State of Idaho
DEPARTMENT OF WATER RESOURCES

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C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

May 3, 2012

RE: Preliminary Order Creating Water District No. 2, Snake River from Milner Dam to Murphy Gage Station Below Swan Falls Dam

Dear Water Right Holder,

Enclosed please find a copy of the Preliminary Order regarding the above referenced matter. This order creates a new water district for administration of surface water rights from the Snake River from Milner Dam to the Murphy Gage Station located below Swan Falls Dam as shown on the map in Attachment A of the Preliminary Order. The records of the Idaho Department of Water Resources ("Department" or "IDWR") show that you own or have an interest in one or more water rights that are diverted from the Snake River within the new water district.

Also enclosed is an informational sheet that explains options for responding to preliminary orders. Please note that any party subject to the order may file a petition for reconsideration within fourteen (14) days of the service date of the order, which is the date of this letter. The Department will act upon petitions within twenty-one (21) days of their receipt.

The Department will send a separate notice to water users specifying a date, time and location of the first annual meeting of the water district. IDWR anticipates holding the meeting in Mountain Home about mid-June. The water users present at the meeting must consider election of a watermaster, selection of an advisory committee and adoption of a budget. IDWR will organize a steering committee of representative water users within the district to assist with preparation for the annual meeting. IDWR is considering scheduling at least one steering committee meeting prior to the annual meeting. If you are interested in participating in the steering committee, please contact Tim Luke, IDWR at 208-287-4959 or by e-mail at tim.luke@idwr.idaho.gov

Please contact this office or the IDWR regional offices in Twin Falls (208-736-3033) or Boise (334-2190) if you have any questions concerning the attached order.

Sincerely,

Tim Luke
Water Compliance Bureau

Enclosures: *Preliminary Order*
Responding to Preliminary Orders issued by IDWR

Cc: IDWR Western and Southern Regional Offices

May 3, 2012

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Sincerely,

Tim Luke
Water Compliance Bureau

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Cc: IDWR Western and Southern Regional Offices

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF THE CREATION OF WATER DISTRICT NO. 2, SNAKE RIVER FROM MILNER DAM TO THE MURPHY GAGE BELOW SWAN FALLS DAM	**PRELIMINARY ORDER**

The Director ("Director") of the Idaho Department of Water Resources ("Department", or "IDWR") is required by statute to divide the state into water districts for the purpose of performing the essential governmental function of distributing water among appropriators under the laws of the State of Idaho. *In re Idaho Dept. of Water Res. Amended Final Order Creating Water Dist. No. 170*, 148 Idaho 200, 211, 220 P.3d 318, 329 (2009). Idaho Code § 42-604 provides the Director with discretion in determining how these mandatory water districts shall be structured, allowing the Director to create new districts, revise existing districts, or even abolish districts, as the Director finds necessary for the efficient distribution of water resources. *Id.* Based upon the record in this matter, the Department finds, concludes and orders as follows:

FINDINGS OF FACT

1. The State of Idaho holds minimum stream flow water rights on the Snake River below Swan Falls Dam. The rights were established to protect flows in the river measured at the Murphy Gaging Station in the amount of 3,900 cfs from April through October and 5,600 cfs from November through March, as part of the Swan Falls Agreement between the State of Idaho and Idaho Power Company.

2. Snake River flows measured at the Murphy Gaging Station have diminished over time and, in recent years, have approached the minimums established as part of the Swan Falls Agreement.

3. As the Snake River Basin Adjudication ("SRBA") is nearing completion, water rights in many areas within the basin are being administered through water districts created pursuant to chapter 6, title 42, Idaho Code.

4. On September 12, 2011, the SRBA District Court issued an order authorizing the Director to distribute water pursuant to chapter 6, title 42, Idaho Code, in accordance with the Director's Reports and partial decrees that have superseded the Director's Reports within Administrative Basin 2. The District Court's Order found that "interim administration of surface water rights in accordance with the Partial Decrees for water rights is reasonably necessary to efficiently administer water rights and to protect senior water rights."

5. On January 17, 2012, the Department conducted a public information meeting in Mountain Home, Idaho regarding the potential creation of a water district to administer water

rights from the Snake River between Milner Dam and the Murphy Gage station located below Swan Falls Dam. The reach of the Snake River from Milner Dam to the Oregon border is designated by the Department as Administrative Basin 2 for purposes of water rights administration.

6. On February 10, 2012, the Department prepared a notice proposing to create a water district pursuant to the provisions of Idaho Code § 42-604 ("notice"). The notice was sent by regular U.S. Mail on February 14, 2012 to each holder of a water right from the Snake River between Milner Dam and the Murphy Gage except in-stream stock water rights. The notice described the district proposed to be established, the reasons therefore, and the time and place for a hearing to be held on February 28, 2012 concerning creation of the proposed water district. The notice also provided a time period within which written comments on the proposed action would be accepted.

