

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

IN THE MATTER OF DISTRIBUTION OF )  
WATER TO WATER RIGHTS NOS. 36-04013A, ) **AMENDED**  
36-04013B, AND 36-07148 (SNAKE RIVER ) **CURTAILMENT ORDER**  
FARM) )  
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(Water District Nos. 130 and 140) )  
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**FINDINGS OF FACT**

1. On July 22, 2009, the Director of the Department of Water Resources (“Director” or “Department”) issued his *Order Curtailing Ground Water Rights In Water District Nos. 130 and 140 Junior to January 8, 1981* (“Curtailment Order”). The Curtailment Order informed the Magic Valley and North Snake Ground Water Districts (“Ground Water Districts”) that they were no longer in compliance with the terms of their *2009 Replacement Water Plan and Third Mitigation Plan (Over-the-Rim) of North Snake Ground Water District and Magic Valley Ground Water District* (“2009 Plan”), as approved by the Director’s *Order Approving Ground Water Districts’ Replacement Water Plan for 2009* (March 26, 2009) (“March 26 Order”), and subsequently modified by the Director’s *Order Granting Partial Stay of Ground Water Districts’ Replacement Water Plan for 2009* (May 15, 2009) (“May 15 Partial Stay Order”).

2. In order to comply with the terms of the 2009 Plan, as approved by the March 26 Order, the Ground Water Districts were required to: (1) construct the over-the-rim pipeline; (2) convert approximately 1,060 new conversion acres; (3) continue conversion of approximately 9,300 acres; and (4) continue enrollment of acres in the Conservation Reserve Enhancement Program (“CREP”).

3. Of the four requirements from the March 26 Order, only the over-the-rim pipeline was stayed by the May 15 Partial Stay Order: “satisfaction of the remainder of the 2009 Plan, approved by the March 26, 2009 Order of the Director, shall constitute acceptable and sufficient replacement water or mitigation by the Ground Water Districts for the 2009 and 2010 calendar years.” *May 15 Partial Stay Order* at 2 (emphasis added). As stated in the Curtailment Order, the deficiency that exists in implementation of the 2009 Plan, as modified by the May 15 Partial Stay Order, is full conversion of the existing 9,300 conversion acres. Due to the deficiency in conversion acres, the Curtailment Order found a resulting shortfall of 5.19 cfs to the Buhl Gage

to Thousand Springs reach, or 0.36 cfs directly to Clear Springs Foods, Inc. (6.9% of 5.19 cfs). To alleviate the shortfall, curtailment of ground water rights junior to January 8, 1981 was ordered.

4. On July 28, 2009, the Department received the *Ground Water Districts' Plan of Action and Petition for Reconsideration and Request for Hearing* ("Plan of Action"). The Plan of Action did not state that the Ground Water Districts intended to convert the 9,300 conversion acres, as required by the Director's previous orders and agreed to by the parties. Based on the contents of the Plan of Action, the Director did not alter the Curtailment Order. *Order Regarding Ground Water Districts' Plan of Action* (July 29, 2009). As a result, ground water rights junior to January 8, 1981 have been ordered curtailed since July 31, 2009.

5. On August 3, 2009, the Department received the *Ground Water Districts' Second Plan of Action, Petition for Reconsideration and Request for Status Conference* ("Second Plan of Action"). The Second Plan of Action requested that the Curtailment Order be rescinded or modified based on implementation of the following actions: "(1) by immediately increasing the old conversion acres to 7,745 acres; (2) by late season recharge through the North Side Canal Company system in 2009; and (3) by adding new conversion acres in 2010 in an effort to bring the total to over 9,000 acres." *Second Plan of Action* at 3. The Ground Water Districts requested an immediate status conference on the Second Plan of Action "so that the parties' efforts to cooperatively explore other long-term solutions may continue." *Id.* at 4.

6. On August 4, 2009, the Director held a status conference to discuss the Second Plan of Action. The Director informed the parties at the status conference that he would consider the reinstatement of formally converted acres for purposes of revising the curtailment date in the Curtailment Order. The Director stated that he would not consider proposed actions that were not part of the previous agreement between Clear Springs and the Ground Water Districts, as accepted by the Director in his May 15 Partial Stay Order.

7. The Department has reviewed the Second Plan of Action and the reinstatement of conversion acres. The Department has modeled the benefit of those additional acres. The resulting benefit to the Buhl Gage to Thousand Springs reach is as follows:

Existing Conversions	New Conversions	CREP	Total Provided	Required	Shortfall
6.32 cfs	2.82 cfs	0.68 cfs	9.82 cfs	12.23 cfs	2.41 cfs

8. The additional conversion acres have increased the reach gain benefit from 3.54 cfs to 6.32 cfs (+ 2.78 cfs). The Total Provided has increased from 7.04 to 9.82 (+ 2.78 cfs).

