

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-5255 V1

WATER RIGHT NUMBER: 63-5255 V1

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

Priority Date: 05/24/1920

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	2.170 CFS	
	<u>Total Diversion:</u>	2.170 CFS	

Location of Point(s) of Diversion

INDIAN CREEK	SE1/4SW1/4	Sec. 22, Twp 04N, Rge 03W, B.M.
CANYON County		

Place of UseConditions of Approval:

1. 135 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.
2. 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.
3. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
4. 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.
5. 188 This right can be used to irrigate up to 34,204.61 acres within the boundary of the Pioneer Irrigation District.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-5255 V1

Comments:

1. awarntje 11/22/2006 POU

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.

2. jshurte 1/7/2011 Objection Resolution

Comment: This right was originally recommended for 1.0 cfs due to a lack of information concerning the flow. Pioneer objected and then submitted a flow measurement for the diversion associated with this right. Nampa Meridian also objected wanting language concerning their drainage rights within Pioneer's pou. This remark is on other Pioneer rights also. The cfs was increased to 2.17 cfs based upon the measurement submitted and the NMID remark added. Pioneer could not prove pre 1987 change in pod and will be filing a transfer to change the legal description of this pod after partial decree.

SubCase:

SubCase Number: 63-5255

Class: 1

SF5 Filed Date:

Special Master Recom Signed Date:

Attorney Assigned:

Adjudication Agent: awarntje

Basis of Claim: Beneficial Use

Date Filed: 8/16/2007 Objection Status: Active

Date Filed: 6/14/2007 Objection Status: Active

Date Filed: 6/19/2007 Objection Status: Active

Water Supply Bank:

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

SEE NEXT
SPS
(THIS WAS 1ST
DRAFT)
J

RIGHT NUMBER: 63-5255

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

SOURCE: INDIAN CREEK

TRIBUTARY: BOISE RIVER

QUANTITY: ~~1-000 CFS~~ 2.170 CFS

PRIORITY DATE: 05/24/1920

POINT OF DIVERSION:

T04N R03W S22 SESW 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	1-00 CFS <u>2.170 CFS</u>

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 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.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

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

Shurte, Jan

From: Debby Long [DLL@moffatt.com]
Sent: Wednesday, August 04, 2010 4:42 PM
To: Shurte, Jan
Cc: Andy Waldera; Debby Long
Subject: Pioneer Irrigation District...SRBA Claim No. 63-5255
Attachments: 1554613_1_ERO Resources - Discharge Measurements rpt 10-17-06.pdf

Jan,

Attached you will find a measurement report of Pioneer's "Golden Gate" diversion (Water Right No. 63-5237). As you and I discussed, Pioneer moved the POD for 5255 and combined it with the POD for 5237 (both are from Indian Creek).

Pioneer claimed 16 cfs under 5237 and 2.17 cfs under 5255 for a total aggregate diversion of 18.17 cfs. The report I have attached to this e-mail highlights a 2006 POD measurement of 21.9 cfs...which exceeds the combined 18.17 cfs claimed. Right no. 5237 has been decreed for the full 16.0 cfs claimed, but the current recommendation for 5255 is for only 1.0 cfs. Given the combined measurement data for 5237, it is clear that the full 2.17 cfs (and then some) is diverted under 5255. In fact, a POD measurement from 2000 showed a combined diversion of 24.7 cfs.

Pioneer recognizes the POD transfer problem, and the fact that it does not appear to be a pre-1987 accomplished transfer under 42-1425. However, Pioneer does believe that it is entitled to the full 2.17 cfs claimed under 5255. My proposal is that IDWR and Pioneer pursue partial decree of 2.17 cfs at the original POD for 5255, and that Pioneer then file a formal transfer to move the POD after partial decree issues.

When we last discussed this, you were pretty much on board, you just wanted to see some measurement data. If the attached data is not enough, and if you would like to see the 2000 data as well, let me know, and I will shoot it over to you.

Thanks as always for your help Jan.

--Andy

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ERO Resources Corp.
3314 Grace Street
Boise, ID 83703-5836
(208) 373-7983
Fax: 373-7985
Denver • Boise • Durango
www.eroresources.com
eroboise@eroresources.com

RECEIVED

OCT 17 2006

MOFFATT, THOMAS, BARRETT,
ROCK & FIELDS, CHTD.

October 17, 2006

Tiffany Hudak
Moffatt Thomas Barrett Rock & Fields
P.O. Box 829
Boise, ID 83701-0829

Dear Tiffany:

Enclosed you will find two copies of ERO's discharge measurement report from measurements made on five diversions operated by Pioneer Irrigation District.

If you have any questions please call me.

Sincerely,

A handwritten signature in black ink, appearing to read "Norman C. Young". The signature is fluid and cursive, with a large, stylized "N" and "Y".

Norman C. Young

Encl.

cc: Jeff Scott (w/ encl.)

**DISCHARGE MEASUREMENTS
FOR
PIONEER IRRIGATION DISTRICT**

Prepared for –

Scott Campbell
Moffatt Thomas Rock & Fields, Chtd.
101 S. Capitol Blvd., 10th Floor
Boise, Idaho 83701

Prepared by –

ERO Resources Corporation
3314 Grace St.
Boise, Idaho 83703
(208) 373-7983

October 17, 2006

**DISCHARGE MEASUREMENTS
FOR
PIONEER IRRIGATION DISTRICT**

OCTOBER 17, 2006

At the request of Mr. Scott Campbell of Moffatt Thomas Barrett Rock & Fields, Chtd, representatives of ERO Resources Corp. measured the discharge of five diversions operated by Pioneer Irrigation District.

1. **Johnson Well** (Reference Water Right No. 63-5200) located in the NE1/4NE1/4SE1/4 Section 34, T4N R2W). **Discharge = 3.51 cfs.** (Note that the legal description differs from the claimed location. The GPS plotted location is very close to the boundary line between the NE and SE quarters of this section. The GPS receiver used for this measurement is not survey grade and is accurate to a few 10's of feet. However, unless a legal survey plat, deeds or easements or other information is available to indicate that the location as claimed is correct, the GPS location or both locations should be listed on the claim.)
2. **Brandt Well** (Reference Water Right No. 63-5200) located in the SW1/4NW1/4 Section 1, T3N R2W. **Discharge = 4.05 cfs.**
3. **Indian Creek Diversion** (Reference Water Right No. 63-5237 located in the NW1/4NE1/4SW1/4 Section 26, T4N R3W. **Discharge = 21.9 cfs.** (Note that the GPS reading taken at the site matches that listed on the claim, but the location is very near the corner common to four 40-acre parcels. Without a survey, the location is not certain, but the available information indicates that the description listed on the claim is correct.)
4. **Pipe Gulch Draw Diversion** (Reference Water Right No. 63-21713) located in the NW1/4NW1/4 Section 27, T4N R4W. **Discharge = 11.2 cfs.**
5. **Indian Creek Pump Diversion** (Reference Water Right No. 63-5219) located in the SE1/4SW1/4NE1/4 Section 22, T3N R2W. **Discharge = 18.4 cfs**

The discharge from the Johnson Well was measured on October 13, 2006, using an ultrasonic meter (Polysonics Model DCT 7088, serial no. 33508) attached to the pipe leading from the pump to open discharge into a concrete stilling basin. The location of the measurement and the installation of the transducers are shown in Photograph No.1 (Attachment 1). The unobstructed length of the 10-inch diameter pipe was less than

needed to fully comply with the recommendations for use of the polysonic meter. The discharge pipe flowed full when the pump was initially started, but the flow had to be impeded at the discharge to create pipe-full discharge after the pump had been operating for about 15 minutes. The meter showed a discharge of 1790 to 1850 gpm (about 4 cfs). However, the meter reading was not stable and the signal strength was less than recommended. For these reasons, the well discharge was then measured using a current meter at a point in the Miller Lateral just downstream from the stilling basin. The discharge from the well was the only flow in the lateral. This measurement indicated the pump was discharging 3.51 cfs. Because of the variability of the readings of the Polysonic meter, the current meter measurement is the more reliable estimate of the discharge. The discharge measurement notes and current meter record are included in Attachment No. 1.

The discharge into Graves Branch Lateral from the Brandt Well was measured on October 13, 2006, using a Badger Meter (No. M0646708 installed in an 8-inch diameter PVC pipe) was attached to the discharge pipe from the well using a canvas bag (See the photograph included in Attachment No. 2). The discharge was monitored until the well discharge stabilized. The meter indicated that the well was discharging 1000 gallons in 33 seconds (1818 gpm) or 4.05 cfs.

The discharge of the diversion from Indian Creek was measured on October 13, 2006, using a current meter in a section of the diversion channel leading from Indian Creek to the concrete check structure at the head end of the buried pipeline. Photographs included in Attachment No. 3 show the diversion and the current meter measurement sites. This measurement indicated the flow being diverted was 21.9 cfs. The discharge measurement notes and current meter records are included in Attachment No. 3.

The discharge of the diversion from Pipe Gulch Creek was measured on October 13, 2006, at a location in the diversion ditch about 30 feet downstream from the head gate controlling flow into the ditch. This measurement indicated the flow being diverted was 11.2 cfs. The discharge measurement notes and current meter records are included in Attachment No. 4.

The discharge of the Indian Creek Pump was measured on September 19, 2006, on the 22-inch diameter steel discharge pipe outside of the pump house. The discharge

was measured with a Polysonics Model DCT 7088 transit time sonic meter, serial no. 33508. The location of the measurement and the installation of the transducers are shown in the photograph included in Attachment No. 5. The meter showed a discharge of 8,250 gpm or 18.4 cfs.

