

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)
_____)

**FINAL ORDER CREATING
WATER DISTRICT NO. 2**

On May 1, 2012, the Idaho Department of Water Resources (“Department”) issued a *Preliminary Order* creating Water District No. 2 (“Water District No. 2”).¹ A *Petition for Reconsideration* was filed with the Department on May 18, 2012, by Grindstone Butte Mutual Canal Company, MAN Farms, LLC and ATN Holdings, LLC (collectively referred to as “Grindstone Butte”). Petitions for reconsideration were also filed on May 18, 2012, by 24 other parties adopting the positions and arguments made by Grindstone Butte. A petition for reconsideration was also filed on May 18, 2012 on behalf of Flying H Farms Partnership and Jeff C. and Jackie Harper.

On June 7, 2012, the Department issued an *Order Denying Petition for Reconsideration*. On June 21, 2012, *Exceptions to Preliminary Order* (“Exceptions”) were filed by Grindstone Butte with the Director of the Department (the “Director”). This final order addresses the exceptions.

EXCEPTIONS

Grindstone does not argue the Department is legally prohibited from creating Water District No. 2. Instead, Grindstone Butte argues that a water district is not needed at this time and requests that the Director exercise his discretion and delay implementation of the water district. *Exceptions* at 4.

First, Grindstone Butte suggests that before the Department creates the water district, the Department should gather data on how Idaho Power Company’s (“Idaho Power”) operational fluctuations impact minimum flows. *Exceptions* at 2-3. The Director agrees that it is important to be able to accurately measure the effects of Idaho Power’s operations at its storage facilities. In fact, the Department is currently participating in scoping activities with Idaho Power on how best to measure the fluctuations in the Snake River due to Idaho Power’s operations. However, the Director disagrees with Grindstone Butte that this activity should be completed prior to creation of the water district. Measurement of Idaho Power’s operations is only a component of the water use in this reach. The Department must also be able to measure and administer other water rights in this reach. Creating the water district establishes the legal organizational

¹ The Preliminary Order was served on the parties to this proceeding on May 4, 2012.

structure to administer water rights in the reach. The related action of requiring installation of measuring devices establishes the necessary physical facilities to measure water diversions for proper administration of water rights.

Second, Grindstone Butte suggests the Department could effectively administer water rights in the reach “without creating a district” through voluntary measurement and reporting programs and by “estimat[ing] diversion rates.” *Exceptions* at 2-4. The Director disagrees. Water districts are the legislatively authorized mechanism for water rights administration. Idaho Code § 42-602. As recognized by the hearing officer, “If a shortage of water occurs, water rights cannot be properly administered without measurement of water, enforcement of water right limitations, and control of diversions – all functions of a watermaster in a water district.” *Order Denying Petition for Reconsideration* at 2. There cannot be effective administration of water rights along this river reach without the creation of Water District No. 2. Voluntary measurement and estimations are not sufficient for ensuring compliance with state water law. The Director recognizes that there has not yet been a water distribution crisis in this river reach, but the potential for significant water administration is real. The Department should not wait until a water administration crisis to establish the necessary structure of a water district and to require installation of the physical tools to administer the water rights.

Grindstone Butte also complains about the costs of a water district. *Exceptions* at 2. While the Director understands Grindstone Butte’s concerns about cost, the Department will work with the water users to minimize costs while still providing for proper administration. The advisory committee discussed in the *Preliminary Order* is intended to serve as a forum to involve water users and can be used to explore ways to minimize costs.

As the hearing officer stated, the Director is required 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). For the reasons described by the hearing officer in his *Preliminary Order* and *Order Denying Petition for Reconsideration*, and for the reasons described above, the Director concludes that it is appropriate to create Water District No. 2.

ORDER

Based upon the foregoing, it is hereby ORDERED that the hearing officer’s Preliminary Order dated May 1, 2012, is adopted in its entirety, and becomes the Final Order of the Director.

DATED this 10th day of July, 2012.



Gary Spackman
Interim Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10th day of July, 2012, true and correct copies of the documents described below was served on the following by U.S. Mail, postage prepaid and properly addressed to the foregoing:

Document(s) Served: FINAL ORDER CREATING WATER DISTRICT NO. 2 and Explanatory Information to Accompany a Final Order

JOHN M MARSHALL
JOHN MARSHALL LAW PLLC
575 W BANNOCK ST STE B
BOISE ID 83702

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HOFSTETTER LAW OFFICE LLC
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BLACK MESA FARMS LLC
PO BOX 82
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BLANKSMA LAND & STORAGE LLC
PO BOX 106
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ANN T WILSON
WILSON & WILSON CO INC
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WALTER TRAIL
5308 E TRAIL RD
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GARDNER BROWN
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EAGLE CREEK NW LLC
MIDNIGHT SUN INC VIII
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JOHN SOLOSABAL
ROCKIN S RANCH INC
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DERUYTER PROPERTIES LP
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GRAND VIEW IRRIGATION DISTRICT
GRAND VIEW MUTUAL CANAL CO
SNAKE RIVER IRRIGATION DIST
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JOHN TERRY FIELD
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VERLIN, ELLA & RUDY GINGERICH
GINGERICH BROTHERS FARMS
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Deborah J. Gibson
Administrative Assistant to the Director
Idaho Department of Water Resources

EXPLANATORY INFORMATION TO ACCOMPANY A FINAL ORDER

(Required by Rule of Procedure 740.02)

The accompanying order is a "Final Order" issued by the department pursuant to section 67-5246 or 67-5247, Idaho Code.

Section 67-5246 provides as follows:

- (1) If the presiding officer is the agency head, the presiding officer shall issue a final order.
- (2) If the presiding officer issued a recommended order, the agency head shall issue a final order following review of that recommended order.
- (3) If the presiding officer issued a preliminary order, that order becomes a final order unless it is reviewed as required in section 67-5245, Idaho Code. If the preliminary order is reviewed, the agency head shall issue a final order.
- (4) Unless otherwise provided by statute or rule, any party may file a petition for reconsideration of any order issued by the agency head within fourteen (14) days of the service date of that order. The agency head shall issue a written order disposing of the petition. The petition is deemed denied if the agency head does not dispose of it within twenty-one (21) days after the filing of the petition.
- (5) 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.
- (6) A party may not be required to comply with a final order unless the party has been served with or has actual knowledge of the order. If the order is mailed to the last known address of a party, the service is deemed to be sufficient.
- (7) A non-party shall not be required to comply with a final order unless the agency has made the order available for public inspection or the nonparty has actual knowledge of the order.

(8) The provisions of this section do not preclude an agency from taking immediate action to protect the public interest in accordance with the provisions of section 67-5247, Idaho Code.

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a final order within fourteen (14) days of the service date of this order as shown on the certificate of service. **Note: the petition must be received by the Department within this fourteen (14) day period.** The department 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 67-5246(4) Idaho Code.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, any party aggrieved by a final order or orders previously issued in a matter before the department may appeal the final order and all previously issued orders in the matter 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: a) of the service date of the final order, b) the service date of an order denying petition for reconsideration, or c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. See section 67-5273, Idaho Code. The filing of an appeal to district court does not in itself stay the effectiveness or enforcement of the order under appeal.

**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)
_____)

**ORDER DENYING PETITION
FOR RECONSIDERATION**

This matter comes before the Idaho Department of Water Resources (“Department”, or “IDWR”) as petitions for reconsideration of a preliminary order *In the Matter of Creation of Water District No. 2, Snake River from Milner Dam to the Murphy Gage Below Swan Falls Dam* (“order creating Water District No. 2”). The preliminary order, served by mail on May 4, 2012, created Water District No. 2 and further instructed water users to hold an annual meeting to elect a watermaster, select an advisory committee and conduct other business to begin operation of the water district. A petition for reconsideration was filed on May 18, 2012 by John Marshall, attorney, on behalf of Grindstone Butte Mutual Canal Company, MAN Farms, LLC and ATN Holdings, LLC. Petitions for reconsideration were also filed on May 18, 2012 by 24 other parties adopting the positions and arguments made by Grindstone Butte Mutual Canal Company, MAN Farms, LLC and ATN Holdings, LLC. The parties filing petitions for reconsideration will be collectively referred to as “the petitioners” in this order.

The petitioners ask the Department to rescind the order creating Water District No. 2 and request a delay in the decision to create a water district for the following reasons:

- The Department does not need to create a water district to achieve its stated administrative objectives on the affected reach of the Snake River.
- The water users in the district will have to shoulder a substantial burden.

A petition for reconsideration of the order creating Water District No. 2 was also filed on May 18, 2012 by Dana Hofstetter, attorney, on behalf of Flying H Farms Partnership and Jeff C. and Jackie Harper. The petition requested the Department reconsider whether establishment of the water district is necessary at this time, but did not provide any reasons for the request.

Need for a Water District

The petitioners believe that the Department can achieve its stated objectives for the affected reach of the Snake River using existing tools without the need for creating a water district. The State of Idaho has an obligation to ensure water rights can be properly administered and to protect minimum stream flow water rights established on the Snake River as part of the Swan Falls Agreement between the State of Idaho and Idaho Power Company. Snake River

flows measured at the Murphy Gaging Station have diminished over time and have approached the minimums in recent years. A water district is necessary to administer water rights in times of shortage of water. Under existing conditions, a shortage of water is not likely every year, or for lengthy periods during a dry year. However, if a shortage of water does occur, water rights cannot be properly administered without measurement of water, enforcement of water right limitations, and control of diversions – all functions of a watermaster in a water district. If the Department does not have a water district in place at the time of need, then water rights cannot be properly administered during those times, including protection of minimum stream flows.

The petitioners suggest that the Department should undertake a concentrated review of river flow data from numerous existing river gages. The petitioners argue that the Department should only consider creation of a water district in the event that data from existing gages is demonstrated to be insufficient for assessing whether the minimum stream flow rights are being met.

The petitioner's suggested approach would leave out an important component of water administration. River gages measure water in the river, but do not provide information regarding appropriate diversions from the river. Measurement of each diversion is critical to ensure all water rights are diverting authorized amounts. Measurement of diversions, along with measurement of flow in the river, is also necessary to assess the impacts of fluctuations caused by operation of power generating facilities upstream of the Murphy gage. Creation of a water district provides an opportunity for water users to work with the Department, through an advisory committee, to coordinate activities in the district. It is the Department's intent to work with an advisory committee to assess the need for additional river gages and to develop a water measurement implementation plan for existing diversions.

The petitioners question the need for a stepped up compliance program because the Department has not identified any chronic compliance problem in the reach. The petitioners suggest that the Department has existing tools such as satellite imagery and other means to assess water user compliance. Water user compliance has not been historically assessed in the reach under any concerted effort. Completion of the Snake River Basin Adjudication, interim administration, and creation of a water district will provide a means to identify if any chronic compliance problems exist. A water district is necessary to ensure that authorized water uses are not prematurely curtailed in times of water shortage. The Department will work with an advisory committee to assess the level of compliance efforts that are necessary in the district. The Department will also assist the watermaster in compliance efforts using available resources.

Financial Burden

The petitioners argue that costs to install measuring devices and undertake routine monitoring and reporting of their water use will require initial capital investment of tens of thousands of dollars and many thousands more in ongoing costs for operation and maintenance. In addition, water users will have to devote time and effort to participate in governance of the district. The petitioners suggest that these burdens may be acceptable and justified in a situation where a water supply problem exists, but the Department is asking water users to assume these burdens in the absence of any identified problem.

As discussed above, a water district is necessary to ensure water rights can be properly administered in times of water shortage and to protect minimum stream flows in the reach. Water measurement is a critical component in administration of water rights. The burdens of operating a water district are not insignificant, but they are necessary for orderly administration of water rights. Similar burdens have been carried by water users in many other areas of the state, for many years. The Department will work with an advisory committee of the water district to ensure that any burdens imposed on water users can be minimized while still providing for proper administration.


Request to Provide for Additional Briefing

The petitioners request that, in the event the Department is not inclined to rescind the order creating Water District No. 2, they be provided an opportunity for further briefing on this matter after they have had an opportunity to review public records concerning the rationale for creating the district. The petitioners have an opportunity to file exceptions and briefs with the Director pursuant to Procedure Rule 730.

ORDER

Based upon the foregoing, it is hereby ORDERED that the petitions for reconsideration filed in this matter on May 18, 2012 are DENIED.

DATED this 7th day of June, 2012.



Jeff Peppersack
Hearing Officer

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 7th day of June, 2012, I mailed a true and correct copy of the foregoing ORDER DENYING PETITION FOR RECONSIDERATION to the persons listed below:

JOHN M MARSHALL
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HOFSTETTER LAW OFFICE LLC
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Emalee Rushing
Emalee Rushing
Administrative Assistant II
Idaho Department of Water Resources

EXPLANATORY INFORMATION TO ACCOMPANY AN ORDER DENYING PETITION FOR RECONSIDERATION

The accompanying order is an **Order Denying Petition for Reconsideration** of the "preliminary order" issued previously in this proceeding by the department pursuant to section 67-5243, Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after the service date of this denial of petition for reconsideration of the preliminary order, any party may in writing file exceptions to any part of the preliminary order and file a brief in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

If any party files an exception and/or brief, opposing parties shall have fourteen (14) days to respond to the exception and/or brief. 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, requests 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 Director 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.



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

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

SCANNED
JUL 12 2012

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

SCANNED
JUL 12 2012

**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).

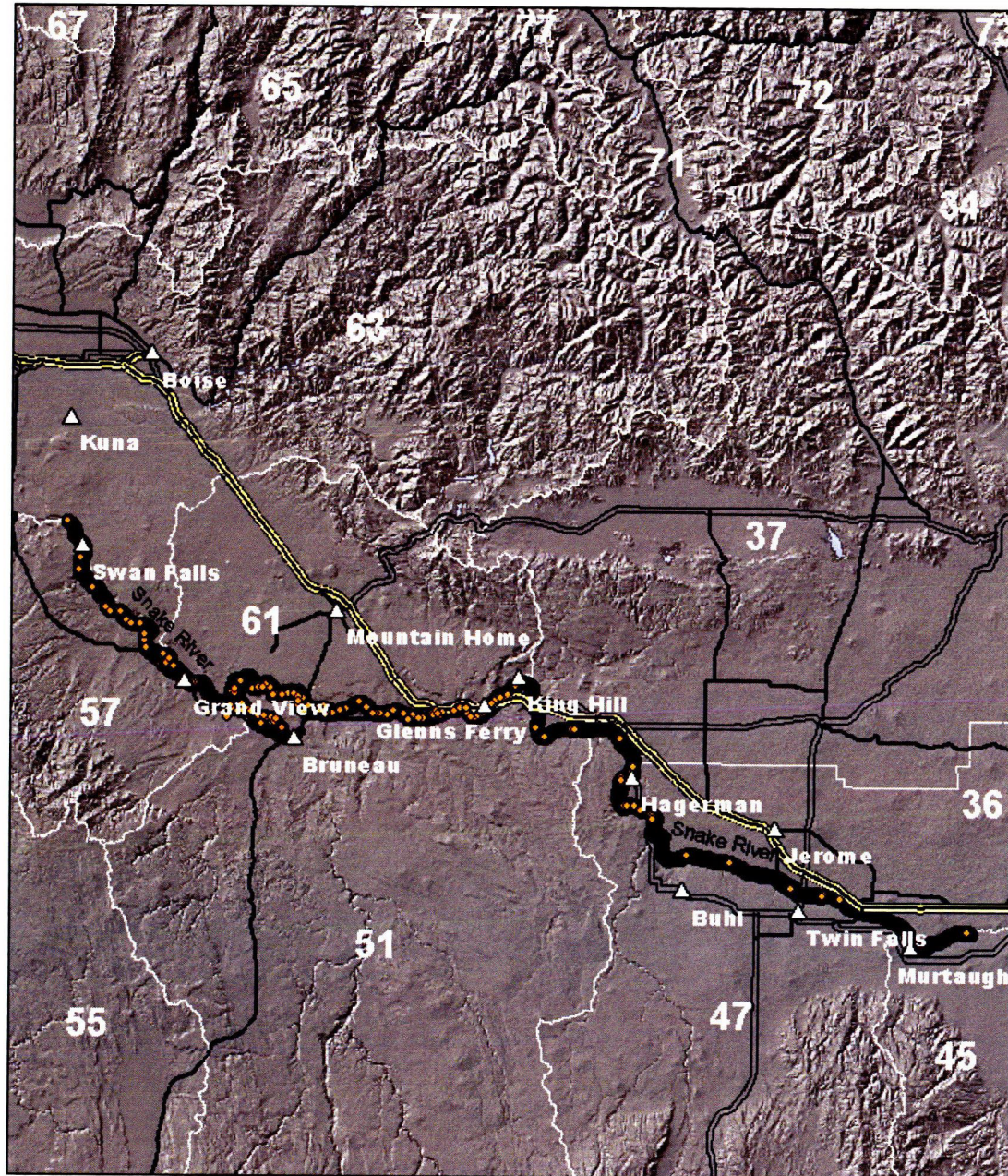
4. The Director shall issue a separate order requiring the installation of measuring devices and controlling works for water right diversions within Water District No. 2. The measuring device order shall be issued after the annual water district meeting but on or before November 15, 2012 in order to 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 15th day of May, 2012.



Jeff Peppersack
Hearing Officer

ATTACHMENT A

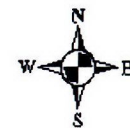


Proposed Water District No. 2 Snake River from Milner Dam to Murphy Gage below Swan Falls Dam

Legend


- △ Cities
- ◇ Diversions
- Snake River Milner to Murphy Gage
- IDWR Administrative Basins
- Major Roads**
 - Interstate
 - U.S.
 - State

0 5 10 20 30 40 Miles



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.


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

JANKOW, IRIS F
1008 GRIDLEY DR
HAGERMAN, ID 83332

JEFFREY, LOUIS D
PO BOX 1040
GLENN'S 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

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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
GLENN'S 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
GLENN'S 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
GLENN'S 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
GLENN'S 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

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

SIMPLIT 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

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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
CEDAREGE, 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

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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**

PUBLIC HEARING ROSTER OF ATTENDANCE

BEFORE THE DEPARTMENT OF WATER RESOURCES FOR THE STATE OF IDAHO

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

February 28, 6:30 p.m.
Jeff Peppersack: Hearing Officer

NAME	MAILING ADDRESS	EMAIL/PHONE	ORGANIZATION/AFFILIATION	COMMENTS	
				Written	Oral
JOHN FRANK	P.O. Box 83623 Glenus Ferry, ID 83623	JOHN.FRANK@IDPP.ID.GOV	State Parks	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Robert K. Hall	2975 W. LAUREL Dr. Glenus Ferry, ID 83623	766-2528	HALL Farms	<input type="checkbox"/>	<input checked="" type="checkbox"/> none
John Solosubal	P.O. Box 347 Glenus Ferry, ID 83623	366-2760	Rockin S Ranch	<input type="checkbox"/>	<input type="checkbox"/>
John Solosubal	Box 938 Glenus Ferry, ID 83623	366-2134	Rockin S Ranch	<input type="checkbox"/>	<input checked="" type="checkbox"/> none
Matthew Draper	P.O. Box 415 Grand View Id 83624	834-2653		<input type="checkbox"/>	<input type="checkbox"/>
Charles Whipple	1106 NW Berman St. Mtn Home 83647	587-4173		<input type="checkbox"/>	<input type="checkbox"/>
Rod Gonzales	Rt 1 Box 2070 Corral Id 83322		50 RANCH LLC	<input type="checkbox"/>	<input type="checkbox"/>
Milton Landis	22091 ducian cove Ln Hammett Id			<input type="checkbox"/>	<input type="checkbox"/>
Chris Alzola	P.O. Box 235, Mtn. Home 587-2789		Spur Elm	<input type="checkbox"/>	<input type="checkbox"/>
Steven L. Russell	27608 Sand Dunes Rd Mtn. Home, ID 83647	866-7919	IDPR	<input type="checkbox"/>	<input type="checkbox"/>
John Marshall	575 W Bannock St Ste B Boise 83725	991-2701	Farm Development Corp.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jim Bowling	P.O. Box 70 Boise		Idaho Power	<input type="checkbox"/>	<input type="checkbox"/>
Ingmar Stalman	Boise			<input type="checkbox"/>	<input type="checkbox"/>
John S. Morrison	860 St Helen 78	834-2093	CU Mutual Canal		

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NAME	ADDRESS	EMAIL	ORGANIZATION/ AFFILIATION	COMMENTS
				Written Oral

Ross Elkin	700 East 4795 North	rosselkin@safelink.net	Illabie Water	<input type="checkbox"/>	<input type="checkbox"/>
MARK Henslee	95 A Bell Rapids Road	mwhenslee@gmail.com	Salmon Falls land + livestock	<input type="checkbox"/>	<input type="checkbox"/>
Gib Brown	760 S Blue Heron	GBrown3623@AOL.com	King Hill Irr.	<input type="checkbox"/>	<input type="checkbox"/>
Manuel Brown	10789 NW 78			<input type="checkbox"/>	<input type="checkbox"/>
Raymond Brown			Rock (D)iew	<input type="checkbox"/>	<input type="checkbox"/>
Edin Kraper	24964 Chaparral Lane		Grand View, Ida.	<input type="checkbox"/>	<input type="checkbox"/>
Doug Norton	32690 m u s u n t	Grand View	By Bee L w u a	<input type="checkbox"/>	<input type="checkbox"/>
Mike Pullan	25410 Sheep Camp Rd.	Bruneau		<input type="checkbox"/>	<input type="checkbox"/>
Sam Hamilton	51381 Hwy 78	Hammett, Id.	Hamiltonson @ RTCI	<input type="checkbox"/>	<input type="checkbox"/>
John Saper	1010 Jefferson	Boise	IRK	<input type="checkbox"/>	<input type="checkbox"/>
Jo Beeman	409 W. Jefferson	Boise	WRC	<input type="checkbox"/>	<input type="checkbox"/>
Mark Frost	27404 River Rd.	Bruneau	G.V. Irrig. Dist.	<input type="checkbox"/>	<input type="checkbox"/>
Jack Frost	P.O. Box 298	uth. House	South Elmore Tring.	<input type="checkbox"/>	<input type="checkbox"/>
Will Wooten	Box 636	Colons Ferry Id	83623 Black med	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>

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PUBLIC HEARING TESTIMONY LOG

IN THE MATTER OF THE PROPOSED)
 CREATION OF WATER DISTRICT NO. 2,)
 SNAKE RIVER FROM MILNER DAM TO THE)
 MURPHY GAGE BELOW SWAN FALLS DAM)
 _____)

February 28, 2012, 6:30 p.m.
Jeff Peppersack, Hearing Officer

DIGITAL AND TAPE INFORMATION:

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DEPARTMENT OF
WATER RESOURCES

TO: Director, Department of Water Resources
PO Box 83720, Boise, Idaho, 83720-0098

FROM: Grindstone Butte Mutual Canal Company (water right 02-2262)
MAN Farms, LLC (water rights 02-2371 and 02-10032)
ATN Holdings, LLC (water rights 02-2186, 02-10248, 02-10249, 02-10034, and 02-10035)

RE: Written comments in opposition to the formation of proposed Water District No. 2

For the reasons stated below, the Grindstone Butte Mutual Canal Company, MAN Farms, LLC and ATN Holdings, LLC oppose the creation of the proposed Water District No. 2. Creating and operating the district will be very costly to water right holders, who will be required to install and maintain expensive monitoring and reporting equipment and to pay new annual assessments. The imposition of these costs and the additional layer of government oversight on private parties should only occur in the face of a pressing administrative need that cannot be solved by an less intrusive or less expensive means. In the case of proposed District 02, the Department has yet to even identify a specific water administration issue that requires a resolution, let alone explain why the imposition of a district is necessary to solve the problem. Before creating a water district on the affected reach of the Snake, the Department should first study the river reach using existing river gauges to determine whether senior rights are not being filled, and then if the Department determines that such a problem exists, it should analyze whether creating a water district is necessary to solve the problem. But until the Department identifies a pressing administrative need, it should not subject private water right holders to the unnecessary and expensive proposed monitoring and reporting program.

If the Department insists that a water district is necessary in order to regulate diversions in the event senior rights are not being filled, then the order creating the district should tailor the district to minimum extent necessary to accomplish this purpose. In other words, the district should have a water master available in the rare event that a call is made to administer diversions. The order could also require that junior diversions have lockable and controllable diversion works and perhaps measuring devices. However, the district should not arbitrarily require all water users to spend thousands, or in the case of a senior right holder like Grindstone, tens of thousands, on unnecessary measurement and reporting equipment. Indeed, water districts throughout the state exist to regulate junior diversions without a district-wide monitoring program.

The bullet points below expand on the reasons for our opposition to the water district.

- Water districts are a legislatively created tool designed to facilitate the distribution of water among adjudicated water rights. State-sponsored distribution of water is appropriate where a water supply is not sufficient to fill all water rights and the allocation of the scarce supply among water rights in accordance with adjudicated priority dates is

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therefore necessary. State-sponsored distribution and measurement of water, and the associated costs, are not appropriate where a stream has sufficient supply to fill the rights on the stream.

- The reach of the Snake River proposed for inclusion into the proposed new Water District 02 is a reach where the flow almost always exceeds the diversions needed to satisfy existing rights. History shows there are rarely flow deficiencies that warrant curtailment of junior priority water rights to satisfy the priorities of senior rights. Indeed, we are aware of only one such instance in the recent decades. IDWR has sufficient administrative tools available to handle the very occasional distribution problem that occurs in the affected reach.
- IDWR has stated in the public information meeting and the public hearing on the proposed Water District 02 that the affected reach does not have a water allocation problem.
- Because there is not a water allocation problem in the proposed stream reach, or at most a very occasional, minor one that affects only a handful of rights, there is no need to subject the hundreds of water right holders in the reach to a burdensome and expensive administrative water district.
- IDWR's public notice states that the reasons for creating a water district are: 1) the SRBA process is nearly complete; 2) the Swan Falls agreement affects the reach; and 3) monitoring is required to protect the State's minimum stream flows. These stated reasons for creating the district do not justify the cost and burdens it would impose on private parties. As noted above, the river reach in question is relatively water-rich, and instances where the minimum stream flow at the Murphy Gauge is triggered are very rare. Neither the ending of the SRBA nor the Swan Falls agreement require the creation of district if one is not otherwise necessary.
- Water districts are not a mechanism for imposing measuring and reporting requirements on private water right holders independent of a water allocation problem that requires measurement and reporting to solve. Indeed, there is an operating gauge at the Murphy Gauge minimum stream flow site, along with gauges at all the Idaho Power sites in the reach and other USGS gauge locations. With proper monitoring, these gauges are more than sufficient to address whether there is a minimum stream flow deficiency.
- IDWR has stated that the proposed order for creating Water District 02 will require water right holders to install measuring devices, some with costs in excess of \$10,000.00, and possibly telemetry devices, at the water users' own expense. Such onerous cost requirements should only be imposed in the event there is a problem to solve and if the proposed measurement requirements will solve the identified problem. As discussed above, the affected reach of the Snake does not have a water distribution problem to solve, or any other identified problem. Consequently, there is no evidence or analysis

that justifies imposition of measuring requirements and the associated expense on private parties.

- IDWR's proposal to create a water district is premature. Before subjecting water rights holders to the expense of creating and maintaining a district, IDWR should study the stream flows in the Snake River reach at issue using the existing (or perhaps improved or additional) gauges operated by Idaho Power and the USGS, to determine whether a water distribution issue even exists in the reach. If a distribution problem is identified, then the Department should determine 1) whether operation of a water district would solve the problem; 2) whether other, less costly administrative means are available to solve the problem; and 3) if there are no other solutions, whether forcing the costs and other burdens associated with a water district onto private parties is justified given the magnitude of the identified problem.

In summary, IDWR has not shown there is an administrative problem to solve in Snake River 02, let alone that a water district is necessary to solve it. Consequently, the private water users in the reach should not be subjected to a mandatory and expensive government administrative program for which there is no identified or justified need.



Mark Noble

President, Grindstone Butte Canal Company



Allen Noble

Manager, ATN Holdings, LLC



Mark Noble

President, MAN Farms, LLC

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

IN THE MATTER OF THE PROPOSED)
CREATION OF WATER DISTRICT NO. 2,)
SNAKE RIVER FROM MILNER DAM TO)
THE MURPHY GAGE BELOW SWAN)
FALLS DAM)
_____)

NOTICE OF PUBLIC HEARING

The Director of the Idaho Department of Water Resources ("Director") is authorized to divide the state into water districts for the purpose of distributing water among appropriators under the laws of the State of Idaho. Section 42-604, Idaho Code provides authority for the Director to create, revise the boundaries of, or abolish a water district or combine two (2) or more water districts.

NOTICE IS HEREBY GIVEN, pursuant to Section 42-604, Idaho Code that the Idaho Department of Water Resources (IDWR) will conduct a public hearing regarding the proposed creation of a water district as follows:

PUBLIC HEARING FOR PROPOSED CREATION OF WATER DISTRICT No. 2

**6:30 PM, February 28, 2012 at the Hampton Inn and Suites,
3175 Foothills Ave., Mountain Home, ID (next to I-84 and Highway 20 interchange)**

The authority to create water districts applies to those streams, or other water sources including ground water, for which the priorities of appropriation have been adjudicated by court decree. During a water rights adjudication, Idaho Code Section 42-1417 authorizes the district court to approve interim administration of the rights by the Director if reasonably necessary to protect senior rights. The district court may permit the distribution of water pursuant to chapter 6, title 42, Idaho Code, in accordance with partial decrees entered by the court or in accordance with water rights recommended by the Director to the court (Director's Report) as may be modified by the court's order.

On September 12, 2011 the Snake River Basin Adjudication ("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 (a copy of the order is posted on the Department's website:
http://www.idwr.idaho.gov/WaterManagement/WaterDistricts/Snake_Milner-SwanFalls/default.htm)

The Director proposes to create a water district for that portion Administrative Basin 2 as shown on the attached map, and hereafter referred to as "Water District No. 2". The proposed water district shall include water rights diverted from the Snake River between Milner Dam and the Murphy Gage station located downstream of Swan Falls Dam. The new water district is required in order to properly administer the water uses and water rights within this reach of the Snake River, including the minimum in-stream flow water rights at the Murphy Gage held by the State of Idaho. The water district is also 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.

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Upon creation of the water district, a meeting of the holders of water rights in the district will be held in Spring, 2012 for the purpose of electing a watermaster and advisory committee. IDWR proposes that Department staff may be 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.

Information and testimony presented at the hearing on February 28, 2012 will create a record upon which the Director will rely to determine whether formation of the proposed water district is appropriate. It is important that holders of water rights understand the proposed action and participate in the hearing process. Jeff Peppersack, IDWR Water Allocation Bureau Chief, will serve as the hearing officer. Persons attending the hearing will be provided an opportunity to make an oral presentation regarding the proposed action. Written comments may be submitted to the hearing officer at the hearing or at any time prior to the close of the written comment period on March 9, 2012. Written comments not presented at the hearing should be sent to the Director, Department of Water Resources, PO Box 83720, Boise, Idaho, 83720-0098.


IDWR will present information at the hearing about why it is proposing creation of the water district, a time frame for district formation and operation, and proposed water measurement requirements. The hearing will be held in accordance with IDWR's Rules of Procedures (IDAPA 37.01.01). These rules may be viewed at the Idaho Department of Administration's website as follows:
<http://adminrules.idaho.gov/rules/current/37/0101.pdf>

The hearing will be conducted in a facility that meets the accessibility requirements of the Americans with Disabilities Act. Should you require special accommodations in order to attend, participate in, or understand the hearing, please contact IDWR at least five days prior to the hearing.

This notice of hearing has been sent to all water right holders of record from the Snake River between Milner Dam and the Murphy Gage below Swan Falls Dam except in-stream stock water rights.

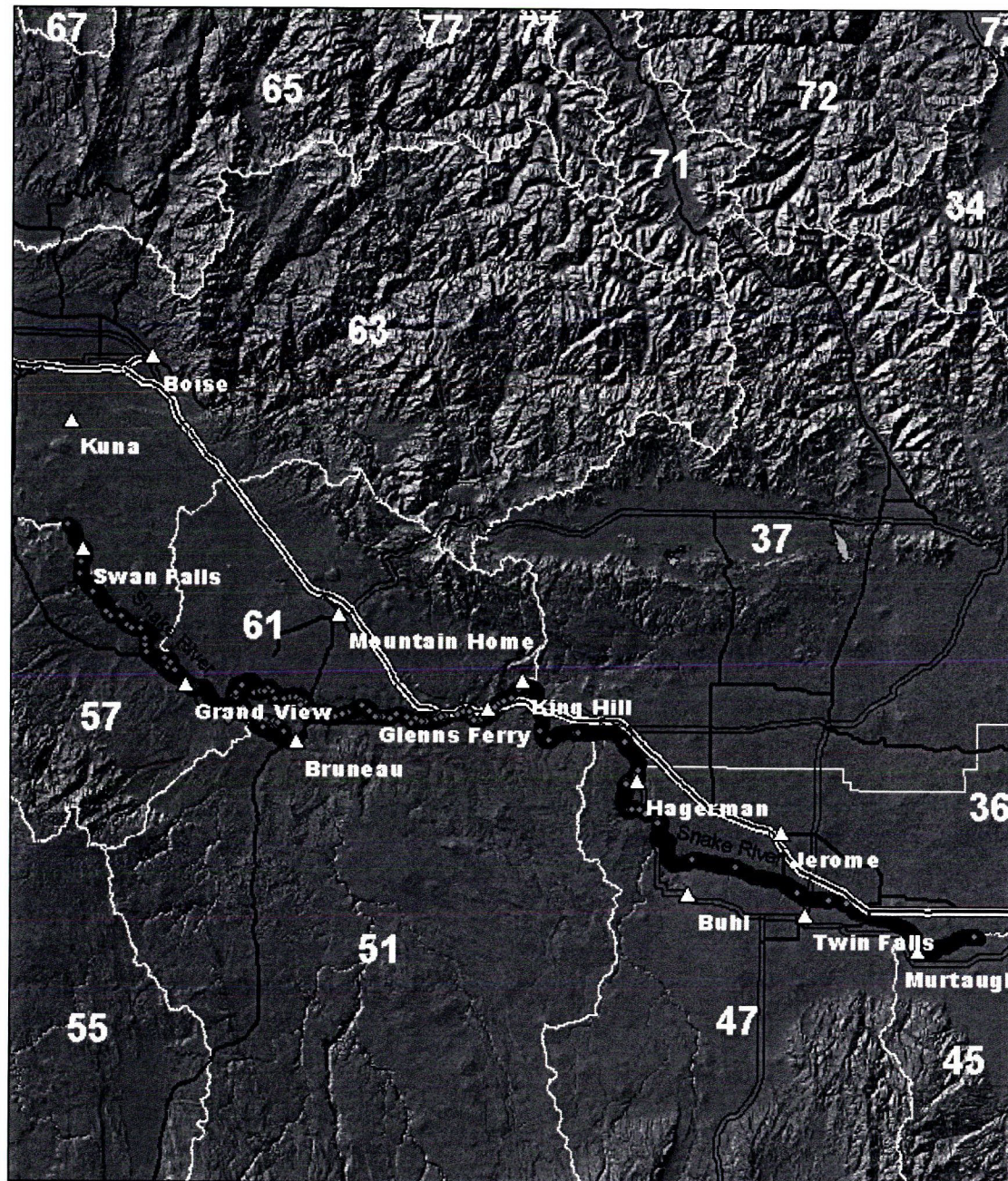
If you have questions concerning this notice, please call the IDWR State Office at (208) 287-4800. You can also contact the Department's regional offices in Boise at (208)334-2190, or Twin Falls at (208)736-3033.

