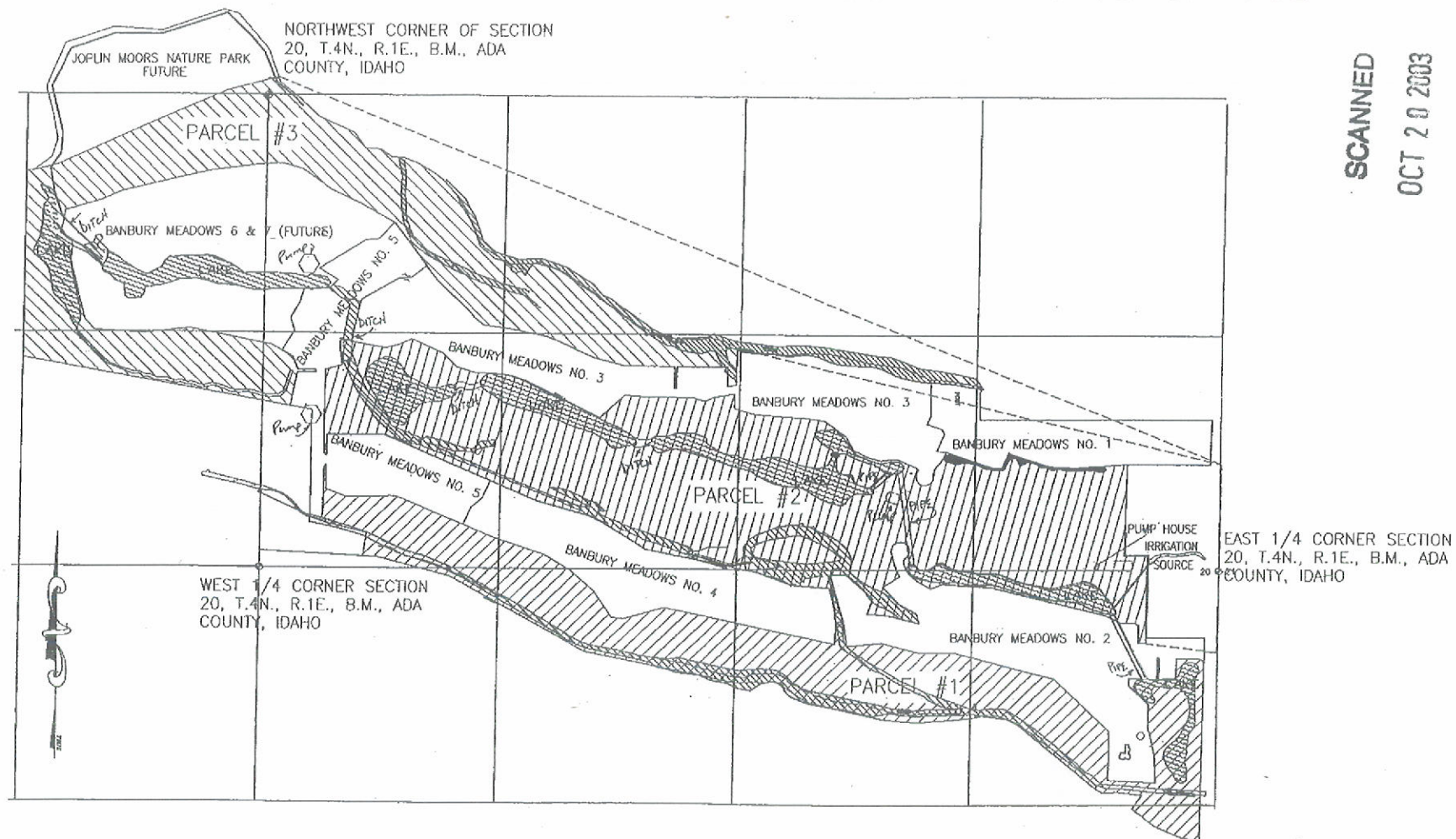


BANBURY MEADOWS GOLF COURSE PLACE OF USE



SCANNED
OCT 20 2003

ATTACHMENT A

JOHNSON ENGINEERING
FEB. 5, 2003

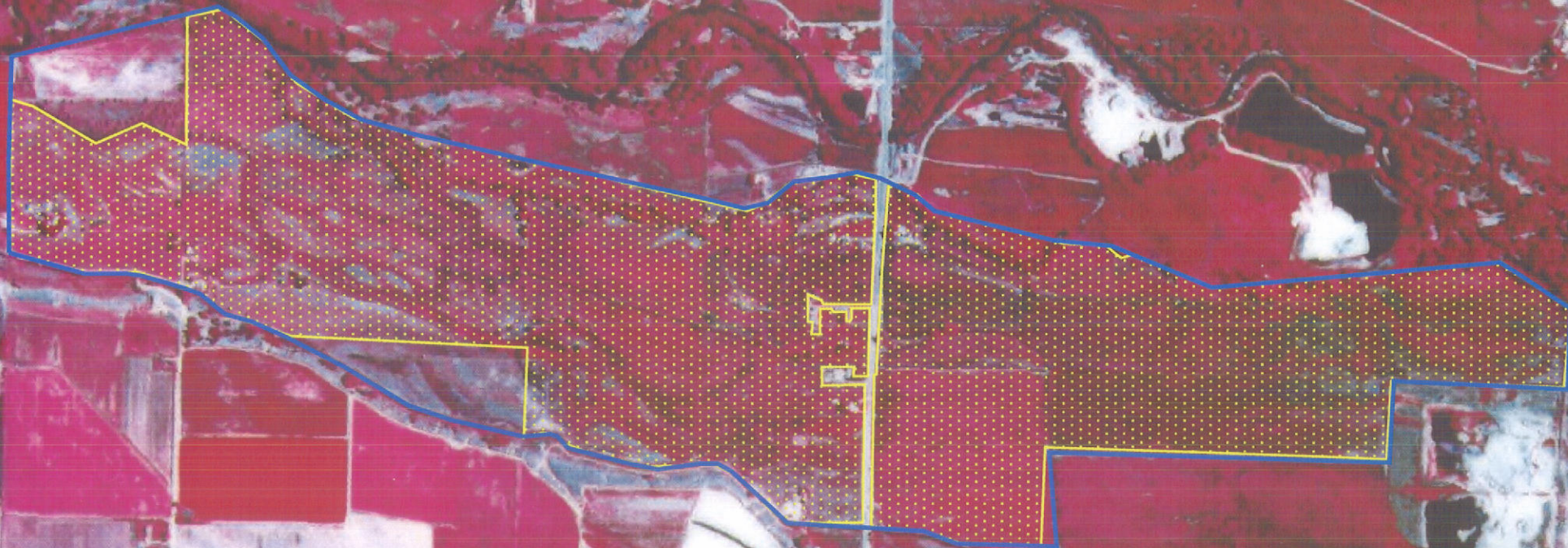
2569

22

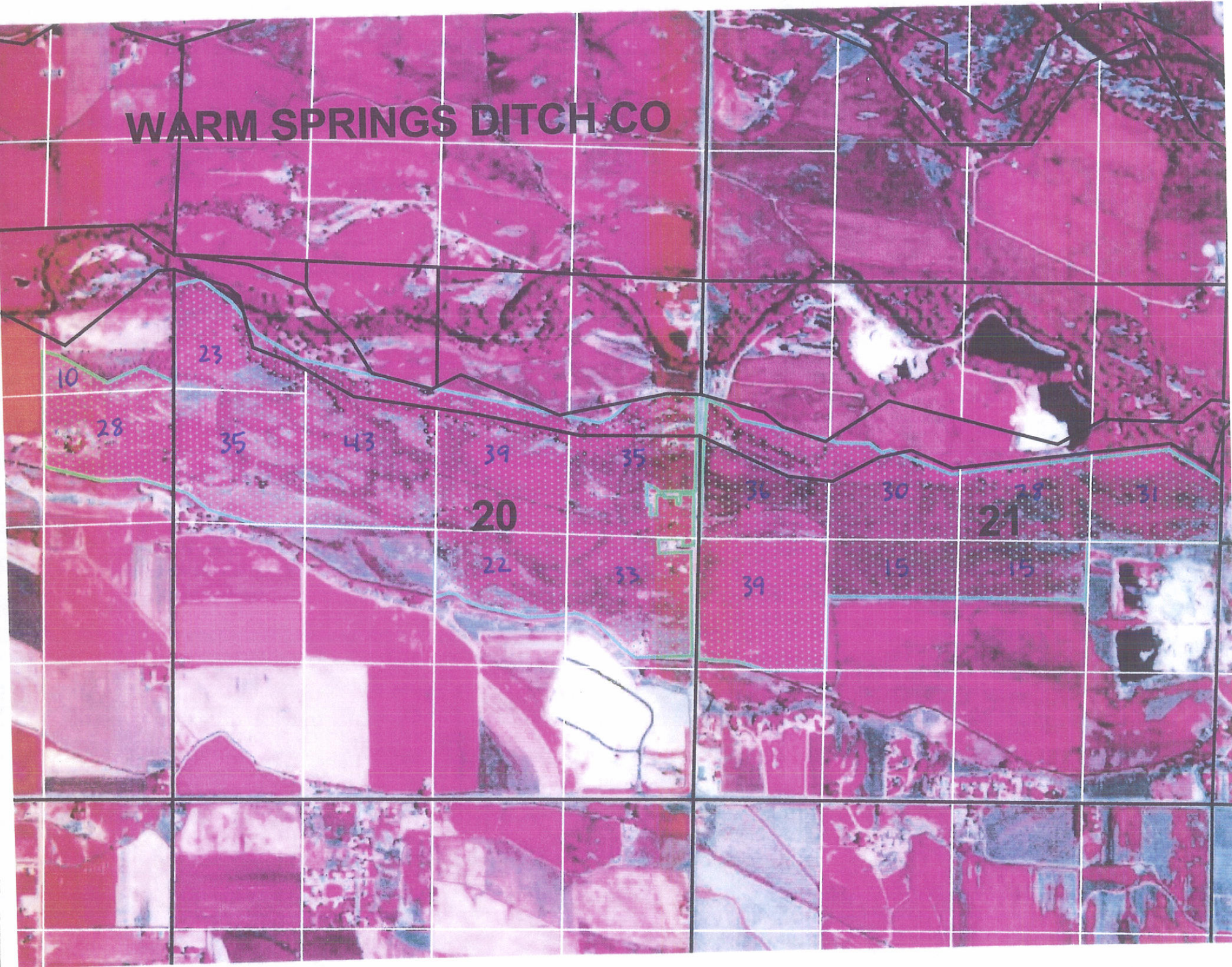
258/

THURMAN-MILL DITCH WARM SPRINGS DITCH POINT OF DIVERSION

**WARM SPRINGS DITCH CO
PLACE OF USE & BOUNDARY
DIGITIZED ACRES = 462**



WARM SPRINGS DITCH CO



[illegible]

Basin	Sequence	Suffix	Basis	Status	Priority Date	Rate(cfs)	Volume(af)	Source	Water Use(s)	Source Table
63	192		Decreed	Active	1876-06-01	2.3	518	BOISE RIVER	IRRIGATION	WARM SPRINGS DITCH co (Current)
63	216	C	Decreed	Active	1889-06-01	1.2	297	BOISE RIVER	IRRIGATION	WARM SPRINGS DITCH co (Current)
63	238	A	License	Active	4/18/1925	2.23	1070	DRAIN	IRRIGATION	WARM SPRINGS DITCH co (Current)
63	194	25	Decreed	Active	1882-06-01	4.2	945	BOISE RIVER	IRRIGATION	WARM SPRINGS DITCH co (Current)

31928 Disallow → recommend as 2387B - DB #4.
 217 = 1.44
 218 = 1.44
 219 = 1.58
 220 = 2.12
 19425 = 1.40
 5.06
 7.76 cfs = 388"

Claimed acres = 484
 digitized acres = 462
 Water master = 494 acres

380 cc. claimed

19

20

21

22

27



7/8/2002

BasinNumber	SequenceNum	SplitSuffix	OrganizationName	Agent
63	192		WARM SPRINGS DITCH COMPANY	Mel
63	192		WARM SPRINGS DITCH COMPANY	Mel
63	216C		WARM SPRINGS DITCH COMPANY	Mel
63	216C		WARM SPRINGS DITCH COMPANY	Mel
63	2387A		WARM SPRINGS DITCH COMPANY	Mel
63	2387A		WARM SPRINGS DITCH COMPANY	Mel
63	19425		WARM SPRINGS DITCH COMPANY	Mel
63	19425	.219+220	WARM SPRINGS DITCH COMPANY	Mel

Brian Hoff
884-2002

12-17-02

Copies of GIS &
USGS maps mailed
to Brian Hoff to use
for boundary and irrigated
POU.

1-27-03

Incl draft picked up

~~Copies of decess~~
~~reconcile splits~~
Need boundary map.

T04N R01E

18

T04N R01E

19

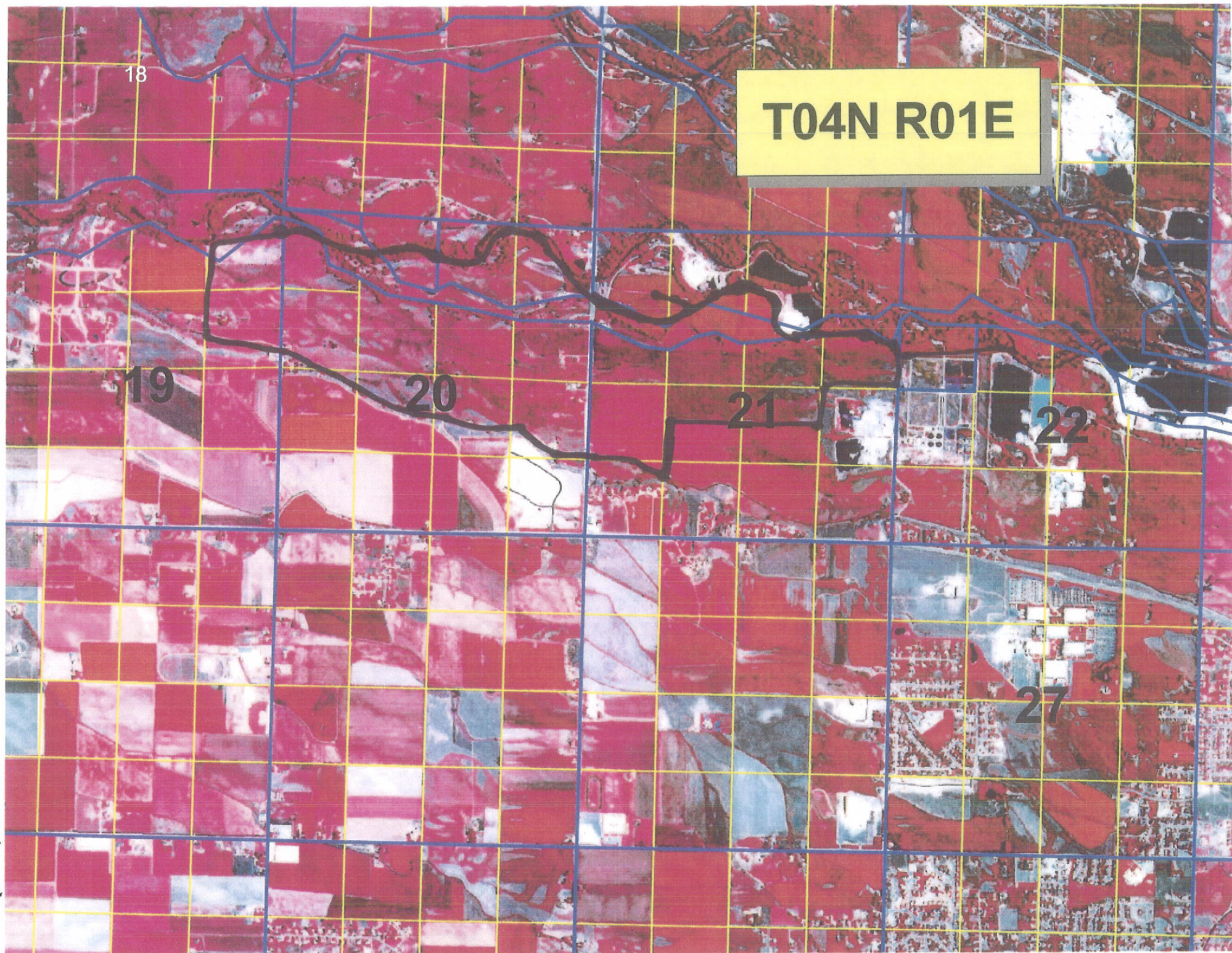
20

21

22

27





18

T04N R01E

19

20

21

22

27



Brian C. Hoff

President & COO

280 E. Corporate Drive, Suite 200 Meridian, ID 83642
Telephone 208-884-2002 Fax 208-884-1115
e-mail hoffgo@compuserve.com

RECEIVED

MAY 11 2006

DEPARTMENT OF
WATER RESOURCES

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

In Re SRBA

Case No. 39576

A. Subcase 63-192

(Insert water right number
From the Objection Form)

STANDARD FORM 2
RESPONSE TO OBJECTION

Please **print or type** the following information:

B. NAME AND ADDRESS OF PERSON RESPONDING

Name: Warm Springs Ditch Company C/O Hoff Companies Inc.

Address: 1840 N. Lakes Avenue

Meridian, ID 83642

Daytime Phone: 884-2002

Name & Address of Attorney, if any:

**C. NAME AND ADDRESS OF PERSON WHO FILED THE OBJECTION TO
WHICH YOU ARE RESPONDING**

Name: United States of America acting through the Department of Interior

Address: Bureau of Reclamation, Regional Director PN Code 3100

1150 N. Curtis Rd, Suite 100

Boise, ID 83706-1234

D. I am responding to the objections to the following elements. (Please check the appropriate box(es)).

1. ☐ Name and Address
2. ☐ Source
3. ☐ Quantity
4. ☐ Priority Date
5. ☐ Point(s) of Diversion
6. ☐ Instream Flow Description
7. ☐ Purpose(s) of Use
8. ☒ Period of Year The proposed language by the Bureau of Reclamation is acceptable
9. ☐ Place of Use
11. Recommendation
 - ☐ This water right should not exist.
 - ☐ This water right was not recommended, but should be recommended with the elements described above.

E. VERIFICATION (Must be Completed)

State of Idaho)
)ss.
County of Ada)

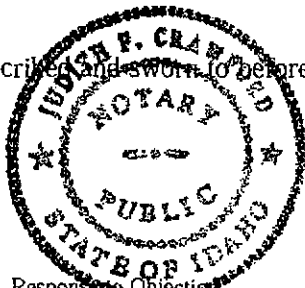
Brian C. Hoff, duly sworn, upon oath, deposes and says:
(Name of person filing response)

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

Brian C. Hoff - President, Warm Springs Ditch Co.
(Signature of person filing response)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: 5/9/06



Judith F. Crawford
Notary Public for Idaho
Residing at: Boise
My Commission Expires: 12/9/2010

INSTRUCTIONS FOR MAILING

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

F. CERTIFICATE OF MAILING

I certify that on 5/9 ²⁰⁰⁶ ~~199~~, I mailed the original and copies of this response, including all attachments, to the following persons:

1. Original to:

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

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

Name: Warm Springs Ditch Co, C/O Hoff Companies, Inc.
Address: 1840 N. Lakes Avenue Meridian ID 83642

3. One copy to the party who filed the objection at the following address:

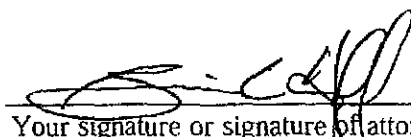
Name: Gail McGarry, US Bureau of reclamation, Regional Director PN Code 3100
Address: 1150 N. Curtis Rd. Suite 100, Boise, ID 83706-1234

4. Copies to:

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

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

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


Your signature or signature of attorney
mailing on your behalf

RECEIVED

APR 25 2005

DEPARTMENT OF
WATER RESOURCES

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

In Re SRBA)

Case No. 39576)

A. Subcase Number: 63-192
(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Boise Project Board of Control acting on its own behalf and on behalf of
and for the following individual entities:
New York Irrigation District, Nampa & Meridian Irrigation District, Wilder
Irrigation District, Boise-Kuna Irrigation District, Big Bend Irrigation
District
Address: 2465 Overland Road
Boise, Idaho 83705
Phone: (208) 344-1141

Name & Address of Attorney, if any:
Albert P. Barker, ISB # 2867
Paul L. Arrington, ISB # 7198
Barker Rosholt & Simpson, LLP
205 North 10th Street, Suite 520
P.O. Box 2139
Boise, Idaho 83701-2139
Telephone: 208-336-0700
Facsimile: 208-344-6034

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

Name: Warm Springs Ditch Co
Address: C/O Hoff Companies Inc.
280 E Corporate Dr Ste 200
Meridian, ID 83642

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**

Should be:

2. ☐ **Source**

Should be:

3. ☐ **Quantity**

Should be:

4. ☐ **Priority Date**

Should be:

5. ☐ **Point(s) of Diversion**

Should be:

6. ☐ **Instream Flow Description**

Should be:

7. ☐ **Purpose(s) of Use**

Should be:

8. ☒ **Period of Year**

Should be: Diversion for irrigation and aesthetic storage under this right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for the Boise River Reservoir dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, as decreed in SRBA Case No. 39576.

9. ☐ **Place of Use**

11. **I object because:**

☐ This water right should not exist.

