# NOTICE OF FILING SUPPLEMENTAL REPORTS FOR REPORTING AREA 1 (IDWR BASIN 34) REGARDING REVISION OF THE FOLLOWING:

- **Period of Use (For Irrigation Water Uses)**
- **Conjunctive Management General Provisions**

## EXPLANATION

In response to the Idaho Supreme Court's decision in Basin-wide Issue 5, the Snake River Basin Adjudication (SRBA) District Court requested the Director of the Idaho Department of Water Resources (IDWR) to file supplemental reports for Basin 34 regarding the period of use for irrigation water uses and conjunctive management general provisions. This notice is to inform you that IDWR has filed those reports with the SRBA District Court.

### Irrigation Season of Use

The supplemental report on irrigation season of use changes IDWR's recommendation for the irrigation season of use for irrigation water rights in Basin 34. Even water rights that have received partial decrees are receiving a new irrigation season recommendation because the Idaho Supreme Court determined that the use of the term "irrigation season" is not acceptable and specific dates must be set. The irrigation season of use recommendations only affect the season of use, and no other elements of the irrigation water rights.

If you claimed an irrigation water right a description of the Director's irrigation season of use recommendation for your claim is attached to this Notice. You need to carefully review the new season of use recommended for your irrigation right. The complete Irrigation Season of Use Supplemental Report for Basin 34 is available at the SRBA courthouse in Twin Falls and the locations listed on the third page of this notice. Copies of the report can be made, but you may be charged for copying and mailing.

### Conjunctive Management General Provisions

Additionally, the Director of IDWR has filed with the SRBA District Court his supplemental report on conjunctive management for Basin 34, along with related provisions regarding the interconnection of water resources within the Snake River Basin. This Report is the Director's recommendation for the conjunctive management general provisions that should be decreed for Basin 34. Attached to this Notice is a complete copy of the conjunctive management general provisions the Director recommends for Basin 34.

## INSTRUCTIONS FOR REVIEWING THESE REPORTS

You are free to agree or disagree with the Director's recommendations. If you agree with the Director's recommendations you do not need to do anything, pending further notice as described below. If you disagree with the Director's recommendations, you need to file an objection as described below. **You may only object to the Director's recommendations on irrigation season of use and conjunctive management.** You may not object to any other elements of your water right under this notice unless you have evidence that the irrigation season of use or conjunctive management recommendations affect other elements of your right.

## INSTRUCTIONS FOR TAKING AN ISSUE TO COURT

***What do I do if I disagree with a conjunctive management provision or a season of use recommendation?***

If you disagree with a conjunctive management provision, or the season of use recommendation for your water right or anyone else's water right, and want to be heard in court, file an objection with the SRBA Court. Objections must be made on the standard objection form attached to this Notice. Copies are available from any IDWR office or from the SRBA Court. You may also download a copy of the objection form from the SRBA Web Site at www.srba.state.id.us.

Your objection to IDWR's conjunctive management provision, or the irrigation season of use for the rights listed above must be **received** by the SRBA Court on or before **July 30, 1999**.

***What do I do if someone else objects to a conjunctive management provision or a season of use recommendation?***

If someone files an objection to a conjunctive management provision, or the season of use recommendation for your water right or anyone else's water right, you may file a response to that objection. Responses to objections must be made on the standard response form available from any IDWR office or from the SRBA Court. Your response must be **received** by the SRBA Court on or before **September 10, 1999.**

***What happens if there are no objections to a recommendation?***

After the deadline for filing objections, the SRBA Court will hear the uncontested recommendations on **October 19, 1999**, at **1:30 P.M.** at the **SRBA Courthouse**. Any part of the report to which no objections are filed may be decreed by the district court.

***How will I know about the proceedings on water right recommendations to which objections were filed?***

A notice will be mailed to you for court dates on your water right or for those where you filed an objection or a response. You will not receive notice of court dates on any other water right recommendations. Additional information regarding the SRBA can be found on the SRBA Web Site at www.srba.state.id.us.

> *Note:* The SRBA Court publishes a monthly Docket Sheet listing all objections and responses filed. It does not list court dates for individual water right cases, but provides general information helpful to all participants in the SRBA. The Docket Sheet is available at your county courthouse and all IDWR offices, or you may subscribe by contacting the SRBA Court or IDWR. The annual subscription fee is $7.50. The Docket Sheet is also available on the SRBA Web Site at www.srba.state.id.us.

