water savings resulting from operations under the provisions of (a) of this article in annual amounts determined as follows:

(1) Prior to the date when either the American Falls powerplant or Palisades dam powerplant is first in service, the payment for any year shall be the product, in dollars, of the then controlling average annual replacement requirement, in kilowatt-hours, times four mills ($0.004).

(2) Beginning with the date when either the American Falls powerplant or Palisades dam powerplant is first in service, 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. The amount to be paid by the District annually shall be limited, however, to that apportionable under the provisions

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of (c) of this article to the District's rights in American Falls Reservoir under the provisions of article 10 and the District's rights in Palisades Reservoir under the provisions of article 16.

(d) The replacement requirements for the year ending September 30, 1953, shall be 5,699,000 kilowatt-hours, being the average annual replacement requirement for the period beginning October 1, 1931, and ending September 30, 1951. The average annual replacement requirement under either (1) or (2) of (c) above for the year ending September 30, 1954, shall be the average of the annual replacement requirements for each year of the 20-year period ending September 30, 1953, and for each 12-month period after September 30, 1954, 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, the annual figures for the years through September 30, 1951, as shown in Table 1 of the document entitled "Criteria and Method for Determination of Certain Minidoka Powerplant Production Losses from Restrictions on Use of Water Rights"[3/], and for each year thereafter, 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 of the Minidoka powerplant based on the

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3/ Duplicate originals of this document shall be filed with the Watermaster of District No. 36, the officer of the United States in charge of the Minidoka Project, and the Burley Irrigation District.

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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 or irrigation storage releases. Using calculations reached as to flows and heads, the power loss calculations will be made by utilizing the power production curves shown in drawing No. 17-100-139, as revised, incorporated by reference in the document identified above, but increases in energy in any year by reason of taking American Falls storage into account as provided in subparagraph (3) 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 "Water Distribution and Hydrometric Work, District 36, Snake River, Idaho", 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 in the order provided in article 19. The flow at the Minidoka gage

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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 in this article, these assumptions shall be used with respect to units 1 through 6 of the Minidoka powerplant:

(1) 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.

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

(3) 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).

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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 Minidoka and Burley 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 the committee of three comprising the State Watermaster of District No. 36, 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 the 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 and reported to the District.

(e) The annual payment determined as provided in this article shall be apportioned among the benefiting reservoirs as follows: (1) prior to the first full storage season during which Palisades Reservoir is in operation, eighty-eight percent (88%) to American Falls Reservoir and twelve percent (12%) to Island Park Reservoir; and (2) 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 District's share is made elsewhere in this contract. The

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amount apportioned to American Falls Reservoir shall be distributed equally over all space available for irrigation storage, including the 33,563 acre-feet of space available to the District under the provisions of article 10 and the 50,000 acre-feet that were initially made available to the District under the contract of February 11, 1927, except that in lieu of the lower valley exchanged space there shall be included 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 Secretary and the Advisory Committee. Such formula shall, however, be as nearly consistent as practicable with the formula that would control but for such redistribution.

(g) In order to permit the operation of the Minidoka power system with a power supply undiminished by water savings operations under this article, the United States, as the operator of the Minidoka powerplant and of other interconnected powerplants operated under the Federal Reclamation Laws, will, to the extent authorized by law, make available to the Minidoka powerplant at rates established under law an amount of power and energy equivalent to that lost by reason of such water savings operations. In determining the net profits attributable to the first six units of the Minidoka powerplant which are, under the provisions of subsection I of section 4 of the act of December 5, 1924

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(43 Stat. 703), and under existing contracts with the District and others, to be credited to the lands of the Gravity and South Side Pumping divisions of the Minidoka Project, all payments made by the owners of storage rights in the reservoir system in pursuance of the apportionment of power replacement charges as provided in (e) of this article shall be accounted for as revenues attributable to those six units, and such payments will, for the period that the United States is obligated to curtail power operations as provided in (a) of this article, be accepted by the District, to the extent of its interest in the net profits attributable to the first six units, as full settlement for losses resulting from such curtailed operations.

PROVISIONS RELATING TO STATUS OF CERTAIN EXISTING RIGHTS; DELIVERY OF WATER AT HEADWORKS
(Articles 25 through 26)

STATUS OF CERTAIN EXISTING CONTRACTS WITH THE DISTRICT

25. Except to the extent that the provisions of this contract are in conflict therewith, the provisions of the existing contracts between the United States and the District, particularly the provisions of the contract of February 11, 1927, with respect to the 50,000 acre-feet of storage capacity in American Falls Reservoir, shall remain unaffected by this contract.

DELIVERY OF WATER AT HEADWORKS

26. Deliveries to the District of water to which it, or its water users, are entitled, both natural flow and stored water, will be made at the headworks of the main canals in the amounts requested by the

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District within the limits of safe operating capacity of the facilities involved and the limitations of the contract of December 12, 1950, as to the main South Side Canal, if water within the entitlements of the District is available in sufficient quantity to meet the requests.

PROVISIONS OF GENERAL APPLICATION TO ALL RIGHTS ESTABLISHED OR DEFINED BY THIS CONTRACT (Articles 27 through 54)

TEMPORARY STORAGE AND EXCHANGE OF WATER; RELEASE OF JACKSON LAKE AND PALISADES WATER FOR POWER PRODUCTION

27. (a) It is the purpose of the United States and the water users having storage rights in the reservoir system (including the District) to have the reservoir system so operated as to effect the greatest practicable conservation of water, but this provision deals exclusively with the physical storing of water and does not derogate from the right of the District, on paper, to the extent of available capacity held either in the District's name or in the name of its water users under water right applications, from designating the reservoir from which water will be received during the irrigation season involved, or from designating at the end of particular seasons where the carryover waters will be held. 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 of the system. And the District hereby consents to the making, with the

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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 Jackson Lake and Palisades reservoirs for the maintenance of power production at Palisades dam powerplant and may store such water, as Jackson Lake or Palisades water as the case may be, in American Falls Reservoir. The release of such water will be confined, however, in storage seasons when it appears that American 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.

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EXHIBIT "F"

Excerpt from United States Department of the Interior, Memorandum of Agreement Between The Bureau of Reclamation and The Bureau of Indian Affairs Relating to Water Supply for Michaud Division of the Fort Hall Indian Reservation, Idaho, Draft of April 9, 1957, as approved April 25, 1957, by E. G. Nielsen, Assistant Commissioner, Bureau of Reclamation, W. Barton Greenwood, Deputy Commissioner, Bureau of Indian Affairs, and Fred G. Anadahl, Assistant Secretary of the Interior.

Delivery of Water; Measurement and Losses; Return Flow

8. (a) To the extent that water is pumped from wells and from surface streams that flow into American Falls Reservoir, actual measurements at the well heads and at the discharge lines of other pumping plants delivering water for the said Michaud Division shall be made during each irrigation season. All water provided through the Michaud Division system for the irrigation of lands of the Michaud Division of the Fort Hall Indian Reservation from any and all sources in any irrigation season shall be accounted for as water stored for the Indian Bureau as provided in Article 4 and charged thereto, except:

(1) Surface waters that may be available under flood water rights that may be obtained with a priority of not earlier than one year before the priority held for Palisades Reservoir; and

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feet, as prescribed by Section 3(b)(1) of said act of August 31, 1954 (Supra) calculated over a ten-year period including the irrigation season just ended and the preceding nine irrigation seasons, from ground water pumped any place in the Michaud Division system. Until a full ten-year period is available, the average shall be for the years of project operation.

Delivery of water to lands of the said Michaud Division that as above provided in this article is chargeable to stored water for any irrigation season, shall be limited, however, to the quantities of stored water available as provided in article 4, and the supply of water available from all sources through the Michaud Division system shall be limited to the irrigation of not to exceed 21,000 acres of land. Lands within the outer boundaries of the Michaud Division, but which do not share in the water supply provided by this agreement, are hereby excluded from any of the benefits of this agreement, of the act of August 31, 1954, and of the Michaud Division system.

(b) The water chargeable to Indian Bureau stored water as provided in this article shall be determined from day to day during the irrigation season of each year. Corresponding credits from day to day shall be given by the watermaster to the water rights, whether natural flow or storage rights, that have been infringed on by pumping for the Michaud Division. The amounts represented by such infringements, to whomsoever they shall accrue, shall be made up out of stored water available to the Indian Bureau under this agreement, from day to day, if necessary. The determination of the charges and the credits hereunder shall be under a formula to be devised by the watermaster, after consultation with the Advisory Committee, taking into account as one factor the so-called Newell formula with respect to the inflow into American Falls Reservoir, as this formula is affected, in the judgment of the watermaster,

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Departures from that formula shall be called to the attention of the Advisory Committee from time to time.

(c) 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 agreement to the credit of the Indian Bureau at the end of any irrigation season one and one-half per cent (1½%) to offset evaporation losses. Such charge shall be made as of not later than the end of the ensuing storage season.

(d) The Indian Bureau shall make no claim on behalf of the United States or of any individual, community or band of Indians of any surface return flows from the Michaud Division after they enter American Falls Reservoir, except as they are recaptured before leaving the Division, and are used directly on the land of that Division. Nor shall any such claim be made for underground flows except to the extent covered by paragraph (a) of this article. Return flows hereby relinquished, whether surface or underground, shall be credited either to the river or to the reservoir in accordance with the relative priorities heretofore or hereafter established under the laws of the State of Idaho.

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Statutory Limitations on Water Supply

15. (a) In accordance with the act of August 31, 1954 (68 Stat. 1026), this agreement (except for the flood water rights referred to in article 8) with respect to the water supply for the irrigation of the lands of the Michaud Division of the Fort Hall Indian Reservation,

(1) hereby limits that supply to (i) the yield of the space in Palisades and American Falls Reservoirs, as set out in this agreement, and (ii) to the supply obtained by the pumping of ground water of not more than 22,400 acre-feet as an average calculated at the end of an irrigation season including the irrigation season just ended and the preceding irrigation seasons up to a maximum of nine; and

(2) hereby provides the consent to a priority in time and right in such beneficial consumptive uses of the waters of the Snake River, and its tributaries, as are established under the laws of the State of Idaho, prior to August 31, 1954, as against any use of the water arising on or flowing through the Fort Hall Bottoms within the Fort Hall Indian Reservation, including, but not limited to, the intercepted flow of Ross Fork Creek, the Portneuf River below Pocatello, Big Jimmy Creek, Big Spring Creek, and Clear Creek.

And the United States, with the construction, operation and maintenance of said works of the Michaud Division of the Fort Hall Indian Reservation, hereby waives any of its rights, exclusive of the rights provided in this

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the Fort Hall Bottoms, including, but not limited to, the intercepted flow of Ross Fork Creek, the Portneuf River below Pocatello, Big Jimmy Creek, Big Spring Creek and Clear Creek, for the irrigation of the lands of said Michaud Division. Except as provided herein, nothing in this agreement shall affect any rights in and to the waters of the Fort Hall Indian Reservation or the Snake River and its tributaries.

(b) The limitations imposed in the statute and in (a) of this article 15, are made for the benefit both of Reclamation and water users' organizations contracting with Reclamation for storage capacity in the reservoir system, and for water users having natural flow rights below the points of diversion for the Michaud Division by the Indian Bureau. No modification in these limitations, or in other provisions of this agreement intended to effect the purposes of Section 3 of the Act of August 31, 1954, shall be made without the contractual approval of all the water users and water users' organizations for the benefit of whom these limitations are imposed.

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JUL 10 1968
Department of Reclamation

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

BURLEY IRRIGATION DISTRICT, et al,

Plaintiffs,

vs.

HENRY EAGLE, Watermaster, Water District No. 36, State of Idaho,

Defendant.

DISTRICT COURT
Fifth Judicial District
County of Twin Falls (State) of Idaho
FILED JUL 10 1968
A. LANCASTER, Clerk
By [illegible] Deputy Clerk

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter having come on regularly before the Court and it appearing that the defendant has filed herein a disclaimer of any interest adverse to the plaintiffs and proof having been submitted in the form of a Stipulation by all of the plaintiffs and the Court, being fully advised in the premises, makes and enters the following:

FINDINGS OF FACT

I.

(a) The priority of the right to use waters of the Snake River and its tributaries with points of diversion at or upstream from Milner Dam have been determined by decrees of Courts of competent jurisdiction (including but not limited to the decree in the case entitled Twin Falls Canal Company v. Charles N. Foster, et al, entered in the District Court of the Fourth Judicial District Court of the State of Idaho, in and for the County of Twin Falls on June 20, 1913, hereafter called "Foster Decree") and thereafter numerous parties have acquired rights to the use of the waters of said Snake River and its tributaries with points of diversion at Milner Dam or above.

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(b) The parties Plaintiff herein are persons who have so acquired such water rights and that they have brought this action under and pursuant to provisions of Idaho Code Section 42-1405.

II.

All the parties Plaintiff herein have accepted as binding upon them

the provisions of all prior decrees which have been entered with respect to the waters of Snake River and its tributaries above Milner Dam, including, particularly, but not limited to (1) The Foster decree mentioned in the preceding paragraph ; (2) The decree entered in the District Court of the Sixth Judicial District of the State of Idaho in and for the County of Fremont in the case entitled Rexburg Irrigation Company, et al, vs. Teton Irrigation Canal Company, et al, filed December 16, 1910, (hereinafter "Rexburg Decree"); and (3) The decree entered in that certain case entitled Woodville Canal Company vs. Clark and Edwards Canal and Irrigation Company, et al, in the District Court of the United States for the District of Idaho, Eastern Division, on June 25, 1929, (hereinafter "Woodville Decree") and all other prior valid decrees of such water.

III.

(a) Defendant, Henry Eagle, is now and has been at all times since March 3, 1959, the duly qualified and acting Watermaster of Water District No. 36 of the State of Idaho; said District being duly created and existing under the laws of the State of Idaho for the purpose of distributing the waters within its boundaries, including all of the waters referred to and affected by this action.

(b) All of the lands of the parties Plaintiff hereinafter described are located within the boundaries of, and irrigated by the waters of Snake River and its tributaries within, said Water District No. 36.

IV.

Proper and sufficient notice of the pendency and purpose of the above-entitled action was published in newspapers having general circulation in the counties of Power, Cassia, Minidoka, Twin Falls, Jerome, Blaine, Gooding, Lincoln and Elmore, Idaho, and that all provisions of Idaho Code Section 42-1405 relating to notice and publication of notice have been complied with.

V.

The Plaintiffs herein comprise all persons diverting water from, and claiming or asserting rights to divert water from, the Snake River and its tributaries above Milner Dam and within the boundaries of said Water District

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No. 36, according to the records and files of defendant Henry Eagle; and comprise, collectively, all presently known parties who are or will be affected by the entry of the Decree entered herein.

VI.

(a) Plaintiffs herein have over a period of many years, cooperated, planned and worked for a common, fair, equitable and just plan designed to result in the most efficient, fair and complete beneficial use of all the waters of the Snake River and its tributaries.

(b) Such cooperative planning and adjustment of rights, then, present and future, became and was particularly necessary prior to, and in connection with the planning for the Palisades Reservoir, the securing of Congressional authorization and appropriation for said reservoir and the irrigation projects related thereto and authorized in connection therewith, including particularly, but not limited to, the irrigation project, known as the Minidoka North Side Extension, hereinafter particularly described as being owned and operated by the A & B Irrigation District.

(c) In connection with the establishment of the water rights for said Palisades Reservoir, it was particularly necessary for the parties Plaintiff to agree among themselves, and avoid extensive, expensive and delaying litigation by so agreeing upon a common priority date for those persons who were using, or were making plans to construct projects and perfect rights to use, the so-called "Flood Water Rights," being those waters of the river which were only available during periods of high flow; and which the parties Plaintiff had been using to the best of their ability and to the extent of their irrigation works, or were planning to use as projects were constructed; and that the parties Plaintiff did at such time agree on a common priority date of April 1, 1939, for such rights, which said agreement has been acted upon by all of the parties Plaintiff hereto continuously, and deliveries have been made in accordance therewith by defendant Henry Eagle.

(d) It was also known and agreed that as a result of the construction of Palisades Reservoir, it would be to the best interests of all water users to

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enter into contracts for the exchange of certain rights between those holding rights in Jackson Lake Reservoir and those holding rights in American Falls in order to reduce river transmission losses and to permit more effective river regulation by permitting the use of waters so far as possible by those having diversions closest to the respective reservoirs.

(e) It was also known and agreed that the parties Plaintiff would and they did, enter into specific contracts with the Bureau of Reclamation with respect to their storage rights in Palisades Reservoir, Jackson Lake Reservoir, Island Park Reservoir, Grassy Lake Reservoir, Lake Walcott Reservoir, and American Falls Reservoir and with respect to the acknowledgment and award of certain priorities as hereinafter more specifically set forth.

(f) It was necessary to agree that additional projects authorized by the Congress of the United States as an integral part of the Palisades Reservoir legislation would have their proportionate rights in said so-called flood water rights with said priority date of April 1, 1939, and that said legislation was achieved, and said projects were authorized and constructed, and have been developed, on the basis of such understanding as to their water rights; and that such projects have used water from the Snake River under such claimed priority date as promptly as they were able to do so, dependent upon the construction of their facilities.

(g) It was also known and agreed that it was necessary that the parties Plaintiff achieve a solution of the controversy as to the respective rights of American Falls Reservoir District No. 2 and the other owners of space in American Falls Reservoir which had been left unsettled by the Woodville Decree; and that such settlement has been achieved between the parties Plaintiff and the Bureau of Reclamation by provisions in the contracts as hereinafter more specifically set out.

(h) As a necessary condition to the authorization, financing, and construction of the Palisades Reservoir, it was decided that there should be certain savings of winter water to be accomplished by cessation of winter deliveries and with accompanying added storage privileges for the users ceasing such diversion and that this would be needed to be accomplished by

proper contracts with the Bureau of Reclamation, which contracts have been executed.

(i) It was further known that it would be necessary to have proper contract provisions to afford the best and most economical use of the waters of the river for storage, both temporary and permanent in the various reservoirs and for mutually compatible, beneficial and non-conflicting uses for power and irrigation, and contract provisions designed to accomplish these purposes have been agreed upon and incorporated into contracts.

(j) All of the individual contracts entered into between parties Plaintiff and the Bureau of Reclamation, Department of the Interior, United States of America, were and are designed to be mutually binding upon all parties entering similar contracts, and to be construed together in effect as one overall contract with respect to the common paragraphs therein relating to savings of winter water and accompanying special storage rights; consent to exchanges of American Falls and Jackson Lake storage rights and to the redefinition of those storage rights; temporary storage and exchange of water and releases for power production; and consent to the priority of certain existing and future water rights at Island Park Reservoir and American Falls Reservoir and future reservoirs to be constructed.

(k) Since the execution of the Palisades contracts, the operation of the dams, diversion and distribution works of the parties Plaintiff and of the Bureau of Reclamation, Department of the Interior, United States of America has conformed to the general scheme or plan set out herein and has recognized the priorities set out herein.

VII.

All of the lands described in the Decree, and to which water is therein decreed to be appurtenant, are arid in character and will not produce ordinary agricultural crops without the application of irrigation water; and all of said lands require and need, in addition to all rights presently appurtenant to them, additional water in the amounts set out in the Conclusions of Law; and all of said water has been, can and will be applied to beneficial use in producing agricultural crops thereon.

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VIII.

All of the water rights decreed to the lands described in the Decree herein are and shall be in addition to and supplemental to all other existing water rights appurtenant to said lands; and such additional water rights shall not in any way change, alter, vary, or diminish any and all other water rights possessed or owned by the parties hereto or appurtenant to the said lands.

IX.

All of the parties to this action to whom water rights are decreed have constructed, operated, and now control and maintain all necessary diversion dams, canals, laterals and distribution systems adequate to divert and distribute to the proper lands all of the waters decreed to them, in addition to all other water rights owned by the said parties.

X.

All of the supplemental waters decreed are required for and will be beneficially used for the production of agricultural crops and associated domestic uses upon the lands to which they are decreed and have been used and will be beneficially used in such manner and such supplemental waters shall not be transferrable to any lands other than those lands described in the Decree.

XI.

Some of the rights decreed have been acquired by or decreed to the parties Plaintiff in other proceedings or by other methods, and it is the desire of the parties Plaintiff hereto that all of such rights be enumerated and decreed in this action, in which all parties in interest in waters of Snake River above Milner Dam are parties.

It will greatly aid and assist all responsible State officials, Watermasters and other officials in handling, managing and distributing the waters of the Snake River and its tributaries above Milner Dam to have those rights enumerated and listed in one decree as is intended to be accomplished by this action.

XII.

The award of the so-called flood water rights to parties Plaintiff to this action claiming them with a uniform priority date of April 1, 1939, will not injure or impair the rights of any other parties and is intended to be a valid and binding settlement of all the claims of the right, title, and interest of the various parties Plaintiff herein and to the said waters.

XIII.

(a) The contracts entered between various of the parties Plaintiff and the United States of America, Bureau of Reclamation, in connection with the Palisades and other projects, as amended and modified, were intended to be, and should be, binding upon all persons claiming rights to the use of the waters of Snake River and its tributaries above Milner Dam; and although the provisions of said contracts provide the basis of a common plan for the administration of the waters of Snake River, certain paragraphs of said contracts, common to all types of contracts with the various parties Plaintiff, contain the major areas of agreement.

Typical examples of the common paragraphs setting forth the major areas of agreement are attached to the Decree herein. A typical example of the common paragragh relating to "Saving of Winter Water; Special Storage Right" is thereto attached as Exhibit A. A typical example of the paragraph relating to "Permanent Exchange of the American Falls and Jackson Lake Storage Rights and Redefinition of Storage Rights" is thereto attached as Exhibit B. A typical paragraph relating to "Temporary Storage and Exchange of Water; Release of Jackson Lake and Palisades for Power Production" is thereto attached as Exhibit C. A typical paragraph relating to "Priority of Certain Existing and Future Water Rights" is thereto attached as Exhibit D.

(b) During the negotiation of the contracts entered between the various parties Plaintiff and the United States of America, Bureau of Reclamation, referred to immediately above, it was necessary to make special arrangements with the Minidoka Irrigation District for the purpose of effecting annual exchanges of water, as well as fixing the carry-over rights of said

district in connection with Jackson Lake storage. Since the majority of the contracts referred to immediately above had already been executed, and because the contract finally executed by the United States of America, Bureau of Reclamation, and the Minidoka Irrigation District, setting forth these special arrangements required agreement and confirmation by all of the various parties Plaintiff, it was then necessary that each contract be amended and supplemented so as to confirm these appropriate provisions of the Minidoka Irrigation District's contract. The contracts as amended and supplemented provide the basis of a common plan for the orderly administration of the waters of the Snake River above Milner Dam. The pertinent paragraphs of the contract entered by the United States of America, Bureau of Reclamation, and the Minidoka Irrigation District, the contents of which paragraphs were confirmed by all other various parties Plaintiff in amendatory and supplemental contracts, are attached to the Decree herein as Exhibit E.

(c) In addition to the contracts entered between the various parties Plaintiff and the United States of America, Bureau of Reclamation, referred to above, a Memorandum of Agreement between the Bureau of Reclamation and the Bureau of Indian Affairs was executed, setting forth special provisions relating to the water supply for the Michaud Division of the Fort Hall Indian Reservation, Idaho, by which Memorandum of Agreement, the Bureau of Indian Affairs agreed to be bound by those common provisions of the contracts of the various parties Plaintiff so that the Snake River above Milner Dam could be successfully and efficiently administered. The most pertinent paragraphs of this Memorandum of Agreement are attached to the Decree herein as Exhibit F.

