

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

DISTRICT COURT-SRB/
TWIN FALLS CO, IDAHO
FILED *DE*

2004 APR 13 AM 9 30

In Re SRBA)

PARTIAL DECREE PURSUANT TO

Case No. 39576)

I.R.C.P. 54(b) FOR

Water Right 65-22587

NAME AND ADDRESS: ROSEBERRY IRRIGATION DISTRICT
C/O JOE ELD
2554 E ROSEBERRY
MC CALL, ID 83638

ROSEBERRY IRRIGATION DISTRICT
PO BOX 366
DONNELLY, ID 83615

SOURCE: BOULDER LAKE TRIBUTARY: BOULDER CREEK

QUANTITY: 134.00 AFY

PRIORITY DATE: 05/06/1949

POINT OF DIVERSION: T17N R03E S13 NWSE (Rediversion) Within Valley County
T18N R04E S27 NWSE (Rediversion)
NESE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater Storage	01-01 TO 12-31	134.00 AFY
	Stockwater from Storage	01-01 TO 12-31	134.00 AFY

PLACE OF USE:

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

BASIN 65 GENERAL PROVISIONS NO. 3, THE SEPARATE STREAMS
GENERAL PROVISION, DOES NOT APPLY TO APPROPRIATIONS OF WATER
AFTER OCTOBER 18, 1977.

THIS WATER RIGHT SHALL BE ADMINISTERED AS BEING FROM A
SEPARATE SOURCE PURSUANT TO BASIN 65 GENERAL PROVISION NO. 3.
IF THE HOLDER OF THIS RIGHT SEEKS TO CHANGE THE RIGHT PURSUANT
TO IDAHO CODE SECTION 42-222 OR SUCCESSOR STATUTE, NOTHING IN
THIS GENERAL PROVISION SHALL PRECLUDE ANY OTHER PERSON OR ENTITY
FROM DEMONSTRATING THAT SUCH CHANGE IN USE WOULD CAUSE INJURY
TO ITS WATER RIGHT OR FROM RECEIVING ANY RELIEF PROVIDED BY LAW
IN THE EVENT OF INJURY.

Stockwater use is for 10,000 range cattle.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RECEIVED
APR 14 2004
Department of Water Resources

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED
2004 APR 13 AM 9 29

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	)	SPECIAL MASTER'S REPORT
	)	
Case No. 39576	)	FINDINGS OF FACT AND
	)	CONCLUSIONS OF LAW;
	)	
	)	FOR WATER RIGHTS 65-2585, 65-3114,
	)	65-3115, 65-3116 and 65-22587

I.
PROCEDURAL BACKGROUND

A notice of claim was filed for these water rights pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of these water rights.

An objection was filed to water right 65-3115 on April 12, 2000, by Black Canyon Irrigation District (objection 1) objecting to priority date and total acres. The United States, Bureau of Reclamation filed an objection (objection 2) on April 14, 2000, objecting to priority date. United States, Bureau of Reclamation also filed a late objection (objection 3) to General Provision, Separate Streams on October 18, 2000. The Idaho Department of Water Resources filed a *Corrected Director's Report* on December 20, 2000. Eastern Western Corporation filed an objection (objection 4) to the *Corrected Director's Report* on January 26, 2001. Roseberry Irrigation District also filed an objection (objection 5) on that same date. On August 31, 2001, Roseberry Irrigation District filed a *Motion to Correct Clerical Mistakes in Judgment Pursuant to I.R.C.P. 60(a) and Memorandum in Support*. A Hearing was held on January 10, 2002. This Special Master issued an *Order Denying Motion to Correct Clerical Errors Pursuant to I.R.C.P. 60(a) But Allowing Prior Decree to be*

Supplemented with Evidence of Findings of Ambiguity on October 1, 2002. A *Stipulation and Agreement* was filed on November 18, 2002, wherein the Bureau of Reclamation withdrew its objection to priority date (objection 2) and Black Canyon Irrigation District withdrew its objection to priority date and place of use (objection 1). On March 25, 2003, a *Standard Form 5* was filed settling objection 3. In addition to signing the *Stipulation and Agreement*, Black Canyon Irrigation District filed a *Motion to Withdraw its Objection* (objection 1) on April 3, 2003. The *Motion to Withdraw Objection* is **granted**.