☐ This water right was not recommended, but should be recommended with the elements described.

E. **REASONS SUPPORTING EACH OBJECTION(S):** The Director's Report recommendation appears to expand the Season of Use beyond a customary maximum of April 1 to November 1, which would allow injury to the objector's water rights and diminution of contract water reliability.

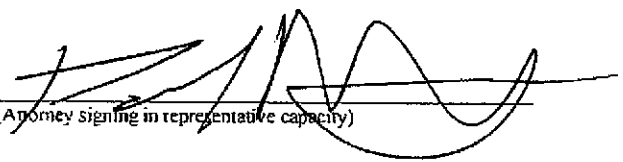
F. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Twin Falls)

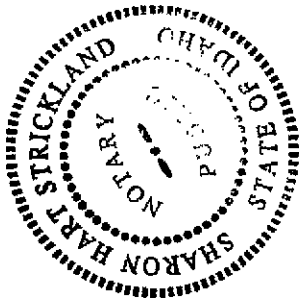
Paul L. Arrington, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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

(Signature of person filing objection)


(Attorney signing in representative capacity)

Subscribed and sworn to before me on: April 20, 2006.




Sharon Hart Strickland
Notary Public for: Idaho
Residing at: Gooding
My Commission Expires: 12-22-09

INSTRUCTIONS FOR MAILING

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

G. CERTIFICATE OF MAILING

I certify that on April 21, 2006, I mailed the original and copies of this objection, including all attachments, to the following persons, by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

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

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

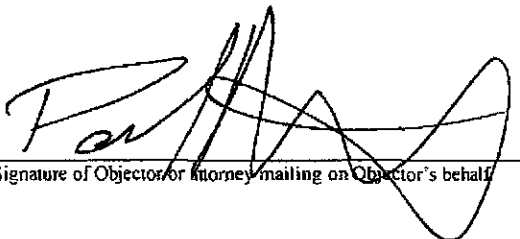
Name: Warm Springs Ditch Co.
Address: c/o Hoff Companies, Inc.
280 E. corporate Dr. Ste 200
Meridian, ID 83642

3. Copies to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

IDWR Document Depository
P.O. Box 83720
Boise, Idaho 83720-0098

United States Department of Justice
Environment and Natural Resource Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724


Signature of Objector or attorney mailing on Objector's behalf

RECEIVED

MAY 11 2006

DEPARTMENT OF
WATER RESOURCES

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

In Re SRBA)

Case No. 39576)

A. Subcase 63-192

(Insert water right number
From the Objection Form)

**STANDARD FORM 2
RESPONSE TO OBJECTION**

Please **print or type** the following information:

B. NAME AND ADDRESS OF PERSON RESPONDING

Name: Warm Springs Ditch Company C/O Hoff Companies Inc.

Address: 1840 N. Lakes Avenue

Meridian, ID 83642

Daytime Phone: 884-2002

Name & Address of Attorney, if any:

**C. NAME AND ADDRESS OF PERSON WHO FILED THE OBJECTION TO
WHICH YOU ARE RESPONDING**

Name: BOISE PROJECT BOARD OF CONTROL

Address: 2465 OVERLAND ROAD

BOISE, ID 83705

D. I am responding to the objections to the following elements. (Please check the appropriate box(es)).

1. ☐ Name and Address
2. ☐ Source
3. ☐ Quantity
4. ☐ Priority Date
5. ☐ Point(s) of Diversion
6. ☐ Instream Flow Description
7. ☐ Purpose(s) of Use
8. ☒ Period of Year The proposed language by the Boise Project Board of Control is acceptable
9. ☐ Place of Use
11. Recommendation
 - ☐ This water right should not exist.
 - ☐ This water right was not recommended, but should be recommended with the elements described above.

E. VERIFICATION (Must be Completed)

State of Idaho)ss.

County of Ada

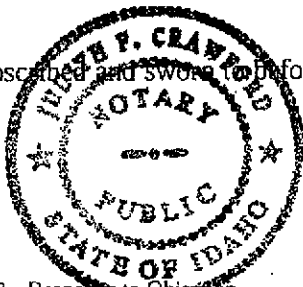
Brian C. Hoff, duly sworn, upon oath, deposes and says:
(Name of person filing response)

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

Brian C. Hoff - President, Warm Springs Ditch Co
(Signature of person filing response)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:



5/10/06
Justin P. Crawford
Notary Public for Idaho
Residing at: Boise
My Commission Expires: 12/9/2010

INSTRUCTIONS FOR MAILING

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

F. CERTIFICATE OF MAILING

I certify that on May 10th, ~~199~~²⁰⁰⁶, I mailed the original and copies of this response, including all attachments, to the following persons:

1. Original to:

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

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

Name: Warm Springs Ditch Co, C/O Hoff Companies, Inc.

Address: 1840 N. Lakes Avenue Meridian ID 83642

3. One copy to the party who filed the objection at the following address:

Name: ALBERT P. BARKER AND PAUL L. ARRINGTON BARKER ROSHOLT & SIMPSON, LLP
295 NORTH 10TH STREET, SUITE 520 P.O. BOX 2139

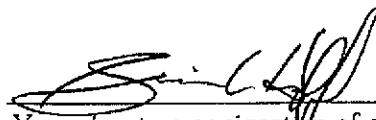
Address: BOISE, ID 83701-2139

4. Copies to:

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

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

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



Your signature or signature of attorney
mailing on your behalf

RECEIVED
APR 25 2005
DEPARTMENT OF
WATER RESOURCES

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

In Re SRBA)

A. Subcase 63-192
(Insert water right number)

Case No. 39576)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting through the Department of Interior,
Bureau of Reclamation, Regional Director PN Code-3100
Address: 1150 N. Curtis Rd. Suite 100
Boise, Idaho 83706-1234
Daytime Phone: (208) 378-5306 E.Gail McGarry

Name & Address of Attorney, if any:
David W. Gehlert ((303)844-1386)
Trial Attorney, General Litigation Section
Environment and Natural Resource Division
U.S. Department of Justice
1961 Stout Street - 8th Floor
Denver, CO 80294

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTORS REPORT

Name: Warm Springs Ditch Co
Address: C/O Hoff Companies Inc,
280 E Corporate Dr Ste 200
Meridian, ID 83642

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**

Should be:

2. ☐ **Source**

Should be:

3. ☐ **Quantity**

Should be:

4. ☐ **Priority Date**

Should be:

5. ☐ **Point(s) of Diversion**

Should be:

6. ☐ **Instream Flow Description**

Should be:

7. ☐ **Purpose(s) of Use**

Should be:

8. ☒ **Period of Year**

Should be: Diversion for irrigation and aesthetic storage under this right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for the Boise River Reservoir dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, as decreed in SRBA Case No. 39576.

9. ☐ **Place of Use**

Should be:

11. **I object because:**

☐ This water right should not exist.

☐ This water right was not recommended, but should be recommended with the elements described.

E. **REASONS SUPPORTING EACH OBJECTION(S):** The proposed language is intended to preserve the historical practice of allowing Reclamation's reservoirs to fill until April 1 and after October 31 if necessary.

SF. 1 - Objection
Amended 10/16/97

Page 2

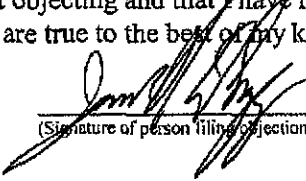
F.

VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

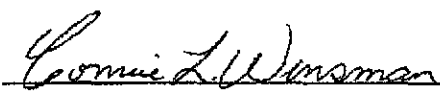
Jerrold D. Gregg, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

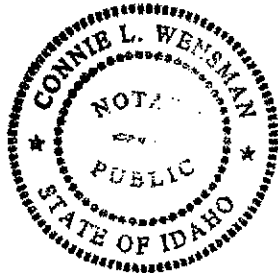
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.


(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:





Notary Public for: Idaho
Residing at: MERIDIAN
My Commission Expires: 10/06/10

INSTRUCTIONS FOR MAILING

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

G. CERTIFICATE OF MAILING

I certify that on 4-21, 2006 I mailed the original and copies of this objection, including all attachments, to the following persons, by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

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

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

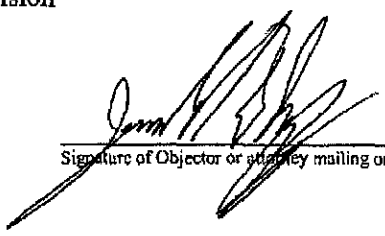
Name: Warm Springs Ditch Co
Address: C/O Hoff Companies Inc.
280 E Corporate Dr Ste 200
Meridian, ID 83642

3. Copies to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

IDWR Document Depository
P.O. Box 83720
Boise, Idaho 83720-0098

United States Department of Justice
Environment and Natural Resource Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724



Signature of Objector or attorney mailing on Objector's behalf

12/23/2005

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-192

NAME AND ADDRESS: WARM SPRINGS DITCH CO
C/O HOFF COMPANIES INC
1840 N LAKES AVE
MERIDIAN ID 83642

WARM SPRINGS DITCH CO
C/O HOFF COMPANIES INC
280 E CORPORATE DR STE 200
MERIDIAN ID 83642

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 2.300 CFS

This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and preceding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and preceding to the earliest, shall be reduced to 60 percent of their decreed quantities.

Rights 63-192, 63-216C and 63-19425 authorize the diversion of an annual total of 37.8 af to be used for the replacement of losses caused by evaporation from the 13.0 acre total surface area of ponds established under Right 63-31690.

The total instantaneous diversion of water from all points of diversion under Rights 63-192, 63-216C and 63-19425 shall not exceed 7.76 cfs for the irrigation of 449.0 acres and diversion to aesthetic storage.

PRIORITY DATE: 06/01/1876

POINT OF DIVERSION:

T03N R02E S5 NESE Lot 11 Within ADA County

T04N R01E S22 SENW Lot 6 Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
AESTHETIC STORAGE	01/01 12/31	11.20 AFY
DIVERSION TO STORAGE	03/01 11/15	0.060 CFS
IRRIGATION	03/01 11/15	2.240 CFS

Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S.

Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoir dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.

PLACE OF USE: AESTHETIC STORAGE Within ADA County

T04N R01E S19 Lot 1 NENE	T04N R01E S20 Lot 7 SWNE
T04N R01E S20 Lot 8 SENE	T04N R01E S20 Lot 5 NWNW
T04N R01E S20 SWNW	T04N R01E S20 Lot 6 SENW
T04N R01E S20 NESE	T04N R01E S20 NWSE

465.5 ACRES TOTAL

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 449 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63

WATER IS DELIVERED THROUGH THE THURMAN MILL CANAL AND THE WARM SPRINGS CANAL

Failure of the right holder to comply with the conditions of transfer 70620 is cause for the Director to rescind approval of the transfer.

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH THE POINT OF DIVERSION DESCRIBED ABOVE AS T04N, R01E, S22, SENW: 63-216C, 63-19425

The right holder shall accomplish the change authorized by Transfer 70620 within one year of the date of the approval.

THIS RIGHT IS DESIGNATED AS NO 61 IN THE STEWART DECREE AND THE BOISE RIVER WATER MASTERS RECORDS

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH THE POINT OF DIVERSION DESCRIBED ABOVE AS T03N, R02E, S5, NESE: 63-216C, 63-19425, 63-135, 63-176, 63-193, 63-210, 63-211, 63-221, 63-250, 63-30125, 63-30129, 63-30130, 63-30131, 63-31936

Prior to diversion of water under approved transfer 70620, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.

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

In Re SRBA
Case No. 39576

)
)
)
)
)
**Water Rights: 63-192, 63-216C,
63-19425, 63-31728
NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING**

IDWR has completed the following administrative proceeding:

☒ Address change

☐ Substitution of Party

☐ IC § 42-222 transfer

☐ Point of diversion ☐ Place of use

☐ Period of use ☐ Nature of use

☐ Split of water right ☐ Change in ownership

☐ Other

☐ IC § 42-219 license

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Report(s)* for said water right(s). No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: December 27, 2005

Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on December 27, 2005, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

2. Copies to:

Clive Strong
Off ice of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724

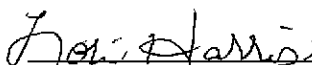
☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

3. Copies to all parties to the subcase:

Warm Springs Ditch Co.
c/o Hoff Companies, Inc.
1840 N. Lakes Ave.
Meridian ID 83642

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

☐ overnight mail
☐ regular mail
☐ hand-delivered
☐ facsimile



Signature of person mailing this document

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CHANGE IN ADDRESS

This form can be used to notify the Department of a change in
address of the owners of record for the listed water rights.
(Please print or type)

Records updated
12-21-05 - ns

RECEIVED

DEC 21 2005

WATER RESOURCES
WESTERN REGION[] Water Right Number(s): 63-19263-1942563-216063-31728[] Name(s): WARM SPRINGS DITCH CO.[] Old Mailing Address: WARM SPRINGS DITCH CO.C/O HOFF COMPANIES INC.280 E. CORPORATE DR STE 200
MERIDIAN, ID 83642[] New Mailing Address: WARM SPRINGS DITCH CO.C/O HOFF COMPANIES, INC.1840 N. LAKES AVENUE
MERIDIAN, ID 83642Telephone Number: (208) 884 - 2002[] Signature(s) of Owner(s) BRIAN C. HOFF, PRESIDENT - WARM SPRINGS DITCH CO
(Include your title if on behalf of company or organization)Date: 12/20/05

SCANNED

DEC 20 2005

05/16/2005

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-192

NAME AND ADDRESS: WARM SPRINGS DITCH CO
C/O HOFF COMPANIES INC
280 E CORPORATE DR STE 200
MERIDIAN ID 83642

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 2.300 CFS

This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and preceding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and preceding to the earliest, shall be reduced to 60 percent of their decreed quantities.

Rights 63-192, 63-216C and 63-19425 authorize the diversion of an annual total of 37.8 af to be used for the replacement of losses caused by evaporation from the 13.0 acre total surface area of ponds established under Right 63-31690.

The total instantaneous diversion of water from all points of diversion under Rights 63-192, 63-216C and 63-19425 shall not exceed 7.76 cfs for the irrigation of 449.0 acres and diversion to aesthetic storage.

PRIORITY DATE: 06/01/1876

POINT OF DIVERSION:

T03N R02E S5 NESE Lot 11 Within ADA County

T04N R01E S22 SENW Lot 6 Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
AESTHETIC STORAGE	01/01 12/31	11.20 AFY
DIVERSION TO STORAGE	03/01 11/15	0.060 CFS
IRRIGATION	03/01 11/15	2.240 CFS

Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoir dated April

1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.

PLACE OF USE: AESTHETIC STORAGE Within ADA County

T04N R01E S19 Lot 1 NENE	T04N R01E S20 Lot 7 SWNE
T04N R01E S20 Lot 8 SENE	T04N R01E S20 Lot 5 NWNW
T04N R01E S20 SWNW	T04N R01E S20 Lot 6 SENW
T04N R01E S20 NESE	T04N R01E S20 NWSE

465.5 ACRES TOTAL

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 449 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: Decreed

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63

WATER IS DELIVERED THROUGH THE THURMAN MILL CANAL AND THE WARM SPRINGS CANAL

Failure of the right holder to comply with the conditions of transfer 70620 is cause for the Director to rescind approval of the transfer.

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH THE POINT OF DIVERSION DESCRIBED ABOVE AS T04N, R01E, S22, SENW: 63-216C, 63-19425

The right holder shall accomplish the change authorized by Transfer 70620 within one year of the date of the approval.

THIS RIGHT IS DESIGNATED AS NO 61 IN THE STEWART DECREE AND THE BOISE RIVER WATER MASTERS RECORDS

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH THE POINT OF DIVERSION DESCRIBED ABOVE AS T03N, R02E, S5, NESE: 63-216C, 63-19425, 63-135, 63-176, 63-193, 63-210, 63-211, 63-221, 63-250, 63-30125, 63-30129, 63-30130, 63-30131, 63-31936

Prior to diversion of water under approved transfer 70620, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-192 V1

WATER RIGHT NUMBER: 63-192 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	WARM SPRINGS DITCH CO C/O HOFF COMPANIES INC 280 E CORPORATE DR STE 200 MERIDIAN, ID 83642 (208)884-2002
Original Owner	MARY CLARK
	, ID
Original Owner	EDWARD CLARK
	, ID

Priority Date: 06/01/1876

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BOISE RIVER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
AESTHETIC STORAGE	01/01 to 12/31		11.20 AF
DIVERSION TO STORAGE	03/01 to 11/15	0.060 CFS	
IRRIGATION	03/01 to 11/15	2.240 CFS	
	<u>Total Diversion:</u>	2.300 CFS	

Location of Point(s) of Diversion

BOISE RIVER	L11 (NE1/4SE1/4)	Sec. 5, Twp 03N, Rge 02E, B.M.
ADA County		
BOISE RIVER	L6 (SE1/4NW1/4)	Sec. 22, Twp 04N, Rge 01E, B.M.
ADA County		

Place of UseAESTHETIC STORAGE Within ADA County

T04N R01E S19 Lot 1 NENE	T04N R01E S20 Lot 7 SWNE
T04N R01E S20 Lot 8 SENE	T04N R01E S20 Lot 5 NWNW
T04N R01E S20 SWNW	T04N R01E S20 Lot 6 SENW
T04N R01E S20 NESE	T04N R01E S20 NWSE

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-192 V1

1. Rights 63-192, 63-216C and 63-19425 authorize the diversion of an annual total of 37.8 af to be used for the replacement of losses caused by evaporation from the 13.0 acre total surface area of ponds established under Right 63-31690.
2. 135 The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.
3. 155 This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and preceding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and preceding to the earliest, shall be reduced to 60 percent of their decreed quantities.
4. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
5. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63
6. R65 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation.
7. S45 Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoir dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.
8. T07 The right holder shall accomplish the change authorized by transfer 70620 within <one> year(s) of the date of approval.
9. T08 Failure of the right holder to comply with the conditions of transfer 70620 is cause for the Director to rescind approval of the transfer.
10. T18 Prior to diversion of water under approved transfer 70620, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
11. WB4 The total instantaneous diversion of water from all points of diversion under Rights 63-192, 63-216C and 63-19425 shall not exceed 7.76 cfs for the irrigation of 449.0 acres and diversion to aesthetic storage.

Remarks:

1. Explanatory THIS RIGHT IS DESIGNATED AS NO 61 IN THE STEWART DECREE AND THE BOISE RIVER WATER MASTERS RECORDS
2. Explanatory THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH THE POINT OF DIVERSION DESCRIBED ABOVE AS T03N, R02E, S5, NESE: 63-216C, 63-19425, 63-135, 63-176, 63-193, 63-210, 63-211, 63-221, 63-250, 63-30125, 63-30129, 63-30130, 63-30131, 63-31936

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-192 V1

3. Explanatory WATER IS DELIVERED THROUGH THE THURMAN MILL CANAL AND THE WARM SPRINGS CANAL
4. Explanatory THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH THE POINT OF DIVERSION DESCRIBED ABOVE AS T04N, R01E, S22, SENW: 63-216C, 63-19425
5. Place of Use THIS RIGHT IS LIMITED TO THE IRRIGATION OF 449 ACRES WITHIN THE PLACE OF USE
- Irrigation DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

Comments:

1. mcase 7/21/2004 POD
Comment: Correlated PODID 610836 from SpatialDataID 342571 to SpatialDataID 302512
2. mcase 7/21/2004 POD
Comment: Correlated PODID 610836 from SpatialDataID 342571 to SpatialDataID 302512
3. mcase 7/21/2004 POD
Comment: Correlated PODID 610836 from SpatialDataID 342571 to SpatialDataID 302512
4. mcase 7/21/2004 POD
Comment: Correlated PODID 610835 from SpatialDataID 342578 to SpatialDataID 302643
5. mcase 7/21/2004 POD
Comment: Correlated PODID 610835 from SpatialDataID 342578 to SpatialDataID 302643
6. mcase 7/21/2004 POD
Comment: Correlated PODID 610835 from SpatialDataID 342578 to SpatialDataID 302643

Water Supply Bank:

Based on approved Trans. # 70620

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION FIELD REPORT**

Prior to Field Exam

- ☐ Copy of Claim, claim has been signed, sealed, and dated by notary?
- ☐ Check fees paid
- ☐ Well logs (if needed)
- ☐ Copy of topo or NAPP
- ☐ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information
- ☐ Check POD & POU overlap, see below – include overlapping right for exam
- ☐ Evidence of Priority – if none, talk with claimant

CLAIMANT INFORMATION – verify contact information is completeClaim No(s) 63-692Owner: Warm Springs Ditch Co. Phone No. 884-2002 = Brian Hoff, Pres.Current Address: 280 E. Corporate Dr., Meridian 83642.
Suite 200☒ No change NAME IS THE SAME☐ NEW OWNER☒ No change Address☐ NEW ADDRESS☐ How long owned property?

Accompanied by: _____

PRIORITY DATE

- ☒ No change – Complete evidence submitted or not necessary
- ☐ Incomplete – Claimant should be asked when water was first used and submit proof of date.
- ☐ Priority date is acceptable/within mandatory filing dates?

Priority date, per claimant, is: 6-1-1876 = same as decreed.(If priority date, based on your exam, seems questionable, explain below.)

_____Source: Boise RiverTributary to Snake River☒ No Change – SAME SOURCE☐ Source found is different than claimed: _____**POINT OF DIVERSION**

- ☐ No change
- ☒ POD found is different than claimed:
- ☐ If different, when did POD change? The POD for the Thurman-Mull ditch is wrong on the Warm Springs Ditch Co claims but correct on Thurman-Mull's claims.