Based on the foregoing Findings of Fact, the Court makes and enters the following:

CONCLUSIONS OF LAW

I.

The following parties are entitled to divert and use the waters of the Snake River in the amounts and with the priority dates listed, which water shall be diverted at the point and be appurtenant to the lands described in the Decree made and entered of even date herewith:

A. TWIN FALLS CANAL COMPANY

Twin Falls Canal Company shall have the right to divert and use 600 cubic feet per second (being the right recognized in paragraph 6 of the Woodville Decree) with a priority date of December 22, 1915.

B. NORTH SIDE CANAL COMPANY

North Side Canal Company shall have the right to divert and use 300 cubic feet per second (being the right recognized in paragraph 6 of the Woodville Decree) with a priority date of December 23, 1915.

C. NORTH SIDE CANAL COMPANY

North Side Canal Company shall have the right to divert and use 1260 cubic feet per second (being the right recognized in paragraph 7 of the Woodville Decree) with a priority date of August 6, 1920.

D. AMERICAN FALLS RESERVOIR DISTRICT NO. 2

American Falls Reservoir District No. 2 is entitled 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 (1/2) to American Falls Reservoir District No. 2 and one-half (1/2) 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 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.

II.

The following parties are entitled to divert and use, pro rata, the waters of the Snake River in the amounts listed, with the same priority date of April 1, 1939, which water shall be diverted at the point and be appurtenant to the lands described in the Decree made and entered of even date herewith:

A. BURLEY IRRIGATION DISTRICT

The Burley Irrigation District shall have the right to divert and use 163.4 cubic feet per second.

B. MINIDOKA IRRIGATION DISTRICT

The Minidoka Irrigation District shall have the right to divert and use 266.60 cubic feet per second.

C. MILNER LOW-LIFT IRRIGATION DISTRICT

The Milner Low-Lift Irrigation District shall have the right to divert and use 121.00 cubic feet per second.

D. TWIN FALLS CANAL COMPANY

The Twin Falls Canal Company shall have the right to divert and use 180 cubic feet per second.

E. CLARENCE TILLEY

Clarence Tilley shall have the right to divert and use 7.0 cubic feet per second.

F. WILLIAM KENDALL

William Kendall shall have the right to divert and use 4.00 cubic feet per second.

G. FALLS IRRIGATION DISTRICT

The Falls Irrigation District shall have the right to divert and use 125.00 cubic feet per second.

H. A & B IRRIGATION DISTRICT

The A & B Irrigation District shall have the right to divert and use 267.00 cubic feet per second.

I. OTIS ORTON

Otis Orton shall have the right to divert and use 4.00 cubic feet per second.

III.

The contracts between the individual parties and the United States of America, Bureau of Reclamation, and the Memorandum of Agreement between the Bureau of Indian Affairs and the Bureau of Reclamation are valid and binding upon the parties thereto, and constitute a scheme or plan for the administration of the Snake River and as such, are binding upon all persons claiming rights to the use of the waters of the Snake River and its tributaries above Milner Dam.

IV.

Let Decree be entered accordingly.

Done this 10th day of July, 1968.

S/ Theron W Ward
District Judge

State of Idaho }
County of Twin Falls } ss.

I hereby certify the foregoing to be a full, true and correct copy of the original on file in the above entitled action.

H. A. LANCASTER
Clerk of the District Court

Deputy

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT,
STATE OF IDAHO, COUNTY OF FREMONT

ABERDEEN-SPRINGFIELD CANAL COMPANY, et als,

Plaintiff,

vs

HENRY EAGLE, WATERMASTER DISTRICT # 36

Defendant,

SUPPLEMENTAL DECREE

March 12, 1969

MAY 13 1996

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF FREMONT

#6117

ABERDEEN-SPRINGFIELD CANAL COMPANY, a corporation· REBECCA HOLDEN, a widow· BLACKFOOT IRRIGATION CO., a corporation; BRAMWELL DITCH CO., a corporation; BUTLER ISLAND CANAL CO., a corporation· BUTTE & MARKET LAKE CANAL CO., a corporation; CLARK & EDWARDS CANAL CO., a corporation; CORBETT SLOUGH DITCH CO., a corporation; DANSKIN DITCH CO., a corporation· DILTS IRRIGATION CO., LTD., a corporation; DEWEY FOX; HARRISON CANAL & IRRIGATION CO., a corporation; MARVON M. NEWBY; IDAHO IRRIGATION DISTRICT, an irrigation district organized and existing under the laws of the State of Idaho; MARVIN M. JOHNSON; WILLIAM S. HOLDEN· TED BLOSCH· MARVEL JACKSON and V .E. HIER· LaBELLE IRRIGATION CO., a corporation; LIBERTY PARK IRRIGATION CO., a corporation; LONG ISLAND IRRIGATION CO., a corporation; ROBERT D. MACKAY; JOHN L. NELSON, ADRIAN NELSON, ERVEN SCOTT, VELMA ANDERSON and LAURA ANDERSON· NEW SWEDEN IRRIGATION DISTRICT, an irrigation district organized and existing under the laws of the State of Idaho; CARL JOHNSON: UTAH-IDAHO SUGAR CO., a corporation; PROGRESSIVE IRRIGATION DISTRICT, a corporation: REID CANAL CO., a corporation: RIVERSIDE DITCH CO., a corporation; SHATTUCK IRRIGATION CO., a corporation· SAM SAKAGUCHI; SNAKE RIVER VALLEY IRRIGATION DISTRICT, an irrigation district organized and existing under the laws of the State of Idaho· TEXAS SLOUGH IRRIGATING CANAL CO., a corporation· R. DUWAYNE SCOTT· WEST LaBELLE IRRIGATION CO., a corporation· ENTERPRISE IRRIGATION DISTRICT, an irrigation district organized and existing under the laws of the State of Idaho· RALPH D. MILLER; FARMERS FRIEND CANAL CO., a corporation; SALEM UNION CANAL CO., a corporation EGIN IRRIGATING CO., a corporation; INDEPENDENT CANAL CO.,LTD. a corporation; JAMES A CROFT: PINCOCK-BYINGTON CANAL CO. a corporation; PINCOCK-GARNER DITCH COMPANY, a corporation; FALL RIVER IRRIGATION CO., a corporation: ST. ANTHONY UNION CANAL CO., a corporation, CONSOLIDATED FARMERS CANAL COMPANY, a corporation; WILFORD IRRIGATION & MFG. CO., a corporation; D. F. RICHARDS: D.V. HAGENBARTH; AL FRAZIER; SAUREY-SOMMER DITCH by LeRoy Saurey; FARMERS OWN DITCH CO., a corporation; TETON IRRIGATION & MFG. CO., a corporation; GEORGE BAUER, BENJAMIN STEWART, ANDREW STEWART, ANNIE WRIGHT, BOYD HOLLIST and ALICE P. BIRCH, operating as Stewart Canal: BURLEY IRRIGATION DISTRICT, an irrigation district organized and existing under the laws of the State of Idaho; MINIDOKA IRRIGATION DISTRICT, an irrigation district organized and existing under the laws of the State of Idaho; MILNER LOW-LIFT IRRIGATION DISTRICT, an irrigation District organized and existing under the laws of the State of Idaho· TWIN FALLS CANAL COMPANY, a corporation; CLARENCE H TILLEY· WILLIAM KENDALL: FALLS IRRIGATION DISTRICT, an irrigation district organized and existing under the laws of the State of Idaho; A & B IRRIGATION DISTRICT, an irrigation district organized and existing under the laws of the State of Idaho, OTIS ORTEN: AMERICAN FALLS RESERVOIR DISTRICT, an irrigation district organized and existing under the laws of the State of Idaho·

SUPPLEMENTAL DECREE

FILED IN CHAMBERS

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AMERICAN FALLS RESERVOIR DISTRICT NO. 2 an irrigation district organized and existing under the laws of the State of Idaho; NORTH SIDE CANAL COMPANY, a corporation; BURGESS CANAL & IRRIGATING CO., a corporation; CRAIG MATTSON CANAL CO., a corporation; ENTERPRISE CANAL CO., LTD, a corporation: FOOD MACHINERY & CHEMICAL CORP., a corporation: ISLAND IRRIGATION COMPANY, a corporation; J. R. SIMPLOT CO., a corporation; THE LENROOT CANAL CO., . a corporation LOWDER SLOUGH CANAL CO., LTD., a corporation; THE MARTIN CANAL CO., a corporation; THE NEW LAVA SIDE DITCH CO., a corporation; NORTH RIGBY IRRIGATION & CANAL CO., a corporation; OWNERS MUTUAL IRRIGATION CO., a corporation; PARKS & LEWISVILLE IRRIGATION CO., A corporation: PARSONS DITCH CO., a corporation; PEOPLES CANAL & IRRIGATION CO. a corporation: CITY OF POCATELLO, a municipal corporation of the State of Idaho; POPLAR IRRIGATION DISTRICT, an irrigation district organized and existing under the laws of the State of Idaho: THE RIGBY CANAL & IRRIGATING CO., a corporation: RUDY IRRIGATION CANAL CO., a corporation; SUNNYDELL IRRIGATION DISTRICT, an irrigation district organized and existing under the laws of the State of Idaho: THE TREGO DITCH CO., a corporation; WATSON SLOUGH DITCH & IRRIGATION CO., LTD., a corporation; WEARYRICK DITCH CO., a corporation; WEST SIDE MUTUAL CANAL CO., a corporation: WOODVILLE CANAL CO., a corporation; and PALISADES WATER USERS INC., a corporation,

Plaintiffs,

-vs-

HENRY EAGLE, Watermaster, Water District No. 36 State of Idaho,

Defendant.

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This matter having come on regularly before the court and the court having made and entered its Findings of Fact and Conclusions of Law directing that Decree be entered accordingly, and good cause appearing therefor,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

I

That the rights hereinafter decreed in Paragraph III shall be supplemental to the decrees entered in the cases of Woodville Canal Co. v. Clark & Edwards Canal & Irrigation Company, et al., in the District Court of the United States for the District of Idaho, Eastern Division, on June 25, 1929, Twin Falls Canal Company v. Charles N. Foster, et al., in the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Twin Falls, on June 20, 1913, and Rexburg Irrigation Company, et al., v. Teton Irrigation Canal Company, et al., in the District Court of the Sixth Judicial District of the State of Idaho, in and for the County of Fremont, on December 16, 1910, and said Decrees and the Findings of Fact and Conclusions of Law upon which they are based are binding upon all plaintiffs herein.

II

That the following parties have the right to divert and use, for irrigation and other purposes, the waters of the Snake River and its tributaries, which rights were originally decreed to said parties in the said Woodville Decree, and they shall have the right to divert and use such waters in the amounts and with the priority dates listed, which water shall be diverted at the points and be appurtenant to the lands described herein:

A. BURGESS CANAL & IRRIGATING CO. 1 0249 - TRANS. #3103

That the Burgess Canal & Irrigating Co. (Burgess Canal & Irrigating Company*) is entitled to divert and use the waters of Snake River in the amount of 10,000 miner's inches with a

BURGESS CANAL

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* As the name appears in the Woodville Decree, similarly indicated in the following paragraphs II-A through II-FF

priority date of January 22, 1916, (being the right recognized in the Woodville Decree).

Point of Diversion

Southeast Quarter of Section 20, Township 4 North, Range 40 East Boise Meridian, in Jefferson County, State of Idaho.

Lands to Which Appurtenant

In Township 4 North of Range 40 East Boise Meridian, the Southwest Quarter of Section 19.

In Township 4 North of Range 39 East Boise Meridian. The North Half of the South Half, the Northwest Quarter and the South Half of the Northeast Quarter of Section 23, the North Half and the North Half of the South Half of Section 22, the Southwest Quarter of Section 15, the South Half of Section 16, the North Half and the Southwest Quarter and the North Half of the Southeast Quarter of Section 21, the Southeast Quarter, the South Half of the Northeast Quarter, and the South Half of the Southwest Quarter of Section 17, the South Half of the Southeast Quarter of Section 18, entire Sections 19 and 20 and the North Half of the North Half of Section 29, the North Half and the Southwest Quarter of Section 30.

In Township 4 North of Range 38 East Boise Meridian, the South Half of the Southwest Quarter of Section 15, the South Half and the South Half of the Northeast Quarter of Section 16, the South Half of the South Half and the North Half of the Southwest Quarter of Section 17, the South Half and the East Half of the Northeast Quarter of Section 19, entire Sections, 20, 21, 22, 23, 24 25, 26, 27, 28, 29, 30, 31, 32 the West Half and the Northeast Quarter of Section 33, the Northwest Quarter, the North Half of the Northeast Quarter and the North Half of the Southeast Quarter of Section 34, the South Half of Section 35, entire Section 36.

In Township 4 North of Range 37 East Boise Meridian. The South Half and the Northwest Quarter of Section 24, entire Section 26, Entire Section 36.

In Township 3 North of Range 37 East Boise Meridian. Entire Sections 1, 12, 13 and the North Half of Section 24.

In Township 3 North of Range 38 East Boise Meridian. The South Half of the Northeast Quarter of Section 3, entire Section 10, the North Half of the North Half of Section 15, The South Half of the Southeast Quarter and the West Half of Section 4, the Northeast Quarter of the Northeast Quarter of Section 9, entire Sections 5, 6, 7 and 18, the West Half of Section 8, the West Half of Section 17, and the North Half of Section 19. Containing approximately 24,440 acres of irrigable land. All land in Township Three North is in Bonneville County.

B. BUTLER ISLAND CANAL CO. 1 0231

That the Butler Island Canal Co. (Butler Island Canal Company) is entitled to divert and use the waters of Snake River in the Amount of 500 miner's inches with a priority date of January 22, 1916, (being the

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right recognized in the Woodville Decree.)

Point of Diversion

Northwest corner of the Northwest Quarter of Section 35, Tp. 4 North, Range 40 E.B.M.,

Lands to Which Appurtenant

Sections 21, 22, 26, 27 and 28 of Township 4 North, Range 40 E.B.M., containing an irrigable area of approximately 1800 acres.

C. CLARK & EDWARDS CANAL CO 1 0234

That the Clark & Edwards Canal Co. (Clark & Edwards Canal & Irrigating Company) is entitled to divert and use the waters of Snake River in the amount of 1500 miner's inches with a priority date of January 22, 1916, (being the right recognized in the Woodville Decree.

Point of Diversion

Southwest Quarter of Section 19, Tp. 4 North, Range 40 E.B.M., in Jefferson County, State of Idaho

Lands to Which Appurtenant

In Township 4 North of Range 39 East B.M., the South Half of Section 13, all of Section 14 lying South of the dry bed, so called, the East Half and the Northwest Quarter of Section 15, the Northeast Quarter of Section 16, the North Half of the North Half of Section 23, the North Half and the North Half of the South Half of Section 24.

In Township 4 North of Range 40 E.B.M., the Southwest Quarter of Section 18, Section 19 and Section 20, contianing a total irrigable area of approximately 3680 acres.

D. CONSOLIDATED FARMERS CANAL COMPANY 1 0270

That the Consolidated Farmers Canal Company (Consolidated Farmers Canal Company, Ltd.,) is entitled to divert and use the waters of Snake River in the amount of 3,900 miner's inches with a priority date of January 22, 1916 (being the right recognized in the Woodville as amended by Order Amending and Correcting said Woodville Decree Decree, dated March 10, 1931) .

Point of Diversion

South side of the North Fork of Snake River in the Southeast Quarter of the Northeast Quarter of Section 10 in Township 7 North, Range 40 East of the Boise Meridian.

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Lands to Which Appurtenant

Sections 1 and 2, all that part of Section 3 lying east of the North Fork of Snake River, the East Half of the Southwest Quarter of Section 4 lying East of the said North Fork of Snake River, all that part of Section 9 lying East of said North Fork of Snake River, Sections ten and eleven, the East Half of Section 12, the North Half and the North Half of the South Half of Section 21, Township 6 North, Range 39 E.B.M.

All of Section 25 lying South of the North Fork of Snake River; all that part of the Southwest Quarter of Section 34 lying East of said North Fork of Snake River, the South Half of Section 35, the West Half of the Northeast Quarter, the Northwest Quarter, the Southeast Quarter, the South Half of the Southwest Quarter of Section 36 in Township 7 North, Range 39, East of the Boise Meridian.

All that part of Section 19 South of the North Fork of Snake River, Section 20, the North Half of Section 21, the Northwest Quarter of Section 29, all of Section 30, the North Half of the Northeast Quarter and the Northwest Quarter of the Southwest Quarter of Section 31, in Township 7 North, Range 40 East Boise Meridian.

E. DANSKIN DITCH CO 1 0831

That the Danskin Ditch Co. (Danskin Ditch Company) is entitled to divert and use the Waters of Snake River in the amount of 1,000 miner's inches with a priority date of January 22, 1916, (being the right recognized in the Woodville Decree).

Point of Diversion

West side of Snake River at a point about one-half mile South of what is known as the Blackfoot Snake River Bridge in the County of Bingham, State of Idaho.

Lands to Which Appurtenant

Southeast Quarter of Section 30, Township 2 S.R.35 E.B.M.; Northeast Quarter of Southwest Quarter and lot 2 of Section 11, Township 3 S., R. 35 E.B.M.; Northeast Quarter of Southwest Quarter of Section 25, Tp. 2 S., R. 34 E.B.M.; North Half of Northwest Quarter of Section 34, and East Half of Northeast Quarter of Section 33, Tp. 2 S. R. 34 E.B.M.; South Half of the Northeast Quarter of Section 30, Tp 2 S. R. 34 E.B.M.; East Half of Lot 3, Section 35, Tp. 2 S. R. 34 E.B.M.; Southwest Quarter of Northwest Quarter and Lot 4 of Section 2, Tp 3.S. R. 34 E.B.M.; East Half of Northeast Quarter of Section 3, Tp 3 S. R. 34 E.B .M. East Half of Northwest Quarter of Northwest Quarter, East Half of West Half of Northwest Quarter, North Half of North Half of Southwest Quarter of Northwest Quarter of Section 36, Tp 2 S. R. 34 E.B.M.; part of Northeast Quarter of Northeast Quarter of Northeast Quarter of Section 26, Tp. 2 S. R. 34 E.B.M.; Northeast Quarter of Southeast Quarter and East Half of Northwest Quarter of Southeast Quarter of Section 25, Tp. 2 S. R. 34 E.B.M.; West Half of Lot 4, Section 36, Tp. 2 S., R. 34 E.B.M.; Northwest Quarter of Section 4, Tp. 3 S., R. 34 E.B.M.; Lot 2 Section 35, Tp. 2 S. R. 34 E.B.M. Southeast Quarter of Southeast Quarter of Section 29, Tp. 2 S. R. 35 E.B.M.; 2 strips each 10 chains wide by 100 chains long in Sections 26 and 35, Tp. 2 S. R. 34 E.B.M.;

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beginning at Northwest corner of Northeast Quarter of Northwest Quarter of Section 26, Tp.2 S.,R. 34 E.B.M; thence 170 rods to center of County Road; thence E. along road 32 rods; thence S. 170 rods to a point due E. of beginning; thence W. to beginning; East Half of Southeast Quarter of Southwest Quarter of Section 34, Tp. 2 S. R. 34 E.B.M.; also commencing at the Northwest corner of Northeast Quarter of Section 36, Tp. 2 S. R. 34, thence S. 10 rods, thence W. 40 rods. thence N. 10 rods, thence E., 40 rods to beginning; West Half of Northwest Quarter and East Half of Northwest Quarter of Section 26, Tp. 2 S. R. 34 E.B.M. 20 acres in East Half of Northwest Quarter of Section 26, Tp. 2 S. R. 34 E.B.M.; Southeast Quarter of Northwest Quarter, Southwest Quarter of Northeast Quarter and Lots 2 and 3, section 3, Tp. 3 S. R. 34 E.B .M.; East Half of Northwest Quarter and West Half of Northeast Quarter of Section 5, Tp. 3 S. R. 34 E.B.M.; West Half of Southeast Quarter and the Southwest Quarter of Section 25, Tp. 2 S. R. 34 E.B.M.; also a strip 10 rods wide from Section 36, lying North of the County Road and joining said land on the South; Northeast Quarter of Southeast Quarter of Section 35, Tp. 2 S. R. 34 E.B.M.; Northwest Quarter of Southwest Quarter, five acres on north side of Southwest Quarter of Southwest Quarter of Section 25, Tp. 2 S. R. 34 E.B.M.; 60 by 80 rods on North side of Southwest Quarter of Northwest Quarter of Section 36, Tp. 2 S. R. 34 E.B.M.; East Half of the Northwest Quarter of Northwest Quarter of Section 25, Tp. 2 S. R. 34 E.B.M.; commencing at center of Section 26, Tp. 2 S. R. 34 E.B.M.; thence South 40 rods; thence West 8 rods, thence South 360 rods, thence East .88 rods, thence North 80 rods, thence East 10 rods, thence north 320 rods, thence West 90 rods to beginning: Southwest Quarter of Southwest Quarter of Section 25, Tp. 2 S.R. 34 E.B.M.; lot 1, Section 34, Tp. 2 S. R. 34 E.B.M.; Northwest Quarter of Northwest Quarter of Section 23, Tp. 2 S. R. 34 E.B.M.; also 3 acres in Northeast Quarter of Southwest Quarter of said Section 23; West Half of the Southwest Quarter of Section twenty-seven Tp. 2 S.R. 34 E.B.M.; East Half of lot 6, Section 36, Tp. 2 S. R. 34 E.B.M.; Southeast Quarter of Southeast Quarter of Section 30, Tp 2 S., R. 35 E.B.M.; West Half of Lot 3, Section 36, Tp.2 S. R. 34 E.B.M.; Northwest Quarter of Southwest Quarter of Section 36, Tp. 2 S./R. 35 E.B.M.; West Half of the Southwest Quarter of Section 29, Tp. 2 S.R. 35 E.B.M.; 22 acres in Southeast Quarter of Southwest Quarter of Section 25, Tp. 2 S. R. 35 E.B.M.; Southeast Quarter of Southeast Quarter of Section 4, Tp 2 S. R. 34 E.B.M.; East Half of Section 36, East Half of Northwest Quarter and Northeast Quarter of Southwest Quarter of Section 36, Tp. 2 S. R. 35 E.B.M.; Northwest Quarter of Northwest Quarter of Southeast Quarter of Section 26, Tp. 2 S. R. 34 E.B.M.; West Half of West Half of Northwest Quarter of Northwest Quarter of Section 36, Tp. 2 S. R. 35 E.B.M.; Southeast Quarter of Northwest Quarter of Section 30, Tp. 2 S. R. 35 E.B.M.; West Half of Section thirty-one Tp. 2 S. R. 35 E.B.M.; East Half of Southwest Quarter and West Half of Southeast Quarter of Section 34, Tp. 2 S. R. 34 E.B.M.; West Half of Southeast Quarter and East Half of Southwest Quarter of Section 27, Tp. 2 S. R. 34 E.B.M; West Half of Section thirty-two and East Half of Section 31, Tp. 2 S. R. 35 E.B .M.; West Half of Northwest Quarter of Section 3, Tp. 2 S. R. 34 E.B.M.; a strip 10 chains wide by 100 chains long in Sections 26 and 35, Tp. 2S.R.34 E.B.M.; West Half of Section 30, Tp. 2S. R. 35 E.B.M. Southwest Quarter of Northeast Quarter, Southeast Quarter of Northwest Quarter and Northwest Quarter of Northeast Quarter of Section 34 Tp. 2 S. R. 34 E.B.M.; a strip 10 chains wide by 100 chains long in

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Sections 26 and 35, Tp. 2S. R. 34 E.B.M.; West Half of Southwest Quarter of Section 26, East Half of Southeast Quarter of Section 27, East Half of Northeast Quarter of Section 34, Nothheast Quarter of Southeast Quarter of Section 34, West Half of Northwest Quarter and Northwest Quarter of Southwest Quarter of Section 35, Tp 2 S. R. 34 E.B.M.; Moreland Townsite. Riverside Townsite

F. Dilts Irrigation Co. Ltd. 1 0236

That the Dilts Irrigation Co., Ltd. (Dilts La Belle Irrigation Company) is entitled to divert and use the waters of Snake River in the amount of 500 miner's inches with a priority date of January 22, 1916, (being the right recognized in the Woodville Decree).