Objections to the General Provisions Separate Streams issue for water rights 65-3114, 65-3116 and 65-22587 were settled per the *Stipulation and Agreement* and *Standard Form 5*'s filed on March 25, 2003. Although water right 65-2585 was an unobjected to overlapping water right, a *Standard Form 5* was filed wherein the parties agreed to include the General Provision Separate Streams language in "Other Provisions Necessary."

An Evidentiary Hearing was held on April 4, 2003, regarding the priority date issue in Subcase 65-3115.

II.

FINDINGS OF FACT

On January 12, 1917, the Roseberry Irrigation District submitted to the Idaho State Engineer a permit application for a storage water right in Boulder Lake located in Valley County, Idaho. The application was approved on January 20, 1917 and the permit was designated Permit R-49.

By 1922, the Roseberry Irrigation District successfully had completed construction of the Boulder Lake dam and diversion works and had applied the water to beneficial use pursuant to the terms of Permit R-49.

The Roseberry Irrigation District's irrigation storage water right for Boulder Lake based on Permit R-49, was confirmed to have a priority date of January 12, 1917 in the *Roseberry Irrigation District v. Shaw* decree filed on July 19, 1926. This decreed storage water right subsequently was assigned the number 65-3115. The storage right was claimed and decreed for 1218 AFY.

The Roseberry Irrigation District's Water Right No. 65-3115 historically has been administered and delivered based on the January 12, 1917 priority date.

The *Payette Adjudication* claim for Water Right No. 65-3115 that was filed by the Roseberry Irrigation District on May 19, 1971 had been prepared by an agent of the Idaho Department of Water

Administration, the predecessor agency to the Idaho Department of Water Resources. *Payette Adjudication* Claim No. 65-3115 identified a September 6, 1949 priority date for the water right for 1218 AFY.

The September 6, 1949 priority date apparently came from Permit No. R-842 which the Roseberry Irrigation District had previously claimed to enlarge the Boulder Lake Reservoir and which was cancelled on March 1, 1955 because of the failure to submit proof of construction for the increase to the Boulder Lake dam.

A May 27, 1971 letter from the Secretary of the Roseberry Irrigation District to the Department of Water Administration states that the priority date for the Roseberry Irrigation District's Boulder Lake storage right is January 12, 1917, and confirms that at the time of submitting the Payette Adjudication claim, the Roseberry Irrigation District continued to consider its Boulder Lake Reservoir water right to have the January 12, 1917 priority date.

Payette Adjudication Claim No. 65-3115 references the 1926 Roseberry Irrigation District v Shaw decree as the basis for the water right, substantiating the erroneous nature of the 1949 date. The claim and the decree in the Payette also substantiate the 1218 AFY.¹

The error of the September 6, 1949 priority date on Payette Adjudication Claim No. 65-3115 was not identified by the Department in the Payette Adjudication claim review process.

The erroneous September 6, 1949 priority was further compounded by another mistake during the Payette Adjudication process. Since the water right ultimately was decreed as proposed by the Department in the Payette Adjudication with a May 6, 1949 priority date, the "9" for the month of September on the claim apparently was input as "5" for the month of May during data transcription.

Early in the SRBA, in November 1988, the Roseberry Irrigation District notified the Idaho Department of Water Resources by letter and affidavit of the erroneous 1949 date assigned to Water Right No. 65-3115.

On December 27, 1988, the Roseberry Irrigation District, filed its SRBA Claim for Water right No. 65-3115, initially asserting the original January 12, 1917 priority date, and the 1218 AFY volume limitation. IDWR initially recommended the January 12, 1917 priority date, but later changed the recommendation to reflect the September 6, 1949 priority date.

¹ There is a question on the Payette Decree as to whether the AFY is 1207 or 1218.

III. CONCLUSIONS OF LAW

Therefore, based on the file and record herein and pursuant to the evidence presented at hearing and the *Order* issued October 1, 2002, IT IS RECOMMENDED that water right 65-3115 be decreed with a change in priority date to January 12, 1917. The total acres to be listed as 2719 for water rights, 65-3114, 65-3115, 65-3116, 65-2585 and General Provision Separate Stream language added to water rights, 65-3114, 65-3115, 65-3116, 65-2585, and 65-22587 as set forth in the attached *Recommendations for Partial Decrees Pursuant to I.R.C.P. 54(b)*.