DIVERSION AND DELIVERY SYSTEM

Points of Diversion:

ID #	Govt Lot #	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks GPS ID
			NE	SE	5	3N	2E	Ada	USGS Topo map X9 + GPS
	6		SE	NW	22	4N	1E	Ada	" " " X8 =

Description of diverting works

Concrete structures and headgates divert river water into the Thurman-Mell ditch, and the Warm Springs Canal

OVERLAP REVIEW

Other water rights with the same point of diversion: many at 3N, 2E, 5, NESE

Does overlap add acres or uses to existing system, increase rate of flow or volume, or other? Explain: .

No - both the Warm Springs and Thurman-Mell divert into the Thurman-Mell ditch at 3N, 2E, 5, NESE but only the Warm Springs diverts into the Warm Springs Canal at 4N, 1E, 22, SE NW.

WATER USES

☒ No change

☐ Different Uses

Use Irrigation From 3-1 To 11-15 Amount 2.3 CFS _____ AFA
 Use _____ From _____ To _____ Amount _____ CFS _____ AFA
 Use _____ From _____ To _____ Amount _____ CFS _____ AFA

TOTAL VOLUME - Groundwater only NA

- ☐ Incomplete on claim, the total is, Amount _____ CFS _____ AFA
- ☐ Changes found, the new total is, Amount _____ CFS _____ AFA
- ☐ More than 1" per Acre? Yes _____ (claimant must complete excess flow sheet)

NON-IRRIGATION USES:

- ☐ No change NA
- ☐ Changes Exam found: Domestic # of homes _____ Stock # _____
 Types _____ Additional comments: _____

PLACE OF USE:

- ☐ No Change
- ☒ Changes shown below:

449

Limited to 465 acres within the boundary of Warm Springs Ditch Co.				NE				NW				SW				SE				Totals
Place of Use																				
TWP	RGE	SEC		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Overlap with other water rights: Thurman-Millwater and Warm Springs water when co-mingled in the Thurman-Mill ditch cannot be segregated.
 Does overlap increase rate of flow, volume, additional acres, different source for same acres? Explain:

Delivery System Narrative: The Thurman-Mill and Warm Springs canals merge and become one ditch beginning with 4N, 1E, S20, NW SE.

Well or Diversion Identification No GPS ID	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge size
NA					

FLOW MEASUREMENTS:

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

Designated as right # 61
The Thurman-Mill, Warm Springs and Drainage District #4 are so intertwined they should be combined into one delivery entity. Thurman-Mill and Warm Springs water are commingled throughout their delivery systems to the extent it is impossible to know which water is delivered to the users of each system.

The POD for this right and the rest of Warm Springs Ditch rights as decreed do not match the Water Master's ditch records. According to the ditch company, it appears they have historically diverted water through the POD in 4N, 1E, S22 and the decreed POD in 3N, 2E, S5. Therefore both POD's will be recommended for all of Warm Springs rights which is how they are claimed.

See approved transfer #70020

AFTER EXAM THE FILE SHOULD CONTAIN:

- ☐ Completed claim checklist
- ☐ Photographs of POD's and POU
- ☐ GPS readings
- ☐ Completed map and or GIS layout showing POD's and POU

DATE EXAM CONDUCTED: _____

FIELD EXAMINER: _____

Mel Schulte

T04N R01E S19 Lot 1 NENE	24.0	T04N R01E S19	SENE	26.0
T04N R01E S20 Lot 7 SWNE	35.0	T04N R01E S20 Lot 8	SENE	32.0
T04N R01E S20 Lot 5 NWNW	22.0	T04N R01E S20	SWNW	39.0

IDAHO DEPARTMENT OF WATER RESOURCES

Transfer AJ Claim Report 63-192

T04N R01E S20 Lot 6 SENW 41.0	T04N R01E S20 NESW 16.0
T04N R01E S20 NWSW 1.5	T04N R01E S20 NESE 33.0
T04N R01E S20 NWSE 24.0	T04N R01E S21 Lot 7 SWNE 24.0
T04N R01E S21 Lot 8 SENE 25.0	T04N R01E S21 Lot 5 SWNW 23.0
T04N R01E S21 Lot 6 SENW 23.0	T04N R01E S21 NESW 20.0
T04N R01E S21 NWSW 39.0	T04N R01E S21 NWSE 18.0

Total Acres: 465.5

Conditions of Approval:

1. Rights 63-192, 63-216C and 63-19425 authorize the diversion of an annual total of 37.8 af to be used for the replacement of losses caused by evaporation from the 13.0 acre total surface area of ponds established under Right 63-31690.
2. Rights 63-216C and 63-19425 are also diverted through the point of diversion described above as Lot 6 (SENW), S22, T04N, R01E.
3. This right is designated as No. 61 in the Stewart Decree and the Boise River Water Masters records.
4. F01 Water is delivered through the Thurman Mill Canal and the Warm Springs Canal.
5. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.
6. R65 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
7. S45 Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoir dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.
8. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
9. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. T09 Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
11. T18 Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
12. WB4 The total instantaneous diversion of water from all points of diversion under Rights 63-192, 63-216C and 63-19425 shall not exceed 7.76 cfs for the irrigation of 449.0 acres and diversion to aesthetic storage.
13. X36 Rights 63-135, 63-176, 63-193, 63-210, 63-211, 63-216C, 63-221, 63-250, 63-19425, 63-30125, 63-30129, 63-30130, 63-30131 and 63-31936 are also diverted through the point of diversion described above as Lot 11 (NESE), S05, T03N, R02E.

Remarks:

RECEIVED

Should questions arise during the processing of this application please contact:
Steven R. Hannula - ERO Resources Corp. (208) 373-7983

FEB 07 2005

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED APPLICATION FOR TRANSFER OF WATER RIGHT AMENDED
Part 1

Name of applicant Warm Springs Ditch Co. c/o Hoff Companies Inc.

Phone 208-884-2002

Post Office address 280 Corporate Dr., Ste. 200, Meridian, Idaho 83642

A. Purpose of Transfer

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☒ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes: To identify 13 acres converted from irrigation to pond area and to mitigate potential impacts resulting from companion Application for Permit.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>63-0192</u>	<u>06-01-1876</u>	<u>2.24 cfs</u>	<u>Irrigation</u>	<u>3-1 to 11-15</u>
<u>63-19425</u>	<u>06-01-1882</u>	<u>4.92 cfs</u>	<u>Irrigation</u>	<u>3-1 to 11-15</u>
<u>63-216C</u>	<u>06-01-1889</u>	<u>0.39 cfs</u>	<u>Irrigation</u>	<u>3-1 to 11-15</u>
<u>63-0192</u>	<u>06-01-1876</u>	<u>11.2*</u>	<u>Aesthetic Storage</u>	<u>3-1 to 11-15</u>
<u>63-19425</u>	<u>06-01-1882</u>	<u>24.6*</u>	<u>Aesthetic Storage</u>	<u>3-1 to 11-15</u>
<u>63-216C</u>	<u>06-01-1889</u>	<u>1.9*</u>	<u>Aesthetic Storage</u>	<u>3-1 to 11-15</u>
<u>63-0192</u>	<u>06-01-1876</u>	<u>0.06 cfs</u>	<u>Diversion to Storage</u>	<u>3-1 to 11-15</u>
<u>63-19425</u>	<u>06-01-1882</u>	<u>0.14 cfs</u>	<u>Diversion to Storage</u>	<u>3-1 to 11-15</u>
<u>63-216C</u>	<u>06-01-1889</u>	<u>0.01 cfs</u>	<u>Diversion to Storage</u>	<u>3-1 to 11-15</u>

2. Total amount of water being transferred 7.76 cubic feet per second and/or 37.8 acre-feet per annum.

*No volumes recommended to SRBA court. Diversion to storage will provide the 37.8 afa needed to mitigate evaporative losses incurred by the 13 acres of ponds. Only 0.21 cfs are being transferred so only a \$250 filing fee applies.

3. Source of water Boise River tributary to Snake River

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	SE	5	3N	2E	Ada	
6		SE	NW	22	4N	1E	Ada	

5. Lands irrigated or place of use: 449 acres of irrigation and 13 acres* of Aesthetic Storage within the service area boundary.

Twp	Rge	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Total
			NE 1/4	N W 1/4	SW 1/4	SE 1/4	N E 1/4	NW 1/4	SW 1/4	SE 1/4	N E 1/4	NW 1/4	SW 1/4	S E 1/4	NE 1/4	NW 1/4	S W 1/4	SE 1/4	
4N	1E	19	X	X	X	X													
4N	1E	20			X	X		X	X	X	X	X			X	X			
4N	1E	21			X	X			X	X	X	X			X	X			

Total acres 449 acres in 484 acre PPU

6. General Information:

- a. Description of diversion system Diversion from the Boise River into canals (Thurman Mill and Warm Springs), ponds, a perforated pipe collector gallery, pumping stations, and sprinkler system irrigation.
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? ____ Yes XX No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer: The service area boundary for Warm Springs Ditch Co. was defined during the IDWR review and recommendation to the SRBA court.
- d. Remarks: See attached

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____
And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 20 _____

PART 2 (63-192)

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No If yes, describe _____**B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED***(If the entire right is to be changed by the applicant, omit part B and C.)*1. Amount 0.06 cfs for DIVERSION TO STORAGE purposes from 3-1 to 11-15
(cfs/ac-ft)Amount 11.2 ac-ft for AESTHETIC STORAGE purposes from 3-1 to 11-15
(cfs/ac-ft)2. Points of Diversion: NO CHANGE

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
4N	1E	19	A																
		20			A				A	A					A	A			

Total acres 13**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT** *(omit if there is no change)*1. Amount 2.24cfs for IRRIGATION purposes from 3-1 to 11-15
(cfs/ac-ft)Amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)Amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)2. Points of Diversion: NO CHANGE

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
4N	1E	19	X	X	X	X													
		20			X	X		X	X	X	X	X			X	X			
		21			X	X			X	X	X	X			X	X			

Total acres 449 acres in 484 acre PPU

PART 2 (63-19425)

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No If yes, describe _____**B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED***(If the entire right is to be changed by the applicant, omit part B and C.)*1. Amount 0.14 cfs for DIVERSION TO STORAGE purposes from 3-1 to 11-15
(cfs/ac-ft)Amount 24.6 ac-ft for AESTHETIC STORAGE purposes from 3-1 to 11-15
(cfs/ac-ft)2. Points of Diversion: NO CHANGE

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
4N	1E	19	A																
		20			A				A	A					A	A			

Total acres 13**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT** *(omit if there is no change)*1. Amount 4.92cfs for IRRIGATION purposes from 3-1 to 11-15
(cfs/ac-ft)Amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)Amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)2. Points of Diversion: NO CHANGE

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
4N	1E	19	X	X	X	X													
		20			X	X		X	X	X	X	X			X	X			
		21			X	X			X	X	X	X			X	X			

Total acres 449 acres in 484 acre PPU

PART 2 (63-216C)

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No If yes, describe _____**B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED***(If the entire right is to be changed by the applicant, omit part B and C.)*1. Amount 0.01 cfs for DIVERSION TO STORAGE purposes from 3-1 to 11-15
(cfs/ac-ft)Amount 1.9 ac-ft for AESTHETIC STORAGE purposes from 3-1 to 11-15
(cfs/ac-ft)2. Points of Diversion: NO CHANGE

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
4N	1E	19	A																
		20			A				A	A					A	A			

Total acres 13**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT** *(omit if there is no change)*1. Amount 0.39 cfs for IRRIGATION purposes from 3-1 to 11-15
(cfs/ac-ft)Amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)Amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)2. Points of Diversion: NO CHANGE

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
4N	1E	19	X	X	X	X													
		20			X	X		X	X	X	X	X			X	X			
		21			X	X			X	X	X	X			X	X			

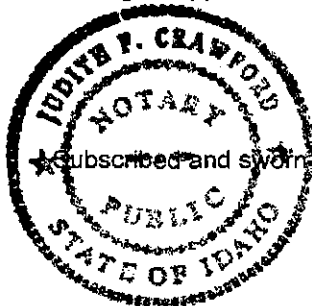
Total acres 449 acres in 484 acre PPU

PART 3

B. CHANGES IN NATURE OF USE N/A

- | 1. | New Nature of Use | Amount
(cfs/ac-ft) | Hours/days/year | Period of Use |
|----|-----------------------------|-----------------------|-----------------------------|---------------------|
| | <u>Aesthetic storage</u> | <u>37.8</u> | <u> </u> | <u>3-1 to 11-15</u> |
| | <u>Diversion to storage</u> | <u>0.21</u> | <u> </u> | <u>3-1 to 11-15</u> |
2. Quantity and quality of return flows and location of discharge: None
3. Describe effects on other water uses resulting from the proposed change: The existing water rights underlying the ponds are changed to aesthetic storage and diversion to storage where the evaporation losses from the ponds are equivalent to the losses associated with irrigation of the same land. The ponds comprise a total of 13 acres at an average depth of 7 feet.

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in voiding its approval.



[Signature]

(Signature of Applicant)

Subscribed and sworn before me this 7th day of February, 2005.

Judith F. Crawford

(Notary Public)

My commission expires 12/10/2010

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and attachments

Received by g *Date 2/7/05 Protest filed by

Prelim. check by g Fee \$490 (original fee paid)

Received by K.G. Date 9/20/02

Published in alt Statesman Copies of protest forwarded by

Pub. Dates 1-15 + 22-- Hearing held by Date

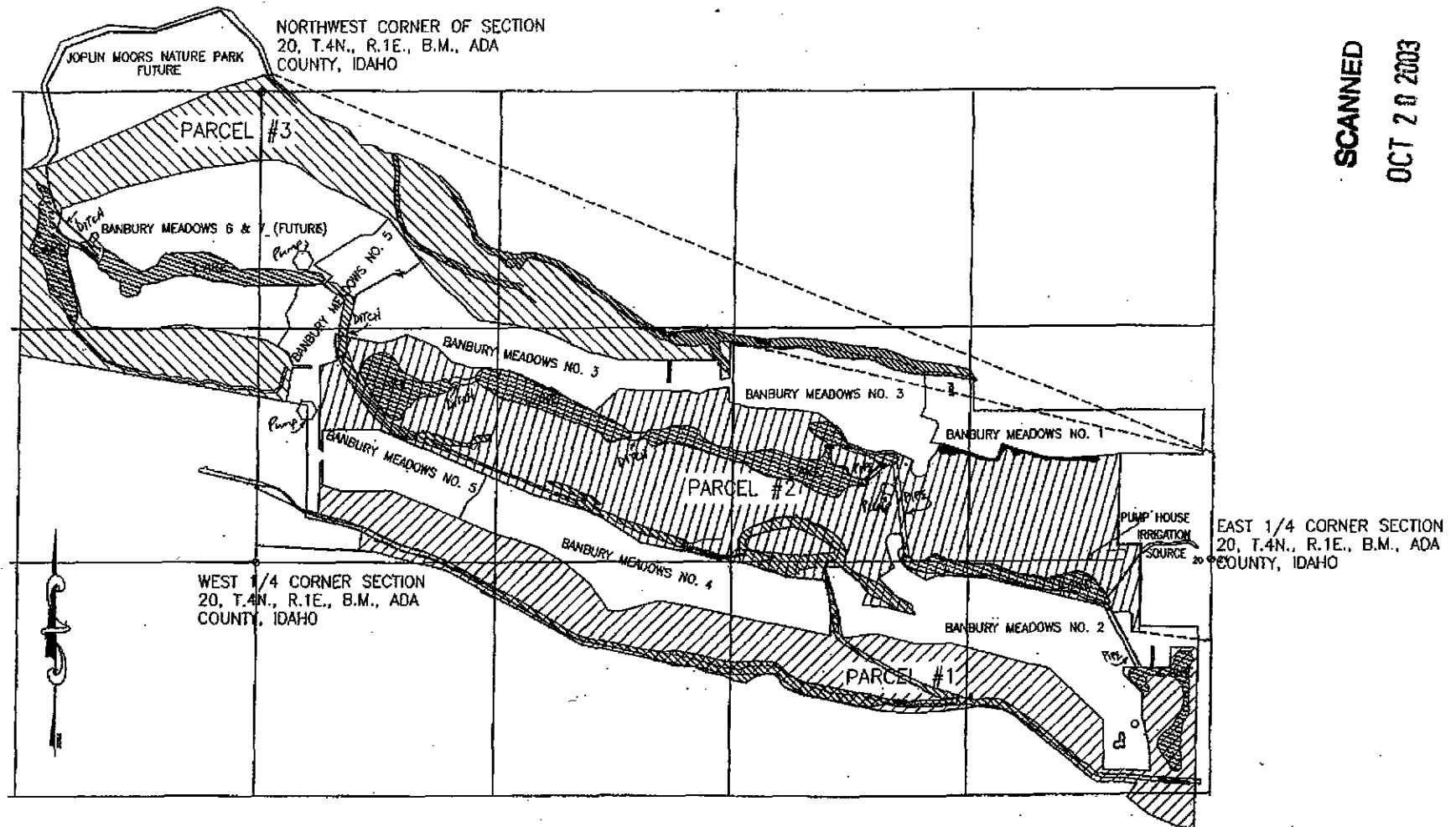
Watermaster recommendation requested on Recommended for ☐ approval ☐ denial

 rec'd. by

Copy of transfer sent to lien holder

* original x-fer received 9/20/02
amended x-fer received 2/7/05

BANBURY MEADOWS GOLF COURSE PLACE OF USE



SCANNED

OCT 20 2003

JOHNSON ENGINEERING
FEB. 5, 2003

ATTACHMENT A

**Remarks for
Application for Transfer
In the Name of Warm Springs Ditch Company**

**RECEIVED
FEB 07 2005
WATER RESOURCES
WESTERN REGION**

Introduction

The amended application for transfer proposes to change the nature of use of that portion of Warm Springs Ditch Company (Warm Springs) water rights represented by 13 shares of Warm Springs stock owned by Banbury Meadows LLC. Each Warm Springs share represents the right to delivery water to 1 acre of land, as and when water is available during the irrigation season, subject to conveyance losses and pro rata reductions among Warm Springs shareholders in times of shortage.

The current authorized and claimed use of water right for Warm Springs is comprised of a number of claims. Each water right claim is included in this transfer. In 2004, Warm Springs Ditch Co. filed a claim (63-31728) for Waste Water tributary to the Boise River that historically had been delivered via Warm Springs Canal per court order. However, IDWR ultimately recommended to disallow this claim and place the water under the ownership of Drainage District 4 with remarks that 2.55 cfs be credited for delivery to the same Warm Springs Canal (recommendation 63-31936).

Banbury Meadows LLC has applied to the Department for a permit to appropriate for Aesthetic Storage 58.5 acre-feet of ground water that would accrue to shallow excavated ponds. Accrued ground water will not be diverted from storage. The ponds have a total surface area of 13 acres. These 13 acres are within the Warm Springs service area and historically have been irrigated with water delivered by Warm Springs Ditch Co. This transfer application proposes to change the nature of use of the water rights historically used to irrigate the 13 acres of land within the Warm Springs service area that were converted from irrigation to ponds.

Pond Evaporation

By subtracting the annual precipitation (12.6 inches per year at Boise airport) from the Free Water Surface (FWS) evaporation estimate from NOAA (NOAA Technical Report

NWS 34, 1982), net evaporation can be approximated. FWS evaporation is estimated by multiplying the Pan Evaporation (63.97 in/yr) by the Pan Coefficient (0.7). FWS evaporation is approximately 45 in/yr. Therefore, net evaporation from the pond system is estimated to be 32.4 in/yr ($45 \text{ in/yr} - 12.6 \text{ in/yr} = 32.4 \text{ in/yr}$).

The attached affidavit indicates that pasture grass has historically been irrigated on this property prior to development. The average consumptive irrigation requirement (CIR) for pasture grass is 887 mm/season (2.91 ac-ft/ac, 34.9 in/yr) (Allen & Brockway, 1983) (attached). Therefore the consumptive use of the Warm Springs water rights from 13 acres during the irrigation season due to evapotranspiration is estimated to be 37.8 afa ($2.91 \text{ ft/yr (Allen Brockway, 1983)} * 13 \text{ acres} = 37.8 \text{ afa}$).

The difference between the net pond evaporation (32.4 in/yr) and the CIR (34.9 in/yr) shows that the ponds will actually consume less water than the pasture grass.

The 37.8 afa of water will be maintained for mitigation by keeping 13 shares of Warm Springs water in the ponds as part of the flow-through system. By maintaining the water in the ponds, this water is then available to recharge the shallow ground water system as compensation for evaporation off the pond's surfaces.

Based on the above discussion and assumptions, this transfer will not result in an enlargement of the water right or cause injury to other water rights because the number of acres to which the water right will be applied, and the net consumptive use of water, will not increase.

The transfer proposes to apply all water under the affected portion of the Warm Springs water rights to recognized beneficial uses, and will continue beneficial use of the water right within the Warm Springs service area for its shareholders. The transfer also will facilitate the use of ground water without depleting the resource. For these reasons, the transfer is in the public interest.

Proposed Mitigation

The following mitigation is offered to satisfy IDWR's concerns involving new ground water appropriation in the Treasure Valley and thereby allowing processing of this

application for permit to proceed out of sequence from the backlog of applications now pending in the basin.

