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DEPARTMENT OF
WATER RESOURCES

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Attorney for Idaho Power Company

BEFORE THE DEPARTMENT OF WATER RESOURCES

FOR THE STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR TRANSFER NO. 73811)
(SHEKINAH INDUSTRIES);)
APPLICATION FOR TRANSFER NO.)
73834 (ORCHARD RANCH);)
APPLICATION FOR PERMIT NO.)
63-32499 (MAYFIELD TOWNSITE);)
APPLICATION FOR PERMIT NO.)
61-12098 (NEVID-CORDER);)
APPLICATION FOR PERMIT NO.)
61-12096 (NEVID); APPLICATION)
FOR PERMIT NO. 63-32703)
(ORCHARD RANCH); APPLICATION)
FOR PERMIT NO. 61-12256)
(INTERMOUNTAIN SEWER AND)
WATER); APPLICATION FOR)
PERMIT NO. 63-33344 (ARK)
PROPERTIES-MAYFIELD)
TOWNSITE))

SUPPLEMENTAL EXHIBIT LIST

Pursuant to the Prehearing Scheduling Order issued April 13, 2012, Idaho Power
Company submits this Supplemental Exhibit List.

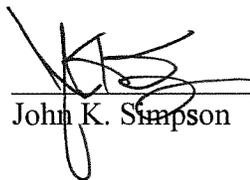
SUPPLEMENTAL EXHIBITS:

6. IDWR Staff Memo regarding Permit No. 35-8359 dated March 30, 2011 (attached hereto as Exhibit A); and

7. Transcription of Audio Taped Proceedings on June 14, 2011, regarding Permit No. 35-8359 (attached hereto as Exhibit B).

Dated this 11th day of April, 2013.

BARKER ROUSHOLT & SIMPSON LLP



John K. Simpson

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 11th day of April, 2013, I caused to be served a true and correct copy of the foregoing **SUPPLEMENTAL EXHIBIT LIST** by U.S. Mail, and addressed to each of the following:

SHEKINAH INDUSTRIES,
ATTN: MICHAEL PRESTON
420 BITTERROOT DR.
BOISE, ID 83709

BROCKWAY ENGINEERING
ATTN: ERICK POWELL
2016 N. WASHINGTON ST., STE. 4
TWIN FALLS, ID 83301

NEVID LLC AND ELK CREEK
RANCH LLC
ATTN: NORMAN M. SEMANKO
P.O. BOX 538
EAGLE, ID 83616

IDAHO WATER COMPANY
ATTN: DEL KOHTZ
1135 VALLEY RD. S.
EDEN, ID 83325

DANA QUINNEY
SCOTT QUINNEY
160 S. PRONGHORN
BOISE, ID 83716

CITY OF POCA TELLO
C/O JOSEPHINE BEEMAN
409 W. JEFFERSON ST.
BOISE, ID 83702

CITY OF MOUNTAIN HOME
ATT: WAYNE SHEPHERD
P.O. BOX 10
MOUNTAIN HOME, ID 83647

BRUCE SMITH
950 W. BANNOCK ST., STE. 520
BOISE, ID 83702

GIVENS PURSLEY LLP
ATTN: MICHAEL CREAMER
P.O. BOX 2720
BOISE, ID 83701-2720

ED VAN GROUW
5089 S. DEBONAIR LN.
MERIDIAN, ID 83642

MARY FRISCH
155 S. PRONGHORN DR.
BOISE, ID 83716

TONYA D. BOLSHAW
P. O. BOX 16022
BOISE, ID 83715

BROWN FARMS LLC
C/O HOLZER EDWARDS &
HARRISON
ATTN: CLIFFORD BROWN
1516 W. HAYS ST.
BOISE, ID 83702

WENDY TIPPETTS
999 N. SLATER CREEK
MAYFIELD, ID 83716

INTERMOUNTAIN SEWER &
WATER CORP.
P.O. BOX 344
MERIDIAN, ID 83680

PERKINS COIE LLP
ATTN: ROBERT MAYNARD
OR ERIK AMALMAN
P.O. BOX 737
BOISE, ID 83701-0737

CLEVELAND CORDER LLC
622 20 E LN
GARDEN CITY, ID 83714

IDAHO POWER COMPANY
ATTN: JAMES TUCKER OR
NATHAN GARDINER
1221 W. IDAHO ST.
BOISE, ID 83702-5627

TIM CONRADS
75 S. PRONGHORN RD.
BOISE, ID 83716

DARLA BATEMAN
404 E. INDIAN CREEK RD.
BOISE, ID 83716

GRIFFIN HERREN
719 DESERT WIND RD.
BOISE, ID 83716

LORI ATKINS
602 E. MIKE'S PL.
BOISE, ID 83716

JOHN WESTRA
IDWR WESTERN REGION
2735 AIRPORT WAY
BOISE, ID 83702-5082

SPF WATER ENGINEERING
300 E. MALLARD DR,
STE. 350
BOISE, ID 83706



John K. Simpson

EXHIBIT A

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF PERMIT NO.)
35-8359 IN THE NAME OF JOHN B.)
KUGLER AND DIANE K. KUGLER)
_____)

IDWR STAFF MEMORANDUM

On February 15, 2011, the director requested Idaho Department of Water Resources ("IDWR" or "department") staff to review data and information in possession of IDWR, and prepare staff memoranda regarding the above captioned matter, which could include, without limitation:

1. Information about the number of active trust water rights (permits and licenses) issued by the department for a term of years.
2. Data regarding the flow of the Snake River at the Murphy Gage from 1980 to the present.
3. Using the flow rate and irrigated acreage proposed by application no. 35-8359 at the spatial location for the point of diversion and place of use, and inputting the application information into the Eastern Snake Plain Aquifer Model Version 1.1 ("ESPAM"), simulate the depletionary effects of Kugler's proposed pumping and water use on reaches of the Snake River using ESPAM.

The attachments to this document provide responses to the request by the director. The attachments are listed below:

- Active trust water rights issued by IDWR for a term of years – prepared by Shelley Keen, Manager, Water Rights Section
- Flows of the Snake River near Murphy 1980 - 2010 – prepared by Liz Cresto, Technical Hydrologist
- Analysis of impacts of pumping proposed under permit no. 35-8359 to reaches of the Snake River using ESPAM Version 1.1 – prepared by Alan Wylie, Technical Hydrologist

CERTIFICATE OF SERVICE

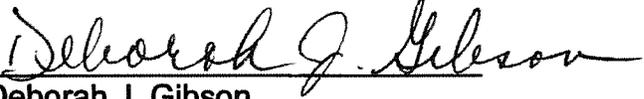
I HEREBY CERTIFY that on this 30th day of March, 2011, the above and foregoing document was served on the following by placing a copy of the same in the United States mail, postage prepaid and properly addressed to the following:

Document(s) served: IDWR STAFF MEMORANDUM

Gary Spackman, Interim Director (hand delivered)
Idaho Department of Water Resources
322 E. Front Street
Boise Idaho 83720-0098

John B. Kugler
Diane K. Kugler
2913 Galleon Court NE
Tacoma, Washington 98422

Jerry Rigby
Rigby, Andrus, & Rigby Chartered
25 North Second East
Rexburg, Idaho 83440


Deborah J. Gibson
Administrative Assistant
Water Management Division

MEMORANDUM

DATE: March 28, 2011

TO: Gary Spackman

FROM: Shelley W. Keen ^{SWK}

RE: Request for Staff Memorandum

In response to your request for staff memorandum in the matter of Application to Appropriate Water No. 35-8359, I have attached a fifteen-page list of 680 water rights and permits authorizing the diversion of water within the Trust Water Area. Each of the 680 water rights and permits carries a condition limiting the right to a term of years. The conditions are the following, or something very similar:

R55 -- This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.

051 -- Any license issued by IDWR pursuant to the right or portion thereof for the use of trust water is subject to a term review of 20 years after the date of this approval to determine availability of water for the use and to re-evaluate the public interest at the end of the term.

SCANNED

ACTIVE TRUST WATER RIGHTS ISSUED BY IDWR FOR A TERM OF YEARS
MARCH 28, 2011

Basin	Seq.	Suffix	Process	Approved Date	Priority Date	Proof Due Date	Proof Made Date	Div. Rate	Acres	Source List
35	8046		Water Right	8/3/1982	6/11/1982	8/1/1987	7/19/1996	1.00	534.2	GROUND WATER
35	8050		Water Right	9/16/1982	8/3/1982	9/1/1987	7/19/1996	0.81	534.2	GROUND WATER
45	7565		Water Right	1/29/1978	11/7/1977	11/1/1987	5/24/1988	2.90	190.0	WASTE WATER
43	7093	D	Water Right	8/17/1977	8/17/1977	7/27/1988	8/1/1988	0.21	20.0	GROUND WATER
47	16781		Water Right	7/18/1978	7/18/1978	11/1/1988	10/26/1988	2.80	151.2	GROUND WATER
36	7291	A	Water Right	2/23/1973	3/13/1973	2/1/1989	9/6/1988	1.17	69.0	GROUND WATER
47	7519	A	Water Right	6/18/1979	4/16/1979	6/1/1989	5/30/1989	1.46	284.0	GROUND WATER
47	7519	B	Water Right	6/18/1979	4/16/1979	6/1/1989	5/30/1989	0.37		GROUND WATER
36	15992		Water Right	12/24/1974	7/31/1974	12/1/1989	12/1/1989	0.42	94.0	GROUND WATER.
36	15993		Water Right	12/24/1974	7/31/1974	12/1/1989	12/1/1989	0.52	116.0	GROUND WATER
35	7488		Water Right	4/15/1975	3/14/1975	4/1/1990	3/13/1990	4.24	1300.6	GROUND WATER
37	8413		Water Right	5/30/1989	10/6/1988	6/1/1990	4/23/1990	0.07	1.7	GROUND WATER
31	7310		Water Right	4/16/1979	2/22/1979	8/1/1990	7/15/1990	0.30	15.0	GROUND WATER
36	7802	B	Water Right	10/7/1982	6/16/1978	8/1/1990	7/30/1990	1.40	522.5	GROUND WATER
43	7084		Water Permit	2/8/1979	9/5/1977	8/1/1990	8/23/1990	5.00	580.0	GROUND WATER
43	7091		Water Right	8/2/1978	7/22/1977	8/1/1990	7/25/1990	0.84	41.0	GROUND WATER
37	8488		Water Right	8/14/1989	1/30/1989	9/1/1990	11/3/1989	0.04	2.0	GROUND WATER
36	7471		Water Right	6/7/1974	5/3/1974	10/1/1990	9/26/1990	0.08	10.0	GROUND WATER
37	7807		Water Right	1/24/1980	11/8/1979	10/1/1990	8/9/1990	0.07	2.9	GROUND WATER
47	7364		Water Right	9/23/1977	3/16/1977	10/1/1990	9/24/1990	1.79	110.0	GROUND WATER
47	8212		Water Right	10/5/1989	4/24/1989	11/1/1990	10/26/1990	0.12	3.9	GROUND WATER
47	8216		Water Right	10/5/1989	5/23/1989	11/1/1990	1/22/1990	0.13	4.5	GROUND WATER
47	8216		Water Right	10/5/1989	5/23/1989	11/1/1990	1/22/1990	0.13	4.5	GROUND WATER
61	7399		Water Right	5/7/1981	4/5/1980	11/1/1990	11/3/1990	2.20	329.0	GROUND WATER
36	8387		Water Right	11/3/1989	8/31/1988	12/1/1990	12/20/1989	2.48	149.0	GROUND WATER
31	7444		Water Permit	12/22/1989	7/1/1985	1/1/1991	12/17/1990	0.82	41.0	GROUND WATER
37	7812		Water Right	1/22/1980	1/1/1980	1/1/1991	11/9/1990	1.26	63.0	GROUND WATER
37	8056		Water Permit	12/28/1989	11/2/1982	1/1/1991	1/29/1990	3.00		GROUND WATER
37	8085		Water Right	12/28/1989	4/18/1983	1/1/1991	1/12/1990	0.14	5.6	GROUND WATER
37	8301		Water Right	12/28/1989	7/16/1987	1/1/1991	11/23/1990	4.90	309.5	GROUND WATER
37	8559		Water Permit	1/2/1990	8/17/1989	1/1/1991	12/18/1990	1.42	71.0	GROUND WATER
45	7662	A	Water Right	8/2/1989	8/2/1989	1/1/1991	5/22/1990	0.60	5.0	GROUND WATER
45	7662	B	Water Right	8/2/1989	8/2/1989	1/1/1991	5/22/1990	0.46	20.0	GROUND WATER
47	8012		Water Right	12/22/1989	7/1/1985	1/1/1991	11/23/1990	1.74	636.0	GROUND WATER
25	7523		Water Right	1/23/1990	6/9/1989	2/1/1991	12/11/1990	2.51		GROUND WATER
36	8144		Water Right	1/23/1990	2/2/1983	2/1/1991	1/24/1991	0.84	42.0	GROUND WATER
31	7378		Water Right	2/12/1990	12/15/1982	3/1/1991	5/1/1990	4.54	227.0	GROUND WATER
35	8143		Water Right	2/12/1990	5/18/1983	3/1/1991	5/4/1990	0.32	300.0	GROUND WATER
36	8447		Water Right	2/15/1990	10/10/1989	3/1/1991	3/20/1991	0.12	6.0	GROUND WATER
37	8079		Water Right	2/13/1990	4/19/1983	3/1/1991	2/25/1991	0.10	3.9	GROUND WATER
43	7183		Water Permit	2/16/1990	12/30/1982	3/1/1991	2/28/1991	0.42	15.0	SPRING, UNNAMED STREAM
21	7318		Water Right	3/6/1990	4/8/1983	4/1/1991	2/27/1991	1.28		GROUND WATER
35	7954	A	Water Right	2/24/1981	2/24/1981	4/1/1991	3/22/1991	1.35	116.0	GROUND WATER
35	7954	B	Water Right	2/24/1981	2/24/1981	4/1/1991	3/22/1991	5.10	508.0	GROUND WATER
35	13763		Water Right	2/24/1981	2/24/1981	4/1/1991	3/22/1991	2.42	164.0	GROUND WATER
37	8072		Water Permit	3/29/1990	3/23/1983	4/1/1991	2/21/1991		55.0	SPRING CREEK

MAR 29 2011

UNNAMED

ACTIVE TRUST WATER RIGHTS ISSUED BY IDWR FOR A TERM OF YEARS

MARCH 28, 2011

Basin	Seq.	Suffix	Process	Approved Date	Priority Date	Proof Due Date	Proof Made Date	Div. Rate	Acres	Source List
37	8081		Water Right	3/19/1990	4/21/1983	4/1/1991	4/9/1990	0.06	2.0	GROUND WATER
37	8117		Water Right	3/6/1990	6/2/1983	4/1/1991	9/13/1990	1.24	77.0	GROUND WATER
47	7931		Water Permit	4/23/1990	6/29/1983	5/1/1991	3/7/1991	0.16	6.0	GROUND WATER
61	7316		Water Right	5/6/1977	5/9/1977	5/1/1991	6/26/1991	4.22	330.0	GROUND WATER
36	8205		Water Right	5/21/1990	6/15/1983	6/1/1991	7/11/1990	0.60	30.0	GROUND WATER
36	8493		Water Right	5/21/1990	12/19/1989	6/1/1991	6/27/1990	2.70	793.0	GROUND WATER
36	16420		Water Right	12/30/1983	12/30/1983	7/1/1991	6/11/1990	1.95	995.0	GROUND WATER
36	16421		Water Right	12/30/1983	12/30/1983	7/1/1991	6/11/1990	0.13	2785.0	GROUND WATER
22	7461		Water Right	7/13/1990	6/30/1983	8/1/1991	6/3/1991	1.42	71.0	POND
36	7934		Water Right	7/26/1989	8/19/1980	8/1/1991	6/8/1990	2.68	660.0	GROUND WATER
36	8522		Water Right	7/27/1990	4/11/1990	8/1/1991	6/11/1991	0.14	5.0	GROUND WATER
36	8535		Water Right	7/13/1990	4/12/1990	8/1/1991	2/8/1991	0.13	4.0	GROUND WATER
36	8537		Water Permit	7/13/1990	4/12/1990	8/1/1991	7/17/1991	0.16	5.0	GROUND WATER
35	8370	A	Water Right	4/29/1985	4/29/1985	10/1/1991	9/9/1991	0.70	118.0	GROUND WATER
35	13889		Water Right	4/29/1985	4/29/1985	10/1/1991	9/9/1991	0.51	120.0	GROUND WATER
35	13890		Water Right	4/29/1985	4/29/1985	10/1/1991	9/9/1991	0.93	244.0	GROUND WATER
36	8220	B	Water Right	2/7/1990	2/7/1990	10/1/1991	7/29/1991	1.20	162.0	GROUND WATER
37	7811		Water Right	1/22/1980	12/5/1979	10/1/1991	7/12/1991	3.36	168.0	GROUND WATER
43	7210		Water Right	9/13/1990	6/24/1985	10/1/1991	10/3/1990	0.80	283.0	EDWARDS CREEK
45	7385		Water Right	10/31/1979	8/20/1979	10/1/1991	4/29/1991	1.68	188.0	GROUND WATER
47	7419		Water Permit	3/19/1992	5/26/1992	10/1/1991	5/26/1992	2.00	180.0	GROUND WATER
57	7266		Water Right	5/21/1981	1/14/1981	10/1/1991	8/7/1991	2.70	135.0	GROUND WATER
57	7267		Water Right	3/3/1981	4/6/1981	10/1/1991	10/10/1991	3.92	210.0	GROUND WATER
35	13856		Water Right	1/14/1983	1/14/1983	11/1/1991	5/9/1991	5.72	912.5	GROUND WATER
35	13857		Water Right	1/14/1983	1/14/1983	11/1/1991	5/9/1991	1.86	1112.0	GROUND WATER
36	7871		Water Right	11/6/1979	9/24/1979	11/1/1991	10/15/1991	1.00	40.0	GROUND WATER
36	8286		Water Right	10/4/1990	6/26/1985	11/1/1991	11/7/1990	0.21	225.0	GROUND WATER
37	8202		Water Right	10/18/1990	12/24/1985	11/1/1991	10/15/1991	0.18	9.0	GROUND WATER
31	7166	A	Water Permit	12/6/1976	6/27/1975	12/1/1991		3.20	160.0	GROUND WATER
36	8263		Water Right	12/3/1990	2/3/1985	12/1/1991	12/4/1991	0.85	128.0	GROUND WATER
45	7584		Water Right	12/14/1990	7/1/1985	12/1/1991	11/18/1991	1.02	343.0	GROUND WATER
36	7512		Water Right	1/9/1975	11/25/1974	1/1/1992	1/7/1992	9.20	837.0	GROUND WATER
36	8302		Water Right	12/3/1990	11/14/1985	1/1/1992	10/25/1991	0.96	193.4	GROUND WATER
36	8550		Water Right	1/7/1991	5/29/1990	1/1/1992	11/8/1991	6.67		GROUND WATER
37	8116		Water Right	12/28/1989	6/6/1983	1/1/1992	11/25/1991	0.03	1.6	GROUND WATER
37	8536		Water Right	12/20/1989	7/27/1989	1/1/1992	10/31/1991	1.85	108.0	GROUND WATER
37	21289		Water Right	10/8/1986	10/8/1986	1/1/1992	7/25/1991	0.03	1.7	GROUND WATER
37	21290		Water Right	10/8/1986	10/8/1986	1/1/1992	7/25/1991	0.06	4.3	GROUND WATER
47	8248		Water Right	1/11/1991	6/28/1990	1/1/1992	11/5/1991	0.04	1.4	WASTE WATER
35	8606		Water Right	2/20/1991	7/1/1985	2/1/1992	1/17/1992	6.07	688.5	GROUND WATER
35	8626		Water Right	2/22/1991	2/13/1986	2/1/1992	12/26/1991	1.88	688.5	GROUND WATER
37	8326		Water Right	3/12/1991	1/6/1988	2/1/1992	12/17/1991	1.36	602.0	GROUND WATER
37	8679		Water Right	3/7/1991	8/23/1990	3/2/1992	3/25/1991	0.16	489.0	GROUND WATER
22	7552		Water Right	4/23/1991	9/13/1988	4/1/1992	2/5/1992	0.11	5.5	GROUND WATER
22	7553	A	Water Right	4/2/1991	8/25/1988	4/1/1992	1/21/1992	1.82	245.0	GROUND WATER
22	7553	B	Water Right	4/2/1991	8/25/1988	4/1/1992	1/21/1992	0.08	67.0	GROUND WATER

