

RESPONDENT:

Bureau of Reclamation

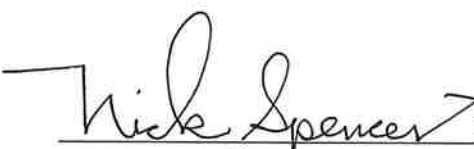


David W. Gehlert 8/10/09
Date
Attorney for Respondent

IDWR Concurrence:



Jan Shurte 9-9-09
Date
Water Rights Supervisor



Nicholas B. Spencer 2-11-09
Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 63-21731

NAME AND ADDRESS: PIONEER IRRIGATION DISTRICT
PO BOX 426
CALDWELL ID 83606 -83605

SOURCE: FIVEMILE CREEK

TRIBUTARY: BOISE RIVER

QUANTITY: 76.600 CFS ~~64.500 CFS~~

PRIORITY DATE: 06/01/1918

POINT OF DIVERSION:

T04N R01W S32 NWNE Within ADA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/01 11/15	<u>76.600 CFS</u> ~~64.500 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 is limited to the irrigation of 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.

SBF
PK
NBS
WJ

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

CERTIFICATE OF MAILING

I certify that on _____, 2009, I mailed the original and copies of this form, 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, IDAHO 83303-2707

2. Copies to:

PIONEER IRRIGATION DISTRICT
Represented by:
SCOTT L. CAMPBELL
101 S. CAPITOL BLVD. 10TH FLOOR
P.O. BOX 829
BOISE, ID 83701-0829

USDI BUREAU OF RECLAMATION
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

NAMPA & MERIDIAN IRR DIST
Represented by:
DANIEL V. STEENSON
455 S. THIRD ST.
P.O. BOX 2773
BOISE, ID 83701-2773

DIRECTOR OF IDWR
P.O. BOX 83720
BOISE, ID 83720-0098

Signature of person or attorney mailing the form

SFS

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-21731 V1

WATER RIGHT NUMBER: 63-21731 V1

Owner Type

Name and Address

Current Owner

PIONEER IRRIGATION DISTRICT
PO BOX 426
CALDWELL, ID 83606
(208)459-3617

→ 05 to 06 for SFS

Attorney

SCOTT L CAMPBELL
MOFFATT THOMAS BARRETT ROCK
& FIELDS CHTD
PO BOX 829
BOISE, ID 83701-0829
(208) 345-2000

Priority Date: 06/01/1918

Basis: Beneficial Use

Status: Active

Source

Tributary

FIVEMILE CREEK

BOISE RIVER

Beneficial Use

From To

Diversion Rate

Annual Volume

IRRIGATION

03/01 to 11/15

64.500 CFS → 76.6 CFS

Total Diversion: 64.500 CFS → 76.6 CFS

Location of Point(s) of Diversion

FIVEMILE CREEK

NW1/4NE1/4

Sec. 32, Twp 04N, Rge 01W, B.M.

ADA County

Place of Use

Conditions 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. 188 This right is limited to the irrigation of 34,204.61 acres within the boundary of the Pioneer Irrigation District.

Remarks:

ADD NMIP KANG - SEE ATTACHED

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-21731 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.

SubCase:

SubCase Number: 63-21731

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:

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

→ language OK
NMID
2294
32514

10/14/2008