To mitigate the net evaporation from the 13-acre pond system, the applicant will retain 13 shares of Warm Springs Ditch Co. on the property for mitigation purposes. The applicant understands that these shares are to remain with the property and not be used in a different Place of Use. The mitigation plan will be in the form of a letter to IDWR Western Region from the applicant identifying the shares of Warm Springs associated with the pond surface area (13 acres) that will be used for mitigation to allow the application for permit to be processed immediately and out of filing sequence. The plan will clearly set forth for approval of IDWR that commitment of the shares for mitigation of use of water by storage of ground water in the pond, without diversion of water under the shares, is a continuing beneficial use of the water represented by the shares. The plan will specify the continuation of the payment of assessments to the Warm Springs Ditch Company.



ARTICLES OF INCORPORATION

(Non-Profit)

(Instructions on back of application)

The undersigned, in order to form a Non-Profit Corporation under the provisions of Title 30, Chapter 3, Idaho Code, submits the following articles of incorporation to the Secretary of State.

Article 1: The name of the corporation shall be:

Warm Springs Ditch Company

Article 2: The purpose for which the corporation is organized is:

A Water users association

Article 3: The street address of the registered office is: 280 E. Corporate Dr. Suite #200

and the registered agent at such address is: Brian Hoff

Article 4: The board of directors shall consist of no fewer than three (3) people. The names and addresses of the initial directors are:

Brian Hoff 7885 N. Vue Estates Rd. Meridian, ID 83642

Bob Moore 2745 S. Eagle Rd. Eagle, ID 83616

June Walters 1210 W. Joplin Lane Meridian, ID 83642

Article 5: The name(s) and address(es) of the incorporator(s):

Brian Hoff 7885 N. Vue Estates Rd. Meridain, ID 83642

Article 6: The mailing address of the corporation shall be:

280 E. Corporate Dr. #200

Article 7: The corporation (☒ does ☐ does not) have voting members.

Article 8: Upon dissolution the assets shall be distributed:

Ratably between members

Signatures of all incorporators:

Typed Name: Brian Hoff

Typed Name: _____

Typed Name: _____

Typed Name: _____

Typed Name: _____

Customer Acct #:

(if using pre-paid account)

Secretary of State use only

g:\corpforms\corp forms\articlesincprofit.pdf
Revised 07/2002

SCANNED

OCT 20 2003

ATTACHMENT C

WARM SPRINGS DITCH COMPANY
280 E. Corporate Dr. Suite 200
Meridian, Idaho 83642

July 16, 2002

TO: DEPARTMENT OF WATER RESOURCES

As owner of the following Water Rights:

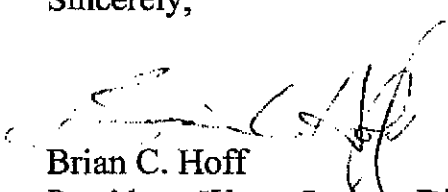
Identification Number: 63-192
~~63-2387A~~
63-19425 *SRH*
~~63-216C~~ , 63-31728 *SRH*

Source: Boise River Tributary To: Snake River

Warm Springs Ditch Company is aware of and concurs with the redistribution of use and application for transfer of Hoff Companies portion of these water rights.

Warm Springs Ditch Company delivers water for all described properties and assesses landowners for these water deliveries.

Sincerely,


Brian C. Hoff
President, Warm Springs Ditch Company

SCANNED

OCT 20 2003

ATTACHMENT D

SEP. -02' 03 (TUE) 08:40 HOFF C ANIES, INC

TEL: 208884...15

P. 002

AFFIDAVIT OF BRIAN HOFF,**President of Warm Springs Ditch Company**

STATE OF IDAHO)
:
COUNTY OF ADA)

I, Brian Hoff, the undersigned, having been duly sworn on an oath deposes and says:

1. I am currently the president of Warm Springs Ditch Company. The information contained in this statement is true to the best of my knowledge and belief.
2. Approximately 484 acres of land located within sections 19, 20, and 21 of T4N, R1E, comprise the service area of the Warm Springs Ditch Company.
3. That portion of land that is currently developed as residential and golf course was previously used and irrigated primarily for pasture grass.
4. Warm Springs Ditch Company delivered the water used to irrigate the pasture grass.

FURTHER YOUR AFFIANT SAITH NAUGHT

Dated this 28th day of August 2003

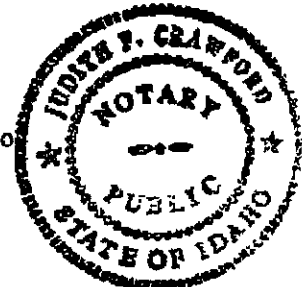
BRIAN HOFF


Brian Hoff, President

Subscribed and sworn before me this 28th day of August 2003.



Notary Public
Residing at Boise, Idaho



My commission expires

12/9/04

SCANNED

OCT 20 2003

ATTACHMENT E

WARM SPRINGS DITCH COMPANY
280 E. CORPORATE DRIVE, STE. 200
MERIDIAN, IDAHO 83642
208-884-2002

February 7, 2005

S. Bryce Farris
Ringert Clark Chartered
455 S. Third, PO Box 2773
Boise, Idaho 83701

Dear Bryce,

On January 14, 2004, Drainage District 4 (DD4) through their attorney Ringert Clark Chartered, filed a protest on application for transfer 70620 filed by Warm Springs Ditch Company, citing an interest/ownership in claim 63-31728, as listed by Warm Springs Ditch Co.

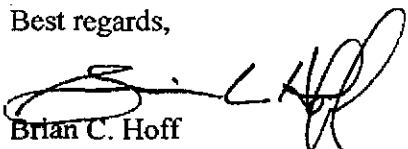
Since that time, Mel Schulte of the Idaho Department of Water Resources (IDWR) has provided review of the water rights in the Warm Springs Ditch Company service area in preparation for a recommendation to the SRBA court. As of the date of this letter, claim 63-31728 was recommended to be disallowed by IDWR because the right claimed is recommended pursuant to another right (63-31936 owned by DD4).

At a pre-hearing meeting on December 17, 2004 at IDWR, a solution to DD4's protest was made such that if Warm Springs Ditch Company will remove claim 63-31728 from the application for transfer, DD4 will withdraw their protest. Therefore, an amended application for transfer was filed with IDWR on February 7, 2005 to satisfy that agreement. A copy of the amended transfer is attached to this letter. It is understood that the current rights for 2.55 cfs of delivery to Warm Springs Canal will continue as before under DD4's claim 63-31936.

Warm Springs Ditch Company looks forward to the protest being withdrawn in order for the processing of the transfer to resume.

If there are any questions, please call me.

Best regards,


Brian C. Hoff
President, Warm Springs Ditch Company

Cc: IDWR, Western Regional Office, Attn: Lori Graves
ERO, Attn: Steve Hannula

MEMORANDUM

TO: Transfer File No. 70620

FROM: Lori Graves

DATE: 2/15/05

RE: Evaluation of Sufficiency of Information Submitted

Applicant proposes to change the nature of use from irrigation to aesthetic storage for the water appurtenant to 13 acres of land that have been historically irrigated within Warm Springs Ditch Company's service area located in T4N R1E S19, 20 and 21. The aesthetic storage will mitigate the evaporative losses for the ponds associated with Banbury Meadows Subdivision and golf course. Accompanying application for permit 63-31690 has been filed for filling the ponds from ground water. The transfer also proposes to re-distribute irrigated acres within Warm Springs Ditch Company's PPU to more accurately reflect changes that have occurred in S19 and S20 due to recent development.

The site is located west of Eagle Rd and north of Chinden Blvd.

Contact person for the applicant is Steve Hannula with ERO.

Authority to File: IDWR records list the water rights in the applicant's name. Proof of incorporation has been submitted by the applicant, which lists Brian Hoff as a director (attachment C). Mr. Hoff, representing Warm Springs Ditch Co., also submitted an acknowledgement statement for the transfer application (attachment D).

Water Right Validity: Right presumed valid since the rights were claimed on 10/30/1989 and beneficial use occurred within a five year period prior to that date. Beneficial use was confirmed with a 1987 aerial photo. Mel Schulte reviewed and recommended the rights involved for the processing of this transfer.

Injury to Other Water Rights: In an effort to prevent possible injury, this transfer serves as mitigation for application 63-31690. The Ditch Company shares associated with the 13 acres of pond area will continue to be delivered to the ponds during the irrigation season as part of a flow-through system. This water is then available to recharge the shallow ground water system as compensation for evaporation off the pond's surfaces. Applicants have not proposed an increase in net consumptive use of water or the total number of acres to which the water rights will be applied within their proposed PPU.

Enlargement of Use: Applicant's consultant subtracted the annual precipitation (12.6 in/yr at Boise airport) from the 45 in/yr Free Water Surface, which was estimated by multiplying the Pan Evap (63.97) by the Pan Coeff (0.7). $45 \text{ in/yr} - 12.6 \text{ in/yr} = 32.4 \text{ in/yr}$. Because the net pond evaporation 32.4 in/yr is less than CIR 34.9 in/yr, the

consultant concurred that the ponds would actually consume less water than pasture grass. Brian Hoff also supplied an affidavit indicating pasture grass was historically irrigated on the property prior to development (attachment E). Based on the Allen/Brockway Report, the average irrigation requirement for 13 acres of pasture grass equates to 37.8 total afa. This is roughly a one-to-one swap for irrigated lands vs. pond surface area, as generally assumed by IDWR.

Local Public Interest: The transfer maintains the beneficial use of the Ditch Co. water rights within the boundaries of the Ditch Co. service area for its shareholders while, at the same time, facilitates the use of ground water without depleting the resource.

Beneficial Use/Conservation of Water Resources: The proposal is consistent with water right standards for the area.

Review of the application finds there is no clear inconsistency with criteria of I.C. § 42-222 preventing processing of this application.

Additional Information: The applicant originally included claim 63-2387A. Mel Schulte disallowed this claim and replaced it with 63-31728, which represents applicant's portion of drainage discharge for District No. 4. By court order, Drainage District No. 4 is allowed 750 cfs delivered through three ditches; Thurman Mill, Ridenbaugh and Warm Springs Slough. Claim 63-31728 represents water and acres appurtenant to Warm Springs Slough. Claim 63-2387 represents water and acres appurtenant to Thurman Mill Ditch. Warm Springs Slough flows into Thurman Mill Ditch, which is why applicant's acres are listed on claim 63-2387 for Drainage District No. 4. Bryce Farris with Ringert Clark represents District No. 4 and will be sent notice.

Claim 63-216C represents decree 63-216B. Claim 63-19425 is a combination of decrees 63-219 and 63-220. Volume and acre amounts and season of use were not listed on the decreed rights represented by claims 63-192, 63-19425 and 63-216C. The decreed cfs rate (figuring 1"/ac) was then compared with the X'd tracts on the original decreed rights (assuming 40 ac/tract) and the lesser of the two was used for determining number of decreed acres/right. See below regarding irrigation volume. Aesthetic volume proposed and recommended for each right was based on the calculated consumptive use volume appurtenant to the amount of pond acreage designated from each right for aesthetic storage.

Mel stated he would condition the rights to **462 acres irrigation (digitized) within the 484 acre ppu**. He also stated that each right would be limited to 1"/acre when combined with the other rights. Total rate involved is 10.31 cfs, which equates to 1"/acre for 515.5 acres. Obviously, ditch loss is imbedded in the rights because 462 at 1"/acre equates to 9.24 cfs. For simplicity and because the source is surface water, Jeff Peppersack said volume limitations for irrigation could be ignored.

The p/d originally listed for the Thurman Mill Ditch diversion in the SENE S5 T3N R2E was found in error. A GPS reading located the p/d in Lot 11 NESE S5 T3N R2E, which has been recommended.

Data entry affected the claim records since Mel has not yet data entered his recommendations as of the date of this memo. Claims 63-192 and 63-19425 list volume amounts that are N/A and should not be listed on the front page of the transfer approval to avoid confusion.

Watermaster comments located in the file were requested and were received 2/3/04.

2/15/05 Update: The transfer was advertised and protested by Drainage District No. 4. To satisfy an agreement/solution reached at a pre-hearing conference conducted by John Westra 12/17/04, Warm Springs Ditch Co. amended their transfer to remove right 63-31728 from their proposal. Please refer to applicant's correspondence dated 2/7/05 for further details. In a nutshell, the SRBA disallowed claim 63-31728 in the name of the applicant and replaced it with recommended claim 63-31936 in the name of Drainage District No. 4. This occurred after the protest was filed.

Although right 63-31936 overlaps the p/u, the source is wastewater and represents return flows that are collected throughout the drainage district's service area, when available. The collected wastewater is then equitably distributed by the Boise River Watermaster to delivery organizations within the drainage district. The drainage district's service area is large, resulting in their water rights overlapping many proposals. Because the unique nature of drainage district water, the department has not required the inclusion of the district's wastewater right(s) on previous transfer applications. The overlap is noted and the drainage district is sent a courtesy copy.

The amended transfer application does not need to be re-advertised, per John Westra, because the total amount transferred has been reduced rather than increased due to the removal of right 63-31728. The remaining rights have been appropriately adjusted to satisfy the mitigation requirements for application 63-31690. The rights are limited to 449 acres irrigation within a 484 acre PPU, which accounts for 13 acres converted to ponds (as mentioned above, Mel Schulte recommended 462 acres irrigation within a 484 acre PPU on the associated SRBA claims listed on the amended transfer).

Please note that although the SRBA shape file for applicant's service area does not include the W1/2NE S19 or the NESE S21, these quarters appear x'd on the associated recommendation proof reports because of a government lot issue that Mike Ciscell is unable to fix.

Conditions: Assuming protests are not filed and/or other information does not contradict the above analysis, and assuming it is determined the application should be approved, the conditions listed on the draft transfer approval should be applied.

63-192

LII.

That the defendants the heirs of EDWARD AND MARY CLARK, be and they are hereby awarded the use of the waters of Boise River, diverted from said river at a point opposite the upper end of Government Island ~~the~~ through what is known as the Thurman Mill Slough, for use upon the NE $\frac{1}{4}$ of SE $\frac{1}{4}$ and lots 7 and 8, Sec. 20, T. 4 N. R. 1 E. B.M., in the following amount and from the following date;

63 0192

115 inches, from June 1, 1876; and hereby designated as Right No. 61. and be adjudged to pay \$8.05 costs in addition to the costs incurred by them.

LIII.

That the defendant JOHN CECIL be, and he is hereby awarded the use of the waters of Boise River, diverted from said river at a point opposite the upper end of Government Island, through what is known as the Thurman Mill Slough, for use upon the following described land; commencing at a point $\frac{1}{4}$ mile west of the NE corner of NE $\frac{1}{4}$ of Sec. 27, T. 4 N. R. 1 E. B.M., thence west 120 rods, thence south 249 feet, thence southeast along the brow of the hill 120 rods, thence north 638 feet to place of beginning, in the following amount and from the following date;

3 0193

22 inches, from June 1, 1876; and hereby designated as Right No. 62; and be adjudged to pay \$1.54 costs in addition to the costs incurred by him.

LIV.

That the defendant THOMAS H. AIKENS be, and he is hereby awarded the use of the waters of Boise River, diverted at a point in said river on Sec. 16, T. 4 N. R. 1 E. B.M., about 60 rods from the west line of said section and on or near the south line thereof, for use upon the south half of SE $\frac{1}{4}$, Sec. 17, T. 4 N. R. 1 E. B.M., and lots 6, 7, and 8 in said section, also an irregular shaped piece of ground in the SE $\frac{1}{4}$ of said Sec. 17, containing about 10 acres, in the following amount and from the following date;

3 0194

260 inches, from June 1, 1876; and hereby designated as Right No 63.

JUN 21 1996

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-192

WATER RIGHT NUMBER: 63-192

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	WARM SPRINGS DITCH co C/O HOFF COMPANIES INC 280 E CORPORATE DR SUITE 200 MERIDIAN, ID 83642 (208) 884-2002
Original Owner	MARY CLARK
	, ID
Original Owner	EDWARD CLARK
	, ID

Priority Date: 06/01/1876

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BOISE RIVER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/01 to 11/15	2.300 CFS	518.00 AF
	<u>Total Diversion:</u>	2.300 CFS	518.00 AF

Location of Point(s) of Diversion

BOISE RIVER	SE1/4NE1/4	Sec. 5, Twp 03N, Rge 02E, B.M.
ADA County		
BOISE RIVER	L6	Sec. 22, Twp 04N, Rge 01E, B.M.
ADA County		

Place of UseIRRIGATION Within ADA County

T04N R01E S20	SWNE	38.0	T04N R01E S20	SENE	42.0
T04N R01E S20	NESE	35.0			
Total Acres: 115					

Conditions of Approval:Remarks:

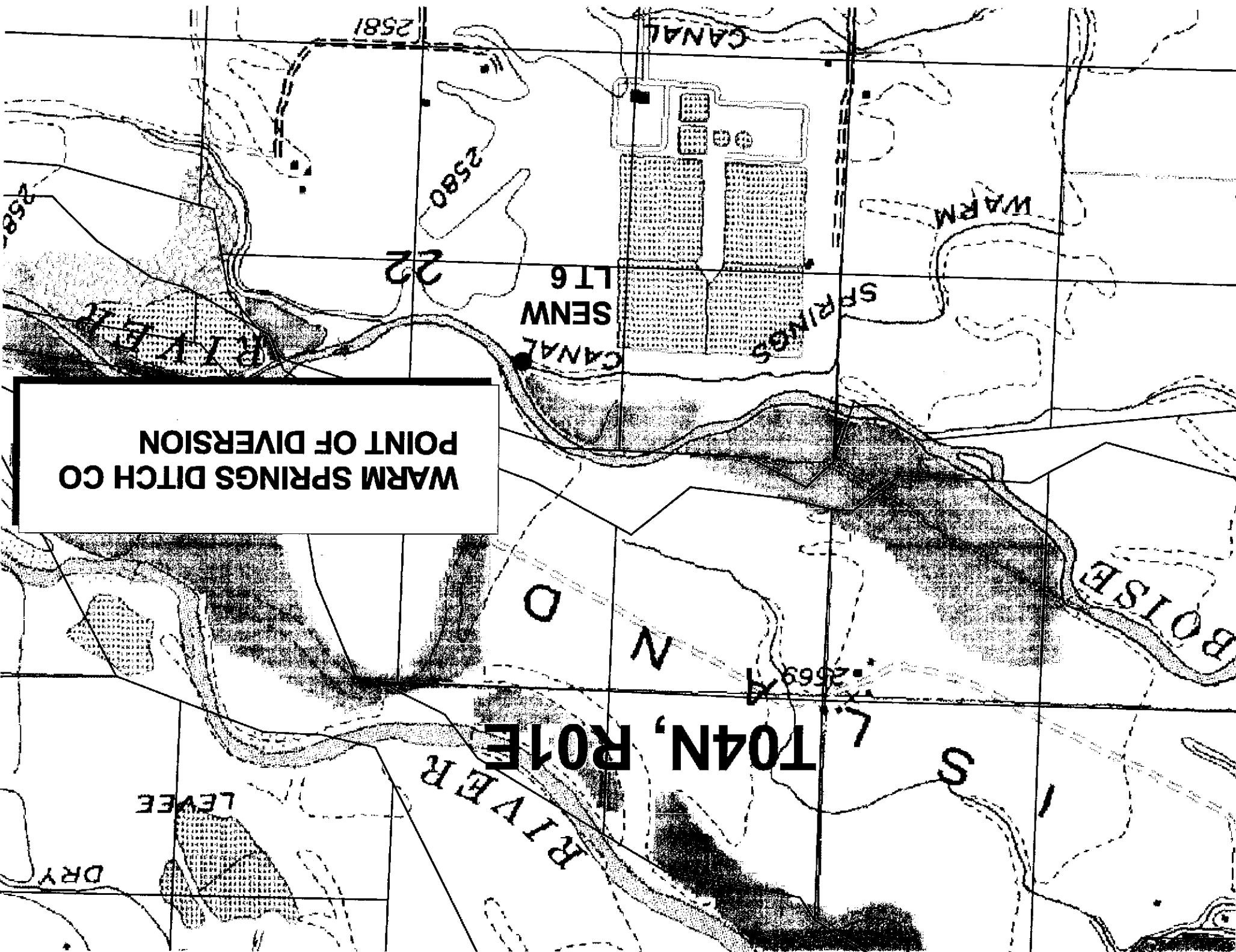
- THIS WATER DIVERTED INTO THURMAN MILL DITCH.
P/D NOT LISTED.
AUTHORITY AS AGENT FOR WARM SPRINGS DITCH COMPANY WATER USERS SEE
ATTACHMENT "A".
Address change per claimant request. DB 4/18/2001

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 63-192

Comments:

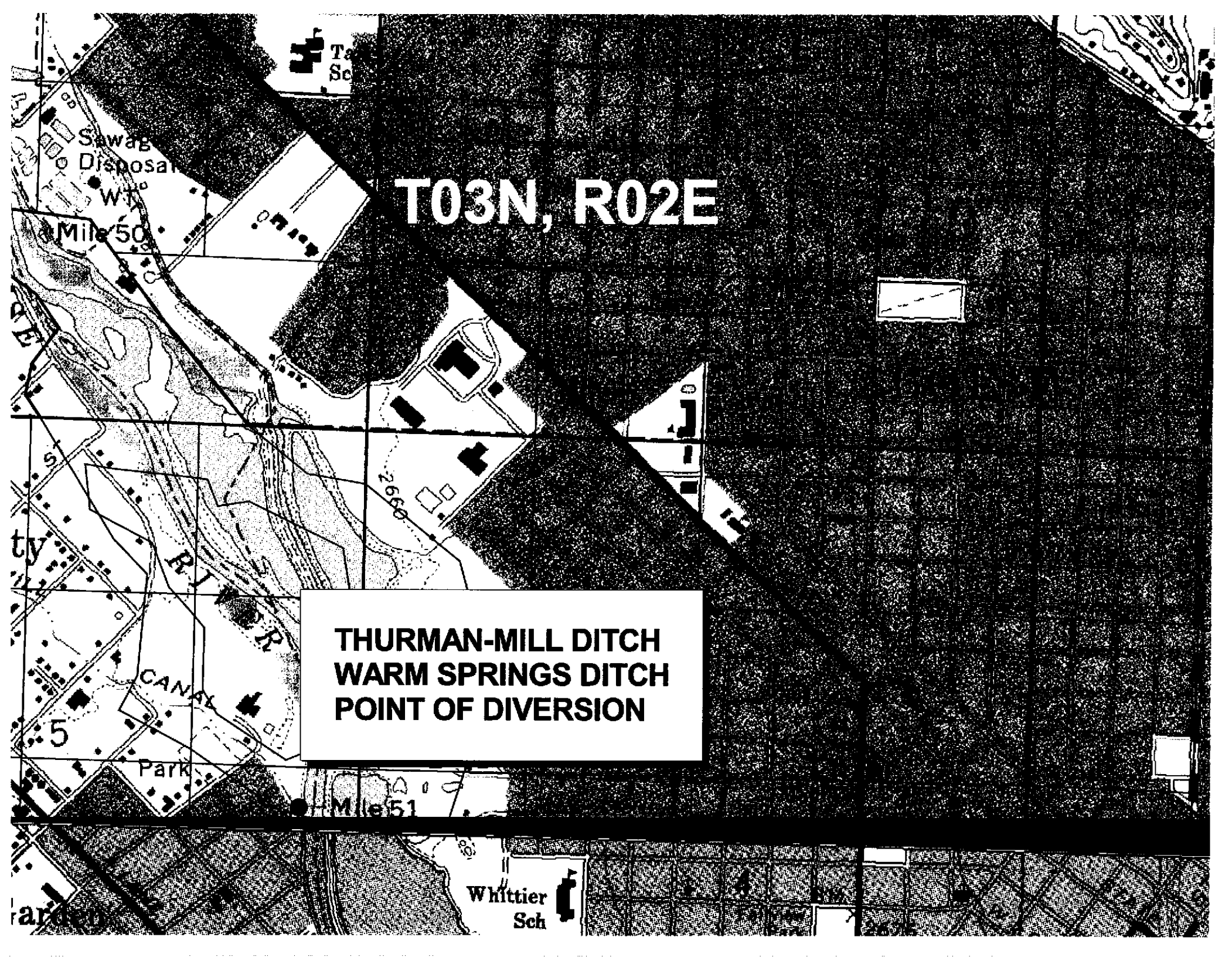
Dates and Other Information:

Claim Received Date: 10/30/1989
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False



WARM SPRINGS DITCH CO
POINT OF DIVERSION

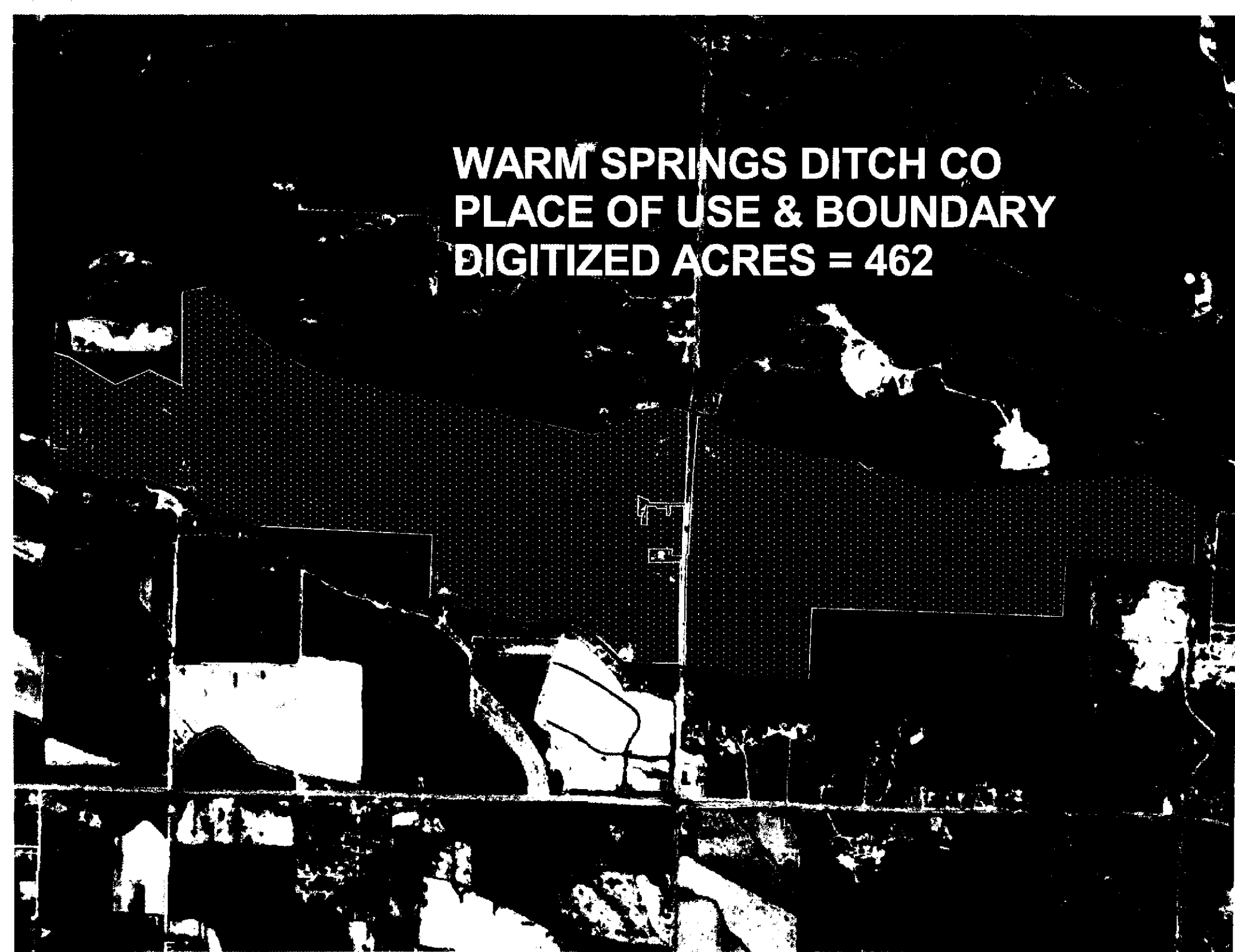
2569
L. T04N, R01E

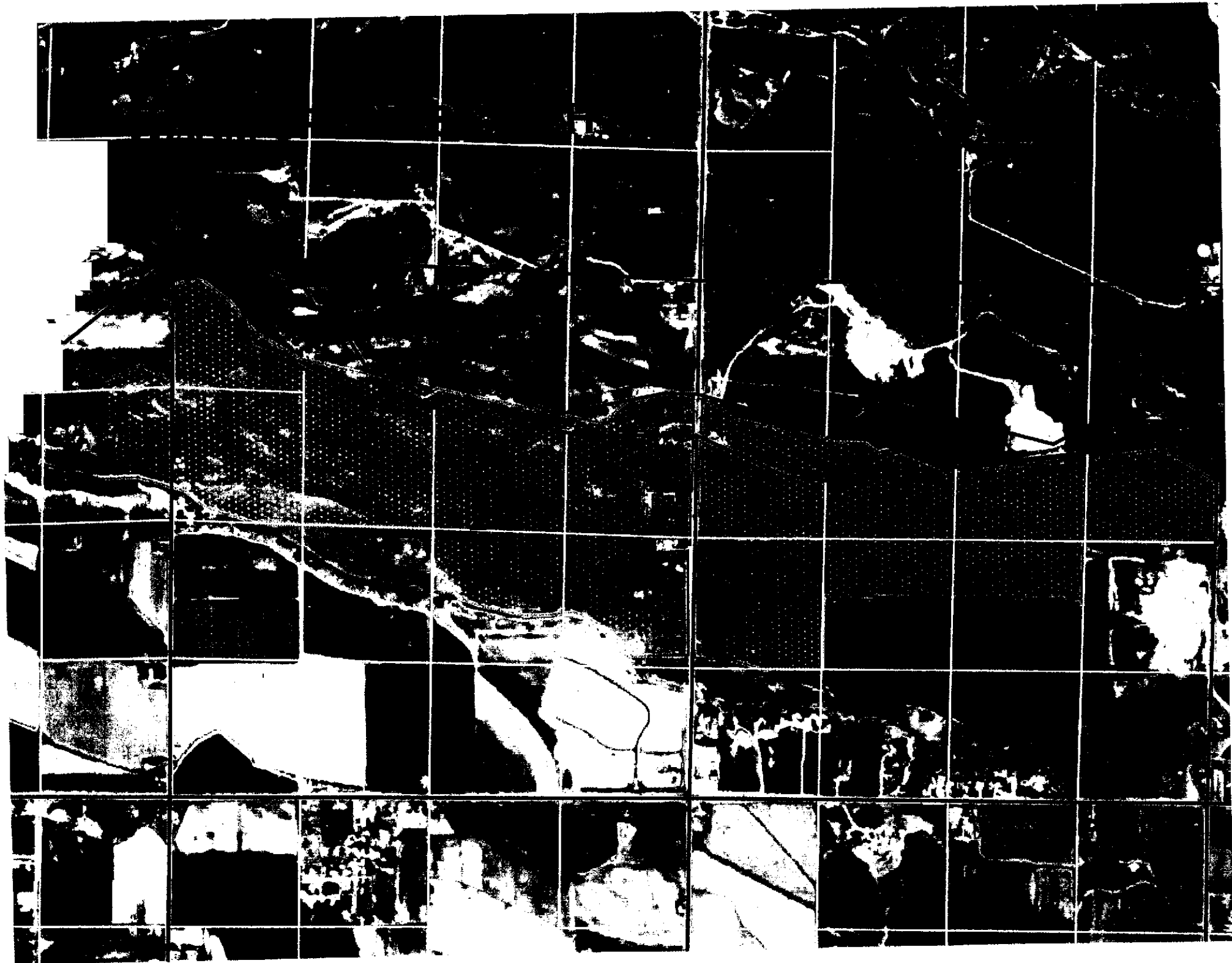
A topographic map showing a section of land in T03N, R02E. The map features a grid of section lines. A large, dark, irregularly shaped area, possibly a forest or a large field, dominates the upper right portion of the map. To the left of this area, there are several smaller, lighter-colored areas, some of which are labeled 'Sawag Disposal' and 'W. 1/4'. A road or path is visible, labeled 'Mile 50'. In the lower left, there is a label 'RIVER' and 'CANAL'. A small rectangular area is highlighted with a dashed line. The text 'T03N, R02E' is printed in large, bold, white letters across the upper middle of the map. A white box in the lower middle contains the text 'THURMAN-MILL DITCH WARM SPRINGS DITCH POINT OF DIVERSION'. Other labels include 'Whittier Sch' and 'Mile 51' at the bottom.

T03N, R02E

**THURMAN-MILL DITCH
WARM SPRINGS DITCH
POINT OF DIVERSION**

**WARM SPRINGS DITCH CO
PLACE OF USE & BOUNDARY
DIGITIZED ACRES = 462**





POD search - 3N, 2E, S5, NESE → Thurman-Mile headgate

Basin	Sequence	Suffix	Basis	Priority Date	Rate(cfs)	Source	Water Use(s)	Source Table
63	135		Decreed	1864-06-01	3.3	BOISE RIVER	IRRIGATION	THURMAN MILL DITCH CO LTD (Current)
63	176		Decreed	1869-06-01	1.6	BOISE RIVER	IRRIGATION	THURMAN MILL DITCH CO LTD (Current)
63	193		Decreed	1876-06-01	0.44	BOISE RIVER	IRRIGATION	THURMAN MILL DITCH CO LTD (Current)
63	210		Decreed	1880-06-01	2.4	BOISE RIVER	IRRIGATION	THURMAN MILL DITCH CO LTD (Current)
63	211		Decreed	1880-10-20	0.9	BOISE RIVER	IRRIGATION	THURMAN MILL DITCH CO LTD (Current)
63	221		Decreed	1883-06-01	0.9	BOISE RIVER	IRRIGATION	THURMAN MILL DITCH CO LTD (Current)
63	250		Decreed	1895-07-01	0.66	BOISE RIVER	IRRIGATION	THURMAN MILL DITCH CO LTD (Current)
63	3618 M		Permit	1/1/1955		BOISE RIVER	IRRIGATION FROM STORAGE, IRRIGATION STORAGE	THURMAN MILL DITCH CO LTD (Current)
63	19084		Decreed	8/13/1925	11.42	BOISE RIVER, JUNCTION DRAIN	IRRIGATION	THURMAN MILL DITCH CO LTD (Current)
63	30125		Decreed	1865-06-01	1.86	BOISE RIVER	IRRIGATION	THURMAN MILL DITCH CO LTD (Current)
63	30129		Decreed	1872-06-01	2.1	BOISE RIVER	IRRIGATION	THURMAN MILL DITCH CO LTD (Current)
63	30130		Decreed	1868-06-01	17.8	BOISE RIVER	IRRIGATION	THURMAN MILL DITCH CO LTD (Current)
63	30131		Decreed	1882-06-01	5.6	BOISE RIVER	IRRIGATION	THURMAN MILL DITCH CO LTD (Current)

POB -

T04N, R01E, S22, L+6, SE NW

03-192

-216C

-19425

-31728

**STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES**

**RECEIVED
APR 17 2001
WATER RESOURCES
WESTERN REGION**

CHANGE IN ADDRESS OF NOTICE OF CLAIM

[] Water Right Number(s):

63-19263-1942563-216 C63-2387 A

[] Claimant Name(s):

WARM SPRINGS DITCH CO.

[] Old Mailing Address:

WARM SPRINGS DITCH CO.C/O HOFF COMPANIES, INC.5257 FAIRVIEW AVE SUITE 230BOISE IDAHO 83706

[] New Mailing Address:

WARM SPRINGS DITCH CO.C/O HOFF COMPANIES, INC.280 E. CORPORATE DR. SUITE 200MERIDIAN, IDAHO 83642

Telephone Number:

(208) 884 - 2002

[] Signature of Claimant(s):

Date:

4/17/01BRIAN C. HOFFPRESIDENT, WARM SPRINGS DITCH CO

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 63-192
Date Received: 10/30/1989
Receipt No: W006583
Received By:

AMENDED

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

WARM SPRINGS DITCH CO Phone: (208) 884-2002

C/O HOFF COMPANIES INC
280 E CORPORATE DR SUITE 200
MERIDIAN ID USA 83642

2. Date of Priority: 06/01/1876

3. Source: BOISE RIVER , BOISE RIVER Trib. to: SNAKE RIVER , SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
03N	02E	5	SE NE	ADA	
04N	01E	22	SE NW 6	ADA	

5. Description of diverting works:

HEADGATES, PIPES AND DITCHES FROM BOISE RIVER.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/01	11/15	2.3	518

7. Total Quantity Appropriated is:

2.3 C.F.S. and/or 518 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
----------	-------	---------	----------------	-----	-------

04N	01E	19	SE	NE	1	IRRIGATION	28
			NE	NE		IRRIGATION	32
						Section Acres	60
04N	01E	20	SW	NE		IRRIGATION	39
			SE	NE		IRRIGATION	35
			NW	NW	5	IRRIGATION	23
			SW	NW		IRRIGATION	35
			SE	NW	6	IRRIGATION	43
			NE	SE		IRRIGATION	33
			NW	SE		IRRIGATION	22
						Section Acres	230
04N	01E	21	SW	NE	7	IRRIGATION	28
			SE	NE	8	IRRIGATION	31
			SW	NW	5	IRRIGATION	36
			SE	NW	6	IRRIGATION	30
			NE	SW		IRRIGATION	15
			NW	SW		IRRIGATION	39
			NW	SE		IRRIGATION	15
						Section Acres	194
						Total Acres	484

11. Place of use in counties: ADA

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

THIS WATER DIVERTED INTO THURMAN MILL DITCH.

P/D NOT LISTED.

AUTHORITY AS AGENT FOR WARM SPRINGS DITCH COMPANY WATER USERS SEE ATTACHMENT "A".
Address change per claimant request. DB 4/18/2001

Amended claim per AJ recommendation. 6/10/2003

15. Basis of Claim: Decreed

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

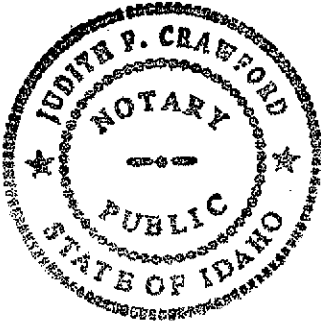
I do solemnly swear or affirm that I am BRIAN HOFF, PRESIDENT of
Title
WARM SPRINGS DITCH CO., that I have signed the foregoing
Organization
document in the space below as PRESIDENT of
Title
WARM SPRINGS DITCH CO. and that the statements contained in the
Organization
foregoing document are true and correct. [Signature]
Signature of Authorized Agent
PRESIDENT - WARM SPRINGS DITCH CO
Title and Organization
6/19/03
Date

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this
of June 19 2003

Judith F. Crawford
Notary Public

Residing at Boise, Idaho
My commission Expires 12/9/04



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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

AMENDED

Ident. Number 63-192
Date Received: 10/30/1989
Receipt No: W006583
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

WARM SPRINGS DITCH CO
C/O HOFF COMPANIES INC
280 E CORPORATE DR SUITE 200
MERIDIAN ID USA 83642

Phone: (208) 884-2002

2. Date of Priority: 06/01/1876

3. Source: BOISE RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
03N	02E	5	SE NE	ADA	
04N	01E	22	SE NW 6	ADA	

5. Description of diverting works:

HEADGATES, PIPES AND DITCHES FROM BOISE RIVER.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/01	11/15	2.3	518

7. Total Quantity Appropriated is:
2.3 C.F.S. and/or 518 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
04N	01E	19	NE	NE	1	IRRIGATION	10
			SE	NE		IRRIGATION	28
						Section Acres	38
04N	01E	20	SE	NE	5	IRRIGATION	35
			NW	NW		IRRIGATION	23
			SW	NW	6	IRRIGATION	35
			SE	NW		IRRIGATION	43
			NE	SE		IRRIGATION	33
			SW	NE	IRRIGATION	39	
			NW	SE	IRRIGATION	22	
					Section Acres	230	
04N	01E	21	SW	NW	5	IRRIGATION	36
			SE	NW	6	IRRIGATION	30
			NE	SW		IRRIGATION	15
			NW	SW		IRRIGATION	39
			SW	NE	7	IRRIGATION	28
			SE	NE	8	IRRIGATION	31
			NW	SE		IRRIGATION	15
					Section Acres	194	
					Total Acres	462	

11. Place of use in counties: ADA

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

THIS WATER DIVERTED INTO THURMAN MILL DITCH.
P/D NOT LISTED.
AUTHORITY AS AGENT FOR WARM SPRINGS DITCH COMPANY WATER USERS SEE ATTACHMENT "A".
Address change per claimant request. DB 4/18/2001

Amended claim per AJ recommendation. 6/10/2003

15. Basis of Claim: Decreed

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am BRIAN C. HOFF, PRESIDENT of
Title
WARM SPRINGS DITCH CO., that I have signed the foregoing
Organization
document in the space below as PRESIDENT of
Title
WARM SPRINGS DITCH CO. and that the statements contained in the
Organization
foregoing document are true and correct.

Signature of Authorized Agent [Signature]

PRESIDENT, WARM SPRINGS DITCH CO.
Title and Organization

6/10/03
Date

State of Idaho)
County of Ada) SS.

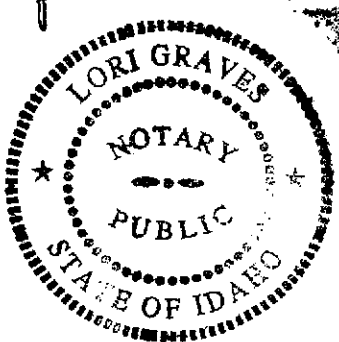
Subscribed and sworn (or affirmed) before me this
of June 2003

10th Lori Graves

Notary Public

Residing at Bonnie

My commission Expires 6/18/04



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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A63-00192
Date Received: 10/30/1989
Receipt No: W006583
Received By: LE JDL

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: WARM SPRINGS DITCH COMPANY
Address: C/O HOFF COMPANIES, INC.
5257 FAIRVIEW AVE., SUITE 230
BOISE, ID 83706
2. Date of Priority: JUN 01, 1876
3. Source: BOISE RIVER Trib. to: SNAKE RIVER
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	02E	5		SE	NE		ADA
04N	01E	22				6	ADA

5. Description of diverting works:
HEADGATES, PIPES AND DITCHES FROM BOISE RIVER.
6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/01	11/15	2.300		518.00
7. Total Quantity Appropriated is:
2.300 C.F.S. (and/or) 518.00 A.F.A.
8. Total consumptive use is 403.0 Acre Feet Per Annum.
9. Non-irrigation uses:
10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	01E	20	SW	NE		IRR	38.0
			SE	NE		IRR	42.0

A63-00192

Page 1

Date: 11/29/89

MICROFILMED
OCT 02 1996

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04N	01E	20	NE SE		IRR	35.0
Section Acres						115.0
Total Acres						115.0

11. Place of use in counties: ADA

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:
63-02387

14. Remarks:

THIS WATER DIVERTED INTO THURMAN MILL DITCH.
P/D NOT LISTED.
AUTHORITY AS AGENT FOR WARM SPRINGS DITCH COMPANY WATER USERS SEE
ATTACHMENT "A".