DATED this 10th day of February, 2012



Gary Spackman,
Interim Director

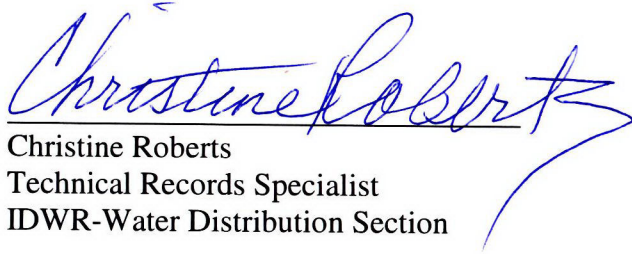
Attachment A



Proposed Water District No. 2 Snake River from Milner Dam to Murphy Gage below Swan Falls Dam

CERTIFICATE OF SERVICE

I DO HEREBY CERTIFY that on this 14th day of February, 2012, the attached Notice of Public Hearing for the proposed creation of water district no. 2, Snake River from Milner Dam to the Murphy Gage below Swan Falls Dam, was served upon the following individuals by placing a copy of the same in the United States Mail.


Christine Roberts
Technical Records Specialist
IDWR-Water Distribution Section

2+LLC
PO BOX 637
WENDELL, ID 83355

ACE BLACK RANCH
C/O ACE BLACK
28799 HOT SPRINGS RD
BRUNEAU, ID 83604

AGENBROAD GRAND VIEW FAMILY
LIMITED PARTNERSHIP;
AGENBROAD, DARREL
27161 DAIRY RD
GRAND VIEW, ID 83624

AGRICAP FINANCIAL CORP; SV
RANCH LLC
C/O GREGORY VIK PO BOX 1607
BELLEVUE, WA 98009

AGRICAP FINANCIAL CORPORATION;
SV RANCH LLC
99 PACIFIC ST STE 155D
MONTEREY, CA 93940

ANCHUSTEGUI, JOHN; PACIFIC
INTERMOUNTAIN MORTGAGE CO
3054 E RIVERNEST DR
BOISE, ID 83706

ANCHUSTEGUI, JOHN; PACIFIC
INTERMOUNTAIN MORTGAGE CO
2420 MAIN ST
BAKER CITY, OR 97814

ANDREWS, BILLY E & JUDY L
PO BOX 756
GLENN'S FERRY, ID 83623

ARCHIE, JOSEPH PATRICK & SARAH
ELLEN
3417 WILLIAMSBOROUGH CT
RALEIGH, NC 27609

ASTLE, CARLEEN M & LAYNE H
24377 A & A RD
GRAND VIEW, ID 83624

ATKINS, A CLAY & JACOB A S
PO BOX 276
BRUNEAU, ID 83604

ATN HOLDINGS LLC; FARM
DEVELOPMENT CORP
PO BOX 1201
BOISE, ID 83701

BARKER ROSHOLT & SIMPSON LLP
1010 W JEFFERSON STE 102
PO BOX 2139
BOISE, ID 83701

BLACK MESA FARMS LLC; BRYANT, BRENDA &
DON J; COTTONWOOD MUTUAL CANAL CO;
WOOTAN, CHRISTINE & WESLEY
C/O RINGERT CLARK CHARTERED
PO BOX 2773
BOISE, ID 83701

BLACK MESA FARMS LLC; BRYANT,
BRENDA & DON; COTTONWOOD MUTUAL
CANAL CO; WOOTAN, CHRISTINE &
WESLEY
PO BOX 215
GLENN'S FERRY, ID 83623

BLACK MESA FARMS LLC; BRYANT, BRENDA &
DON; COTTONWOOD MUTUAL CANAL CO;
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PO BOX 636
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BLACK MESA FARMS LLC; BRYANT, BRENDA &
DON; COTTONWOOD MUTUAL CANAL CO;
WOOTAN, CHRISTINE & WESLEY
PO BOX 82
GLENN'S FERRY, ID 83623

BLANKSMA LAND & STORAGE LLC
PO BOX 106
HAMMETT, ID 83627

BLEDSE, EMMA & LEONARD
STAR RT BOX 54B
HAMMETT, ID 83627

BOECKNER, JEREMY & KARLITA;
MCFINNEY AGRI FINANCE LLC
PO BOX 1598
TWIN FALLS, ID 83303

BOECKNER, JEREMY & KARLITA;
MCFINNEY AGRI FINANCE LLC
12655 A & A RD
GRAND VIEW, ID 83624

BOEPPE, SHELLEY; YOUNG,
DENNIS
1866 S THACKER RD
HAMMETT, ID 83627

BROWN, GARDNER & MELANIE
PO BOX 145
GLENN'S FERRY, ID 83623

BROWN, MERRILL & SANDRA
10789 HWY 78
HAMMETT, ID 83627

BRUNEAU-GRAND VIEW JOINT
SCHOOL DIST #365
PO BOX 310
GRAND VIEW, ID 83624

BURNS, WARREN
385 EDWARDS DR
TWIN FALLS, ID 83301

CALDWELL, CHERYL & RICH
1461 CALISTOGA AVE
MERIDIAN, ID 83642

CAMPBELL, CAROLYN & MITCHELL
1950 NORTH 4TH EAST
MOUNTAIN HOME, ID 83647

CANDICE MCHUGH
RACINE OLSON NYE BUDGE & BAILEY
101 S CAPITOL BLVD STE 300
BOISE, ID 83702

CANTRELL, SANDY & TED
28294 RIVER RD
BRUNEAU, ID 83604

SCANNED
JUL 12 2012

CANYON BEND RANCH LTD;
LEAVELL, ALONZO B; NEATHERLIN
FAMILY LIMITED PARTNERSHIP II
PO BOX 54
GOODING, ID 83330

CARNAHAN, DONALD & DONNA
PO BOX 93
GLENN'S FERRY, ID 83623

CAROTHERS, JACKIE & TERRY
PO BOX 331
GRAND VIEW, ID 83624

CASA DEL NORTE LP
11204 N BAR 21 DR
GLENN'S FERRY, ID 83623

CAVEN PROPERTIES LLC
6874 FAIRVIEW AVE
BOISE, ID 83704

CISCO, BARBARA & RALPH
1052 GIDLEY DR
HAGERMAN, ID 83332

CITY OF BOISE-PUBLIC WORKS DEPT
150 N CAPITOL BLVD
PO BOX 500
BOISE, ID 83701

CITY OF GLENN'S FERRY
PO BOX 910
GLENN'S FERRY, ID 83623

CLAIBORN, SONDRAL
2377 TWIN OAKS
TWIN FALLS, ID 83301

CLOVER HOLLOW CO LLC
PO BOX 606
MOUNTAIN HOME, ID 83647

COLD SPRINGS PROJECT
PO BOX 2773
BOISE, ID 83701

COLLERAN-BULLCOCK, MICHELLE A
2671 BANNOCK HWY
POCATELLO, ID 83204

COLYER HEREFORDS INC
31058 COLYER RD
BRUNEAU, ID 83604

CORP OF THE PRESIDING BISHOP
CHURCH OF JESUS CHRIST OF LATTER
DAY SAINTS REAL ESTATE SERVICES
50 E NORTH TEMPLE ST
SALT LAKE CITY, UT 84150

CROSBY, JULIANNE
1565 S ORIOLE WAY
BOISE, ID 83709

CUNNINGHAM FAMILY LIMITED
PARTNERSHIP
909 HEARTLAND DR
NAMPA, ID 83686

D L EVANS BANK; YOUNG, JERRY L
PO BOX 87
TWIN FALLS, ID 83303

D L EVANS BANK; YOUNG, JERRY L
PO BOX 223
FAIRFIELD, ID 83327

DANIEL E AND RUTH B WICHER
FAMILY TRUST
PO BOX 278
GLENN'S FERRY, ID 83623

DANSKIN CATTLE LLC
C/O ROBERT C BAKER PO BOX 488
MOUNTAIN HOME, ID 83647

DARLINGTON, W KELLY
256 HARTLEY DR
HELENA, MT 59601

DAVID M AYARRA JR TRUST
PO BOX 247
BEND, OR 97709

DERUYTER PROPERTIES LP
13027 SUNNYSLOPE RD
CALDWELL, ID 83607

DIRKS, MECHELLE & ROBERT G
24762 A & A RD
GRAND VIEW, ID 83624

DRAPER, CELIA & CHARLES
RAYMOND
24964 DRAPER LN
GRAND VIEW, ID 83624

DUFFIN, DORIAN; VADER, SUSANNE
7840 APACHE WY
BOISE, ID 83703

DUGGAN, LAVERNE & MAC
53 BELL RAPIDS RD
HAGERMAN, ID 83332

DUKE, BARBARA J; DUKE, WARREN
1045 GRIDLEY DR RT 1
HAGERMAN, ID 83332

DURFEE, DENNIS, MARY JO &
WILLIAM
6641 S 27TH AVE
PHOENIX, AZ 85041

EAGLE CREEK NORTHWEST LLC
C/O UBS AGRIVEST LLC
PO BOX 53
NAMPA, ID 83653

SCANNED
JUL 12 2012

EDGEWATER RANCH LLC
PO BOX 45
GOODING, ID 83330

ELIAS, JAMES J & MARY ALYCE
PO BOX 86
HAMMETT, ID 83627

ENVIROSAFE SERVICES OF ID INC
C/O MARY LOUISE GONZALES
PO BOX 400
GRAND VIEW, ID 83624

ESTATE OF MARGARET A LE
MOYNE; LE MOYNE, JOHN R
901A GRIDLEY ISLAND
HAGERMAN, ID 83332

EXON, WILLIAM & WYNARDA
390 HAGERMAN AVE E
HAGERMAN, ID 83332

FARRIS, JOYCE & WESTON
PO BOX 9
GLENN'S 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
GLENN'S 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
GLENN'S FERRY, ID 83623

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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 IHLE 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

IHLE, LINDA; IHLE, 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
GLENN'S 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
GLENN'S 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

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JUL 12 2012

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

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JUL 12 2012

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
GLENN'S 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
GLENN'S 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
GLENN'S 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

SEESSEE, 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

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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
GLENN'S 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
GLENN'S 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

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JUL 12 2012

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

COANNED
JUL 12 2012

Roberts, Christine

From: Luke, Tim
Sent: Sunday, February 12, 2012 3:32 PM
To: Roberts, Christine
Subject: WD02 Hearing Notice

Chris,

The Proposed Water District 02 public hearing notice was signed by Gary. I placed the original on your desk. I think you can use the same mailing list that we used for the public information meeting. However, we need to add contacts for the water rights shown below as those were missed in the last notice. You will need to look up the addresses for those rights in the table below and add them to the mailing list.

Also I ran an ownership change report since doing the last notice for the public meeting. Looks like just one water right is affected (02-10247). The change on this right removed several owners and left the right solely in the name of Peter and Jane Sturdivant. The other owners were O'Gara and Monroe – I removed them and their addresses and left Sturdivant with Sturdivant's correct address.

Also, please make sure to add the following attorneys if they are not already on your list: Josephine Beeman, Dana Hofstetter, and Candice McHugh.

We will need to generate a certified mailing list for this mailing. Please create such a certification and list and make a copy for the file. Please make sure to sort the certified list alphabetically.

Tim

Note: When you look up the rights from the table below, just use the active status version (select water right, permit and recommendation). All the rights should be in the water rights table except for the last right which I believe is a recommendation.

B02rts_unique_MilnrSF

wr_num

OK	2-2066	THOMAS	PO BOX 5 HAMMETT 83627	SENT under TR Investment	Thomas correct
OK	2-2075	"			
OK	2-2106	"			
OK	2-2115	2+LLC	PO BOX 637 WENDELL 93355		
OK	2-7107	THOMAS			
Added	2-7439	FARRIS JOYCE + WESTON	PO BOX 9 GLENNS FERRY 83623		
Added	2-10014	LEIGH ALICE UHL 40 SHAWN UHL MCFADDEN	608 E 52ND G.C. ID 83714		
OK	2-2150A	UPTMDR ROBERT + DOROTHY	PO BOX 560 GLENNS FERRY 83623		
OK	2-4025A	HOOLEY DALE	26796 INDIAN COVE LN HAMMETT ID 83627		

Tim Luke
Idaho Department of Water Resources
322 E Front St, PO Box 83720

Roberts, Christine

From: Luke, Tim
Sent: Sunday, February 12, 2012 3:35 PM
To: Kilminster-Hadley, Shasta; Strong, Clive
Cc: Roberts, Christine
Subject: RE: Individual Hearing Notice Basin 02 Wtr District

The hearing is on for Feb. 28th, at 6:30 pm at the Hampton Inn in Mt. Home, located by the I-84 and Highway 20 interchange. Christine or I will send a copy of the notice to you either Monday or Tuesday. It will also be posted to our website by Tuesday. The notice should be mailed late Monday or sometime Tuesday.

Tim

From: Kilminster-Hadley, Shasta [<mailto:shasta.k-hadley@ag.idaho.gov>]
Sent: Wednesday, February 08, 2012 8:21 AM
To: Luke, Tim; Strong, Clive
Subject: RE: Individual Hearing Notice Basin 02 Wtr District

The 28th works best for me too.

From: Luke, Tim [<mailto:Tim.Luke@idwr.idaho.gov>]
Sent: Tuesday, February 07, 2012 1:04 PM
To: Kilminster-Hadley, Shasta; Strong, Clive
Subject: RE: Individual Hearing Notice Basin 02 Wtr District

Shasta, Clive,

I made a few minor revisions to the hearing notice based on some input from Jeff. Main revision is in paragraph 1, pg 2, which now shows that a meeting will be held to elect a watermaster but IDWR proposes that Department staff can be appointed the first year to avoid the need to adopt a budget.

I need to hear back from you regarding the potential hearing dates and your availability. I would like to get the notice out by the end of the week if possible.

Tim

From: Luke, Tim
Sent: Monday, February 06, 2012 6:18 PM
To: Peppersack, Jeff
Cc: Kilminster-Hadley, Shasta; 'clive.strong@ag.idaho.gov'; Miller, Nick; Westra, John; Merritt, Allen
Subject: Individual Hearing Notice Basin 02 Wtr District

Jeff,

Attached is a draft hearing notice regarding creation of Water District 02. I have shown you as the hearing office as per our discussion. I've left the hearing date open for now, but will work on securing both a date and location over the next day or so. I would like to shoot for Feb 28 or 29 – this would be my preference. If we get notice out this week, we can schedule the hearing as early as Feb 21 – 23. I understand that either Shasta or Clive will give a brief presentation or overview on Swan Falls/Trust Water. I can provide a presentation on water district creation process, organization and requirements. Schedule dates will depend on your availability as well as Shasta and/or Clive.

In the interest of time and expense, I propose we just send individual notice and not do any newspaper notice. For newspaper notice to be effective, we would have to publish in several different papers given the area in which the district stretches. I would propose instead that we could send some type of press release to the papers of interest with a link to the individual notice and other information. If we do newspaper notice, then the hearing would have to be pushed back to the week of March 5 or 12.

Tim Luke
Idaho Department of Water Resources
322 E Front St, PO Box 83720
Boise, ID 83720-0098
208-287-4959
tim.luke@idwr.idaho.gov

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 2-10020

WATER RIGHT NUMBER: 2-10020

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MURPHY FLATS WATER COMPANY INC 11854 FLINTLOCK DR BOISE, ID 83713 (208) 867-5736
Original Owner	HULET FARM MANAGEMENT CO C/O JAY H HULET 15103 MURPHY FLAT RD MURPHY, ID 83650 (208)834-2738

Priority Date: 09/03/1970

Basis: Decreed

Status: Water Supply Bank Active

<u>Source</u>	<u>Tributary</u>
SNAKE RIVER	COLUMBIA RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DIVERSION TO STORAGE	03/01	to 11/15	66.040 CFS	
IRRIGATION STORAGE	03/01	to 11/15		73.00 AF
IRRIGATION FROM STORAGE	03/01	to 11/15		73.00 AF
	<u>Total Diversion:</u>		66.040 CFS	73.00 AF

Location of Point(s) of Diversion

SNAKE RIVER	L3 (NW1/4NW1/4)	Sec. 6,	Twp 03S,	Rge 01E, B.M.
OWYHEE County				

Place of Use

IRRIGATION STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
03s	01w	2													X		X	X	

Total Acres: 4540

IRRIGATION FROM STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
03S	01W	2			30.0				37.0		40.0	39.0				35.0			181.0
03S	01W	3						39.0			38.0	38.0			39.0	40.0	39.0	38.0	271.0

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 2-10247

WATER RIGHT NUMBER: 2-10247

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	VICTORIA O GARA PO BOX 2930 HAILEY, ID 83333
<u>Current Owner</u>	PETER L STURDIVANT PO BOX 968 HAILEY, ID 83333-0968 (208)309-2087
Original Owner	KRISTIN MONROE PO BOX 1084 SUN VALLEY, ID 83353
Original Owner	THOMAS O GARA PO BOX 2930 HAILEY, ID 83333
Original Owner	LANE MONROE PO BOX 1084 SUN VALLEY, ID 83353
Original Owner	JANE STURDIVANT PO BOX 968 HAILEY, ID 83333 (208)788-9845
Original Owner	ARTHUR ELLSTON PO BOX 404 HAGERMAN, ID 83332 (208)837-6511

Priority Date: 09/10/1884

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
SNAKE RIVER	COLUMBIA RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	02/15 to 11/30	0.260 CFS	
	<u>Total Diversion:</u>	0.260 CFS	

Location of Point(s) of Diversion

SNAKE RIVER	NW1/4SW1/4	Sec. 11, Twp 07S, Rge 13E, B.M.
GOODING County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	13E	11																	5.6
																			5.6



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

December 27, 2011

Water User
Address
City, State Zip

Dear Water User:

The Idaho Department of Water Resources' (Department or IDWR) intends to initiate steps to create a water district that would provide for the administration of water rights from the Snake River between Milner and Swan Falls Dams. Several factors affecting the Snake River in this river reach have focused the Department's attention on the need to create a water district for the administration of water rights, including the measurement and reporting of diversions from the river. These factors include:

1. The Snake River Basin Adjudication (SRBA) is nearing completion.
2. The SRBA District Court issued an order on September 12, 2011 authorizing the Director of IDWR to distribute water in accordance with partial decrees issued by the SRBA Court and water rights that have been recommended by the Director to the SRBA District Court.
3. Settlement of the Swan Falls minimum in-stream flow rights held by the State of Idaho necessitate the creation of a water district to measure water use diversions, including reservoir flows, in order to protect the minimum stream flows.

The Department has scheduled a public information meeting as follows:

Date: January 17, 2012
Time: 6:30 pm
Location: Mountain Home Junior High School*
The Commons Room
1600 East 6th St. South
Mountain Home, Idaho

The purpose of the meeting will be to inform water users of the requirements of water districts, the anticipated schedule for district creation, and to gather feedback. The meeting will be conducted in a facility that meets the accessibility requirements of the Americans with Disabilities Act. Should you require special accommodations in order to attend, participate in, or understand the meeting, please contact IDWR at least five days prior to the meeting.

For further information regarding this meeting, please contact the IDWR State Office Water Distribution Section at 208-287-4800, the IDWR Regional Office in Boise at 208-334-2190, or the IDWR Twin Falls Regional Office at 208-736-3033. A copy of this notice has been sent to all holders of water rights from the Snake River between Milner Dam and the Murphy Gage below Swan Falls Dam except in-stream stock water rights with a diversion rate of 0.02 cubic feet per second (cfs) or less.

* Directions from I-84: Take Exit 95 (Mt. Home/Fairfield/US 20) and turn west on American Legion Blvd towards city center, proceed about 0.8 mi. to 18th St., turn left onto 18th St, go about 0.5 mi and turn right onto 6th St., Junior High is to the right on 6th St.

RECEIVED
JUL 12 2012

02 Water Dist Meeting

1/15/13

<u>Name</u>	<u>Address</u>	<u>Phone</u>
Nemill Brown	Hammett	366-7077
MARK Henslee	Hagerman	539-7253
Stan Isaac ^{Little Valley} IRR	Bruneau, ID	599-0244
Dallas Smith	Camas, Fairfield ID	764-3904
Deemes Jones	Glenns Ferry	599-9090
Mike Ihli	KUNA	867-5736
Steve Lipscomb	Boise	863 4683
Darrel Ag ex brook	Grand View	834-5017
Jeremy Boodner	Grand View	834-2096
Doug Norton	Grand View	834-2797
GARDNER Brown	Glenns Ferry	873-4419
Robert Hall	Glenns Ferry	366-2528
Mike & Rhonda James	Oreana, Id	834-2926
MARK A NOBLE	GLENN'S FERRY, ID	599-3030
Lynn E. Johnson	Glenns Ferry, ID	599-5330
Craig Castagneto	Glenns Ferry, ID	251-7148
Ken Widner	Hammett ID	599-0293
Mark A. Frost	27404 Bruneau ID.	599-2236
Clay Atkins	Bruneau, Id	845-2931
Billy Wolfe	Grand View ID.	834-3505
WOLFE Brothers		
Roxanne Brown	Boise	859-8428
CHARLIE BRYAN	Boise	899-1419
2/1/13	Grand View	599-4657
Carly Meyer	Grand View	599-2280

<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE</u>
Quay Johns	Bonneau	3667734
Janice	Mt. Home	599-0400
Jeff Hager	Mt. Home	682-8716
Bob Blankens	Hammett	366-2849
Sherwin Sandberg	Oranga	599-4651
John Marshall	Boise	991-2701
Chris Azole	Mt. Home	587-2789
Spencer Beas	GV	834-2538
Dale Hookey	Hammett	599-0119
Chris Bryant	Glenns Ferry	599-1980
Andrew S Johnson	Hammett	366-7598
Ryan A Johnson	Hammett	591-0729
Vic Conrad	Boise	389-7359
Roger Dittus	United Water	362-7358

John M. Marshall
John Marshall Law PLLC
575 W. Bannock Street, Suite B
Boise, Idaho 83702
Telephone: 208-991-2701
Facsimile: 208-906-8043
john@jmarshalllaw.com

RECEIVED
JUN 21 2012
DEPARTMENT OF
WATER RESOURCES

*Attorney for Grindstone Butte Mutual Canal Company, MAN Farms, LLC and
ATN Holdings, LLC*

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

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

Grindstone Butte Mutual Canal Company, MAN Farms, LLC and ATN Holdings, LLC (“Petitioners”) submit these exceptions in opposition to the May 1, 2012 Preliminary Order in this matter. Petitioners object to the creation of Water District 02 and request that the Director rescind the preliminary order creating it. Petitioners are joined by at least 25 other water users in opposing the creation of Water District 02.

The public record shows that the Department, along with the Attorney General’s Office and Idaho Power, decided to create Water District 02 in the fall of 2011 prior to initiating the public notice and comment process for the district in early 2012. Consequently, a typical exceptions brief that gets at specific perceived errors made by the hearing officer seems of little utility here where there has not been a contested case and the decision at issue has already been vetted through the Department. Instead, Petitioners will provide further explanation to

supplement their previous comments and briefing for why they do not want to be in a water district and why the Department can avoid creating one at this time while still achieving the Department's stated administrative goals for the reach.

**THE DEPARTMENT IS ASKING WATER USERS TO SHOULDER A SIGNIFICANT
REGULATORY BURDEN WITHOUT A COMMENSURATE REGULATORY BENEFIT.**

Petitioners do not want to be in a water district. They do not want to participate in an advisory committee, a steering committee or to attend annual meetings. They do not want to be under the jurisdiction of a water master. And they do not want to pay tens of thousands of dollars for equipment and annual assessments to fund a water measurement program that can be accomplished without creating a water district and without forcing water users into a compulsory regulatory program. And they certainly do not want to be subjected to all of the above if the Department can administer the reach of the Snake without a district or the proposed meter measuring requirements. Petitioners believe the Department can administer the reach without creating a district and therefore oppose the imposition of a new government regulatory program on them.

It is clear that the plan to create Water District 02 is centered on the protection of the State's and Idaho Power's interests in the State's minimum stream flow rights at the Murphy Gage as memorialized in the Swan Falls agreement. As the Department's public record on this matter makes clear, neither the Department nor Idaho Power currently know whether the minimum flow rights are being filled or not because they lack understanding about how reservoir operations affect the reach. Indeed, there are no existing gages measuring the inflows from the Snake and Bruneau Rivers into CJ Strike Reservoir, a 247,000 acre foot reservoir that has major effects on the Snake River flows in the reach. Accordingly, neither the Department nor Idaho Power can accurately tell how the power company's operation of this large storage facility alters

the natural flow of the river. The same is true with regard to the dams at Lower Salmon Falls and Bliss.

The answer to the lack of information on Snake River flows, however, is not to force hundreds of users into a water district. That is an inefficient and disproportionate answer to solving the current problem of a lack of information. A more efficient way to get at the current problem is to install new gages on the river upstream of the reservoirs. The information from these gages will provide the necessary but currently unavailable information about the Snake River flows in the District 02 reach and will give an accurate picture of whether the State's minimum flow rights are being met. The State, Idaho Power and/or the Bureau of Reclamation—not the water users—should fund the installation and measurement of these gages. Once this information is in hand, the Department can assess whether a district is necessary.

In his order denying the petitions for reconsideration, the Hearing Officer states that measuring the diversions from the river is also an important component of understanding the flows in the reach. Petitioners believe the Department can reliably estimate existing diversions in its effort to understand the flows in the reach and their impact on the minimum flow rights at Murphy. Aided by the recent adjudication of the Basin 02 reach of the Snake, the Department knows the locations of the diversions on the river and the acreage being irrigated through these diversions. Based on irrigated acreage, the Department can readily estimate diversion rates and volumes from the river. To the extent more precision is needed for certain diversions, water users can supply diversion information through power records coupled to pumping equipment specifications. Petitioners would willingly participate in this type of information gathering and, in fact, have done so in the past. Other users in the reach have as well. Petitioners believe other

users would again participate in this type of information exchange in lieu of having to participate in a water district.

CONCLUSION

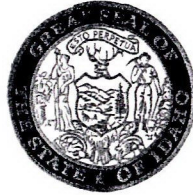
Nearly 30 water users within the proposed district have come out in public opposition to it. By contrast, not a single water user has expressed public support for the district. Absent a specifically identified and pressing water administration problem, the users to be regulated have cause to question why they should be asked to fund this new level of regulatory oversight.

The Department does not need to create a water district and compel expensive and burdensome measuring requirements in order to gain an understanding of the Snake River flows in Basin 02 and to assess whether water right administration is necessary to protect the State's minimum flows. The Department has existing tools available that will create far less burden on the water users by which it can collect information and administer the reach. Accordingly, Petitioners ask the Director to rescind the order creating the district and then reassess the need for the district at a later date after additional river gages are installed and the data analyzed to gain more complete understanding of the flows in water basin 02 and whether there is a need for curtailments in order to satisfy the State's instream flow rights.

DATED June 21, 2012.

John Marshall Law PLLC

By: 
John M. Marshall



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

May 23, 2012

Mr. John Marshall
575 West Bannock, Suite B
Boise, ID 83702

RE: Public Records Request – Creation of Water District No. 2

Dear Mr. Marshall:

The Idaho Department of Water Resources (IDWR) has processed your request dated May 14, 2012 to inspect public records regarding the creation of Water District No. 2. IDWR has located and retrieved documents identified in your request and those documents are available for your inspection. Unless subject to the attorney-client privilege, IDWR will make all the requested documents in its possession available for your inspection anytime after May 23, 2012 during normal business hours at the IDWR State office in Boise. During the inspection you have the right to make a photocopy of any public record. IDWR has disclosed all but 6 email communications between the agency and legal counsel.

In addition to the documents made available for your inspection, you may want to review the IDWR website link relating to Swan Falls. There is a power point presentation from 1/24/2012 by Sean Vincent – one of the slides makes reference to measurement of diversions in WD02 for purposes of determining reach gains and losses and that diversions affect flow at Murphy. The link is as follows:

http://www.idwr.idaho.gov/News/Issues/SwanFalls/swan_falls_agreement.htm

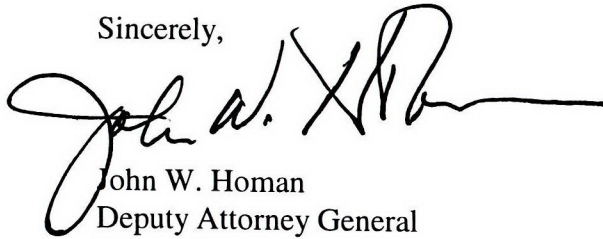
Additionally, the IDWR website link to WD02 creation is as follows:

http://www.idwr.idaho.gov/WaterManagement/WaterDistricts/Snake_Milner-SwanFalls/default.htm

When you are ready to inspect the public records, you may find it convenient to schedule an appointment with Tim Luke at 287-4959.

Please do not hesitate to contact me at the (208) 287-4812 if you have any questions or need to make further arrangements.

Sincerely,

A handwritten signature in black ink, appearing to read "John W. Homan", with a long horizontal flourish extending to the right.

John W. Homan
Deputy Attorney General
Natural Resources Division

c: Tim Luke

SCANNED
JUL 16 2012

John Marshall Law PLLC

575 W Bannock, Suite B
Boise, ID 83702

RECEIVED

MAY 15 2012

DEPARTMENT OF
WATER RESOURCES

phone 208-991-2701
fax 208-906-8043
john@jmarshalllaw.com

May 14, 2012

Via US mail

Mr. Gary Spackman, Interim Director
Idaho Department of Water Resources, State Office
The Idaho Water Center
322 E. Front Street
Boise, Idaho 83720-0098

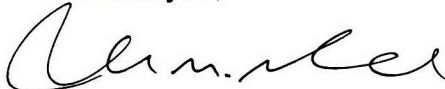
Re: Public Records Request — Water District No. 2

Dear Mr. Spackman:

This letter is a request to examine and obtain copies of public records pursuant to Idaho Code § 9-338. I hereby request all public records constituting or relating in any way to work product or communications of any sort by, among, or between IDWR employees, IDWR consultants, IDWR independent contractors, and/or third parties (i.e. any person outside IDWR) relating to any knowledge, understanding, opinion, analysis, position, or other interest in connection with the formation of Water District No. 2, Snake River from Milner Dam to the Murphy Gage Below Swan Falls Dam. This request includes all public records created, transmitted or stored electronically, including e-mails.

If IDWR believes any requested public record is exempt from disclosure, please identify and describe each public record that has been withheld and state the exemption or other reason for withholding it. Please notify me of any copying or duplication charges before such charges are incurred. Please contact me to make arrangements for examination or delivery of the requested public records or if you have any questions regarding this request.

Thank you,



John M. Marshall

cc: Garrick Baxter (via email)

SCANNED
JUL 16 2012

John M. Marshall
John Marshall Law PLLC
575 W. Bannock Street, Suite B
Boise, Idaho 83702
Telephone: 208-991-2701
Facsimile: 208-906-8043
john@jmarshalllaw.com

RECEIVED
MAY 18 2012
DEPARTMENT OF
WATER RESOURCES

*Attorney for Grindstone Butte Mutual Canal Company, MAN Farms, LLC and
ATN Holdings, LLC*

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

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

Grindstone Butte Mutual Canal Company, MAN Farms, LLC and ATN Holdings, LLC ("Petitioners") seek reconsideration of the May 1, 2012 Preliminary Order in this matter. Petitioners specifically ask that the Department rescind the order and delay its decision to create Water District 02 in light of the significant burdens that the district will impose upon the water users in the affected river reach. Petitioners respectfully request that the Department thoroughly analyze the data available to it through existing river gages for at least 3 years and then determine whether a district and the associated costs to users is necessary. Alternatively, and at a minimum, Petitioners request that the Department stay implementation of the Preliminary Order pending an opportunity for Petitioners to provide additional comment after their review the public records relied upon by the Department in its decision to create Water District 02.

**THE DEPARTMENT DOES NOT NEED TO CREATE A WATER
DISTRICT TO ACHIEVE IS STATED ADMINISTRATIVE OBJECTIVES
ON THE AFFECTED REACH OF THE SNAKE.**

Department officials acknowledged at the public meeting and hearing on the creation of Water District 02 that the affected reach of the Snake has an abundant water supply that has dropped below the flow necessary to supply senior rights only in very rare instances, and then only for a very brief period of time. Even so, the driving reason given for creating the water district is to protect the State's instream flow rights that are measured at the Murphy Gage. Additionally, in Finding of Fact No. 10 in the Preliminary Order, the Department states that a district is necessary to more accurately measure the instream flow at the Murphy Gage and to assess water users' compliance with their water rights.