Point of Diversion

Northeast corner of the Southeast Quarter of Section 10 Township 4 N. Range 39 East Boise Meridian, in Jefferson County, State of Idaho.

Lands to Which Appurtenant

The West Half of Section three., the East Half of Section four, the West Half of Section nine and the West Half of Section ten, all in Township 4 North of Range 39 East Boise Meridian, containing a total irrigable area of approximately 1280 acres.

G. ENTERPRISE IRRIGATION DISTRICT 1 0233

That the Enterprise Canal Co., Ltd., (Enterprise Canal Company) is entitled to divert and use the waters of Snake River in the amount of 3100 miner's inches with a priority date of January 22, 1916, (being the right recognized in the Woodville Decree).

Point of Diversion

Southeast corner of the Southeast Quarter of Section 36, Tp. 4 North, Range 40 E.B.M., in Jefferson County, State of Idaho.

Lands to /Which Appurtenant

In Township 3 North, Range 40 E.B.M., in Bonneville County, Idaho:

In Section 6: $N\frac{1}{2}$,$N\frac{1}{2}$ of $S\frac{1}{2}$,$S\frac{1}{2}$ of $SW\frac{1}{4}$ and $SW\frac{1}{4}$ of $SE\frac{1}{4}$

In Section 7: $W\frac{1}{2}$ of $NE\frac{1}{4}$,$E\frac{1}{2}$ of $NW\frac{1}{4}$, $NW\frac{1}{4}$ of $NW\frac{1}{4}$, $NE\frac{1}{4}$ of $SW\frac{1}{4}$, $NW\frac{1}{4}$ of $SE\frac{1}{4}$;

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In Township 4 North, Range 39 E.B.M., Jefferson County,Idaho:

In Section 36: E½ and the SW¼;

In Township 3 North, Range 39 E.B.M., Bonneville County,Idaho:

In Section 1: N½ of NE¼, SE¼ of NE¼: S½;

In Section 2: S½ of SE¼, SE¼ of SE¼;

In Section 10: S½ of SE¼.

In Section 11: E½ of NE¼, SW¼ of NE¼, E½ of SW¼; and NE¼ of SW¼;

In Section 12: N½ of NE¼;

In Section 14: NW¼ amd NW¼ of SW¼;

In Section 15: NE¼, N½ of SE¼ and SW¼;

In Section 16: SE¼ of SE¼;

In Section 19: S½ of NW¼, SW¼;

In Section 20: NW¼, SE¼ of NE¼, NE¼ of SE¼;
In Section 21: NW¼, SW¼ of NE¼, NW¼ of SW¼
In Section 30: NW¼ and NW¼ of SE¼.

In Township 4 North, Range 40 E.B.M., Jefferson County, Idaho:

In Section 21: S½ of NW¼ and N½ of SW¼;

In Section 26: S½ of S½ and NE¼ of SW¼;

In Section 27: S½ of SE¼ and SW¼;

In Section 28: S½ of S½;

In Section 29: S½ of S½ .

In Section 30: E½ of NE¼, SE¼, S½ of SW¼.

Entire Section 31.

In Section 32: W½ of SW¼ and N½ of NE¼;

In Section 33: N½ of N½.

In Section 34: NW¼ of NW¼;

In Section 35: SW¼ of NE¼: SE¼ of NW¼; W½ of SE¼;

Containing approximately 6280.[illegible] acres of irrigable land.

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H. ENTERPRISE IRRIGATION DISTRICT

That the Enterprise Irrigation District (Enterprise Irrigation District) is entitled to divert and use the waters of Snake River in the amount of 1,500 miner's inches with a priority date of January 22, 1916, (being the right recognized in the Woodville Decree.) 1 0257 #CHANGED 21-0159

Point of Diversion

South side of Fall River in the Northeast Quarter of the Southwest Quarter of Section 22, Township 8 North, Range 42 East of the Boise Meridian.

Lands to Which Appurtenant

Commencing at the center of Section 15, Township 7 North, Range 41 E.B.M., thence East 4620 feet; South 660 feet; East 660 feet; South 660 feet; East 660 feet; South 1320 feet· East 660 feet: South 1320 feet; East 660 feet; South 1320 feet: East 660 feet· South 1980 feet: West 660 feet; South 660 feet· West 1320 feet· South 660 feet; West 660 feet; South 660 feet· West 1320 feet: South 660 Feet: West 660 feet; South 1980 feet· West 660 feet: South 660 feet: West 660 feet; South 1320 feet; West 660 feet· South 660 feet: West 660 feet· South 1320 feet; West 660 feet: South 3960 feet; East 660 feet: South 660 feet; West 660 feet; South 660 feet: West 660 feet; South 660 feet; West 660 feet; South 660 feet: West 1320 feet; South 660 feet: West 1320 feet; South 1320 feet; East 1320 feet; South 5940 feet: west 5280 feet; South 660 feet; West 1320 feet: North 660 feet: West 660 feet; North 660 feet; West 1980 feet; South 1980 feet; West 2640 feet; South 660 feet; West 1320 feet; South 660 feet; west 1320 feet: South 1320 feet; West 1320 feet to the Southwest corner of SW¼; Section 18 Tp. 6N. R. 41 E.B .M. thence North 1320 feet; East 660 feet; North 1320 feet; East 660 feet; North 1320 feet; East 660 feet; North 1320 feet; East 1320 feet; North 3960 feet; East 660 feet; North 660 feet; East 1320 feet; North 660 feet; east 5280 feet; North 1320 feet; West 660 feet; North 2640 feet· East 660 feet; North 660 feet; East 660 feet; North 1980 feet; West 660 feet; North 660 feet; East 660 feet; North 660 feet; East 660 feet; North 660 feet; East 660 feet; North 660 feet; East 330 feet: North 1320 feet ; East 330 feet; North 1980 feet; East 660 feet: North 660 feet: East 1320 feet; North 660 feet; East 660 feet; North 1980 feet to the Northwest corner of Section 27 Tp. 7 N. R. 41 E.B.M., thence East 660 feet; North 2640 feet; West 330 feet; North 1320 feet; West 330 feet North 1320 feet; East 660 feet; N orth 1320 feet; East 660 feet: N orth 660 feet; East 1320 feet; North 660 feet to the place of beginning.

I. FARMERS FRIEND CANAL CO 1 0259

That the Farmers Friend Canal Co. (Farmers Friend Canal Company Ltd.) is entitled to divert and use the waters of Snake River in the Amoubt of 2,350 miner's inches with a priority date of January 22, 1916 (Being the right recognized in the Woodville Decree, as amended by Order Amending and correcting said Woodville Decree, dated March 10, 1931)

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Point of Diversion

South side of the North Fork of Snake River in the NW¼ NE¼ of Section 33, in Township 8 North of Range 41 East of the Boise Meridian.

Lands to Which Appurtenant

The Northeast Quarter of Section 12, the Northeast Quarter and the East half of the Southeast Quarter of Section 13: the Southeast Quarter of Section 22· all of Section 23, except the North Half of the Northwest Quarter: the North Half and the North Half of the South Half of Section 24; the West Half of Section 26; all of Section 27, except the East Half of the Northwest Quarter, in Township 7 North Range 40 E.B.M.; the South half of the South Half of Section 5; the South half of the Southeast Quarter of Section 6; all of Section 7; the West half of the Northwest Quarter of Section 8; all of Section 18 excepting the Southeast Quarter; the Northwest Quarter, the North Half of the Southwest Quarter, the North Half of the Southeast Quarter and the South 60 rods of the Northeast Quarter of Section 19, in Township 7 North, Range 41 E.B.M.

1 0252

J. HARRISON CANAL & IRRIGATION CO.

That the Harrison Canal & Irrigation Co. (Harrison Canal and Irrigation Company) is entitled to divert and use the waters of Snake River in the amount of 4,800 miner's inches with a priority date of January 22, 1916 (being the right recognized in the Woodville Decree).

Point of Diversion

Northwest corner of the Northwest Quarter of Section 27, Township 4 North, Range 40 East Boise Meridian, in Jefferson County, State of Idaho.

Lands to /Which Appurtenant

In Bonneville County:
In Township Three (3) North, /Range 38, E.B.M.:

Entire Sections 1, 2, 3 and 12:

NE¼ and N½ of SE¼ Section 4; East Half of Section 8; West Half and E½ of NE¼ Section 9; N½ of N½ and S½ of SE¼ Section 11;

N½ of N½ and S½ of NW¼ Section 14;

S½ of NW¼, N½ of SW¼, SW¼ of SW¼, Section 15,

S½, NE¼ and E½ NW¼ Section 16; S½ of S½ Section 17;

N½ of NW¼ and NE¼ of NE¼ of Section 20;

N½ of NE¼ of SE¼ Section 23; N½ of N½; S½ of NE¼, SE¼ of NW¼; NE¼ of SW¼ .and N½ of SE¼ Section 24:

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In Township 3 North, Range 39 E.B.M.;

Entire Sections 4, 5, 6 7 and 8;

NW¼ and W½ of NE¼ Section 3; W½ and NE¼, Section 9, W½ NW¼ Section 10; SW¼ Section 17: N½ of NW¼ and NW¼ of NE¼, Section 18.

In Jefferson County, Idaho:
In Township four (4) North: Range 38 E.B.M.,

SE¼ and SE¼ of NE¼, Section 33:

S½ and S½ of NE¼, Section 34:

W½ and NE¼, Section 36:

SW¼, S½ of NW¼, W½ of SE¼, Section 36.

In Township four (4) North, Range 39 E.B.M.

Entire Sections 31, 32, 33, 34:

N½ of S½ and N½, Section 35: N½ of N½ and S½ of NW¼ Section 36: S½ and NE¼, Section 25,

In Township four (4) North, Range 40 E.B.M.

SW¼ of SE¼ of SW¼ Section 19;

W½ and SE¼ Section 30

A total of 15,400 acres.

1 0254

01-0244 K. LaBELLE IRRIGATION CO.

That the La B elle Irrigation Co. (La Belle Irrigation Company).

is entitled to divert and use the waters of Snake River in the amount

of 1300 miner's inches with a priority date of January 22, 1916,

(being the right recognized in the Woodville Decree.)

Point of Diversion

Southeast Quarter of the Southeast Quarter of Section 13, Township 4 North, Range 39 E.B.M.

Lands to Which Appurtenant

(For the lands of the stockholders of said company, a particular description of which lands may be hereafter supplied and filed as an exhibit in this cause.*)

Sections 2,3,4,10,11 and 12, Township 4 North, Range 39 E.B .M.

Sections 33 and 34, Township 5 North, Range 39 E.B.M.

All in Jefferson County, Idaho.

* Language as contained in the Woodville Decree, The following is a

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L. LIBERTY PARK IRRIGATION CO. 1 0253

That the Liberty Park Irrigation Co. (The Liberty Park Irrigation Company) is entitled to divert and use the waters of Snake River in the amount of 800 miner's inches with a priority date of January 22, 1916, (being the right recognized in the Woodville Decree).

Point of Diversion

No. 1. Center of Northeast Quarter, Section 27, Township 5 N., Range 39 E.B.M.

No. 2. Near Southwest corner of the Northwest Quarter of the Southwest Quarter of Section 10, Township 5 North, Range 39 E.B.M. Jefferson County, State of Idaho.

Lands to Which Appurtenant

In Township 5 North of Range 39 E.B.M.:

Entire Sections 4 and 5 lying South of Texas Slough;

In Section 7; $NE\frac{1}{4}$, $N\frac{1}{2}$ $SE\frac{1}{4}$; $E\frac{1}{2}$ $NW\frac{1}{4}$; $NW\frac{1}{4}$ $NW\frac{1}{4}$, $NE\frac{1}{4}$ of $SW\frac{1}{4}$ of $NW\frac{1}{4}$; $E\frac{1}{2}$ of $NE\frac{1}{4}$ of $SW\frac{1}{4}$;

Entire Sections 8, 9 and 16:

Entire Section 17 lying North and East of Bannock Jim Slough:

In Section 15: $W\frac{1}{2}$ of $SW\frac{1}{4}$, $SE\frac{1}{4}$ of $SW\frac{1}{4}$; and portions of the $NE\frac{1}{4}$ of the $SW\frac{1}{4}$ and the $W\frac{1}{2}$ of the $NW\frac{1}{4}$ lying West of Texas Slough;

In Section 10: All lying West of Texas Slough;

In Section 20: $E\frac{1}{2}$ of $NE\frac{1}{4}$ of $NE\frac{1}{4}$ East of Bannock Jim Slough;

In Section 21: All thereof lying East and North of Bannock Jim Slough;

In Section 22: $NW\frac{1}{4}$, $N\frac{1}{2}$ of $SW\frac{1}{2}$, $W\frac{1}{2}$ of the Southeast Quarter and part of the $NW\frac{1}{4}$ of $NE\frac{1}{4}$ West of Texas Slough; also all of South Half of $SW\frac{1}{4}$ lying North of Bannock Jim Slough;

Containing a total irrigable area of approximately 4000 acres.

M. LOWDER SLOUGH CANAL CO. 1 0257

That the Lowder Slough Canal Co., Ltd. (Lowder Slough Canal Company) is entitled to divert and use the waters of Snake River in the amount of 1650 miner's inches with a priority date of January 22, 1916, (being the right recognized in the Woodville Decree).

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Point of Diversion

Corner of the Section 18, Township 4 North, Range 40 East of the Boise Meridian.

Lands to Which Appurtenant

Sections seven and eighteen, Township four North, Range 40 E.B.M.; Sections twelve and thirteen, Township four North, Range 39 E.B.M.

N. NEW LAVA SIDE DITCH CO. 1 0283 Tran. #2342

That The New Lava Side Ditch Co. (New Lavaside Ditch Company) is entitled to divert and use the waters of Snake River in the amount of 1,500 miner's inches with a priority date of January 22, 1916 (being the right recognized in the Woodville Decree).

Point of Diversion

West side of Snake River at a point near the Southeast corner of lot three, Section twenty-four Township one South, Range thirty-six, East of the Boise Meridian, Bingham County, Idaho.

Lands to Which Appurtenant

Northwest Quarter of Section 14 and West Half of West Half of Southwest Quarter of Section 14, Tp. 2 S., R. 35 E.B.M.; South Half of Northeast Quarter of Section 11, Tp. 2 S. R. 35 E.B.M.: East Half of Southeast Quarter of Section 15, Tp. 2 S. R. 35 E.B.M.: lot 1 of Section 2, Tp. 2 S. R. 35 E.B.M.: Northwest Quarter of Section 21 Tp. 2 S. R. 35 E.B.M.: East Half of the Northwest Quarter and the West Half of the Northeast Quarter of Section 14, Tp. 2 S. R. 35 E.B.M.; Northwest Quarter of Section 15, Tp. 2 S. R. 35 E.B.M.: part of Southwest Quarter of Northwest Quarter of Section 23, and lots 1 , 2 and 3 of Section 25, Tp. 2 S. R. 35 E.B.M.· Northwest Quarter of Northwest Quarter of Section 23, Tp. 2 S. R. 35 E.B.M.: Southeast Quarter of Section 11, Tp. 2 S. R. 35 E.B.M.: lot 1 of Section 27 and Southeast Quarter of Southeast Quarter of Section 22 , Tp. 2 S. R. 35 E.B.M.; South Half of Southwest Quarter, Northeast Quarter of Southwest Quarter and Southeast Quarter of Northeast Quarter of Section 10, Tp. 2 S. R. 35 E.B.M.: North Half of Southwest Quarter of Section 1 Tp. 2 S. R. 35 E.B.M. 176 acres in Sections 1 and 12; East Half of Northwest Quarter and Southwest Quarter of Northwest Quarter of Section 12, Tp. 2 S. R. 35 E.B.M. Southeast Quarter of Southwest Quarter of Section 2, Tp. 2 S. R. 35 E.B.M.; Northwest Quarter of Section 11, Tp 2 S. R. 35 E.B.M.; Southwest Quarter of Northwest Quarter, North Half of Southwest Quarter, and Northwest Quarter of Southeast Quarter of Section 15, Tp. 2 S. R. 35 E.B.M.; Northeast Quarter of Northeast Quarter of Section 14, Lot 5 of Section 13, and lots 1,2 and 3 of Section 14, Tp. 2 S. R. 35 E.B.M.; lots 2 3 and 4 and West Half of Southwest Quarter of Section 12, Tp. 2 S. R. 35 E.B.M.; Southwest quarter of Section 11, Tp. 2 S. R. 35 E.B.M.: East Half of Section 18. Tp. 2 S. R. 35 E.B.M.; Northeast Quarter of Southwest Quarter and Northwest Quarter of Southeast Quarter of Section 22, Tp. 2 S. R. 35 E.B.M.;

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East Half of East Half of Southeast Quarter of Southeast Quarter ofSection 14, Tp. 2 S. R. 35 E.B.M.: North Half of Northeast Quarter of Section 11, Tp. 2 S. R. 35 E.B.M.; West Half of East Half of Southwest Quarter of Section 14 Tp. 2 S. R. 35 E.B.M.: Southeast Quarter of Southwest Quarter and Southwest Quarter of Southeast Quarter of Section 15, Tp. 2 S. R. 35 E.B.M.: South Half of Southwest Quarter of Section 33, Tp. 1 S. R.36 E.B.M.; Lots 2 and 3 and Southwest Quarter of Northwest Quarter of Section 4, lots 1 and 2 and South Half of Northeast Quarter, North Half of Southeast Quarter, Northeast Quarter of Southwest Quarter and Southeast Quarter , Northeast Quarter of Southwest Quarter and Southeast Quarter of Northwest Quarter of Section 5, Tp. 2 S. R. 36 E.B.M.· lots 1, 4 and 5 of Section 4, Lots, 6 , 7 and 8 of Section 5, Tp. 2 S. R. 36 E.B.M.: North Half of Southeast Quarter and South Half of Northeast Quarter of Section 33, Tp. 1 S.R. 36 E.B.M.; South Half of Northeast Quarter, Southeast Quarter of Northwest Quarter, East Half of Southwest Quarter, North Half of Southeast Quarter, and lots, 5, 6, 7, 8 and 9, of Section 6 Tp. 2 S. R. 36 E.B.M.· Lot 1, Section 7, Southwest Quarter of Northwest Quarter, Northwest Quarter of Southwest Quarter and lot 5 of Section 5, Tp. 2 S. /R. 36 E.B.M.· Southeast Quarter of Northeast Quarter, East Half of Southeast Quarter, Section 1, Northeast Quarter of Northeast Quarter and lot 1 of Section 12, Tp. 2 S. R. 35 E.B.M.: excepting therefrom a strip 28 rods wide by 400 rods long; also South Half of Southeast Quarter of Section 33, Tp. 1 S. R. 38 E.B.M.· 240 acres of unsurveyed land in Tp 1 S. R.35 E.B.M.: lots 3 and 4 , South Half of Northwest Quarter and Southwest Quarter of Section 2, Tp 2 S. R. 35 E.B.M.; Southwest Quarter of Southeast Quarter of Section 2 Tp. 2 S. R. 35 E.B.M.; lots 1 and 2 and South Half of Northeast Quarter, and North Half of Southeast Quarter, and Southeast Quarter of Southeast Quarter of Section 2, Tp. 2 S. R. 35 E.B.M.; West Half of the Southwest Quarter and Southwest Quarter of Northwest Quarter of Section 1 and Northwest Quarter of Northwest Quarter of Section 12, Tp. 2 S. R. 35 E.B.M.;lot 3 and Southeast Quarter of Northwest Quarter of Section 12, Tp 2 S. R. 35 E.B.M.: South Half of the Northeast Quarter and North 26 and 75/100 acres in Northeast Quarter of Southeast Quarter of Section 22, Tp. 2 S. R. 35 E.B.M.· West Half of the Southwest Quarter of Section 3, and North Half of the Northwest Quarter, Section 10, Tp. 2 S. R. 35 E.B.M.; Northwest Quarter of the Southwest Quarter, Section 10 Tp. 2 S. R. 35 E.B.M. Southwest Quarter of Northwest Quarter of Section 22, Tp 2 S. R.35 E.B.M.; Southeast Quarter of the Southwest Quarter of Section 10, Tp. 2 S. R. 35 E.B.M.; East Half of the Southwest Quarter, West Half of Southeast Quarter, Section 3, Tp 2 S. R. 35 E.B.M.: West Half of the Northeast Quarter of Northwest Quarter, Section 22, Tp. 2 S. R. 35 E.B.M.· Northwest Quarter of Northeast Quarter and East Half of Northeast Quarter of Northwest Quarter, Section 22, Tp. 2 S. R. 35 E.B.M.: South Half of Southwest Quarter of Southwest Quarter, Section 15, Tp 2 S. R. 35 E.B.M.: Northwest Quarter of Northwest Quarter of Section 15, Tp. 2 S. R. 35 E.B.M.: Southeast Quarter of Southwest Quarter of Section 10, Tp. 2 S.R. 35 E.B.M.: Northeast Quarter of Northeast Quarter of Section 15 Tp. 2 S. R. 35 E.B.M.: Southwest Quarter of Southwest Quarter of Section 10 Tp. 2 S. R. 35 E.B.M.: Northwest Quarter of Southwest Quarter of Section 10, Tp. 2 S.R. 35 E.B.M. Northeast Quarter of

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Half of the West Half of the Northwest Quarter of Section 9: The East Half of the Southwest Quarter and the Southwest Quarter of the Northwest Quarter of Section 10; entire Section 11; the Northwest Quarter and the West Half of the Northeast Quarter and the West Half of the Southwest Quarter of Section 13; entire Sections 14 and 15: the South Half and all of the Northeast Quarter lying South of the West lateral Canal; all of the Northwest Quarter lying South of the West lateral Canal in Section 16; entire Sections 17, 20,21,22,23,26,27,28,29,32,33; The West Half of the Northwest Quarter; the Southwest Quarter; and the West Half of the Southwest Quarter of the Southeast Quarter of Section 24; the Northwest Quarter and the North Half of the Southwest Quarter of Section 25; the Northwest Quarter and all of the Northeast Quarter lying North and West of Snake River in Section 35: the North Half and the Southwest Quarter and all of the Southeast Quarter lying North and West of Snake River, Section 34: the East Half of the East Half of Section 31.

In Township 1 North, Range 37 East Boise Meridian:

Entire Sections 4 and 5; the East Half and the Southwest Quarter of Section 6; the North Half of Section 7; the West Half of the Southwest Quarter and the West Half of the East Half of the Southeast Quarter the Southwest Quarter of Section 7; the North Half and the Southeast Quarter of Section 8; the Northwest Quarter of Section 9.