MAR 29 2011

SCANNED

ACTIVE TRUST WATER RIGHTS ISSUED BY IDWR FOR A TERM OF YEARS

MARCH 28, 2011

Basin	Seq.	Suffix	Process	Approved Date	Priority Date	Proof Due Date	Proof Made Date	Div. Rate	Acres	Source List
22	7563		Water Permit	4/2/1991	8/8/1988	4/1/1992	2/7/1992	2.66	133.0	GROUND WATER
22	7567		Water Right	3/21/1991	8/15/1988	4/1/1992	3/13/1992	0.15	5.0	GROUND WATER
22	7613		Water Right	3/21/1991	8/24/1988	4/1/1992	2/20/1992	0.02	1.0	GROUND WATER
25	7458		Water Right	3/20/1991	11/8/1988	4/1/1992	2/13/1992	0.09	1.7	GROUND WATER
25	7460		Water Right	3/20/1991	11/9/1988	4/1/1992	3/3/1992	1.07	65.0	GROUND WATER
25	7471		Water Right	3/20/1991	11/7/1988	4/1/1992	5/20/1991	0.12	4.0	GROUND WATER
35	8660	A	Water Right	10/26/1987	10/26/1987	4/1/1992	5/22/1991	0.93	75.5	GROUND WATER
35	8660	B	Water Right	10/26/1987	10/26/1987	4/1/1992	5/22/1991	0.84	562.0	GROUND WATER
35	8661		Water Right	3/21/1991	10/26/1987	4/1/1992	5/22/1991	1.10	55.0	GROUND WATER
36	8227		Water Right	4/2/1991	6/30/1983	4/1/1992	2/19/1992	1.91	5063.0	GROUND WATER
36	8306		Water Right	3/21/1991	2/26/1986	4/1/1992	3/25/1992	0.08	2.5	GROUND WATER
36	8343		Water Right	3/21/1991	2/12/1988	4/1/1992	2/24/1992	2.67	104.0	WASTE WATER
36	8401		Water Right	4/1/1991	11/28/1988	4/1/1992	4/15/1991	0.68	360.0	GROUND WATER
36	8402		Water Right	4/1/1991	11/28/1988	4/1/1992	4/15/1991	0.84	314.0	GROUND WATER
36	8403		Water Right	4/1/1991	11/28/1988	4/1/1992	4/15/1991	0.31	2785.0	GROUND WATER
36	8421		Water Right	3/20/1990	9/14/1998	4/1/1992	9/14/1998	2.76		GROUND WATER
37	8375		Water Right	3/21/1991	8/11/1988	4/1/1992	2/4/1992	0.15	3.5	GROUND WATER
37	8401		Water Permit	3/21/1991	9/20/1988	4/1/1992	2/12/1992	6.68	334.0	GROUND WATER
47	7741		Water Right	10/23/1981	6/12/1981	4/1/1992	3/27/1992	0.78		GROUND WATER
25	7469		Water Right	5/8/1991	1/22/1989	5/1/1992	7/1/1992	0.14	7.0	GROUND WATER
33	7189		Water Right	5/8/1991	7/31/1989	5/1/1992	3/4/1992	0.80	295.0	GROUND WATER
33	7191		Water Permit	5/8/1991	7/2/1990	5/1/1992	3/12/1992	1.34	67.0	GROUND WATER
35	8697		Water Right	5/2/1991	2/9/1989	5/1/1992	3/30/1992	7.03	471.4	GROUND WATER
35	8747	A	Water Right	4/7/1989	4/7/1989	5/1/1992	4/30/1992	0.74	69.0	GROUND WATER
35	8747	B	Water Right	4/7/1989	4/7/1989	5/1/1992	4/30/1992	0.50	300.0	GROUND WATER
36	8425		Water Right	5/8/1991	6/23/1989	5/1/1992	3/6/1992	0.88	105.0	GROUND WATER
36	8429		Water Right	4/25/1991	6/7/1989	5/1/1992	5/16/1991	0.12	4.0	GROUND WATER
36	8438		Water Right	4/25/1991	7/24/1989	5/1/1992	6/24/1991	0.09	4.5	GROUND WATER
36	8459		Water Right	4/25/1991	9/22/1989	5/1/1992	3/6/1992	0.04	2.4	GROUND WATER
36	8464	B	Water Right	10/12/1989	10/12/1989	5/1/1992	4/28/1992	0.16	5.0	GROUND WATER
36	8568		Water Right	5/13/1991	11/7/1990	5/1/1992	3/11/1992	0.79	240.0	GROUND WATER
36	8577		Water Right	5/13/1991	2/28/1991	5/1/1992	4/8/1992	1.68	94.0	GROUND WATER
36	8585		Water Right	4/23/1991	8/11/1988	5/1/1992	7/25/1991	0.22	171.0	GROUND WATER
36	16553		Water Right	3/21/1989	3/21/1989	5/1/1992	1/14/1992	0.48	160.0	GROUND WATER
36	16554		Water Right	3/21/1989	3/21/1989	5/1/1992	1/14/1992	0.34	1201.0	GROUND WATER
37	8296		Water Permit	6/20/1991	5/11/1987	5/1/1992	8/2/1991	5.00	491.0	GROUND WATER
37	8707		Water Right	5/13/1991	3/26/1991	5/1/1992	4/29/1992	2.00	100.0	GROUND WATER
45	7672		Water Right	4/29/1991	12/29/1989	5/1/1992	3/30/1992	0.50	375.0	GROUND WATER
22	7711		Water Right	5/23/1991	2/22/1989	6/1/1992	5/14/1992	5.00	417.0	GROUND WATER
35	8204		Water Right	6/4/1990	6/30/1983	6/1/1992	6/3/1992	0.92	46.0	GROUND WATER
35	8367	A	Water Right	1/22/1985	1/22/1985	6/1/1992	6/26/1992	0.22	11.0	GROUND WATER
35	8726		Water Right	5/23/1991	4/28/1989	6/1/1992	7/26/1991	2.60	316.0	GROUND WATER
35	8735		Water Right	5/29/1991	6/1/1989	6/1/1992	5/20/1992	0.59	306.0	GROUND WATER
35	8737		Water Right	5/29/1991	6/1/1989	6/1/1992	5/20/1992	0.17	698.0	GROUND WATER
35	8866		Water Right	5/23/1991	7/25/1989	6/1/1992	7/15/1991	0.07	5.0	GROUND WATER
35	13838		Water Right	6/1/1989	6/1/1989	6/1/1992	5/20/1992	2.58	538.0	GROUND WATER

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35	13839		Water Right	6/1/1989	6/1/1989	6/1/1992	5/20/1992	0.42	698.0	GROUND WATER
35	14001		Water Right	7/6/1989	7/6/1989	6/1/1992	5/27/1992	2.00	126.5	GROUND WATER
35	14002		Water Right	7/6/1989	7/6/1989	6/1/1992	5/27/1992	0.43	840.0	GROUND WATER
36	8409		Water Right	6/12/1991	1/23/1989	6/1/1992	7/16/1991	0.20	10.0	GROUND WATER
36	8412		Water Right	5/23/1991	3/1/1989	6/1/1992	5/19/1992	0.95	408.0	GROUND WATER
36	8413		Water Permit	6/12/1991	3/2/1989	6/1/1992	5/7/1992	1.00	201.0	GROUND WATER
36	8555		Water Right	6/14/1991	8/21/1990	6/1/1992	5/18/1992	0.20	13.0	WASTE WATER
37	8137		Water Right	6/4/1990	6/30/1983	6/1/1992	5/11/1992	0.13	13.0	GROUND WATER
37	8165		Water Right	4/23/1990	6/30/1983	6/1/1992	6/1/1992	1.93	133.0	WHITE ARROW HOT SPRING
37	8705		Water Permit	6/12/1991	2/21/1991	6/1/1992	5/13/1992	7.00	420.0	GROUND WATER
25	7481		Water Right	6/27/1991	12/22/1988	7/1/1992	5/29/1992	0.04	1.4	GROUND WATER
35	8911		Water Right	6/20/1991	9/12/1990	7/1/1992	7/23/1992	1.30	426.0	GROUND WATER
36	8528		Water Right	7/15/1991	3/16/1990	7/1/1992	5/26/1992	0.60	421.5	GROUND WATER
21	7405		Water Permit	8/2/1991	1/26/1989	8/3/1992	2/26/1992	0.02	0.5	QUAYLES LAKE
25	7595		Water Right	8/8/1991	5/16/1991	8/3/1992	8/21/1991	0.15	5.0	GROUND WATER
33	14854		Water Right	1/4/1990	1/4/1990	8/3/1992	9/12/1991	1.72	132.0	GROUND WATER
33	14855		Water Right	1/4/1990	1/4/1990	8/3/1992	9/12/1991	0.37	28.0	GROUND WATER
35	8932		Water Right	8/2/1991	1/8/1991	8/3/1992	6/5/1992	3.16	158.0	GROUND WATER
35	8933		Water Right	8/8/1991	1/2/1991	8/3/1992	8/5/1992	0.60	40.0	GROUND WATER
35	8944	A	Water Right	6/3/1991	6/3/1991	8/3/1992	10/15/1991	0.09	8.0	GROUND WATER
35	13744		Water Right	7/19/1989	7/19/1989	8/3/1992	33793	0.03	5.6	GROUND WATER
35	13745		Water Right	7/19/1989	7/19/1989	8/3/1992	33793	0.03	48.4	GROUND WATER
36	8529		Water Right	7/18/1991	4/5/1990	8/3/1992	8/2/1991	0.66	33.0	GROUND WATER
36	8573		Water Permit	8/2/1991	12/21/1990	8/3/1992	6/4/1992	4.00		WASTE WATER
36	8586		Water Right	8/8/1991	4/24/1991	8/3/1992	7/29/1992	0.20	10.0	GROUND WATER
37	8578		Water Right	9/17/1991	10/9/1989	9/1/1992	9/29/1992	0.28	13.0	GROUND WATER
37	8756	A	Water Right	2/4/1987	2/4/1987	9/1/1992	7/10/1992	2.41	146.5	GROUND WATER
37	8756	B	Water Right	2/4/1987	2/4/1987	9/1/1992	7/10/1992	2.41	146.5	GROUND WATER
37	8756	C	Water Right	2/4/1987	2/4/1987	9/1/1992	7/10/1992	1.34	67.0	GROUND WATER
61	7664		Water Permit	9/6/1991	5/1/1991	9/1/1992	11/6/1991	0.18	8.0	MUD SPRINGS CREEK
35	7833		Water Right	2/23/1979	5/7/1979	10/1/1992	8/10/1992	4.57	316.0	GROUND WATER
35	7885	A	Water Right	1/2/1980	1/2/1980	10/1/1992	8/2/1991	5.92	316.0	GROUND WATER
35	7885	B	Water Right	1/2/1980	1/2/1980	10/1/1992	8/2/1991	3.16	158.0	GROUND WATER
35	7885	C	Water Right	1/2/1980	1/2/1980	10/1/1992	8/2/1991	6.26	313.0	GROUND WATER
35	13439		Water Right	5/2/1985	5/2/1985	10/1/1992	8/28/1992	2.43	160.0	GROUND WATER
35	13440		Water Right	5/2/1985	5/2/1985	10/1/1992	8/28/1992	1.44	158.0	GROUND WATER
37	7771		Water Right	6/20/1979	4/11/1979	10/1/1992	9/29/1992	1.98	120.0	GROUND WATER
37	7942		Water Right	11/17/1981	9/22/1981	10/1/1992	9/21/1992	1.11	141.0	GROUND WATER
45	7479		Water Permit	11/4/1981	9/11/1981	10/1/1992	9/15/1992	2.00	100.0	GROUND WATER
45	7686		Water Permit	9/27/1991	2/11/1991	10/1/1992	10/2/1991	1.75		GROUND WATER
45	7688		Water Right	11/8/1991	2/14/1991	10/1/1992	6/3/1992	0.82	52.0	GROUND WATER
47	7627		Water Permit	5/1/1980	2/5/1980	10/1/1992	9/25/1992	6.63	320.0	GROUND WATER
57	7504		Water Right	9/27/1991	8/7/1989	10/1/1992	9/30/1992	0.12	6.0	WASTE WATER
57	7170		Water Permit	6/16/1976	2/28/1973	11/1/1992	10/23/1992	4.00	200.0	GROUND WATER
57	8007	A	Water Right	6/28/1985	6/28/1985	11/1/1992	10/28/1992	0.90	183.0	GROUND WATER
57	8007	B	Water Right	6/28/1985	6/28/1985	11/1/1992	10/28/1992	0.10	869.0	GROUND WATER

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51	7196		Water Right	1/14/1991	7/26/1982	11/1/1992	4/1/1991	0.03	0.5	EAST FORK JARBIDGE RIVER
61	7487		Water Right	11/13/1989	12/3/1982	11/1/1992	10/28/1992	0.19	5.0	SPRING
51	13064		Water Right	1/9/1989	1/9/1989	11/2/1992	10/8/1992		6.0	POLE CREEK
51	13065		Water Right	1/9/1989	1/9/1989	11/2/1992	10/8/1992		64.0	POLE CREEK
36	8579		Water Right	12/17/1981	2/8/1991	12/1/1992	2/3/1992	0.68	52.0	GROUND WATER
36	8591		Water Right	12/19/1991	3/6/1991	1/1/1993	12/15/1992	1.00	66.0	GROUND WATER
36	8593		Water Right	12/19/1991	7/19/1991	1/1/1993	2/9/1993	0.70	95.0	ALPHEUS CREEK
36	8595		Water Permit	12/19/1991	7/10/1991	1/1/1993	1/21/1992	0.16	8.0	GROUND WATER
36	8605		Water Right	12/19/1991	5/23/1991	1/1/1993	4/20/1992	0.04	1.4	GROUND WATER
37	8729		Water Right	1/3/1992	6/11/1991	1/1/1993	1/7/1993	2.00	120.0	GROUND WATER
47	7169		Water Permit	6/16/1976	2/28/1973	1/1/1993	10/23/1992	4.00	200.0	GROUND WATER
47	8283		Water Permit	12/31/1991	10/1/1991	1/1/1993	12/7/1992	1.00	49.0	GROUND WATER
32	7169		Water Permit	2/12/1991	5/23/1990	2/1/1993	4/17/1991	0.02		SPRING
36	7620		Water Right	1/23/1990	3/15/1976	2/1/1993	1/28/1993	1.76	137.0	GROUND WATER
36	8583		Water Right	1/28/1992	2/22/1991	2/1/1993	9/16/1992	3.99	238.9	GROUND WATER
37	8588		Water Permit	1/17/1992	1/2/1990	2/1/1993	2/14/1992	2.00	100.0	WASTE WATER
37	8732		Water Right	1/27/1992	4/13/1991	2/1/1993	3/18/1993	3.00	587.0	GROUND WATER
37	8742		Water Right	3/2/1992	3/28/1991	2/1/1993	8/17/1992	4.21	995.5	GROUND WATER
43	7192		Water Right	1/23/1990	5/16/1983	2/1/1993	1/12/1993	0.82	183.0	GROUND WATER
45	13900		Water Right	10/16/1987	10/16/1987	2/1/1993	12/14/1992	2.09	2034.6	GROUND WATER
61	7575		Water Permit	1/18/1991	2/24/1986	2/1/1993	8/12/1992	0.80	40.0	LITTLE CANYON CREEK, WASTE WATER
35	8863		Water Right	3/5/1991	7/3/1989	3/1/1993	2/24/1993	6.68	425.9	GROUND WATER
47	8183		Water Right	3/10/1992	12/15/1988	3/1/1993	3/27/1992	0.40	20.0	GROUND WATER
47	8205		Water Right	3/16/1992	2/14/1989	3/1/1993	3/1/1993	0.11	1.9	GROUND WATER
57	7419		Water Right	2/13/1990	3/14/1983	3/1/1993	3/3/1992	0.12	6.0	UNNAMED DRAIN
35	8655		Water Right	4/5/1991	7/28/1987	4/1/1993	4/5/1993	0.72	235.0	GROUND WATER
36	8313	A	Water Right	8/20/1986	8/20/1986	4/1/1993	10/30/1992	1.20	60.0	GROUND WATER
36	8313	B	Water Right	8/20/1986	8/20/1986	4/1/1993	10/30/1992	0.32	16.0	GROUND WATER
36	8534		Water Right	3/26/1992	4/27/1990	4/1/1993	4/16/1993	0.10	2.5	GROUND WATER
36	8628		Water Right	3/26/1992	11/26/1991	4/1/1993	4/22/1993	0.18	8.0	GROUND WATER
37	8385		Water Permit	4/5/1991	8/31/1988	4/1/1993	3/15/1993	1.40	70.0	WASTE WATER
37	8405		Water Right	4/10/1991	5/6/1994	4/1/1993	5/6/1994	2.40	124.0	GROUND WATER
47	7999		Water Right	3/18/1992	5/14/1985	4/1/1993	3/30/1992	0.20	20.0	GROUND WATER
47	8108		Water Right	4/2/1991	8/23/1988	4/1/1993	2/23/1993	0.07	2.3	WASTE WATER
47	8109		Water Right	3/18/1992	12/27/1988	4/1/1993	3/25/1992	0.15	5.0	UNNAMED STREAM
47	8152		Water Right	3/18/1992	11/18/1988	4/1/1993	3/30/1992	0.11	4.6	GROUND WATER
47	17236		Water Right	12/16/1988	12/16/1988	4/1/1993	3/30/1992	0.06	0.8	GROUND WATER
47	17237		Water Right	12/16/1988	12/16/1988	4/1/1993	3/30/1992	0.02	0.7	GROUND WATER
47	17238		Water Right	12/16/1988	12/16/1988	4/1/1993	3/30/1992	0.01	0.4	GROUND WATER
47	17239		Water Right	12/16/1988	12/16/1988	4/1/1993	3/30/1992	0.10	4.5	GROUND WATER
47	8232		Water Permit	5/1/1990	1/16/1990	5/1/1993	3/1/1993	1.16	2.0	GROUND WATER, UNNAMED STREAM
22	7699		Water Permit	5/15/1991	3/20/1991	5/3/1993	4/28/1993	3.00	150.0	GROUND WATER
25	14247		Water Right	2/28/1992	2/28/1992	5/3/1993	5/17/1993	0.63	31.4	GROUND WATER
25	14248		Water Right	2/28/1992	2/28/1992	5/3/1993	5/17/1993	0.07	3.6	GROUND WATER
33	7190		Water Right	5/8/1991	12/12/1989	5/3/1993	3/4/1992	0.12	295.0	GROUND WATER
35	8973		Water Right	4/17/1992	12/23/1991	5/3/1993	3/30/1993	0.85	200.0	GROUND WATER

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35	8973		Water Right	4/17/1992	12/23/1991	5/3/1993	3/30/1993	0.85	200.0	GROUND WATER
35	8974		Water Right	4/17/1992	12/23/1991	5/3/1993	3/30/1993	0.91	224.0	GROUND WATER
36	8601		Water Right	4/24/1992	9/5/1991	5/3/1993	5/3/1993	0.06	2.0	GROUND WATER
36	8624		Water Right	4/9/1992	12/10/1991	5/3/1993	5/1/1992	0.21	160.0	GROUND WATER
36	8637		Water Right	4/9/1992	12/6/1991	5/3/1993	3/30/1993	0.23	245.0	GROUND WATER
45	7655		Water Permit	4/29/1991	6/16/1989	5/3/1993	3/10/1993	0.66	42.0	SPRINGS
47	8226		Water Right	5/2/1991	8/11/1989	5/3/1993	6/8/1992	0.64	49.0	UNNAMED STREAM
47	17567		Water Right	5/2/1991	8/11/1989	5/3/1993	6/8/1992	0.04	3.0	UNNAMED STREAM
21	7376		Water Permit	6/20/1991	3/21/1988	6/1/1993	6/21/1993	3.20	160.0	GROUND WATER
35	8103		Water Right	5/21/1990	2/22/1983	6/1/1993	5/21/1993	7.00	474.0	GROUND WATER
36	8553		Water Right	6/14/1991	7/9/1990	6/1/1993	4/13/1993	0.13	4.3	GROUND WATER
45	7659		Water Permit	5/29/1991	6/26/1989	6/1/1993	6/14/1993	1.22	60.0	SPRINGS
45	7668		Water Right	6/12/1991	11/7/1989	6/1/1993	4/21/1993	0.50	25.0	GROUND WATER
61	7647		Water Right	6/20/1991	7/9/1990	6/1/1993	6/8/1993	0.09	3.0	SPRING
35	8698		Water Right	6/20/1991	3/2/1989	7/1/1993	7/22/1993	2.23	628.0	GROUND WATER
35	8912		Water Right	6/24/1991	9/26/1990	7/1/1993	6/4/1993	0.61	543.0	GROUND WATER
35	8913		Water Right	6/24/1991	9/26/1990	7/1/1993	6/4/1993	0.17	426.0	GROUND WATER
35	8914		Water Right	6/24/1991	9/26/1990	7/1/1993	6/7/1993	0.20	426.0	GROUND WATER
35	8915		Water Right	6/24/1991	9/26/1990	7/1/1993	6/7/1993	0.37	426.0	GROUND WATER
35	13377		Water Right	9/26/1990	9/26/1990	7/1/1993	6/4/1993	0.22	543.0	GROUND WATER
35	13378		Water Right	9/26/1990	9/26/1990	7/1/1993	6/4/1993	0.12	426.0	GROUND WATER
36	8046		Water Right	6/25/1991	12/11/1981	7/1/1993	6/3/1993	0.62	202.5	GROUND WATER
45	7683		Water Permit	6/24/1991	12/6/1990	7/1/1993	5/10/1993	0.29	14.5	GROUND WATER
35	8881		Water Right	7/13/1990	3/9/1990	8/1/1993	2/8/1991	1.59	300.0	GROUND WATER
35	8884		Water Right	7/13/1990	3/9/1990	8/1/1993	2/8/1991	0.43	264.0	GROUND WATER
22	7672		Water Right	8/12/1991	4/16/1990	8/2/1993	7/9/1993	4.76	238.0	GROUND WATER
25	7596		Water Right	8/29/1991	6/26/1991	8/2/1993	6/15/1993	0.15	10.0	GROUND WATER
35	8939		Water Right	8/2/1991	3/25/1991	8/2/1993	6/17/1993	2.94	158.0	GROUND WATER
35	8950		Water Right	8/27/1991	6/28/1991	8/2/1993	6/28/1993	2.40	253.0	GROUND WATER
36	8560	A	Water Right	9/7/1990	9/7/1990	8/2/1993	6/24/1993	1.03	135.0	GROUND WATER
36	8560	B	Water Right	9/7/1990	9/7/1990	8/2/1993	6/24/1993	0.12	6.0	GROUND WATER
36	16094		Water Right	3/10/1992	3/10/1992	8/2/1993	7/29/1993	0.03		GROUND WATER
36	16407		Water Right	3/10/1992	3/10/1992	8/2/1993	7/29/1993	1.53	390.5	GROUND WATER
36	16408		Water Right	3/10/1992	3/10/1992	8/2/1993	7/29/1993	0.08		GROUND WATER
47	8268	A	Water Right	3/5/1991	3/5/1991	8/3/1993	7/16/1993	0.29	34.0	GROUND WATER
47	8268	B	Water Right	3/5/1991	3/5/1991	8/3/1993	7/16/1993	0.31	23.0	GROUND WATER
35	8941		Water Right	8/29/1991	4/12/1991	9/1/1993	7/19/1993	4.02	234.0	GROUND WATER
35	8951		Water Right	10/8/1991	7/29/1991	10/1/1993	8/5/1993	1.46	73.0	GROUND WATER
37	7810		Water Permit	1/22/1980	12/5/1979	10/1/1993	9/9/1993	4.00	200.0	GROUND WATER
37	8423		Water Right	9/11/1992	10/18/1988	10/1/1993	8/13/1993	0.10	4.5	GROUND WATER
45	7689		Water Right	9/27/1991	2/22/1991	10/1/1993	9/23/1993	0.14	7.0	GROUND WATER
22	7676		Water Right	11/9/1990	8/20/1990	11/1/1993	10/21/1993	2.00	417.0	GROUND WATER
37	8609		Water Right	10/20/1992	2/15/1990	11/1/1993	3/22/1993	0.33	45.4	GROUND WATER
37	8739		Water Permit	9/28/1992	3/4/1991	11/1/1993	10/13/1992		13.8	SEAMANS CREEK
25	7598		Water Right	11/26/1991	9/25/1991	12/1/1993	12/1/1993	0.09	5.0	GROUND WATER
25	7599		Water Right	11/27/1991	9/25/1991	12/1/1993	12/1/1993	2.28	118.0	GROUND WATER