Petitioners believe that the Department can achieve its stated administrative objectives for the affected reach of the Snake using existing tools without need for creating a water district. Accordingly, Petitioners propose that the decision to create Water District 02 is premature and should be delayed until after the Department determines that it cannot properly administer the affected reach of the Snake without a water district and the associated imposition of costs on the affected water users.

Before creating a water district whose primary design is to satisfy the State's instream flow rights at the Murphy Gage, the Department can and should undertake a concentrated review of the river flow data available from the numerous existing river gages that exist upstream of the Murphy Gage. According to discussion at the public hearing on the creation of the district, there are at least seven gages in the reach that report the flow of the Snake River. Only in the event the data from these gages is demonstrated to be insufficient for understanding the river flows in the reach and for assessing whether the State's instream flows at the Murphy Gage are being

satisfied should the Department consider creating a water district for the purpose of collecting additional data.

Similarly, the objective of ensuring compliance by water users with their water rights can be achieved outside of creating a water district. Initially, and as noted above, there is no identified existing problem related to unfilled senior rights in Basin 02. Consequently, Petitioners question the need for a stepped up compliance program on this reach of the Snake. Moreover, the Department has not identified any chronic compliance problem in the reach that would suggest a new level of administrative intervention is needed. Regardless, the Department has existing tools through Landsat data and the like by which it can assess water user compliance without having to create a water district. These available tools provide for an appropriate level of compliance monitoring under the existing, water-rich circumstances in Basin 02.

In summary, the Department can achieve its administrative objectives for the affected reach of the Snake River using existing administrative tools and existing river gages. Petitioners propose that the Department first utilize these existing tools before imposing the burdens of a water district on them.

THE WATER USERS IN THE DISTRICT WILL HAVE TO SHOULDER A SUBSTANTIAL BURDEN

The burdens on water users following creation of the district are unquestionably significant. Department officials have made it clear that their intent is to require users to install expensive measuring devices and to undertake routine monitoring and reporting of their water use. The cost to comply will require initial capital investment by many of the affected water users of tens of thousands of dollars, perhaps more, and many thousands more in ongoing costs for assessments and operation and maintenance. Additionally, water users will have to devote time and effort to monitoring the administration of the district and to participating in its

governance. These burdens may be acceptable and justified in a situation where a water supply problem exists, but here the Department is asking the water users to assume these burdens in the absence of any identified problem that this new level of government regulation and associated costs are designed to solve.

REQUEST TO PROVIDE ADDITIONAL BRIEFING FOLLOWING REVIEW OF PUBLIC RECORDS

Petitioners have sought to review the Department's public records concerning the rationale for creating Water District 02. In the event the Department is not inclined to rescind the Preliminary Order now, Petitioners respectfully request an opportunity to provide further briefing on this matter after they have had the opportunity to review the requested public records.

CONCLUSION

The imposition of a new water district is a serious matter for the affected water users. A water district adds another level of government regulation to the users and requires them to dip into their own pocket books to fund this new regulatory oversight. Consequently, the affected water users are right to resist the imposition of a water district on them in the absence of any existing water administration problem or explanation of how the creation of a water district and all of its associated costs will help solve an actual problem. The Preliminary Order identifies only a potential, future water supply problem and the need for more data as grounds for creating a district. Because there is no existing water supply problem in the reach, and the Department can collect data and administer existing rights without a water district and its associated costs, Petitioners request that the Department rescind its Preliminary Order and reassess whether the a water district is necessary after it undertakes study of the river data available to it outside of the creation of the district. Petitioners propose at least a three-year study period before the Department reevaluates whether a water district is warranted for the reach. In the alternative,

Petitioners request the opportunity to review the public records at the Department prior to closing the opportunity to be heard on this Petition for Reconsideration.

DATED May 18, 2012.

John Marshall Law PLLC

By:



John M. Marshall

RECEIVED

MAY 18 2012

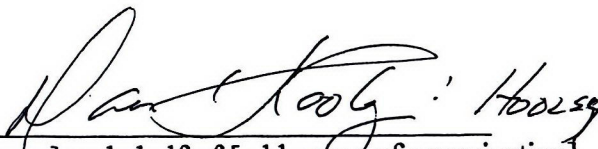
DEPARTMENT OF
WATER RESOURCES

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

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

DALE HOOLLEY have reviewed the Petition for Reconsideration of Preliminary Order submitted in this matter by Grindstone Butte Mutual Canal Company, MAN Farms, LLC and ATN Holdings, LLC and adopt the positions and arguments made by them as our own.

DATED May ____, 2012.

By:  Hoolley Farms
[add name] on behalf of [add name of organization]

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MAY 18 2012
DEPARTMENT OF
WATER RESOURCES

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

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

James D Wolfe have reviewed the Petition for Reconsideration of Preliminary Order submitted in this matter by Grindstone Butte Mutual Canal Company, MAN Farms, LLC and ATN Holdings, LLC and adopt the positions and arguments made by them as our own.

DATED May 16, 2012.

By:

James D Wolfe - Wolfe Bros Inc
[add name] on behalf of [add name of organization]

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DEPARTMENT OF
WATER RESOURCES

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

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

Black Mesa Farms LLC have reviewed the Petition for Reconsideration of Preliminary Order submitted in this matter by Grindstone Butte Mutual Canal Company, MAN Farms, LLC and ATN Holdings, LLC and adopt the positions and arguments made by them as our own.

DATED May 16, 2012.

By: Black Mesa Farms LLC
Wesley R. Wasala
[add name] on behalf of [add name of organization]

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MAY 18 2012

DEPARTMENT OF
WATER RESOURCES

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

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

BLANKSMA LAND & STORAGE, LLC have reviewed the Petition for Reconsideration of Preliminary Order submitted in this matter by Grindstone Butte Mutual Canal Company, MAN Farms, LLC and ATN Holdings, LLC and adopt the positions and arguments made by them as our own.

DATED May ____, 2012.

By: Jeffrey Blankenship MGR
[add name] on behalf of [add name of organization]
Blankensma Land & Storage, LLC

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

RECEIVED
MAY 18 2012
DEPARTMENT OF
WATER RESOURCES

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

WILSON+WILSON CO. have reviewed the Petition for Reconsideration of Preliminary Order submitted in this matter by Grindstone Butte Mutual Canal Company, MAN Farms, LLC and ATN Holdings, LLC and adopt the positions and arguments made by them as our own.

DATED May 17, 2012.

By: Ann T Wilson WILSON+WILSON CO.
[add name] on behalf of [add name of organization]

SCANNED
JUL 16 2012

RECEIVED

MAY 18 2012

DEPARTMENT OF
WATER RESOURCES

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

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

Trail Ranches, Inc. - Walter Trail have reviewed the Petition for Reconsideration of Preliminary Order submitted in this matter by Grindstone Butte Mutual Canal Company, MAN Farms, LLC and ATN Holdings, LLC and adopt the positions and arguments made by them as our own.

DATED May 17, 2012.

By: Walter Trail Trail Ranches, Inc.
[add name] on behalf of [add name of organization]

MAY 18 2012

DEPARTMENT OF
WATER RESOURCES

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

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

GARDNER I BROWN have reviewed the Petition for Reconsideration of Preliminary Order submitted in this matter by Grindstone Butte Mutual Canal Company, MAN Farms, LLC and ATN Holdings, LLC and adopt the positions and arguments made by them as our own.

DATED May 16 2012.

By: Gardner I Brown
[add name] on behalf of [add name of organization]

RECEIVED

MAY 18 2012

DEPARTMENT OF
WATER RESOURCES

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 MURPHY GAGE BELOW SWAN FALLS DAM

MIDNIGHT SUN, INC))) PETITION FOR RECONSIDERATION OF
PRELIMINARY ORDER

I, CHARLES W. BRYAN, have reviewed the Petition for Reconsideration of Preliminary
Order submitted in this matter by Grindstone Butte Mutual Canal Company, MAN Farms, LLC
and ATN Holdings, LLC and adopt the positions and arguments made by them as our own.

DATED May 17, 2012.

By: CHW -

Title V. P.

SCANNED
JUL 16 2012

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MAY 18 2012

DEPARTMENT OF
WATER RESOURCES

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 MURPHY GAGE BELOW SWAN FALLS DAM

BAGLE CREEK NW, LLC))) PETITION FOR RECONSIDERATION OF
PRELIMINARY ORDER

I, CHARLES W. BRYAN, have reviewed the Petition for Reconsideration of Preliminary
Order submitted in this matter by Grindstone Butte Mutual Canal Company, MAN Farms, LLC
and ATN Holdings, LLC and adopt the positions and arguments made by them as our own.

DATED May 17, 2012.

By: Ch Bryan

Title V.P.

SCANNED

JUL 16 2012

RECEIVED

MAY 18 2012

DEPARTMENT OF
WATER RESOURCES

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

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

Rockin S Ranch by

John R. Sobule have reviewed the Petition for Reconsideration of
Preliminary Order submitted in this matter by Grindstone Butte Mutual Canal Company, MAN
Farms, LLC and ATN Holdings, LLC and adopt the positions and arguments made by them as
our own.

DATED May 16, 2012.

By:

John R. Sobule Rockin S Ranch
[add name] on behalf of [add name of organization]

RECEIVED

MAY 18 2012

DEPARTMENT OF
WATER RESOURCES

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 MURPHY GAGE
BELOW SWAN FALLS DAM

)
) PETITION FOR
) RECONSIDERATION OF
) PRELIMINARY ORDER

DeRuyter Properties, LP

I, Nick DeRuyter have reviewed the Petition for Reconsideration of Preliminary Order submitted in this matter by Grindstone Butte Mutual Canal Company, MAN Farms, LLC and ATN Holdings, LLC and adopt the positions and arguments made by them as our own.

DATED May 18, 2012.

By: Nick DeRuyter Owner of DeRuyter Properties, LP
[add name] on behalf of [add name of organization]

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MAY 18 2012

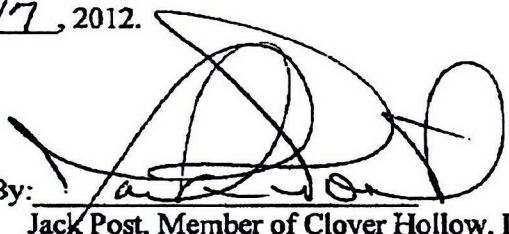
DEPARTMENT OF
WATER RESOURCES

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 MURPHY GAGE)	PETITION FOR
BELOW SWAN FALLS DAM)	RECONSIDERATION OF
	PRELIMINARY ORDER

Clover Hollow, LLC has reviewed the Petition for Reconsideration of Preliminary Order submitted in this matter by Grindstone Butte Mutual Canal Company, MAN Farms, LLC and ATN Holdings, LLC and adopts the positions and arguments made by them as our own.

DATED May 17, 2012.

By: 
Jack Post, Member of Clover Hollow, LLC

By: 
Terry Ketterling, Member of Clover Hollow, LLC

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JUL 16 2012

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MAY 18 2012

DEPARTMENT OF
WATER RESOURCES

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 MURPHY GAGE	)	PETITION FOR
BELOW SWAN FALLS DAM	)	RECONSIDERATION OF
		PRELIMINARY ORDER

South Elmore Irrigation Co., Inc. has reviewed the Petition for Reconsideration of Preliminary Order submitted in this matter by Grindstone Butte Mutual Canal Company, MAN Farms, LLC and ATN Holdings, LLC and adopts the positions and arguments made by them as our own.

DATED May 17, 2012.

By: 

Jack Post, President of South Elmore Irrigation Co., Inc.

By: 

Terry Ketterling, Secretary of South Elmore Irrigation Co., Inc.

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JUL 16 2012

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MAY 18 2012

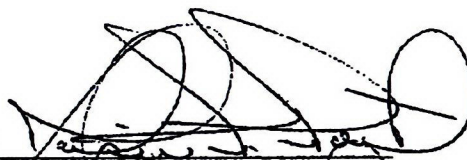
DEPARTMENT OF
WATER RESOURCES


**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 MURPHY GAGE)	PETITION FOR
BELOW SWAN FALLS DAM)	RECONSIDERATION OF
	PRELIMINARY ORDER

Jackie P. Post and Karla K. Post have reviewed the Petition for Reconsideration of Preliminary Order submitted in this matter by Grindstone Butte Mutual Canal Company, MAN Farms, LLC and ATN Holdings, LLC and adopts the positions and arguments made by them as our own.

DATED May 18, 2012.

By: 
Jackie P. Post

By: 
Karla K. Post

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JUL 16 2012

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MAY 18 2012

DEPARTMENT OF
WATER RESOURCES

**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 MURPHY GAGE)	PETITION FOR
BELOW SWAN FALLS DAM)	RECONSIDERATION OF
	PRELIMINARY ORDER

Bybee Lateral Water Users Association has reviewed the Petition for Reconsideration of Preliminary Order submitted in this matter by Grindstone Butte Mutual Canal Company, MAN Farms, LLC and ATN Holdings, LLC and adopts the positions and arguments made by them as our own.

DATED May 17, 2012.

By: 

Darrel Agenbroad, President of Bybee Lateral Water Users Association

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JUL 16 2012

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MAY 18 2012

DEPARTMENT OF
WATER RESOURCES

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

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

Bart C. Fowers - Little Valley Mutual Irr. Co. have reviewed the Petition for Reconsideration of Preliminary Order submitted in this matter by Grindstone Butte Mutual Canal Company, MAN Farms, LLC and ATN Holdings, LLC and adopt the positions and arguments made by them as our own.

DATED May 17, 2012.

By: Bart C. Fowers - President Little Valley Mutual
[add name] on behalf of [add name of organization] Irrigation Co.

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MAY 18 2012

DEPARTMENT OF
WATER RESOURCES

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 MURPHY GAGE
BELOW SWAN FALLS DAM

)
) PETITION FOR
) RECONSIDERATION OF
) PRELIMINARY ORDER

Grand View Irrigation have reviewed the Petition for Reconsideration of Preliminary Order submitted in this matter by Grindstone Butte Mutual Canal Company, MAN Farms, LLC and ATN Holdings, LLC and adopt the positions and arguments made by them as our own.

DATED May 18, 2012.

By: Mark G. Host
[add name] on behalf of [add name of organization]
Grand View Irrigation District

SCANNED

JUL 16 2012

MAY 18 2012

DEPARTMENT OF
WATER RESOURCES

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

) PETITION FOR
) RECONSIDERATION OF
) PRELIMINARY ORDER
)

Grand View Mutual Canal have reviewed the Petition for Reconsideration of Preliminary Order submitted in this matter by Grindstone Butte Mutual Canal Company, MAN Farms, LLC and ATN Holdings, LLC and adopt the positions and arguments made by them as our own.

DATED May 18, 2012.

By: [Signature] VP
[add name] on behalf of [add name of organization]
Grand View Mutual Canal Co.

PETITION FOR RECONSIDERATION - 1

SCANNED

JUL 16 2012

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

RECEIVED
MAY 18 2012
DEPARTMENT OF
WATER RESOURCES

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

) PETITION FOR
) RECONSIDERATION OF
) PRELIMINARY ORDER

Snake River Irrigation District have reviewed the Petition for Reconsideration of Preliminary Order submitted in this matter by Grindstone Butte Mutual Canal Company, MAN Farms, LLC and ATN Holdings, LLC and adopt the positions and arguments made by them as our own.

DATED May 18, 2012.

By: Walter R. Kelly Chairman
[add name] on behalf of [add name of organization]
Snake River Irrigation District

MAY 18 2012

DEPARTMENT OF
WATER RESOURCES


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 MURPHY GAGE
BELOW SWAN FALLS DAM

) PETITION FOR
) RECONSIDERATION OF
) PRELIMINARY ORDER

Upper Grand View Canal have reviewed the Petition for Reconsideration of Preliminary Order submitted in this matter by Grindstone Butte Mutual Canal Company, MAN Farms, LLC and ATN Holdings, LLC and adopt the positions and arguments made by them as our own.

DATED May 18, 2012.

By: 
[add name] on behalf of [add name of organization]
Upper Grand View Canal Company
Secretary

PETITION FOR RECONSIDERATION - 1

SCANNED
JUL 16 2012

RECEIVED

MAY 18 2012

DEPARTMENT OF
WATER RESOURCES

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

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

John Terry Field have reviewed the Petition for Reconsideration of Preliminary Order submitted in this matter by Grindstone Butte Mutual Canal Company, MAN Farms, LLC and ATN Holdings, LLC and adopt the positions and arguments made by them as our own.

DATED May 17, 2012.

By: John Terry Field
[add name] on behalf of [add name of organization]

SCANNED

JUL 16 2012

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MAY 18 2012

DEPARTMENT OF
WATER RESOURCES

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

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

VERLIN, ELLA FRUDY GINGERICH have reviewed the Petition for Reconsideration of Preliminary Order submitted in this matter by Grindstone Butte Mutual Canal Company, MAN Farms, LLC and ATN Holdings, LLC and adopt the positions and arguments made by them as our own.

DATED May 18, 2012.

By: Verlin GINGERICH
[add name] on behalf of [add name of organization]
GINGERICH BROTHERS FARMS
VERLIN & ELLA GINGERICH

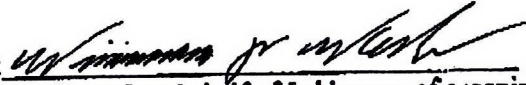
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DEPARTMENT OF
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OF THE STATE OF IDAHO

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WATER DISTRICT NO. 2, SNAKE RIVER)	PETITION FOR
FROM MILNER DAM TO MURPHY GAGE)	RECONSIDERATION OF
BELOW SWAN FALLS DAM	)	PRELIMINARY ORDER

William R. Wolfe - Victoria^{R.} have reviewed the Petition for Reconsideration of Preliminary Order submitted in this matter by Grindstone Butte Mutual Canal Company, MAN Farms, LLC and ATN Holdings, LLC and adopt the positions and arguments made by them as our own.

DATED May 18, 2012.

By: 
[add name] on behalf of [add name of organization]

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MAY 18 2012

DEPARTMENT OF
WATER RESOURCES

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 MURPHY GAGE
BELOW SWAN FALLS DAM

) PETITION FOR
) RECONSIDERATION OF
) PRELIMINARY ORDER

Was Eagle Farms, LLC

I, James, Michael Rhonda have reviewed the Petition for Reconsideration of Preliminary Order submitted in this matter by Grindstone Butte Mutual Canal Company, MAN Farms, LLC and ATN Holdings, LLC and adopt the positions and arguments made by them as our own.

DATED May 18, 2012.

Michael James, Rep
By: Rhonda James
[add name] on behalf of [add name of organization]

PETITION FOR RECONSIDERATION - 1

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JUL 16 2012

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MAY 18 2012

DEPARTMENT OF
WATER RESOURCES

Dana L. Hofstetter, ISB #3867
Hofstetter Law Office, LLC
608 West Franklin Street
Boise, Idaho 83702
Telephone: (208) 424-7800
Facsimile: (208) 424-8774
E-Mail: Dana@IdahoWaterLaw.com

Attorney for Flying H Farms Partnership and
Jeff C. and Jackie Harper

**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 MURPHY
GAGE BELOW SWAN FALLS DAM**

**PETITION FOR
RECONSIDERATION**

Petitioners, Flying H Farms Partnership and Jeff C. and Jackie Harper, by and through their counsel of record, Dana L. Hofstetter of Hofstetter Law Office, LLC, respectfully file this *Petition for Reconsideration* requesting reconsideration of the May 1, 2012, Preliminary Order in this matter. Petitioners respectfully request that the Department reconsider whether the establishment of the Water District is necessary at this time.

DATED this 18th day of May, 2012.

HOFSTETTER LAW OFFICE, LLC

By 

Dana L. Hofstetter, for the firm
Attorney for Flying H Farms Partnership
and Jeff C. and Jackie Harper

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 18th day of May, 2012, I caused a true copy of the foregoing **PETITION FOR RECONSIDERATION** to be served by the method(s) indicated on the following:

Original to:

Director
Idaho Department of Water Resources
The Idaho Water Center
322 East Front Street
Boise, Idaho 83702
☐ U.S. Mail ☐ Fed Ex ☒ Hand ☐ Fax

Copy to:

Jeff Peppersack
Idaho Department of Water Resources
The Idaho Water Center
322 East Front Street
Boise, Idaho 83702
☐ U.S. Mail ☐ Fed Ex ☒ Hand ☐ Fax



DANA L. HOFSTETTER

Petitions for Reconsideration filed in the Matter of Creation of Water District 02

Grindstone Butte Mutual Canal Co., MAN Farms, LLC and ATN Holdings, LLC, represented by John Marshall:

- Asks for delay of decision to create water district in light of significant burdens that it will impose upon water users. The water users in the water district will have to shoulder a substantial burden – expensive measuring devices and routine monitoring. The Department is asking water users to assume these burdens in the absence of any identified problem.
- Asks Department to thoroughly analyze data from existing river gages for at least 3 years and then determine if district is necessary. Only in the event that data from existing gages is demonstrated to be insufficient for understanding river flows and assessing whether the instream flows are being met should the Department consider creating a water district.
- Petitioners believe Department can achieve goals of protection of minimum stream flow and compliance with water rights without a water district. Department has existing tools (Landsat, etc.) to assess water user's compliance.
- Petitioners propose a delay until Department determines that it cannot properly administer the affected reach without a water district
- Alternatively, stay implementation of order pending opportunity for petitioners to provide additional comment after they review public records of Department. Petitioners request opportunity to provide further briefing after they have had opportunity to review requested public records.

Other petitioners adopting above arguments:

1. Dale Hooley – Hooley Farms
2. James D. Wolfe – Wolfe Bros. Inc.
3. Black Mesa Farms, LLC – Don J. Bryant and Wesley R. Wooten
4. Blanksma Land & Storage, LLC – Jeffrey C. Blanksma
5. Wilson & Wilson Co. – Ann T. Wilson
6. Trail Ranches, Inc. – Walter Trail
7. Gardiner I. Brown
8. Midnight Sun, Inc. – Charles W. Bryan
9. Eagle Creek NW, LLC – Charles W. Bryan
10. Rockin S Ranch – John R. Solosabal
11. DeRuyter Properties, LP – Nick J. DeRuyter
12. Clover Hollow, LLC – Jack Post and Terry Ketterling
13. South Elmore Irrigation Co., Inc. – Jack Post and Terry Ketterling
14. Jackie P. and Karla K. Post
15. Bybee Lateral Water Users Assoc. – Darrel Agenbroad
16. Little Valley Mutual Irr. Co. – Bart C. Fowers
17. Grand View Irrigation District – Mark Frost

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JUL 16 2012

18. Grand View Mutual Canal Co. – Randy Hipwell
19. Snake River Irrigation District – Wayne Ridley
20. Upper Grand View Canal Co. – Dixie McDaniel
21. John Terry Field
22. Gingerich Brothers Farms – Verlin, Ella and Rudy Gingerich
23. William R. and Victoria R. Wolfe
24. War Eagle Farms, LLC – Michael and Rhonda James

Flying H Farms Partnership, and Jeff C. and Jackie Harper, represented by Dana Hofstetter:

- petition asks the Department to reconsider whether the water district is necessary at this time.

\$6.54[¢]/Kw

4.55 ¢/Kwh

0.0455

\$2,653,315 2011₂ River state/yr

Grindstone Bottle
Fwh costs

SCANNED

JUL 16 2012



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

June 15, 2011

Re: Motion for Order of Interim Administration in Basin 02

Dear Water User:

The enclosed documents relate to the State of Idaho's Motion for Order of Interim Administration, which seeks District Court authorization for administration of surface water rights in the Idaho Department of Water Resources' (IDWR) Administrative Basin 02. Basin 02 is limited to the Snake River from Milner Dam to the Oregon border. The Snake River Basin Adjudication (SRBA) started over twenty years ago and is now nearing completion. IDWR completed its recommendations of Basin 02 water right claims filed in the SRBA and many of those claims have since been decreed by the SRBA District Court.

The purposes for the interim administration request are to obtain authority for the Director of IDWR to create or revise water districts, and to provide for long-term administration of surface and ground water rights from hydraulically connected sources. The first step in this process is the notification of potentially affected water right holders concerning the request and a hearing on the matter by the SRBA District Court. Therefore, this mailing is being sent to all recorded SRBA claimants in Basin 02, as well as holders of Basin 02 licensed and permitted rights that were not claimed in the SRBA. The list of affected claimants and other right holders is on file with the SRBA Court as Exhibit 1 to the Certificate of Service filed by the State.

This notice is provided for informational purposes as required by Section 42-1417(2), Idaho Code. This notice and the hearing scheduled by the SRBA District Court do not affect the status of your water right(s) on record with IDWR and the SRBA District Court, and will not result in any water rights being taken away, diminished or re-adjudicated. Any order issued by the SRBA District Court granting interim administration simply means that IDWR may proceed with future administration of water rights in Basin 02 in accordance with the individual water right decrees issued by the SRBA Court or recommendations pending before the SRBA Court.

Enclosed with this mailing are the following documents: (1) Motion for Order of Interim Administration; (2) Brief in Support of Motion for Order of Interim Administration; (3) Affidavit of Tim Luke, Section Manager for the IDWR Water Distribution Section; and (4) Order Setting Hearing on State of Idaho's Motion for Interim Administration. These documents can also be accessed, along with the Certificate of Service and accompanying Exhibit on the IDWR website.

If you have any questions, please call IDWR at 208-287-4800.

Sincerely,



SHASTA KILMINSTER-HADLEY
Deputy Attorney General

Enclosures

LAWRENCE G. WASDEN
Attorney General

CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division

SHASTA KILMINSTER-HADLEY, ISB #7889
Deputy Attorney General
Natural Resources Division
Office of the Attorney General
P.O. Box 44449
Boise, Idaho 83711-4449
Telephone: (208) 334-2400
Facsimile: (208) 334-2690

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

In Re SRBA	)	Subcase No. 00-92021-02
)	
	)	MOTION FOR ORDER OF
	)	INTERIM ADMINISTRATION OF SURFACE
Case No. 39576	)	WATER RIGHTS IN BASIN 02
)	
)	
)	
_____)	

The State of Idaho moves this Court for an order of interim administration of surface water rights in the Snake River Basin Adjudication ("SRBA") for Administrative Basin 02, pursuant to Idaho Code § 42-1417, in accordance with partial decrees issued by the SRBA District Court. The grounds for this motion are as follows:

1. Idaho Code § 42-1417 provides that the district court may, by order, permit the distribution of water pursuant to chapter 6, title 42, Idaho Code, through water districts in accordance with the Director's Report and the partial decrees for water rights acquired under state law or established under federal law. Idaho Code § 42-1417 provides that the

district court may enter the order after notice and hearing, if the district court determines that interim administration of water rights is reasonably necessary to protect senior water rights.

2. This Court's adjudication of water rights in Basin 02 is nearly complete. There are currently objections remaining in approximately 25 water right recommendations.
3. Interim administration of water rights in Basin 02 is reasonably necessary because an efficient means of administering water rights from ground water sources and some surface water sources in this basin does not exist. The establishment of water districts for this basin will provide the watermasters with the ability to administer water rights in accordance with the prior appropriation doctrine as established by Idaho law.
4. In accordance with Idaho Code § 42-1417(2)(b), notice of this motion is being provided to all affected claimants in Basin 02 by mailed notice.

WHEREFORE, the State respectfully requests as follows:

1. That this Court enter an order authorizing interim administration of surface water rights in Basin 02 in accordance with the partial decrees issued by this Court.
2. That an opportunity for oral argument be provided.
3. That the Court grant such other and further relief that the Court deems just and proper.

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DATED this 14th day of June 2011.

LAWRENCE G. WASDEN
ATTORNEY GENERAL

CLIVE J. STRONG
DEPUTY ATTORNEY GENERAL
STATE OF IDAHO

A handwritten signature in black ink, appearing to read 'SHASTA KILMINSTER-HADLEY', written over a horizontal line.

SHASTA KILMINSTER-HADLEY
Deputy Attorney General
Natural Resources Division

LAWRENCE G. WASDEN
Attorney General

CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division

SHASTA KILMINSTER-HADLEY, ISB #7889
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Boise, Idaho 83711-4449
Telephone: (208) 334-2400
Facsimile: (208) 334-2690

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

In Re SRBA	)	Subcase No. 00-92021-02
)	
	)	BRIEF IN SUPPORT OF MOTION FOR
	)	ORDER OF INTERIM ADMINISTRATION
Case No. 39576	)	FOR SURFACE WATER RIGHTS IN BASIN 02
)	
)	
)	

The State of Idaho submits this brief in support of its *Motion for Order of Interim Administration of Surface Water Rights in Basin 02*. Idaho Code § 42-1417 sets forth the provisions of law that authorize the District Court to enter an order of interim administration. This brief will demonstrate compliance with those requirements.

I. INTERIM ADMINISTRATION OF WATER RIGHTS IS REASONABLY NECESSARY TO PROTECT SENIOR WATER RIGHTS.

A. Introduction

Administration of water rights is the distribution of water to water users in accordance with the prior appropriation doctrine as set forth in Idaho law. The primary mechanism for distribution of water in accordance with the prior appropriation doctrine in Idaho is through a water district (and the watermaster within that district), under the supervision of the Director (hereinafter “Director”) of the Idaho Department of Water Resources (hereinafter “IDWR”). Idaho Code § 42-602 *et seq.*

Under Idaho Code § 42-1417, this Court may order interim administration in accordance with the Court’s partial decrees upon a determination that administration is reasonably necessary to protect senior water rights. As demonstrated below, the purpose for seeking interim administration is to provide a legal mechanism for the Director to administer surface water rights in Basin 02 consistent with the partial decrees issued by this Court.

B. Interim Administration is Reasonably Necessary for Efficient Administration of Water Rights.

This Court’s adjudication of water rights in Basin 02 is nearly complete. There are currently approximately 25 water rights with remaining objections.

Efficient means of administering water rights from ground water sources and surface water sources in this basin does not exist. The establishment of water districts for this basin will provide the watermasters with the ability to administer water rights in accordance with the prior appropriation doctrine as established by Idaho law.

Administration based upon the partial decrees is necessary to protect senior water rights because to fully and adequately deliver water rights, the Director needs to administer water rights

based upon the most updated records, which are the partial decrees issued by this Court pursuant to chapter 14 of title 42, Idaho Code. As the Court's adjudication of the water rights in Basin 02 is nearly complete, it is an appropriate time to have IDWR begin administering water rights per the partial decrees.

II. THE DIRECTOR'S REPORTS AND PARTIAL DECREES PROVIDE AN ADEQUATE LIST OF WATER RIGHTS FOR PURPOSES OF INTERIM ADMINISTRATION.

Chapter 6 recognizes that distribution of water requires an accurate listing of water rights. Idaho Code § 42-604, providing for the creation of water districts, applies only to "streams or water supplies" whose priorities of appropriation have been adjudicated by courts having jurisdiction thereof. The Idaho Supreme Court has recognized the importance of an accurate list containing the description of the water rights to be administered. In *Nettleton v. Higginson*, 98 Idaho 87, 558 P.2d 1048 (1977), the Idaho Supreme Court stated: "Only by having a specific list reciting the names of water users, with their dates of priority, amounts, and points of diversion can a system be administered." *Id.* at 91, 558 P.2d at 1052, quoting *DeRousse v. Higginson*, 95 Idaho 173, 505 P.2d 321 (1973).

Before the court can issue the order of interim administration, it must find that the individual partial decrees are an adequate listing of the owners of and the elements of the water rights for the purposes of interim administration of a water source. Idaho Code § 42-1417 contemplates that the partial decrees provide an adequate listing of water rights for purposes of interim administration because these rights have not only been investigated by state officials, but have also withstood the scrutiny of court review. Thus, the partial decrees meet the need for administration pending the completion of the adjudication. Upon entry of an order for interim

administration, the distribution of water thereunder will occur in accordance with the normal administrative mechanism created by chapter 6, title 42, Idaho Code.

III. NOTICE IS BEING PROVIDED TO EACH CLAIMANT THAT WILL BE SUBJECT TO THE INTERIM ADMINISTRATION ORDER.

Idaho Code § 42-1417 requires that notice be given to “each claimant of water from the water system or portion thereof that could reasonably be determined to be adversely affected by entry of the order” The State of Idaho is mailing notice of this motion to all claimants who may be subject to interim administration if this motion is granted. Therefore, the notice provisions of Idaho Code § 42-1417 are satisfied.

CONCLUSION

Interim administration, as requested in the State’s motion, is reasonably necessary to prevent injury to senior water rights in Basin 02 as required by Idaho Code § 42-1417. The partial decrees are based on examination of the claims and the water system as required by Idaho Code § 42-1411 and have withstood the scrutiny of court review. As such, the partial decrees constitute an adequate listing of water rights for purposes of administration of water rights pending entry of a final decree of the water rights. Therefore, the State requests that the Court enter an order permitting the administration of surface water rights pursuant to chapter 6, title 42, Idaho Code, in Basin 02 in accordance with the partial decrees issued by this Court.


///

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RESPECTFULLY SUBMITTED this 14th day of June 2011.

LAWRENCE G. WASDEN
ATTORNEY GENERAL

CLIVE J. STRONG
DEPUTY ATTORNEY GENERAL
STATE OF IDAHO



SHASTA KILMINSTER-HADLEY
Deputy Attorney General
Natural Resources Division

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

In Re SRBA	)	Subcase No. 00-92021-02
)	
	)	AFFIDAVIT OF TIMOTHY J. LUKE
	)	IN SUPPORT OF MOTION FOR ORDER
Case No. 39576	)	OF INTERIM ADMINISTRATION
)	
)	
_____)	

STATE OF IDAHO)
) ss.
County of Ada)

Timothy J. Luke, being first duly sworn upon oath deposes and states as follows:

1. My name is Timothy J. Luke. I am the Section Manager for the Water Distribution Section for the Idaho Department of Water Resources (IDWR). My work address is Idaho Department of Water Resources, 322 East Front Street, Boise, Idaho 83720-0098.

I reside in Boise, Idaho.

