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Department of Water Resources

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**BEFORE THE DEPARTMENT OF WATER RESOURCES**

**OF THE STATE OF IDAHO**

| | | |
|---|---|---|
| IN THE MATTER OF THE PETITION FOR ADMINISTRATION BY A&B IRRIGATION DISTRICT, AMERICAN FALLS RESERVOIR DISTRICT # 2, BURLEY IRRIGATION DISTRICT, MILNER IRRIGATION DISTRICT, MINIDOKA IRRIGATION DISTRICT, NORTH SIDE CANAL COMPANY, AND TWIN FALL CANAL COMPANY | ) | **STATE AGENCY GROUND WATER USERS' QUESTION FOR STATUS CONFERENCE** |

The State Agency Ground Water Users (the Idaho Department of Juvenile Corrections, the Idaho Department of Health & Welfare, the Idaho Department of Fish & Game, and the Idaho Transportation Department), by and through their counsel of record Michael S. Gilmore, Deputy Attorney General, hereby file these written questions for the status conference of Wednesday, April 27, 2005, pursuant to the Director's Notice of Status Conference dated Friday, April 22, 2005:

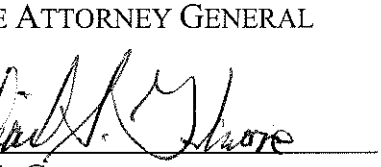
1. Do the Petitioners or does the Director take the position that any of the water rights listed in the State Agency Ground Water Users' Answer are subject to the Director's Order of April 19, 2005, regarding curtailment or mitigation of ground water users?

2. If any of the State Agency Ground Water Users' water rights are subject to the Director's Order of April 19, 2005, regarding curtailment or mitigation of ground water users, do the Petitioners or does the Director take the position that wildlife uses or small industrial uses (e.g., 0.06 cfs) may be curtailed or forced to mitigate when there are or may be domestic or stock watering ground water rights in the area defined for curtailment or mitigation that are junior to that wildlife or industrial use and that are not subject to curtailment or mitigation? If that answer to that question is yes, is the answer consistent with governing constitutional and statutory principles regarding priority of appropriation?

For the convenience of the Director and the Petitioners, the appendix to this filing lists the ground water rights that are subject to this question.

DATED this 25th day of April, 2005.

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL

By 
MICHAEL S. GILMORE
Deputy Attorney General

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25th day of April, 2005, I caused to be served a true and correct copy of the foregoing by regular U.S. Mail, postage prepaid, to:

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**No. 21-11972. The Idaho Department of Juvenile Corrections**, St. Anthony Juvenile Corrections Center, has a beneficial use ground water right for irrigation (No. 21-11972) to 0.9 cfs with a priority date of January 1, 1909, in T 7N R40E Sec 2, for:

40 acres in the NWNW ¼¼ section.

as shown by the IDWR Adjudication Claim Report for Water Right No. 27-11972.

**No. 27-11987. The Idaho Department of Health & Welfare**, State Hospital South, has a beneficial use ground water right for irrigation (No. 27-11987) to 0.44 cfs with a priority date of April 1, 1899, in T 3S, R 35E, Sec 2, for:

3 acres in the NWSW ¼¼ section,
1.8 acres in the SESW ¼¼ section,
1.2 acres in the SWSE ¼¼ section,
16 acres in the SWSW ¼¼ section, and

as shown by the IDWR Adjudication Claim Report for Water Right No. 27-11987.

**No. 27-7084. The Idaho Department of Health & Welfare**, State Hospital South, has a licensed ground water right for irrigation (No. 27-7084) to 3.11 cfs with a priority date of May 9, 1977, in T 3S, R 35E, Sec 2, for:

39 acres in the NESE ¼¼ section,
14 acres in the NESW ¼¼ section,
36 acres in the NWSE ¼¼ section,
38 acres in the NWSW ¼¼ section,
39 acres in the SESE ¼¼ section,
34 acres in the SESW ¼¼ section,
39 acres in the SWSE ¼¼ section, and
38 acres in the SWSW ¼¼ section,

as shown by the IDWR Water Right License No. 27-7084 and the IDWR Adjudication Claim Report for Water Right No. 27-7084.

**No. 27-7478. The Idaho Department of Health & Welfare**, State Hospital South, has a licensed ground water right for irrigation (No. 27-7478) to 2.2 cfs with a priority date of May 31, 1989, in T 3S, R 35E, Sec 1, for:

38 acres in the NESW ¼¼ section,
39 acres in the NWSW ¼¼ section,
39 acres in the SESW ¼¼ section, and
39 acres in the SWSW ¼¼ section,

and in T 3 S, R 35 E, Sec 2, for:

16 acres in the NESW ¼¼ section,
39 acres in the NESE ¼¼ section,
37 acres in the NWSE ¼¼ section,
39 acres in the SESE ¼¼ section,
34 acres in the SESW ¼¼ section, and
39 acres in the SWSE ¼¼ section,

and in T 3 S, R 35 E, Sec 12, for:

12 acres in the NENW ¼¼ section,

as shown by the IDWR Water Right License No. 27-07478 and the IDWR Adjudication Claim Report for Water Right No. 27-7478.