7. The notice specifically proposed creation of a water district for the Snake River between Milner Dam and the Murphy Gage station located below Swan Falls Dam as shown on the map in Attachment A of this order. The notice explained that the water district is required to administer the water rights and water uses on this reach of the Snake River, including the minimum stream flow water rights at the Murphy Gage held by the State of Idaho. The notice further stated that the water district is "needed to facilitate the measurement and reporting of water use diversions and reservoir flows within the river reach in order to protect the minimum stream flows."

8. The notice further proposed that upon creation of a water district, a meeting of the holders of water rights in the district will be held in 2012 for the purpose of electing a watermaster and advisory committee. The notice also proposed that Department staff may be elected and appointed as watermaster in 2012 at no cost to the district so that a budget will not need to be adopted during the first year of operation.

9. On February 28, 2012, commencing at approximately 6:30 p.m. at the Hampton Inn and Suites, 3175 Foothills Ave., Mountain Home, Idaho, the Department conducted a public hearing concerning the proposed water district creation. Jeff Peppersack, IDWR Water Allocations Bureau Chief, presided as hearing officer. Approximately 30 people attended the hearing.

10. The hearing officer initiated the meeting by explaining the hearing process. Department representative Tim Luke gave a presentation that described the proposed district area, the features and operation of a water district, the reasons for creation of the district, and the rights and uses proposed to be included in the district. Reasons given for creation of the water district by IDWR included the following:

- Measure, record and monitor water diversions and use to assure that diversions do not exceed authorized water right limits and to protect the minimum stream flow water rights held by the State of Idaho;
- Measure both diversions and reservoir flows to account for fluctuations resulting from reservoir hydropower facilities and determine actual flow conditions and minimum flows at Murphy Gage. Without diversion and reservoir flow measurements, gage fluctuations resulting from hydropower reservoir facilities could be overstated and actual flow conditions may be erroneous. Inaccurate determinations of minimum stream flows could result in unnecessary curtailment

of certain water rights within the proposed water district as well as other water districts or areas that are tributary to the Snake River between Milner Dam and the Murphy Gage.

- Monitor the place of use of water diverted from the Snake River in the Milner-Murphy reach to assure that water is used within the authorized water rights places of use;
- Provide for delivery of flow augmentation water through the Milner-Murphy reach; and
- Facilitate management of water rights. Water district operations and procedures provide a means to assist in maintenance of water right ownership records, maintain water right descriptions such as points of diversion and places of use, and provide watermaster review and comments for water right transfers, water supply bank transactions and potential new water right applications.

11. IDWR staff at the hearing presented information regarding potential water measurement requirements for the proposed district and a time frame in which the measurement requirements may be implemented.

12. Also at the hearing, a representative from the Idaho Attorney General's Office, Shasta Kilminster-Hadley, gave a brief presentation regarding the minimum in-stream flow water rights at the Murphy Gage and the Swan Falls water rights settlement between the State of Idaho and Idaho Power Company. Following the presentations, the hearing officer provided time for hearing participants to ask questions of representatives from the Department and the Attorney General's Office.

13. Persons attending the hearing were provided opportunity to make oral statements for the record. In addition, the hearing officer held the record open through March 9, 2012 to receive written testimony.

14. Two individuals made oral statements for the record at the hearing. One set of written comments were submitted jointly by three individuals representing three separate irrigation use entities having water right interests within the proposed water district. The latter three individuals did not testify at the hearing on February 28, 2012. The written comments were submitted to the Department on or before the March 9, 2012 deadline.

15. The two individuals who provided oral testimony at the hearing hold irrigation water rights from the Snake River within the proposed water district area. One of the two water users expressed concerns about the associated water district and water measurement costs that water users would have to continuously pay. These additional costs were characterized as a burden to the water users in the proposed district because such costs did not previously exist. This water user suggested that water district costs and assessments be distributed equitably among all users and right holders in the district.

16. The second water user who testified at the hearing suggested that the State of Idaho should be subject to water district assessments for the Bell Rapids water right that the State now owns and leases to the State Water Supply Bank, and which is rented from the Water Supply Bank for flow augmentation purposes.

17. The written comments submitted jointly by representatives of the three irrigation entities generally did not support creation of the proposed water district. The users submitting these comments stated that creation of a water district would be costly to water users and that the Department had not identified and/or justified a specific need to create the water district. The comments suggested that if a water district is necessary to regulate diversions in the event that senior rights are not being filled, then only junior diversions should have lockable and controllable diversion works and measuring devices.

CONCLUSIONS OF LAW

1. Idaho law declares all surface water, when in natural channels or springs or lakes, and all ground water within the State of Idaho to be the property of the state, whose duty it is to supervise the appropriation and allotment of the water to those diverting the same for beneficial use. *See* Idaho Code §§ 42-101, 42-103, and 42-226.

2. The Director, acting on behalf of the State of Idaho, has the statutory authority to control the appropriation and use of all surface and ground waters within the state in accordance with, but not limited to, Idaho Code §§ 42-101, 42-103, 42-202(1), 42-220, 42-226, 42-237a.g., 42-351, and 42-602 et seq.