2. My education background includes a Bachelor of Arts degree in Geography from West Virginia University in 1982 and a Master of Science degree in Geography and Natural Resource Management from the University of Idaho in 1992. My education/training since college has included, but is not limited to, participation in seminars and courses related to water management such as Ground Water and Surface Water Relationships, Hydraulics, Field Hydrogeology, Irrigation System Design and several water law and water management workshops.
3. I worked from September 1988 to August 1991 for IDWR as a Senior Water Rights Agent. My duties included, but were not limited to the review, analysis, recommendation and processing of water right transfers, and the review and processing of applications to reallocate water held in trust under the Swan Falls agreement.
4. From September 1991 to February 1992, I worked for IDWR as a Hydrologist-in-Training, in the Water Permits Section. My duties included, but were not limited to water district assistance, field inventory and measurement of diversions, and water right analysis.
5. I worked from March 1992 to February 1997 for IDWR as a Hydrologist in the Water Permits and Water Distribution Sections. My duties included, but were not limited to, assisting in the implementation of the water measurement program, field inventory and measurement of diversions, water district assistance, water right analysis, reduction and analysis of hydrologic data and preparation of reports, and investigation of water distribution complaints and water right disputes.
6. From March 1997 to the present, I have served as the Section Manager for the Water Distribution Section. My primary responsibilities are the implementation and

management of the water measurement program, provide assistance to water districts, periodic training of watermasters, and assistance or resolution of water distribution/water right disputes.

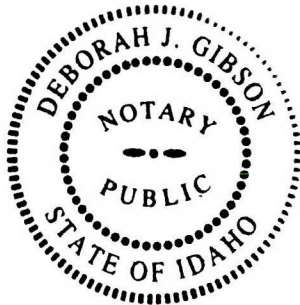
7. I have personal knowledge of the water supply conditions and water rights in Basin 02 through my work with IDWR's Water Distribution Section.
8. The general reasons for the creation of a water district are:
 - Provide a mechanism for administration, regulation and enforcement of water rights;
 - Provide a means for regular measurement and reporting of diversions, including ground water diversions;
 - Provide for improved management of water rights and keeping water rights current with respect to ownership and water use;
 - Provide a system whereby local watermasters or deputy watermasters can provide for local and timely response to general calls for water distribution; and
 - Water district administration and regulation can be accomplished by assessing water users directly through the districts.
9. The specific reasons for creation of water districts in Basin 02 are:
 - All of the water rights claimed in Basin 02 have been reported or partially decreed in the SRBA as required under I.C. § 42-1417.
 - The surface water rights and sources in Basin 02 are not in a water district and have not been subject to administration or regulation.
 - The establishment of water districts will provide watermasters with the ability to administer water rights in accordance with the prior appropriation doctrine as established by Idaho law.
 - The establishment of water districts will provide for protection of senior water rights.

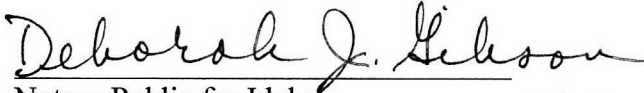
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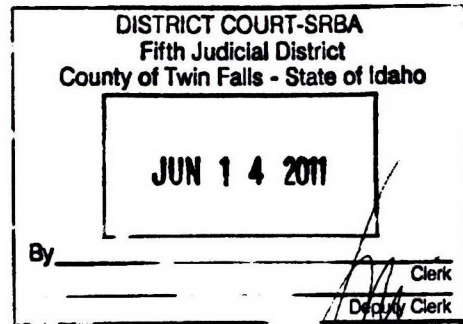
FURTHER YOUR AFFIANT SAYETH NAUGHT.


TIMOTHY J. LUKE

SUBSCRIBED AND SWORN to before me this 13th day of June, 2011.




Notary Public for Idaho
Residing at: ~~Boise, Idaho~~ Parma, Idaho
My commission expires: 8/10/2015



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

In Re SRBA

Case No. 39576

) Subcase No.: 00-92021-02
) (Interim Administration)

) ORDER SETTING HEARING ON STATE OF
) IDAHO'S MOTION FOR INTERIM
) ADMINISTRATION OF SURFACE WATER
) RIGHTS IN BASIN 02

On June 14, 2011, the State of Idaho filed a *Motion for Order of Interim Administration* ("Motion") pursuant to I.C. § 42-1417, seeking administration of all surface water rights located in Administrative Basin 02, in accordance with the *Director's Reports* for those water rights or in accordance with the *Partial Decrees* that have superseded the Director's Reports.

Because of the unusually large number of parties requiring service of the *Motion*, and in an effort accomplish service in a single-round by including a copy of this *Order* with the service of the *Motion*, the State of Idaho filed the *Motion* with the Court prior to serving copies on other parties. This practice is customarily used in the SRBA with respect to *Motions for Interim Administration*. The Court, in exercising its discretion, finds this to be a reasonable manner of proceeding provided compliance with the service requirements set forth below. I.R.C.P. 5(d)(1).

THEREFORE, THE FOLLOWING ARE HEREBY ORDERED:

1) **Service of the Motion and this Order by the State of Idaho:** In serving copies of the *Motion for Order of Interim Administration*, and any supporting briefing and affidavits on all affected parties, the State of Idaho shall forthwith comply with service requirements of I.C. §

42-1417(2)(b)(service requirements for interim administration); and file a certificate of service of the same with the Court. **A copy of this Order shall be served with the copies of the Motion.**


2) **Hearing on the Motion for Order of Interim Administration:** The *Motion for Order of Interim Administration* shall be heard on **Monday, September 12, 2011, at 1:30 p.m.**, at the Snake River Basin Adjudication District Court, 253 3rd Avenue North, Twin Falls, Idaho. Telephone participation will be available by dialing 1-215-446-0193 and entering 406128# when prompted. Video teleconferencing ("VTC") will also be available by appearing at the Idaho Department of Water Resources, Idaho Water Center, 322 E. Front St., Conference Rm. B, Boise, Idaho.

3) **Objections and/or Briefing in Opposition:** Any party seeking to file an objection to the State of Idaho's *Motion for Order of Interim Administration* or lodge any briefing in opposition shall file/lodge the same with the Court **no later than 5:00 p.m., on September 2, 2011**. Copies shall be served on the State of Idaho, the Idaho Department of Water Resources, and the United States Department of Justice. See *AOI* § 6e(2)(a)-(c). In accordance with I.R.C.P. 5(c), which establishes alternative service requirements in actions involving large numbers of defendants, service of copies on other parties will not be required at this time, as the State of Idaho's representation in responding at the hearing to any pre-filed objections will be deemed sufficient to represent the interests of other parties also supporting the State of Idaho's *Motion*. Following the hearing on the merits, if deemed necessary, the Court will determine whether to allow any post-hearing briefing or responses by participating parties.

4) **Subcase number designation for Motion:** For purposes of identifying documents in the above-captioned matter, documents shall be filed/lodged under the subcase number designation of **00-92021-02**.

DATED: _____

June 14, 2011


ERIC J. WILDMAN
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I hereby certify that true and correct copies of the **ORDER SETTING HEARING ON STATE OF IDAHO'S MOTION FOR INTERIM ADMINISTRATION OF SURFACE WATER RIGHTS IN BASIN 02** were mailed on June 14, 2011, by first-class mail to the following:

DIRECTOR OF IDWR
PO Box 83720
Boise, ID 83720-0098

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

United States Department of Justice
Environment & Natural Resources Div.
550 West Fort Street, MSC 033
Boise, ID 83724


Julie Murphy
Deputy Clerk

COPY

LAWRENCE G. WASDEN
Attorney General

CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division

SHASTA KILMINSTER-HADLEY, ISB #7889
Deputy Attorney General
Natural Resources Division
Office of the Attorney General
P.O. Box 44449
Boise, Idaho 83711-4449
Telephone: (208) 334-2400
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**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA	)	Subcase: 00-92021-02
	)	(Interim Administration)
)	
Case No. 39576	)	CERTIFICATE OF SERVICE
)	
)	
)	

I hereby certify that on the 16th day of June, 2011, I caused to be served true and correct copies of the **MOTION FOR ORDER OF INTERIM ADMINISTRATION OF SURFACE WATER RIGHTS IN BASIN 02, BRIEF IN SUPPORT OF MOTION FOR ORDER OF INTERIM ADMINISTRATION OF SURFACE WATER RIGHTS IN BASIN 02, AFFIDAVIT OF TIMOTHY J. LUKE IN SUPPORT OF MOTION FOR ORDER OF INTERIM ADMINISTRATION and ORDER SETTING HEARING ON STATE OF IDAHO'S MOTION FOR INTERIM ADMINISTRATION AND REQUESTS FOR EXPEDITED HEARING**, on the following persons by U.S. Mail with the correct postage

affixed thereto:

1. One copy to each recorded SRBA claimant in Basin 02, as well as holders of Basin 02 licensed and permitted rights that were not claimed in the SRBA, that could reasonably be determined to be affected by entry of the requested order. The list of persons served is attached as Exhibit 1.

2. Copies to:

Gary Spackman
Interim Director
Idaho Department of Water Resources
322 East Front St.
P.O. Box 83720
Boise, ID 83720-0098

IDWR Document Depository
322 East Front St.
P.O. Box 83720
Boise, ID 83720-0098

U.S. Department of Justice
Environment & Natural Resources Division
550 West Fort Street, MSC Box 033
Boise, ID 83724

DATED this 16th day of June, 2011.


Shasta Kilminster-Hadley

EXHIBIT 1



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

June 15, 2011

Re: Motion for Order of Interim Administration in Basin 02

Dear Water User:

The enclosed documents relate to the State of Idaho's Motion for Order of Interim Administration, which seeks District Court authorization for administration of surface water rights in the Idaho Department of Water Resources' (IDWR) Administrative Basin 02. Basin 02 is limited to the Snake River from Milner Dam to the Oregon border. The Snake River Basin Adjudication (SRBA) started over twenty years ago and is now nearing completion. IDWR completed its recommendations of Basin 02 water right claims filed in the SRBA and many of those claims have since been decreed by the SRBA District Court.

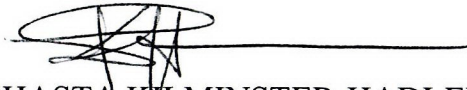
The purposes for the interim administration request are to obtain authority for the Director of IDWR to create or revise water districts, and to provide for long-term administration of surface and ground water rights from hydraulically connected sources. The first step in this process is the notification of potentially affected water right holders concerning the request and a hearing on the matter by the SRBA District Court. Therefore, this mailing is being sent to all recorded SRBA claimants in Basin 02, as well as holders of Basin 02 licensed and permitted rights that were not claimed in the SRBA. The list of affected claimants and other right holders is on file with the SRBA Court as Exhibit 1 to the Certificate of Service filed by the State.

This notice is provided for informational purposes as required by Section 42-1417(2), Idaho Code. This notice and the hearing scheduled by the SRBA District Court do not affect the status of your water right(s) on record with IDWR and the SRBA District Court, and will not result in any water rights being taken away, diminished or re-adjudicated. Any order issued by the SRBA District Court granting interim administration simply means that IDWR may proceed with future administration of water rights in Basin 02 in accordance with the individual water right decrees issued by the SRBA Court or recommendations pending before the SRBA Court.

Enclosed with this mailing are the following documents: (1) Motion for Order of Interim Administration; (2) Brief in Support of Motion for Order of Interim Administration; (3) Affidavit of Tim Luke, Section Manager for the IDWR Water Distribution Section; and (4) Order Setting Hearing on State of Idaho's Motion for Interim Administration. These documents can also be accessed, along with the Certificate of Service and accompanying Exhibit on the IDWR website.

If you have any questions, please call IDWR at 208-287-4800.

Sincerely,

A handwritten signature in black ink, appearing to be "SHASTA KILMINSTER-HADLEY", written over a horizontal line.

SHASTA KILMINSTER-HADLEY
Deputy Attorney General

Enclosures

10/10/10 10:10:10

LAWRENCE G. WASDEN
Attorney General

CLIVE J. STRONG
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Chief, Natural Resources Division

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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
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In Re SRBA)	Subcase No. 00-92021-02
)	
)	MOTION FOR ORDER OF
)	INTERIM ADMINISTRATION OF SURFACE
Case No. 39576	)	WATER RIGHTS IN BASIN 02
)	
)	
)	
_____)	

The State of Idaho moves this Court for an order of interim administration of surface water rights in the Snake River Basin Adjudication ("SRBA") for Administrative Basin 02, pursuant to Idaho Code § 42-1417, in accordance with partial decrees issued by the SRBA District Court. The grounds for this motion are as follows:

1. Idaho Code § 42-1417 provides that the district court may, by order, permit the distribution of water pursuant to chapter 6, title 42, Idaho Code, through water districts in accordance with the Director's Report and the partial decrees for water rights acquired under state law or established under federal law. Idaho Code § 42-1417 provides that the

district court may enter the order after notice and hearing, if the district court determines that interim administration of water rights is reasonably necessary to protect senior water rights.

2. This Court's adjudication of water rights in Basin 02 is nearly complete. There are currently objections remaining in approximately 25 water right recommendations.
3. Interim administration of water rights in Basin 02 is reasonably necessary because an efficient means of administering water rights from ground water sources and some surface water sources in this basin does not exist. The establishment of water districts for this basin will provide the watermasters with the ability to administer water rights in accordance with the prior appropriation doctrine as established by Idaho law.
4. In accordance with Idaho Code § 42-1417(2)(b), notice of this motion is being provided to all affected claimants in Basin 02 by mailed notice.

WHEREFORE, the State respectfully requests as follows:

1. That this Court enter an order authorizing interim administration of surface water rights in Basin 02 in accordance with the partial decrees issued by this Court.
2. That an opportunity for oral argument be provided.
3. That the Court grant such other and further relief that the Court deems just and proper.

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DATED this 19th day of June 2011.

LAWRENCE G. WASDEN
ATTORNEY GENERAL

CLIVE J. STRONG
DEPUTY ATTORNEY GENERAL
STATE OF IDAHO

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SHASTA KILMINSTER-HADLEY
Deputy Attorney General
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CONCLUSION

Interim administration, as requested in the State’s motion, is reasonably necessary to prevent injury to senior water rights in Basin 02 as required by Idaho Code § 42-1417. The partial decrees are based on examination of the claims and the water system as required by Idaho Code § 42-1411 and have withstood the scrutiny of court review. As such, the partial decrees constitute an adequate listing of water rights for purposes of administration of water rights pending entry of a final decree of the water rights. Therefore, the State requests that the Court enter an order permitting the administration of surface water rights pursuant to chapter 6, title 42, Idaho Code, in Basin 02 in accordance with the partial decrees issued by this Court.

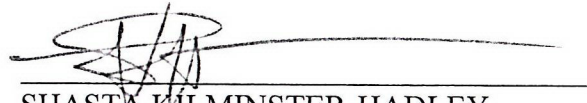
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RESPECTFULLY SUBMITTED this 14th day of June 2011.

LAWRENCE G. WASDEN
ATTORNEY GENERAL

CLIVE J. STRONG
DEPUTY ATTORNEY GENERAL
STATE OF IDAHO



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STATE OF IDAHO)
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I reside in Boise, Idaho.

2. My education background includes a Bachelor of Arts degree in Geography from West Virginia University in 1982 and a Master of Science degree in Geography and Natural Resource Management from the University of Idaho in 1992. My education/training since college has included, but is not limited to, participation in seminars and courses related to water management such as Ground Water and Surface Water Relationships, Hydraulics, Field Hydrogeology, Irrigation System Design and several water law and water management workshops.
3. I worked from September 1988 to August 1991 for IDWR as a Senior Water Rights Agent. My duties included, but were not limited to the review, analysis, recommendation and processing of water right transfers, and the review and processing of applications to reallocate water held in trust under the Swan Falls agreement.
4. From September 1991 to February 1992, I worked for IDWR as a Hydrologist-in-Training, in the Water Permits Section. My duties included, but were not limited to water district assistance, field inventory and measurement of diversions, and water right analysis.
5. I worked from March 1992 to February 1997 for IDWR as a Hydrologist in the Water Permits and Water Distribution Sections. My duties included, but were not limited to, assisting in the implementation of the water measurement program, field inventory and measurement of diversions, water district assistance, water right analysis, reduction and analysis of hydrologic data and preparation of reports, and investigation of water distribution complaints and water right disputes.
6. From March 1997 to the present, I have served as the Section Manager for the Water Distribution Section. My primary responsibilities are the implementation and

management of the water measurement program, provide assistance to water districts, periodic training of watermasters, and assistance or resolution of water distribution/water right disputes.

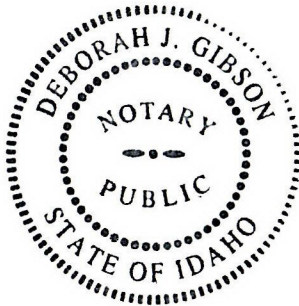
7. I have personal knowledge of the water supply conditions and water rights in Basin 02 through my work with IDWR's Water Distribution Section.
8. The general reasons for the creation of a water district are:
 - Provide a mechanism for administration, regulation and enforcement of water rights;
 - Provide a means for regular measurement and reporting of diversions, including ground water diversions;
 - Provide for improved management of water rights and keeping water rights current with respect to ownership and water use;
 - Provide a system whereby local watermasters or deputy watermasters can provide for local and timely response to general calls for water distribution; and
 - Water district administration and regulation can be accomplished by assessing water users directly through the districts.
9. The specific reasons for creation of water districts in Basin 02 are:
 - All of the water rights claimed in Basin 02 have been reported or partially decreed in the SRBA as required under I.C. § 42-1417.
 - The surface water rights and sources in Basin 02 are not in a water district and have not been subject to administration or regulation.
 - The establishment of water districts will provide watermasters with the ability to administer water rights in accordance with the prior appropriation doctrine as established by Idaho law.
 - The establishment of water districts will provide for protection of senior water rights.

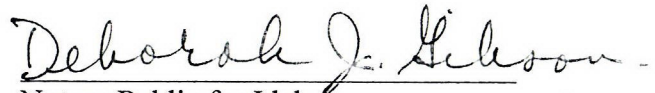
///

FURTHER YOUR AFFIANT SAYETH NAUGHT.


TIMOTHY J. LUKE

SUBSCRIBED AND SWORN to before me this 13th day of June, 2011.




Notary Public for Idaho
Residing at: ~~Boise, Idaho~~ Payma, Idaho
My commission expires: 8/10/2015

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JUN 14 2011	
By _____	Clerk
_____	Deputy Clerk

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

In Re SRBA

Case No. 39576

) Subcase No.: 00-92021-02
) (Interim Administration)
)
) **ORDER SETTING HEARING ON STATE OF**
) **IDAHO'S MOTION FOR INTERIM**
) **ADMINISTRATION OF SURFACE WATER**
) **RIGHTS IN BASIN 02**
)
)

On June 14, 2011, the State of Idaho filed a *Motion for Order of Interim Administration* ("Motion") pursuant to I.C. § 42-1417, seeking administration of all surface water rights located in Administrative Basin 02, in accordance with the *Director's Reports* for those water rights or in accordance with the ***Partial Decrees*** that have superseded the Director's Reports.

Because of the unusually large number of parties requiring service of the *Motion*, and in an effort accomplish service in a single-round by including a copy of this ***Order*** with the service of the *Motion*, the State of Idaho filed the *Motion* with the Court prior to serving copies on other parties. This practice is customarily used in the SRBA with respect to *Motions for Interim Administration*. The Court, in exercising its discretion, finds this to be a reasonable manner of proceeding provided compliance with the service requirements set forth below. I.R.C.P. 5(d)(1).

THEREFORE, THE FOLLOWING ARE HEREBY ORDERED:

1) **Service of the Motion and this Order by the State of Idaho:** In serving copies of the *Motion for Order of Interim Administration*, and any supporting briefing and affidavits on all affected parties, the State of Idaho shall forthwith comply with service requirements of I.C. §

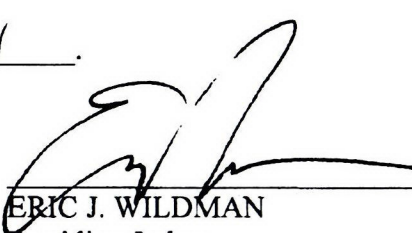
42-1417(2)(b)(service requirements for interim administration); and file a certificate of service of the same with the Court. **A copy of this Order shall be served with the copies of the Motion.**

2) **Hearing on the Motion for Order of Interim Administration:** The *Motion for Order of Interim Administration* shall be heard on **Monday, September 12, 2011, at 1:30 p.m.**, at the Snake River Basin Adjudication District Court, 253 3rd Avenue North, Twin Falls, Idaho. Telephone participation will be available by dialing 1-215-446-0193 and entering 406128# when prompted. Video teleconferencing ("VTC") will also be available by appearing at the Idaho Department of Water Resources, Idaho Water Center, 322 E. Front St., Conference Rm. B, Boise, Idaho.

3) **Objections and/or Briefing in Opposition:** Any party seeking to file an objection to the State of Idaho's *Motion for Order of Interim Administration* or lodge any briefing in opposition shall file/lodge the same with the Court **no later than 5:00 p.m., on September 2, 2011**. Copies shall be served on the State of Idaho, the Idaho Department of Water Resources, and the United States Department of Justice. See *AOI* § 6e(2)(a)-(c). In accordance with I.R.C.P. 5(c), which establishes alternative service requirements in actions involving large numbers of defendants, service of copies on other parties will not be required at this time, as the State of Idaho's representation in responding at the hearing to any pre-filed objections will be deemed sufficient to represent the interests of other parties also supporting the State of Idaho's *Motion*. Following the hearing on the merits, if deemed necessary, the Court will determine whether to allow any post-hearing briefing or responses by participating parties.

4) **Subcase number designation for Motion:** For purposes of identifying documents in the above-captioned matter, documents shall be filed/lodged under the subcase number designation of **00-92021-02**.

DATED: June 14, 2011.


ERIC J. WILDMAN
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I hereby certify that true and correct copies of the **ORDER SETTING HEARING ON STATE OF IDAHO'S MOTION FOR INTERIM ADMINISTRATION OF SURFACE WATER RIGHTS IN BASIN 02** were mailed on June 14, 2011, by first-class mail to the following:

DIRECTOR OF IDWR
PO Box 83720
Boise, ID 83720-0098

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

United States Department of Justice
Environment & Natural Resources Div.
550 West Fort Street, MSC 033
Boise, ID 83724


Julie Murphy
Deputy Clerk

2+LLC
PO BOX 637
WENDELL, ID 83355

A D CATTLE CO INC; ALLEN NOBLE
FARMS INC; NOBLE ALLEN T
PO BOX 1582
BOISE, ID 83701

ABADIA, AGUSTIN
RT 1 BOX 116
MARSING, ID 83639

ACE BLACK RANCH
C/O ACE BLACK
28799 HOT SPRINGS RD
BRUNEAU, ID 83604-5008

AGENBROAD DARREL, GRAND
VIEW FAMILY LTD PARTNERSHIP
27161 DAIRY RD
GRAND VIEW, ID 83624

AGRICAP FINANCIAL CORP
LEMON, DUANE; SV RANCH LLC
21874 WEES RD
OREANA, ID 83650

AGRICAP FINANCIAL CORP
LEMON, DUANE; SV RANCH LLC
350 S FIGUEROA ST STE 501
LOS ANGELES, CA 90071

AGRICAP FINANCIAL
CORPORATION; LEMON, DUANE; SV
RANCH LLC
999 THIRD AVE STE 3000
SEATTLE, WA 98104

AIX SPONSA CO
453 S FITNESS PL
EAGLE, ID 83616

ALDRICH, ROBERT
RT 1 BOX 796 1/4
MARSING, ID 83639

ALLEY, DOROTHY & FRANK
PO BOX 231
BLISS, ID 83314-0231

ALPHA MORTGAGE FUND I
TRUSTEE FOR THE BENEFIT OF ALL
VARIABLE 30 YEAR SERIES 1A
DEBENTURE HOLDERS
PO BOX 140177
BOISE, ID 83714-1122

ANCHUSTEGUI, JOHN; PACIFIC
INTERMOUNTAIN MORTGAGE CO
2420 MAIN ST
BAKER CITY, OR 97814

ANCHUSTEGUI, JOHN; PACIFIC
INTERMOUNTAIN MORTGAGE CO
3054 E RIVERNEST DR
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GIBSON, DWAIN
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ANDERSON, EYVONNE R & KEITH
RT 1 BOX 762
MARSING, ID 83639

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SARAH ELLEN
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RALEIGH, NC 27609

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ROY, DAWN B
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MERIDIAN, ID 83642

B M K INC
C/O BARBARA L CRAVEN &
MATTHEW CLEMENTS
12997 W STAGE COACH RD
NAMPA, ID 83686

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

BAKER, CRAIG
FREEBERG, DONALD A
R T NAHAS COMPANY RANCH
MGR □ NAHAS RANCH
MURPHY, ID 83650

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MELBA, ID 83641

BARKER JR, RAYMOND
KRITZ JR, CHARLES & DIANE
415 VOLPI YSABEL RD
PASO ROBLES, CA 93446

BARNES, CRAIG & MARY NANCY
881 TRAIL CREEK RD
LAKE GEORGE, CO 80827

BATT JR, JOHN & CLARICE
791 SPELMAN LN
MERIDIAN, ID 83642

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PO BOX 1092
HOMEDALE, ID 83628

BECK, LINDEN & LOWELL
PO BOX 1016
SUN VALLEY, ID 83353

BECKER, KURT G & PAMELA A
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NEW MEADOWS, ID 83654

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BERGER, ANITA & LEO
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NAMPA, ID 83686

BEUS, NANI & SPENCER W; THE
ORDER OF TRANQUILITY BYBEE LN
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GRAND VIEW, ID 83624

BEUS, NANI & SPENCER
THE ORDER OF TRANQUILITY
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BIGFOOT FARM LLC
DAVID PALFREYMAN-MGR
5001 FIFESHIRE PL N
BOISE, ID 83713

BLACK MESA FARMS LLC
PO BOX 82
GLENNS FERRY, ID 83623

BLACK MESA FARMS LLC
BRYANT, BRENDA & DON J
PO BOX 215
GLENNS FERRY, ID 83623

BLACK MESA FARMS LLC
WOOTAN, CHRISTINE & WESLEY
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GLENNS FERRY, ID 83623

BLACKSTOCK FAMILY LTD
PARTNERSHIP
6754 OPALINE RD
MELBA, ID 83641-4217

BLACKSTOCK, ADAM & TED
6601 OPALINE RD
MELBA, ID 83641-4216

BLACKSTOCK, TED S
6754 OPALINE RD
MELBA, ID 83641-4217

BLACKWELL, JACK & PATRICIA
10286 AIRPARK LOOP RD
MELBA, ID 83641

BLANKSMA LAND & STORAGE LLC
PO BOX 106
HAMMETT, ID 83627

BLEDSE, EMMA & LEONARD
STAR RT BOX 54B
HAMMETT, ID 83627

BLOCK 57 IRR CO
C/O MARVIN HILL
BOX 412
HOMEDALE, ID 83628

BOATRIGHT, ROLAND G
28603 RIVER RD
BRUNEAU, ID 83604-5104

BOECKNER, JEREMY & KARLITA;
MCFINNEY AGRI FINANCE LLC
12655 A & A RD
GRAND VIEW, ID 83624

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MCFINNEY AGRI FINANCE LLC
PO BOX 1598
TWIN FALLS, ID 83303-1598

BOEPPLE, SHELLEY
YOUNG, DENNIS
1866 S THACKER RD
HAMMETT, ID 83627

BOUTILIER, JAMES L
7240 OLD BRUNEAU HWY
MARSING, ID 83639

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940 E THUNDERBIRD CT
EAGLE, ID 83616-4188

BRANDT, ANNA LEE & JASON
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BRANDT, et al
SYMMS FRUIT RANCH INC
203 11TH AVE S
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14068 SUNNY SLOPE RD
CALDWELL, ID 83607

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RUSHTON, KEVIN
2534 N LAUGHRIDGE AVE
MERIDIAN, ID 83646-7315

BRINEGAR, ROBERT & VICKI
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MARSING, ID 83639

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GLENNS FERRY, ID 83623

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CALDWELL, ID 83605

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MARSING, ID 83639

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10789 HWY 78
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RUNEAU-GRAND VIEW JOINT
SCHOOL DISTRICT #365
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GRAND VIEW, ID 83624

BUNGER, J LYNN & KATHRYN
RT 2 BOX 271
CALDWELL, ID 83605

BURNS, WARREN
RT 4 BOX 7150 MEANDER POINT
TWIN FALLS, ID 83301

BWANA MINING CO INC
C/O ALAN C DUFFY PRESIDENT
PO BOX 566
PAUL, ID 83347

CALDWELL, CHERYL & RICH
1461 CALISTOGA AVE
MERIDIAN, ID 83642

CAMPBELL, CAROLYN & MITCHELL
1950 N 4TH EAST
MOUNTAIN HOME, ID 83647

CAMPBELL, STEVEN & YVONNE
1200 ARTESIAN RD
EAGLE, ID 83616

CANTRELL, SANDY & TED
28294 RIVER RD
BRUNEAU, ID 83604

CANYON BEND RANCH LTD;
LEAVELL, ALONZO B; NEATHERLIN
FAMILY LIMITED PARTNERSHIP II
PO BOX 54
GOODING, ID 83330

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

CAPOUCH, STANLEY & SYLVIA
PO BOX 207
MARSING, ID 83639

CARNAHAN, DONALD R & DONNA L
PO BOX 93
GLENNS FERRY, ID 83623

CAROTHERS, JACKIE L & TERRY C
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CARPENTER, BETTY J & CARL J
1910 PORTER
BUTTE, MT 59701

CASA DEL NORTE LP
11204 N BAR 21 DR
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CAVEN PROPERTIES LLC
6874 FAIRVIEW AVE
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CHANCE, CARLENE DOBBS
5047 SKY RANCH RD
NAMPA, ID 83686

CHAPMAN, CHARLOTTE M
CRYAN, JOHN R
9162 CLAIRMONT CT
ORLANDO PARK, IL 60462-6532

CIRCLE FOUR RANCH INC
RR #1 BOX 51
KING HILL, ID 83633

CISCO, BARBARA J & RALPH C
1052 GIDLEY DR
HAGERMAN, ID 83332

CITY OF BSE PUBLIC WORKS DEPT
150 N CAPITOL BLVD
PO BOX 500
BOISE, ID 83701-0500

CITY OF GLENNS FERRY
PO BOX 910
GLENNS FERRY, ID 83623-0910

CLAIBORN, SONDRAL
2377 TWIN OAKS
TWIN FALLS, ID 83301

CLARENCE VANDER STELT & SONS DAIRY
A CALIFORNIA PARTNERSHIP
6701 HARRISON AVE
CORONA, CA 91720

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

CLARK, JOHN W; MURPHY LAND CO
LLC
PO BOX 711
MOUNTAIN HOME, ID 83647

CLARKE, D MICHAEL & SUE E
11798 GOOD DAY RD
MELBA, ID 83641

CLEMENTS FARMS INC
4121 RIM RD
NAMPA, ID 83686

CLOUDCROFT INC
18981 FISH RD
WILDER, ID 83676

CLOVER HOLLOW CO LLC
PO BOX 606
MOUNTAIN HOME, ID 83647

COLD SPRINGS PROJECT
PO BOX 2773
BOISE, ID 83701

COLLERAN-BULLCOCK, MICHELLE
2671 BANNOCK HWY
POCATELLO, ID 83204

COLYER HEREFORDS INC
31058 COLYER RD
BRUNEAU, ID 83604-5117

CORP OF THE PRESIDING BISHOP
CHURCH OF JESUS CHRIST OF
LDS REAL ESTATE SERVICES
DIV 50 E NORTH TEMPLE ST
SALT LAKE CITY, UT 84150-6320

COTTONWOOD MUTUAL CANAL CO
C/O RINGERT CLARK CHARTERED
PO BOX 2773
BOISE, ID 83701

CREGO, CHARLES & MARY
PO BOX 324
BELLEVUE, ID 83333

CROSBY, JULIANNE
1565 S ORIOLE WAY
BOISE, ID 83709

CROWLEY, ALMA & RALPH
3361 S 1300 E
WENDELL, ID 83355

CUNNINGHAM FAMILY LIMITED
PARTNERSHIP
909 HEARTLAND DR
NAMPA, ID 83686

D L EVANS BANK
LOUCKS, LESLIE
5985 DUNLAP
MARSING, ID 83639

D L EVANS BANK; LOUCKS, LESLIE
PO BOX 87
TWIN FALLS, ID 83303

D L EVANS BANK; VAN ES, DALE &
JACKIE; WELLS FARGO FINANCIAL
LEASING INC
PO BOX 87
TWIN FALLS, ID 83303

D L EVANS BANK
YOUNG, JERRY L
PO BOX 223
FAIRFIELD, ID 83327

D L EVANS BANK; YOUNG, JERRY L
PO BOX 87
TWIN FALLS, ID 83303

DANIEL & RUTH WICHER FAMILY
TRUST
PO BOX 278
GLENN'S FERRY, ID 83623

DANIEL et al; MYERS, LAWRENCE
RT 1 BOX 798
MARSING, ID 83639

DANIEL, LIONEL
MYERS, LAWRENCE
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DANSKIN CATTLE LLC
C/O ROBERT C BAKER
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DARLINGTON, W KELLY
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HELENA, MT 59601

DAVID M AYARRA JR TRUST
PO BOX 247
BEND, OR 97709

DAVIS, ALAN & CONNIE
8148 FOX CANYON DR
MARSING, ID 83639

DAWSON, MARILYN & ROBERT
10134 AIRPARK LP
MELBA, ID 83641-4202

DBH LLC
6814 RANDOLPH DR
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DBSI SNAKE RIVER 94 LLC
1550 S TECH LN
MERIDIAN, ID 83642

DE GONIA, DEAN H & MARQUA L
PO BOX 431
HOMEDALE, ID 83628

DE GROOT, CHARLES & JANICE
10394 MELMONT RD
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DENTON, DONALD D
PO BOX 193
MARSING, ID 83639