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 1/18/1906

FARMERS CO-OP DITCH CO.
Decree Plaintiff

vs

RIVERSIDE IRR. DIST.
Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____
My Commission Expires _____

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER:

Ident. Number

Date Received

Receipt Number

39576

1163-00192
10-30-89
4006583

Should questions arise during
the processing of this applica-
tion please contact:

SHERL L. CHAPMAN
410 S. Orchard, Suite 144
Boise, ID 83705
344-6690

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Warm Springs Ditch Company Phone (208) _____
c/o Hoff Companies, Inc.
Mailing Address 5257 Fairview Avenue, Suite 230, Boise, Idaho Zip 83706

2. Date of Priority (Only one (1) per claim) 6/1/1876

3. Source of water supply (a) Boise River
which is tributary to (b) Snake River

4. a. Location of existing point of diversion is: Township 4N Range 1E Section 22,
_____ 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot, 6 B.M., County of Ada

Additional points of diversion if any: SENE, Sec. 5, T3N, R2E, B.M.

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Headgates, pipes and ditches from

Boise River.

MICROFILMED
OCT 02 1996

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 3/1 to 11/15 amount 2.30 or 518

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 2.30 (cfs) and/or (b) 518 (acre feet)

8. Total consumptive use claimed is 403 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
4N	1E	20			38	42									35				115

Total number of acres irrigated 115

11. In which county (ies) are lands listed above as place of use located? Ada

12. Do you own the property listed above as place of use? Yes _____ No X
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
63-02387 or None ()

14. Remarks: Authority as agent for Warm Springs Ditch Company water users
SEE ATTACHMENT "A"

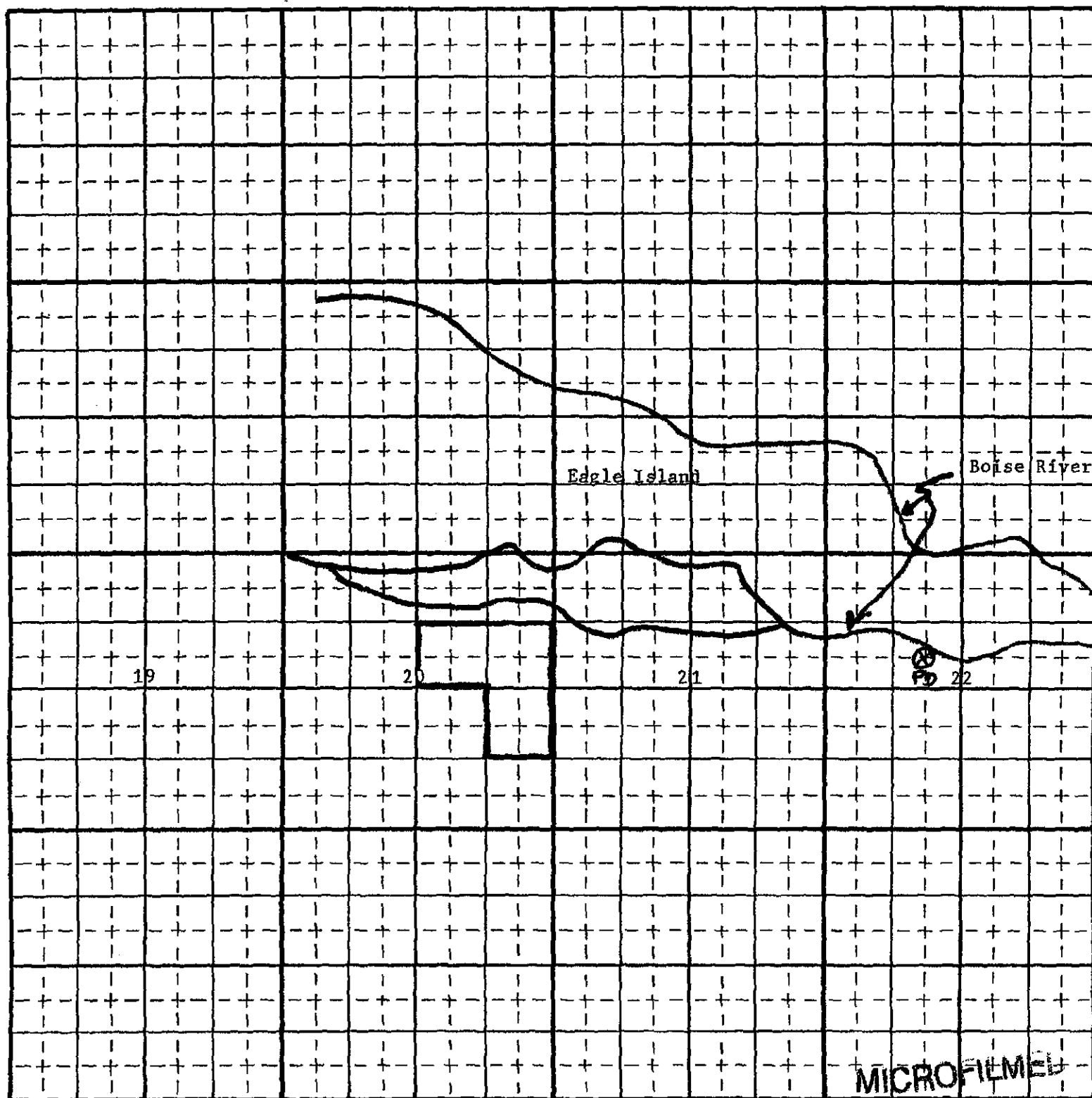
MICROFILMED
OCT 02 1996

Last Name Warm Springs Ditch Co. Ident No. A63-00192

Copies: White -State, Yellow-Claimant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile



Last Name Warm Springs Ditch Co. Ident No. _____

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree X

If applicable provide IDWR Water Right Number 63-0192
Court 7th District Case Number _____ Decree Date 1/18/06
Plaintiff vs Defendant Farmers Co-op Ditch Co. vs. Riverside Irrigation District

16. Signature (s)
(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled
"How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X
wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments 1

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

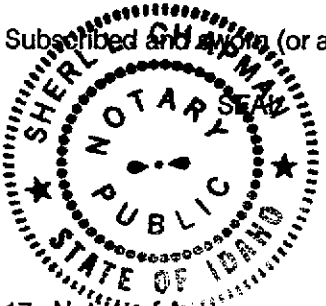
Signature of Claimant (s) _____ Date _____
_____ Date _____

For Organizations: I do solemnly swear or affirm that I am President Title
of Warm Springs Ditch Co. Organization, that I have signed the foregoing
document in the space below as President Title of Warm Springs Ditch Co. Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Don Clark
Title and Organization President Warm Springs Ditch Co Date 10/30/89

State of Idaho/or _____)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 30 day of Oct 19 89



Notary Public Sheri L. Chapman
Residing at 2589 Copley Way Meridian Id
My Commission Expires 6/14/94
Please Print Name Sheri L. Chapman

17. Notice of Appearance:
Notice is hereby given that I, _____ will be acting as attorney at law on behalf
of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above
should be mailed to me at the address listed below.

Signature _____
Address _____
Date _____

MICROFILMED
OCT 02 1996

ATTACHMENT "A"

This claim is filed on the behalf of the water users of the Warm Springs Ditch in order to assure their various rights to waters transported through the Warm Springs Ditch. The waters have historically been comingled with those of the Thurman Mill Ditch and the point of diversion listed for some of the referenced water rights is the point of diversion for the Thurman Mill ditch as recognized in the Stewart decree.

WARM SPRINGS DITCH COMPANY WATER USERS

Hoff Companies, Inc.
Boise City
Eldon Clark
Leonard Mace
June Walters
Freda Stout Estate
Robert Moore
George Dillard
Jack Daily
Gunnar Lundgren
Alpha Lambert

MICROFILMED
OCT 02 1996

80 acres

6. Water is claimed for the following purposes:

(both dates are inclusive) (cfs) (acre feet)

For Irrigation purposes from 3/1 to 11/15 amount 2.30 or 518

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 2.30 (cfs) and/or (b) 518 (acre feet)

8. Total consumptive use claimed is 403 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
4N	1E	20			38	42													115

Total number of acres irrigated 115

11. In which county (ies) are lands listed above as place of use located? Ada

12. Do you own the property listed above as place of use? Yes _____ No X
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
63-02387 or None ()

14. Remarks: Authority as agent for Warm Springs Ditch Company water users
SEE ATTACHMENT "A"

MICROFILMED
OCT 02 1996

Last Name Warm Springs Ditch Co. Ident No. A63-00192

Copies: White -State, Yellow-Claimant

WARM SPRINGS DITCH COMPANY

ADDITIONAL INFORMATION

DATE: September 7, 2004

BY: Mel Schulte

The main contact for Warm Springs Ditch is Brian Hoff, President (884-2002). Steve Hanula, ERO Resources has assisted them in amending their claims and in preparing transfers.

The major issue with Warm Springs Ditch is the co-mingling of water with Thurman Mill Ditch Co and Drainage District No. 4. Warm Springs water is delivered mostly by Thurman Mill's ditch and after water enters the ditch system it is impossible to know whose water is being delivered to the different shareholders of these organizations.

63-31728 was disallowed in favor of Drainage District No. 4 who also claimed the same water on the basis that they create the wastewater in their drain ditch system. This issue is subject to challenge because the drainage district does not apply the water to a beneficial use for irrigation.

The number of acres to limit the rights to is an issue. Their decreed rights at an inch to the acre would equal 388 acres, they claimed 484 acres, the digitized acres total 462 acres and the water master's records indicate a place of use of 494 acres. The place of use is bottom land which could indicate 1.1" to the acre or a total of 353 acres based on 388 inches of water.

MTS

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-192 V1

WATER RIGHT NUMBER: 63-192 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	WARM SPRINGS DITCH CO C/O HOFF COMPANIES INC 280 E CORPORATE DR STE 200 MERIDIAN, ID 83642 (208)884-2002
Original Owner	MARY CLARK
	, ID
Original Owner	EDWARD CLARK
	, ID

Priority Date: 06/01/1876

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BOISE RIVER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	2.300 CFS	
	<u>Total Diversion:</u>	2.300 CFS	

Location of Point(s) of Diversion

BOISE RIVER	L11 (NE1/4SE1/4)	Sec. 5, Twp 03N, Rge 02E, B.M.
ADA County		
BOISE RIVER	L6 (SE1/4NW1/4)	Sec. 22, Twp 04N, Rge 01E, B.M.
ADA County		

Place of UseConditions of Approval:

- add -155
- ok 1. 135 The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.
2. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
- W.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-192 V1

3. S45 Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoir dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.

Remarks:

1. Explanatory THIS RIGHT IS DESIGNATED AS NO 61 IN THE STEWART DECREE AND THE BOISE RIVER WATER MASTERS RECORDS
2. Explanatory THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH THE POINT OF DIVERSION DESCRIBED ABOVE AS T03N, R02E, S5, NESE: 63-216C, 63-19425, 63-135, 63-176, 63-193, 63-210, 63-211, 63-221, 63-250, 63-30125, 63-30129, 63-30130, 63-30131, 63-31936
3. Quantity THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE. *not more than 4.5*
4. Explanatory WATER IS DELIVERED THROUGH THE THURMAN MILL CANAL AND THE WARM SPRINGS CANAL
5. Explanatory THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH THE POINT OF DIVERSION DESCRIBED ABOVE AS T04N, R01E, S22, SENW: 63-216C, 63-19425
6. Place of Use - Irrigation THIS RIGHT IS LIMITED TO THE IRRIGATION OF *162* ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

Comments:

1. mcase 7/21/2004 POD
Comment: Correlated PODID 610836 from SpatialDataID 342571 to SpatialDataID 302512
2. mcase 7/21/2004 POD
Comment: Correlated PODID 610836 from SpatialDataID 342571 to SpatialDataID 302512
3. mcase 7/21/2004 POD
Comment: Correlated PODID 610836 from SpatialDataID 342571 to SpatialDataID 302512
4. mcase 7/21/2004 POD
Comment: Correlated PODID 610835 from SpatialDataID 342578 to SpatialDataID 302643
5. mcase 7/21/2004 POD
Comment: Correlated PODID 610835 from SpatialDataID 342578 to SpatialDataID 302643
6. mcase 7/21/2004 POD
Comment: Correlated PODID 610835 from SpatialDataID 342578 to SpatialDataID 302643

IDAHO DEPARTMENT OF WATER RESOURCES

Transfer AJ Claim Report 63-19425

WATER RIGHT NUMBER: 63-19425

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	ANDREW J JOPLIN
	, ZZ
Original Owner	JAMES L GRAHAM
	, ID
Current Owner	WARM SPRINGS DITCH CO C/O HOFF COMPANIES INC 280 E CORPORATE DR STE 200 MERIDIAN, ID 83642 (208)884-2002

Priority Date: 06/01/1882

Basis: Decreed

Status: N/A

<u>Source</u>	<u>Tributary</u>
BOISE RIVER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
→ AESTHETIC STORAGE	01/01 to 12/31		24.60 AF
→ DIVERSION TO STORAGE	03/01 to 11/15	0.140 CFS ✓	
→ IRRIGATION	03/01 to 11/15	4.920 CFS	
	<u>Total Diversion:</u>	5.060 CFS	

Location of Point(s) of Diversion

BOISE RIVER	L11 (NE1/4SE1/4)	Sec. 5, Twp 03N, Rge 02E, B.M.
ADA County		
BOISE RIVER	L6 (SE1/4NW1/4)	Sec. 22, Twp 04N, Rge 01E, B.M.
ADA County		

Place of UseAESTHETIC STORAGE Within ADA County


T04N R01E S19 Lot 1 NENE	T04N R01E S20 Lot 7 SWNE
T04N R01E S20 Lot 8 SENE	T04N R01E S20 Lot 5 NWNW
T04N R01E S20 SWNW	T04N R01E S20 Lot 6 SENW
T04N R01E S20 NESE	T04N R01E S20 NWSE

IRRIGATION Within ADA County

T04N R01E S19 Lot 1 NENE 24.0	T04N R01E S19 SENE 26.0
T04N R01E S20 Lot 7 SWNE 35.0	T04N R01E S20 Lot 8 SENE 32.0
T04N R01E S20 Lot 5 NWNW 22.0	T04N R01E S20 SWNW 39.0

IDAHO DEPARTMENT OF WATER RESOURCES

Transfer AJ Claim Report 63-19425

T04N R01E S20 Lot 6 SENW 41.0	T04N R01E S20 NESW 16.0
T04N R01E S20 NWSW 1.5	T04N R01E S20 NESE 33.0
T04N R01E S20 NWSE 24.0	T04N R01E S21 Lot 7 SWNE 24.0
T04N R01E S21 Lot 8 SENE 25.0	T04N R01E S21 Lot 5 SWNW 23.0
T04N R01E S21 Lot 6 SENW 23.0	T04N R01E S21 NESW 20.0
T04N R01E S21 NWSW 39.0	T04N R01E S21 NWSE 18.0

Total Acres: 465.5

Conditions of Approval:

add 1 Rights 63-192, 63-216C and 63-19425 authorize the diversion of an annual total of 37.8 af to be used for the replacement of losses caused by evaporation from the 13.0 acre total surface area of ponds established under Right 63-31690.

add 2 Rights 63-192 and 63-216C are also diverted through the point of diversion described above as Lot 6 (SENW), S22, T04N, R01E.

OK This right is designated as Nos. 81, 82, 83, 84 and 85 in the Stewart Decree and the Boise River Water Masters records.

OK F01 Water is delivered through the Thurman Mill Canal and the Warm Springs Canal.

add 5 R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.

add 6 R65 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

OK S45 Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoir dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.

add 8 T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

add 9 T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

add 10 T09 Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

add 11 T18 Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.

add 12 WB4 The total instantaneous diversion of water from all points of diversion under Rights 63-192, 63-216C and 63-19425 shall not exceed 7.76 cfs for the irrigation of 449.0 acres and diversion to aesthetic storage.

OK X36 Rights 63-135, 63-176, 63-192, 63-193, 63-210, 63-211, 63-216C, 63-221, 63-250, 63-30125, 63-30129, 63-30130, 63-30131 and 63-31936 are also diverted through the point of diversion described above as Lot 11 (NESE), S05, T03N, R02E.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Transfer AJ Claim Report 63-216C

WATER RIGHT NUMBER: 63-216C

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	SONORA JOPLIN
Current Owner	, ZZ WARM SPRINGS DITCH CO C/O HOFF COMPANIES INC 280 E CORPORATE DR STE 200 MERIDIAN, ID 83642 (208)884-2002

Priority Date: 06/01/1889

Basis: Decreed

Status: N/A

<u>Source</u>	<u>Tributary</u>
BOISE RIVER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
→ IRRIGATION	03/01 to 11/15	0.390 CFS	
→ AESTHETIC STORAGE	01/01 to 12/31		2.00 AF
→ DIVERSION TO STORAGE	03/01 to 11/15	0.010 CFS	
	<u>Total Diversion:</u>	0.400 CFS	

Location of Point(s) of Diversion

BOISE RIVER	L11 (NE1/4SE1/4)	Sec. 5, Twp 03N, Rge 02E, B.M.
ADA County		
BOISE RIVER	L6 (SE1/4NW1/4)	Sec. 22, Twp 04N, Rge 01E, B.M.
ADA County		

Place of UseIRRIGATION Within ADA County

T04N R01E S19 Lot 1 NENE 24.0	T04N R01E S19 SENE 26.0
T04N R01E S20 Lot 7 SWNE 35.0	T04N R01E S20 Lot 8 SENE 32.0
T04N R01E S20 Lot 5 NWNW 22.0	T04N R01E S20 SWNW 39.0
T04N R01E S20 Lot 6 SENW 41.0	T04N R01E S20 NESW 16.0
T04N R01E S20 NWSW 1.5	T04N R01E S20 NESE 33.0
T04N R01E S20 NWSE 24.0	T04N R01E S21 Lot 7 SWNE 24.0
T04N R01E S21 Lot 8 SENE 25.0	T04N R01E S21 Lot 5 SWNW 23.0
T04N R01E S21 Lot 6 SENW 23.0	T04N R01E S21 NESW 20.0
T04N R01E S21 NWSW 39.0	T04N R01E S21 NWSE 18.0

Total Acres: 465.5

AESTHETIC STORAGE Within ADA County

eda

IDAHO DEPARTMENT OF WATER RESOURCES

Transfer AJ Claim Report 63-216C

T04N R01E S19 Lot 1 NENE

T04N R01E S20 Lot 7 SWNE

T04N R01E S20 Lot 8 SENE

T04N R01E S20 Lot 5 NWNW

T04N R01E S20 SWNW

T04N R01E S20 Lot 6 SENW

T04N R01E S20 NESE

T04N R01E S20 NWSE

Conditions of Approval:

1. *add* Rights 63-192, 63-216C and 63-19425 authorize the diversion of an annual total of 37.8 af to be used for the replacement of losses caused by evaporation from the 13.0 acre total surface area of ponds established under Right 63-31690.
2. *add* Rights 63-192 and 63-19425 are also diverted through the point of diversion described above as Lot 6 (SENW), S22, T04N, R01E.
3. This right is designated as No. 116 in the Stewart Decree and the Boise River Water Masters records.
4. *ok* F01 Water is delivered through the Thurman Mill Canal and the Warm Springs Canal.
5. *add* R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.
6. *add* R65 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
7. *ok* S45 Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoir dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.
8. *add* T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
9. *add* T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. *add* T09 Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
11. *add* T18 Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
12. *add* WB4 The total instantaneous diversion of water from all points of diversion under Rights 63-192, 63-216C and 63-19425 shall not exceed 7.76 cfs for the irrigation of 449.0 acres and diversion to aesthetic storage.
13. X36 Rights 63-135, 63-176, 63-192, 63-193, 63-210, 63-211, 63-221, 63-250, 63-19425, 63-30125, 63-30129, 63-30130, 63-30131 and 63-31936 are also diverted through the point of diversion described above as Lot 11 (NESE), S05, T03N, R02E.