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25	14263		Water Right	9/25/1991	9/25/1991	12/1/1993	12/1/1993	2.90	155.0	GROUND WATER
36	8580		Water Permit	12/18/1991	2/19/1991	12/1/1993	10/12/1993	0.70	35.0	GROUND WATER
36	8581		Water Right	12/18/1991	3/13/1991	12/1/1993	11/26/1993	0.74	39.0	GROUND WATER
47	8154		Water Right	10/30/1992	11/21/1988	12/1/1993	12/14/1992	0.11	4.2	GROUND WATER
36	8582		Water Right	1/3/1992	2/20/1991	1/3/1994	12/29/1993	0.46	23.0	GROUND WATER
36	8584		Water Right	12/19/1991	2/26/1991	1/3/1994	12/1/1993	2.08	144.0	GROUND WATER
36	8594		Water Right	12/19/1991	6/27/1991	1/3/1994	12/30/1993	0.17	8.5	WASTE WATER
37	8380		Water Permit	1/10/1992	8/25/1988	1/3/1994	12/27/1993	2.00	163.0	WASTE WATER
37	8720		Water Right	1/3/1992	4/23/1991	1/3/1994	7/12/1993	3.20	324.0	GROUND WATER
43	7311		Water Permit	12/19/1991	2/20/1991	1/3/1994	12/29/1993	0.86	43.0	GROUND WATER
36	16690		Water Right	9/10/1984	9/10/1984	1/27/1994	8/1/1995	5.52	8627.4	GROUND WATER
36	16691		Water Right	9/10/1984	9/10/1984	1/27/1994	8/1/1995	2.68	133.8	GROUND WATER
36	16692		Water Right	9/10/1984	9/10/1984	1/27/1994	8/1/1995	0.11	5.4	GROUND WATER
33	7179		Water Right	3/12/1991	12/12/1985	2/1/1994	1/26/1994	1.23	158.1	BLACK CREEK
36	7418		Water Right	1/15/1990	12/11/1973	2/1/1994	8/17/1992	3.48	217.0	GROUND WATER
36	8305		Water Right	2/20/1991	2/14/1986	2/1/1994	1/31/1994	1.90	95.0	GROUND WATER
36	8333		Water Permit	2/6/1991	8/25/1987	2/1/1994	1/31/1994	3.66	183.0	GROUND WATER
36	8561		Water Right	2/20/1991	8/24/1990	2/1/1994	1/26/1994	0.06		GROUND WATER
37	8750		Water Right	1/27/1992	7/12/1991	2/1/1994	12/27/1993	0.13	6.0	GROUND WATER
57	7549		Water Permit	2/10/1992	11/8/1991	2/1/1994	12/20/1993	1.70	85.0	GROUND WATER
34	7239	A	Water Right	3/3/1980	1/22/1980	3/1/1994	2/22/1994	2.12	299.0	GROUND WATER
34	7239	B	Water Right	3/3/1980	1/22/1980	3/1/1994	2/22/1994	0.06	3.0	GROUND WATER
35	13746		Water Right	10/21/1991	10/21/1991	3/1/1994	7/8/1992	0.04	5.6	GROUND WATER
35	13747		Water Right	10/21/1991	10/21/1991	3/1/1994	7/8/1992	0.06	48.4	GROUND WATER
36	7974		Water Right	2/13/1990	3/25/1981	3/1/1994	3/22/1994	2.60	201.0	GROUND WATER
37	8338		Water Right	3/5/1991	5/19/1994	3/1/1994	5/19/1994	0.60	72.0	GROUND WATER
37	8379		Water Right	3/12/1991	8/22/1988	3/1/1994	2/28/1994	0.36	17.0	GROUND WATER
45	7680		Water Right	3/7/1991	10/15/1990	3/1/1994	1/31/1994	1.22		GROUND WATER
51	7293		Water Right	2/14/1992	6/27/1986	3/1/1994	1/5/1994	2.34	812.0	UNNAMED STREAM
36	7966		Water Right	4/23/1981	2/23/1981	4/1/1994	2/7/1994	0.37	837.0	GROUND WATER
36	8569		Water Right	3/26/1992	12/10/1990	4/1/1994	1/13/1994	0.46	67.0	GROUND WATER
37	7893	A	Water Right	4/2/1981	4/2/1981	4/1/1994	3/30/1994	0.23	20.0	GROUND WATER
37	8091		Water Right	3/19/1990	4/29/1983	4/1/1994	3/11/1994	2.22	111.0	GROUND WATER
47	8011	A	Water Right	4/5/1991	8/5/1985	4/1/1994	5/6/1994	1.87	156.0	GROUND WATER
47	8011	B	Water Right	7/1/1985	7/1/1985	4/1/1994	3/28/1994	2.00	296.0	GROUND WATER
47	8011	C	Water Right	4/5/1991	7/1/1985	4/1/1994	3/31/1994	0.97	209.0	GROUND WATER
47	8059		Water Permit	4/2/1991	2/17/1987	4/1/1994	3/31/1994	6.00	746.0	SALMON FALLS CREEK
47	8060		Water Permit	4/2/1991	2/17/1987	4/1/1994	3/31/1994	3.00	746.0	SALMON FALLS CREEK
21	7377		Water Right	4/29/1991	3/8/1988	5/1/1994	4/20/1994	1.55	86.0	GROUND WATER
33	7183		Water Permit	5/15/1991	4/17/1987	5/1/1994	4/18/1994	6.44	320.0	GROUND WATER
37	8349		Water Right	4/23/1991	8/1/1988	5/1/1994	5/16/1994	0.36	33.0	UNNAMED STREAM
45	7631		Water Right	4/29/1991	2/22/1989	5/1/1994	4/22/1994	0.16	8.0	GROUND WATER
35	8969		Water Right	4/9/1992	12/31/1991	5/2/1994	4/11/1994	0.82	59.0	GROUND WATER
45	7632		Water Right	5/8/1991	3/27/1996	5/2/1994	3/27/1996	1.13	79.0	GROUND WATER
51	7309		Water Permit	4/17/1992	5/2/1988	5/2/1994	4/20/1994	1.60	80.0	WASTE WATER
45	7636		Water Right	4/29/1991	1/30/1989	5/3/1994	5/2/1994	0.31	16.0	GROUND WATER

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22	7457		Water Right	5/21/1990	8/4/1983	6/1/1994	3/7/1994	0.09	3.0	GROUND WATER
33	7198		Water Permit	10/25/1991	12/18/1990	6/1/1994	5/31/1994	8.80	440.0	GROUND WATER
35	8874		Water Right	6/14/1991	2/16/1990	6/1/1994	8/10/1992	1.58	79.0	GROUND WATER
35	8899		Water Right	6/14/1991	3/19/1990	6/1/1994	6/30/1993	1.26	63.0	GROUND WATER
35	8940		Water Right	6/20/1991	4/5/1991	6/1/1994	7/6/1994	2.17	142.0	GROUND WATER
37	8158		Water Permit	6/4/1990	7/2/1983	6/1/1994	6/3/1994	0.12	25.0	SPRING
43	7306		Water Permit	6/12/1991	9/17/1990	6/1/1994	6/21/1994	1.00	5.0	GROUND WATER
61	7577		Water Right	6/20/1991	6/12/1986	6/1/1994	6/1/1994	0.09	2.7	UNNAMED DRAIN
36	8523		Water Right	7/2/1991	4/25/1990	7/1/1994	6/27/1994	1.89	115.0	GROUND WATER
37	8693		Water Permit	7/2/1991	11/20/1990	7/1/1994	6/6/1994	2.00	108.0	GROUND WATER
47	8213		Water Permit	6/24/1991	5/2/1989	7/1/1994	6/29/1994	1.00	80.0	WASTE WATER
47	8250		Water Permit	6/26/1991	8/21/1990	7/1/1994	6/14/1994	4.00	240.0	GROUND WATER
22	7474		Water Right	7/13/1990	1/3/1984	8/1/1994	7/22/1994	1.00	131.0	GROUND WATER
25	7584		Water Right	8/8/1991	2/22/1991	8/1/1994	6/24/1993	2.72	136.0	GROUND WATER
35	8942		Water Right	8/12/1991	4/17/1991	8/1/1994	2/24/1993	0.22	425.9	GROUND WATER
36	8255		Water Right	7/13/1990	12/7/1984	8/1/1994	7/1/1991	1.16	154.0	GROUND WATER
37	8487	B	Water Right	1/25/1989	1/25/1989	8/1/1994	1/15/1992	0.18		GROUND WATER
37	8487	C	Water Right	1/25/1989	1/25/1989	8/1/1994	1/15/1992	0.48	97.9	GROUND WATER
37	8487	D	Water Right	1/25/1989	1/25/1989	8/1/1994	1/15/1992	0.86	112.0	GROUND WATER
37	8757		Water Right	9/17/1991	2/4/1987	9/1/1994	8/29/1994	2.56	160.0	GROUND WATER
47	8297		Water Permit	9/20/1993	3/26/1992	9/1/1994	12/13/1993	0.40	18.0	GROUND WATER
35	7834		Water Right	3/1/1979	6/19/1980	10/1/1994	2/26/1996	4.49	309.0	GROUND WATER
35	7836		Water Right	3/1/1979	3/10/1979	10/1/1994	9/29/1994	6.16	308.0	GROUND WATER
35	8605	A	Water Right	11/6/1990	6/28/1985	11/1/1994	10/31/1994	2.76	138.0	GROUND WATER
37	8215		Water Right	10/16/1990	5/19/1985	11/1/1994	10/26/1994	0.09	3.0	GROUND WATER
61	7669		Water Permit	12/13/1991	9/25/1991	12/1/1994	10/26/1994	1.69	80.0	WASTE WATER
21	7450	C	Water Permit	4/25/1991	10/17/1989	12/2/1994	12/4/1994	3.22	180.0	GROUND WATER
36	8252	D	Water Permit	8/16/1990	10/17/1984	1/1/1995	10/31/1994	0.52		GROUND WATER
36	8252	E	Water Right	8/16/1990	10/17/1984	1/1/1995	11/2/1994	0.10	99.0	GROUND WATER
37	7893	B	Water Right	6/4/1981	3/17/1994	1/1/1995	11/14/1994	0.51	25.4	GROUND WATER
36	7958		Water Right	3/19/1990	1/9/1981	3/1/1995	10/26/1993	5.80	290.0	GROUND WATER
22	7662		Water Right	4/5/1990	12/26/1989	4/1/1995	2/27/1995	1.40		GROUND WATER
21	7452		Water Right	4/25/1991	11/4/1989	5/1/1995	3/16/1995	1.04	52.0	GROUND WATER
35	8335		Water Right	6/28/1990	1/10/1984	5/1/1995	3/2/1995	4.39	259.0	GROUND WATER
35	8337		Water Right	6/28/1990	1/10/1984	5/1/1995	3/3/1995	2.70	160.0	GROUND WATER
35	13812		Water Right	1/10/1984	1/10/1984	5/1/1995	2/27/1995	2.64	132.0	GROUND WATER
35	13813		Water Right	1/10/1984	1/10/1984	5/1/1995	2/27/1995	0.50	25.0	GROUND WATER
37	8702		Water Right	5/13/1991	1/31/1991	5/1/1995	1/13/1995	2.50	260.0	GROUND WATER
57	7507		Water Permit	5/8/1991	12/4/1989	5/1/1995	5/26/1995	4.00	200.0	UNNAMED STREAM
37	8511		Water Permit	6/6/1990	6/6/1989	6/1/1995	7/5/1995	1.00		GROUND WATER
37	8514		Water Permit	6/9/1990	5/3/1989	6/1/1995	5/12/1995	1.00		GROUND WATER
47	8019		Water Right	3/10/1992	11/5/1985	6/1/1995	5/31/1995	0.76	43.0	GROUND WATER
35	8346		Water Right	7/13/1990	3/29/1984	7/1/1995	3/6/1995	2.64	142.0	GROUND WATER
47	8075		Water Right	11/27/1991	12/21/1987	7/1/1995	6/15/1995	1.30	214.0	GROUND WATER
25	7394		Water Permit	8/16/1990	4/13/1984	8/1/1995	12/8/1993	60.00	5359.0	GROUND WATER
36	8198		Water Right	9/5/1990	6/10/1983	8/1/1995	6/13/1995		340.0	WASTE WATER

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47	7974		Water Right	8/16/1990	1/25/1984	8/1/1995	6/4/1991	0.77	82.0	WASTE WATER
57	7570		Water Permit	7/30/1993	10/27/1992	8/1/1995	11/29/1993	0.40	20.0	PIXLEY CREEK
33	7176		Water Permit	9/13/1990	6/28/1985	9/1/1995	7/17/1995	2.16	108.0	GROUND WATER
37	8209		Water Right	9/20/1990	4/11/1985	9/1/1995	7/13/1994	1.16	58.0	GROUND WATER
57	7535		Water Right	9/4/1991	4/5/1991	9/1/1995	8/25/1995	0.38	19.0	BIRCH CREEK
35	7837	B	Water Right	3/1/1979	1/22/1979	10/1/1995	1/30/1995	2.00	100.0	GROUND WATER
35	7837	C	Water Right	2/16/1979	2/16/1979	10/1/1995	11/1/1995	2.59	244.0	GROUND WATER
35	7837	D	Water Right	2/16/1979	2/16/1979	10/1/1995	11/1/1995	0.81	70.0	GROUND WATER
36	8475		Water Right	10/8/1991	10/31/1989	10/2/1995	10/2/1995	2.64	8627.4	GROUND WATER
37	22250		Water Right	8/3/1990	8/3/1990	11/1/1995	10/10/1995	0.68	34.0	GROUND WATER
36	8739		Water Right	8/14/1995	5/10/1995	12/1/1995	10/12/1995	1.00	108.6	GROUND WATER
36	8740		Water Right	8/14/1995	5/10/1995	12/1/1995	10/12/1995	0.53	126.5	GROUND WATER
43	7319		Water Right	12/15/1993	1/9/1992	12/1/1995	11/22/1995	1.79	280.0	GROUND WATER
47	8261		Water Right	2/19/1991	2/19/1991	12/1/1995	1/3/1996	3.80	869.0	GROUND WATER
36	8257		Water Right	7/23/1990	12/6/1984	1/1/1996	12/26/1995	4.42	4382.7	GROUND WATER
36	8258		Water Right	7/23/1990	12/6/1984	1/1/1996	12/26/1995	8.70	4382.7	GROUND WATER
36	8259		Water Right	7/23/1990	12/6/1984	1/1/1996	12/26/1995	5.20	4382.7	GROUND WATER
37	8225	A	Water Right	6/26/1985	6/26/1985	1/1/1996	12/28/1995	0.36	19.0	GROUND WATER
37	22253		Water Right	6/30/1985	6/30/1985	1/1/1996	1/5/1996	0.18	9.0	GROUND WATER
37	22254		Water Right	6/30/1985	6/30/1985	1/1/1996	1/5/1996	0.18	9.0	GROUND WATER
36	8469		Water Right	1/28/1992	10/12/1989	2/1/1996	2/1/1995	0.28	16.0	GROUND WATER
45	7588		Water Right	3/24/1995	1/7/1986	3/1/1996	6/8/1995	15.76		DRY CREEK
35	8926		Water Right	10/8/1991	12/17/1990	5/1/1996	4/24/1996	5.19	563.4	GROUND WATER
37	8613	A	Water Right	5/2/1991	4/4/1990	5/1/1996	5/2/1996	1.48	187.2	GROUND WATER
36	8432		Water Right	4/29/1991	6/22/1989	5/2/1996	5/1/1996	4.01	277.0	GROUND WATER
36	8559		Water Right	6/20/1991	9/4/1990	6/1/1996	4/25/1995	1.86	93.0	GROUND WATER
36	8723		Water Permit	5/17/1994	4/11/1994	6/1/1996	5/15/1996	2.40	125.0	WASTE WATER
36	8735		Water Permit	4/17/1992	1/10/1992	6/1/1996	6/3/1996	0.13		GROUND WATER
36	8736		Water Right	4/17/1992	5/19/1992	6/1/1996	10/8/1996	0.52		GROUND WATER
37	8513		Water Permit	6/6/1990	5/3/1989	6/1/1996	4/8/1996	1.00		GROUND WATER
36	8737		Water Right	7/17/1995	5/3/1995	7/1/1996	10/24/1995	0.07	0.4	RILEY CREEK
47	8238		Water Permit	7/15/1991	5/29/1993	7/1/1996	7/22/1996	4.00	595.0	GROUND WATER
61	7681		Water Permit	7/30/1993	5/13/1993	7/1/1996	5/13/1996	0.88	44.0	GROUND WATER
37	8194		Water Permit	8/16/1990	12/8/1984	8/1/1996	9/27/1996	2.00	185.0	GROUND WATER
37	8686		Water Permit	9/22/1995	11/15/1990	10/1/1996	11/18/1996	0.86	6.5	GROUND WATER
37	8848		Water Permit	9/29/1995	6/6/1995	10/1/1996	9/27/1996	3.35		GROUND WATER
37	8208		Water Right	3/1/1991	4/4/1985	1/1/1997	12/27/1996	0.73	237.0	UNNAMED STREAM
47	8269		Water Right	2/5/1992	3/25/1991	2/1/1997	1/28/1997	0.53	209.0	GROUND WATER
57	7582		Water Right	2/10/1994	12/22/1993	2/1/1997	1/15/1997	0.16	8.0	GROUND WATER
1	7126		Water Permit	3/10/1995	12/28/1994	3/1/1997	1/23/1997	2.56	128.0	SNAKE RIVER
45	7726		Water Right	4/12/1995	2/16/1995	4/1/1997	2/25/1997	2.23		GROUND WATER
1	7127		Water Permit	5/13/1996	2/2/1996	5/1/1997	7/12/1996	0.67	33.3	SNAKE RIVER
31	7509		Water Right	5/16/1996	10/27/1988	5/1/1997	6/10/1996	1.63	81.4	GROUND WATER
57	7552		Water Permit	4/27/1992	8/15/1990	5/1/1997	4/28/1997	1.69	192.0	TWENTYMILE GULCH CREEK
61	7119		Water Right	4/30/1991	7/10/1972	5/2/1997	4/9/1997	5.24	1459.0	GROUND WATER
37	8439		Water Right	7/22/1996	10/25/1988	7/1/1997	5/21/1997	0.94	30.0	GROUND WATER

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47	8252	B	Water Right	9/6/1990	9/6/1990	7/1/1997	7/3/1997	0.45		GROUND WATER
47	8252	C	Water Right	9/6/1990	9/6/1990	7/1/1997	7/3/1997	3.56	178.0	GROUND WATER
36	8738		Water Right	7/25/1995	5/22/1995	8/1/1997	8/15/1997	3.30		GROUND WATER
36	8752		Water Right	8/16/1996	4/17/1996	8/1/1997	8/27/1996	3.00		UPPER & LOWER TUCKER SPRINGS
37	8811		Water Permit	10/18/1993	5/3/1993	8/1/1997	7/22/1997	0.09	5.0	GROUND WATER
47	7745		Water Permit	9/15/1981	6/26/1981	8/1/1997	7/15/1997	0.70	10.0	GROUND WATER
51	7356		Water Permit	11/21/1995	7/18/1995	11/1/1997	6/12/1997	0.58	275.0	WASTE WATER
43	7310		Water Permit	12/19/1991	5/28/1991	12/1/1997	10/30/1997	1.60	80.0	GROUND WATER
51	7355		Water Permit	11/21/1995	7/18/1995	12/1/1997	6/12/1997	0.08	37.0	WASTE WATER
43	7308		Water Permit	4/2/1992	1/30/1991	2/1/1998	2/2/1998	2.10		GROUND WATER
37	8821		Water Right	3/14/1995	5/24/1993	3/1/1998	2/26/1998	0.80	33.5	GROUND WATER
32	7137		Water Right	2/10/1998	5/12/1988	6/1/1998	9/3/1998	6.40	1935.0	GROUND WATER
34	7585		Water Right	9/14/1998	4/23/1998	1/1/1999	11/12/1998	0.79	255.0	GROUND WATER
36	8747		Water Right	4/22/1996	2/2/1996	4/1/1999	8/8/1999	0.35	8.0	GROUND WATER
36	8763		Water Right	5/15/1997	10/18/1999	5/1/1999	10/18/1999	2.75		GROUND WATER
55	7461		Water Permit	5/15/1996	3/28/1996	5/1/1999	7/6/1999	3.02	151.0	UNNAMED STREAM
57	7585		Water Permit	4/25/1994	2/23/1993	5/1/1999	6/16/1998	0.40	20.0	GROUND WATER
61	7719		Water Permit	5/15/1996	12/6/1999	5/1/1999	12/6/1999	0.33	7.5	GROUND WATER
35	8868	A	Water Right	12/15/1989	12/15/1989	6/1/1999	8/12/1998	4.46	264.0	GROUND WATER
35	8868	B	Water Right	12/15/1989	12/15/1989	6/1/1999	8/12/1998	5.25	326.0	GROUND WATER
22	7794		Water Right	8/11/1997	7/5/1997	8/1/1999	9/17/1999	1.10		GROUND WATER
35	8949		Water Permit	8/27/1991	8/26/1991	8/1/1999		3.00	150.0	GROUND WATER
36	8787		Water Right	4/2/1999	1/22/1999	8/1/1999	5/13/1999	1.05	152.0	GROUND WATER
31	7441		Water Right	5/20/1999	6/11/1985	10/1/1999	6/23/1999	1.32	66.0	GROUND WATER
36	8764		Water Right	9/24/1997	3/28/1997	10/1/1999	8/23/1999	1.27		GROUND WATER
45	7727		Water Right	1/23/1997	4/11/1995	11/1/1999	11/1/1999	1.00		GROUND WATER
37	8856		Water Permit	12/11/1996	7/15/1996	12/1/1999	10/22/1999	1.15		GROUND WATER
45	7735		Water Permit	11/26/1996	9/3/1996	12/1/1999	10/15/1999	4.46		GROUND WATER
37	8890		Water Right	10/22/1999	4/15/1999	1/1/2000	11/1/1999	1.78	393.0	GROUND WATER
32	7253		Water Permit	11/24/1999	9/3/1998	4/1/2000	4/18/2000	1.35	342.0	GROUND WATER
33	7229		Water Right	12/29/1999	10/29/1999	5/1/2000	1/18/2000	0.03	1.0	GROUND WATER
35	8873	A	Water Right	12/15/1989	12/15/1989	6/1/2000	8/12/1998	8.40	420.0	GROUND WATER
35	8873	B	Water Right	12/15/1989	12/15/1989	6/1/2000	8/12/1998	2.12	132.0	GROUND WATER
32	7261		Water Right	4/3/2000	1/28/2000	8/1/2000	4/17/2000	1.40	405.0	GROUND WATER
37	8182		Water Permit	8/16/1990	8/2/1984	8/1/2000	7/25/2000	1.00	120.0	TOM GOODING SPRING
36	8800		Water Permit	5/9/2000	12/6/1999	10/1/2000	8/17/2000	0.26	12.7	WASTE WATER
61	7690		Water Permit	12/2/1994	4/25/1994	12/1/2000	11/16/2000	1.00	265.0	GROUND WATER
37	8855		Water Permit	12/31/1996	6/4/1996	2/1/2001	1/30/2001	3.00		GROUND WATER
61	7679		Water Permit	2/10/1993	12/10/1992	3/1/2001	2/20/2001	2.68		GROUND WATER
57	7632	A	Water Permit	4/14/1999	10/18/1996	4/1/2001	3/23/2001	0.27	13.3	UNNAMED STREAM
57	7632	B	Water Permit	4/14/1999	10/18/1996	4/1/2001	2/21/2001	0.11	5.7	UNNAMED STREAM
57	7640		Water Permit	4/27/1998	3/18/1997	5/1/2001	3/13/2001	0.60	30.0	GROUND WATER
57	7655		Water Permit	6/1/1998	1/15/1998	7/1/2001	7/20/2000	0.60	30.0	SPRING
1	7145		Water Right	6/28/1999	5/8/1999	7/1/2001	4/23/2001	0.10	4.0	DRY BED
36	8803		Water Permit	3/15/2001	7/13/2000	7/1/2001	3/21/2001	0.13		GROUND WATER
45	13899		Water Right	8/29/1991	8/29/1991	7/1/2001	8/15/2001	0.23		GROUND WATER