9. Using the Eastern Snake Plain Aquifer ("ESPA") Model, and taking into account 10% model uncertainty and only those rights located within the area of common ground water supply, curtailment of ground water rights junior to April 11, 1990 will result in a 2.46 cfs benefit to the Buhl Gage to Thousand Springs reach, or 0.17 cfs directly to Clear Springs. Selecting a more junior priority date for curtailment will not satisfy the 2.41 cfs shortfall. The

curtailment will impact the holders of approximately 153 ground water rights that irrigate approximately 4,154 acres in portions of Cassia, Gooding, Jerome, and Lincoln counties.

## CONCLUSIONS OF LAW

1. Idaho Code § 42-602, addressing the authority of the Director over the supervision of water distribution within water districts, provides:

The director of the department of water resources shall have direction and control of the distribution of water from all natural water sources within a water district to the canals, ditches, pumps and other facilities diverting therefrom. Distribution of water within water districts created pursuant to section 42-604, Idaho Code, shall be accomplished by watermasters as provided in this chapter and supervised by the director. The director of the department of water resources shall distribute water in water districts in accordance with the prior appropriation doctrine. The provisions of chapter 6, title 42, Idaho Code, shall apply only to distribution of water within a water district.

In addition, Idaho Code § 42-1805(8) provides the Director with authority to “promulgate, adopt, modify, repeal and enforce rules implementing or effectuating the powers and duties of the department.”

2. Idaho Code § 42-603 grants the Director authority to adopt rules governing water distribution. In accordance with chapter 52, title 67, Idaho Code, the Department adopted the CM Rules. The CM Rules prescribe procedures for responding to a delivery call made by the holder of a senior priority surface or ground water right against junior priority ground water rights in an area having a common ground water supply. CM Rule 1.

3. As agreed to by the parties and required by the Director in the May 15 Partial Stay Order, 12.23 cfs to the Buhl Gage to Thousand Springs reach shall “constitute acceptable and sufficient replacement water or mitigation by the Ground Water Districts for the 2009 and 2010 calendar years.” *May 15 Partial Stay Order* at 2.

4. Based on the Second Plan of Action, the Ground Water Districts have provided 9.82 cfs to the Buhl Gage to Thousand Springs reach, resulting in a shortfall of 2.41 cfs to the reach, or 0.17 cfs directly to Clear Springs (6.9% of 2.41 cfs).

5. The ESPA Model represents the best available science for determining the effects of ground water diversions and surface water uses on the ESPA and hydraulically-connected reaches of the Snake River and its tributaries. There currently is no other technical basis as reliable as the simulations from the ESPA Model that can be used to determine the effects of ground water diversions and surface water uses on the ESPA and hydraulically-connected reaches of the Snake River and its tributaries.

6. Using the ESPA Model, and taking into account 10% model uncertainty and only those rights located within the area of common ground water supply, curtailment of ground water

rights junior to April 11, 1990 is simulated to result in at least a 2.41 cfs benefit to the Buhl Gage to Thousand Springs reach. The curtailment will impact the holders of approximately 153 ground water rights that irrigate approximately 4,154 acres in portions of Cassia, Gooding, Jerome, and Lincoln counties. A map depicting the area of curtailment and a list of water rights that are to remain curtailed is attached hereto.

7. Ground water users who hold junior priority ground water rights and are not members of a ground water district that is providing approved mitigation, replacement water supply, or substitute curtailment, should be deemed a non-member participant for mitigation purposes pursuant to H.B. 737 (*Act Relating to the Administration of Ground Water Rights within the Eastern Snake River Plain*, ch. 356, 2006 Idaho Sess. Laws 1089) and should be required to pay the ground water district that is providing approved mitigation, replacement water supply, or substitute curtailment nearest the lands to which the water right is appurtenant for mitigation purposes pursuant to Idaho Code § 42-5259. If the holder of such a junior priority ground water right elects not to join the ground water district, the Director should order curtailment.

8. Curtailment will apply to consumptive ground water rights for agricultural, commercial, industrial, and municipal uses, excluding ground water rights used for *de minimis* domestic purposes where such domestic use is within the limits of the definition set forth in Idaho Code § 42-111 and ground water rights used for *de minimis* stock watering where such stock watering use is within the limits of the definitions set forth in Idaho Code § 42-1401A(12), pursuant to IDAPA 37.03.11.020.11.

9. In the event that junior priority ground water users do not voluntarily comply with ordered curtailment, the Director should enforce the terms of this order in accordance with Idaho law, which includes, but is not limited to, the procedures outlined in Idaho Code §§ 42-351 (Illegal diversion or use of water—Enforcement procedure—Injunctive relief), 42-607 (Distribution of Water), and 42-1701B (Enforcement procedure—Notice—Consent order).

10. In order for the Department to verify delivery of surface water to the conversion acres, the Ground Water Districts shall provide weekly replacement delivery reports to the watermaster for Water District Nos. 130 and 140 through the end of the irrigation season.

11. In order for the Department to verify the conversion acres have not been irrigated with ground water and that curtailed acres have not been irrigated, the Ground Water Districts shall, upon request by the watermaster for Water District Nos. 130 and 140, provide the watermaster for Water District Nos. 130 and 140 with diversion records for wells associated with the conversion projects and wells that are, and have been, subject to curtailment.