DERCK INVESTMENT CORP
1444 KNIGHTS DR
BOISE, ID 83712

DERUYTER PROPERTIES LP
13027 SUNNYSLOPE RD
CALDWELL, ID 83607

DEWEY, CHRISTIE & ROBERT
28313 MIDDLE RD
WILDER, ID 83676-5323

DICKMAN, EDWARD A & LORELEI L
SUNRISE PUMPHOUSE 2 ASSN
10300 AIRPARK LP
MELBA, ID 83641-4204

DIRKS, MECHELLE & ROBERT
24762 A & A RD
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DOHERTY, MARY J & THOMAS J
11801 GOOD DAY RD
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1212 W HIGH AVE
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DRAPER, CELIA & CHARLES
RAYMOND
24964 DRAPER LN
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DRY LAKE FARMS INC
4121 RIM RD
NAMPA, ID 83686

DUFFIN, DORIAN; VADER, SUSANNE
7840 APACHE WY
BOISE, ID 83703

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53 BELL RAPIDS RD
HAGERMAN, ID 83332-6039

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1045 GRIDLEY DR RT 1
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DURFEE et al
6641 S 27TH AVE
PHOENIX, AZ 85041

EAGLE CREEK NORTHWEST LLC
C/O UBS AGRIVEST LLC
PO BOX 53
NAMPA, ID 83653

ECHEVARRIA, RICHARD D
PO BOX 897
HOMEDALE, ID 83628-0897

EDGEWATER RANCH LLC
PO BOX 45
GOODING, ID 83330

EDITH NETTLETON TRUST
NETTLETON, ROBERT & STEPHEN
16476 STATE HWY 78
MELBA, ID 83641

EDITH NETTLETON TRUST
NETTLETON, ROBERT & STEPHEN
PO BOX 267
BOISE, ID 83701

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4393 HILLTOP LN
HOMEDALE, ID 83628-3728

EDWARDS, JOHN D
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HOMEDALE, ID 83628

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HAMMETT, ID 83627

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20109 MARSING RD
CALDWELL, ID 83605

ENSLEY, KATHLEEN & WILLIAM
PO BOX 534
MARSING, ID 83639

ENSLEY, KATHLEEN & WILLIAM
PO BOX 934
MARSING, ID 83639

ESTATE OF ESTHER F ASHE
C/O JACK HURT
4470 VEGAS VALLEY #108
LAS VEGAS, NV 89121

ESTATE OF GOLDA DARLENE ONTIERTH
HERBERT R MONTIERTH PERS REP
825 HEARTLAND DR
NAMPA, ID 83686

ESTATE OF GOLDA DARLENE
MONTIERTH; MONTIERTH JR et al
6312 S ZITHER AVE
BOISE, ID 83709

ESTATE OF GOLDA DARLENE
MONTIERTH; MONTIERTH JR et al
825 HEARTLAND DR
NAMPA, ID 83686

ESTATE OF MARGARET A LE
MOYNE; LE MOYNE, JOHN R
901A GRIDLEY ISLAND
HAGERMAN, ID 83332

EVANS, BRAD & SELINA
RT 1 BOX 119
MARSING, ID 83639

EWING, ANGELA & JASON
626 FAIR LN
NAMPA, ID 83686

EXON, WILLIAM & WYNARDA
PO BOX 537
HAGERMAN, ID 83332

FAIR ACRES INC
PO BOX 912
HOMEDALE, ID 83628-0912

FARRIS, JOYCE & WESTON
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GLENN'S FERRY, ID 83623

FIELD, HOWARD J
23608 FIELD LN
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FIELD, HOWARD J
PO BOX 342
GRAND VIEW, ID 83624

FIELD, J TERRY & LESLIE A
38167 STATE HIGHWAY 78
GRAND VIEW, ID 83624-5039

FILLER KING LAND & TIMBER
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HOMEDALE, ID 83628

FITE, KATIE; WATSON, ROGER
RT 4 BOX 466
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3RD FLOOR
100 BROADWAY
SAN FRANCISCO, CA 94111

FLOPET INC
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FORCIER, KRISTIN & RICHARD
111 MOUNTAIN VIEW AVE
CALDWELL, ID 83605-3068

FOX, DONNA & EARL
10978 HWY 78
MELBA, ID 83641

FRATTI, ROBERT LOUIS
10142 AIRPARK LOOP
MELBA, ID 83641

FRISBIE, BARBARA J & EDWARD D
15919 STATE HWY 78
MELBA, ID 83641

FROST, ANGELA & SCOTT
3534 NORTH SMITH LN
KING HILL, ID 83633

GABERT, JUDY; RUSH, RON B
18314 MADISON AVE
NAMPA, ID 83687

GARLAND SMITH TRUST
SMITH, M GARLAND & ZOLA
5476 MARKET RD
MARSING, ID 83639

GARRISON, LEONA & WALTER
6030 S 6TH ST
CHOWCHILLA, CA 93610

GEM IRRIGATION DIST
PO BOX 67
HOMEDALE, ID 83628

GHERLE, AVRAM & SAVETA
10961 ALANDALE WAY
RANCHO CORDOVA, CA 95670

GILES, BARBARA & BILL
4159 PHIPPS LN
MARSING, ID 83639

GINGERICH BROTHERS FARMS;
GINGERICH, MARTIN & RUDY
47589 STATE HWY 78
MOUNTAIN HOME, ID 83647-5081

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

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

GINGERICH, ELLA & VERLIN;
SNIDER, FANNYSHETLER 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, GUY & JUDY
12030 WALKING PLOW LN
MELBA, ID 83641

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

GLERUM, HAROLD A & LUCY B
27031 JOE BLACK RD
HAMMETT, ID 83627-5023

GLORFIELD, ANTHONY & PATTI
8105 HWY 78
MARSING, ID 83639

GONZALEZ, AARON M
1432 W ROBERTS PL
NAMPA, ID 83651

GRAND VIEW IRR & 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

H W & K PARTNERSHIP LLC
504 N PHILLIPPI ST
BOISE, ID 83706

HAGEDORN, MARVIN F & PATRICIA
1505 W PINTAIL
MERIDIAN, ID 83642

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

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

HALL, ROBERT K
2975 W LATTY DR
GLENN'S FERRY, ID 83623-5010

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

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

HANS NEDEREND JR FAMILY
TRUST
4998 HOGG RD
HOMEDALE, ID 83628

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

HARMON, FRED J & SHIRLEY
RT 1 BOX 110
MC CALL, ID 83638

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

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

HARVEST CAPITAL CO HOOK FAMILY
LIMITED PARTNERSHIP
BRIAN L FIELD PRESIDENT
PO BOX 279
CANBY, OR 97013

HARVEST FARM CO
13735 MISSOURI AVE
NAMPA, ID 83686

HAWES, LEONA S & RODNEY A
PO BOX 563
MARSING, ID 83639

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

HIDDEN VALLEY ESTATES LTD
PARTNERSHIP
JESS VAN HALL
146 W CUB
MERIDIAN, ID 83642

HOAGLAND, MOLLIE L
15501 W STAGECOACH RD
NAMPA, ID 83686

HOFF FOREST PRODUCTS INC
PO BOX 1241
CALDWELL, ID 83605

HOFFMAN, DAVID G
10126 AIRPARK LP
MELBA, ID 83641-4202

HOMEDALE JOINT SCHOOL
DISTRICT # 370
116 E OWYHEE AVE
HOMEDALE, ID 83628

HOOLEY, DALE & DIANA
26796 INDIAN COVE LN
HAMMETT, ID 83627-5016

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

HOWARD JR, QUENTIN & SHIRLEY
3690 S COMO AVE
MERIDIAN, ID 83642

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

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

HUBER, JAMES
10434 AIRPARK LOOP RD
MELBA, ID 83641

HULL, RUTH & WYATT
13390 FROST RD
CALDWELL, ID 83605

HUNNICUTT, SHEILA & TERRY
1752 BITTERSWEET HILL
VISTA, CA 92084

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

IDAHO RIM PROPERTY LLC
1930 E BROWN RD STE 103
MESA, AZ 85203

IDAHO SOIL CONSERVATION
COMMISSION; NETTLETON, NICK S
19900 NETTLETON LN
MURPHY, ID 83650-5082

IDAHO SOIL CONSERVATION
COMMISSION; NETTLETON, NICK S
2270 OLD PENITENTIARY ROAD
BOISE, ID 83712

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

INDIAN COVE IRR DIST
27186 JOE BLACK RD
HAMMETT, ID 83627

TRUST OF RYAN L MC CARTHY
MICHAEL J MC CARTHY TRUSTEE
PO BOX 6683
KETCHUM, ID 83340

J R SIMPLOT CO
1301 HIGHWAY 67
GRAND VIEW, ID 83624-5062

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

JACA FAMILY PROPERTIES LL;C
JACA, ELIAS & INEZ
817 W BLAINE AVE
NAMPA, ID 83651

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

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

JANKOW, IRIS F
1008 GRIDLEY DR
HAGERMAN, ID 83332-5622

JEFFREY, LOUIS D
PO BOX 1040
GLENN'S FERRY, ID 83623

JENSEN, ALICE & LLOYD
1016 GRIDLEY DR
HAGERMAN, ID 83332-5622

JENSEN, BOB D
65 E 1ST N
PARIS, ID 83261

JEPPESEN, KAY M & ROGER E
PO BOX 119
MARSING, ID 83639

JOHNS et al
48803 STATE HWY 78
MOUNTAIN HOME, ID 83647

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

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

JOHNSON, HYOOKCHAN & SCOTT
7676 S MCLINTOCK PL
MERIDIAN, ID 83642

JOLLEY, RANAE
3682 RIVER RD
HOMEDALE, ID 83628

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

JONES, DONALD L & SHERRY E
10318 AIRPARK LP
MELBA, ID 83641-4204

JONES, MADELINE S & WILLIAM C
10194 AIRPARK LN
MELBA, ID 83641-4202

JORDAN, KIM & WILLIAM
697 RIDGECREST DR
SANTA PAULA, CA 93060

KASPER LAND AND CATTLE LLC
3349 HILL RD
MELBA, ID 83641

KATHERYN ALBERTSON
ENTERPRISES
380 E PARKCENTER BLVD #100
BOISE, ID 83706

KENITZER, C L & EDNA
RT 1 □ GRIDLEY DR
HAGERMAN, ID 83332

KENT, BETTY L
12639 HWY 55
MARSING, ID 83639

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

KINNEY, NORMAN
892 EDGEHILL DR
COLTON, CA 92324

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

KRZESNIK, JOHN W
27402 BOEHNER RD
WILDER, ID 83676

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

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

LANDIS, MELODY & TIM
HC 85 BOX 29
MOUNTAIN HOME, ID 83647

LANNING, DIANE & WILLIAM
7816 HIDDEN VALLEY RD
MARSING, ID 83639

LAUREANO, ALISON
75 W 5TH AVE #326
SAN MATEO, CA 99402

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

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

LEDDY, PATRICK D & SHONA L
RT 1 BOX 12
MARSING, ID 83639

LEE, MAURICE & SONYA
358 W 4TH ST S
REXBURG, ID 83440

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

LOEFFLER, DAVID & KAREN
8026 STATE HWY 78
MARSING, ID 83639

LOYAL L HOWER TRUST
PO BOX 11871
SALT LAKE CITY, UT 84147

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

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

MARTELL, CARMELA & JAMES
643 N ELK RANCH DR
GLENN'S FERRY, ID 83623-5040

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

MC CURRY, DENNIS & PAULA
2845 HAMILTON RD
MOUNTAIN HOME, ID 83647

MC DONNELL, PHYLLIS & RONALD J
PO BOX 71
MARSING, ID 83639

MC DONOUGH, MARK A
PO BOX 74
MELBA, ID 83641

MC ILVEEN, ROGER & SHARON
RT 1 BOX 16
MARSING, ID 83639

MEAKER, HOLLY & REG
37786 HWY 78
GRAND VIEW, ID 83624-5036

MELBA LAND INVESTMENT CO LLC
800 WILSHIRE BLVD #1500
LOS ANGELES, CA 90017

MERLE JR, ANTON
11705 PINE VALLEY PL
NORTHRIDGE, CA 91326

MERRITT, BRENT & LISA
RT 1 BOX 186
MARSING, ID 83639

MERTZ, JAMES
SYMMS, RICHARD A
14068 SUNNY SLOPE RD
CALDWELL, ID 83607

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

MONCRIEF, LESTER & LAURI
10152 AIRPARK LP
MELBA, ID 83641-4202

MONROE et al; O GARA et al;
STURDIVANT et al
PO BOX 1084
SUN VALLEY, ID 83353

MONROE et al; O GARA et al;
STURDIVANT et al
PO BOX 2930
HAILEY, ID 83333

MONROE et al; O GARA et al;
STURDIVANT et al
PO BOX 968
HAILEY, ID 83333

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

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

MORSE, ELLEN & STANLEY
11282 W FLOATING FEATHER
STAR, ID 83669

MUCARIO, SAL J
PO BOX 669
HAGERMAN, ID 83332

MULLER et al
12902 HIGHWAY 78
MELBA, ID 83641-4137

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

MURRAY, LESLIE G & PEGGY E
RT 1 BOX 121
MARSING, ID 83639

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

NEWTON, GARY & NOLA
PO BOX 131
HAMMETT, ID 83627-0131

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

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

NORTH CINDER CONE BUTTE
FARM LLC
5001 FIFESHIRE PL N
BOISE, ID 83713

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

OPALINE IRR DIST
PO BOX 331
MARSING, ID 83639

OSBORNE, HANAKO K & JAMES L
10268 AIRPARK LP
MELBA, ID 83641-4203

PANZERI, BEN & MARY;
CLAPIER et al
RT 1
MARSING, ID 83639

PANZERI, PEARL & WILLIAM
RT 1 BOX 82
MARSING, ID 83639

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

PEARSON, JOYCE WUNDERLICH
117 HOMESTEAD DR
HAILEY, ID 83333

PEER, BETH & GARY
7864 HIDDEN VALLEY RD
MARSING, ID 83639

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

POPKEN, LILLY ANN & ROLAND H
10250 AIRPARK LP
MELBA, ID 83641-4203

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 T & JANE
PO BOX 537
GLENN'S FERRY, ID 83623

PRATT, BYRON & MARY
13425 FROST RD
CALDWELL, ID 83605

PRATT, BYRON & MARY
27111 N GOOD HOPE RD
ATHOL, ID 83801

PULLEN, DONNA & MICHAEL V
25410 SHEEP CAMP RD
BRUNEAU, ID 83604-5110

RASGORSHEK, MARILYN & PAUL
12770 W ROOSEVELT AVE
NAMPA, ID 83686

RECHE, MORGAN & RUTH
7499 OLD BRUNEAU HWY
MARSING, ID 83639

RED ROCK POND HOA
6622 RED ROCK RD
MARSING, ID 83639

REDFORD, LINDA K & RODNEY E
PO BOX 328
MARSING, ID 83639

REICH, GORDON
9090 WALLOWA CRT
BOISE, ID 83709

REKOW, SHIRLEY & WARREN
10978 HWY 78
MELBA, ID 83641-4124

REYNOLDS IRR DIST
PO BOX 12
MELBA, ID 83641

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

RIVENDALE LLC
52356 HIGHWAY 78
HAMMETT, ID 83627-5003

RIVER VALLEY FARMS INC
PO BOX 1368
BOISE, ID 83701

ROADENBAUGH, JON
4004 BROWNS LN
MARSING, ID 83639

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

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

ROITT, CARRIE & DAVID
28474 MIDDLE RD
WILDER, ID 83676

ROMEY, EDWARD & GLORIA
20507 FARGO RD
WILDER, ID 83676

RUTHERFORD, JERI
7306 BRUNEAU HWY
MARSING, ID 83639

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

SANWAN LLC
3652 S MC CORMICK WAY
BOISE, ID 83709

SCHAAL, GISELA
29776 HIGHWAY 78
MURPHY, ID 83650

SCHERMERHORN, JOYCE & RON
11086 HIGHWAY 78
MELBA, ID 83641-4125

SCHIERMEIER, DONALD &
KRISTINE; WELLS FARGO BANK N A
29393 DAVIS RD
BRUNEAU, ID 83604

SCHIERMEIER, DONALD &
KRISTINE; WELLS FARGO BANK N A
MAC U1851-015 ATTN COLLATERAL
3033 ELDER ST
BOISE, ID 83705

SCHORZMAN, GLEN & VALERIE
7752 RIVERFRONT DR
MARSING, ID 83639

SCHROEDER, MARY A
1675 SPRING COVE RD
BLISS, ID 83314

SCHULTZ, DAVID
62 BELL RAPIDS RD
HAGERMAN, ID 83332

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

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

SEIBOLD, KAREN & RICHARD
520 SECOND WEST
HOMEDALE, ID 83628

SEYEDBAGHERI, KATHLEEN ANN &
MIR-MOHAMMAD
506 HILLVIEW DR
BOISE, ID 83712

SHAKENIS, CLAUDIA SUSAN & STAN
3400 HIGHWOOD PL
BOISE, ID 83713

SHAP, VAL
SHAPOSHNIK, YEVGENIYA
7500 RIVERFRONT DR
MARSING, ID 83639

SHARP, DIANA & LYNN
909 3RD ST S
NAMPA, ID 83687

SHERMAN, DENNIS & DIANNA
5180 N LAKEMONT LN
BOISE, ID 83714

SIEBELINK, INEKE & JAN
7245 SKY RANCH RD
NAMPA, ID 83686

SIMPKINS, LARRY N
RT 1 BOX 10
MARSING, ID 83639

SIMS, GREG & SUSAN
7530 RIVERFRONT DR
MARSING, ID 83639

SMARTT, DAVID L
16057 MAP ROCK RD
CALDWELL, ID 83605

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

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

SMITH, ELAINE C
PO BOX 44
HAMMETT, ID 83627

SMITH, IDA ANNA
HC 79 BOX 39
MELBA, ID 83641

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

SMITH, RONALD G
25357 WAMSTAD RD
PARMA, ID 83660

SNAKE RIVER RANCH LLC
C/O C DALE WILLIS JR
3850 E BASELINE RD 118
MESA, AZ 85206

SNAKE RIVER VALLEY II LLC
4508 PACER WY
FLOWER MOUND, TX 75028

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

SPF WATER ENGINEERING LLC;
TFR PARTNERSHIP
C/O LORI GRAVES
300 E MALLARD DR STE 350
BOISE, ID 83706

SPF WATER ENGINEERING LLC;
TFR PARTNERSHIP
C/O RICHARD CALDWELL
45625 MANZO DR
INDIAN WELLS, CA 92210

SPIRNOCK, ANDREW & MARTHA
PO BOX 788
MARSING, ID 83639

ST CLAIR, RODNEY & VIRGINIA
8319 CLARK RD
MARSING, ID 83639

ST CLAIR, RODNEY & VIRGINIA
RT 1 BOX 772
MARSING, ID 83639

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

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

ST OF ID 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 10
PO BOX 83720
BOISE, ID 83720-0050

STANDLEY, DOUGLAS & TAMARA
3336 N LAKE HARBOR LN #J-302
BOISE, ID 83703

STANLEY, DONALD & MARGARET
430 BUCKINGHAM DR
TWIN FALLS, ID 83301

STAPPLER, BETTY & JIM
8294 STATE HIGHWAY 78
MARSING, ID 83639

STAPPLER, BETTY & JIM
RT 1 BOX 787 1/2
MARSING, ID 83639

STATE OF IDAHO
YOUNG, ROGER G
PO BOX 430
MOUNTAIN HOME, ID 83647

STEEN, HAZEL J
PO BOX 879
GLENN'S FERRY, ID 83623

STELMA, PHILLIP G
17409 CURRENT CREEK RD
CEDAREDGE, CO 81413-5200

STELT et al
STEVEN CLARENCE VANDER
12400 LANDAU WAY
NAMPA, ID 83686

STOFFEL, LISE LOTTE
3392 N YELLOWPEAK AVE
MERIDIAN, ID 83642

STOWELL, DIBRELL C
5607 WILLOW LN
NAMPA, ID 83651

STRACK, WILLIAM J
2422 12TH AVE RD # 273
NAMPA, ID 83686

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

SUGARWALA, MELISSA & ZEN
102 GOLD BAR CT
CALDWELL, ID 83607

SUN RIDGE DAIRY LLC
4890 DRY LAKE RD
NAMPA, ID 83686

SUNRIDGE DAIRY LLC
8332 STAR PASS RIDGE RD
NAMPA, ID 83686

SUNRISE SKY PARK HOA
11158 AIRPARK LP
MELBA, ID 83641-4263

SV RANCH LLC
C/O GREGORY VIK □ PO BOX 1607
BELLEVUE, WA 98009

SWAILS, BARBARA L
PO BOX 784
MARSING, ID 83639

SWAYNE, CLEO R
311 14TH AVE S
NAMPA, ID 83651

SYMMS FRUIT RANCH INC
14068 SUNNY SLOPE RD
CALDWELL, ID 83607

SYMMS, RICHARD A; WEBB LLP
C/O R A SYMMS
14068 SUNNY SLOPE RD
CALDWELL, ID 83607

T R INVENSTMENTS
THOMAS JR, CONRAD & JEREMY
PO BOX 5
HAMMETT, ID 83627-0005

TAYLOR, JAMES & MERRY
HC 79 BOX 37
MELBA, ID 83641

TFI LIMITED PARTNERSHIP
NICHOLSON, THOMAS
PO BOX 690
MERIDIAN, ID 83680-0690

TFR PARTNERSHIP
C/O RICHARD CALDWEL
45625 MANZO DR
INDIAN WELLS, CA 92210

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

THE KLOSTER FAMILY TRUST
PAUL KLOSTER TRUSTEE □ BONNIE
L KLOSTER TRUSTEE □ PO BOX 2347
ELK GROVE, CA 95759

THOMPSON, GARY L
7760 RIVERFRONT DR
MARSING, ID 83639

THOMPSON, PETRENA L; WILSON,
ALICE FAYE & JEROME CARTER
60 BELL RAPIDS RD
HAGERMAN, ID 83332-6038

TIEGS, DONALD & HELEN
4910 DRY LAKE RD
NAMPA, ID 83686

TIEGS, DONALD & HELEN
8408 BOWMONT RD
NAMPA, ID 83686

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

TODOR, CORNELIA & DANIEL
13864 COVEY QUAIL LN
MORENO VALLEY, CA 92553

TORREY, KENNETH & SUSAN V
2652 SPRINGWOOD DR
MERIDIAN, ID 83642

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

TREE TOP RANCHES LP
PO BOX 8126
BOISE, ID 83707

TRIANGLE DAIRY INC
PO BOX 7526
BOISE, ID 83707

TRIPLETT, ARLENE M
HC 79 BOX 27AB
MELBA, ID 83641

TRUKSA, GOREE & JOHN
1605 PARK AVE
NAMPA, ID 83687

TRULOVE, STEPHEN A
8900 QUAIL RUN DR
MELBA, ID 83641-4297

TURNBULL, CONNIE & PAUL
4924 GOLDEN SPUR DR
NAMPA, ID 83687

TURNER, DEBRA & DENNIS
2830 RIVER RD
HOMEDALE, ID 83628

TURNER, LINDA S
1318 S WILLOW WOOD
EAGLE, ID 83616

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

UNRUH, CATHERINE & DAVID
32397 MUD FLAT RD
GRAND VIEW, ID 83624-5048

UPTMOR, DOROTHY GAYLE &
ROBERT
PO BOX 560
GLENN'S FERRY, ID 83623

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

US OF A BUREAU OF RECLAMATION
REGIONAL DIRECTOR
PN CODE-3100
1150 N CURTIS RD STE 100
BOISE, ID 83706-1234

US OF A USDI BLM
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE, ID 83709-1657

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

VAN HALL, VANCE
5552 WILLOW LN
NAMPA, ID 83687-8424

VAN HALL, VANCE
PO BOX 816
MARSING, ID 83639-0816

VANDER STELT TRUST
C/O DRY LAKE DAIRY LLC
12492 BIG FOOT RD
NAMPA, ID 83686

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

VOGT, GLORIA & JAMES
7856 HIDDEN VALLEY RD
MARSING, ID 83639

VOLLE, DONALD & ELVA
1904 N BUENA VISTA AVE
MERIDIAN, ID 83642-3351

WALKER PLOW LLP
PO BOX 650
QUEEN CREEK, AZ 85242

WALTON, GEORGE & JOAN LEE
1827 GRANADA CIR
TWIN FALLS, ID 83301-4228

WARNER, PHILLIP & SUSAN
7548 RIVERFRONT DR
MARSING, ID 83639

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

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

WEST REYNOLDS IRR DIST
M DEAN YOUNG, PRESIDENT
10547 YOUNGS LN
MELBA, ID 83641-4268

WHIPKEY et al
604 S OWYHEE
BOISE, ID 83705

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

WHIPPLE, CHARLES F & PHYLLIS M
1106 NW BEAMAN ST
MOUNTAIN HOME, ID 83647-5191

WHIPPLE, MICHAEL & SAMANTHA
1311 11TH ST S
NAMPA, ID 83686

WHITE, ALVIN & BARBARA
1913 ABBS ST
BOISE, ID 83705

WILDER, DEB & GEORGE
7832 RIVER FRONT DR
MARSING, ID 83639

WILKERSON SR, WILLIAM &
IMOGENE
2520 S POWERLINE RD
NAMPA, ID 83686

WILLIAMS, CHERYL & RICHARD
RT 1 25969 GRAPHIC LN
WILDER, ID 83676

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

WILSON, GEORGE
RT 1 BOX 788
MARSING, ID 83639

WILSON, JESS & VIDA
RT 4 BOX 219B
BUHL, ID 83316

WINDER, ROBERT J & SUSAN K
PO BOX 732
HOMEDALE, ID 83628

WINEMAKERS LLC
PO BOX 1019
SUNNYSIDE, WA 98944-1019

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

WOLFE, ROBERT & TRISTA
2087 S TOLLGATE WAY
BOISE, ID 83709

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

WOODWORTH, KEITH & MARTHA
PO BOX 25175
ESTER, AK 99725

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

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

YEHEZKELY, AMIR
12 S MOUNTAIN AVE #7
MONTCLAIR, NJ 07042

YEHEZKELY, URIEL
RT 1 BOX 205
MARSING, ID 83639

YOUNG, J LAVAR & JANET B
10547 YOUNGS LN
MELBA, ID 83641-4184

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

BARKER ROSHOLT & SUMPSON LLP
ATTN ALBERT BARKER
1010 W JEFFERSON STE 102
PO BOX 2139
BOISE ID 83701-2139

ENVIROSAFE SERVICES OF ID INC
2710 SUNRISE RIM RD STE 100
BOISE ID 83705-6217

ENVIROSAFE SERVICES OF ID INC
C/O MARY LOUISE GONZALES
PO BOX 400
GRANDVIEW ID 83624

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

RINGERT CLARK
JON GOULD; WILLIAM F RINGERT
CHARLES HONSINGER
PO BOX 2773
BOISE ID 83701-2773

GIVENS PURSLEY
MARSHALL, JOHN; LAWRENCE, MICHAEL
601 W BANNOCK
PO BOX 2720
BOISE ID 83720

J R SIMPLOT
ENV & REGULATORY AFFAIRS
ATTN GRAY YOUNG; TERRY UHLING
PO BOX 27
BOISE ID 83707-0027

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

HOLLAND & HART LLP
101 S CAPITOL BLVD STE 1400
BOISE ID 83702-7714

IDAHO POWER CO
JAMES TUCKER
JONATHON C BOWLING
PO BOX 70
BOISE ID 83707

MOORE SMITH BUXTON & TUCKE
C/O BRUCE SMITH
950 W BANNOCK ST STE 520
BOISE ID 83702

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

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

WORST FITZGERALD & STOVER
TIMOTHY STOVER
PO BOX 5226
TWIN FALLS ID 83301-5226

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

WDOZ Steering Committee

Boile

✓ • Don Bowling : IPCO

Hammitt

✓ • Merrill Brown : Irrigator \approx — acres pump D.V.
merrill@ located near Hammitt 366-2077

Boize

mt Hale

✓ • John Marshall : rep. Grandstone Butte Nat'l Canal, MTN Holdings

✓ • Jeff Harper : Flying H Farms mt. Hale 587-8716
email : jeff@flyinghfarms.net ^{called 8/7, Steve said use e-mail.} 599-0400 (home)

mt Hale

✓ • Jack Post : So. Elmore Irrig Co. mt Hale ~~587-7157~~

Glenn's Ferry

✓ • Wes Wootan : Glenn's Ferry BLACK MESA 366-2575
599-3131

• ~~Ketterling, Randy (suggested by John Marshall)~~

Angermun

✓ • MARK Henslee : Salmon Falls LL Angermun 837-6053
mwhenslee@gmail.com 539-7253

→ Terry Ketterling % So. Elmore 599-1010 cell

Call VR Contact

Wes Wootan, send to Black mesa farm address
Chris Bryant, Don Bryant, Wes Wootan

GRANDVIEW Irrig District : 834-2350

MARK Post ~~834-2347~~ home

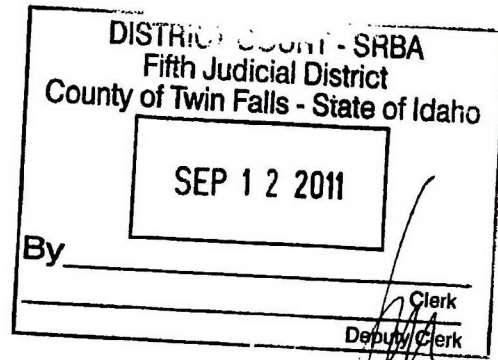
834-2247 home

599-2236 cell

mcdaniel@speedyquick.net

834-
-2408 <sup>Snyder
Swit
Brillards</sup>

Terry meyers
Randy Kysorell
250-3193 L
834-2212



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

In Re SRBA

Case No. 39576

) Subcase No.: 00-92021-02
) (Interim Administration)
)
) ORDER GRANTING STATE OF IDAHO'S
) MOTION FOR ORDER OF INTERIM
) ADMINISTRATION OF DECREED
) SURFACE WATER RIGHTS IN BASIN 02
)
)

I.

PROCEDURAL BACKGROUND

1. On December 29, 2006, the Idaho Department of Water Resources (IDWR) filed its *Director's Report for Irrigation and Other Uses* ("Director's Report"), IDWR Basin 02 with the SRBA District Court.

2. On June 14, 2011, the State of Idaho filed a *Motion for Order of Interim Administration of Surface Water Rights in Basin 02* ("Motion"); *Brief In Support of Motion for Order of Interim Administration For Surface Rights in Basin 02* and the *Affidavit of Timothy J. Luke In Support of Motion for Order of Interim Administration*.

3. On June 17, 2011, the State of Idaho filed a *Certificate of Service* evidencing service of the State's *Motion* and related documents on those claimants in IDWR Basin 02 reasonably determined to be adversely affected by the entry of the requested *Order*.

4. A hearing was held on the State's *Motion* on September 12, 2011. No objections were filed in response to the State's *Motion*, and no one appeared in opposition to the State's *Motion*.

II.

LEGAL STANDARDS FOR INTERIM ADMINISTRATION

1. Idaho Code § 42-1417 authorizes the district court to order interim administration of water rights and provides, in part, as follows:

- (1) The district court may permit the distribution of water pursuant to chapter 6, title 42, Idaho:
 - (a) in accordance with the director's report or as modified by the court's order;
 - (b) in accordance with applicable partial decree(s) for water rights acquired under state law;
 - (c) in accordance with applicable partial decree(s) for water right established under federal law.
- (2) The district court may enter the order only:
 - (a) upon motion by a party;
 - (b) **after notice by the moving party** by mail to the director and **each claimant** from the water system or portion thereof **that could reasonably be determined be adversely affected by entry of the order;** and
 - (c) **upon a determination by the court, after hearing, that the interim administration of water rights in accordance with the report, or as the report is modified by the court's order, and in accordance with any partial decree(s), is reasonably necessary to protect senior water rights.**

Idaho Code § 42-1417 (emphasis added).

2. Idaho Code § 42-1417 therefore requires the district court to make the following determination: (1) a party filed a motion for interim administration, (2) the moving party served by mail each claimant that could reasonably be determined to be adversely affected, (3) interim administration is reasonably necessary to protect senior water rights, and (4) the water rights should be administered in accordance with the director's report, as modified by the district court, or in accordance with partial decrees that supercede the *Director's Report*.

III.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Court having heard the motion and reviewed the pleadings, makes the following findings of fact and conclusions of law:

1. The State of Idaho satisfied the notice and service requirements of Idaho Code § 42-1417(2)(b) by serving the State's *Motion* and related documents on those claimants in IDWR Basin 02 reasonably determined to be adversely affected by the entry of the requested *Order*.

2. Interim administration of surface water rights in IDWR Basin 02 in accordance with the *Partial Decrees* for water rights is reasonably necessary to efficiently administer water rights and to protect senior water rights.

3. Basin 02 is a nearly completed basin. SRBA *Partial Decrees* reflect the most accurate and up-to-date records of water rights in Basin 02. Therefore the Court finds it appropriate for such rights to be distributed according to the *Partial Decrees*.

4. The inclusion of decreed water rights into water districts in Basin 02 will provide current watermasters with the ability to administer, regulate and enforce water rights in accordance with the *Partial Decrees* issued in the SRBA.

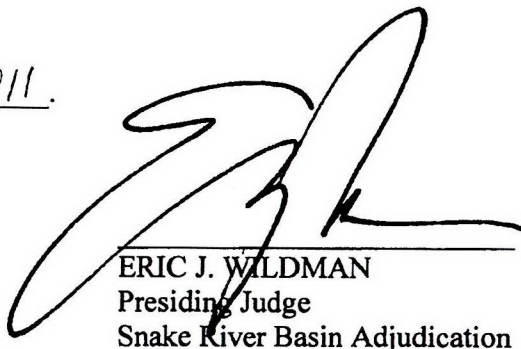
IV.