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45	13962		Water Right	8/29/1991	8/29/1991	7/1/2001	8/15/2001	7.35	367.4	GROUND WATER
45	13963		Water Right	8/29/1991	8/29/1991	7/1/2001	8/15/2001	0.22	120.0	GROUND WATER
31	11687		Water Right	6/5/2001	3/21/2001	9/1/2001	6/29/2001	0.06	2.7	GROUND WATER
31	11690		Water Right	7/2/2001	3/27/2001	9/1/2001	7/13/2001	1.60	100.0	GROUND WATER
31	11697		Water Right	6/5/2001	3/29/2001	9/1/2001	7/13/2001	0.88	217.0	GROUND WATER
45	7603		Water Permit	7/12/2001	7/9/1986	10/1/2001	10/3/2001	1.26	72.0	GROUND WATER
45	13400		Water Permit	7/12/2001	7/7/1986	10/1/2001	9/12/2001	0.06	2.0	GROUND WATER
45	13403		Water Right	6/22/2001	12/22/2000	10/1/2001	7/16/2001	3.00	3887.4	GROUND WATER
36	15643		Water Permit	8/6/2001	5/7/2001	12/1/2001	11/27/2001	0.97	48.5	WASTE WATER
47	8406		Water Permit	3/12/1997	12/12/1996	3/1/2002	2/19/2002	6.00		GROUND WATER
35	9050		Water Right	1/25/2002	5/18/1995	6/1/2002	4/19/2002	0.64	311.0	GROUND WATER
47	8410		Water Permit	6/3/1997	4/10/1997	6/1/2002	4/22/2002	4.00		GROUND WATER
32	7150		Water Right	5/29/2002	6/25/1985	10/1/2002	6/7/2002	3.41	1935.0	INDIAN CREEK
37	20717		Water Permit	7/2/2002	4/29/2002	11/1/2002	9/19/2002	0.10	4.0	GROUND WATER
45	7746		Water Permit	7/5/2002	5/9/2000	11/1/2002	11/27/2002	2.90	684.0	MILL CREEK, SPRING CREEK
37	20801		Water Right	11/19/2002	9/11/2002	3/1/2003	1/6/2003	0.32		GROUND WATER
61	7744		Water Permit	3/17/1998	1/22/1998	4/1/2003	4/1/2003	3.34		GROUND WATER
57	7639		Water Permit	4/27/1998	2/6/1997	5/1/2003	6/25/2003	1.05	41.0	SPRING
61	11973		Water Permit	4/18/2002	4/8/2002	5/1/2003	6/26/2003	0.10	3.0	GROUND WATER
37	20800		Water Permit	10/10/2002	9/10/2002	10/1/2003	9/10/2003	0.14		GROUND WATER
57	7626		Water Permit	12/6/1996	4/9/1996	11/1/2003	10/27/2003	2.93		GROUND WATER
34	13791		Water Permit	8/13/2003	3/11/2003	12/1/2003	9/4/2003	0.22	22.0	GROUND WATER
36	16099		Water Right	8/29/2003	12/23/2002	12/1/2003	10/9/2003			WASTE WATER
37	20930		Water Right	8/13/2003	4/30/2003	12/1/2003	9/30/2003	1.50		SPRING, UNNAMED STREAM
37	20931		Water Permit	8/5/2003	5/5/2003	12/1/2003	9/16/2003	0.12	4.3	GROUND WATER
45	13486		Water Permit	11/19/2002	7/3/2002	12/1/2003	10/22/2003	0.02		BUCKHORN SPRING
45	13492		Water Permit	11/19/2002	7/3/2002	12/1/2003	10/22/2003	0.02		SPRING
45	13493		Water Permit	11/19/2002	7/3/2002	12/1/2003	10/22/2003			UNNAMED STREAM
37	8281		Water Permit	9/30/2003	10/20/1986	2/1/2004	11/25/2003	0.04	1.1	SPRING
37	20726		Water Permit	12/15/2003	10/26/1989	3/1/2004	1/6/2004	0.15	2.4	GROUND WATER
37	20863		Water Permit	3/20/2003	1/24/2003	4/1/2004	4/18/2003	1.20		GROUND WATER
37	20833		Water Right	1/16/2003	11/15/2002	5/1/2004	8/29/2003	0.48	24.1	GROUND WATER
45	7741		Water Right	6/15/1999	11/12/1998	6/1/2004	5/20/2004	0.45	11.7	GROUND WATER
25	14005		Water Right	3/16/2004	10/12/2003	7/1/2004	4/1/2004	0.06	3.0	GROUND WATER
37	20704		Water Right	6/20/2003	4/8/2002	7/1/2004	6/11/2004	0.07		GROUND WATER
21	12856		Water Right	8/20/2003	5/30/2003	8/1/2004	10/1/2003	0.03	1.0	HENRYS FORK
36	8789		Water Right	5/19/2004	3/23/1999	8/1/2004	6/7/2004	0.39	12.0	GROUND WATER
45	13573		Water Permit	8/22/2003	5/19/2003	8/1/2004	7/30/2004	0.27		GROUND WATER
1	10414		Water Right	9/10/2003	7/17/2003	9/1/2004	9/26/2003	0.67	13.5	DRY BED
36	15683		Water Permit	8/27/2003	7/9/2001	9/1/2004	7/15/2004	0.10		BILLINGSLEY CREEK
36	16183		Water Permit	9/25/2003	6/18/2003	9/1/2004	10/21/2003	0.07		GROUND WATER
21	12866		Water Right	10/24/2003	8/20/2003	10/1/2004	7/1/2004	0.08	2.5	HENRYS FORK
37	20718		Water Permit	12/15/2003	5/7/2002	12/1/2004	10/7/2002	0.08		GROUND WATER
34	7595		Water Permit	5/19/2000	1/11/2000	3/1/2005	2/25/2005	3.12	156.2	GROUND WATER
45	7731		Water Permit	12/13/2004	2/12/1996	3/1/2005	2/18/2005	1.21	110.9	GROUND WATER
37	20400		Water Permit	3/29/2002	9/21/2007	4/1/2005	9/21/2007	0.06	3.0	GROUND WATER

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45	13513		Water Permit	3/20/2003	12/6/2002	4/1/2005	2/22/2005	0.29		GROUND WATER
36	16204		Water Permit	5/24/2004	2/9/2004	5/1/2005	6/28/2004	0.18	9.0	GROUND WATER
36	16201		Water Permit	6/16/2004	2/4/2004	6/1/2005	4/14/2005	1.00	226.0	WASTE WATER
37	8195		Water Permit	6/16/2004	10/5/1984	6/1/2005	7/13/2004	2.75		GROUND WATER
37	8903		Water Right	6/29/2000	9/17/1999	7/1/2005	7/27/2000	1.67		GROUND WATER
43	13323		Water Permit	9/25/2003	5/21/2003	9/1/2005	8/10/2005	0.02		GROUND WATER
61	7724		Water Permit	8/27/1999	9/27/1996	9/1/2005	7/18/2005	0.67		GROUND WATER
61	12060		Water Permit	9/15/2004	4/6/2004	9/1/2005	8/12/2005	0.02	0.5	LITTLE CANYON CREEK
47	8271		Water Permit	11/16/1993	5/5/1991	11/1/2005	11/1/2005	20.00		UNNAMED STREAM, WASTE WATER
36	16235		Water Permit	11/24/2004	8/3/2004	12/1/2005	11/4/2005			SPRING
47	17179		Water Permit	2/15/2005	11/22/2004	2/1/2006	2/28/2005	0.07		GROUND WATER
45	13897		Water Permit	6/9/2005	3/28/2005	6/1/2006	4/21/2006			MARSH CREEK
61	7738		Water Permit	6/1/1998	9/21/1997	6/1/2006	6/7/2006	0.76	38.0	WASTE WATER
47	17124		Water Permit	7/24/2004	5/27/2004	7/1/2006	8/14/2006	0.56		GROUND WATER
47	17094		Water Permit	8/13/2003	4/25/2003	8/1/2006	6/12/2006	3.10		LATERAL NO 58
47	17231		Water Permit	8/23/2005	8/3/2005	8/1/2006	8/30/2006	0.11		GROUND WATER
47	17225		Water Permit	9/6/2005	5/11/2005	9/1/2006	9/21/2005	0.02		WASTE WATER
47	17234		Water Permit	9/27/2005	8/8/2005	9/1/2006	3/13/2006	0.08		GROUND WATER
45	13969		Water Permit	10/11/2005	7/19/2005	10/1/2006	12/22/2005			UNNAMED STREAM
36	16364		Water Permit	12/8/2005	8/15/2005	11/1/2006	12/16/2005	0.04		GROUND WATER
37	21339		Water Permit	12/30/2004	8/24/2004	12/1/2006	11/29/2006	0.04		SPRING, UNNAMED STREAM
37	21400		Water Permit	1/27/2006	3/6/2003	1/1/2007	2/8/2006	0.94		GROUND WATER
37	21355		Water Permit	2/15/2005	9/23/2004	2/1/2007	1/3/2007	1.37		GROUND WATER
37	21411		Water Permit	2/22/2005	12/23/2004	2/1/2007	6/14/2006	0.04		SPRING
36	16299		Water Permit	4/4/2006	9/22/2004	4/1/2007	2/16/2007	2.00		GROUND WATER
43	13424		Water Permit	4/24/2006	1/30/2006	4/1/2007	3/12/2007	0.04		SPRING
37	21648		Water Permit	6/15/2006	2/6/2006	6/1/2007	5/8/2007	0.04		SPRING
37	21743		Water Right	6/22/2006	2/14/2006	6/1/2007	12/7/2006	0.29		GROUND WATER
34	13881		Water Permit	9/22/2006	5/16/2006	7/1/2007	6/1/2007	5.00		BIG LOST RIVER
37	21435		Water Right	8/10/2005	2/4/2005	8/1/2007	7/18/2006	0.17		GROUND WATER
37	20834		Water Right	1/16/2003	11/15/2002	1/1/2008	11/14/2007	3.47		GROUND WATER
37	21622		Water Permit	3/14/2006	10/13/2005	3/1/2008	2/29/2008	0.32		GROUND WATER
36	16390		Water Permit	4/24/2007	3/23/2006	4/1/2008	3/19/2008	3.00	821.0	WASTE WATER
61	7722		Water Permit	5/11/1999	7/19/1996	5/1/2008	4/21/2008	0.40	20.0	GROUND WATER
37	20837		Water Permit	6/16/2003	11/22/2002	6/1/2008	4/18/2008	0.23		GROUND WATER
37	8894		Water Permit	3/7/2000	6/1/1999	7/19/2008	7/18/2008			BLACK CANYON CREEK, DRY CREEK
36	15961		Water Permit	8/18/2003	11/19/2001	8/1/2008	6/12/2006	20.55		BICKEL SPRING, RILEY CREEK
32	13216		Water Permit	9/10/2003	6/24/2003	9/1/2008	8/29/2008	0.02		SPRING
32	13217		Water Permit	9/10/2003	6/24/2003	9/1/2008	8/25/2008	0.02		SPRING
47	17099		Water Permit	10/24/2003	8/6/2003	10/1/2008	8/7/2008	0.10		GROUND WATER
36	16520		Water Permit	11/5/2007	4/24/2007	11/1/2008	4/1/2008	0.04		SPRING
37	21456		Water Permit	12/1/2005	4/20/2005	11/1/2008	9/12/2008	1.80	180.0	WASTE WATER
37	21486		Water Permit	12/1/2005	7/11/2005	11/1/2008	9/24/2008	2.76	275.8	WASTE WATER
2	10357		Water Permit	11/28/2007	8/31/2007	12/1/2008	8/25/2008	0.04		SNAKE RIVER
37	21151		Water Permit	12/18/2003	9/10/2003	12/1/2008	12/3/2008	3.35		GROUND WATER
47	17177		Water Permit	2/15/2005	12/6/2004	2/1/2009	12/22/2008	0.08		GROUND WATER

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51	12991		Water Permit	2/27/2004	9/3/2003	2/1/2009	12/22/2008	0.20		GROUND WATER
61	7712		Water Permit	1/19/1999	7/25/1997	2/1/2009	1/29/2007	1.60	80.0	BENNETT CREEK, GROUND WATER
95	9421		Water Right	2/5/2008	9/4/2007	2/1/2009	2/25/2008	0.01		SPRING
43	13538		Water Permit	3/19/2008	11/30/2007	3/1/2009	4/10/2008	0.07		UNNAMED SPRING
47	17462		Water Permit	3/18/2008	11/27/2007	3/1/2009	3/27/2008	0.04		GROUND WATER
37	21827		Water Permit	4/23/2007	7/31/2006	4/1/2009	9/12/2008		90.0	WASTE WATER
37	21828		Water Permit	4/23/2007	8/3/2006	4/1/2009	9/23/2008		137.9	WASTE WATER
47	17314		Water Permit	4/20/2007	4/10/2006	4/1/2009	3/4/2009	0.02		WASTE WATER
36	16401		Water Permit	5/30/2006	4/5/2006	5/1/2009	5/6/2009	0.04		GROUND WATER
51	7346		Water Permit	5/19/1995	10/18/1993	5/1/2009	6/4/2009	21.22	1061.0	BRUNEAU RIVER
36	16440		Water Permit	6/4/2007	8/31/2006	6/1/2009	7/23/2009	1.07		GROUND WATER
36	16441		Water Permit	6/4/2007	8/31/2006	6/1/2009	7/23/2009	0.45		GROUND WATER
47	17121		Water Permit	7/12/2004	4/2/2004	7/1/2009	6/30/2009	0.54		GROUND WATER
47	17100		Water Permit	12/15/2003	9/10/2003	9/1/2009	8/20/2009	0.06	0.7	CLEAR CREEK, GROUND WATER
37	22201		Water Permit	11/8/2007	7/5/2007	11/1/2009	10/14/2009	0.20		GROUND WATER
37	20653		Water Permit	12/28/2006	12/21/2000	1/1/2010	1/4/2010	25.00		WASTE WATER
37	20654		Water Permit	12/28/2006	12/21/2000	1/1/2010	1/4/2010	25.00		WASTE WATER
37	22386		Water Permit	12/17/2008	10/16/2008	1/1/2010	11/9/2009	0.04		GROUND WATER
43	13419		Water Permit	12/26/2005	6/23/2005	1/1/2010	12/3/2007	0.08		GROUND WATER
47	17463		Water Permit	2/10/2009	12/12/2007	2/1/2010	3/12/2009	0.04		GROUND WATER
35	13521		Water Permit	6/9/2005	8/31/2004	3/1/2010	1/14/2010	5.20	260.0	GROUND WATER
37	7372		Water Permit	12/13/1976	6/30/1999	3/1/2010	2/8/2010	6.54	320.0	GROUND WATER
37	22395		Water Permit	2/17/2009	10/30/2008	3/1/2010	5/6/2009	0.07		GROUND WATER
25	14163		Water Permit	4/25/2005	12/9/2004	4/1/2010	3/24/2010	0.30		GROUND WATER
37	21177		Water Permit	7/14/2005	11/17/2003	7/1/2010	6/28/2010	0.08	7.0	GROUND WATER
43	13415		Water Permit	7/15/2005	4/28/2005	7/1/2010	5/28/2010	0.02		SPRING
36	16740		Water Permit	7/22/2009	4/9/2009	8/1/2010	6/14/2010	0.40		UPPER & LOWER TUCKER SPRINGS
37	21479		Water Permit	8/22/2005	6/21/2005	8/1/2010	7/27/2010	0.20		GROUND WATER
37	21480		Water Permit	8/22/2005	6/21/2005	8/1/2010	7/27/2010	0.20		GROUND WATER
45	14178		Water Permit	7/23/2009	8/14/2008	8/1/2010	7/29/2010	0.08		WOODBURY SPRING
36	8785		Water Permit	11/24/2004	10/29/1998	11/1/2010		16.00		RILEY CREEK
37	21338		Water Permit	11/4/2005	8/19/2004	11/1/2010	10/29/2010	2.02		BIG WOOD RIVER
47	17461		Water Permit	12/7/2009	2/1/2008	12/1/2010	12/30/2010	0.36		UNNAMED STREAM
47	17524		Water Right	1/13/2010	11/30/2009	2/1/2011	1/15/2010	0.04		UNNAMED STREAM, WASTE WATER
21	13032		Water Permit	4/18/2006	2/24/2006	4/1/2011		0.02		GROUND WATER
35	13522		Water Permit	4/22/2005	11/18/2004	4/1/2011		0.45		GROUND WATER
37	21629		Water Permit	4/24/2006	12/16/2005	4/1/2011	3/11/2011	0.02		UNNAMED SPRING
47	8320		Water Permit	4/27/2007	8/3/1992	4/1/2011		0.28		GROUND WATER
57	11749		Water Permit	4/14/2010	7/9/2008	4/1/2011		0.20	10.0	GROUND WATER
45	13990		Water Permit	5/4/2006	2/9/2006	5/1/2011		0.10		GROUND WATER
37	21243		Water Permit	5/19/2004	12/24/2003	6/1/2011		0.60		GROUND WATER
37	21627		Water Permit	6/7/2006	1/24/2006	6/1/2011		0.14		GROUND WATER
37	21719		Water Permit	6/15/2006	3/22/2006	6/1/2011		0.11		GROUND WATER
43	13447		Water Permit	6/1/2006	4/21/2006	6/1/2011		0.04		SUBLETT CREEK
57	11711		Water Permit	5/20/2010	11/1/2007	6/1/2011	6/28/2010	0.70	35.0	GROUND WATER
37	21744		Water Permit	8/31/2006	4/19/2006	8/1/2011		1.17		GROUND WATER

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36	16863		Water Permit	8/24/2010	6/24/2010	9/1/2011	8/27/2010	0.04		WASTE WATER
37	22385		Water Permit	8/7/2009	8/2/2007	9/1/2011				GROUND WATER
43	13680		Water Permit	9/16/2010	6/7/2010	10/1/2011		0.04		UNNAMED SPRING
45	14315		Water Permit	10/13/2010	9/2/2010	10/1/2011		0.02		SPRING
47	17538		Water Permit	9/30/2010	7/27/2010	10/1/2011		0.04		UNNAMED STREAM
47	17543		Water Permit	9/30/2010	8/9/2010	10/1/2011		0.07		GROUND WATER
36	16868		Water Permit	11/30/2010	7/19/2010	12/1/2011		6.00		WASTE WATER
61	12262		Water Permit	12/1/2010	10/20/2010	12/1/2011	2/28/2011	0.02		UNNAMED STREAM
1	10505		Water Permit	2/16/2007	8/14/2006	1/1/2012		0.04	2.0	SNAKE RIVER
37	22576		Water Permit	12/17/2010	10/19/2010	1/1/2012		0.16		GROUND WATER
45	14107		Water Permit	12/23/2010	11/12/2010	1/1/2012		0.05		DAYLEY CREEK, LUNCH CREEK
34	14101		Water Permit	1/29/2010	5/21/2009	2/1/2012		0.19	6.0	GROUND WATER
35	13576		Water Permit	3/9/2007	8/14/2006	2/1/2012		1.00		GROUND WATER
37	21742		Water Permit	2/7/2007	4/17/2006	2/1/2012		0.80	20.0	GROUND WATER
47	17566		Water Permit	3/1/2011	1/14/2011	3/1/2012		0.02		WASTE WATER
57	11796		Water Permit	2/22/2011	10/5/2010	3/1/2012		0.50	25.0	WASTE WATER
37	21952		Water Permit	4/23/2007	9/26/2006	4/1/2012		0.44		GROUND WATER
33	14869		Water Permit	6/20/2007	2/28/2007	6/1/2012		0.02		COYOTE SPRING
36	16817		Water Permit	5/13/2010	1/4/2010	6/1/2012		0.06		GROUND WATER
45	7745		Water Permit	8/13/2007	9/3/1999	7/1/2012		0.06		BENNETT SPRING, POMERELLE SPRING
37	21278		Water Permit	9/7/2007	3/22/2004	9/1/2012		0.06		GROUND WATER
37	21771		Water Permit	9/5/2007	2/27/2006	9/1/2012		3.05		UNNAMED STREAM
37	22163		Water Permit	9/18/2007	3/14/2007	9/1/2012		0.04		GROUND WATER
47	17441		Water Permit	9/6/2007	1/17/2007	9/1/2012		0.89		GROUND WATER
34	13763		Water Permit	2/16/2010	7/29/2002	10/1/2012		1.50	75.0	GROUND WATER
36	16156		Water Permit	10/27/2009	4/9/2003	11/1/2012		1.34		GROUND WATER
37	21337		Water Permit	11/4/2005	8/19/2004	11/1/2012		0.74		GROUND WATER
37	22213		Water Permit	1/14/2008	7/23/2007	1/1/2013		0.03		SPRING
47	17435		Water Permit	4/27/2007	9/15/2006	4/1/2013		3.35		GROUND WATER
61	11954		Water Permit	5/8/2003	12/12/2001	5/1/2013		1.29		GROUND WATER
37	21352		Water Permit	6/9/2005	2/16/2005	6/1/2013				GROUND WATER
37	22500		Water Permit	5/27/2010	3/31/2010	6/1/2013		0.94		GROUND WATER
37	8692		Water Permit	7/29/2003	8/9/1990	7/1/2013		0.04		WARFIELD HOT SPRING
47	17475		Water Permit	7/21/2008	4/3/2008	8/1/2013		0.02		WHIR SPRING
47	17482		Water Permit	7/25/2008	2/26/2008	8/1/2013		1.11		GROUND WATER
37	22513		Water Permit	8/24/2010	4/30/2010	9/1/2013		1.70		GROUND WATER
37	22514		Water Permit	8/24/2010	4/30/2010	9/1/2013		3.00		GROUND WATER
37	21489		Water Permit	11/7/2005	7/13/2005	9/3/2013		0.73		GROUND WATER
37	22542		Water Permit	9/16/2010	4/30/2010	10/1/2013		3.65		GROUND WATER
37	22545		Water Permit	10/5/2010	8/11/2010	10/1/2013		9.40		GROUND WATER
37	22380		Water Permit	11/20/2008	9/24/2008	12/1/2013		4.10		GROUND WATER
45	14161		Water Permit	12/1/2008	10/3/2008	12/1/2013		0.04		GROUND WATER
47	17497		Water Permit	1/13/2009	8/25/2008	1/1/2014		0.04		GROUND WATER
37	21136		Water Permit	3/24/2004	7/24/2003	3/1/2014		8.00	1422.7	GROUND WATER
47	17127		Water Permit	3/11/2009	5/19/2004	3/1/2014		0.04		GROUND WATER
37	21407		Water Permit	3/13/2007	1/29/2009	4/1/2014		1.94		BULLION CREEK