3. The Director has responsibility for direction and control over the distribution of water in accordance with the prior appropriation doctrine as established by Idaho law within water districts to be accomplished through watermasters supervised by the Director, and subject to removal by the Director, as provided in chapter 6, title 42, Idaho Code.

4. Idaho Code § 42-604 mandates the Director form water districts as necessary to properly administer uses of water from public streams, or other independent sources of water supply, for which a court having jurisdiction thereof has adjudicated the priorities of appropriation. *In re Idaho Dept. of Water Res. Amended Final Order Creating Water Dist. No. 170*, 148 Idaho 200, 211, 220 P.3d 318, 329 (2009). Efficient distribution of water, in accordance with the legislative mandate, requires that IDWR implement sufficient administrative oversight to prevent conflicts from arising, where possible, and to furnish a framework of evenhanded oversight which allows for consistent planning by water users. *Id.* Creation of a water district to administer water rights from the Snake River between Milner Dam and the Murphy Gage station located below Swan Falls Dam is necessary for the reasons set forth in Finding of Fact 10 and for the efficient administration of water rights in general.

5. Idaho Code § 42-1417 provides that the district court having jurisdiction over a general water rights adjudication may authorize the interim administration of water rights pursuant to chapter 6, title 42, Idaho Code, prior to the entry of a final decree, in accordance with Director's Reports filed with the court, with or without modification by the court, or in accordance with partial decrees that have superseded the Director's Reports.

6. All of the surface water rights claimed in the Snake River Basin Adjudication (SRBA) and within the Department's Administrative Basin 2, the Snake River between Milner Dam and the Oregon border, have been partially decreed or reported to the SRBA District Court.

7. Idaho Code § 42-113 provides that a water right permit may be issued, but shall not be required for appropriation of water for the in-stream watering of livestock.

8. The oral testimony presented at the hearing focused on the need for water district assessments to be fair and equitable among all users. Idaho Code §§ 42-605A and 42-612 provide lawful procedures for the assessment of both non-consumptive and consumptive use water rights in water districts. Pursuant to Idaho Code § 42-612, consumptive use diversions are assessed based on water delivered to the diversions during the past season or seasons, not exceeding five (5) seasons. Idaho Code § 42-605A provides that non-consumptive water rights assessments "shall be sufficient to pay the additional costs and expenses for watermaster services for data collection, water measurement, delivery of water, and record keeping directly attributable to delivery of the water right."

9. A water district is a quasi-governmental entity that is locally controlled. The Department oversees its operation to insure compliance with Idaho Code and to insure that water rights are being delivered by the watermaster according to the prior appropriation doctrine. Most decisions within the water district, including the budget, assessments, election of the watermaster, and the watermaster's salary are determined by the water users within the district.

10. The written testimony presented after the hearing focused on identification of a specific need for a water district to justify costs of assessments and measuring devices. At the public hearing IDWR staff enumerated reasons for creation of the proposed water district, including those reasons identified in Finding 10 of this order. The written comments suggested that only junior diversions should be required to have lockable and controllable works and measuring devices. Proper regulation requires that all diversions should have lockable/controllable works and measuring devices. In the event of a delivery call, it would not be appropriate to curtail junior rights to satisfy senior rights if there is no assurance that senior rights are diverting within authorized limits of their water rights.

11. Measurement and reporting of diversions within the proposed water district is necessary for the proper distribution of water within the water district in accordance with the prior appropriation doctrine. The Director should issue a separate order requiring installation of measuring devices and controlling works for water right diversions within the district.

12. Based upon the above authorities, the order of the SRBA District Court authorizing the interim administration of water rights pursuant to chapter 6, title 42, Idaho Code, and the record in this proceeding, the Director should create a water district to administer and regulate water rights, and protect senior priority water rights from the Snake River between Milner Dam and the Murphy gage.

ORDER

IT IS HEREBY ORDERED that:

1. Water District No. 2 is created to include all surface water rights from the Snake River from Milner Dam to the Murphy Gage Station below Swan Falls Dam as shown in the map appended hereto as Attachment A, except rights used for in-stream watering of livestock as defined by Idaho Code § 42-113 for which notice of this action was not provided.

2. As soon as practicable in calendar year 2012, the holders of water rights within Water District No. 2 shall meet at a date, time and place to be announced by the Director to conduct its annual meeting to elect a watermaster, select an advisory committee, if desired, and set a budget for operating the district. At the 2012 water district meeting, the Director will propose an option whereby the water users may elect a Department representative to serve as watermaster until the 2013 water district meeting, at no cost to the water district, so that the water users may avoid the need to set a budget and collect assessments for 2012. In future years, the annual meeting shall be held as provided in Idaho Code § 42-605.

