

## BASIN 29 GENERAL PROVISIONS

**The Director of the Idaho Department of Water Resources recommends to the Snake River Basin Adjudication District Court that the following general provisions be included in the decree determining rights to water from Basin 29.**

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The following water rights from the following sources of water in Basin 29 shall be administered separately from all other water rights in Basin 29 in accordance with the prior appropriation doctrine as established by Idaho law:

<u>Water Right No.</u>	<u>Source</u>
29-10011A	Spring tributary to Papoose Creek
29-10011B	Spring tributary to Papoose Creek
29-10103	Spring tributary to Papoose Creek

The following water rights from the following sources of water in Basin 29 shall be administered separately from all other water rights in the Snake River Basin in accordance with the prior appropriation doctrine as established by Idaho law:

<u>Water Right No.</u>	<u>Source</u>
None	None

Except as otherwise specified above, all other water rights within Basin 29 will be administered as connected sources of water in the Snake River Basin in accordance with the prior appropriation doctrine as established by Idaho law.

## SPECIAL NOTICES

(Special notices concerning certain Basin 29 rights were filed with the Director's Report)

**SPECIAL NOTICE REGARDING WATER RIGHTS  
ADJUDICATED IN *LUNDBURG V. COLLINS***

You are receiving this Special Notice because your water right(s) was subject to a Stipulation that was entered into in the *Lundburg v. Collins* case, Civil Case No. 40779-A. This case was incorporated into the SRBA, Civil Case No. 39576.

Claims for irrigation and other water rights within Basin 29 were previously adjudicated in *Lundburg v. Collins*. The water rights for uses other than domestic are:

29-4177A (subsequently split into water right nos. 29-13364 and 29-13365)  
29-4177B

The parties to *Lundburg v. Collins* entered into a *Stipulation to Dismiss Amended Complaint, Counterclaim and Crossclaim; Stipulation to Amend Director's Report; Stipulation to Withdraw Objection to Director's Report; Stipulation for Entry of Partial Final Decree* which was filed with the SRBA Court on July 7, 1993. On August 6, 1993, the SRBA Court issued its *Order Dismissing Amended Complaint, Counterclaim and Crossclaim and Order Requiring Submission of Partial Final Decree*. An Objection and Response period was set in *Lundburg v. Collins*. Thus, the parties to that case cannot file objections to the above listed water rights in the Basin 29 Director's Report for Irrigation and Other Water Rights filed with District Court in the SRBA. No other parties to the SRBA were given notice and opportunity to object to those recommendations at that time.

No Final Partial Decree has been issued for the water rights listed above that were the subject of *Lundburg v. Collins*.

The Director's recommendations for the water right claims listed above are now being re-recommended in the present Director's Report so that all SRBA claimants who were not previously given notice and opportunity to object may now do so. However, the claimants of the water right claims listed above and other parties to *Lundburg v. Collins*, who already have been given notice and opportunity to object are now prohibited by from filing objections to the water rights listed above. See *Lundburg v. Collins*, Civil Case Nos. 39576, and 40779-A, *Stipulation to Dismiss Amended Complaint, Counterclaim and Crossclaim; Stipulation to Amend Director's Report; Stipulation to Withdraw Objection to Director's Report; Stipulation for Entry of Partial Final Decree* (July 7, 1993). Copies of these documents may be obtained from the SRBA District Court at the following address: Clerk of the District Court, Snake River Basin Adjudication, PO Box 2707, Twin Falls, ID 83303-2707.

**SPECIAL NOTICE REGARDING PAPOOSE CREEK WATER RIGHTS  
ADJUDICATED IN THE *SMITH V. SCOFFIELD* DECREE**

You are receiving this Special Notice because your water right(s) are subject to prior partial decrees issued by the SRBA District Court in the case, *Smith v. Scoffield*, Civil Case Nos. 39576, and 40869-A, Final Partial Decree (November 4, 1992).

Claims for the use of water within the Papoose Creek drainage of Basin 29 were previously adjudicated in *Smith v. Scoffield* and were incorporated into the SRBA. The *Final Partial Decree* for the water rights that were the subject of *Smith v. Scoffield*, was issued on November 4, 1992. Additionally, the irrigation water rights in that case were recommended in IDWR's *Preliminary Director's Report for Basin 29* on February 12, 2003. The *Preliminary Director's Report* recommended these water rights as they were partially decreed in *Smith v. Scoffield* and included the following remark:

"A Final Partial Decree was issued for this right in *Smith v. Scoffield* as part of the SRBA on November 4, 1992."