ATTACHMENT 1:
JOHNSON WELL

Locate Yourself

The lat/long you provided was 43° 38' 28.800" N; 116° 33' 12.700" W

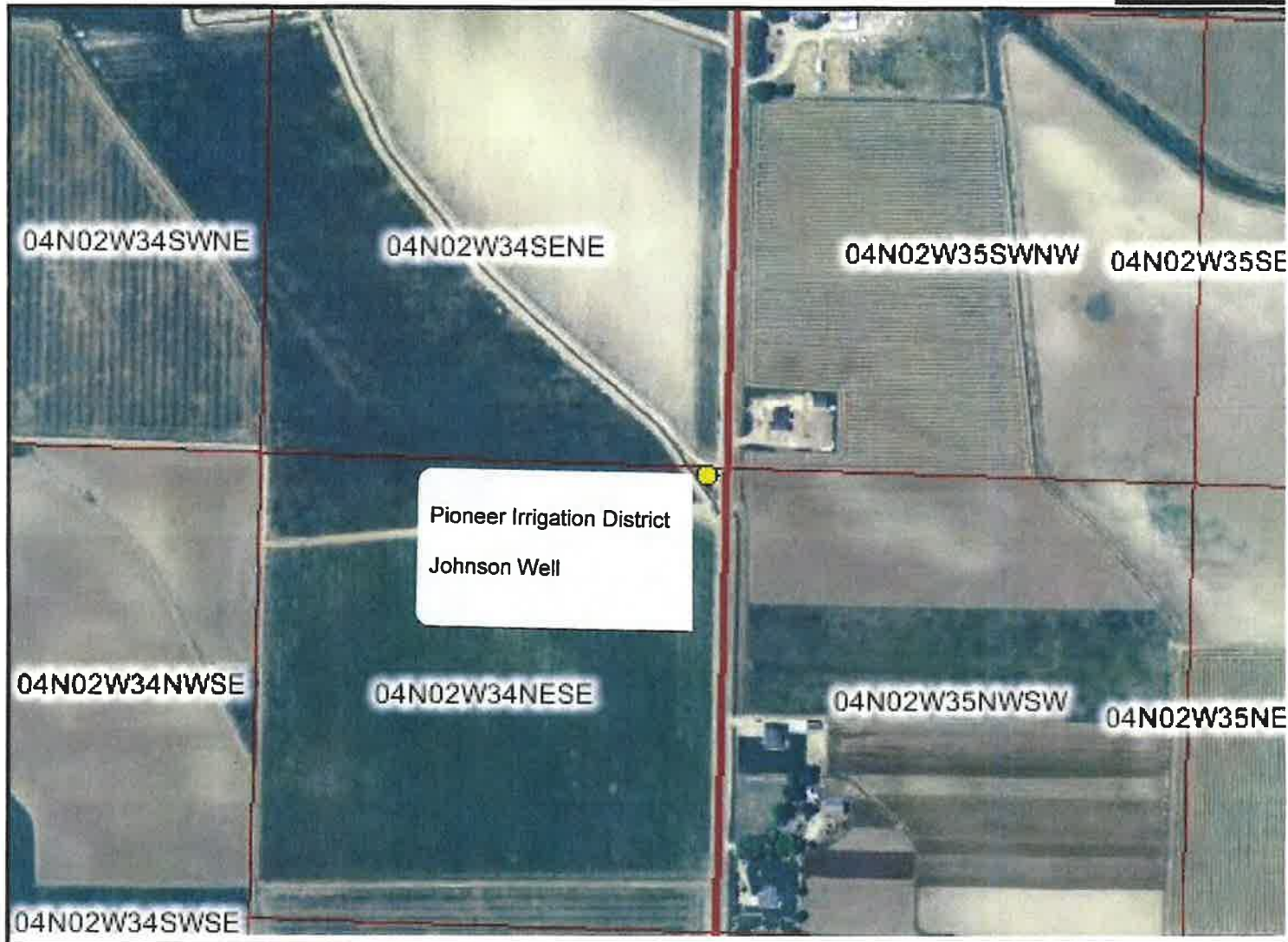
Here are the results:

NE quarter of the **SE** quarter of Section **34**, Township **04N**, Range **02W**

IDTM NAD83 coordinates: Easting=2294041; Northing=1385430



Choose the map-display background: ☐ Photo ☐ Topo



Add Layer

☐ Wells ☐ Water Rights ☐ Water Right Permits ☐ Adjudication Claims ☐ Adjudication Recommen

* Positions of wells/headgates may be based upon the center of a quarter-quarter section; those obtained by GPS or survey are accurate.

Locate Yourself

The lat/long you provided was 43° 38' 28.800" N; 116° 33' 12.700" W

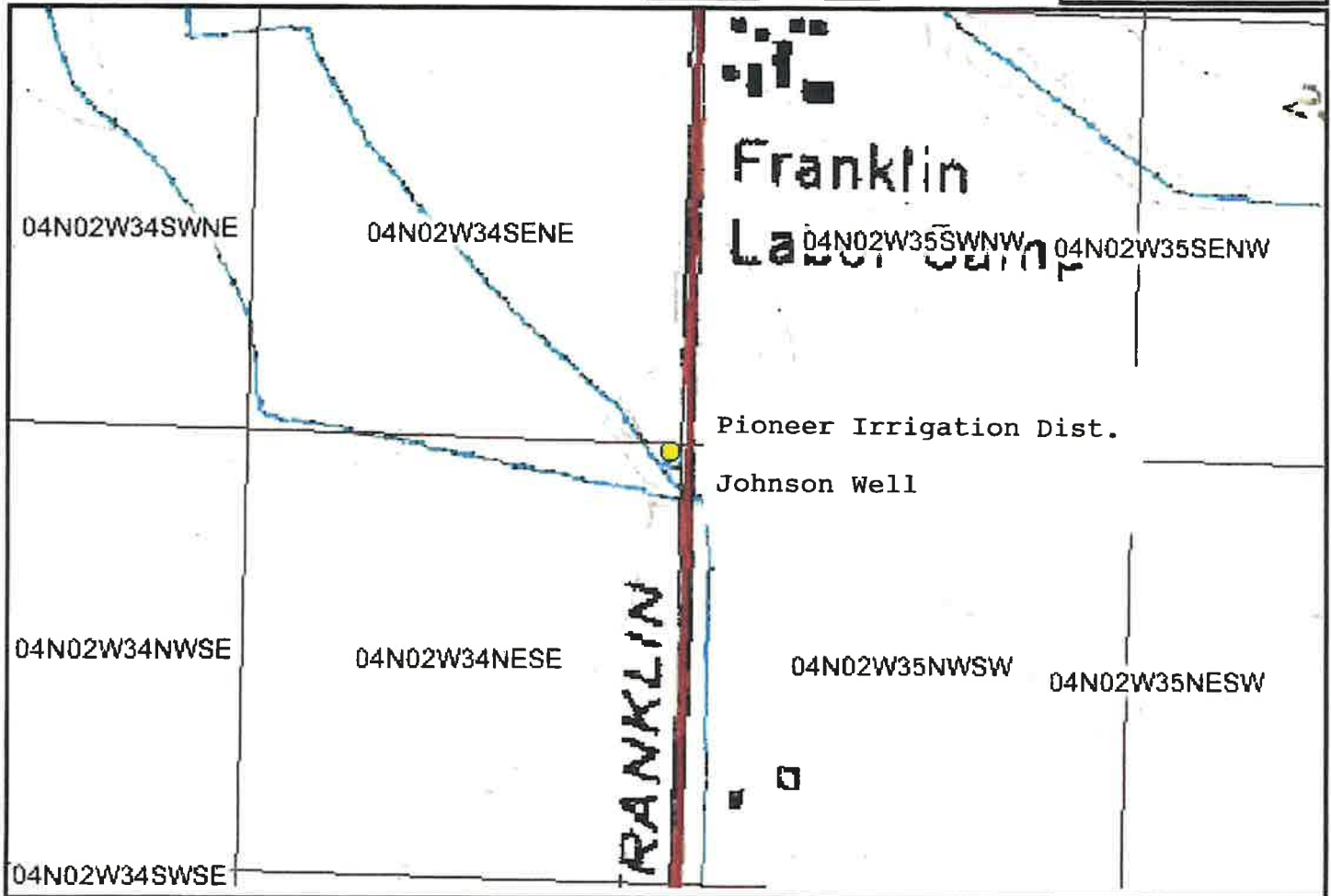
Here are the results:

NE quarter of the **SE** quarter of Section **34**, Township **04N**, Range **02W**

IDTM NAD83 coordinates: Easting=2294041; Northing=1385430



Choose the map-display background: ☐ Photo ☐ Topo



Add Layer

☐ Wells ☐ Water Rights ☐ Water Right Permits ☐ Adjudication Claims ☐ Adjudication Recommendations

* Positions of wells/headgates may be based upon the center of a quarter-quarter section; those obtained by GPS or survey are accurate.



Site Number _____ Site Name Johnson Well
 Time _____ Date October 13, 2006
 By WHL - NY Duplicate of Site Number _____
 Width 6.60 Area 3.68 Velocity 0.95 G.H. _____ Discharge 3.51
 Method 6 No. Secs 22 G.H. change _____ in _____ hr. Susp. rod
 Method coef. 1.0 Hor. Angle coef. 1.0 Susp. Coef. 1.0 Meter No. WHL 2
 Type of meter psym Date rated std 2 Spin before measurement _____; after _____
 Meter _____ ft. above bottom of weight. Tag checked _____ Levels obtained _____

GAGE READINGS				
Time	Inside			Outside
Weighted M.G.H.				
G.H. correction				
Correct M.G.H.				

Meas. Plots _____ % diff. from _____ rating.
Chain bar chain found _____ changed to _____
at _____.

Wading, cable, ice, boat, upstream,
downstream, side bridge 30 feet, mile,
above, below gage. well discharge

Aquacalc No. WAH 007

Measurement rated excellent (2%), good (5%), fair (8%), poor (over 8%), estimated, none;
based on the following conditions:

Flow variable

Cross section sand gravel

Control _____

Weather _____ Air _____ • C @ _____ Water _____ • C @ _____

pH _____ Cond _____ μ S TDS _____ Mg/L _____

DO Mg/L % Meter ID

Number of Sections Sampled: _____ EWI _____ EDI _____

Remarks _____

AquaCalc 5000 (tm) by JBS Instruments
 Firmware Version AQCUSH7a (c)1995 1996 1997 1998 1999

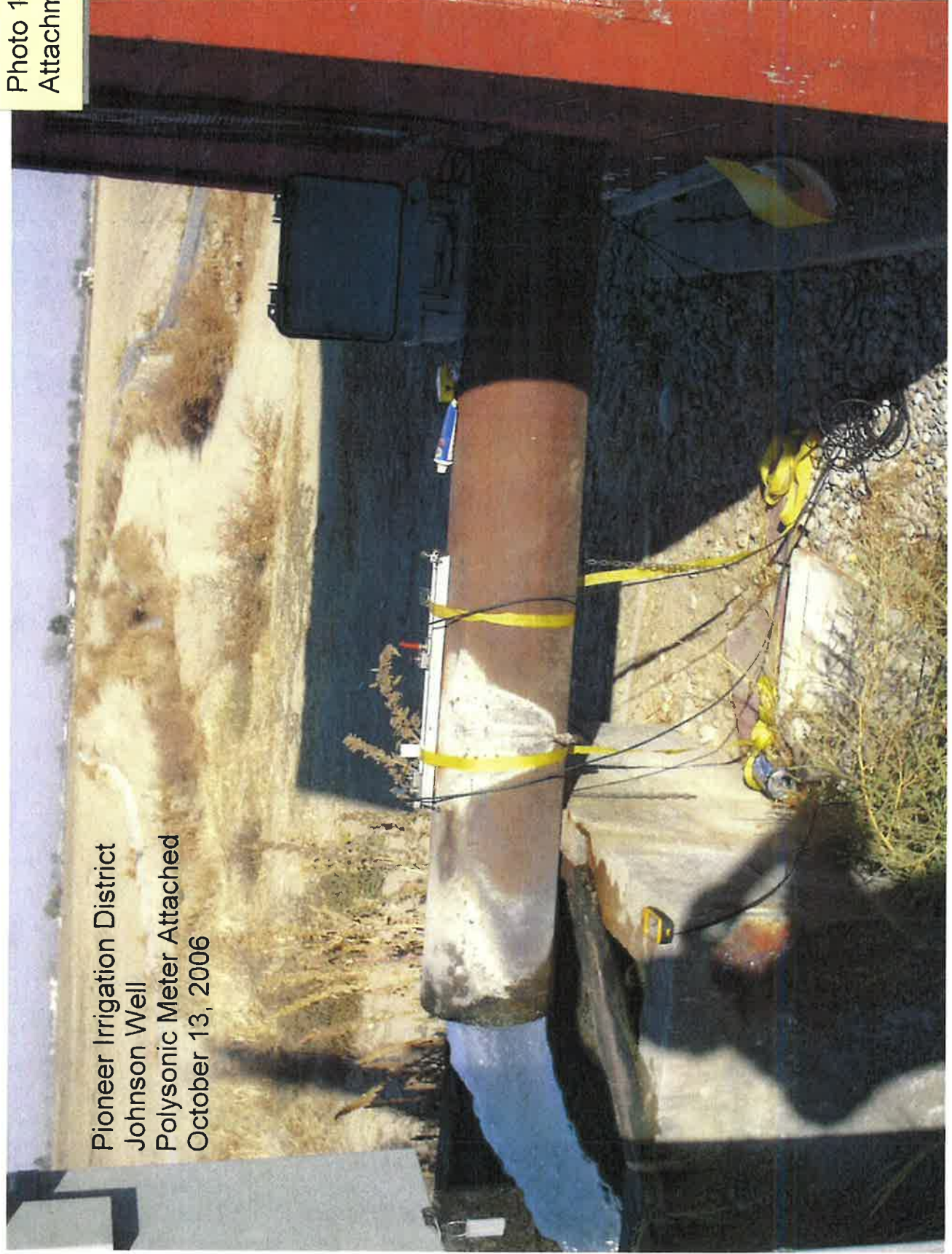
GAGE ID# 001
 NAME Johnson Well
 DATE 10/13/2006
 TRANSECT 01
 USER ID# WAH
 SH BEGIN 0.00
 SH END 0.00
 GH BEGIN 0.00
 GH END 0.00
 EST. DISCHARGE 0.00
 EST. Q (ADJ) 3.51
 METER ID# 000000
 AQUACALC ID# 1
 SOUNDING WT. 0
 START MEAS. AT LEW
 METER TYPE Pygmy ST2
 METER CONST. C1 0.9604
 METER CONST. C2 0.0312
 METER CONST. C3 0.9604
 METER CONST. C4 0.0312
 METER CONST. C5 0.0
 MEASUREMENT TIME 40
 MEAS. SYSTEM SAE
 PERCENT SLOPE 0.00
 TOTAL VERTICALS 23
 TOTAL STATIONS 23
 TOTAL WIDTH 6.60
 TOTAL AREA 3.68
 TOTAL DISCHARGE 3.510
 PCT DIFFERENCE 0.0
 MEAN VELOCITY 0.95
 WETTED PERIMETER 6.90
 HYDRAULIC RADIUS 0.53
 MANNING FACTOR 0.00

