

**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](http://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](http://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](http://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**

1301 North Orchard  
Box 83720  
Boise, Idaho 83720-0098  
(208) 327-7906  
(800) 451-4129

### **Idaho Department of Water Resources**

#### ***Western Region***

2735 Airport Way  
Boise, Idaho 83705-5082  
(208) 334-2190

### **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**

#### ***Southern Region***

1341 Fillmore, Suite 200  
Twin Falls, Idaho 83301-3380  
(208) 736-3033

### **Idaho Department of Water Resources**

#### ***Eastern Region***

900 North Skyline, Suite A  
Idaho Falls, Idaho 83402-3653  
(208) 525-7161

### **Bingham County Courthouse**

501 N. Maple  
Blackfoot, ID 83221

### **Butte County Courthouse**

248 W. Grand Ave.  
Arco, ID 83213

### **Custer County Courthouse**

801 Main St.  
Challis, ID 83226

### **Jefferson County Courthouse**

134 N. Clark  
Rigby, ID 83442

### **Bonneville County Courthouse**

605 N. Capital Ave.  
Idaho Falls, ID 83402

### **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.

---

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 SE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ , 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 SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ , 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 NE $\frac{1}{4}$ NE $\frac{1}{4}$ , 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** )  
 )  
**Case No. 39576** )  
 )  
 )  
 )  
\_\_\_\_\_ )

**A. Subcase** \_\_\_\_\_

**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) Subscribed and sworn to before me on: \_\_\_\_\_

\_\_\_\_\_  
(Attorney signing in representative capacity) 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