III. RECOMMENDATION FOR PLACE OF USE DESCRIPTION USING DIGITAL BOUNDARY

Effective July 1, 2002, the Idaho Legislature approved the use of a Geographic Information system (GIS) for describing the place of use (digital boundary) for water rights meeting certain criteria. See I.C. §§ 42-219(2) and 42-1411(2)(h). The GIS mapping technology allows the geographic area encompassing the place of use for a water right to be particularly identified and visually displayed in a map overlay format through the aid of computer technology.

Water rights that are for an irrigation purpose of use and also meet one of the following criteria: (1) used in conjunction with an irrigation project where the canals constructed cover an area of twenty-five thousand (25,000) acres or more; (2) the place of use for the water rights is located within an irrigation district organized pursuant to the laws of the state of Idaho; or (3) the water rights are for an irrigation project developed by an association, company, corporation or the United States to divert and deliver or distribute surface water under any annual charge or rental for beneficial use by more than five (5) water users in an area less than twenty-five thousand (25,000) acres.

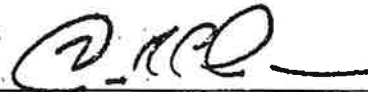
Water right 65-3115 meets one of the above-stated criteria.² Therefore IT IS FURTHER

² In incorporating a digital boundary into a partial decree, the electronic or digital data is what is actually decreed as opposed to the visually displayed map ultimately generated from the data. The data is stored on a CD-ROM. The data on the CD-ROM is incorporated by reference into the partial decree. Duplicate originals of the CD-ROM will be issued. The SRBA District Court retains on original together with the original partial decree, and the Idaho Department of Water Resources (IDWR) retains the other original. Upon request, the claimant can obtain a copy of the CD-ROM from IDWR at no cost, although GIS software will still be required to access the data. Subsequent administrative changes to the place of use will also be stored in a digital format and kept on file and maintained by IDWR. IDWR will maintain all computer software and/or hardware necessary for reducing the data to a usable format that is accessible to the general public, including access through the IDWR Internet website (www.idwr.state.id.us) or its successor Uniform Resource Locator (URL).

RECOMMENDED that water rights 65-3114, 65-3115, 65-3116 and 65-2585 be decreed using a digital boundary with the partial decree containing the following additional language as set forth in the attached Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b):

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. § 42-202B(2)(2003) and authorized pursuant to I.C. § 42-1411(2)(h)(2003). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

DATE April 8, 2004.