**No. 31-2316. The Idaho Department of Fish & Game**, has an SRBA decreed ground water right for irrigation and for wildlife (No. 31-2316) to 7.5 cfs with a priority date of February 18, 1953:

(i) Irrigation:

in T 7N, R 34E, Sec 25, for:

3.3 acres in the SENE ¼¼ section,
28 acres in lot 1 of the NESE ¼¼ section, and
6.6 acres in lot 5 the SESE ¼¼ section,

and in T 7N, R 35E, Sec 29, for:

13 acres in the NESE ¼¼ section,
4.1 acres in the NWSE ¼¼ section,
16 acres in the NWSW ¼¼ section,
5.2 acres in the SENE ¼¼ section,
9.9 acres in the SESE ¼¼ section,
32 acres in the SESW ¼¼ section,
35 acres in the SWSE ¼¼ section, and
40 acres in the SWSW ¼¼ section,

and in T 7N, R 35E, Sec 30, for:

40 acres in the NESE ¼¼ section,
29 acres in the NESW ¼¼ section,
39 acres in the NWSE ¼¼ section,
21 acres in lot 3 of the NWSW ¼¼ section,
18 acres the SENE ¼¼ section,

40 acres in the SESE ¼¼ section,
23 acres in the SESW ¼¼ section,
0.2 acres in lot 2 of the SWNW ¼¼ section,
7.9 acres in the SWNE ¼¼ section,
40 acres in the SWSE ¼¼ section, and
9.8 acres in lot 4 of the SWSW ¼¼ section,

and in T 7N, R 35E, Sec 31, for:

2.7 acres in lot 1 of the NENE ¼¼ section, and
2 acres in lot 2 of the NWNE ¼¼ section,

and in T 7N, R 35E, Sec 32, for:

4.5 acres in lot 3 of the NENW ¼¼ section,
0.6 acres in lot 2 of the NWNE ¼¼ section, and
14 acres in lot 4 of the NWNW ¼¼ section, and

(ii) Wildlife:

in T 7N, R 34E, Sec 25, for:

lot 1 of the NESE ¼¼ section,
lot 2 of the NWSE ¼¼ section,
the SENE ¼¼ section,
lot 5 of the SESE ¼¼ section, and
the SWNE ¼¼ section,

and in T 7N, R 34E, Sec 20, for:

the SESE ¼¼ section,

and in T 7N, R 34E, Sec 28, for:

the NESW ¼¼ section,
the NWNW ¼¼ section,
the NWSW ¼¼ section,
the SWNW ¼¼ section,
the SWSW ¼¼ section,

and in T 7N, R 35E, Sec 29, for:

the NENE ¼¼ section,
the NESE ¼¼ section,
the NWSE ¼¼ section,
the NWSW ¼¼ section,
the SENE ¼¼ section,
the SESE ¼¼ section,

the SESW ¼¼ section,
the SWNW ¼¼ section,
the SWSE ¼¼ section, and
the SWSW ¼¼ section,

and in T 7N, R 35E, Sec 30, for:

the NESE ¼¼ section,
the NESW ¼¼ section,
the NWSE ¼¼ section,
lot 3 of the NWSW ¼¼ section,
the SESE ¼¼ section,
the SESW ¼¼ section,
lot 2 of the SWNW ¼¼ section,
the SWNE ¼¼ section,
the SWSE ¼¼ section, and
lot 4 of the SWSW ¼¼ section,

and in T 7N, R 35E, Sec 31, for:

lot 1 of the NENE ¼¼ section, and
lot 2 of the NWNE ¼¼ section,

and in T 7N, R 35E, Sec 32, for:

lot 3 of the NENW ¼¼ section,
lot 2 of the NWNE ¼¼ section, and
lot 4 of the NWNW ¼¼ section,

and in T 7N, R 35E, Sec 33, for:

the NWNW ¼¼ section,

as partially decreed by the SRBA court for Water Right No. 31-02316 on February 22, 2002.

**No. 31-2448B. The Idaho Department of Fish & Game**, has a licensed ground water right for irrigation and for wildlife (No. 31-2448B) to 0.2 cfs for irrigation and 6 cfs for wildlife (with a total diversion of 6.0 cfs) with a priority date of January 3, 1949:

(i) Irrigation:

in T 7N, R 35E, Sec 25, for:

10 acres in the NESE ¼¼ section, and

(ii) Wildlife:

in T 7N, R 34E, Sec 21, for:

the NWSE ¼¼ section,
the NWSW ¼¼ section,
the SESW ¼¼ section, and
the SWSW ¼¼ section,

and in T 7N, R 34E, Sec 28, for:

the NENW ¼¼ section,
the NWNW ¼¼ section,
the SENW ¼¼ section, and
the SWNW ¼¼ section,

as shown by the IDWR Adjudication Claim Report for Water Right No. 31-2448B.

**No. 31-7372. The Idaho Transportation Department**, Division of Highways, has an SRBA decreed ground water right for industrial use (No. 31-7372) to 0.05 cfs with a priority of January 1, 1982, in T 6N, R 34E, Sec 18 for:

Industrial use for the Mud Lake Maintenance Shed

as partially decreed by the SRBA Court for Water Right No. 31-07372 on February 22, 2002.