OB	DIST	DEPTH	ICE	REVS	TIME	COS:VF	LOC	COEF	CLOCK	VEL	AREA	FLOW(Q)	FLAGS
1	0.00	0.00	0.00	0	0.0	1.00	6	1.00	0:00	0.000	0.000	0.000	
2	1.80	0.00	0.00	0	0.0	1.00	6	1.00	0:00	0.000	0.000	0.000	
3	2.30	0.18	0.00	22	40.0	1.00	6	1.00	9:30	0.559	0.081	0.045	3
4	2.70	0.21	0.00	41	40.6	1.00	6	1.00	9:31	1.001	0.074	0.074	3
5	3.00	0.32	0.00	47	40.4	1.00	6	1.00	9:33	1.148	0.096	0.110	
6	3.30	0.59	0.00	45	40.0	1.00	6	1.00	9:34	1.112	0.177	0.197	
7	3.60	0.65	0.00	44	40.3	1.00	6	1.00	9:35	1.080	0.195	0.211	
8	3.90	0.67	0.00	41	40.5	1.00	6	1.00	9:37	1.003	0.201	0.202	
9	4.20	0.77	0.00	39	40.9	1.00	6	1.00	9:38	0.947	0.231	0.219	
10	4.50	0.79	0.00	39	40.1	1.00	6	1.00	9:39	0.965	0.237	0.229	
11	4.80	0.86	0.00	39	40.4	1.00	6	1.00	9:41	0.958	0.258	0.247	
12	5.10	0.86	0.00	46	40.6	1.00	6	1.00	9:42	1.119	0.258	0.289	
13	5.40	0.86	0.00	59	40.2	1.00	6	1.00	9:43	1.441	0.258	0.372	
14	5.70	0.83	0.00	58	40.8	1.00	6	1.00	9:44	1.396	0.249	0.348	
15	6.00	0.81	0.00	53	40.4	1.00	6	1.00	9:45	1.291	0.243	0.314	
16	6.30	0.81	0.00	37	41.2	1.00	6	1.00	9:46	0.894	0.243	0.217	
17	6.60	0.72	0.00	30	40.4	1.00	6	1.00	9:48	0.744	0.216	0.161	
18	6.90	0.69	0.00	25	40.3	1.00	6	1.00	9:50	0.627	0.207	0.130	
19	7.20	0.60	0.00	10	22.9	1.00	6	1.00	9:53	0.451	0.180	0.081	
20	7.50	0.47	0.00	5	20.4	1.00	6	1.00	9:55	0.266	0.141	0.038	
21	7.80	0.31	0.00	10	48.2	1.00	6	1.00	9:57	0.230	0.093	0.021	4
22	8.10	0.15	0.00	0	0.0	1.00	6	1.00	0:00	0.000	0.045	0.000	34

23 8.40 0.00 0.00 0 0.0 1.00 6 1.00 0:00 0.000 0.000 0.000

1. USER EXCEEDED SINGLE SUBSECTION 00% EST. Q.
2. THE PRODUCT OF VELOCITY AND DEPTH EXCEEDED THE
SELECTED SOUNDING WEIGHT.
3. INCORRECT METER USED FOR DEPTH OF STREAM.
4. INCORRECT METER USED FOR VELOCITY OF STREAM.
5. ABNORMAL VELOCITY PROFILE CALCULATED.
6. DEPTH ESTIMATED BY USER.
7. VELOCITY ESTIMATED BY USER.

[]



Pioneer Irrigation District
Johnson Well
Polysonic Meter Attached
October 13, 2006

ATTACHMENT 2:

BRANDT WELL

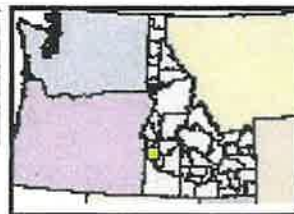
Locate Yourself

The lat/long you provided was 43° 37' 37.100" N; 116° 31' 50.600" W

Here are the results:

SW quarter of the **NW** quarter of Section **1**, Township **03N**, Range **02W**

IDTM NAD83 coordinates: Easting=2295831; Northing=1383779



Choose the map-display background: Photo | Topo



Add Layer

☐ Wells ☐ Water Rights ☐ Water Right Permits ☐ Adjudication Claims ☐ Adjudication Recommendations

* Positions of wells/headgates may be based upon the center of a quarter-quarter section; those obtained by GPS or survey are accurate.



Site Number 002 Site Name Brant Well #1 (above)
Time _____ Date October 13, 2006
By WHL & NY Duplicate of Site Number _____
Width 16.70 Area 4.48 Velocity 1.63 G.H. _____ Discharge 7.31
Method 1.6 No. Secs 22 G.H. change 0 in ? hr. Susp. red
Method coef. 1.0 Hor. Angle coef. 1.0 Susp. Coef. 1.0 Meter No. _____
Type of meter pygmy Date rated sh 12 Spin before measurement _____; after _____
Meter _____ ft. above bottom of weight. Tag checked _____ Levels obtained _____

GAGE READINGS				
Time	Inside			Outside
Weighted M.G.H.				
G.H. correction				
Correct M.G.H.				

Meas. Plots _____ % diff. from _____ rating.
Chain bar chain found _____ changed to
_____ at _____.

Wading, cable, ice, boat, upstream,
downstream, side bridge 20 feet mile,
above, below gage. *well downstream*

Aquacalc No. WAA 001

Measurement rated excellent (2%), good (5%), fair (8%), poor (over 8%), estimated, none;

Flow Paulk Steady

Cross section sand, boulders

Control

Weather _____ Air _____ °C @ _____ Water _____ °C @ _____

pH _____ Cond _____ μ S TDS _____ Mg/L _____

DO _____ Mg/L _____ % Meter ID _____

Number of Sections Sampled: _____ EWI _____ EDI _____

Remarks



Site Number 003 Site Name Brent Well #2 (below)
Time _____ Date October 13, 2006
By WAT E NY Duplicate of Site Number _____
Width 8.00 Area 513 Velocity 1.84 G.H. _____
Method 6 No. Secs 23 G.H. change _____ in _____ hr. Susp. 9.44
Method coef. 1.0 Hor. Angle coef. 1.0 Susp. Coef. 1.0 Meter No. _____
Type of meter pygmy Date rated Jan 12 Spin before measurement _____, after _____
Meter _____ ft. above bottom of weight. Tag checked _____ Levels obtained _____

GAGE READINGS				
Time	Inside			Outside
Weighted M.G.H.				
G.H. correction				
Correct M.G.H.				

Meas. Plots _____ % diff. from _____ rating.
Chain bar chain found _____ changed to
_____ at _____.
Wading, cable, ice, boat, upstream,
downstream, side bridge 40 feet, mile,
above, below gage. well & stage

Aquacalc No. WAA

Measurement rated excellent (2%), good (5%), fair (8%), poor (over 8%), estimated, none;
Flow

Cross section sand, boulders, concrete slabs

Control

Weather _____ Air _____ °C @ _____ Water _____ °C @ _____

pH _____ Cond _____ μ S TDS _____ Mg/L
DO _____

DO _____ Mg/L _____ % Meter ID _____

Number of Sections Sampled: _____ EWI _____ EDI _____

Remarks well turned on and discharging to canal.

many sections shut out time - pique's kept rescheduling

AquaCalc 5000 (tm) by JBS Instruments
 Firmware Version AQCUSH7a (c)1995 1996 1997 1998 1999

GAGE ID# 002
 NAME BrantWell-above
 DATE 10/13/2006
 TRANSECT 02
 USER ID# WAH
 SH BEGIN 0.00
 SH END 0.00
 GH BEGIN 0.00
 GH END 0.00
 EST. DISCHARGE 0.00
 EST. Q (ADJ) 7.31
 METER ID# 000000
 AQUACALC ID# 1
 SOUNDING WT. 0
 START MEAS. AT LEW
 METER TYPE Pygmy ST2
 METER CONST. C1 0.9604
 METER CONST. C2 0.0312
 METER CONST. C3 0.9604
 METER CONST. C4 0.0312
 METER CONST. C5 0.0
 MEASUREMENT TIME 40
 MEAS. SYSTEM SAE
 PERCENT SLOPE 0.00
 TOTAL VERTICALS 23
 TOTAL STATIONS 23
 TOTAL WIDTH 6.70
 TOTAL AREA 4.48
 TOTAL DISCHARGE 7.310
 PCT DIFFERENCE 0.0
 MEAN VELOCITY 1.63
 WETTED PERIMETER 7.32
 HYDRAULIC RADIUS 0.61
 MANNING FACTOR 0.00

OB	DIST	DEPTH	ICE	REVS	TIME	COS:VF	LOC	COEF	CLOCK	VEL	AREA	FLOW(Q)	FLAGS
1	0.00	0.00	0.00	0	0.0	1.00	6	1.00	0:00	0.000	0.000	0.000	
2	1.50	0.00	0.00	0	0.0	1.00	6	1.00	0:00	0.000	0.000	0.000	
3	2.10	0.45	0.00	0	40.0	1.00	6	1.00	10:52	0.000	0.203	0.000	4
4	2.40	0.53	0.00	5	25.2	1.00	6	1.00	10:54	0.222	0.159	0.035	4
5	2.70	0.57	0.00	43	40.1	1.00	6	1.00	10:55	1.061	0.171	0.181	
6	3.00	0.66	0.00	52	40.7	1.00	6	1.00	10:56	1.258	0.198	0.249	
6													
7	3.30	0.78	0.00	66	40.0	1.00	6	1.00	10:57	1.616	0.234	0.378	1
8	3.60	0.60	0.00	76	40.4	1.00	6	1.00	10:58	1.838	0.180	0.331	
9	3.90	0.60	0.00	78	40.1	1.00	6	1.00	10:59	1.899	0.180	0.342	
10	4.20	0.96	0.00	79	40.1	1.00	6	1.00	11:00	1.923	0.288	0.554	1
11	4.50	0.97	0.00	82	40.1	1.00	6	1.00	11:01	1.995	0.291	0.581	1
12	4.80	0.93	0.00	75	40.3	1.00	6	1.00	11:02	1.819	0.279	0.508	1
13	5.10	0.97	0.00	71	40.0	1.00	6	1.00	11:02	1.736	0.291	0.505	1
14	5.40	1.00	0.00	73	40.6	1.00	6	1.00	11:03	1.758	0.300	0.527	1
15	5.70	0.95	0.00	79	40.1	1.00	6	1.00	11:04	1.923	0.285	0.548	1
16	6.00	0.88	0.00	81	40.3	1.00	6	1.00	11:05	1.962	0.264	0.518	1
17	6.30	0.88	0.00	78	40.2	1.00	6	1.00	11:06	1.895	0.264	0.500	1
18	6.60	0.80	0.00	82	40.2	1.00	6	1.00	11:07	1.990	0.240	0.478	1
19	6.90	0.65	0.00	86	40.1	1.00	6	1.00	11:08	2.091	0.195	0.408	1
20	7.20	0.63	0.00	74	40.4	1.00	6	1.00	11:09	1.790	0.189	0.338	
21	7.50	0.54	0.00	70	40.4	1.00	6	1.00	11:10	1.695	0.162	0.275	

