

STATUS CONFERENCE NOTES:

RIGHT NO. PIONEER ID RTS.

DATE: 6-8-10

63-2529 & 5219 - Motion will be filed
& add comd. use condition on 5219.
by D. Starnak.

63-32584 - No objections OK & go.
63-2114 - SF5 filed.

63-5255 - XMIN will be put on this one.
Also will have pre-1987 info & Jan
by next week. 10:30 on 8/10/10. } x10
SF5

63-32513 - Will withdraw claim. Did
withdraw to objection. SMRR will be done.
63-2891 - SF5 filed.

63-21706 - SF5 done

Only 9109

All 9/8 status copy.

Subject: Pioneer ID Updates – 2-22-10

This is a fast update (on the info I have) for Pioneer's remaining rights. I am putting them in order of court timing for tomorrow:

63-21706 – Pioneer ok with .1 cfs. We are ok with Ada rather than Canyon & zip code of course. SOU objection was the hold up – Andy wanted the SOU remark removed because this is a 1961 priority dated right which is junior to all the reservoirs anyway and he thought it was useless. Was to talk with BPBC & BOR about it and if they agree to remove SOU remark per Andy's idea, then ready for SF5. Otherwise, not ready for SF5 now.

Andy has not got back to me on this and I do not know if he has spoken to BPBC or BOR. SM Booth mentioned using 63-230M language if season of use is left on. I have in my notes that the only changes to the season of use language would be in the 1st sentence as follows "Diversion under this right prior to April 1 and after October 31 shall occur...." nothing else changed in the remark and it looks like it leaves out the [for irrigation] portion of that first sentence. Pioneer may have spoken to BPBC and BOR at this point and is ready to drop their objection or remove the season of use remark. We can talk about this later.

JOU OK READY FOR SF5

63-21713 – Claim was for 15 cfs and we recommended 11.2 cfs from ERO measurement (fall). We allowed them to do a summer measurement and they came back with 17.9 cfs. Pioneer only claimed 15 cfs, so at the time I spoke with Andy that was ok to recommend 15 cfs. I did not find out until today when I looked in the file that Wilder withdrew it's objection, so basically as long as Andy is still ok with the 15 cfs we can do an SF5 on this one.

SF5 prepared – Nick signed off on 9/21/09 and I signed off on 9/23/09. I hand delivered the SF5 to Dylan Lawrence for Andy on 9-24-09 at a meeting. I think Andy did say it got to him a while later.

SF5 OK Andy we look for OK

63-2891 & 63-32513 – Rec. as applied, permitted and licensed. Objection wanted 13 cfs. ERO measured 10.6 cfs. PID ok with the 10 cfs on 63-2891. Want us to delete the wastewater condition even though not objected to. NOTE: 63-32513 filed for the same pod, Dave disallowed because Scott wrote letter that stated the bigger pump was installed in 1983. They can file a new application for permit for any extra water (.6 cfs). Andy was going to get back to me on whether they wanted to continue the .6 cfs portion of the objection. Will also need NMID settlement language as used in 63-2275. Not ready for SF5s.

Just need to know what Pioneer (Andy) has decided to do on this one.

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Awaiting measurement and pre-1987 info. NOT READY FOR SF5

63-2114 – Claimed and licensed for 8.64 cfs – recommended that way. Objection wants 20 cfs. ERO measured 10.2 cfs. Pioneer is now ok with 8.64 cfs, however, they want the remaining 1.56 cfs to be recommended on their Claim No. **63-32584**. This was a claim that came in between 12-6 and 12-14 the year I filed the report on 12-12. So, it did not get recommended in the report and needs to have an ADR filed in the fall report. Both of these need the NMID settlement language on them. I have evidence of a larger diversion flow from the back file on 63-2114 and the measurement so should be able to recommend claim. Probably won't want SF5 signed until claim gets decreed. Andy will need to speak to that, so no SF5 done on 63-2114 yet.

no objection filed OK

Needs SF5 for NMID lang. Copy emails Nick OK on SF5

SF5

SF5 Circulating
OK
needs SF5 today

10 CFS OK
will withdraw 63-32513

1.6 cfs

← *uncontested or map.*
An ADR was filed for 63-32584, objection period passed on 2-01-10 with no objections. Can do an SF5 on 63-2114 adding the NMID settlement language and changing the zip code. Question is does Andy want to wait until 63-32584 is decreed or do the SF5 on 63-2114 now since the objection period has passed.