THOMAS R CUSHMAN
Special Master
Snake River Basin Adjudication

Roseberry Irrigation District

Boundary

Townships

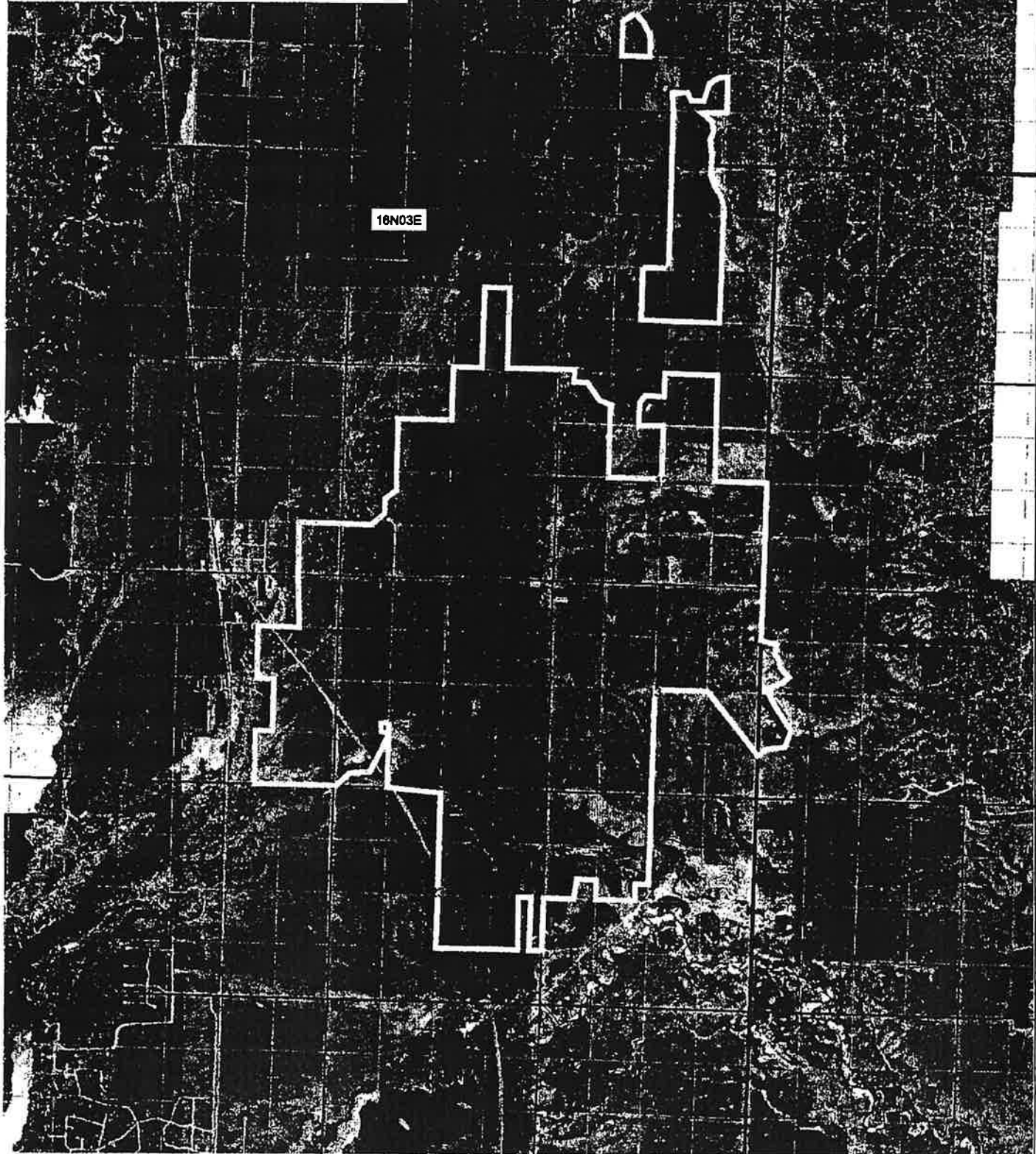
Sections

Quarter/Quarters



2000 0 2000 4000 Feet

16N03E



RECEIVED
APR 14 2004
Department of Water Resources

DISTRICT COURT - SRBA
TWIN FALLS CO. IDAHO
FILED
2004 APR 13 AM 9 46

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: 65-2585, 65-3114, 65-3115,
	)	65-3116 and 65-22587
Case No. 39576	)	
_____	)	CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT AND RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed April 13, 2004, with sufficient first-class postage to the following:

Director of IDWR
P O Box 83720
Boise, Idaho 83720-0098

Charles F McDevitt
P O Box 2564
Boise, Idaho 83701

Dana L Hofstetter
608 West Franklin Street
Boise, Idaho 83702

United States of America
USDI Bureau of Reclamation
550 West Fort Street, MSC 033
Boise, Idaho 83724

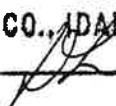
State of Idaho
Office of Attorney General
P O Box 44449
Boise, Idaho 83711-4449

Roseberry Irrigation District
c/o Joe Eld
2554 E Roseberry
McCall, Idaho 83638

Roseberry Irrigation District
P O Box 366
Donnelly, Idaho 83615



Deputy Clerk

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED 

2004 APR 13 AM 9 30

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)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

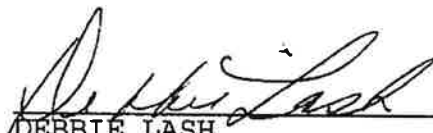
Water Right(s): 65-02585
65-03114 65-03115 65-03116
65-22587

On April 13, 2004, Special Master THOMAS R CUSHMAN issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED April 13, 2004.