22	7.80	0.30	0.00	19	40.9	1.00	6	1.00	11:11	0.477	0.105	0.050
23	8.20	0.00	0.00	0	0.0	1.00	6	1.00	0:00	0.000	0.000	0.000

1. USER EXCEEDED SINGLE SUBSECTION 05% EST. Q.
2. THE PRODUCT OF VELOCITY AND DEPTH EXCEEDED THE
SELECTED SOUNDING WEIGHT.
3. INCORRECT METER USED FOR DEPTH OF STREAM.
4. INCORRECT METER USED FOR VELOCITY OF STREAM.
5. ABNORMAL VELOCITY PROFILE CALCULATED.
6. DEPTH ESTIMATED BY USER.
7. VELOCITY ESTIMATED BY USER.

□

AquaCalc 5000 (tm) by JBS Instruments
 Firmware Version AQCUSH7a (c)1995 1996 1997 1998 1999

GAGE ID# 003
 NAME Brant-Well below
 DATE 10/13/2006
 TRANSECT 03
 USER ID# WAH
 SH BEGIN 0.00
 SH END 0.00
 GH BEGIN 0.00
 GH END 0.00
 EST. DISCHARGE 0.00
 EST. Q (ADJ) 9.44
 METER ID# 000000
 AQUACALC ID# 1
 SOUNDING WT. 30
 START MEAS. AT LEW
 METER TYPE Pygmy ST2
 METER CONST. C1 0.9604
 METER CONST. C2 0.0312
 METER CONST. C3 0.9604
 METER CONST. C4 0.0312
 METER CONST. C5 0.0
 MEASUREMENT TIME 40
 MEAS. SYSTEM SAE
 PERCENT SLOPE 0.00
 TOTAL VERTICALS 24
 TOTAL STATIONS 24
 TOTAL WIDTH 8.00
 TOTAL AREA 5.13
 TOTAL DISCHARGE 9.440
 PCT DIFFERENCE 0.0
 MEAN VELOCITY 1.84
 WETTED PERIMETER 8.94
 HYDRAULIC RADIUS 0.57
 MANNING FACTOR 0.00

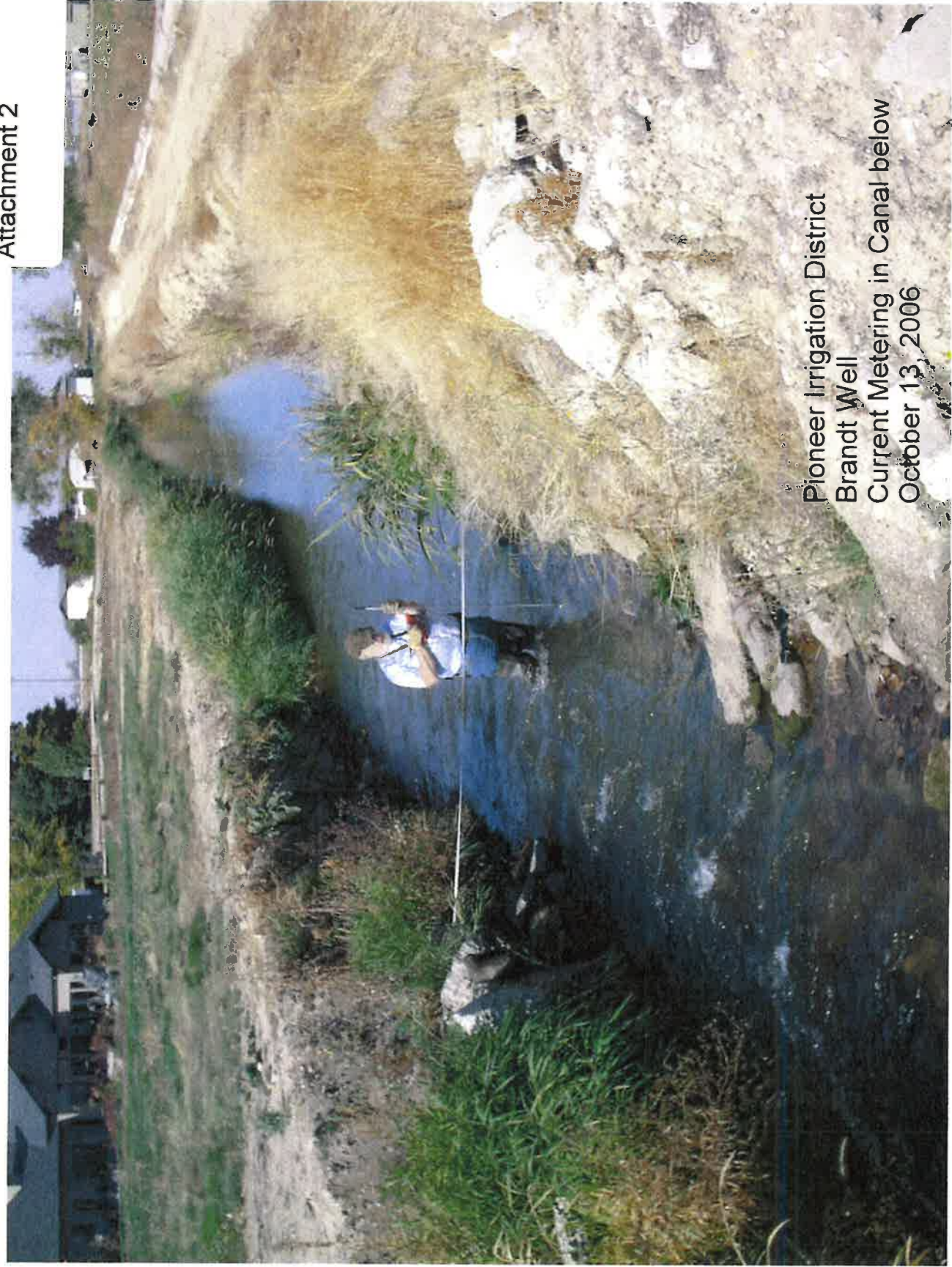
OB	DIST	DEPTH	ICE	REVS	TIME	COS:VF	LOC	COEF	CLOCK	VEL	AREA	FLOW (Q)	FLAGS
1	0.00	0.00	0.00	0	0.0	1.00	6	1.00	0:00	0.000	0.000	0.000	
2	1.90	0.00	0.00	0	0.0	1.00	6	1.00	0:00	0.000	0.000	0.000	
3	2.70	0.55	0.00	5	22.6	1.00	6	1.00	11:45	0.244	0.303	0.074	4
4	3.00	0.55	0.00	32	40.7	1.00	6	1.00	11:46	0.786	0.165	0.130	
5	3.30	0.60	0.00	68	40.1	1.00	6	1.00	11:47	1.660	0.180	0.299	
6	3.60	0.55	0.00	60	20.8	1.00	6	1.00	11:48	2.802	0.165	0.462	
7	3.90	0.55	0.00	21	6.2	1.00	6	1.00	11:52	3.284	0.165	0.542	1 4
8	4.20	0.55	0.00	34	10.7	1.00	6	1.00	11:52	3.083	0.165	0.509	1 4
9	4.50	1.13	0.00	24	10.6	1.00	6	1.00	11:55	2.206	0.339	0.748	1
10	4.80	1.10	0.00	102	40.2	1.00	6	1.00	11:56	2.468	0.330	0.814	1
11	5.10	1.13	0.00	92	40.3	1.00	6	1.00	11:57	2.224	0.339	0.754	1
12	5.40	1.06	0.00	82	40.5	1.00	6	1.00	11:59	1.976	0.318	0.628	1
13	5.70	1.10	0.00	92	40.0	1.00	6	1.00	12:00	2.240	0.330	0.739	1
14	6.00	1.10	0.00	49	20.3	1.00	6	1.00	12:01	2.349	0.330	0.775	1
15	6.30	1.15	0.00	48	20.9	1.00	6	1.00	12:02	2.237	0.345	0.772	1
16	6.60	1.15	0.00	49	20.6	1.00	6	1.00	12:03	2.316	0.345	0.799	1
17	6.90	1.15	0.00	44	21.2	1.00	6	1.00	12:04	2.024	0.345	0.698	1
18	7.20	1.05	0.00	14	11.0	1.00	6	1.00	12:05	1.254	0.315	0.395	
19	7.50	0.50	0.00	17	20.5	1.00	6	1.00	12:07	0.828	0.150	0.124	
20	7.80	0.40	0.00	17	20.9	1.00	6	1.00	12:08	0.812	0.120	0.097	
21	8.10	0.25	0.00	17	40.8	1.00	6	1.00	12:13	0.431	0.075	0.032	3
22	8.40	0.35	0.00	20	40.3	1.00	6	1.00	12:14	0.508	0.105	0.053	
23	8.70	0.27	0.00	0	40.0	1.00	6	1.00	12:15	0.000	0.203	0.000	34

24 9.90 0.00 0.00 0 0.0 1.00 6 1.00 0:00 0.000 0.000 0.000

1. USER EXCEEDED SINGLE SUBSECTION 05% EST. Q.
2. THE PRODUCT OF VELOCITY AND DEPTH EXCEEDED THE
SELECTED SOUNDING WEIGHT.
3. INCORRECT METER USED FOR DEPTH OF STREAM.
4. INCORRECT METER USED FOR VELOCITY OF STREAM.
5. ABNORMAL VELOCITY PROFILE CALCULATED.
6. DEPTH ESTIMATED BY USER.
7. VELOCITY ESTIMATED BY USER.