3. The watermaster for Water District No. 2 shall perform the following duties in accordance with guidelines, direction, and supervision provided by the Director:

a. Measure, collect, and record the diversions under water rights;

b. Administer and enforce the water rights in priority and as conditioned for each right; and

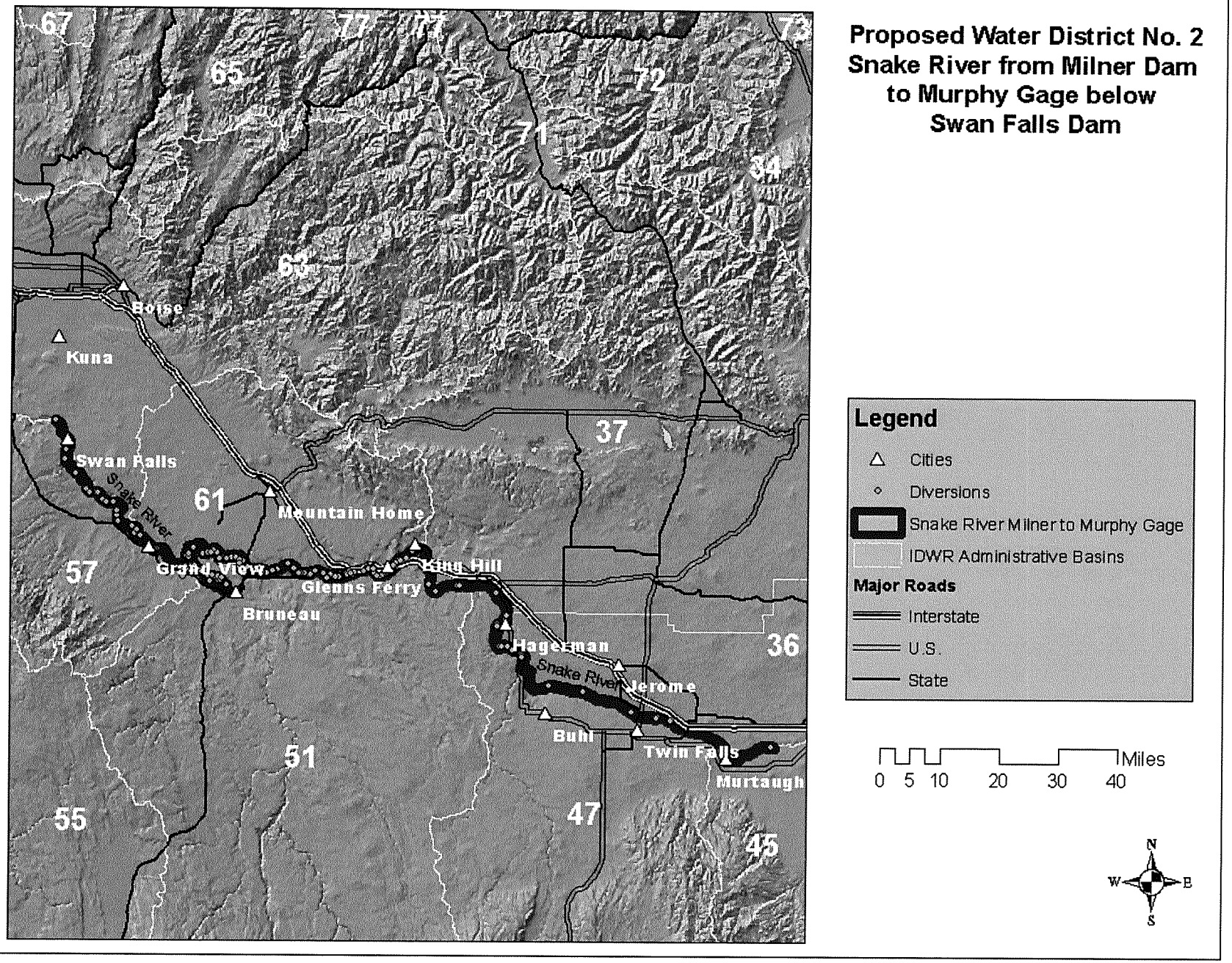
c. Curtail unauthorized or excessive diversions as necessary (i.e., any diversion without a water right or in excess of the elements or conditions of a water right).

4. The Director shall issue a separate order requiring the installation of measuring devices and controlling works for water right diversions within Water District No. 2. The measuring device order shall be issued after the annual water district meeting but on or before November 15, 2012 in order to provide some time for the water district advisory committee and other water users to work with IDWR toward developing a reasonable water measurement implementation plan.

DATED this 1st day of May, 2012.