The water right numbers for the irrigation and other water rights that were partially decreed in *Smith v. Scoffield* are:

29-4064A	29-4064B	29-4064C	29-4064D
29-4067	29-10010		

The parties to that case cannot file objections to the above listed water rights in the Basin 29 Director's Report for Irrigation and Other Water Rights filed with District Court in the SRBA. No other parties to the SRBA were given notice and opportunity to object to those recommendations at that time.

The Director's recommendations for the water right claims listed above are now being re-recommended in the present Director's Report so that all SRBA claimants who were not previously given notice and opportunity to object may now do so. However, the claimants of the water right claims listed above and other parties to *Smith v. Scoffield*, who already have been given notice and opportunity to object are now prohibited by SRBA Court order from filing objections to the water rights listed above. See *Smith v. Scoffield*, Civil Case Nos. 39576, and 40869-A, Final Partial Decree (November 4, 1992). Copies of this document may be obtained from the SRBA District Court at the following address: Clerk of the District Court, Snake River Basin Adjudication, PO Box 2707, Twin Falls, ID 83303-2707.

DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED \_\_\_\_\_

2004 MAR 30 AM 10 32

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	SRBA Case No. 39576
	)	
	)	ORDER RESCINDING PARTIAL DECREE
	)	FOR UNCONTESTED GENERAL
Case No. 39576	)	PROVISIONS ON CONNECTED SOURCES
	)	IN IDWR ADMINISTRATIVE BASIN 29
	)	AND
	)	ORDER OF RECOMMITMENT TO
_____	)	SPECIAL MASTER

On March 24, 2004, a *Partial Decree* was issued for the *General Provision on Connected Sources in IDWR Administrative Basin 29*, which was initially determined to be uncontested. Subsequent to the issuance of the *Partial Decree*, it was determined that there exist objections to the general provisions raised in the individual objections to at least 38 water rights in Basin 29, wherein it is alleged the source for the rights should be administered separately from other sources within the basin.

Therefore, IT IS ORDERED that the *Partial Decree* previously issued on March 23, 2004, for the *General Provision on Connected Sources in IDWR Administrative Basin 29* is **RESCINDED** and the matter is recommitted to the Special Master for resolution in the individual objections in accordance with the *Order of Reference* previously issued for the irrigation and other rights in Basin 29.

DATED March 29, 2004.

\_\_\_\_\_  
JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

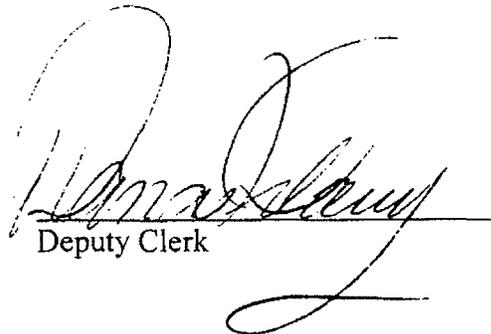
**CERTIFICATE OF MAILING**

I certify that a true and correct copy of the **ORDER RESCINDING PARTIAL DECREE FOR UNCONTESTED GENERAL PROVISIONS ON CONNECTED SOURCES IN IDWR ADMINISTRATIVE BASIN 29 AND ORDER OF RECOMMITMENT TO SPECIAL MASTER** was mailed on March 29, 2004, with sufficient first-class postage to the following:

IDWR Document Depository  
PO Box 83720  
Boise, ID 83720-0098

United States Department of Justice  
Environment & Nat'l Resources Div  
550 W Fort Street, MSC 033  
Boise, ID 83724

Chief, Natural Resources Division  
Office of Attorney General  
PO Box 44449  
Boise, ID 83711-4449



Deputy Clerk



to Pocatello's *Objection* on separate streams and administration by the United States and other parties were dismissed with prejudice. (*See, Order Dismissing Portions of Objections and Responses with Prejudice*)(Subcase Nos. 29-271 *et.al.*) (July 14, 2006.)

## II. CONCLUSIONS

Therefore, all *Objections* in Basin 29 relating to the General Provisions have been resolved. There are no outstanding *Objections* to the *Director's Recommendation*. Therefore, IT IS RECOMMENDED that the Basin 29 General Provisions be decreed as recommended in the *Director's Report* and as set forth in the attached Exhibit 3.

Dated: October 25, 2013.