In Township 1 North, Range 36 East Boise Meridian:

The Southeast Quarter of Section 1; the East Half of the Northeast Quarter and the Southeast Quarter of Section 12.

In Bingham County, Idaho;
In Township 1 North, Range 36 East Boise Meridian;

The East Half of Section 13; the Southeast Quarter and the East Half of the Southwest Quarter of Section 24; entire Section 25; and entire Section 36 lying West of Snake River; the East Half of the Southeast Quarter of Section 35.

In Township 1 North, Range 37 East Boise Meridian:

The West Half, and the Southwest Quarter, and all of the East Half lying West of Snake River in Section 30.

In Township 1 South, Range 37 East Boise Meridian:

The Southwest Quarter of the Southwest Quarter of Section 6; the West Half of the Southwest Quarter of Section 7; the West Half of the Northwest Quarter of Section 18: the West Half of the West Half of the Southwest Quarter of section 18; the Northwest Quarter of the Northwest Quarter of Section 19.

In Township 1 South, Range 36 East Boise Meridian;

The East Half and the East Half of the East Half of the Northwest Quarter and the Southwest Quarter of Section 1; the Southeast Quarter of the Southeast Quarter of Section 2; the East Half of the East Half of Section 11; entire Sections 12, 13, and 24;

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Northeast Quarter of Section 22, Tp. 2 S.R.35 E.B.M.: Northwest Quarter of Section 17, Tp. 2S.R.35 E.B.M.: East Half of Northeast Quarter of Section 22, Tp 2 S.R. 35 E.B.M.· Southeast Quarter of Northwest Quarter of Section 10, Tp. 2 S. R. 35 E.B.M. Northeast Quarter of Southwest Quarter of Section 10, Tp 2 S. R. 35 E.B.M.: North Half of Northeast Quarter, Southwest Quarter of Northeast Quarter and Northwest Quarter of Southeast Quarter of Section 10, Tp 2 S. R. 35 E.B.M.· North Half of Northeast Quarter of Section 31 Tp 2 S. R. 35 E.B.M· Northwest Quarter of Northwest Quarter of Section 22 Tp. 2 S. R. 35 E.B.M.; Southwest Quarter of Southwest Quarter of Section 10, Tp 2 S. R. 35 E.B.M: Southeast Quarter of Southwest Quarter of Section 9 Tp 2 S. R. 35 E.B.M.

O. NEW SWEDEN IRRIGATION DISTRICT 1 02855

That the New Sweden Irrigation District (New Sweden Irrigation District) is entitled to divert and use the waters of Snake River in the amount of 7,250 miner's inches with a priority date of January 22, 1916 (being the right recognized in the Woodville Decree)

Point of Diversion

Northeast Corner of the Northwest Quarter of the Northwest Quarter of Section 12, Township 2 North, Range 37 East Boise Meridian, Porter Canal head near the North Quarter corner of Section 2, Township 3 North, Range 37 E.B.M. Great Western Head, both points in Bonneville County, State of Idaho.

Lands to which Appurtenant

In Township 3 North, Range 37 East Boise Meridian in Bonneville County:

The Southwest Quarter of the Southwest Quarter of Section 12: all of Section 13 West of Snake River· the East 10 acres of the East Half of the Southeast Quarter of Section 14: all of Section 24 lying West of Snake River and East of the main Great Western Canal: all of Section 25 lying West of Snake River and East of the main Great Western Canal; the East Half, and the Southeast Quarter of the Northwest Quarter and the Southwest Quarter of Section 35: all of Section 36 lying West of Snake River.

In Township 2 North, Range 37 East Boise Meridian:

The West Half of the West Half of Section 1 lying West of Snake River, entire Section 2; all of the Southeast Quarter of the Southeast Quarter lying East of the Great Western Canal; Section 3. That portion of the West Half of the Southwest Quarter of the Northwest Quarter and that portion of the West Half of the Southwest Quarter of Section 4 lying West of the West Lateral Canal. The South Half of Section 5: the East Half of the Southeast Quarter of Section 6; the Northeast Quarter of the Northeast Quarter of the Northeast Quarter of Section 7: entire Section 8; the West

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The South Half of the Southeast Quarter of Section 14; the East Half and the Southwest Quarter of Section 23: the Southeast Quarter of the Southeast Quarter of Section 22: the Northwest Quarter of the Northwest Quarter of Section 25: the Northwest Quarter and all of the Northeast Quarter lying north of Snake River, and the Northwest Quarter of the Southwest Quarter of Section 26: the East Half and the Southwest Quarter and the Southeast Quarter of the Northwest Quarter of Section 27: the South Half of the South Half and the South Half of the Northeast quarter of the Southwest Quarter, and the South Half of the Northwest Quarter of the Northwest Quarter of Section 28; the Southeast Quarter of the Southeast Quarter of Section 29: the South Half of the Southeast Quarter of Section 31: the Southwest Quarter and the North Half of the Southeast Quarter and the North Half of the South Half of the /Southeast Quarter and the East Half of the Northeast Quarter of Section 32: the North Half, and the North Half of the Southwest Quarter of Section 33, and the Northwest Quarter of the Southeast Quarter of Section 33: the Northwest Quarter of Section 34.

In Township 2 South, Range 36 East Boise Meridian;

The North Half of the Northwest Quarter of Section 5, and the North Half of the Northeast Quarter of Section 6, aggregate acreage 21,494 acres.

P. NORTH RIGBY IRRIGATION & CANAL CO. 1 0238

That the North Rigby Irrigation & Canal Co. (North Rigby Irrigation Canal Company) is entitled to divert and use the waters of Snake River in the Amount of 1500 miner's inches with a priority date of January 22, 1916, (being the right recognized in the Woodville Decree).

Point of Diversion

Southeast corner of the Southwest Quarter of the Northwest Quarter of Section 9, Township 4 North Range 39 East Boise Meridian, in Jefferson County, State of Idaho.

Lands to Which Appurtenant

In Township 4 North, Range 38 East Boise Meridian;

In Section 1: $S\frac{1}{2}$:
In Section 2: $SE\frac{1}{4}$, $S\frac{1}{2}$ $NE\frac{1}{4}$, $NW\frac{1}{4}NE\frac{1}{4}$, $E\frac{1}{2}$ $NW\frac{1}{4}$, $SW\frac{1}{4}$ $NW\frac{1}{4}$,

In Section 12, $NE\frac{1}{4}$

In Township 4 North, Range 39 E.B.M.

In Section 5: $S\frac{1}{2}$ of $SW\frac{1}{4}$:

In Section 5: $S\frac{1}{2}$ of $S\frac{1}{2}$: $NW\frac{1}{4}$ of $SW\frac{1}{4}$:

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In Section 7: N½:

In Section 8: NW¼, N½SW¼: SW¼ NE¼ and NW¼ of SE¼

Containing a total irrigable area of approximately 1800 acres.

Q. PARKS & LEWISVILLE IRRIGATION CO. 1 0810

That the Parks & Lewisville Irrigation Co. (Parks and Lewisville Irrigation Company) is entitled to divert and use the waters of Snake River in the amount of 4200 miner's inches with a priority date of January 22, 1916, (being the right recognized in the Woodville Decree.)

Point of Diversion

Near center of NE¼ of the Southeast Quarter of Section 9, Township 4 North, Range 39 East Boise Meridian, on the dry bed in Jefferson County, State of Idaho.

Lands to Which Appurtenant

In Township 4 North of Range 37 East, in Sections 1, 2, 11, 12, 13 and 14.

In Township 4 North of Range 38 East, in Sections 1 to 12, both numbers inclusive, and 14 to 18, both numbers inclusive.

In Township 4 North of Range 39 East B.M., in Sections 7, 8 and 9 a total irrigable area of approximately 16,640 acres.

R. PARSONS DITCH CO. 1 0852

That the Parsons Ditch Co. (Parsons Ditch Company) is entitled to divert and use the waters of Snake River in the amount of 900 miner's inches with a priority date of January 22, 1916, (being the right recognized in the Woodville Decree).

Point of Diversion

NW¼NW¼ of Section 5, Tp. 3 South, Range 35 E.B.M. In Bingham County, State of Idaho.

Lands to Which Appurtenant

SE¼, SE¼SW¼, Section 1: NW¼NW¼, ection 12: NE¼ NE¼, Section 11: SW¼NE¼, Section 12: SE¼NE¼, E½ of Lot 1 and Lot 2, Section 11; NE¼SW¼, W½ of lot 2, Section 11, NW¼NW¼, SW¼,NW¼SW¼, Section 11: N½ NE¼SE¼ Section 10: S½NE¼SE¼, NW¼SE¼, Section 10: S½SE¼ , Section 10, all in Township 3 South, Range 34 E.B.M.

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S. PEOPL[illegible] CANAL & IRRIGATION CO. 1 [illegible]259 T.#3104

That the Peoples Canal & Irrigation Co. (The Peoples Canal & Irrigation Company) is entitled to divert and use the waters of Snake River in the amount of 10,000 miner's inches with a priority date of January 22, 1916, (being the right recognized in the Woodville Decree).

Point of Diversion

West Side of Snake River at a point near the Southeast Quarter of Section 27, Township 1 South, Range 36 E.B.M., in the County of Bingham, State of Idaho.

Lands to Which Appurtenant

60,000 acres of land, lying in the County of Bingham, State of Idaho, and contained in Townships 1,2,3,4, and 5 South, Range 32 East B.M., also Townships 1, 2, 3 and 4 South, Range 33 East B.M., also Townships 1, 2,3, and 4 South, Range 34 East B.M., also Townships 1 and 2 South Range 35 East B.M. and Township 2 South, Range 36 E.B.M.

1 0[illegible]2

T. POPLAR IRRIGATION DISTRICT

That the Poplar Irrigation District (Poplar Irrigation District) is entitled to divert and use the waters of Snake River in the amount of 600miner's inches with a priority date of January 22,1916, (being the right recognized in the Order Amending and Correcting, the Woodville Decree, dated March 10, 1931).

Point of Diversion:

South side of the South Fork of Snake River near the rush bed so called, a short distance down stream from the point where the river leaves the last canyon at the headgate of the canal of said district formerly known as the J.H.Riley Ditch.

Lands to Which Appurtenant

The South half ($S\frac{1}{2}$) and the South half of the North Half ($S\frac{1}{2}N\frac{1}{2}$) of Section One (1); The Southwest Quarter ($SW\frac{1}{4}$); the South half of the Southeast Quarter ($S\frac{1}{2}SE\frac{1}{4}$) and the Southeast Quarter of the Northeast Quarter ($SE\frac{1}{4}NE\frac{1}{4}$) of Section Two (2) ; the North half of the Northwest Quarter ($N\frac{1}{2}NW\frac{1}{4}$) and the Northwest Quarter of the Northeast Quarter ($NW\frac{1}{4}NE\frac{1}{4}$) of Section Twelve (12), all in Township Three (3) North of Range Forty. (40) E.B.M.

The Northwest Quarter ($NW\frac{1}{4}$) and the West half of the Northeast Quarter ($W\frac{1}{2}NE\frac{1}{4}$); the Southeast Quarter of the Northeast Quarter ($SE\frac{1}{4}NE\frac{1}{4}$) ; the North half of the Southwest Quarter ($N\frac{1}{2}SW\frac{1}{4}$) and the Southwest Quarter of the Southwest Quarter ($SW\frac{1}{4}SW\frac{1}{4}$) of Section Six (6) all in Township Three (3) North of Range Forty-one(41) E.B.M.

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U. PROGRESSIVE IRRIGATION DISTRICT

That the Progressive Irrigation District (Progressive Irrigation District) is entitled to divert and use the waters of Snake River in the amount of 15,000 miner's inches with a priority date of January 22, 1916, (being the right recognized in the Woodville Decree).

Point of Diversion

Anderson Head: Near West Quarter corner of Section 5 Tp. 3 North, Range 40 E.B.M., on South bank of South Fork

Eagle Rock and Willow Creek Head: Near Southwest corner of Section 31, Township 4 North, Range 40 E.B.M.

Lands to Which Appurtenant

In Township 1 North, Range 38 E.B.M.:

In Section 21: E½ of E½, SW¼ of SE¼ , all of the NW¼ of SE¼, SW¼ of NE¼ and NW¼ of NE¼ lying East of the Taylor Canal.

Entire Section 22, 15, 11, 10, 2.

In Section 16: 17 acres of the SE¼ of SE¼ lying East of the Taylor Canal.

In Section 14: NW¼, W½ NE¼, N½ SW¼

In Section 12: NW¼ of NW¼

In Section 1: W½ of W½, E½ of NW¼, NW¼ of NE¼

In Section 3: E½ , SW¼

In Township 2 North, Range 38 E.B.M.

Entire Sections 35, 36, 25, 26, 27, 22, 23, 24, 13, 14, 15, 16, 9 10,11,12,1,2,3,4

In Section 21: E½, NE ¼ of NW¼, E. 20 R. of the SW¼

In Section 17: NE¼, SE¼ of SE¼

In Section 8 E½

In Section 5: E½, E½ of NW¼, NW¼ of NW¼, E½ of SW¼ of NW ¼, NE¼ of SW¼. E½ of SE¼ of SW¼.

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In Section 6: N½, SW¼, NW¼ of SE¼

In Section 7: N½ of NW¼, SW¼ of NW¼

In Section 34: E½

In Township 3 North, Range 39 E.B.M.;

In Section 31: S½, S½ of N½, NE¼ of NE¼

Entire Sections 32, 33, 35, 36, 28, 29, 20, 21.

In Section 34: W½, W½ of NE¼, SE¼

In Section 25: E½, SW¼

In Section 26: S½ of SE¼ of SE¼.

In Section 27: N½, SW¼, W½ of SE¼

In Section 30: E½ of E½

In Section 22: S½ SW¼, NW¼ SW¼

In Section 19: SE¼, SE¼ of NE¼

In Township 2 North, Range 39 E.B.M.

In Section 30: W½ of W½, NE¼ of SW¼. E½ of NW¼, NW¼ of NE¼

Entire Sections 19, 18, 7

In Section 20: W½ NW¼, NW¼ of SW¼
In Section 17: SW¼ SW¼
In Section 6: W½, W½ of E½, W½ of SE½ of SE¼

In Section 31: NW¼ of NW¼

In Township 4 North, Range 40 E.B.M.

In Section 34: SE¼

In Section 35: SW¼, S½ of SE¼, So. 20 rods of NW¼ of SE¼

In Section 36: SW¼

In Township 3 North, Range 39 E.B.M.

In Section 31 W½

In Section 29: N½ of NW¼

In Section 30 NE¼, NW¼ of SE¼, SW¼

In Section 19 N½

In Section 20 SW¼, W½ of SE¼

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In Section 16: S½ of SW¼

In Section 18: S½

In Township 3 North, Range 40 E.B.M.

In Section 1: N½ of NW¼, N½ of NE¼

In Section 2: N½ of N½, S½ of NW¼, SW¼ of NE¼ N½ of SE¼

In Section 3: NE¼, W½ of NW¼, N½ of SE¼

In Township 1 North, Range 37 E.B.M.

Entire Section 1 East of Snake River

In Township 3 North, Range 37 E.B.M.

Entire Section 36, East of Snake River

In Township 2 North, Range 37 E.B.M.

In Section 12: All of NE¼ East of Snake River.

V. Reid Canal /Co

That the Reid Canal Co. (The Reid Canal Company) is entitled to divert and use the waters of Snake River in the amount of 2,000 miner's inches with a priority date of January 22, 1916,(being the right recognized in the Woodville Decree)

Point of Diversion

Southwest corner of the Southwest Quarter of Section 6 Township 4 North, Range 39 East Boise Meridian, in Jefferson County, State of Idaho.

Lands to Which Appurtenant

In Township 5 North, Range 39 E.B.M.
In Section 2: SW¼ of SE¼ an d SE¼ of SW¼;

In Section 11: All except the NW¼ of NW¼ and W½ of NE¼ of NW¼

In Section 12: The S½ of the SE¼ and the West Half except the N½ of the NW¼

Entire Sections 13, 14 and East Half of Section 15:

In Section 22: E½ of the E½;

In Section 23: The West Half and the S½ of the SE¼;

In Section 24: the E½ and the S½ of the SW¼, entire Sections 25 and 26;

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Township 2 South, Range 35, E.B.M.

Section 8	$S\frac{1}{2}$	
Section 9	$E\frac{1}{2}$	$W\frac{1}{2}$
Section 10	$E\frac{1}{2}$	$W\frac{1}{2}$
Section 16	$E\frac{1}{2}$	

Township 3 South Range 33 E.B.M.

Section 1	$E\frac{1}{2}$	$W\frac{1}{2}$
Section 2	$E\frac{1}{2}$	$W\frac{1}{2}$
Section 3	$E\frac{1}{2}$	$W\frac{1}{2}$
Section 4	$E\frac{1}{2}$	
Section 10	$E\frac{1}{2}$	$W\frac{1}{2}$
Section 11	$E\frac{1}{2}$	$W\frac{1}{2}$
Section 12	$E\frac{1}{2}$	$W\frac{1}{2}$
Section 13	$E\frac{1}{2}$	$W\frac{1}{2}$
Section 14	$E\frac{1}{2}$	$W\frac{1}{2}$
Section 15	$E\frac{1}{2}$	$W\frac{1}{2}$
Section 20	$S\frac{1}{2}$	
Section 21	$E\frac{1}{2}$	$W\frac{1}{2}$
Section 22	$E\frac{1}{2}$	$W\frac{1}{2}$
Section 23	$E\frac{1}{2}$	$W\frac{1}{2}$
Section 24	$E\frac{1}{2}$	$W\frac{1}{2}$
Section 25	$W\frac{1}{2}$	
Section 26	$E\frac{1}{2}$	$W\frac{1}{2}$
Section 27	$E\frac{1}{2}$	$W\frac{1}{2}$
Section 28	$E\frac{1}{2}$	$W\frac{1}{2}$
Section 29	$E\frac{1}{2}$	$W\frac{1}{2}$
Section 30	$E\frac{1}{2}$	
Section 31	$E\frac{1}{2}$	$W\frac{1}{2}$
Section 32	$E\frac{1}{2}$	$W\frac{1}{2}$
Section 33	$E\frac{1}{2}$	$W\frac{1}{2}$
Section 34	$E\frac{1}{2}$	$W\frac{1}{2}$
Section 35	$E\frac{1}{2}$	$W\frac{1}{2}$

Township 3 South, Range 34 E. B.M.

Section 6	$W\frac{1}{2}$	
Section 18	$W\frac{1}{2}$	

Township 4 South, Rahge 31 E.B.M.

Section 11	$E\frac{1}{2}$	
Section 13	$E\frac{1}{2}$	$W\frac{1}{2}$
Section 14	$E\frac{1}{2}$	
Section 22	$E\frac{1}{2}$	$W\frac{1}{2}$
Section 23	$E\frac{1}{2}$	$W\frac{1}{2}$
Section 24	$E\frac{1}{2}$	$W\frac{1}{2}$
Section 25	$E\frac{1}{2}$	$W\frac{1}{2}$
Section 26	$E\frac{1}{2}$	$W\frac{1}{2}$
Section 27	$E\frac{1}{2}$	$W\frac{1}{2}$
Section 28	$E\frac{1}{2}$	
Section 33	$E\frac{1}{2}$	$W\frac{1}{2}$
Section 34	$E\frac{1}{2}$	$W\frac{1}{2}$
Section 35	$E\frac{1}{2}$	$W\frac{1}{2}$
Section 36	$N\frac{1}{2}$	

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In Section 27: the NE¼ of the SE¼

In Section 35: All lying North and East of Texas Slough;

In Section 36: NW¼, W½ of NE¼ and all of the SW¼ lying North and East of the Texas Slough.

In Township 5 North, Range 40 E.B.M.,

In Section 7: S½ of N½ of SW¼; SW¼ of SW¼

In Section 18: N½ of SW¼

In Section 19: W½ of NW¼: SE¼ of NW¼: N½ of SW¼ and W½ of SE¼

In Section 30: N½ of the NW¼ of the NE¼

Containing a total irrigable area of approximately 5350 acres.

W. RIGBY CANAL & IRRIGATING CO. 1. 0252

That the Rigby Canal & Irrigating Co. (Rigby Canal & Irrigation Company) is entitled to divert and use the waters of Snake River in the amount of 4,900 miner's inches with a priority date of January 22, 1916, (being the right recognized in the Woodville Decree.)

Point of Diversion

Southwest corner of the Southeast Quarter of Section 10, Township 4 North, Range 39 East Boise Meridian. In Jfferson County, State of Idaho.

Lands to Which Appurtenant

In Township 4 North, Range 39 East Boise Meridian, in Jefferson County, Idaho:

The South Half of Section 7.

The South Half of the South Half and the South Half of the North Half of the South Half of Section 8.

The South Half of the South Half and the South Half of the North Half of the South Half of Section 9.

The Southwest Quarter of the Southwest Quarter and that part of the Southeast Quarter of the Southwest Quarter lying South and West of the Rigby /Canal of Section 10. (60 acres)

The Northwest Quarter of the Northeast Quarter and the Northwest Quarter of Section 16.

The Northeast Quarter; the Northwest Quarter; the North Half of the Southwest Quarter; and the North Half of the South Half of the Southwest Quarter of Section 17.

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Township 4 South, Range 32, E.B.M.

Section 1	E½	W½
Section 2	S½	
Section 3	S½	
Section 7	E½	W½
Section 8	E½	W½
Section 9	E½	W½
Section 10	E½	W½
Section 11	E½	W½
Section 12	E½	W½
Section 13	E½	W½
Section 14	E½	W½
Section 15	E½	W½
Section 16	E½	W½
Section 17	E½	W½
Section 18	E½	W½
Section 19	E½	W½
Section 20	E½	W½
Section 21	W½	
Section 28	W½	
Section 29	E½	W½
Section 30	E½	W½
Section 31	E½	W½
Section 32	E½	W½

Township 4 South, Range 33 E.B.M.,

Section 2	W½	
Section 3	E½	W½
Section 4	E½	W½
Section 5	E½	W½
Section 6	E½	W½
Section 7	E½	W½

Township 4 South, Range 33 E.B.M.

Section 8	E½	W½
Section 9	E½	W½
Section 10	W½	
Section 16	E½	
Section 17	E½	W½
Section 18	E½	W½
Section 19	E½	W½
Section 20	W½	

Township 5 South, Range 31 E.B.M.

Section 1	W½	
Section 2	E½	W½
Section 3	E½	W½
Section 7	E½	
Section 8	E½	W½
Section 9	E½	W½
Section 10	E½	W½

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In Section 18.

In Township 4 North, Range 38 East Boise Meridian, in Jefferson County, Idaho:

The Southeast Quarter; the South Half of the Southwest Quarter; The Northeast Quarter of the Southwest Quarter; and that part of the Northwest Quarter of the Southwest Quarter lying South and East of the Lewisville Canal of Section 12, 290 acres.

Section 13.

The South Half; the South Half of the Northeast Quarter; theSouth Half of the North Half of the Northeast Quarter; and the South Half of the Northwest Quarter of Section 14.

The Southeast Quarter of Section 15.

The North Half of the Northeast Quarter of Section 22.

The Northeast Quarter and that part of the North Half of the Northwest Quarter lying North of the Rigby Canal of Section 23. 175 acres.

The North Half of the Northwest Quarter; the Southwest Quarter of the Northwest Quarter; and that part of the Southeast Quarter of the Northwest Quarter lying North and West of the Burgess Canal of Section 24, 140 acres.