Jeff Peppersack
Hearing Officer

ATTACHMENT A



CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 4th day of May, 2012, the above and foregoing document was served on each individual or entity on the service list for this matter on file at the Idaho Department of Water Resources, 322 East Front Street, Boise, Idaho, and posted on the Department's website: www.idwr.idaho.gov. Each individual or entity on the service list was served by placing a copy of the above and foregoing document in the United States mail, postage prepaid and properly addressed.

for Dianne M Smith

Christine Roberts
Office Records Specialist
Idaho Department of Water Resources

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was held)

The accompanying order is a **Preliminary Order** issued by the Idaho Department of Water Resources (Department) pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department unless a party petitions for reconsideration or files an exception and brief as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the hearing officer within fourteen (14) days of the service date of the order as shown on the certificate of service. **Note: the petition must be received by the Department within this fourteen (14) day period.** The hearing officer will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding to the Director. Otherwise, this preliminary order will become a final order of the agency.

If any party appeals or takes exceptions to this preliminary order, opposing parties shall have fourteen (14) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Director. The Director retains the right to review the preliminary order on his own motion.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, request for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The Department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

> Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:
>
> (a) The petition for reconsideration is disposed of; or
> (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

i. A hearing was held,
ii. The final agency action was taken,
iii. The party seeking review of the order resides, or
iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

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HAGERMAN, ID 83332

FARRIS, JOYCE & WESTON
PO BOX 9
GLENNS FERRY, ID 83623

FIELD, HOWARD J
23608 FIELD LN
GRAND VIEW, ID 83624

FIELD, HOWARD J
PO BOX 342
GRAND VIEW, ID 83624

FIELD, JOHN TERRY & LESLIE
38167 STATE HIGHWAY 78
GRAND VIEW, ID 83624

FLOPET INC
PO BOX 229
SUN VALLEY, ID 83353

FLOPET INC
3RD FLOOR
100 BROADWAY
SAN FRANCISCO, CA 94111

FREEBERG, DONALD A
801 N BRAND BLVD #1010
GLENDALE, CA 91203

GINGERICH BROTHERS FARMS; COLLEEN MARTIN & RUDY
47589 STATE HWY 78
MOUNTAIN HOME, ID 83647

GINGERICH, ELLA & VERLIN; LANDIS, TIM
HC 85 BOX 28
MOUNTAIN HOME, ID 83647

GINGERICH, ELLA & VERLIN; LANDIS, TIM & MELODY
HC 85 BOX 29
MOUNTAIN HOME, ID 83647

GINGERICH, ELLA & VERLIN; SHETLER CO-TRUSTEE, LELAND M
6936 SW SHETLER DR
MOUNTAIN HOME, ID 83647

GINGERICH, et al; LANDIS, TIM; SNIDER, FANNY; GINGERICH SHELTER CO-TRUSTEE, LELAND M
19285 HWY 51
MOUNTAIN HOME, ID 83647

GINGERICH, VERLIN; SNIDER, FANNY
6375 SW RIO VISTA DR
MOUNTAIN HOME, ID 83647

GIVENS PURSLEY LLP
ATTN JOHN MARSHALL
601 W BANNOCK ST
BOISE, ID 83702

GIVENS PURSLEY LLP
C/O MICHAEL C CREAMER
PO BOX 2720
BOISE, ID 83701

GIVENS PURSLEY LLP
C/O MICHAEL LAWRENCE
PO BOX 2720
601 W BANNOCK ST
BOISE, ID 83701

GLENN, ELEANOR L
C/O ROBERT J GLENN
PO BOX 838
GLENNS FERRY, ID 83623

GLERUM, HAROLD & LUCY
27031 JOE BLACK RD
HAMMETT, ID 83627

GRAND VIEW IRRIGATION DISTRICT; GRAND VIEW MUTUAL CANAL CO; SNAKE RIVER IRR DIST; UPPER GRAND VIEW CANAL CO
PO BOX 9
GRAND VIEW, ID 83624