## ADDITIONAL INFORMATION

If you have questions about the SRBA, public information brochures are available at any IDWR office. You are also welcome to call IDWR at any of its offices or the SRBA Court. You may also want to consider contacting an attorney to assist you.

**Snake River Basin Adjudication**
***District Court***
253 Third Avenue North
P.O Box 2707
Twin Falls, Idaho 83303-2707
(208) 736-3011

**Idaho Department of Water Resources**
***Western Region***
2735 Airport Way
Boise, Idaho 83705-5082
(208) 334-2190

**Idaho Department of Water Resources**
***Southern Region***
1341 Fillmore, Suite 200
Twin Falls, Idaho 83301-3380
(208) 736-3033

**Bingham County Courthouse**
501 N. Maple
Blackfoot, ID 83221

**Custer County Courthouse**
801 Main St.
Challis, ID 83226

**Bonneville County Courthouse**
605 N. Capital Ave.
Idaho Falls, ID 83402

**Idaho Department of Water Resources**
1301 North Orchard
Box 83720
Boise, Idaho 83720-0098
(208) 327-7906
(800) 451-4129

**Idaho Department of Water Resources**
***Northern Region***
1910 Northwest Blvd., Suite 210
Coeur d'Alene, ID 83814-2615
(208) 769-1450

**Idaho Department of Water Resources**
***Eastern Region***
900 North Skyline, Suite A
Idaho Falls, Idaho 83402-3653
(208) 525-7161

**Butte County Courthouse**
248 W. Grand Ave.
Arco, ID 83213

**Jefferson County Courthouse**
134 N. Clark
Rigby, ID 83442

**Clark County Courthouse**
320 W. Main
Dubois, ID 83423

The director recommends that the following general provisions be included in the decree determining rights to water from Basin 34.

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1. The following definitions apply to these provisions:

   a. The "Howell gage" is a stream gaging station on the Big Lost River located upstream from Mackay Reservoir in the SE¼NE¼NW¼, Section 30, Township 8 North, Range 21 East, B.M.

   b. The "2-B gage" is a stream gaging station on the Big Lost River located downstream from Mackay Dam in the SW¼SW¼NE¼, Section 18, Township 7 North, Range 24 East, B.M.

   c. Mackay Reservoir is "full" when the water surface elevation of the reservoir is at the spillway crest as it was configured on November 19, 1987.

   d. The "Back Channel" separates from the main channel of the Big Lost River in the NE¼NE¼, Section 5, Township 8 North, Range 22 East, B.M.

   e. "Basin 34" refers to IDWR Administrative Basin 34 as it is described in the Amended Director's Report Part 1 for Reporting Area 1 (Basin 34) dated December 15, 1995.

   f. As used in these provisions the term "water rights" refers to water rights as decreed in the case In Re SRBA, Fifth Judicial District Court Case No. 39576.

2. During the time period from November 1 of each year to the beginning of the subsequent irrigation season (the "non-irrigation period"), all or a portion of the water of the Big Lost River flowing into Mackay Reservoir may be diverted for storage under water right nos. 34-00012 and 34-10873 so long as the natural flow in the Big Lost River at the 2-B gage is not less than fifty cubic feet per second. During the non-irrigation period, all other rights to the water of the Big Lost River are subordinate to right nos. 34-00012 and 34-10873, except that natural flow downstream of Mackay Dam not needed to maintain a natural flow of not less than fifty cubic feet per second at the 2-B gage may be diverted for domestic uses and livestock watering under water rights authorized for these purposes during the non-irrigation period.

3. Water rights from the Big Lost River diverted below Mackay Dam and Reservoir may be rotated into storage with the consent of the Big Lost River Irrigation District when such practice improves the efficiency of water use.

Such rotation is subject to the following conditions and review and approval by the Director of the Idaho Department of Water Resources.

a. Water may only be rotated into storage if it will be beneficially used at the place of use under the water right during the year in which it is stored.

b. Rotation into storage cannot occur prior to the reasonable need for irrigation water.

c. Rotation into storage can only occur when the water is otherwise deliverable to the place of use under the water right.

d. The diversion rate of water rights being rotated into storage shall be included in the calculation of total combined diversion rate limitations.

e. If the reservoir fills after water has been rotated into storage, all water in the reservoir at the time it fills becomes storage water of the Big Lost River Irrigation District.

f. Any water stored under such rotation that is not used in the same irrigation season in which it is stored shall become storage water of the Big Lost River Irrigation District at the end of the irrigation season.