12. This Amended Curtailment Order supersedes the Director's *Order Curtailing Ground Water Rights In Water District Nos. 130 and 140 Junior to January 8, 1981* (July 22, 2009).

## ORDER

Based on the foregoing, IT IS HEREBY ORDERED as follows:

IT IS HEREBY ORDERED that the Director's July 22, 2009 *Order Curtailing Ground Water Rights In Water District Nos. 130 and 140 Junior to January 8, 1981* is amended and superseded by this Order. Curtailment will only apply to ground water rights bearing priority dates of April 12, 1990, or junior to April 12, 1990. Ground water rights bearing priority dates of April 11, 1990, or senior to April 11, 1990 are no longer subject to curtailment. This order shall apply to consumptive ground water rights for agricultural, commercial, industrial, and municipal uses, excluding ground water rights used for *de minimis* domestic purposes where such domestic use is within the limits of the definition set forth in Idaho Code § 42-111 and ground water rights used for *de minimis* stock watering where such stock watering use is within the limits of the definitions set forth in Idaho Code § 42-1401A(12), pursuant to IDAPA 37.03.11.020.11.

IT IS FURTHER ORDERED that the watermaster for Water District Nos. 130 and 140 is directed to issue written notices to the holders of consumptive ground water rights identified in the July 22, 2009 *Order Curtailing Ground Water Rights In Water District Nos. 130 and 140 Junior to January 8, 1981*, bearing priority dates of April 11, 1990, or senior, that their water rights are no longer subject to curtailment.

IT IS FURTHER ORDERED that the Ground Water Districts shall provide weekly replacement delivery reports to the watermaster for Water District Nos. 130 and 140. Upon request, the Ground Water Districts shall provide the watermaster for Water District Nos. 130 and 140 with diversion records for wells associated with the conversion projects and wells that are, and have been, subject to curtailment.

IT IS FURTHER ORDERED that if junior priority ground water right holders for whom curtailment is ordered do not comply with this order, the Director shall immediately enforce the terms of this order in accordance with Idaho law.

IT IS FURTHER ORDERED that this is a final order of the agency effective upon issuance. A hearing was previously held on the mitigation obligations of the Ground Water Districts. The mitigation obligation for the 2009 and 2010 calendar years, as agreed to by the parties and ordered by the Director, is less than the obligation for the final year of the five-year, phased-in period of curtailment. This order is entered to enforce the terms of the Director's previous orders. The decision made in this order is final and subject to review by reconsideration or judicial review.

Dated this 7<sup>th</sup> day of August, 2009.

  
GARY SPACKMAN  
Interim Director

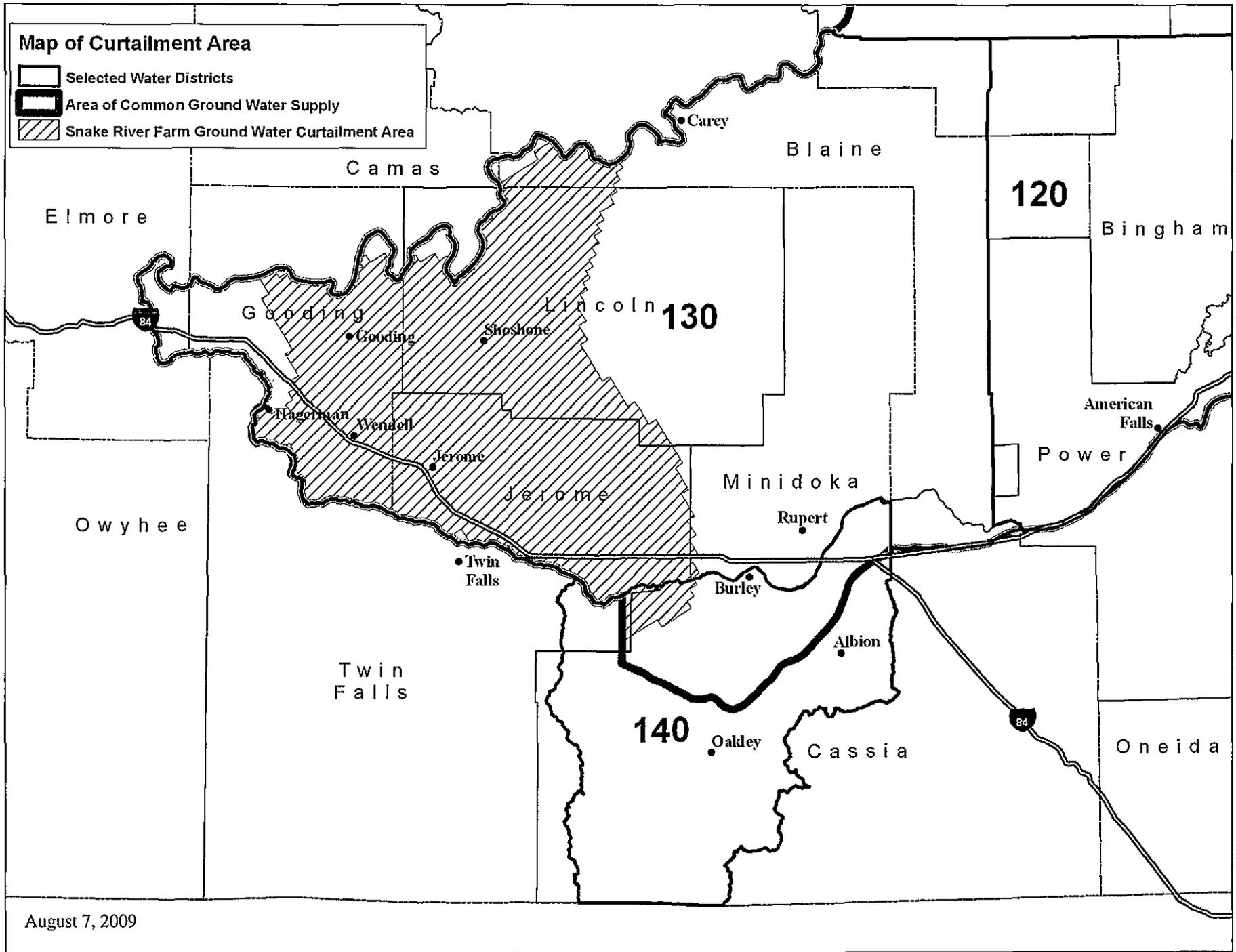
**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 7<sup>th</sup> day of August 2009, the above and foregoing, was served by first class U.S. Mail and electronic mail to the following:

<p>RANDY BUDGE                  RACINE OLSON                  PO BOX 1391                  POCATELLO ID 83204-1391  <a href="mailto:rcb@racinelaw.net">rcb@racinelaw.net</a></p>	<p>CANDICE M. MCHUGH                  RACINE OLSON                  101 S. CAPITOL BLVD., STE. 208                  BOISE ID 83702  <a href="mailto:cmm@racinelaw.net">cmm@racinelaw.net</a></p>	<p>JOHN SIMPSON                  BARKER ROSHOLT                  PO BOX 2139                  BOISE ID 83701-2139  <a href="mailto:jks@idahowaters.com">jks@idahowaters.com</a></p>
<p>TRAVIS THOMPSON                  PAUL ARRINGTON                  BARKER ROSHOLT                  113 MAIN AVE. WEST, STE. 303                  TWIN FALLS ID 83301-6167  <a href="mailto:tt@idahowaters.com">tt@idahowaters.com</a>  <a href="mailto:pla@idahowaters.com">pla@idahowaters.com</a></p>	<p>DANIEL V. STEENSON                  CHARLES L. HONSINGER                  RINGERT LAW                  PO BOX 2773                  BOISE ID 83701-2773  <a href="mailto:dan@ringertlaw.com">dan@ringertlaw.com</a>  <a href="mailto:clh@ringertlaw.com">clh@ringertlaw.com</a></p>	<p>MIKE CREAMER                  JEFF FEREDAY                  GIVENS PURSLEY                  PO BOX 2720                  BOISE ID 83701-2720  <a href="mailto:mcc@givenspursley.com">mcc@givenspursley.com</a>  <a href="mailto:jeffereday@givenspursley.com">jeffereday@givenspursley.com</a></p>
<p>MICHAEL S. GILMORE                  ATTORNEY GENERAL'S                  OFFICE                  PO BOX 83720                  BOISE ID 83720-0010  <a href="mailto:mike.gilmore@ag.idaho.gov">mike.gilmore@ag.idaho.gov</a></p>	<p>J. JUSTIN MAY                  MAY SUDWEEKS &amp; BROWNING                  1419 W. WASHINGTON                  BOISE ID 83702  <a href="mailto:jmay@may-law.com">jmay@may-law.com</a></p>	<p>ROBERT E. WILLIAMS                  FREDERICKSEN WILLIAMS                  MESERVY                  153 E. MAIN ST.                  P.O. BOX 168                  JEROME ID 83338-0168  <a href="mailto:rewilliams@cablone.net">rewilliams@cablone.net</a></p>
<p>ALLEN MERRITT                  CINDY YENTER                  WATERMASTER - WD 130, 140                  IDWR – SOUTHERN REGION                  1341 FILLMORE ST., STE. 200                  TWIN FALLS ID 83301-3380  <a href="mailto:allen.merritt@idwr.idaho.gov">allen.merritt@idwr.idaho.gov</a>  <a href="mailto:cindy.yenter@idwr.idaho.gov">cindy.yenter@idwr.idaho.gov</a></p>		

  
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 Victoria Wigle  
 Administrative Assistant to the Director  
 Idaho Department of Water Resources

Attachment 1



August 7, 2009

Attachment 2  
Water Rights Subject to Curtailment - Snake River Farm Delivery Call