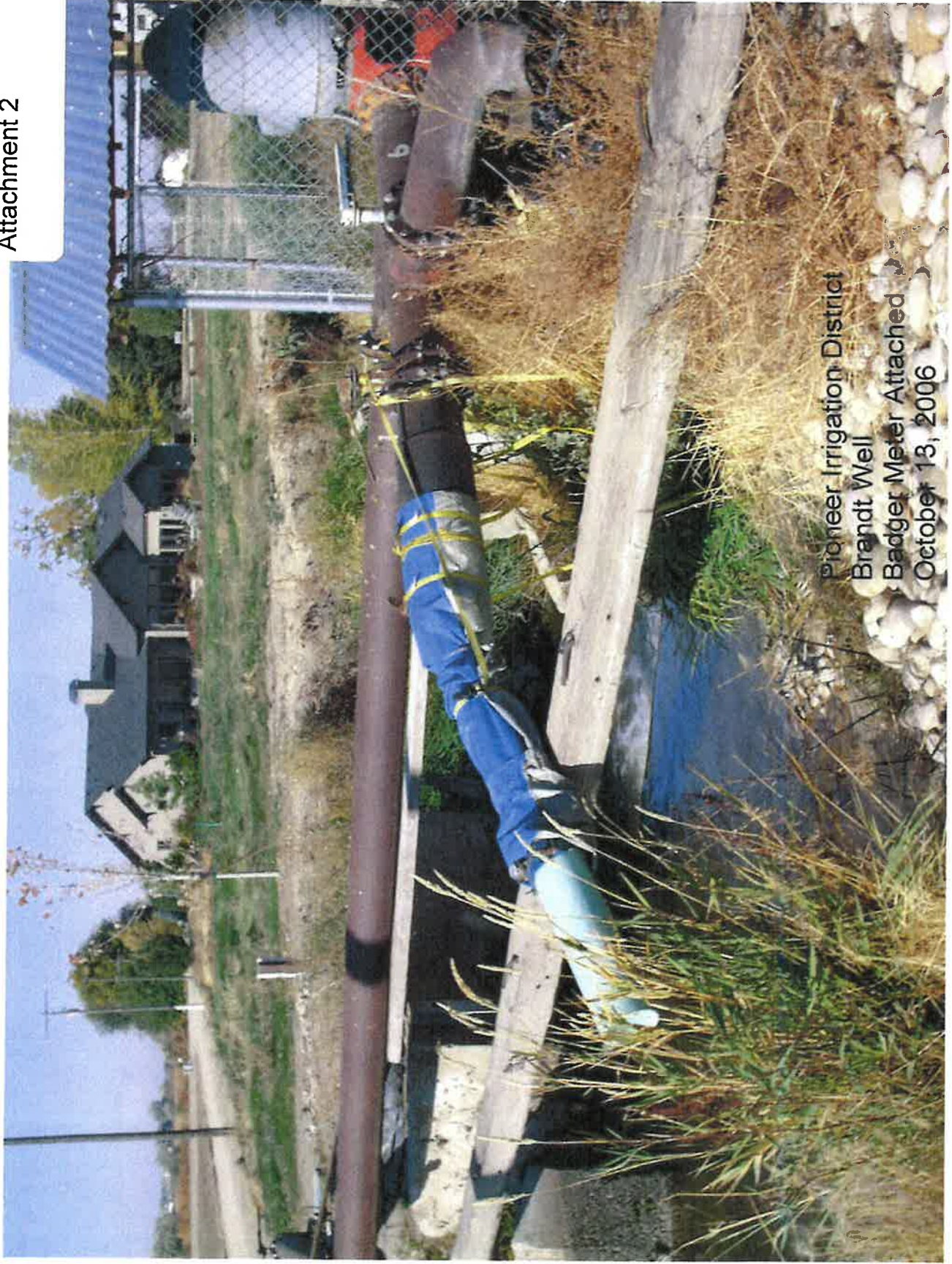
□

Photograph No. 1
Attachment 2



Pioneer Irrigation District
Brandt Well
Current Metering in Canal below
October 13, 2006

Photograph No. 2
Attachment 2



Pioneer Irrigation District
Brandt Well
Badger Meter Attached
October 13, 2006

ATTACHMENT 3:
INDIAN CREEK DIVERSION

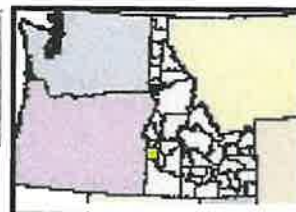
Locate Yourself

The lat/long you provided was 43° 39' 19.400" N; 116° 40' 5.000" W

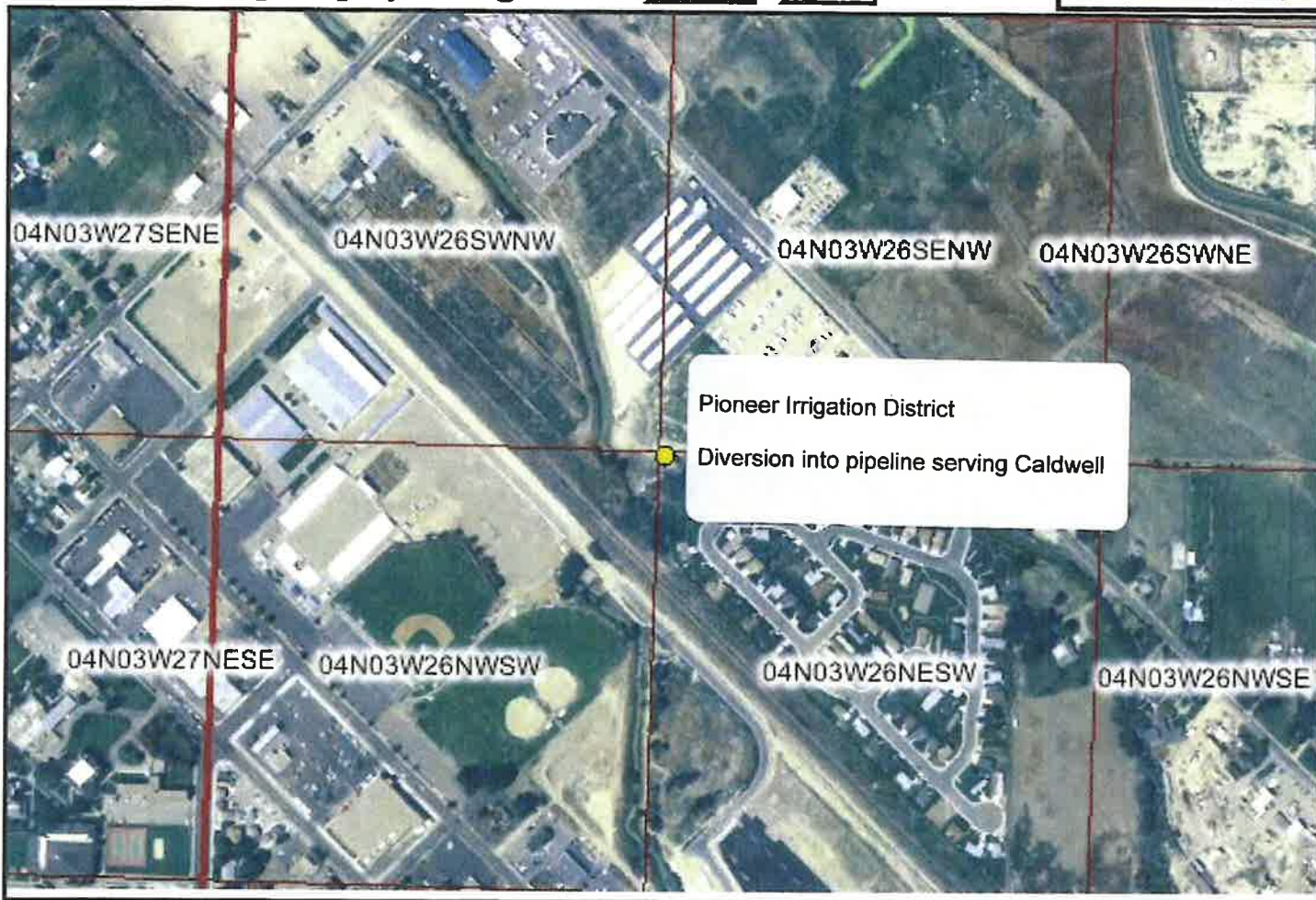
Here are the results:

NE quarter of the SW quarter of Section 26, Township 04N, Range 03W

IDTM NAD83 coordinates: Easting=2284853; Northing=1387282



Choose the map-display background: ☒ Photo ☐ Topo



Add Layer

☐ Wells ☐ Water Rights ☐ Water Right Permits ☐ Adjudication Claims ☐ Adjudication Recommendations

* Positions of wells/headgates may be based upon the center of a quarter-quarter section; those obtained by GPS or survey are accurate.

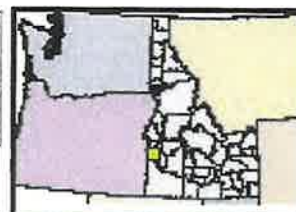
Locate Yourself

The lat/long you provided was 43° 39' 35.600" N; 116° 40' 23.700" W

Here are the results:

NE quarter of the **NE** quarter of Section **27**, Township **04N**, Range **03W**

IDTM NAD83 coordinates: Easting=2284450; Northing=1387795



Choose the map-display background: ☒ Photo ☐ Topo



Add Layer

☐ Wells ☐ Water Rights ☐ Water Right Permits ☐ Adjudication Claims ☐ Adjudication Recommendations

* Positions of wells/headgates may be based upon the center of a quarter-quarter section; those obtained by GPS or survey are accurate.



Site Number 004 Site Name Indian G. div
Time _____ Date 10-13-06
By NAL ENY Duplicate of Site Number _____
Width 20.4 Area 35.2 Velocity 0.62 G.H. _____
Method 6.258 No. Secs 30 G.H. change _____ in _____ hr. Susp. rod
Method coef. 1.0 Hor. Angle coef. 1.0 Susp. Coef. 1.0 Meter No. _____
Type of meter AA Date rated std Spin before measurement _____; after _____
Meter _____ ft. above bottom of weight. Tag checked _____ Levels obtained _____

Meas. Plots _____ % diff. from _____ rating.
Chain bar chain found _____ changed to
_____ at _____.
Wading, cable, ice, boat, upstream,
downstream, side bridge 15 feet, mile,
above/below gage. head.

Aquacalc No. WAA 001

Flow _____ *fairly uniform* _____
 Cross section *sand, plants* _____
 Control _____
 Weather _____ Air _____ • C @ _____ Water _____ • C @ _____
 pH _____ Cond _____ μ S TDS _____ Mg/L
 DO _____ Mg/L _____ % Meter ID _____
 Number of Sections Sampled: _____ EWI _____ EDI _____
 Remarks _____

AquaCalc 5000 (tm) by JBS Instruments
 Firmware Version AQCUSH7a (c)1995 1996 1997 1998 1999

GAGE ID# 004
 NAME Indian Creek Diversion at head
 DATE 10/13/2006
 TRANSECT 04
 USER ID# WAH
 SH BEGIN 0.00
 SH END 0.00
 GH BEGIN 0.00
 GH END 0.00
 EST. DISCHARGE 0.00
 EST. Q (ADJ) 21.90
 METER ID# 000000
 AQUACALC ID# 1
 SOUNDING WT. 0
 START MEAS. AT LEW
 METER TYPE Price AA 1:1 ST2
 METER CONST. C1 2.2048
 METER CONST. C2 0.0178
 METER CONST. C3 2.2048
 METER CONST. C4 0.0178
 METER CONST. C5 0.0
 MEASUREMENT TIME 40
 MEAS. SYSTEM SAE
 PERCENT SLOPE 0.00
 TOTAL VERTICALS 30
 TOTAL STATIONS 38
 TOTAL WIDTH 20.40
 TOTAL AREA 35.20
 TOTAL DISCHARGE 21.900
 PCT DIFFERENCE 0.0
 MEAN VELOCITY 0.62
 WETTED PERIMETER 22.55
 HYDRAULIC RADIUS 1.56
 MANNING FACTOR 0.00