4. Holders of water rights with points of diversion on the Back Channel shall control the flow of water into the Back Channel as follows:

a. When the flow of water at the Howell gage is less than 1,400 cubic feet per second, the flow in the Back Channel shall be kept as near as practicable to 150 cubic feet per second.

b. When the flow of water at the Howell gage equals or exceeds 1,400 cubic feet per second, the flow in the Back Channel shall be kept as near as practicable to 200 cubic feet per second unless all surface water rights, including water rights with a junior priority, are satisfied.

c. The Director of the Idaho Department of Water Resources shall identify a measuring location on the Back Channel where the holders of water rights from the Back Channel shall construct the necessary facilities to measure the flow in the Back Channel to comply with these conditions.

d. These provisions shall not be considered to enlarge the amount of water to which appropriators diverting from the Back Channel are entitled.

5. The following surface water rights from the following sources of water in Basin 34 shall be administered separately from all other surface water rights in Basin 34:

SEE ATTACHMENT A

6. The following surface water rights from the Big Lost River and its tributaries upstream of Mackay Reservoir shall be administered separately from all other non-storage, surface water rights from the Big Lost River downstream of Mackay Reservoir during two periods of time as follows:

a. From the beginning of the irrigation season until the time on the rising stage of the Big Lost River when the maximum flow at the Howell gage reaches at least 750 cubic feet per second at any time for three consecutive days; and

b. After the time on the falling stage of the Big Lost River when the minimum flow recedes to no more than 300 cubic feet per second at any time for three consecutive days until the end of the irrigation season.

SEE ATTACHMENT B

7. All water rights within Basin 34 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.

## ATTACHMENT A

**WATER SOURCE**: BADY CREEK

34-00002
34-02508
34-13565

**WATER SOURCE**: CEDAR CREEK

34-00834
34-00835
34-00839
34-02303

**WATER SOURCE**: ELKHORN CREEK

34-00766

**WATER SOURCE**: GRANT CREEK

34-00769
34-02245

**WATER SOURCE**: LEHMAN CREEK

34-00472
34-04068

**WATER SOURCE**: LOWER CEDAR CREEK

34-00146
34-00153
34-00175
34-00543
34-00582
34-00585
34-00586
34-00808
34-00884
34-00885
34-00886
34-10434
34-10435