Containing a total irrigable area of approximately 4145 acres.

X RIVERSIDE DITCH CO. A 0984

That the Riverside Ditch Co. (Riverside Canal Company) is entitled to divert and use the waters of Snake River in the amount of 1,500 miner's inches with a priority date of January 22, 1916, (being the right recognized in the Woodville Decree)

Point of Diversion

(No point of diversion set out in Woodville Decree.)

Lands to Which Appurtenant

In Township 2 South, Range 33 E.B.M.

Northeast Quarter of Northeast Quarter, Section 22;

In Township 2 South, Range 34 E.B.M.

Northwest Quarter of Southwest Quarter, Section 28.

In Township 2 South , Range 35 E.B.M.

Lot five and Northwest Quarter Section 13; lots 1, 2, 3 and East Half of Northeast Quarter of Section 14; South Half of Southwest Quarter, Section 20; South Half of Section 21; Southwest Quarter, Southwest Quarter of Southeast Quarter, Section 22; lots 1,2,3,

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Section 11	$E\frac{1}{2}$	$W\frac{1}{2}$
Section 12	$E\frac{1}{2}$	$W\frac{1}{2}$
Section 13	$W\frac{1}{2}$	
Section 14	$E\frac{1}{2}$	$W\frac{1}{2}$
Section 15	$W\frac{1}{2}$	
Section 17	$E\frac{1}{2}$	$W\frac{1}{2}$
Section 16	$E\frac{1}{2}$	$W\frac{1}{2}$
Section 18	$E\frac{1}{2}$	$W\frac{1}{2}$
Section 19	$E\frac{1}{2}$	$W\frac{1}{2}$
Section 20	$E\frac{1}{2}$	$W\frac{1}{2}$
Section 21	$E\frac{1}{2}$	$W\frac{1}{2}$
Section 22	$E\frac{1}{2}$	$W\frac{1}{2}$
Section 23	$E\frac{1}{2}$	$W\frac{1}{2}$
Section 26	$E\frac{1}{2}$	$W\frac{1}{2}$
Section 27	$E\frac{1}{2}$	$W\frac{1}{2}$
Section 28	$E\frac{1}{2}$	$W\frac{1}{2}$
Section 29	$E\frac{1}{2}$	$W\frac{1}{2}$
Section 30	$E\frac{1}{2}$	$W\frac{1}{2}$
Section 31	$E\frac{1}{2}$	$W\frac{1}{2}$
Section 32	$E\frac{1}{2}$	$W\frac{1}{2}$
Section 33	$E\frac{1}{2}$	$W\frac{1}{2}$
Section 34	$E\frac{1}{2}$	$W\frac{1}{2}$
Section 35	$E\frac{1}{2}$	$W\frac{1}{2}$

Township 5 South , Range 32, E.B.M.

Section 5	$W\frac{1}{2}$	
Section 6	$E\frac{1}{2}$	
Section 7	$E\frac{1}{2}$	
Section 8	$W\frac{1}{2}$	
Section 18	$E\frac{1}{2}$	$W\frac{1}{2}$

Township 6 South, Range 30 E.B.M.,

Section 25	$E\frac{1}{2}$	$W\frac{1}{2}$
Section 36	$E\frac{1}{2}$	$W\frac{1}{2}$

Township 6 South, Range 31 E.B.M.

Section 2	$E\frac{1}{2}$	$W\frac{1}{2}$
Section 3	$E\frac{1}{2}$	$W\frac{1}{2}$
Section 4	$E\frac{1}{2}$	$W\frac{1}{2}$
Section 5	$E\frac{1}{2}$	$W\frac{1}{2}$
Section 6	$E\frac{1}{2}$	$W\frac{1}{2}$
Section 7	$E\frac{1}{2}$	
Section 8	$E\frac{1}{2}$	$W\frac{1}{2}$
Section 9	$E\frac{1}{2}$	$W\frac{1}{2}$
Section 10	$E\frac{1}{2}$	$W\frac{1}{2}$
Section 11	$E\frac{1}{2}$	$W\frac{1}{2}$
Section 15	$E\frac{1}{2}$	$W\frac{1}{2}$
Section 16	$E\frac{1}{2}$	$W\frac{1}{2}$
Section 17	$E\frac{1}{2}$	$W\frac{1}{2}$
Section 18	$E\frac{1}{2}$	
Section 19	$E\frac{1}{2}$	$W\frac{1}{2}$
Section 20	$E\frac{1}{2}$	$W\frac{1}{2}$
Section 21	$E\frac{1}{2}$	$W\frac{1}{2}$

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Southwest Quarter of Northwest Quarter, Section23: lots 1, 2, West Half of Northeast Quarter, East Half of Northwest Quarter of Section 25: Southwest Quarter of Southeast Quarter of Section 26; Lots 2, 3, and 4 of Section 27: entire Section 28, and all accretion lands; entire section 29· lots 1, 2, and 3 , Northwest Quarter of Southwest Quarter, Section 30: East Half of Section 32; entire Section 33, and 110 acres of riparian or accretion land.

Y. RUDY IRRIGATION CANAL CO. 1 0953

That the Rudy Irrigation Canal /Co. (The Rudy Canal & Irrigation Company) is entitled to divert and use the waters of Snake River in the amount of 6,000 miner's inches with a priority date of January 22, 1916 (being the right recognized in the Woodville Decree).

Point of Diversion

Northeast corner of the Northeast Quarter of Section 29, Township 4 North, Range 40 East Boise Meridian, in Jefferson County, State of Idaho.

Lands to Which Appurtenant

In Township 4 North of Range 38 East B.M., 560 acres in Section 36.

In Township 4 North of Range 39 East B.M., the South Half of Section 29, the South Half of Section 30, entire section 31, entire section 32, South Half of Section 21, South Half of Section 22, /South Half of Section 23, South Half of Section 24, entire Sections 25, 26, 27 and 28. The North Half of Section 33, North Half of Section 34, North Half of Section 35.

In Township 4 North of Range 40 East, the Northwest Quarter of Section 30. A total irrigable area of approximately 7440 lacres.

Z. SNAKE RIVER VALLEY IRRIGATION DISTRICT 1 0950

That the Snake River Valley Irrigation District (- Snake River Valley Irrigation District) is entitled to divert and use the waters of Snake River in the amount of 3,400 miner's inches with a priority date of January 22, 1916, (being the right recognized in the Woodville Decree).

Point of Diversion

Northwest Quarter of the Northeast Quarter of Section 3, Township 1 North, Range 37 East Boise Meridian, in Bonneville County, State of Idaho.

Lands to Which Appurtenant

WATER RIGHT NO.
MAY 13 1996

Section 22	W½	
Section 28	E½	W½
Section 29	E½	W½
Section 30	E½	W½
Section 31	E½	W½
Section 32	E½	W½
Section 33	W½	

Township 7 South, Range 30 E.B.M.

Section 1	E½	W½
Section 11	E½	
Section 12	E½	W½
Section 13	W½	
Section 14	E½	W½
Section 23	E½	W½
Section 24	E½	W½
Section 25	E½	W½
Section 26	E½	W½
Section 27	E½	
Section 34	E½	
Section 35	E½	
Section 36	E½	W½

Township 7 South, Range 31 E.B.M.,

Section 5	E½	W½
Section 6	E½	W½
Section 7	E½	W½
Section 8	W½	

Township 8 South, Range 30 E.B.M.

Section 1	W½	
Section 2	E½	W½
Section 11	N½	

All in Bingham and Power Counties, Idaho

B. BLACKFOOT IRRIGATION CO. 1 0298

That Blackfoot Irrigation Co., shall have the right to divert and use 100.0 cubic feet of water per second at the following point of diversion and upon the following described lands:

Point of Diversion

Northwest Quarter of the Southeast Quarter of Section 6, Township 1 South, Range 37 E.B.M.

Lands to Which Appurtenant

Sections 25, 26, 35 and 36, all in Township 1 South, Range 36. E.B.M.;

MAY 1 3 1996

In Township 1 North, Range 37 E.B.M.;

Entire Sections 19, 20 and 29
In
Section 21: W½ NW¼, SW¼

In Section 28: West Half, W½ of NE¼, NW¼ of SE¼, W½ of NW¼ of SW¼ of SE¼

Entire Sections 31, 32, 33

In Section 34: W½ of E½

In Township 1 South, Range 37 E.B.M.

Entire Sections 3, 4, 5, 8, 9, 10, 15, 16, 17, 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33. West Half of Section 2.

All of Sections 6, 7, 18, 19 lying East of Snake River

In Section 11: N½ NW¼, SW¼ of NW¼, W½ of SW¼

In Section 14: West Half

In Section 34: NW¼, N½ of NE¼, SW¼ of NE¼, W½ of SW¼

In Township 1 South, Range 36 E.B.M.,

In Section 25; East Half; portion of E½ of SW¼ East of Government Canal.

In Section 36: E½; SW¼; E½ of NW¼; Portion of NW¼ of NW¼ East of Government Canal

In Township 2 South, Range 36, E.B.M.

Entire Sections 1, 11 and 12

In Section 2: E½; SW¼; SW¼ of NW¼

In Section 3: SE¼; S½ of SW¼

In Section 10: N½

In Township 2 South, Range 37 E.B.M.

Entire Section 6

In Section 5: N½ and SW¼

In Section 4: N½ of NW¼; NW¼ of NE¼

AA. TEXAS SLOUGH IRRIGATING CANAL CO

That the Texas Slough Irrigating Canal Co. (The Texas Slough Irrigation Canal Company) is entitled to divert and use the waters

MAY 1 3 1996

Sections 2, 3, 7, 8, 9, 10, 11, 15, 16, 17, 18, 19, 20, 21 22, 23, 27, 28, 29, 30, 31 and 32 all in Township 2 South Range 36, E.B.M.:

Sections 13, 22, 23, 24, 25, 26, 27, 34, 35 and 36 all in Township 2 South, Range 35, E.B.M.:

Sections 5 and 6 all in Township 3 South, Range 36 E. B.M.

Sections 1, 2, 3,4,8,9,10,11,12 and 18, all in Township 3 South, Range 35, E.B.M., all in Bingham County, Idaho.

C. TED BLOSCH; MARVEL JOHNSON AND V.E. HIER 1 0299

That Ted Blosch, Marvel Johnson and V. E. Hier shall have the right to divert and use 4.0 cubic feet of water per second at the following point of diversion and upon the following described lands:

Point of Diversion

Taken from the Great Feeder Canal, which has a point of diversion as follows:

Northeast Quarter of the Northwest Quarter of Section 36, Township 4 North, Range 40 E.B.M.

Lands to Which Appurtenant

South Half Southeast Quarter : ($S\frac{1}{2}SE\frac{1}{4}$) Section 19, Township 4 North, Range 40 E.B.M. (Ted Blosch)

Northwest Quarter of Northeast Quarter ($NW\frac{1}{4}NE\frac{1}{4}$) and that part of the Northeast Quarter of Northeast Quarter ($NE\frac{1}{4}NE\frac{1}{4}$) lying North and West of the South Branch Canal in Section 30, Township 4 North, Range 40 E.B.M. (Marvel Johnson)

North Half Southeast Quarter ($N\frac{1}{2}SE\frac{1}{4}$) Section 19, Township 4 North, Range 40 E.B.M. (V. E. Hier)

All in Jefferson County, Idaho.

D. BRAMWELL DITCH CO 1 0300

That the Bramwell Ditch Co. shall have the right to divert and use 4.0 cubic feet of water per second at the following point of diversion and upon the following described lands:

Point of Diversion

Northeast Quarter of the Southeast Quarter of Section 1 Township 4 North, Range 38 E.B.M.

MAY 1 3 1980

of Snake River in the amount of 800 miner's inches with a priority date of January 22, 1916 (being the right recognized in the Woodville Decree)

Point of Diversion

Near the westerly line of the Northwest Quarter of the Southeast Quarter (NW¼ SE¼) of Section 15, Township 5 North Range 39 East Boise Meridian, in Madison County, State of Idaho.

Lands to Which Appurtenant

In Township 6 North, Range 39 East Boise Meridian:

In Section 29: S½ of SW¼; in Section 30; S½ of SE¼; entire Section 31 East of the North Fork of Snake River; entire sections 32 and 33;

In Section 34; SW¼ and S½ of NW¼

In Township 5 North, Range 39 East Boise Meridian:

In Section 2: NW¼; N½ of SW¼ S½ of NE¼; NW¼ of NE¼; NW¼ of SE¼ ; entire section 8.

In Section 4: All of East Half lying North and East of Texas Slough; NW¼ of NW¼

In Section 5: N½ of NE¼ North of Texas Slough.

In Section 6: NE¼ and N½ of NW¼; entire Section 10;

In Section 15: E 60 R. of SE¼ of NW¼; W½ of W½ of NE¼

In Township 5 North, Range 38 E.B.M.

In Section 1: The NE¼ of the NE¼ of the NE¼

In Township 6 North, Range 38 E.B.M.

In Section 36: Portion of the S½ of the SE¼ lying South of the North Fork of Snake River.

Containing a total irrigable area of approximately 4340 acres.

B B TREGO DITCH CO 1 0035

That the Trego Ditch Co. (Trego Ditch Company) is entitled to divert and use the waters of Snake River in the amount of ;900 miner's inches with a priority date of January 22, 1916 (being the right recognized in the Woodville Decree)

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Lands to Which Appurtenant

Southwest Aurter of the Southeast Quarter (SW¼SE¼) South of Drybed and Southeast Quarter (SE¼) South of Drybed, Section 35, Township 5 North, Range 38 E.B.M.

Lots 3 and 4 South of / Drybed and West Half of the Northeast Quarter (W½NE¼) of Section 2, Township 4 North, Range 38 E.B.M.

Southeast Quarter Southeast Quarter (SE¼SE¼) Section 35, Township 5 North, Range 38 E.B.M., all in Jefferson County, Idaho.

E. BUTLER ISLAND CANAL CO 1 0301

That the Butler Island Canal Co. shall have the right to divert and use 16.0 cubic feet of water per second at the following point of diversion and upon the following described lands:

Point of Diversion

Northeast Quarter of the Northwest Quarter of Section 35 Township 4 North, Range 40 E.B.M.

Lands to Which Appurtenant

Section 20, 21, 22, 26, 27, 28 and 29, Township 4 North, Range 40 E.B.M., all in Jefferson County, Idaho.

F. BUTTE & MARKET LAKE CANAL CO 1 0302

That Butte & Market Lake Canal Co. shall have the right to divert and use 120.0 cubic feet of water per second at the following point of diversion and upon the following described lands:

Point of Diversion

Northwest Quarter of the Northwest Quarter, Section 22 Township 5 North, Range 38 E.B.M.

Lands to Which Appurtenant

Sections 6, 7, 17, 18, 19, 20, 21, 22, 28,29 ,30,31,32 and 33 Township 5 North, Range 37 E.B.M., Jefferson County, Idaho

Sections 7 and 17, Township 5 North Range ;38 E.B.M. Madison County, Idaho

Sections 1, 2, 10, 11, 12, 13, 14, 22, 23, 24, 25, 26, 27, 33, 34, 35, and 36, Township 5 North, Range 36 E.B.M., Jefferson County, Idaho.

Sections 1, 2, 3, 4, 5, 12, 13, 24 and 25, Township 4 North, Range 36 E.B.M., Jefferson County, Idaho.

MAY 13 1996

Point of Diversion

Northwest Quarter of the Southwest Quarter of Section 33, Township 2 South, Range 35 E.B.M.

Lands to Which Appurtenant

South Half of North Half, South Half of Section 31; Southwest Quarter of the Northwest Quarter, Southwest Quarter, East Half of the Southeast Quarter of Section 32; Township 2 South, Range 35, E.B.M. Entire Section 5 West of River, Entire Section 6, Township 3 South Range 35 E.B.M. Southeast Quarter of the Southeast Quarter of Section 1, Township 3 South, Range 34 E.B.M.

CC. WATSON SLOUGH DITCH & IRRIGATION CO. Ltd. 1 0850

That the Watson Slough Ditch & Irrigation Co., Ltd. (Watson's Slough Ditch Company) is entitled to divert and use the waters of Snake River in the amount of 1,800 miner's inches with a priority date of January 22, 1916, (being the right recognized in the Wood - ville Decree).

Point of Diversion

West side of Snake River at a point about one half mile south of what is known as the Blackfoot Snake River Bridge in the County of Bingham, Idaho.

Lands to Which Appurtenant

Northwest Quarter of the Southwest Quarter and lots 3 and 4 of Section fifteen, Northeast Quarter of Southeast Quarter of Section Sixteen and Southeast Quarter of Southeast Quarter of Section sixteen, Southwest Quarter of Section Three: South- east Quarter of Section three; West Half of Northwest Quarter of Section one; Southwest Quarter of Southwest Quarter of Section one and Northwest Quarter of Northwest Quarter of Section twelve; East Half of Southeast Quarter of Section nine; West Half of Northeast Quarter of Section eleven; Southeast Quarter of Northeast Quarter of Section sixteen; west half of Southwest Quarter of Section two , Northwest Quarter of / Southeast Quarter of Section nine; Southwest quarter of Section ten; Northeast Quarter of Section nine; Southeast Quarter of Section five; West Half of Southeast Quarter of Section sixteen; East Half of Northeast Quarter of Section ten; East Half of Northwest Quarter of Section seventeen; Northwest Quarter of Northwest Quarter of Section eleven; Northeast Quarter of Section Seventeen: Northwest Quarter of Section ten, all in township three South, Range thirty four E.M. B. also East Half of Southwest Quarter of Section seventeen and lots one, two and three of Section twenty, Township three South, Range thirty four E.B.M.; North west Quarter of Southwest Quarter of Section three, township three South Range Thirty five E.B.M. and Southeast Quarter of,

MAY 13 1996

Sections 3, 4, 5, 6 , 7, 8, 9, 15,16, 17, 18, 19, 20, 21, 22, 27, 28, 29 and 30, Township 4 North, Range 37 E.B.M. Jefferson County, Idaho.

G. CLARK & EDWARDS CANAL CO. 1 0303

That Clark & Edwards Canal Co. shall have the right to divert and use 5.0 cubic feet of water per second at the following point of diversion and upon the following described lands:

Point of Diversion

Southwest Quarter of the Southwest Quarter of Section 20, Township 4 North, Range 40 E.B.M.

Lands to Which Appurtenant

Sections 10, 13, 14, 15, 16, 23 and 24, Township 4 North Range 39 E.B.M.

Sections 18 and 19 in Township 4 North, Range 40 E.B.M

All in Jefferson County, Idaho.

H. CORBETT SLOUGH DITCH CO. 1 0304

That Corbett Slough Ditch Co. shall have the right to divert and use 13.0 cubic feet of water per second at the following point of Diversion and upon the following described lands:

Point of Diversion

Northeast Quarter of the Northeast Quarter of Section 9, Township 2 South, Range 36 E.B.M.

Lands to Which Appurtenant

Parts of the following sections:

Sections 8, 7 and 18, Township 2 South, Range 36 E.B.M.

Sections 24, 25, 36, 35, 34 and 26, Township 2 South, Range 35 E.B.M.

Sections 1, 12, 11, 10, 9 and 4, Township 3 South Range 35 E.B.M.

All in Bingham County, Idaho.

I. JAMES A. CROFT 1 0305

That James A. Croft shall have the right to divert and use 2.0 cubic feet of water per second at the following point of diversion and upon the following described lands:

MAY 1 3 1996

Section seventeen, Township three South, Range thirty four E.B.M., and two hundred acres of accretion lands lying adjacent to last above described lands.

1 0217

DD. WEARYRICK DITCH CO.

That the Wearyrick Ditch Co. (Wearyrich Ditch Company) is entitled to divert and use the waters of Snake River in the amount of 1,500 miner's inches with a priority date of January 22, 1916, (being the right recognized in the Woodville Decree)

Point of Diversion

Center of the Northeast Quarter of the Northeast Quarter of Section 18, Township 3 South, Range 35 East Boise Meridian, in Bingham County, State of Idaho.

Lands to which Appurtenant

In Township 3 South, Range 34, E.B.M.,

Section 1:	$N\frac{1}{2}$, $NE\frac{1}{4}SW\frac{1}{4}$;
Section 2:	$NE\frac{1}{4}$, $NE\frac{1}{4}SE\frac{1}{4}$, $SE\frac{1}{4}$ $NW\frac{1}{4}$;
Section 3:	$SW\frac{1}{4}$
Section 4:	$NE\frac{1}{4}$; $S\frac{1}{2}$;
Section 5:	$SE\frac{1}{4}$
Section 8:	$NE\frac{1}{4}$
Section 9:	$NW\frac{1}{4}$

Containing a total irrigable area of approximately 1720 acres.

EE. WEST LaBELLE IRRIGATION CO. 1 0229

That the West La Belle Irrigation Co. (West La Belle Irrigation Company) is entitled to divert and use the waters of Snake River in the amount of 1400 miner's inches which a priority date of January 22, 1916, (being the right recognized in the Woodville Decree as amended by Order Amending and Correcting said Woodville Decree, dated March 10, 1931)

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Point of Diversion

South Half of the Northeast Quarter of the Northwest Quarter of Section 19, Township 4 North, Range 40 E.B.M.

Lands to Which Appurtenant

South Half of the Northeast Quarter ($S\frac{1}{2}NE\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) of Section 19, Township 4 North, Range 40 E.B.M., Jefferson County, Idaho.

J. DANSKIN DITCH CO 1 0306

That Danskin Ditch Co. shall have the right to divert and use 80.0 cubic feet of water per second at the following point of diversion and upon the following described lands:

Point of Diversion

Northeast Quarter of the Northeast Quarter of Section 27, Township 2 South, Range 35 E.B.M.,

Lands to Which Appurtenant

$N\frac{1}{2}$, $W\frac{1}{2}NE\frac{1}{4}$, $SE\frac{1}{4}NE\frac{1}{4}$, Section 32·
$S\frac{1}{2}SE\frac{1}{2}$, $E\frac{1}{2}SW\frac{1}{4}$, Section 29·
$S\frac{1}{2}$, $S\frac{1}{2}NE\frac{1}{4}$, Section 30·
$NW\frac{1}{4}$, $N\frac{1}{2}NE\frac{1}{4}$, Section 31·
All in Township 2 South, Range 35 E.B.M.,
Bingham County, Idaho

$S\frac{1}{2}$, $NW\frac{1}{4}$, $NW\frac{1}{4}NE\frac{1}{4}$, $W\frac{1}{2}W\frac{1}{2}SW\frac{1}{4}NE\frac{1}{4}$, Section 25·
$S\frac{1}{2}SW\frac{1}{4}SE\frac{1}{2}$, $S\frac{1}{2}SE\frac{1}{2}SW\frac{1}{2}$, Section 24·
$S\frac{1}{2}$, $S\frac{1}{2}N\frac{1}{2}$, $S\frac{1}{2}N\frac{1}{2}NW\frac{1}{4}NE\frac{1}{4}NE\frac{1}{2}$, Section 26:
$S\frac{1}{2}$, $SE\frac{1}{4}NE\frac{1}{4}$, $S\frac{1}{2}SW\frac{1}{4}NE\frac{1}{4}$, Section 27:
all in Sections 34 and 35:
$N\frac{1}{2}$, $N\frac{1}{2}S\frac{1}{2}$, $SW\frac{1}{4}SW\frac{1}{4}$, Section 36:
all in Township 2 South, Range 34, E.B.M.,
Bingham County, Idaho.