OB	DIST	DEPTH	ICE	REVS	TIME	COS:VF	LOC	COEF	CLOCK	VEL	AREA	FLOW(Q)	FLAGS
1	0.00	0.00	0.00	0	0.0	1.00	6	1.00	0:00	0.000	0.000	0.000	
2	1.60	0.00	0.00	0	0.0	1.00	6	1.00	0:00	0.000	0.000	0.000	
3	2.50	0.60	0.00	9	41.6	1.00	6	1.00	14:03	0.495	0.570	0.282	3
4	3.50	1.20	0.00	10	41.1	1.00	6	1.00	14:04	0.554	0.900	0.499	3
5	4.00	1.60	0.00	14	43.5	1.00	6	1.00	14:06	0.727	0.800	0.582	
6	4.50	2.50	0.00	15	40.5	1.00	6	1.00	14:17	0.834	1.250	1.043	
7	5.00	2.15	0.00	15	41.9	1.00	6	1.00	14:19	0.807	1.080	0.872	
8	5.50	2.30	0.00	15	41.9	1.00	6	1.00	14:20	0.807	1.150	0.928	
9	6.00	2.35	0.00	14	43.3	1.00	6	1.00	14:21	0.731	1.180	0.863	
10	6.50	2.30	0.00	13	41.7	1.00	6	1.00	14:23	0.705	1.150	0.811	
11	7.00	2.25	0.00	12	40.6	1.00	6	1.00	14:24	0.669	1.130	0.756	
12	7.50	2.15	0.00	10	41.5	1.00	6	1.00	14:25	0.549	1.080	0.593	
13	8.00	2.15	0.00	9	40.6	1.00	6	1.00	14:36	0.506	1.080	0.546	
14	8.50	2.05	0.00	12	41.2	1.00	6	1.00	14:28	0.660	1.030	0.680	
15	9.00	2.10	0.00	18	41.2	1.00	6	1.00	14:29	0.981	1.050	1.030	
16	9.50	2.15	0.00	20	40.3	1.00	6	1.00	14:30	1.112	1.080	1.201	1
17	10.00	2.15	0.00	22	41.7	1.00	6	1.00	14:31	1.181	1.080	1.275	1
18	10.50	2.25	0.00	17	41.1	1.00	6	1.00	14:32	0.930	1.130	1.051	
19	11.00	2.25	0.00	15	41.4	1.00	6	1.00	14:33	0.817	1.130	0.923	
20	11.50	2.35	0.00	14	43.9	1.00	6	1.00	14:34	0.721	1.180	0.851	
21	12.00	2.60	0.00	8	44.6	1.00	8	1.00	14:35	0.413	1.300	0.880	
22	12.00	2.60	0.00	17	40.6	1.00	2	1.00	14:37	0.941	0.000	0.000	
23	12.50	2.90	0.00	10	45.3	1.00	8	1.00	14:38	0.504	1.450	1.002	

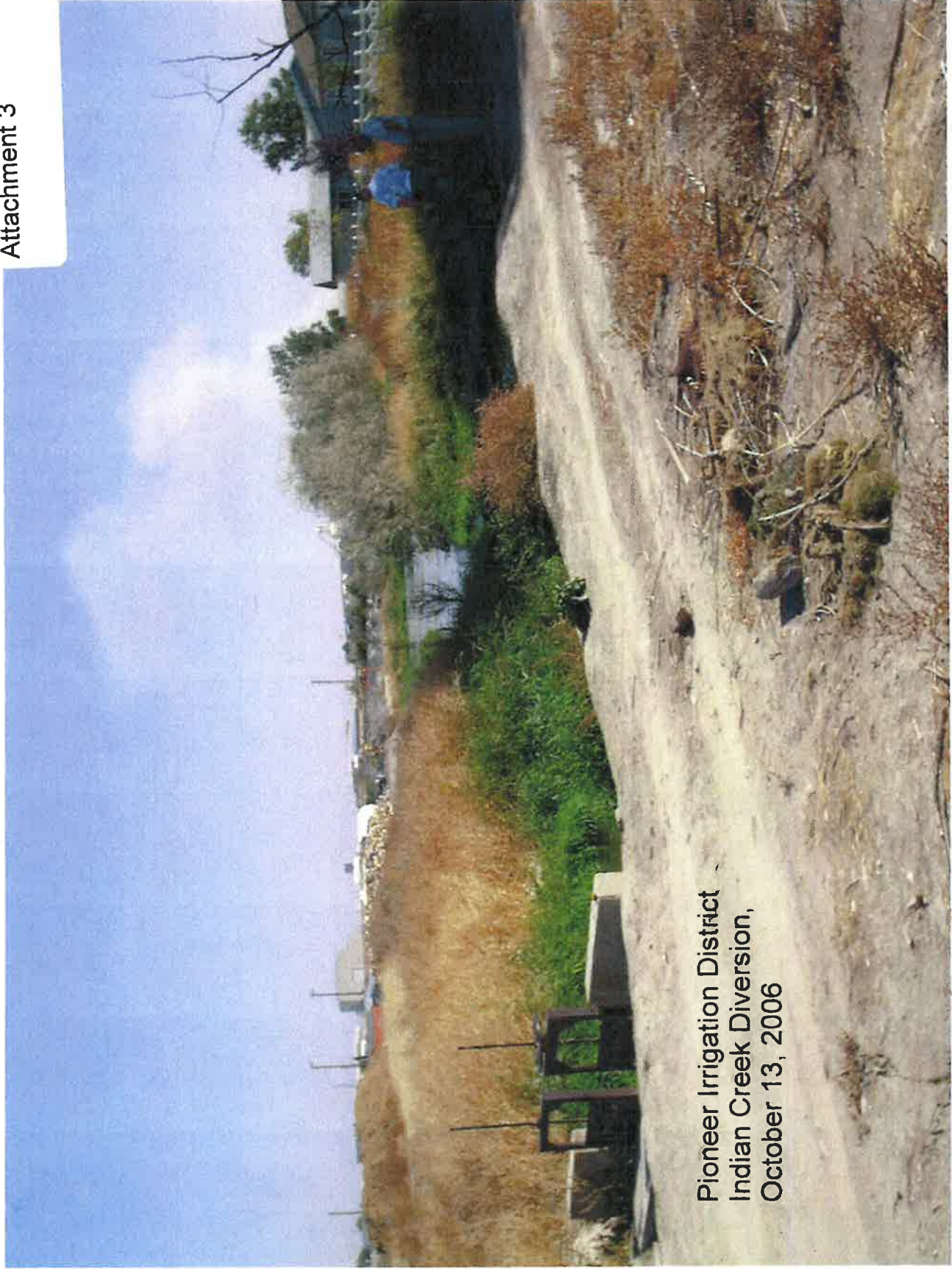
24	12.50	2.90	0.00	16	41.0	1.00	2	1.00	14:39	0.878	0.000	0.000
25	13.00	2.75	0.00	9	43.1	1.00	8	1.00	14:40	0.478	1.380	0.888
26	13.00	2.75	0.00	15	41.8	1.00	2	1.00	14:42	0.809	0.000	0.000
27	13.50	2.80	0.00	10	43.4	1.00	8	1.00	14:43	0.526	1.400	0.942
28	13.50	2.80	0.00	15	41.2	1.00	2	1.00	14:44	0.820	0.000	0.000
29	14.00	2.90	0.00	8	41.6	1.00	8	1.00	14:45	0.442	1.450	0.847
30	14.00	2.90	0.00	14	43.6	1.00	2	1.00	14:46	0.726	0.000	0.000
31	14.50	2.70	0.00	8	42.2	1.00	8	1.00	14:47	0.436	1.350	0.797
32	14.50	2.70	0.00	14	42.5	1.00	2	1.00	14:48	0.744	0.000	0.000
33	15.00	2.80	0.00	7	45.0	1.00	8	1.00	14:50	0.361	1.400	0.767
34	15.00	2.80	0.00	14	43.0	1.00	2	1.00	14:51	0.735	0.000	0.000
35	15.50	2.70	0.00	6	45.0	1.00	8	1.00	14:53	0.312	2.030	1.005
36	15.50	2.70	0.00	13	43.4	1.00	2	1.00	14:54	0.678	0.000	0.000
37	16.50	1.35	0.00	0	40.0	1.00	6	1.00	14:56	0.000	4.390	0.000
38	22.00	0.00	0.00	0	0.0	1.00	8	1.00	0:00	0.000	0.000	0.000

34

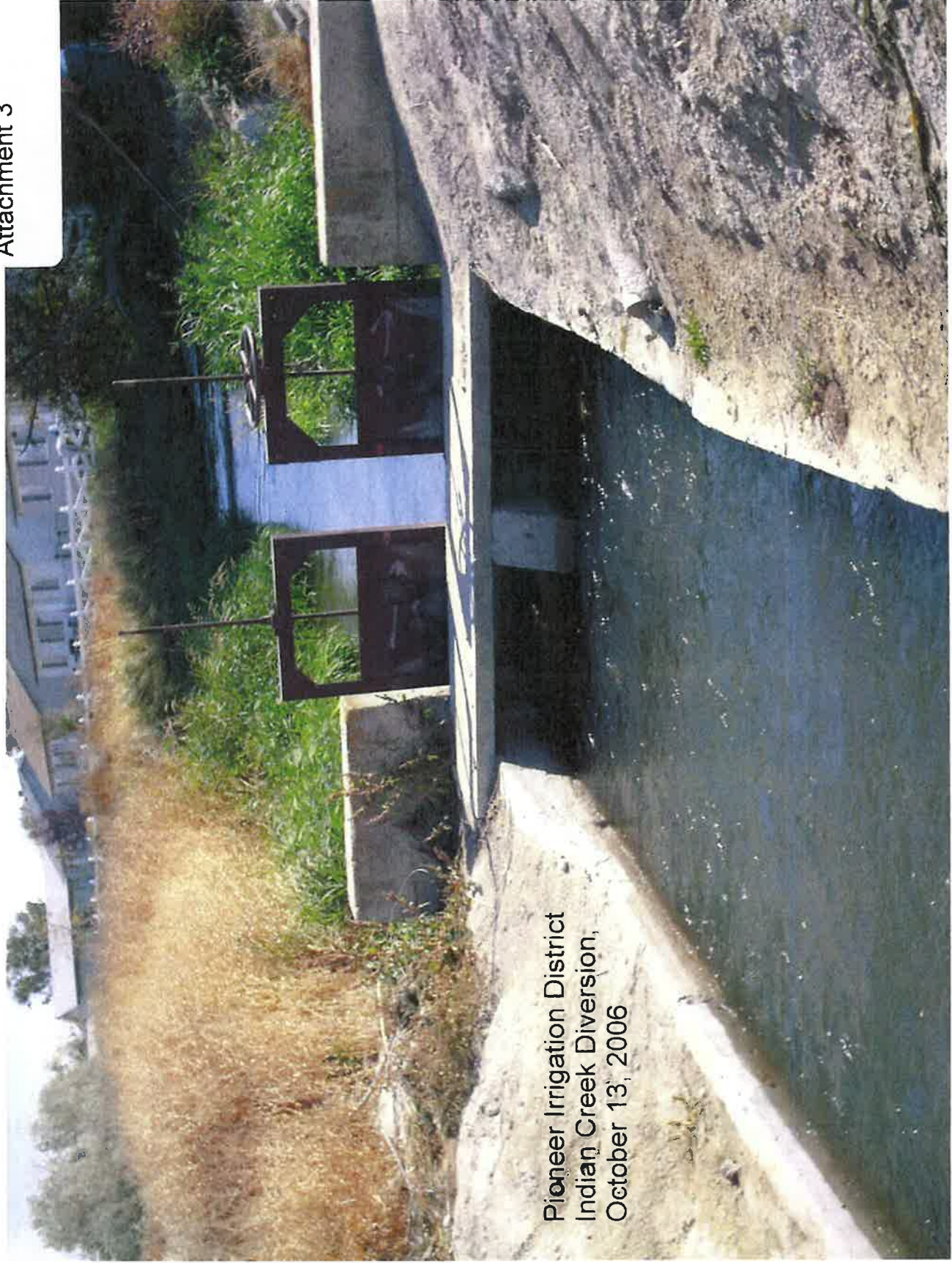
1. USER EXCEEDED SINGLE SUBSECTION 05% EST. Q.
2. THE PRODUCT OF VELOCITY AND DEPTH EXCEEDED THE
SELECTED SOUNDING WEIGHT.
3. INCORRECT METER USED FOR DEPTH OF STREAM.
4. INCORRECT METER USED FOR VELOCITY OF STREAM.
5. ABNORMAL VELOCITY PROFILE CALCULATED.
6. DEPTH ESTIMATED BY USER.
7. VELOCITY ESTIMATED BY USER.