63-2529 – This is the one we have submitted the SF5's to Dylan Lawrence in a draft form showing Indian Creek as 63-2529B for the 10 cfs, 63-2529A for 87 cfs with the condition that when they are combined they cannot exceed 87 cfs, which was the total of the license to begin with. We will then recommend 63-2529 as disallowed and recommended as 63-2529A & 2529B. I did limit this Indian Creek right together with their other Indian Creek right, 63-5219 to a total of 18.4 cfs when both are in use. This is based on the measurement submitted for Pioneer by ERO. This was involved in the AF case, so AF will stay on groundwater portion 63-2529A.

63-9109 – AF objection settled. Will leave af amount on. Can change zip code. This leaves the Season of Use objection. It appears they may want to keep that remark since it gives them an earlier beginning season of use. It is our typical shoulder remark for those licensed rights where the season of use was different than our standards now. If the season of use licensed was smaller than the standard. We added the shoulder remark. Other than that, I think this one is ready for an SF5. Just need to hear what Andy has to say.

63-166A, B, 167A, B, 179A, C – Things have become complicated. I believe there will be a request to vacate the scheduling conference and put on hold for some time. Many factors to consider and the attorneys are working at agreements on each side.

Please let me know tomorrow morning if there is something I missed or that is entirely wrong. I have been gone due to Bob's surgery and hurried through this memo. Glad to change it.

Jan

→ Also 63-32580 late claim objected

Jon Gould hasn't heard anything except
to ask FRANKLIN Ditch Co & Mason Cr.
ditch Co. to add Pioneer Surg. Dist.
lands
Paul Arington - Representing Mason Creek. now.
Trial sched. for Dec. 14, 15 & 16th
Status conf. set for June 8th at 11:30.

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-2114

NAME AND ADDRESS: PIONEER IRRIGATION DISTRICT
PO BOX 426
CALDWELL ID 83405 83606

SOURCE: INDIAN CREEK

TRIBUTARY: BOISE RIVER

QUANTITY: 8.640 CFS

PRIORITY DATE: 10/15/1909

POINT OF DIVERSION:

T04N R03W S36 NESW Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	8.640 CFS

PLACE OF USE:

34204.61 ACRES TOTAL

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). 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.

This right can be used to irrigate up to 34,204.61 acres within the boundary of the Pioneer Irrigation District.

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

This water right shall not alter or abrogate any provision of contract executed by the United States or State law regarding Pioneer Irrigation District or Nampa & Meridian Irrigation District rights and responsibilities to use and make available water developed in drains within their boundaries.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

*Draft on to
SF5
3-3-10
Joni*

03/03/2010

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-2114

NAME AND ADDRESS: PIONEER IRRIGATION DISTRICT
PO BOX 426
CALDWELL ID 83606

← ZIP

SOURCE: INDIAN CREEK

TRIBUTARY: BOISE RIVER

QUANTITY: 8.640 CFS

PRIORITY DATE: 10/15/1909

POINT OF DIVERSION:

T04N R03W S36 NESW Within CANYON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USEPERIOD OF USEQUANTITY

IRRIGATION

03/01 11/15

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add xmiD remark attached

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

Shurte, Jan

From: Bryce Farris [bryce@ringertlaw.com]
Sent: Friday, June 13, 2008 11:13 AM
To: Shurte, Jan; Spencer, Nick; Scott Campbell
Cc: emcgarry@pn.usbr.gov; Dan Steenson
Subject: RE: Settlement for Pioneer's Drain SRBA Claims

Scott, Nick and Jan:

This e-mail is to follow up our conversation earlier this morning regarding the above-referenced matter. Nampa & Meridian Irrigation District and Pioneer Irrigation District have agreed to the following remark to be included in Pioneer's drain claims:

"This water right shall not alter or abrogate any provision of contract executed by the United States or State law regarding Pioneer Irrigation District's or Nampa & Meridian Irrigation District's rights and responsibilities to use and make available water developed in drains within their boundaries."