DEBBIE LASH
Deputy Clerk

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MAR 25 2002

Department of Water Resources

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

In Re SRBA)

Case No. 39576)

A. Subcase 65-22587

(Insert water right number
From the Objection Form)

STANDARD FORM 2
RESPONSE TO OBJECTION

Please print or type the following information:

B. NAME AND ADDRESS OF PERSON RESPONDING

Name: Island Capitol, LLC
Address: 1409 East 1st Street
Meridian, ID 83642
Daytime Phone: (208) 288-0100

Name & Address of Attorney, if any:
Dana L. Hofstetter, ISB # 3867
Hofstetter Law Office, LLC
608 West Franklin Street
Boise, ID 83702
(208) 424-7800

C. NAME AND ADDRESS OF PERSON WHO FILED THE OBJECTION TO
WHICH YOU ARE RESPONDING

Name: United States of America acting through the Department of Interior,
Bureau of Reclamation, Regional Director PN Code-3100
Address: 1150 N. Curtis Rd., Suite 100
Boise, ID 83706-1234

RECEIVED

MAR 27 2002

WATER RESOURCES
WESTERN REGION

D. I am responding to the objections to the following elements. (Please check the appropriate box(es)).

1.	☐	Name and Address
2.	☐	Source
3.	☐	Quantity
4.	☐	Priority Date
5.	☐	Point(s) of Diversion
6.	☐	Instream Flow Description
7.	☐	Purpose(s) of Use
8.	☐	Period of Year
9.	☐	Place of Use
11.	☒	Recommendation

☐ This water right should not exist.

☐

This water right was not recommended, but should be recommended with the elements described above.

E. VERIFICATION (Must be Completed)

State of Idaho
County of Ada
) ss:
)

Dana L. Hofstetter duly sworn, upon oath, deposes and says:
(Name of person filing response)

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

(Signature of person filing response)
[Signature]
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: March 22, 2002

Sue E. Aikema
Notary Public for the State of Idaho
Residing at: *Bone Idaho*
My Commission Expires: *10/14/2006*
SUE E. AIKEMA
STATE OF IDAHO
Page 2

INSTRUCTIONS FOR MAILING

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

F.

CERTIFICATE OF MAILING

I certify that on March 22, 2002, I caused to be hand delivered the original and caused to be mailed copies of this response, including all attachments, to the following persons:

1. Original to:

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

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

Name:	Roseberry Irrigation District	Roseberry Irrigation District c/o Joe Eld
Address:	P.O. Box 366 Donnelly, ID 83615	2554 E Roseberry McCall, ID 83638

3. One copy to the party who filed the objection at the following address:

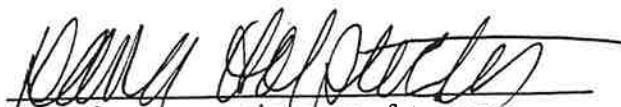
Name: David W. Gehlert
Trial Attorney, General Litigation Section
Environment and Natural Resource Division
U. S. Department of Justice
Address: 999 18th Street, Suite N 945
Denver, CO 80202
(208) 644-1967

4. Copies to:

IDWR Document Depository
P. O. Box 83720
Boise, ID 83720-0098

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

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


Your signature or signature of attorney
mailing on your behalf

WATER RESOURCES
WESTERN REGION

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ Name and Address Should be: _____

2. ☐ Source Should be: _____

3. ☐ Quantity Should be: _____

4. ☒ Priority Date Should be: January 12, 1917

5. ☐ Point(s) of Diversion Should be: _____

6. ☐ Instream Flow Description Should be: _____

7. ☐ Purpose(s) of Use Should be: _____

8. ☐ Period of Year Should be: _____

9. ☐ Place of Use Should be: _____

11. I object because:

☐ This water right should not exist.

☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S): 1926 decree confirmed priority date of _____
underlying water right no. 65-03115 to be January 12, 1917

F. VERIFICATION (Must be Completed)

State of Idaho)
)ss.
County of Ada)

Dana L. Hofstetter, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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

(Signature of person filing objection)

Dana Hofstetter
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: January 18, 2002



[Signature]
Notary Public for the State of Idaho
Residing at: Boise, ID
My Commission Expires: 2-13-03

INSTRUCTIONS FOR MAILING

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

CERTIFICATE OF MAILING

I certify that on January 18, 2002, I filed the original with the SRBA Court and mailed copies of this Objection, including all attachments, to the following:

1. Original to:

Clerk of the District Court (via Hand Delivery)
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

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

Not Applicable.