Current Owner	Water Right Number	Priority Date	Diversion Rate (cfs)	Acres	Purpose of Use
AARDEMA FARMS LTD PARTNERSHIP	36-8179	1/10/1997	0.06		STOCKWATER, DOMESTIC
AARDEMA, CORNELIA; AARDEMA, FRANS; BOX CANYON DAIRY; HEIDA, MARY JANE; HEIDA, THOMAS	36-15181*	3/15/1982	0.23	54	IRRIGATION
AARDEMA, DONALD J; AARDEMA, DONALD JOHN; AARDEMA, EVELYN L; AARDEMA, GAYLE; AARDEMA, KRISTYN; AARDEMA, MICHAEL D; AARDEMA, RONALD J; AARDEMA, SARAH J	36-16283*	5/1/1985	0.17	302.7	IRRIGATION
AARDEMA, DONALD JOHN	36-15256C*	3/15/1975	0.92	524.4	IRRIGATION
AARDEMA, DONALD JOHN	36-10225H*	5/1/1985	0.01	3	IRRIGATION
ALLEN, HERB; ALLEN, MARY CHUGG; LLOYD, DANIEL; TIERNEY LLOYD, MONA LISA	36-8523	4/25/1990	1.89	115	IRRIGATION
ANDERSON, LARRY; ANDERSON, RETHA	36-8233	12/17/1991	0.93		HEATING, RECREATION
ASTORQUIA, FRANK	37-8338	5/19/1994	0.6	72	IRRIGATION
ASTORQUIA, FRANK	37-7460	7/3/2002	4	199.5	IRRIGATION
BARNES, T H; COLLINS, LARRY	36-8780	4/17/1998	0.04	1	IRRIGATION, DOMESTIC
BENNETT, CAROLE R; BENNETT, JOHN D	37-20931	5/5/2003	0.12	4.3	IRRIGATION
BETTENCOURT, LUIS M	36-14285*	5/1/1977	0.32	274	IRRIGATION
BETTENCOURT, LUIS M	36-8739	5/10/1995	1	108.6	IRRIGATION
BETTENCOURT, LUIS M	36-8740	5/10/1995	0.53	126.5	IRRIGATION
BETTENCOURT, LUIS M	36-15161*	3/15/1977	0.14	258	IRRIGATION
BETTENCOURT, LUIS M; BETTENCOURT, SHARON L	36-14394*	6/28/1967	0.16	618	IRRIGATION
BETTENCOURT, LUIS M; BETTENCOURT, SHARON L	36-14595A*	5/1/1978	1.31	414.8	IRRIGATION
BLACK BUTTE HILLS LLC	36-15233*	4/6/1980	0.73	180	IRRIGATION
BOLINGBROKE, EDNA	36-16499*	4/1/1984	0.04	24	IRRIGATION
BORBA, JOSE; BORBA, MARIA	36-8731	7/13/1994	0.08		STOCKWATER, DOMESTIC
BOTHOF, GERALD A; BOTHOF, ROGER W	36-8805	10/31/2000	0.03	0.8	IRRIGATION
BOX CANYON DAIRY	36-10044*	3/1/1984	0.55	124	IRRIGATION
BOX CANYON DAIRY	36-16282*	5/1/1985	0.26	444	IRRIGATION
BRANCHFLOWER, KATHERINE L; BRANCHFLOWER, MICHAEL G	36-8581	3/13/1991	0.74	39	IRRIGATION
BRANDSMA, ANN; BRANDSMA, HILL A	36-16036*	5/1/1985	0.18	318	IRRIGATION
BRANDSMA, DEBRA K; BRANDSMA, KENNETH A	36-8787	1/22/1999	1.05	152	IRRIGATION
CAMPBELL, ANNIE M.; CAMPBELL, WILLIAM ROY	36-8535	4/12/1990	0.13	4	IRRIGATION, DOMESTIC
CHATTERTON, DANIEL GROVER; CHATTERTON, RONDA D	36-8537	4/12/1990	0.16	5	IRRIGATION, STOCKWATER, DOMESTIC
CHURCH OF JESUS CHRIST OF THE LATTER DAY SAINTS	36-11278*	4/1/1977	2.55	1610	IRRIGATION
CITY OF DIETRICH	37-8783	2/21/1992	0.45		MUNICIPAL
CITY OF WENDELL	36-8764	3/28/1997	1.27		MUNICIPAL
CITY OF WENDELL	36-8421	9/14/1998	2.76		MUNICIPAL
CLARK, BETTE L; CLARK, RAYMOND G	36-15253*	3/15/1985	0.34	211	IRRIGATION
COUNTRY CLUB ESTATES WATER ASSN INC	36-8607	11/18/1991	0.5		STOCKWATER, DOMESTIC, FIRE PROTECTION
DAVIDSON, JOSEPH E	36-8790	4/12/1999	0.05		DOMESTIC
DE KRUYF, ALICE RUTH; DE KRUYF, CALVIN	36-10082A*	3/15/1976	0.21	162.7	IRRIGATION

\* Enlargement right subordinate to rights earlier than April 12, 1994

Attachment 2  
Water Rights Subject to Curtailment - Snake River Farm Delivery Call