The water rights to which Nampa & Meridian has filed objections are as follows: 63-02114, 63-02275, 63-02276, 63-02294, 63-02891, 63-05219, 63-05237, 63-05255, 63-21731, 63-21739, 63-32514 and 63-32515.

For those rights that there is no other objection as to quantity, preparation of a SF5 would be appropriate. For those rights that there remains a quantity objection by Pioneer, I have reviewed the examples provided by Nick and I am agreeable to resolving Nampa & Meridian's objections now via a Stipulation to Resolve Objection.

Gail: I believe BOR has filed Responses in these sub-cases. Could you please weigh in on whether BOR has any objection to the resolution and language proposed in this e-mail?

Thanks, Bryce

→ General Remark
63-2114

all prior 9/8 status conf.

Subject: Pioneer ID Updates – 2-22-10

This is a fast update (on the info I have) for Pioneer's remaining rights. I am putting them in order of court timing for tomorrow:

63-21706 – Pioneer ok with .1 cfs. We are ok with Ada rather than Canyon & zip code of course. SOU objection was the hold up – Andy wanted the SOU remark removed because this is a 1961 priority dated right which is junior to all the reservoirs anyway and he thought it was useless. Was to talk with BPBC & BOR about it and if they agree to remove SOU remark per Andy's idea, then ready for SF5. Otherwise, not ready for SF5 now.

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*SOU
OK
READY
FOR SF5*

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*SF5 OK
Andy will
look for on*

SF5 prepared – Nick signed off on 9/21/09 and I signed off on 9/23/09. I hand delivered the SF5 to Dylan Lawrence for Andy on 9-24-09 at a meeting. I think Andy did say it got to him a while later.

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*10 cfs
OK -
will withdraw
63-32513*

Just need to know what Pioneer (Andy) has decided to do on this one.

63-5255 – Objected to quantity. Still no measurement submitted – Andy feels there was a measurement done and he is still tracking it down. Wants to add another pod now and I told him to get me some evidence it was in there before 1987. Needs NMID Settlement language also. Not ready for SF5.

Awaiting measurement and pre-1987 info. *NOT READY FOR SF5*

1.6 cfs

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← *unconscionable*
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*add NMID
ON 63-32584?*

*ok to
do an
SF5 on
2114*

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*prepare
SF5*

& 63-32580

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Shurte, Jan

From: Shurte, Jan
Sent: Tuesday, September 08, 2009 2:46 PM
To: Spencer, Nick; Williams, Ray; Harris, Lori
Subject: Pioneer ID Updates

This is an update (on the info I have) for Pioneer's. Don't quote me on this, it's just to follow along. Andy should have the updates on these for the conference. If not, here's my best take from all my notes.

63-5199 – Received ERO's measurement copy on 9/2/2009 (last week) from Andy. Measurement was taken in 7/07 and no copy given to us or found until recently. Agreed to add a pod and up the diversion rate to 2.96 cfs. Zip code and Pioneer is ok on the acre foot amount on this one since it is based on b/u. Ready to do SF5

63-5200 – Pioneer ok with cfs and acre foot amount now. Agreed to put that one of the wells is on the centerline between the SENE and NESE, S34 and put both of those pods on the right. It is on the line per gps by ERO. Ready to do SF5.

63-166A, B, 167A, B, 179A, C – All were going to settle on language that basically stated that Mason Creek and Franklin could not file a transfer to change the pod, pou or nou unless Pioneer was first contacted and ok'd it. Then, Andy mentioned something along the line that he was talking with Scott and realized that when Mason Creek &/or Franklin Ditch do not need their water (for whatever reason) then it goes on down and irrigates Pioneer lands, so now they were wanting to put their pou on Franklin and Mason Creek's rights. It kind of goes back to why they may have filed competing rights anyway. We will likely hear what the outcome of their discussions were. Not ready for SF5s.

63-2891 & 63-32513 – Rec. as applied, permitted and licensed. Objection wanted 13 cfs. ERO measured 10.6 cfs. PID ok with the 10 cfs on 63-2891. Want us to delete the wastewater condition even though not objected to. NOTE: 63-32513 filed for the same pod, Dave disallowed because Scott wrote letter that stated the bigger pump went in 1983. They can file a new application for permit for any extra water (.6 cfs). Andy was going to get back to me on whether they wanted to continue the .6 cfs portion of the objection. Will also need NMID settlement language as used in 63-2275. Not ready for SF5s.