Remarks:

Comments:

1. pskaggs 3/4/2005 3:38:11 PM Transferred Right
 Comment: This is now an approved transfer, transfer number = 70620

IDAHO DEPARTMENT OF WATER RESOURCES

Transfer AJ Claim Report 63-192

WATER RIGHT NUMBER: 63-192

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	WARM SPRINGS DITCH CO C/O HOFF COMPANIES INC 280 E CORPORATE DR STE 200 MERIDIAN, ID 83642 (208)884-2002
Original Owner	MARY CLARK , ID
Original Owner	EDWARD CLARK , ID

Priority Date: 06/01/1876

Basis: Decreed

Status: N/A

<u>Source</u>	<u>Tributary</u>
BOISE RIVER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
add → AESTHETIC STORAGE	01/01 to 12/31		11.20 AF
add → DIVERSION TO STORAGE	03/01 to 11/15	0.060 CFS	
IRRIGATION	03/01 to 11/15	2.240 CFS	
	<u>Total Diversion:</u>	2.300 CFS	

Location of Point(s) of Diversion

BOISE RIVER	L11 (NE1/4SE1/4)	Sec. 5, Twp 03N, Rge 02E, B.M.
ADA County		
BOISE RIVER	L6 (SE1/4NW1/4)	Sec. 22, Twp 04N, Rge 01E, B.M.
ADA County		

Place of UseAESTHETIC STORAGE Within ADA County

T04N R01E S19 Lot 1 NENE	T04N R01E S20 Lot 7 SWNE
T04N R01E S20 Lot 8 SENE	T04N R01E S20 Lot 5 NWNW
T04N R01E S20 SWNW	T04N R01E S20 Lot 6 SENW
T04N R01E S20 NESE	T04N R01E S20 NWSE

IRRIGATION Within ADA County

T04N R01E S19 Lot 1 NENE 24.0	T04N R01E S19 SENE 26.0
T04N R01E S20 Lot 7 SWNE 35.0	T04N R01E S20 Lot 8 SENE 32.0
T04N R01E S20 Lot 5 NWNW 22.0	T04N R01E S20 SWNW 39.0

IDAHO DEPARTMENT OF WATER RESOURCES

Transfer AJ Claim Report 63-192

T04N R01E S20 Lot 6 SENW	41.0	T04N R01E S20	NESW	16.0
T04N R01E S20	NWSW	1.5	T04N R01E S20	NESE
T04N R01E S20	NWSE	24.0	T04N R01E S21 Lot 7 SWNE	24.0
T04N R01E S21 Lot 8 SENE	25.0	T04N R01E S21 Lot 5 SWNW	23.0	
T04N R01E S21 Lot 6 SENW	23.0	T04N R01E S21	NESW	20.0
T04N R01E S21	NWSW	39.0	T04N R01E S21	NWSE
			18.0	

Total Acres: 465.5

Conditions of Approval:

1. *add* Rights 63-192, 63-216C and 63-19425 authorize the diversion of an annual total of 37.8 af to be used for the replacement of losses caused by evaporation from the 13.0 acre total surface area of ponds established under Right 63-31690.
2. *OK* Rights 63-216C and 63-19425 are also diverted through the point of diversion described above as Lot 6 (SENW), S22, T04N, R01E.
3. *OK* This right is designated as No. 61 in the Stewart Decree and the Boise River Water Masters records.
4. *OK* F01 Water is delivered through the Thurman Mill Canal and the Warm Springs Canal.
5. *add* → R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.
6. *OK add* R69 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
7. *OK* S45 Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoir dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.
8. *add* T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval. *Handwritten: Was #70620*
9. *add* T08 Failure of the right holder to comply with the conditions of the transfer is cause for the Director to rescind approval of the transfer. *Handwritten: Exp 70620*
10. *add* T09 Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
11. *add* T18 Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
12. *add* WB4 The total instantaneous diversion of water from all points of diversion under Rights 63-192, 63-216C and 63-19425 shall not exceed 7.76 cfs for the irrigation of 449.0 acres and diversion to aesthetic storage.
13. *OK* X36 Rights 63-135, 63-176, 63-193, 63-210, 63-211, 63-216C, 63-221, 63-250, 63-19425, 63-30125, 63-30129, 63-30130, 63-30131 and 63-31936 are also diverted through the point of diversion described above as Lot 11 (NESE), S05, T03N, R02E.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Transfer AJ Claim Report 63-192

Comments:

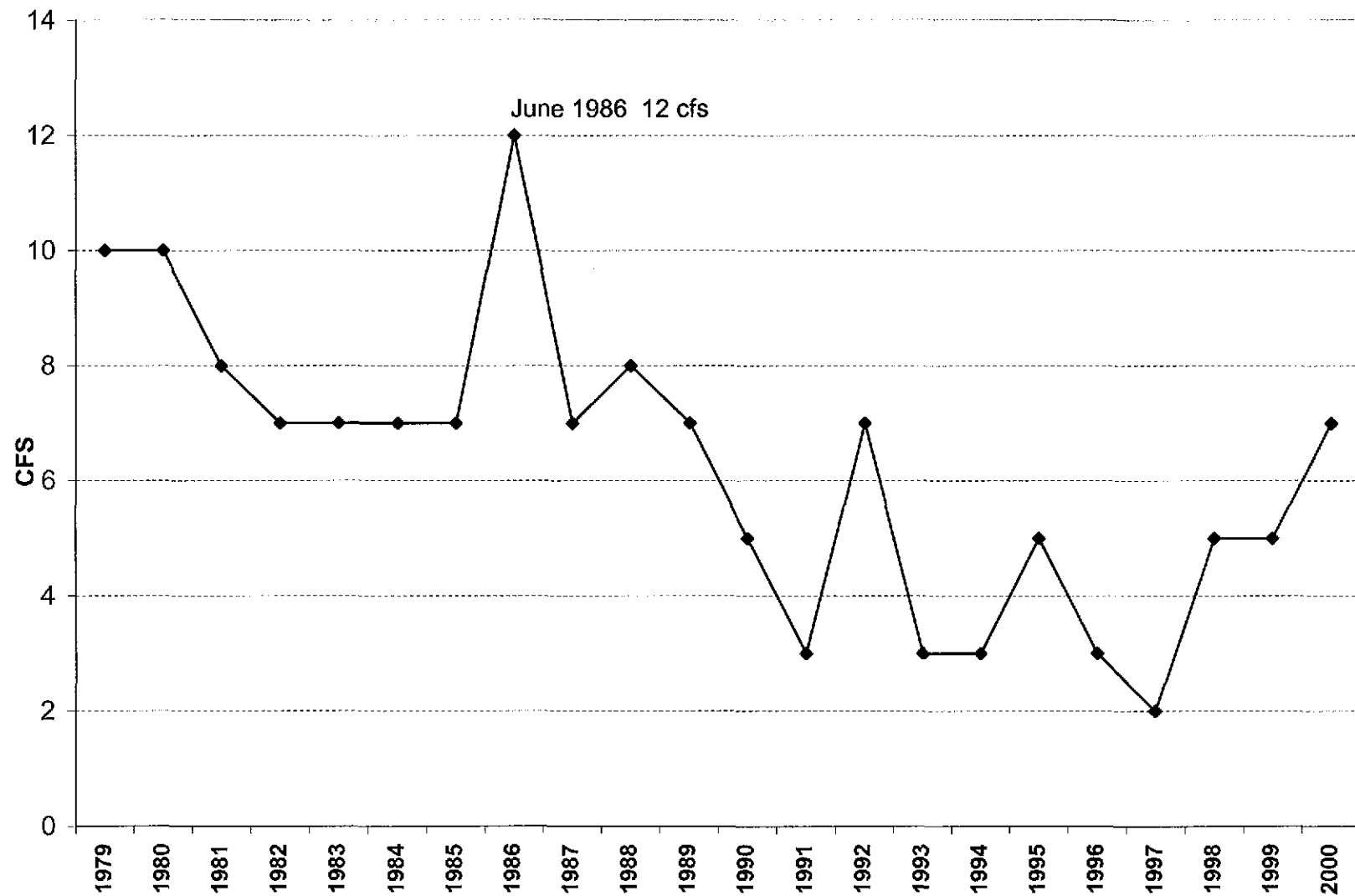
1. pskaggs 3/4/2005 3:38:11 PM Transferred Right

Comment: This is now an approved transfer, transfer number = 70620

[illegible]

MAXIMUM MONTHLY DIVERSION 1979-2000

13206220 WARM SPRINGS CANAL



13206220	HISTORIC DIVERSION WARM SPRINGS DITCH							(CFS)						
W-YR	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	ANN	
1979	2	0	0	0	0	0	5	10	7	5	3	3	35	
1980	2	0	0	0	0	0	3	10	8	5	5	2	35	
1981	0	0	0	0	0	0	3	8	7	7	7	5	36	
1982	2	0	0	0	0	0	0	7	5	5	3	3	25	
1983	2	0	0	0	0	0	2	2	7	5	5	5	26	
1984	2	0	0	0	0	0	3	3	5	5	7	7	31	
1985	3	0	0	0	0	0	3	7	7	7	7	2	35	
1986	0	0	0	0	0	0	0	0	12	5	5	5	27	
1987	2	0	0	0	0	0	3	7	7	7	7	5	36	
1988	2	0	0	0	0	0	5	8	7	7	7	5	40	
1989	0	0	0	0	0	0	3	7	7	7	7	5	35	
1990	0	0	0	0	0	0	3	5	5	5	5	5	28	
1991	2	0	0	0	0	0	2	3	3	3	3	3	20	
1992	2	0	0	0	0	0	5	7	7	5	3	2	30	
1993	0	0	0	0	0	0	0	3	3	3	3	3	16	
1994	2	0	0	0	0	0	2	3	3	3	3	3	20	
1995	2	0	0	0	0	0	0	3	5	3	3	3	20	
1996	2	0	0	0	0	0	0	3	3	3	3	3	18	
1997	2	0	0	0	0	0	0	0	0	0	0	0	2	
1998	0	0	0	0	0	0	0	0	2	5	3	3	13	
1999	2	0	0	0	0	0	0	3	5	3	3	3	20	
2000	2	0	0	0	0	0	2	7	7	7	5	3	31	
AVERAGE:														
1979-2000	1	0	0	0	0	0	2	5	5	5	4	4	26	

Basin	Sequence	Suffix	Basis	Status	Priority Date	Rate(cfs)	Volume(af)	Source	Water Use(s)	Source Table
63	192		Decreed	Active	1876-06-01	2.3	518	BOISE RIVER	IRRIGATION	WARM SPRINGS DITCH co (Current)
63	216	C	Decreed	Active	1889-06-01	1.2	297	BOISE RIVER	IRRIGATION	WARM SPRINGS DITCH co (Current)
63	3192	A	License	Active	4/18/1925	2.23	1070	DRAIN	IRRIGATION	WARM SPRINGS DITCH co (Current)
63	19425		Decreed	Active	1882-06-01	4.2	945	BOISE RIVER	IRRIGATION	WARM SPRINGS DITCH co (Current)

4.76

484

484

Brian Hoff - 884-2002

Warm Springs Ditch review

63-192 = OK

63-216C = overclaimed DR - amend claim
to 40 cfs

63-19425 = underclaimed - amend claim
to 5.06 cfs.

63-2387A = disallow - recommend as 63-2387B
in the name of Drainage Dist #4 who owns
the right. = withdrawn

DR #4 water serves the same POB as Warm
Springs Ditch Co.

STEWART AND BRYAN DECREES GROUPED UNDER CANAL HEADINGS

CHART NO. 3

NAME OF CANAL	CHANGE IN P. OF D.	TRANSFER	PRIORITY NO.	DATE	AMOUNT DECREED				TOTAL SEC. FT.
					STEWART DECREE	INTERVENORS STEWART DECREE	BRYAN DECREE	INCHES	
WARM SPRINGS DITCH			61	6-1-1876	2.30	- 192 = WSOC			
			82	6-1-1882	.44	- 217		219 = 2.86	
			83	6-1-1882	.44	- 218			
			84	6-1-1882	1.36	- 219		part of 219	
			85	6-1-1882	2.20	- 220			
			81	6-1-1882	.40	- 214		part	
			115	6-1-1889	.06	- 215			
			116	6-1-1889	1.20	- 216C = .40 = WSOC			
		2996	116*	6-1-1889	.80*	- 216A = Maco			8.00

POD search for 3N, 2E, 5, NEE

Basin	Sequence	Suffix	Basin	Priority Date	Rate/c (s)	Source	Water Use(s)	Source Table	Source Tag	App ID
63	135		Decreed	1864-06-01	3.3	BOISE RIVER	IRRIGATION	THURMAN MILL DITCH CO LTD (Current)	wrAdjudicationRecomn	
63	176		Decreed	1869-06-01	1.6	BOISE RIVER	IRRIGATION	THURMAN MILL DITCH CO LTD (Current)	wrAdjudicationRecomn	
63	192		Decreed	1876-06-01	2.3	BOISE RIVER	IRRIGATION	WARM SPRINGS DITCH CO (Current)	wrAdjudicationRecomn	
63	193		Decreed	1876-06-01	0.44	BOISE RIVER	IRRIGATION	THURMAN MILL DITCH CO LTD (Current)	wrAdjudicationRecomn	
63	210		Decreed	1880-06-01	2.4	BOISE RIVER	IRRIGATION	THURMAN MILL DITCH CO LTD (Current)	wrAdjudicationRecomn	
63	211		Decreed	1880-10-20	0.9	BOISE RIVER	IRRIGATION	THURMAN MILL DITCH CO LTD (Current)	wrAdjudicationRecomn	
63	216	C	Decreed	1889-06-01	0.4	BOISE RIVER	IRRIGATION	WARM SPRINGS DITCH CO (Current)	wrAdjudicationRecomn	
63	221		Decreed	1883-06-01	0.9	BOISE RIVER	IRRIGATION	THURMAN MILL DITCH CO LTD (Current)	wrAdjudicationRecomn	
63	250		Decreed	1895-07-01	0.66	BOISE RIVER	IRRIGATION	THURMAN MILL DITCH CO LTD (Current)	wrAdjudicationRecomn	
63	19425		Decreed	1882-06-01	5.06	BOISE RIVER	IRRIGATION	WARM SPRINGS DITCH CO (Current)	wrAdjudicationRecomn	
63	30125		Decreed	1865-06-01	1.86	BOISE RIVER	IRRIGATION	THURMAN MILL DITCH CO LTD (Current)	wrAdjudicationRecomn	
63	30129		Decreed	1872-06-01	2.1	BOISE RIVER	IRRIGATION	THURMAN MILL DITCH CO LTD (Current)	wrAdjudicationRecomn	
63	30130		Decreed	1868-06-01	15.48	BOISE RIVER	IRRIGATION	THURMAN MILL DITCH CO LTD (Current)	wrAdjudicationRecomn	
63	30131		Decreed	1882-06-01	5.6	BOISE RIVER	IRRIGATION	THURMAN MILL DITCH CO LTD (Current)	wrAdjudicationRecomn	
63	31936		Beneficial Use	6/13/1925	15	WASTE WATER	IRRIGATION	DRAINAGE DISTRICT NUMBER FOUR OF ADA COUNTY (Current)	wrAdjudicationRecomn	

LIII.

That the defendants the heirs of EDWARD AND MARY CLARK, be and they are hereby awarded the use of the waters of Boise River, diverted from said river at a point opposite the upper end of Government Island and through what is known as the Thurman Mill Slough, for use upon the NE $\frac{1}{4}$ of SE $\frac{1}{4}$ and lots 7 and 8, Sec. 20, T. 4 N. R. 1 E. B.M., in the following amount and from the following date;

63 0192

115 inches, from June 1, 1876; and hereby designated as

Right No. 61.

and be adjudged to pay \$8.05 costs in addition to the costs incurred by them.

LIIII.

That the defendant JOHN CECIL be, and he is hereby awarded the use of the waters of Boise River, diverted from said river at a point opposite the upper end of Government Island, through what is known as the Thurman Mill Slough, for use upon the following described land; commencing at a point $\frac{1}{4}$ mile west of the NE corner of NE $\frac{1}{4}$ of Sec. 27, T. 4 N. R. 1 E. B.M., thence west 120 rods, thence south 249 feet, thence southeast along the brow of the hill 120 rods, thence north 633 feet to place of beginning, in the following amount and from the following date;

3 0193

22 inches, from June 1, 1876; and hereby designated as Right No. 62; and be adjudged to pay \$1.54 costs in addition to the costs incurred by him.

LIV.

That the defendant THOMAS H. AIKENS be, and he is hereby awarded the use of the waters of Boise River, diverted at a point in said river on Sec. 16, T. 4 N. R. 1 E. B.M., about 60 rods from the west line of said section and on or near the south line thereof, for use upon the south half of SE $\frac{1}{4}$, Sec. 17, T. 4 N. R. 1 E. B.M., and lots 6, 7, and 8 in said section, also an irregular shaped piece of ground in the SE $\frac{1}{4}$ of said Sec. 17, containing about 10 acres, in the following amount and from the following date;

3 0194

260 inches, from June 1, 1877; and hereby designated as Right No 63.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-192

WATER RIGHT NUMBER: 63-192

Owner Type Name and Address

Current Owner EDWARD CLARK

Current Owner , ID
MARY CLARK

, ID

Priority Date: 06/01/1876

Basis: Decreed

Status: Active

Source

BOISE RIVER

Tributary

SNAKE RIVER

Beneficial Use

IRRIGATION

From To

/ to /

Diversion Rate

2.300 CFS

Annual VolumeTotal Diversion: 2.300 CFSLocation of Point(s) of Diversion

BOISE RIVER

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	01E	20			X	X									X				
					L 7	L 8													

Conditions of Approval:Remarks:

- General THIS WATER DIVERTED INTO THURMAN MILL DITCH.
P/D NOT LISTED.

Comments:Dates and Other Information:

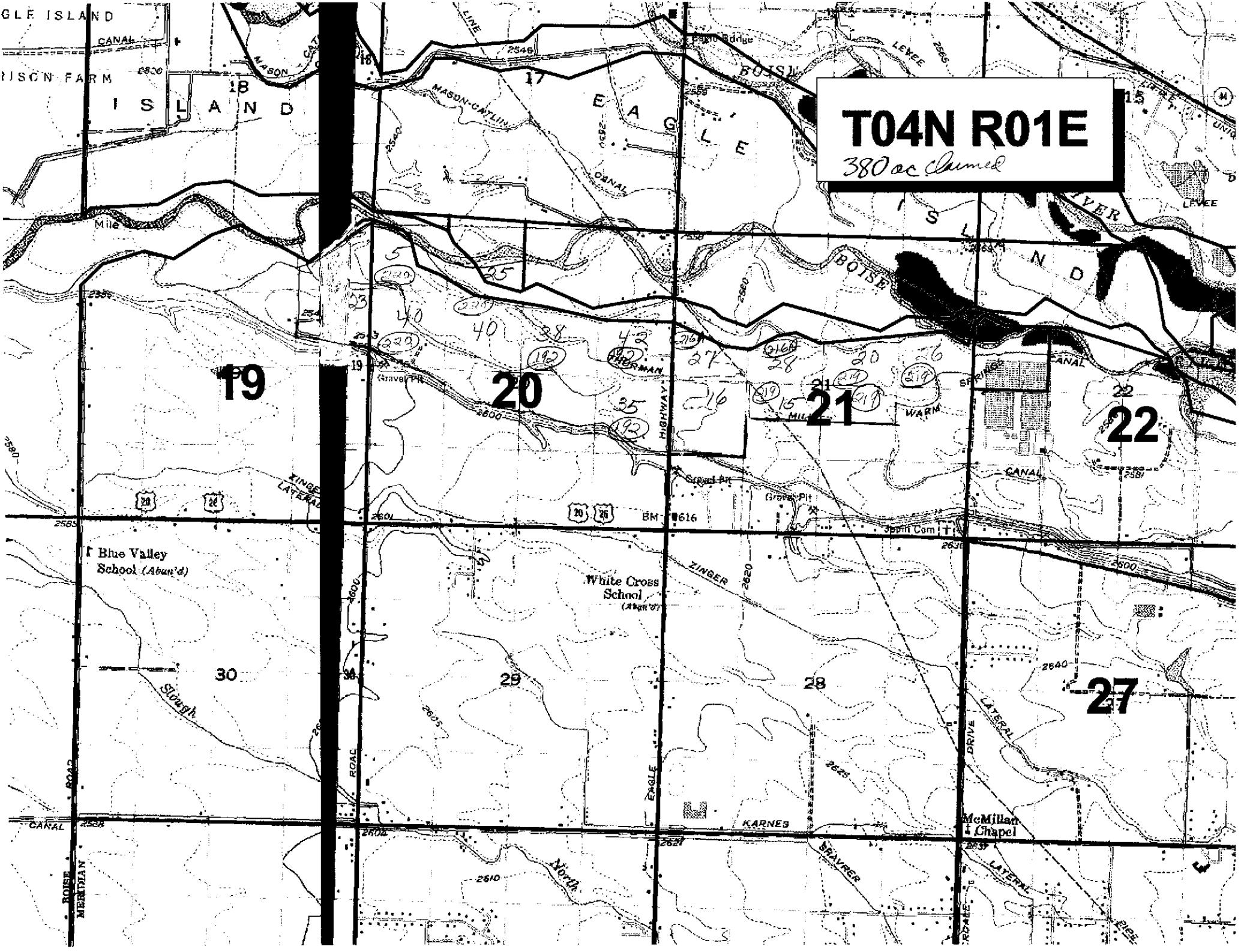
IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-192

Dates and Other Information:

Licensed Date:
Decreed Date: 1/18/1906
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number: 63
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant: Riverside Irrigation District, Ltd, et al
Decree Plaintiff: Farmers Cooperative Ditch Co
Civil Case Number:
Judicial District: Seventh District
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:



T04N R01E
380 ac claimed

19

20

21

22

27

Blue Valley School (Abund)

White Cross School (Abund)

McMillan Chapel



7/8/2002

Brian Hoff

884-2002

63	192	WARM SPRINGS DITCH COMPANY	Mel
63	192	WARM SPRINGS DITCH COMPANY	Mel
63	216C	WARM SPRINGS DITCH COMPANY	Mel
63	216C	WARM SPRINGS DITCH COMPANY	Mel
63	2387A	WARM SPRINGS DITCH COMPANY	Mel
63	2387A	WARM SPRINGS DITCH COMPANY	Mel
63	19425	WARM SPRINGS DITCH COMPANY	Mel
63	19425	219 + 220 WARM SPRINGS DITCH COMPANY	Mel

12-17-02
 Copies of GIS &
 USGS maps made
 to determine if to use
 for boundary and irrigated
 POT.