Current Owner	Water Right Number	Priority Date	Diversion Rate (cfs)	Acres	Purpose of Use
DICKINSON, DALE; DICKINSON, MARSHA	36-8681	10/16/1992	0.03	1	IRRIGATION, DOMESTIC
DINOS LLC; DINOS LLC	36-8680	10/21/1992	0.1		DOMESTIC
DOTSON, MARK; HOLLANDER, LEWIS	37-8944	11/30/2000	0.2		DOMESTIC
EDWARDS, KENT F	36-8628	11/26/1991	0.18	8	IRRIGATION, STOCKWATER, DOMESTIC
EVERS BROTHERS PARTNERSHIP; NORTHWEST FARM CREDIT SERVICES FLCA	36-8584	2/26/1991	2.08	144	IRRIGATION
FATTIG, PATSY; FATTIG, WAYNE	36-8637	12/6/1991	0.23	245	IRRIGATION
FAULKNER LAND & LIVESTOCK CO INC	37-8720	4/23/1991	3.2	324	IRRIGATION
FORD, JOYCE A; FORD, THOMAS RAY	36-14619*	5/1/1965	1.32	311	IRRIGATION
FORD, JOYCE A; FORD, THOMAS RAY	36-14617*	5/1/1982	0.9	378	IRRIGATION
FORSYTH, DANNY R; FORSYTH, GINGER	36-8531	4/24/1990	0.05	0.8	IRRIGATION, DOMESTIC
FREDERICKSEN, BETTY; FREDERICKSEN, CRAIG	37-22386	10/16/2008	0.04		DOMESTIC
GILLETTE, CINDY L; GILLETTE, LARRY R	37-8742	3/28/1991	4.21	995.5	IRRIGATION
GLANBIA FOODS INC	37-8903	9/17/1999	1.67		COMMERCIAL
GOEDHART, HUGO; GOEDHART, MARY	36-8774	3/10/1998	0.13		STOCKWATER, DOMESTIC
GOOCH, BEATRICE; GOOCH, ELLIS	37-8839	11/22/1994	0.1		STOCKWATER
GOTT, MIKE	36-8534	4/27/1990	0.1	2.5	IRRIGATION, DOMESTIC
GRANT, ANGELA; GRANT, RANDY; HAGAN, ROCKY	36-14202*	5/1/1975	0.2	130	IRRIGATION
GULLEY, JUDY L; GULLEY, WILLIAM F	36-8789	3/23/1999	0.39	12	IRRIGATION
HAAGSMA FAMILY TRUST	36-8345	4/9/2001	1		STOCKWATER, COMMERCIAL
HENRY FARMS	36-15163*	5/1/1981	0.66	286	IRRIGATION
HENRY, AUDREY; HENRY, ROBERT P	36-14844*	3/15/1983	0.25	94	IRRIGATION
HOLTZEN FARMS INC	36-8603	6/14/1991	0.14		STOCKWATER
INFANGER, DEBRA A; INFANGER, JOHN N	37-20800	9/10/2002	0.14		DOMESTIC
JEROME COUNTY ROD & GUN CLUB	36-8620	11/14/1991	0.02	0.5	IRRIGATION, COMMERCIAL
JEROME JOINT SCHOOL DISTRICT NO 261	36-16441	7/10/2006	0.45		HEATING
JEROME JOINT SCHOOL DISTRICT NO 261	36-16440	7/10/2006	1.07		HEATING
JOHN L WARREN TRUST; WARREN, ARTHELLA U	45-13567*	11/14/1983	0.21	163	IRRIGATION
JOHNSON, BECKY; JOHNSON, CHARLES; NELSON, JACK; NELSON, KATHY	37-21644	2/2/2006	0.12		DOMESTIC
K & W DAIRY	36-10225K*	5/1/1985	0.58	1064.7	IRRIGATION
KEARLEY, SUSAN L; KEARLEY, WILLIAM P	36-10547*	4/1/1980	0.25	154	IRRIGATION
KECHTER, RICHARD L	45-10777B*	3/15/1976	0.23	151	IRRIGATION
KECHTER, RICHARD L	45-10679*	4/1/1977	0.52	729.5	IRRIGATION
LAST RANCH LLC	36-16140*	3/15/1974	0.03	32	IRRIGATION
LEED CORP	37-21952	9/26/2006	0.44		DOMESTIC
LIND, ELDEN; LIND, MELBA JEAN	36-8583	2/22/1991	3.99	238.9	IRRIGATION
LLOYD, CARL; LLOYD, JANICE	36-8580	2/19/1991	0.7	35	IRRIGATION
MAY, DAVID C; MAY, DEBRA J	36-15226*	6/15/1973	0.36	658	IRRIGATION
MC CABE, LINDA JOY; MC CABE, ROBERT	37-20747*	4/1/1978	0.56	300	IRRIGATION
MC CAUGHEY, MARGARET; MC CAUGHEY, WALTER L	36-8579	2/8/1991	0.68	52	IRRIGATION
MC KNIGHT, SPARR	37-22201	7/5/2007	0.2		DOMESTIC
MEYERS, ROBERT J	37-8801	10/20/1992	0.1		DOMESTIC
MILLENKAMP, SUSAN; MILLENKAMP, WILLIAM J	36-8054	4/24/1990	2.3	217.8	IRRIGATION

