

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. Stanek.

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 9/09

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 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 on

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.

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

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

← *unconscionable*
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.

*add NMID
ON 63-32584
yes per
memo
Andy
is going
to fight
SF5's*

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.

*Prepare
SF5*

+ 63-32580
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.
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Status conf. set for June 8th at 11:30.

*Sent to Lori to draft
FS on 3-5-10.*

03/05/2010

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

RIGHT NUMBER: 63-9109

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

all that is needed on this one.

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 5.040 CFS
2,449.200 AFY

PRIORITY DATE: 01/25/1978

POINT OF DIVERSION:

T03N R01W S7 SENW Within CANYON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/15 11/15

5.040 CFS
2,449.20 AFY

The use of water for irrigation under this right may begin as early as March 1 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE:

34204.61 ACRES TOTAL

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

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.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

all 9/8 status copy.

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WILL WITHDRAW

lost

will withdraw 63-32513

10 cfs OK

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2114
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Moffatt Thomas

MOFFATT THOMAS BARRETT ROCK & FIELDS, CHTD.

Boise
Idaho Falls
Pocatello
Twin Falls

Eugene C. Thomas
John W. Barrett
R. B. Rock
Richard C. Fields
John S. Simko
John C. Ward
D. James Manning
David B. Lincoln
Gary T. Dance
Larry C. Hunter
Randall A. Peterman
Mark S. Prusynski
Stephen R. Thomas
Glenna M. Christensen
Gerald T. Husch
Scott L. Campbell
Robert B. Burns

Michael E. Thomas
Patricia M. Olsson
Christine E. Nicholas
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Michael O. Roe
Nancy J. Garrett
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James L. Martin
C. Clayton Gill
Michael W. McGraham
David P. Gardner
Tara Martens
Julian E. Gabiola
Kimberly D. Evans Ross
Jason G. Murray
Mark C. Peterson

Paul D. McFarlane
Jon A. Stenquist
Tyler J. Henderson
C. Edward Cather III
Michelle C. Michaud
Andrew J. Waldera
Tyler J. Anderson
Dylan B. Lawrence
Benjamin C. Ritchie
Rebecca A. Rainey
Nathan R. Starnes
Andrew J. Snook

Robert E. Bakes, *of counsel*
Willis C. Moffatt, 1907-1980
Kirk R. Helvie, 1956-2003

July 28, 2008

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RECEIVED

JUL 29 2008

DEPARTMENT OF
WATER RESOURCES

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Boise, ID 83720-0010

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Boise, ID 83720-0098

**Re: Consolidated SRBA Proceeding to Address Annual Diversion Volume
MTBR&F File No. 00UFO.5432**

Dear Counsel:

As you will recall, at the June 5, 2008 initial hearing in Nampa, we agreed to a consolidated proceeding to address the inclusion of new annual diversion volume limitations on previously licensed water rights. Scott Campbell and I agreed to provide you with a list of our clients' water rights to be included in such a proceeding, once we obtained final approval from each client. Here is that list:

Pioneer Irrigation District
63-2529
63-9109

Jan

Jerry L. and Mary Lou Tlucek
63-3323
63-3324

Michael

DBSI Tiegs 979 LLC
63-3163
63-3274

Sandy

Perhaps the next step should be to coordinate a meeting or conference call to discuss the consolidation of these subcases and a potential briefing schedule. Please let me know how you would like to proceed.

David J. Barber
Andrea Courtney
July 28, 2008
Page 2

Thank you for your attention to this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Dylan B. Lawrence", with a long, sweeping horizontal stroke at the end.

Dylan B. Lawrence

DBL/llw

cc: Scott L. Campbell