ORDER

Based on the foregoing, and pursuant to Idaho Code § 42-1417, the State of Idaho's *Motion for Order of Interim Administration of Surface Water Rights in Basin 02*, for which *Partial Decrees* have been issued in the SRBA, is hereby **granted**. The Court authorizes the distribution of surface water pursuant to chapter 6, title 42, Idaho Code in accordance with the *Partial Decrees* that supercede the *Director's Reports* in Basin 02.

IT IS SO ORDERED.

Dated: Sept 12, 2011.



ERIC J. WILDMAN
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING MOTION FOR ORDER OF INTERIM ADMINISTRATION OF DECREED SURFACE RIGHTS IN BASIN 02 was mailed on September 12, 2011, with sufficient first-class postage to the following:

INTERIM ADMINISTRATION
IN BASIN 02

STATE OF IDAHO
Represented by:
NATURAL RESOURCES DIV CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
PO BOX 44449
BOISE, ID 83711-4449

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

Josephine P. Beeman (#1806)
Beeman & Associates, P.C.
409 West Jefferson Street
Boise, ID 83702
(208) 331-0950
Fax – (208) 331-0954

Attorney for the City of Pocatello

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

In Re SRBA	)	Consolidated Subcase No. 00-92023
	)	(Basin-Wide Issue 92-23)
)	
Case No. 39576	)	AFFIDAVIT OF GREGORY K. SULLIVAN, P.E.
	)	IN SUPPORT OF THE CITY OF POCA TELLO'S
	)	RESPONSE TO THE STATE OF IDAHO AND
	)	IDAHO POWER COMPANY'S JOINT
	)	MOTIONS DATED JUNE 25, 2009

I, Gregory K. Sullivan, being duly sworn upon oath, depose and state as follows:

1. I am a senior water resources engineer and principal of Spronk Water Engineers, Inc. located in Denver, Colorado. I have a Bachelor of Science Degree in Civil Engineering from Colorado State University, and a Master of Science Degree from the University of Colorado. I am a licensed professional engineer in Idaho, Colorado, and Nevada.
2. I have 24 years experience as an engineer working in areas of water supply planning, water resources engineering, and water rights engineering. I have worked in Idaho for 15 years on various matters including the following:
 - a. Assisted in the development of water right claims in the Snake River Basin Adjudication ("SRBA").
 - b. Reviewed and assisted in filing objections to various water right claims in the SRBA.
 - c. Provided peer review of the development and application of the Eastern Snake Plain Aquifer Model ("ESPAM") as a member of the Eastern Snake Hydrologic Modeling Committee.
 - d. Assisted legal counsel in developing and reviewing the Idaho Conjunctive Management Rules.

- e. Assisted the City of Pocatello ("Pocatello") in responding to surface water delivery call by the members of the Surface Water Coalition. This included providing expert testimony in an IDWR administrative hearing in January 2006.
 - f. Provided expert testimony in February and March 2007 on behalf of the City of Pocatello before the SRBA Court in support of the City's water right claims
 - g. Assisted the City of Pocatello in responding to a ground water delivery call by the A&B Irrigation District. This included providing expert testimony in an IDWR administrative hearing in December 2008.
3. My experience includes extensive work on matters related to administration of surface water rights and ground water rights, including the following:
- a. Development and operation of the Hydrologic-Institutional Model of the Arkansas River Basin in Colorado. The model was developed to support the State of Kansas' claims against the State of Colorado relating to post-compact well development in violation of the Arkansas River Compact. The model has been adopted by the States and the U.S. Supreme Court as the tool for determining Arkansas River Compact compliance.
 - b. Review and analysis of Idaho's Water District 01 accounting procedures and accounting records, including direct flow water uses and reservoir storage operations.
 - c. Review and analysis of water use, water accounting and reservoir operation records in various river basins in Colorado.
4. I have been retained by Pocatello to provide expert analysis and opinion in the fields of water resources, water rights engineering, and related subjects concerning the SRBA claims of the Idaho Power Company ("Idaho Power"), and the administration of the Swan Falls Agreement.
5. I have reviewed the June 25, 2009 Joint Motions and the August 27, 2009 Joint Memorandum of the State and Idaho Power regarding entry of partial decrees for hydropower water rights that are affected by the terms of the Swan Falls Agreement.
6. The State and Idaho Power have agreed on proposed language to be included in the "Other Provisions" section of the partial decrees of Idaho Power's hydropower water rights regarding the subordination of these hydropower water rights under the terms of the Swan Falls Agreement. The proposed language reads as follows:

1. Water right nos. 02-00100, 02-02032A, 02-04000A, and 02-04001A collectively entitle Idaho Power Company to an unsubordinated water right, except as provided in paragraph nos. 3 and 4 below, to average daily flows of 3900 CFS from April 1 to October 31 and 5600 CFS from November 1 to March 31 as measured at the "Murphy Gaging station" described below in paragraph no. 2. These flows are not subject to depletion, except for depletions caused by the lawful exercise of those water rights identified in paragraph nos. 3 and 4 below, and except for depletions resulting from any diversions or uses of the waters identified in paragraph 5 below. Water right nos. 02-00100, 02-02032A, 02-04000A, and 02-04001A are satisfied when the average daily flows set forth herein are met or exceeded. Average daily flow, as used herein, shall be based upon actual flow conditions; thus, any fluctuations resulting from the operation of Idaho Power Company facilities shall not be considered in the calculation of such flows. Flows of water purchased, leased, owned or otherwise acquired by Idaho Power Company from sources upstream of its power plants, including above Milner Dam, and conveyed to and past its plants below Milner Dam shall be considered fluctuations resulting from the operation of Idaho Power Company facilities.

7. The "Other Provisions" language in the proposed partial decrees for Idaho Power's hydropower water rights does not provide sufficient guidance on how the adjustments to the "actual" flow at the Murphy gage will be made to remove "fluctuations resulting from the operation of Company facilities."
8. There are many factors that would need to be considered in adjusting the Murphy gage flows to account for the "fluctuations resulting from the operation of the Company facilities," including the following:
 - a. Measured flow at the Murphy gage.
 - b. Idaho Power releases of stored water and rentals of water that are present at the Murphy gage.
 - c. Fluctuations in the flow at the Murphy gage caused by the operations of the reservoirs of Idaho Power located between Milner Dam and the Murphy gage.
9. Data needed in order to properly and accurately adjust the Murphy gage flows include the following:
 - a. Daily Snake River flows at the Murphy gage, the Milner gage and at other gages.
 - b. Releases from the Idaho Power storage account, and releases of water rented by Idaho Power.
 - c. The amounts of the Idaho Power storage releases and rentals that are present in the Snake River at Milner gage flows.

- d. Data that could be used to determine the time delay, attenuation of flows, and transit loss that would affect the delivery of Idaho Power storage releases and rentals from Milner Dam to the Murphy gage.
 - e. Data to determine the measured inflows, outflows, change in storage, and losses from Idaho Power's reservoirs between Milner and the Murphy gage.
10. IDWR compiled data relevant to the administration of the minimum flows in the Swan Falls Agreement for the period from 1981 through 2008. This included the following:
- a. Daily streamflow records for the Snake River near Murphy (Gage No. 13172500), and the Snake River at Milner (Gage No. 13088000).
 - b. The actual or estimated portion of the flow in the Snake River at Milner that is comprised of (a) water released from Idaho Power's reservoir storage account, (b) release of water rented by Idaho Power from others, (c) flood control releases by the Bureau of Reclamation ("BOR"), and (d) flow augmentation releases by the BOR. These are the only factors for which IDWR provided data, although the flow in the Snake River at Milner could also be comprised of other flows, including natural flow and other rentals.

The foregoing data was presented at a May 14, 2009 IDWR workshop on Swan Falls Flow Measurement, and was made available on the IDWR website.

11. The procedure used by IDWR to adjust the Murphy gage flows is rudimentary and does not consider the following:
- a. The time delay, attenuation of flows, and transit loss that would affect the delivery of Idaho Power storage releases and rentals from Milner Dam to the Murphy gage.
 - b. The effect of the operation of Idaho Power's reservoirs between Milner and the Murphy gage, including reservoir inflows and outflows, changes in reservoir storage, and reservoir evaporation.

Had a more sophisticated procedure been utilized to determine the effect of the Idaho Power operations on the Murphy Gage flows, it is possible that a violation of the Swan Falls minimum flow could have been determined during the historical period between 1981 and 2008.

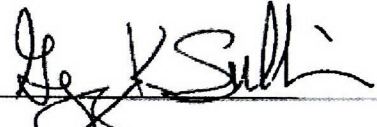
12. I have reviewed and summarized the Snake River flow data compiled by IDWR as shown in the charts attached hereto as **Attachment A**. Included in **Attachment A** are charts showing the reported average daily flow at the Snake River near Murphy gage, the reported average daily flow at the Murphy gage adjusted to remove the estimated portion of the flow represented by the factors

listed in paragraph 10.b above. The adjustment to the Murphy gage flows was made by subtracting the referenced flows at the Milner gage, lagged by two days. This is the same time lag that was used by IDWR in their adjustment of the Murphy gage flows.

13. Using the IDWR data, the Murphy gage flow, adjusted for all of the factors listed in paragraph 10.b, fell below the minimum flows in the Swan Falls agreements on one day in 1988, two days in 2007 and three days in 2008. Using the IDWR data and limiting the Murphy gage adjustments to only the Idaho Power storage releases and rentals, there is only one day during the 1981 – 2008 period that the adjusted Murphy gage flow fell below the Swan Falls minimum flows. This occurred in December 1997 (water year 1998) and appears to be a one-day dip in the flow likely caused by an Idaho Power operational fluctuation. Assuming this is the case, then the occurrence in December 1997 would not represent a violation of the Swan Falls minimum flows.
14. While the IDWR data show no violations of the Swan Falls minimum flows during the historical period from 1981 – 2008, the adjusted flows approached the minimum flows on several occasions. These approaches to the minimum flows coupled with the absence of transparent, comprehensive, and accurate data and procedures create problems for consistent administration of the Idaho Power water rights and Swan Falls minimum flows.
 - a. Had there been more comprehensive and accurate data through 2008 it is possible the Swan Falls minimum flows could have been violated in the past.
 - b. The use of comprehensive and accurate data going forward could result in violations of the Swan Falls minimum flows in the future for flow conditions that resulted in no violations through 2008.
 - c. In addition to these data regarding determination of “actual flow conditions,” it is possible the Swan Falls minimum flows could be violated in the future based on (a) the occurrence of more severe drought conditions, or (b) continued changes in water use practices across the Eastern Snake Plain.
15. Because of the potential for violations of the Swan Falls minimum flows in the future, it is important that an accurate and transparent procedure be developed to administer the Swan Falls minimum flows so that future disagreements regarding the administration are minimized.

I hereby certify that the facts set forth above are true and correct to the best of my information and belief.

Dated this fifth day of October, 2009.

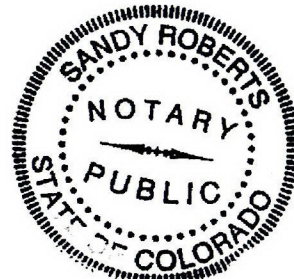


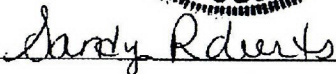
Gregory K. Sullivan, P.E.

Subscribed and sworn to before me this fifth day of October 2009, by Gregory K. Sullivan, P.E.

Witness my hand and official seal.

My commission expires: 3.10.2011





Notary Public

[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

1/16/2012

WATER RIGHT NO. 2-201

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	STATE OF IDAHO IDAHO WATER RESOURCE BOARD 322 E FRONT ST PO BOX 83720 BOISE, ID 83720-0098 (208)287-4800

Priority Date: 12/29/1976

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
SNAKE RIVER	COLUMBIA RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
MINIMUM STREAM FLOW	1/01	12/31	3300 CFS	
Total Diversion			3300 CFS	

Location of Point(s) of Diversion:

SNAKE RIVER	NESE Lt 5	Sec. 35	Township 01S	Range 01W	OWYHEE County
-------------	-----------	---------	--------------	-----------	---------------

Place(s) of use: No POUs found for this right

SCANNED

JUL 16 2012

Conditions of Approval:

- | | |
|----|---|
| 1. | DECREED BY LEGISLATURE STATUTE, SEC. 42-1736A, IDAHO CODE. GAGING STATION AT MURPHY, ID. THE PRACTICAL EFFECT OF THE SWAN FALLS AGREEMENT SIGNED ON 10/24/84 IS TO PROVIDE MINIMUM FLOWS IN THE SNAKE RIVER MEASURED AT THE MURPHY GAUGING STATION WITH A PRIORITY DATE THE SAME AS THE IDAHO POWER COMPANY'S UNSUBORDINATED WATER RIGHT AT SWAN FALLS DAM, I.E. 3900 CFS AVERAGE DAILY FLOW FROM 4/1 TO 10/31 AND 5600 CFS AVERAGE DAILY FLOW FROM 11/1 TO 3/31. |
|----|---|

Dates:

Licensed Date:

Decreed Date: 07/01/1978

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

SCANNED

JUL 16 2012

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

1/16/2012

WATER RIGHT NO. 2-224

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	STATE OF IDAHO IDAHO WATER RESOURCE BOARD 322 E FRONT ST PO BOX 83720 BOISE, ID 83720-0098 (208)287-4800

Priority Date: 07/01/1985

Basis: Statute

Status: Active

<u>Source</u>	<u>Tributary</u>
SNAKE RIVER	COLUMBIA RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
MINIMUM STREAM FLOW	11/01	3/31	2300 CFS	
Total Diversion			2300 CFS	

Location of Point(s) of Diversion:

SNAKE RIVER	NESE Lt 5	Sec. 35	Township 01S	Range 01W	OWYHEE County
-------------	-----------	---------	--------------	-----------	---------------

Place(s) of use: No POUs found for this right

SCANNED
JUL 16 2012

Conditions of Approval:

- | | |
|----|--|
| 1. | DECREED BY IDAHO LEGISLATURE SEC. 42-1736A WHICH RATIFIED & APPROVED AMENDMENTS TO POLICY 32 OF IDAHO STATE WATER PLAN ADOPTED BY RESOLUTION OF IWRB. THE PRACTICAL EFFECT OF THE SWAN FALLS AGREEMENT DATED 10.24.84 IS TO PROVIDE MINIMUM FLOWS IN THE SNAKE RIVER MEASURED AT THE MURPHY GAUGING STATION WITH A PRIORITY DATE THE SAME AS THE IDAHO POWER COMPANY'S UNSUBORDINATED WATER RIGHT AT SWAN FALLS DAM, I.E. 3900 CFS AVERAGE DAILY FLOW FROM 4/1 TO 10/31 & 5600 CFS AVERAGE DAILY FLOW FROM 11/1 TO 3/31. |
|----|--|

Dates:

Licensed Date:

Decreed Date: 07/01/1985

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

SCANNED
JUL 16 2012

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

1/16/2012

WATER RIGHT NO. 2-223

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	STATE OF IDAHO IDAHO WATER RESOURCE BOARD 322 E FRONT ST PO BOX 83720 BOISE, ID 83720-0098 (208)287-4800

Priority Date: 07/01/1985

Basis: Statute

Status: Active

<u>Source</u>	<u>Tributary</u>
SNAKE RIVER	COLUMBIA RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
MINIMUM STREAM FLOW	4/01	10/31	600 CFS	
Total Diversion			600 CFS	

Location of Point(s) of Diversion:

SNAKE RIVER	NESE Lt 5	Sec. 35	Township 01S	Range 01W	OWYHEE County
-------------	-----------	---------	--------------	-----------	---------------

Place(s) of use: No POUs found for this right

SCANNED
JUL 16 2012

Conditions of Approval:

1.	DECREED BY IDAHO LEGISLATURE SEC. 42-1736A WHICH RATIFIED & APPROVED AMENDMENTS TO POLICY 32 OF IDAHO STATE WATER PLAN ADOPTED BY RESOLUTION OF IWRB. THE PRACTICAL EFFECT OF THE SWAN FALLS AGREEMENT SIGNED ON 10/24/84 IS TO PROVIDE MINIMUM FLOWS IN THE SNAKE RIVER MEASURED AT THE MURPHY GAUGING STATION WITH A PRIORITY DATE THE SAME AS THE IDAHO POWER COMPANY'S UNSUBORDINATED WATER RIGHT AT SWAN FALLS DAM, I.E. 3900 CFS AVERAGE DAILY FLOW FROM 4/1 TO 10/31 & 5600 CFS AVERAGE DAILY FLOW FROM 11/1 TO 3/31.
----	--

Dates:

Licensed Date:

Decreed Date: 07/01/1985

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

SCANNED

JUL 16 2012

Water District Creation for Snake River Water Rights Basin 02 – Milner to Swan Falls

IDWR PUBLIC HEARING
February 28, 2012
Mountain Home, ID

Hearing Agenda

- Background Information
 - What is a water district
 - Proposed Boundaries for Water District 02
 - Reasons for Creation
 - Water District operation and timelines
 - Water Measurement

Water Districts

Chapter 6, Title 42, Idaho Code
Created by order of Director of IDWR for purposes
of water right administration, specifically,
distribution of water from public or natural water
sources in accordance with water right priority
dates.

Water District 02 Area of Notice Milner to Swan Falls/Murphy Gage

- Over 225 Notices Sent (Snake River SW Rights Only)
- Excluding in-stream stock water rights

Number of Water Rights and Diversions in Area

- About 520 water rights total (excludes in-stream stock)
- About 290 unique diversion locations (per water rights)
 - About 385 rights & 160 diversions with irrig. use > 5 acres
 - About 65 rights & 60 diversions with irrig. use ≤ 5 acres
 - About 40 rights & 40 diversions with non-irrigation use (not including domestic/stock uses < = 0.24 cfs)
 - Total irrigation water rights cfs (gross) = 3,170 cfs

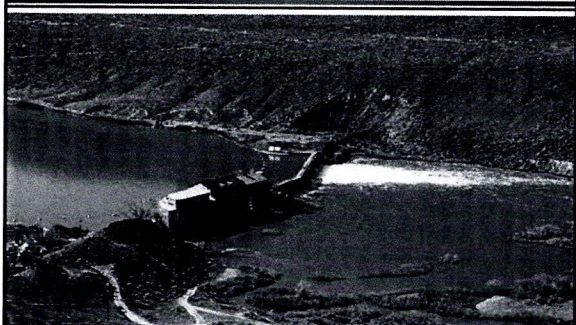
Why Create a water District for this area?

- SRBA completed for this area
- SRBA District Court issued Order of Interim Administration, September 21, 2011
- Settlement of Swan Falls in-stream flow rights
 - need to measure diversions, reservoir flows & river flows for accuracy & to protect in-stream flow rights

Why Create a Water District for this area?

- Regulation
 - address unauthorized uses
 - assure diversions within water right limits
 - delivery of rented water through reach
- Administer/Manage water rights
 - maintain current/accurate records (ownership & water right descriptions)

Overview of Swan Falls in-stream flow rights



Water Districts

Features

- Watermasters elected annually to provide water distribution services
 - elected by users, appointed by IDWR Director
 - compensated by users via assessments
 - receive guidance/direction from Director
- Advisory Committee elected annually
 - comprised of water users in district
 - serve in advisory capacity to watermaster and director, draft and implement resolutions, may mediate problems within district

Water Districts

- General Duties of Watermaster:
 - 1) deliver water in accordance with water right priority dates
 - authority to control/regulate diversion works
 - 2) measure and report diversions under water rights
 - 3) provide annual reports of expenses & water delivered (watermaster report, daily log books or distribution report, proposed budget)
 - 4) report and control unauthorized diversions
 - local resource/expert; review transfers

Water Districts

Meetings, Elections, Budgets

- Annual meeting held to elect watermaster, adopt a budget and resolutions, and select an advisory committee.
- Voting is by majority vote of users present, or if requested, by alternative method that involves votes equal to dollar amount assessed.

Idaho Code § 42-605

Water Districts

Meetings, Elections, Budgets

- Amount of water use is basis for assessments. (IC § 42-612)
- Alternative methods and flexibility provided for voting and assessment of non-consumptive uses. (IC § 42-605A)
- Budget collected either by county or by district. (IC § 42-612 and 42-618)
- Participation is mandatory

District Creation

- District meeting is first Monday of March, by law, or
- Between first Monday of January & third Monday of March, by district resolution
- Director can schedule special meeting or first meeting at any time

District Creation

Who's usually included:

- All water rights are included, but for Administrative & Assessment purposes, IDWR may exclude:
 - domestic/stock water uses meeting definition of Sec. 42-111, Idaho Code
 - in-stream livestock
 - other small rights/uses (≤ 0.24 cfs)
 - minimum in-stream flow rights

Note: hydropower rights included but may be assessed differently

District Creation

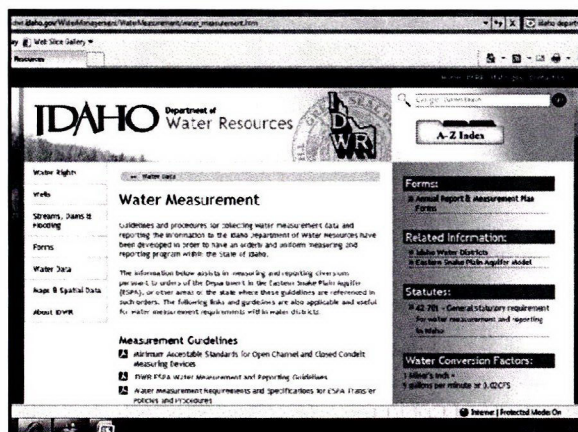
Measurement Requirements:

- For Measurement Purposes, typically exclude:
 - irrigation uses/diversions ≤ 5 acres
 - domestic/stock water uses, in-stream livestock & other small rights/uses ≤ 0.24 cfs diversion rate
- All other rights/diversions are measured
 - Estimate less than 200 diversions total

Measurement Requirements

Likely Scenario:

- Order to require installation of measuring devices:
 - Phase-in over one to two years
 - Submittal of measurement plans in first year
- Must install standard measuring devices as per IDWR standards
 - Open channel (weirs, flumes, doppler meters)
 - Closed conduit (magnetic flow meters)



Measurement Requirements

Costs:

- Open Channel
 - Range from several hundred dollars to \$10,000 depending on size
- Closed Conduit
 - Mag Meters: ≈ \$2,000 – \$3,400 for 10 inch line + install
 - For larger diameter pipe: Mag cost varies on diameter
Ultrasonic meter ≈ \$3,500 with display, minimal install

Measurement Requirements

Other Needs:

- Large diversions likely need monitoring & telemetry equipment
- Additional river gages needed
 - State, Idaho Power, USGS & other parties currently investigating gage sites
 - Additional gage costs likely split among State, IPCo, USGS
 - Water District could cost share some percentage?

Creation Timeline

- Public Meeting held 1/17/2012
- Mailed individual notice of hearing
- Today's hearing
- Ten day comment period
- Issue order with notice of annual meeting
- Conduct meeting

Creation Timeline – Next Steps

- Issue order mid-March
- Schedule annual meeting mid-April

Annual Meeting

Propose:

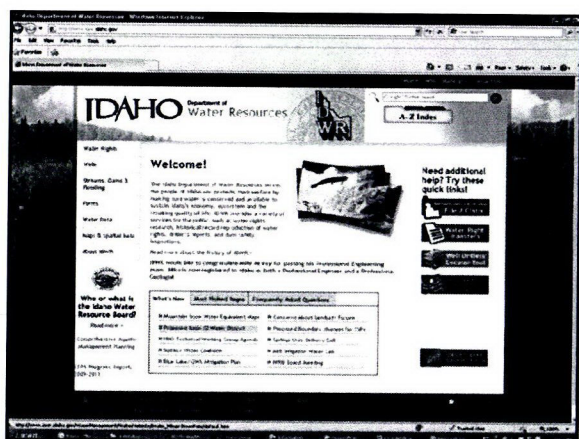
- No Adopted Budget in first year
- IDWR staff inventory diversions first year & work with users on measurement plans
- Elect advisory committee

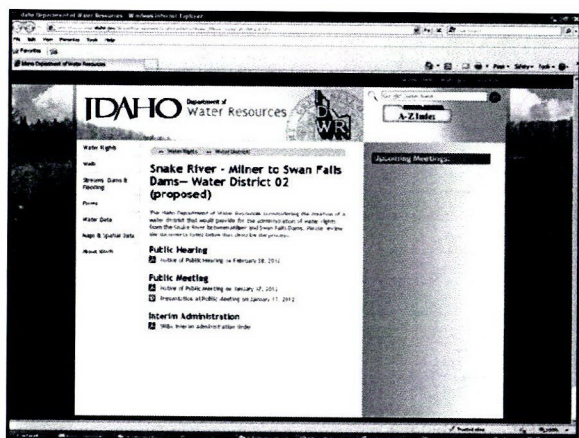
Advisory Committee

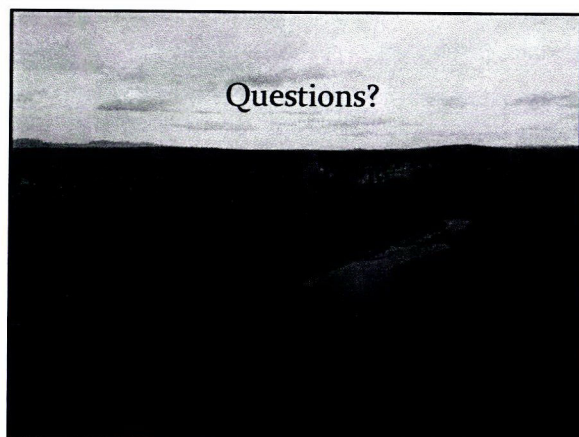
- Work with IDWR next one to two years on:
 - Implement measurement requirements
 - Future water district budget & resolutions
 - Shaping of Water District

Future Considerations

- Snake River from Swan Falls to State Border
 - Expand District?
 - Separate District?





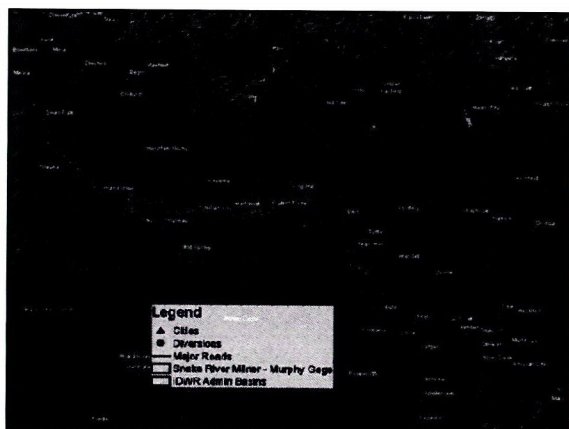


Water District Creation for Snake River Water Rights Basin 02 – Milner to Swan Falls

IDWR PUBLIC INFORMATION MEETING
January 17, 2012
Mountain Home, ID

Area of Notice Milner to Swan Falls/Murphy Gage

- Over 225 Notices Sent (Snake River SW Rights Only)
- Excluding in-stream stock water rights with diversion rate ≤ 0.02 cfs



Number of Water Rights and Diversions in Area

- About 520 water rights total (excludes in-stream stock)
- About 290 unique diversion locations (per water rights)
 - About 385 rights & 160 diversions with irrig. use > 5 acres
 - About 65 rights & 60 diversions with irrig. use <= 5 acres
 - About 70 rights & 70 diversions with non-irrigation use
 - Total irrigation water rights cfs (gross) ≈ 3,170 cfs

Why Create a water plan for this area?

- SRBA completed for this area
- SRBA District Court issued Order of Interim Administration, September 21, 2011
- Settlement of Swan Falls in-stream flow rights
 - need to measure diversions and reservoir flows to protect in-stream flow rights

Why Create a water plan for this area?

- Regulation
 - address unauthorized uses
 - assure diversions within water right limits
 - delivery of water through reach
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Water Districts

Chapter 6, Title 42, Idaho Code

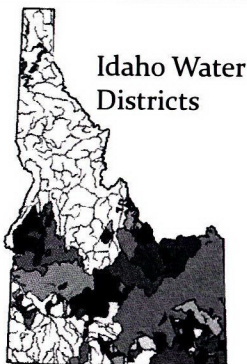
Created by order of Director of IDWR for purposes of water right administration, specifically, distribution of water from public or natural water sources in accordance with water right priority dates.

Water Districts

• Creation of Water Districts

- "The director shall divide the state into water districts ... such that each public stream and tributaries, or independent source of water supply, shall constitute a water district."
- "The director may create a water district by entry of an order ... in order to properly administer uses of the water resource."

Idaho Code § 42-604



Idaho Water Districts

Water Districts

Features

- Watermasters elected annually to provide water distribution services
 - elected by users, appointed by IDWR Director
 - compensated by users via assessments
 - receive guidance/direction from Director
- Advisory Committee elected annually
 - comprised of water users in district
 - serve in advisory capacity to watermaster and director, draft and implement resolutions, may mediate problems within district

Water Districts

General Duties of Watermaster:

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 - authority to control/regulate diversion works
- 2) measure and report diversions under water rights
- 3) provide annual reports of expenses & water delivered (watermaster report, daily log books or distribution report, proposed budget)
- 4) report and control unauthorized diversions
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Water Districts

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- Annual meeting held to elect watermaster, adopt a budget and resolutions, and select an advisory committee.
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Idaho Code § 42-605

Water Districts

Meetings, Elections, Budgets

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Note: hydropower rights included but may be assessed differently

District Creation

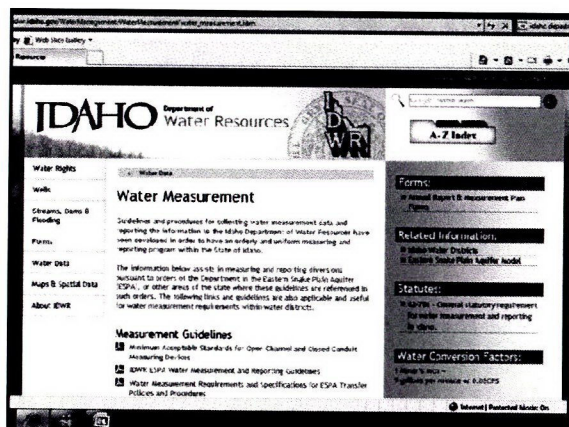
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Measurement Requirements

Likely Scenario:

- Order to require installation of measuring devices:
 - Phase-in over one to two years
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- Must install standard measuring devices as per IDWR standards
 - Open channel (weirs, flumes, doppler meters)
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Measurement Requirements

Costs:

- Open Channel
 - Range from several hundred dollars to \$10,000 depending on size
- Closed Conduit
 - Mag Meters: ≈ \$2,000 – \$3,400 for 10 inch line + install
 - For larger diameter pipe: Mag cost varies on diameter
 Ultrasonic meter ≈ \$3,500 with display, minimal install

Measurement Requirements

Other Needs:

- Large diversions likely need monitoring & telemetry equipment
- Additional river gages needed
 - State, Idaho Power, USGS & other parties currently investigating gage sites
 - Additional gage costs likely split among State, IPCo, USGS
 - Water District could cost share some percentage?

Creation Timeline

- Mail individual notice
- Publish notice in local papers (two weeks)
- Hold hearing at least ten days after notice
- Ten day comment period
- Issue order
- Issue notice of annual meeting
- Conduct meeting

Creation Timeline – Next Steps

- Schedule hearing late February
- Issue order mid-March
- Schedule annual meeting early April

Annual Meeting

Propose:

- No Adopted Budget in first year
- IDWR staff inventory diversions first year & work with users on measurement plans
- Elect advisory committee

Advisory Committee

- Work with IDWR next one to two years on:
 - Implement measurement requirements
 - Future water district budget & resolutions
 - Shaping of Water District

Future Considerations

- Snake River from Swan Falls to State Border
 - Expand District?
 - Separate District?



Transmission Report

Date/Time
Local ID 1

12-21-2011
2082876700

01:54:23 p.m.