1-27-03

Final draft paid - copy

~~Copies of deeds~~
~~All acre splits~~
 Need boundary map.

Idaho Dept. of Water Resources
Place of Use Comparison Report

T4N, R1E, S19, SENE

Basin	Sequence	Suffix	Basis	Priority Date	Rate(cfs)	Source	Water Use(s)	Owner(s)	Source Table
63	16555		Beneficial Use	4/27/1962	0.09	GROUND WATER	IRRIGATION, STOCKWATER	SCHULTSMEIER, BLANCHE (Current); SCHULTSMEIER, LEE (Current)	wrAdjudicationClaim
63	231		Decreed	1891-05-06	73.44	BOISE RIVER	IRRIGATION	SETTLERS IRRIGATION DISTRICT (Current)	wrAdjudicationClaim
63	16553		Decreed	11/1/1905	0.06	GROUND WATER	DOMESTIC, STOCKWATER	SCHULTSMEIER, BLANCHE (Current); SCHULTSMEIER, LEE (Current)	wrWaterRight
63	16554		Decreed	7/2/1977	0.06	GROUND WATER	DOMESTIC, STOCKWATER	SCHULTSMEIER, BLANCHE (Current); SCHULTSMEIER, LEE (Current)	wrWaterRight
63	18949		Decreed	12/31/1934	0.05	GROUND WATER	DOMESTIC, STOCKWATER	WALTERS, JUNE S (Current)	wrWaterRight
63	19425		Decreed	1882-06-01	4.2	BOISE RIVER	IRRIGATION	WARM SPRINGS DITCH co (Current)	wrAdjudicationClaim
63	19535		Decreed	8/15/1975	0.06	GROUND WATER	DOMESTIC, STOCKWATER	JOHNSON, LARRY L (Current); JOHNSON, PEGGY L (Current)	wrWaterRight
63	2387	A	License	4/18/1925	2.23	DRAIN	IRRIGATION	WARM SPRINGS DITCH co (Current)	wrAdjudicationClaim
63	2387	B	License	7/12/1924	11.42	BOISE RIVER	IRRIGATION	DRAINAGE DISTRICT NUMBER FOUR (Current)	wrAdjudicationClaim
63	2387		License	11/11/1964	11.42	BOISE RIVER	IRRIGATION	DRAINAGE DIST NO 4 (Current)	wrWaterRight
63	2555		License	7/12/1924	10	JUNCTION DRAIN	IRRIGATION	DRAINAGE DISTRICT NUMBER FOUR (Current)	wrAdjudicationClaim
63	2555		License	9/2/1969	10	JUNCTION DRAIN	IRRIGATION	DRAINAGE DIST NO 4 (Current)	wrWaterRight
63	3060		License	8/3/1955	1.87	GROUND WATER	IRRIGATION	SETTLERS IRRIGATION DISTRICT (Current)	wrAdjudicationClaim
63	3060		License	8/3/1955	1.87	GROUND WATER	IRRIGATION	SETTLERS IRRIGATION DISTRICT (Current)	wrWaterRight
63	3614	B	License	12/9/1940		BOISE RIVER	IRRIGATION FROM STORAGE, IRRIGATION STORAGE	SETTLERS IRRIGATION DISTRICT (Current)	wrAdjudicationClaim
63	3618	B	Permit	4/12/1963		BOISE RIVER	IRRIGATION FROM STORAGE, IRRIGATION STORAGE	SETTLERS IRRIGATION DISTRICT (Current)	wrAdjudicationClaim
63	5262	B	Statutory Claim	1/13/1911		BOISE RIVER	IRRIGATION FROM STORAGE, IRRIGATION STORAGE	SETTLERS IRRIGATION DISTRICT (Current)	wrAdjudicationClaim

Transfer No. 2996Water Right No. 63-0216

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use

APPROVED

Name of applicant Leonard C. Mace Phone 939-6346
Post Office address Rt. 3 Box 800 Eagle, ID 83616

A. DESCRIPTION OF RIGHT AS RECORDED**1. Right evidenced by:**

- a. Decree No. 63-0216 Decreed to Sonora Joplin (Name)
in case of Farmers Co-operation Ditch Co. Riverside Irrigation District
dated in 1/18/1906 in 7th county of Ada v Canyon (Name of court)
b. License No. _____ issued by the Idaho Department of Water Resources
c. Claim No. _____ on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant _____

3. Source of water Boise River tributary to Snake River
4. Date of priority June 1, 1889 Rt. # 116

5. Water is used for the following purposes:

amount: 1.2 cfs for Irrigation purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day — both dates inclusive)

6. Total amount of water under right: a. 1.2 cubic feet per second
8/or
b. _____ acre feet per annum
7. Location of original point of diversion is SE 1/4 of NE 1/4 of Section 5
Township 3N Range 2E B.M., in ADA County
Additional points of diversion, if any _____

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
4N	1E	21							1.5	4.6									60
									X	X									

Total number of acres to be irrigated 60

Describe any other water rights used for the same purpose as described above _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? no If yes, describe in item D, REMARKS.

RECORDED

B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit part B).

1. Amount of water: a. 0.80 cubic feet per second &/or
b. _____ acre feet per annum
2. Point of diversion SE $\frac{1}{4}$ N/E $\frac{1}{4}$, Section 5 Township 3N
Range 2E, B.M., ADA County
Additional points _____

3. Place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
<u>4N</u>	<u>1E</u>	<u>21</u>							<u>80</u>	<u>80</u>									<u>40</u>

Total number of acres to be irrigated 40

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. General Information

- a. Amount of water to be diverted 0.80 c.f.s. &/or _____ acre feet
- b. Description of diverting works Mace & Mace diversion ditch
- c. Describe the reasons for the proposed changes This land doesn't have any water rights.

2. Change in point of diversion

Point of diversion SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 16 Township 4N
Range 1E, B.M., _____ County
Additional points SENE Sec 17 T4N R1E

3. Change in place of use

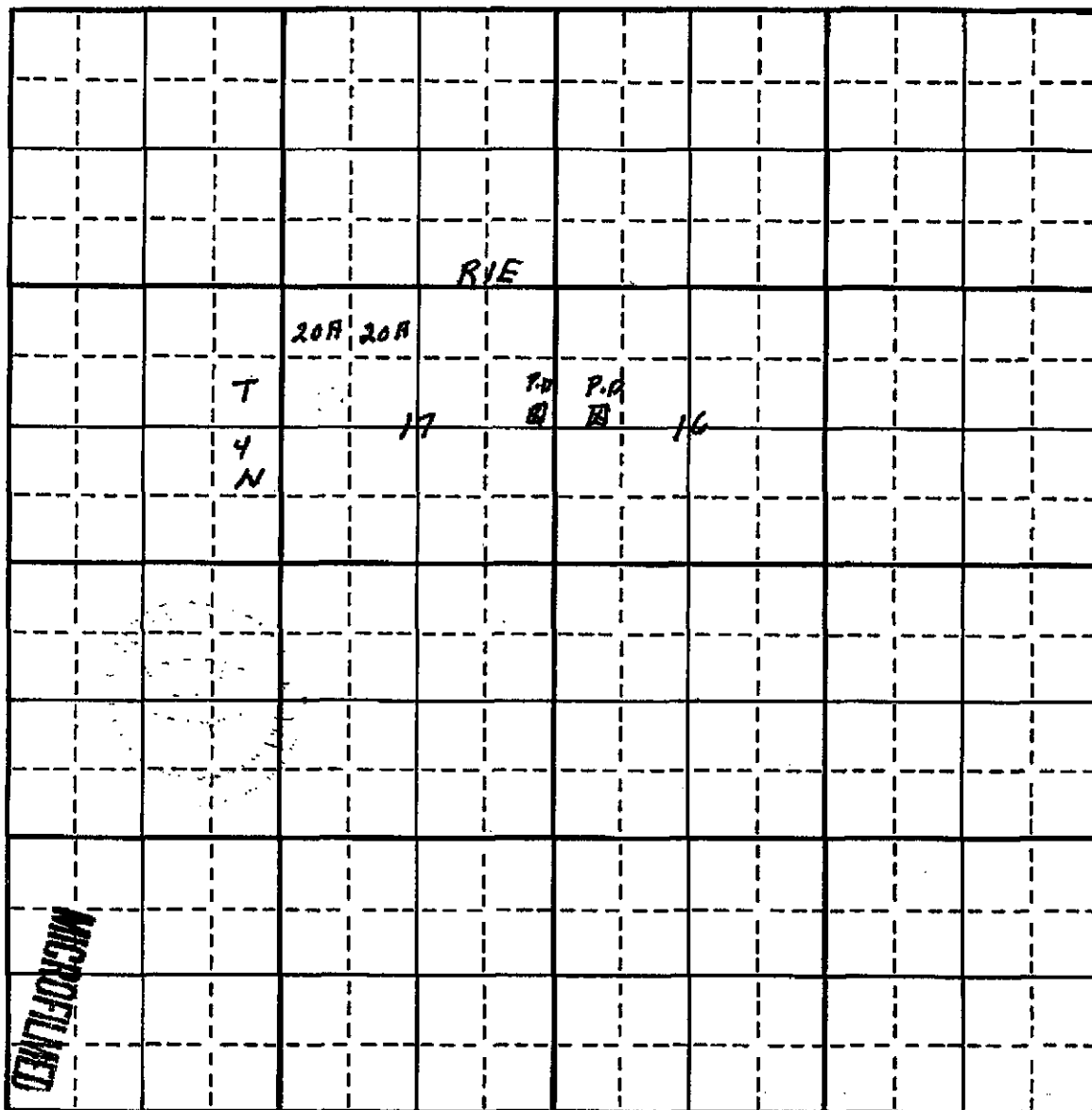
- a. Are there liens, mortgages, or contracts on the lands from which you propose to transfer the water right which limit your authority to make the proposed change? Yes _____ No X If yes, provide a statement agreeing to the proposed change from the holder of the lien, mortgage or contract.
- b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer
LAND HAS OTHER WATER RIGHTS - THIS WATER WAS USED ONLY WHEN THERE WAS LOW WATER - SEE LETTER OF 4/26/83.

c. Describe the lands place of use to which the right will be transferred:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
4N	1E	17					20	20											40

Total number of acres to be irrigated 40

4. Describe any other water rights used for the same purpose as described above. none
5. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

MICROFILMED

REMARKS

4 C53 was not transferred from original
P.O. SENE SUSTON R2E.

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Subscribed and sworn to before me this 28 day of April, 19 83

Edward C. Mace
(Signature of Applicant)

Nancy M. Northway
(Notary Public)

My commission expires Life

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 63-02168 and said application is hereby APPROVED, subject to the following limitations and conditions:

1. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works.
2. Use of water under this right is subject to control by the watermaster of State Water District No. 63, Boise River.

Witness my hand this 8th day of May, 19 84

A. Glen Saxton
Chief, Operations Bureau

FOR DEPARTMENT USE ONLY

Received by JKV Date 4/28/83 Protest filed by _____

Prelim. check by js Fee 50⁰⁰ # 77966

Received by JP Date 4/28/83

Published in the Idaho Statesman Copies of protest forwarded by _____

Pub. dates 5/12 & 5/19/83 9/29 & 10/6/83 Hearing held by _____ Date _____

Watermaster recommendation requested on 9/23/83 Recommended for approval denial
10/4/83 rec'd. 2/17/84 by DBS Jim Det

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-216C

WATER RIGHT NUMBER: 63-216C

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	WARM SPRINGS DITCH co C/O HOFF COMPANIES INC 280 E CORPORATE DR SUITE 200 MERIDIAN, ID 83642 (208) 884-2002

Priority Date: 06/01/1889

Basis: Decreed

Status: Active

Source
BOISE RIVER

Tributary
SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/01	1.200 CFS	297.00 AF
	<u>Total Diversion:</u>	1.200 CFS	297.00 AF

*over claimed
should be .40 cfs*

Location of Point(s) of Diversion

BOISE RIVER	SE1/4NE1/4	Sec. 5, Twp 03N, Rge 02E, B.M.
ADA County		
BOISE RIVER	L6 ()	Sec. 22, Twp 04N, Rge 01E, B.M.
ADA County		

Place of UseIRRIGATION Within ADA County

T04N R01E S21 SWNW 27.0 T04N R01E S21 SENW 28.0

Total Acres: 55

Conditions of Approval:Remarks:

1. AUTHORITY AS AGENT FOR WARM SPRINGS DITCH CO. WATER USERS, SEE ATTACHMENT "A"
Address change per claimant request. DB 4/18/2001

Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-213

T04N R01E S19 NWNE 25.0 T04N R01E S19 SWNE 15.0

Total Acres: 40

Conditions of Approval:Remarks:

1. General THE POINT OF DIVERSION UNDER THIS WATER RIGHT WAS CHANGED UNDER TRANSFER NO. 1647 (EXHIBIT A).
 *CHANGE IN OWNERSHIP COMPLETED BY L.R.W. ON 11/16/92.

Comments:

Documentation of Ownership of the Current Place of Use

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

Dates and Other Information:

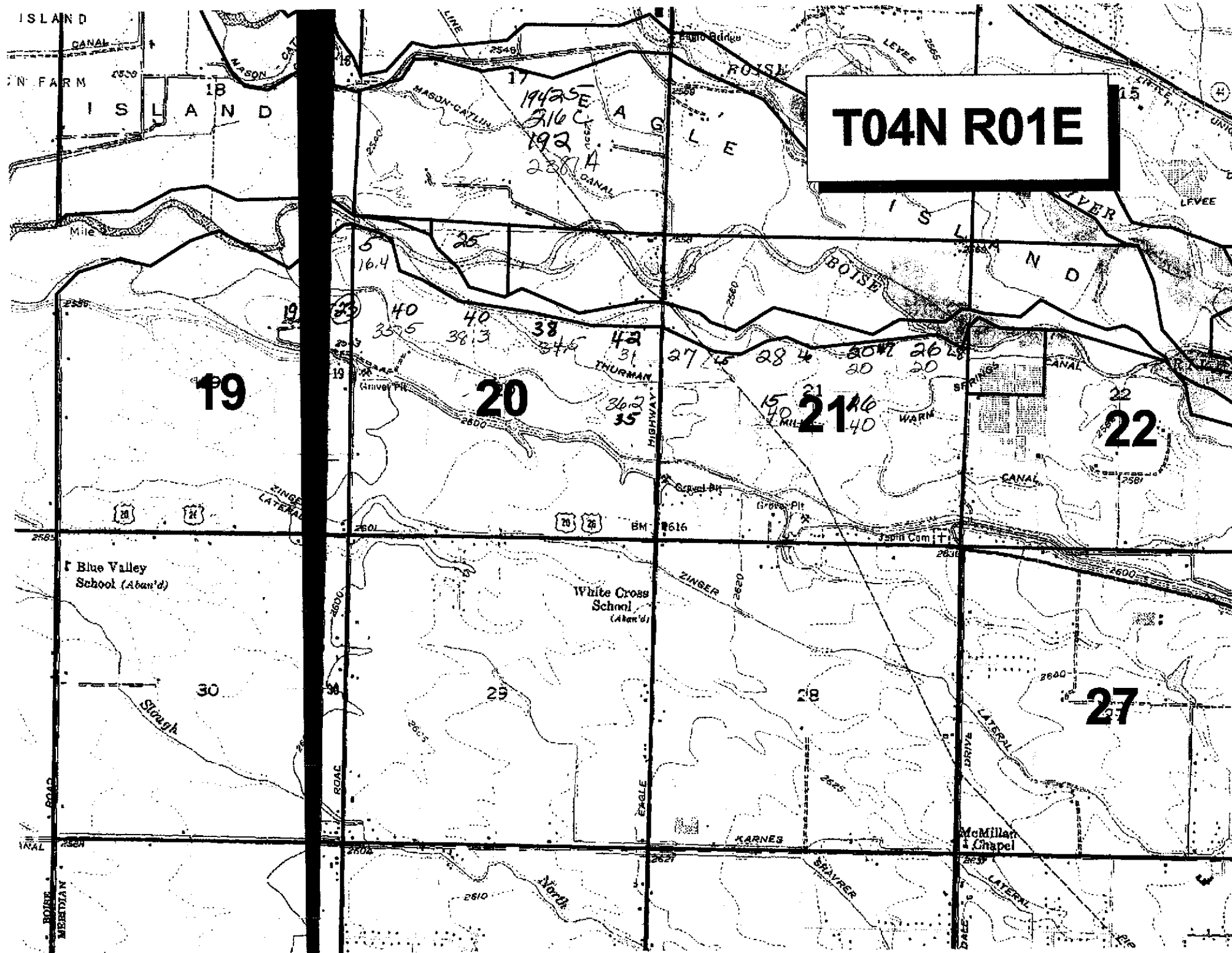
Claim Received Date: 9/8/1989
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector: OR
Water District Number: 63
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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T04N R01E

T04N R01E

Warm Springs Ditch Company

MEL,

THIS IS MY BEST SHOT AT
WARM SPRINGS DITCH BOUNDRIES.
IF YOU HAVE ANY QUESTIONS, FEEL
FREE TO CALL ME.

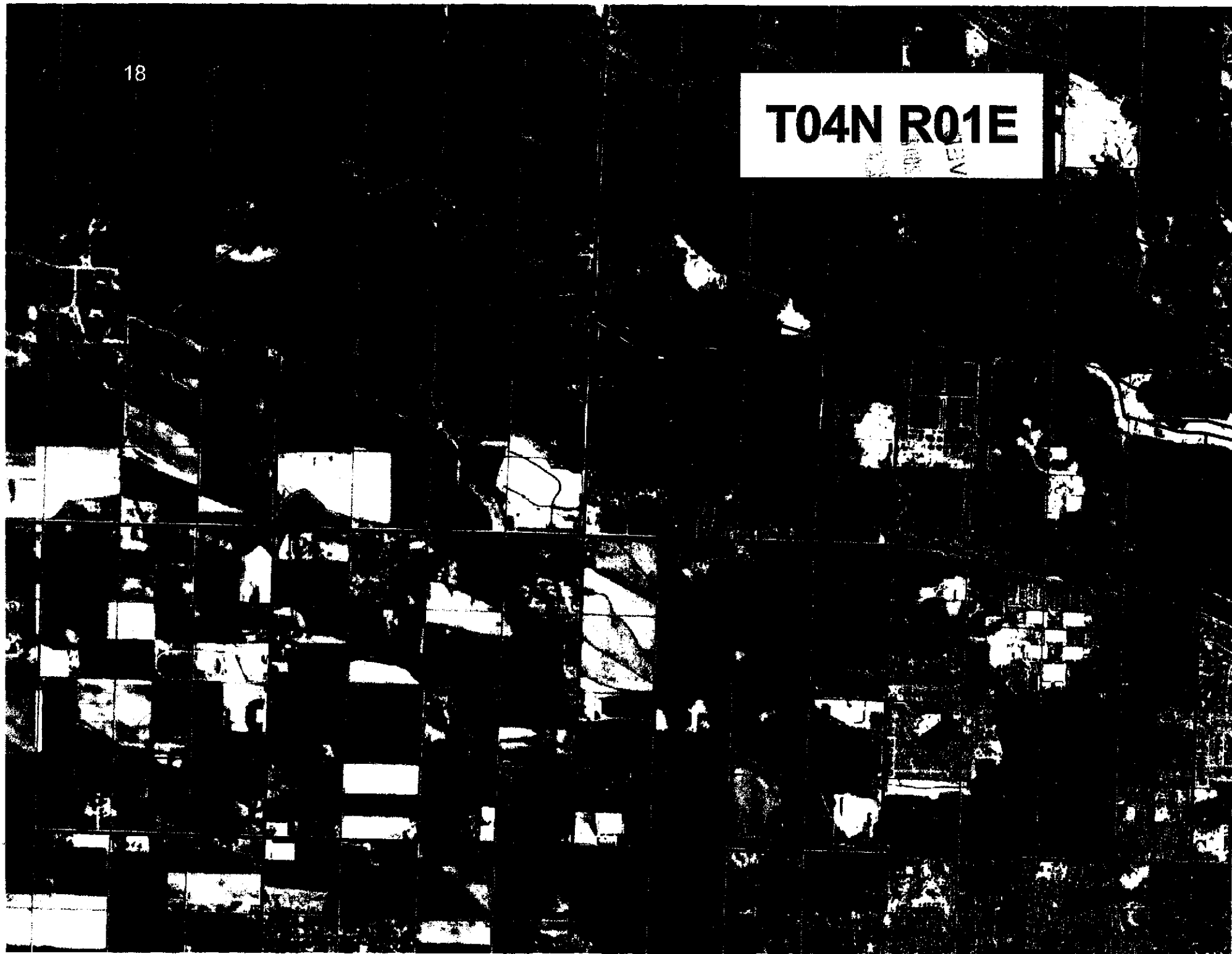
THANKS,

LARGE ROCK

BRIAN

② @ 20X30

T04N R01E



T04N R01E