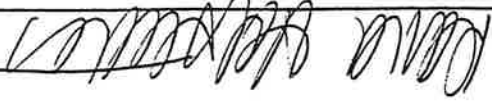
3. Copies to:

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

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 4449
Boise, ID 83711-4449

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

Signature of Objector or attorney
mailing on Objector's behalf



RECEIVED

JAN 24 2002

WATER RESOURCES
WESTERN REGION

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)

A. Subcase 65-22587

(Insert water right number)

Case No. 39576)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting through the Department of Interior,
Bureau of Reclamation, Regional Director PN Code-3100

Address: 1150 N. Curtis Rd. Suite 100
Boise, Idaho 83706-1234

Daytime Phone: (208) 678-0461 (Dala Walton)

Name & Address of Attorney, if any:
David W. Gehlert (303 312-7352)
Trial Attorney, General Litigation Section
Environment and Natural Resource Division
U.S. Department of Justice
999 18th Street, Suite N 945
Denver, CO 80202

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

Name: Roseberry Irrigation District
Address: PO Box 366
Donnelly, ID 83615

Roseberry Irrigation District
c/o Joe Eld
2554 E Roseberry
McCall, ID 83638

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

☒ **General Provision Basin 65 Irrigation & Other Part III (3) Separate Streams**

1. ☐ **Name and Address** Should be:

2. ☐ **Source** Should be:

3. ☐ **Quantity** Should be:

4. ☐ **Priority Date** Should be:

5. ☐ **Point(s) of Diversion** Should be:

6. ☐ **Instream Flow Description** Should be:

7. ☐ **Purpose(s) of Use** Should be:

8. ☐ **Period of Year** Should be:

9. ☐ **Place of Use** Should be:

11. I object because:

☐ This water right should not exist.

☐ This water right was not recommended, but should be recommended with the elements described.

E. REASONS SUPPORTING EACH OBJECTION(S):

The Bureau of Reclamation objects to the separate stream provision of the Director's Report for Basin 65, Part III. These streams should be administered as part of the Payette River System in order to adequately protect water rights in the Payette River subbasin.

SF. 1 - Objection

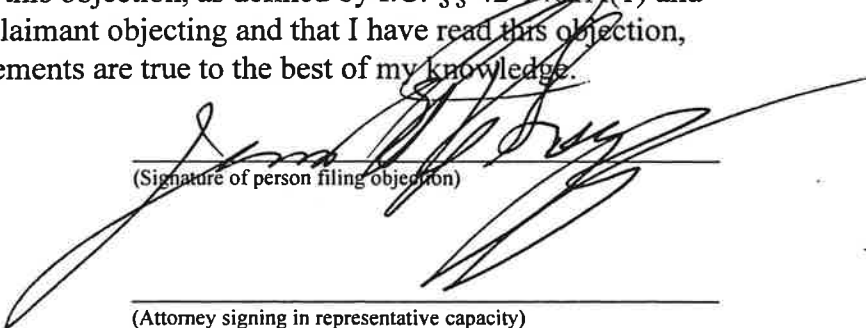
Amended 10/16/97

F. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

Jerrold D. Gregg, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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

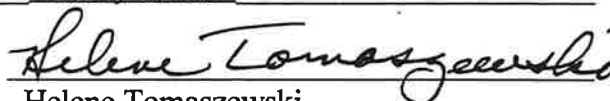

(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

January 9, 2002




Helene Tomaszewski
Notary Public for: Idaho
Residing at: Meridian
My Commission Expires: 01-16-2002

INSTRUCTIONS FOR MAILING

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

CERTIFICATE OF MAILING

I certify that on January 17, 2002, I mailed the original and copies of this objection, including all attachments, to the following persons, by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID. 83303-2707
2. One copy to the claimant of the water right at the following address:
Roseberry Irrigation District
Roseberry Joe Eld
c/o Joe Eld
2554 E Roseberry
McCall, ID 83638
3. Copies to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