**WATER SOURCE**: PINTO CREEK

34-00341

**WATER SOURCE**: ROCK CREEK

34-00057
34-00058
34-00836
34-04039
34-10585

**WATER SOURCE**: ROCK SPRINGS CREEK

34-00352

**WATER SOURCE**: SAGE CREEK

34-00334
34-00335
34-00336

**WATER SOURCE**: UPPER CEDAR CREEK

34-10538
34-12399

**WATER SOURCE**: WILLOW CREEK

34-00057
34-00058

# ATTACHMENT B

## Big Lost River and Tributaries
## Above Mackay Dam

**WATER SOURCE**: BARTLETT CREEK

34-00056

**WATER SOURCE**: BIG LOST RIVER

| | | | |
|---|---|---|---|
| 34-00004 | 34-00220 | 34-00561 | 34-00760 |
| 34-00024 | 34-00221 | 34-00562 | 34-00764 |
| 34-00025 | 34-00222 | 34-00563 | 34-00767 |
| 34-00026 | 34-00252 | 34-00566 | 34-00768A |
| 34-00030 | 34-00290A | 34-00567 | 34-00768B |
| 34-00048 | 34-00290B | 34-00568 | 34-00770 |
| 34-00054 | 34-00291A | 34-00573A | 34-00771 |
| 34-00055A | 34-00291B | 34-00573B | 34-00772 |
| 34-00055B | 34-00292A | 34-00583B | 34-00774 |
| 34-00084A | 34-00292B | 34-00583C | 34-00775 |
| 34-00084B | 34-00293A | 34-00584D | 34-00805 |
| 34-00097 | 34-00293B | 34-00584F | 34-00859A |
| 34-00099 | 34-00294A | 34-00626B | 34-00860A |
| 34-00103 | 34-00294B | 34-00627B | 34-00867 |
| 34-00125A | 34-00297A | 34-00628B | 34-00868 |
| 34-00125B | 34-00297B | 34-00629B | 34-10164 |
| 34-00139 | 34-00298A | 34-00630B | 34-10165 |
| 34-00145 | 34-00324A | 34-00693 | 34-10166 |
| 34-00147B | 34-00324B | 34-00694 | 34-10227 |
| 34-00147C | 34-00325A | 34-00699A | 34-10228 |
| 34-00147D | 34-00338 | 34-00699B | 34-10229 |
| 34-00148B | 34-00339 | 34-00699C | 34-10250 |
| 34-00148C | 34-00340 | 34-00700A | 34-10282 |
| 34-00148D | 34-00344 | 34-00700C | 34-10557 |
| 34-00151 | 34-00346 | 34-00701A | 34-10558 |
| 34-00152 | 34-00347 | 34-00701C | 34-10563 |
| 34-00154 | 34-00348 | 34-00702A | 34-10567 |
| 34-00155 | 34-00349 | 34-00702B | 34-10568 |
| 34-00156 | 34-00351 | 34-00702C | 34-10587 |
| 34-00158 | 34-00363 | 34-00734 | 34-10619 |
| 34-00161A | 34-00364 | 34-00735 | 34-10688 |
| 34-00162A | 34-00421 | 34-00742 | 34-10920 |
| 34-00162B | 34-00454 | 34-00743 | 34-13566 |
| 34-00208A | 34-00455 | 34-00755 | |
| 34-00208B | 34-00456 | 34-00757 | |
| 34-00211 | 34-00535 | 34-00758 | |

**WATER SOURCE**: BIG LOST RIVER, EAST FORK

34-00625
34-00662

**WATER SOURCE**: BIG LOST RIVER, NORTH FORK

34-00053A
34-00053B
34-00053C
34-00053D
34-00053E
34-13550

**WATER SOURCE**: BIG LOST RIVER AND PARSONS CREEK

34-00142
34-00564
34-00565
34-00611B
34-00612B
34-00613B
34-00626A
34-00627A
34-00628A
34-00629A
34-00630A
34-00773
34-10553

**WATER SOURCE**: BIG LOST RIVER, PARSONS CREEK AND POLE STACKYARD CREEK

34-00812
34-00813
34-00815
34-00816
34-00867

**WATER SOURCE**: BOONE CREEK AND FOX CREEK

34-00529

**WATER SOURCE**: BRADSHAW SPRINGS

34-00128A
34-10620

**WATER SOURCE**: DEER CREEK

34-00624

**WATER SOURCE**: GARDEN CREEK

34-07010

**WATER SOURCE**: HAMILTON SPRINGS

34-00398
34-00399
34-07034

**WATER SOURCE**: HOWELL SPRING

34-00337

**WATER SOURCE**: LONE CEDAR CREEK

34-02144

**WATER SOURCE**: NAVARRE CREEK

34-00081
34-00820
34-00821

**WATER SOURCE**: NEWTON CREEK

34-07005

**WATER SOURCE**: PARSONS CREEK

34-00443
34-00444
34-00445
34-00611A
34-00612A
34-00613A
34-00801
34-00802

**WATER SOURCE**: PARSONS CREEK AND POLE STACKYARD CREEK

34-10801

**WATER SOURCE**: POISON SPRING

34-07124

**WATER SOURCE**: RIDER CREEK

34-04001

**WATER SOURCE**: SPRING

34-00337
34-04019
34-04137
34-07124
34-10168
34-10251

**WATER SOURCE**: SPRINGS

34-10635

**WATER SOURCE**: THOUSAND SPRINGS CREEK

34-04127
34-10167

**WATER SOURCE**: UNNAMED STREAM

34-04005A
34-04005B

**WATER SOURCE**: WARM SPRINGS CREEK

34-00123A
34-00123B
34-00124A
34-00124B
34-00236
34-00237
34-00251
34-00353
34-00420
34-00457
34-00458
34-00467
34-00468
34-00469
34-00470A
34-00471
34-00483A
34-00483B
34-00527
34-00528
34-00703A
34-00703B
34-00703C
34-00704A
34-00704B
34-00704C
34-00803
34-00861A
34-00861B
34-00869

# INSTRUCTIONS FOR FILING OBJECTIONS TO WATER RIGHTS IN THE SNAKE RIVER BASIN ADJUDICATION BASED UPON THE SUPPLEMENTAL DIRECTOR'S REPORT

The attached form is for your use if you file an objection to irrigation season recommendations and/or general provisions, as recommended in the Supplemental Director's Report. You may copy or reproduce this blank form.