$NW\frac{1}{4}NE\frac{1}{4}$, $NE\frac{1}{4}NW\frac{1}{4}$, $W\frac{1}{2}NW\frac{1}{2}$, Section 2:
$N\frac{1}{2}$, $W\frac{1}{2}SE\frac{1}{4}$, $E\frac{1}{2}SW\frac{1}{4}$, $NW\frac{1}{4}$ $NW\frac{1}{4}$, $SW\frac{1}{2}$, Section 3:
$S\frac{1}{2}NW\frac{1}{4}$, Section 4;
$SE\frac{1}{4}NE\frac{1}{4}$ Section 5,
all in Township 3 South, Range 34 E.B.M. Bingham County, Idaho

K. DILTS IRRIGATION CO., LTD. 1 0307

That Dilts Irrigation Co., Ltd., shall have the right to divert and use 6.0 cubic feet of water per second at the following point of diversion and upon the following described lands·

APPROVED MAY 13 1900

Point of Diversion

Northeast corner of the Southwest Quarter of Section 10, Township 4 North Range 39 East Boise Meridian, in Jefferson County, State of Idaho.

Lands to which Appurtenant

In Township 4 North of Range 39 East Boise Meridian. the West Half of Section 4, and entire Section 5;

In Township 5 North of Range 39 East Boise Meridian, the South half and the Southeast Quarter of the Northeast Quarter of Section 31, the Southwest Quarter of Section 32; entire Section 6, the South half of the Southeast QUARTER, THE South east Quarter of the Southwest Quarter and the Northeast Quarter of the Southeast Quarter of Section 36;

Township 4 North of Range 38 East Boise Meridian, the Northeast Quarter of the Northeast Quarter of Section 1;

Containing a total irrigable area of approximately 2460 acres.

1 0235

FF. WOODVILLE CANAL CO

That the Woodville Canal Co (Woodville Canal Company) is en titled to divert and use the waters of Snake River in the amount of 1900 miner's inches with a prority date of January 22, 1916 (being the right recognized in the Woodville Decree)

Point of Diversion

3700 feet up stream from the South Quarter corner of Section 34, Tp. 2 North, Range 37 E.B.M. on the west bank of Snake River, in Bonneville County, Idaho

Lands to Which Appurtenant

East Half of the Southwest Quarter; East half of the North-west Quarter of the Southwest Quarter, Southeast Quarter of Section 7; Southwest quarter of Section 8 ; Southwest Quarter; South 100 rods of the West Half of the Northeast Quarter; West Half of the Southeast Quarter; Southeast Quarter of the South-east quarter Section 9; West Half of the Southwest Quarter Section 10, all of the foregoing described lands lying in Township one (1) North Range thirty seven (37) E.B.M. In Bonne-ville County, Idaho: North Half; North Half of the / Southwest Quarter; North Half of the Southeast Quarter, noɒth of Snake River, being approximately fifty acres; all in Sekction 16; North Half; North Half of the Southwest Quarter; all of the Southeast Quarter lying north of Snake River, being approximately 120 acres; all in Section 17; entire Section 18; West Half of Section 19; Southwest Quarter of Southwest Quarter of Section 29; Northwest Quarter of the Northwest Quarter: West Half of

MAY 1 9 19

Point of Diversion

Northeast Quarter of the Southeast Quarter of Section 10, Township 4 North, Range 39 E.B.M.

Lands to Which Appurtenant

Sections 3, 4, 9 and 10, all in Township 4 North, Range 39 E.B.M., all in Jefferson County, Idaho.

L. Dewey Fox 1 0308

That L. Dewey Fox shall have the right to divert and use 6.0 dubic feet of water per second at the following point of diversion and upon the following described lands:

Point of Diversion

Southeast Quarter of the Southeast Quarter of Section 36, Township 4 North, Range 40 E.B.M.

Lands to Which Appurtenant

SW¼SE¼ North of Eagle Rock Canal:
SE¼SW¼ North of Eagle Rock Canal:
Section 36, Township 4 North, Range 40 E.B.M.
Jefferson County, Idaho.

M. HARRISON CANAL & IRRIGATION CO. 1 0309

That Harrison Canal & Irrigation Co. shall have the right to divert and use 55.0 cubic feet of water persecond at the following point of diversion and upon the following described lands:

15-2

Point of Diversion

Northwest Quarter of the Southwest Quarter of Section 27, Township 4 North, Range 40 E.B.M.

Lands to Which Appurtenant

Section 30, Township 4 North, Range 40 E.B.M., Jefferson County, Idaho

Sections 24, 25, 36, 35, 34, 33, 32 and 31, Township 4 North Range 39 E.B.M., Jefferson County, Idaho;

Sections 33, 34, 35, and 36, Township 4 North, Range 38 E.B.M., Jefferson County, Idaho:

Sections 3, 4, 5, 6, 7, 8 and 9, Township 3 North, Range 39 E.B.M. Bonneville ,County, Idaho.

PROCESSED
MAY 13 1996

Southwest Quarter of the Northwest Quarter Section 32; Northeast Quarter of the Northeast Quarter; East half of Northwest Quarter of Northeast Quarter; North ten acres of the Southeast Quarter of the Northeast Quarter Section 31, all lying in Township one North of Range thirty seven East B.M. in Bingham County, Idaho; Northeast Quarter of Section 24, Township one North, Range 36 E.B.M. in Bingham County, Idaho.

III

That the following parties are entitled to divert and use pro rata, for irrigation and other purposes, the flood waters of the Snake River and its tributaries, in the amounts listed, all with the same priority date of April 1, 1939, which water shall be diverted at the points and be appurtenant to the lands described herein:

A. ABERDEEN-SPRINGFIELD C ANAL COMPANY 1 0287 T

That Aberdeen-Springfield Canal /Company shall have the right to divert and use 230.0 cubic feet of water per second at the following point of diversion and upon the following described lands:

Point of Diversion

Northwest Quarter of Section 34, Township 1 South Range 36 E.B.M.

Lands to /Which Appurtenant

Township 2 South, Range 33 E.B.M.

Section 35	$E\frac{1}{2}$	$W\frac{1}{2}$
Section 36	$E\frac{1}{2}$	$W\frac{1}{2}$

Township 2 South, Range 34 E.B.M.

Section 23	$W\frac{1}{2}$	
Section 27	$E\frac{1}{2}$	
Section 28	$W\frac{1}{2}$	
Section 29	$S\frac{1}{2}$	
Section 31	$E\frac{1}{2}$	$W\frac{1}{2}$
Section 32	$E\frac{1}{2}$	$W\frac{1}{2}$

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Sections 13, 14, 15, 9, 16, 17 and 20, Township 3 North, Range 38 E.B.M., Bonneville County, Idaho.

N. REBECCA HOLDEN 1 0310 Trans #2187

That Rebecca Holden shall have the right to divert and use 6.0 cubic feet of water per second at the following point of diversion and upon the following described lands:

Point of Diversion

Northwest Quarter of Section 35 and the Northeast Quarter of Section 36, Township 4 North, Range 37 E.B.M.

Lands to Which Appurtenant

Lots 6, 7 and 8, in Section 35, and Lot 4 in Section 36, Township 4 North, Range 37 E.B.M. Jefferson County, Idaho and Lot 7 of Section 2, Township 3 North, Range 37 E.B.M. in Bonneville County, Idaho.

O. WILLIAM S. HOLDEN 1 0311

That William S. Holden shall have the right to divert and use 8.0 cubic feet of water per second at the following point of diversion and upon the following described lands:

Point of Diversion

Southwest Quarter of the Southeast Quarter of Section 24 and in the Southwest Quarter of the Northwest Quarter of Section 25, all in Township 1 North Range 44 E.B.M.

Lands to Which Appurtenant

SW¼SE¼ less Road and Tract 2, Section 24, Township 1 N. North Range 44 E.B.M.

NW¼NE¼ and NE¼NW¼ lying east and south of Palisades Creek, Section 25, Township 1 North, Range 44 E.B.M.

SW¼NW¼ east of county road less Tracts 3, 5, and 6 Section 25, Township 1 North, Range 44 E.B.M.

SE¼NW¼ Section 25, Township 1 North, Range 44 E.B.M.

NE¼SE¼ Less 6.75 acres, SE¼NE¼ lying SE of County road Less Tract 1, Section 26, Township 1 North, Range 44 E.B.M., all in Bonneville County, Idaho.

P. IDAHO IRRIGATION DISTRICT 1 0312

MAY 1 3 1996

That Idaho Irrigation District shall have the right to divert and use 130.0 cubic feet of water per second at the following point of diversion and upon the following described lands:

Point of Diversion

Northwest Quarter of the Southwest Quarter of Section 36, Township 3 North, Rangd 37 E.B.M.

Lands to Which Appurtenant

Sections 1, 2, 11, 12, 13, 14, 23, 24, 25, 26, 34 and 35 Township 1 South, Range 37 E.B.M.

Sections 5, 6 7, 18 and 19, Township 1 /South, Range 38 E.B.M.

Sections 12, 13 and 24, Township 2 South, Range 37 E.B.M.

Sections 3, 4, 5, 7, 8, 9 18 and 19 Township 2 South Range 37 E.B.M.

Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 16, 21, 22, 23 24, 25, 26, 27, 28, 34, 35 and 36, Township 1 North Range 37 E.B.M.

Sections 3, 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, 21, 28 29, 30, 31, and 32, Township 1 North, Range 38 E.B.M.

Sections 25, 34, 35 and 36, Township 2 North, Range 37 E.B.M.

Sections 5, 6, 7, 8, 17, 20, 21, 28, 29, 30,31 32, and 33 and 34, Township 2 North, Range 38 E.B.M.

Sections 13, 24, 25 and 36, Township 3 North, Range 37 E.B.M.

Sections 19, 30 and 31, Township 3 North, Range 38 E.B.M.

All in Bonneville County and Bingham County, Idaho.

Q Carl Johnson 1 0313

That Carl Johnson shall have the right to divert and use 4.0 cubic feet of water per second at the following point of diversion and upon the following described lands:

Point of Diversion

Northwest Quarter of the Southeast Quarter of Section 8, Township 2 South, Range 36 E.B.M.

Lands to Which Appurtenant

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Lands located in Section 7, 12 and 13, Township 2 South Range 36, E.B.M. Bingham County, Idaho.

R. MARVIN M JACKSON 1 0314

That Marvin M. Jackson shall have the right to divert and use 5.0 cubic feet of water per second at the following point of diversion and upon the following described lands:

Point of Diversion

Northeast Quarter of the Northeast Quarter of Section 34, Township 5 North, Range 37 E.B.M.

Lands to Which Appurtenant

$N\frac{1}{2}N\frac{1}{2}$ Section 34, Township 5 North, Range 37 E.B.M. Jefferson County, Idaho.

S. LA BELLE IRRIGATION CO. 1 0315

That La Belle Irrigation Co. shall have the right to divert and use 30.0 cubic feet of water per second at the following point of diversion and upon the following described lands:

Point of Diversion

Southeast Quarter of the Southeast Quarter of Section 13, Township 4 North, Range 39 E.B.M.

Lands to Which Appurtenant

Sections 2, 3, 4, 10, 11 and 12, Township 4 North Range 39 E.B.M.

Sections 33 and 34, Township 5 North, Range 39 E.B.M.

All in Jefferson County, Idaho.

T. LIBERTY PARK IRRIGATION CO. 1 0316

That Liberty Park Irrigation Co. shall have the right to divert and use 20.0 cubic feet of water per second at the following point of diversion and upon the following described lands:

Point of Diversion

Southwest Quarter of the Southwest Quarter of Section 6, Township 4 North, Range 40 E.B.M.

Lands to Which Appurtenant

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Sections 1, 4, 5, 6, 7, 8, 9 , 10, 12, 14, 15, 16, 17, 18
20, 21, 22, 23, 26, 27 and 28, Township 5 North, Range 39 E.B.M.
Madison County, Idaho.

U. LONG ISLAND IRRIGATION CO.

1 0317

That Long Island Irrigation Co. . shall have the right to divert and use 35.0 cubic feet of water per second at the following point of diversion and upon the following described lands:

Point of Diversion

Northeast Quarter of the Southwest Quarter of Section 10, Township 4 North, Range 39 E.B.M.

Lands to /Which Appurtenant

Sections31, 32 and 33, Township 5 North, Range 39 E.B.M.

Sections 31, 32, 33, 34, 35 and 36, Township 5 North, Range 38 E.B.M.

Sections 2, 3, 4, 5 and 6, Township 4 North, Range 38 E.B.M.

Sections 35 and 36 Township 5 North, Range 37 E.B.M.

Sections 26, 27, 28, 29 and 30, Township 5 North, Range 38 E.B.M.

Section 2 Township 4 North, Range 37 E.B.M.

Sections 12, 13, 14, 23, 24, 25 and 26, Township 5 North Range 37 E.B.M.

Section 18, 19, 20, 21, 22 and 23, Township 5 North Range 38 E.B.M.

All in Jefferson County, Idaho;

V. ROBERT D. MACKAY 1 0318 ✓

That Robert D. Mackay shall have the right to divert and use 4.0 cubic feet of water per second at the following point of diversion and upon the following described lands;

Point of Diversion

Southwest Quarter of Section 23, Township 4 North,Range 40 E.B.M.

Lands to Which Appurtenant

Lot 3, $SW\frac{1}{4}SW\frac{1}{4}$, $SE\frac{1}{4}NW\frac{1}{4}$ Section 36, and Lot 4, Section 35, all in Township 4 North, Range 37 E.B.M.Jefferson County, Idaho.

W. JOHN L. NELSON, ADRIAN NELSON, ERVEN SCOTT, VELMA ANDERSON and LAURA ANDERSON 1 0319

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That John L. Nelson, Adrian Nelson, Erven Scott, Velma Anderson and Laura Anderson, shall have the right to divert and use 5.0 cubic feet of water per second at the following point of diversion and upon the following described lands:

Point of Diversion

Southwest Quarter of the Northwest Quarter of Section 35, Township 5 North, Range 39 E.B.M.

Lands to Which Appurtenant

Commencing at the Northwest corner of the Southwest Quarter of the Northwest Quarter of Section 27, Township 5 North, Range 39 E.B.M., in Madison County, Idaho, and running thence East 160 rods; thence South 51 rods; thence West bearing slightly North 97.1 rods, to a point 63 rods East of the West line of said Section; thence South 69.7 rods; thence West 63 rods; thence North 117 rods to the place of beginning, excepting therefrom the O.S.L. Railroad and the State Highway rights-of-way.

Also all of Lots 3 and 4 of Section 28, Township 5 North, Range 39 E.B.M., in Madison County, Idaho.

Also, the Northeast Quarter of the Northeast Quarter, the South Half of the Northeast Quarter, and the Northwest Quarter of the Southeast Quarter of Section 27, Township 5 North, Range 39 East, Boise Merdiain, In Madison County, Idaho.

Also, eommencing at a point 24 rods South of the Northwest corner of the Northeast Quarter of the Southeast Quarter of Section 27, Township 5 North, Range 39 East Boise Meredian, in Madison County, Idaho, and running thence South 56 rods· thence East 44 rods: thence following the meanderings of Bannock Jim Slough in a Northwesterly direction to the place of beginning, containing 6½ acres more or less.

All in Madison County, Idaho.

X. NEW SWEDEN IRRIGATION DISTRICT 1 0320

That New Sweden Irrigation District shall have the right to divert and use 220.0 cubic feet of water per second at the following point of diversion and upon the following described lands:

Point of Diversion

Southwest Quarter of the Southwest Quarter of Section 12, Township 3 North, Range 37 E.B.M., and in the Southwest Quarter of the Southwest Quarter of Section 1, Township 2 North, Range 37 E.B.M.

Lands to Which Appurtenant

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Sections 12, 13, 24, 25, 35 and 36 in Township 3 North, Range 37 E.B.M., lying west of the Snake River.

Sections 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 13, 14, 15, 16, 17 20, 21, 22, 23 , 24, 25, 26, 27, 28, 29, 32, 33 34 and 35 Township 2 North, Range 37 E.B.M., lying West of the Snake River.

Sections 4, 5, 6 , 7, 8, 9 and 30 in Township 1 North Range 37 E.B.M.

Section 1 , 12, 13, 24, 25, and 36 in Township 1 North, Range 36E.B.M.

Sections 1, 2, 11, 12, 13, 14, 22, 23, 24, 26, 27, 28, 31, 32 33 and 34 in Township 1 South Range 35 E.B.M., lying West of the Snake River

Sections 5 and 6, Township 2 South, Range 35 E.B.M.
All in Bonneville County and Bingham County, Idaho.

Y. MARVON M. NEWBY 1 0321

That Marvon M. Newby shall have the right to divert and use 6.0 cubic feet of water per second at the following point of diversion and upon the following described lands:

Point of Diversion

Northeast Quarter of the Southeast Quarter of Section 31, Township 4 North, Range 31 E.B.M.

Lands to Which Appurtenant

Lots 3, 4, 5 and 6, and the $SE\frac{1}{4}NE\frac{1}{4}$ of Section 31 Township 4 North, Range 41 E.B.M.

Lots 1 and 2 and $E\frac{1}{2}$ $NW\frac{1}{4}$ and $SW\frac{1}{4}NE\frac{1}{4}$ Section 31, Township 4 North, Range 41 E.B.M.

All in Jefferson County, Idaho.

Z. PROGRESSIVE IRRIGATION DISTRICT 1 0322

That Progressive Irrigation District shall have the right to divert and use 80.0 cubic feet of water per second at the following point of diversion and upon the following described lands:

Point of Diversion

Southwest Quarter of Section 31, Township 4 North, Range 41 E.B.M. and in the Southwest Quarter of Section 31, Township 3 North Range 41 E.B.M.

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Lands to Which Appurtenant

Sections 1 and 12, Township 2 North, Range 37 E.B.M.

Sections 1, 2, 3, 10,11, 12, 14, 15 16 and 22 Township 1 North Range 38 E.B.M.

Sections 1, 2, 3, 4, 5, 6,7, 8,9,10,11,12,13, 14, 15, 16, 17 21, 22, 23, 24, 25, 26 , 27, 34 35 and 36 Township 2 North Range 38 E.B.M.

Section 36, Township 3 North, Range 37 E.B.M.

Sections 19, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 20, 21 and 22, Township 3 North Range 38 E.B.M.

Sections 6, 7, 17,18,19,20,30,and 31, Township 2 North, Range 39 E.B.M.

Sections 16, 18, 19, 20, 29, 30 and 31, Township 3 North, Range 39 E.B.M.

Sections 1, 2 and 3, Township 3 North, Range 40 E.B.M.

All in Bonneville County, Idaho.

Sections 34, 35 and 36, Township 4 North, Range 40 E.B.M., Jefferson County, Idaho.

AA. REID CANAL CO 1 0323

That Reid Canal Co. shall have the right to divert and use 35.0 cubic feet of water per second at the following point of diversion and upon the following described lands:

Point of Diversion

Southwest Quarter of the Southwest Quarter of Section 6, Township 4 N. Range 40 E.B.M.

Lands to Which Appurtenant

Commencing at the diversion works from the South Fork of the Snake River in Section 6, Township 4 North, Range 40 E.B.M. The service area is bounded thusly; (1) on the East by the main canal from the division point in the Texas Slough Section 1, Township 4 North, Range 39 E.B.M., northly to the place of diversion of the Gilbert Ditch, thence on the east by that ditch and by the abrupt rise in the land, continuing to the point of intersection of the hills with the north line of Section 6, Township 5 North, Range 40 E.B.M. (2) on the north by the north line of Section 6, Township 5 North, Range 39 E.B.M., to its point of intersection with the south branch of the Rexburg Can thence

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westerly along this branch to the point of intersection of that branch with the Texas Slough Canal in Section 2, Township 5 North, Range 39 E.B.M.; (3) thence southerly to the intersection of the Texas Slough Canal with the road that is about one-quarter mile north of the south line of Section 10, Township 5 North, Range 39 E.B.M.; (4) thence Westerly along that road to its point of intersection with the Texas Slough; (5) thence southerly along Texas Slough to the point of intersection of the east line of Section 22, Township 5 North, Range 39 E.B.M.; (6) thence south along the east lines of Sections 22 and 27 to the point of intersection with Bannock Jim Slough and thence easterly and southerly along that slough to its intersection with the Lorenzo Road; (7) thence easterly along Lorenzo Road to the road intersection in the Southwest Quarter of Section 26, thence south about one-quarter mile to the south line of said Section 26, thence easterly about one-quarter mile along a private road and continuing along this private road easterly and southerly to a point due west of the diversion of the Liberty Park Canal from Texas Slough. [illegible] point of ~~(8)~~ thence easterly along Texas Slough to its point of intersection with the west line of the East Half of the East Half of Section 35 Township 5 North, Range 39 E.B.M.; (9) thence south along this west line to the point of contact with the levee, thence easterly along the levee and along Texas Slough to the point of beginning, Madison County, Idaho.

BB. RIVERSIDE DITCH CO. 1 0324

That Riverside Ditch Co. shall have the right to divert and use 50.0 cubic feet of water per second at the following point of diversion and upon the following described lands;

Point of Diversion

Southeast Quarter of the Southeast Quarter of Section 12, Township 2 South, Range 35 E.B.M.

Lands to Which Appurtenant

Sections 13, 24, 23, 22, 21, 20, 19, 30, 29, 28, 27, 33 and 32, Township 2 South, Range 35 E.B.M.

Sections 24 and 25, Township 2 South Range 34 E.B.M.

All in Bingham County, Idaho.

CC. SAM SAKAGUCHI 1 0325

That Sam Sakaguchi shall have the right to divert and use 2[illegible]0 cubic feet of water per second at the following point of diversion and upon the following described lands:

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Point of Diversion

Northwest Quarter of the Northeast Quarter of Section 2, Township 3 North, Range 37 E.B.M.

Lands to Which Appurtenant

All that portion of Section 2, Section 11 and Section 12 of Township 3 North, Range 37 E.B.M., lying east of the Union Pacific Railroad Right-of-way and west of the Great Western Canal, Bonneville County, Idaho.

DD R. DUWAYNE SCOTT 1 0326

That R. Duwayne Scott shall have the right to divert and use 9.0 cubic feet of water per second at the following point of diversion and upon the following described lands:

Point of Diversion

Southwest Quarter of the Southwest Quarter of Section 27, Township 4 North, Range 40 E.B.M.

Lands to Which Appurtenant

Part of the Northwest Quarter, lying South of the South bank of Great Feeder Canal, Section 28, Township 4 North, Range 40 E.B.M.

Northwest Quarter of the Southwest Quarter ($NW\frac{1}{4}SW\frac{1}{4}$) of Section 28 Township 4 North, Range 40 E.B.M.

South Half of the Northwest Quarter ($S\frac{1}{2}NW\frac{1}{4}$) and the North Half of the Southeast Quarter ($N\frac{1}{2}SE\frac{1}{4}$) of Section 29 Township 4 North Range 40 E.B.M.

Part of the Northeast Quarter of the Southwest Quarter ($NE\frac{1}{4}SW\frac{1}{4}$) of Section 29, Township 4 North, Range 40 E.B.M.

All in Jefferson County, Idaho.

EE. SHATTUCK IRRIGATION CO. 1 0327

That Shattuck Irrigation Co. shall have the right to divert and use 16.0 cubic feet of water per second at the following point of diversion and upon the following described lands:

Point of Diversion

Northeast Quarter of Section 35, Township 4 North, Range 37 E.B.M.

Lands to Which Appurtenant

Section 14, 11, 23, and 26, Township 3 North, Range 37 E.B.M. Bonneville County, Idaho.