GREEN, MARKUS
4700 HWY 30
MOUNTAIN HOME, ID 83647

GRINDSTONE BUTTE MUTUAL CANAL CO
PO BOX 2673
BOISE, ID 83701

HAGERMAN WINGS FARM LLC
823 E 2700 S
HAGERMAN, ID 83332

HALL FRIEDLY & WARD
JAY FRIEDLY
340 E 2ND N
MOUNTAIN HOME, ID 83647

HALL, KAROLYN J
1873 JOE KING RD
HAMMETT, ID 83627

HALL, ROBERT K
2975 W LATTY DR
GLENNS FERRY, ID 83623

HAMMETT LIVESTOCK CO; WILBUR F WILSON RANCH
WILSON & WILSON CO INC
PO BOX 33
HAMMETT, ID 83627

HAMMETT PUBLIC PARK
C/O ORVILL W CLARK
HC 63 BOX 16
HAMMETT, ID 83627

HARBERT, H RICHARD & LINDA
8601 W OSPREY ST
HAMMETT, ID 83627

HARPER, JACKIE & JEFF
1130 S HWY 30
MOUNTAIN HOME, ID 83647

HARVEST CAPITAL COMPANY; HOOK FAMILY LIMITED PARTNERSHIP
20509 UPPER REYNOLDS CREEK RD
MURPHY, ID 83650

HFM CASTLEVIEW LLC
C/O MIKE IHLI 643 S SCHOOL AVE
KUNA, ID 83634

HOFSTETTER, DANA
HOFSTETTER LAW OFFICE LLC
608 W FRANKLIN ST
BOISE, ID 83702

HOLLAND & HART LLP
101 SOUTH CAPITOL BLVD STE 1400
BOISE, ID 83702

HOOLEY, DALE
26796 INDIAN COVE LN
HAMMETT, ID 83627

HOUSE, FRANCIS & TAMZY
9143 W SNAKE RIVER ST
HAMMETT, ID 83627

HOWARTH, CHARLES H
833 N PALMER LN
EAGLE, ID 83616

HOWARTH, CHARLES H
4120 N LINDER RD
MERIDIAN, ID 83642

IDAHO POWER
ATT: JAMES TUCKER & JOHATHON BOWLING
PO BOX 70
BOISE, ID 83707

IDAHO POWER CO
C/O JONATHON C BOWLING
PO BOX 70
BOISE, ID 83707

IDAHO POWER CO; STATE OF IDAHO STATEHOUSE
PO BOX 83720
BOISE, ID 83720

IDAHO SOIL & WATER CONSERVATION COMMISSION; NETTLETON, NICK S
19900 NETTLETON LN
MURPHY, ID 83650

IDAHO SOIL & WATER CONSERVATION COMMISSION; NETTLETON, NICK S
C/O TERI MURRISON
650 W STATE ST RM NO 145
BOISE, ID 83702

IHLI, LINDA; IHLI, MIKE
643 S SCHOOL AVE
KUNA, ID 83634

INDIAN COVE IRRIGATION DISTRICT
27186 JOE BLACK RD
HAMMETT, ID 83627

IRREVOCABLE TRUST OF RYAN & MICHAEL MC CARTHYTRUSTEE
PO BOX 6683
KETCHUM, ID 83340

J R SIMPLOT CO
1301 HWY 67
GRAND VIEW, ID 83624

J R SIMPLOT CO
C/O TERRY T UHLING
999 MAIN ST STE 1300
PO BOX 27
BOISE, ID 83707

J R SIMPLOT SELF DECLARATION REVOCABLE TRUST
PO BOX 27
BOISE, ID 83707

JAMES GLENN FAMILY LIMITED PARTNERSHIP
PO BOX 838
GLENNS FERRY, ID 83623

JAMES, MICHAEL & RHONDA
21610 ROBINSON RD
OREANA, ID 83650

JANKOW, IRIS F
1008 GRIDLEY DR
HAGERMAN, ID 83332

JEFFREY, LOUIS D
PO BOX 1040
GLENNS FERRY, ID 83623

JENSEN, ALICE; JENSEN, LLOYD
1016 GRIDLEY DR
HAGERMAN, ID 83332

JOHNS, BARBARA & KENNETH
1310 N 10TH E
MOUNTAIN HOME, ID 83647

JOHNS, KENNETH, BARBARA & QUEY L
48803 STATE HWY 78
MOUNTAIN HOME, ID 83647

JOHNSON, ANDREW & LORNA
STAR RT BOX 50
HAMMETT, ID 83627

JONES, BRADLEY & MARY JANAYE
178 WOODRIDGE DR
TWIN FALLS, ID 83301

JOSEPHINE BEEMAN ATTY
BEEMAN & ASSOCIATES PC
409 W JEFFERSON
BOISE, ID 83702

KETTERLING, RANDY J
609 17TH ST
RUPERT, ID 83350

KITSOS, CONSTANTINE
9000 NE 2ND AVE
MIAMI, FL 33138

KNOX II, HARRY W
3420 N KNOX DR
KING HILL, ID 83633

KOOPMAN, CHERYL & JESSE
1401 E 3100 S
WENDELL, ID 83355

LAMPMAN, BRUCE & REBECCA
PO BOX 567
BRUNEAU, ID 83604

LANDIS, MELODY & TIM
20028 HWY 51
MOUNTAIN HOME, ID 83647

LAYTON, SCOTT & LYNN
11L RANCH SR 57
MORRISTOWN, AZ 85342