Transmit Header Text
Local Name 1

Water Resource Boise #507

This document : Confirmed
(reduced sample and details below)
Document size : 8.5"x11"



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

FAX TRANSMITTAL COVER SHEET

DATE: 12/21/11

TO: IVU
587-2597

FROM: Tim Luke

DOCUMENT

DESCRIPTION: Agreement for use of public
school facilities

COMMENTS:

COVER SHEET + 2 PAGES

PLEASE CONTACT Victoria IF YOU DON'T RECEIVE THIS
ENTIRE DOCUMENT

287-4803

Total Pages Scanned : 3

Total Pages Confirmed : 3

No.	Job	Remote Station	Start Time	Duration	Pages	Line	Mode	Job Type	Results
001	675	95872597	01:51:46 p.m. 12-21-2011	00:01:55	3/3	1	EC	HS	CP14400

Abbreviations:

HS: Host send
HR: Host receive
WS: Waiting send

PL: Polled local
PR: Polled remote
MS: Mailbox save

MP: Mailbox print
RP: Report
FF: Fax Forward

CP: Completed
FA: Fail
TU: Terminated by user

TS: Terminated by system
G3: Group 3
EC: Error Correct

SCANNED
JUL 16 2012

Ivy fax
587 - 2597



State of Idaho

DEPARTMENT OF WATER RESOURCES

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ENTIRE DOCUMENT

287-4803

SCANNED
JUL 16 2012

WD

RECEIVED
NOV 15 2011
DEPARTMENT OF
WATER RESOURCES

MOUNTAIN HOME SCHOOL DISTRICT NO. 193
MOUNTAIN HOME, IDAHO 83647

**Agreement for Use of Public School Facilities, Grounds,
and/or Equipment**

1. MOUNTAIN HOME SCHOOL DISTRICT NO. 193, hereinafter referred to as the "SCHOOL DISTRICT," grants to the following organization,
IDAHO DEPT. of WATER RESOURCES
(Name of Organization)
hereinafter referred to as the "RENTER," permission to use of the following facility, grounds and/or equipment, under the conditions as described:
2. Facility: Mt. Home Junior High School
3. Room: Commons Room
Equipment/Grounds: Projector Screen (need screen only, we have our own projectors)
Specific Date(s): JAN 17, 2012
Specific Time(s): Between the hours of 6:15 pm and 8:45 pm
4. Purpose: Public information meeting to discuss
creation of a water district on the Snake River
We anticipate up to 75 people, but we suggest arranging for up to 100
5. **Rooms/Equipment/Services Requested & Fee: (For District Office Use Only)**
 - A. Room(s) Commons Fee(s) \$
Room(s) _____ Fee(s) \$
List rooms: gym, classroom, etc. See Facility/Personnel fee schedule.
 - B. Equipment _____ Fee(s) \$
Grounds _____ Fee(s) \$
List equipment requested. Equipment lost or damaged must be paid for or replaced with an acceptable item of equal value.
 - C. Services/Personnel _____ Fee(s) \$
Custodial _____ Hrs. _____ Fee(s) \$
Other _____ Hrs. _____ Fee(s) \$
Custodial, kitchen, sound, lights, etc. See Facility/Personnel fee schedule.
 - D. Total Hours and Fees: Total Hrs. _____ Fee(s) \$
Amount of fees waived: _____ Fee(s) \$
Net due for facility use: _____ Fee(s) \$
Payment of fees and deposit by the RENTER will be made prior to using the facility unless other arrangements have been made with SCHOOL DISTRICT officials. Additional fees may be levied if additional facilities, grounds, and/or equipment, or additional services are used.
 - E. Damage/Cleaning Deposit (separate check): Yes _____ No _____ Fee(s) \$
Amount to be determined by SCHOOL DISTRICT officials.
6. **Insurance:** A copy of a Certificate of Insurance containing an endorsement naming School District No. 193, as an additional named insured during the period of use, with a minimum amount of \$1,000,000.00, must be attached to this application prior to using or occupying school facilities or grounds.
7. **Conditions of the Agreement:**
 - a. **Cancellation:** Use of school facilities, grounds and equipment or school activities by the SCHOOL DISTRICT take precedent, therefore, this Use Agreement is subject to cancellation. Notice of cancellation will be given at the earliest possible time. Notice of cancellation applies to rehearsals, practice sessions, decorating, and all other related activities. The SCHOOL DISTRICT reserves the right to prioritize facility use between non-school organizations.
 - b. **Limitations:** Use of facilities, grounds, and equipment is limited to the dates/times specified on this agreement (item 2); use of requested or other facility areas, grounds, or equipment not specified is

prohibited. DO NOT ASK custodians or other school personnel to make available facilities, grounds, or equipment not specified in the agreement. Organizational or personal property is not to be left in SCHOOL DISTRICT facilities or grounds unless prior arrangements have been made with the building or facility administrator or designee.

- c. Prohibited behavior and items: Possession or consumption of alcoholic beverages, tobacco, or illegal drugs or substances, acts of violence, or weapons is not permitted.
 - d. Supervision: The RENTER agrees to provide adequate adult supervision at all times, or as required by SCHOOL DISTRICT officials.
 - e. School District Policy and Procedure: The undersigned RENTER agrees to abide by all relevant policies of the SCHOOL DISTRICT, and specifically to the policy and procedures regarding the use of public school facilities, grounds, and/or equipment. These are available at the Mountain Home School District Office or on the website at: www.mtnhomesd.org
8. The RENTER hereby makes application for the use of school facilities, grounds, and/or equipment described above and hereby represents that the organization will and does assume responsibility to supervise and be responsible for the proper conduct of individuals attending the function; to provide the necessary police and/or fire protection personnel if deemed necessary by SCHOOL DISTRICT officials; that it will pay to the SCHOOL DISTRICT on demand the amount of any damages caused to the facilities, grounds, or equipment by its activities and the amount of the SCHOOL DISTRICT'S charge, if any, for the use of said facilities, grounds, and/or equipment.
9. The RENTER further agrees that in consideration of the granting of this application the RENTER will hold the SCHOOL DISTRICT, its officers and agents, harmless from any and all claims, debts, demands, costs, expenses, and damages, which may arise out of or be in any way connected with the use of said facilities, grounds, and/or equipment described in this application.
10. In the event any provision of this agreement shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision of this agreement.



Signature of organization's authorized representative

Tim Luke

Printed Name

208-287-4959

Telephone

12/21/2012

Date

tim.luke@idwr.idaho.gov

E-mail address

222 E. Front St. PO Box 83720, Boise, ID 83720-0098

Address of Organization

Approved:

Signature - District Building representative

Date - Building Availability

Signature - District/Maintenance

Date - Support Resource Availability

Signature - District Administration

Date - Permission to use Facility

ADOPTED: July 17, 2001
Revised: June 20, 2002
Revised: August 15, 2006

Revised: September 6, 2001
Revised: September 18, 2003

Overview of the Swan Falls Settlement

Brief History:

The Swan Falls Settlement resolved an ongoing controversy over how to balance water uses for agriculture and water needs for hydropower generation in the Snake River Basin. In the late 1970s, a group of Idaho Power Company's ratepayers initiated a lawsuit against the Company, contending that it had failed to adequately protect its water rights for hydropower generation at the Swan Falls Dam. As a result of the Company's alleged failure to protect junior water uses upstream from Swan Falls Dam, the ratepayers claimed, the Company had less water for power generation, resulting in higher electricity rates for its customers. Idaho Power Company, in its initial response, maintained that all of its water rights for hydropower generation were subordinated as a result of the subordination condition on its rights at the Hells Canyon Complex. The Idaho Supreme Court, however, decided the issue in favor of the ratepayers, holding that the subordination at Hells Canyon did not extend upstream to the Swan Falls water rights.

Following the decision, Idaho Power Company initiated a lawsuit against the holders of approximately 7,500 water rights upstream from its Swan Falls facility, seeking curtailment of those rights based on their junior priority relative to the Company's hydropower rights. Given the catastrophic consequences that such curtailment would have had on agriculture in southern Idaho, the State, through the Governor and the Attorney General, entered into negotiations with Idaho Power Company to resolve the litigation.

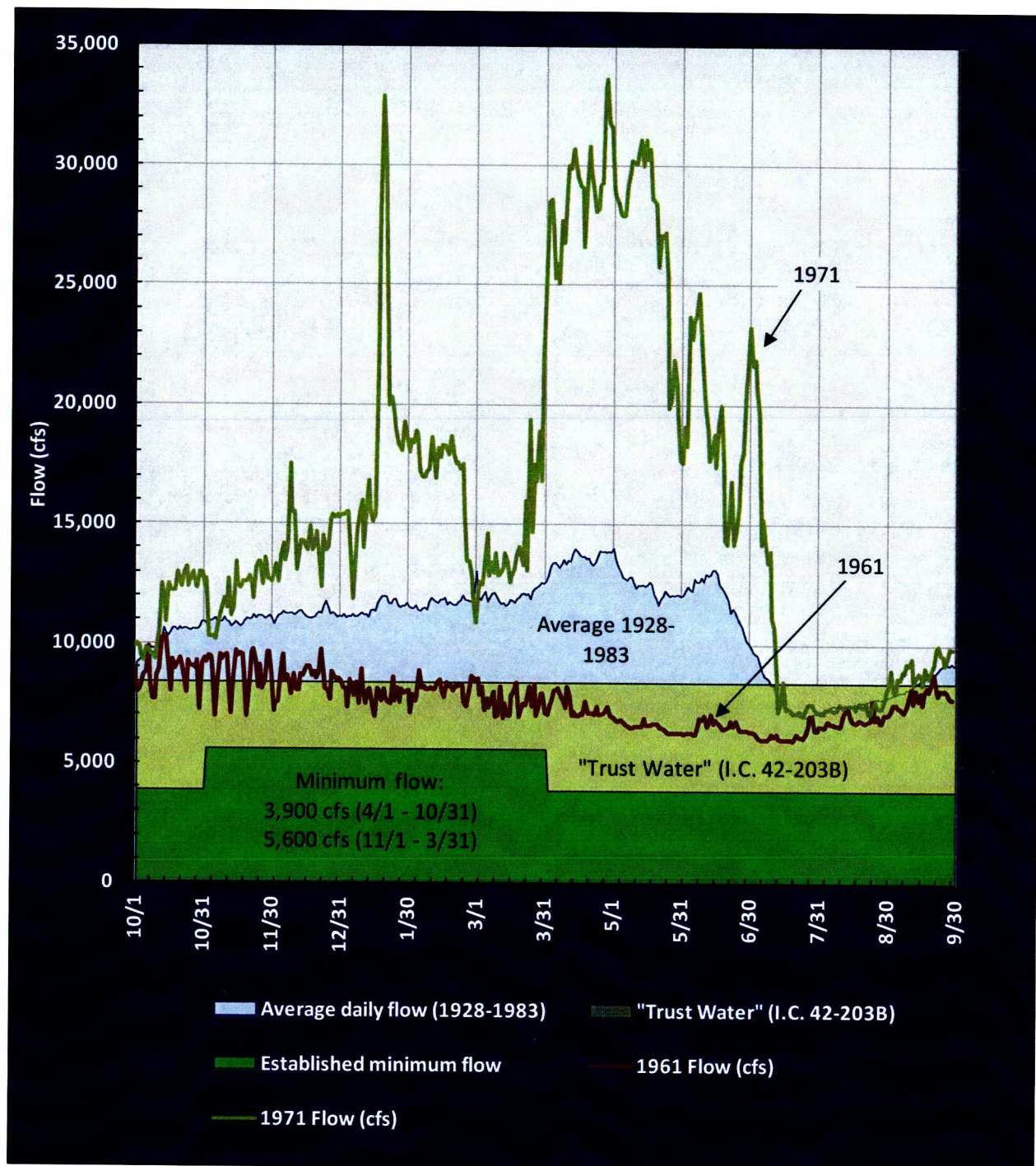
The State's primary interests were to protect existing water uses, and to ensure that the State would control the allocation of water between hydropower and other uses. The interest of the Idaho Power Company was to maintain adequate water levels in the Snake River for hydropower generation at its Swan Falls facility. The minimum stream flow right held by the State at the Murphy Gage (located approximately 4 miles downstream of the Swan Falls facility) was for 3,300 cfs at the time of the negotiations, while Idaho Power Company's hydropower rights were for 8,400 cfs at the Swan Falls facility. An effort was launched to determine the actual historic low flow in the river, in a way that accounted for all existing upstream water uses. The low flow was estimated to have been approximately 4,500 cfs, providing the parties with a context for negotiations about how to maximize the benefit of the State's water resources for both existing agricultural and hydropower interests, as well as for future water development.

The parties crafted a settlement in 1984 with the following key features:

1. Idaho Power Company agreed to subordinate its water rights at Swan Falls and 10 other hydropower facilities to all upstream water uses in existence at the time of the agreement.¹
2. The State agreed to increase the minimum stream flow rights at Murphy Gage by 600 cfs in the summer months and 2,300 cfs in the winter. The result was a minimum stream flow of 3,900 cfs from March to November, and a 5600 cfs minimum stream flow for the rest of the year. This provided the Company with some assurance that the State would work to preserve the water levels in the Snake River on the basis of its own right.
3. Idaho Power Company agreed to not contest the State's authority to place the Company's hydropower water rights in excess of the minimum flow in a State controlled trust. The trust resolved a conflict between the State and Idaho Power Company about how to ensure that water would be available for future development. The State sought immediate subordination of Idaho Power's rights to future uses down to the new minimum stream flows, while Idaho Power preferred to leave those rights unsubordinated until new uses were approved. This impasse was resolved by legislation that placed the Company's water rights for flows in excess of the minimum stream flows in a State administered trust. Through this trust, Idaho gained control over the hydropower water rights and could thereby, as a matter of state law, subordinate the hydropower water rights to future water rights granted in accordance with state law. These future water rights licensed by IDWR, became known as "Trust Water Rights."

Trust water is that flow of the Snake River that is greater than the Murphy minimum flow but less than the decreed water rights at each of the Idaho Power Company's facilities. As shown on the attached graph, for example, trust water at the Murphy Gage is that flow of the Snake River in excess of the Murphy minimum flow but less than 8,400 cfs, the total of the decreed water rights for the Swan Falls facility.

¹ The subordination also included those water rights for which substantial investment was made pursuant to a valid application or permit by the target date, even if actual use had not yet occurred.



4. The parties reaffirmed that the Milner zero minimum stream flow meant that, for purposes of the administration of surface and groundwater rights tributary below Milner Dam, no water above Milner was to be considered.

Frequent Questions:

1. What is “Trust Water”?

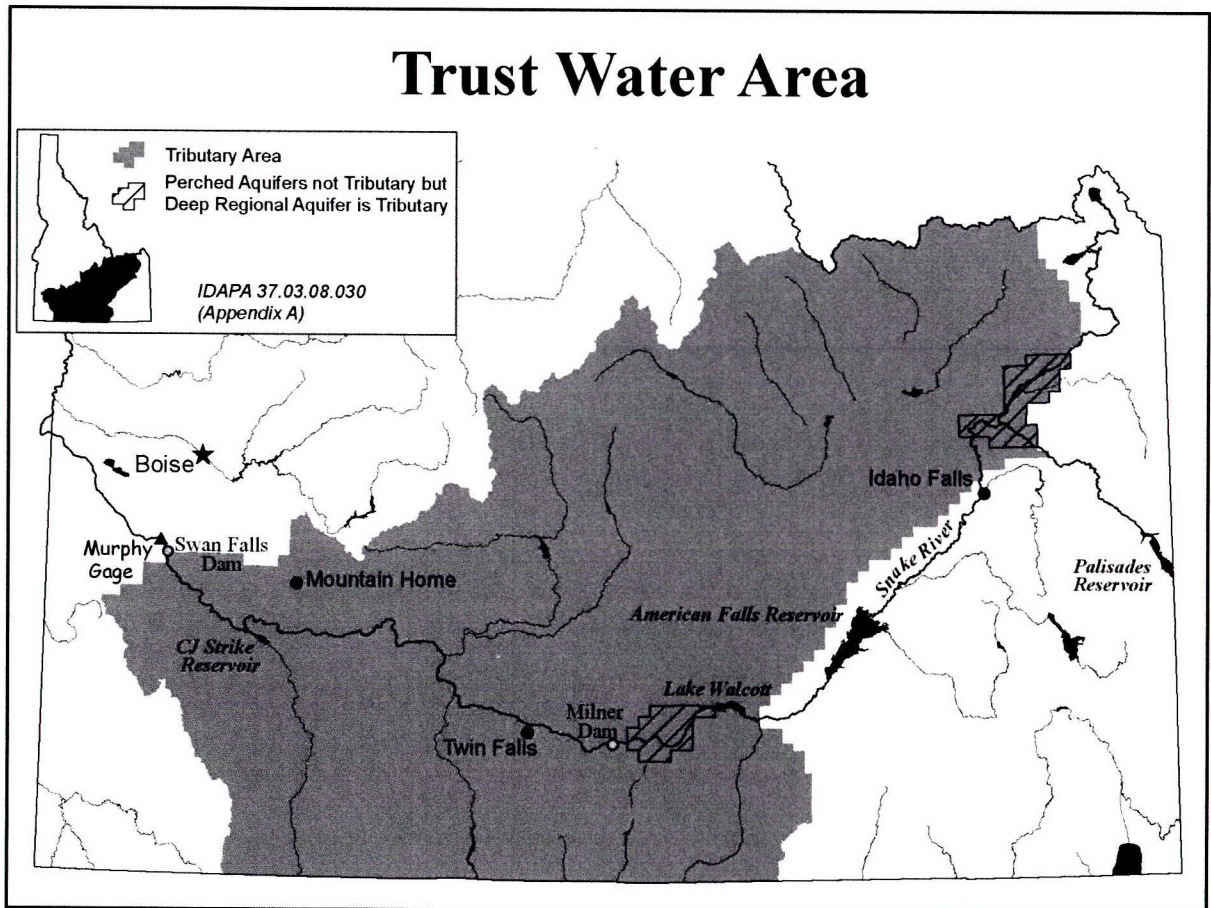
- a. The term “Trust Water” is a misnomer. The trust consists of water rights, not actual water. Trust Water is a shorthand term referring to flows above the minimum stream flow at the Murphy Gage, which were originally appropriated under water rights for hydropower generation.

2. What is a “Trust Water right”?

- a. Trust Water rights are surface and ground water rights in the Trust Water Area for which actual use occurred after October 25, 1984, that divert water previously appropriated under the hydropower rights held in trust by the State (these rights were already subordinate to existing uses). These rights may be curtailed if the water level in the Snake River drops below the minimum stream flows of 3,900/5,600 cfs at the Murphy Gage. Because trust water rights authorize the diversion of water that was first appropriated under Idaho Power Company’s Swan Falls hydropower rights, they are likewise subordinated to the water uses that existed at the time of the Swan Falls Agreement. Some trust water rights were established with a 20 year term condition, which provides that Idaho Department of Water Resources (IDWR) can revisit those water rights after the term expires to determine whether the authorized use remains in the public interest as expressed in Idaho Code § 42-203C.

3. What is the “Trust Water Area”?

- a. The trust water area is pictured in the map below. It shows the area within which surface and ground water is deemed tributary to the Snake River between Milner Dam and the Swan Falls Dam for purposes of the Swan Falls Settlement. This trust water boundary is not a hydrologic boundary, but rather, permanently delineates the area that will be subject to administration under the Swan Falls trust.



4. What about enlargement and expansion water rights?

- a. Enlargement water rights are water rights issued pursuant to Idaho Code § 42-1426 for enlargements of the place of use of previously acquired water rights (so long as there is no increase to the rate of diversion). These enlargement water rights, despite having a priority date based on the date of enlargement, are subordinate to all water rights senior to April 12, 1994, including the Swan Falls hydropower water rights. Expansion water rights are water rights issued pursuant to Idaho Code § 42-1416B for expanded uses in critical ground water areas. Expansion water rights have a priority date of June 30, 1985. Both enlargement and expansion water rights are trust water rights, and may be

subject to curtailment if the minimum stream flows at Murphy gage drop below 3,900/5,600 cfs.

5. Does the trust water area include the Snake River and surface and groundwater tributary to the Snake River upstream from Milner dam?

- a. No. Pursuant to Idaho Code 42-203B, the Snake River and tributary surface water or ground water above Milner Dam is administered separately from the Snake River and tributary surface water or ground water below Milner Dam. That means that in the event that the minimum stream flows at the Murphy Gage are not met, uses of the waters of the Snake River or surface and ground water sources tributary to the Snake River above Milner Dam are not subject to curtailment based upon senior water rights downstream from Milner Dam.

6. What does zero minimum flow at Milner mean?

- a. The zero minimum stream flow at Milner Dam was adopted by the Idaho Water Resource Board in 1976 as a means of formalizing the management of the Snake River as “two rivers.” This policy provides for the optimum development of the surface and ground water resources tributary above Milner Dam, and protects water users above Milner Dam from administration stemming from surface and ground water uses from sources tributary to the Snake River below Milner Dam.²

7. What would happen if the Snake River drops below the 3,900/5,600 cfs Murphy minimum stream flow?

- a. In the event that the water level of the Snake River drops below the minimum stream flows at Murphy Gage, upstream trust water rights (water rights in the trust water area with priority junior to 10/25/1984³) are subject to curtailment. The sufficiency of the flows at Murphy Gage is determined by the “actual flow conditions”⁴ at the gage.

² See Idaho Code 42-203B(2).

³ There are some exceptions to this characterization, notably, water rights where actual use was determined to have begun prior to 10/25/1984, despite a more junior priority date. These rights have been identified in SRBA proceedings.

⁴ “Actual flow conditions” means the flow measured at the Murphy Gage after adjustments to account for any fluctuations resulting from the operation of Idaho Power Company’s hydropower facilities. Acquisitions of water 02/27/12

8. Are water rights with a priority date earlier than October 25, 1984 subject to curtailment if the flow of the Snake River falls below the Murphy minimum stream flow?

- a. No. Water rights with a priority date senior to October 25, 1984 are not subject to curtailment by either the State's 1985 minimum stream flow rights or hydropower water rights, unless it is expressly noted on the face of the water right. In the event, however, that actual flow conditions in the Snake River drop below 3,300 cfs, water rights junior to the State's 1976 Murphy minimum stream flow right are subject to curtailment.

9. If the actual flow conditions of the Snake River at the Murphy Gage fall below the minimum flow, are surface water rights below Milner Dam subject to curtailment before ground water rights?

- a. No. Surface water rights are not subject to curtailment before ground water rights. Surface and ground water rights are subject to curtailment on the basis of the prior appropriation doctrine as established by Idaho law and will be conjunctively administered.

10. What is the State doing to prevent actual flow conditions from dropping below the minimum stream flows?

- a. In near-term, the Idaho Water Resource Board has acquired 5,000 acre-feet of storage space in Palisades Reservoir to be used to sustain the Murphy minimum stream flow in the event of a short-term drop in flows. In the long-term, IDWR, in conjunction with other entities, is actively developing a measurement protocol designed to provide accurate information about the flow in the Snake River. With more accurate data, and greater understanding of factors influencing the flow of the Snake River, comes greater ability to manage the Snake River flow at the Murphy Gage. This information will be used by the Idaho Water Resource Board in the implementation of the Eastern Snake Plain Aquifer Management Plan to provide strategies for stabilizing spring flow discharge from the aquifer and or managing other sources contributing to Snake River flow. Finally, the creation of water districts within the trust water area, and coordination between

by the Company from above Milner dam are defined as a fluctuation resulting from the operation of Idaho Power Company's hydropower facilities, and therefore, are not counted in the calculation of the actual flow conditions.

those districts, will aid IDWR in administering the resource to sustain the Murphy minimum flow.

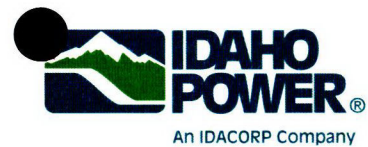
11. Does flow augmentation water count for purposes of determining the minimum flow under the Swan Falls Agreement?

- a. No. Flow augmentation water refers to water rented by the U.S. Bureau of Reclamation for use below Hells Canyon dam to supplement flows for salmon and steelhead listed under the Endangered Species Act. Flow augmentation is separate and apart from the Swan Falls Settlement. For purposes of the Swan Falls Settlement, the only adjustment to the actual flow conditions in the Snake River as measured at the Murphy Gage is for fluctuations caused by Idaho Power operations, including water that may be rented by Idaho Power Company for use at its Snake River hydropower facilities below Milner Dam.

12. Why do some trust water rights have term limits?

- a. In implementing the Swan Falls Settlement, IDWR recognized the need to revisit allocations of Trust Water to ensure that, after a certain period, such rights remain in the public interest, as defined by criteria found in Idaho Code § 42-203C. As a result, many Trust Water rights were approved with a condition stating that they will be subject to review under the public interest criteria after a term of 20 years.

RECEIVED
APR 23 2012
DEPARTMENT OF
WATER RESOURCES



James C. Tucker
jtucker@idahopower.com
208-388-2112

April 20, 2012

Gary Spackman
Director
Idaho Department of Water Resources
P.O. Box 83270
Boise, Idaho 83702-0098

Re: Snake River Water Management and the Murphy Gage Minimum Stream Flows

Dear Director Spackman:

As you know, the Idaho Power Company is participating in the administrative proceeding before the Department involving certain water right applications in the Mountain Home area (*In the Matter of Application for Transfer No. 73811, et al*). The Company's interest in these applications stems from uncertainty as to whether ground water flows in the areas where the water is to be diverted influence the minimum flows in the Snake River at the Murphy Gage.

The State of Idaho, the Company, and interested stakeholders continue to work collaboratively on various issues related to the 2009 Framework Reaffirming the Swan Falls Settlement, including the development of appropriate measurement/monitoring protocols and management measures to ensure that the average daily minimum flows at the Murphy Gage, established under the State Water Plan and the Swan Falls Settlement, are maintained. To date, these efforts have centered on the assembly and consideration of relevant data and information associated with spring discharges, surface water and river flows and Company operations. This collaborative effort is an extension of the explicit recognition in the State Water Plan and the Swan Falls Settlement that the effective management of the ESPA and the Snake River is the principle means for ensuring that the Murphy minimum flows are maintained.

The effective management of the ESPA and the Snake River also involves considerations relative to the management and administration of "trust water"¹. The current draft of the revised State Water Plan (2012) provides that the opportunity for further development of trust water is currently limited by three factors – (1) uncertainty over the relative rights of senior water right holders for uses other than hydropower to the spring flows in the Thousand Springs Reach; (2)

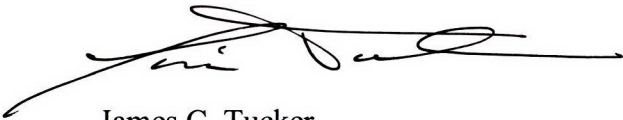
¹ The Department's rules define trust water as: Trust water flows under the Snake River water rights agreement are located in the Snake river between Swan Falls Dam located in Section 18, Township 2 South, Range 1 East, Boise Meridian (B.M.) and Milner Dam located in Sections 28 and 29, Township 10 South, Range 21 East, Boise Meridian (B.M.) and all surface and groundwater sources tributary to the Snake River in that Reach. (IDAPA 37.03.08.031(a))

term limited trust water rights that are to be subject to a public interest review by the Department in the near future; and (3) a moratorium on the issuance of new water rights within the trust water area. Consideration of these and other relevant factors affecting the allocation of trust water and the management of the ESPA and Snake River below Milner Dam are also instructed by the ongoing refinement of the ESPA model.

In the 2009 Framework Reaffirming the Swan Falls Settlement, the State and the Company also recognized that it was in their mutual long-term interest to cooperate regarding management of the water resources of the Snake River Basin, including water management issues associated with the "trust" and "non-trust" water areas. It is in this context that the Company is participating in the above referenced proceeding involving water right applications in the Mountain Home area and the Company anticipates that it may also participate in other proceedings before the Department involving water right applications that seek to appropriate water that may relate to the allocation of trust water or otherwise affect the minimum stream flows at the Murphy Gage.

The Company looks forward to working with you and your staff on these important issues. Please let me know if you would like to meet and discuss these matters further.

Sincerely,



James C. Tucker

JCT:sh

cc: Garrick Baxter/Idaho AG-IDWR
Clive Strong/Idaho AG

MEMORANDUM

TO: *GR* *SV*
RICK RAYMONDI, SEAN VINCENT
FROM: LIZ CRESTO *LC*
SUBJECT: SNAKE RIVER NEAR MURPHY 1980 -2010
DATE: 3/28/2011

This memo is in response to the request for staff memorandum regarding water right application 35-8359 in the name of John B. Kugler and Diane K. Kugler. As part of the request, the Director specifically asked for a compilation of flow data since 1980 at the Snake River near Murphy gage.

The Snake River near Murphy gage has been monitored since 1912. The gage is currently maintained and operated by Idaho Power. Idaho Power has operated the gage since 2001. Prior to 2001 the gage was operated by the USGS. The accuracy of the gage records is considered "good," which means that 95% of the daily discharges are within 10% of true.

The hydrograph below summarizes the historical data from the near Murphy gage for the period 1980 – 2010 and allows for comparison of the observed flows to the minimum flows stipulated by the Swan Falls Agreement. The yellow line represents the minimum average daily flow rate for each day of the year. The light blue, purple, and green lines identify the 25, 50, and 75 percent exceedance values, respectively. Finally, the blue shaded area represents the Swan Falls minimum streamflow at Murphy. The Swan Falls minimum flow is 3,900 cfs from April 1 through October 31 and 5,600 cfs from November 1 through March 31. Flows on the Snake River near Murphy have approached the Swan Falls minimum streamflow several times but there has been only one day since 1980 when the average daily flow was less than the minimum (December 14th, 1987), and that single occurrence can be attributed to the operation of C.J. Strike Reservoir. IDWR continually monitors the flows at Murphy to evaluate whether the Swan Falls minimum streamflow is being met.

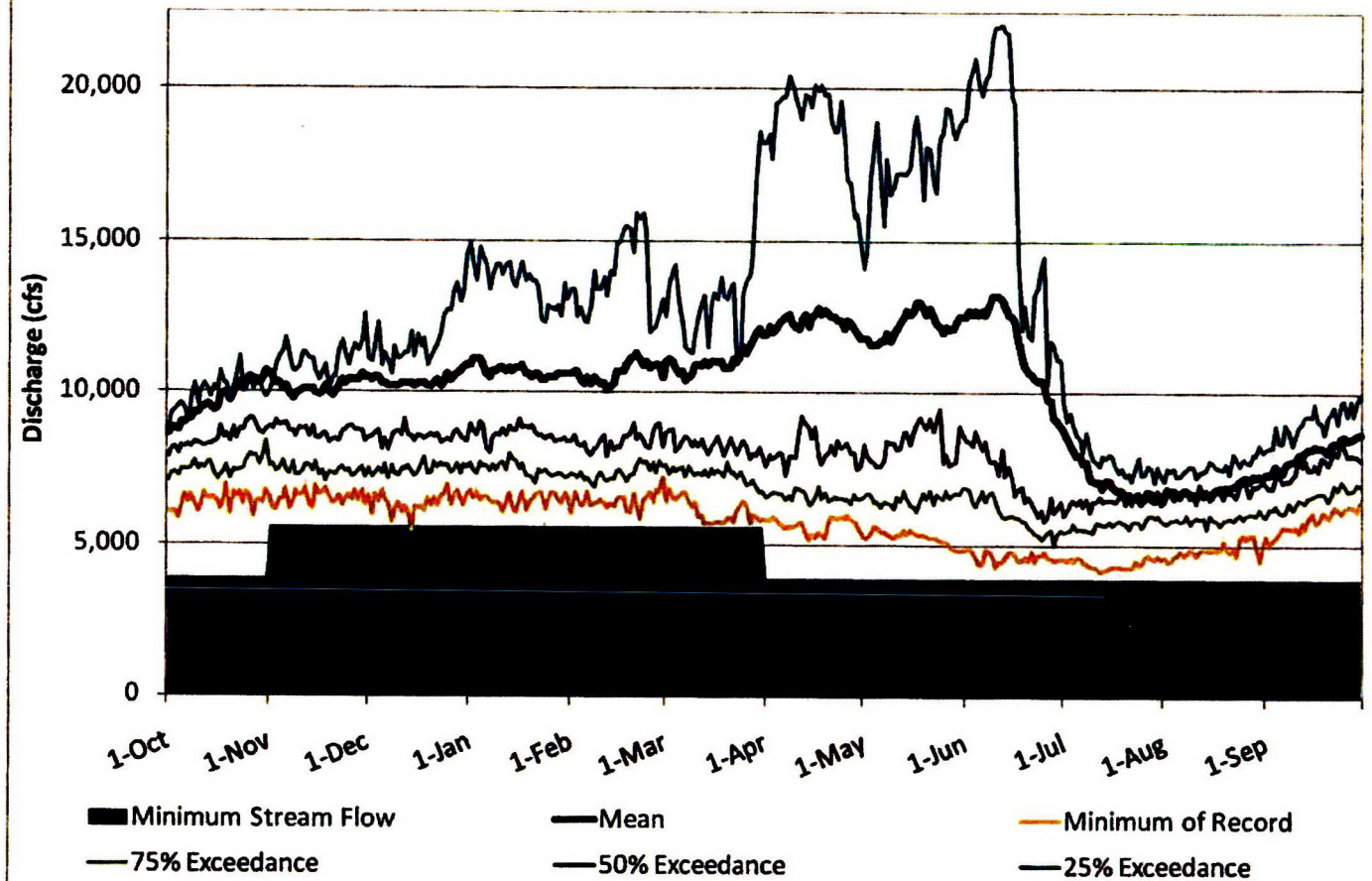
SCANNED

MAR 7 2011

SCANNED

JUL 16 2012

Summary Hydrograph Snake River near Murphy (1980 - 2010)



***Hampton Inn & Suites
Mountain Home Idaho
Banquet Event Order (BEO)***

Revised 2/14/12

NAME OF MEETING: Idaho Department of Water Resources
Tim Luke

DATE (S): February 28th Tuesday

TIME: 6:00pm-9:00pm

MEETING RM: Cottonwood A & B

SET-UP and # OF PEOPLE: Theatre style/100 people

A/V NEEDS: None

PAYMENT DETAILS: \$300.00 plus tax
Direct Bill

Date
6:00pm

FUNCTION BEGINS

9:00pm

FUNCTION ADJOURNS

*****Any food and beverage counts are due 72 hours prior to the Function.*****
Any increases made after this time will be accommodated on availability. Any decreases will be billed accordingly.
The above Food & Beverage prices do not include a 6% sales tax and a 17% service fee (++)

I agree that the preceding arrangements are accurate:



Name



Date

SCANNED
JUL 16 2012

Basin 02 Water District Public Meeting Notice

CurrentOwner	StreetAddress	City	State	PostalCode
2+LLC	PO BOX 637	WENDELL	ID	83355
ACE BLACK RANCH	C/O ACE BLACK 28799 HOT SPRINGS RD	BRUNEAU	ID	83604-5008
AGENBROAD GRAND VIEW FAMILY LIMITED PARTNERSHIP; AGENBROAD, DARREL	27161 DAIRY RD C/O GREGORY VIK	GRAND VIEW	ID	83624
AGRICAP FINANCIAL CORPORATION; SV RANCH LLC	PO BOX 1607	BELLEVUE	WA	98009
AGRICAP FINANCIAL CORPORATION; SV RANCH LLC	99 PACIFIC ST STE 155D	MONTEREY	CA	93940-2484
ALLEY, DOROTHY; ALLEY, FRANK	PO BOX 231	BLISS	ID	83314-0231
ANCHUSTEGUI, JOHN; PACIFIC INTERMOUNTAIN MORTGAGE CO	2420 MAIN ST	BAKER CITY	OR	97814
ANCHUSTEGUI, JOHN; PACIFIC INTERMOUNTAIN MORTGAGE CO	3054 E RIVERNEST DR	BOISE	ID	83706-6914
ANDREWS, BILLY E & JUDY L	PO BOX 756	GLENNS FERRY	ID	83623
ARCHIE, JOSEPH PATRICK & SARAH ELLEN	3417 WILLIAMSBOROUGH CT	RALEIGH	NC	27609
ASTLE, CARLEEN M & LAYNE H	24377 A & A RD	GRAND VIEW	ID	83624
ATKINS, A CLAY & JACOBA S	PO BOX 276	BRUNEAU	ID	83604
ATN HOLDINGS LLC	PO BOX 1201	BOISE	ID	83701
AYARRA, DANIEL J	200 CLEAR CREEK	MERIDIAN	ID	83642
BECK, LINDEN E & LOWELL K	PO BOX 1016	SUN VALLEY	ID	83353
BLACK MESA FARMS LLC; BRYANT, BRENDA & DON J; COTTONWOOD MUTUAL CANAL CO; WOOTAN, CHRISTINE & WESLEY	C/O RINGERT CLARK CHARTERED PO BOX 2773	BOISE	ID	83701
BLACK MESA FARMS LLC; BRYANT, BRENDA & DON; COTTONWOOD MUTUAL CANAL CO; WOOTAN, CHRISTINE & WESLEY	PO BOX 215	GLENNS FERRY	ID	83623
BLACK MESA FARMS LLC; BRYANT, BRENDA & DON; COTTONWOOD MUTUAL CANAL CO; WOOTAN, CHRISTINE & WESLEY	PO BOX 636	GLENNS FERRY	ID	83623
BLACK MESA FARMS LLC; BRYANT, BRENDA & DON; COTTONWOOD MUTUAL CANAL CO; WOOTAN, CHRISTINE & WESLEY	PO BOX 82	GLENNS FERRY	ID	83623
BLACK MESA FARMS LLC; BRYANT, BRENDA & DON; COTTONWOOD MUTUAL CANAL CO; WOOTAN, CHRISTINE & WESLEY	PO BOX 215	GLENNS FERRY	ID	83623
BLACK MESA FARMS LLC; BRYANT, BRENDA & DON; COTTONWOOD MUTUAL CANAL CO; WOOTAN, CHRISTINE & WESLEY	PO BOX 636	GLENNS FERRY	ID	83623
BLACK MESA FARMS LLC; BRYANT, BRENDA & DON; COTTONWOOD MUTUAL CANAL CO; WOOTAN, CHRISTINE & WESLEY	PO BOX 82	GLENNS FERRY	ID	83623
BLANKSMA LAND & STORAGE LLC	PO BOX 106	HAMMETT	ID	83627

Basin 02 Water District Public Meeting Notice

CurrentOwner	StreetAddress	City	State	PostalCode
BLEDSON, EMMA & LEONARD	STAR RT BOX 54B	HAMMETT	ID	83627
BOATRIGHT, ROLAND G	28603 RIVER RD	BRUNEAU	ID	83604-5104
BOECKNER, JEREMY & KARLITA; MCFINNEY AGRI FINANCE LLC	12655 A & A RD	GRAND VIEW	ID	83624
BOECKNER, JEREMY & KARLITA; MCFINNEY AGRI FINANCE LLC	PO BOX 1598	TWIN FALLS	ID	83303-1598
BOEPPLE, SHELLEY; YOUNG, DENNIS	1866 S THACKER RD	HAMMETT	ID	83627
BRANDT, ANNA LEE; BRANDT, JASON	PO BOX 296	BUENA PARK	CA	90621
BROWN, GARDNER I; BROWN, MELANIE E	PO BOX 145	GLENNS FERRY	ID	83623
BROWN, MERRILL & SANDRA	10789 HWY 78	HAMMETT	ID	83627
BRUNEAU-GRAND VIEW JOINT SCHOOL DIST #365	PO BOX 310	GRAND VIEW	ID	83624
BURNS, WARREN	385 EDWARDS DR	TWIN FALLS	ID	83301
BWANA MINING CO INC	C/O ALAN C DUFFY PRESIDENT PO BOX 566	PAUL	ID	83347
CALDWELL, CHERYL; CALDWELL, RICH	1461 CALISTOGA AVE	MERIDIAN	ID	83642
CAMPBELL, CAROLYN & MITCHELL	1950 NORTH 4TH EAST	MOUNTAIN HOME	ID	83647
CANTRELL, SANDY & TED	28294 RIVER RD	BRUNEAU	ID	83604
CANYON BEND RANCH LTD; LEAVELL, ALONZO B; NEATHERLIN FAMILY LIMITED PARTNERSHIP II	PO BOX 54	GOODING	ID	83330
CARNAHAN, DONALD & DONNA	PO BOX 93	GLENNS FERRY	ID	83623
CAROTHERS, JACKIE & TERRY	PO BOX 331	GRAND VIEW	ID	83624
CASA DEL NORTE LP	11204 N BAR 21 DR	GLENNS FERRY	ID	83623
CAVEN PROPERTIES LLC	6874 FAIRVIEW AVE	BOISE	ID	83704
CISCO, BARBARA & RALPH	1052 GIDLEY DR	HAGERMAN	ID	83332
CITY OF BOISE	PUBLIC WORKS DEPT 150 N CAPITOL BLVD PO BOX 500	BOISE	ID	83701-0500
CITY OF GLENNS FERRY	PO BOX 910	GLENNS FERRY	ID	83623-0910
CLAIBORN, SONDRAL	2377 TWIN OAKS	TWIN FALLS	ID	83301
CLOVER HOLLOW CO LLC	PO BOX 606	MOUNTAIN HOME	ID	83647
COLD SPRINGS PROJECT	PO BOX 2773	BOISE	ID	83701
COLLERAN-BULLCOCK, MICHELLE A	2671 BANNOCK HWY	POCATELLO	ID	83204
COLYER HEREFORDS INC	31058 COLYER RD	BRUNEAU	ID	83604-5117

SCANNED
JUL 16 2012

Basin 02 Water District Public Meeting Notice

CurrentOwner	StreetAddress	City	State	PostalCode
CORP OF THE PRESIDING BISHOP	CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS REAL ESTATE SERVICES DIV 50 E NORTH TEMPLE ST	SALT LAKE CITY	UT	84150-6320
COTTONWOOD MUTUAL CANAL CO	C/O RINGERT CLARK CHARTERED PO BOX 2773	BOISE	ID	83701
CREGO, CHARLES A; CREGO, MARY F	PO BOX 324	BELLEVUE	ID	83333
CROSBY, JULIANNE	1565 S ORIOLE WAY	BOISE	ID	83709
CROWLEY, ALMA J; CROWLEY, RALPH R	3361 S 1300 E	WENDELL	ID	83355
CUNNINGHAM FAMILY LIMITED PARTNERSHIP	909 HEARTLAND DR	NAMPA	ID	83686
D L EVANS BANK; YOUNG, JERRY L	PO BOX 223	FAIRFIELD	ID	83327
D L EVANS BANK; YOUNG, JERRY L	PO BOX 87	TWIN FALLS	ID	83303
DANIEL E AND RUTH B WICHER FAMILY TRUST	PO BOX 278	GLENNS FERRY	ID	83623
DANSKIN CATTLE LLC	C/O ROBERT C BAKER PO BOX 488	MOUNTAIN HOME	ID	83647
DARLINGTON, W KELLY	256 HARTLEY DR	HELENA	MT	59601
DAVID M AYARRA JR TRUST DATED APRIL 17 2009	PO BOX 247	BEND	OR	97709
DERUYTER PROPERTIES LP	13027 SUNNYSLOPE RD	CALDWELL	ID	83607
DIRKS, MECHELLE; DIRKS, ROBERT G	24762 A & A RD	GRAND VIEW	ID	83624
DRAPER, CELIA C; DRAPER, CHARLES RAYMOND	24964 DRAPER LN	GRAND VIEW	ID	83624-5034
DUFFIN, DORIAN; VADER, SUSANNE	7840 APACHE WY	BOISE	ID	83703
DUGGAN, LAVERNE & MAC	53 BELL RAPIDS RD	HAGERMAN	ID	83332-6039
DUKE, BARBARA J; DUKE, WARREN F	1045 GRIDLEY DR RT 1	HAGERMAN	ID	83332
DURFEE, DENNIS, MARY JO & WILLIAM	6641 S 27TH AVE	PHOENIX	AZ	85041
EAGLE CREEK NORTHWEST LLC	C/O UBS AGRIVEST LLC PO BOX 53	NAMPA	ID	83653
EDGEWATER RANCH LLC	PO BOX 45	GOODING	ID	83330
ELIAS, JAMES J & MARY ALYCE	PO BOX 86	HAMMETT	ID	83627
ESTATE OF MARGARET A LE MOYNE; LE MOYNE, JOHN R	901A GRIDLEY ISLAND	HAGERMAN	ID	83332
EXON, WILLIAM & WYNARDA	390 HAGERMAN AVE E	HAGERMAN	ID	83332
FARM DEVELOPMENT CORP	PO BOX 1201	BOISE	ID	83701
FIELD, HOWARD J	23608 FIELD LN	GRAND VIEW	ID	83624-5054

Basin 02 Water District Public Meeting Notice

CurrentOwner	StreetAddress	City	State	PostalCode
FIELD, HOWARD J	PO BOX 342	GRAND VIEW	ID	83624
FIELD, JOHN TERRY & LESLIE	38167 STATE HIGHWAY 78	GRAND VIEW	ID	83624-5039
	3RD FLOOR			
FLOPET INC	100 BROADWAY	SAN FRANCISCO	CA	94111
FLOPET INC	PO BOX 229	SUN VALLEY	ID	83353
FREEBERG, DONALD A	801 N BRAND BLVD #1010	GLENDALE	CA	91203
GINGERICH BROTHERS FARMS	47589 STATE HWY 78	MOUNTAIN HOME	ID	83647-5081
GINGERICH, COLLEEN MARTIN & RUDY	47589 STATE HWY 78	MOUNTAIN HOME	ID	83647
GINGERICH, ELLA & VERLIN; LANDIS, TIM	19285 HWY 51	MOUNTAIN HOME	ID	83647
GINGERICH, ELLA & VERLIN; LANDIS, TIM	HC 85 BOX 28	MOUNTAIN HOME	ID	83647
GINGERICH, ELLA & VERLIN; LANDIS, TIM	HC 85 BOX 29	MOUNTAIN HOME	ID	83647
GINGERICH, ELLA & VERLIN; SHETLER CO-TRUSTEE, LELAND M	19285 HWY 51	MOUNTAIN HOME	ID	83647
GINGERICH, ELLA & VERLIN; SHETLER CO-TRUSTEE, LELAND M	6936 SW SHETLER DR	MOUNTAIN HOME	ID	83647
GINGERICH, VERLIN; SNIDER, FANNY	19285 HWY 51	MOUNTAIN HOME	ID	83647
GINGERICH, VERLIN; SNIDER, FANNY	6375 SW RIO VISTA DR	MOUNTAIN HOME	ID	83647
	C/O ROBERT J GLENN			
GLENN, ELEANOR L	PO BOX 838	GLENNS FERRY	ID	83623
GLERUM, HAROLD A; GLERUM, LUCY B	27031 JOE BLACK RD	HAMMETT	ID	83627-5023
GRAND VIEW IRRIGATION DISTRICT	PO BOX 9	GRAND VIEW	ID	83624
GRAND VIEW MUTUAL 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
H W & K PARTNERSHIP LLC	504 N PHILLIPPI ST	BOISE	ID	83706
HAGERMAN WINGS FARM LLC	823 E 2700 S	HAGERMAN	ID	83332
HALL, KAROLYN J	1873 JOE KING RD	HAMMETT	ID	83627
HALL, ROBERT K	2975 W LATTY DR	GLENNS FERRY	ID	83623-5010
HAMMETT LIVESTOCK CO	PO BOX 33	HAMMETT	ID	83627
	C/O ORVILL W CLARK			
HAMMETT PUBLIC PARK	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
	BRIAN L FIELD PRESIDENT			
HARVEST CAPITAL COMPANY; HOOK FAMILY LIMITED PARTNERSHIP	PO BOX 279	CANBY	OR	97013

JUL 16 2012
SCANNED

Basin 02 Water District Public Meeting Notice

CurrentOwner	StreetAddress	City	State	PostalCode
HARVEST CAPITAL COMPANY; HOOK FAMILY LIMITED PARTNERSHIP	20509 UPPER REYNOLDS CREEK RD	MURPHY	ID	83650
HFM CASTLEVIEW LLC	C/O MIKE IHLI			
HOOLEY, DALE; HOOLEY, DIANA	643 S SCHOOL AVE	KUNA	ID	83634
HOUSE, FRANCIS & TAMZY	26796 INDIAN COVE LN	HAMMETT	ID	83627-5016
HOWARTH, CHARLES H	9143 W SNAKE RIVER ST	HAMMETT	ID	83627
HOWARTH, CHARLES H	833 N PALMER LN	EAGLE	ID	83616
	4120 N LINDER RD	MERIDIAN	ID	83642
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	C/O TERI MURRISON			
IDAHO SOIL & WATER CONSERVATION COMMISSION; NETTLETON, NICK S	650 W STATE ST ROOM NO 145	BOISE	ID	83702
IHLI, LINDA; IHLI, MIKE	19900 NETTLETON LN	MURPHY	ID	83650-5082
INDIAN COVE IRRIGATION DISTRICT	643 S SCHOOL AVE	KUNA	ID	83634
	27186 JOE BLACK RD	HAMMETT	ID	83627
IRREVOCABLE TRUST OF RYAN L MC CARTHY	MICHAEL J MC CARTHY TRUSTEE			
IRREVOCABLE TRUST OF RYAN L MC CARTHY; MC CURRY, DENNIS T	PO BOX 6683	KETCHUM	ID	83340
	2845 HAMILTON RD	MOUNTAIN HOME	ID	83647
J R SIMPLOT CO	C/O TERRY T UHLING			
	999 MAIN ST STE 1300			
	PO BOX 27	BOISE	ID	83707
J R SIMPLOT CO	C/O TERRY UHLING			
	999 MAIN ST STE 1300	BOISE	ID	83707
J R SIMPLOT CO	1301 HWY 67	GRAND VIEW	ID	83624-5062
J R SIMPLOT SELF DECLARATION REVOCABLE TRUST	PO BOX 27	BOISE	ID	83707-0027
JAMES GLENN FAMILY LIMITED PARTNERSHIP	PO BOX 838	GLENNS FERRY	ID	83623
JAMES, MICHAEL L; JAMES, RHONDA J	21610 ROBINSON RD	OREANA	ID	83650
JANKOW, IRIS F	1008 GRIDLEY DR	HAGERMAN	ID	83332-5622
JEFFREY, LOUIS D	PO BOX 1040	GLENNS FERRY	ID	83623
JENSEN, ALICE; JENSEN, LLOYD	1016 GRIDLEY DR	HAGERMAN	ID	83332-5622
JOHNS, BARBARA & KENNETH	1310 N 10TH E	MOUNTAIN HOME	ID	83647
JOHNS, BARBARA & KENNETH	48803 STATE HWY 78	MOUNTAIN HOME	ID	83647

Basin 02 Water District Public Meeting Notice

CurrentOwner	StreetAddress	City	State	PostalCode
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
	RT 1			
KENITZER, C L & EDNA M	GRIDLEY DR	HAGERMAN	ID	83332
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
LANDIS, MELODY & TIM	HC 85 BOX 29	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
LEONARD, DONALD J; MALLANE, KATHY	PO BOX 1092	KETCHUM	ID	83340
LEWIS, BERTHA & MONT	1346 IDAHO ST	ELKO	NV	89801
	C/O BART FOWERS			
LITTLE VALLEY MUTUAL IRRIGATION CO	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	83624
MC CARTHY, D MICHAEL & LYNN	3243 CATALINA LN	BOISE	ID	83705
MC CURRY, DENNIS & PAULA	2845 HAMILTON RD	MOUNTAIN HOME	ID	83647
MEAKER, HOLLY & REG	37786 HWY 78	GRAND VIEW	ID	83624-5036
MEYERS, KATHI & ROBERT	3921 N 3300 E	TWIN FALLS	ID	83301
MIDNIGHT SUN INC VIII	PO BOX 53	NAMPA	ID	83653
MONROE, KRISTIN & LANE; O GARA, THOMAS & VICTORIA; STURDIVANT, JANE & PETER	PO BOX 2930	HAILEY	ID	83333
MONROE, KRISTIN & LANE; O GARA, THOMAS & VICTORIA; STURDIVANT, JANE & PETER	PO BOX 968	HAILEY	ID	83333
MONROE, KRISTIN & LANE; O GARA, THOMAS & VICTORIA; STURDIVANT, JANE & PETER	PO BOX 968	HAILEY	ID	83333-0968

Basin 02 Water District Public Meeting Notice

CurrentOwner	StreetAddress	City	State	PostalCode
MONROE, KRISTIN & LANE; O GARA, THOMAS & VICTORIA; STURDIVANT, JANE & PETER	PO BOX 1084	SUN VALLEY	ID	83353
MOONEY, CAROL A	1854 S MOONEY LN	HAMMETT	ID	83627
MORRIS, LEONARD & LINDA	44 BELL RAPIDS RD	HAGERMAN	ID	83332
MUCARIO, SAL J	PO BOX 669	HAGERMAN	ID	83332
MURPHY FLATS WATER COMPANY 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 A; NEWTON, NOLA J	PO BOX 131	HAMMETT	ID	83627-0131
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
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	83604-5110
RICKS, THOMAS M	1560 N PARK LN	EAGLE	ID	83616
RINGERT, LYNNE & WILLIAM	PO BOX 105	HAMMETT	ID	83627
RIVENDALE LLC	52356 HWY 78	HAMMETT	ID	83627-5003
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

Basin 02 Water District Public Meeting Notice

CurrentOwner	StreetAddress	City	State	PostalCode
SCHROEDER, MARY A	1675 SPRING COVE RD	BLISS	ID	83314
SCHULTZ, DAVID	62 BELL RAPIDS RD	HAGERMAN	ID	83332
SCUDDER, RICHARD & SHARON	6532 HIGHWAY 55	HORSESHOE BEND	ID	83629
SEESSEE, KENNETH & STELLA	PO BOX 45	HAMMETT	ID	83627
SEYEDBAGHERI, KATHLEEN ANN & MIR-MOHAMMAD	506 HILLVIEW DR	BOISE	ID	83712
	DBA CANYON SPRINGS			
SIMPLOT MC COLLUM DEVELOPMENT CO	PO BOX 27	BOISE	ID	83707-0027
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
SNAKE RIVER IRRIGATION DIST	PO BOX 9	GRAND VIEW	ID	83624
SOUTH ELMORE IRRIGATION CO	PO BOX 396	MOUNTAIN HOME	ID	83647
SOUTHSIDE GRAZING ASSN	RT 1	KING HILL	ID	83633
STANDLEY, DOUGLAS & TAMARA	3336 N LAKE HARBOR LN #J-302	BOISE	ID	83703
STANLEY, DONALD & MARGARET	430 BUCKINGHAM DR	TWIN FALLS	ID	83301
	DEPT OF FISH & GAME			
STATE OF IDAHO	PO BOX 25	BOISE	ID	83707
	DEPT OF PARKS & RECREATION			
	STATEHOUSE MAIL			
STATE OF IDAHO	PO BOX 83720	BOISE	ID	83720-0065
	IDAHO WATER RESOURCE BOARD			
	322 E FRONT ST			
STATE OF IDAHO	PO BOX 83720	BOISE	ID	83720-0098
	DEPARTMENT OF LANDS			
	300 N 6TH ST, STE 103			
STATE OF IDAHO; YOUNG, ROGER G	PO BOX 83720	BOISE	ID	83720-0050
STEEN, HAZEL J	PO BOX 879	GLENNS FERRY	ID	83623
STELMA, PHILLIP G	17409 CURRENT CREEK RD	CEDAREGE	CO	81413-5200
STRALEY, JAMES; STRALEY, SHIRLEY	PO BOX 562	PINEDALE	WY	82941
STORDIVANT, JANE & PETER	PO BOX 968	HAILEY	ID	83333-0968

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JUL 16 2012

Basin 02 Water District Public Meeting Notice

CurrentOwner	StreetAddress	City	State	PostalCode
SV RANCH LLC	C/O GREGORY VIK			
T R INVESTMENTS	PO BOX 1607	BELLEVUE	WA	98009
	PO BOX 5	HAMMETT	ID	83627
	C/O JOAN E EDWARDS			
THE COLLEGE OF SOUTHERN IDAHO FOUNDATION INC	PO BOX 1238	TWIN FALLS	ID	83303-1238
THE ORDER OF TRANQUILITY	3475 HIGHLAND DR	Salt Lake City	UT	84106
THOMAS, CONRAD & JEREMY	PO BOX 5	HAMMETT	ID	83627-0005
THOMPSON, PETRENA L; WILSON, ALICE FAYE	60 BELL RAPIDS RD	HAGERMAN	ID	83332-6038
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
	USDI BUREAU OF LAND MANAGEMENT			
US OF A ACTING THROUGH	IDAHO STATE OFFICE 1387 S VINNELL WAY	BOISE	ID	83709-1657
UNITED WATER IDAHO INC	8248 W VICTORY RD	BOISE	ID	83709
UNRUH, CATHERINE & DAVID	32397 MUD FLAT RD	GRAND VIEW	ID	83624-5048
UPPER GRAND VIEW CANAL CO	PO BOX 9	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
	800 WALNUT ST			
VAN ES, DALE & JACKIE; WELLS FARGO FINANCIAL LEASING INC	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	83301-4228
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	604 S OWYHEE	BOISE	ID	83705
WHIPKEY, ROBERT & WANDA	1039 GRIDLEY DR	HAGERMAN	ID	83332
WHIPPLE, CHARLES & PHYLLIS	1106 NW BEAMAN ST	MOUNTAIN HOME	ID	83647-5191
WHITE, ALVIN E; WHITE, BARBARA J	1913 ABBS ST	BOISE	ID	83705
WILBUR F WILSON RANCH	PO BOX 33	HAMMETT	ID	83627

Basin 02 Water District Public Meeting Notice

CurrentOwner	StreetAddress	City	State	PostalCode
WILSON & WILSON CO INC	PO BOX 33	HAMMETT	ID	83627
WILSON, ALICE FAYE & JEROME CARTER	58C BELL RAPIDS RD	HAGERMAN	ID	83332
WILSON, ALICE FAYE & JEROME CARTER	60 BELL RAPIDS RD	HAGERMAN	ID	83332
WILSON, JESS & VIDA	RT 4 BOX 219B	BUHL	ID	83316
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
YARBROUGH, LUCY & WALTER	RT B BOX 216	GRAND VIEW	ID	83624
YOUNG, JERRY L	PO BOX 223	FAIRFIELD	ID	83327
YOUNG, ROGER G	PO BOX 430	MOUNTAIN HOME	ID	83647
ZITO, CHRISTY & GORDON JOHN	2188 S RIMVIEW DR	HAMMETT	ID	83627
FRIEDLY, JAY R	HALL FRIEDLY AND WARD 340 E 2ND N	MOUNTAIN HOME	ID	83647
HONSINGER, CHARLES L	RINGERT CLARK CHARTERED PO BOX 2773	BOISE	ID	83701-2773
PARSONS, WILLIAM A	137 W 13TH ST PO BOX 910	BURLEY	ID	83318
SMITH, BRUCE M	MOORE SMITH BUXTON & TURCKE 950 W BANNOCK ST STE 520	BOISE	ID	83702
STOVER, TIMOTHY J	WORST FITZGERALD & STOVER PO BOX 5226	TWIN FALLS	ID	83303-5226
TUCKER, JAMES C	C/O IDAHO POWER CO PO BOX 70	BOISE	ID	83707
BARKER ROSHOLT & SIMPSON LLP	1010 W JEFFERSON STE 102 PO BOX 2139	BOISE	ID	83701-2139
ENVIROSAFE SERVICES OF IDAHO INC	2710 SUNRISE RIM RD ST 100	BOISE	ID	83705-6217
ENVIROSAFE SERVICES OF IDAHO INC	C/O MARY LOUISE GONZALES PO BOX 400	GRAND VIEW	ID	83624
GIVENS PURSLEY LLP	C/O MICHAEL C CREAMER PO BOX 2720	BOISE	ID	83701-2720
HOLLAND & HART LLP	101 SOUTH CAPITOL BLVD STE 1400	BOISE	ID	83702-7714

SCANNED
JUL 16 2012

September 24, 2009

Peter J Vidmar, Engineering Project Leader
Water Management Department

pvidmar@idahopower.com

(208) 388-2939

Division of Purchasing
5569 Kendall Street
Boise, Idaho 83706

Subject: RFP #02211

To Whom It May Concern:

Enclosed please find our proposal as prepared by the Idaho Power Company, Water Management Department. The following cost proposal corresponds with the services outlined in the technical proposal section.

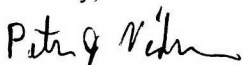
Cost Proposal

1) 13210050 - Boise River near Middleton	\$6,100	<i>1/2 change since 2009</i>
2) 13249195 - Squaw Creek near Sweet	\$6,100	<i>+5%</i>
3) 13134750 - Billingsly Creek near Hagerman	\$6,100	
4) 13130500 - Big Lost River at Leslie	\$6,100	
5) 13203000 - New York Canal	\$3,535	<i>+22%</i>
6) 13249195 - Willow Creek near Bellevue	\$4,040	<i>+22%</i>
7) 13172500 - Snake River near Murphy	\$888	<i>+1%</i>
8) 13171100 - Snake River Irrigation District Canal near Grandview	\$4,545	
9) 13171200 - Grandview Irrigation District Canal near Grandview	\$4,545	<i>+14.3% 4,738</i>
10) 13171300 - Grandview Mutual Canal near Grandview	\$4,545	<i>3 change</i>
11) 13056550 - Texas Slough Canal near Thornton	\$4,545	
12) 13056600 - Texas Slough near Rexburg	\$4,545	<i>-8%</i>
13) 13057000 - Scott Slough near Menan	\$4,545	
14) 13057020 - Dry Bed near Lewisville	\$4,545	
15) 13057030 - South Parks Canal near Lewisville	\$4,545	<i>= 376.75/month</i>
TOTAL	\$69,223	

In addition, we will be willing to provide up to 6 total additional measurements per year at any of the above sites (as requested by IDWR staff). Additional measurements at sites within 100 miles of Boise (sites 1 through 10 listed above) will cost \$400 per measurement. Additional measurements for sites more than 100 miles from Boise (sites 11 through 15) will cost \$600 per measurement.

If you have any questions, require any clarifications or additional information please, contact me at 388-2939.

Sincerely,



Peter J Vidmar

RFP02211
Stream Gaging Services Cost Sheet Analysis
Attachment A

Gaging Stations	Cost
Texas Slough Canal near Thornton	\$4,545
Texas Slough near Rexburg	\$4,545
Scott Slough near Menan	\$4,545
Dry Bed near Lewisville	\$4,545
South Parks Canal near Lewisville	\$4,545
New York Canal	\$3,535
Grandview Irrigation District Canal near Grand View	\$4,545
Snake River Irrigation District Canal near Grand View	\$4,545
Grand View Mutual Canal near Grand View	\$4,545
Boise River near Middleton	\$6,100
Billingsley Creek at Highway 30 Bridge	\$6,100
Squaw Creek near Sweet	\$6,100
Big Lost River at Leslie	\$6,100
Willow Creek near Bellevue	\$4,040
Snake River Near Murphy	\$888
Extra Measurements	\$400 (< 100 mi from Boise) / \$600 (>100 mi)

Basin 02 Interim Admin & Water District Creation:

Interim Admin approved 9/21/11

Number of individual water right owner notices sent for Interim Admin: 455

Number of notices returned or not deliverable: 80

Number of individual active water rights: 890

Number of individual active rights w/ irrigation component: 755

Number of individual active rights w/ irrigation component > 5 acres: 600

Number of individual active rights w/ irrigation component <= 5 acres: 155

Number of Unique PODs/Spatial Data ID's (irrigation only): 347

Number of Unique PODs/Spatial Data ID's > 5 acres: 246

Hold two public meetings in December – Nampa & Glens Ferry, mt Home

Hold one or two public hearings in January?

HS
- new Hotel @ Nampa
Geax James

Field tour in September on Snake River w/IPCo:

Identified about 20 pump stations from Swan Falls to CJ Strike,

Identified about 20 pump stations from CJ Strike reservoir, Bruneau arm and area upstream of dam, plus
2 ditch diversions from dam (ditches already measured by IPCo). 42 diversions total.

use IP/1

- Limit to mine to Swan Falls
- Consider ~~not~~ creating Dist but not elect an
on adopt budget; propose dist taking good 1st yr
on ~~meas.~~ plans etc...
elect Advisory Committee.

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JUL 16 2012

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Meeting on 11/1/11 with Gary, John Westra, Nick Miller, Allen Merritt

- Consensus was to limit area/WD creation for now from Milner to Swan Falls
- If so, limit to one meeting and one hearing, hold in Mt. Home or Glens Ferry
- Create district and go ahead and hold annual meeting but make it more for informational purposes on implementing water measurement, don't have watermaster election or adoption of budget but do elect an advisory committee. Could leave up to users if they want to elect wm and adopt budget but indicate IDWR would take lead in organizing and getting measurement off the ground the first year. Committee would have time to develop budget, find candidates and develop resolutions etc over the first full year.

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JUL 16 2012

Update as of 12/12/2011

Milner to Swan Falls (Murphy Gage)

Number of Rights: About 600 rights total

- About 525 rights total non-deminimis (excluding domestic and stock deminimis rights)
- About 480 rights with irrigation use; About 383 rights with irrigation > 5.0 acres

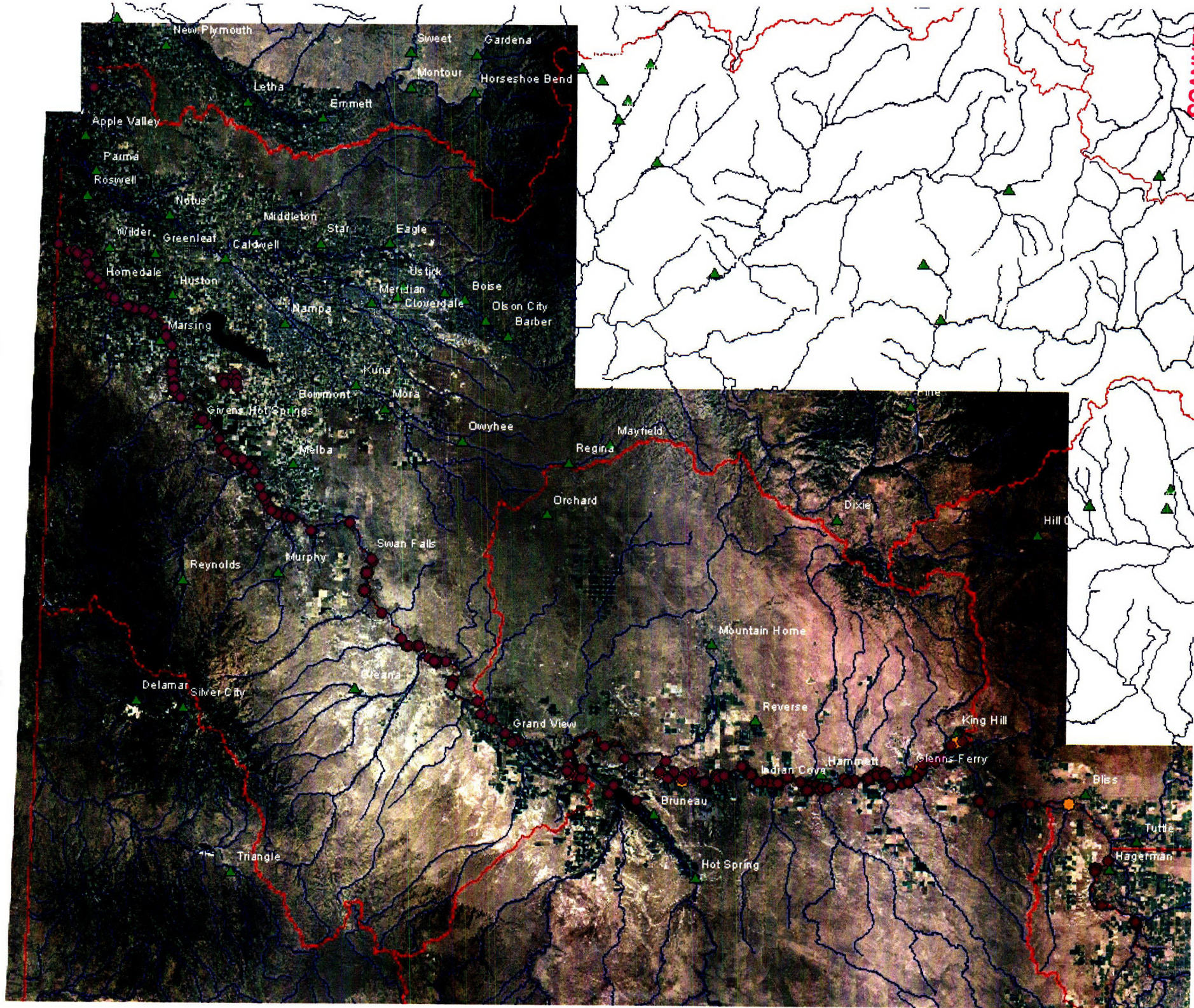
Number of Right owners: about 290

Number of Unique water right PODs:

- About 215 pods with irrigation use
- About 162 unique pods for irrigation use > 5.0 acres
- Some additional pods for industrial, municipal, other uses; Estimate total measured diversions to probably be under 200 total.

75 y 2 = 150

SCANNED
JUL 16 2012



SCANNED

JUL 16 2012

Dues's for Saseba

- why are all benefits included - we did not include these in past.

Basin 02 city - mail list

Boise: 53 Eagle 7 Madison 14

Beaumont: 8

Kurt 2

Bühl: 2

+ Ranger/Caldwell

Caldwell: 15

$\Sigma = 128$

Cheney: 22

with home 23

+ Marsing/melba
Hondale/murphy
vitter
117
245

Grand View: 18

Gooding 2

Bliss/Hagerman: 23

Hammett 26

Hondale 16

Marsing 57

melba 35

Harby/Kelley: 12

Murphy 3

Murphy 37

Twin Falls 10

Wendell 3

Wilbur 6

King Hill 5

Bliss/Hagerman

Cheney's King

Gooding

Harby/Sw/Hetherman

Twin

Wendell

12H

Hammett

Grandview

144