FF. SNAKE RIVER VALLEY IRRIGATION DISTRICT

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That Snake River Valley Irrigation District shall have the right to divert and use 100.0 cubic feet of water per second at the following point of diversion and upon the following described lands:

Point of Diversion

Southwest Quarter of the Southwest Quarter of Section 35, Township 2 North, Range 37 E.B.M.

Lands to Which Appurtenant

Sections 16, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32, 33, and 34 Township 1 North, Range 37 E.B.M.

Section 36, Township 1 North, Range 36, E.B.M.

Sections 2, 3, 4, 5, 6, 7, 8, 9 , 10, 11, 14, 15, 16, 17, 18, 19 20, 21, 22, 27, 28, 29, 30, 31, 32, 33 and 34 Township 1 South Range 37 E.B.M.

Sections 4, 5, and 6, Township 2South Range 37 E.B.M.

Sections 24, 25, 36 and 36 Township 1 South, Range 36 E.B.M.

Sections 1, 2, 3, 4, 10, 11 and 12, Township 2 South Range 36 E.B.M.

All in Bingham County and Bonneville County, Idaho.

GG. TEXAS SLOUGH IRRIGATING CANAL CO. 1 0329

That Texas Slough Irrigating Canal Co. shall have the right to divert and use 20.0 cubic feet of water per second at the following point of diversion and upon the following described lands;

Point of Diversion

Southeast Quarter of the Northwest Quarter of Section 15, Township 5 North, Range 39 E.B.M., and in the Northeast Quarter of the Southeast Quarter of Section 35, Township 5 North, Range 39 E.B.M.

Lands to Which Appurtenant

Sections 3, 4, 6, 9, 10, 11 and 15, Township 5 North, Range 39 E.B.M.

Sections 29, 36, 31, 32, 33 and 34, Township 6 North, Range 39 E.B.M.

All in Madison County, Idaho.

HH. UTAH-IDAHO SUGAR CO. 1 0330

That the Utah-Idaho Sugar Co. shall have the right to divert and use 21.0 cubic feet of water per second at the following point of diversion and upon the following described lands:

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Point of Diversion

Southeast Quarter of the Southwest Quarter of Section 35, Township 4 North, Range 37 E.B.M., and in the Southeast Quarter of the Northeast Quarter of Section 26, Township 1 North, Range 36. E.B.M.

Lands to which Appurtenant

Sections 3, 4, 9, 10, 16, 21, 22, 27, 28, 33 and 34, Township 3 North, Range 37 E.B.M., Bonneville County, Idaho.

Sections 22, 23, 24, 25, 26, 27, 35 and 36 Township 1 North, Range 36, E.B.M. B ingham County, Idaho.

II. WEST LABELLE IRRIGATION CO. 1 0331

That West LaBelle Irrigation Co. shall have the right to divert and use 35.0 cubic feet of water per second at the following point of diversion and upon the following described lands;

Point of Diversion

Northeast Quarter of the Northeast Quarter of Section 9, Township 4 North, Range 39 E.B.M.

Lands to Which Appurtenant

Sections 9, 4, 5, and 6, Township 4 North, Range 39 E.B.M.

Sections 31 and 32, Township 5 North, Range 39 E.B.M.

Section 1, Township 4 North, Range 38 E.B.M.

Section 36, Township 5 North, Range 38 E.B.M.

All in Jefferson County, Idaho.

~~1 0332~~ 22-0657

JJ. GEORGE BAUER, BENJAMIN STEWART, ANDREW STEWART ANNIE WRIGHT, BOYD HOLLIST and ALICE P. BIRCH operating as STEWART CANAL

That George Bauer, Benjamin Stewart, Andrew Stewart, Annie Wright, Boyd Hollist and Alice P. Birch, operating as Stewart Canal, shall have the right to divert and use 30.0 cubic feet of water per second at the following point of diversion and upon the following described lands:

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point of Diversion

Northeast Quarter of the Southeast Quarter of Section 30, Township 7 North, Range 41 E.B .M.

Lands to Which Appurtenant

SW¼, SW¼SE¼ of Section 25: Tax No. 4, Section 25, Tax No. 3 Section 25: North 40 rods of SE¼ of Section 25, Tax No. 5 of Section 25, all in Township 7 North, Range 40 E.B.M. Fremont County, Idaho.

Lot 4, SE¼SW¼ of Section 30, Township 7 North, Range 41 E.B.M. Fremont County, Idaho.

KK. CONSOLIDATED FARMERS CANAL COMPANY 1 0333

That Consolidated Farmers Canal Company shall have the right to divert and use 70.0 cubic feet of water per second at the following point of diversion and upon the following described lands:

Point of Diversion

Northeast Quarter of Section 10, Township 7 North, /Range 40 E.B.M., Fremont County, Idaho.

Lands to Which Appurtenant

Sections 1, 2, 3, 9 10, 11 and 17 Township 7 North, Range 39 E.B.M. Fremont County, Idaho

Sections 24, 25, 34, 35 and 36, Township 7 North, Range 39 E.B.M. Fremont County, Idaho.

Sections 16, 19, 20, 29 and 30, Township 7 North, Range 40 E.B.M. Fremont County, Idaho

Section 31, Township 7 North, Range 40 E.B.M. Madison County, Idaho.

LL. EGIN IRRIGATING CO. 1 0334

That Egin Irrigating Co. shall have the right to divert and use 23.0 cubic feet of water per second at the following point of diversion and upon the following described lands:

Point of Diversion

Southwest Quarter of the Northeast Quarter of Section 1, Township 7 North, Range 40 E.B.M.

Lands to Which Appurtenant

Section 2, 3, 4, 5, 6, 7, 8, 9, 10 and 18, Township 7 North Range 40 E.B.M.

Section 1, 10, 11, 12, 13, 14, 15, 16, 21, 22, 27, 28, 32 and 33 Township 7 North, Range 39 E.B.M.

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All in Fremont County and Madison County, Idaho.

~~1 0335~~ 21-0165

MM. ENTERPRISE IRRIGATION DISTRICT

That Enterprise Irrigation District shall have the right to divert and use 29.0 cubic feet of water per second at the following point of diversion and upon the following described lands:

Point of Diversion

Southwest Quarter of Section 22,Township 8 North, Range 42 E.B.M.

Lands to Which Appurtenant

Sections 14, 22, 23, 24, 26, 27, 28, 33 and 34, Township 7 North, Range 41 E.B.M., Fremont County, Idaho.

Sections 3, 4, 7, 8, 9, 10, 16, 17 and 18, Township 6 North, Range 41 E.B.M., Madison County, Idaho.

NN. FALL RIVER IRRIGATION CO. ~~1 0336~~ T. #2351 21-0166

That Fall River Irrigation Co. shall have the right to divert and use 32.0 cubic feet of water per second at the following point of diversion and upon the following described lands:

Point of Diversion

Southeast Quarter of Section 20, Township 8 North, Range 42 E.B.M.

Lands to Which Appurtenant

Sections 2, 3, 4, 5, 8, 9 , 10, 15, 16, 17, 18, 19, 20, 21, 25, and 28 Township 7 North , Range 41 E.B.M. Fremont County, Idaho.

Sections 26, 27, 30, 32, 33, 34 and 35, Township 8 North, Range 41 E.B.M. Fremont County, Idaho.

Sections 19, 26, and 30, Township 8 North, Range 42 E.B.M. Fremont County, Idaho.

Section 22, Township 9 N orth, Range 44 E.B.M., Fremont County,Idaho.

~~OO~~. FARMERS FRIEND CANAL CO. 1 0337

That Farmers Friend Canal Co. shall have the right to divert and use 9.0 cubic feet of water per second at the following point of diversion and upon the following described lands:

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Point of Diversion

Northeast Quarter of Section 33, Township 8 North, Range 41 E.B.M.

Lands to Which Appurtenant

Sections 6, 7, 8, 18 and 19, Township 7 North, Range 41 E.B.M.

Sections 13, 22, 23, 24, 26 and 27, Township 7 North, Range 40 E.B.M.

All in Fremont County, Idaho.

PP. FARMERS OWN DITCH CO. ~~1 0338~~ 21-0167

That Farmers Own Ditch Co. shall have the right to divert and use 12.0 cubic feet of water per second at the following point of diversion and upon the following described lands:

Point of Diversion

Southeast Quarter of Section 35, Township 9 North, Range 43 E.B.M. Fremont County, Idaho.

Lands to Which Appurtenant

Sections 1 through 11, Township 8 North, Range 42, E.B.M.: Sections 22, 23, and 26, Township 8 North, Range 42 E.B.M.: Sections 22, through 28, Township 9 North, Range 42 E.B.M.; Sections 33, 34, 35 and 36, Township 9 North, Range 42 E.B.M. Sections 6 through 14, Township 8 North, Range 42 E.B.M.; Sections 31, 32, 33 and 34, Township 9 North, Range 43 E.B.M., all in Fremont County, Idaho.

QQ AL FRAZIER 1 0339

That Al Frazier shall have the right to divert and use 2.0 cubic feet of water per second at the following point of diversion and upon the following described lands:

Point of Diversion

Northwest Quarter of the Northwest Quarter of Section 31, Township 15 North, Range 44 E.B.M., Fremont County, Idaho.

Lands to Which Appurtenant

$S\frac{1}{2}NW\frac{1}{4}NW\frac{1}{4}$ and $SW\frac{1}{4}NW\frac{1}{4}$ and $NW\frac{1}{4}SW\frac{1}{4}$ and $SW\frac{1}{4}SW\frac{1}{4}$ of Section 31, Township 15 North, Range 44 E.B.M., in Fremont County, Idaho.

RR. D. V. HAGENBARTH 1 0340

That D. V. Hagenbarth shall have the right to divert and use 6.0 cubic feet of water per second at the following point of diversion and upon the following described lands:

Point of Diversion

Southwest Quarter of the Southeast Quarter of Section 36, Township 14 North, Range 42 E.B.M., and in Section 1, Township 13 North, Range 40 E.B.M.

Lands to Which Appurtenant

SW¼NW¼, N½SW¼, SE¼SW¼ and SW¼SE¼ of Section 6, Township 13 North, Range 42 E.B.M. Fremont County, Idaho

E½SE¼, NW¼SE¼, E½SW¼, SW¼SW¼ of Section 11, Township 13 North, Range 40 E.B.M., Clark County, Idaho

SS. INDPENEDENT CANAL CO. LTD. 1 0311

That Independent Canal Co. Ltd., shall have the right to divert and use 35.0 cubic feet of water per second at the following point of diversion and upon the following described lands:

Point of Diversion

Southeast Quarter of the Southeast Quarter of Section 2, Township 7 North, Range 40 E.B.M.,

Lands to Which Appurtenant

Sections 2, 7, 8, 9, 10, 11, 16, 17, 18 and 19, Township 7 North, Range 40 E.B.M.

Sections 13, 14, 15, 16, 17, 19, 20, 21, 22, 23, 27, 28 29, 30, 31, 32 and 33, Township 7 North, Range 39 E.B.M.

Sections 5, 6, 7, 8, 13, 17 and 18, Township 6 North Range 39 E.B.M.

All in Fremont and Madison Counties, Idaho.

TT. RALPH D. MILLER ~~1 0312~~ 21-0173

That Ralph D. Miller shall have the right to divert and use 6.0 cubic feet of water per second at the following point of diversion and upon the following described lands:

Point of Diversion

Southwest Quarter of Section 21, Township 8 North, Range 42 E.B.M.

Lands to Which Appurtenant

Northwest Quarter :(NW¼) south of Railroad, Section 20, Township 8 North, Range 42 E.B.M.

Lot 4 and the Northeast Quarter of the Southwest Quarter (NE¼SW¼) less Tax # 1 Section 20, Township 8 North, Range 42 E.B.M.

All in Fremont County, Idaho.

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All in Fremont County, Idaho.

~~1 0313~~ 22-0658

UU. PINCOCK-BYINGTON CANAL CO.

That Pincock-Byington Canal Co. shall have the right to divert and use 38.0 cubic feet of water per second at the following point of diversion and upon the following described lands;

Point of Diversion

Northeast Quarter of Section 36, Township 7 North, Range 40 E.B.M.

Lands to Which Appurtenant

Section 35, Township 7 North, Range 40 E.B.M., Madison County, Idaho; and Section 36, Township 7 North, Range 40 E.B.M., Fremont County, Idaho.

VV. PINCOCK-GARNER DITCH COMPANY ~~1 0314~~ 22-0659

That Pincock-Garner Ditch Company shall have the right to divert and use 4.0 cubic feet of water per second at the following point of diversion and upon the following described lands:

Point of Diversion

Northeast Quarter of Section 36, Township 7 North, Range 40 E.B.M., Madison County, Idaho.

Lands to Which Appurtenant

Section 34, Township 7 , N. Range 40 E.B.M., Madison County, Idaho.

WW. D. F. RICHARDS 1 0315

That D. F. Richards shall have the right to divert and use 10.0 cubic feet of water per second at the following point of diversion and upon the following described lands:

Point of Diversion

Section 36, Township 15, North, Range 43 E.B.M.

Lands to Which Appurtenant

$N\frac{1}{2}$ of the $SE\frac{1}{4}$ and $E\frac{1}{2}$ of $SW\frac{1}{4}$, Section 1, Township 14 North, Range 43 E.B.M., Fremont County, Idaho.

$E\frac{1}{2}$ East of old Highway in Section 2, Township 14 North Range 43 E.B.M., Fremont County, Idaho.

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NE¼NE¼ of Section 12, Township 14 North, Range 43 E.B.M. Fremont County, Idaho.

W½NW¼ and the SW¼ of Section 6, Township 14 North, Range 44 E.B.M., Fremont County, Idaho

E½ and the E½ of the W½ of Lot 9, Section 7, Township 14 North, Range 44 E.B.M., Fremont County, Idaho.

Lots 2 and 3, Section 8, Township 14 North, Range 44 E.B.M., Fremont County, Idaho.

Lots 1, 2, 3, and 4 Section 17, Township 14 North Range 44 E.B.M., Fremont County, Idaho.

Lots 1, 2 and 3 Section 18, Township 14 North, Range 44 E.B.M., Fremont County, Idaho.

SE¼NW¼ and E½ SW¼ and SE¼ and S½ NE¼ West of Highway Section 11, Township 15 North, Range 43 E.B.M., Fremont County, Idaho.

S½SW¼ less Highway and SW¼NW¼ West of Highway, Section 12, Township 15 North, Range 43 E.B.M. Fremont County,Idaho.

N½NW¼, Section 13, Township 15 North, Range 43 E.B.M. Fremont County, Idaho.

NE¼ and the E½NW¼ of Section 14, Township 15 North Rahge 43 E.B.M., Fremont County, Idaho

XX. SALEM UNION CANAL CO 1 0346 T. 2316

That Salem Union Canal /Co. shall have the right to divert and use 15.0 cubic feet ofwater per second at the following point of diversion and upon the following described lands:

Point of Diversion

Northwest Quarter of Section 11, Township 7 North, Range 40 E.B.M.

Lands to Which Appurtenant

Sections 11, 14, 15, 16, 21, 22, 27, 28, 29, 31, 32, 33 and 34, Township 7 North, Range 40 E.B.M. all in Fremont County, and Madison County, Idaho

YY. ST. ANTHONY UNION CANAL CO. 1 0347

That St. Anthony Union Canal /Co. shall have the right to divert and use 24.0 cubic feet of water per second at the following point of diverson and upon the following described lands:

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Point of Diversion

Northeast Quarter of the Northwest Quarter of Section 33, Township 8 North, Range 41 E.B.M., Fremont County, Idaho.

Lands to Which Appurtenant

Sections 1, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 22, 23, 29 30, 31 and 32, Township 7 North, Range 39 E.B.M.

Section 27, Township 8 North, Range 39 E.B.M.

Sections 5, 6, 7 and 8, Township 6 North Range 39 E.B.M.

Sections 2, 5, 8, 9, 18 and 22,Township 7 North, Range 40 E.B.M.

Sections 27, 28, 29, 31, 32, 33, 34, 35 and 36, Township 8 North, Range 40 E.B.M.

Section 25 and 26, Township 6 North, Range 38 E.B.M.

All of the above property located in Fremont and Madison Counties,Idaho.

ZZSAUREY-SOMMER DITCH by LEROY SAUREY ~~1 0318~~ 22-06 60

That Saurey-Sommer Ditch by LeRoy Saurey shall have the right to divert and use 9.0 cubic feet of water per second at the following point of diverson and upon the following described lands:

Point of Diversion

Southeast Quarter of the Southeast Quarter of Section 35, Township 7 Range 39 E.B.M., Madison County, Idaho.

Lands to Which Appurtenant

Lots 1 and 2, Section 3, Township 6 North, Range 39 E.B.M.; W½ of Lot 3, Lot 4, in Section 2, Township 6 North, Range 39 E.B.M.; Lot 5 E½SE¼ less Tax 8, Section 34, Township 7 North, Range 39 E.B.M. E½NW¼, W½NE¼ Tax 16, E½SW¼SW¼, SE¼SW¼ Tax 18, Section 35, Township 7 North Range 39 E.B.M., all in Madison County, Idaho.

AAA TETON IRRIGATION & MFG. COMPANY ~~1 0319~~ 22-0672

That Teton Irrigation & Mfg. Company shall have the right to divert and use 9.0 cubic feet of water per second at the following point of diversion and upon the following described lands:

Point of Diversion

Southwest Quarter of the Northwest Quarter of Section 28, Township 7 North, Range 41 E.B.M.

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Lands to Which Appurtenant

Sections 1, 2, 11, 12 and 13, Township 6 North, Range 40 E.B.M., Fremont County, Idaho.

Sections 6 and 7, Township 6 North, Range 41 E.B.M. Fremont County, Idaho.

Sections 29, 30, 31, 32 and 36, Township 7 North Range 41 E.B.M. Fremont County, Idaho

BBB WILFORD IRRIGATION & MFG CO. ~~1 0550~~ 22-0673

That Wilford Irrigation & Mfg. Co. shall have the right to divert and use 50.0 cubic feet of water per second at the following point of diversion and upon the following described lands:

Point of Diversion

Northeast Quarter of Section 28, Township 7 North, Range 41 E.B.M. Fremont County, Idaho.

Lands to Which Appurtenant

SW¼SE¼ and W½SE¼SE¼ of Section 23; N½SE¼ of Section 27, and all of Section 26, Township 7 North, Range 40 E. B.M. Fremont County, Idaho.

S½ of Section 24; NW¼ of Section 25; N½NE¼ of Section 25, Township 7 North, Range 40 E.B.M. Fremont, County, Idaho.

S½ of Section 19; S½ of Section 20; N½ of Section 30; NW¼W½NE¼ of Section 29, Township 7 North, Range 41 E.B.M. Fremont County, Idaho.

IV

That the contracts entered into between various of the parties plaintiff, and others, and the United States of America, Bureau of Reclamation, as the same have been amended and modified, in connection with the Palisades project and other projects, were intended to be, and are, binding upon all persons claiming rights to the use of the waters of the Snake River and its tributaries, above Milner Dam, and constitute a common plan for administering the operation of the Snake River.

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V.

That the following provisions of the Palisades contract, as amended, which provisions are common to each amended contract entered into between various of the parties plaintiff, ,and others, and the United states of America, Bureau of Reclamation, are hereby ratified, confirmed and approved.

(a) The provisions relating to "Saving of Winter Water; Special Storage Right." a copy of a typical example of such a common paragraph is attached hereto as Exhibit A and by this reference is made a part hereof, as though set out in full herein;

(b) The provisions relating to "Permanent Exchange of the American Falls and Jackson Lake Storage Rights and Redefinition of Storage Rights." a copy of a typical example of such a common paragraph is attached hereto as Exhibit B and by this reference is made a part hereof as though set out in full herein;

(c) The provisions relating to "Temporary Storage and Exchange of Water; Release of Jackson Lake and Palisades for Power Production." A copy of a typical example of such a common paragraph is attached hereto as Exhibit C and by this reference is made a part hereof as though set out in full herein.

(d) The provisions relating to "Priority of Certain Existing and Future Water Rights." a copy of a typical example of such a common paragraph is attached hereto as Exhibit D and by this reference is made a part hereof as though set out in full herein.

VI

That the pertinent paragraphs of the Palisades contract entered into by the United States of America, Bureau of Reclamation, and the Minidoka Irrigation District, the contents of which paragraphs were

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confirmed by all other parties plaintiff in amendatory and supplemental contracts, a copy of which pertinent Paragraphs is attached hereto as Exhibit E and by this reference is made a part hereof as though set out in full herein, is hereby ratified, confirmed and approved.

VII

That the Memorandum of AGreement between the Bureau of Reclamation and the Bureau of Indian Affairs, a copy of the pertinent provisions of which is attached hereto as Exhibit F and by this reference is made a part hereof as though set out in full herein, is hereby ratified, confirmed and approved.

Done this 12th day of March, 1969

/s/ Willard C. Burton
District Judge

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Excerpt from United States Department of the Interior, Bureau of Recelamation, Minidoka and Palisddes Projects, Idaho, Contract No. 14-06-100-1840 with the Parsons Ditch Company (Limited).

Saving of Winter Water: Special Storage Right

11. (a) Beginning with the date announced by the Secretary as the time when Palisades Reservoir will be ready for operation as provided in article 6, 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 diversion 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 Company, not partaking in the winter water savings program, shall be entitled to no storage in Palisades Reservoir 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 Company that are junior to the AMerican Falls rights. The Company 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

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substantially as provided in (a) of this article within these maxims as to total 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 Company also hereby consents to permitting the North Side Canal Company, Limited 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:

The rights of the North Side Canal Company, Limited, 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 Limited ..... 126,000 acre-feet

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

within this limitation:

If, taking acount 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, Limited 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.

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This limitation in the case of the North Side Canal Company, Limited

shall become operative from the date Palisades Reservoir is ready for operation, but in the case of the Twin Falls Canal Company need not be made operative until the first year in which that company exercises the special storage provision to which consent is here given.

Excerpt from United States Department of the Interior, Bureau of Reclamation, Minidoka and Palisades Projects, Idaho, Contract No. 14-06-W-23 with the Trego Ditch Company.

Provisions Relating to Exchange and Redefinition of Existing American Falls and Jackson Lake Storage Rights; Winter Power Operations at the Minidoka Powerplant
Articles 18 through 23)

Permanent Exchange of American Falls and Jackson Lake Storage Rights

18. (a) The United States will operate and maintain the existing Jackson Lake Dam and Reservoir and, beginning October 1, 1952, will make available to the Company stored water accruing to three thousand eight hundred eighty-five ten thousandths per cent (0.3885%) of the active capacity of that reservoir below elevation 6752 feet above sea level (U.S.G.S. datum), herein referred to as elevation 6752, within the limits and on the terms and conditions provided in this contract. This percentage shall, so long as the reservoir has a total active capacity of 847,000 acre-feet, be treated as the equivalent of 1,701 acre-feet of the active capacity below elevation 6752. 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.

(b) The amount of active capacity defined in (a) of this article comprises the 1,701 acre-feet of capacity made available by permanent exchange as provided in (c) of this article.