\* Enlargement right subordinate to rights earlier than April 12, 1994

Attachment 2  
Water Rights Subject to Curtailment - Snake River Farm Delivery Call

Current Owner	Water Right Number	Priority Date	Diversion Rate (cfs)	Acres	Purpose of Use
MIPAD LIMITED PARTNERSHIP	37-8707	3/26/1991	2	100	IRRIGATION
MORGAN, CODY G; MORGAN, KATHY J	36-16094	3/10/1992	0.03		STOCKWATER
MORGAN, CODY G; MORGAN, KATHY J	36-16407	3/10/1992	1.53	390.5	IRRIGATION
MORGAN, CODY G; MORGAN, KATHY J	36-16408	3/10/1992	0.08		STOCKWATER, COMMERCIAL
MOUNTAIN VIEW WATER CORP	37-21278	3/22/2004	0.06		DOMESTIC
MOYLE, ALLEN; MOYLE, KARLA	36-8768	6/16/1997	0.17		STOCKWATER, COMMERCIAL
MUNSEE, G K; MUNSEE, LAREE; MUNSEE, MARK	36-8559	9/4/1990	1.86	93	IRRIGATION
NALLEY, TINA L	37-8750	7/12/1991	0.13	6	IRRIGATION, STOCKWATER, DOMESTIC
NAPIER, DIANNA K	36-8521	12/19/1991	0.03	1	IRRIGATION, DOMESTIC
NELSON, JACK; NELSON, KATHY	37-8717	3/1/1991	0.08	2.6	IRRIGATION
NELSON, JACK; NELSON, KATHY	37-8740	3/14/1991	0.09	3	IRRIGATION
NORTH RIM FAIRWAYS OWNERS ASSN INC	36-8399	1/5/1995	0.41		DOMESTIC
NORTHVIEW WATER ASSN INC	36-16204	2/9/2004	0.18	9	IRRIGATION
NORTHVIEW WATER ASSN INC	36-8747	2/2/1996	0.35	8	IRRIGATION, DOMESTIC
NORTHWEST FARM CREDIT SERVICES FLCA; VAN DYK, MARIE C; VAN DYK, RICHARD B	36-8547	4/25/1990	0.33		STOCKWATER, COMMERCIAL, DOMESTIC
NOTCH BUTTE FARMS LLC	36-16139*	3/15/1974	0.18	188	IRRIGATION
NOTCH BUTTE FARMS LLC	37-8909*	3/15/1974	0.02		STOCKWATER
OAK VALLEY LAND COMPANY LLC	45-4176*	3/15/1976	0.18	463	IRRIGATION
OAK VALLEY LAND COMPANY LLC	45-10777A*	3/15/1976	0.47	463	IRRIGATION
OLSEN, BETTY M; OLSEN, GEORGE L	36-8605	5/23/1991	0.04	1.4	IRRIGATION
OPPIO FAMILY LIMITED PARTNERSHIP	37-19848*	4/15/1987	0.29	142.4	IRRIGATION
PARKINSON, ROBERT J	36-8591	3/6/1991	1	66	IRRIGATION
PETERS, THOMAS R	36-8577	2/28/1991	1.68	94	IRRIGATION
PRICE, BERTHA; PRICE, EUGENE F	45-10000*	4/1/1971	0.74	202.1	IRRIGATION
REED, CAROL A; REED, ROBERT W	36-15227*	8/27/1973	0.7	163	IRRIGATION
ROOST POTATO CO INC	36-15152*	8/30/1984	0.08	633	IRRIGATION
ROTH INVESTMENTS LLC	36-15222*	7/5/1985	0.52	235	IRRIGATION
ROYCE, DAN; ROYCE, JO ANNE	36-8609	10/21/1991	0.02	2.5	IRRIGATION, STOCKWATER, DOMESTIC
SALMON FALLS LAND & LIVESTOCK CO INC	36-10033*	3/15/1975	1.07	370	IRRIGATION
SALMON FALLS LAND & LIVESTOCK CO INC	36-10037*	3/15/1974	1.65	404	IRRIGATION
SALMON FALLS LAND & LIVESTOCK CO INC	36-10035*	3/15/1981	0.47	370	IRRIGATION
SAWTOOTH SHEEP CO INC	37-8702	1/31/1991	2.5	260	IRRIGATION
SCHOTH, WARREN E	36-8589	5/9/1991	0.13	3	IRRIGATION, DOMESTIC
SEYMOUR, JOHN R	45-13542*	3/15/1976	1.28	479	IRRIGATION
SHAW, WILLIAM HUBERT	37-8705	2/21/1991	7	420	IRRIGATION
SIRUCEK, BECKY; SIRUCEK, MIKE	36-8569	12/10/1990	0.46	67	IRRIGATION
SLADE, DELILAH; SLADE, KEVIN L	36-15229*	8/17/1972	0.3	153	IRRIGATION
SLADE, WILLIAM J; SLADE, WYLENE	36-15228*	3/15/1973	0.1	459	IRRIGATION
SOUTH VIEW DAIRY	36-10225B*	5/1/1985	0.17	273	IRRIGATION
SOUTHFIELD DAIRY	36-2907	4/26/1990	0.8	436	IRRIGATION
SOUTHFIELD PROPERTIES LLC	37-8732	4/13/1991	3	587	IRRIGATION
SOUTHFIELD PROPERTIES LLC	36-8560A	9/7/1990	1.03	135	IRRIGATION
SOUTHFIELD PROPERTIES LLC	36-8560B	9/7/1990	0.12	6	IRRIGATION
SOUTHFIELD PROPERTIES LLC	36-8582	2/20/1991	0.46	23	IRRIGATION
SOUTHFIELD PROPERTIES LLC	36-8760	12/4/1990	1.52	436	IRRIGATION