To object to more than one water right, you must use a **separate form for each objection** and there must be **only one objector** for each form.

Your objection must be **received and filed** by the court on or before the deadline specified in the notice that the Idaho Department of Water Resources mailed to you. If you are filing 25 or more objections you must contact the Clerk of the SRBA court at least 14 days before the filing deadline and arrange an appointment for filing.

You may attach any explanation or documentation that you feel is necessary to support your objection.

## INSTRUCTIONS FOR COMPLETING THE OBJECTION FORM

A. **Subcase**. Fill in the water right number to which you are objecting at the top of the form in the blank following Subcase. The water right number will become the Subcase Number.

B. **Name and Address of Person Objecting.** Enter your name, address and daytime telephone in the blanks provided.

C. **Claimant of Water Right As Listed in Supplemental Director's Report.** Fill in the claimant/owner blank of the water right to which you are objecting as it is listed in the Supplemental Director's Report.

D. **Elements of the Water Right.** If you disagree with irrigation season or general provisions listed in the Supplemental Director's Report, check the appropriate box(es) and write in the space provided what you think the element should be. If objecting to a general provision, please indicate the number of the provision, and the basin it was reported in.

E. **Reasons supporting objection.** Attach to the objection form a separate sheet explaining why you are objecting. (this is optional)

F. **Verification.** You must sign the objection form in front of a notary. By filing this objection form, you are certifying that the objection is well-grounded in fact; that it is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and that it is not filed for any improper purpose, such as to harass, cause unnecessary delay or needlessly increase the cost of litigation.

G. **Certificate of Mailing**. Fill in the appropriate blanks for the date and the owner of the water right, and sign the form. Remember that the original objection form must be mailed to the Clerk of the SRBA District Court with copies mailed to the parties listed in this section.

**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** | ) | **A. Subcase** _____ |
| | ) | |
| **Case No. 39576** | ) | **STANDARD FORM 1a** |
| | ) | **OBJECTION TO IRRIGATION SEASON AND/OR CONJUNCTIVE MANAGEMENT GENERAL PROVISIONS** |
| | ) | |
| _____ | ) | |

**B. NAME AND ADDRESS OF PERSON OBJECTING**

Name: _____

_____

Address: _____

_____

Daytime Phone: (_____)_____

*Name & address of attorney, if any:*

_____

_____

_____

_____

**C. CLAIMANT OF WATER RIGHT AS LISTED IN SUPPLEMENTAL DIRECTOR'S REPORT**

Name: _____

_____

Address: _____

_____

_____

**D. ELEMENTS OBJECTED TO:**

8. **Period (Irrigation Season) of Use**

Should be: _____

12. **General Provision**

Number: _____ Reported in Basin: _____

Comments: _____

**E. REASONS SUPPORTING OBJECTION:** (if you have additional reasons, please attach to this form)

This standard form is for the sole purpose of objecting to the Director's supplemental recommendations on irrigation season of use and general provisions. This form may **not** be used to object to any other elements of your water right.

If you have evidence that the recommendations on irrigation season of use and/or conjunctive management adversely affect other elements of your water right, please contact the Snake River Basin Adjudication at 208-736-3011. A deputy clerk of the court will inform you of how to proceed.

## F. VERIFICATION (Must be Completed)

State of _____)
)ss.
County of _____)

_____, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

_____
(Signature of person filing objection)

_____
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: _____

_____
Notary Public
for _____

Residing at:_____

My Commission Expires:_____

### INSTRUCTIONS FOR MAILING

You must mail the objection to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

## G. CERTIFICATE OF MAILING

I certify that on _____, 199__, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name:_____

Address:_____

_____

3. Copies to:

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

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

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

_____
Signature of Objector or attorney