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(c) The Company, as indicated by (b) of article 6, is entitled to the use of a total of 2,072 acre-feet of the active capacity in American Falls Reservoir, of which 1, 701 acre-feet are available for permanent exchange. The United States, as of the date of this contract, operates and maintains for the benefit of the South Side Pumping and Gravity divsiolns of the Minidoka Project and for the North Side Canal Company, the following rights to capacity in Jackson Lake Reservoir below elevation 6752:

Minidoka Project	325,810,	acre-feet
North Side Canal Company ...	10,000	acre-feet

In order to assist in effecting the permanent exchange of these Jackson Lake rights for an equivalent amount of space in American Falls Reservoir, beginning October 1, 1952, there is hereby available to the Company 1,701 acre-feet of active capacity in Jackson Lake Reservoir below elevation 6752, within the limits and on the terms and conditions provided in this contract, this being in lieu of an equivalent amount of American Falls storage capacity.

Guarantee in Event Minidoka Exchanged Space Fails to Fill

19. Under the provisions of article 18 above and similar provisions in contract with other holders of storage rights in American Falls Reservoir, holders of storage rights in American Falls Reservoir will have acquired in lieu of those rights seventy-six and seven tenths per cent (76.7%) of the total active capacity in Jackson Lake Reservoir below elevation 6752 as of October 1, 1952, these rights in Jackson Lake Reservoir being hereinafter called the Upper valley exchanged space; and nineteen and seventy-five hundredths per cent (19.75%) of the active space in American Falls Reservoir will be held for the South Side Pumping and Gravity divisions of the Minidoka Project (nineteen and sixteen hundredths per cent (19.16%) and the North Side

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Canal Company (fifty-nine hundredths per cent (0.59%) these rights being hereinafter called collectively the lower valley exchanged space. The seventy=six and seven tenths per cent (76.7%) in Jackson Lake below elevation 6752 and the nineteen and seventy=five hundredths per cent (19.75%) in American Falls shall, so long as the respective total active capacities are not less than 847,000 and 1,700,000 acre-feet, be treated as the equivalent of 335,810 acre-feet. The latter figure may, however, be adjusted from time to time by agreement between the Secretary and the Advisory Co mmittee whenever there are determinations that the active capacity is other than above stated. Beginning with the 1952=1953 storage season, there shall be a determination, at the end of each storage season in which the lower valley exchanged space fails to fill, taking carryover storage into account, (1) of the amount by which the American Falls storable inflow to which the lower valley exchanged space was entitled during that season failed to fill that space; and (2) of the amount, if any, by which the Jackson Lake storable inflow to which the upper valley exchanged space was entitled during that season failed to fill that exchanged space. If the amount under (1) exceeds that under (2), there shall be credited to the lower valley exchanged space and charged to the upper valley exchanged space an amount of stored water equal to the difference, but not in excess of the amount required to fill the lower valley exchanged space as of the end of that storage season. The determinations under this article shall be made by a committee of three comprising the state watermaster of District No. 36, a representative to be selected jointly by the Burley and Minidoka irrigation districts and the North Side Canal Company, and the officer of the United States in charge of the Minidoka Project.

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Redefinition of Jackson Lake Storage Rights

20. (a) Beginning with the 1952-1953 storage season, the United States will operate Jackson Lake Reservoir so as to hold over, in any space available in the reservoir, from one irrigation season to the next for use in that next season, stored water to which any holder of space in the reservoir is entitled, but the total amount of stored water which will be held for the use of any holder of space during any irrigation season shall not exceed the space available to that holder.

The United States shall, however, in its operation of the reservoir have the right, after consultation with the Advisory Committee, to lower the water surface elevation in Jackson Lake in each storage season in order to avoid damage to the dam during winter weather, and to provide incidental flood control, but, except in case of operation and maintenance emergencies, such release of water shall not result in loss of storable water in that storage season. If losses do result, these shall be prorated equally over all space in the reservoir and shall be charged against stored water including that, if any, carried over from prior irrigation seasons. Determination of the relative rights of the various holders of space in the reservoir to reservoir inflow during each storage season shall, however, continue to be on the basis of the difference in priorities for the storage of water held by the United States for the capacity below elevation 6752 and those held for the capacity above that elevation.

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(b) Stored water available under the rights in Jackson Lake Reservoir as defined in this article shall be available for delivery to the /Company during any irrigation season within these limitations:

(1) Except in cases of emergency, deliveries shall be limited to periods when the Company's natural flow rights and rights to water stored in reservoirs downstream from Jackson Lake Reservoir are not sufficient to meet the Company's irrigation water requirements.

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

EXHIBIT "B"

Excerpt from United States Department of the Interior, Bureau of Reclamation, Minidoka and Palisades Projects, Idaho, Contract No. 14-06-100-1840 with the Parsons Ditch Company (Limited)

Provisions of General Application to All Rights Established or Defined by This Contract

Articles 14 through 40)

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

14. (a) It is the purpose of the United States and the water users having storage rights in the reservoir system (including the Company) 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 water master 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 Company 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 Falls, Palisades and Jackson Lake reservoir 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 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.

EXHIBIT C

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Excerpt from United States Department of the Interior, Bureau of Reclamation, Minidoka and Palisades Projects, Idaho, Contract No. 14-06-100-1840 with the Parsons Ditch Company (Limited).

Priority of Certain Existing and Future Water Rights

23. (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, Notwthstanding the later priority of license No. R-686, the Company 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 rights 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 (1/2) to American Falls Reservoir District No. 2 and one half (1/2) 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 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

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a to be available to American Falls Reserv oir District No. 2 as above provided, to be available for storage in American Falls Reservoir.

And the Company 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 forego ing criteria. The contract by the United States with American Falls Reservoir District No. 2 shall be on the condition, however, that the district assume its proportionate share of the obligation for the cost of replacement power under the provisions of article 13. When the contract has become operative, the United States 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, 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, 19 21.

(c) If the United States, under the Feddral 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 Company hereby agrees that, notwithstanding the estab lishment 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

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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.

(end of) EXHIBIT D

Excerpt from United States, Department of the Interior, Bureau of Reclamation, Contract with Minidoka Irrigation District Concrning Storage Capacity in American Falls, Jackson Lake and Palisades Reservoirs, and Related Matters; Contract No. 14-06-100-1833

PROVISIONS RELATING TO REDEFINITION OF EXISTING JACKSON LAKE STORAGE RIGHTS AND ANNUAL EXCHANGES THEREOF: HOLDOVER RIGHTS AND RIGHTS TO RELEASE OF WATER AND RELATED MATTERS: OPERATION AND MAINTENANCE OBLIGATIONS-- JACKSON LAKE: WINTER POWER OPERATION: MINIDOKA POWERPLANT
(Articles 21 through 24)

REDEFINITION OF JACKSON LAKE STORAGE RIGHTS OF DISTRICT AND WATER USERS COMING WITHIN ITS JURISDICTION: AND ANNUAL EXCHANGES THEREOF

21. (a) The United States will continue to operate and maintain the existing Jackson Lake Reservoir and, beginning October 1, 1958 will make available to the District stored water accruing to 42.49% of the active capacity of that reservoir below elevation 6752, within the limits and on the terms and conditions provided in this contract. This percentage shall, so long as the reservoir has a total active capacity of 847,000 acre-feet, be treated as the equivalent of one hundred eighty-six thousand thirty (186,030) acre-feet of active capacity below elevation 6752. 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.

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(b) After the District's irrigation season commences in any calendar year, as determined by the Watermaster, the District shall have the right to effect annual exchanges of water out of stored water that

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is exchangeable, not to exceed the extent of the District's use of Jackson Lake stored water in that year, if requested by written notice within 60 days after the commencement of the District's irrigation season in that calendar year. Any such exchanges shall be made out of water stored to the credit of upper valley water users in American Falls Reservoir or out of any water in that reservoir that is available for exchange. To the extent that there is water to effect such exchanges, they shall be effected without charge for transmission losses between Jackson Lake and American Falls Reservoir. The request for such exchanges made by the District shall be directed in writing to the officer in charge of the Minidoka Project and the Watermaster and those officers shall forthwith initiate and carry through the exchanges within the limits herein stated.

HOLDOVER RIGHTS AND RIGHTS TO RELEASE OF WATER AND RELATED MATTERS

22 (a) Beginning with the 1958-1959 storage season, the United States will operate Jackson Lake Reservoir so as to hold over, in any space available in the reservoir, from one irrigation season to the next for use in that next season, stored water to which any holder of space in the reservoir is entitled, but the total amount of stored water which will be held for the use of any holder of space during any irrigation season shall not exceed the space available to that holder. The United States shall, however, in its operation of the reservoir, have the right, after consultation with the Advisory Committee, to lower the water surface elevation in Jackson Lake in each storage season in order to avoid damage to the dam during winter weather and to provide incidental flood control, but, except in cases of operation and maintenance emergencies, such release of water shall not result in loss of storable water in that storage season. If losses do result these shall be prorated equally over all space in the reservoir and

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shall be charged against stored water including that, if any carried over from prior irrigation seasons. Determination of the relative rights of the various holders of space in the reservoir to reservoir inflow during each storage season shall, however, continue to be on the basis of the difference in priorities for the storage of water held by the United States for the capacity below election 6752 and those held for the capacity above that elevation. Reservoir permits issued by the state of Wyoming for the capacity below elevation 6752 are as follows:

Permit No	Capacity in acre-feet 2/	Priority
R 894	299,000	August 23, 1906
R 1903	392,990	August 18, 1910
R 2185	438,000	July 24, 1911

The capacity below elevation 6752 shall continue to be operated, as it has been historically, on a pooled or vertical basis as to priorities with respect to storable inflow.

(b) Stored water accruing to the rights in Jackson Lake Reservoir as defined in this article shall be available for physical delivery to the District during any irrigation season within these limitations:

2/ Capacities are stated in cumulative totals.

(1) Except in cases of emergency, deliveries shall be limited to periods when the District's natural flow rights and rights to water stored in Palisades and American Falls Reservoirs downstream from Jackson Lake Reservoir are not sufficient to meet the District's irrigation water requirements, but this provision, except for limitations in the District's and in the landowners' reservoir capacity, does not preclude the District from designating for purposes of allocation, on paper, reservoirs from which the District and its water users are to receive the water, or from designating the reservoir in which the carry-over water will be stored at the end of a particular irrigation season.

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

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(c) All carry-over of stored water in Jackson Lake Reservoir, whether held under individual water right applications coming within the jurisdiction of the District or in the name of the District itself, shall be restricted to the carry-over rights as defined in this article as being held for the District and to those held under water right applications to lands within the jurisdiction of the District, and other carry-over or drop-down rights or claims of rights are hereby abandoned.

(d) Rights under the interim exchange arrangement which was consummated in 1955 and extended from year to year since that date are terminated as of October 1 1958, but any stored water then carried over in the District's share of the lower valley exchanged space, as defined in that interim arrangement, will be carried as a credit to the District's Jackson Lake capacity as defined in this article as of the beginning of the 1958-1959 storage season.

OPERATION AND MAINTENANCE OBLIGATION-JACKSON LAKE

(a) 23. The District, during the period of operation maintenance of Jackson Lake Reservoir by the United States, shall pay to the United States twenty-one and nine thousand six hundred thirty-four ten thousandths percent (21.9634%) of the costs of operating and maintaining that reservoir, including whatever costs may be incurred in the delivery of water therefrom.

(b) Beginning with the 1959 irrigation season, payment of the District's obligation under (a) above 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 maintenance under (a) above to be incurred in the

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calendar year involved, and the amount of the District's share of these estimated costs. The operation and maintenance charge notice shall be furnished to the District on or before February 1 of the calendar year for which the notice is issued, but, when requested by the District, a preliminary estimate shall be given at such earlier date as is agreed upon in writing. The District shall pay the amount stated in the notice on or before April 1 of the year for which issued or such other date as may be agreed on.

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

WINTER POWER OPERATION:MINIDOKA POWERPLANT

24. (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 2700 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 the objective of the United States in the op-

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eration of both its American Falls and Minidoka powerplants to curtail the release of additional water from American Falls Reservoir for power production at these powerplants during the storage season of any year whenever operation of these powerplants to the full extent of their respective water rights for 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 has, during each storage season beginning October 1, 1952 and ending in 1956, and will, commencing with the storage season of 1958-1959 and continuing so long as the provisions of (c) of this article remain operative, limit the release of water through these 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. 11r-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 and the District will be informed in advance 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 Reservoir to the

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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 of the Minidoka powerplant would be operated 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 attributable to those units, Payment for such power and energy losses shall be made, on the basis of an average annual replacement requirement, by all contractors having reservoir rights benefiting from the water savings resulting from operations under the provisions of (a) of this article in annual amounts determined as follows:

(1) Prior to the date when either the American Falls powerplant or Palisades dam powerplant is first in service, the payment for any year shall be the product, in dollars, of the then controlling average annual replacement requirement, in kilowatt-hours, times four mills ($0.004).

(2) Beginning with the date when either the American Falls powerplant or Palisades dam powerplant is first in service, the payment for any year shall be the product, in dollars, of the then controlling average annual re-

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placement requirement, in kilowatt hours, times the price per killowatt-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. The Amount to be paid by the District annually shall be limited, however, to that apportionable under the provisions of (o) of this article to the District's rights in American Falls Reservoir under the provisions of article 10 and the District's rights in Palisades Reservoir under the provisions of article 16.

(d) The replacement requirements for the year ending September 30, 1953, shall be 5,699,000 kilowatt-hours, being the average annual replacement requirements for the period beginning October 1 1931 and ending September 30, 1951. The average annual replacement requirement under either (1) or (2) of (c) above for the year ending September 30, 1954, shall be the average of the annual replacement requirements for each year of the 20-year period ending September 30, 1953, and for each 12-month period after September 30, 1954, 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, the annual figures for the years through September 30, 1951, as shown in Table 1 of the document entitled "Criteria and Method for Determination of Certain Minidoka Powerplant Production Losses from Restrictions on Use of Water Rights" [3/], and for each year thereafter, 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 of the Minidoka power-

[illegible] duly recorded [illegible] U.S. [illegible]

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3/ Duplicate originals of this document shall be filed with the Watermaster of District No. 36, the officer of the United States in charge of the Minidoka Project, and the Burley Irrigation District.

plant 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 or irrigation storage releases. Using calculations reached as to flows and heads, the power loss calculations will be made by utilizing the power production curves shown in drawing No.17-100-139, as revised, incorporated by reference in the document identified above, but increases in energy in any year by reason of taking American Falls storage into account as provided in subparagraph (3) of this subarticle (d) shall be accounted for as compensating offset up to but not exeeeding 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 "Water Distribution and Hydrometric Work, District 36, Snake River, Idaho" , 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 in the order provided in article 19. 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 andwithout curtailment of power operations as provided in this article, these assumptions shall be used with respect to units 1 through 6 of the Minidoka powerplant.

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(1) 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.

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

(3) 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 Minidoka and Burley 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 the committee of three comprising the State Watermaster of District No. 36, 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 the 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 and reported to the District.

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

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(1) prior to the first full storage season during which Palisades Reservoir is in operation, eighty-eight percent (88%) to American Falls Reservoir and twelve percent (12%) to Island Park Reservoir; and (2) beginning with the first full storage season of Palisades operation, seventy-eight (78%) percent to American Falls, twelve percent (12%) to Island Park, and ten percent (10%) to Palisades. The amount apportioned to each reservoir shalls be accounted for as part of the operation and maintenance costs for which provisions for payment for the District'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, including the 33,563 acre-feet of space available to the District under the provisions of article 10 and the 50,000 acre-feet that were initially made available to the District under the contract of February 11, 1927.except that in lieu of the lower valley exchanged space there shall be included 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 Secretary and the Advisory Committee. Such formula shall, however, be as nearly consistent as practicable with the formula that would control but for such redistribution.

(g) In order to permit the operation of the Minidoka power system with a power supply undiminished by water savings operations under this article, the United States, as the operator of the Minidoka powerplant and of other interconnected powerplants operated under the Federal Reclamation Laws will, to the extent authorized by law, make

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available to the Minidoka powerplant at rates established under law an amount of power and energy equivalent to that lost by reason of such water savings operations. In determining the net profits attributable to the first six units of the Minidoka powerplant which are, under the provisions of subsection 1 of section 4 of the act of December 5, 1924 (43 Stat. 703), and under existing contracts with the District and others, to be credited to the lands of the Gravity and South Side Pumping divisions of the Minidoka Project, all payments made by the owners of storage rights in the reservoir system in pursuance of the apportionment of power replacement charges as provided in (e) of this article shall be accounted for as revenues attributable to those six units, and such payments will, for the period that the United States is obligated to curtail power operations as provided in (a) of this article, be accepted by the District, to the extent of its interest in the net profits attributable to the first six units, as full settlement for losses resulting from such curtailed operations.

PROVISIONS RELATING TO STATUS OF CERTAIN EXISTING RIGHTS: DELIVERY OF WATER AT HEADWORKS (Articles 25 through 26)

STATUS OF CERTAIN EXISTING CONTRACTS WITH THE DISTRICT

25. Except to the extent that the provisions of this contlract are in conflict therewith, the provisions of the existing contracts between the United States and the District, particularly the provisions of the contract of February 11, 1927, with respect to the 50,000 acre-feet of storage capacity in American Falls Reservoir, shall remain unaffected by this contract.

DELIVERY OF WATER AT HEADWORKS

26. Deliveries to the District of water to which it, or its water

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users, are entitled, both natural flow and stored water, will be made at the headworks of the main canals in the amounts requested by the District within the limits of safe operating capacity of the facilities involved and the limitations of the contract of December 12, 1950, as to the main South Side Canal, if water within the entitlements of the District is available in sufficient quantity to meet the requests.

PROVISIONS OF GENERAL APPLICATION TO ALL RIGHTS ESTABLISHED OR DEFINED BY THIS CONTRACT
(Articles 27 through 54)

TEMPORARY STORAGE AND EXCHANGE OF WATER; RELEASE OF JACKSON LAKE AND PALISADES WATER FOR POWER PRODUCTION

27. (a) It is the purpose of the United States and the water users having storage rights in the reservoir system (including the District) to have the reservoir system so operated as to effect the greatest practicable conservation of water, but this provision deals exclusively with the physical storing of water and does not derogate from the right of the District, on paper, to the extent of available capacity held either in the District's name or in the name of its water users under water right applications, from designating the reservoir from which water will be received during the irrigation season involved, or from designating at the end of particular seasons where the carryover waters will be held. 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 of the system. And the District 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, de-

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prive 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 Jackson Lake and Palisades reservoirs for the maintenance of power production at Palisades dam powerplant and may store such water, at Jackson Lake or Palisades water as the case may be, in American Falls Reservoir. The release of such water will be confined, however, in storage seasons when it appears that American 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.

(end of) EXHIBIT "E"

Excerpt from United States Department of the Interior, Memorandum of Agreement Between The Bureau of Reclamation and The Bureau of Indian Affairs Relating to Water Supply for Michaud Division of the Fort Hall Indian Reservation, Idaho, Draft of April 9, 1957, as approved April 25, 1957, by E. G. Nielsen, Assistant Commissioner, Bureau of Reclamation, W. Barton Greenwood, Deputy Commissioner Bureau of Indian Affairs, and Fred G. Anadahl, Assistant Secretary of the Interior.

Delivery of Water; Measurement and Losses: Return Flow

8. (a) To the extent that water is pumped from wells and from surface streams that flow into /American Falls Reservoir, actual measurements at the well heads and at the discharge lines of other pumping plants delivering water for the said Michaud Division shall be made during each irrigation season. All water provided through the Michaud Division system for the irrigation of lands of the Michaud Division of the Fort Hall Indian Reservation from any and all sources in any irrigation season

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shall be accounted for as water stored fro the Indian Bureau as provided in article 4 and charged thereto, except:

(1) Surface waters that may be available under flood water rights that may be obtained with a priority of not earlier than one year before the priority held for Palisades Reservoir; and

(2) Not to exceed an average annual amount of 22,400 acre-feet, as Prescribed by Section 3 (b) (1) of said act of August 31, 1954 (Supra) calculated over a ten-year period including the irrigation season just ended and the preceding nine irrigation seasons, from ground water pumped any place in the Michaud Division system. Until a full ten-year period is available, the average shall be for the years of project operation.

Delivery of water to lands of the said Michaud Division that as above provided in this article is chargeable to stored water for any irrigation season, shall be limited, however, to the quantities of stored water available as provided in article 4, and the supply of water available from all sources through the Michaud Division system shall be limited to the irrigation of not to exceed 21,000 acres of land. Lands within the outer boundaries of the Michaud Division, but which do not share in the water supply provided by this agreement, are hereby excluded from any of the benefits of this agreement, of the act of August 31, 1954, and of the Michaud Division system.

(b)The water chargeable to Indian Bureau stored water as provided in this article shall be determined from day to day during the irrigation season of each year. Corresponding credits from day to day shall be given by the watermaster to the water rights, whether natural flow or storage rights, that have been infringed on by pumping for the Michaud Division. The amounts represented by such infringements,

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to whomsoever they shall accrue, shall be made up out of stored water available to the Indian Bureau, under this agreement, from day to day, if necessary. The determination of the charges and the credits hereunder shall be under a formula to be devised by the watermaster, after consultation with the Advisory Committee, taking into account as one factor the so-called Newell formula with respect to the inflow into American Falls Reservoir, as this formula is affected, in the judgment of the watermaster by operation of this contract and by other factors that affect the inflow. Departures from that formula shall be called to the attention of the Advisory Committee from time to time.

(c) 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 agreement to the credit of the Indian Bureau at the end of any irrigation season one and one-half per cent (1½%) to offset evaporation losses. Such charge shall be made as of not later than the end of the ensuing storage season.

(d) The Indian Bureau shall make no claim on behalf of the United States or of any individual, community or band of Indians, of any surface return flows from the Michaud Division after they enter American Falls Reservoir, except as they are recaptured before leaving the Division, and are used directly on the land of that Division. Nor shall any such claim be made for underground flows except to the extent covered by paragraph (a) of this article. Return flows hereby relinquished, whether surface or underground, shall be credited either to the river or to the reservoir in accordance with the relative priorities heretofore or hereafter established under the laws of the State of Idaho.

Statutory Limitations on Water Supply

15. (a) In accordance with the act of August 31, 1954 (68 Stat. 1026) this agreement (except for the flood water rights referred to

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in article 8) with respect to the water supply for the irrigation of the lands of the Michaud Division of the Fort Hall Indian Reservation,

(1) hereby limits that supply to (i) the yield of the space in Palisades and American Falls Reservoirs, as set out in this agreement, and (ii) to the supply obtained by the pumping of ground water of not more than 22,400 acre-feet as an average calculated at the end of an irrigation season including the irrigation season just ended and the preceding irrigation seasons up to a maximum of nine; and

(2) hereby provides the consent to a priority in time and right in such beneficial consumptive uses of the waters of the Snake River, and its tributaries, as are established under the laws of the State of Idaho, prior to August 31, 1954, as against any use of the water arising on or flowing through the Fort Hall Bottoms within the Fort Hall Indian Reservation, including, but not limited to, the intercepted flow of Ross Fork Creek, the Portneuf River below Pocatello, Big Jimmy Creek, Big Spring Creek, and Clear Creek.

And the United States, with the construction, operation and maintenance of said works of the Michaud Division of the Fort Hall Indian Reservation, hereby waives any of its rights, exclusive of the rights provided in this agreement, to the use of the waters arising on or flowing through the Fort Hall Bottoms, including, but not limited to, the intercepted flow of Ross Fork Creek, the Porteneuf River below Pocatello, Big Jimmy Creek, Big Spring Creek and Clear Creek, for the irrigation of the lands of said Michaud Division. Except as .provided herein, nothing in this agreement shall affect any rights in and to the waters of the Fort Hall Indian Reservation or the Snake River and its tributaries.

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