ACTIVE TRUST WATER RIGHTS ISSUED BY IDWR FOR A TERM OF YEARS
MARCH 28, 2011

Basin	Seq.	Suffix	Process	Approved Date	Priority Date	Proof Due Date	Proof Made Date	Div. Rate	Acres	Source List
57	11623		Water Permit	4/7/2004	11/8/2002	4/1/2014		3.00	150.0	GROUND WATER
37	21294		Water Permit	7/24/2004	4/12/2004	7/1/2014		0.91		GROUND WATER
37	22436		Water Permit	7/21/2009	2/5/2009	8/1/2014		0.64		GROUND WATER
47	17517		Water Permit	7/22/2009	4/13/2009	8/1/2014		0.04		GROUND WATER
57	11751		Water Permit	7/22/2010	7/31/2008	8/1/2014		4.00	212.0	GROUND WATER
37	22431		Water Permit	10/15/2009	1/13/2009	11/1/2014		1.19		GROUND WATER
51	7358		Water Permit	2/9/2010	7/18/1995	2/1/2015		3.60	320.0	WASTE WATER
51	13067		Water Permit	2/9/2010	8/7/2009	2/1/2015		3.60	320.0	WASTE WATER
25	14165		Water Permit	4/26/2005	1/25/2005	4/1/2015		1.93		GROUND WATER
36	16829		Water Permit	4/12/2010	2/25/2010	4/1/2015	9/10/2010	0.20		GROUND WATER
37	22495		Water Permit	4/12/2010	2/25/2010	4/1/2015	9/9/2010	0.12		GROUND WATER
51	13039		Water Permit	3/22/2010	6/24/2008	4/1/2015		1.00		GROUND WATER
25	14162		Water Permit	5/26/2005	12/27/2004	5/1/2015		0.50		GROUND WATER
37	21434		Water Permit	5/30/2005	2/22/2005	5/1/2015		0.35		GROUND WATER
37	21644		Water Permit	5/5/2006	2/2/2006	5/1/2015		0.12		GROUND WATER
37	21465		Water Permit	7/15/2005	5/20/2005	7/1/2015		2.23		GROUND WATER
57	11780		Water Permit	6/17/2010	6/1/2009	7/1/2015		1.00		GROUND WATER
37	22252		Water Permit	8/10/2010	8/8/2007	8/1/2015		0.52	220.6	GROUND WATER
37	22511		Water Permit	8/4/2010	4/20/2010	9/1/2015		0.50		GUYER HOT SPRINGS
37	22539		Water Permit	8/30/2010	5/5/2010	9/1/2015		1.20		GROUND WATER
61	12261		Water Permit	9/1/2010	6/28/2010	9/1/2015		1.00		GROUND WATER
57	11750		Water Permit	9/28/2010	7/9/2008	10/1/2015		0.46	20.0	GROUND WATER
61	12062		Water Permit	12/26/2005	12/16/2004	10/1/2015		2.40	240.0	MUD SPRINGS CREEK
61	12258		Water Permit	9/17/2010	6/2/2010	10/1/2015		0.09		GROUND WATER
37	22543		Water Permit	10/25/2010	6/23/2010	11/1/2015				SPRING
37	22544		Water Permit	10/25/2010	6/23/2010	11/1/2015				SPRINGS
37	22573		Water Permit	12/6/2010	10/13/2010	12/1/2015		0.06		UNNAMED SPRING
2	7471		Water Permit	12/20/2010	12/9/1996	1/1/2016		3.00		SNAKE RIVER
37	22581		Water Permit	3/1/2011	12/6/2010	3/1/2016		0.04		GROUND WATER
57	11687		Water Permit	4/6/2007	5/21/2006	3/1/2016		0.84	40.0	GROUND WATER
43	13686		Water Permit	10/13/2010	9/7/2010	10/1/2016		0.02		BLACKSMITH CREEK
37	22570		Water Permit	12/8/2010	5/5/2010	12/15/2016		0.06		GROUND WATER
35	7962		Water Permit	5/20/1981	6/1/1981			12.20	610.0	GROUND WATER
35	7963		Water Permit	5/20/1981	6/1/1981			6.40	320.0	GROUND WATER
35	8124		Water Permit	4/23/1990	3/25/1983			6.40	320.0	GROUND WATER
35	8359		Water Permit	7/27/1990	11/28/1984			6.00	313.0	GROUND WATER

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MAR 29 2011

MEMORANDUM

TO: *AR* RICK RAYMONDI, *SV* SEAN VINCENT
FROM: LIZ CRESTO *LC*
SUBJECT: SNAKE RIVER NEAR MURPHY 1980 -2010
DATE: 3/28/2011

This memo is in response to the request for staff memorandum regarding water right application 35-8359 in the name of John B. Kugler and Diane K. Kugler. As part of the request, the Director specifically asked for a compilation of flow data since 1980 at the Snake River near Murphy gage.

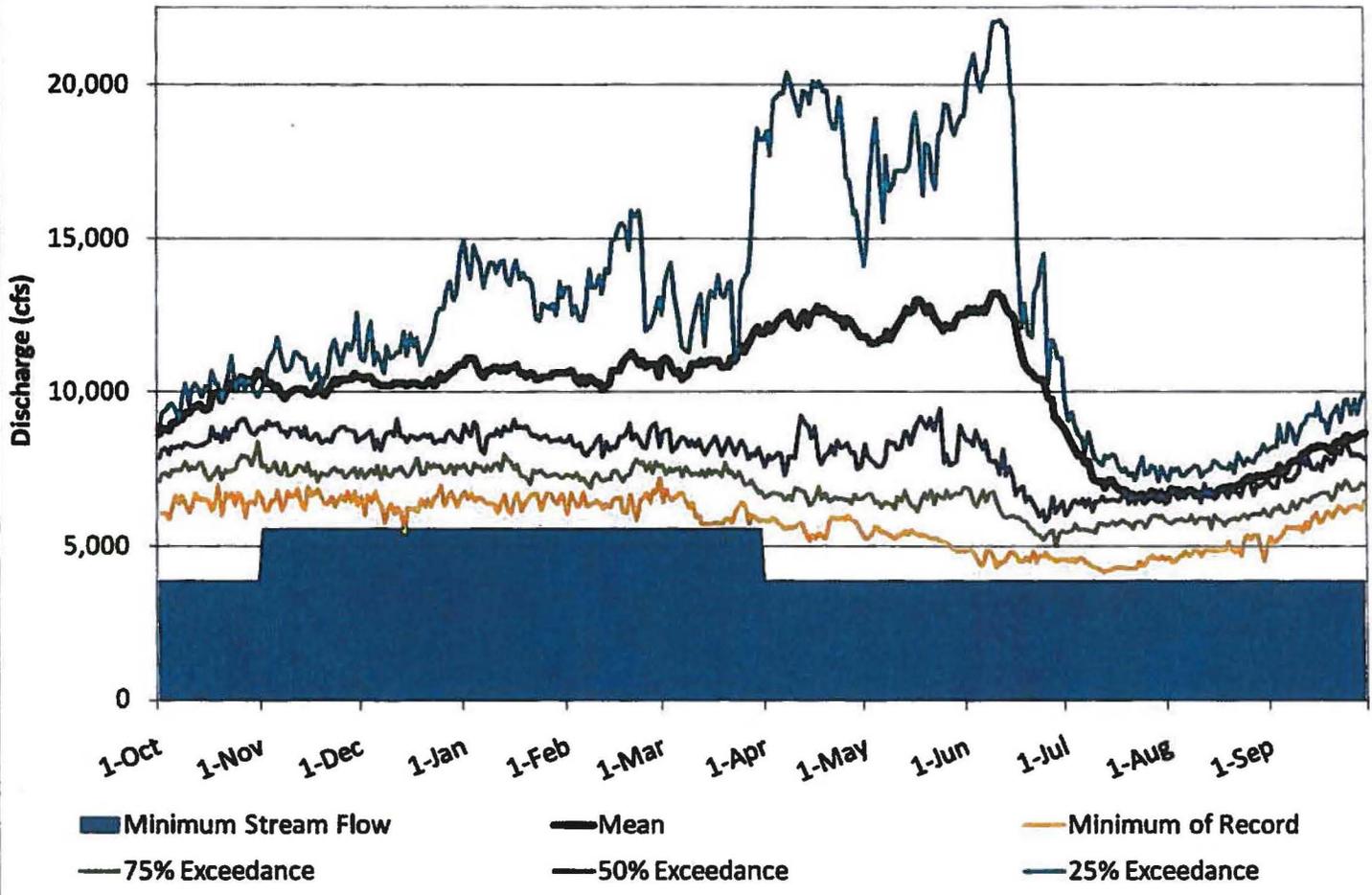
The Snake River near Murphy gage has been monitored since 1912. The gage is currently maintained and operated by Idaho Power. Idaho Power has operated the gage since 2001. Prior to 2001 the gage was operated by the USGS. The accuracy of the gage records is considered "good," which means that 95% of the daily discharges are within 10% of true.

The hydrograph below summarizes the historical data from the near Murphy gage for the period 1980 – 2010 and allows for comparison of the observed flows to the minimum flows stipulated by the Swan Falls Agreement. The yellow line represents the minimum average daily flow rate for each day of the year. The light blue, purple, and green lines identify the 25, 50, and 75 percent exceedance values, respectively. Finally, the blue shaded area represents the Swan Falls minimum streamflow at Murphy. The Swan Falls minimum flow is 3,900 cfs from April 1 through October 31 and 5,600 cfs from November 1 through March 31. Flows on the Snake River near Murphy have approached the Swan Falls minimum streamflow several times but there has been only one day since 1980 when the average daily flow was less than the minimum (December 14th, 1987), and that single occurrence can be attributed to the operation of C.J. Strike Reservoir. IDWR continually monitors the flows at Murphy to evaluate whether the Swan Falls minimum streamflow is being met.

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MAR 29 2011

Summary Hydrograph Snake River near Murphy (1980 - 2010)



MEMO

State of Idaho

Department of Water Resources

322 E Front Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700

Date:

To: Sean Vincent ^{sv}

From: Allan Wylie

cc:

Subject: Permit no. 35-8359

Sean

I conducted an analysis of the impact permit no. 35-8359 would have on the Snake River above King Hill using version 1.1 of the ESPA Model (ESPAM1.1). Figure 1 shows the location of permit no. 35-8359 and my selection of the model cell. Permit no. 35-8359 is to irrigate 313 ac. I compute the total crop consumptive use (CCU) by projecting the POD for 35-8359 on to average evapotranspiration for ESPAM1.1 and average precipitation for ESPAM1.1 as shown in Table 1.

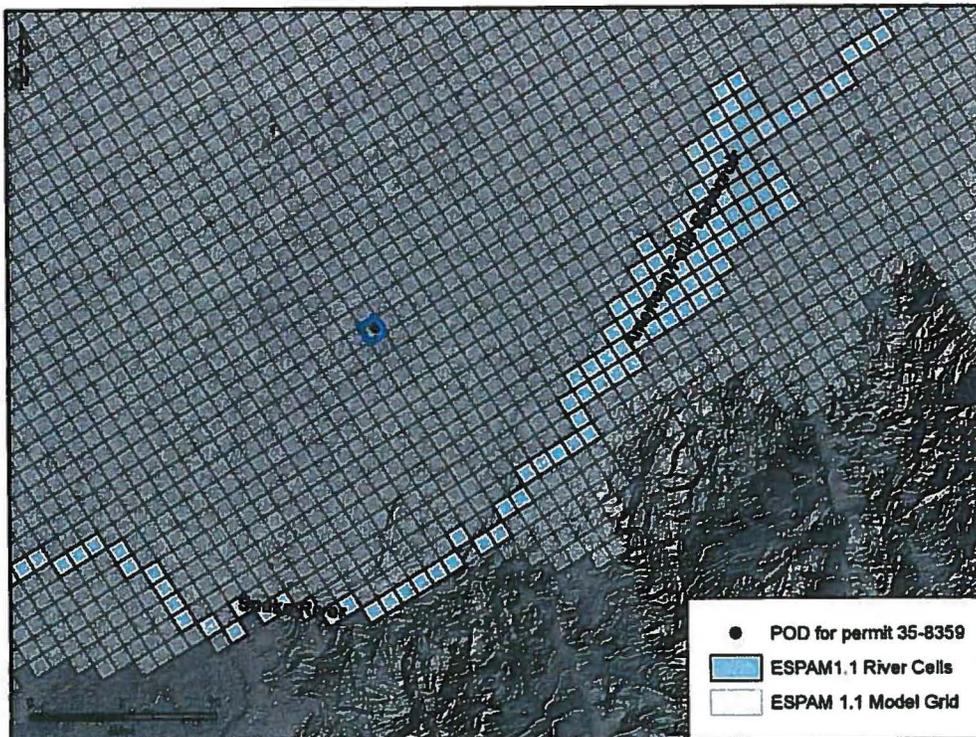


Figure 1. Location of permit no. 35-8359

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Table 1. Completed consumptive use for permit 35-8359.

ESPAM1.1 average et =	2.735208	ft/yr
ESPAM1.1 average ppt =	1.010499	ft/yr
ET-ppt =	1.724709	ft/yr
irrigated area=	313	ac
total CCU=	539.8339	ac-ft/yr

Table 2 shows the steady state impact on all 11 reaches in ESPAM1.1. Transient graphs are attached in Appendix A.

Table 2. Computed impact of 38-8359.

Reach	cf/d	cfs	ac-f/yr
Malad-Bancroft	27.47	0.00	0.23
Malad	719.02	0.01	6.02
Thousand Sgs-Malad	83.45	0.00	0.70
Thousand Sgs	758.84	0.01	6.36
Buhl-Thousand Spgs	1196.83	0.01	10.03
Devils Washbowl- Buhl	3106.02	0.04	26.03
Ashton-Rexburg	919.75	0.01	7.71
Heise-Shelley	1086.80	0.01	9.11
Shelley-nr Blackfoot	8886.46	0.10	74.46
Neeley-Minidoka	5560.08	0.06	46.59
nr Blackfoot-Neeley	42080.39	0.49	352.60
Total Sum	64425.10	0.75	539.83
Sum Abv Milner	58533.48	0.68	490.47
Sum Below Milner	5891.62	0.07	49.37