United States Department of Justice
Environment and Natural Resource Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724

Signature of Objector or attorney mailing on Objector's behalf

Alana S. Walton

SF. 1 - Objection
Amended 10/16/97

RIGHT NUMBER: 65-22587

NAME AND ADDRESS: ROSEBERRY IRRIGATION DISTRICT
PO BOX 366
DONNELLY ID 83615

ROSEBERRY IRRIGATION DISTRICT
C/O JOE ELD
2554 E ROSEBERRY
MC CALL ID 83638

SOURCE: BOULDER LAKE

TRIBUTARY: BOULDER CREEK

QUANTITY: 134.0 AFY

PRIORITY DATE: 05/06/1949

POINT OF DIVERSION:

T17N R03E S13 NWSE Rediversion Within VALLEY County

T17N R03E S13 NWSE Rediversion Within VALLEY County

T18N R04E S27 NESE Within VALLEY County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER STORAGE	01/01 12/31	134.00 AFY
STOCKWATER FROM STORAGE	01/01 12/31	134.00 AFY

PLACE OF USE:

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.
Stockwater use is for 10,000 range cattle.

EXPLANATORY MATERIAL: Decreed

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 65-22587
Date Received: 7/27/2001
Receipt No: X999999
Received By:

AMENDED

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

ROSEBERRY IRRIGATION DISTRICT Phone: (208)325-8768

PO BOX 366
DONNELLY ID USA 83615

ROSEBERRY IRRIGATION DISTRICT Phone: (208)325-8876

C/O JOE ELD
2554 E ROSEBERRY
MC CALL ID USA 83638

2. Date of Priority: 01/12/1917

3. Source: BOULDER LAKE Trib. to: BOULDER CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
17N	03E	13	NW SE	VALLEY	R
17N	03E	13	NW SE	VALLEY	R
18N	04E	27	NE SE	VALLEY	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
STOCKWATER STORAGE	01/01	12/31		134
STOCKWATER FROM STORAGE	01/01	12/31		134

7. Total Quantity Appropriated is:
134 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

Number of other uses: 10,000 Range Cattle

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
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11. Place of use in counties:

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

This claim is based on right no. 65-3115.

15. Basis of Claim: Decreed

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 65-22587
Date Received:
Receipt No: X999999
Received By:

RECEIVED
JUL 27 2001
WATER RESOURCES
WESTERN REGION

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

ROSEBERRY IRRIGATION DISTRICT Phone: (208)325-8768

PO BOX 366

DONNELLY ID USA 83615

JOE ELD Phone: (208)325-8876

2554 E ROSEBERRY
MC CALL ID USA 83638

2. Date of Priority: ~~05/06/1949~~

Jan 12, 1917

3. Source: BOULDER LAKE Trib. to: BOULDER CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
17N	03E	13	NW SE	VALLEY	R
17N	03E	13	NW SE	VALLEY	R
17N	03E	27	NE SE	VALLEY	
18	04				

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A.
STOCKWATER STORAGE	01/01	12/31		134
STOCKWATER FROM STORAGE	01/01	12/31		134

7. Total Quantity Appropriated is:
134 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:
Number of other uses: 10,000 Range Cattle

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
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11. Place of use in counties:

12. Do you own the property listed above as place of use? ~~Yes~~ *JE* *No*

13. Other Water Rights Used:

14. Remarks:

This claim is based on right no. 65-3115.

15. Basis of Claim: Decreed

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

For Organizations:

I do solemnly swear or affirm that I ~~am~~ Joe Eld, am President of
_____ Title
Roseberry Irrigation District, that I have signed the foregoing
_____ Organization
document in the space below as _____ President of
_____ Title
Roseberry Irrigation District and that the statements contained in the
_____ Organization
foregoing document are true and correct. Joe Eld
Signature of Authorized Agent
_____ President, Roseberry Irrigation District
Title and Organization
July 18 2001
Date

State of Idaho }
County of Valley } SS.

Subscribed and sworn (or affirmed) before me this _____
of 7/18 2001

[Signature]

Notary Public

Residing at Donnelly

My commission Expires 11/18/2006