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SF5's done:

63-161BU
63-224
63-225
63-294
63-295

9/8/2009

63-371
~~63-2275~~
PD as
63-2276
63-2294
63-5219
63-5237
63-21714 - PD Issued
63-21731
63-21739
63-32514
63-32515

NOTE: Talk with Nick about 63-32496 to see if it can go forward to
an uncontested overlap - send SM Booth an email.

That's the best I got and it is in the order of the hearing schedules. See ya later – have questions call me quick.

Jan

LATE CLAIM REFERENCED IN
NOTE DATED 9-8-09 - SEE
COMMENTS ON THIS REC.

Page 1

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-32584 V1

WATER RIGHT NUMBER: 63-32584 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	PIONEER IRRIGATION DISTRICT PO BOX 426 CALDWELL, ID 83606 (208)459-3617
Attorney	MOFFATT THOMAS BARRETT ROCK & FIELD CHTD C/O SCOTT L CAMPBELL PO BOX 829 BOISE, ID 83701-0829 (208) 345-2000

Priority Date: 10/15/1910
Basis: Beneficial Use
Status: Active

<u>Source</u>	<u>Tributary</u>
INDIAN CREEK	BOISE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	1.560 CFS	
	<u>Total Diversion:</u>	1.560 CFS	

Location of Point(s) of Diversion

INDIAN CREEK	NE1/4SW1/4	Sec. 36, Twp 04N, Rge 03W, B.M.
CANYON County		

Place of Use

Conditions of Approval:

1. This water right shall not alter or abrogate any provision of contract executed by the United States or State law regarding Pioneer Irrigation District's or Nampa & Meridian Irrigation District's rights and responsibilities to use and make available water developed in drains within their boundaries.
2. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
3. C18 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.
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Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-32584 V1

Comments:

1. jshurte 10/29/2009 Claim remarks

Comment: For irrigation of lands under canal system. Claimant is an irrigation district duly organized and existing under the laws of the State of Idaho. Claimant provides water delivery to privately owned lands within its service area. This claim is for the amount of water diverted from and after October 15, 1910 above the licensed amount (8.64 cfs) under water right 63-2114.

2. jshurte 10/29/2009 Recommendation

Comment: the measurement for this diversion by ERO was 10.2 cfs. Right No. 63-2114 was licensed for 8.64 cfs and because the measurement made at good time of the year, April, 2008, I can only recommend this right for the difference between the 8.64 cfs and 10.2 cfs or 1.56 cfs. At the time of negotiations for other objections PID did not object to that. The 1910 priority date is being justified by a Notice of Proof of Completion of Works from 63-2114 filed in October stating that 16.1 cfs was being diverted at that time. This justified the additional water and the fact that additional water was being diverted for PID lands in 1910. This priority date is later than 63-2114 due to the date the notice of proof of completion of works was submitted.

Water Supply Bank:



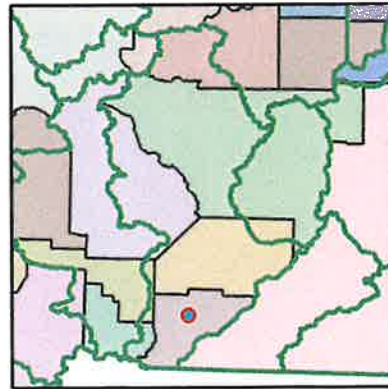
Idaho Department of Water Resources

Adjudication Claim:

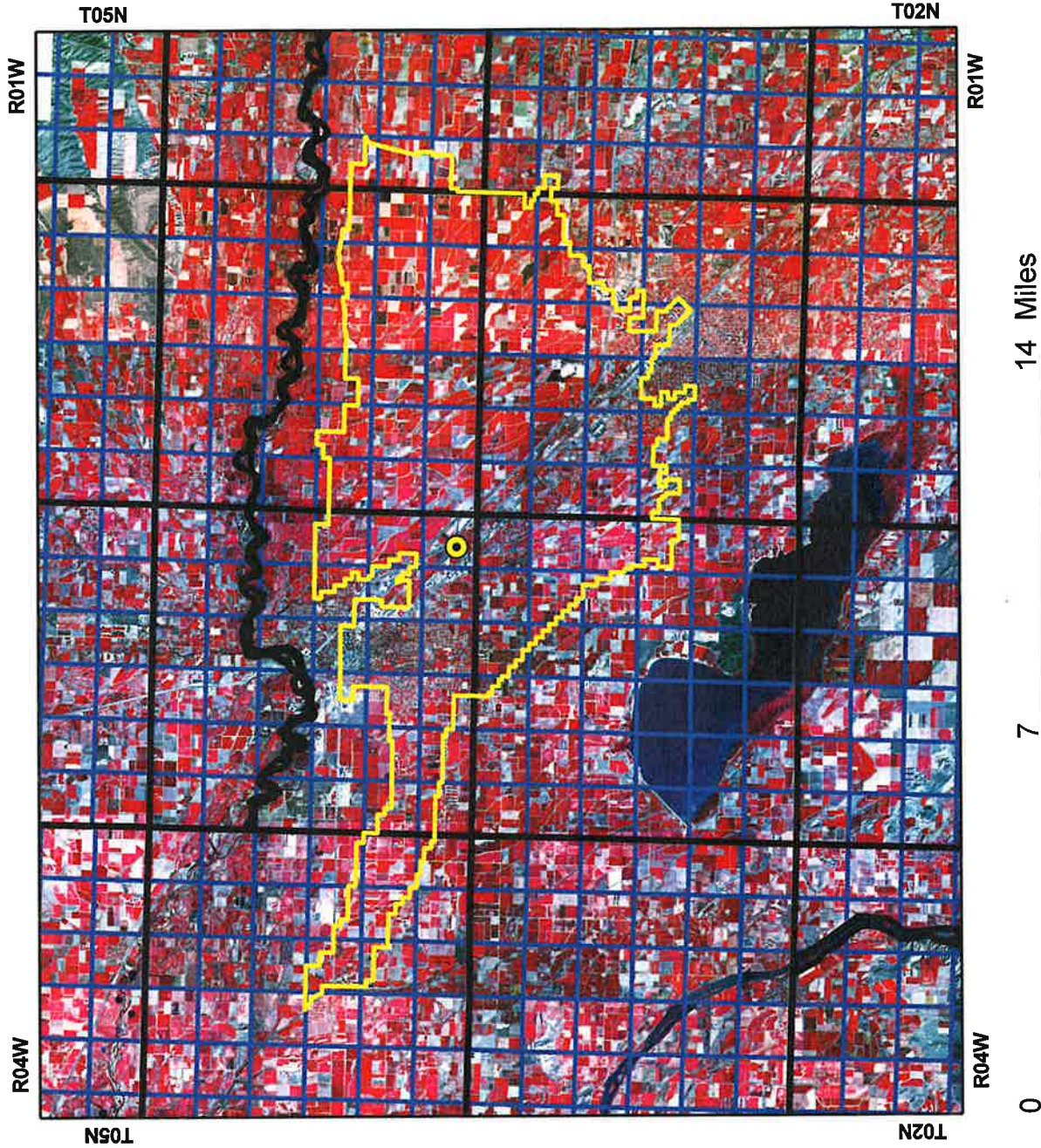
63-2114

Legend

- Point of Diversion
- Place of Use
- Townships
- PLS Sections



Canyon County
IDWR Basin 63



Prepared by D. Narsavage
On Tuesday, February 7, 2006
1987/88 Aerial Photography

Shurte, Jan

From: Bryce Farris [bryce@ringertlaw.com]
Sent: Friday, June 13, 2008 11:13 AM
To: Shurte, Jan; Spencer, Nick; Scott Campbell
Cc: emcgarry@pn.usbr.gov; Dan Steenson
Subject: RE: Settlement for Pioneer's Drain SRBA Claims

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Gail: I believe BOR has filed Responses in these sub-cases. Could you please weigh in on whether BOR has any objection to the resolution and language proposed in this e-mail?

Thanks, Bryce

Waiting to hear from Gail

6/13/2008