LCSC ENTERPRISES LLC
433 E LAS COLINAS BLVD STE 1290
IRVING, TX 75039

LEE, MAURICE D; LEE, SONYA E
358 W 4TH ST S
REXBURG, ID 83440

LEIGH ALICE UHL
C/O SHAWN UHL MCFADDEN
608 E 52ND
GARDEN DITY , ID 83714

LEONARD, DONALD, MALLANE,
KATHY
PO BOX 1092
KETCHUM, ID 83340

LEWIS, BERTHA & MONT
1346 IDAHO ST
ELKO, NV 89801

LITTLE VALLEY MUTUAL IRR CO
C/O BART FOWERS
PO BOX 160
GRAND VIEW, ID 83624

MALLANE, TOM; MALLANE, VONNIE
1004 GRIDLEY DR
HAGERMAN, ID 83332

MALONEY III, JAMES E; MALONEY,
HYON S
10360 SARANAC DR
BOISE, ID 83709

MARTELL, CARMELA & JAMES
643 N ELK RANCH DR
GLENNS FERRY, ID 83623

MC CARTHY, D MICHAEL & LYNN
3243 CATALINA LN
BOISE, ID 83705

MEYERS, KATHI & ROBERT
3921 N 3300 E
TWIN FALLS, ID 83301

MIDNIGHT SUN INC VIII
PO BOX 53
NAMPA, ID 83653

MOFFATT THOMAS BARRETT ROCK
& FIELD CHTD
C/O SCOTT L CAMPBELL
PO BOX 829
BOISE, ID 83701-0829

MOONEY, CAROL A
1854 S MOONEY LN
HAMMETT, ID 83627

MOORE SMITH BUSTON & TURCKE
ATT: SMITH, BRUCE M
950 W BANNOCK ST STE 520
BOISE, ID 83702

MORRIS, LEONARD & LINDA
44 BELL RAPIDS RD
HAGERMAN, ID 83332

MUCARIO, SAL J
PO BOX 669
HAGERMAN, ID 83332

MURPHY FLATS WATER CO INC
11854 FLINTLOCK DR
BOISE, ID 83713

MURPHY LAND COMPANY LLC
PO BOX 310
AMERICAN FALLS, ID 83211

NASH, CATHY & WES
PO BOX 797
KETCHUM, ID 83340

NEWTON, GARY & NOLA
PO BOX 131
HAMMETT, ID 83627

NICHOLAS, DORIS & RICHARD
PO BOX 426
HAGERMAN, ID 83332

NIEFFENEGGER, JOAN & KEITH
1032 GRIDLEY DR
HAGERMAN, ID 83333

NOBLE, ALLEN T
PO BOX 1582
BOISE, ID 83701

OLSON, DELL D
810 N 9TH E
MOUNTAIN HOME, ID 83647

PARKINSON, JOSEPH L
123 W HIGHLAND VIEW DR
BOISE, ID 83702

PARSONS, WILLIAM A
137 W 13TH ST
PO BOX 910
BURLEY, ID 83318

PEARSON, JOYCE WUNDERLICH
117 HOMESTEAD DR
HAILEY, ID 83333

PETIT, PAUL & SARA
PO BOX 2094
KETCHUM, ID 83333

POST, JACKIE P & KARLA KAY
PO BOX 298
MOUNTAIN HOME, ID 83647

POST, LESLIE J
C/O JACKIE P POST PR
PO BOX 298
MOUNTAIN HOME, ID 83647

POTUCEK, EDWARD & JANE
PO BOX 537
GLENNS FERRY, ID 83623

PULLEN, DONNA & MICHAEL
25410 SHEEP CAMP RD
BRUNEAU, ID 83604

RICKS, THOMAS M
1560 N PARK LN
EAGLE, ID 83616

RINGERT CLARK CHARTERED
HONSINGER, CHARLES L, WILLIAM
RINGERT & JON GOULD
PO BOX 2773
BOISE, ID 83701

RINGERT, LYNNE & WILLIAM
PO BOX 105
HAMMETT, ID 83627

RIVENDALE LLC
52356 HWY 78
HAMMETT, ID 83627

RIVER VALLEY FARMS INC
PO BOX 1368
BOISE, ID 83701

ROBINSON, BRUCE P
804 RIVER VIEW DR
TWIN FALLS, ID 83301

ROCKIN S RANCH INC
C/O JOHN R SOLOSABAL
PO BOX 938
GLENNS FERRY, ID 83623

SALMON FALLS LAND & LIVESTOCK
CO INC
95A BELL RAPIDS RD
HAGERMAN, ID 83332

SANDSTROM, HELEN JOYCE &
RUSSELL IVAN
405 W MADISON AVE
PO BOX 433
GLENNS FERRY, ID 83623

SCHAAL, GISELA
29776 HIGHWAY 78
MURPHY, ID 83650

SCHIERMEIR, DONALD & KRISTI
29393 DAVIS RD
BRUNEAU, ID 83604

SCHULTZ, DAVID
62 BELL RAPIDS RD
HAGERMAN, ID 83332

SCUDDER, RICHARD & SHARON
6532 HIGHWAY 55
HORSESHOE BEND, ID 83629

SEESEE, KENNETH & STELLA
PO BOX 45
HAMMETT, ID 83627

SIMPLOT MC COLLUM
DEVELOPMENT CO
DBA CANYON SPRINGS
PO BOX 27
BOISE, ID 83707

SMITH, CONNIE & ROBERT
94 WALKLEY RD