Allan Wylie

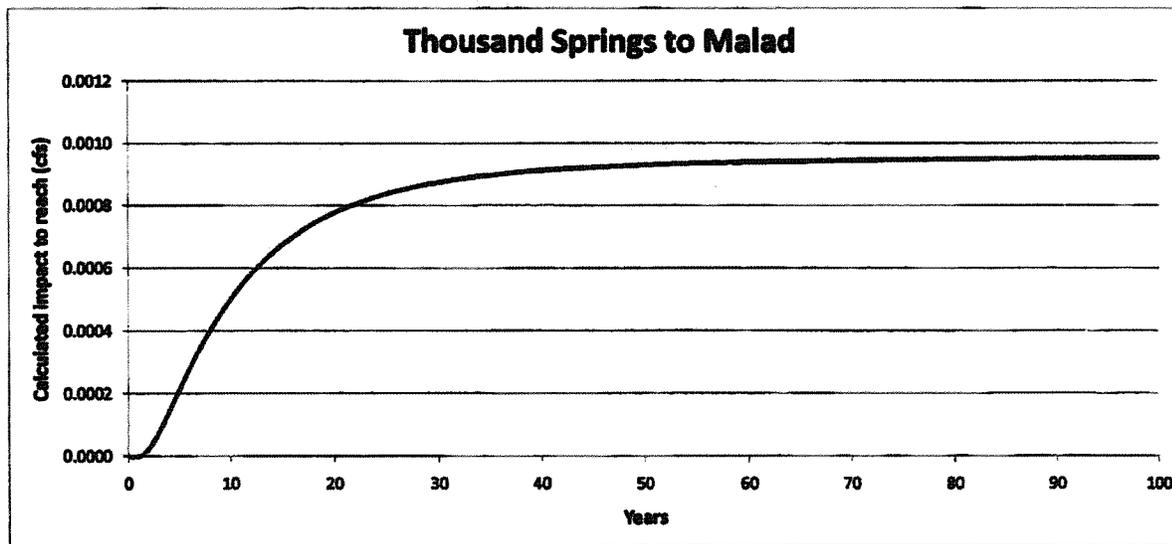
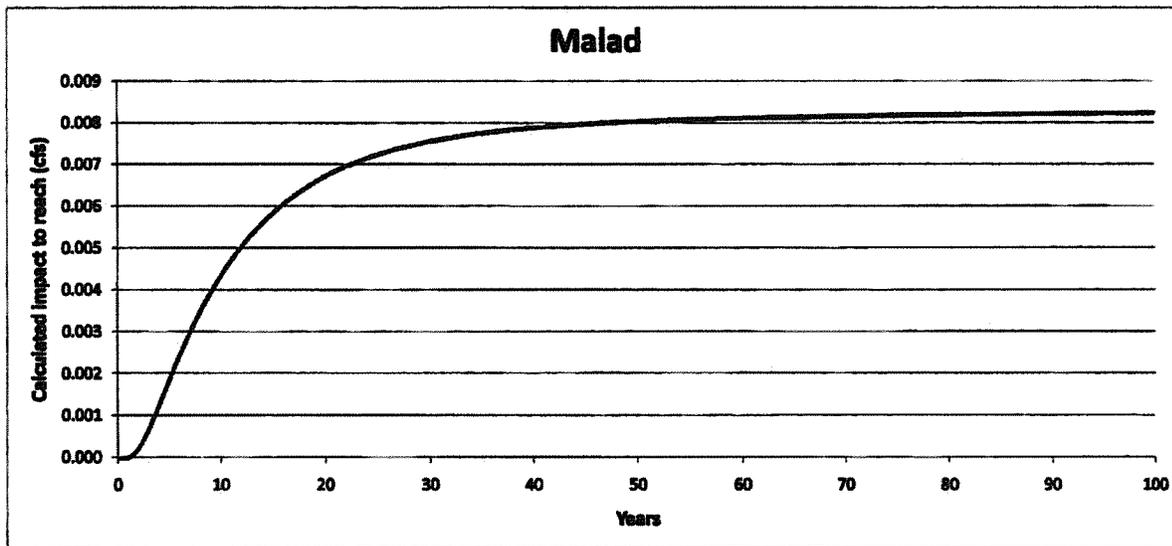
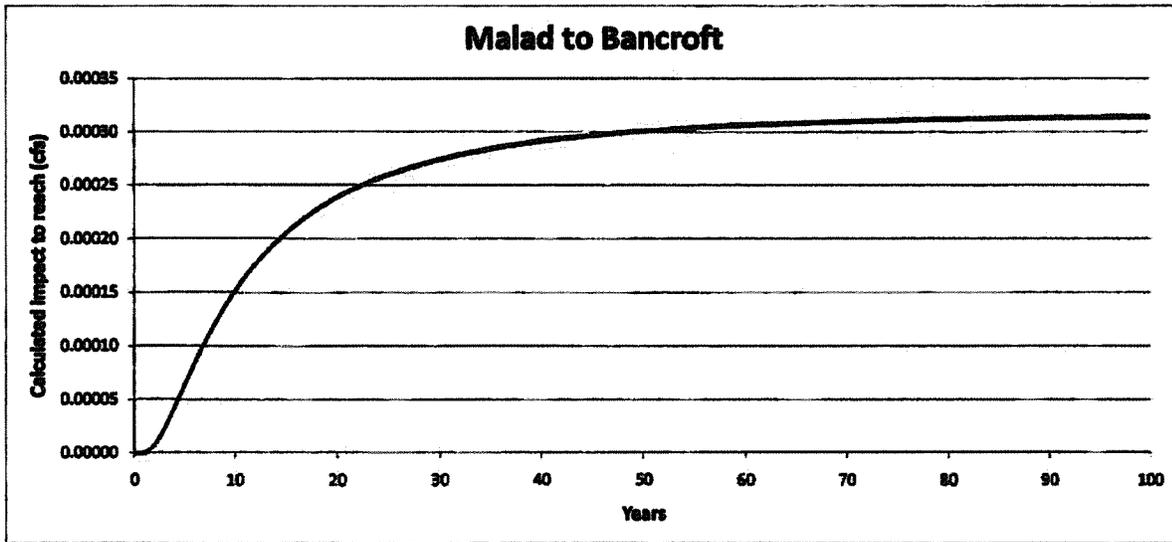
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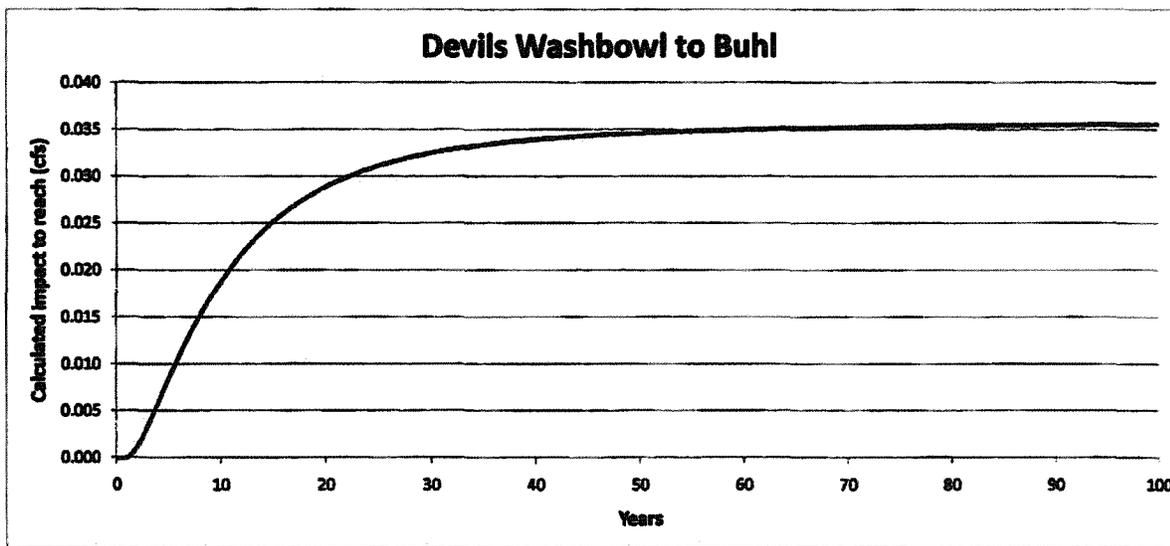
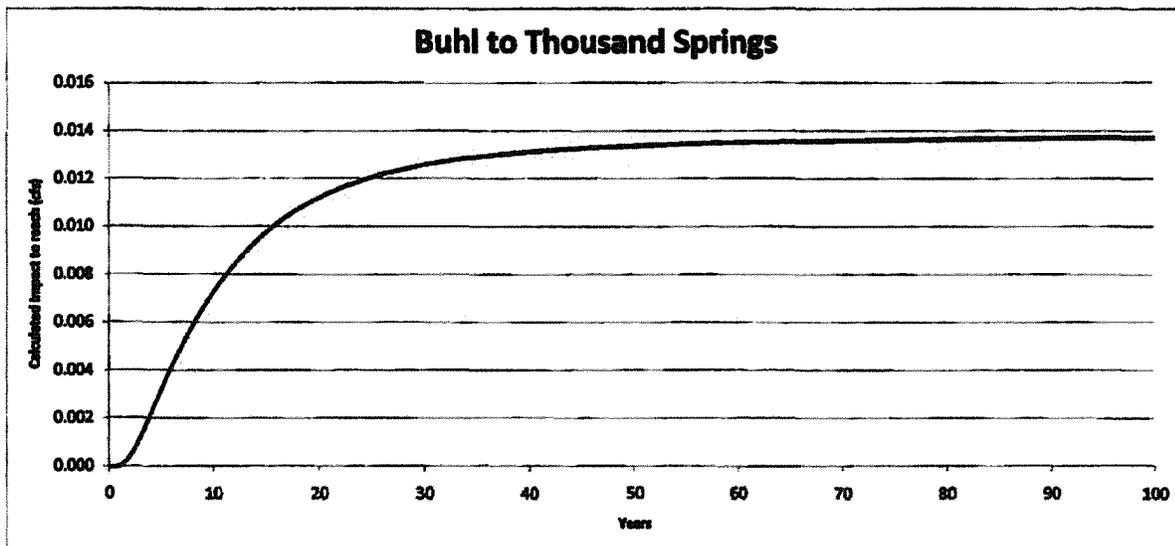
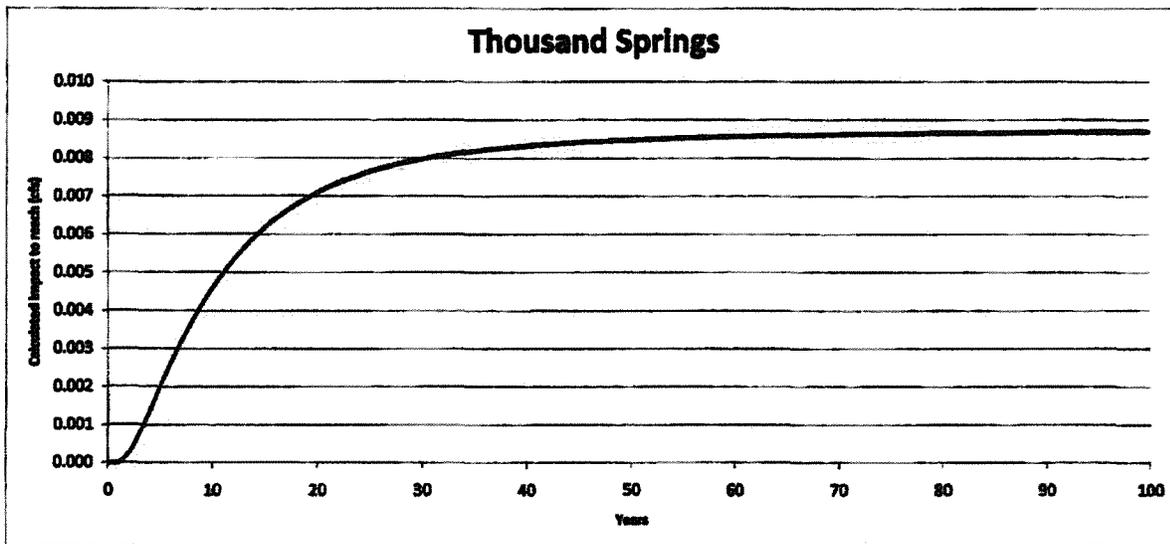
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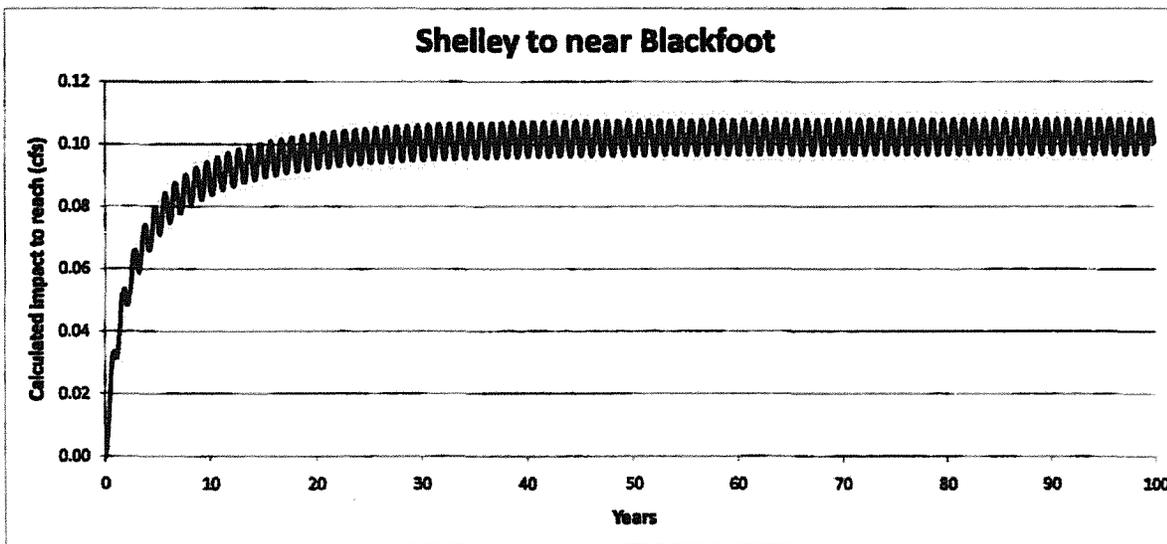
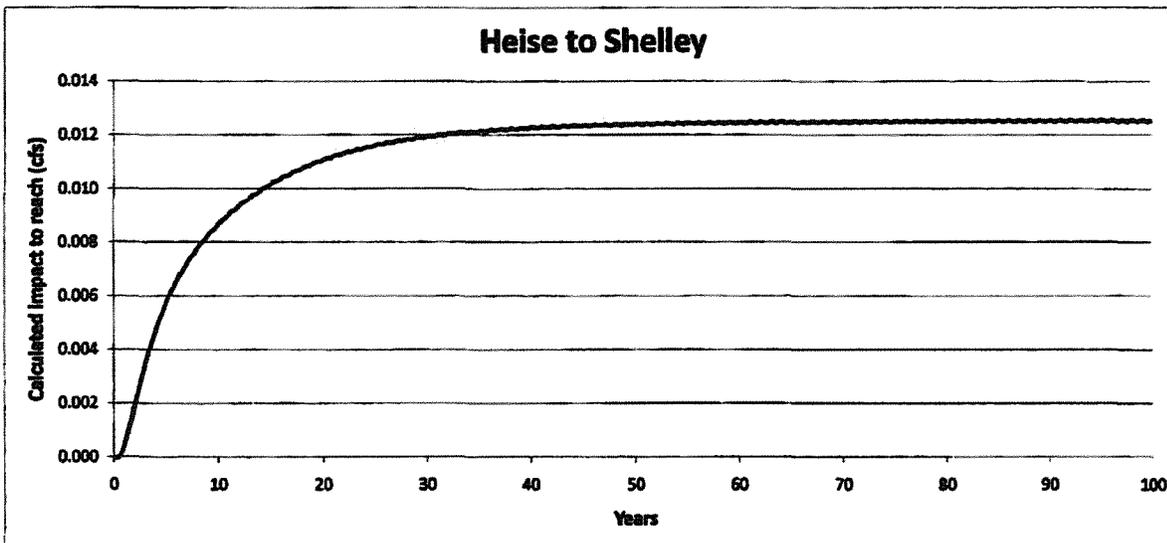
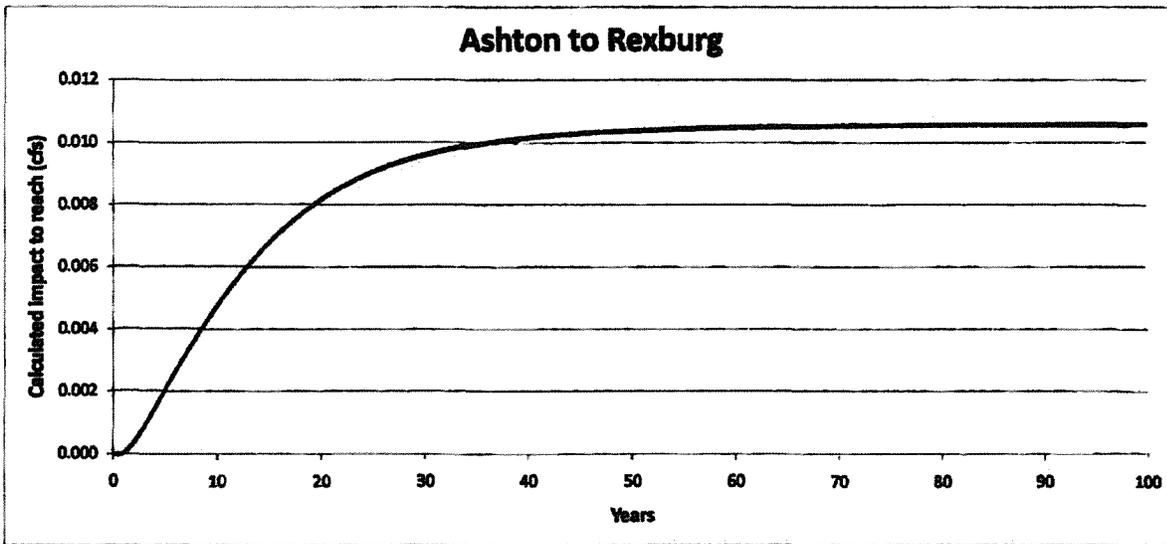
Appendix A

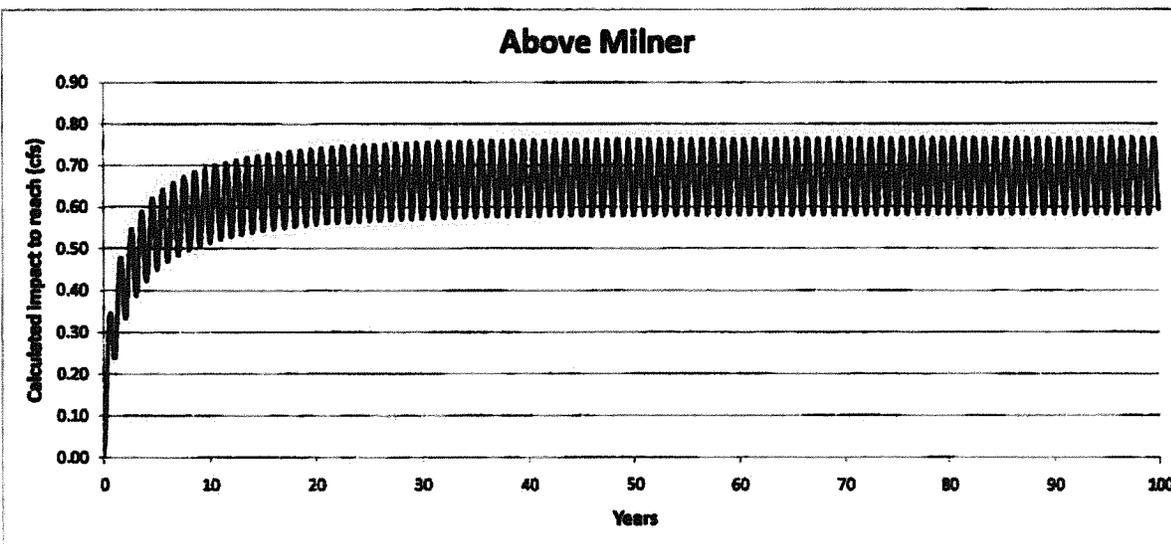
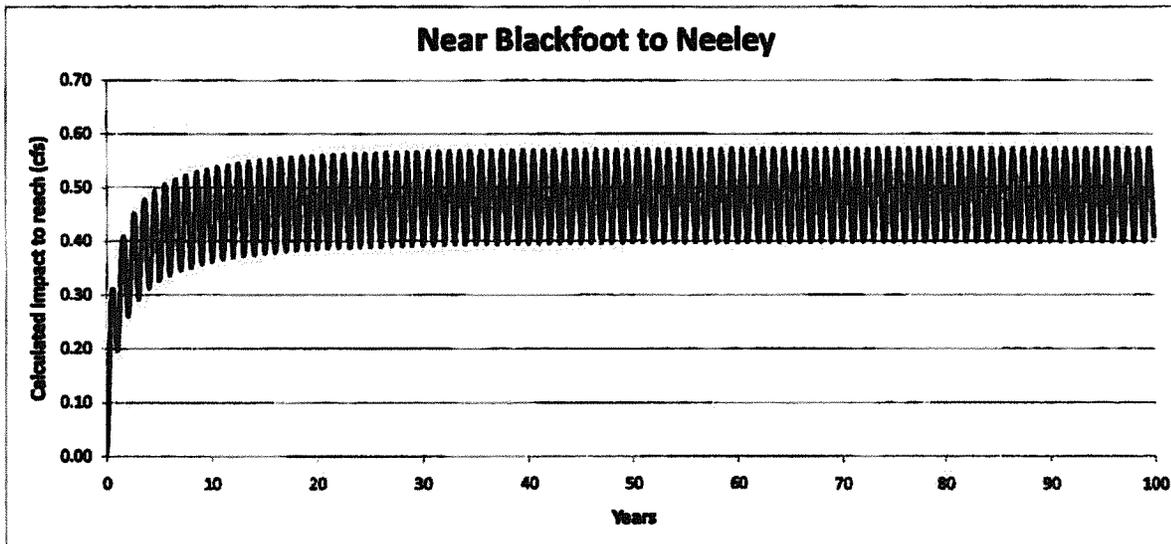
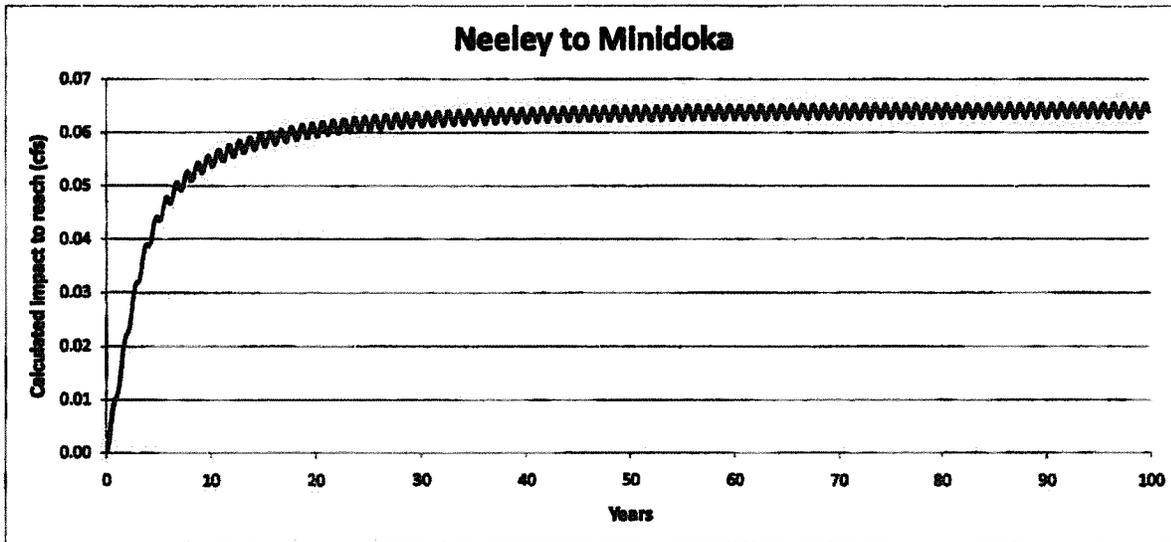
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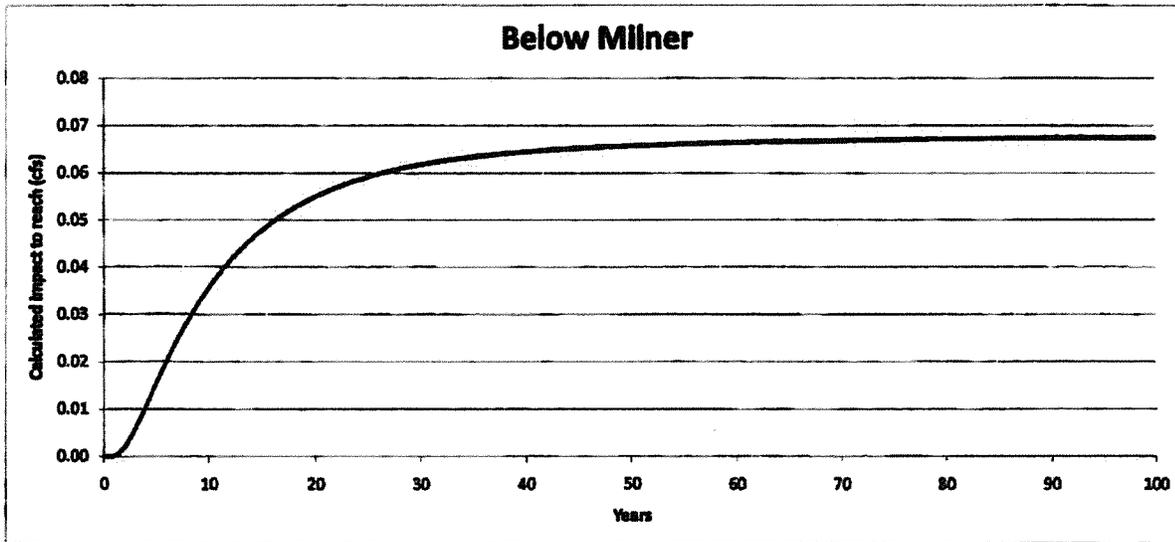




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Below Milner



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MAR 28 2011

EXHIBIT B

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT TO)
APPROPRIATE WATER NO. 35-8359 IN)
THE NAME OF JOHN B. & DIANE K.)
KUGLER)
_____)

TRANSCRIPTION OF AUDIO TAPED PROCEEDINGS

BEFORE
HEARING OFFICER GARY SPACKMAN

DATE: June 14, 2011
LOCATION: Idaho Department of Water Resources
322 East Front Street
Boise, Idaho

REPORTED BY:
BEVERLY A. BENJAMIN, CSR No. 710, RPR
Notary Public

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I N D E X

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ALLAN WYLIE	
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1 HEARING OFFICER SPACKMAN: January 2008, so
2 it's been a while. Anyway, John requested a
3 reconsideration, and after review of (inaudible) grounds
4 that were set forth, the Department and the director
5 granted the petition. And I'm looking at the order
6 granting the augmentation hearing.

7 And, John, you received a copy of the staff
8 memorandum?

9 MR. KUGLER: I did see that, and I don't
10 understand it, frankly. In fact, that was not involved
11 in my record. It was on the appeal for review by
12 (inaudible).

13 HEARING OFFICER SPACKMAN: I understand, but
14 in what was in the order granting the augmentation
15 hearing it says, "Based on this review the director
16 finds that there was no presentation or opportunity for
17 presentation of hearing of evidence regarding the effect
18 of injury or senior priority water rights that might be
19 caused by the development of the beneficial use proposed
20 by Cooper."

21 MR. KUGLER: I understand that. But, however,
22 part of the record there was evidence prior and a prior
23 existing order with respect to it. And all I
24 asked for was to review the record. That is what I
25 asked for was a hearing on review by the appeal to the

1 director.

2 And if you recall in September when I hadn't
3 received anything, the director was there and you said:
4 I know why you are here. I was with my son there. And
5 when I walked into your room you said: Oh, I know why
6 you are here. Somehow this got misplaced and you pulled
7 the order, I believe, my request for the review out and
8 said: Oh, this is why you are here.

9 And then subsequently there we were going to
10 set a hearing and last fall you were going to set a
11 hearing. In September said, if I had special date, let
12 it go. It wasn't set. And the next thing I know --
13 because you said you would go ahead and set it
14 immediately in September or October, it wasn't done
15 because I didn't have a special date, as far as just
16 coming down whenever you could, and that didn't happen.

17 The next thing I know I get this directive and
18 a hearing date for this hearing today. And I think,
19 frankly, was prompted by someone who had no business
20 chatting with you about this proceeding.

21 HEARING OFFICER SPACKMAN: Well, I want to
22 tell you that --

23 MR. KUGLER: Because he sent me a bill with a
24 charge for communicating with you, personally, Mr. Jerry
25 Rigby.

1 HEARING OFFICER SPACKMAN: Well, I've not
2 conversed with Jerry Rigby directly about this matter at
3 all.

4 MR. KUGLER: Well I'm glad to hear that. I
5 don't know what he did, but it seems to me like it was a
6 20 or 30 minute phone call he billed me for, and I
7 didn't even hire him. I made inquiries to whether I
8 should or shouldn't, and I never got a response from him
9 ever.

10 So I've been getting no responses constantly
11 for three years when I've been after it trying to get
12 the right to go ahead and proceed with my water,
13 drilling a well.

14 HEARING OFFICER SPACKMAN: Let me go back and
15 let's look at what was filed, John. This is, at least
16 what I have, this is titled "Exception to Memorandum."
17 Is that the document that you are referring to as to
18 your request?

19 MR. KUGLER: Correct.

20 HEARING OFFICER SPACKMAN: Then you list a
21 number of exceptions?

22 MR. KUGLER: Correct.

23 HEARING OFFICER SPACKMAN: And by the way,
24 this was deemed to be a request for reconsideration, a
25 petition for reconsideration?

1 MR. KUGLER: I filed a request for review
2 with the director, and that is what you've even spoken
3 of as being when you didn't get it set --

4 HEARING OFFICER SPACKMAN: I'm sorry.

5 MR. KUGLER: -- when you didn't get it set
6 before he retired and quit coming in.

7 HEARING OFFICER SPACKMAN: Yeah, the petition
8 for reconsideration was denied. Then you filed the
9 exception.

10 MR. KUGLER: That's correct.

11 HEARING OFFICER SPACKMAN: And this is the
12 request. "The applicant respectfully asks that the
13 director grant reconsideration of the hearing officer's
14 order and provide applicant with the opportunity to
15 submit such other evidence as might be requested or
16 considered, and upon conclusion of the same grant to
17 applicant the right to proceed with the development of
18 the farmland subject to the priority rights and all
19 senior water right holders that may be affected, if
20 any."