□

Photograph No. 1
Attachment 3

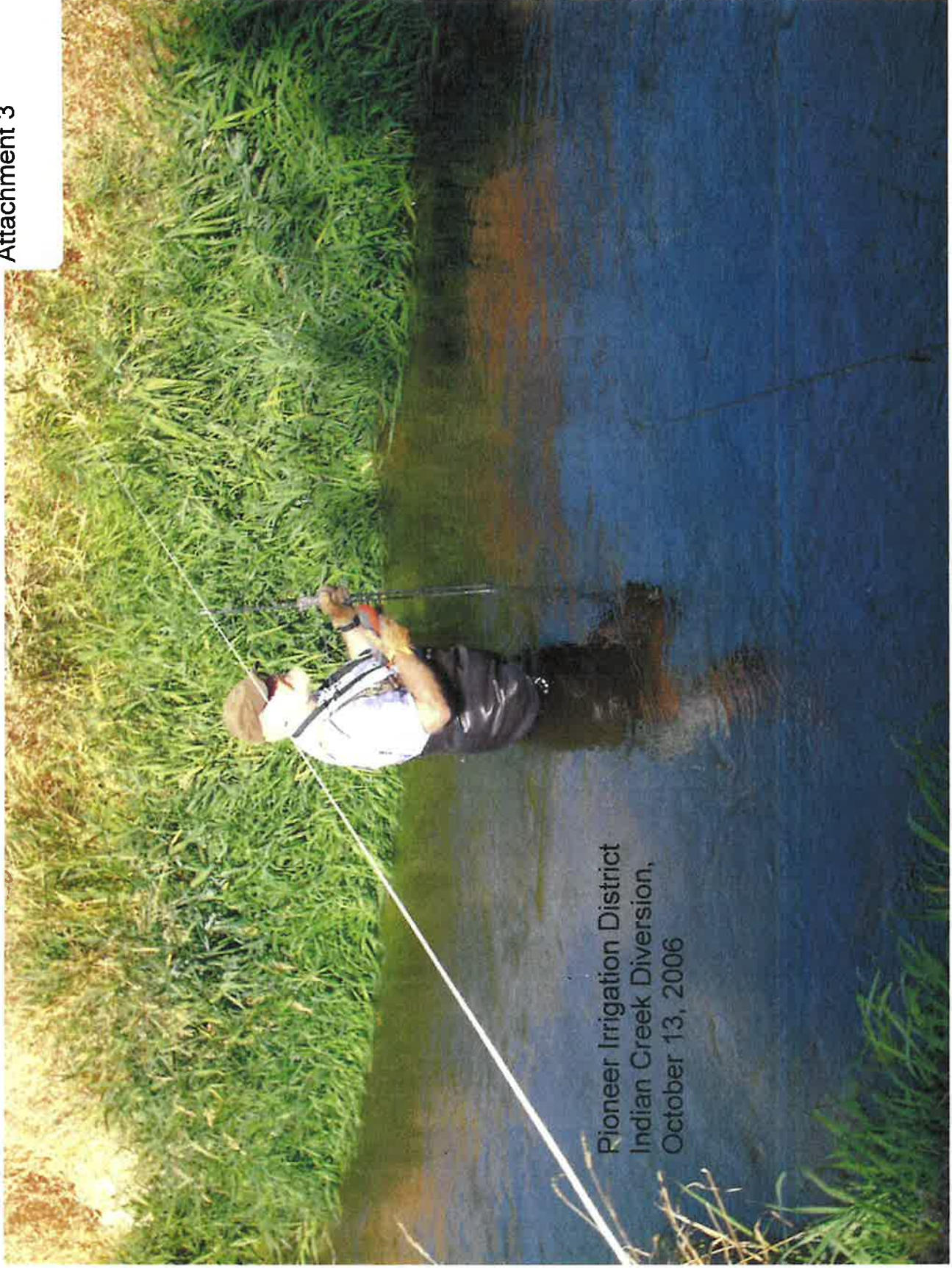


Pioneer Irrigation District
Indian Creek Diversion,
October 13, 2006



Pioneer Irrigation District
Indian Creek Diversion,
October 13, 2006

Photograph No. 3
Attachment 3



Pioneer Irrigation District
Indian Creek Diversion,
October 13, 2006

Photograph No. 4
Attachment 3



Riohuer Irrigation District
Indian Creek Diversion
Division at "Y" and spill to Creek
October 18, 2006

ATTACHMENT 4:
PIPE GULCH DRAIN

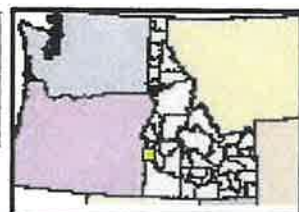
Locate Yourself

The lat/long you provided was 43° 39' 39.800" N; 116° 48' 43.200" W

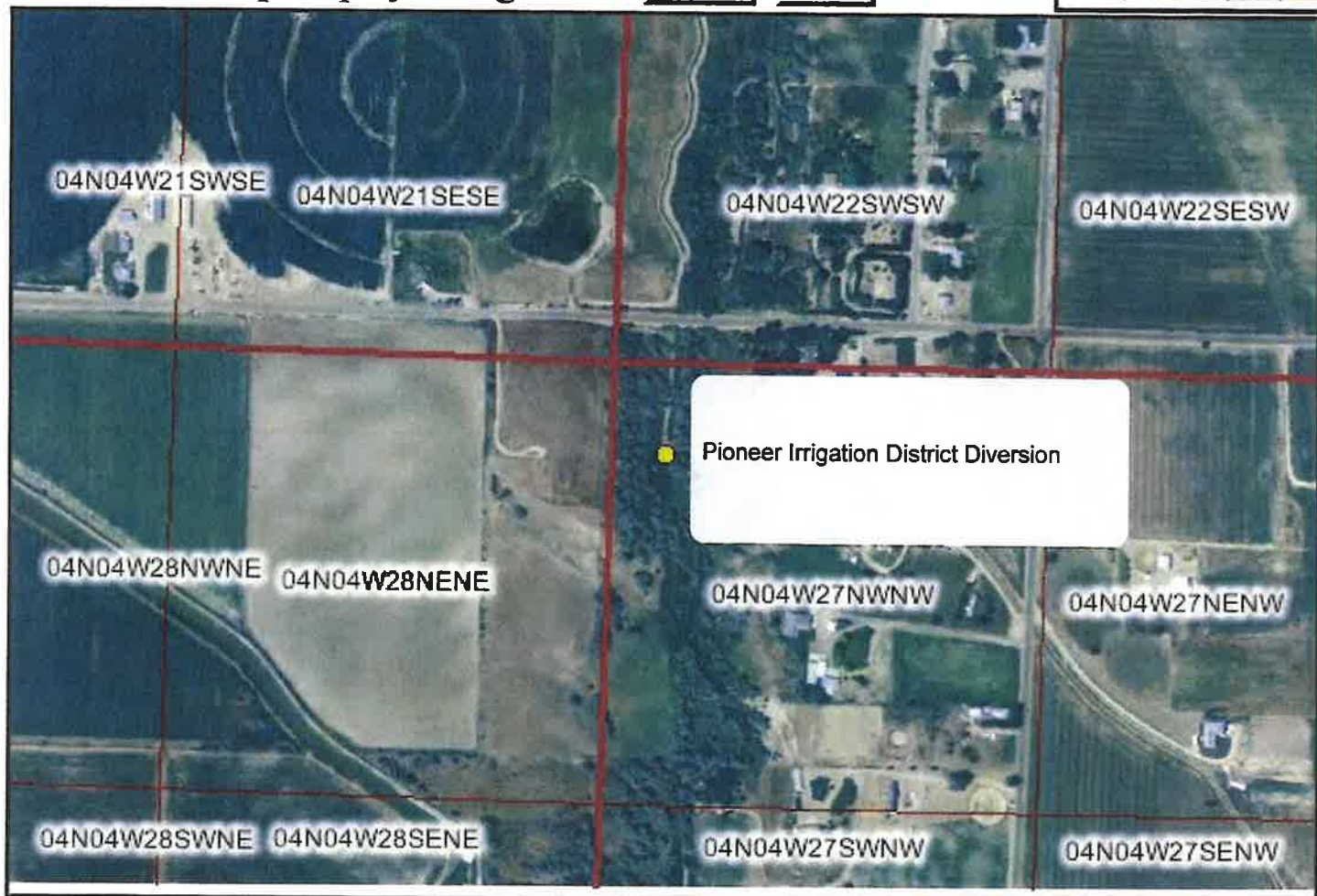
Here are the results:

NW quarter of the **NW** quarter of Section 27, Township **04N**, Range **04W**

IDTM NAD83 coordinates: Easting=2273267; Northing=1388295



Choose the map-display background: **Photo** | **Topo**



Add Layer

☐ Wells ☐ Water Rights ☐ Water Right Permits ☐ Adjudication Claims ☐ Adjudication Recommendations

* Positions of wells/headgates may be based upon the center of a quarter-quarter section; those obtained by GPS or survey are accurate.



Site Number 005 Site Name Pipe Gulch diversion
Time _____ Date 10-13-06
By WAFB E NY Duplicate of Site Number _____
Width 7.50 Area 6.33 Velocity 1.77 G.H. _____ Discharge 11.2
Method _____ No. Secs 19 G.H. change _____ in _____ hr. Susp. rod
Method coef. 1.0 Hor. Angle coef. 1.0 Susp. Coef. 1.0 Meter No. _____
Type of meter pygmy Date rated 2-12 Spin before measurement _____ after ✓
Meter _____ ft. above bottom of weight. Tag checked _____ Levels obtained _____

GAGE READINGS				
Time	Inside			Outside
Weighted M.G.H.				
G.H. correction				
Correct M.G.H.				