BURBANK, WA 99323

SMITH, DEBORAH & RONALD
PO BOX 53
HAMMETT, ID 83627

SMITH, ELAINE & RONALD
PO BOX 44
HAMMETT, ID 83627

SMITH, ELAINE & RONALD
PO BOX 53
HAMMETT, ID 83627

SMITH, JEAN M
905 WARM SPRINGS AVE
BOISE, ID 83702

SOUTH ELMORE IRRIGATION CO
PO BOX 396
MOUNTAIN HOME, ID 83647

STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 25
BOISE, ID 83707

ST OF ID-DEPT OF PARKS &
RECREATION STATEHOUSE MAIL
PO BOX 83720
BOISE, ID 83720-0065

ST OF IDIDAHO WATER RESOURCE
BOARD
322 E FRONT ST
PO BOX 83720
BOISE, ID 83720-0098

ST OF ID YOUNG, ROGER G
DEPARTMENT OF LANDS
300 N 6TH ST, STE 103
PO BOX 83720
BOISE, ID 83720

STEEN, HAZEL J
PO BOX 879
GLENNS FERRY, ID 83623

STELMA, PHILLIP G
17409 CURRENT CREEK RD
CEDAREDGE, CO 81413

STRALEY, JAMES & SHIRLEY
PO BOX 562
PINEDALE, WY 82941

STURDIVANT PETER
PO BOX 968
HAILEY, ID 83333

T R INVESTMENTS; THOMAS,
CONRAD & JEREMY
PO BOX 5
HAMMETT, ID 83627

THE COLLEGE OF SO ID
FOUNDATION INC
C/O JOAN E EDWARDS
PO BOX 1238
TWIN FALLS, ID 83303

THE ORDER OF TRANQUILITY
3475 HIGHLAND DR
Salt Lake City, UT 84106

THOMPSON, PETRENA L; WILSON,
ALICE FAYE & JEROME CARTER
60 BELL RAPIDS RD
HAGERMAN, ID 83332

TINGSTROM, GRACE & S LEROY
1962 N TINGSTROM DR
KING HILL, ID 83633

TRAIL, TERRIE & WALTER
5308 E TRAIL RD
KING HILL, ID 83633

TRIANGLE DAIRY INC
PO BOX 7526
BOISE, ID 83707

UNITED WATER IDAHO INC
8248 W VICTORY RD
BOISE, ID 83709

UNRUH, CATHERINE & DAVID
32397 MUD FLAT RD
GRAND VIEW, ID 83624

UPTMOR, DOROTHY GAYLE &
ROBERT
PO BOX 560
GLENNS FERRY, ID 83623

US ECOLOGY IDAHO INC
300 E MALLARD STE 300
BOISE, ID 83706

US OF A ACTING THROUGH
USDI BLM IDAHO STATE OFC
1387 S VINNELL WAY
BOISE, ID 83709

VAN ES, DALE & JACKIE; WELLS
FARGO FINANCIAL LEASING INC
800 WALNUT ST
MAC F4031-050
DES MOINES, IA 58039

VAN ES, DALE & JACKIE; WELLS
FARGO FINANCIAL LEASING INC
8222 DESERT DR
MARSING, ID 83639

VANDER STELT, CARRI & RICHARD
1391 E 3700 N
BUHL, ID 83316

WALKER PLOW LLP
PO BOX 650
QUEEN CREEK, AZ 85242

WALTON, GEORGE & JOAN LEE
1827 GRANADA CIRCLE
TWIN FALLS, ID 83301

WEBB, BURTON & IONA
411 S LOCUST ST
TWIN FALLS, ID 83301

WEST INDIAN COVE WATER CO INC
27097 INDIAN COVE LN
HAMMETT, ID 83627

WHIPKEY, ROBERT & WANDA
1039 GRIDLEY DR
HAGERMAN, ID 83332

WHIPKEY, ROBERT & WANDA
604 S OWYHEE
BOISE, ID 83705

WHIPPLE, CHARLES & PHYLLIS
1106 NW BEAMAN ST
MOUNTAIN HOME, ID 83647

WHITE, ALVIN E; WHITE, BARBARA J
1913 ABBS ST
BOISE, ID 83705

WILSON, ALICE FAYE & JEROME CARTER
58C BELL RAPIDS RD
HAGERMAN, ID 83332

WOLFE, JAMES D
475 S SAILOR CREEK RD
GLENS FERRY, ID 83623

WOLFE, VICTORIA & WILLIAM
PO BOX 368
GRAND VIEW, ID 83624

WOOTAN, NANCY L
STAR RT BOX 29A
HAMMETT, ID 83627

WORST FITZGERALD & STOVER
TIMOTHY STOVER
PO BOX 5226
TWIN FALLS, ID 83303

YARBROUGH, LUCY & WALTER
RT B BOX 216
GRAND VIEW, ID 83624

YOUNG, ROGER G
PO BOX 430
MOUNTAIN HOME, ID 83647

ZITO, CHRISTY & GORDON JOHN
2188 S RIMVIEW DR
HAMMETT, ID 83627

EDWARD T POTUCEK
1890 E POTUCEK LN
KING HILL ID 83633

BABINGTON et al
2825 S 1050 E
HAGERMAN ID 83332

LAST 2 ADDED DUE TO OWNERSHIP CHANGE