  
\_\_\_\_\_  
BRIGETTE BILYEU,  
Special Master  
Snake River Basin Adjudication

## BASIN 29 GENERAL PROVISIONS

The Director of the Idaho Department of Water Resources recommends to the Snake River Basin Adjudication District Court that the following general provisions be included in the decree determining rights to water from Basin 29.

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The following water rights from the following sources of water in Basin 29 shall be administered separately from all other water rights in the Snake River Basin in accordance with the prior appropriation doctrine as established by Idaho law:

<u>Water Right No.</u>	<u>Source</u>
None	None

Except as otherwise specified above, all other water rights within Basin 29 will be administered as connected sources of water in the Snake River Basin in accordance with the prior appropriation doctrine as established by Idaho law.

2003 JUL 11 AM 9 50  
FILED  
DISTRICT COURT - SABA  
SNAKE RIVER BASIN ADJUDICATION

*Exhibit 1*

SUBCASE#	CLAIMANT NAME	FILE#	STATUS
29-00271	CITY OF POCATELLO	272	50
29-00272	CITY OF POCATELLO	271	50
29-00273	CITY OF POCATELLO	153	50
29-02274	CITY OF POCATELLO	270	50
29-02338	CITY OF POCATELLO	269	50
29-02354	CITY OF POCATELLO	323	50
29-02382	CITY OF POCATELLO	268	50
29-02401	CITY OF POCATELLO	267	50
29-02499	CITY OF POCATELLO	266	50
29-04221	CITY OF POCATELLO	309	50
29-04222	CITY OF POCATELLO	265	50
29-04223	CITY OF POCATELLO	264	50
29-04224	CITY OF POCATELLO	263	50
29-04225	CITY OF POCATELLO	153	50
29-04226	CITY OF POCATELLO	288	50
29-07106	CITY OF POCATELLO	289	50
29-07118	CITY OF POCATELLO	311	50
29-07119	CITY OF POCATELLO	153	50
29-07222	CITY OF POCATELLO	324	50
29-07322	CITY OF POCATELLO	287	50
29-07375	CITY OF POCATELLO	286	50
29-07431	CITY OF POCATELLO	312	50
29-07450	CITY OF POCATELLO	285	50
29-07502	CITY OF POCATELLO	325	50
29-07770	CITY OF POCATELLO	313	50
29-07782	CITY OF POCATELLO	284	50
29-11339	CITY OF POCATELLO	283	50
29-11344	CITY OF POCATELLO	282	50
29-11348	CITY OF POCATELLO	281	50
29-13558	CITY OF POCATELLO	280	50
29-13559	CITY OF POCATELLO	279	50
29-13560	CITY OF POCATELLO	278	50
29-13561	CITY OF POCATELLO	277	50
29-13562	CITY OF POCATELLO	276	50
29-13636	CITY OF POCATELLO	310	50
29-13637	CITY OF POCATELLO	275	50
29-13638	CITY OF POCATELLO	274	50
29-13639	CITY OF POCATELLO	273	50

TOTAL SUBCASES IN THIS LIST: 38

Exh. B. 1 2

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<u>Water Right No.</u>	<u>Source</u>
None	None

Except as otherwise specified above, all other water rights within Basin 29 will be administered as connected sources of water in the Snake River Basin in accordance with the prior appropriation doctrine as established by Idaho law.

Exhibit 3

COUNTY OF TWIN FALLS  
 Fifth Judicial District  
 County of Twin Falls - State of Idaho  
 OCT 25 2013  
 By \_\_\_\_\_ Clerk  
 Deputy Clerk

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
 STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA )  
 Case No. 39576 )  
 )  
 )  
 )  
 )  
 )  
 )  
 \_\_\_\_\_ )

CERTIFICATE OF MAILING

CERTIFICATE OF MAILING

I certify that a true and correct copy of the **SPECIAL MASTER'S REPORT AND RECOMMENDATION ON BASIN 29 GENERAL PROVISION** was mailed on October 25, 2013, with sufficient first-class postage prepaid to the following:

DIRECTOR OF IDWR  
 PO Box 83720  
 Boise, Idaho 83720-0098

Chief, Natural Resources Division  
 Office of the Attorney General  
 State of Idaho  
 PO BOX 44449  
 Boise, Idaho 83711-4449

U.S. Department of Justice  
 Environment & Natural Resources Division  
 550 W Fort St., MSC 033  
 Boise, Idaho 83724

  
 Janet Connell  
 Deputy Clerk