21 So as I read that request, it says "provide
22 the applicant with the opportunity to submit such other
23 evidence as might be requested or considered and upon
24 conclusion of the same grant." So based on the
25 exceptions that you filed, John, and --

1 MR. KUGLER: I understand that.

2 HEARING OFFICER SPACKMAN: And so --

3 MR. KUGLER: My point being is, that after
4 thinking and reviewing it, I'm not planning on
5 presenting any evidence today. I want to just resubmit
6 my thoughts as to what has been missed by you when you
7 were a hearing officer and now sitting as a director.

8 HEARING OFFICER SPACKMAN: But what I intend
9 to do, honestly, is to have each of these people who
10 participated in the preparation of this document, they
11 are here today --

12 MR. KUGLER: Well, I object as far as the
13 record is concerned to any presentation of evidence
14 other than after I submit some, and I'm not submitting
15 any, and I think the rule provides that. They let you
16 do it by way of a rebuttal type of thing, because this
17 was from my review of the record, and that is not the
18 record.

19 HEARING OFFICER SPACKMAN: But we are not
20 recording yet. Are we?

21 MR. MATT WEAVER: I was recording.

22 HEARING OFFICER SPACKMAN: Okay. That's fine.
23 It's an informal discussion. That's fine. I'm happy to
24 have it on the record.

25 For the record, John, based on the order that

1 was issued, it's my opinion that the record was
2 deficient in this particular area and that you should
3 have the opportunity to present evidence and that the
4 Department as well should have the opportunity to put on
5 evidence regarding those particular issues. And I won't
6 create a further deficiency by not having the evidence
7 in the record.

8 So from my perspective this hearing today is
9 for the purpose of bringing this document into the
10 record, as well as supporting information regarding this
11 information, so that all of that is in the record. And
12 then if you want to appeal the matter, you can appeal
13 it -- and the information, a reviewing court would have
14 the necessary information.

15 Otherwise, in my opinion, I'm set up for a
16 remand to go through the same process down the road if,
17 in fact, you don't agree with decision.

18 MR. KUGLER: Well, I understand where you are
19 coming from in that particular position, I do. As I
20 say, my objection is also a formality as far as the
21 record is concerned, because we had a hearing, and that
22 is the record which I had taken forward. Yes, I was
23 granted a chance to present additional evidence, but
24 that didn't extend to the State, that was from my
25 standpoint.

1 Had I presented some, yes, you could have
2 offered some. That is the argument that I will present
3 on that particular position. I don't even understand
4 what that is about. I can't read it. I don't know it.

5 HEARING OFFICER SPACKMAN: Well, and I guess
6 my intention this morning, John, is to put each of these
7 witnesses on and just very generally ask them some
8 questions to explain what is in the documents so you
9 understand what is here.

10 MR. KUGLER: Well, I appreciate that part, but
11 I don't want to waive my right of objection accordingly.

12 HEARING OFFICER SPACKMAN: Okay. And I agree,
13 you certainly have the right to object, but I want this
14 to be a full and complete record at this point. And
15 that is why I've asked staff to prepare the memorandum
16 and that is why I've asked that you be here today. And
17 you are entitled to ask them after they present their
18 testimony -- it will be more narrative, than anything --
19 to ask them questions about the information that is
20 contained here in on cross-examination.

21 MR. KUGLER: All right.

22 HEARING OFFICER SPACKMAN: All right. With
23 that introduction, and maybe we ought to introduce
24 everybody here again.

25 My name is Gary Spackman, I'm the hearing

1 officer and the interim director of the Department.
2 This is Matt Weaver to my right, he will be recording
3 the testimony today. And Mr. Kugler is here, John
4 Kugler, we've been conversing. And also here today is
5 Shelley Keen, Allan Wylie, Liz Cresto, and Craig Saxton.

6 And the record has already captured the
7 discussion about the proceedings today. I won't need to
8 repeat them. Today is the time and place that was set
9 for this augmentation hearing.

10 Do we have any other matters to discuss before
11 we go on the record?

12 MR. KUGLER: I just want one question with
13 you, sir.

14 HEARING OFFICER SPACKMAN: Yes.

15 MR. KUGLER: That is, this ground was in CRP
16 when this water right in 1990 was granted, and that I
17 think is a part of the Department record. But there was
18 a CRP contract along the land; am I correct?

19 HEARING OFFICER SPACKMAN: That is my
20 recollection.

21 MR. KUGLER: That is my recollection.

22 HEARING OFFICER SPACKMAN: Let me just --

23 MR. KUGLER: Because I was going to bring the
24 CRP contract itself physically, but I believe I
25 testified to that during the prior hearing.

1 HEARING OFFICER SPACKMAN: That is what I
2 recall. And, John, let me give you an opportunity,
3 first of all, to make an opening statement, you might
4 want to do that here. And then I would like -- well, I
5 will call the witnesses that participated in the
6 preparation of these documents, because I don't think
7 it's appropriate that I take this into the record
8 without you having the opportunity to have them here and
9 examine them.

10 MR. KUGLER: Well, okay, I understand.

11 HEARING OFFICER SPACKMAN: And then following
12 their testimony then you'll have an opportunity to
13 present whatever you want to present. And from my
14 perspective, there won't be any kind of rebuttal from
15 the Department. I'm just trying to bring evidence into
16 the record.

17 So let's start, Mr. Kugler, do you wish to
18 make an opening statement?

19 MR. KUGLER: Briefly it is, I would start off
20 by commenting with respect to that particular document.
21 I think it's irrelevant to the issue anyway, the
22 petition involved here. So in addition to procedural
23 objection, I think it's irrelevant on its face.

24 The question being here is whether or not I
25 was entitled to drill a well as a result of having a

1 permit issued to me. And it is my position that it is,
2 and I think from that particular standpoint, the record
3 did evaluate that I should have been granted a right --
4 a well right to drill a well and have a well driller
5 apply for a drilling permit on this particular ground.

6 And also that not only is it relevant, even if
7 it were relevant to this particular proceeding, the
8 mitigating factors which do, in fact, exist within here
9 as to how much money I had expended and how much time
10 and effort I had spent trying to get that well done
11 before we even tried to put it into CRP. And I had a --
12 I think the record shows that I had a major investment
13 in equipment that a well driller asked me to acquire and
14 then he stole it and sold it, that type of thing, all of
15 which are factors there. And I think those overcome any
16 other difficulties and that I should have the right to
17 have the well that came as a part of the issuance of the
18 permit.

19 HEARING OFFICER SPACKMAN: Well, those
20 certainly are issues that need to be addressed.

21 MR. KUGLER: Yeah.

22 HEARING OFFICER SPACKMAN: And I don't want to
23 discount those issues.

24 MR. KUGLER: Yeah.

25 HEARING OFFICER SPACKMAN: The other issues in

1 my opinion that relate to this are: What is the
2 relationship of your permit with other permits that
3 either may have been allowed to develop or may have been
4 held for whatever reason? What are the policies of the
5 Department? What is the law? And then what are the
6 impacts?

7 MR. KUGLER: Well, I understand that, yeah.

8 HEARING OFFICER SPACKMAN: So those are
9 important issues as well. And I know you feel they are
10 irrelevant, but to develop a full and complete record, I
11 want to have all of that information in place.

12 MR. KUGLER: Well, the only rebuttal or
13 additional statement I would make in that regard is: My
14 position would be is that the record already had a
15 finding in that regard of record.

16 HEARING OFFICER SPACKMAN: There certainly was
17 a finding that there wasn't supporting evidence in the
18 record, and that's part of the reason why this order
19 granting the augmentation hearing was issued.

20 With that opening statement, I will call
21 Shelley Keen. If you'll step forward, Mr. Keen. Take a
22 seat at the microphone and raise your right hand.

23 SHELLEY KEEN,
24 first duly sworn to tell the truth relating to said
25 cause, testified as follows:

1 HEARING OFFICER SPACKMAN: Thank you, please
2 be seated.

3

4

EXAMINATION

5

QUESTIONS BY HEARING OFFICER SPACKMAN:

6

Q. Mr. Keen, I'll hand you a copy of what is
7 identified as IDWR Staff Memorandum in the Matter of
8 Permit No. 35-8359 in the name of John B. Kugler and
9 Diane K. Kugler.

10

A. Thank you.

11

Q. Are you aware or acquainted with this
12 document?

13

A. I am.

14

Q. And it is contained in the files of the
15 Department of Water Resources and in particular in the
16 File 35-08359. And you are aware that the director
17 requested preparation of a staff memorandum?

18

A. Yes.

19

Q. And can you explain your participation in the
20 preparation of this memorandum?

21

A. Yes. I was asked to prepare a list of water
22 rights that have been issued in the trust water area and
23 which contain a condition of approval limiting them to a
24 specific term of years. And I did that and produced
25 approximately a 15-page list of about 680 water right

1 approvals containing those conditions from that trust
2 water area.

3 Q. Can you explain your acquaintance with trust
4 water, and if you could identify trust water and what it
5 is and where it came from. I just want you to narrate
6 this information as best you can. I don't want to
7 necessarily engage in a very rigid examination process.

8 And, Mr. Kugler, if you have some objection
9 during the testimony, you are welcome to tender it at
10 any time.

11 MR. KUGLER: Well, I have a standing objection
12 against all of it. Thank you.

13 HEARING OFFICER SPACKMAN: So recognized.

14 Q. (BY HEARING OFFICER SPACKMAN) Mr. Keen?

15 A. Okay. Thank you.

16 Trust water as defined in the water
17 appropriation rules for the Department of Water
18 Resources is that portion of an unsubordinated water
19 right for generating hydropower that is in excess of a
20 state-established minimum stream flow.

21 And in Idaho when we speak of trust water, we
22 are usually thinking of the water in the Snake River or
23 its tributaries, including groundwater from Milner Dam
24 where the minimum stream flow is zero, downstream to
25 Murphy Gage where the minimum stream flows are, if I

1 remember correctly, 3900 cfs from April through October,
2 and 5600 cfs from November through March.

3 And the reason for that specific area is that
4 on the downstream end near Murphy there is an Idaho
5 Power Company dam and facility at Swan Falls where the
6 unsubordinated water right was, if I remember correctly,
7 about 8400 cfs.

8 So commencing in 1977 there was a lawsuit and
9 several things that occurred, but it resulted in the
10 State of Idaho acquiring, in exchange for establishment
11 of those minimum stream flows, the portion exceeding
12 those minimums of Idaho Power Company's hydropower right
13 in trust and the opportunity to reallocate that trust
14 water for upstream development as long as that upstream
15 development is in the public interest.

16 Q. You referred to trust water being located in a
17 particular area. Can you define that geographical area?

18 A. Sure. As I mentioned before, it's the Snake
19 River and surface water and groundwater tributary to the
20 Snake River from Murphy, which is in southwestern Idaho,
21 upstream to Milner Dam in south central Idaho on the
22 Snake River. And that area generally encompasses
23 groundwater across the Eastern Snake River Plain Aquifer
24 and to some extent in tributary basins like the Wood
25 River and the Lost River Basin, and then also some area

1 on the south side of the Snake River extending across
2 the Magic Valley.

3 Q. Are there fixed boundaries that identify where
4 groundwater or surface water is considered to be trust
5 water?

6 A. Yes. That boundary is in the Water
7 Appropriation Rules, IDAPA 37-0308, if I remember
8 correctly, in an appendix in that area is described with
9 metes and bounds and a map.

10 Q. Do you have any familiarity with the way in
11 which the boundary was developed?

12 A. I'm not really familiar with exactly how that
13 was developed at the time. I suspect there was some
14 modeling effort, but really I can't testify to extensive
15 knowledge of that.

16 Q. And can you characterize the importance of
17 trust water area as it relates to the entire Swan Falls
18 controversy and settlement that occurred statewide in
19 the '80s?

20 A. Yes. The importance of that was that if the
21 unsubordinated hydropower right held by Idaho Power at
22 Swan Falls had to be honored, then there would have had
23 to be likely a curtailment of water rights throughout
24 the trust water area in order to meet the 8400 cfs water
25 right at Swan Falls.

1 By entering into the agreement the State
2 avoided that delivery call and allowed water use to
3 continue upstream from Swan Falls and across the Eastern
4 Snake Plain Aquifer and also enabled some additional
5 development of consumptive water uses with the use of
6 that trust water.

7 Q. What was the importance of having a boundary
8 in a defined area for that settlement?

9 A. The importance of having a boundary was for
10 proper administration. The boundary attempts to
11 describe the area in which water is tributary to the
12 Snake River downstream from Milner Dam as opposed to
13 upstream from Milner Dam.

14 A water tributary to the Snake River upstream
15 from the Milner Dam is often referred to as nontrust
16 water and that area is the nontrust area.

17 But for proper administration there needed to
18 be some demarkation between the area where water was
19 going to be considered tributary -- and I'm talking
20 ground water here -- tributary to the Snake River below
21 Milner as opposed to upstream.

22 Q. Can you explain the background regarding the
23 water rights that you have listed in the staff
24 memorandum and the term condition placed on those water
25 rights?

1 A. Certainly. As the Department began processing
2 applications for new water rights within the trust water
3 area toward the end of the 1980s, it was the policy of
4 the Department, which continues to this day, to limit
5 the permits and licenses issued based on those permits
6 to a term of years, typically 20 years, to allow the
7 opportunity for the water user to amortize the cost of
8 development.

9 Q. Let me just interrupt for a minute. I'm sorry
10 for the interruption.

11 Is this limitation of time, is it purely based
12 on policy or are there other grounds for the Department
13 to have placed a term limit of years, do you know?

14 A. I actually took some time yesterday to try to
15 determine that question. And, you know, maybe my
16 research was not complete, but I didn't find the
17 opportunity for a term limit in statute or in rules. I
18 traced it back to the implementation policy from 1988
19 for the Swan Falls agreement and found several
20 references and an explanation of that policy in that
21 document.

22 Q. Okay. Go ahead. I'm sorry to interrupt.

23 A. No problem.

24 So the purpose of the term limit is to provide
25 the director of the Department of Water Resources an

1 opportunity periodically to evaluate whether those trust
2 water rights remain in the public interest. When they
3 are initially reviewed, they are reviewed to make sure
4 that they are individually and collectively not going to
5 provide a significant reduction to flows of the Snake
6 River. And if they are found to probably cause a
7 significant reduction, then there is a public interest
8 review and criteria in code and the rules for the
9 director to conduct that public interest review.

10 And that public interest review weighs the
11 need for the additional development of the water and its
12 economic value to the state of Idaho in opposition to
13 the value of that water for generating hydropower.

14 Q. And what are the dates of some of those term
15 limit approvals?

16 A. So the list that I prepared shows approvals
17 occurring as early as the early 1980s. I have one, for
18 example, here from 1981, all the way up to current time.
19 Although those that are from more recent time tend to be
20 nonconsumptive uses and DCMI uses and that kind of
21 thing.

22 The older ones I suspect were permits that
23 were issued and then reprocessed in the late 1980s and
24 early 1990s. The rules called for permits in the trust
25 water area that had already been issued but had a

1 limited development to actually be reprocessed so that
2 the public interest evaluation could be applied to them.

3 Q. Do you know if Mr. Kugler's permit 35-8359 was
4 one of those that the Department reviewed for
5 reprocessing?

6 A. Yes, that permit did show up on my list. The
7 approved date on the list is July 27th, 1990, according
8 to what I came up with. And I don't know right off the
9 top of my head whether it was reprocessed or whether it
10 was still in the application state when trust water
11 processing began.

12 Q. Let's go back to the term of years for the
13 list of water rights that you have. Many of those were
14 issued for -- and what was the term of years, its
15 limitation?

16 A. Almost all of them have a term of 20 years.

17 Q. And based on the dates that you gave, are some
18 of those term of years expiring now, or terms of years?

19 A. Yes, that is correct. Many of the approvals
20 occurred around 1990 or shortly thereafter, so just
21 about now we would be seeing some of these permits and
22 licenses begin to reach the date after which the
23 director can review them for -- to make sure they remain
24 in the public interest.

25 Q. So what are we doing, now that those terms of

1 years are expiring?

2 A. The Department has drafted a letter, which has
3 not gone out yet, but the letter is addressed to holders
4 of these permits and licenses, and some of them may even
5 have been decreed in the Snake River Basin Adjudication
6 now, which contain the term review condition.

7 And it's notifying those water right holders
8 that their terms, their 20-year terms are expiring and
9 that the Department may begin evaluating those to
10 determine and if they are still in the public interest.

11 The letter as drafted currently, and I have to
12 say that it hasn't gone out yet, indicates that the
13 Department probably won't begin that review process
14 until about 2014, because the Department is addressing
15 some other priorities first.

16 Q. And what is the reason for the concern or the
17 letter at this point?

18 A. As I understand it, I haven't been too heavily
19 involved in these discussions, but to some extent it has
20 to do with the fact that the Snake River Basin
21 adjudication is addressing the hydropower rights held by
22 Idaho Power Company and was an important part of the
23 adjudication process to define some outstanding issues
24 related to trust water and trust water processing. And
25 as part of that, the State of Idaho needed to commit to

1 Idaho Power that it would conduct this review of these
2 trust water rights.

3 Q. Has there been any concern expressed about the
4 continued use of this trust water and its impacts on the
5 minimum flows at Murphy?

6 A. Yes. There has been some discussion over the
7 years. There have been a limited number of times that
8 the opportunity to maintain the minimum stream flows has
9 come into question, the ability to maintain those
10 minimum stream flows.

11 And because of that -- again, the State of
12 Idaho could be facing the need to curtail water rights
13 to make sure that those minimum stream flows are
14 maintained. And if the Department were to curtail water
15 rights, presumably these that I've identified on the
16 list, these trust water rights, by definition would be
17 ones that would be candidates for curtailment because
18 they use the water that is tributary to the Snake River
19 and that minimum stream flow reach.

20 Q. Mr. Keen, do you know whether or not the point
21 of diversion proposed by permit number 35-8359 is within
22 or without the trust water area?

23 A. Yes, I looked at that yesterday. And it is
24 within the trust water area about three to four miles
25 north of the line dividing trust water from nontrust

1 water in the area of American Falls Reservoir, and north
2 of that line would put it firmly in the trust water
3 area.

4 Q. But close to the boundary of the trust water?

5 A. Yes. Three to four miles is relatively close
6 to the boundary, yes.

7 Q. And because it's close to the boundary, you
8 testified at one time about a nontrust water area that
9 would be upstream, or water tributary above Milner. Can
10 you talk about the nontrust water area and what it is?

11 A. Yes. Under the State water plan, the minimum
12 stream flow on the Snake River at Milner Dam, which is
13 in south central Idaho, is zero, meaning that there is
14 no obligation to deliver water upstream from Milner Dam
15 to uses downstream from Milner Dam.

16 And the area where groundwater and surface
17 water are tributary to the Snake River upstream from
18 Milner Dam and, therefore, potentially subject to
19 curtailment and administration to regulate water rights
20 by priority, that area is typically referred to as the
21 nontrust water area.

22 Q. And will you talk about the Department's
23 processing of water rights in the nontrust and trust
24 water area and any possible restrictions on
25 appropriations that have been imposed or in place by the

1 Department over the last 20 or 30 years?

2 A. Yes. In 1992 Director Higginson of the
3 Department of Water Resources established a moratorium
4 on new appropriations in the Snake River Basin,
5 including surface and groundwater upstream from Weiser,
6 which is on the Snake River across from Oregon, so on
7 the western side of the state.

8 And that moratorium was in response to a
9 period of drought in the state of Idaho in which stream
10 flows were down, so reliance on groundwater
11 appropriations became greater and the maintenance of
12 minimum stream flows, particularly the one at Weiser,
13 was becoming difficult to accomplish.

14 And so the first step there in making sure
15 that the minimum stream flow was maintained was to make
16 sure we weren't exacerbating the problem by issuing new
17 water right approvals.

18 As conditions changed, "conditions" meaning
19 precipitation and snow pack over the years, that
20 moratorium was modified, first to carve out the nontrust
21 water area and establish a separate moratorium there,
22 and then to back the end point of the remaining piece of
23 the moratorium up to King Hill, which is upstream from
24 Swan Falls.

25 And so the way things sit now, is that since

1 1992 there has been the moratorium, in its modified form
2 now, that extends across the trust water area and
3 includes tributary basins, such as the entire Wood River
4 Basin, the entire Little Lost and Big Lost River Basins.

5 And in the nontrust water area, the moratorium
6 order there had some language that was supported by
7 legislation that caused it to be in place until 1997.
8 That language was a little bit ambiguous, but the
9 Department has since interpreted that to mean that the
10 moratorium in the nontrust water area upstream from
11 Milner has expired and there is no moratorium in place
12 there. However, there have been delivery calls made in
13 that area by surface water users against groundwater and
14 other appropriators.

15 And the conclusion of the Department is that
16 for the most part there isn't water available for
17 appropriation without jeopardizing the ability of the
18 senior surface water users to receive their full
19 supplies. And so even though there is no moratorium in
20 the nontrust water area, a water user in the nontrust
21 water area would have to show the Department that there
22 actually is some water that could be appropriated
23 without causing injury to the senior water users or that
24 user would have to mitigate for the potential injury to
25 senior surface water users.

1 Q. And, Mr. Keen, do you know if permit number
2 35-8359 was affected by the execution and issuance of
3 moratoriums in 1992 by Director Higginson?

4 A. Yes. The permit had been issued by the time
5 the moratorium went into place. But in 1994 Director
6 Higginson issued an order, I believe it was called a
7 temporary stay in development, in which he required
8 permit holders who -- in the trust water area who have
9 not yet submitted proof of beneficial use to either
10 submit proof of beneficial use indicating that they had
11 completed their development, or to show that they have
12 made a substantial investment in development of their
13 permit.

14 I don't remember what that threshold was for
15 substantial, seems like it was \$15,000 or \$25,000,
16 something like that. I don't remember that precise
17 number. Or the third option was to request an ongoing
18 stay in development until circumstances changed.

19 And so Mr. Kugler's permit, if I remember
20 correctly, ultimately received a stay in development, a
21 long-term stay, and then that was extended through or
22 requests for extension of time to submit proof of
23 beneficial use, if I recall correctly. And I don't
24 remember how many of those extensions there might have
25 been.

1 HEARING OFFICER SPACKMAN: I don't have any
2 other questions for Mr. Keen.

3 Mr. Kugler, do you wish to cross-examine Mr.
4 Keen regarding new information?

5

6

EXAMINATION

7

QUESTIONS BY MR. KUGLER:

8 Q. Well, I was wondering when these rules that he
9 talked about to begin with were adopted, that you were
10 talking about, as far as trust waters were concerned.

11 Do you know the specific date?

12 A. The water appropriation rules were first
13 adopted in 1986 or thereabouts, if I remember correctly,
14 and I think maybe modified slightly the year after. I
15 remember reading something about two years in the
16 mid-1980s when the rules were adopted and then adjusted
17 in the next legislative session. So I think it was '86
18 and '87, but I could be off by a year or two there.