Wading, cable, ice, boat, upstream,
downstream, side bridge 20 feet mile,
above, below gage. *culvert*

Aquacalc No. WAH 007

Measurement rated excellent (2%), good (5%), fair (8%), poor (over 8%), estimated, none;
based on the following conditions:

Flow Touchy temper

Cross section sand, grass

Control _____

Control _____
Weather _____ Air _____ • C @ _____ Water _____ • C @ _____

Weather _____
pH _____ Cond _____ μ S TDS _____ Mg/L

DO _____ Mg/L _____ % Meter ID _____

Number of Sections Sampled: _____ EWI _____ EDI _____

Remarks _____

AquaCalc 5000 (tm) by JBS Instruments
 Firmware Version AQCUSH7a (c)1995 1996 1997 1998 1999

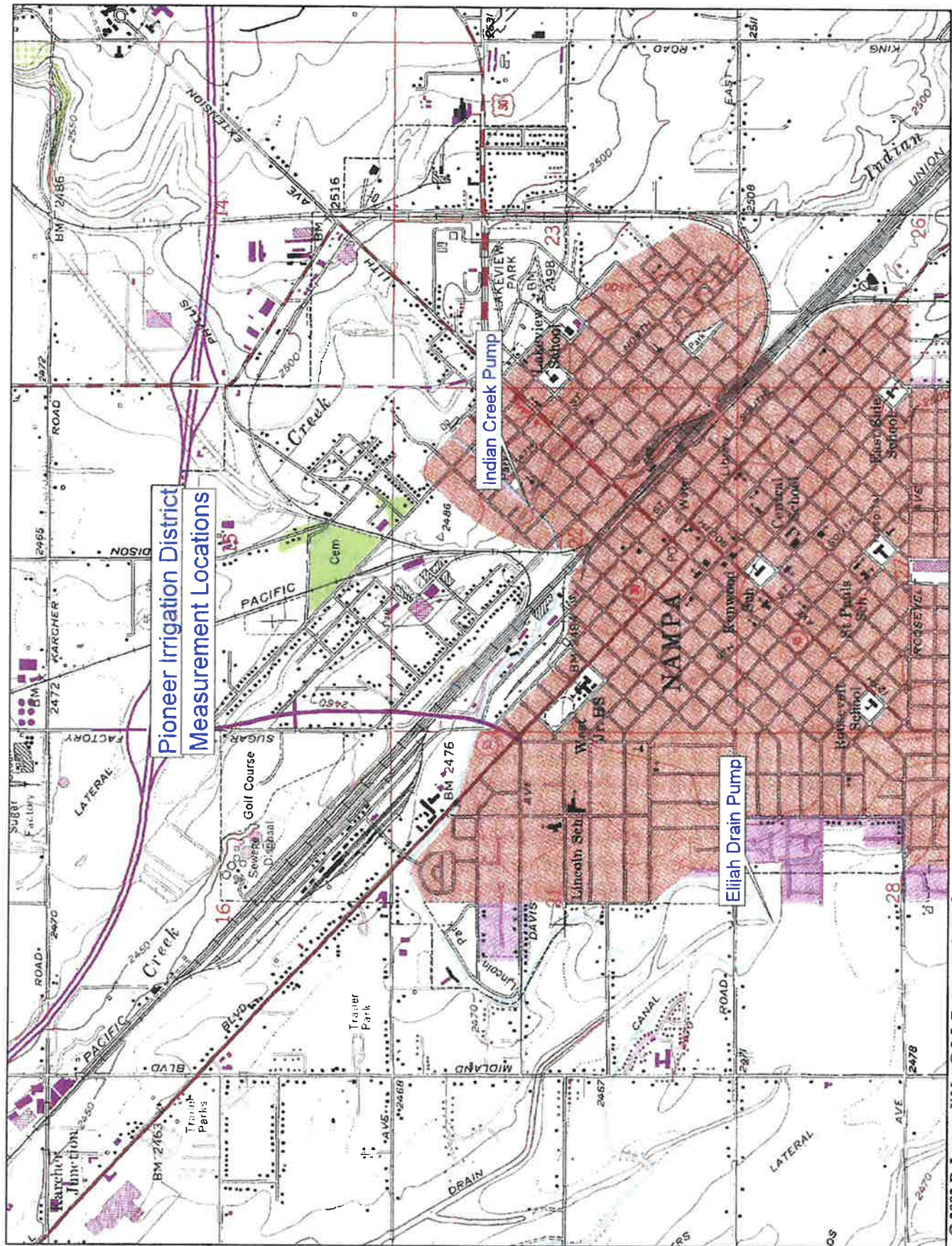
GAGE ID# 005
 NAME Pipe Gulch Diversion
 DATE 10/13/2006
 TRANSECT 05
 USER ID# WAH
 SH BEGIN 0.00
 SH END 0.00
 GH BEGIN 0.00
 GH END 0.00
 EST. DISCHARGE 0.00
 EST. Q (ADJ) 11.20
 METER ID# 000000
 AQUACALC ID# 1
 SOUNDING WT. 0
 START MEAS. AT LEW
 METER TYPE Pygmy ST2
 METER CONST. C1 0.9604
 METER CONST. C2 0.0312
 METER CONST. C3 0.9604
 METER CONST. C4 0.0312
 METER CONST. C5 0.0
 MEASUREMENT TIME 40
 MEAS. SYSTEM SAE
 PERCENT SLOPE 0.00
 TOTAL VERTICALS 20
 TOTAL STATIONS 20
 TOTAL WIDTH 7.50
 TOTAL AREA 6.33
 TOTAL DISCHARGE 11.200
 PCT DIFFERENCE 0.0
 MEAN VELOCITY 1.77
 WETTED PERIMETER 8.12
 HYDRAULIC RADIUS 0.78
 MANNING FACTOR 0.00

OB	DIST	DEPTH	ICE	REVS	TIME	COS:VF	LOC	COEF	CLOCK	VEL	AREA	FLOW(Q)	FLAGS
1	0.00	0.00	0.00	0	0.0	1.00	6	1.00	0:00	0.000	0.000	0.000	
2	0.30	0.00	0.00	0	0.0	1.00	6	1.00	0:00	0.000	0.000	0.000	
3	1.00	0.70	0.00	4	24.6	1.00	6	1.00	16:05	0.187	0.350	0.065	4
4	1.30	0.90	0.00	14	41.4	1.00	6	1.00	16:04	0.356	0.270	0.096	
5	1.60	0.95	0.00	41	40.7	1.00	6	1.00	16:03	0.999	0.285	0.285	
6	1.90	1.08	0.00	73	40.2	1.00	6	1.00	16:02	1.775	0.324	0.575	1
7	2.20	1.15	0.00	114	40.2	1.00	6	1.00	16:07	2.755	0.345	0.950	1
8	2.50	1.05	0.00	131	40.1	1.00	6	1.00	16:08	3.169	0.315	0.998	1 4
9	2.80	1.05	0.00	129	40.3	1.00	6	1.00	16:08	3.105	0.315	0.978	1 4
10	3.10	1.05	0.00	125	40.0	1.00	6	1.00	16:09	3.032	0.315	0.955	1 4
11	3.40	1.10	0.00	120	40.3	1.00	6	1.00	16:10	2.891	0.330	0.954	1
12	3.70	1.15	0.00	120	40.0	1.00	6	1.00	16:11	2.912	0.345	1.005	1
13	4.00	1.25	0.00	122	40.0	1.00	6	1.00	16:12	2.960	0.375	1.110	1
14	4.30	1.25	0.00	122	40.3	1.00	6	1.00	16:13	2.939	0.375	1.102	1
15	4.60	1.30	0.00	116	40.0	1.00	6	1.00	16:14	2.816	0.390	1.098	1
16	4.90	1.22	0.00	62	40.3	1.00	6	1.00	16:15	1.509	0.366	0.552	
17	5.20	1.10	0.00	51	40.2	1.00	6	1.00	16:16	1.250	0.330	0.413	
18	5.50	0.95	0.00	0	0.0	1.00	6	1.00	16:18	0.300	0.285	0.086	
7													
19	5.80	0.88	0.00	0	40.0	1.00	6	1.00	16:20	0.000	1.010	0.000	4
20	7.80	0.00	0.00	0	0.0	1.00	6	1.00	0:00	0.000	0.000	0.000	

1. USER EXCEEDED SINGLE SUBSECTION 05% EST. Q.
2. THE PRODUCT OF VELOCITY AND DEPTH EXCEEDED THE
SELECTED SOUNDING WEIGHT.
3. INCORRECT METER USED FOR DEPTH OF STREAM.
4. INCORRECT METER USED FOR VELOCITY OF STREAM.
5. ABNORMAL VELOCITY PROFILE CALCULATED.
6. DEPTH ESTIMATED BY USER.
7. VELOCITY ESTIMATED BY USER.

□

ATTACHMENT 5:
INDIAN CREEK PUMP DIVERSION



© 2002 DeLorme, XMap® 3.5, Data copyright of content owner.
Scale: 1 : 24,000 Zoom Level: 13-1 Datum: WGS84 Map Rotation: 0° Magnetic Declination: 15.8°E



Photo 1



Photo 2



Photo 3

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

Needs to go on 63-2655 also

DATE: 7/23/10

OBJECTION NOTES:

Per conversation w/Andy Walden the concern is that this right is attached to a different division point than the original claim & statutory claim. The measurement taken that Andy Walden (att'y for Pioneer) is going to submit is for this newer division point. It is the same division pt. as 163-5237 which is issued for 16.2 ex. The measurement can fill both claims now. The idea is to do a transfer after the right is decreed to change the POP. I will discuss with Nick Spencer, our attorney.

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. Starnish.

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. } NO
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 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.

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.

SOU
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
Circulating

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 will
look for one.

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.

OK
needs
SF5
today

WILL WITHDRAW

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

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

← *uncontested overlap.*
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. Dis.
lands
Paul Arington - Representing Mason Creek now.
Trial sched. for Dec. 14, 15 & 16th
Status conf. set for June 8th at 11:30.

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 3.8 cfs per amount filed on claim. Actual measured amount for both wells is 4.02 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. Also corrected AF amount under POU – was 3,989.8 AF/YR and should be 3,898.8. Total was correct. 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.

63-5255 – Objected to quantity. Still no measurement submitted – Andy feels there was a measurement done and he is still tracking it down. Want 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.

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 go into the fall report this year. Both of these need the NMID settlement language on them. I have evidence of a larger diversion flow from the backfile on 63-2114 and the measurement so should be able to recommend late claim. Probably won't want SF5 signed until late claim gets decreed. Andy will need to speak to that, so no SF5 done on 63-2114 yet. *LATE REPORT*

63-21706 – Pioneer ok with .1 cfs (if you can believe it). We are ok with Ada rather than Canyon & zipcode 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.

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's done:

63-161BU

63-224

63-225

63-294

63-295

63-371

63-2275

can go forward to PD as

63-2276

email.

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

an uncontested overlap - send SM Booth an

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

Shurte, Jan

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

— 63-32496 Done
 UNCONTESTED OVERLAP
 SHOOT EMAIL TO TED
 & ANDY. —

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. ^{3.8 cfs} STATUS CONF. 2/25/09

* 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. STATUS CONF. 2/25/09

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. SET STATUS SCHEDULED. CONF AT 10:30 AM.

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. Not ready for SF5s. SET STATUS CONF. 2/23/10 11:00 AM

63-5255 – Objected to quantity. Still no measurement submitted – Andy feels there was a measurement done and he is still tracking it down. Want to add another pod now and I told him to get me some evidence it was in there before 1987. Not ready for SF5. SET STATUS FOR 2/23/00 AT 11:00 AM

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 late claim No. 63-32584. I have evidence of a larger diversion flow from the backfile on 63-2114 and the measurement so should be able to recommend late claim. Probably won't want SF5 signed until late claim gets decreed. Andy will need to speak to that, so no SF5 done on 63-2114 yet. NEEDS A RECOMMENDATION NOT A LATE CLAIM. NEED TO FILE. NEED SETTLEMENT REMARK.

63-21706 – Pioneer ok with .1 cfs (if you can believe it). We are ok with Ada rather than Canyon & zipcode 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. — SM WANTS 63 230M LANGUAGE IF SOU LEFT SET mem

* 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. — DO SF5. — DONE

SF5's done:

63-161BU – COURT HAS
 63-224 – "
 63-225 – "
 63-294 – "
 63-295 – "
 63-371 – "
 63-2275 – WE HAVE
 63-2276 – "

9/8/2009

63-2294

63-5219

63-5237

63-21714 (Sent & returned yet)

63-21731

63-21739

63-32514

63-32515

~~WHAT HAS HAPPENED HERE?~~ BP ISSUED

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

9/8/2009

From 63-230M

Possible settlement in 63-21706 – 9-09

Comment: Per Court Hearing and ruling of Special Master Ted Booth the language in the period of use remark under this right was changed from what appeared on the SF5 as follows (1st sentence only) - Diversion under this water right prior to April 1 and after October 31 shall occur - nothing else changed in the entire paragraph from that which was signed off on and proposed under the SF5. Order will be following this change here.