\* Enlargement right subordinate to rights earlier than April 12, 1994

Attachment 2  
Water Rights Subject to Curtailment - Snake River Farm Delivery Call

Current Owner	Water Right Number	Priority Date	Diversion Rate (cfs)	Acres	Purpose of Use
SOUTHFIELD PROPERTIES LLC	36-10666*	5/1/1987	0.19	142	IRRIGATION
SPENCER, GLEN D	36-8536	4/12/1990	0.03	1	IRRIGATION, DOMESTIC
STANDLEE, MIKE; STANDLEE, WHENDY	36-15178*	3/1/1975	0.04	456	IRRIGATION
STANDLEE, MIKE; STANDLEE, WHENDY	36-16500*	4/1/1984	0.51	348	IRRIGATION
STANDLEE, MIKE; STANDLEE, WHENDY	36-15119*	3/1/1975	1.31	417	IRRIGATION
STATE OF IDAHO; STATE OF IDAHO	37-7372	6/30/1999	6.54	320	IRRIGATION, STOCKWATER
STEWART, FRED R; STEWART, PHYLLIS L	36-8568	11/7/1990	0.79	240	IRRIGATION
SUHR, DANIEL A; SUHR, DONNA DEE	36-14317*	3/20/1976	0.67	153	IRRIGATION
TABER, DONALD	37-10158*	4/1/1974	1.78	466	IRRIGATION
THE ALTON & PAULA HUYSER TRUST UNDER TRUST AGREEMENT DTD 4-1-2001	37-8679	8/23/1990	0.16	8	IRRIGATION
THOMPSON, KURT; THOMPSON, LINDA B	36-8615	10/30/1991	0.05	1.5	IRRIGATION
TRAVELERS OASIS TRUCK PLAZA; WILLIE, DANIEL L	36-8766	6/8/1997	0.11		COMMERCIAL
TRAVELERS OASIS TRUCK PLAZA; WILLIE, DANIEL L	36-8767	6/19/1997	0.11		COMMERCIAL
TRIPLE C CONCRETE INC	36-16401	3/31/2006	0.04		DOMESTIC
UNIT 3 WATER ASSN INC	36-8727	5/5/1994	0.45		DOMESTIC
UNITED STATES OF AMERICA ACTING THROUGH	37-20851*	3/15/1983	0.02	30	IRRIGATION
V & L DAIRY	36-15211*	1/30/1970	0.33	75	IRRIGATION
VALLEY SCHOOL DISTRICT #262	36-16299	9/22/2004	2		DOMESTIC, FIRE PROTECTION
VASQUAZ, DUFIA; VASQUAZ, J REUBEN	36-10243*	5/1/1985	0.4	205	IRRIGATION
VEENSTRA, CHERYL; VEENSTRA, PETE	36-8803	7/13/2000	0.13		STOCKWATER, COMMERCIAL
VEENSTRA, FRANK W	36-15077*	4/1/1982	0.91	198.5	IRRIGATION
WAHLSTROM, LESLIE; WAHLSTROM, RON	36-8612	10/24/1991	0.03	1	IRRIGATION
WEBER, JEFF L; WEBER, KERI JO	37-20850*	3/15/1983	0.4	634	IRRIGATION
WEST ONE BANK IDAHO	36-15215*	3/15/1972	1.1	609	IRRIGATION
WHITTAKER, KEITH	36-8553	7/9/1990	0.13	4.3	IRRIGATION
WICKEL, ARDEL W; WICKEL, JUDY M	36-4200*	3/15/1974	0.84	2785	IRRIGATION
WICKEL, ARDEL W; WICKEL, JUDY M	36-15165*	3/15/1970	2.2	2785	IRRIGATION
WICKEL, ARDEL W; WICKEL, JUDY M	36-16425*	5/1/1976	0.15	2785	IRRIGATION
WILD WEST INC	37-21719	3/22/2006	0.11		DOMESTIC
WISE, EARL; WISE, INEZ	36-8638	1/7/1992	0.04	1	IRRIGATION, DOMESTIC
YERION, GEORGE A; YERION, SUSAN F	37-20717	4/29/2002	0.1	4	IRRIGATION

\* Enlargement right subordinate to rights earlier than April 12, 1994