19 Q. Does this list that you have in this
20 particular document include issuance of permits from
21 nontrust waters as well, or is it all trust water only?

22 A. This list is only what the Department
23 considers to be trust water. There are no -- the points
24 of diversion are within the trust water area.

25 Q. But you indicated that a line is within the

1 trust area? Do you know what the boundary lines are in
2 that particular area specifically?

3 A. Yes. Yours is within the trust water area,
4 but it is close to the boundary line. It's about --

5 Q. You talked about the north boundary. What
6 about the west boundary?

7 A. Well, at that location the boundary between
8 trust and nontrust runs on a line trending mainly
9 east-west but a little bit north-south. So if you
10 picture it coming past American Falls Reservoir on the
11 north side, it runs northeast to southwest. And your
12 point of diversion for your permit is on the north, or I
13 guess you could say northwest side of that line within
14 the trust water area, and it's about three to four miles
15 from that line.

16 Q. Both north and west? I mean, the line crosses
17 this way on a rectangle. There is a square corner up in
18 there somewhere.

19 A. If you took the most direct line
20 southeastward, that would be three to four miles. If
21 you went directly south, it would be a little more than
22 that. If you went directly eastward, it would be
23 considerably more than that, if I remember correctly.

24 Q. Now, are there permits that were issued
25 between 1984 and 1990 that are not on that particular

1 list that cover this general area?

2 A. Yes. Yes, there were permits that were issued
3 in that time frame that would not have been reprocessed
4 under the trust water processing established in the
5 rules, because the development would have been completed
6 by the time the trust water processing began or there
7 would have been a substantial investment made and the
8 right -- the permit holders would have been asked to
9 provide evidence of that, if they had not already
10 submitted proof of beneficial use.

11 Q. Between 1984 and 1990 could you provide a list
12 of those documents, of those permits? Could it be
13 extracted from Department records?

14 A. I think it certainly could. I'm not sure how
15 much effort it would take. I would have to think
16 through how we would identify those, but I would think
17 it would certainly be possible.

18 Q. Well, I'm thinking of between -- up until that
19 July date of 1990 when my permit was actually physically
20 issued, the application being filed much earlier, of
21 course, than that, when I was trying to develop the land
22 in the '80s, '84 and '85. You don't have any idea what
23 number that might be?

24 A. I don't right off the top of my head. If I
25 had to ballpark it, I would say probably hundreds, but I

1 don't know how many hundreds. And that is just a guess
2 based on my experience issuing water right licenses for
3 those in the 1990s.

4 Q. Okay. But I'm talking about on or before July
5 of 1990.

6 A. Yes. If you are asking about permits issued
7 before July of 1990 and after some date in the early
8 '80s and those permits were not reprocessed and did not
9 get the term limit, like I said, I would guess it would
10 be in the hundreds, but I don't know how many hundreds.

11 Q. You don't know how many of these permits
12 combined would have a priority date on and after 1984?

13 A. Yeah, I don't. I'm sure we could figure that
14 out, but I don't know the number for sure.

15 Q. And, of course, if I were ready to develop, my
16 priority date would go back and revert to the 1984
17 filing, does it not?

18 A. Yes, typically, unless proof of beneficial use
19 is submitted late, the priority date stays the same as
20 the application date.

21 Q. And when you are talking about proof being
22 submitted late, we both know that I'm looking for a well
23 now, and I can't submit a proof without it, can I?

24 A. That's correct.

25 Q. And the Department will not give me a well

1 permit to this date, have they?

2 A. You know, I haven't been involved in those
3 discussions, but that is my understanding, yes.

4 MR. KUGLER: Thank you. Nothing further.

5 HEARING OFFICER SPACKMAN: Thank you, Mr.
6 Keen.

7 I will next call Liz Cresto to come forward.

8 Raise your right-hand, please.

9 LIZ CRESTO,

10 first duly sworn to tell the truth relating to said
11 cause, testified as follows:

12 HEARING OFFICER SPACKMAN: Thank you. Please
13 be seated.

14

15 EXAMINATION

16 QUESTIONS BY HEARING OFFICER SPACKMAN:

17 Q. I probably ought to give you the opportunity,
18 I didn't give Mr. Keen. State your name for the record,
19 if you would.

20 A. Liz Cresto.

21 Q. And what is your employment?

22 A. I work here at IDWR. I'm a technical
23 hydrologist.

24 Q. Working as a technical hydrologist, what do
25 you do?

1 A. I'm mainly involved with surface water, so one
2 of my jobs is to monitor the flows of the Snake River
3 near Murphy.

4 Q. And Ms. Cresto, I'll hand you a document that
5 we referred to earlier during Mr. Keen's testimony, and
6 it's titled "IDWR Staff Memorandum." Are you acquainted
7 with this document?

8 A. Yes.

9 Q. And did you assist in its preparation?

10 A. Yes.

11 Q. And can you explain what part of this report
12 that you prepared?

13 A. I prepared -- within the document are several
14 memos, and I prepared a memo on the flows at Snake River
15 near Murphy, 1980 to 2010.

16 HEARING OFFICER SPACKMAN: Is her voice being
17 picked up, Mr. Weaver?

18 MR. MATT WEAVER: It is.

19 HEARING OFFICER SPACKMAN: Okay. Thanks.

20 If you could speak up, Ms. Cresto, I'd
21 appreciate it.

22 THE WITNESS: Okay.

23 Q. (BY HEARING OFFICER SPACKMAN) And can you
24 explain your -- the work that you've conducted over the
25 past few years related to monitoring the flows at Murphy

1 Gage?

2 A. So for, I think since 2005, I've been
3 monitoring the flows of the Snake River near Murphy.
4 And what I do is I look at the minimum flows, which is
5 3900 cfs from April through October, and then 5600 cfs
6 from November through March. And I monitor those
7 flows -- the physical flows on the Snake River near
8 Murphy to make sure we are not hitting the minimum.

9 In addition to the minimum, we term it a
10 reference flow, because we also look at making sure that
11 during the flow augmentation season that flow
12 augmentation water that is released from Milner or is a
13 part of the Bell Rapids out by the Bureau, that that
14 water physically makes it past the Murphy Gage.

15 Q. So that augmentation water is considered as
16 what on top of the minimum flow?

17 A. We call it a reference flow, but we consider
18 that we need to protect that water, kind of as if it
19 were a minimum flow, because with the obligation to
20 shepherd the Bureau's water down and out of the state.
21 I'm not sure if there is a formal agreement for that.

22 Q. So if you were characterizing the reference
23 flow, it is a flow rate that includes the minimum stream
24 flows, as I understand.

25 A. Correct.

1 Q. At Murphy. Plus, some additional flow on top
2 of it that is being released either as storage or other
3 water that is supposed to move through the system that
4 can't be counted as part of the minimum; right?

5 A. Correct.

6 Q. And so even though the flows at Murphy are
7 higher than the minimums, that additional flow can't
8 count toward the minimum, is my understanding.

9 A. There is a little bit of -- I guess if we were
10 to fall below the reference line, we might not be
11 violating the Swan Falls agreement, the 3900, but we
12 would be, I guess, violating our obligation to the
13 Bureau.

14 Q. This water that you are talking about, it's in
15 addition to the minimum flow, it's intended to flow
16 downstream past the Murphy Gage for what purpose?

17 A. For both the minimum and the flow augmentation
18 purposes.

19 Q. Okay. And can you tell me why it is that
20 you've been monitoring these flows?

21 A. Because we've had numerous drought years and
22 we've come pretty close to that reference line or the
23 minimum flow line. So I mainly closely monitor them
24 this time of year in the drought years, not this year,
25 but other years this time of year typically the flows

1 dip down in the early summer, and that is our main
2 period of concern.

3 Q. Are you aware of any times when the Department
4 has been concerned about flows below the minimum or very
5 near the minimum?

6 A. I think -- in this memo I only said on
7 December 14th, 1987 that the flows actually dropped
8 below the minimum. But in 2005 and in -- I know in
9 2005, 2007 we came very close to that reference line, so
10 the minimum plus the flow augmentation. And then in
11 2007, I believe, we actually sent out letters warning
12 people that we are really close to that reference line
13 or that there is the potential to shut off, I believe,
14 groundwater users.

15 Q. And so this may be a difficult question, but
16 you can answer it or not, depending on how comfortable
17 you are. But if the flows at Murphy Gage or the
18 reference flow dropped below the minimums, then what
19 would you anticipate the Department might do?

20 MR. KUGLER: Object to the question; form and
21 speculation.

22 Q. (BY HEARING OFFICER SPACKMAN) Okay. Do you
23 have any acquaintance with what the Department has done
24 in the past?

25 A. I just have the acquaintance with the

1 reference -- or the warning letter that was sent out.

2 Q. And what did it warn?

3 MR. KUGLER: Objection about the best
4 evidence.

5 HEARING OFFICER SPACKMAN: Well, I'll overrule
6 that because she's acquainted with the letter, she can
7 always talk about what --

8 THE WITNESS: It was just a warning to
9 potentially shut people off if the flows continued to be
10 below the reference line.

11 Q. (BY HEARING OFFICER SPACKMAN) And this would
12 be users from what sources of water?

13 A. The groundwater users and junior priority to
14 the minimum flow.

15 Q. And this would be within the trust water area?

16 A. I believe so, yes.

17 HEARING OFFICER SPACKMAN: Mr. Kugler, I don't
18 have any more questions. Do you have questions for Ms.
19 Cresto?

20 MR. KUGLER: I just want to thank her a lot
21 for enjoying the weather this year. It's wonderful when
22 you see that. But I do have one simple question for you
23 with respect to that.

24

25

1 MR. KUGLER: That's all right.

2 HEARING OFFICER SPACKMAN: Thank you, Ms.

3 Cresto.

4 Now, John, the last witness is Allen Wylie,
5 and I'll just have Allen come up and swear him in. And
6 I want to tell you, to just give you a preview of why
7 Allen is testifying.

8 ALLEN WYLIE,
9 first duly sworn to tell the truth relating to said
10 cause, testified as follows:

11 HEARING OFFICER SPACKMAN: Thank you. Please
12 be seated.

13 The reason that I asked Allen to participate
14 and prepare a portion for this memo was because as a
15 result of where your point of diversion is located, it
16 has impacts, the diversion of that groundwater, both to
17 the trust water and the nontrust water areas, based on
18 modeling that the Department has done.

19 And so I want Allan to testify about it and
20 put it in the record because there is a question, and I
21 think this may cut in your favor more than against you.
22 I'm serious.

23 MR. KUGLER: I understand. I appreciate that.
24 And after the hearing aspect I would like to visit a
25 little bit with a couple of the individuals if possible.

1 HEARING OFFICER SPACKMAN: I think that is
2 great. But what we have is we have a trust water area
3 that is very fixed in both rule and law and in --

4 MR. KUGLER: I'm aware of that.

5 HEARING OFFICER SPACKMAN: We have a lot of
6 law that doesn't necessarily support that very strict
7 stringent definition.

8 MR. KUGLER: Yes.

9 HEARING OFFICER SPACKMAN: And so it's a
10 dichotomy somewhat to me as the director and as hearing
11 officer about what to do with it. And like I say, it
12 may cut -- in fact, I think it does, his testimony
13 probably will cut more into your favor than against it.

14 MR. KUGLER: I could see that possibility.

15 HEARING OFFICER SPACKMAN: But I want to have
16 it there, because if I don't then we don't have a
17 complete record.

18 MR. KUGLER: I appreciate that aspect of it
19 too.

20 HEARING OFFICER SPACKMAN: Okay.

21 MR. KUGLER: I'm just looking at the other
22 wheel.

23 HEARING OFFICER SPACKMAN: Yeah. Okay. So
24 let's just go through it here.

25

1 Q. And you prepared a portion of the memorandum?

2 A. I did.

3 Q. And can you explain what you prepared for the
4 memorandum?

5 A. I was asked to do a modeling analysis of Mr.
6 Kugler's permit, and I went through and found the number
7 of acres that he was requesting to irrigate.

8 I selected -- from the permits I found the
9 location he was intending to put his well. Then I took
10 the average crop consumptive use and I subtracted off
11 average precipitation and applied that result to his
12 acres, and then put that stress on the aquifer at his
13 well and ran a modeling analysis and using the model
14 determined where his impacts would be realized along the
15 Snake River.

16 Q. Can you back up a little bit and explain what
17 the model is and what it's intended to try to simulate?

18 A. The model, we divided up the aquifer into one
19 mile by one mile grids and each grid has different
20 stresses and different physical properties. And these
21 different stresses and different physical properties
22 allow the model to steer the impacts in what we hope is
23 something approaching the way the real world situation
24 is.

25 And the intent of that is that this results in

1 a better tool for administering water than just having a
2 bunch of experts at a hearing argue about where the
3 impacts might be realized.

4 And the model was constructed by many experts,
5 representatives from Idaho Power, the Bureau, other
6 people sent experts, some people participate on their
7 own. And the intent of that is to give everybody common
8 ground for this tool to use to see how the impacts are
9 distributed along the Snake River.

10 Q. Somebody inputting the information that you
11 explained earlier into the model, and will you go back
12 and explain what those inputs would then simulate using
13 the model with respect to Mr. Kugler's application -- or
14 his permit? I'm sorry.

15 A. I came up with just under 540 acre feet per
16 year would be consumptively used if Mr. Kugler's permit
17 were fully developed. Is that what you are asking?

18 Q. And then that would be how much water would be
19 consumptively used. But then what are the simulated
20 impacts on the Snake River and reaches above and below
21 Milner? Because I think the report probably shows that
22 information.

23 A. Do you want all 11 reaches or just -- I've got
24 490.5 above Milner. So based on Mr. Keen's that would
25 be in the nontrust. And then 49 acre feet per year

1 would be below Milner, and that, as I understand from
2 Mr. Keen, would be in the trusts.

3 Q. And you referred to various reaches. I don't
4 want to delve too far into this subject because I'm not
5 sure how relevant it is. But the model apparently
6 simulates through the pumping depletions to various
7 identified reaches of the Snake River.

8 A. There is a total of 11 reaches. Do you want
9 me to go through all of them or --

10 Q. No, just to sort of generally explain, there
11 are some reaches above, some below.

12 A. There are five reaches above Milner and six
13 reaches below Milner. So that is just areas where the
14 model is totaling up the impact from whatever stress is
15 being applied to the model.

16 Q. And the impacts or the simulated impacts that
17 you are explaining would occur within what time frame if
18 Mr. Kugler's pumping?

19 A. This would be steady state, so that is a long
20 time after full build out. I did do transient graphs,
21 which simulate how long it would take to realize that,
22 and I went out 100 years.

23 And in most cases, particularly below Milner,
24 it takes quite a few years before -- some of them you
25 never even get a 10th of a cfs impact. I think if I

1 look back here to the full build out, it doesn't get to
2 half of a -- it doesn't get to a 1/10th of a cfs. It's
3 less than five years before it gets to -- before it gets
4 up to a 100th of a cfs.

5 Q. Is there more information that you would like
6 to add or discuss regarding the simulations and the
7 model itself?

8 A. No, I can't think of anything.

9 HEARING OFFICER SPACKMAN: Okay. Thank you.

10 Mr. Kugler, again, the reason for the
11 presentation was to lend to the record the expertise
12 that the Department --

13 MR. KUGLER: I understand that aspect of it
14 from that standpoint. I was looking at other things. I
15 have no questions for him. Thank you.

16 HEARING OFFICER SPACKMAN: Okay. Thank you,
17 Mr. Wylie.

18 That is all the information that we had
19 prepared in support of the staff memorandum, John, and
20 you are welcome to present whatever additional evidence
21 you want to regarding --

22 MR. KUGLER: Let me just briefly state, and
23 I'll leave that for your standpoint, because I don't
24 think that you have given any thought to or looked at
25 the impact. My recollection -- and I'm getting old, I

1 don't remember a lot anymore. But there was a statute
2 before a lot of these rules and regulations came in
3 enacted by the legislature, and I think it's 42-223, if
4 I remember right. And you didn't address that in your
5 order, and I would like that addressed at this time if
6 you believe it has any impact as far as the decision is
7 concerned.

8 HEARING OFFICER SPACKMAN: What do you believe
9 the statute says?

10 MR. KUGLER: I think that is the one that
11 protected my rights as if I had gone in and had a well
12 permit issued to me originally in 1984, and protects it
13 just as existed as it was first issued between '84 and
14 '85, '89 for that matter, a five-year period.

15 HEARING OFFICER SPACKMAN: Okay. I don't
16 recall that.

17 MR. KUGLER: That has to do -- because this
18 statute was enacted prior to the moratorium statute, and
19 I think that is a legal issue, may or may not be
20 involved eventually. As I said, I want to chat briefly
21 with these gentlemen here and talk about something else,
22 part of it.

23 HEARING OFFICER SPACKMAN: Is the statute
24 identified in any of your briefing?

25 MR. KUGLER: I doubt it because -- not to my

1 recollection. I think I argued it orally at that last
2 reconsideration hearing.

3 HEARING OFFICER SPACKMAN: I would appreciate
4 a direct reference, because what you are talking
5 about --

6 MR. KUGLER: I'll get it to you in writing.

7 HEARING OFFICER SPACKMAN: Okay. Additional
8 arguments or evidence you wish to present, Mr. Kugler?

9 MR. KUGLER: No, no, nothing further, no.

10 HEARING OFFICER SPACKMAN: I know, John, that
11 you are concerned, again, about the second portion of
12 what we talked about and that is that -- and you
13 presented evidence at the first hearing regarding what
14 you felt was a significant expenditure of money on your
15 part for development.

16 MR. KUGLER: Right.

17 HEARING OFFICER SPACKMAN: And I certainly
18 want to look at that as well, but I know that
19 information is in the file and was presented at the
20 initial hearing. And so certainly if you want to
21 expound or expand on that particular issue --

22 MR. KUGLER: No, no, I blubbered too much at
23 that time.

24 HEARING OFFICER SPACKMAN: Okay. Well, I hope
25 you recognize at least in the presentation of the

1 evidence that is in the record, part of my reason for
2 going through the more formal presentation was to set
3 the stage for what I think is an important issue and
4 some degree it is a test case for me and --

5 MR. KUGLER: Well, there is no question that
6 this is a unique proceeding, but the advantage of it is
7 you'll never have another one.

8 HEARING OFFICER SPACKMAN: Maybe.

9 MR. KUGLER: From what I know about other
10 pending (inaudible), I don't anticipate one of this
11 particular nature. Mine is unique. Because some of the
12 controversies that are out there have been pending for a
13 long time, even before. And secondly, those newer ones
14 that are developing by those three or four other people
15 who attempt to prolong are not in the same position as
16 mine by a long ways because of how late they filed to
17 begin with.

18 HEARING OFFICER SPACKMAN: I think you are
19 right in that smaller context, but in the larger view we
20 have, and this is part of the reason all of this came
21 in, we have many, many water rights right now --

22 MR. KUGLER: From what I see now, what your
23 future applications are, you are right. I go back to
24 1962 when I argued for the three Idaho Power licenses
25 before the National Park Association. And I argued the

1 State's position as far as granting the licenses at that
2 point in time, so I know a little bit about downstream
3 flow.

4 HEARING OFFICER SPACKMAN: Who were you
5 representing then?

6 MR. KUGLER: The State of Idaho.

7 HEARING OFFICER SPACKMAN: Were you working
8 for the Attorney General?

9 MR. KUGLER: As a special appointment, yep,
10 because I worked for the Commission.

11 HEARING OFFICER SPACKMAN: That is very
12 interesting.

13 MR. KUGLER: A long time ago, almost 50 years.

14 HEARING OFFICER SPACKMAN: I know that. But
15 my concern in this is we have many, many water rights
16 that have term limits expiring.

17 MR. KUGLER: Yes. Well, I see where that
18 comes into a different -- a little bit different play
19 than mine, but you might get some guidance if I go
20 forward, yes.

21 HEARING OFFICER SPACKMAN: Yeah, because many
22 of those people, if we approve your water right or we
23 approve it with some limited mitigation requirement,
24 many of them might come in and hire somebody to apply
25 the model to it and say: My impact down below isn't all

1 to trust water. It's not all depletion to Milner.

2 MR. KUGLER: I don't think that is open on any
3 of those that I'm aware of anyway.

4 HEARING OFFICER SPACKMAN: It's not right now,
5 but we have many of them that we will be going through a
6 review, and we may be requiring of them something to
7 ensure that the minimum flows at Murphy are maintained,
8 that Liz talked about, because we were down some years
9 bumping against it.

10 So those are the kinds of issues that we are
11 looking at, and consequently in some respects what you
12 are presenting is a test case for the Department and
13 maybe for --

14 MR. KUGLER: I don't want to make it a test, I
15 would rather resolve it without that aspect of it. That
16 is why I wanted to have a hearing a couple years ago, as
17 my CRP was expiring in 2009.

18 HEARING OFFICER SPACKMAN: Well, we knew it
19 was on the rise even then, that is part of the reason
20 for the delay.

21 Okay. If we don't have anything further,
22 thank you and we'll close the record. And you are
23 welcome to talk to them.

24 MR. KUGLER: Yeah, I just want to chat a
25 little bit about a change of point of diversion, as a

1 matter of fact.

2 HEARING OFFICER SPACKMAN: So you can stop the
3 tape.

4 (Off the record.)

5 HEARING OFFICER SPACKMAN: I've reopened the
6 record -- are we recording, Matt?

7 MR. MATT WEAVER: Yes.

8 HEARING OFFICER SPACKMAN: I've reopened the
9 record just to clarify the representation here today.

10 Mr. Kugler, will you please state for the
11 record your intention regarding your own representation
12 here as contested.

13 MR. KUGLER: I have from the beginning been
14 appearing pro se, and as far as this proceeding is
15 concerned have done so. I have not authorized anyone to
16 make any filings with the Department for me.

17 HEARING OFFICER SPACKMAN: Okay. And Jerry
18 Rigby is --

19 MR. KUGLER: And Jerry Rigby specifically.

20 HEARING OFFICER SPACKMAN: Is not counsel of
21 record.

22 MR. KUGLER: Is not counsel of record.

23 HEARING OFFICER SPACKMAN: Okay. All right.

24 Thank you very much for clarifying. And we'll go off
25 the record again. (Hearing Concluded.)

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REPORTER'S CERTIFICATE

I, BEVERLY A. BENJAMIN, CSR No. 710, Certified
Shorthand Reporter, certify:

That the foregoing audio taped proceedings were
transcribed by me;

That the testimony and all objections made were
transcribed by me or under my direction;

That the foregoing is a true and correct record
of all testimony given, to the best of my ability;

I further certify that I am not a relative or
employee of any attorney or party, nor am I financially
interested in the action.

IN WITNESS WHEREOF, I set my hand and seal this
26th day of August, 2011.



BEVERLY A. BENJAMIN, CSR, RPR

Notary Public

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My commission expires May 15, 2013